

DRAFT FOR DISCUSSION PURPOSES ONLY

City of Westminster, Colorado

UNIFIED DEVELOPMENT CODE

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Chapter 1 Introduction 1

12-1-1 Title 2

12-1-2 Authority 2

12-1-3 Applicability 2

12-1-4 Consistency with Comprehensive Plan..... 3

Chapter 2 Use Patterns 5

12-2-1 Generally 6

12-2-2 Single-Family Traditional (Existing)..... 6

12-2-3 Single-Family Traditional (Emerging)..... 10

12-2-4 Single-Family: Curvilinear Street (Established)..... 13

12-2-5 Single-Family: Curvilinear Street (Emerging) 16

12-2-6 Single-Family: Neo-Traditional 19

12-2-7 Mixed Housing..... 22

12-2-8 Neighborhood Centers 26

12-2-9 Mixed Use Neighborhoods 30

12-2-10 Commercial Corridors and Centers 35

12-2-11 Commercial Retrofit 39

12-2-12 Office and Employment Campus 44

12-2-13 Small Flex Industrial..... 48

12-2-14 Large Conventional Industrial..... 52

Chapter 3 Zoning Districts 55

12-3-1 Generally 55

12-3-2 Districts Established 56

12-3-3 Zoning Map..... 59

12-3-4 Open (O1) 61

12-3-5 Residential Estate (RE)..... 62

12-3-6 Suburban Residential (SR) 65

12-3-7 Mixed Residential (MR) 66

12-3-8 Mixed Medium Residential (MM) 67

12-3-9 Mixed High Residential (MH)..... 68

12-3-10 Neighborhood Office (NO) 69

12-3-11 Neighborhood Commercial (NC) 70

12-3-12 Mixed Center (MC) 71

12-3-13 Town Center (TC)..... 72

12-3-14 Commercial Services (CS) 73

12-3-15 Business Park (BP) 74

12-3-16 Office Park (OP) 75

12-3-17 Industrial Park (IP) 76

12-3-18 Downtown Westminster 77

12-3-19 Westminster Station..... 77

12-3-20 Church Ranch..... 77

12-3-21 Brookhill 77

12-3-22 North I-25 77

12-3-23 Planned Unit Development (PUD)..... 77

12-3-24 Use Table80

Chapter 4 Development Standards 90

12-4-1 General Provisions.....90

12-4-2 Buildings93

12-4-3 Dimensional Standards (Blocks, Density, Lots and Setbacks).....183

12-4-4 Environmental Requirements.....189

12-4-5 Fences.....191

12-4-6 Floodplain Regulations192

12-4-7 Improvements211

12-4-8 Landscape & Preservation.....225

12-4-9 Lighting and Illumination.....251

12-4-10 Parking & Loading.....253

12-4-11 Parks/Open Space/Civic (“Amenity”) Space Standards266

12-4-12 Site Design281

12-4-13 Stormwater Management315

12-4-14 Streets316

12-4-15 Sustainability319

12-4-16 Transitional Standards.....332

12-4-17 Utilities334

Chapter 5 Procedures 337

12-5-1 General Procedural Requirements337

12-5-2 Pre-Application340

12-5-3 Completeness Review341

12-5-4 Neighborhood Contact342

12-5-5 Public Notice Provisions344

12-5-6 Staff Review.....347

12-5-7 Decision Making & Public Hearings348

12-5-8 Effect of Approval.....350

12-5-9 Post-Decision Proceedings352

12-5-10 Annexations.....354

12-5-11 Plan Adoption356

12-5-12 Comprehensive Plan Amendment.....360

12-5-13 Code Amendment or Comprehensive Rezoning363

12-5-14 Rezoning365

12-5-15 Preliminary Development Plan (PDP)368

12-5-16 Official Development Plans (ODPs)372

12-5-17 Special Use Authorizations379

12-5-18 Conditional Use Review.....382

12-5-20 Subdivision Plats (Final Plats)385

12-5-21 Affidavits of Correction for Plats387

12-5-22 Vacation of Right-of-Way389

12-5-23 Building Permits & Certificates of Occupancy391

12-5-24 Appeal or Call-Up.....393

12-5-25 Variances398

12-5-26 Interpretation.....400

Chapter 6	Use Regulations	402
12-6-1	Generally	402
12-6-2	Accessory Structures & Uses	403
12-6-3	Adaptive Reuse.....	406
12-6-4	Adult Businesses.....	408
12-6-5	Automotive-Oriented and Convenience Businesses	411
12-6-6	Dumpsters and Trash Storage	416
12-6-7	Home Occupations	417
12-6-8	Hospital (with Overnight Stays).....	419
12-6-9	Industrial Uses	421
12-6-10	Manufactured Home Parks	422
12-6-11	Oil & Gas Regulations [separate ordinance underway by City staff].....	422
12-6-12	Outdoor Storage.....	433
12-6-13	Residential Use	434
12-6-14	Signs.....	434
12-6-15	Swimming Pools, Spas & Hot Tubs	435
12-6-16	Telecommunications Facilities Regulations.....	436
12-6-17	Temporary Construction & Sales Trailers	457
12-6-18	Temporary Structures and Uses	458
Chapter 7	Nonconformities	463
12-7-1	Generally	463
12-7-2	Nonconforming Uses	464
12-7-3	Nonconforming Structures.....	465
12-7-4	Nonconforming Lots.....	466
12-7-5	Nonconforming Site Improvements.....	466
12-7-6	Applications and Projects in Progress (Vested Rights)	467
Chapter 8	Enforcement	468
12-8-1	Generally	468
12-8-2	Violations.....	468
12-8-3	Penalties	469
12-8-4	Enforcement Procedures.....	470
Chapter 9	Agencies	472
12-9-1	Generally	472
12-9-2	Planning Manager	472
12-9-3	Planning Commission	472
Chapter 10	Definitions & Rules of Interpretation	473
12-10-1	General Rules of interpretation.....	473
12-10-2	Definitions	474
12-10-3	Acroynms.....	530
12-10-4	Interpretation of Zoning Map.....	531
Chapter 11	Legal Provisions	532
12-11-1	Relationship to Other State, Federal and Local Provisions.....	532

Unified Development Code | Table of Contents

12-11-2 Zoning of Annexed Territory532

12-11-3 Private Restrictions.....532

12-11-4 Severability532

12-11-5 Repeal of Existing Ordinance.....533

12-11-6 Effective Date533

Chapter 12 Submittal Requirements..... 534

12-12-1 Generally534

12-12-2 Application Checklists.....534

12-12-3 Fees535

12-12-4 Plan Adoption537

12-12-5 Plan Amendment.....538

12-12-6 Preliminary Development Plan.....538

12-12-7 Official Development Plan.....539

12-12-8 Special Use Authorization / Conditional Use Permit540

12-12-9 Final Plat542

12-12-10 Landscape and Irrigation Submittals.....542

12-12-11 Oil & Gas ODP545

12-12-12 Private Improvements Agreement.....547

12-12-13 Temporary Use Permits547

12-12-14 WCF Applications548

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Westminster Unified Development Code
Chapter 1 Introduction

DRAFT FEBRUARY 22, 2021 – FOR DISCUSSION ONLY

Contents

12-1-1	Title.....	2
12-1-2	Authority.....	2
12-1-3	Applicability	2
12-1-4	Consistency with Comprehensive Plan.....	3

Chapter 1 Introduction

Purpose: This title is enacted to preserve and promote the public health, safety, and welfare of the inhabitants of the City and of the public generally and to encourage and facilitate the orderly growth and expansion of the City. This title:

- *Implements the City's Comprehensive Plan;*
- *Provides standards and procedures for new development and redevelopment within the City and subject to its regulatory jurisdiction;*
- *Conforms to all applicable requirements of Colorado and federal law; and*
- *Provides standards that are appropriate to their context;*
- *Establishes procedures for processing development that encourage appropriate and streamlined land use decisions;*
- *Provides regulations in language that is easy to read and understand by everyone who interacts with the development approval process;*
- *Provides standards that, wherever possible, are clear and capable of administration through streamlined procedures;*
- *Protects neighborhoods from incompatible development;*
- *Provides standards that are realistic and work in the market;*
- *Accommodates housing that is affordable for the City's entire spectrum of households;*
- *Encourages mixed use centers that are designated in the Comprehensive Plan;*
- *Accommodates the redevelopment of the City's built-up areas, such as Harris Park and older commercial areas;*
- *Requires and encourage open and civic spaces that are appropriate to their context;*
- *Encourages energy-efficient, sustainable development practices.*

This title combines the provisions more commonly found in separate zoning, subdivision, growth management, building, floodplain, and numerous other ordinances into a single Unified Development Code that covers all phases of development from annexation through certificate of occupancy. The unified approach:

- *Addresses changes in the way land development occurs. Current land development practices blur the traditional distinctions between zoning, plan approval, and subdivision and, typically, contain a variety of residential and non-residential uses in a single development plan;*
- *Includes all types and stages of development under one title and provide for the convenience of those using the development process; and*
- *Avoids overlapping, conflicting, or inconsistent code provisions.*

12-1-1 Title

This title is known and cited as the "City of Westminster Unified Development Code," or the "Unified Development Code" or "UDC."

12-1-2 Authority

This title is enacted pursuant to the home rule provisions of Article XX of the Colorado Constitution and the authority and powers contained in the City Charter of the City of Westminster, including, but not limited to, Chapters 2, 4 and 11.5.

12-1-3 Applicability

- (A) **Generally.** Unless otherwise provided, this Title applies to any:
- (1) development or redevelopment of land;
 - (2) new building or use;
 - (3) addition or enlargement of an existing building or use;
 - (4) change in occupancy of any building; or
 - (5) change of use.
- (B) **Applications.** Unless otherwise provided, this Title applies to any of the following development applications:
- (1) Any subdivision plat;
 - (2) Any PDP, ODP, or ODP Amendment;
 - (3) Any special use authorization;
 - (4) Any conditional use permit; or
 - (5) Any building permit for a use other than a single-family detached dwelling, or a single-family attached dwelling with no more than five (5) dwellings; or
 - (6) Any certificate of occupancy.
- (C) **City Exemption.** All property, uses, structures, and facilities owned or operated by the City or the Westminster Urban Renewal Authority are exempt from complying with all zoning and subdivision regulations and are exempt from all Preliminary Development Plan, Official Development Plan, Specific Plan, and platting procedures contained in this Code. In addition, the purchase and sale of land by the City or the Westminster Urban Renewal Authority for open space, park, rights-of-way, or other public purposes is exempt from complying with all zoning and subdivision regulations and all Preliminary Development Plan, Official Development Plan, Specific Plan, and platting requirements contained in this Code.
- (D) **Consistency with Other City Requirements**

- (1) The standards of this chapter are in addition to all other standards, guidelines, policies and City Code requirements otherwise applicable to land use and development.
- (2) To the extent that there is a conflict between a requirement of this Chapter and another City standard, guideline, policy or requirement, the more restrictive standard, guideline, policy or requirement applies.
- (E) **PUD and Specific Plan Districts.** For PUD and Specific Plan Districts, the provisions of this section shall apply to the extent not modified in an approved Official Development Plan or Specific Plan for the underlying development within such district.

12-1-4 Consistency with Comprehensive Plan

Findings: The City finds that:

- *A growth management program that balances growth and the ability of the City to effectively and safely absorb and serve that growth is essential for the preservation of the health, safety and welfare of the citizens of Westminster.*
- *The City's ability to provide municipal services, which relate to the quality of the environment, fiscal soundness, carrying capacities of the utility and transportation systems and other related elements that affect residents of the City, is negatively impacted by uncoordinated growth within the City if prudent growth management practices are not administered by the City that take into account the following elements:*
 - *The City is nearing its physical build-out and little vacant land remains for development;*
 - *Future development will rely on existing infrastructure and resources, planning for which needs to be closely tied to land uses and development intensity in order to provide adequate public services and maintain quality of life;*
 - *The specificity of the Comprehensive Plan ensures that new development occurs in desired areas and in concert with the City's vision and infrastructure capacity;*
 - *The overall mix and quality of land uses and development impact the City's economic and fiscal base;*
 - *High quality design enhances the public realm and livability of the City's neighborhoods with elements that contribute to a safe environment and stable property values; and*
 - *Maintaining and improving the City's physical and visual composition contributes to the quality of life and economic vitality of the community.*

Unified Development Code

Chapter 1 Introduction | 12-1-4 Consistency with Comprehensive Plan

- (A) **Authority.** Westminster City Charter Section 4.16 authorizes planning for the use, division and development of land for the general purpose of protecting the public health, safety and welfare, and further that the City is authorized by Part Two of Title 31, Chapter 23, C.R.S., to make, adopt, amend, extend, add to, or carry out a master plan for the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality.
- (B) **Effect of Comprehensive Plan.** The adopted Westminster Comprehensive Plan is the official policy document of City Council and Planning Commission providing a consistent statement of the City's plan and policies for future development to bring about the City's vision for the future.

(Ord. No. 3919 , § 3, 2-26-2018)

Footnotes:

--- (1) ---

Editor's note— Ord. No. 3919 , § 3, adopted Feb. 26, 2018, repealed the former ch. 3, §§ 11-3-1—11-3-11, and enacted a new ch. 3 as set out herein. The former ch. 3 pertained to growth management program for the period January 1, 2011, through December 31, 2020, and derived from Ords. 2534, 2571, 2651, 2714, 2717, 2735, 2848, 2853, 2975, 3091, 3124, 3214, 3561, 3634, 3664, 3770; and Ord. No. 3873 , §§ 1—3, adopted Apr. 10, 2017.

Table of Contents

12-2-1	Generally.....	6
12-2-2	Single-Family Traditional (Existing)	6
12-2-3	Single-Family Traditional (Emerging)	10
12-2-4	Single-Family: Curvilinear Street (Established)	13
12-2-5	Single-Family: Curvilinear Street (Emerging)	16
12-2-6	Single-Family: Neo-Traditional	19
12-2-7	Mixed Housing.....	22
12-2-8	Neighborhood Centers	26
12-2-9	Mixed Use Neighborhoods	30
12-2-10	Commercial Corridors and Centers	35
12-2-11	Commercial Retrofit.....	39
12-2-12	Office and Employment Campus.....	44
12-2-13	Small Flex Industrial.....	48
12-2-14	Large Conventional Industrial.....	52

Chapter 2 Use Patterns

Purpose: This section describes the various use patterns in Westminster. Use patterns describe components of neighborhoods that have shared characteristics. Individual patterns are distinguished from others by the degree of similarity or diversity that exists in uses, building types and site design characteristics.

The intent is to promulgate development that is pedestrian-oriented, creates a sense of place and functions in a cohesive manner. The descriptions indicate how buildings, landscapes and other site features should be arranged for these differing contexts.

The use patterns are different from, but related to, the Land Use Designations in the Comprehensive Plan or zoning districts. The Land Use Designations describe larger areas based on typical uses and development standards. A Land Use Designation or zoning district may contain more than one Use Pattern. In addition to the design standards provided in this section, related requirements appear in other sections of the code. In particular, standards for individual zone districts, which appear in Chapter 3, establish setback requirements and density limits.

For each Use Pattern, a set of pages provides the applicable standards. The first page includes an aerial sketch view which illustrates the general intent for development in the Use Pattern. Captions describe a selection of key features that are envisioned for the particular Use Pattern. Note that the aerial view may not represent all building types or land uses which are permitted in that Use Pattern. A following page presents a Definition which describes the general character intended for the Use Pattern. It also notes how the Use Pattern shares features, or differs from, related Use Patterns. A list follows which identifies the Building Types that are permitted in this Use Pattern. A table of Site Design Standards applicable to the specific Use Pattern then follows. Each table presents requirements for four topics: (1) Building Orientation, (2) Frontages, (3) Transitions, and (4) Connectivity. Note that, in some Use Patterns, there is no requirement for one or more of these topics, which is noted in the table. The topic is retained, however, to provide for consistent numbering of design topics among all Use Patterns.

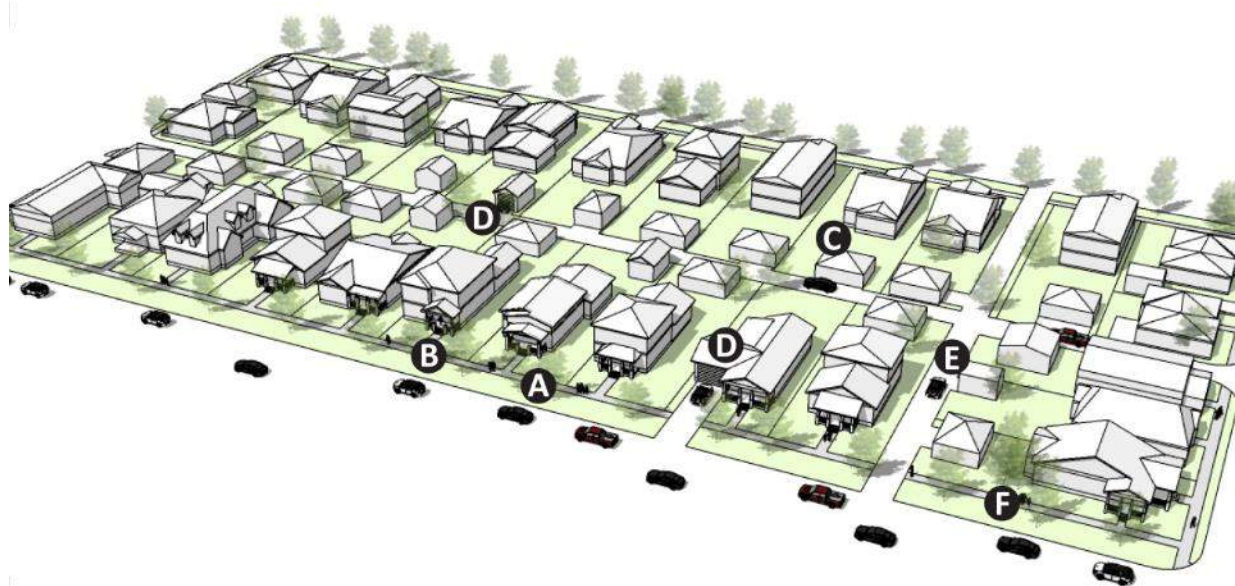
Each table of Site Design Standards includes references to a set of Common Site Design Standards which appear in the last part of this section. These Common Site Design Standards apply to several Use Patterns, as indicated in the individual tables for Site Design. These standards are illustrated with sketches and photographs. The Common Site Design Standards are presented in one section for brevity, rather than repeating each applicable standard in multiple Use Patterns.

Unified Development Code
Chapter 2 Use Patterns | 12-2-1 Generally

12-2-1 Generally

The Planning Manager may require alternative site design standards based on site context. Combinations of design types can be allowed based on context and design, provided that the minimum type requirement is met.

12-2-2 Single-Family Traditional (Existing)



- A** Walkways connect to neighborhood sidewalks and trails.
- B** Single-family dwellings are located near and oriented to the street.
- C** Front, side and rear yards provide functional private outdoor space.
- D** Parking is visually subordinate, either in alleys or set back from the building front.
- E** When available, alleys provide access to parking, services, and secondary structures.
- F** Landscaping is incorporated throughout the area and exhibits Low Impact Development (LID) practices.

(A) Definition

Low density residential development characterizes this use pattern. It applies to areas that are already developed and to other places where continuing the pattern is appropriate. The goal is to promote development of detached single-family homes which are located near the street, creating a connection to the street and promoting a progression of spaces from the public, to semi-private and private realm.

Unified Development Code

Chapter 2 Use Patterns | 12-2-2 Single-Family Traditional (Existing)

Most lots occur in rectilinear block arrangements. Within this, two variations are found: (1) those with alleys and (2) those without. Layouts with alleys are preferred. In either case, principal building setbacks provide front, side and rear yards. Newer developments are sometimes denser and include pedestrian, bicycle and vehicular connections to neighborhood circulation systems and nearby transit stops. Parking on site is visually subordinate and often is accessed from an alley but sometimes by a side drive. Older, established examples of this use pattern may have some garages near the street, but this does not occur in newer areas. Landscaping enhances the visual appeal of each site. Buildings are located to respect mature trees and other significant natural resources

This use pattern differs from the Single Family Curvilinear Use Pattern in these ways:

- Gridded streets predominate.
- Alleys often provide access to parking and secondary structures.

This use pattern differs from the Single Family Traditional (New) Use Pattern in these ways:

- Less diversity in building types (See permitted types below)
- Lower density (See Chapter 3, Zone Districts, for limits)

Unified Development Code

Chapter 2 Use Patterns | 12-2-2 Single-Family Traditional (Existing)

(B) Permitted Building Types [See Section 12-4-2, W.M.C.]

- (1) Principal Building Types
 - (a) Detached Single-Family
 - (b) Attached Single-Family
- (2) Secondary Building Types
 - (a) Accessory Dwelling Unit
 - (b) Secondary Building (Garage, Carport)

(C) Site Design Standards

Building Orientation		
See also for other requirements related to this topic.		
C.1	Building Orientation & Primary Entrance	The building's primary entry feature shall directly face the street.
Frontages		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.2	Frontage Treatment	The following frontage is required: (see section 12-4-12, W.M.C., Table 12-4-12 2 Menu of Options for Frontage Types) Table 12-4-12.2.b – The residential building(s) is set back with landscape improvements in front.
Transitions		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.3	A transition along a side property line when abutting single-family zone districts	Not required in this Use Pattern.
	A transition along a REAR property line when abutting single-family zone districts	Not required in this Use Pattern.
Connectivity		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.4	Connectivity in Pedestrian and Bicycle Circulation Systems (including sidewalks & pathway systems)	The following connections are required: (see Table 12-4-12 4 Menu of Options for Pedestrian and Bicycle Connectivity) Table 12-4-12 4.a – Direct connection between buildings and the street Table 12-4-12 4.c – Connection to common area Table 12-4-12 4.d – Differentiate pedestrian ways from vehicular areas

Unified Development Code

Chapter 2 Use Patterns | 12-2-2 Single-Family Traditional (Existing)

		Table 12-4-12 4.e – Connection to nearby transit stops Table 12-4-12 4.h – Connection to public trails
	Vehicular connections to internal streets and driveways on adjacent properties	Not required in this Use Pattern.
	Mid-block connections	Not required in this Use Pattern.

Unified Development Code

Chapter 2 Use Patterns | 12-2-3 Single-Family Traditional (Emerging)

12-2-3 Single-Family Traditional (Emerging)

A Accessory dwelling units (ADUs) are located to the rear.

B Attached single family types have similar characteristics to existing residential buildings including porches, front setbacks, and roof forms.

C Duplex buildings orient to the street and have porches.

D Parking is accessed by alleyways.

(A) Definition

This Use Pattern describes newer, moderate-density residential areas. The goal is to encourage development with a mix of single-family building types in patterns that reflect traditional single family neighborhoods while accommodating more housing choices. Building types include detached and attached forms (detached single family, duplexes, townhomes and accessory dwelling units, for example). As with the established Single-family Traditional (Existing) Use Pattern, most lots are in rectilinear block arrangements. Alleys are typical. Parking on site is visually subordinate and often is accessed from alleys but sometimes by side drives.

This use pattern is similar to other Single Family use patterns in these ways:

- Primary structures are located near the street and connect to the public realm.

Unified Development Code

Chapter 2 Use Patterns | 12-2-3 Single-Family Traditional (Emerging)

- Pedestrian, bicycle and vehicular ways connect to neighborhood circulation systems and nearby transit stops.
- Shared common areas are also integrated into these developments.
- Landscaping enhances the visual appeal of each site.

This use pattern differs from the Single Family Curvilinear Street Use Patterns in these ways:

- Gridded streets predominate.
- Alleys provide access to parking, garages and accessory dwelling units.

This use pattern differs from the Single Family Traditional (Established) Use Pattern in these ways:

- More variety in building types (See below.)
- Moderately higher density (See Chapter 3, Zone Districts, for limits)

(B) Permitted Building Types [See Section 12-4-2, W.M.C.]

(1) Principal Building Types

- (a) Detached Single-Family
- (b) Attached Single-Family
- (c) Manor Style Apartments
- (d) Bungalow Court
- (e) Duplex
- (f) Townhomes

(2) Secondary Building Types

- (a) Accessory Dwelling Unit
- (b) Secondary Building (Garage, Carport)

(C) Site Design Standards

Building Orientation		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.1	Building Orientation & Primary Entrance	The building's primary entry feature shall directly face the street.
Frontages		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.2	Frontage Treatment	The following frontage is required: (see section 12-4-12, W.M.C., Table 12-4-12 2 Menu of Options for Frontage Types)

Unified Development Code

Chapter 2 Use Patterns | 12-2-3 Single-Family Traditional (Emerging)

		Table 12-4-12-2.b – The residential building(s) is set back with landscape improvements in front
Transitions		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.3	A transition along a SIDE property line when abutting single-family zone districts	Not required in this Use Pattern.
	A transition along a REAR property line when abutting single-family zone districts	Not required in this Use Pattern.
Connectivity		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.4	Connectivity in Pedestrian and Bicycle Circulation Systems (including sidewalks & pathway systems)	The following connections are required: (<i>see Table 12-4-12 4 Menu of Options for Pedestrian and Bicycle Connectivity</i>) Table 12-4-12 4.a – Direct connection between buildings and the street Table 12-4-12 4.b – Internal connection between buildings and the street Table 12-4-12 4.c – Connection to common area Table 12-4-12 4.d – Differentiate pedestrian ways from vehicular areas Table 12-4-12 4.e – Connection to nearby transit stops Table 12-4-12 4.h – Connection to public trails
	Vehicular connections to internal streets and driveways on adjacent properties	Not required in this Use Pattern.
	Mid-block connections	Not required in this Use Pattern.

Unified Development Code

Chapter 2 Use Patterns | 12-2-4 Single-Family: Curvilinear Street (Established)

12-2-4 Single-Family: Curvilinear Street (Established)

A Common area (both active & passive) is integrated within the use pattern.

B Single-family buildings are located near and oriented to the street.

C Front, side and rear yards provide private open space.

D When a garage is attached, it is set back from the building front.

E Some garages are located at the rear of the property and are accessed by side driveways.

F Landscaping is incorporated throughout the area and exhibits LID practices.

(A) Definition

The curvilinear street layout of this use pattern creates a variety in lot shape and sizes, and different driveway arrangements. These are established neighborhoods and areas where continuing this pattern is appropriate. The objective is to accommodate low density residential uses and provide a pedestrian-friendly street presence. Shared open space is integrated into the area. Garages are sometimes attached, but set back from the front of the building. Others are located to the rear and are accessed by a side driveway.

This use pattern shares these features with other single family use patterns:

- Principal buildings are set back to provide front and rear yards.

Unified Development Code

Chapter 2 Use Patterns | 12-2-4 Single-Family: Curvilinear Street (Established)

- Primary entrances orient to the street.
- Landscaping within each site enhances visual appeal.
- Parking is visually subordinate.
- Pedestrian, bicycle and vehicular ways connect to neighborhood circulation systems and nearby transit stops.

This use pattern differs from Single Family Traditional (New) in these ways:

- Curvilinear street layout, rather than gridded
- No (or limited) alley access
- Less diversity in housing types (See below)

(B) Permitted Building Types [See Section 12-4-2, W.M.C.]

- (1) Principal Building Types
 - (a) Detached Single-Family
 - (b) Attached Single-Family
- (2) Secondary Building Types
 - (a) Accessory Dwelling Unit
 - (b) Secondary Building (Garage, Carport)

(C) Site Design Standards

Building Orientation		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.1	Building Orientation & Primary Entrance	The building’s primary entry feature shall directly face the street.
Frontages		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.2	Frontage Treatment	The following frontage is required: (see section 12-4-12, W.M.C., Table 12-4-12 2 Menu of Options for Frontage Types) Table 12-4-12-2.b – The residential building(s) is set back with landscape improvements in front
Transitions		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.3	A transition along a SIDE property line when abutting single-family zone districts	Not required in this Use Pattern.

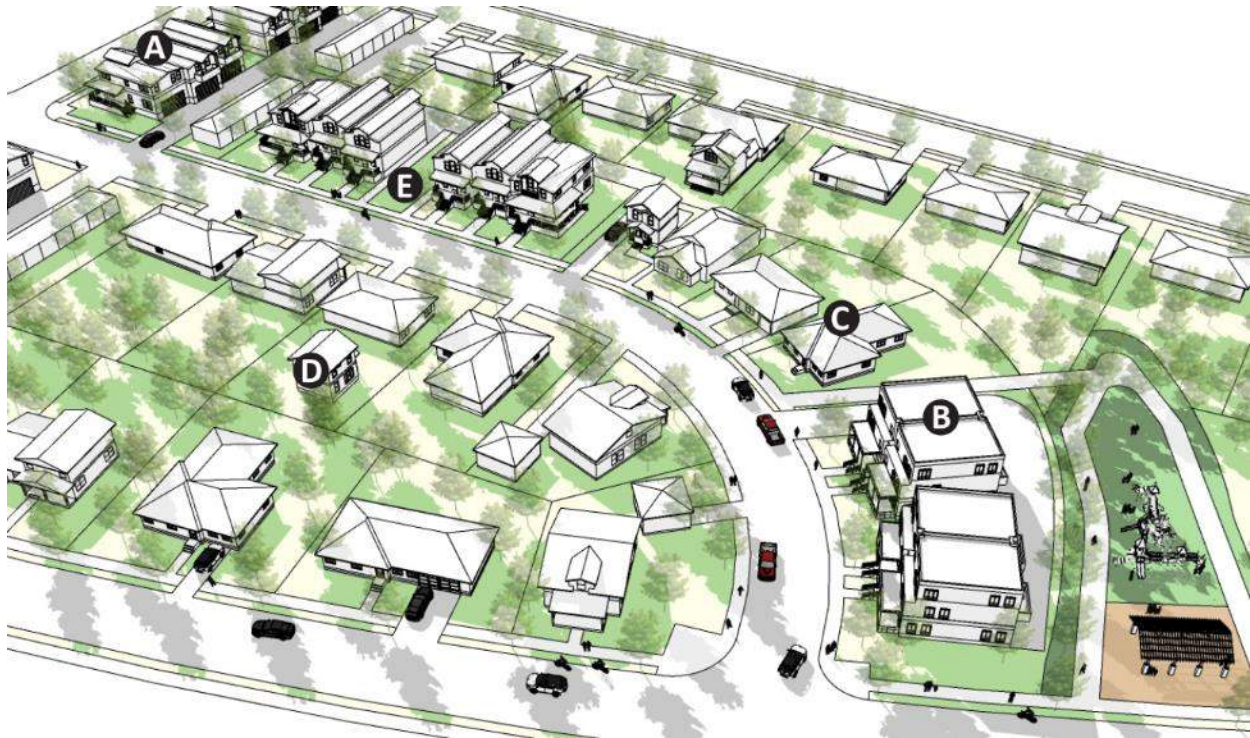
Unified Development Code

Chapter 2 Use Patterns | 12-2-4 Single-Family: Curvilinear Street (Established)

	A transition along a REAR property line when abutting single-family zone districts	Not required in this Use Pattern.
Connectivity		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.4	Connectivity in Pedestrian and Bicycle Circulation Systems (including sidewalks & pathway systems)	The following connections are required: (<i>see Table 12-4-12 4 Menu of Options for Pedestrian and Bicycle Connectivity</i>) Table 12-4-12 4.a – Direct connection between buildings and the street Table 12-4-12 4.c – Connection to common area Table 12-4-12 4.d – Differentiate pedestrian ways from vehicular areas Table 12-4-12 4.e – Connection to nearby transit stops Table 12-4-12 4.h – Connection to public trails
	Vehicular connections to internal streets and driveways on adjacent properties	Not required in this Use Pattern
	Mid-block connections	Not required in this Use Pattern.

Unified Development Code

Chapter 2 Use Patterns | 12-2-5 Single-Family: Curvilinear Street (Emerging)

12-2-5 Single-Family: Curvilinear Street (Emerging)

- A** *New development is located along the primary street and transitions in scale to the single-family residential buildings.*
- B** *Attached single family buildings have characteristics similar to traditional residential buildings including porches.*
- C** *Parking for attached single family building types is buffered with landscaping.*
-
- D** *Accessory dwelling units (ADUs) are located to the rear of the lot.*
- E** *Emerging attached single-family development.*

(A) Definition

The curvilinear street layout of this use pattern creates a variety in lot shape and sizes, and different driveway arrangements. This use pattern applies to emerging neighborhoods that include a variety of detached and attached single family building types. The objective is to accommodate moderately low density residential and provide a pedestrian-friendly street presence. Shared open space is integrated into the area. Garages are sometimes attached, but always set back from the front of the buildings. Others are located to the rear and are accessed by a side driveway.

Unified Development Code

Chapter 2 Use Patterns | 12-2-5 Single-Family: Curvilinear Street (Emerging)

This use pattern shares these features with other single family use patterns:

- Principal buildings are set back to provide front and rear yards.
- Primary entrances orient to the street.
- Landscaping within each site enhances visual appeal.
- Parking is visually subordinate.
- Pedestrian, bicycle and vehicular ways connect to neighborhood circulation systems and nearby transit stops.

(B) Permitted Building Types [See Section 12-4-2, W.M.C.]

(1) Principal Building Types

- (a) Detached Single-Family
- (b) Attached Single-Family
- (c) Manor Style Apartments
- (d) Bungalow Court
- (e) Duplex
- (f) Townhomes

(2) Secondary Building Types

- (a) Accessory Dwelling Unit
- (b) Secondary Building (Garage, Carport)

(C) Site Design Standards

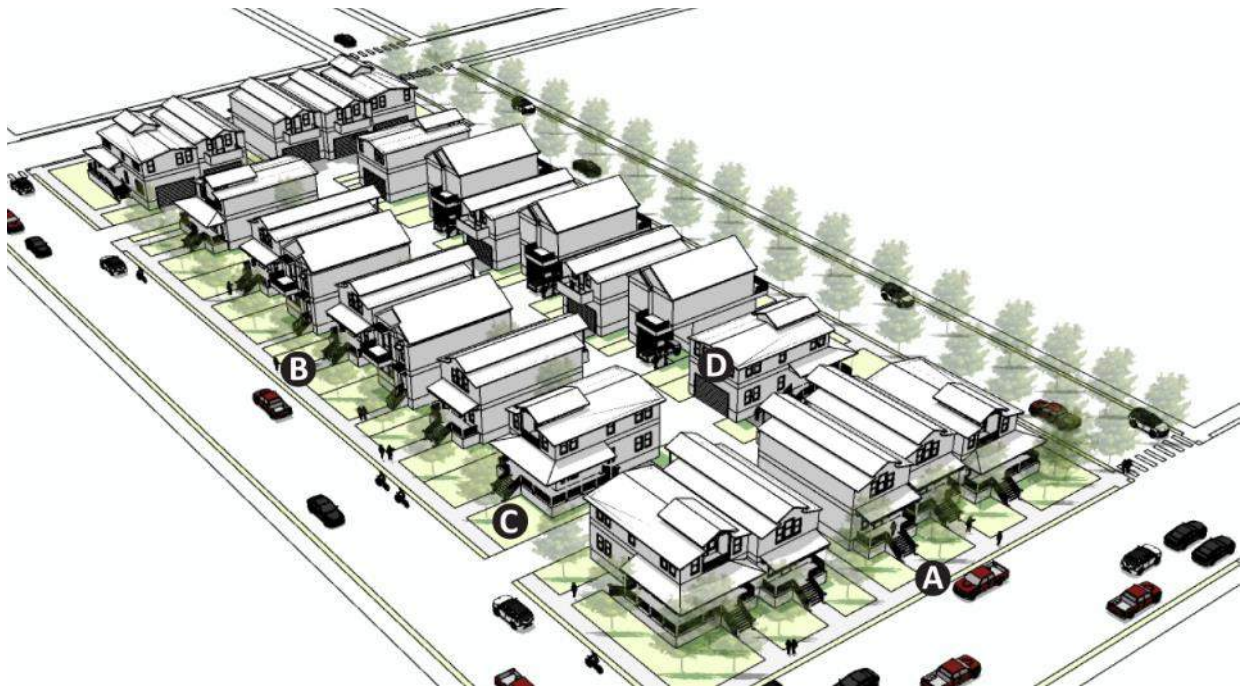
Building Orientation		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.1	Building Entry	Orient a building to a street by locating the primary entrance on the façade. See Site Design Standards for additional standards and exceptions.
Frontages		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.2	Frontage Treatment	The following frontage is required: (<i>see section 12-4-12, W.M.C., Table 12-4-12 2 Menu of Options for Frontage Types</i>) Table 12-4-12-2.b – The residential building(s) is set back with landscape improvements in front
Transitions		
See also Site Design Standards for other requirements related to this topic.		
C.3	A transition along a SIDE property line when	Not required in this Use Pattern.

Unified Development Code

Chapter 2 Use Patterns | 12-2-5 Single-Family: Curvilinear Street (Emerging)

	abutting single-family zone districts	
	A transition along a REAR property line when abutting single-family zone districts	Not required in this Use Pattern.
Connectivity		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.4	Connectivity in Pedestrian and Bicycle Circulation Systems (including sidewalks & pathway systems)	The following connections are required: (see Table 12-4-12 4 Menu of Options for Pedestrian and Bicycle Connectivity) Table 12-4-12 4.a – Direct connection between buildings and the street Table 12-4-12 4.b – Internal connection between buildings and the street Table 12-4-12 4.c – Connection to common area Table 12-4-12 4.d – Differentiate pedestrian ways from vehicular areas Table 12-4-12 4.e – Connection to nearby transit stops Table 12-4-12 4.h – Connection to public trails
	Vehicular connections to internal streets and driveways on adjacent properties	Not required in this Use Pattern
	Mid-block connections	Not required in this Use Pattern.

12-2-6 Single-Family: Neo-Traditional



A *Development connects to internal and external circulation systems.*

B *Single-family buildings are located near and oriented to the street.*

C *Front, side and rear yards provide open space.*

D *Parking is visually subordinate and accessed from the alley.*

(A) Definition

This use pattern exhibits characteristics of earlier neighborhoods in the layout of streets, alleys and lots while accommodating a moderately higher density than established single family neighborhoods. A moderately higher density is achieved by an increase in units per acre and permits a more diverse set of building types. Lots are arranged in a grid pattern, with alleys. A wider variety of building types occurs here. This includes attached and detached single family types as well as bungalow courts, duplexes and townhomes. On-site parking is accessed from an alley and on-street parking also is used.

This use pattern shares these features with other single family use patterns:

Unified Development Code

Chapter 2 Use Patterns | 12-2-6 Single-Family: Neo-Traditional

- Principal buildings are set back to provide front yards.
- Primary entrances orient to the street.
- Landscaping within each site enhances visual appeal.
- Parking is visually subordinate.
- Pedestrian, bicycle and vehicular ways connect to neighborhood circulation systems and nearby transit stops.

(B) Permitted Building Types [See Section 12-4-2, W.M.C.]

(1) Principal Building Types

- (a) Detached Single-Family
- (b) Attached Single-Family
- (c) Manor Style Apartments
- (d) Bungalow Court
- (e) Duplex
- (f) Townhomes

(2) Secondary Building Types

- (a) Accessory Dwelling Unit
- (b) Secondary Building (Garage, Carport)

(C) Site Design Standards

Building Orientation		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.1	Building Entry Orientation	Orient a building to a street by locating the primary entrance on the façade. See Site Design Standards for additional standards and exceptions.
Frontages		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.2	Frontage Treatment	The following frontage is required: (<i>see section 12-4-12, W.M.C., Table 12-4-12 2 Menu of Options for Frontage Types</i>) Table 12-4-12-2.b – The residential building(s) is set back with landscape improvements in front
Transitions		
See section 12-4-12, W.M.C. (site design) for other requirements related to this topic.		
C.3	A transition along a SIDE property line when abutting single-family zone districts	Not required in this Use Pattern.

Unified Development Code

Chapter 2 Use Patterns | 12-2-6 Single-Family: Neo-Traditional

	A transition along a REAR property line when abutting single-family zone districts	Not required in this Use Pattern.
Connectivity		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.4	Connectivity in Pedestrian and Bicycle Circulation Systems (including sidewalks & pathway systems)	The following connections are required: (<i>see Table 12-4-12 4 Menu of Options for Pedestrian and Bicycle Connectivity</i>) Table 12-4-12 4.a – Direct connection between buildings and the street Table 12-4-12 4.b – Internal connection between buildings and the street Table 12-4-12 4.c – Connection to common area Table 12-4-12 4.d – Differentiate pedestrian ways from vehicular areas Table 12-4-12 4.e – Connection to nearby transit stops Table 12-4-12 4.h – Connection to public trails
	Vehicular connections to internal streets and driveways on adjacent properties	Not required in this Use Pattern
	Mid-block connections	Not required in this Use Pattern.

Unified Development Code
Chapter 2 Use Patterns | 12-2-7 Mixed Housing

12-2-7 Mixed Housing



A *Development connects to external circulation systems.*

B *Internal vehicular and pedestrian circulation systems provide convenient access to uses.*

C *Buildings are located near and oriented to the street.*

D *Common areas (both active & passive) are integrated throughout the use pattern.*

E *Transitions to sensitive edges occur with reduced building heights, landscaping and increased setbacks.*

F *Parking is subordinate and incorporated into buildings.*

(A) Definition

The Mixed Housing Use Pattern contains residential building types in a higher density setting. It has combinations of multifamily building types, including townhomes, apartments and manor style apartments. Buildings face directly onto streets or onto common areas. A strong pedestrian-oriented street presence is a goal. This use pattern includes common areas which are easily accessible by pedestrians. Pedestrian and bicycle connections, both internal (between tenants) and external (to the surrounding community), provide safe access and enhance mobility.

Unified Development Code
Chapter 2 Use Patterns | 12-2-7 Mixed Housing

When located adjacent to existing low-scale residential development, shorter buildings provide transitions to minimize impacts. Transition is also achieved with landscape buffers, a step down in building height and lower scale buildings at site edges. Structured parking is screened from view or enhanced with landscaping. Surface parking lots are visually subordinate. Buildings and intensive landscaping also are located to screen surface parking from the street.

This use pattern shares these features with Mixed Use and Neo-traditional Use Patterns:

- Buildings are located to respect mature trees and other significant natural resources.
- Landscaping occurs throughout surface parking lots, along the street, and within the site to enhance visual appeal.

The Mixed Housing Use Pattern differs from lower density, Single-Family Use Patterns in these ways:

1. It is higher in density with an increase in units per acre. (See Chapter 3, Zone Districts, for limits)
2. It contains large-scale apartment building types.

It also differs from the Mixed Use Neighborhoods Use Pattern in these ways:

- It does not include commercial or mixed-use building types.

It is similar to the Mixed Use Neighborhoods Use Pattern in these ways:

- It emphasizes an active street edge.
- It offers common areas.
- It minimizes the impacts of autos.
- This use pattern also links to nearby developments and transit service with pedestrian, bicycle and vehicular connections.

(B) Permitted Building Types [*See Section 12-4-2, W.M.C.*]

- (1) Principal Building Types
 - (a) Manor Style Apartments
 - (b) Bungalow Court
 - (c) Duplex
 - (d) Townhomes
 - (e) Apartment

Unified Development Code
Chapter 2 Use Patterns | 12-2-7 Mixed Housing

(2) Secondary Building Types

(a) Secondary Building (Garage, Carport)

(C) Site Design Standards

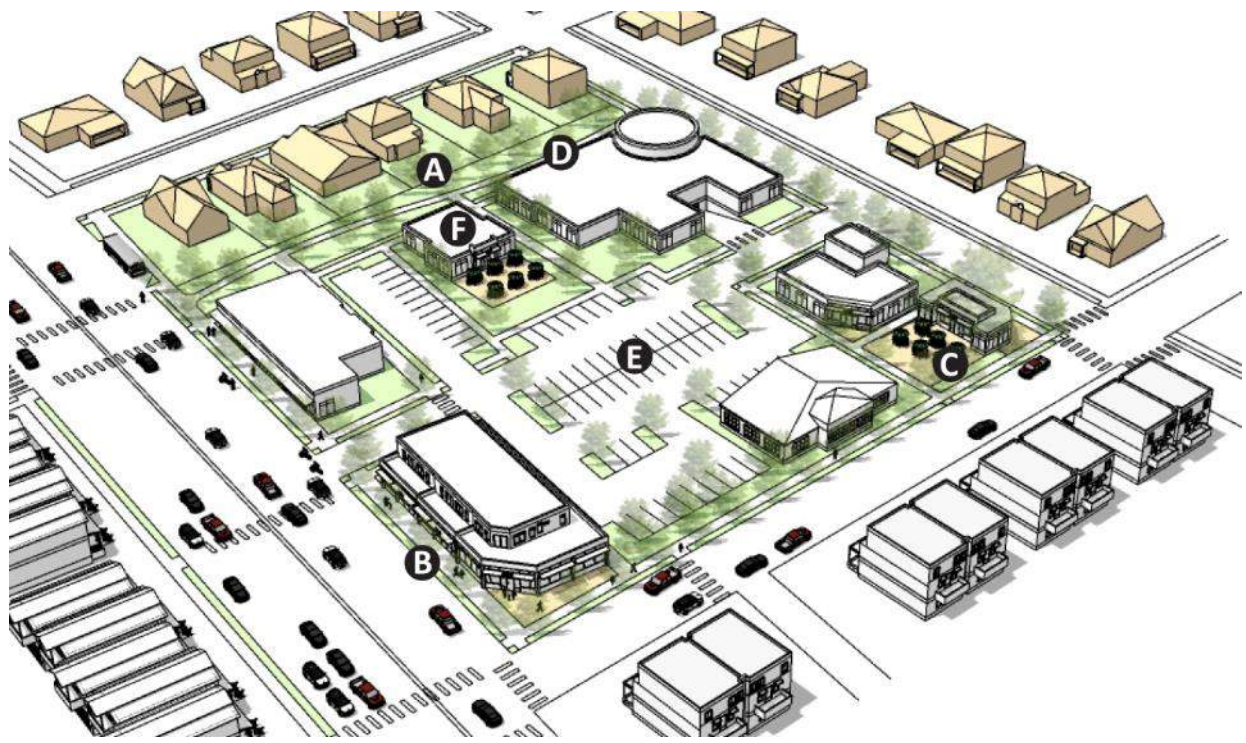
Building Orientation		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.1	Building Entry Orientation	Orient a building to a street by locating the primary entrance on the street-facing façade. See the Site Design Standards for additional standards and exceptions.
Frontages		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.2	Frontage Treatment	<p>At least one of these frontage types is required: (<i>see section 12-4-12, W.M.C., Table 12-4-12-2 Menu of Options for Frontage Types</i>)</p> <ul style="list-style-type: none"> • Table 12-4-12-2.c – The building is set back with hardscape improvements and landscape amenities in front. • Table 12-4-12-2.b – The residential building(s) is set back with landscape improvements in front • Table 12-4-12-2.h – The Townhouse is set back with landscape improvements in front. • Table 12-4-12-2.i – The Apartment is set back with landscape improvements in front. <p>Blocks that exceed 300' shall provide at least two of these frontage types.</p>
Transitions		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.3	A transition along a SIDE or REAR property line when abutting a detached single-family and duplex building type.	<p>A minimum of two of these transition types is required: (<i>see Table 12-4-16-1 Menu of Options for Transitions in Building Scale</i>)</p> <ul style="list-style-type: none"> • Table 12-4-16-1.a – Step back in building height • Table 12-4-16-1.b – Increased setback • Table 12-4-16-1.c – Similar building height and scale buffer
Connectivity		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.4	Connectivity in Pedestrian and Bicycle Circulation Systems (including sidewalks & pathway systems)	<p>The following connections are required: (<i>see Table 12-4-12 4 Menu of Options for Pedestrian and Bicycle Connectivity</i>)</p> <p>Table 12-4-12 4.a – Direct connection between buildings and the street</p>

Unified Development Code
 Chapter 2 Use Patterns | 12-2-7 Mixed Housing

	<p>Table 12-4-12 4.b – Internal connection between buildings and the street</p> <p>Table 12-4-12 4.c – Connection to common area</p> <p>Table 12-4-12 4.d – Differentiate pedestrian ways from vehicular areas</p> <p>Table 12-4-12 4.e – Connection to nearby transit stops</p> <p>Table 12-4-12 4.g – Connection to adjacent developments</p> <p>Table 12-4-12 4.h – Connection to public trails</p>
Vehicular connections to internal streets and driveways on adjacent properties	<p>Required:</p> <p>See the Common Designs Standards and Requirements Section.</p>
Mid-block connections	<p>Blocks that exceed 300' shall provide at least one mid-block connection: (<i>see Table 12-4-12-6 Menu of Options for Mid-block Connections</i>)</p> <p>Table 12-4-12-6.a – Pathway Connection</p> <p>Table 12-4-12-6.b – Building Pass-Through</p> <p>Table 12-4-12-6.c – Plaza Connection</p> <p>See Design Standards in Section 2 of this Chapter.</p>

Unified Development Code
Chapter 2 Use Patterns | 12-2-8 Neighborhood Centers

12-2-8 Neighborhood Centers



- A** *Development connects to internal and external circulation systems.*
- B** *Buildings are located at or near the street edge.*
- C** *Common areas (both active & passive) are integrated throughout the use pattern.*
- D** *Transitions to sensitive edges include lower building heights and increased setbacks.*
- E** *Parking is visually subordinate to the street, and primarily located to the interior of the site, with some below grade parking.*
- F** *Where public open space exists, buildings orient to it.*

(A) Definition

The Neighborhood Centers Use Pattern serves nearby residential areas with a variety of commercial uses that meet neighborhood needs. It fosters an active pedestrian-oriented environment. It often is located on a corner site. Buildings are placed at or near the sidewalk to create a strong relationship between the public and private realms.

Occasionally, small front setbacks provide variety in the street edge and accommodate outdoor uses. Common areas enhance Neighborhood Centers and are easily accessible to pedestrians. Pedestrian connections, both internal (between tenants) and external (to the surrounding community), provide safe access and enhance walkability.

Unified Development Code

Chapter 2 Use Patterns | 12-2-8 Neighborhood Centers

This use pattern shares these features with Mixed Use and Mixed Housing Use Patterns:

- Buildings are located to respect mature trees and other significant natural resources.
- Where taller buildings are located adjacent to low-scale residential development, a transition is provided. This may be as a landscape buffer, a step down in building height or an increased setback.
- This use pattern also links to nearby developments and transit service with pedestrian, bicycle and vehicular connections.
- Surface parking lots are landscaped and visually subordinate.
- Landscaping also enhances street edges and outdoor use areas.

The Neighborhood Center differs from the Mixed-Use Neighborhood Use Pattern in these ways:

- It is smaller in scale. (See Chapter 3, Zone Districts, for limits)
- It is primarily commercial.
- It primarily has surface parking.

(B) Permitted Building Types [See Section 12-4-2, W.M.C.]

(1) Principal Building Types

- (a)** Mixed-Use
- (b)** Commercial
- (c)** Live-Work
- (d)** Office
- (e)** Parking Structure

(2) Secondary Building Types

- (a)** Secondary Building (Garage, Carport)

(C) Site Design Standards

Building Orientation		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.1	Building Entry Orientation	Orient a building to a street by locating the primary entrance on the street-facing façade. See the Site Design Standards for additional standards and exceptions.
Frontages		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		

Unified Development Code

Chapter 2 Use Patterns | 12-2-8 Neighborhood Centers

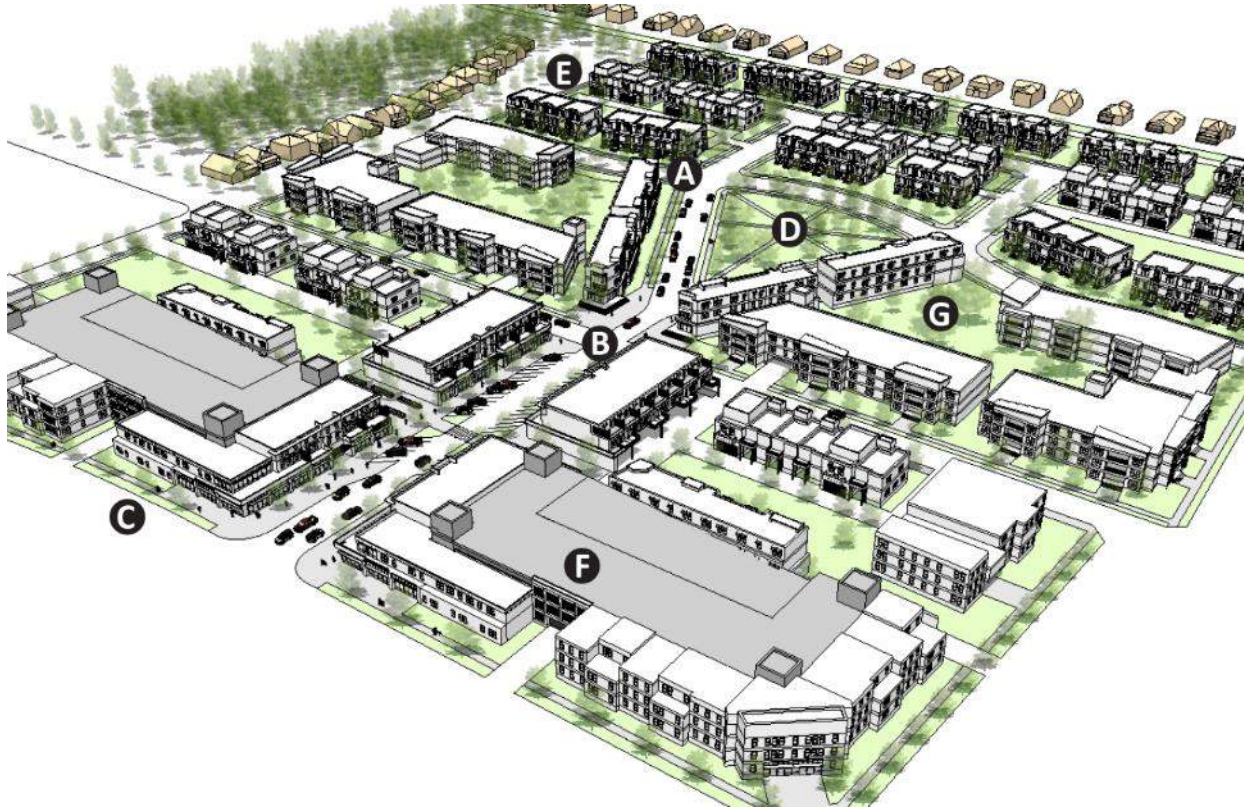
C.2	Frontage Treatment	<p>At least one of these frontage types is required: (<i>see section 12-4-12, W.M.C., Table 12-4-12-2 Menu of Options for Frontage Types</i>)</p> <ul style="list-style-type: none"> • Table 12-4-12-2.a – The building is placed at the edge of the sidewalk with hardscape improvements in the ROW. • Table 12-4-12-2.b – The building is set back with landscape improvements in front. • Table 12-4-12-2.c – The building is set back with hardscape improvements and landscape amenities in front. <p>Blocks that exceed 300' shall provide at least two of these types.</p>
Transitions		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.3	A transition along a SIDE or REAR property line when abutting a detached single-family and duplex building type.	<p>A minimum of two of these transition types is required: (<i>see Table 12-4-16-1 Menu of Options for Transitions in Building Scale</i>)</p> <ul style="list-style-type: none"> • Table 12-4-16-1.a – Step back in building height • Table 12-4-16-1.b – Increased setback • Table 12-4-16-1.c – Similar building height and scale buffer
Connectivity		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.4	Connectivity in Pedestrian and Bicycle Circulation Systems (including sidewalks & pathway systems)	<p>The following connections are required: (<i>see Table 12-4-12 4 Menu of Options for Pedestrian and Bicycle Connectivity</i>)</p> <p>Table 12-4-12 4.a – Direct connections between buildings and the street</p> <p>Table 12-4-12 4.b – Internal connection between buildings on the property</p> <p>Table 12-4-12 4.c – Connection to common area</p> <p>Table 12-4-12 4.d – Differentiate pedestrian connections from vehicular areas</p> <p>Table 12-4-12 4.e – Direct connections to adjacent transit stops</p> <p>Table 12-4-12 4.f – Cross property connection</p> <p>Table 12-4-12 4.g – Connection to adjacent developments</p> <p>Table 12-4-12 4.h – Connection to public trails</p>
	Vehicular connections to internal streets and	Connections are Required:

Unified Development Code

Chapter 2 Use Patterns | 12-2-8 Neighborhood Centers

	driveways on adjacent properties	See the Common Designs Standards and Requirements Section.
	Mid-block connections	<p>Blocks that exceed 300' shall provide at least one mid-block connection: (see <i>Table 12-4-12-6 Menu of Options for Mid-block Connections</i>)</p> <p>Table 12-4-12-6.a – Pathway Connection Table 12-4-12-6.b – Building Pass-Through Table 12-4-12-6.c – Plaza Connection</p> <p>See Design Standards in Section 2 of this Chapter.</p>

12-2-9 Mixed Use Neighborhoods



A *Development connects to external circulation systems.*

B *Internal vehicular and pedestrian connectivity is provided, with walkways, service drives and alleys.*

C *Buildings are located near and oriented to the street, with walkways and prominent entries.*

D *Common areas (both active & passive) are integrated throughout the use pattern.*

E *Transitions to sensitive edges include lower building heights and increased setbacks*

F *Parking is visually subordinate and primarily in structures.*

(A) Definition

This use pattern accommodates a range of uses at a higher density than in the Neighborhood Center or Retail Corridors and Centers Use Patterns. The objective is to create a place that combines commercial and residential uses in a coordinated, walkable environment. These areas are compact and have a distinct sense of place. As its name implies, this use pattern contains a variety of all-residential and all-commercial building types as well as mixed-use structures that combine commercial and residential uses. These mixes occur vertically or horizontally. While some variation in building placement is expected relative to the street edge, many buildings are located near the street. Others orient to public spaces that are internal to a development.

Primary building entrances, storefronts and porches activate street edges. Common areas, including dining areas, pocket parks, dog parks and larger civic plazas enhance the quality of life for residents and other users. While vehicular connections exist, the Mixed Use Neighborhood Use Pattern favors the pedestrian and keeps the automobile subordinate. Pedestrian connections, both internal (between tenants) and external (to the surrounding community), provide safe access and enhance walkability. Structured parking may exist as a stand-alone structure or integrated into a building which is wrapped with other uses or with architectural screening. Surface parking lots are visually subordinate to the street and buffered from view.

Mixed Use Neighborhoods share these features with Neighborhood Centers and Mixed Housing Use Patterns:

- Activated street edges
- Parking is subordinate and internal to the area.
- This use pattern also links to nearby developments and transit service with pedestrian, bicycle and vehicular connections.
- Where taller buildings are located adjacent to low-scale residential development, a transition is provided. This may be as a landscape buffer, a step down in building height or an increased setback.
- Landscaping also enhances surface parking lots, street edges, and common areas.

Mixed Use Neighborhoods differ from Neighborhood Centers and Commercial Corridors and Centers Use Patterns in these ways:

- Higher in density (See Chapter 3, Zone Districts, for limits)

Unified Development Code

Chapter 2 Use Patterns | 12-2-9 Mixed Use Neighborhoods

- A wider variety of uses (See Chapter 3, Zone Districts, for permitted uses)
- More shared public spaces

(B) Permitted Building Types [See Section 12-4-2, W.M.C.]

(1) Principal Building Types

- (a)** Manor Style Apartments
- (b)** Townhouse
- (c)** Apartment
- (d)** Mixed-Use
- (e)** Commercial
- (f)** Live-Work
- (g)** Office
- (h)** Parking Structure

(2) Secondary Building Types

- (a)** Secondary Building (Garage, Carport)

(C) Site Design Standards

Building Orientation		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.1	Building Entry Orientation	Orient a building to a street by locating the primary entrance on the street-facing façade. See the Site Design Standards for additional standards and exceptions.
Frontages		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.2	For commercial, office, live-work and mixed-use building types	<p>A minimum of one of these frontage types is required: (see section 12-4-12, W.M.C., Table 12-4-12-2 Menu of Options for Frontage Types)</p> <ul style="list-style-type: none"> • Table 12-4-12-2.a – The building is placed at the edge of the sidewalk with hardscape improvements in the ROW. • Table 12-4-12-2.b – The building is set back with landscape improvements in front. • Table 12-4-12-2.c – The building is set back with hardscape improvements and landscape amenities in front. • Table 12-4-12-2.h – The Townhouse is set back with landscape improvements in front.

Unified Development Code

Chapter 2 Use Patterns | 12-2-9 Mixed Use Neighborhoods

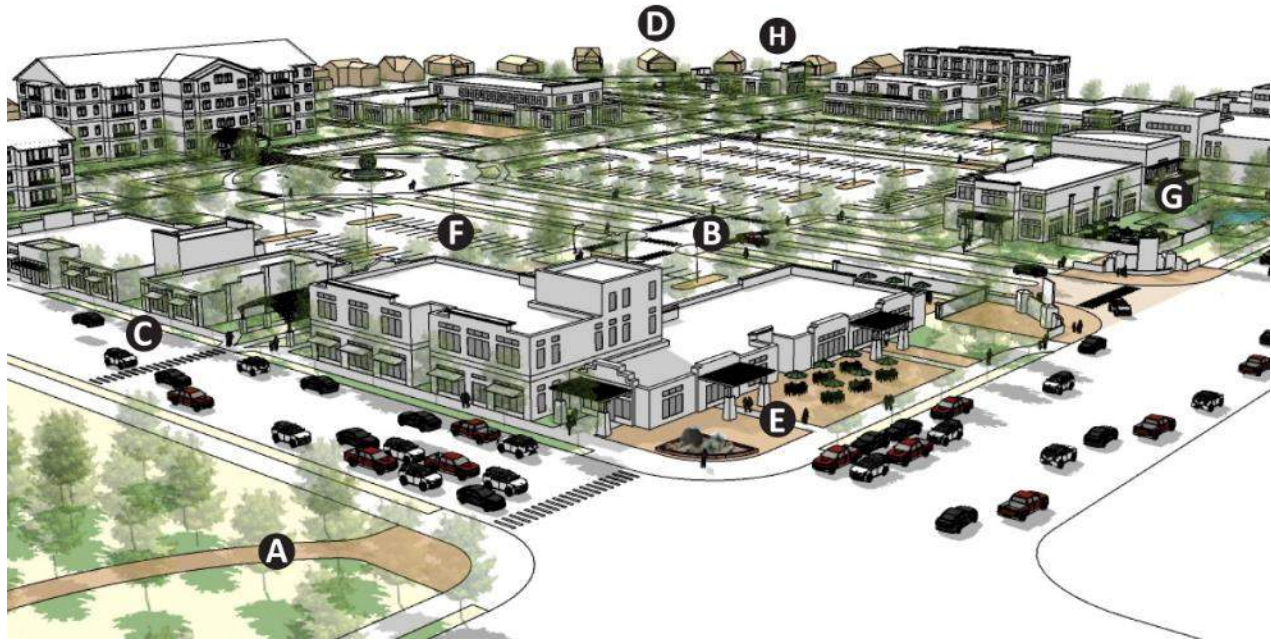
		<ul style="list-style-type: none"> Table 12-4-12-2.i – The Apartment is set back with landscape improvements in front. <p>Blocks that exceed 300’ shall provide at least two of these frontage types.</p>
Transitions		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.3	A transition along a SIDE or REAR property line when abutting a detached single-family and duplex building type.	<p>A minimum of two of these transition types is required: (see Table 12-4-16-1 Menu of Options for Transitions in Building Scale)</p> <ul style="list-style-type: none"> Table 12-4-16-1.a – Step back in building height Table 12-4-16-1.b – Increased setback Table 12-4-16-1.c – Similar building height and scale buffer
Connectivity		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.4	Connectivity in Pedestrian and Bicycle Circulation Systems (including sidewalks & pathway systems)	<p>The following connections are required: (see Table 12-4-12 4 Menu of Options for Pedestrian and Bicycle Connectivity)</p> <p>Table 12-4-12 4.a – Direct connections between buildings and the street</p> <p>Table 12-4-12 4.b – Internal connection between buildings on the property</p> <p>Table 12-4-12 4.c – Connection to common area</p> <p>Table 12-4-12 4.d – Differentiate pedestrian connections from vehicular areas</p> <p>Table 12-4-12 4.e – Direct connections to adjacent transit stops</p> <p>Table 12-4-12 4.f – Cross property connection</p> <p>Table 12-4-12 4.g – Connection to adjacent developments</p> <p>Table 12-4-12 4.h – Connection to public trails</p>
	Vehicular connections to internal streets and driveways on adjacent properties	<p>Connections are required.</p> <p>See the Common Designs Standards and Requirements Section.</p>
	Mid-block connections	<p>Blocks that exceed 300’ shall provide at least one mid-block connection: (see Table 12-4-12-6 Menu of Options for Mid-block Connections)</p> <p>Table 12-4-12-6.a – Pathway Connection</p> <p>Table 12-4-12-6.b – Building Pass-Through</p> <p>Table 12-4-12-6.c – Plaza Connection</p>

Unified Development Code
Chapter 2 Use Patterns | 12-2-9 Mixed Use Neighborhoods

Unified Development Code

Chapter 2 Use Patterns | 12-2-10 Commercial Corridors and Centers

12-2-10 Commercial Corridors and Centers



A *Development connects to external circulation systems.*

B *Internal vehicular and pedestrian ways provide convenient access among properties.*

C *Buildings are located primarily near and oriented toward the street.*

D *Transitions to sensitive edges include landscaping, lower scale buildings and increased setbacks.*

E *A common area (such as a dining area or seating area) activates the street edge where a building is set back.*

F *Parking is visually subordinate to the street and the site. It is located within buildings, or in enhanced surface lots which are positioned to the interior of the site.*

G *Landscaping is incorporated throughout the area and exhibits Low Impact Design and water conserving practices.*

H *Drive-through uses are integrated into the overall design of the development and auto stacking lanes are visually subordinate.*

Unified Development Code

Chapter 2 Use Patterns | 12-2-10 Commercial Corridors and Centers

(A) Definition

The Commercial Corridors and Centers Use Pattern includes a variety of commercial activities. Retail, office, restaurant, and drive-through facilities are examples. A higher level of auto access occurs here, as compared with Neighborhood Centers or Mixed-use Neighborhoods. While this pattern is auto-oriented, providing an enhanced walking environment is a critical objective as over time a commercial center may evolve into other uses. Buildings contribute to a pedestrian-oriented environment by opening to the street and internal walkways. While some variation in setbacks occurs, many buildings stand near the street edge. Common areas with amenities enhance these frontages. These connect to walkways and building entries. Internal vehicular connections provide efficient circulation within a development, which minimizes having to drive back out onto public streets to access another part of the center. Pedestrian connections, both internal (between tenants) and external (to surrounding community), provide safe access and enhance walkability. Parking is concentrated internal to the development.

This use pattern shares these features with Neighborhood Centers and Mixed Use Neighborhoods:

- Buildings orient to the street.
- Parking is internal to the site and is visually subordinate.
- Open spaces provide pathway connections between buildings.
- Where taller buildings are located adjacent to low-scale residential development, a transition is provided. This may be as a landscape buffer, a step down in building height or increased setback.
- This use pattern also links to nearby development and transit with pedestrian, bicycle and vehicular connections.
- Landscaping enhances the street edge and internal amenity spaces.

This use pattern differs from Mixed Use Neighborhoods and Neighborhood Centers in these ways:

- More variety in front setbacks occurs. (See Chapter 3, Zone Districts)
- More spaces between buildings exist along the street (with landscaped buffers).
- More internal auto circulation lanes facilitate access without returning to the street.
- Where buildings are set back from the street, if parking in front occurs, it is limited to a single row along the street edge and is buffered with landscaping.

(B) Permitted Building Types [See Section 12-4-2, W.M.C.]

Unified Development Code

Chapter 2 Use Patterns | 12-2-10 Commercial Corridors and Centers

- (1) Principal Building Types
 - (a) Mixed-Use
 - (b) Commercial
 - (c) Live-Work
 - (d) Office
 - (e) Hospitality
 - (f) Parking Structure
- (2) Secondary Structures
 - (a) Drive-Through

(C) Site Design Standards

Building Orientation		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.1	Building Entry Orientation	Orient a building to a street by locating the primary entrance on the street-facing façade. See the Site Design Standards for additional standards and exceptions.
Frontages		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.2	Frontage Treatment	<p>A minimum of one of these frontage types is required: (<i>see section 12-4-12, W.M.C., Table 12-4-12-2 Menu of Options for Frontage Types</i>)</p> <ul style="list-style-type: none"> • Table 12-4-12-2.a – The building is placed at the edge of the sidewalk with hardscape improvements in the ROW. • Table 12-4-12-2.b – The building is set back with landscape improvements in front. • Table 12-4-12-2.c – The building is set back with hardscape improvements and landscape amenities in front. <p>Blocks that exceed 300' shall provide at least two of these frontage types.</p>
Transitions		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.3	A transition along a SIDE or REAR property line when abutting a detached single-family and duplex building type.	<p>A minimum of two of these transition types are required: (<i>see Table 12-4-16-1 Menu of Options for Transitions in Building Scale</i>)</p> <ul style="list-style-type: none"> • Table 12-4-16-1.a – Step back in building height • Table 12-4-16-1.b – Increased setback

Unified Development Code

Chapter 2 Use Patterns | 12-2-10 Commercial Corridors and Centers

		<ul style="list-style-type: none"> Table 12-4-16-1.c – Similar building height and scale buffer
Connectivity		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.4	Connectivity in Pedestrian and Bicycle Circulation Systems (including sidewalks & pathway systems)	<p>The following connections are required: (see Table 12-4-12 4 Menu of Options for Pedestrian and Bicycle Connectivity)</p> <p>Table 12-4-12 4.a – Direct connections between buildings and the street</p> <p>Table 12-4-12 4.b – Internal connection between buildings on the property</p> <p>Table 12-4-12 4.c – Connection to common area</p> <p>Table 12-4-12 4.d – Differentiate pedestrian connections from vehicular areas</p> <p>Table 12-4-12 4.e – Direct connections to adjacent transit stops</p> <p>Table 12-4-12 4.f – Cross property connection</p> <p>Table 12-4-12 4.g – Connection to adjacent developments</p> <p>Table 12-4-12 4.h – Connection to public trails</p>
	Vehicular connections to internal streets and driveways on adjacent properties	<p>Connections are required:</p> <p>See the Common Designs Standards and Requirements Section.</p>
	Mid-block connections	<p>Blocks that exceed 300' shall provide at least one mid-block connection: (see Table 12-4-12-6 Menu of Options for Mid-block Connections)</p> <p>Table 12-4-12-6.a – Pathway Connection</p> <p>Table 12-4-12-6.b – Building Pass-Through</p> <p>Table 12-4-12-6.c – Plaza Connection</p> <p>See Design Standards in Section 2 of this Chapter.</p>

Unified Development Code
 Chapter 2 Use Patterns | 12-2-11 Commercial Retrofit

12-2-11 Commercial Retrofit



Phase 1



Phase 2



Phase 3



- A** *Development connects to external circulation systems.*
- B** *Internal vehicular and pedestrian connections provide convenient access to individual buildings.*
- C** *Buildings are located near and oriented to the street.*
- D** *Transitions to lower density residential areas include lower scale building types, landscaping and increased setbacks.*
- E** *Common areas (both active & passive) are integrated throughout the use pattern.*
- F** *Parking is visually subordinate to the street and the site.*
- G** *Landscaping enhances the area and exhibits LID practices.*

Unified Development Code

Chapter 2 Use Patterns | 12-2-11 Commercial Retrofit

(A) Definition

This use pattern characterizes redevelopment of existing shopping centers, big-box retail sites and other places which are characterized by large expanses of surface parking. The pattern is one where a phased transition into mixed-use, pedestrian oriented environments is anticipated. This change in development increases the variety of uses in the area. These may include commercial and residential uses in a range of building types. An objective is to accommodate phased improvements that result in a more urban character in the long term, similar to that of the Mixed Use and Commercial Corridors and Centers Use Patterns. At the same time, it recognizes that some residual features of the original development may remain, or be delayed in changing. Initial retrofitting phases typically focus on establishing a pedestrian-oriented street edge and reducing surface parking. Even so, it may be necessary to retain some parking in front of buildings that face the street. Later development phases focus on increasing density internal to the site with new buildings and with redevelopment of the original linear retail structures along the rear of a property.

This use pattern shares features with the Mixed Use Neighborhood and the Commercial Corridors and Centers Use Patterns in these ways:

- Reduced areas of surface parking
- Street edges are designed to be pedestrian-friendly by locating buildings close to the sidewalk when feasible.
- Amenity spaces serve a variety of users.
- Pedestrian connections, both internal (between tenants) and external (to surrounding community), provide safe access and enhance walkability.
- This use pattern also links to nearby development and transit with pedestrian, bicycle and vehicular connections.
- Vehicular connections link to neighborhood systems.
- Where taller buildings are located adjacent to low-scale residential development, a transition is provided. This may be as a landscape buffer, a step down in building height or increased setback.
- Parking is internal to the development, as well as on-street where new block configurations are developed.
- Structured parking is architecturally enhanced and located interior to a block.
- Surface parking lots are landscaped, and visually subordinate to the street and the site.
- Landscaping is incorporated into surface parking lots, along the street, and within the site to enhance its visual appeal.

Unified Development Code

Chapter 2 Use Patterns | 12-2-11 Commercial Retrofit

- Adjacent street pattern is extended through the site upon redevelopment.

(B) Permitted Building Types [See Section 12-4-2, W.M.C.]

(1) Principal Building Types

- (a) Townhouse
- (b) Mixed-Use
- (c) Commercial
- (d) Live-Work
- (e) Office
- (f) Hospitality

(2) Secondary Building Types

- (a) Secondary Building (Garage, Carport)
- (b) Drive-Through
- (c) Parking Structure

(C) Site Design Standards

Building Orientation		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.1	Building Entry Orientation	Orient a building to a street by locating the primary entrance on the street-facing façade. See Site Design Standards for additional standards and exceptions.
Frontages		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.2	Frontage Treatment	<p>A minimum of one of these frontage types is required: (<i>see section 12-4-12, W.M.C., Table 12-4-12-2 Menu of Options for Frontage Types</i>)</p> <ul style="list-style-type: none"> • Table 12-4-12-2.a – The building is placed at the edge of the sidewalk with hardscape improvements in the ROW. • Table 12-4-12-2.b – The building is set back with landscape improvements in front. • Table 12-4-12-2.c – The building is set back with hardscape improvements and landscape amenities in front. • Table 12-4-12-2.d – The building is set back with a single row of parking in front, and landscape improvements along the street (nonconforming use).

Unified Development Code

Chapter 2 Use Patterns | 12-2-11 Commercial Retrofit

		<ul style="list-style-type: none"> Table 12-4-12-2.e – The building is set back with a double row of parking in front and landscape improvements along the street. (nonconforming use) and within the parking area. Table 12-4-12-2.h – The Townhouse is set back with landscape improvements in front. Table 12-4-12-2.i – The Apartment is set back with landscape improvements in front. <p>Blocks that exceed 300' shall provide at least two of these frontage types.</p>
Transitions		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.3	A transition along a SIDE or REAR property line when abutting a detached single-family and duplex building type.	<p>A minimum of two of these transition types is required: (see Table 12-4-16-1 Menu of Options for Transitions in Building Scale)</p> <ul style="list-style-type: none"> Table 12-4-16-1.a – Step back in building height Table 12-4-16-1.b – Increased setback Table 12-4-16-1.c – Similar building height and scale buffer
Connectivity		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.4	Connectivity in Pedestrian and Bicycle Circulation Systems (including sidewalks & pathway systems)	<p>The following connections are required: (see Table 12-4-12 4 Menu of Options for Pedestrian and Bicycle Connectivity)</p> <p>Table 12-4-12 4.a – Direct connections between buildings and the street</p> <p>Table 12-4-12 4.b – Internal connection between buildings on the property</p> <p>Table 12-4-12 4.c – Connection to common area</p> <p>Table 12-4-12 4.d – Differentiate pedestrian connections from vehicular areas</p> <p>Table 12-4-12 4.e – Direct connections to adjacent transit stops</p> <p>Table 12-4-12 4.f – Cross property connection</p> <p>Table 12-4-12 4.g – Connection to adjacent developments</p> <p>Table 12-4-12 4.h – Connection to public trails</p>
	Vehicular connections to internal streets and driveways on adjacent properties	<p>Connections are required:</p> <p>See the Common Designs Standards and Requirements Section, .</p>

Unified Development Code

Chapter 2 Use Patterns | 12-2-11 Commercial Retrofit

	Mid-block connections	<p>Blocks that exceed 300' shall provide at least one mid-block connection: (see <i>Table 12-4-12-6 Menu of Options for Mid-block Connections</i>)</p> <p>Table 12-4-12-6.a – Pathway Connection Table 12-4-12-6.b – Building Pass-Through Table 12-4-12-6.c – Plaza Connection</p> <p>See Design Standards in Section 2 of this Chapter.</p>
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12-2-12 Office and Employment Campus



Phase 1



Phase 2



A Development reflects a navigable, orderly setting. Buildings are located along internal streets to create a more urban edge.

B Development connects to internal and external circulation systems.

C Transitions to abutting low density residential areas may include landscaped perimeters.

D Common areas (both active & passive) are integrated throughout the use pattern.

E Parking is visually subordinate to the street and the site. It is located within a structure or in enhanced surface lots focused to the interior of the use pattern.

F Landscaping occurs throughout the area and exhibits LID practices.

Unified Development Code

Chapter 2 Use Patterns | 12-2-12 Office and Employment Campus

(A) Definition

This use pattern coordinates office and employment uses in a campus setting with a sense of place. This includes redevelopment of existing office parks that will transition to a more urban character as well as new developments. Some buildings focus internally while others define the street edge. Amenity spaces such as plazas, pocket parks, and other outdoor use areas, enhance the area. Buildings should be located to enhance view opportunities. Structured parking is visually attractive. Surface parking lots are landscaped, hidden from street view or divided into smaller modules, and are visually subordinate.

This use pattern shares these features with Commercial Corridors and Centers and with Commercial Retrofit Use Patterns:

- Pedestrian connections, both internal (between tenants) and external (to surrounding community), provide safe access and enhance walkability.
- Where taller buildings are located adjacent to low-scale residential development, a transition is provided. This may be as a landscape buffer, a step down in building height or increased setback.
- Landscaping is incorporated into surface parking lots, along the street, and within the site in order to enhance its visual appeal.
- A wayfinding system connects places of employment with multimodal transportation and key destinations nearby.
- Buildings are oriented to maintain unique features on the site such as views, environmental features or cultural resources.

(B) Permitted Building Types [See Section 12-4-2, W.M.C.]

(1) Principal Building Types

- (a)** Commercial
- (b)** Office
- (c)** Parking Structure

(C) Site Design Standards

Building Orientation		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.1	Building Entry Orientation	Orient a building to a street by locating the primary entrance on the street-facing façade. See the Site Design Standards for additional standards and exceptions.
Frontages		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		

Unified Development Code

Chapter 2 Use Patterns | 12-2-12 Office and Employment Campus

C.2	Frontage Treatment	<p>A minimum of one of these frontage types is required: (<i>see section 12-4-12, W.M.C., Table 12-4-12-2 Menu of Options for Frontage Types</i>)</p> <ul style="list-style-type: none"> • Table 12-4-12-2.a – The building is placed at the edge of the sidewalk with hardscape improvements in the ROW. • Table 12-4-12-2.b – The building is set back with landscape improvements in front. • Table 12-4-12-2.c – The building is set back with hardscape improvements and landscape amenities in front. • Table 12-4-12-2.e – The building is set back with a double row of parking in front, and landscape improvements along the street and within the parking area. • Table 12-4-12-2.f – The building is set back with four rows of parking in front, and landscape improvements along the street and within the parking area. <p>Blocks that exceed 300' shall provide at least two of these frontage types.</p>
Transitions		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.3	A transition along a SIDE or REAR property line when abutting a detached single-family and duplex building type.	<p>A minimum of two of these transition types is required: (<i>see Table 12-4-16-1 Menu of Options for Transitions in Building Scale</i>)</p> <ul style="list-style-type: none"> • Table 12-4-16-1.a – Step back in building height • Table 12-4-16-1.b – Increased setback • Table 12-4-16-1.c – Similar building height and scale buffer
Connectivity		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.4	Connectivity in Pedestrian and Bicycle Circulation Systems (including sidewalks & pathway systems)	<p>The following connections are required: (<i>see Table 12-4-12 4 Menu of Options for Pedestrian and Bicycle Connectivity</i>)</p> <p>Table 12-4-12 4.a – Direct connections between buildings and the street</p> <p>Table 12-4-12 4.b – Internal connection between buildings on the property</p> <p>Table 12-4-12 4.c – Connection to common area</p> <p>Table 12-4-12 4.d – Differentiate pedestrian connections from vehicular areas</p>

Unified Development Code

Chapter 2 Use Patterns | 12-2-12 Office and Employment Campus

		<p>Table 12-4-12 4.e – Direct connections to adjacent transit stops</p> <p>Table 12-4-12 4.f – Cross property connection</p> <p>Table 12-4-12 4.h – Connection to public trails</p>
	<p>Vehicular connections to internal streets and driveways on adjacent properties</p>	<p>Connections are required:</p> <p>See the Common Designs Standards and Requirements Section.</p>
	<p>Mid-block connections</p>	<p>Blocks that exceed 300' shall provide at least one mid-block connection: (see <i>Table 12-4-12-6 Menu of Options for Mid-block Connections</i>)</p> <p>Table 12-4-12-6.a – Pathway Connection</p> <p>Table 12-4-12-6.b – Building Pass-Through</p> <p>Table 12-4-12-6.c – Plaza Connection</p> <p>See the Site Design Standards Section.</p>

Unified Development Code

Chapter 2 Use Patterns | 12-2-13 Small Flex Industrial

12-2-13 Small Flex Industrial

A *Development connects to internal and external circulation systems.*

B *Buildings are located near the street and oriented to the street.*

C *Buildings are placed to minimize the amount of parking along the street edge.*

D *Transitions to sensitive include lower scale building types.*

E *Landscaping is incorporated along the edges of the site and LID practices are applied.*

(A) Definition

This use pattern accommodates small-scale, flexible industrial functions in combination with other commercial, office and mixed-use building types. The intent is to provide spaces that can adapt to changing program requirements in an arrangement that is compatible with and connected to surrounding developments. Most buildings are placed close to the street edge with entrances connecting to the public way. This use pattern also links to nearby development and transit with pedestrian, bicycle and vehicular connections. Where a building is set back, a landscape buffer enhances the sidewalk. Most parking is located to the interior of the site and is landscaped. A limited

Unified Development Code
 Chapter 2 Use Patterns | 12-2-13 Small Flex Industrial

amount of parking may be located in front of those buildings that are set back from the street.

This use pattern differs from the Large Conventional Industrial Use Pattern in these ways:

- Buildings are smaller and have more detailing facing the street. (See Chapter 3, Zone Districts, for limits)
- A limited amount of parking is located between the street and buildings.
- More common area is provided as an amenity.

(B) Permitted Building Types [See Section 12-4-2, W.M.C.]

- (1) Principal Building Types
- (a) Mixed-Use
 - (b) Commercial
 - (c) Office
 - (d) Industrial

(C) Site Design Standards

Building Orientation		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.1	Building Entry Orientation	Orient a building to a street by locating the primary entrance on the street-facing façade. See the Site Design Standards for additional standards and exceptions.
Street Frontages		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.2	Frontage Treatment	A minimum of one of these frontage types is required: (<i>see section 12-4-12, W.M.C., Table 12-4-12-2 Menu of Options for Frontage Types</i>) <ul style="list-style-type: none"> • Table 12-4-12-2.a – The building is placed at the edge of the sidewalk with hardscape improvements in the ROW. • Table 12-4-12-2.b – The building is set back with landscape improvements in front. • Table 12-4-12-2.c – The building is set back with hardscape improvements and landscape amenities in front.

Unified Development Code

Chapter 2 Use Patterns | 12-2-13 Small Flex Industrial

		<ul style="list-style-type: none"> Table 12-4-12-2.d – The building is set back with a single row of parking in front, and landscape improvements along the street. Table 12-4-12-2.e – The building is set back with a double row of parking in front, and landscape improvements along the street and within the parking area. <p>Blocks that exceed 300' shall provide at least two of these frontage types.</p>
Transitions		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.3	A transition along a SIDE or REAR property line when abutting a detached single-family and duplex building type.	<p>A minimum of two of these transition types are required: (see Table 12-4-16-1 Menu of Options for Transitions in Building Scale)</p> <ul style="list-style-type: none"> Table 12-4-16-1.a – Step back in building height Table 12-4-16-1.b – Increased setback Table 12-4-16-1.c – Similar building height and scale buffer
Connectivity		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.4	Connectivity in Pedestrian and Bicycle Circulation Systems (including sidewalks & pathway systems)	<p>The following connections are required: (see Table 12-4-12 4 Menu of Options for Pedestrian and Bicycle Connectivity)</p> <p>Table 12-4-12 4.a – Direct connections between buildings and the street</p> <p>Table 12-4-12 4.b – Internal connection between buildings on the property</p> <p>Table 12-4-12 4.c – Connection to common area</p> <p>Table 12-4-12 4.d – Differentiate pedestrian connections from vehicular areas</p> <p>Table 12-4-12 4.e – Direct connections to adjacent transit stops</p> <p>Table 12-4-12 4.f – Cross property connection</p> <p>Table 12-4-12 4.g – Connection to adjacent developments</p> <p>Table 12-4-12 4.h – Connection to public trails</p>
	Vehicular connections to internal streets and driveways on adjacent properties	<p>Connections are required:</p> <p>See the Common Designs Standards and Requirements Section.</p>

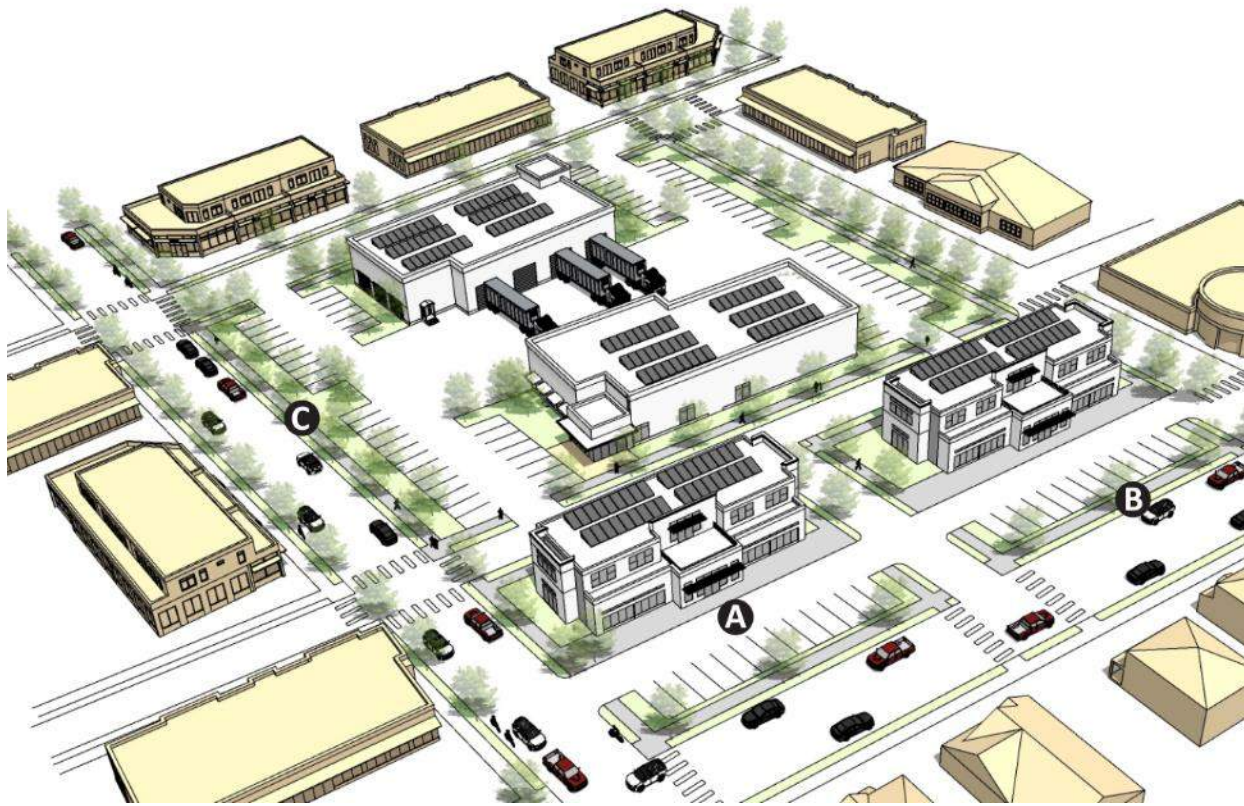
Unified Development Code

Chapter 2 Use Patterns | 12-2-13 Small Flex Industrial

	Mid-block connections	<p>Blocks that exceed 300' shall provide at least one mid-block connection: (see <i>Table 12-4-12-6 Menu of Options for Mid-block Connections</i>)</p> <p>Table 12-4-12-6.a – Pathway Connection Table 12-4-12-6.b – Building Pass-Through Table 12-4-12-6.c – Plaza Connection</p>
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Unified Development Code

Chapter 2 Use Patterns | 12-2-14 Large Conventional Industrial

12-2-14 Large Conventional Industrial

A When buildings are located near the street, they orient to it.

B Transitions to sensitive edges include greater setbacks, landscaping or reduced building heights.

C Landscaping is incorporated along the edges and exhibits LID practices.

(A) Definition

This use pattern accommodates utilitarian functions in the interior of the area, while providing a visually appealing street edge. This is accomplished by orienting some building entries to the street, particularly for front-of-house operations. Where buildings are set back, landscape buffers enhance the street edge. The intent is to create a pedestrian-friendly perimeter. This use pattern also links to nearby development and transit with pedestrian, bicycle and vehicular connections. Buildings are placed to minimize the amount of parking along the street edge, when feasible. Utilitarian buildings are located away from abutting residential development and other sensitive areas, and are buffered. The number of curb cuts is minimized to the extent feasible.

Unified Development Code

Chapter 2 Use Patterns | 12-2-14 Large Conventional Industrial

This use pattern differs from Small Flex Industrial Use Pattern in these ways:

- More site area is used for parking, outdoor storage and vehicular circulation.
- Buildings are larger and those in the interior of the site may be simpler in detailing. (See Chapter 3, Zone Districts)

(B) Permitted Building Types [See Section 12-4-2, W.M.C.]

(1) Principal Building Types

- (a) Office**
- (b) Industrial**

(C) Site Design Standards

See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.1	Building Entry Orientation	Orient a building to a street by locating the primary entrance on the street-facing façade. See the Site Design Standards for additional standards and exceptions.
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.2	Frontage Treatment	<p>A minimum of one of these types is required: (<i>see section 12-4-12, W.M.C., Table 12-4-12-2 Menu of Options for Frontage Types</i>)</p> <ul style="list-style-type: none"> • Table 12-4-12-2.a – The building is placed at the edge of the sidewalk with hardscape improvements in the ROW. • Table 12-4-12-2.b – The building is set back with landscape improvements in front. • Table 12-4-12-2.c – The building is set back with hardscape improvements and landscape amenities in front. • Table 12-4-12-2.d – The building is set back with a single row of parking in front, and landscape improvements along the street. • Table 12-4-12-2.e – The building is set back with a double row of parking in front, and landscape improvements along the street and within the parking area. • Table 12-4-12-2.f – The building is set back with four rows of parking in front, and landscape improvements along the street and within the parking area.

Unified Development Code

Chapter 2 Use Patterns | 12-2-14 Large Conventional Industrial

		<ul style="list-style-type: none"> Table 12-4-12-2.g – The building is set back with multiple rows of parking in front, and landscape improvements along the street and within the parking area. <p>Blocks that exceed 300' shall provide at least two of these frontage types.</p>
Transitions		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.3	A transition along a SIDE or REAR property line when abutting a detached single-family and duplex building type.	<p>A minimum of two of these transition types is required: (see Table 12-4-16-1 Menu of Options for Transitions in Building Scale)</p> <ul style="list-style-type: none"> Table 12-4-16-1.a – Step back in building height Table 12-4-16-1.b – Increased setback Table 12-4-16-1.c – Similar building height and scale buffer
Connectivity		
See also section 12-4-12, W.M.C. (site design), for other requirements related to this topic.		
C.4	Connectivity in Pedestrian and Bicycle Circulation Systems (including sidewalks & pathway systems)	<p>The following connections are required: (see Table 12-4-12 4 Menu of Options for Pedestrian and Bicycle Connectivity)</p> <p>Table 12-4-12 4.a – Direct connections between buildings and the street</p> <p>Table 12-4-12 4.b – Internal connection between buildings on the property</p> <p>Table 12-4-12 4.c – Connection to common area</p> <p>Table 12-4-12 4.d – Differentiate pedestrian connections from vehicular areas</p> <p>Table 12-4-12 4.e – Direct connections to adjacent transit stops</p> <p>Table 12-4-12 4.h – Connection to public trails</p>
	Vehicular connections to internal streets and driveways on adjacent properties	<p>Connections are required:</p> <p>See the Common Designs Standards and Requirements Section.</p>
	Mid-block connections	Not required in this Use Pattern.

Contents

12-3-1	Generally	55
12-3-2	Districts Established	56
12-3-3	Zoning Map	59
12-3-4	Open (O1).....	61
12-3-5	Residential Estate (RE)	62
12-3-6	Suburban Residential (SR).....	65
12-3-7	Mixed Residential (MR)	66
12-3-8	Mixed Medium Residential (MM).....	67
12-3-9	Mixed High Residential (MH).....	68
12-3-10	Neighborhood Office (NO).....	69
12-3-11	Neighborhood Commercial (NC).....	70
12-3-12	Mixed Center (MC).....	71
12-3-13	Town Center (TC)	72
12-3-14	Commercial Services (CS).....	73
12-3-15	Business Park (BP)	74
12-3-16	Office Park (OP)	75
12-3-17	Industrial Park (IP)	76
12-3-18	Downtown Westminster	77
12-3-19	Westminster Station.....	77
12-3-20	Church Ranch	77
12-3-21	Brookhill	77
12-3-22	North I-25	77
12-3-23	Planned Unit Development (PUD).....	77
12-3-24	Use Table	80

Chapter 3 Zoning Districts

Purpose of this Chapter: This Chapter establishes zoning districts and sets out permitted and conditional uses in each zoning district. The zoning districts are shown on the Zoning Map (see Section 12-3-3, W.M.C. (Zoning Map)).

12-3-1 Generally

- (A) **Applicability.** No building or land may be used, and no building may be erected, altered, or moved that is used or designed to be used for any purpose other than a use that is permitted or specially authorized in a zoning district in which that building or land is located.
- (B) **Permitted and Special Uses.** Section 12-3-27, *Use Table*, establishes which uses are permitted, specially authorized, and prohibited in each zoning district.
- (C) **Dimensional Standards.** Each zoning district includes dimensional standards, including density, setback, building height. These are defined in Chapter 10 and summarized below:

Table 12-3-1-1 Summary / Description of Dimensional Standards

Note: See Article 10 for definitions of the terms below.

Density and Development

Density	Density is expressed as gross density (see Article 10) unless otherwise indicated. For subdivisions of up to 5 lots, where at least 70% of the lots on the same or adjacent blocks are occupied by a building, the gross density calculation includes all easements and right-of-way fronting the parcel to the street centerline. Maximum densities are not guaranteed. Permitted densities may or may not be achievable on every lot in a given district due to specific site constraints of particular parcels or lots.
Lot Area	This is a minimum (in square feet) for the entire lot where a lot area standard applies.
Lot Width	This is a minimum (in feet) for the entire lot where a lot width standard applies.
Building Area	This is expressed as the maximum per building, in gross floor area (gfa). The building area is determined using the methodology established in the building code.
Floor Area Ratio (FAR)	FAR is determined by summing the building area of all buildings on a lot, and dividing that by the lot area.
Building Height	See Article 4, Section 12-4-3, W.M.C (Buildings) for the computation of building height.

Common Open or Civic Space These are open or civic space requirements calibrated to the district's character and the applicable Use Pattern. See Article 4, Section 12-4-9, W.M.C ((Parks/Open Space/Civic Space Standards) for qualifying space and how they are credited toward the minimum requirements for open and civic space.

Setbacks *Note: Chapter 4 explains the relationship between setbacks and related standards such as landscaping and buffers. The building design standards in Chapter 4 may include a different setback for a specific building type, which superseded the setback for the district regulations in this Chapter.*

Front Setback The setback to principal buildings measured from the front lot line.

Frontage Buildout Where maximum front setback (or "build-to") requirements apply, frontage setback requires a portion of front-facing facades and/or civic spaces to occupy the area between the minimum and maximum front setback. Garage elevations do not count toward the frontage buildout.

Garage Setback A garage setback applies only to front-facing garages, and is measured from the front elevation plane of the interior habitable area of a dwelling (excluding porches, stoops, and similar projections).

Parking Setback The setback extending from the front property line to the edge of any parking area. Parking spaces shall be located outside of the parking setback. This does not apply to: (1) driveways, (2) on-street parking located on public or interior private streets, or (3) parking spaces in a parking structure that are located above or below the ground floor.

Side Setback The setback to principal buildings measured from the side lot line.

Rear Setback The setback to principal buildings measured from the rear lot line.

Building Separation The minimum distance (in feet) from any part of an exterior wall from another building on the same lot.

12-3-2 Districts Established

(A) **Generally.** Table 12-3-2.1, *Zoning Districts*:

- (1) Establishes the zoning districts for the City;
- (2) Associates the districts to the future land use designations from the Comprehensive Plan that each district implements; and
- (3) Translates the former zoning districts from the zoning districts in the predecessor Land Development and Growth Procedures, Chapter 4, Zoning to the new zoning districts in this UDC.

Unified Development Code
Chapter 3 Zoning Districts | 12-3-2 Districts Established

Table 12-3-2-1 Zoning Districts

New Zoning Districts	Future Land Use Designations	Former Zoning Districts
Open District (O1)	Parks/Golf Courses	Open District (O1)
	Open Space//Creek Corridor	
	Golf Courses	
	Private Parks/Open Space	
Residential Estate (RE)	Residential Estate	One Family Residential (RE)
Suburban Residential (SR)	Residential Low Density	One Family Residential (RA) One Family Residential (R1) Two Family Residential (R2) Mobile Home District (R5)
Mixed Residential (MR)	Residential Low Density Residential Medium Density	Multiple-Family Residential (R3)
Mixed Medium Residential (MM)	Suburban Multi-Family	Multiple-Family Residential (R4)
Mixed High Residential (MH)	Urban Multi-Family Residential	New
Neighborhood Office (NO)	Neighborhood Office	Business District (B1)
Neighborhood Commercial (NC)	Commercial	Commercial District (C1)
Mixed Center (MC)	Mixed Use Neighborhood	Transitional District (T1) Planned Unit Development (PUD)
	Commercial Mixed Use	
	Mixed Use Activity Center	
Town Center (TC)	Commercial	Heavy Commercial District (C2)
Commercial Services (CS)	Service Commercial	Heavy Commercial District (C2)
Business Park (BP)	Employment/Flex	Transitional District (T1) Business District (B1) Commercial District (C1) Heavy Commercial District (C2)
Office Park (OP)	Employment – Office/Institutional Campus	New
Industrial Park (IP)	Employment/Flex	Industrial District (M1)
Planned Unit Development (PUD)	MU Neighborhood	Planned Unit Development (PUD)
Specific Plan District (SPD)	Multiple	Specific Plan District (SPD)
Multiple	Public/Quasi Public	Multiple

(B) Relationship to Use Patterns. Chapter 2 of this Title establishes Use Patterns. Use Patterns are design typologies for buildings and sites that are developed as a unified whole. The Use Patterns required and allowed in each district are established in Table 12-3-2.2 (Use Patterns & Zoning Districts).

- (1) All parcels that meet the size threshold indicated in Table 12-3-2.2 shall incorporate a required Use Pattern, or an optional Use Pattern with Planning Manager approval or a special use authorization.
- (2) Where a Use Pattern is allowed with Planning Manager approval, the Planning Manager may approve the applicable Use Pattern at a Pre-application Meeting based on the Comprehensive Plan designation and the information provided by the applicant about the nature of the proposed development provided with the pre-application request. [Note: the Planning Manager's decision is appealable to the City Manager pursuant to Section 12-5-22, W.M.C.]

- (3) Development incorporating a Use Pattern is subject to the use and dimensional standards for the applicable zoning district, unless the Planning Manager approves a modification through the alternative compliance process.¹
- (4) Development that does not require a Use Pattern may (but is not required to) develop in accordance with the Use Pattern standards, but is subject to all use and dimensional standards of the applicable zoning district. Development that does not incorporate a Use Pattern may not use the alternative compliance process, but may apply for a variance from an applicable dimensional standard.

¹ The reference to alternative compliance is a placeholder. We included this procedure in the draft sign code, but not in the current draft of Chapter 5 (Procedures). If this approach is supported, we will add that as a general process to Chapter 5.

Unified Development Code
Chapter 3 Zoning Districts | 12-3-3 Zoning Map

Table 12-3-2.3-2-2 Use Patterns & Zoning Districts

	Single-Family: Curvilinear Street	Single-Family Traditional	Mixed Housing	Neighborhood Centers	Mixed Use Neighborhood	Retail Corridors and Centers	Commercial Retrofit	Office and Employment Campus	Industrial/Flex Use	Conventional Industrial Use
Residential Estate (RE)	■									
Suburban Residential (SR)	○	■								
Mixed Residential (MR)			■							
Mixed Medium Residential (MM)			■							
Mixed High Residential (MH)			■	○						
Neighborhood Office (NO)				■						
Neighborhood Commercial (NC)					■					
Mixed Center (MC)					■		○			
Town Center (TC)					■		●			
Commercial Services (CS)				●	●	■	●			
Business Park (BP)					○			■		
Office Park (OP)					○			■		
Industrial Park (IP)					○			●	●	■
Planned Unit Development (PUD)	City Council determines as a condition of the PUD rezoning / PDP									
Open (O1), Multiple and Specific Plan Districts	required on a case-by-case basis as a condition of PUD approval									

12-3-3 Zoning Map

(A) **Official Zoning Map Adopted.** Zoning districts are shown on the map entitled "Zoning Map" of the City of Westminster. An official copy of the map is on file and available for inspection during regular business hours at the office of the Planning Manager.

- (B) **Force and Effect.** The Zoning Map, together with all legends, references, symbols, boundaries, and other information, is part of, and has the same force of law as the text of this UDC.
- (C) **Status of the Zoning Map.** The Zoning Map shall control in the event of a conflict between the map that is on file and any other paper or digital reproduction of the map.
- (D) **Base Zoning Districts.** All properties within the City limits have an associated base zoning district. A base zoning district applies a uniform set of standards, including, but not limited to, those related to:
 - (1) Permitted, limited, conditional, and prohibited uses;
 - (2) Development standards; and
 - (3) Use regulations.
- (E) **Special Purpose and Overlay Districts.**
 - (1) **Special Purpose.** Special purpose districts are tools that address special situations or accomplish particular planning and zoning goals. They are base districts and not overlay districts.
 - (2) **Overlay.** Overlay districts apply only to certain corridors or areas within the jurisdiction of this UDC and they establish additional standards that supplement the base districts.
- (F) **Interpreting the Zoning Map.** Refer to Section 12-10-3, *Interpretation of Zoning Map*, for criteria and procedures for interpreting the boundaries depicted on the Zoning Map.

12-3-4 Open (O1)

Purpose. *The Open (O1) district accommodates the production of agricultural crops and livestock, animal-related uses, and parks and open areas. This designation may also be given to newly annexed land.*

(A) Development and Dimensional Standards.

Table 12-3-4-1 Open (O1) Dimensional Standards

[IMAGE TO BE INSERTED]

Density and Development		
1	Density (<i>max dwelling units / acre</i>)	0.1
2	Lot Area (<i>min acres</i>)	10
3	Lot Width (<i>min</i>)	200'
4	Building Height (<i>max feet/stories</i>)	35'/2.5
5	Common Open Space (<i>min % of development</i>)	N/A
Setbacks		
6	Front Setback from Local Street (<i>min</i>)	30'
	Front Setback from a Collector Street (<i>min</i>)	40'
	Front Setback from Arterial Street (<i>min</i>)	50'
7	Garage Setback (<i>min- from front elevation</i>)	5'
8	Side Setback (<i>min interior/corner lot</i>)	30'/40'
9	Rear Setback (<i>min</i>)	30'

See section 12-3-1(C), Table 12-3-1-1 (Summary / Description of Dimensional Standards). See Chapter 6 (Use Regulations) for additional or supplemental standards for use types, such as single-family attached.

(B) Permitted Uses. Refer to Table 12-3-24-2 (Use Table).

12-3-5 Residential Estate (RE)

Purpose. *The Residential Estate (RE) district primarily accommodates single-family detached residences developed at densities lower than typically found in urban areas. It is located away from activity centers where development characteristics feature large lots.*

(A) Development and Dimensional Standards.

Table 12-3-5.3-5-1 Suburban Residential (SR) Dimensional Standards

[IMAGE TO BE INSERTED]

Neighborhood Type		Conventional	Cluster
Density and Development			
1	Density, Gross (<i>max dwelling units per acre</i>)	1.5 ¹	2.5
2	Lot Area (<i>min square feet</i>)	17,500 ¹	10,000
3	Lot Width (<i>min</i>)	65'	55'
4	Building Height (<i>max feet/stories</i>)	35'/2.5	35'/2.5
5	Common Open Space (<i>min, sf per dwelling, for applications proposing at least 20 dwellings</i>)	600 sf	1,000 sf
Setbacks			
6	Front Setback from Local Street (<i>min</i>) for one-story structure	20'	20'
7	Front Setback from Local Street (<i>min</i>) for two-story structure	25'	20'
8	Front Setback from a Collector Street (<i>min</i>)	25'	20'
9	Front Setback from Arterial Street (<i>min</i>)	30'	25'
10	Garage Setback (<i>min- from front elevation</i>)	10'	5'
	Side Setback (<i>min</i>) for one-story structure (<i>interior / corner lot</i>)	7.5' / 15'	7.5' / 10'
	Side Setback (<i>min</i>) for two-story structure (<i>interior / corner lot</i>)	15' / 20'	
11	Rear Setback (<i>min</i>) for one-story structure	20'	15'
	Rear Setback (<i>min</i>) for two-story structure	30'	25'
12	Building Separation (<i>min-from principal buildings on separate lots</i>)	25'	See building code

See section 12-3-1(C), Table 12-3-1-1 (Summary / Description of Dimensional Standards). See Chapter 6 (Use Regulations) for additional or supplemental standards for use types, such as single-family attached.

¹ The Approving Authority may approve a PDP with a gross density up to 2.5 dwelling units per acre, or reduce the lot area to 10,000 sf, if those modifications are compatible with the prevailing adjacent lot pattern or densities.

(B) Permitted Uses. Refer to Table 12-3-24.18 , *Use Table*.

(C) Conventional and Cluster Development Types.

(1) Conventional. A conventional residential subdivision is a type of development that allows residential uses and provides the majority open space on individual lots. A conventional subdivision consists of mostly single-family detached dwelling units developed in accordance with the conventional development and dimensional standards of this district. Minimum lot size is a primary factor in the character of a conventional subdivision.

(2) Cluster

- (a) Generally.** A cluster subdivision consists of residential uses developed in accordance with the cluster development and dimensional standards of this district, with smaller lots that are clustered together to provide additional common open spaces. Often, the common open space is set-aside for resource features such as parks, recreation areas, woodlands, creeks and streams and their riparian areas.
- (b) Open Space.** Common open space shall, to the greatest extent practicable, be interconnected with other open space areas, greenways, and trail systems (if provided) within the development and on abutting lands where integration is practical and does not materially compromise the resource value of the protection areas.
- (c) Integration of Design.** Open space shall be integrated into the development design to bring allow access to significant open space for the maximum number of lots. However, physical access may be limited if that would materially enhance natural resource management.
- (d) Compatibility Standards.** Where cluster development is located adjacent to existing conventional single-family development in any residential district, a transition shall be provided through one of the following techniques:
- (i)** The cluster subdivision lots on the perimeter abutting existing conventional single-family development shall be equal to or greater than the lot area and lot widths of the adjacent conventional lots; or
 - (ii)** The dwelling units on the perimeter cluster lots abutting existing conventional single-family development shall feature side

and rear setbacks equal to or greater than those established for RE conventional.

12-3-6 Suburban Residential (SR)

Purpose. *The Suburban Residential (SR) district primarily accommodates single-family and low intensity multi-unit residences developed outside of activity centers. It is suburban and is more densely developed than the rural areas.*

(A) Development and Dimensional Standards.

Table 12-3-6-1 Suburban Residential (SR) Dimensional Standards

[IMAGE TO BE INSERTED]

Density and Development		
1	Density, Gross (<i>max dwelling units per acre</i>)	4.5 ¹
2	Lot Area (<i>min square feet</i>)	5,000
3	Lot Width (<i>min</i>)	55'
5	Building Height (<i>max feet/stories</i>)	35'/2.5
6	Common Open Space (<i>min, sf per dwelling, for applications proposing at least 20 dwellings</i>)	400 sf
Setbacks		
7	Front Setback from Local Street (<i>min</i>)	20'
	Front Setback from a Collector Street (<i>min</i>)	30'
	Front Setback from Arterial Street (<i>min</i>)	40'
8	Garage Setback (<i>min- from front elevation</i>)	5'
9	Side Setback (<i>min interior / corner lot</i>)	5' / 7.5'
10	Rear Setback (<i>min with alley loaded garage / min with front or side loaded garage</i>)	5' / 20'

See section 12-3-1(C), Table 12-3-1-1 (Summary / Description of Dimensional Standards). See Chapter 6 (Use Regulations) for additional or supplemental standards for use types, such as single-family attached.

¹ The Approving Authority may approve a PDP with a gross density up to 5 dwelling units per acre if those modifications are compatible with the prevailing adjacent lot pattern or densities.

(B) Permitted Uses. Refer to Table 12-3-24-2, Use Table.

12-3-7 Mixed Residential (MR)

(A) **Purpose.** *The Mixed Residential (MR) district primarily accommodates single-family detached and attached residences, duplexes, zero lot line homes, and townhomes. A limited degree of multi-unit houses may be developed with moderate density adjacent to activity centers. It provides housing diversity at appropriate scales for a suburban context.*

(B) **Development and Dimensional Standards.**

Table 12-3-7-1 Mixed Residential (MR) Dimensional Standards

[IMAGE TO BE INSERTED]

Density and Development		
1	Density, Gross (<i>max dwelling units per acre</i>)	8-12 ¹
2	Lot Area (<i>min square feet</i>)	3,300
3	Lot Width (<i>min-feet</i>), single family detached dwelling	45'
4	Lot Width (<i>min-feet</i>), duplex	40'
5	Lot Width (<i>min-feet</i>), single-family attached or manor style apartment	35'
6	Building Height (<i>max feet/stories</i>)	40'/3
7	Common Open or Civic Space (<i>min, sf per dwelling for applications proposing at least 20 dwellings and on > 3 acres</i>)	400 sf
Setbacks		
8	Front Setback from Local Street (<i>min / max</i>)	5' / 15'
11	Front Setback from a Collector Street (<i>min / max</i>)	10' / 25'
12	Front Setback from Arterial Street (<i>min / max</i>)	10' / 25'
13	Frontage Buildout (<i>percent lot frontage</i>)	40%
14	Garage Setback (<i>min- from front elevation</i>)	10'
15	Parking Setback (<i>min- from front property line</i>)	10'
16	Side Setback (<i>min interior / corner lot</i>)	5' / 7.5'
17	Rear Setback (<i>min</i>)	5'

See section 12-3-1(C), Table 12-3-1-1 (Summary / Description of Dimensional Standards). See Chapter 6 (Use Regulations) for additional or supplemental standards for use types, such as single-family attached.

¹ The Approving Authority may approve a PDP with a gross density up to 12 dwelling units per acre if established prevailing densities support the higher density or the proposed development is adjacent to employment centers.

(C) **Permitted Uses.** Refer to Table 12-3-24-2, *Use Table*.

12-3-8 Mixed Medium Residential (MM)

Purpose. *The Mixed Medium Residential (MM) district accommodates a mixture of housing types from single-family attached to walk-up multi-family units and is higher in density. This district is designed to be located along arterial streets, near transit, and within direct proximity to activity centers where residents can enjoy a mix of supporting uses.*

(A) Development and Dimensional Standards.

Table 12-3-8-1 Mixed Medium (MM) Residential Dimensional Standards

[IMAGE TO BE INSERTED]

Density and Development		
1	Density (<i>max dwelling units per acre</i>)	18
2	Lot Area (<i>min-acres, multi-family dwellings with ≥ 4 units on a lot</i>)	2.5 acres
3	Lot Area (<i>min-sf, all other</i>)	4,000
4	Building Height (<i>max feet/stories</i>)	45'/3
5	Common Open or Civic Space (<i>min, sf per dwelling for projects with at least 20 dwellings and on > 2 acres</i>)	300 sf
Setbacks		
6	Front Setback from Local Street (<i>min / max</i>)	5' / 20'
7	Front Setback from Collector Street (<i>min / max</i>)	5' / 25'
8	Front Setback from Arterial Street (<i>min / max</i>)	10' / 35'
9	Frontage Buildout (<i>percent lot frontage</i>)	50%
10	Garage Setback (<i>min- from front elevation</i>)	10'
11	Parking Setback (<i>min- from front property line</i>)	20'
12	Side Setback (<i>min interior / corner lot</i>)	2'/5'
13	Rear Setback (<i>min</i>)	2'
14	Building Separation (<i>min, buildings on same lot</i>)	30'

See section 12-3-1(C), Table 12-3-1-1 (Summary / Description of Dimensional Standards). See Chapter 6 (Use Regulations) for additional or supplemental standards for use types, such as single-family attached.

(B) Permitted Uses. Refer to Table 12-3-24-2, Use Table.

12-3-9 Mixed High Residential (MH)

Purpose. *The Mixed High Residential (MH) district accommodates higher density housing types with rear-loaded garages and parking and is located on arterial streets directly adjacent to activity centers. Residents in this area are in close proximity to supportive neighborhood-serving uses and a 5-10 minute walk to transit.*

(A) Development and Dimensional Standards.

Table 12-3-9-1 Mixed High (MH) Residential Dimensional Standards

[IMAGE TO BE INSERTED]

Density and Development		Max
1	Density (<i>dwelling units per acre, min/max</i>)	18/36
2	Lot Area (<i>min-acres, multi-family dwellings with ≥ 4 units on a lot</i>)	6 acres
3	Lot Area (<i>min-sf, all other</i>)	1,500
4	Building Height (<i>max feet/stories</i>)	45'/3
5	Common Open Space (<i>min, sf per dwelling for applications proposing at least 20 dwellings and on > 2 acres</i>)	300 sf
Setbacks		
6	Front Setback (<i>min / max</i>)	5' / 20'
7	Front Setback from a Collector Street (<i>min</i>)	5' / 20'
8	Front Setback from Arterial Street (<i>min</i>)	10' / 35'
9	Frontage Buildout (<i>percent lot frontage</i>)	50%
10	Garage Setback (<i>min- from front elevation</i>)	10'
11	Parking Setback (<i>min- from front property line</i>)	30'
12	Side Setback (<i>min interior / corner lot</i>)	0/3'
13	Rear Setback (<i>min</i>)	2'
14	Building Separation (<i>min, buildings on same lot</i>)	25'

See section 12-3-1(C), Table 12-3-1-1 (Summary / Description of Dimensional Standards). See Chapter 6 (Use Regulations) for additional or supplemental standards for use types, such as single-family attached.

(B) Permitted Uses. Refer to Table 12-3-24-2, Use Table.

12-3-10 Neighborhood Office (NO)

Purpose. *The Neighborhood Office (NO) district accommodates medical, legal, banking, insurance and similar professional office uses. This designation is intended to be compatible with abutting residential and other sensitive uses. A limited amount of retail uses integrated into the office building is permitted.*

(A) Development and Dimensional Standards.

Table 12-3-10-1 Neighborhood Office (NO) Dimensional Standards

[IMAGE TO BE INSERTED]

Intensity and Development		
1	Building Area (<i>max square feet per building</i>)	20,000
2	Building Height (<i>max feet/stories</i>)	35' / 2.5
3	Floor Area Ratio (FAR)	0.35
4	Civic Space (<i>min sf based on gross floor area [GFA] for all buildings on lot</i>)	
5	Up to 15,000 sf GFA (<i>min sf</i>)	400 sf
6	> 15,000 sf GFA (<i>min sf</i>)	175 sf per 3000 sf GFA
Setbacks and Frontage Buildout		
7	Front Setback from Local Street (<i>min / max</i>)	5' / 20'
8	Front Setback from a Collector Street (<i>min / max</i>)	10' / 35'
9	Front Setback from Arterial Street (<i>min / max</i>)	10' / 35'
10	Frontage Buildout (<i>percent lot frontage</i>)	55%
11	Parking Setback (<i>min- from front property line</i>)	20'
12	Side Setback (<i>min interior / corner lot</i>)	5' / 7.5'
13	Rear Setback (<i>min</i>)	5'

See section 12-3-1(C), Table 12-3-1-1 (Summary / Description of Dimensional Standards). See Chapter 6 (Use Regulations) for additional or supplemental standards for use types, such as single-family attached.

(B) Permitted Uses. Refer to Table 12-3-24-2, Use Table.

(C) Retail Uses. The following uses (see Use Table for categories) may occupy up to 10% of the gross floor area or 10,000 square feet (whichever is less) of an office building in the NO district:

- (1) General retail,
- (2) Business support services, or
- (3) Personal services.

12-3-11 Neighborhood Commercial (NC)

Purpose. *The Neighborhood Commercial (NC) district accommodates the sale of convenience goods (such as a grocery store or pharmacy) and personal services (laundry, dry cleaning, etc.) for day-to-day living needs of the immediate neighborhood.*

(A) Development and Dimensional Standards.

Table 12-3-11-1, Neighborhood Commercial (NC) Dimensional Standards

[IMAGE TO BE INSERTED]

Intensity and Development		
1	Building Area (max square feet per building)	50,000
2	Floor Area Ratio (max)	.45
3	Building Height (max feet/stories)	35'/2.5
4	Civic Space (min sf based on gross floor area [GFA] for all buildings on lot)	
5	< 15,000 sf GFA (min sf)	n/a
6	15,000-50,000 sf GFA (min sf)	400 sf
7	> 50,000 sf GFA (min sf)	175 sf per 3,000 sf GFA
Setbacks		
5	Front Setback (min / max)	5'/20'
	Front Setback from a Collector Street (min / max)	10' / 35'
	Front Setback from Arterial Street (min / max)	10' / 35'
6	Frontage Buildout (percent lot frontage)	45%
7	Parking Setback (min- from front property line)	10'
8	Side Setback (min interior / corner lot)	5'/7.5'
9	Rear Setback (min)	20'

See section 12-3-1(C), Table 12-3-1-1 (Summary / Description of Dimensional Standards). See Chapter 6 (Use Regulations) for additional or supplemental standards for use types, such as single-family attached

(B) Permitted Uses. Refer to Table 12-3-24-2, Use Table.

12-3-12 Mixed Center (MC)

Purpose. *The Mixed Center (MC) district accommodates a combination of residential and commercial land uses. Commercial and multi-family parking is located behind the building, below grade, or in structures to ensure active uses face onto public streets.*

(A) Development and Dimensional Standards. The MC District is divided into three subdistricts for purposes of applying the dimensional standards: MC-1, MC-2 and MC-3

Table 12-3-12-1, Mixed Center (MC) Dimensional Standards

[IMAGE TO BE INSERTED]

		Comprehensive Plan Designation		
		MC-1	MC-2	MC-3
Development Type		Mixed Use Neighborhood	Commercial Mixed Use	Mixed Use Activity Center
Density, Intensity, and Development				
1	Density (<i>min/max dwelling units / acre</i>)	NA/18	8/24-36 ¹	NA/36
2	Floor Area Ratio (<i>min/max</i>)	NA	0.1/2.0 ²	0.75/2.5
3	Building Height (<i>max feet/stories</i>)	35'/2.5	55'/4	75'/6
4	Building Height (<i>min feet/stories</i>)	NA	NA	35'/2.5
5	Common Open or Civic Space (<i>min sf based on gross floor area [GFA] for all buildings on lot</i>)			
	< 15,000 sf GFA (<i>min sf</i>)	400 sf	400 sf	400 sf
	15,000-100,000 sf GFA (<i>min sf of civic space per 3,000 sf GFA</i>)	100	100	100
	> 100,000 sf GFA (<i>min sf of civic space per 3,000 sf GFA</i>)	175	175	175
Setbacks				
6	Front Setback from Local Street (<i>min / max</i>)	0' / 10'	0' / 20'	0' / 35'
	Front Setback from a Collector Street (<i>min / max</i>)	0' / 10'	5' / 25'	0' / 35'
	Front Setback from Arterial Street (<i>min / max</i>)	20' / 35'	10' / 35'	0' / 50'
7	Frontage Buildout (<i>percent lot frontage</i>)	55%	60%	70%
8	Parking Setback (<i>min- from front property line</i>)	10'	15'	15'
9	Side Setback (<i>min</i>) ⁴	0' or 5'	0' or 5'	0' or 5'
10	Rear Setback (<i>min</i>)	10'	0'	0'

See section 12-3-1(C), Table 12-3-1-1 (Summary / Description of Dimensional Standards). See Chapter 6 (Use Regulations) for additional or supplemental standards for use types, such as single-family attached.

- Density may exceed 24 dwelling units / acre only if: (1) all dwelling units are located in the upper stories of vertical mixed use buildings, and (2) the lot includes at least 0.1 FAR within the Commercial / Office use categories (see Section 12-3-24, W.M.C. (Use Table)).
- Applies only to vertical mixed-use buildings.

(B) Permitted Uses. Refer to Table 12-3-24-2, Use Table.

12-3-13 Town Center (TC)

Purpose. *The Town Center (TC) district accommodates a wider range of apparel and similar goods and entertainment uses than neighborhood commercial and allows for larger development types. Among the more common anchors are grocers, drugstores, and discount department stores. Town Center tenants sometimes contain value-oriented big-box category dominant retailers selling such items as apparel, home improvement/furnishings, toys, electronics or sporting goods, movie theaters, restaurants, and hotels.*

(A) Development and Dimensional Standards.

Table 12-3-13-1, Town Center (TC) Dimensional Standards

[IMAGE TO BE INSERTED]

Intensity and Development			
1	Building Area (<i>max square feet per building</i>)	350,000	
2	Floor Area Ratio (<i>max</i>)	0.45	
3	Building Height (<i>max feet/stories</i>)	45'/3	
4	Common Civic Space (<i>min sf based on gross floor area [GFA] for all buildings on lot</i>)		
	< 15,000 sf GFA (<i>min sf</i>)	400 sf	
	15,000-350,000 sf GFA (<i>min sf of civic space per 3,000 sf GFA</i>)	100	
	> 350,000 sf GFA (<i>min sf of civic space per 3,000 sf GFA</i>)	175	
Setbacks			
5	Front Setback from Local Street (<i>min / max</i>)	0' / 10'	'
	Front Setback from a Collector Street (<i>min / max</i>)	0' / 10'	
	Front Setback from Arterial Street (<i>min / max</i>)	0' / 15'	
6	Frontage Buildout (<i>percent lot frontage</i>)	60%	
7	Parking Setback (<i>min- from front property line</i>)	10'	
8	Side Setback (<i>min</i>)	--	
9	Rear Setback (<i>min</i>)	30'	'

See section 12-3-1(C), Table 12-3-1-1 (Summary / Description of Dimensional Standards). See Chapter 6 (Use Regulations) for additional or supplemental standards for use types, such as single-family attached.

(B) Permitted Uses. Refer to Table 12-3-24-2, Use Table.

12-3-14 Commercial Services (CS)

Purpose. *The Commercial Services (CS) district accommodates auto-oriented and general commercial uses including auto sales and services, nurseries, and wholesale establishments. Retail commercial uses such as eating establishments, banks, and supermarkets may also be located within this district. Developments within this district are generally limited to arterial streets away from intersections or gateway locations. Parking is predominately concentrated in off-street parking lots. However, “strip commercial” along corridors is not desirable in this district. Given the intensity of use and traffic, urban infrastructure improvements are usually required.*

(A) Development and Dimensional Standards.

Table 12-3-14-1, Commercial Services (CS) Dimensional Standards

[IMAGE TO BE INSERTED]

Intensity and Development		
1	Building Area (<i>max square feet</i>)	40,000
2	Floor Area Ratio (<i>max</i>)	.35
3	Building Height (<i>max feet/stories</i>)	35'/2.5
4	Civic Space (<i>min sf based on gross floor area [GFA] for all buildings on lot</i>)	NA
	< 15,000 sf GFA (<i>min sf</i>)	400 sf
	15,000-40,000 sf GFA (<i>min sf of civic space per 3,000 sf GFA</i>)	100
	> 40,000 sf GFA (<i>min sf of civic space per 3,000 sf GFA</i>)	175
Setbacks		
5	Front Setback from Local Street (<i>min / max</i>)	20' / 40'
	Front Setback from a Collector Street (<i>min</i>)	20'
	Front Setback from Arterial Street (<i>min</i>)	30'
6	Frontage Buildout (<i>percent lot frontage</i>)	30%
7	Parking Setback (<i>min- from front property line</i>)	10'
8	Side Setback (<i>min interior / corner lot</i>)	20'/25'
9	Rear Setback (<i>min</i>)	20'

See section 12-3-1(C), Table 12-3-1-1 (Summary / Description of Dimensional Standards). See Chapter 6 (Use Regulations) for additional or supplemental standards for use types, such as single-family attached.

(B) Permitted Uses. Refer to Table 12-3-24-2, Use Table.

12-3-15 Business Park (BP)

Purpose. *The Business Park (BP) district accommodates offices, research and development facilities, medial facilities and supportive uses in a campus-like environment with limited manufacturing and mass production space. Accessory or small-scale supporting retail or personal/business services integrated into office buildings are permitted.*

(A) Development and Dimensional Standards.

Table 12-3-15-1, Business Park (BP) Dimensional Standards

[IMAGE TO BE INSERTED]

Intensity and Development		
1	Building Area (<i>max square feet</i>)	300,000
2	Floor Area Ratio (<i>min/max</i>)	0.25/1.0
3	Building Height (<i>max feet/stories</i>)	45'/3, or 75'/6 for Hospitals or Hotels, Motels, or Resorts
4	Civic Space (<i>min sf based on gross floor area [GFA] for all buildings on lot</i>)	
	< 15,000 sf GFA (<i>min sf</i>)	400 sf
	15,000-300,000 sf GFA (<i>min sf of civic space per 3,000 sf GFA</i>)	100
	> 300,000 sf GFA (<i>min sf of civic space per 3,000 sf GFA</i>)	175
Setbacks		
5	Front Setback from Local Street (<i>min</i>)	10'
	Front Setback from a Collector Street (<i>min</i>)	10'
	Front Setback from Arterial Street (<i>min</i>)	10'
6	Frontage Buildout (<i>percent lot frontage</i>)	30%
7	Parking Setback (<i>min- from front property line</i>)	10'
8	Side Setback (<i>min interior / corner lot</i>)	5'/7.5'
9	Rear Setback (<i>min</i>)	5'

See section 12-3-1(C), Table 12-3-1-1 (Summary / Description of Dimensional Standards). See Chapter 6 (Use Regulations) for additional or supplemental standards for use types, such as single-family attached.

(B) Permitted Uses. Refer to Table 12-3-24-2, Use Table.

(C) Retail Uses. The following uses (see Use Table for categories) may occupy up to 10% of the gross floor area or 15,000 square feet (whichever is less) of an office building in the BP district:

- (1) General retail,
- (2) Business support services, or
- (3) Personal services.

12-3-16 Office Park (OP)

Purpose. *The Office Park (OP) district accommodates employment centers in a larger campus-like environment where higher-intensity employment uses such as office and research technology developments are appropriate. The district accommodates a lesser degree of manufacturing and mass production uses as compared to BP, and allows a limited degree of accessory or small-scale supporting retail or personal/business service uses when integrated into office buildings. The desired type of development is comprised of multi-story buildings served by a mix of structured and surface parking stalls.*

(A) Development and Dimensional Standards.

Table 12-3-16-1, Office Park (OP) Dimensional Standards

[IMAGE TO BE INSERTED]

Intensity and Development		
1	Building Area (<i>max square feet</i>)	n/a
2	Floor Area Ratio (<i>min/max</i>)	0.3/2.0
3	Building Height (<i>max feet/stories</i>)	150'/12
4	Civic Space (<i>min % of gross floor area [GFA] for all buildings on lot</i>)	
	0-10,000 sf GFA	n/a
	10,001-100,000 sf GFA	4% GFA
	100,001-400,000 sf GFA	5% GFA
	> 400,000 sf GFA	6% GFA
Setbacks		
5	Front Setback from Local Street (<i>min</i>)	10'
	Front Setback from a Collector Street (<i>min</i>)	10'
	Front Setback from Arterial Street (<i>min</i>)	20'
6	Frontage Buildout (<i>percent lot frontage</i>)	25%
7	Parking Setback (<i>min- from front property line</i>)	10'
8	Side Setback (<i>min interior / corner lot</i>)	10'/15'
9	Rear Setback (<i>min</i>)	10'

See section 12-3-1(C), Table 12-3-1-1 (Summary / Description of Dimensional Standards). See Chapter 6 (Use Regulations) for additional or supplemental standards for use types, such as single-family attached.

(B) Permitted Uses. Refer to Table 12-3-24-2, Use Table.

(C) Retail Uses. The following uses (see Use Table for categories) may occupy up to 15% of the gross floor area or 10,000 square feet (whichever is less) of an office building in the OP district:

- (1) General retail,
- (2) Business support services, or
- (3) Personal services.

12-3-17 Industrial Park (IP)

Purpose. *The Industrial Park (IP) district accommodates flexible employment uses, including light manufacturing and assembly, research and product development, warehousing and distribution facilities, and supportive office space. Flexible uses may include storefront space for offices, sales and customer service. Heavy industrial uses are not encouraged or anticipated in this district due to topographical and market constraints. In general, uses should be located away from residential areas and adequately buffered from other land uses.*

(A) Development and Dimensional Standards.

Table 12-3-17-1, Industrial Park (IP) Dimensional Standards

[IMAGE TO BE INSERTED]

Intensity and Development		
1	Building Area (<i>max square feet</i>)	NA
2	Floor Area Ratio (<i>min/max</i>)	0.25/1.0
3	Building Height (<i>max feet</i>)	65'
4	Civic Space (<i>min % of gross floor area [GFA] for all buildings on lot</i>)	
	0-10,000 sf GFA	n/a
	10,001-400,000 sf GFA	4% GFA
	> 400,000 sf GFA	6% GFA
Setbacks		
5	Front Setback from Local Street (<i>min</i>)	20'
	Front Setback from a Collector Street (<i>min</i>)	20'
	Front Setback from Arterial Street (<i>min</i>)	20'
6	Side Setback (<i>min</i>)	20'/25'
7	Rear Setback (<i>min</i>)	20'

See section 12-3-1(C), Table 12-3-1-1 (Summary / Description of Dimensional Standards). See Chapter 6 (Use Regulations) for additional or supplemental standards for use types, such as single-family attached.

(B) Permitted Uses. Refer to Table 12-3-24-2, Use Table.

12-3-18 Downtown Westminster

Refer to Downtown Westminster Specific Plan.

12-3-19 Westminster Station

Refer to Westminster Station Area Specific Plan.

12-3-20 Church Ranch

[Reserved]

12-3-21 Brookhill

[Reserved]

12-3-22 North I-25

[Reserved]

12-3-23 Planned Unit Development (PUD)

Purpose: The Planned Unit Development (“PUD”) district provides a discretionary review process for permitting flexibility in the application of zoning and site standards where it can be demonstrated that the proposed development provides equivalent or superior standards in a creative way to meet the intent of the Comprehensive Plan. The PUD District is intended to respond to unique physical characteristics of the property and surrounding area, where more flexible zoning than what is achievable through a standard zone district is desirable and multiple requests for variances can be avoided. The intent of the PUD district is to provide for creative, high-quality development incorporating:

- 1. Well designed and integrated open space and/or recreational facilities and of a scale proportionate to the use;*
- 2. A system of circulation and access that supports multimodal forms of mobility;*
- 3. Preservation of significant aspects of the lot, including natural features, views and/or cultural resources.*
- 4. Building design, site design, and amenities that create a unique and more sustainable alternative to conventional development.*
- 5. An appropriate scale for a property owner or homeowner association to manage future maintenance responsibilities.*
- 6. Single or multiple land use activities organized in a comprehensive manner and designed to work together in common and in a synergistic manner to benefit both the project and the neighboring properties.*

(A) Applicability

- (1)** The PUD District is available in any future land use designation upon approval of a rezoning to a PUD designation, and upon establishment of a Preliminary Development Plan in accordance with Section 12-5-15,

*Rezoning*s, and an Official Development Plan in accordance with Section 12-5-16, *Official Development Plan*, and provides a discretionary review process for projects that use alternative ways to implement the comprehensive plan policies.

- (2) The PUD District is not available for projects that an applicant can feasibly build under the base zoning districts (unless PUD approval is required by Chapter 5), or as a means to reduce standards and requirements of the base districts.
- (B) Permitted Uses.** Any use permitted in Section 12-3-24 (Use Table) that corresponds with the zoning district that aligns with the Comprehensive Plan designation for the lot per Table 12-3-2.1, except:
- (1) Billboards.
 - (2) Dealers or businesses with outdoor display of automotive, recreational vehicle, motorcycle, boat, construction equipment, farm equipment and other similar miscellaneous motor vehicles and equipment for sale, rent or lease.
 - (3) Heavy and intensive industrial uses otherwise permitted in the IP District.
 - (4) Lumber yards.
 - (5) Mini-storage warehouses.
 - (6) Outdoor storage yards of any kind.
 - (7) Truck stops.
 - (8) Any other uses deemed by the City Council to be incompatible with the Comprehensive Plan policies and land use designation for the location.
- (C) Regulations for “PUD” District**
- (1) Development and performance standards for the PUD zoning district are established in Preliminary Development Plans approved at the time of Rezoning or by Official Development Plan for a property already zoned PUD.
 - (2) The following otherwise applicable zoning standards and regulations shall be established as part of the Rezoning application and Preliminary Development Plans, but may be deferred to the Official Development Plan stage upon approval of the Planning Manager:
 - (a) Permitted and prohibited uses;
 - (b) Density, which is limited to 18 dwelling units per acre unless the City Council approves an increase where located adjacent to rail or express bus stations;
 - (c) Floor area or floor area ratios;

- (d) Lot size;
 - (e) Setbacks;
 - (f) Building height;
 - (g) Open or civic space;
 - (h) Off-street and on-street parking and loading;
 - (i) Signs;
 - (j) Screening, landscaping or buffering;
 - (k) Building design;
 - (l) Site design;
 - (m) Tree preservation and
 - (n) Sustainability,
 - (o) Project phasing, and
 - (p) Compatibility standards.
- (3) The City Council may grant Exceptions from development requirements in Chapter 4, *Development Standards*, that are not eligible for a Variance, if it determines that other amenities or conditions will be gained to the extent that an equal or higher quality development is produced. Any exceptions must be authorized through a Preliminary Development Plan, per Section 12-5-16, or Official Development Plan, per Section 12-5-17.

12-3-24 Use Table

(A) **Purpose.** This section identifies the uses permitted in each zoning district, and how those uses are permitted (i.e., by right or as a conditional use). Each use is defined in Section 12-10-2, *Definitions*.

(1) **Use Table.** The Use Table (Table 12-3-24-2, below) establishes principal uses permitted within each zoning district, and how they are permitted. The uses permitted in each of the zoning districts established in the Use Table are defined as follows:

Table 12-3-24-1 Use Table Legend

Symbol	Meaning	Description
P	Permitted by Right	A "P" in a zoning district column indicates that a use is permitted by right, provided that it meets the supplementary use standards referenced in the far right "Standards" column of the use table, if applicable. These uses are subject to all other applicable regulations of this UDC.
S	Special Use	An "S" in a zoning district column indicates that a use is permitted only if approved by Special Use Authorization by the Planning Commission in accordance with the procedures in Section 12-5-17. These uses are subject to conditions imposed as part of the approval and to all other applicable regulations of this UDC.
C	Conditional Use	A "C" in a zoning district column indicates that a use requires conditional use review and approval by the Planning Manager (see Chapter 5).
--	Use not Permitted	A "--" in a zoning district column indicates that a use is not permitted as a primary use in the zoning district.
Use Not Listed	See Section C., <i>Unlisted Uses</i> , below	

Note: the Use Table only establishes the principal uses allowed in each zoning district. Accessory Uses are regulated by Chapter 6 (Use Regulations).

(B) **Standards Column.** The "Standards" column provides a reference to associated standards for certain uses Permitted by Right and for Special Uses. Where "NA" is in the column, there is no associated standard.

(C) **Unlisted Uses.** If a proposed use is not specifically listed in the Use Table, the Planning Manager shall determine whether the use is permitted or not. This determination shall be based upon the similarity in nature and character to one or more uses that are listed in the Use Table. In making this determination, the Director may refer to the following factors as guidance:

(1) *Criteria*

(a) Whether the use has similar visual, traffic, environmental, parking, employment, and other impacts as an expressly listed use. The Planning Manager may refer to empirical studies or generally accepted planning or engineering sources in making this determination. The burden is on the applicant to establish that the use is similar to the expressly listed use; or

- (b) Whether the use is within the same industry classification as another permitted use. In making this determination, the Planning Manager may refer to the most recent edition of the *North American Industry Classification Manual* (Executive Office of the President, Office of Management and Budget, 2017) (“NAICS”). If the use is not defined in the NAICS, the Administrator may refer to the American Planning Association, *Land-Based Classification Standards LBCS Tables* (April 1, 2001).
- (2) *If Not Authorized Then Prohibited.* If the Planning Manager determines that a proposed use does not fit within a given use type and is not functionally the same as a permitted, limited, or special use, then the use is a prohibited use.

[NOTE: DEFINITIONS AND PARKING RATIOS ARE BEING ADDED FOR EACH USE.]

Table 12-3-24-2 Use Table

Use Groups Primary Uses	Open	Residential					Nonresidential and Mixed Use					Employment			Standards
	O1	RE	SR	MR	MM	MH	NO	NC	MC	TC	CS	BP	OP	IP	
Residential															
Single-family detached dwelling	P	P	P	P	--	--	--	--	--	--	--	--	--	--	NA
Single-family attached dwelling	--	--	P	P	P	P	--	--	P	--	--	--	--	--	NA
Caretaker's Quarters							P	P	P	P	P	P	P	P	
Cottage Court	--	--	--	P	P	--	--	--	--	--	--	--	--	--	X
Mobile home park	Refer to Chapter 6														X
Multi-family dwellings	--	--	P	P	P	P	--	--	P	--	--	--	--	--	
Lodging / Group Living															
Bed and breakfast	--	--	C	C	C	C	--	--	C	--	--	--	--	--	X
Boarding and Rooming House	--	--	--	--	P	P	--	--	P	--	--	--	--	--	NA
Domestic violence home	--	--	--	C	C	C	--	--	C	--	--	--	--	--	NA
Group care facility	--	--	--	C	C	C	--	C	C	--	--	--	--	--	NA
Group home	--	C	C	C	C	C	--	--	--	--	--	--	--	--	X
Hotel, Motel, or Resort	C	--	--	--	--	--	--	--	P	P	P	P	P	--	NA

Unified Development Code
Chapter 3 Zoning Districts | 12-3-24 Use Table

Use Groups Primary Uses	Open	Residential					Nonresidential and Mixed Use					Employment			Standards
	O1	RE	SR	MR	MM	MH	NO	NC	MC	TC	CS	BP	OP	IP	
Institutional care facility	--	--	--	--	--	--	--	C	--	--	C	C	C	--	NA
Nursing home / facilities	--	--	--	C	C	C	--	--	C	--	--	--	--	--	NA
Seasonal Shelter	--	--	--	--	--	C	C	C	C	C	C	--	--	--	NA
Agriculture															
Agriculture	P	--	--	--	--	--	--	--	--	--	--	--	--	--	NA
Farm Winery	P	--	--	--	--	--	--	--	--	--	--	--	--	--	NA
Greenhouse / nursery	P	--	--	--	--	--	--	--	--	--	P	--	--	P	X
Community garden	P	P	P	P	P	P	--	--	--	--	--	--	--	--	X
Community Supported Agriculture	P	S	S	P	P	P	--	--	--	--	--	--	--	--	X
Mixed Use															
Live/Work Units	--	--	--	--	P	P	P	P	P	--	--	--	--	--	X
Commercial / Office															
<i>Animal Services</i>															
Animal day care and veterinary clinic, indoor	--	--	--	--	--	--	P	P	P	P	P	--	--	P	NA
Animal day care, outdoor	--	--	--	--	--	--	--	S	--	--	S	--	--	P	NA
Veterinary clinic, outdoor	--	--	--	--	--	--	--	S	--	--	S	--	--	S	NA
Kennel	--	--	--	--	--	--	--	--	--	S	S	S	--	--	NA

Unified Development Code
Chapter 3 Zoning Districts | 12-3-24 Use Table

Use Groups Primary Uses	Open	Residential					Nonresidential and Mixed Use					Employment			Standards	
	O1	RE	SR	MR	MM	MH	NO	NC	MC	TC	CS	BP	OP	IP		
<i>Day Care</i>																
Day care facility	--	S	S	S	S	S	P	P	P	P	P	S	S	--	X	
<i>Financial Services</i>																
Bank or financial institution	--	--	--	--	--	--	P	P	P	P	P	P	--	--	X	
Payday or car title loan establishment	--	--	--	--	--	--	--	--	--	S	S	--	--	--	NA	
<i>Food & Beverage Sales / Service</i>																
Bakery, retail	--	--	--	--	--	--	--	P	P	P	P	--	--	--	X	
Bar, Nightclub, or Tavern (with live entertainment)	--	--	--	--	--	--	--	--	S	S	S	--	--	--		
Bar, Nightclub, or Tavern (without live entertainment)	--	--	--	--	--	--	--	P	P	P	P	--	--	--	X	
Food preparation	--	--	--	--	--	--	--	--	--	--	P	P	P	--	NA	
Grocery	--	--	--	--	--	--	P	P	P	P	P	--	--	--	X	
Liquor store	--	--	--	--	--	--	--	P	P	P	P	--	--	--	X	
Brew pub, distillery pub, or limited winery	--	--	--	--	--	--	--	P	P	P	P	--	--	P	X	
Restaurant	--	--	--	--	--	--	--	P	P	P	P	--	--	--	X	
Restaurant, drive-in & drive-through	--	--	--	--	--	--	--	P	--	P	P	--	--	--	X	
<i>Office, Business & Professional</i>																
Ambulance service	--	--	--	--	--	--	--	--	--	--	--	S	S	--	NA	
Professional Office	--	--	--	--	--	--	P	P	P	P	P	P	P	P	X	
<i>Personal / Business Services</i>																
Business support services	--	--	--	--	--	--	P	P	P	P	P	P	P	--	NA	
Day Labor Service	--	--	--	--	--	--	--	--	--	--	P	--	--	--	NA	
Funeral & interment services	--	--	--	--	--	--	--	--	--	P	P	--	--	--	NA	
Personal services	--	--	--	--	--	--	P	P	P	P	P	--	--	--	X	

Unified Development Code
Chapter 3 Zoning Districts | 12-3-24 Use Table

Use Groups Primary Uses	Open	Residential					Nonresidential and Mixed Use					Employment			Standards
	O1	RE	SR	MR	MM	MH	NO	NC	MC	TC	CS	BP	OP	IP	
<i>Retail sales</i>															
Retail, general	--	--	--	--	--	--	--	P	P	P	P	--	--	--	X
Building / lumber yards	--	--	--	--	--	--	--	--	--	--	P	--	--	--	NA
Convenience store (no gas)	--	--	--	--	--	--	--	P	P	P	P	--	--	--	X
Convenience store (with gas)	--	--	--	--	--	--	--	P	--	P	P	--	--	--	X
Dollar retail store	--	--	--	--	--	--	--	S	S	S	S	--	--	--	X
Flea market	--	--	--	--	--	--	--	--	--	--	S	--	--	--	NA
Pawn shop / Cash for Gold Establishment	--	--	--	--	--	--	--	--	--	S	S	--	--	--	NA
Thrift store or consignment shop (under 5,000 sf gross floor area)	--	--	--	--	--	--	--	--	--	C	C	--	--	--	X
Thrift store or consignment shop (5,000 sf or greater gross floor area)	--	--	--	--	--	--	--	--	--	S	S	--	--	--	NA
<i>Automotive</i>															
Auto and truck repair (heavy)	--	--	--	--	--	--	--	--	--	--	P	--	--	P	NA
Auto and truck repair (light)	--	--	--	--	--	--	--	S	--	P	P	--	--	--	X
Automobile or vehicle dealership	--	--	--	--	--	--	--	--	--	--	P	--	--	--	NA
Car Wash	--	--	--	--	--	--	--	S	--	S	P	--	--	--	X
Gas Station	--	--	--	--	--	--	--	S	--	S	P	--	--	--	X
Vehicle rental, automobile	--	--	--	--	--	--	--	P	--	P	P	P	P	--	X
Vehicle rental, truck	--	--	--	--	--	--	--	--	--	--	P	--	--	--	X
<i>Entertainment / Recreation</i>															
Adult business	--	--	--	--	--	--	--	--	--	--	P	--	--	--	NA
Golf course or country club, public or private	P	P	P	P	P	P	P	--	--	--	--	P	P	--	NA
Health studios and centers/fitness centers	--	--	--	--	--	--	--	P	P	P	P	P	P	--	NA

Unified Development Code
Chapter 3 Zoning Districts | 12-3-24 Use Table

Use Groups Primary Uses	Open	Residential					Nonresidential and Mixed Use					Employment			Standards
	O1	RE	SR	MR	MM	MH	NO	NC	MC	TC	CS	BP	OP	IP	
Indoor entertainment	--	--	--	--	--	--	--	P	P	P	P	--	--	--	NA
Live Entertainment	--	--	--	--	--	--	--	--	S	S	S	--	--	--	NA
Recreational Facility, Indoor	--	S	S	P	P	P	P	P	P	P	P	--	--	--	X
Recreational Facility, Outdoor	S	P	P	--	--	--	--	--	--	S	P	--	--	--	X
Tattoo parlor / body piercing parlor	--	--	--	--	--	--	--	--	S	S	S	--	--	--	NA
Theater (indoor)	--	--	--	--	--	--	--	--	P	P	P	--	--	--	NA
Civic															
<i>Assembly</i>															
Cemetery	P	P	P	--	--	--	--	--	--	--	--	--	--	--	NA
Religious land use	P	P	P	P	P	P	P	P	P	P	P	P	P	--	X
Exhibition, convention, or conference facility (>30,000 sq. ft.)	--	--	--	--	--	--	--	--	S	S	--	S	S	--	NA
Exhibition, convention, or conference facility (≤30,000 sq. ft.)	--	--	--	--	--	--	--	S	P	P	P	P	P	--	
Club or lodge (private)	--	--	--	--	--	--	P	P	P	P	P	--	--	--	X
Places of assembly	--	--	--	--	--	--	P	P	P	P	P	--	--	--	X
<i>Government / Non-Profit</i>															
Civic Space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X
Correctional or penal institution	--	--	--	--	--	--	--	--	--	--	--	--	--	S	NA
Cultural facility	--	--	--	--	--	P	P	P	P	P	P	P	P	P	X
Donation facility without retail sales	--	--	--	--	--	--	S	S	S	S	S	S	S	S	NA
Postal services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	NA
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	NA
Social assistance, welfare, and charitable services	--	--	--	--	--	--	--	--	--	P	P	P	--	--	NA
City-owned uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	NA

Unified Development Code
Chapter 3 Zoning Districts | 12-3-24 Use Table

Use Groups Primary Uses	Open	Residential					Nonresidential and Mixed Use					Employment			Standards
	O1	RE	SR	MR	MM	MH	NO	NC	MC	TC	CS	BP	OP	IP	
Education															
Business college / technical school	--	--	--	--	--	--	--	--	--	--	P	P	P	--	NA
School (private)		P	P	P	P	P									
School (public or state chartered)	--	P	P	P	P	P	P	P	P	P	P	P	P	P	NA
Personal instructional services	--	--	--	--	--	--	--	P	P	P	P	--	--	--	X
Medical															
Medical Clinic	--	--	--	--	--	--	P	P	P	P	P	P	P	--	X
Hospital (with overnight stays)	--	--	--	--	--	--	--	--	--	--	--	P	P	--	X
Rehabilitation Center/Skilled Nursing	--	--	--	--	--	--	--	--	--	--	P	P	P	--	
Hospice (inpatient)	--	--	--	--	--	--	P	P	P	P	P	P	P	--	
Industrial															
Manufacturing & Employment															
Brewery, distillery, winery	--	--	--	--	--	--	--	--	--	--	--	--	--	P	NA
Commercial printing establishment	--	--	--	--	--	--	--	--	--	--	P	P	P	P	NA
Contractor and contractor storage	--	--	--	--	--	--	--	--	--	--	S	--	--	P	NA
Data Processing, Hosting, and Related Services (including data centers)	--	--	--	--	--	--	--	--	--	--	--	P	--	P	NA
Industrial, Light	--	--	--	--	--	--	--	--	--	--	--	P	--	P	NA
Industrial, General	--	--	--	--	--	--	--	--	--	--	--	--	--	P	NA
Industrial, Intensive	--	--	--	--	--	--	--	--	--	--	--	--	--	P	NA
Media Production	--	--	--	--	--	--	--	--	P	--	--	P	P	--	NA
Research and development	--	--	--	--	--	--	--	--	--	--	--	P	P	P	NA
Welding, Metal Fabrication, and Pipefitting	--	--	--	--	--	--	--	--	--	--	--	--	--	P	NA
Warehousing, Storage & Distribution															

Unified Development Code
Chapter 3 Zoning Districts | 12-3-24 Use Table

Use Groups Primary Uses	Open	Residential					Nonresidential and Mixed Use					Employment			Standards
	O1	RE	SR	MR	MM	MH	NO	NC	MC	TC	CS	BP	OP	IP	
Contractor supply store	--	--	--	--	--	--	--	--	--	--	P	--	--	P	NA
Bulk fuel sales	--	--	--	--	--	--	--	--	--	--	--	--	--	S	NA
Freight yard	--	--	--	--	--	--	--	--	--	--	--	--	--	P	NA
Frozen food locker and cold storage plant	--	--	--	--	--	--	--	--	--	--	--	--	--	P	NA
Hazardous /explosive products	--	--	--	--	--	--	--	--	--	--	--	--	--	S	NA
Machinery and heavy equipment sales and service	--	--	--	--	--	--	--	--	--	--	S	--	--	P	NA
Mini-warehouse or self-service storage	--	--	--	--	--	--	--	--	--	--	P	--	--	--	X
Petroleum Recovery	Refer to Section 12-6-11 (Oil & Gas Operations)														NA
Wholesale distribution, warehousing and storage	--	--	--	--	--	--	--	--	--	--	--	--	--	P	NA
Infrastructure															
<i>Transportation / Parking:</i>															
Ground passenger transportation (e.g. taxi, charter bus)	--	--	--	--	--	--	--	--	--	--	--	--	--	P	NA
Parking facility (commercial)	--	--	--	--	--	--	--	--	S	S	--	--	--	--	NA
Railroad facility	--	--	--	--	--	--	--	--	--	--	--	--	--	P	NA
Transit center/Park & Ride	--	--	--	--	P	P	P	P	P	P	P	P	P	P	NA
Transit stop	P	P	P	P	P	P	P	P	P	P	P	P	P	P	NA
<i>Utilities (Non-City)</i>															
Utility, Major	S	S	S	S	S	S	S	S	S	S	S	S	S	S	NA
Utility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	NA
<i>Communications facilities</i>															
Communications Facility	S	S	S	S	S	S	S	S	S	S	S	S	S	S	NA
Small Cell Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X
Weather or environmental monitoring station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	NA

Unified Development Code
Chapter 3 Zoning Districts | 12-3-24 Use Table

Use Groups Primary Uses	Open	Residential					Nonresidential and Mixed Use					Employment			Standards
	O1	RE	SR	MR	MM	MH	NO	NC	MC	TC	CS	BP	OP	IP	
<i>Waste-related:</i>															
Composting facility	--	--	--	--	--	--	--	--	--	--	--	--	--	S	NA
Hazardous waste disposal	--	--	--	--	--	--	--	--	--	--	--	--	--	S	NA
Hazardous waste transfer	--	--	--	--	--	--	--	--	--	--	--	--	--	S	NA
Salvage yard	--	--	--	--	--	--	--	--	--	--	--	--	--	S	NA
Recycling operation	--	--	--	--	--	--	--	--	--	--	--	--	--	S	NA
Recycling transfer station	--	--	--	--	--	--	--	--	--	--	--	--	--	S	NA
Remediation Services	--	--	--	--	--	--	--	--	--	--	--	--	--	P	NA
Solid waste facility	--	--	--	--	--	--	--	--	--	--	--	--	--	S	NA
Waste Management Services, Other	--	--	--	--	--	--	--	--	--	--	--	--	--	S	NA
Temporary Uses (see regulations for Temporary Structures and Uses (Chapter 6))															
Farmers' market	--	--	--	--	--	--	P	P	P	P	--	--	--	--	X
Food truck / mobile vending	--	--	--	--	--	--	--	--	C	C	C	--	--	--	X

Westminster Unified Development Code
 Chapter 4 Development Standards

DRAFT FEBRUARY 22, 2021 – FOR DISCUSSION ONLY

Contents

12-4-1	General Provisions	90
12-4-2	Buildings	93
12-4-3	Dimensional Standards (Blocks, Density, Lots and Setbacks).....	183
12-4-4	Environmental Requirements	189
12-4-5	Fences.....	191
12-4-6	Floodplain Regulations	192
12-4-7	Improvements.....	211
12-4-8	Landscape & Preservation	225
12-4-9	Lighting and Illumination	251
12-4-10	Parking & Loading.....	253
12-4-11	Parks/Open Space/Civic (“Amenity”) Space Standards.....	266
12-4-12	Site Design.....	281
12-4-13	Stormwater Management	315
12-4-14	Streets.....	316
12-4-15	Sustainability	319
12-4-16	Transitional Standards	332
12-4-17	Utilities.....	334

Tables

Table 12-4-1-1	Applicability of Development Standards	90
Table 12-4-2-1	Detached Single-Family Design Standards	97
Table 12-4-2-2	Detached Accessory Dwelling Unit Standards.....	100
Table 12-4-2-3	Garage and Carport Standards	104
Table 12-4-2-4	Duplexes	108
Table 12-4-2-5	Manor Apartment Standards.....	112
Table 12-4-2-6	Bungalow Court Standards	116
Table 12-4-2-7	Townhouse Standards	121
Table 12-4-2-8	Apartment Standards	125
Table 12-4-2-9	Mixed-Use Standards	129
Table 12-4-2-10	Commercial Building Design Standards	133
Table 12-4-2-11	Drive-Through Building Design Standards	141

Table 12-4-2-12 Office Building Design Standards	146
Table 12-4-2-13 Hospitality Building Design Standards	151
Table 12-4-2-14 Industrial Building Design Standards.....	156
Table 12-4-2-15 Menu of Options for Minimizing Wall Length.....	160
Table 12-4-2-16 Menu of Options for Wall & Mass Articulation	162
Table 12-4-2-17 Menu of Options for 360° Design Locations for Mixed Use Buildings, Commercial Buildings, and Office Buildings	169
Table 12-4-2-18 Menu of Blank Wall Techniques - Non-residential and Residential Façades	173
Table 12-4-2-19 Menu of Primary Entry Designs	176
Table 12-4-2-20 Permitted Building Wall Materials by Category	182
Table 12-4-3-1 Encroachments.....	185
Table 12-4-5-1 Fence Classification by Zoning District	191
Table 12-4-8-1 Tree Preservation Chart.....	227
Table 12-4-8-2 Landscape Buffer Table	230
Table 12-4-8-3 Plant Schedule Example	233
Table 12-4-8-4 Planting Requirement Chart Example	233
Table 12-4-8-5 Minimum Size at Planting	233
Table 12-4-8-6 Tree Spacing Table	236
Table 12-4-8-7 Hydrozones.....	240
Table 12-4-8-8 Water Budget	241
Table 12-4-8-9 Landscape Area for Mixed Housing Developments.....	245
Table 12-4-8-10 Landscape Area & Setback for Non-Residential & Mixed-Use Development	245
Table 12-4-8-11 9 Landscape Area for Mixed Housing Developments.....	247
Table 12-4-10-1 Parking Ratios.....	255
Table 12-4-10-2 Parking Reductions for Shared Parking Lots with Varying Peak Use Periods.....	259
Table 12-4-10-3 Accessible Parking Spaces.....	263
Table 12-4-11-1 Park/Open/Civic Space Expansion Thresholds for Residential Development	266
Table 12-4-11-2 Park/Open/Civic Space Expansion Thresholds for Commercial or Mixed-Use Development	267
Table 12-4-11-3 Qualifying Amenity Space.....	267
Table 12-4-11-4 Calculation of Population for Public Purpose Dedication	272
Table 12-4-11-5 Park Development Fees.....	274
Table 12-4-11-6 Public School Site Dedication Formula.....	278
Table 12-4-11-7 Public School Site Cash-in-Lieu	279
Table 12-4-12-1 Menu of Options for Views	281
Table 12-4-12-2 Menu of Options for Frontage Types	289

Table 12-4-12-3 Menu of Options for Front Setbacks and Street-facing Common Areas 294

Table 12-4-12-4 Menu of Options for Pedestrian and Bicycle Connectivity 301

Table 12-4-12-5 Menu of Options for Pass-Through Connections 305

Table 12-4-12-6 Menu of Options for Mid-Block Connections 306

Table 12-4-12-7 Phased Improvement of an Existing Development 313

Table 12-4-16-1 Menu of Options for Transitions in Building Scale 332

Figures

Figure 12- 4-2-1 Detached Single-Family 95

Figure 12-4-2-2 Detached Single-Family Examples 95

Figure 12-4-2-3 Detached Single-Family Design 96

Figure 12-4-2-4 Detached Accessory Dwelling Unit 99

Figure 12-4-2-5 Examples of Detached Accessory Dwelling Units 99

Figure 12-4-2-6 Detached Accessory Dwelling Unit Design 100

Figure 12-4-2-7 Garage 103

Figure 12-4-2-8 Examples of Garages and Carports 103

Figure 12-4-2-9 Garage / Carport Design 104

Figure 12-4-2-10 Duplex 107

Figure 12-4-2-11 Examples of Duplexes 107

Figure 12-4-2-12 Duplex 108

Figure 12-4-2-13 Manor Style Apartment 111

Figure 12-4-2-14 Examples of Manor Style Apartments 111

Figure 12-4-2-15 Manor Apartment Design 112

Figure 12-4-2-16 Bungalow Court 115

Figure 12-4-2-17 Examples of Bungalow Courts 115

Figure 12-4-2-18 Bungalow Court Design 116

Figure 12-4-2-19 Townhouse 119

Figure 12-4-2-20 Examples of Townhouses 119

Figure 12-4-2-21 Townhouse Design 120

Figure 12-4-2-22 Apartments 123

Figure 12-4-2-23 Examples of Apartments 123

Figure 12-4-2-24 Apartment Design 124

Figure 12-4-2-25 Mixed-Use 127

Figure 12-4-2-26 Examples of Mixed-Use 128

Figure 12-4-2-27 Mixed-Use Design 128

Figure 12-4-2-28 Commercial 132

Figure 12-4-2-29 Examples of Commercial 132

Figure 12-4-2-30 Commercial Design 133

Figure 12-4-2-31 Live-Work.....	136
Figure 12-4-2-32 Examples of Live-Work.....	136
Figure 12-4-2-33 Live-Work Design.....	137
Figure 12-4-2-34 Drive-Through.....	140
Figure 12-4-2-35 Examples of Drive-Through.....	140
Figure 12-4-2-36 Drive-Through Design.....	141
Figure 12-4-2-37 Office.....	144
Figure 12-4-2-38 Examples of Office.....	144
Figure 12-4-2-39 Office Design.....	145
Figure 12-4-2-40 Hospitality.....	149
Figure 12-4-2-41 Examples of Hospitality.....	149
Figure 12-4-2-42 Hospitality Design.....	150
Figure 12-4-2-43 Industrial.....	154
Figure 12-4-2-44 Examples of Industrial.....	154
Figure 12-4-2-45 Industrial.....	155
Figure 12-4-2-46 Floor-to-Floor Height.....	158
Figure 12-4-2-47 Facade.....	159
Figure 12-4-2-48 Wall Length.....	159
Figure 12-4-2-49 Wall Articulation.....	161
Figure 12-4-2-50 Examples of Articulation.....	166
Figure 12-4-2-51 Transparency.....	167
Figure 12-4-2-52 Calculation of Blank Wall Area.....	173
Figure 12-4-2-53 Roof Eaves on Residential Single-Family.....	175
Figure 12-4-2-54 Eaves on Primary Roofs.....	175
Figure 12-4-8-1 Maximum Slope.....	239
Figure 12-4-12-1 Solar Orientation.....	283
Figure 12-4-12-2 Electric Vehicle Charging Stations.....	284
Figure 12-4-12-3 Primary Entrance.....	284
Figure 12-4-12-4 Primary Entrance.....	285
Figure 12-4-12-5 Entries that Activate Common Areas.....	286
Figure 12-4-12-6 Street Frontages Promote Pedestrian Activity.....	286
Figure 12-4-12-7 Expand Buildings Closer to Street.....	287
Figure 12-4-12-8 Pedestrian Connections.....	297
Figure 12-4-12-9 Internal Walkways.....	298
Figure 12-4-12-10 Hardscape and Landscaping for Internal Walkways.....	298
Figure 12-4-12-11 Accent Paving.....	298
Figure 12-4-12-12 Overhead Lighting.....	299
Figure 12-4-12-13 Connection to Common Open Space.....	300
Figure 12-4-12-14 Connection with Pergola.....	300
Figure 12-4-12-15 Midblock Pass Through.....	300

Figure 12-4-12-16 Pedestrian path 301

Figure 12-4-12-17 Connected Vehicle Network 307

Figure 12-4-12-18 Cross-Property Access 308

Figure 12-4-12-19 Vehicular Connections Between Properties 308

Figure 12-4-12-20 Hardscape Materials 309

Figure 12-4-12-21 Secondary Entrance Enhancements 309

Figure 12-4-12-22 View Corridor Map 310

Figure 12-4-12-23 View Corridors 311

Figure 12-4-15-1 Example of Rough-In of EV Stations (Source: Auburn Hills, MI Zoning Ordinance)..... 331

Chapter 4 Development Standards

Purpose: this Chapter establishes development standards that apply to zoning applications, as indicated in each section. These standards:

- *Implement Comprehensive Plan;*
- *Implement the purposes established for the zoning regulations;*
- *Ensure that new development, redevelopment, and land uses mitigate their development impacts; and*
- *Provide uniform methods for the application of the dimensional, site design, amenity space, landscaping, and infrastructure standards established in this Chapter.*

12-4-1 General Provisions

(A) Applicability

- (1) The following Table 12-4-1-1 indicates the standards in this Chapter that apply to different types of application review:

Table 12-4-1-1 Applicability of Development Standards

	Section	Subdivision plat	PDP, ODP, or ODP Amendment	Special use authorization	Conditional use permit	Building permit
Buildings	12-4-2		✓			
Dimensional Standards (Blocks, Density, Lots and Setbacks)	12-4-3	✓	✓	✓	✓	✓
Fences	12-4-4	✓	✓	✓	✓	✓
Environmental Requirements	12-4-5		✓	✓	✓	✓
Improvements	12-4-6	✓	✓			
Landscape & Preservation	12-4-7		✓	✓	✓	✓
Parking and Loading	12-4-8		✓	✓	✓	✓
Parks/Open Space/Civic (“Amenity”) Space Standards	12-4-9	✓	✓	✓	✓	✓
Site Design	12-4-10	✓	✓	✓	✓	✓
Stormwater Management	12-4-11	✓	✓	✓	✓	✓
Streets	12-4-12	✓	✓			
Sustainability	12-4-13	✓	✓	✓	✓	✓
Transitional Standards	12-4-14		✓	✓	✓	✓
Utilities	12-4-15	✓	✓	✓	✓	✓
Water conservation	12-4-16	✓	✓	✓	✓	✓

- (2) This chapter does not apply to a Planned Unit Development (PUD). This chapter serves as guidelines for a PUD, and the City Council may require compliance with any provision of this Chapter as a condition of PUD approval.
 - (3) All development applications identified in subsection (1) above shall substantially comply with this chapter.
- (B) Standards**
- The City Manager shall develop, promulgate, determine the applicability of, enforce, and amend the following design and construction standards:
- (1) *Standards and Specifications for the Design and Construction of Public Improvements (“Standards and Specifications”),* and
 - (2) *the City of Westminster Storm Drainage Design and Technical Criteria Manual (SDDTCM).*¹
- (C) Zoning District and PUD Standards.** This Chapter varies some standards by zoning district. For a PUD:
- (1) The zoning district standards are the closest comparable Comprehensive Plan land use designation for land uses designated on the PDP and ODP.
 - (2) For a PDP or ODP approved before the effective date of this Title, the development standards in the PDP or ODP supersede a development standard in this Chapter to the extent that they are inconsistent.
- (D) Common Areas**
- (1) For private streets and parking areas, as well as open space and recreational land to be retained in private ownership, the applicant shall show a definite, financially-feasible means of maintaining these facilities and lands for the future.
 - (2) Any person who owns a private street or common parking area shall use and maintain those areas as follows:
 - (a) The sale, repair, dismantling or servicing of vehicles is not permitted in private streets or common areas.
 - (b) Common areas shall be maintained in good condition, free of weeds, dust, trash, and debris.
 - (c) Common areas shall be provided with entrances and exits to public rights-of-way so as to minimize congestion.
 - (d) The traveled portions of common areas shall be kept free of snow and ice and other dangerous material.

¹ This currently refers to “the City of Westminster Landscape Regulations for public and private landscaping.” This is deleted as we have detailed landscaping regulations in this chapter.

- (e) All trees, hedges, shrubbery, plants, flowers, and other growing things adjacent to public or private sidewalks shall be maintained so that no part of them shall extend over any part of a street in a manner or height that is hazardous or blocks use of sidewalks.
 - (f) Paved portions of common areas shall be maintained in good condition, free of all holes or other defects.
 - (g) Privately owned common areas shall not be used in any manner that will constitute a violation of any section of the Westminster Municipal Code.
- (3) If subsection (2) above is violated, the City Manager may serve, either personally or by mail, written notice upon the owner, occupant, or any person having the care and control of the privately held area, to comply with the provisions of this chapter. The notice shall be substantially the form set out in Section 8-4-4, W.M.C. If the person upon whom that notice is served fails, neglects, or refuses to correct the violation within five days of receipt of the notice, the City Manager may cause the necessary work to be performed. The actual cost of that work, plus five percent for inspection and other additional costs in connection with that work, shall be certified by the Finance Director to the County Treasurer of the county of jurisdiction, and that sum shall become a first and prior lien upon the property on which that work was performed, as provided by Title I, Chapter 31 of the Westminster Municipal Code (Municipal Liens).

12-4-2 Buildings²

Purpose: This section establishes rules for measuring building height and floor area, along with design standards for a range of building types that are permitted in various zoning districts and land uses in the city.

Subsection (C) establishes the standards for each building type including: (A) An illustration of the specific building type with notes that identify some of its typical features and a series of photographic examples of the building type, (B) A description of the building type, (C) A list of zone districts within which the building type is permitted, and (D) The design requirements. This includes an illustration identifying the location of selected design variables and a table with specific requirements. Each table also provides references to common design standards in subsection (D) that apply to a variety of building types.

Subsection (D) presents standards that are shared among various building types. They are grouped into one section for ease of reference and to minimize repetition. These standards are organized by design topic in a sequence coordinated with that of the topics in subsection (C). Many of these topics include tables of design alternatives in a menu format.

(A) Height Measurement

- (1) **Height in Feet.** Where a regulation of this title requires that height is determined in feet, height is measured as defined by the building code. [Note: “Building Height” is defined by the 2015 International Building Code as “the vertical distance from grade plane to the average height of the highest roof surface.” “Grade plane” is defined as “a reference plane representing the average finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet (1829 mm) from the building, between the building and a point 6 feet (1829 mm) from the building.”]
- (2) **Height in Stories.** Where height is measured in stories, height is measured the maximum number of stories as defined by the building code. [Note: “Story” is defined by the 2015 International Building Code as “that portion that portion of a building included between the upper surface of a floor in the upper surface of the floor or roof next above (see “Basement,” “Building Height,” “Grade Plane” and “Mezzanine”). A story is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces

² The minimum floor area defined in 11-4-6(E) is omitted because it applies to the minimum floor area per dwelling unit, which is omitted from the new zoning districts.

and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.” A basement is not considered a story. A “story above grade plane” is considered a story, and is defined by the building code as “any story having its finished floor surface entirely above grade plane, or in which the finished surface of the floor next above is: 1. More than 6 feet (1829 mm) above grade plane; or 2. more than 12 feet (3658 mm) above finished ground level at any point.” See subsection (1) above for the definition of “grade plane.”]

- (B) Building or Floor Area.** Where a standard refers to building area or floor area, the standard refers to “building area” as defined by the building code. [Note: “Building Area” is defined by the 2015 International Building Code as “the area included within surrounding exterior walls (or exterior walls and fire walls) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.”]

(C) Building Types

(1) Detached Single Family

This subsection provides design standards for the detached single family building type. The illustration of a detached single family building type identifies some of its typical features. A description of the building type follows. Then, a table provides the related design standards.



Figure 12- 4-2-1 Detached Single-Family

- A** The principal entrance is oriented to the street and may be defined by a porch.
- B** Pitched roof is typical.
- C** A walkway leads to the primary entrance from the public way.



Single family building type



Single family building type



Single family building type



Single family building type



Single family building type



Single family building type

Figure 12-4-2-2 Detached Single-Family Examples

Description

The Detached Single Family building type is a freestanding house that is small scale. It is often the primary building on the lot in both mass and scale. Details include a principal entrance on the façade that is defined by a porch, stoop, or recessed entry. An attached garage on the front occurs in some established contexts, but it is a subordinate feature. A detached single family building is often elevated above grade. It generally has a pitched roof in established neighborhoods, but roof forms sometimes vary in new developments. High quality, natural, and durable materials are strong features of this building type. In new, larger developments variety occurs in building designs thereby avoiding a monotonous or repetitive appearance.

Permitted Zoning Districts

- (RE) Residential Estate
- (SR) Suburban Residential
- (MR) Mixed Residential

Design Requirements³

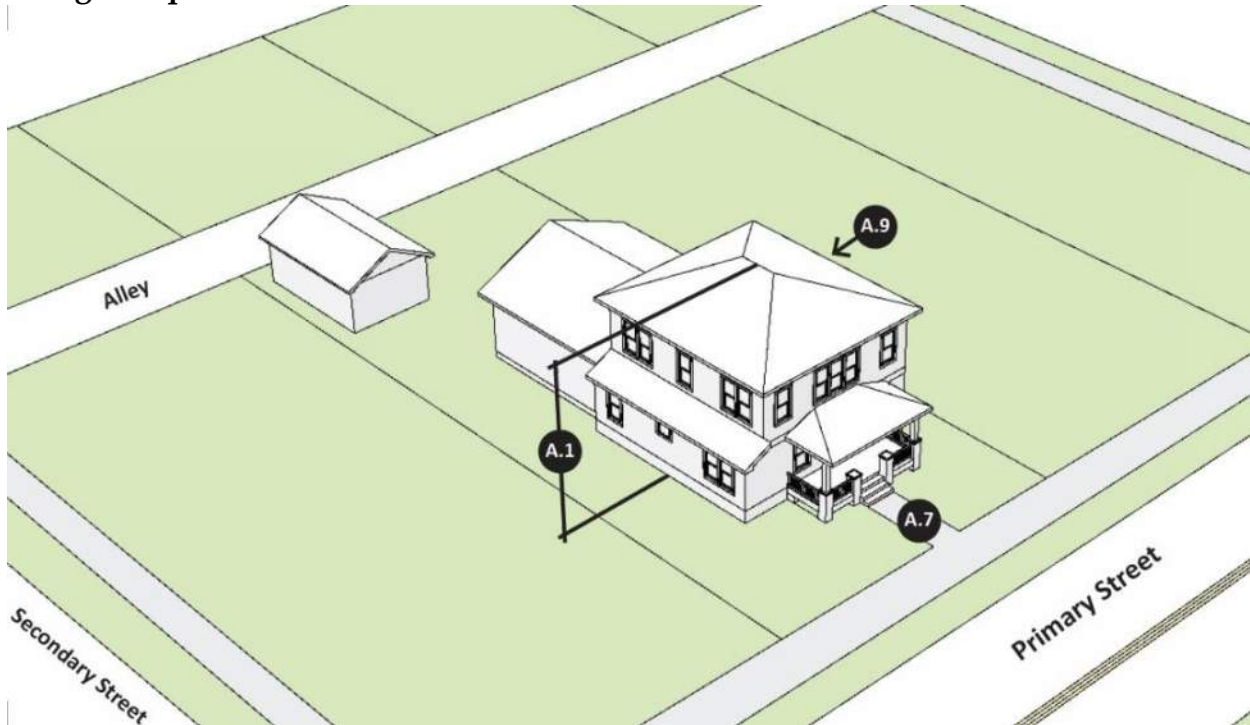


Figure 12-4-2-3 Detached Single-Family Design

³ Note: the keys indicated on these diagrams, linking to selected standards in the tables, are out of date. They will be revised after the basic requirements for the building type are confirmed, since making these changes is labor intensive. See the illustration for the mixed-use building type for an example of potential revisions.

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (C)(1) Detached Single Family

Table 12-4-2-1 Detached Single-Family Design Standards

Section (W.M.C.)		RE	SR	MR
Floor-to-Floor Height				
12-4-2(D)(1)	Residential ground floor façade floor-to-floor height (min)	9'	9'	9'
Wall Length (Façade)				
See also Table 12-4-2-15 in common design standards for related requirements.				
12-4-2(D)(2)	Façade wall length (max)	35'	35'	40'
Wall Articulation & Mass Variation				
Wall articulation and variation in massing are required as indicated below. See also common design standards (subsection 12-4-2(D)(3)) for related requirements..				
12-4-2(D)(3)	A minimum of 25% of the total facade area shall provide wall articulation and mass variation as specified.			
	Façade <20' wall length	One (1) wall articulation technique is required from Table 12-4-2-16		
	Façade 20' – < 30' wall length	Two (2) wall articulation techniques are required from Table 12-4-2-3		
	Façade ≥ 30' and greater wall length	Two (2) wall articulation techniques are required from Table 12-4-2-3 One (1) massing variation technique is required from Table 12-4-2-3		
	Side Wall >30' wall length	One (1) wall articulation technique are required from menu (1).3; One (1) massing variation technique is required from Table 12-4-2-3		
Transparency				
12-4-2(D)(4)	Façade glazed % ground floor wall area between 2' and 10' (min)	20%		
360° (Four-sided) Design				
12-4-2(D)(5)	A building shall be designed such that all sides visible by the public contribute to the quality of the public realm. See common design standards (section 12-4-2(D)(5), W.M.C.) for related requirements.			
Blank Walls – Engaging Pedestrians				
A façade shall be designed to engage pedestrians in the public realm and to minimize blank wall area. See common design standards (section 12-4-2(D)(6), W.M.C.) for related requirements.				
12-4-2(D)(6)	Façade Blank wall width (max)	NA	NA	NA
Roof Form				

Unified Development Code

Chapter 4 Development Standards | 12-4-2 Buildings | (C)(1) Detached Single Family

Section (W.M.C.)		RE	SR	MR
12-4-2(D)(7)	For a primary roof that has a sloped form, eave overhangs shall be dimensioned to provide some shading from solar gain and to provide visual interest. See the common design standards related to this topic.			

Building Entries

A clearly identifiable primary entry is required. See also common design standards (section (12-4-2(D)(8), W.M.C.) for related requirements.

12-4-2(D)(8)	Façade entry feature (<i>min</i>) See Table 12-4-2-19 (Menu of Primary Entry Designs)	At least one (1) of these types is required: A: Roofed Stoop B: Trellis-Covered Stoop C: Covered Porch D: Recessed Entry E: Door Surround/Molding F: Covered Porch Set Back		
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Building Materials

See also common design standards (section 12-4-2(D)(9), W.M.C.) for related requirements.

12-4-2(D)(9)	Façade materials % ground floor wall area from category 1 in Table 12-4-2-20 (Permitted Building Wall Materials by Category) (<i>min</i>)	30% ¹		
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¹ For developments that exceed three detached single family building types; category 1 table materials shall be equal the equivalent area of having 30% category 1 table on all facades of all individual buildings combined. In practice, this may result in some structures being all category 1 table materials, while others have none or lesser amounts of the 30% required.

(2) Detached Accessory Dwelling Unit

This section provides design standards for the detached accessory dwelling unit building type (ADU). First, an illustration of an ADU building type identifies some of its typical features. A description of the building type is next. Then, the tables that follow provide the related design standards. Note: Accessory dwelling units can also be attached, in which case the standards for the primary building type apply.

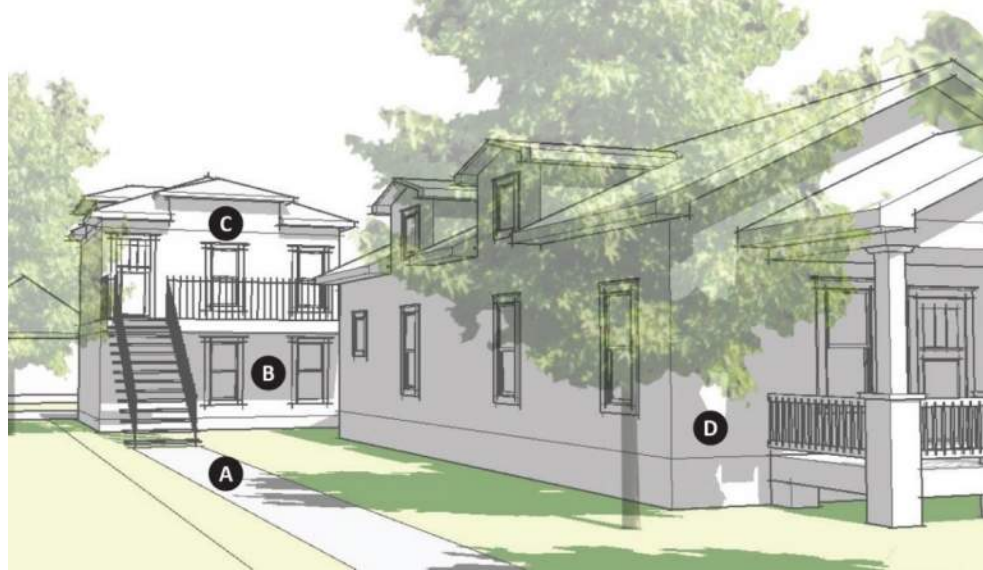


Figure 12-4-2-4 Detached Accessory Dwelling Unit

- A** Walkway from the street to the ADU
- B** Ground level use may vary
- C** Residential use in second floor (if unit is two stories)
- D** Principle residence



Detached ADU



Detached ADU



Detached ADU



Detached ADU



Detached ADU



Detached ADU

Figure 12-4-2-5 Examples of Detached Accessory Dwelling Units

Description
 A Detached Accessory Dwelling Unit (ADU) building type is a freestanding structure. It is generally subordinate to a primary, detached house. Sometimes, a garage is located on the ground floor. Living space can occur above or at the ground floor. Building details can include an entry and garage door. The unit often complements the building design of the primary house on the lot. Good quality and durable materials are strong features of this building type.

- Permitted Zoning Districts**
- (RE) Residential Estate
 - (SR) Suburban Residential
 - (MR) Mixed Residential

Design Requirements

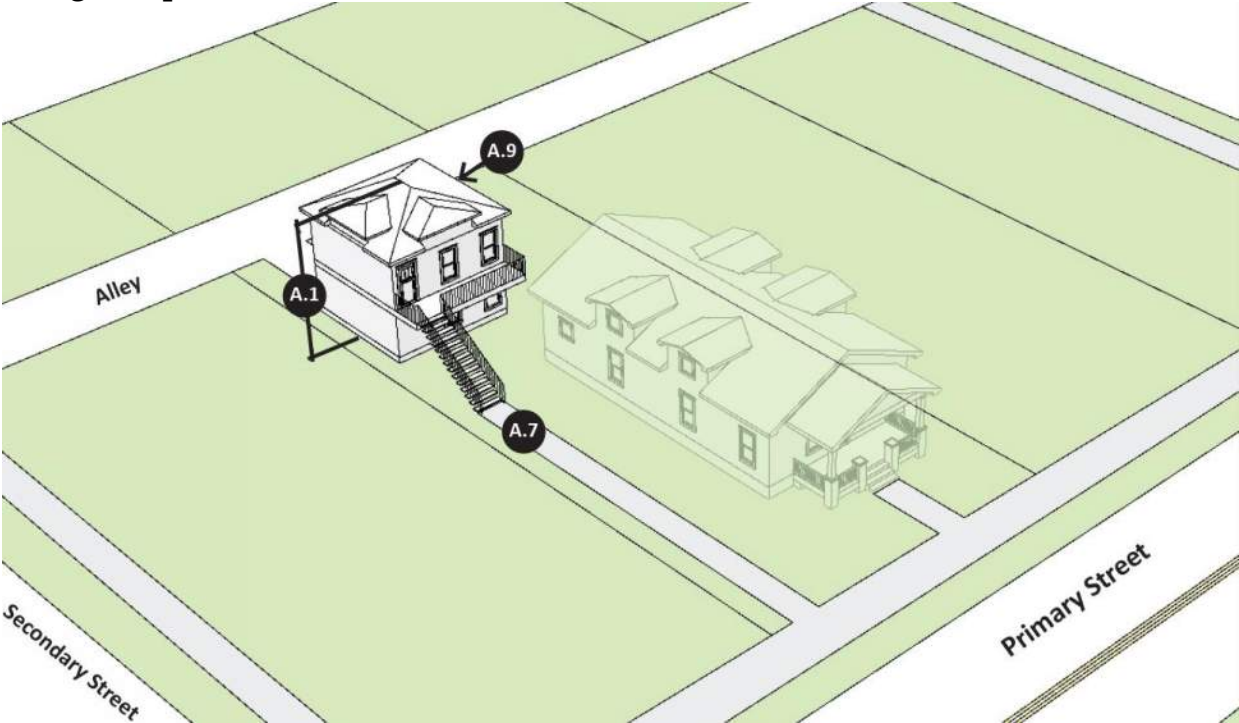


Figure 12-4-2-6 Detached Accessory Dwelling Unit Design

[NOTE: THE KEYS INDICATED ON THIS DIAGRAM, LINKING TO SELECTED STANDARDS IN THE TABLE, ARE OUT OF DATE. THEY WILL BE REVISED AFTER THE BASIC REQUIREMENTS FOR THE BUILDING TYPE ARE CONFIRMED, SINCE MAKING THIS CHANGE IS LABOR INTENSIVE. SEE THE ILLUSTRATION FOR THE MIXED-USE BUILDING TYPE FOR AN EXAMPLE OF POTENTIAL REVISIONS.]

Table 12-4-2-2 Detached Accessory Dwelling Unit Standards

Section (W.M.C.)		RE	SR	MR
Floor-to-Floor Height				
12-4-2(D)(1)	Residential ground floor façade floor-to-floor height (<i>min</i>)	8'	8'	8'
Wall Length (Façade)				

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (C)(2) Detached Accessory Dwelling Unit

Section (W.M.C.)		RE	SR	MR
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See also Table 12-4-2-15 in common design standards for other requirements related to this topic.

12-4-2(D)(2)	Façade wall length (<i>max</i>)	35'	35'	40'
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Wall Articulation & Mass Variation

Wall articulation and variation in massing is required as indicated below. See also common design standards (subsection 12-4-2(D)(3)) for other requirements related to this topic.

12-4-2(D)(3)	A minimum of 25% of the total facade area shall provide wall articulation and mass variation as specified.			
	Façade <20' wall length	One (1) wall articulation technique is required from Table 12-4-2-3		
	Façade 20' and greater wall length	Two (2) wall articulation techniques are required from Table 12-4-2-3		
	Side Wall >30' wall length	One (1) wall articulation technique is required from Table 12-4-2-3 One (1) massing variation technique is required from Table 12-4-2-3		

Transparency

12-4-2(D)(4)	Façade glazed: % ground floor wall area (<i>min</i>)	NA	NA	NA
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360° (Four-sided) Design

Not required for this building type

Blank Walls – Engaging Pedestrians

A façade shall be designed to engage pedestrians in the public realm and to minimize blank wall area. See common design standards (section 12-4-2(D)(6), W.M.C.) for related requirements.

12-4-2(D)(6)	Façade blank wall width (max)	NA	NA	NA
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Roof Form

12-4-2(D)(7)	For a primary roof that has a sloped form, eave overhangs shall be dimensioned to provide some shading from solar gain and to provide visual interest. See the common design standards related to this topic.			
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Building Entries

A clearly identifiable primary entry is required. See also common design standards (section 12-4-2(D)(8), W.M.C.) for other requirements related to this topic.

12-4-2(D)(8)	Façade entry feature (<i>min</i>) See Table 12-4-2-19 (Menu of Primary Entry Designs)	At least one of these types is required: A: Roofed Stoop B: Trellis-Covered Stoop C: Covered Porch D: Recessed Entry E: Door Surround/Molding		
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Unified Development Code

Chapter 4 Development Standards | 12-4-2 Buildings | (C)(2) Detached Accessory Dwelling Unit

Section (W.M.C.)		RE	SR	MR
		F: Covered Porch Set Back		

Building Materials

See also common design standards (section 12-4-2(D)(9), W.M.C.) for related requirements.

12-4-2(D)(9)	Façade materials: % ground floor wall area from category 1 in Table 12-4-2-20 (Permitted Building Wall Materials by Category) (<i>min</i>)	30%		
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(3) Garage and Carport

This section provides design standards for the detached garages and carport building type. The illustration below identifies some typical features. A description of the building type is next. Then, the tables that follow provide the related design standards.



Figure 12-4-2-7 Garage

- A** Garage is subordinate to the primary structure.
- B** The roof from of the garage complements the primary structure.
- C** Sidewalk connection is maintained with no vehicle parking in the direct pathway.



Detached Garage



Detached Garage



Detached Garage

Figure 12-4-2-8 Examples of Garages and Carports

Description

A detached garage or carport building type is a freestanding structure. It is low in scale. It is generally subordinate to a primary single family, multifamily, or mixed use building on the lot. Garage details can include an entry and garage door. A carport is often freestanding, or it may be attached to a primary building. The structure often complements the building design of the primary building.

Permitted Zoning Districts

- (RE) Residential Estate
- (SR) Suburban Residential
- (MR) Mixed Residential
- (MM) Mixed Medium Residential
- (MH) Mixed High Residential
- (NO) Neighborhood Office

Design Requirements

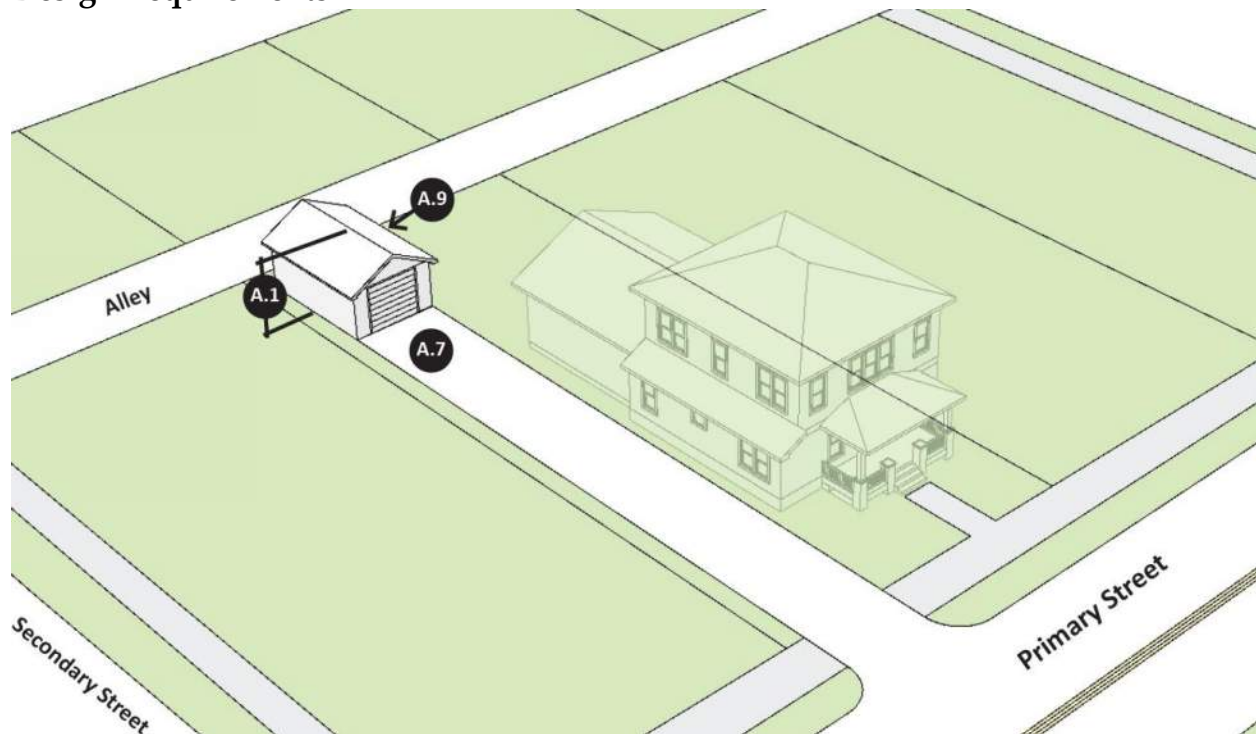


Figure 12-4-2-9 Garage / Carport Design

Table 12-4-2-3 Garage and Carport Standards

Section (W.M.C.)		RE	SR	MR	MM	MH	NO
Floor-to-Floor Height							
12-4-2(D)(1)	Residential ground floor façade floor-to-floor height (<i>min</i>)	8'	8'	8'	8'	8'	8'
Wall Length (Façade)							
See also Table 12-4-2-15 in common design standards for other requirements related to this topic.							
12-4-2(D)(2)	Façade wall length (<i>max</i>) for Single-Family detached garages	35'	35'	40'	40'	40'	40'
	Façade wall length (<i>max</i>) for ganged	NA	NA	120'	120'	120'	120'

Unified Development Code

Chapter 4 Development Standards | 12-4-2 Buildings | (C)(3) Garage and Carport

Section (W.M.C.)		RE	SR	MR	MM	MH	NO
	structures ¹						

Wall Articulation & Mass Variation

Wall articulation and variation in massing is required as indicated below. See also common design standards (section 12-4-2(D)(3), W.M.C.) for other requirements related to this topic.

12-4-2(D)(3)	Façade >35' wall length	One (1) wall articulation technique is required from Table 12-4-2-3					
	Side Wall >40' wall length	One (1) wall articulation technique is required from Table 12-4-2-3					

Transparency

12-4-2(D)(4)	Façade glazed % ground floor wall area (min)	NA	NA	NA	10%	10%	10%
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360° (Four-sided) Design

Not required for this building type

Blank Walls – Engaging Pedestrians

A façade shall be designed to engage pedestrians in the public realm and to minimize blank wall area. See common design standards (section 12-4-2(D)(6), W.M.C.) for related requirements.

12-4-2(D)(6)	Façade blank wall width (max) for Single-Family attached	NA	NA	NA	NA	NA	NA
	Façade blank wall width (max) for ganged structures	NA	NA	NA	NA	NA	NA

Roof Form

12-4-2(D)(7)	For a primary roof that has a sloped form, eave overhangs shall be dimensioned to provide some shading from solar gain and to provide visual interest. See the common design standards related to this topic.						
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Building Entries

A clearly identifiable primary entry is required. See also common design standards (section 12-4-2(D)(8), W.M.C.) for other requirements.

12-4-2(D)(8)	Façade entry feature (<i>min</i>)	NA					
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Building Materials

See also common design standards (section 12-4-2(D)(9), W.M.C.) for other requirements related to this topic.

12-4-2(D)(9)	Façade materials % ground floor wall area from category 1 Table 12-4-2-20 (Permitted Building Wall Materials by Category) (<i>min</i>)	30%					
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Unified Development Code

Chapter 4 Development Standards | 12-4-2 Buildings | (C)(3) Garage and Carport

- ¹ A garage or carport shall not exceed six (6) parking spaces unless the additional parking spaces are arranged nose to nose (in tandem) as two rows of perpendicular spaces, which would allow a maximum of 12 parking spaces per carport or garage structure.

(4) Duplex Building Type

This section provides design standards for the duplex building type. The illustration below identifies some typical features. A description of the building type is next. Then, the tables that follow provide the related design standards.



Figure 12-4-2-10 Duplex

- A** *Principal entrance is oriented to the street and may be defined by a porch.*
- B** *Parking is subordinate to primary structure.*
- C** *Walkway leads to the primary entrance from the public way.*



Duplex



Duplex



Duplex



Duplex



Duplex



Duplex

Figure 12-4-2-11 Examples of Duplexes

Unified Development Code
 Chapter 4 Development Standards | 12-4-2 Buildings | (C)(4) Duplex Building Type

Description
 The Duplex building type is a freestanding structure that is of moderate scale and typically 1 to 2.5 stories in height. It is often the primary building on a lot in both mass and scale. Details include a principal entrance on the façade which is defined by a porch, stoop, or recessed entry. An attached garage on the front of the building may occur in some contexts, but it is a subordinate feature. A duplex building is often somewhat elevated above ground. It typically has a pitched roof in established neighborhoods, but roof forms sometimes vary in new developments. High quality, natural, and durable materials are strong features of this building type. In new, larger developments, building designs vary such that the project doesn't appear to be monotonous or repetitive.

- Permitted Zoning Districts**
- (RE) Residential Estate
 - (SR) Suburban Residential
 - (MR) Mixed Residential
 - (MM) Mixed Medium Residential



Figure 12-4-2-12 Duplex

Table 12-4-2-4 Duplexes

Section (W.M.C.)		RE	SR	MR	MM
Floor-to-Floor Height					
12-4-2(D)(1)	Residential ground floor façade floor-to-floor height (<i>min</i>)	9'	9'	9'	9'
Wall Length (Façade)					

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (C)(4) Duplex Building Type

Section (W.M.C.)		RE	SR	MR	MM
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See also Table 12-4-2-15 in common design standards for other requirements related to this topic.

12-4-2(D)(2)	Façade wall length (<i>max</i>)	35'	35'	40'	40'
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Wall Articulation & Mass Variation

Wall articulation and variation in massing is required as indicated below. See also common design standards in (subsection 12-4-2(D)(3)) for other requirements related to this topic.

12-4-2(D)(3)	Facade <20' wall length	One (1) wall articulation technique is required from Table 12-4-2-16			
	Facade 20' - <30' wall length	Two (2) wall articulation techniques are required from Table 12-4-2-16			
	Facade 30' and greater wall length	Two (2) wall articulation techniques and one (1) massing variation technique are required from Table 12-4-2-16			
	Side Wall >30' wall length	One (1) wall articulation and one (1) massing variation technique is required from Table 12-4-2-16			

Transparency

12-4-2(D)(4)	Façade glazed: % ground floor wall area between 2' and 10' (min)	20%	20%	20%	20%
--------------	--	-----	-----	-----	-----

360° (Four-sided) Design

12-4-2(D)(5)	A building shall be designed such that all sides visible by the public contribute to the quality of the public realm. See common design standards (section 12-4-2(D)(5), W.M.C.) for related requirements.				
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Blank Walls – Engaging Pedestrians

A façade shall be designed to engage pedestrians in the public realm and to minimize blank wall area. See common design standards (section 12-4-2(D)(6), W.M.C.) for related requirements.

12-4-2(D)(6)	Façade blank wall width (max)	NA	NA	NA	NA
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Roof Form

12-4-2(D)(7)	For a primary roof that has a sloped form, eave overhangs shall be dimensioned to provide some shading from solar gain and to provide visual interest. See common design standards (section 12-4-2(D)(7), W.M.C.).				
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Building Entries

A clearly identifiable primary entry is required. See also common design standards (section 12-4-2(D)(8), W.M.C.) for other requirements.

12-4-2(D)(8)	Façade entry feature (<i>min</i>)	At least one (1) of these types is required per unit: A: Roofed Stoop B: Trellis-Covered Stoop			
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Unified Development Code

Chapter 4 Development Standards | 12-4-2 Buildings | (C)(4) Duplex Building Type

Section (W.M.C.)		RE	SR	MR	MM
	See Table 12-4-2-19 (Menu of Primary Entry Designs)	C: Covered Porch D: Recessed Entry E: Door Surround/Molding F: Covered Porch Set Back			
Building Materials					
See also common design standards (section 12-4-2(D)(9), W.M.C.) for other requirements.					
12-4-2(D)(9)	Facade materials % ground floor wall area from category 1 in Table 12-4-2-20 (Permitted Building Wall Materials by Category) (<i>min</i>)	30%			

(5) Manor Style Apartment

This section provides design standards for the Manor Style Apartment building type. The illustration below identifies some typical features. A description of the building type is next. Then, tables that follow provide the related design standards.



Figure 12-4-2-13 Manor Style Apartment

- A** A principal entrance is oriented to the street and may be defined by a porch.
- B** Pitched roof is typical.
- C** Walkway leads from the public way to the primary entrance.



Manor Style Apartment



Manor Style Apartment



Manor Style Apartment



Manor Style Apartment



Manor Style Apartment



Manor Style Apartment

Figure 12-4-2-14 Examples of Manor Style Apartments

Description

The Manor Style Apartment building type is a detached structure that is moderate in scale, freestanding, and typically 1 to 2.5 stories in height. It is generally the primary building on a lot in both mass and scale, but is sometimes part of a larger development. Details include a principal entrance on one or more façades which is defined by a porch, stoop, or recessed entry. This building type is often somewhat elevated above ground. It typically includes a pitched roof in established neighborhoods, but roof forms sometimes vary in new developments. High quality, natural, and durable materials are strong features of this building type. In new, larger developments variety occurs in building designs such that the project doesn't appear to be monotonous or repetitive.

Permitted Zoning Districts

- (MR) Mixed Residential
- (MM) Mixed Medium Residential
- (MH) Mixed High Residential

Design Requirements



Figure 12-4-2-15 Manor Apartment Design

Table 12-4-2-5 Manor Apartment Standards

Section (W.M.C.)		MR	MM	MH
Floor-to-Floor Height				
12-4-2(D)(1)	Residential ground floor façade floor-to-floor height (min)	9'	9'	9'
Wall Length (Façade)				

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (C)(5) Manor Style Apartment

Section (W.M.C.)		MR	MM	MH
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See also Table 12-4-2-15 in common design standards for other requirements related to this topic.

12-4-2(D)(2)	Façade wall length (max)	50'	50'	50'
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Wall Articulation & Mass Variation

Wall articulation and variation in massing is required as indicated below. See also common design standards (subsection 12-4-2(D)(3)) for other requirements.

12-4-2(D)(3)	A minimum of 25% of the total facade area shall provide wall articulation and mass variation as specified.			
	Façade <30' wall length	Two (2) wall articulation techniques are required from Table 12-4-2-16		
	Façade 30' and greater wall length	Three (3) wall articulation and one (1) massing variation technique is required from Table 12-4-2-16		
	Side Wall >30' wall length	Two (2) wall articulation and one (1) massing variation technique is required from Table 12-4-2-16		

Transparency

12-4-2(D)(4)	Façade glazed: % ground floor wall area between 2' and 10' (min)	20%	20%	20%
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360° (Four-sided) Design

12-4-2(D)(5)	A building shall be designed such that all sides visible by the public contribute to the quality of the public realm. See common design standards (section 12-4-2(D)(5), W.M.C.) for other requirements.			
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Blank Walls – Engaging Pedestrians

A façade shall be designed to engage pedestrians in the public realm and to minimize blank wall area. See common design standards (section 12-4-2(D)(6), W.M.C.) for related requirements.

12-4-2(D)(6)	Façade blank wall width (max)	NA	NA	NA
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Roof Form

12-4-2(D)(7)	For a primary roof that has a sloped form, eave overhangs shall be dimensioned to provide some shading from solar gain and to provide visual interest. See the common design standards section 12-4-2(D)(7) related to this topic.			
--------------	--	--	--	--

Building Entries

A clearly identifiable primary entry is required. See also common design standards (section 12-4-2(D)(8), W.M.C.) for other requirements.

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (C)(5) Manor Style Apartment

Section (W.M.C.)		MR	MM	MH
12-4-2(D)(8)	<p>Façade entry feature (<i>min</i>)</p> <p>See Table 12-4-2-19 (Menu of Primary Entry Designs)</p>	<p>At least one (1) of these types is required per unit:</p> <p>A: Roofed Stoop B: Trellis-Covered Stoop C: Covered Porch D: Recessed Entry E: Door Surround/Molding F: Covered Porch Set Back</p>		

Building Materials

See also common design standards (section 12-4-2(D)(9), W.M.C.) for other requirements related to this topic.

12-4-2(D)(9)	<p>Façade materials</p> <p>% ground floor wall area from category 1 in Table 12-4-2-20 (Permitted Building Wall Materials by Category) (<i>min</i>)</p>	30%		
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(6) Bungalow Court

This section provides design standards for the bungalow court building type. The illustration below identifies typical features. A description of the building type is next. Then, tables follow that provide the applicable design standards.



Figure 12-4-2-16 Bungalow Court

- A** Shared Courtyard
- B** End units have street-facing entries.
- C** Some entrances face onto a shared courtyard..



Bungalow Court



Bungalow Court



Bungalow Court



Bungalow Court



Bungalow Court



Bungalow Court

Figure 12-4-2-17 Examples of Bungalow Courts

Description

The bungalow court building type is intended to accommodate a grouping of structures arranged around a shared courtyard. By arranging dwelling units into multiple structures with a common outdoor amenity space, this building type is compatible in mass and scale with near residential buildings of lower scale.

Buildings are typically 1 to 2.5 stories in height and often are somewhat elevated above ground. Some units orient to the street. Others face onto a courtyard. Each has a ground floor entrance which is defined by a porch, stoop, or recessed entry. Moderately articulated massing occurs on all sides of each building. High quality and durable materials are a strong feature of this building type.

Permitted Zoning Districts

- (MR) Mixed Residential
- (MM) Mixed Medium Residential

Design Requirements

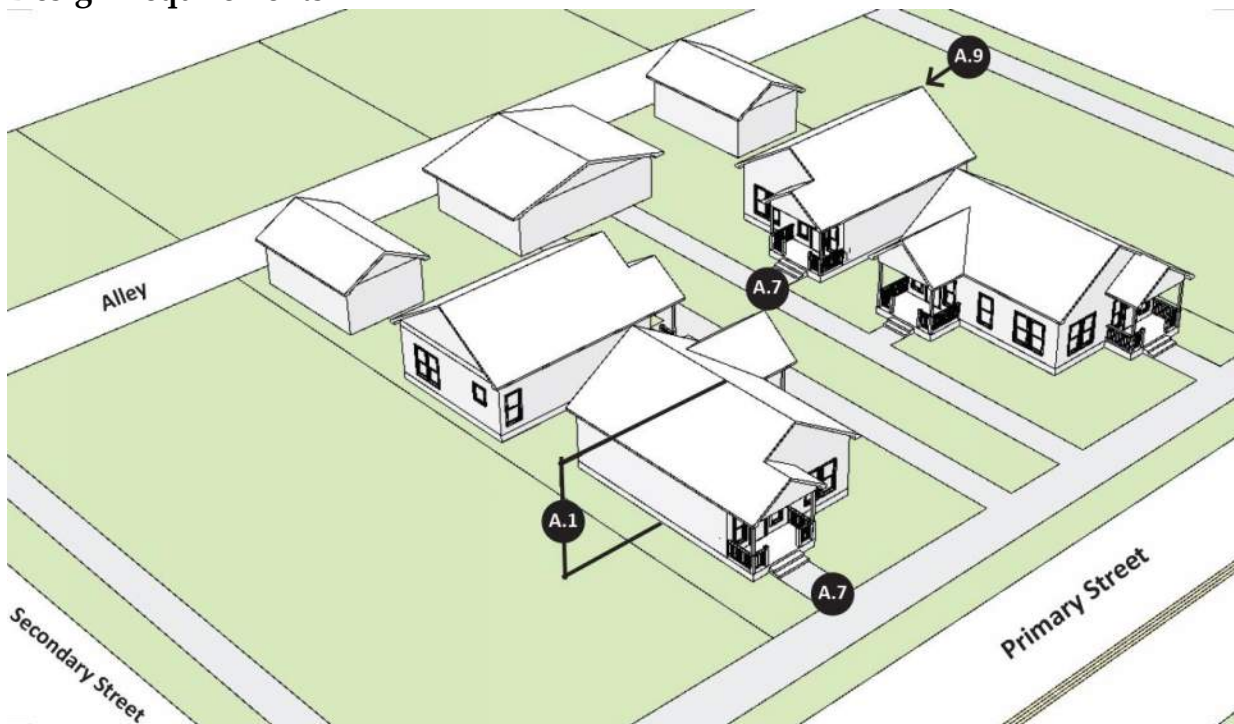


Figure 12-4-2-18 Bungalow Court Design

Table 12-4-2-6 Bungalow Court Standards

Section (W.M.C.)		MR	MM
Floor-to-Floor Height			
12-4-2(D)(1)	Residential ground floor façade floor-to-floor height (min)	9'	9'

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (C)(6) Bungalow Court

Section (W.M.C.)		MR	MM
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Wall Length (Façade)

See also Table 12-4-2-15 in common design standards for other requirements related to this topic.

12-4-2(D)(2)	Façade wall length (max)	40'	40'
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Wall Articulation & Mass Variation

Wall articulation and variation in massing is required as indicated below. See also common design standards (subsection 12-4-2(D)(3)) for other requirements related to this topic.

12-4-2(D)(3)	A minimum of 25% of the total facade area shall provide wall articulation and mass variation as specified.		
	Facade <20' wall length	One (1) wall articulation technique is required from Table 12-4-2-16	
	Facade 20' - <30' wall length	Two (2) wall articulation techniques are required from Table 12-4-2-16	
	Facade 30' and greater wall length	Two (2) wall articulation techniques and one (1) massing variation technique is required from m Table 12-4-2-16	
	Side Wall >30' wall length	One (1) wall articulation and one (1) massing variation technique is required from Table 12-4-2-16	

Transparency

12-4-2(D)(4)	Façade glazed: % ground floor wall area between 2' and 10' (min)	20%	20%
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360° (Four-sided) Design

12-4-2(D)(5)	A building shall be designed such that all sides visible by the public contribute to the quality of the public realm. See common design standards (section 12-4-2(D)(5), W.M.C.) for requirements related to this topic.		
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Blank Walls – Engaging Pedestrians

A façade shall be designed to engage pedestrians in the public realm and to minimize blank wall area. See common design standards (section 12-4-2(D)(6), W.M.C.) for related requirements.

12-4-2(D)(6)	Façade blank wall width (max)	NA	NA
--------------	-------------------------------	----	----

Roof Form

12-4-2(D)(7)	For a primary roof that has a sloped form, eave overhangs shall be dimensioned to provide some shading from solar gain and to provide visual interest. See the common design standards section 12-4-2(D)(7) related to this topic.		
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Building Entries

A clearly identifiable primary entry is required. See also common design standards

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (C)(6) Bungalow Court

Section (W.M.C.)		MR	MM
(section 12-4-2(D)(8), W.M.C.) for other requirements related to this topic.			
12-4-2(D)(8)	Façade entry feature (<i>min</i>) See Table 12-4-2-19 (Menu of Primary Entry Designs)	At least one (1) of these types is required per unit: A: Roofed Stoop B: Trellis-Covered Stoop C: Covered Porch D: Recessed Entry E: Door Surround/Molding F: Covered Porch Set Back	
Building Materials			
See also common design standards (section 12-4-2(D)(9), W.M.C.) for other requirements related to this topic.			
12-4-2(D)(9)	Facade materials % ground floor wall area from category 1 in Table 12-4-2-20 (Permitted Building Wall Materials by Category) (<i>min</i>)		30%

(7) Townhouse

This section provides design standards for the townhouse building type. The illustration below of a townhouse building type identifies some typical features. A description of the building type is next. Then, the tables that follow provide the related design standards.



Figure 12-4-2-19 Townhouse

- A** Walkway leads to the principal entry from the public way.
- B** Articulation techniques provide variety in scale and add visual interest.
- C** A principal entrance may be defined by a covered porch, stoop or covered entry.



Townhouse



Townhouse



Townhouse



Townhouse



Townhouse



Townhouse

Figure 12-4-2-20 Examples of Townhouses

Description

The Townhouse building type is intended to accommodate from three to eight single-family units that are attached to one another and are oriented to the street. They provide a compatible mass and scale near residential buildings of lower scale.

A Townhouse is typically one to three stories in height and is often somewhat elevated above ground. Adjacent development can influence the building form. The façades are moderately articulated to express each individual unit. Each has a principal entrance at the ground floor which is defined by a porch, stoop, or recessed entry. End units have window openings on three sides, while interior units have window openings only in the front and back. A garage is often accessed via an alley or side drive. Moderate quality, but durable materials are a feature of this building type. A Townhouse shall have attached walls. This section does not allow Pull-apart Townhomes.

Permitted Zoning Districts

(MR) Mixed Residential
 (MM) Mixed Medium Residential
 (MH) Mixed High Residential
 (MC) Mixed Center

Design Requirements

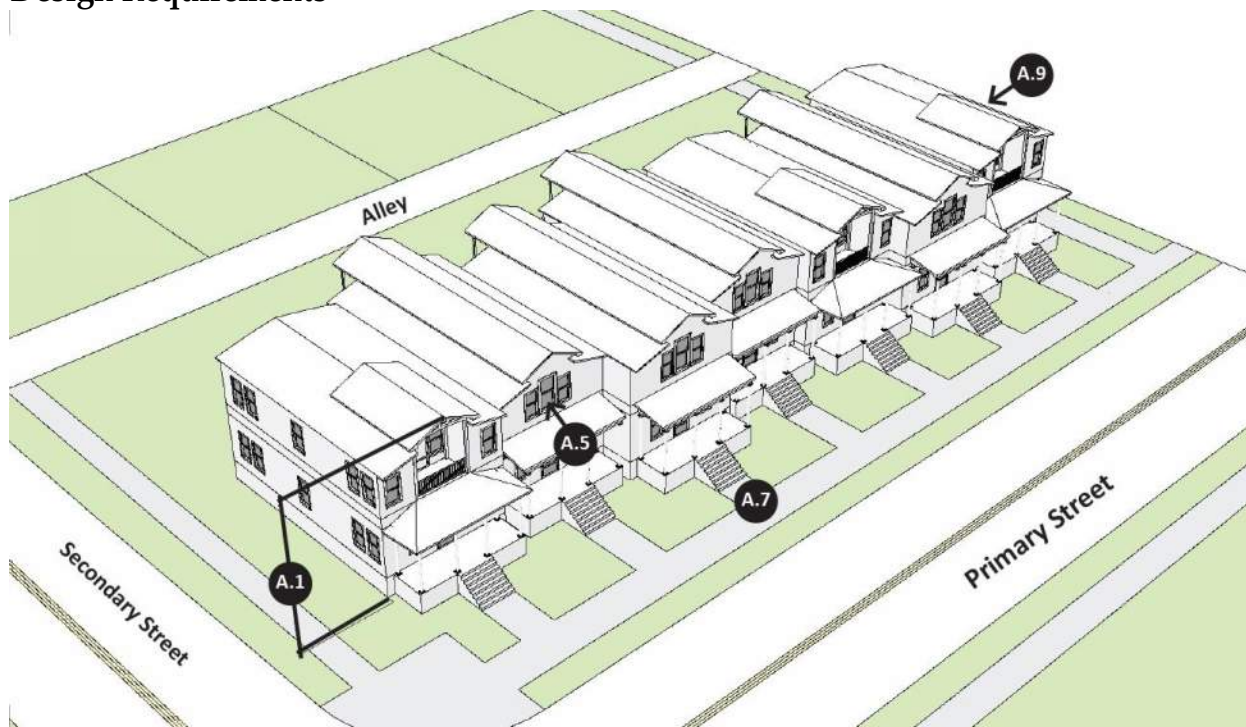


Figure 12-4-2-21 Townhouse Design

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (C)(7) Townhouse

Table 12-4-2-7 Townhouse Standards

Section (W.M.C.)		MR	MM	MH	MC
Floor-to-Floor Height					
12-4-2(D)(1)	Residential ground floor façade floor-to-floor height (min)	9'	9'	9'	9'
Wall Length (Façade)					
See also Table 12-4-2-15 in common design standards for other requirements related to this topic.					
12-4-2(D)(2)	Façade wall length (max)	200'	200'	200'	200'
Wall Articulation & Mass Variation					
Wall articulation and variation in massing is required as indicated below. See also common design standards (subsection 12-4-2(D)(3)) for other requirements related to this topic.					
12-4-2(D)(3)	A minimum of 25% of the total facade area shall provide wall articulation and mass variation as specified.				
	Facade <50' wall length	Two (2) wall articulation techniques are required from Table 12-4-2-16			
	Facade 50' - <100' wall length	Three (3) wall articulation techniques are required from Table 12-4-2-16			
	Facade ≥ 100' wall length	Three (3) wall articulation and one (1) massing variation technique is required from Table 12-4-2-16			
	Side Wall Building walls > 30' in length	One (1) wall articulation technique and one (1) massing variation technique is required from Table 12-4-2-16			
Transparency					
12-4-2(D)(4)	Façade glazed: % ground floor wall area between 2' and 10' (min)	20%	20%	20%	20%
	Façade glazed: % upper floor wall area (min)	15%	15%	15%	15%
360° (Four-sided) Design					
12-4-2(D)(5)	A building shall be designed such that all sides visible by the public contribute to the quality of the public realm. See common design standards (section 12-4-2(D)(5), W.M.C.) for requirements related to this topic.				
Blank Walls - Engaging Pedestrians					
A façade shall be designed to engage pedestrians in the public realm and to minimize blank wall area. See common design standards (section 12-4-2(D)(6), W.M.C.) for related requirements.					
12-4-2(D)(6)	Façade blank wall width (max)	NA	NA	NA	NA
Roof Form					

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (C)(7) Townhouse

Section (W.M.C.)		MR	MM	MH	MC
12-4-2(D)(7)	For a primary roof that has a sloped form, eave overhangs shall be dimensioned to provide some shading from solar gain and to provide visual interest. See the common design standards section 12-4-2(D)(7), W.M.C.				

Building Entries

A clearly identifiable primary entry is required. See also common design standards (section 12-4-2(D)(8), W.M.C.) for other requirements related to this topic.

12-4-2(D)(8)	<p>Facade entry feature (<i>min</i>)</p> <p>See Table 12-4-2-19 (Menu of Primary Entry Designs)</p>	<p>One (1) of these options is required fper unit:</p> <p>D: Recessed Entry</p> <p>E: Door Surround/Molding</p> <p>F: Covered Porch Set Back</p> <p>G: Porch</p> <p>H: Stoop</p> <p>I: Canopy/Recessed Entry</p>
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Building Materials

See also common design standards (section 12-4-2(D)(9), W.M.C.) for other requirements related to this topic.

12-4-2(D)(9)	<p>Facade materials</p> <p>% ground floor wall area from category 1 in Table 12-4-2-20 (Permitted Building Wall Materials by Category) (<i>min</i>)</p>	50%
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(8) Apartment

This section provides design standards for the apartment building type. The illustration below identifies some typical features. A description of the building type is next. Then, the tables that follow provide the related design standards.



Figure 12-4-2-22 Apartments

- A** Central entry orients to the street or a shared open space.
- B** Variation in massing and wall articulation provides visual interest and reduces perceived mass.
- C** Windows provide a sense of connection to the public realm.



Apartment



Apartment



Apartment



Apartment



Apartment



Apartment

Figure 12-4-2-23 Examples of Apartments

Description

The Apartment building type includes multiple units, typically on two or more floors. This building type occurs in a variety of sizes and heights. Adjacent development can influence the building form. Their design uses compatible mass and scale techniques including varied heights, highly articulated masses on all sides, and a pedestrian-friendly facade. This is achieved by incorporating high quality ground floor design elements, such as a degree of transparency that conveys a connection to the street, clearly defined entrances, and canopies and awnings. A shared entry faces the street and are a prominent feature. Parking is accessed in the rear and may be provided as a podium (partial sub-grade) or as tuck-under. High quality and durable materials are a strong feature of this building type.

Permitted Zoning Districts

- (MM) Mixed Medium Residential
- (MH) Mixed High Residential
- (MC) Mixed Center

Design Requirements



Figure 12-4-2-24 Apartment Design

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (C)(8) Apartment

Table 12-4-2-8 Apartment Standards

Section (W.M.C.)		MM	MH	MC
Floor-to-Floor Height				
12-4-2(D)(1)	Residential ground floor façade, floor-to-floor height (<i>min</i>)	12'	12'	12'
Wall Length (Façade)				
See also Table 12-4-2-15 in common design standards for other requirements related to this topic.				
12-4-2(D)(2)	Façade wall length (<i>max</i>)	250'	250'	250'
Wall Articulation & Mass Variation				
Wall articulation and variation in massing is required as indicated below. See also common design standards (subsection 12-4-2(D)(3)) for other requirements related to this topic.				
12-4-2(D)(3)	A minimum of 25% of the total facade area shall provide wall articulation and mass variation as specified.			
	Facade <50' wall length	Two (2) wall articulation technique is required from Table 12-4-2-16		
	Facade 50' - <100' wall length	Three (3) wall articulation techniques are required from Table 12-4-2-16		
	Facade 100' and greater wall length	Three (3) wall articulation and one (1) massing variation technique is required from Table 12-4-2-16		
Transparency				
12-4-2(D)(4)	Façade glazed: % ground floor wall area between 2' and 10' (<i>min</i>)	25%	25%	25%
	Façade glazed: % upper floor wall area (<i>min</i>)	25%	25%	25%
360° (Four-sided) Design				
12-4-2(D)(5)	D.5 A building shall be designed such that all sides visible by the public contribute to the quality of the public realm. See common design standards (section 12-4-2(D)(5), W.M.C.) for requirements related to this topic.			
Blank Walls – Engaging Pedestrians				
A façade shall be designed to engage pedestrians in the public realm and to minimize blank wall area. See common design standards (section 12-4-2(D)(6), W.M.C.) for related requirements.				
12-4-2(D)(6)	Façade blank wall width (<i>max</i>)	15' ^{1/2}	15' ^{1/2}	15' ^{1/2}
	Façade blank wall height (<i>max</i>)	30'	30'	30'

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (C)(8) Apartment

Section (W.M.C.)		MM	MH	MC
Roof Form				
12-4-2(D)(7)	For a primary roof that has a sloped form, eave overhangs shall be dimensioned to provide some shading from solar gain and to provide visual interest. See the common design standards (section 12-4-2(D)(7), W.M.C.).			
Building Entries				
A clearly identifiable primary entry is required. See also common design standards (section 12-4-2(D)(8), W.M.C.) for other requirements related to this topic.				
12-4-2(D)(8)	<p>Façade entry feature (<i>min</i>)</p> <p>See Table 12-4-2-19 (Menu of Primary Entry Designs)</p>	<p>One (1) of these options is required per 100' linear ft.:</p> <p>H: Porch</p> <p>I: Canopy/Recessed Entry</p> <p>J: Courtyard</p> <p>L: Tower or Raised Parapet Element</p> <p>M: Cap Element</p> <p>N: Pitched Roof Element</p> <p>O: Circular Roof Element</p>		
Building Materials				
See also common design standards (section 12-4-2(D)(9), W.M.C.) for other requirements related to this topic.				
12-4-2(D)(9)	<p>Facade materials</p> <p>% ground floor wall area from category 1 in Table 12-4-2-20 (Permitted Building Wall Materials by Category) (<i>min</i>)</p>	50%	50%	50%
	<p>Facade materials</p> <p>% 2nd floor wall area from category 1 in Table 12-4-2-20 (Permitted Building Wall Materials by Category) (<i>min</i>)</p>	50%	50%	50%
	<p>Facade materials:</p> <p>% 3rd floor wall area from category 1 in Table 12-4-2-20 (Permitted Building Wall Materials by Category) (<i>min</i>)</p>	NA	25%	25%

- ¹ Blank wall width may increase to 30' if alternative façade treatments from Table 12-4-2-17 are provided.
- ² Not to exceed 25% of linear street frontage.

(9) Mixed-Use

This section provides design standards for the mixed-use building type. The illustration below identifies some typical features. A description of the building type is next. Then, the tables that follow provide the related design standards.



Figure 12-4-2-25 Mixed-Use

- A** *An easily identifiable entrance to the building connects to the public realm.*
- B** *Step backs in upper floor levels reduces perceived mass and scale.*
- C** *Transparency at the ground level of the building engages the public realm.*



Mixed Use



Mixed Use



Mixed Use



Mixed Use



Mixed Use



Mixed Use

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (C)(9) Mixed-Use

Figure 12-4-2-26 Examples of Mixed-Use

Description	Permitted Zoning Districts
<p>The Mixed-Use building type includes various combinations of retail, office, residential uses in one or more structures. Sometimes structured parking is incorporated as well. The mix may occur vertically or horizontally. This building type occurs in a variety of sizes and heights. Adjacent development can influence the building form. For taller mixed-use buildings, upper floors are set back to reduce perceived mass at the street level. Design use changes in mass and scale techniques including varied heights, highly articulated masses, and architectural detailing. A pedestrian-friendly façade is achieved by incorporating high quality ground floor design elements such as a degree of transparency that engages the street, clearly defined entrances leading to the public realm, and canopies and awnings that add visual interest. High quality and durable materials are a strong feature of this building type.</p>	<p>(NO) Neighborhood Office (NC) Neighborhood Commercial (MC) Mixed Center (TC) Town Center (CC) Commercial Center (OP) Office Park (BP) Business Park (IP) Industrial Park</p>

Design Requirements



Figure 12-4-2-27 Mixed-Use Design

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (C)(9) Mixed-Use

Table 12-4-2-9 Mixed-Use Standards

Section (W.M.C.)		NO	NC	MC	TC	CC	OP	BP	IP
Floor-to-Floor Height									
12-4-2(D)(1)	Residential ground floor façade floor-to-floor height (<i>min</i>)	NA	NA	12'	NA	NA	NA	NA	NA
	Non-residential ground floor façade floor-to-floor height (<i>min</i>)	16'							
Wall Length (Façade)									
See also Table 12-4-2-15 in common design standards for other requirements related to this topic.									
12-4-2(D)(2)	Façade wall length (<i>max</i>)	200'	200'	200'	200'	200'	200'	200'	200'
Wall Articulation & Mass Variation									
Wall articulation and variation in massing is required as indicated below. See also common design standards (subsection 12-4-2(D)(3)) for other requirements related to this topic.									
12-4-2(D)(3)	A minimum of 25% of the total facade area shall provide wall articulation and mass variation as specified.								
	Façade <50' wall length (<i>min</i>)	Two (2) wall articulation techniques are required from Table 12-4-2-16							
	Façade 50' - <100' wall length (<i>min</i>)	Three (3) wall articulation techniques are required from Table 12-4-2-16							
	Façade 100' - <200' wall length (<i>min</i>)	Three (3) wall articulation techniques and one (1) massing variation technique is required from Table 12-4-2-16							
	Façade 200' - 300' wall length (<i>min</i>)	Four (4) wall articulation techniques and one (1) massing variation technique is required from Table 12-4-2-16							
Transparency									
12-4-2(D)(4)	Façade glazed: commercial % ground floor wall area between 2' and 10' (<i>min</i>)	60% ¹	60% ¹	75% ¹	75% ¹	60% ¹	60% ¹	60% ¹	60% ¹
	Façade glazed: residential % ground floor wall area (<i>min</i>)	25%	25%	25%	25%	25%	25%	25%	25%

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (C)(9) Mixed-Use

Section (W.M.C.)		NO	NC	MC	TC	CC	OP	BP	IP
	Façade glazed: upper floor % upper floor wall area (min)	25%	25%	25%	25%	25%	25%	25%	25%

360° (Four-sided) Design

12-4-2(D)(5) A building shall be designed such that all sides visible by the public contribute to the quality of the public realm. See common design standards (section 12-4-2(D)(5), W.M.C.) for requirements related to this topic.

Blank Walls – Engaging Pedestrians

A façade shall be designed to engage pedestrians in the public realm and to minimize blank wall area. See common design standards (section 12-4-2(D)(6), W.M.C.) for related requirements.

12-4-2(D)(6)	Façade blank wall width (max)	20' ^{3/4}	20' ^{3/4}	15' ²	15' ²	20' ^{3/4}	20' ^{3/4}	20' ^{3/4}	20' ^{3/4}
	Façade blank wall height (max)	30'	30'	30'	30'	30'	30'	30'	30'

Roof Form

12-4-2(D)(7) For a primary roof that has a sloped form, eave overhangs shall be dimensioned to provide some shading from solar gain and to provide visual interest. See the common design standards (section 12-4-2(D)(7), W.M.C.).

Building Entries

A clearly identifiable primary entry is required. See also common design standards (section 12-4-2(D)(8), W.M.C.) for other requirements related to this topic.

12-4-2(D)(8)	Façade entry frequency (<i>min</i>) See Table 12-4-2-19 (Menu of Primary Entry Designs)	One (1) of these options is required from menu D.8 per 50' linear ft. (on average): I: Canopy/Recessed Entry J: Courtyard K: Gallery L: Tower or Raised Parapet Element M: Cap Element N: Pitched Roof Element O: Circular Roof Element							
	Plaza entry frequency (<i>min</i>)	1 per 75'	1 per 75'	1 per 75'	1 per 75'	1 per 75'	1 per 75'	1 per 75'	1 per 75'

Building Materials

See also common design standards (section 12-4-2(D)(9), W.M.C.) for other requirements related to this topic.

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (C)(9) Mixed-Use

Section (W.M.C.)		NO	NC	MC	TC	CC	OP	BP	IP
12-4-2(D)(9)	Façade materials % ground floor wall area from category 1 in Table 12-4-2-20 (Permitted Building Wall Materials by Category) (<i>min</i>)	50%	50%	50%	50%	50%	50%	50%	50%
	Façade materials % 2nd floor wall area from category 1 in Table 12-4-2-20 (Permitted Building Wall Materials by Category) (<i>min</i>)	50%	50%	50%	50%	50%	50%	50%	50%
	Façade materials % 3rd floor and above wall area from category 1 in Table 12- 4-2-20 (Permitted Building Wall Materials by Category) (<i>min</i>)	NA	25%	25%	NA	NA	NA	NA	NA

- ¹ Alternative façade treatments may be substituted from Table 12-4-2-18 for transparency.
- ² Not to exceed 25% of linear street frontage.
- ³ Not to exceed 30% of linear street frontage.
- ⁴ Blank wall width may be increased to 30' if alternative façade treatments from Table 12-4-2-18 are provided.

(10) Commercial

This section provides design standards for the commercial building type. The illustration below identifies some typical features. A description of the building type is next. Then, the tables that follow provide the related design standards.



Figure 12-4-2-28 Commercial

- A** Primary entrance identified by a raised parapet and small plaza.
- B** Variation in roof line provides interest and reduces perceived scale.
- C** Display windows face onto the public realm.



Commercial building type



Commercial building type



Commercial building type



Commercial building type



Commercial building type



Commercial building type

Figure 12-4-2-29 Examples of Commercial

Description

The Commercial building type houses a variety of uses that include retail food service and service-oriented businesses. It occurs in a variety of sizes from a small neighborhood retail store to a large grocery store. Adjacent development can influence the building form. Designs use compatible mass and scale techniques that include varied heights, moderately articulated façades, and a pedestrian-friendly façade. A pedestrian-friendly façade is achieved by incorporating high quality ground floor design elements such as a degree of transparency to connect with the public realm, clearly defined entrances, and canopies and awnings that provide visual interest. High quality and durable materials are a strong feature of this building type.

Permitted Zoning Districts

- (NO) Neighborhood Office
- (NC) Neighborhood Commercial
- (MC) Mixed Center
- (TC) Town Center
- (CS) Commercial Service
- (OP) Office Park
- (BP) Business Park
- (IP) Industrial Park

Design Requirements

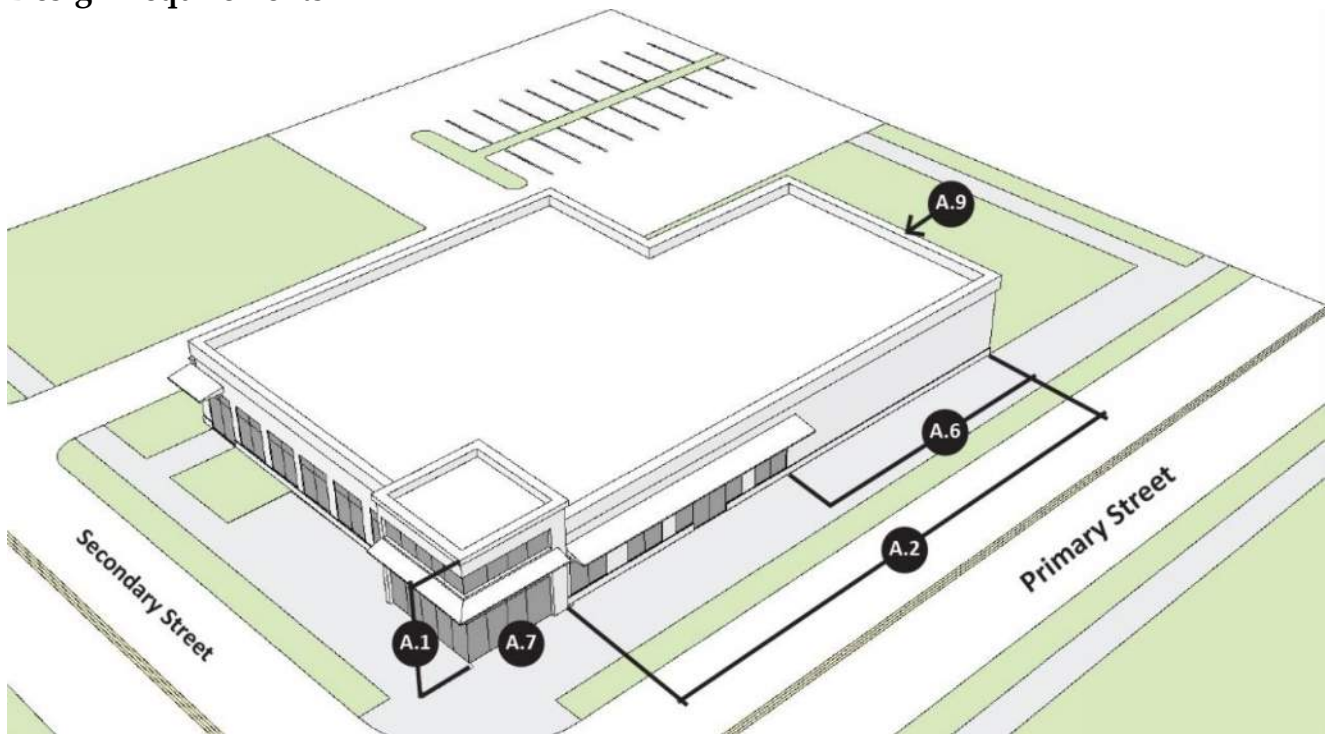


Figure 12-4-2-30 Commercial Design

Table 12-4-2-10 Commercial Building Design Standards

Section (W.M.C.)		NO	NC	MC	TC	CS	OP	BP	IP
Floor-to-Floor Height									
12-4-2(D)(1)	Commercial ground floor façade floor-to-floor height (min)					12'			

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (C)(10) Commercial

Section (W.M.C.)		NO	NC	MC	TC	CS	OP	BP	IP
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Wall Length (Façade)

See also Table 12-4-2-15 in common design standards for other requirements related to this topic.

12-4-2(D)(2)	Façade wall length (max)	200'	200'	200'	200'	400'	400'	400'	400'
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Wall Articulation & Mass Variation

Wall articulation and variation in massing is required as indicated below. See also common design standards (subsection 12-4-2(D)(3)) for other requirements related to this topic.

12-4-2(D)(3)	A minimum of 25% of the total facade area shall provide wall articulation and mass variation as specified.								
	Façade <50' wall length (min)	One (1) wall articulation technique is required from Table 12-4-2-16							
	Façade 50' - <100' wall length (min)	Two (2) wall articulation techniques are required from Table 12-4-2-16							
	Façade 100' - <200' wall length (min)	Two (2) wall articulation techniques and one (1) massing variation technique is required from Table 12-4-2-16							
	Façade 200' - 300' wall length (min)	Three (3) wall articulation techniques and one (1) massing variation technique is required from Table 12-4-2-16							

Transparency

12-4-2(D)(4)	Façade glazed: commercial % ground floor wall area between 2' and 10' (min)	60% ¹	60% ¹	75% ¹	75% ¹	50% ¹	50% ¹	50% ¹	50% ¹
	Façade glazed: upper floor % upper floor wall area (min)	20%							

360° (Four-sided) Design

12-4-2(D)(5) A building shall be designed such that all sides visible by the public contribute to the quality of the public realm. See common design standards (section 12-4-2(D)(5), W.M.C.) for requirements related to this topic.

Blank Walls – Engaging Pedestrians

A façade shall be designed to engage pedestrians in the public realm and to minimize blank wall area. See common design standards (section 12-4-2(D)(6), W.M.C.) for related requirements.

12-4-2(D)(6)	Façade blank wall width (max)	20' ^{3/4}	20' ^{3/4}	15' ²	15' ²	30' ³	30' ³	30' ³	30' ³
	Façade blank wall height (max)	30'	30'	30'	30'	30'	30'	30'	30'

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (C)(10) Commercial

Section (W.M.C.)		NO	NC	MC	TC	CS	OP	BP	IP
Roof Form									
12-4-2(D)(7)	For a primary roof that has a sloped form, eave overhangs shall be dimensioned to provide some shading from solar gain and to provide visual interest. See the common design standards (section 12-4-2(D)(7), W.M.C.) related to this topic.								
Building Entries									
A clearly identifiable primary entry is required. See also common design standards (section 12-4-2(D)(8), W.M.C.) for other requirements related to this topic.									
12-4-2(D)(8)	Façade entry frequency (<i>min</i>) See Table 12-4-2-19 (Menu of Primary Entry Designs)	One (1) of these options is required per 75' linear ft. (on average): I: Canopy/Recessed Entry J: Courtyard K: Gallery L: Tower or Raised Parapet Element M: Cap Element N: Pitched Roof Element O: Circular Roof Element							
	Plaza entry frequency (<i>min</i>)	1 per 75'							
Building Materials									
See also common design standards (section 12-4-2(D)(9), W.M.C.) related to this topic.									
12-4-2(D)(9)	Façade materials % ground floor wall area from category 1 in Table 12-4-2-20 (Permitted Building Wall Materials by Category) (<i>min</i>)	50%	50%	50%	50%	50%	50%	50%	50%
	Façade materials % 2nd floor wall area from category 1 in Table 12-4-2-20 (Permitted Building Wall Materials by Category) (<i>min</i>)	50%	50%	50%	50%	50%	50%	50%	50%

- ¹ Alternative façade treatments may be substituted from Table 12-4-2-18 for transparency wall requirements.
- ² Not to exceed 25% of linear street frontage.
- ³ Not to exceed 30% of linear street frontage.
- ⁴ Blank wall width may be increased to 30' if alternative façade treatments from Table 12-4-2-18 are provided.

(11) Live-Work

This section provides design standards for the live-work building type. The illustration below identifies some typical features. A description of the building type is next. Then, the tables that follow provide the related design standards.



Figure 12-4-2-31 Live-Work

- A** An easily identifiable entrance to each unit.
- B** A step back of upper floors reduces perceived mass at the pedestrian level.
- C** Transparency at the ground level of the building engages the public realm.



Live-Work



Live-work



Live-Work



Live-Work



Live-Work



Live-Work

Figure 12-4-2-32 Examples of Live-Work

Description

The Live-Work building type is similar to the Mixed Use building type, but is typically of lower scale. It combines less intense commercial uses with residential units in which occupants live and work. Uses include art studios, small offices, and technology-support services. Designs use compatible mass and scale techniques, including varied heights, articulated masses, and a pedestrian-friendly façade. A pedestrian-friendly façade is achieved by incorporating high quality ground floor design elements such as a degree of transparency that engages the public realm, clearly defined entrances, and canopies and awnings that provide visual interest. A wide range of durable materials are used on this building type.

Permitted Zoning Districts

- (NO) Neighborhood Office Commercial
- (NC) Neighborhood Commercial
- (MC) Mixed Center

Design Requirements



Figure 12-4-2-33 Live-Work Design

Section (W.M.C.)		NO	NC	MC
Floor-to-Floor Height				
12-4-2(D)(1)	Residential ground floor façade floor-to-floor height (min)		12'	
	Non-residential ground floor façade floor-to-floor height (min)		16'	
Wall Length (Façade)				

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (C)(11) Live-Work

Section (W.M.C.)		NO	NC	MC
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See also Table 12-4-2-15 in common design standards for other requirements related to this topic.

12-4-2(D)(2)	Façade wall length (max)	200'	200'	200'
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Wall Articulation & Mass Variation

Wall articulation and variation in massing is required as indicated below. See also common design standards (subsection 12-4-2(D)(3)) for other requirements related to this topic.

12-4-2(D)(3)	A minimum of 25% of the total facade area shall provide wall articulation and mass variation as specified.			
	Façade <50' wall length (min)	Two (2) wall articulation techniques are required from Table 12-4-2-16		
	Façade 50' - <100' wall length (min)	Three (3) wall articulation techniques are required from Table 12-4-2-16		
	Façade 100' - 200' wall length (min)	Three (3) wall articulation a one (1) massing variation technique is required from Table 12-4-2-16		

Transparency

12-4-2(D)(4)	Façade glazed: commercial % ground floor wall area between 2' and 10' (min)	50%		
	Façade glazed: upper floor % upper floor wall area (min)	15%		

360° (Four-sided) Design

12-4-2(D)(5)	A building shall be designed such that all sides visible by the public contribute to the quality of the public realm. See common design standards (section 12-4-2(D)(5), W.M.C.).			
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Blank Walls – Engaging Pedestrians

A façade shall be designed to engage pedestrians in the public realm and to minimize blank wall area. See common design standards (section 12-4-2(D)(6), W.M.C.) for related requirements.

12-4-2(D)(6)	Façade blank wall width (max)	NA	NA	NA
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Roof Form

12-4-2(D)(7)	For a primary roof that has a sloped form, eave overhangs shall be dimensioned to provide some shading from solar gain and to provide visual interest. See the common design standards (section 12-4-2(D)(7), W.M.C.).			
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Building Entries

A clearly identifiable primary entry is required. See also common design standards (section 12-4-

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (C)(11) Live-Work

Section (W.M.C.)		NO	NC	MC
2(D)(8), W.M.C.) for other requirements related to this topic.				
12-4-2(D)(8)	Façade entry frequency (<i>min</i>) See Table 12-4-2-19 (Menu of Primary Entry Designs)	One (1) of these options is required from Table 12-4-2-19 per unit: D: Recessed Entry E: Door Surround/Molding F: Covered Porch Set Back G: Porch H: Stoop I: Canopy/Recessed Entry		
	Plaza entry frequency (min)	1 per 75'		

Building Materials

See also common design standards (section 12-4-2(D)(9), W.M.C.) for other requirements related to this topic.

12-4-2(D)(9)	Façade materials % ground floor wall area from category 1 in Table 12-4-2-20 (Permitted Building Wall Materials by Category) (<i>min</i>)	25%	25%	25%
	Façade materials % 2nd floor wall area from category 1 in Table 12-4-2-20 (Permitted Building Wall Materials by Category) (<i>min</i>)	25%	25%	25%

¹ Not to exceed 25% of linear street frontage.

(12) Drive-Through

This section provides design standards for the drive-through building type. The illustration below identifies some typical features. A description of the building type is next. Then, the tables that follow provide the related design standards.



Figure 12-4-2-34 Drive-Through

- A** Outdoor seating engages the public realm.
- B** Pedestrian entrance is clearly identified and connected to a public walkway.
- C** Windows provide a sense of connection to the public realm and drive-through aisles are located to minimize pedestrian crossing conflicts.



Drive-Through



Drive-Through



Drive-Through



Drive-Through



Drive-Through



Drive-Through

Figure 12-4-2-35 Examples of Drive-Through

Description

The drive-through building type is a structure that provides automobile food and beverage pick-up often combined with dine-in opportunity. Drive-through aisles are oriented to minimize conflicts with pedestrians and to minimize views from abutting streets. Building designs use mass and scale techniques that include varied heights, articulated masses, and a pedestrian-friendly façade. A pedestrian-friendly façade is achieved by incorporating high quality ground floor design elements such as a degree of transparency that engages with the public realm, clearly defined entrances, and canopies and awnings to provide visual interest. This building type also relates to the community at large in terms of its basic design features. When located within a commercial center, it is designed to be consistent with the architectural character of other buildings, while also conveying individual corporate identities in a subordinate way. Moderate quality, but durable materials are a feature of this building type.

Permitted Zoning Districts

- (NC) Neighborhood Commercial
- (TC) Town Center
- (CS) Commercial Service

Design Requirements



Figure 12-4-2-36 Drive-Through Design

Table 12-4-2-11 Drive-Through Building Design Standards

Section (W.M.C.)		NC	TC	CS
Floor-to-Floor Height				
12-4-2(D)(1)	Non-residential ground floor façade floor-to-floor height (min)		12'	

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (C)(12) Drive-Through

Section (W.M.C.)		NC	TC	CS
Wall Length (Façade)				
See also Table 12-4-2-15 in common design standards for other requirements related to this topic.				
12-4-2(D)(2)	Façade wall length (max)		50'	
Wall Articulation & Mass Variation				
Wall articulation and variation in massing is required as indicated below. See also common design standards (subsection 12-4-2(D)(3)) for other requirements related to this topic.				
12-4-2(D)(3)	A minimum of 25% of the total facade area shall provide wall articulation and mass variation as specified.			
	Façade 50' and less wall length (min)	Two (2) wall articulation techniques are required from Table 12-4-2-16		
Transparency				
12-4-2(D)(4)	Façade glazed: % ground floor wall area between 2' and 10' (min)		65%	
360° (Four-sided) Design				
12-4-2(D)(5)	A building shall be designed such that all sides visible by the public contribute to the quality of the public realm. See common design standards (section 12-4-2(D)(5), W.M.C.) for requirements related to this topic.			
Blank Walls – Engaging Pedestrians				
A façade shall be designed to engage pedestrians in the public realm and to minimize blank wall area. See common design standards (section 12-4-2(D)(6), W.M.C.) for related requirements.				
12-4-2(D)(6)	Façade blank wall width (<i>max</i>)		NA	
Roof Form				
12-4-2(D)(7)	For a primary roof that has a sloped form, eave overhangs shall be dimensioned to provide some shading from solar gain and to provide visual interest. See common design standards (section 12-4-2(D)(7), W.M.C.).			
Building Entries				
A clearly identifiable primary entry is required. See also common design standards (section 12-4-2(D)(8), W.M.C.) for other requirements related to this topic.				
12-4-2(D)(8)	Façade entry feature (<i>min</i>) See Table 12-4-2-19 (Menu of Primary Entry Designs)	One (1) of these options is required: I: Canopy/Recessed Entry J: Courtyard K: Gallery L: Tower or Raised Parapet Element M: Cap Element N: Pitched Roof Element O: Circular Roof Element		
Building Materials				

Unified Development Code
 Chapter 4 Development Standards | 12-4-2 Buildings | (C)(12) Drive-Through

Section (W.M.C.)		NC	TC	CS
See also common design standards (section 12-4-2(D)(9), W.M.C.) for other requirements.				
12-4-2(D)(9)	Facade materials % ground floor wall area from category 1 in Table 12-4-2-20 (Permitted Building Wall Materials by Category) (<i>min</i>)		50%	

(13) Office

This section provides design standards for the office building type. The illustration below identifies some typical features. A description of the building type is next. Then, the tables that follow provide the related design standards.



Figure 12-4-2-37 Office

- A** Primary entrance connects to a public walkway.
- B** Horizontal features, including cornices and moldings, add a sense of scale and provide visual interest.
- C** A high degree of transparency provides visual interest and connection with the public realm.
- D** Vertical articulation occurs in columns and architectural details which provide visual interest and a sense of scale.



Office



Office



Office



Office



Office



Office

Figure 12-4-2-38 Examples of Office

Description

The Office building type houses offices and administrative operations for a variety of businesses, including a variety of professional operations, medical facilities and corporations. This building type occurs in a variety of sizes and heights, from a small neighborhood office to a large medical campus. Adjacent development can influence the building form. Designs use compatible mass and scale techniques that include varied heights, moderately articulated masses on all sides of the building, and a pedestrian-friendly façade. A pedestrian-friendly façade is achieved by incorporating high quality ground floor design elements such as a degree of transparency that engages the public realm, clearly-defined entrances, and canopies and awnings that provide visual interest. High quality, and durable materials are a strong feature of this building type. Some moderate quality materials may be considered in a campus setting.

Permitted Zoning Districts

- (NO) Neighborhood Office
- (NC) Neighborhood Commercial
- (MC) Mixed Center
- (TC) Town Center
- (OP) Office Park
- (BP) Business Park
- (IP) Industrial Park

Design Requirements



Figure 12-4-2-39 Office Design

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (C)(13) Office

Table 12-4-2-12 Office Building Design Standards

Section (W.M.C.)		NO	NC	MC	TC	OP	BP	IP
Floor-to-Floor Height								
12-4-2(D)(1)	Non-residential ground floor façade floor-to- floor height (<i>min</i>)	12'	12'	16'	16'	12'	12'	12'
Wall Length (Façade)								
See also Table 12-4-2-15 in common design standards for other requirements related to this topic.								
12-4-2(D)(2)	Façade wall length (max)	200'	200'	200'	200'	400'	400'	400'
Wall Articulation & Mass Variation								
Wall articulation and variation in massing is required as indicated below. See also common design standards (subsection 12-4-2(D)(3)) for other requirements related to this topic.								
12-4-2(D)(3)	A minimum of 25% of the total facade area shall provide wall articulation and/or mass variation as specified.							
	Façade <50' wall length (<i>min</i>)	Two (2) wall articulation techniques are required from Table 12-4-2-16						
	Façade 50' - <100' wall length (<i>min</i>)	Three (3) wall articulation techniques are required from Table 12-4-2-16						
	Façade 100' - <200' wall length (<i>min</i>)	Three (3) wall articulation and one (1) massing variation technique is required from Table 12-4-2-16						
	Façade 200' - 400' wall length (<i>min</i>)	Four (4) wall articulation and one (1) massing variation technique is required from Table 12-4-2-16						
Transparency								
12-4-2(D)(4)	Façade glazed: commercial % ground floor wall area between 2' and 10' (<i>min</i>)	60% ¹	60% ¹	75% ¹	75% ¹	40% ¹	40% ¹	40% ¹
	Façade glazed: upper floor % upper floor wall area (<i>min</i>)	25%	25%	25%	25%	25%	25%	25%
360° (Four-sided) Design								
12-4-2(D)(5)	A building shall be designed such that all sides visible by the public contribute to the quality of the public realm. See common design standards (section 12-4-2(D)(5), W.M.C.) for requirements related to this topic.							
Blank Walls -Engaging Pedestrians								
A façade shall be designed to engage pedestrians in the public realm and to minimize blank wall area. See common design standards (section 12-4-2(D)(6), W.M.C.) for related requirements.								

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (C)(13) Office

12-4-2(D)(6)	Façade blank wall width (max)	20' ^{3/4}	20' ^{3/4}	15' ²	15' ²	30' ³	30' ³	30' ³
	Façade blank wall height (max)	30'	30'	30'	30'	30	30'	30'

Roof Form

12-4-2(D)(7) For a primary roof that has a sloped form, eave overhangs shall be dimensioned to provide some shading from solar gain and to provide visual interest. See the common design standards (section 12-4-2(D)(7), W.M.C.).

Building Entries

A clearly identifiable primary entry is required. See also common design standards (section 12-4-2(D)(8), W.M.C.) for other requirements related to this topic.

12-4-2(D)(8)	Façade entry frequency (<i>min</i>) See Table 12-4-2-19 (Menu of Primary Entry Designs)	One (1) of these options is required per 100' linear ft. (on average): I: Canopy/Recessed Entry J: Courtyard K: Gallery L: Tower or Raised Parapet Element M: Cap Element N: Pitched Roof Element O: Circular Roof Element
	Plaza entry frequency (<i>min</i>)	1 per 75'

Building Materials

See also common design standards (section 12-4-2(D)(9), W.M.C.) for other requirements related to this topic.

12-4-2(D)(9)	Façade materials % ground floor wall area from category 1 in Table 12-4-2-20 (Permitted Building Wall Materials by Category) (<i>min</i>)	50%	50%	50%	50%	50%	50%	50%
	Façade materials % 2nd floor wall area from category 1 in Table 12-4-2-20 (Permitted Building Wall Materials by Category) (<i>min</i>)	50%	50%	50%	50%	50%	50%	50%

- ¹ Alternative façade treatments may be substituted from Table 12-4-2-18 for transparency.
- ² Not to exceed 25% of linear street frontage.
- ³ Not to exceed 30% of linear street frontage.

Unified Development Code

Chapter 4 Development Standards | 12-4-2 Buildings | (C)(13) Office

- 4 Blank wall width may be increased to 30' if alternative façade treatments from Table 12-4-2-18 are provided.

(14) Hospitality

This section provides design standards for the hospitality building type. The illustration below identifies some typical features. A description of the building type is next. Then, the tables that follow provide the related design standards.



Figure 12-4-2-40 Hospitality

- A** Primary entrance is clearly identified and orients to the public realm or a common area.
- B** Varied roof forms provide visual interest and a sense of scale
- C** Windows provide a sense of connection to the public realm.



Hospitality building



Hospitality building



Hospitality building



Hospitality building



Hospitality building



Hospitality building

Figure 12-4-2-41 Examples of Hospitality

Description

The Hospitality building type includes rooms designed for a temporary stay, along with supporting uses. It typically occurs as a structure of two or more floors. Adjacent development can influence the building form. Designs promote compatible mass and scale techniques that include varied heights, moderately articulated masses on all sides of the building, and a pedestrian-friendly façade. This is achieved by incorporating high-quality ground floor design features such as a degree of transparency that engages the public realm, clearly defined entrances, and canopies and awnings that provide visual interest. A prominent covered entry is a common feature in most settings and often includes an auto drop-off area. Parking may be provided as a podium (partial sub-grade) or in well-landscaped surface lots. Moderate quality, but durable materials are a feature of this building type.

Permitted Zoning Districts

- (MC) Mixed Center
- (TC) Town Center
- (CS) Commercial Service
- (OP) Office Park
- (BP) Business Park

Design Requirements



Figure 12-4-2-42 Hospitality Design

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (C)(14) Hospitality

Table 12-4-2-13 Hospitality Building Design Standards

Section (W.M.C.)		MC	TC	CS	OP	BP
Floor-to-Floor Height						
12-4-2(D)(1)	Non-residential ground floor façade floor-to-floor height (<i>min</i>)			16'		
Wall Length (Façade)						
See also Table 12-4-2-15 in common design standards for other requirements related to this topic.						
12-4-2(D)(2)	Façade wall length (max)			300'		
Wall Articulation & Mass Variation						
Wall articulation and variation in massing is required as indicated below. See also common design standards (subsection 12-4-2(D)(3)) for other requirements related to this topic.						
12-4-2(D)(3)	A minimum of 25% of the total facade area shall provide wall articulation and mass variation as specified.					
	Façade <50' wall length (<i>min</i>)	Two (2) wall articulation techniques are required from Table 12-4-2-16				
	Façade 50' - <100' wall length (<i>min</i>)	Three (3) wall articulation techniques are required from Table 12-4-2-16				
	Façade 100' - <200' wall length (<i>min</i>)	Three (3) wall articulation and one (1) massing variation technique is required from Table 12-4-2-16				
	Façade 200' - 300' wall length (<i>min</i>)	Four (4) wall articulation and one (1) massing variation technique is required from Table 12-4-2-16				
Transparency						
12-4-2(D)(4)	Façade glazed: % ground floor wall area between 2' and 10' (<i>min</i>)	65% ¹	65% ¹	40% ¹	40% ¹	40% ¹
	Façade glazed: % upper floor wall area (<i>min</i>)	25%				
360° (Four-sided) Design						
12-4-2(D)(5)	A building shall be designed such that all sides visible by the public contribute to the quality of the public realm. See common design standards (subsection 12-4-2(D)(5), W.M.C.) for requirements related to this topic.					

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (C)(14) Hospitality

Section (W.M.C.)		MC	TC	CS	OP	BP
Blank Walls – Engaging Pedestrians						
A façade shall be designed to engage pedestrians in the public realm and to minimize blank wall area. See common design standards (section 12-4-2(D)(6), W.M.C.) for related requirements.						
12-4-2(D)(6)	Façade blank wall width (max)	15' ²	15' ²	20' ^{3/4}	20' ^{3/4} 4	20' ^{3/4}
	Façade blank wall height (max)	30'				
Roof Form						
12-4-2(D)(7)	For a primary roof that has a sloped form, eave overhangs shall be dimensioned to provide some shading from solar gain and to provide visual interest. See the common design standards (section 12-4-2(D)(7), W.M.C.).					
Building Entries						
A clearly identifiable primary entry is required. See also common design standards (section 12-4-2(D)(8), W.M.C.) for other requirements related to this topic.						
12-4-2(D)(8)	Façade entry feature (<i>min</i>) See Table 12-4-2-19 (Menu of Primary Entry Designs)	One (1) of these options is required per 100' linear ft. (on average): I: Canopy/Recessed Entry J: Courtyard K: Gallery L: Tower or Raised Parapet Element M: Cap Element N: Pitched Roof Element O: Circular Roof Element				
Building Materials						
See also common design standards (section 12-4-2(D)(9), W.M.C.) for other requirements.						
12-4-2(D)(9)	Façade materials % ground floor wall area from category 1 in Table 12-4-2-20 (Permitted Building Wall Materials by Category) (<i>min</i>)	50%				
	Façade materials % 2nd floor wall area and above from category 1 or 2 in Table 12-4-2-20 (Permitted Building Wall Materials by Category) (<i>min</i>)	50%				

¹ Alternative façade treatments may be substituted from Table 12-4-2-18 for transparency.

Unified Development Code**Chapter 4 Development Standards | 12-4-2 Buildings | (C)(14) Hospitality**

- 2 Not to exceed 25% of linear street frontage.
- 3 Not to exceed 30% of linear street frontage.
- 4 Blank wall width may be increased to 30' if alternative façade treatments from Table 12-4-2-18 are provided.

(15) Industrial

This section provides design standards for the industrial building type. The illustration below identifies some typical features. A description of the building type is next. Then, the tables that follow provide the related design standards.



Figure 12-4-2-43 Industrial

- A** Primary entrance is clearly identified.
- B** Variation in massing, including wall setbacks, and changes in parapet heights provide interest and reduces perceived scale.
- C** Window patterns on walls facing public areas provide visual interest and a sense of connection to the public realm.



Industrial building



Industrial building



Industrial building



Industrial building



Industrial building



Industrial building

Figure 12-4-2-44 Examples of Industrial

Description

The Industrial building type houses operations for fabrication, repair, distribution and manufacturing. Some buildings are located internal to a site and may be more utilitarian in character, while those visible from the public way are designed to be compatible with nearby properties. Thus, adjacent development can influence the form of those buildings that engage with the public realm. This building type occurs in a variety of sizes, from a small microbrewery operation to a large distribution center. Designs of many promote compatible mass and scale techniques that include varied heights, articulated masses, and a pedestrian-friendly façade. This is particularly important for buildings visible from the public way. In other settings these buildings may be simpler in their design and may have service bays for trucks. A pedestrian-friendly façade can be achieved on street-facing walls by incorporating ground floor design elements such as a degree of transparency, clearly defined entrances, canopies and awnings to enhance the pedestrian environment. Moderate quality, but durable materials are a feature of this building type.

Permitted Zoning Districts

(OP) Office Park
 (BP) Business Park
 (IP) Industrial Park

Design Requirements

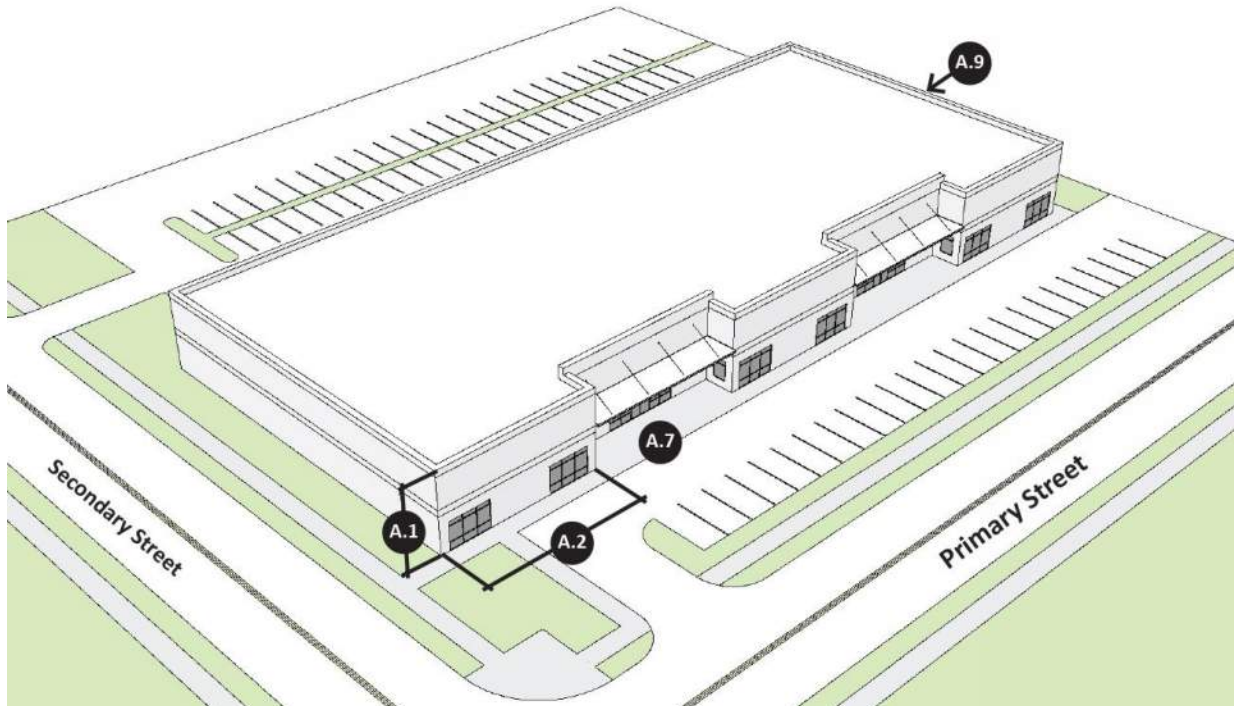


Figure 12-4-2-45 Industrial

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (C)(15) Industrial

Table 12-4-2-14 Industrial Building Design Standards

Section (W.M.C.)		OP	BP	IP
Floor-to-Floor Height				
12-4-2(D)(1)	Non-residential ground floor façade floor-to-floor height (min)		12'	
Wall Length (Façade)				
See also Table 12-4-2-15 in common design standards for other requirements related to this topic.				
12-4-2(D)(2)	Façade wall length (max)	600'	600'	1200'
Wall Articulation & Mass Variation				
Wall articulation and variation in massing is required as indicated below. See also common design standards (subsection 12-4-2(D)(3)) for other requirements related to this topic.				
12-4-2(D)(3)	A minimum of 25% of the total facade area shall provide wall articulation and mass variation as specified.			
	Façade <50' wall length (min)	One (1) wall articulation technique is required from Table 12-4-2-16		
	Façade 50' - <100' wall length (min)	Two (2) wall articulation techniques are required from Table 12-4-2-16		
	Façade 100' - <200' wall length (min)	Three (3) wall articulation techniques are required from Table 12-4-2-16		
	Façade 200' and greater wall length (min)	Three (3) wall articulation techniques and one (1) massing variation technique is required from Table 12-4-2-16		
Transparency				
12-4-2(D)(4)	Façade glazed: % ground floor wall area between 2' and 10' (min)	20% ¹	20% ¹	20% ¹
	Façade glazed: % upper floor wall area (min)	NA	NA	NA
360° (Four-sided) Design				
12-4-2(D)(5)	A building shall be designed such that all sides visible by the public contribute to the quality of the public realm. See common design standards (subsection 12-4-2(D)(5), W.M.C.) for requirements related to this topic.			
Blank Walls – Engaging Pedestrians				
A façade shall be designed to engage pedestrians in the public realm and to minimize blank wall area. See common design standards (section 12-4-2(D)(6), W.M.C.) for related requirements.				
12-4-2(D)(6)	Façade blank wall width (max)	NA	NA	NA

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (C)(15) Industrial

Section (W.M.C.)		OP	BP	IP
	Façade blank wall height (<i>max</i>)	NA	NA	NA

Roof Form

12-4-2(D)(7) For a primary roof that has a sloped form, eave overhangs shall be dimensioned to provide some shading from solar gain and to provide visual interest. See the common design standards (section 12-4-2(D)(7), W.M.C.).

Building Entries

A clearly identifiable primary entry is required. See also common design standards (section 12-4-2(D)(8), W.M.C.) for other requirements related to this topic.

12-4-2(D)(8)	Façade entry feature (<i>min</i>) See Table 12-4-2-19 (Menu of Primary Entry Designs)	One (1) of these options is required from per façade: I: Canopy/Recessed Entry J: Courtyard K: Gallery L: Tower or Raised Parapet Element M: Cap Element N: Pitched Roof Element O: Circular Roof Element
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Building Materials

See also common design standards (section 12-4-2(D)(9), W.M.C.) for other requirements related to this topic.

12-4-2(D)(9)	Façade materials % ground floor wall area from category 1, 2, or 3 in Table 12-4-2-20 (Permitted Building Wall Materials by Category) (<i>min</i>)	100%
	Façade materials % 2nd floor wall area and above from category 1, 2, or 3 in Table 12-4-2-20 (Permitted Building Wall Materials by Category) (<i>min</i>)	100%

¹ Alternative façade treatments may be substituted from Table 12-4-2-18 for transparency requirements.

(D) Common Building Design Standards

The standards below expand on the requirements for individual building types set forth in subsection (C) of this section and are used to determine compliance with those requirements.

(1) Floor-to-floor Height

Purpose: The ground floor of a building should have a height that provides a sense of human scale and contributes to an inviting experience for pedestrians in the public realm.

- (a) Provide a first floor height that is in proportion to the character of the street.
- (b) A first floor height that is taller than upper floors is required.
- (c) See the tables in the preceding section for minimum dimensions.

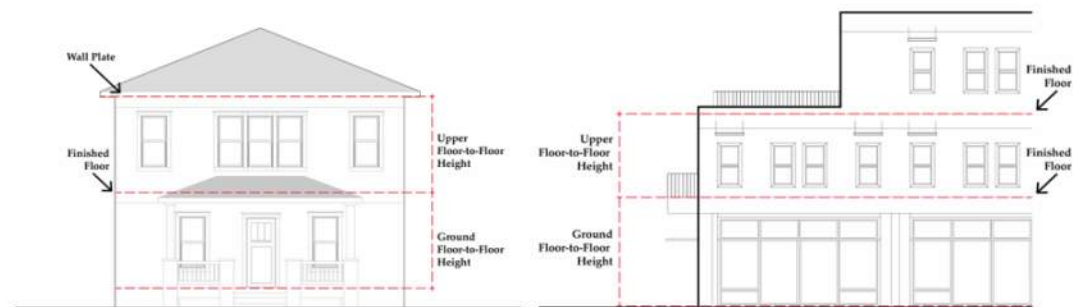


Figure 12-4-2-46 Floor-to-Floor Height

Floor-to-floor height is measured from one finished floor to the next finished floor. For the upper-most floor, the height is measured from the finished floor to the wall plate above.

(2) Wall Length

Purpose: A building should appear of a size that encourages walkability. For this reason, the width of a façade shall be limited to a range that promotes a pedestrian-friendly environment and has a sense of human scale. This includes providing connections between buildings and among projects at distances that are comfortable.

- (a) Limit the width of a façade to a dimension that maintains a walkable, human scale.
- (b) See the tables for individual building types for maximum wall length.
- (c) In special circumstances, where a greater wall length may be permitted, use a major change in wall planes and offsets to reduce perceived scale. (See Table 12-4-2-15 below)

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (D)(2) Wall Length

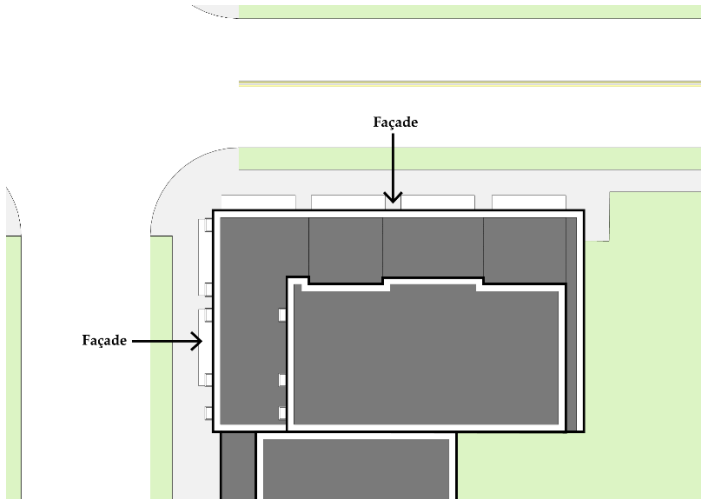


Figure 12-4-2-47 Façade

The façade of a building is the wall directly facing onto a street or common area. A building located on a corner has two façades.

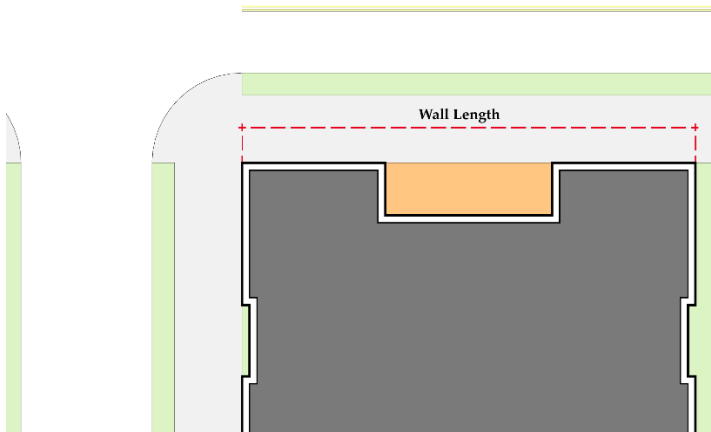



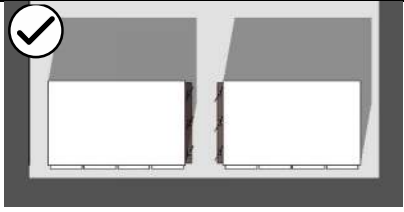
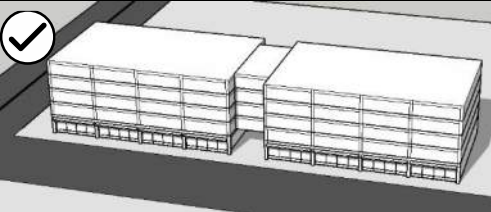
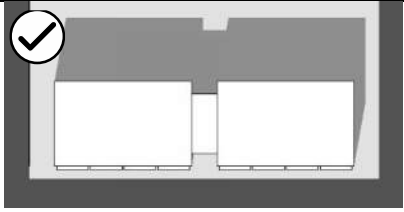
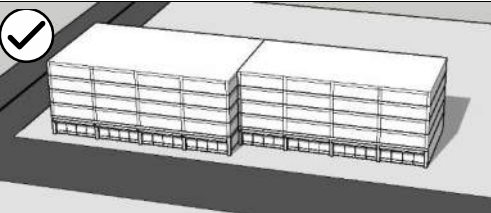
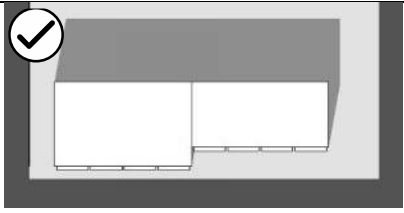
Figure 12-4-2-48 Wall Length

Wall length is measured as the dimension of the entire façade of a building, including all wall offsets.

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (D)(2) Wall Length

Table 12-4-2-15 Menu of Options for Minimizing Wall Length

Where wall length may be granted an exception to exceed the maximum permitted, use these techniques:

	Aerial View	Plan View
A. Building Separation Divide the mass into separate buildings, each with a façade in scale. (Preferred)		
B. In-Set & Pass Through Divide a building into modules and provide a break in the wall plane using a pass-through. See Table X in Use Patterns for details.		
C. Setback Provide a substantial façade offset to reduce the perceived length of each wall plane. (Min. 20 ft. wide wall plane and 20 ft. deep offset.)		

(3) Wall & Mass Variation

Purpose: A building should have variation in massing to help establish a human scale, and building walls should have articulation to add visual interest, prevent monotony, and promote a pedestrian-friendly environment. "Human scale" describes how a person perceives a building element, or a group of building elements, in relation to themselves.

- (a) Building articulation techniques include changes in vertical and horizontal arrangements of different materials and colors, fenestration patterns, and wall offsets. The design and arrangement of these techniques and the architectural details that are employed provide visual interest by creating depth, shadow, contrast, and modularity.
 - (i) Buildings shall provide variation in massing and articulation of wall planes to establish a human scale and promote a pedestrian-friendly experience.
 - (ii) See the tables of specific Building Types for minimum requirements.
 - (iii) See Table D.3 below for details about specific variation techniques.



Figure 12-4-2-49 Wall Articulation

Articulate a building wall to create human scale components and express a sense of vertical and horizontal scale. This façade employs the following articulation techniques: canopies, color change, accent lines, material change, wall offsets, and an architectural projection.

Table 12-4-2-16 Menu of Options for Wall & Mass Articulation

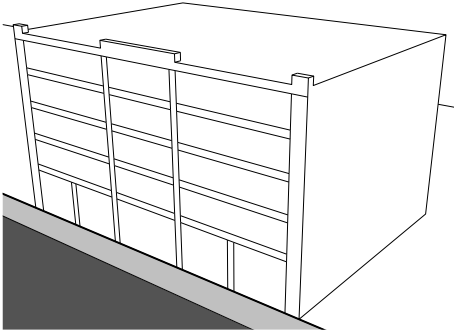
A primary façade shall incorporate wall articulation techniques and massing variations. See the design requirements of specific building types for the minimum number of techniques.

Wall Articulation Techniques

A. Accent Lines

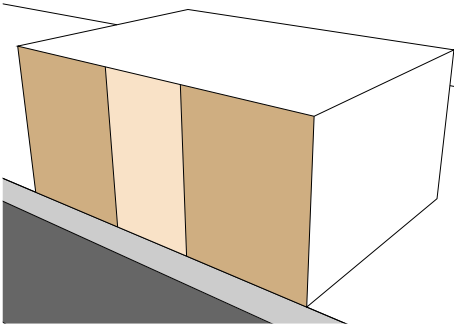
Accent lines include vertical and horizontal expression elements on a wall. An accent line shall project from, or be set in by, a minimum of 2" from the face of a wall. Examples include:

- Moldings
- Sills
- Cornices
- Spandrels



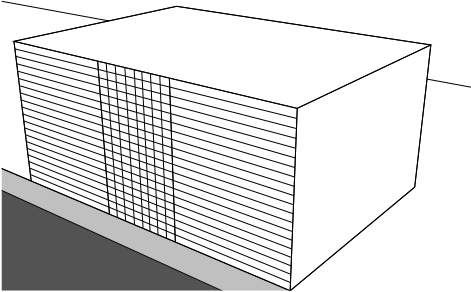
B. Color Changes

A change in color for a significant vertical or horizontal wall plane. To qualify, a color change must be used in combination with one of these other techniques: A, D, G, I, and J.



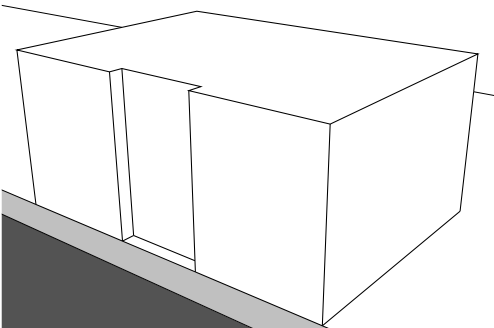
C. Material Changes

A material change for a significant vertical or horizontal wall plane. To qualify, it must be used in combination with one of the following: A, D, G, I, and J.



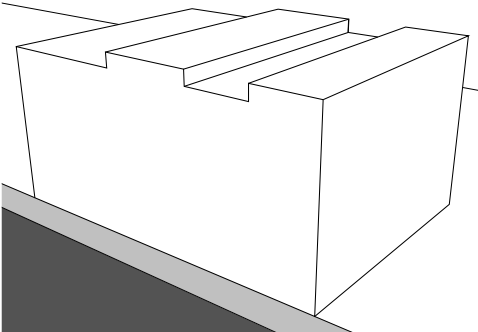
D. Minor Wall Offset

A minor wall offset is a vertical expression line created by a notch that extends the full height of the wall plane. It shall be 4" minimum in depth and a minimum of 2' in width.



E. Variation in Height

A variation in building or parapet height as viewed from the street of at least 2' and at least 10' wide (or 4' for a building greater than two stories in height).

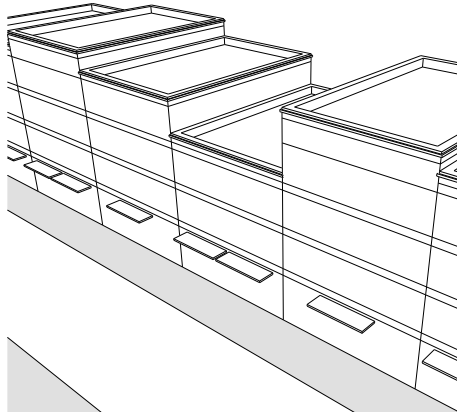


F. Architectural Elements

These are attached to, or are set in from, a wall plane and create strong shadow lines.

They shall project from, or be set in, by a minimum of 4' from the face of a wall. Examples include:

- Balconies
- Canopies
- Building overhangs

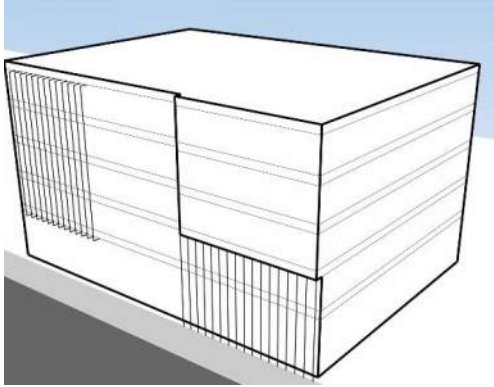


G. Architectural Projections

These project from the wall plane.

These shall project a minimum of 1' from the face of a wall. Examples include:

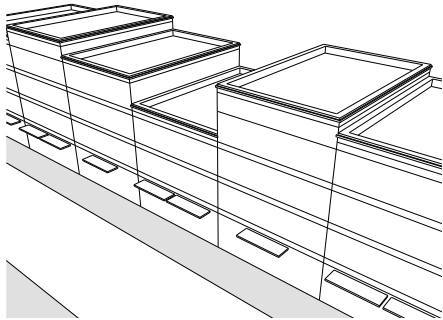
- Architectural screens
- Projecting bays



Mass Variation Techniques

H. Change in Number of Stories

An actual change in the vertical scale of a building of at least one floor or a minimum of 10' vertical dimension and 20' horizontal dimension.

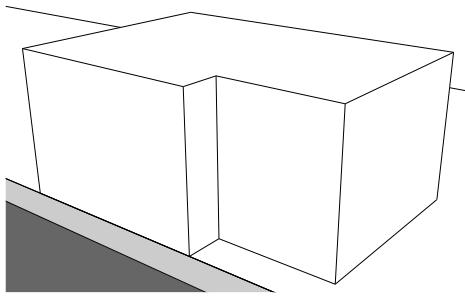


Unified Development Code

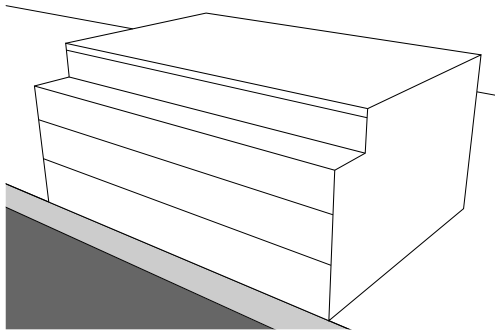
Chapter 4 Development Standards | 12-4-2 Buildings | (D)(3) Wall & Mass Variation

I. Wall Offset

A wall offset is similar to a minor wall offset, but with a larger dimension. It applies to a wall plane for its full height. A change in wall plane of not less than 3' in depth or projection, and a minimum of 20' in wall length is required to qualify.

**J. Upper Floor Stepback**

A stepback of an upper story building wall relative to those on a lower story. For a building of 4 stories or more, a stepback in wall plane shall occur a minimum of 8' in depth for 40% of façade area that is above the second floor.



- (b) Provide variation in height and wall planes to add visual interest, reduce the perceived scale of a building, and avoid looming, boxy or monolithic building forms. Use the following techniques:
- Varied building height
 - Stepback of upper floors
 - Pronounced wall offsets
 - Varied roof lines

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (D)(3) Wall & Mass Variation

- Other articulation devices that divide a larger building into smaller modules.
- See also Table 12-4-2-16 above.



This mixed use building incorporates a combination of appropriate vertical and horizontal articulation techniques through the use of metal lintels, metal coping, color changes, window alignments, and vertical wall offsets, for example.

Figure 12-4-2-50 Examples of Articulation



These townhouses incorporate a combination of vertical and horizontal articulation techniques including balconies and windows that align, variations in color and material, vertical wall offsets, and roof overhangs.

- (c) Articulate a building wall to create a sense of human scale and visual interest. Use the following techniques:
- Provide a change in building heights, wall offsets, and recesses.
 - Incorporate roof and eave overhangs.
 - Highlight cornice lines.
 - Provide upper floor balconies.
 - Define pilasters and moldings.
 - Define vertical or horizontal variations in materials and architectural detailing.
 - Incorporate a “base, middle and cap” in the design.
 - Provide heavier weighted materials and/or darker colors along the base of the building.
 - Highlight windows, storefronts, and entries with canopies and solar devices.
 - Incorporate projecting bays into the building wall.

(d) Buildings on lots with frontages on “A” Streets (i.e., streets with a “Main Street”-like setting),⁴ provide a consistent “street wall” by aligning and repeating architectural features including:

- Floor heights
- Storefront details, such as the bulkhead, display windows, and transoms
- Recessed entries
- Canopies
- Upper floor windows

(4) Transparency

Purpose: A building should have a sense of connection with the public realm or common area. An important way of doing so is to have a sufficient amount of windows that look onto public areas. The degree of transparency that is appropriate varies by building type, with some having lower requirements. The minimum requirements appear in the tables for individual building types.

Provide a sufficient degree of transparency in a building wall to engage the public realm.

- The percentage of transparency that is appropriate varies by building type.
- See the requirements for specific building types.

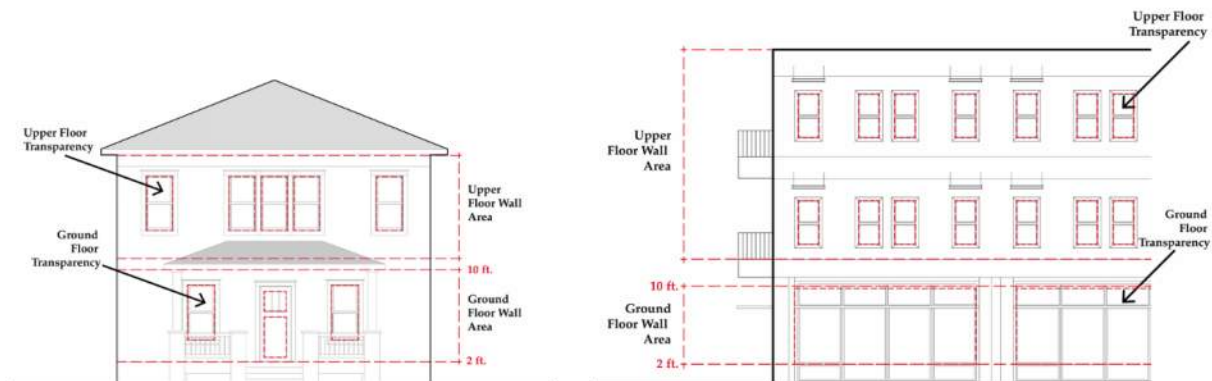


Figure 12-4-2-51 Transparency

Transparency is measured as a percentage of glazed areas (windows and doors) to solid wall surfaces. Ground floor transparency is measured between two feet above grade to 10 feet above grade. Upper floors are measured for the entire wall area above 10 feet from grade.

⁴ Placeholder: we will define “A” Streets with higher levels of design and “B” streets with more utilitarian buildings and placement in the next draft.

(5) 360° (Four-sided) Design

Purpose: Each building should be designed to be appreciated from all angles. Therefore, this subsection ensures that each wall of a building is designed to provide visual interest, convey a sense of scale, and to activate streets and common areas. This is particularly important in larger developments.

- (a) Wall Types.** The degree of detail that an individual wall has depends on its context. The types of walls to consider are:
- *Primary wall (façade).* This wall is highly visible by the public (on pedestrian-friendly streets, associated parking areas, and plazas, for example), or in an area in which vital, pedestrian activity is the goal. In these locations, a high-degree of design detail, including variation in massing and articulation of wall planes is required.
 - *Secondary (side) wall.* In these locations, a wall is visible from the public way or common areas, to a lesser degree. A moderate degree of design detail applies.
 - *Tertiary (rear) wall.* In a more remote location, where a wall is not as visible from the public realm, and encouraging pedestrian activity is not a key objective, a lesser degree of design detail is acceptable.
- (b) Standard.** Design a building to be perceived as a positive contribution from all sides. Ensure that the architectural character, use of materials and articulation of wall planes are continued on all sides, while recognizing the different contexts of each.
- Convey a sense of relatedness in the overall design on building walls while adjusting the level of detail for locations that are more remote. For example:
 - Use similar building materials.
 - Continue the use of materials and colors around a building corner until it abuts a wall offset, or similar articulation technique.
 - Use some of the same horizontal articulation techniques that are provided on the façade and align with them.
 - Use some of the same window and door sizes.
 - See the examples that follow in Table 12-4-2-17.

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (D)(5) 360 (Four-sided) Design

Table 12-4-2-17 Menu of Options for 360° Design Locations for Mixed Use Buildings, Commercial Buildings, and Office Buildings

All walls of a building shall be carefully designed to enhance the built environment because many may be visible from the public way or from common areas within a development. However, the design of walls that are highly visible from the public realm is most critical in terms of the level of detail needed. These standards acknowledge that more flexibility in the level of design may be appropriate for walls that are less visible. The different types of walls are explained below.

A. Wall Type A: High Priority (Primary Wall)

This is the “front” of a building, either facing a street, into a development or onto an outdoor public amenity space. The design of a street-facing wall is of high importance. On corner sites, a building may have more than one street-facing wall.



Single Family



Townhouse



Apartment



Mixed Use



Hospitality

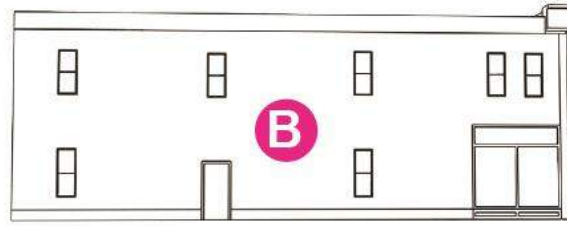


Office



B. Wall Type B: Secondary Wall

These walls (or portions thereof) do not face a street directly, but still are visible from the public realm. The design of a secondary wall is important, but more flexibility may be allowed in the way the standards are applied.



Single Family



Townhouse



Apartment



Mixed Use



Hospitality

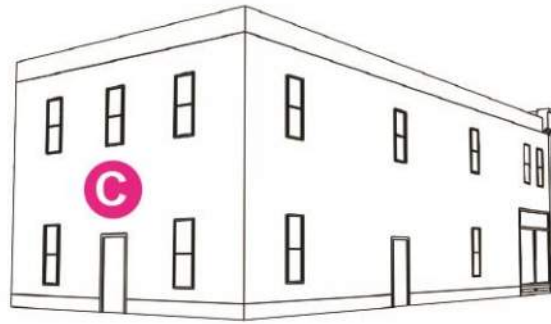


Office



**C. Wall Type C: Rear Wall/
Interior Wall**

These walls may face an alleyway, a service lane, or perhaps another building, but are not highly visible from the street, a shared public space, or a pedestrian way. The design of this type of wall is still important, but more flexibility is allowed in the way the standards are applied.



Single Family



Townhouse



Apartment



Mixed Use



Hospitality



Office



(6) Building Design to Engage Pedestrians

Purpose: The ground floor of a building should be oriented to the public realm or other common area and should encourage activity, engage with the sidewalk and help to establish a visual connection between the inside of the building and the outdoors. In some cases where a transparency requirement does not apply, a building may have windowless facade areas where the interior contains parking, retail shelving, storage or other inactive uses. The design options illustrated below are appropriate methods of promoting an active appearance on a windowless facade area facing a sidewalk, parking area or other pedestrian-oriented frontage.

Design a building to engage with the public realm at the street level by using at least one of the following building features:

- Storefronts (in commercial settings)
- Entries and windows
- Architectural design techniques that provide visual interest. (See wall articulation and mass variation in Table 12-4-2-16, and blank wall techniques in Table 12-4-2-18).



Design a building to promote a safe, interesting and comfortable pedestrian environment in the public realm.

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (D)(6) Building Design to Engage Pedestrians

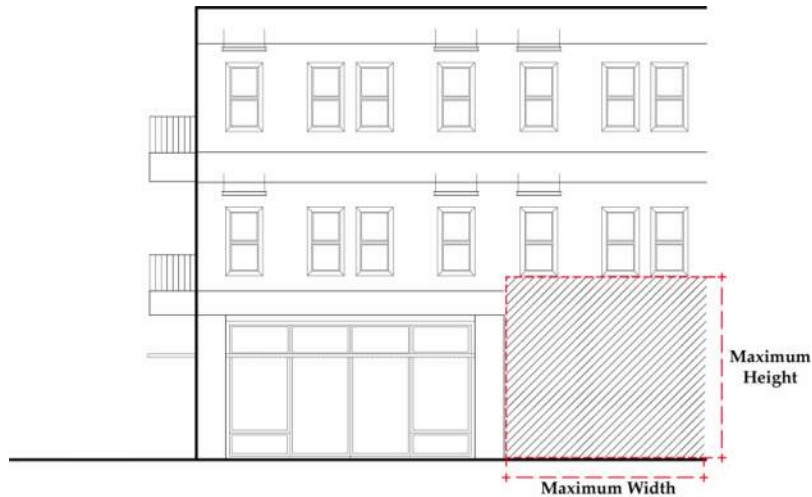


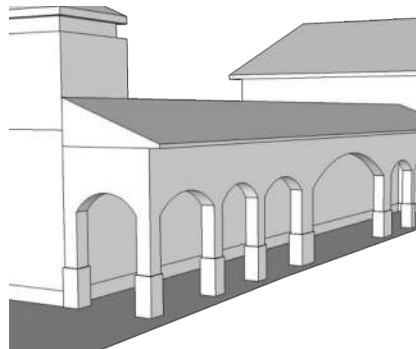
Figure 12-4-2-52 Calculation of Blank Wall Area

Blank wall area is calculated as the total of all solid, rectangular shapes that extend in width as the distance between to openings and vertically from floor to ceiling.

Table 12-4-2-18 Menu of Blank Wall Techniques - Non-residential and Residential Façades

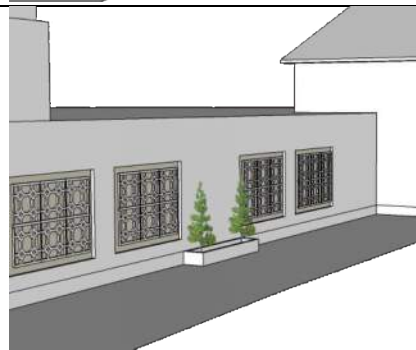
A. Arcade

An arcade or loggia can help create a more transparent appearance on an otherwise windowless facade while also adding visual interest.



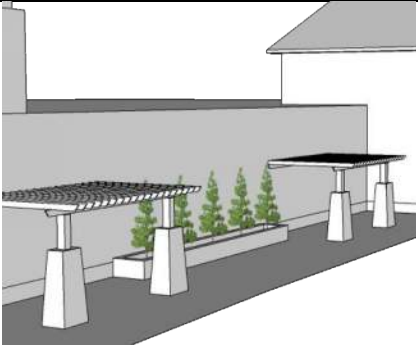
B. Architectural Details/Screen

Details such as architectural screens or patterned materials can help create a more active appearance and add visual interest on a windowless facade.



C. Pergola

A pergola or other sheltering structure can help soften a windowless facade and help create a more active appearance.



D. Trellis or Landscaping

A trellis allows vines and other plants to cover blank wall areas and provide visual interest. A trellis may work in combination with a raised planting bed.



(i)

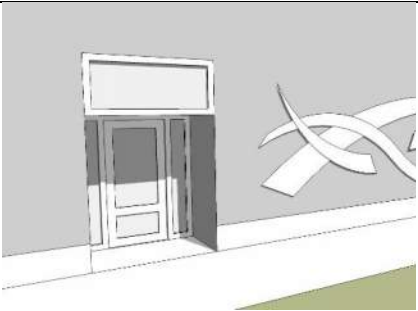
E. Display Case

A display case exhibits products and services available in a building without views to the inside. It creates pedestrian interest and engage the street.



F. Wall Art

Wall art, mosaics, and murals add interest, especially along an otherwise windowless façade.



(7) Roof Form

Purpose: Where a sloped roof is used, it should include an overhang to manage solar gain and provide a degree of shadow that adds interest to wall planes.

(a) Eaves on Sloped Roofs for Single-Family Dwellings or Garages.

The eaves on a sloped roof shall extend at least one foot from the building wall on a single family detached dwelling or garage. Eaves also shall extend at least one foot for dormers.



Figure 12-4-2-53 Roof Eaves on Residential Single-Family

These roof eaves extend at least 1' on the primary and secondary sloped roof forms.

(b) Eaves on Primary Roofs. The eaves of a primary roof that is sloped shall extend at least 2 feet from the building wall. This applies to all building types except single family detached dwellings and garages.



Figure 12-4-2-54 Eaves on Primary Roofs

- (c) **Dormers.** Eaves shall extend at least one foot for dormers.
These roof eaves extend a minimum of 2’ on the primary roof form.

(8) Building Entries

Purpose: A primary entrance to a building provides an important visual connection between the public and private realm. This subsection ensures that entry features are open and inviting, and that buildings have a primary entry or set of entries that connects visually to the public realm and engages a street or a common area. Appropriate entry treatments vary by building type. Door(s) are easily identifiable.

Design a primary entrance to engage the public realm or a common area by using the examples for different building types in Table 12-4-2-19, so that:

- The primary entry is clearly identified with architectural forms and details (*see the menu of options below.*)
- A porch entry is predominately open (not enclosed).
- A garage entry is not placed on the portion of a facade that is closest to the street, and instead is set back from the primary wall plane.

Table 12-4-2-19 Menu of Primary Entry Designs

All buildings must incorporate a front-facing entry element to signal the connection between the sidewalk and the building. One entry element shall be provided for each primary ground floor use in the building. An entry element shall be placed either on the primary façade, or be visible from the street. The following entry features meet the facade entry requirement:

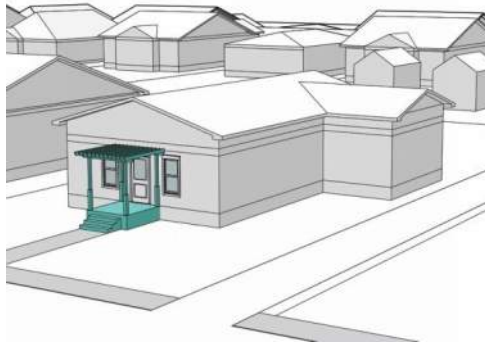
A. Roofed Stoop
 The primary entrance to the single-family home is located on the front wall of the house and faces the street. A roofed stoop defines the entrance. The stoop is at least 6’ wide and 6’ deep.



Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (D)(8) Building Entries

B. Trellis-Covered Stoop

The primary entrance to the single-family home is located on the front wall of the house and faces the street. The stoop that defines the entry is covered by a trellis structure. The stoop is at least 6' wide and 6' deep, and the trellis covers the stoop.



C. Covered Porch

The primary entrance to the single-family home is located on the facade. A covered, projecting porch defines the entrance. The porch is a minimum of 8' wide and 6' deep.



D. Recessed Entry

The primary entrance is front-facing or perpendicular to the street, and an open porch defines the entrance. The

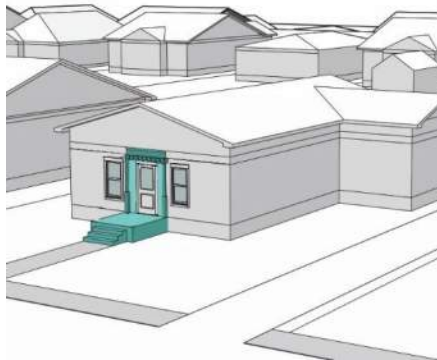


Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (D)(8) Building Entries

recessed entry is a minimum of 8' wide and 6' deep.

E. Door Surround / Molding

The primary entrance is framed by a feature that projects from the wall. The stoop is a minimum of 6' wide and 6' deep.



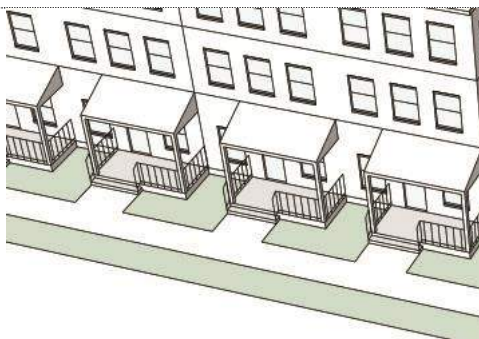
F. Covered Porch that is Set Back

The primary entrance is located along a façade that is set back a maximum of 12'. The porch defines the entrance. The porch is a minimum of 8' wide and 6' deep.



G. Porch

A roofed but unenclosed entry with a minimum width of 8' and depth of 6' – Partial walls or railings

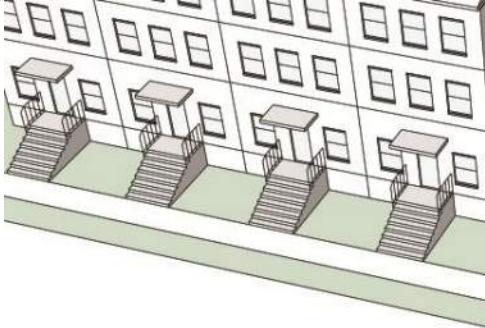


Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (D)(8) Building Entries

may be no more than 4' tall.

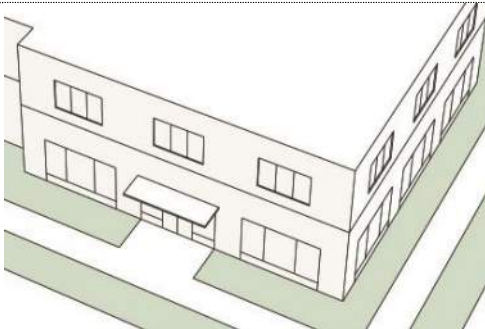
H. Stoop

A roofed, raised and unenclosed entry landing and stairway with a maximum depth of 6' and a maximum width of 6' (not including the stairs) - Partial walls or railings may be no more than 4' tall.



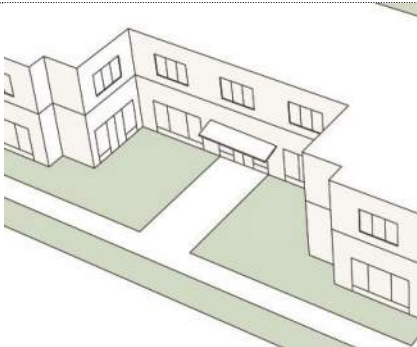
I. Canopy or Recessed Entry

A horizontal projecting element cantilevered at least 6' from a wall or window area above the entry, and at least 10' above the sidewalk below. The entry is recessed a minimum of 1' from the wall plane.



J. Courtyard

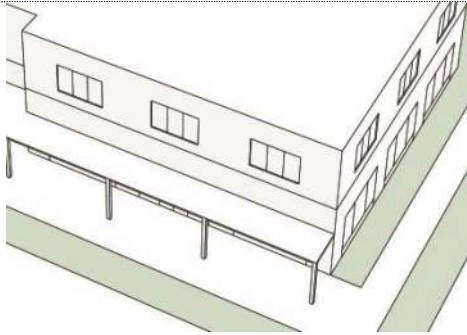
A court, patio or other indentation in the building façade at least 6' deep – building entry doors may face onto the courtyard to



Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (D)(8) Building Entries

activate the space.

K. Gallery
A roofed (or partially roofed), arcade, gallery, veranda or pergola that is open (not enclosed) on more than two sides and extends at least 6' in depth located over a primary entrance.



L Raised Parapet Element
A raised parapet that produces variations in building height a minimum of 4' and projects a minimum of 2' from the wall plane that highlights an entrance.



M. Cap Element
A form projecting a minimum of 4' above the main roofline and incorporating clerestory windows or open air element that highlights and entrance.



Unified Development Code

Chapter 4 Development Standards | 12-4-2 Buildings | (D)(9) Building Materials

N. Pitched Roof Element

A portion of a façade positioned above the main wall plane with a pitched roof or similar accent form that highlights and entrance.

**O. Tower Form**

A vertical form, such as a cylindrical or rectangular shape, that extends from and rises above the wall plane and highlights an entrance.

**(9) Building Materials**

Purpose: Building materials on the façade of a building should be durable and provide a sense of scale.

(a) Building Material Categories. These categories of materials apply:

- **Category 1:** These materials convey a sense of durability and scale. They are preferred on walls that are highly visible from the public way and common areas. They include natural materials and are especially appropriate at the ground level, where pedestrians may come into close contact with them.
- **Category 2:** These materials are often synthetic interpretations of Category 1 materials, and appear similar to them. They are appropriate in locations that are visible by the public, but in secondary locations, such as upper floors.
- **Category 3:** These materials are more utilitarian in character. They are appropriate in more remote locations and as accents, or tertiary, materials.

(b) Required Materials. Use materials on a façade to convey a sense of durability and human scale by:

Unified Development Code
Chapter 4 Development Standards | 12-4-2 Buildings | (D)(9) Building Materials

- Using materials indicated in the table below, by the three categories indicated.
- Complying with the requirements for individual building types.

Table 12-4-2-20 Permitted Building Wall Materials by Category

	Materials Category 1	Materials Category 2	Materials Category 3
Masonry			
Brick, solid	✓		
Stone, modular	✓		
Stone, veneer	✓		
Stone, synthetic		✓	
Concrete (poured/cast), detailed		✓	
Concrete masonry unit, flush, plain			✓
Concrete masonry unit, split-faced		✓	
Concrete masonry unit, burnished	✓		
Fiber Cement		✓	
Metals			
Architectural metal (extruded, cast, panels)	✓		
Standing Seam			✓
Glass			
Clear glass	✓		
Architectural panels	✓		
Architectural block		✓	
Mirror glass			✓
Opaque glass			✓
Natural Materials			
Heavy Timber	✓		
Wood lap		✓	
Authentic stucco		✓	
Other synthetics			
Synthetic stucco/EIFS			✓
Synthetic stucco/EIFS/detailed		✓	
Composites/fiberglass (columns, details, etc.)		✓	

12-4-3 Dimensional Standards (Blocks, Density, Lots and Setbacks)

(A) Blocks

- (1) This subsection applies to any subdivision plat, or to any development with a system of internal streets and drives.
- (2) The lengths, widths, and shapes of blocks are determined with due regard to:
 - (a) Topography.
 - (b) Convenient and safe access and circulation, including access and circulation for emergency and service vehicles.
 - (c) Applicable regulations regarding lot sizes and dimensions.
 - (d) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - (e) Availability, location, and capacity of utility service and utility system design and capacity.

(B) Lots

- (1) **Generally.** The width, depth, shape, and orientation of lots shall be designed for the type of use contemplated. As a minimum, all lots shall conform to the following standards:
 - (a) No lots shall be platted in areas subject to flooding except in conformance with this Code.
 - (b) All lots shall front on a public street or highway or private street with easements guaranteeing public access.
 - (c) Depth and width of lots shall be adequate to provide the necessary private service and parking facilities required by the type of use and development contemplated.
 - (d) Lots shall be designed to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area.
 - (e) Corner lots shall generally be adequate in size to compensate for two street frontages and to satisfy vehicular sight triangle standards.
 - (f) Wherever possible, side lot lines shall be at right angles to the street line or at right angles to the tangent to the curve of the street line.
 - (g) Subdivision lots and streets shall be oriented in a manner to ensure location of structures and landscaping in the most energy efficient manner.

Unified Development Code

Chapter 4 Development Standards | 12-4-3 Dimensional Standards (Blocks, Density, Lots and Setbacks)

- (h) Residential lots shall not front on or obtain direct access from an arterial street. When driveway access from an arterial street is necessary for several adjoining lots, those lots shall be served by a combined access drive, which shall be platted as a permanent access easement.
- (i) When a subdivision abuts or contains an existing or proposed freeway, expressway, or arterial street, a frontage road or a visual screen planting easement may be required as necessary to restrict access.
- (j) No structure shall be constructed nor shall any building permit be issued for a structure on any platted land except where that structure is to be constructed upon a separately designated lot.
- (k) Lot lines established by plat shall not be altered by conveyance of a part of a lot, nor shall only a part of any lot be joined with a part of another lot for conveyance or construction, until written application and a revised plat is submitted and approved, upon a finding that the general purpose and purport of this section is not weakened by that change.

(2) Lot Width

- (a) **Generally.** Lot width is the distance from one side lot line to the opposite side lot line at the front setback line.

[GRAPHIC TO BE ADDED]

- (b) **Corner Lots.** Lot width (for regulatory purposes) is the distance from the interior side lot line to the street front lot line, measured at the front building line, minus the difference between the required street side setback and the required interior side setback. In simplified terms, regulatory lot width = actual lot width - street side setback + interior side setback.

[GRAPHIC TO BE ADDED]

- (c) **Irregular Lots.** Lot width is the distance from one side lot line to the opposite side lot line at the front building line. Generally, the front building line is the front setback line. However, an alternative front building line may be established on a subdivision plat that is more distant than the front setback line from the front lot line.

[GRAPHIC TO BE ADDED]

Note: See Chapter 7 for nonconforming lot provisions.

(C) Setbacks

[NOTE: CORNER/REVERSE CORNER SETBACKS TO BE ADDED]

- (1) **Generally**
 - (a) No part of a setback required for any building that is used to comply with the provisions of this Title shall be included as a setback for another building.
 - (b) All setback areas shall be open and unobstructed, except as otherwise provided in subsection (3) below.
 - (2) **Standard Lots.** Setbacks are measured from lot lines towards the center of the lot, as follows:
 - (a) **Front setbacks** are measured from the front lot line. The front lot line is the lot line that abuts the right-of-way from which the lot takes its address. For corner lots with standard curb radii, the front setback is not measured from the curved portion of the lot (however, a portion of this area is included in the required sight distance triangle (see subsection (8) below).
 - (b) **Rear setbacks** are measured from the rear lot line. The rear lot line is the lot line that is opposite from the front lot line.
 - (c) **Side setbacks** are measured from side lot lines. Side lot lines are lot lines that intersect with front lot lines.⁵
- [GRAPHIC TO BE ADDED]
- (3) **Encroachments.** The features designated and as qualified below may encroach into a required yard subject to height, intersection visibility, and building code separation requirements:

Table 12-4-3-1 Encroachments

Feature	Yards <i>where encroachment is permitted</i>	Encroachment <i>(max-feet)</i>	Setback from property line <i>(min-feet or %)</i>
Accessory building	Side	n/a	2½'
Arbors (maximum footprint of 80 sf and maximum height of 12')	Any yard	No restriction	n/a
Architectural projections, including awnings, belt courses, brackets, buttresses, canopies (attached), cornices, eaves, grill work, pilasters, sills, spouts/gutters, trellises, architectural roofline features, and similar architectural features (unenclosed*) ⁶	Any yard	4'	n/a
Basketball goal	Any yard	No restriction	n/a
Bird houses, dog houses	Any yard	No restriction	n/a
Balcony (upper floor), wing walls, stoops, landings, and patios (unenclosed*)	Front, Rear	n/a	50% of minimum setback
	Side	n/a	2½'

⁵ The side setback exception for the aggregate 15' side setback for 63' wide lots in the RA and R1 (now SR) districts platted on November 20, 1960, is deleted because this requires a minimum 5' lot width, which is the lot width that now applies generally to the district.

⁶ From WMC 11-4-6(D)(3), with this draft including an expanded list of encroachments.

Unified Development Code

Chapter 4 Development Standards | 12-4-3 Dimensional Standards (Blocks, Density, Lots and Setbacks)

Feature	Yards <i>where encroachment is permitted</i>	Encroachment <i>(max-feet)</i>	Setback from property line <i>(min-feet or %)</i>
Canopies, Freestanding	Front	10'	n/a
Canopy, awning or other window shading (unenclosed*)	Side	n/a	2½'
Carport (unenclosed*)	Front, Rear	n/a	50% of minimum setback
	Side	n/a	2½'
Chimney	Front, Side	n/a	50% of minimum setback
	Side	n/a	5'
Clothes line (up to 2 poles)	Rear/Side	No restriction	n/a
Decks or patios constructed at ground level and that do not conflict with any utility or other easements (unenclosed* and uncovered) ⁷	Any	n/a	n/a
Decks, covered	Rear/Side	2½'	n/a
Driveways	Any Yard	No restriction	n/a
Equipment, ancillary	Interior Side/Rear	No restriction	n/a
Fences, walls, poles, posts and other customary yard accessories, ornaments and furniture	Any yard	No restriction	n/a
Fire escapes ⁸	Any	6'	n/a
Flag Pole	Any yard	No restriction	n/a
Garage, attached or detached and loaded from an alley	Rear	No restriction	2½' from side
Gate	Any yard	No restriction	n/a
Pool equipment, generators, HVAC units	Side/Rear	No restriction	Per building code
Landscaping, lawns, berms, trees, shrubs	Any yard	No restriction	n/a
Light Poles	Any year	No restriction	n/a
Mailboxes	Any year	No restriction	n/a
Playground equipment, trampolines	Any yard	No restriction	n/a
Open pools, screened or enclosed pools, spas, and uncovered decks or patios, up to 20' from a dwelling unit on an abutting lot	Rear/Side	No restriction	n/a
Parking areas, subject to zoning district regulations and this Chapter	Any	No restriction	n/a
Porch (enclosed)	Side	n/a	5'
Porch (unenclosed*)	Front, Rear	n/a	50% of minimum setback
Projecting overhangs on the ground floor not listed above	Any	No restriction	Per building code
Projecting windows such as bays, bows, oriels, or dormers	Any yard	5'	Per building code
Ramps for citizens with impairments	Any	No restriction	n/a
Retaining Walls	Any	No restriction	n/a
Sidewalks	Any	No restriction	n/a
Stairway or fire escape (outside, unenclosed*)	Side	n/a	5'
	Rear	5'	n/a
Stormwater detention or retention facilities or ditches, unless the Director finds that underground stormwater management facilities are not currently available	Rear (NC, MC, TC), Any yard (all other districts)	No restriction	n/a

⁷ From WMC 11-4-6(D)(4), with this draft including an expanded list of encroachments.

⁸ From WMC 11-4-6(D)(5), with this draft including an expanded list of encroachments.

Unified Development Code

Chapter 4 Development Standards | 12-4-3 Dimensional Standards (Blocks, Density, Lots and Setbacks)

Feature	Yards <i>where encroachment is permitted</i>	Encroachment <i>(max-feet)</i>	Setback from property line <i>(min-feet or %)</i>
Terraces (unenclosed*)	Front, Rear	n/a	50% of minimum setback
Vending Machines (including ice machines, video rental machines), ATMs	Side/Rear	No restriction (prohibited in a required buffer)	n/a
Other solid projections not listed in this table	Side	n/a	5'

Notes:

* Where indicated with an asterisk (*), “unenclosed” means that all sides are open, with walls no higher than three (3)'

- (4) **Odd-Shaped Lots.** Setbacks are measured from lot lines towards the center of the lot, as follows:
- Generally, setbacks are measured as set out in subsection A., above.
 - Where lot lines are curvilinear, setbacks are measured as offsets from the curvilinear lot line.
 - Where there are multiple rear lot lines, the rear setback is measured as offsets from the multiple rear lot lines.
 - Where there is no rear lot line, the rear setback is measured as a radial distance from the intersection of side lot lines at the rear of the lot.
 - Where the front lot line is an arc, the side setback area is defined as the area behind the front building line along the arc of the street.

[GRAPHIC TO BE ADDED]

- (5) **Developed Area.** In all residential areas where lots comprising 50 percent or more of the frontage on one side of a street between intersecting streets are improved with buildings, the City may require that the average front setback of those buildings is the minimum front setback required for all new construction in that block.
- (6) **Flag Lots.** To measure the setback requirements, the "pole" portion of a flag lot is not included in the measurements. For example, the front setback of a building is not measured from the street right-of-way line, but instead is measured from the principal or accessory building to the lot line nearest and parallel to, but not coincident with, the street right-of-way line.
- (7) **Landscaping Adjustment.** The required Front Setback Area in the district regulations may be modified from the requirements stated in the district regulations based on the ability to provide sufficient space for

landscaping/hardscaping. Sidewalks shall always be entirely located in the right-of-way. If some additional space is needed, the Front Setback Area will be used to supplement the right-of-way. The determination will be made by staff, based on current area plans and adopted streetscape standards and engineering codes, which may indicate the preferred cross-section for sidewalk width and space for landscaping/hardscaping.

- (8) **Sight Distance Triangle.** The sight distance triangle is an area along a street corner where obstructions above a given height are prohibited. The sight distance triangle regulations are established in the *Standards and Specifications* and Section 8-4-6(B), W.M.C.

[Note: See Section 6.18.00 of the December 2020 edition of the *Standard and Specifications*.]

(D) **Building Height**

- (1) **Principal and Accessory Buildings.** See building code. [Note: the 2015 International Building Code defines “building height” as “the vertical distance from grade plane to the average height of the highest roof surface.” “Grade plane” is defined as “a reference plane representing the average finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six’ (1829 mm), from the building, between the building and a point 6’ (1829 mm) from the building.”

[GRAPHIC TO BE ADDED]

- (2) **Fences and Garden Walls.** The height of fences and garden walls is calculated by measuring the vertical distance from the average finished grade on the outside of the enclosed area (or the side closest to the property line if the fence does not enclose anything) to the top of the fence, at six-foot intervals as appropriate to topography. Fence posts may exceed the height of the highest connected portion of the fence by up to twelve (12) inches.

[GRAPHIC TO BE ADDED]

- (3) **Other Structures.** Structure height is calculated by measuring the vertical distance from the average finished grade around the base of the structure to the highest point on the structure. This measurement applies to:
- (a) Structures without roofs; and
 - (b) Amateur radio antennae, whether mounted on a roof, the ground, or another structure.

(4) Specialized Structures and Building Appurtenances

- (a)** Specialized structures and building appurtenances are counted in the calculation of building height, unless all of the following apply:
- (i)** They project not more than:
 - a)** 15' above the highest point on the building for buildings that are two stories in height or higher; or
 - b)** 10' above the highest point on the building for buildings that are less than two stories in height; and
 - (ii)** The projections above maximum building height occupy not more than:
 - a)** For single-family residential buildings, five percent of the horizontal plane that is covered by the roof; or
 - b)** For nonresidential, multifamily, and mixed-use buildings, 10 percent of the horizontal plane that is covered by the roof; and
 - (iii)** They are not used for human habitation, commercial, or industrial purposes, except as incidental to the operation of the building.
- (b)** For the purposes of this subsection, “specialized structures and building appurtenances” means:
- (i)** Roof structures for the housing of elevators, stairways, tanks, HVAC systems, or similar equipment required to operate and maintain the building;
 - (ii)** Architectural towers, steeples, flagpoles, ventilating fans, chimneys, and smokestacks;
 - (iii)** Skylights, photovoltaic (solar-electric) panels, and solar water heaters; and
 - (iv)** Building mounted small wind energy conversion systems.

(E) Building Coverage

Building coverage is the total of indoor floor areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings. It does not include appurtenances such as open porches, terraces, decks, driveways, and steps. All dimensions are measured between the exterior faces of building walls.

12-4-4 Environmental Requirements

Purpose: This section establishes environmental standards to protect the public health, safety and general welfare, and the character of surrounding neighborhoods.

Related Municipal Code provisions include:

- *Nuisance abatement (Title 8, Chapter 4, W.M.C).*
- *Air pollution control (Title 8, Chapter 6, W.M.C).*
- *Industrial pretreatment (Title 8, Chapter 10, W.M.C).*

(A) Generally

- (1) Dust, fumes, odors, smoke, vapor, noise, lights, and vibration shall create no adverse off-site impacts.
- (2) Any use that emits odor, dust, smoke, gas, noise, radiation, vibration, danger of explosion, or similar effects conform to any applicable standards of the Colorado Department of Public Health and Environment and United States Environmental Protection Agency.

(B) Repair Uses

For the following uses (see Chapter 3, Section 12-3-24 (Use Table)), all activities must be conducted within an enclosed building and shall not create undue noise, odor, dust, smoke, vibration, or similar effects outside of the enclosed buildings:

- (1) Auto and truck repair (heavy).
- (2) Auto and truck repair (light).
- (3) Any other use in which vehicle, mechanical and electrical equipment/appliance repair occurs as an incidental activity (such as a business college / technical school, general industrial, intensive industrial, ground passenger transportation, railroad facility uses).

12-4-5 Fences

- (A) **General.** Fences erected in the City shall comply with this section and the building code.
- (B) **Fence Classifications.** Fences are classified as follows:
 - Class 1: masonry walls
 - Class 2: ornamental iron
 - Class 3: woven wire
 - Class 4: fences more than 50 percent open
 - Class 5: fences less than 50 percent open
- (C) **General Standards.** Fences shall comply with Table 12-4-5-1 and the standards below:

Table 12-4-5-1 Fence Classification by Zoning District

Fence location + height	Zoning District	
	O1, RE, SR, MR, MM, MH, NO, NC, MC, TC, CC, BP, OP	IP
Front Yard		
< 3' height	Any	Any
< 3.5' height > 50% open	Class 2 or 3	Any
3.5 – 6'	Prohibited	Any
> 6'	Prohibited	Prohibited
Side or Rear Yard <i>(behind front building line and required front setback (including rear yard perimeter fences))</i>		
≤ 6' height	Any	Any
> 6' height	Prohibited	Any

- (1) Ornamental post caps are not included calculating fence height.
- (2) Fences erected on top of retaining walls shall not exceed the height limitations specified above. The fence height is measured from the ground level on the high side of the retaining wall to the top of the fence.
- (D) **Prohibited Fences.** The following shall not be erected or maintained:
 - (1) Barbed wire or similar sharp pointed fences, unless:
 - (a) approved on the Official Development Plan or the Preliminary Development Plan, and,
 - (b) installed at a height of at least six feet above the surrounding grade level.
 - (2) Electrically charged fences.
- (E) **Intersection Sight Distance**

- (1) Fences and retaining walls erected within vehicular sight triangles or vehicular safe line of sight shall comply with the City standard specifications for design and construction.
- (2) No fence or retaining wall shall be erected or maintained that obstructs the vision of motorists, as determined by the City's traffic engineer.
- (3) Any fence or retaining wall that does obstruct the vision of the motorists may be abated as a nuisance as set forth in Title VIII, Chapter 4 of this Code.

[Note: refer to Chapter 6 for provisions related to fences in mobile home parks, or other uses.]

12-4-6 Floodplain Regulations

Purpose: It is the purpose of this section to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

- *To protect human life and health;*
- *To minimize expenditure of public money for costly flood control projects;*
- *To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;*
- *To minimize prolonged business interruptions;*
- *To minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood hazard areas;*
- *To help maintain a stable tax base, by providing for the sound use and development of flood hazard areas so as to minimize future flood blight areas;*
- *To ensure that potential buyers are notified that property is in a flood hazard area;*
- *To ensure that those who occupy the flood hazards areas assume responsibility for their actions; and*
- *Encourage and facilitate urban water resources management techniques for the reduction of pollution and the enhancement of the urban environment.*

(2534 3714)

Authorization. Pursuant to Title 29 of Article XX of the Constitution of the State of Colorado and Section 31-23-301, C.R.S., the City has the authority to adopt flood control regulations designed to promote the public health, safety and general welfare of its citizenry.

Findings of Fact:

- *The special flood hazard areas of the City are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which would adversely affect the public health, safety and general welfare.*
- *These flood losses are caused by the cumulative effect of obstructions in floodplains that increase flood heights and velocities and, by the occupancy of special flood hazard areas by uses or structures vulnerable to floods and hazardous to other lands because they are inadequately floodproofed or elevated or otherwise protected from flood damage.*

(2534 3714)

- (A) **Applicability.** This section applies to all special flood hazard areas and areas removed from the floodplain by the issuance of a FEMA letter of map revision based on fill (LOMR-F) within the City.

(3714)

- (B) **Methods of Reducing Flood Losses.** To accomplish its purposes, this section includes methods and provisions for:

- (1) Restricting or prohibiting uses that are dangerous to health, safety and property in times of flooding or that cause excessive increases in flood heights or velocities.
- (2) Requiring that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels and natural protective barriers that help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging and other development that may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards in other areas.

(2534 3714)

- (C) **Official Flood Insurance Study.** The flood insurance study for Jefferson County, Colorado, as provided to the City by the Federal Emergency Management Agency, along with its accompanying FIRMs (effective February 5, 2014) and any

revisions thereto are adopted as the applicable FIS and FIRMs for the City. The Floodplain Administrator shall keep a copy of the flood insurance study (FIS), DFIRMs and FIRMs on file and available for public inspection.

(3714)

- (D) Basis for Establishing the Special Flood Hazard Area.** The special flood hazard areas (SFHA) within the City are those identified in the official FIS. These special flood hazard areas identified by the FIS and attendant mapping are the minimum areas of the City subject to the applicability of this section and may be supplemented by studies designated and approved by the City.

(2534 3714)

- (E) Basis for Determining Boundaries of the 100-year Floodplain and Floodway**

(1) The boundaries of the 100-year floodplain and the floodway shall be determined from information presented in the flood insurance study (FIS). In the absence of other information (i.e., site specific studies as provided by the property owner), boundaries shall be determined by scaling distances on the maps provided in the FIS. Where interpretation is needed as to the exact location of the boundaries, the Floodplain Administrator shall make the necessary interpretation. In all cases, the 100-year flood elevation as provided in the FIS shall be the governing factor in locating the boundary on any property.

(2) If the FIS does not provide 100-year flood elevations, then the Floodplain Administrator shall obtain, review and reasonably utilize any 100-year flood elevation and floodway data available from any federal, state, local or other source as criteria for requiring that new construction, substantial improvements or other developments in floodplain areas are administered in accordance with this chapter.

(2534 3714)

- (F) Compliance.** No structure shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this section and other applicable regulations. Nothing herein shall prevent the City from taking such lawful action as is necessary to prevent or remedy any violation of this chapter. These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.

(2534 3714)

- (G) Abrogation and Greater Restrictions.** This section is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this section and another ordinance, easement, covenant, or deed

restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(2534)

(H) Interpretation. In the interpretation and application of this section, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(2534)

(I) Warning and Disclaimer of Liability. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the areas of the one-hundred- (100-) year floodplains or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the City, any officer or employee thereof, or Federal Emergency Management Agency for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

(2534)

(J) Floodplain regulations and floodplain development permits. The following regulations shall apply to all lands located within the 100-year floodplain:

(1) General Standards:

- (a)** All proposed developments within the special flood hazard area shall be designed and constructed in accordance with this section and shall not adversely affect any upstream, downstream or adjacent properties.
- (b)** No development, use, fill, construction or alteration on or over any portion of a designated floodplain shall be permitted that would cause or result in any of the following:
 - (i)** The storage or processing of materials that in times of flooding are buoyant, flammable, explosive or otherwise potentially injurious to human, animal or plant life.
 - (ii)** The disposal of garbage or other solid waste materials.
 - (iii)** Substantial solid debris being carried downstream by flood waters.

- (iv) Any obstruction that would impair the flow capacity of a designated floodplain so as to cause foreseeable damage to others, wherever located.
- (c) All new construction, lateral additions and substantial improvements (including the placement of prefabricated buildings and manufactured homes) shall be:
 - (i) Designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure;
 - (ii) Designed and constructed with materials and utility equipment resistant to flood damage;
- (d) Designed and constructed by methods and practices that minimize flood damage;
- (e) Designed and constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
- (f) Designed and constructed in conformance with all sections of this chapter.
- (2) *Residential Structures:*
 - (a) In floodplain areas in which the 100-year flood elevations are not known, all new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated two feet above the gutter flowline of the nearest street.
 - (b) In floodplain areas in which the base flood elevation (BFE) is known, all new construction and substantial improvements of residential construction shall have the lowest floor, including basement, elevated one foot above the BFE as indicated in the flood insurance study (FIS).
 - (c) Require within any AO Zone that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated three feet above the highest adjacent grade, if no depth number is specified, or at least one foot higher than the depth number specified (in feet) in the FIS.
 - (d) Within zones AH or zone AO, adequate drainage paths around structures on slopes are required to guide floodwaters around and away from proposed structures.

- (e) No new residential lot shall be platted if located entirely within the 100-year floodplain. Any use of or construction upon a residential lot that is partially located in the 100-year floodplain must comply with all requirements of this chapter.
- (3) *Non-Residential Structures:*
- (a) In floodplain areas in which the 100-year flood elevations are not known, all new construction and substantial improvements of non-residential structures shall have the lowest floor, including basement, elevated two feet above the gutter flow line of the nearest street.
 - (b) In floodplain areas in which the BFE is known, all new construction and substantial improvements of non-residential construction shall have the lowest floor, including basement, elevated one foot above the BFE as indicated in the FIS.
 - (c) Require within any AO zone that all new construction and substantial improvements of non-residential structures have the lowest floor (including basement) elevated three feet above the highest adjacent grade, if no depth number is specified, or at least one foot higher than the depth number specified (in feet) on the FIS or, together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standards specified in (5) below.
 - (d) Within zones AH or zone AO, adequate drainage paths around structures on slopes are required to guide floodwaters around and away from proposed structures.
 - (e) As an alternative for non-residential structures only, the structure, including utility and sanitary facilities, can be completely floodproofed to the levels mentioned above. The walls and basement floor shall be completely waterproofed and they shall be built to withstand lateral and uplift water pressure, and
 - (i) Be floodproofed so that, below the BFE, the structure is watertight with walls substantially impermeable to the passage of water;
 - (ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - (iii) Be certified by a registered professional engineer that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of

this paragraph. Such certification shall be provided to the Floodplain Administrator.

- (f) When floodproofing is used for nonresidential structures, a registered professional engineer shall certify that the flood proofing methods are adequate to withstand the flood pressures, velocities, impact and uplift forces, and other factors caused by the 100-year flood. A record of this certification shall be maintained on file with the building permit by the building official. The elevation to which the structure is flood proofed (based on mean sea level) shall be noted on the certification.
- (4) *Manufactured Homes:*
 - (a) All new individual manufactured homes or other new manufactured structures, new manufactured home parks, expansions of manufactured home parks and manufactured home parks where the repair, reconstruction or improvements of the streets, utilities and pads equal or exceed 50 percent of their value before the repair, reconstruction or improvements was started, shall have stands or lots that are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be two feet above the 100-year flood elevation, as indicated in the appropriate official flood study, and adequate surface drainage and access for a hauler are provided. When manufactured homes are put on pilings, the pilings shall be designed and certified by a Registered Professional Engineer and shall be installed in conformance with that design.
 - (b) All new manufactured homes and substantially improved manufactured homes located in the 100-year floodplain shall be anchored to resist flotation, collapse or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads. The anchoring shall be designed and certified by a registered professional engineer. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:
 - (i) Over-the-top ties provided at each of the four corners with one mid-point tie on each side of the manufactured home shorter than 50 feet. Manufactured homes longer than 50 feet shall have two ties at intermediate points on each side.

- (ii) Frame ties provided at each corner with four additional ties on each side of manufactured homes shorter than 50 feet. Longer manufactured homes shall have five ties on each side.
 - (iii) All components of the anchoring system shall have a minimum strength of 4,800 pounds.
 - (iv) Any additions to manufactured homes shall be anchored in the same way.
- (5) *Recreational Vehicles:* It is a requirement that all recreational vehicles:
 - (a) Be on the site for fewer than 180 consecutive days;
 - (b) Be fully licensed and ready for highway use; and
 - (c) Meet the permit requirements and elevation and anchoring requirements for resisting wind forces.
- (6) *New Development Proposals:* All new development proposals, including subdivision proposals, shall be designed to minimize flooding potential. If all or part of a proposed development is located within a 100-year floodplain, then the corresponding proposal shall conform to the following guidelines:
 - (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
 - (b) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage;
 - (c) All subdivision proposals shall have adequate drainage facilities provided to reduce exposure to flood damage; and
 - (d) Base flood elevation data shall be provided for all subdivision proposals and any other proposed developments.
- (7) *Construction Materials and Methods:*
 - (a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - (b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - (c) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or

- accumulating within the components during conditions of flooding.
- (8) *Utilities:*
- (a) All new replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
 - (c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (9) *Establishment of Floodplain Development Permit:* A floodplain development permit shall be obtained before construction or development begins within any 100-year floodplain area as established in the FIS. Application for a floodplain development permit shall be made on forms furnished by the City and may include, but are not limited to: Plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:
- (a) Elevation in relation to mean sea level of the lowest floor, including basement, of all structures;
 - (b) Elevation in relation to mean sea level to which any structure has been flood proofed;
 - (c) Certification by a registered professional engineer that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Subsection 12-4-6(J)(3), W.M.C., above; and
 - (d) Description and analysis prepared by a registered professional engineer of the extent to which any watercourse, floodplain or floodway will be altered or relocated as a result of proposed development.
- (10) *Review of Floodplain Development Permits:* The City will:
- (a) Review all floodplain development permit applications to determine that the permit requirements of this section have been satisfied.
 - (b) Review all floodplain development permit applications to determine that all necessary permits (e.g., 404 permit, storm sewer outfall permit, FEMA permits, etc.) have been obtained by the applicant from federal, state or local governmental agencies from

which approval is required prior to the City's approval of the floodplain development permit.

- (c) Review all floodplain development permit applications to determine if the proposed development is located in the floodway. If located in the floodway, assure that the provisions as set forth in Section 12-4-6(K), W.M.C., have been met.
 - (d) Review all building permit applications to determine whether proposed building sites will be reasonably safe from flooding.
 - (e) Require every applicant to submit certification from a registered land surveyor identifying the elevation of the lowest floor, including basement.
- (11) *Floodplain Development Permit for Property Removed from the floodplain by fill:* The City will not issue a floodplain development permit for the construction of a new structure or an addition to an existing structure on a property that has been removed from the floodplain by the issuance of a FEMA LOMR-F, unless the elevation of the lowest floor is placed one foot above the BFE that existed prior to the placement of the approved fill.
 (2534 3714)

(K) Floodway Regulations

- (1) The State of Colorado has adopted standards for the floodway that are more stringent than the FEMA minimum standards. Because floodways are extremely hazardous areas due to the velocity of floodwaters, which carry debris, potential projectiles and significant amounts of eroded materials, only the following uses are permitted in the regulatory floodway:
 - (a) General farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm and other similar agricultural, wildlife and related uses.
 - (b) Lawns, gardens, play areas, bikeways, pedestrian pathways and other similar uses.
 - (c) Portions of golf courses, driving ranges, archery ranges, fair grounds, parks, hiking or horseback riding trails, open space and other similar private and public recreational uses not involving structures.
 - (d) Buried or underground utility lines.
- (2) The uses permitted in subsection (1) above may not involve any encroachment such as fill, new construction, substantial improvements or any other development within or above the floodway, unless certification

is provided by a registered professional engineer demonstrating that such encroachment shall not result in any increase in the BFE or have any negative impacts on upstream, downstream or adjacent properties.

- (3) Notwithstanding the above provisions, under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, the City may permit encroachments within the adopted regulatory floodway that would result in an increase in BFE, provided that the City first applies for a CLOMR and receives a floodway revision through FEMA.

(2534 3714)

- (L) **Standards for Watercourse Alteration.** For all proposed developments that alter a watercourse within a special flood hazard area, the following standards apply:
- (1) Applicants proposing channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability may be required by the City to assist in determining the most appropriate design.
 - (2) Channelization and flow diversion projects shall identify and evaluate the residual 100-year floodplain.
 - (3) Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable federal, state and local floodplain rules, regulations and sections.
 - (4) Any stream alteration activity shall be designed and stamped by a registered Colorado Professional Engineer or Certified Professional Hydrologist.
 - (5) All activities within the regulatory floodplain shall meet all applicable federal, state and local floodplain requirements and regulations.
 - (6) Within the regulatory floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a floodway analysis and report, stamped by a registered Colorado Professional Engineer, that there is no rise in the existing BFE resulting from the project (otherwise known as a no-rise certification), unless the City first applies for and receives a CLOMR and floodway revision.
 - (7) Applicants must demonstrate that future maintenance of the channelization or flow diversion project will occur for any altered or

relocated portions of watercourses so that the flood-carrying capacity is not diminished.

(3714)

- (M) Non-Conforming Structures.** A structure that was lawful before becoming subject to this chapter, but which is not in conformity with the provisions of this chapter, may be continued, subject to the following conditions:
- (1)** Such structure shall not be expanded, changed, enlarged or altered in a way that increases its nonconformity.
 - (2)** If any nonconforming structure is destroyed by any means, including floods, to the extent that the cost of restoration would equal or exceed 50 percent of the market value of the structure before the structure was damaged, the following regulations shall apply:
 - (a)** If the nonconforming structure is in the floodway, the structure may be rebuilt; however, it shall not be expanded, changed, enlarged or altered in any way that would create an obstruction to water flow greater than that which existed before damage to the structure occurred. Upon reconstruction, nonresidential and residential structures shall be elevated two feet above the 100-year flood elevation, as indicated in the appropriate flood insurance study. As an alternative nonresidential facilities can be completely flood proofed two feet above the 100-year flood elevation, as indicated in the appropriate flood insurance study. The walls and basement floor shall be completely flood proofed and they shall be built to withstand lateral and uplift water pressure.
 - (b)** If the structure is located in the flood storage area, it may be reconstructed, provided nonresidential and residential structures are elevated two feet above the 100-year flood elevation, as indicated in the appropriate flood insurance study.
 - (c)** As an alternative for nonresidential structures only, the structure, including utility and sanitary facilities, can be completely flood proofed two feet above the 100-year flood elevation, as indicated in the appropriate flood insurance study. The walls and basement floor shall be completely flood proofed and they shall be built to withstand lateral and uplift water pressure.
 - (3)** If any manufactured home or home park is destroyed by any means such that the cost of restoration would exceed 50 percent of the market value of the structure prior to damage, then such manufactured home or manufactured home park shall not be rebuilt if it is located in the

floodway and, if it is located in the flood storage area, it shall be rebuilt in conformance with this section.

(2534 3417)

(N) Floodplain Ordinance Administrator. This section shall be administered and enforced by the Director of Community Development or his designee.

(2534 3714)

(O) Variances.

(1) Appeal Board:

- (a)** The Director of Community Development shall hear and decide requests for variances from the requirements of this section.
- (b)** The City Council shall hear and decide appeals, when it is alleged there is an error in any requirement, decision or determination made by the Director of Community Development in the enforcement or administration of this section.
- (c)** Those aggrieved by the decision of the City Council, or any taxpayer, may appeal such decisions to a court of competent jurisdiction.
- (d)** In passing upon such applications, the Director of Community Development and the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this section, and:
 - (i)** The danger that materials may be swept onto other lands to the injury of others;
 - (ii)** The danger to life and property due to flooding or erosion damage;
 - (iii)** The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
 - (iv)** The importance of the services provided by the proposed facility to the community;
 - (v)** The necessity to the facility of a waterfront location, where applicable;
 - (vi)** The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
 - (vii)** The compatibility of the proposed use with the existing and anticipated development;

- (viii) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (ix) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (xi) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems, streets and bridges.
- (e) Upon consideration of the factors of Subsection 12-4-6(O)(1)(d), W.M.C., and the purposes of this section, the Director of Community Development or the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this section.
- (f) The City shall maintain the records of all appeal actions, including technical information, and report any variances to the federal emergency management agency.
- (2) *Conditions for Variances:*
- (a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level, providing items (i)–(xi) in Subsection 12-4-6(O)(1)(d), W.M.C., have been fully considered. As the lot size increases beyond the one-half acre, the technical justifications required for issuing the variance increases.
 - (b) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 - (c) Variances shall not be issued within any designated floodway, if any increase in the 100-year flood elevation would result.

- (d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (e) Variances shall only be issued upon:
 - (i) A showing of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) A determination that the granting of a variance will not result in increased flood heights, increased velocities, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, as identified Subsection 12-4-6(O)(1)(d), W.M.C., or conflict with existing local laws or sections.
 - (f) Any applicant to whom a variance is granted shall be given written notice that the cost of flood insurance will be commensurate with the increased risk from the granting of the variance.
 (2534 3714)
- (P) **Records.** The City shall obtain, maintain, and have available for public inspection:
- (1) All of the flood insurance studies.
 - (2) Certificates of flood proofing and a statement whether a structure has been flood proofed and to what elevation (with building permits, as applicable).
 - (3) For structures in the floodplain:
 - (a) Information on the elevation of the lowest floor, including basement, for all new or substantially improved structures; and
 - (b) A statement whether a new or substantially improved structure contains a basement.
- (2534)
- (Q) **Standards for Critical Facilities.** The City will use the following criteria in order to identify and confirm which specific structures within the City are critical facilities:
- (1) *Classification of Critical Facilities:* Critical facilities are classified under the following categories: (1) Essential services; (2) Hazardous materials; (3) At-risk populations; and (4) Vital to restoring normal services.
 - (a) Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters,

communications, public utility plant facilities, and transportation lifelines.

- (i) These facilities consist of:
 - a) Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);
 - b) Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures, but not including clinics, doctor's offices, and non-urgent care medical structures that do not provide these functions);
 - c) Designated emergency shelters;
 - d) Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);
 - e) Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and
 - f) Air transportation lifelines (municipal and larger airports, helicopter pads and structures serving emergency functions, and associated infrastructure such as aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).
- (ii) Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances, which have plans in place to avoid system failures during extreme floods events and adequate restoration plans following flood emergencies.
- (iii) Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the City that the facility is an element of a redundant system for which service will not

be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this chapter, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the city on an as-needed basis upon request.

- (b) Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.
 - (i) These facilities may include:
 - a) Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
 - b) Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
 - c) Refineries;
 - d) Hazardous waste storage and disposal sites; and
 - e) Above ground gasoline or propane storage or sales centers.
 - (ii) Facilities shall be determined to be critical facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the occupational safety and health administration (OSHA) to keep a material safety data sheet (MSDS) on file for any chemicals stored or used in the work place, and the chemical(s) is stored in quantities equal to or greater than the threshold planning quantity (TPQ) for that chemical, then that facility shall be considered to be a critical facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as extremely hazardous substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910

(2010). The environmental protection agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 (2010) and OSHA regulation "Occupational Safety and Health Standards," 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation this section, but exclude later amendments to or editions of the regulations

- (iii) Specific exemptions to this category include:
 - a) Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.
 - b) Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.
 - c) Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.
- (iv) The exemptions, listed in paragraph (c) above, shall not apply to buildings or other structures that also function as critical facilities under another category outlined in this section.
- (c) At-risk populations facilities include medical care, congregate care, and schools.
 - (i) These facilities consist of:
 - a) Elder care (nursing homes);
 - b) Congregate care serving 12 or more individuals (day care and assisted living);
 - c) Public and private schools (pre-schools, K–12 schools), before-school and after-school care serving 12 or more children);

- (d) Facilities vital to restoring normal services including government operations.
 - (i) These facilities consist of:
 - a) Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);
 - b) Essential structures for public colleges and universities (dormitories, offices, and classrooms only).
 - (ii) These facilities may be exempted if it is demonstrated to the City that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this section, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the city on an as-needed basis upon request.
- (2) *Protection for Critical Facilities.* All new and substantially improved critical facilities and new additions to critical facilities located within the special flood hazard area shall be regulated to a higher standard than structures not determined to be critical facilities. For the purposes of this, protection shall include either (1) location outside the special flood hazard area or (2) elevation or floodproofing of the structure to at least two feet above the base flood elevation.
- (3) *Ingress and Egress for New Critical Facilities.* New critical facilities shall, when practicable as determined by the city, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

(3714)

12-4-7 Improvements

Purpose: This section requires development to include infrastructure to accommodate on- and off-site impacts, and to provide guarantees to ensure that those improvements are constructed.

(A) Generally

- (1) **Duty to Provide.** As a condition to any approval required under this Title, the City may require the dedication of public roadways or rights-of-way for public access, utility easements and other lands for public use and the construction or installation of public improvements the City deems are reasonably necessary to address the impacts caused by a proposed development on public facilities or services. Further, the City may require the payment of an equivalent amount of cash in lieu of any required dedication.
- (2) **Oversizing.** Subject to the cost recovery provisions of this title, the City may also require, as a condition to any approval required under this title, the dedication of additional roadway, public access rights-of-way, and easements and the construction or installation of other or additional public improvements the City deems reasonably necessary for the orderly and logical extension of City facilities and services within the City as a whole.

(B) Public Improvements for Subdivision Plats

No final plat shall be approved nor shall a building permit be issued,⁹ unless the developer agrees, pursuant to Subsection ((D)) of this section, to provide the following public improvements required to serve the development:

- (1) **Water.** Water mains, fire hydrants, valves, and other appurtenant devices in a number, quantity, and dimension that will provide adequate service to the site being developed.
- (2) **Sewer.** Sanitary sewer mains, manholes, and sewer system appurtenances in a number, quantity, and dimension that will provide adequate service to the site being developed.
- (3) **Streets.** Paved, improved streets with sidewalks, curb, and attendant structures in a dimension and location that will meet the pedestrian and traffic needs of the site being developed.
- (4) **Stormwater Management.** Storm sewers, detention facilities, channels, culverts, and attendant structures in a size and location that will provide

⁹ This is from WMC 11-6-2 (General Requirements). That section begins: “Except as provided in Subsection 11-6-3(B), W.M.C.....” That reference is to undergrounding of electric and communication lines, which does not seem to apply here. It is omitted – but is there another section I should refer to?

adequate service to the site being developed, and as reasonably be required by the City to provide a safe, functional, comprehensive storm drainage system for removal or attenuation of urban storm runoff to meet the overall needs of the City.

- (5) **Energy.** Natural gas mains, telephone and electric lines, conduits, and attendant facilities that will provide adequate service to the site, as designed by the appropriate public utility agency.
 - (6) **Lighting.** Street lighting and appurtenant conduits and structures necessary to serve the fully developed project, as designed by the appropriate electric utility or the City using their standard design criteria.
 - (7) **Amenities.** Dedication of land for and improvements to public parks and open space and other public lands identified on the ODP for the site.
 [Refer to Section 12-4-7, W.M.C.]
 - (8) **Survey Monuments.** Survey monuments at subdivision boundary points required by the City and Colorado Revised Statutes to verify and retrace the lines and points defined by the final plat.
 - (9) **Rights-Of-Way and Easements.** Rights-of-way and easements required by the City to adequately accommodate placement and maintenance of the above-listed public facilities.
- (C) **Design and Construction of Improvements**
- (1) **Preparation and Approval of Plans for Public Improvements**
 - (a) All construction plans, specifications, and associated engineering reports required pursuant to this Title shall be prepared by, or under the direct supervision of, a professional engineer duly registered and licensed to practice engineering in the State of Colorado and shall bear the seal of that engineer.
 - (b) All construction plans, specifications, and associated engineering reports required pursuant to this Code shall be prepared in compliance with the *Standards and Specifications* and the SDDTCM.
 - (c) The approval by the City of any construction plan, specification, or report indicates only that the plan, specification, or report apparently conforms to the City's submittal requirements and that standard engineering principles and practices are apparently followed. That approval does not indicate that any assumption, calculation, or conclusion contained was verified by the City. The professional engineer submitting the plans, specifications, and reports is solely responsible for their accuracy and validity. If, during the construction process, or at any time within one year

after acceptance by the City of the completed improvements, any deficiencies or errors are discovered in the plans, specifications, reports, or in the actual improvements as built, the City may require all corrections that it deems necessary. The costs associated with any such corrections are the developer's sole responsibility.

- (d) If the review and approval of any construction plan, specification, or report by the City occurs more than 12 months prior to execution of the public improvements agreement or commencement of construction activities, or if construction activities are abandoned at least 12 months and the improvements are not substantially complete, the city may require the submittal of such new or supplemental plans, specifications, and reports to ensure compliance with the City's current standards and design criteria.
- (e) If, after approval of the construction drawings by the City, but prior to substantial completion of the public improvements, a court order, change in Colorado or federal law, or similar legal requirement occurs that requires the previously approved design to change, the City may reevaluate the plans and require the developer to complete those changes. The cost for the change is the sole responsibility of the developer.

(D) Public and Private Improvement Agreements and Surety Requirements

(1) Applicability

- (a) Compliance with this subsection is required before:
 - (i) the City Manager approves a final plat, or
 - (ii) if a final plat is not required, before a building permit is issued.
- (b) This subsection applies to both public and private improvements.

(2) Exemptions

- (a) This subsection does apply to approval of final plat to accomplish City land acquisition (Subsection 12-5-20(G)(2), W.M.C.).
- (b) If no public or private improvements are required to be constructed, and if the sole purpose of the proposed final plat is to facilitate the transfer of ownership, the City may waive the surety requirements of this subsection.

- (3) **Submittals.** The developer shall submit the following agreements and surety for construction of public and private improvements for the development:

- (a) A written agreement between the owner and the City to install all public improvements, and a separate agreement for all private improvements, within:
 - (i) one year from the date of plat approval, or
 - (ii) another period as approved by the City.
- (b) Separate surety for the public and private improvements in form and amount sufficient to guarantee the performance of the obligations identified in the improvements agreements.
- (4) **Forms.** These agreements shall align with the City's standard forms.
- (5) **Forms of Surety.** Except as otherwise provided below, acceptable forms of surety are:
 - (a) **Surety Bond.** A good and sufficient surety bond executed by a corporate surety duly licensed to do business in the State of Colorado, or by another appropriate institution having adequate assets to perform the terms of the surety, as determined by the City.
 - (b) **Cash Bond.** A deposit with the Finance Director of Cash or Certified Funds. Any interest earned on the cash bond is the property of the City.
 - (c) **Irrevocable Letter of Credit.** An irrevocable letter of credit on a form established by the city, executed by a commercial bank insured by FDIC or other appropriate institution having adequate assets to perform the terms of the letter of credit, as determined by the city. The form and conditions of the irrevocable letter of credit shall be approved by the City Attorney.
 - (d) **Plat Restriction.** The owner's agreement, which shall appear on the final plat, that no lot, lots, tract, or tracts of land within the platted property shall be conveyed, sold or transferred until the required public facilities are constructed and are accepted by the City, as follows:
 - (i) Only single-family detached residential subdivisions are eligible to use a plat restriction, and in only those phases in which a building permit has not been issued.
 - (ii) A plat restriction may be used as surety for public improvements only.
 - (iii) The release of any plat restriction before completion of all public improvement obligations pursuant to the public improvements agreement shall be given in the sole discretion of the City. No release shall be given unless:

- a) the City receives an acceptable substitute form of surety in an amount equal to 100 percent of the current cost of completing any improvement at the time the release is requested, plus 15 percent warranty surety for all improvements, or
 - b) if all the required improvements are constructed and accepted into warranty, equal to 15 percent of the current cost of constructing the improvements at the time the public improvements agreement was executed.
 - (e) **Other Guarantees.** An owner may guarantee the construction of public improvements by such other methods as may be specifically approved by City Council.
 - (6) **Amount of Surety.** The surety shall guarantee an amount at least equal to 115 percent of the current cost of public facilities identified by the developer and approved by the City.
 - (7) **Expiration.** Any surety scheduled to expire prior to the completion of the obligations identified in the improvements agreement shall be renewed for a period of at least six months, at least 30 days prior to the scheduled date of expiration. Failure to provide for the renewal of any surety in accordance with this subsection (7) is a default by owner of owner's obligations under the improvements agreement and is grounds for demanding performance and/or cashing the surety.
 - (8) **Reduction of Surety.** Surety amounts shall not be reduced without the prior written consent of the City. In its sole discretion, the City may agree to a reduction in the amount of any surety provided pursuant to this section to not less than 15 percent of the current cost of the improvements at the time the improvements agreement was executed, if the owner has satisfied all of owner's obligations under the agreement, except for owner's warranty obligations.
- (E) **Construction of Improvements**
- (1) No construction of any public improvement shall commence until the city has issued a written notice to proceed.
 - (2) The construction of all public and private improvements in areas of common ownership shall be completed in accordance with the approved construction drawings and specifications, the *Standards and Specifications for the Design and Construction of Public Improvements*, the *City of Westminster Storm Drainage Design and Technical Criteria Manual* (SDDTCM), and Section 12-4-8 (Landscape & Preservation).

(F) Inspection of Improvements

- (1) The City shall inspect the work and all materials furnished as part of the work. Inspections may extend to all or any part of the work and to the preparation, fabrication, or manufacture of all materials for the work.
- (2) Inspections made by the City are for the sole benefit of the City and do not relieve the developer or contractor of any obligations or liabilities.

(G) Acceptance into Warranty

- (1) Before the City assumes ownership and maintenance responsibility for any public improvement, the public improvement must be completed in conformance with the approved construction drawings and all applicable City standards and specifications, and must be formally accepted in writing by the City.
- (2) Acceptance of the public improvements by the City does not relieve the developer or contractor from any obligations or liabilities with respect to the proper construction of the improvements.
- (3) All public improvements to be constructed in connection with any development shall be completed in their entirety before any part is accepted, except as the City Engineer may otherwise agree by separate agreement with the developer.

(H) Warranty

- (1) The developer shall warrant the construction of and materials used in all public improvements for a warranty period of at least one year from the date the improvements are accepted by the City. It is the intent of the City that, at the end of the warranty period, the developer shall deliver the improvements to the City, free of any defects, damage, or debris.
- (2) The City shall have the authority to require a warranty period in excess of one year if, in the opinion of the City, the scope of the construction or other conditions dictate such a need.
- (3) During the term of the warranty period, the developer shall make any repairs or replacements required due to:
 - (a) Defective materials, workmanship, or design; or
 - (b) Damage done to the improvements during the warranty period regardless of cause, unless damage that is directly attributable to City equipment or personnel, and which, in the opinion of the City, are necessary to maintain or conform the improvements to the same standards in effect at the time of the City's acceptance.

- (4) The warranty period shall not expire until the City acknowledges, in writing, that all necessary warranty corrections are complete and the warranty period is over.
- (5) During the warranty period, the developer shall maintain a surety in one of the forms authorized pursuant to Section 11-6-4, W.M.C., in the amount of 15 percent of the cost of the improvements.

[Note: see Chapter 8 (Enforcement) for stop work orders and default provisions.]¹⁰

(I) Procedures for the Establishment of Recovery and Participation Costs

Findings: The City Council finds and determines that -

- *Expansion of land use and development within the City results in impacts upon public facilities and improvements and necessitates the construction and expansion of new public facilities, improvements, and services, including arterial and collector streets and bridges; water and sewer facilities; schools; pedestrian areas and community and neighborhood parks; police and fire services; drainageways; parking facilities; and other city facilities, improvements, and services.*
- *It is appropriate and fair to require new development, not current citizens, to bear that proportionate share of the cost of improvements, facilities, and services that are reasonably necessitated by and of reasonable benefit to new development.*
- *It is fair, reasonable, and equitable for the City to plan for and provide facilities, improvements, and services necessary for the efficient and logical development of land within the City and to recover at or prior to development the cost of facilities, improvements, and services from the properties benefitted by those facilities, improvements, and services.*
- *New public facilities, improvements, and services increase the value of and enhance the development potential of adjacent properties.*

(1) Recovery of Costs of Public Improvements

- (a) The City may allocate and recover the costs of construction of public improvements or facilities to property owners based on their benefit to those owners. The recovery costs shall be paid to the City by the benefitted property owner and forwarded to the party constructing the improvement or facilities. Subject to subsection (4)(a)(v), below, where the construction of the improvement or facility is financed in whole or in part by a property owner or owners, and the financed amounts exceed the amount of benefits the owner or owners will realize from the improvement or facility

¹⁰ Section 11-6-6 (Local Improvement Districts) should remain in Title 11, as it is not a private development provision and is beyond the scope of this Title 12.

so financed, the City shall assume or recover the amount of those excess costs and reimburse the financing owner or owners to the extent the amount financed exceeds the benefits received.

- (b) As part of the preliminary development plan or official development plan for any land within the City, the City may determine the public facilities, improvements, and services that are reasonably necessitated by and that are of reasonable benefit to the land being developed. The City may establish and administer a program to recover from benefitted property owners the costs incurred by the City or other party in providing those public facilities, improvements, and services, which may include:
 - (i) The cost of right-of-way acquisition and construction of streets, including traffic signals, street lights, and traffic signs.
 - (ii) The cost of sanitary sewer and water treatment and transmission facilities and service.
 - (iii) Costs incurred for the acquisition, construction and servicing of drainageways.
 - (iv) The cost of locating or relocating above-ground or underground utilities.
 - (v) Costs incurred for the acquisition, development, and furnishing of neighborhood and community parks, public open spaces, pedestrian walkways, bikeways, and other recreational facilities in excess of normal development requirements.
 - (vi) Costs incurred for the acquisition, development, construction, and furnishing of such other City facilities or services that the City determines are reasonably necessary to serve, and of reasonable benefit to, new development.
- (c) The City Council shall provide by ordinance for the recovery of appropriate costs for public improvements, facilities, or services constructed or to be constructed by the City. The ordinance shall establish the nature and extent of the recoveries due to the City, and may include provisions for simple interest payable to the City.
- (d) In the case of improvements financed by the City with the proceeds of special assessment bonds, the City may forward any costs recovered under this section to the owners or developers previously assessed for the costs of the improvements. In the case

of a property owner or developer who has elected to pay an assessment in installments and who is also owed costs recovered, this may be accomplished by an adjustment to the periodic payment owing, or in any other manner that the City Council deems just.

- (e) The City may require a developer to provide and install public improvements, facilities, or services sufficient to serve surrounding lands that the City determines are necessary for sound service planning and future property development. The City shall collect from the owners of those properties benefitted by those facilities the amounts that the City determines to be reasonable and in proportion to the benefits to those properties. From that collection, the City shall reimburse the party who installed the public facility.
- (f) In connection with the construction of any improvement or facility by a property owner or developer pursuant to this section, the City and the owner or developer may enter into a written agreement concerning the construction and the owner or developer's rights of cost recovery, if any, as follows:
 - (i) Agreements may include provision for simple interest.
 - (ii) The City Manager may execute those agreements on behalf of the City.
 - (iii) In each agreement, the City shall require that the developer or his successors notify the City if there is a change in the payee of recovery fees collected for disbursement by the City. This notice shall be provided no later than 30 days after the effective date of the change in payee. This notification shall include the new payee, the payee's address, a description of the event resulting in the change of the payee, and the effective date of the change in payee. The notice shall be signed by someone legally authorized to bind the transferor. The City shall send collected recovery fees to the payee of record, as set forth in this paragraph (iii). If, due to lack of notice by the payee, the city is unable to ascertain the identity or location of the payee within 60 days after receipt of the recovery fees, the fees shall revert to the City, and the City may declare the agreement terminated and deposit the undisbursed recovery fees in the City's general fund for City use.

(2) Allowable Recovery Costs

- (a) Costs that are otherwise recoverable pursuant to this section are limited to the actual costs of materials, labor, equipment, acquisition of rights-of-way and easements, including condemnation costs, engineering services, and other costs directly related to the construction of the improvements.
 - (b) Costs for the administration of contracts, license fees, attorney fees, overhead, and other administrative, indirect costs are considered the cost of doing daily business and are not included in recovery costs.
- (3) Method for Recovery of Costs**
- (a) The City shall establish cost recovery for public improvements based upon the benefit to the development. Those methods may include comparative area or distance of a development benefited by a public improvement, comparative population or housing density of the development benefited by the public improvement, the trip generation rate, or other methodology for calculating approximate use of the public facilities, and other methods the City establishes that are based upon the reasonable benefit conferred on a development by a public facility. For public facilities, cost recovery obligations are based on the following:
 - (i) Water and sewer utilities – see Subsection 12-4-17((D)), W.M.C.
 - (ii) Street Improvements, Bridges, Overpasses and Interchanges – see Subsection 12-4-14((F)), W.M.C.
 - (b) If the City determines that a development is reasonably benefitted more than under the minimum recovery methods above, the City may calculate an alternate method to determine reasonable benefit and recovery costs for a development. However, this method shall not recover more than 100 percent of the costs of public facilities, plus applicable interest.
 - (c) All agreements or ordinances created in connection with the construction of a public improvement for which costs are allocated pursuant to this section shall be recorded with the appropriate County Clerk's office as a matter of public record. Every developer shall identify those recovery agreements that pertain to their developments.
- (4) Documentation and Recording of Developer-Constructed Improvements**

- (a) Any agreement between the City and a developer for cost recoveries shall be set forth in the developer's subdivision improvements agreement¹¹ in accordance with this Section.
- (b) All cost recovery agreements for developer-constructed improvements shall include a listing of those properties to be charged with cost recovery for the improvement(s). This list shall be provided by the developer-beneficiary within the time period prescribed by Subsection ((D))(3). The developer shall also provide within the same time period a cost estimate of the improvements. The City shall review and approve for recording all agreements that include provisions for cost recovery for the benefit of private developers. However, the developer shall record the agreements, and any effect on the developer's ability to recover costs, pursuant to the developer's failure to appropriately record the agreement or include a sufficient legal description for the properties to be charged with cost recovery, is the sole responsibility of the developer.
- (c) Prior to the City's acceptance of any public improvements constructed by a developer, the developer shall furnish the City with one set of reproducible, as-built drawings and a final statement of construction costs for those improvements subject to recovery in a format acceptable to the City. The City shall review the developer's final statement of construction costs and, upon the City's approval, the final statement of construction costs shall be recorded by the developer. The recorded statement becomes the schedule of recovery costs that the City will follow in administering the cost recovery agreement pursuant to subsection (e) below.
- (d) The developer-beneficiary of any cost recovery agreement approved by the City pursuant to this section shall pay a fee of \$500.00 to the City for the preparation, recordation, and administration of the agreement.¹²
- (e) The City's duty and liability in connection with the administration of a cost recovery agreement pursuant to this section is limited as follows. In administering those agreements:

¹¹ From 11-6-7(E)(1)(a). There is no other reference in Title 11 to a subdivision improvements agreement. Is there another source I should refer to?

¹² Should we move this to the fee provisions in Chapter 12 (or wherever they are codified)?

- (i) The City shall exercise reasonable care to collect amounts due the developer-beneficiary, but the City is not responsible or liable for any amounts not actually paid to the city by the responsible party. The developer-beneficiary has no cause of action against the City, other than to recover any amounts actually collected and on deposit with the City.
 - (ii) (ii) The City does not act as an agent or fiduciary of the developer-beneficiary or the responsible party. The developer-beneficiary shall monitor and enforce the payment provisions of the agreement.
 - (iii) If a responsible party fails to pay, the developer-beneficiary, in its capacity as principal third-party beneficiary of the agreement, has as its exclusive remedy the right to bring a cause of action against the defaulting responsible party. That action shall be brought within one year from the date the developer-beneficiary knew, or should have known in the exercise of due diligence, of the default.
 - (iv) (iv) The limitations set forth above are deemed as incorporated into every cost recovery agreement administered by the City.
- (5) **Documenting and Recording City-Constructed Public Improvements**
- (a) All cost recovery obligations for City-constructed improvements shall be established by ordinance.
 - (b) The ordinance shall include a list of properties to be charged with cost recovery for the City-constructed improvement.
 - (c) The ordinance establishing such cost recovery related to a City-constructed improvement shall be recorded in the real estate records of the counties in which the properties to be charged with cost recovery are located.
 - (d) If available, the ordinance shall include a final statement of construction costs for the improvements subject to recovery. Otherwise, the ordinance may include an estimate of construction costs for the improvements to be constructed, and a final statement of construction costs for the improvements shall be recorded as soon as practical following the completion of the improvements.
 - (e) After the final statement of construction costs for City-constructed public improvements is recorded, the City shall recover those costs pursuant to subsection (9) below.

- (6) **Interest:**
- (a) From time to time, the City Council shall, by resolution, establish the interest rate to be applied to recovery costs. The interest shall be simple interest applied to the principal only, based on one year increments, or fractions thereof.
 - (b) The maximum amount of allowable accrued interest for any recovery agreement is 50 percent of the original cost of the public facility.
- (7) **Inclusion of Recovery Costs in Official Development Plans.**
- (a) All official development plans shall contain a section entitled "recovery costs," which shall contain a list of the public facilities previously constructed on which the proposed development is required to pay recovery costs and the areas of benefit, if applicable, and the city recording information for the ordinance and agreement that established the recovery costs.
 - (b) Even if there is a conflict with subsection (a), the development is also responsible for any recovery costs established subsequent to the approval of the official development plan. However, no recovery cost obligation is invalid against a development if it is undiscovered and/or inadvertently omitted from the official development plan.
- (8) **Recordation and Lien**
- (a) The agreement or ordinance that sets forth the public facilities, their costs, the areas of benefit, and the method of recovery of costs shall be filed and recorded with the County Clerk and recorder of the county in which the facilities are located and the County Clerk and recorder of any county in which property may be located that is reasonably expected to be responsible for such costs, once they are finally determined.
 - (b) From the date of recording of any cost recovery agreement for developer-constructed public improvements, or a cost recovery ordinance for City-constructed public improvements, each of the records shall create a first and prior lien upon the properties benefited in the amount of the costs of the public facilities determined by the City attributable to the property, as provided by Title I, Chapter 31, of this Code. At its discretion, the City may allow the lien to become junior to the lien of deed(s) of trust executed by the landowners to secure loans to finance the construction of public facilities on the property.

- (9) **Payment of Recovery Costs**
- (a) All recovery costs are due and payable at the time of the recording of a final plat for the applicable property, or at when application is made for a building permit for the applicable property, whichever occurs first.
 - (b) The City may withhold building permits on property within the area of benefit until recovery costs are paid.
 - (c) If an owner desires to proceed with development of a portion of his property based on a phased development plan, the owner may proceed after paying that portion of the recovery costs and providing for payment of the remainder satisfactory to the City.
- (10) **Termination of Recoveries.** Upon receipt of an application by an owner previously entitled to receipt of cost recoveries or on its own motion, the City may terminate a recovery for a public facility, if:
- (a) the costs of the public facilities are substantially recovered, or
 - (b) if ten years have passed, or
 - (c) if the project may be more effectively financed by another method, or
 - (d) for another good cause the City determines.
- (11) **Alternative Method.** This subsection is intended to establish an alternative method for the financing of public improvements for lands that will reasonably benefit from them. This subsection does not limit the City's power to use any other lawful method for accomplishing this purpose.

12-4-8 Landscape & Preservation

Statement of Purpose: This section provides minimum design, installation and maintenance criteria for landscape improvements. The City finds that landscaping protects the public health, safety and general welfare and enhances Westminster's character by:

- *Protection and enhancement of property values*
- *Improvement of air and water quality*
- *Reduction of heat, glare, dust and noise*
- *Buffering or framing views*
- *Provision of wildlife habitat and protection of natural environments and vistas*
- *Increased plant survival rates and diversity*
- *Seasonal interest and visual enhancement*
- *Balanced approach to City's visual character with efficient use of water resources*
- *Decreased life cycle maintenance costs and requirements*

(A) Applicability

- (1) In new development; or
- (2) In existing developments where there is an Official Development Plan that addresses landscaping, and landscaping is proposed to be modified from what was approved or there is an increase in any aspect of non-conformance with this Title; or
- (3) In existing developments where there is no approved Official Development Plan or Official Development Plan Waiver that addresses landscaping and landscape area is proposed to be changed by at least 200 square feet or five percent (5%), whichever is greater. Landscape improvements within existing landscape area must occur in a manner that complies with the standards herein or decreases aspects of non-conformance; or
- (4) In existing non single-family detached developments where the Official Development Plan or Official Development Plan Waiver doesn't address the landscape that is proposed to be modified. Landscape area or improvements cannot be changed beyond the thresholds of (3) above without City approval of an Official Development Plan amendment.

↔ *See also supportive regulating code sections and documents:*
 12-4-5 (Fences, walls, and retaining walls)
 12-4-3 (Blocks, Lots and Setbacks)
 12-4-9 (Parking, Parking Lot Design, and Loading)
 12-10-2 (Definitions)

*12-#-# (Lighting Standards)
Storm Drainage and Technical Criteria Manual, (Stormwater
infrastructure design and requirements)
12-#-# Rental Housing (Property Standards)
The City of Westminster Standards and Specifications for the Design and
Construction of Public Improvements
Official Development Plan Templates and Submittal Requirements*

(B) General Requirements

- (1) Landscaping (installed or proposed) shall comply with its respective Official Development Plan or other related documents, and as required by this Section.
- (2) For Official Development Plan amendments in the area(s) of change according to the applicable standards above in existing landscapes, a landscape hydrozone plan, hydrozone calculations, landscape area percentages, detailed plant list, and related documents are required to reflect all proposed changes.
- (3) Landscape area or improvements for an area subject to an approved Official Development Plan cannot be reduced except as provided by this Section.
- (4) The Planning Manager may allow an adjustment from the strict application of this Section as noted as an exception in the Official Development Plan on a case-by-case basis. Provided that all the qualifications below shall apply:
 - (a) This section creates practical difficulties or undue hardship relative to the physical characteristics of the existing property, and
 - (b) The adjustment is the minimum necessary to alleviate the practical difficulties or undue hardship; and
 - (c) The relief may be granted without substantial detriment to neighboring properties or the public good and without substantially impairing the intent and purpose of this Section.
 - (d) Adjustments which may increase water use must be reviewed by the Public Works and Utilities Department. Changes in projected water use may be subject to an increased tap fee due for water service.
 - (e) The Planning Manager may attach reasonable conditions to an adjustment.

- (f) An adjustment is not precedent, grounds, or cause for any other adjustment.
- (5) It is recognized that City projects such as parks, street medians, or public utilities may have unique landscape needs and may be reviewed on an individual basis. To the extent that City projects are similar in nature to private development projects, the Landscape Regulations shall apply
- (C) **Existing Vegetation and Preservation**
 - (1) **Protected Trees.** All existing healthy trees of desirable species four (4") inches in caliper or more are considered Protected Trees. All existing trees, their species, size (DBH), disposition, and condition as determined by a Certified Arborist must be shown and listed on the existing conditions plan in the Official Development Plan. Official Development Plan review will determine whether existing trees must be removed or protected. Protected trees must be:
 - (a) Preserved per City of Westminster standard Tree Protection Specifications
 - (b) Transplanted on the site, or
 - (c) Mitigated per the City of Westminster’s tree mitigation ratio with cash-in-lieu requirement below.
 - (d) Or a combination of transplanting, additional trees or cash-in-lieu.

Table 12-4-8-1 Tree Preservation Chart

TREE PRESERVATION CHART

Species	DBH	Condition	Disposition	Mitigation	Notes

Total Mitigation Required _____

Species—Provide the common and botanical name for the tree
DBH--Diameter at Breast Height in caliper inches
Condition—Rated as Excellent, Good, Fair, Poor or Dead. Use ISA rating system for determining condition
Disposition—Keep, Remove, or Transplant
Mitigation--If tree is being removed, specify the caliper inches that are required for mitigation using the 2:1 caliper inch ratio. 2" are required to replace every 1" removed.
Notes---Any additional information worth noting about the tree.

- (2) Preserved or transplanted trees may be credited toward the total number of trees required on a 1:1 basis.

- (3) Surety shall be required for all preserved and transplanted trees per Section 12-4-6. Surety shall be provided prior to any land disturbance in an amount equivalent to the cash-in-lieu value as determined by the City.
- (4) **Mitigation**
 - (a) A tree initially identified to be protected may be removed only if the City Forester determines that the tree is unhealthy, and then shall be mitigated at the ratio set forth below.
 - (i) **Mitigation Ratio.** Protected Trees that are proposed to be removed shall be replaced at a caliper-inch or height in feet ratio according to their size. Protected Trees up to four inches (4") in caliper that are removed shall be replaced at a 2:1 ratio. For example, six 2-inch caliper trees and four 3-inch caliper trees (a total of 24 caliper inches) would replace one 12-inch caliper tree. 6-foot evergreens are considered equivalent to 2-inch caliper deciduous trees. 8-foot evergreens are considered equivalent to 3-inch caliper deciduous tree.
 - (b) **Cash-in-lieu.** The City may allow cash-in-lieu to be paid in some cases where planting on site or transplanting is not feasible or prudent. Cash in lieu amount to be determined by the Planning Manager. Amount is based on total mitigated inches owed and not on inches removed.
- (D) **Design**
 - (1) **Generally**
 - (a) Landscape area includes all portions of a property intended for landscape improvements and site amenities.
 - (b) **Planting Requirement.** 1 Tree, 6 shrubs, and 3 perennials/ornamental grasses per 800 square feet. This is required in all landscape areas except where otherwise noted.
 - (c) Turf shall be used sparingly and reserved for high intensity use areas.
 - (d) Irrigation controllers shall be screened with landscape, and utility boxes shall be screened with matching stone or masonry screen wall.
 - (2) **Streetscape.**
 - (a) Shade trees shall be planted at a maximum spacing of forty feet (40') on center along the entire linear length of all private and public drives and streets. Shade trees shall be planted at generally

equal spacing but closer than this maximum requirement where needed to accommodate drive cuts, utilities, sight triangles, lighting, traffic signage, and any other site elements that cannot be relocated.

(b) Tree lawn areas with detached walks shall have a minimum width of six feet (6') and be designed as sixty (60) percent Low hydrozones according to the City Plant List.

(c) The tree lawn soil surface shall be approximately three inches (3") lower than the sidewalk and adjacent curb prior to finished landscape.

(d) **INSERT GRAPHIC - Show a detail cross section here (finished grade elevation and top of landscape)**

(e) Ornamental trees may be substituted for the required shade trees in the tree lawn planting area as determined on a case-by-case basis.

(f) Street tree planting is required on both sides of the sidewalk in order to create a canopy effect and to provide areas of shade for the pedestrian.

INSERT GRAPHIC – Show detail of street tree planting of off-set trees, sidewalk and shrub beds.

(3) Common Area and Entrance Landscape

(a) Entrances. Enhanced landscape is required at the most prominent street entrance and corners.

(b) Sight triangles. All landscape and hardscape materials within sight triangles shall be no higher than twenty-four (24) inches in height as outlined in the City of Westminster Standards and Specifications for the Design and Construction of Public Improvements (SSDCPI) Figures 6.18.01 and 6.18.02.

(c) Medians. Medians shall be planted with trees and flowering plants.

(i) The soil surface shall be approximately three (3") inches lower than the sidewalk and/or adjacent curb.

(ii) The irrigation system for medians or islands within public rights-of-way must be separate from other common areas, including the tap and meter.

(4) Buffer Requirements

(a) Buffers are required between different land uses and must be planted per the requirements herein.

- (i) When residential is adjacent to commercial, enhanced landscape is required at a rate double the amount required in addition to a wall.
- (b) Trees are required at the rate listed in the table below and placed along the property line between the different uses listed.
- (c) Buffers from US 36 and I-25. Additional buffering may be required for developments adjacent to the US 36 or I-25 corridors as needed to mitigate noise, site visibility, graffiti potential and access for right-of-way maintenance. Buffering may include berms, walls, increased setbacks, or additional landscaping quantities, or a combination of these.

Table 12-4-8-2 Landscape Buffer Table

(Tree requirements are per listed linear length of boundary – when conflicting information occurs, the strictest standard applies)

Between these Types of Development	Right-of-Way of arterials, railroads, and highways	Commercial, Office, and vertical mixed* with ground floor Commercial or Office	Any Residential	From City Property, Park or Open Space
Industrial and all Auto-Oriented commercial uses	1 tree / 35'	1 tree / 40'	1 tree / 30' with 10' masonry wall	1 tree / 40' with 5' fence with masonry columns
Single Family Detached Development	1 tree / 30' with 8' masonry wall required	1 tree / 30'	1 tree / 40'	1 tree / 40' with 5' fence with masonry columns
Single Family Attached Development	1 tree / 30' with 6' masonry wall required	1 tree / 30'	1 tree / 30'	1 tree / 30' with 5' fence with masonry columns
Multi-Family	1 tree / 30' with 6' masonry wall except when in mixed use – then use vertical mixed use buffer	1 tree / 30'	1 tree / 25' with 5' masonry wall	1 tree / 25' with 5' fence with masonry columns

*These buffers allowed only where ground floor commercial or office uses face arterial streets or highways.

(5) Alleys

- (a) **Generally.** Site design shall coordinate landscaping with utility and ground-mounted mechanical unit placement where needed to allow adequate room for landscaping.
- (b) **Residential**
 - (i) One (1) shrub is required for every twenty-five (25) square feet of landscape area.
 - (ii) The minimum width of a planting bed area in an alley is five feet (5') between edge of pavement and rear yard fence or garage.
- (c) **Commercial.** Where landscaping is required in commercial shared alleys, a six inch (6") vertical curb shall separate landscape from paved surfaces.
- (6) **Parking Lots**
 - (a) **Generally**
 - (i) Planting design must include a 2' wide band of crushed stone where vehicles may overhang (see Figure 12-4-7.0-3).
 - (ii) High water turf is prohibited within landscape islands and medians.
 - (iii) Parking lot design may accommodate green infrastructure.
 - (iv) Berming and or mounding within landscape islands and medians is prohibited.
 - (v) All parking islands and medians within parking lots, other than those used for green infrastructure, shall be designed to have a grade three inches (3") lower than the curb and excavated to a depth of three feet (3') and backfilled with amended soil. The minimum backfill ratio is one (1) part compost to three (3) parts excavated soil or topsoil. Backfill must be free of rock, construction debris or other materials.
 - (vi) Parking island and median landscape area must be increased if the space is shared with hydrants, light poles, meter pits/vaults or utility boxes, or easements associated with these utilities. The minimum increase in area is the cumulative footprint of the non-landscape elements and any associated setbacks or easements. No net loss of required plant material shall occur.
 - (vii) Landscape area shall not be placed between walkways and the front end of parking stalls.

INSERT GRAPHIC - Need plan view and cross section of median and island finished grade and rock design. Top of curb is also the top of the surface that is used.

- (b) **Islands.** 1 tree, 6 shrubs, and 3 perennials required per 228 square feet.
- (i) Each parking island shall include an eighteen-inch (18") landing, clear of plantings. Porous paving, concrete pavers or three-quarter inch (3/4") angular rock are permitted surface materials for this area. Round or 'river' rock is prohibited near all pedestrian pathways.
- (ii) Shrubs and ornamental grasses in parking lot islands must have a mature height not to exceed twenty-four inches (24").
- (c) **Parking Medians.** 1 tree, 8 shrubs, and 4 perennials required per 400 square feet.

INSET GRAPHIC - detail showing dimensions and planting requirement

(7) **Planting Design**

(a) **Information Required with Submittal:**

- Landscape Plan
- Hydrozone Plan including irrigation method per hydrozone
- Hydrozone Tables (Right-of-way and Private separate)
- Plant Schedule

(b) **Plant Standards**

- (i) The health, size and general appearance of plant material at the time of planting shall comply with the recognized standards of the following documents, which are incorporated by reference as if set forth in their entirety in this Title:
- American Standard for Nursery Stock (ANSI Z60.1-2014, approved April 14, 2014), published by the American Horticulture Industry Association
 - The standard specifications of the Associated Landscape Contractors of Colorado
- (ii) The City retains the right to reject any and all plants determined as noncompliant with the specifications above at the time of plant material inspection, landscape installation, or acceptance.
- (iii) The plant schedule shall include categories, common and botanical names, quantities, sizes, mature height and width,

hydrozone designations, native designation, right-of-way trees, and stormwater trees.

Table 12-4-8-3 Plant Schedule Example

INSET GRAPHIC – plant schedule

Table 12-4-8-4 Planting Requirement Chart Example

Plant Requirement Chart

PRIVATE LANDSCAPE AREA (____SF)*			RIGHT-OF-WAY LANDSCAPE AREA (____SF)*		
Landscape Ratio	# Required	# Provided	Landscape Ratio	# Required	# Provided
Trees 1/800 SF			1/800 SF		
Shrubs 6/800 SF			6/800 SF		
Perennials/Grasses 3/800 SF			3/800 SF		

- (iv) All plant counts are minimum requirements. On a case-by-case basis the Planning Manager may allow a reduction in the amount of required plant material if the total landscaped area is more than what is required and the minimum plant material is being provided.
- (v) The minimum size for plant material is required:

Table 12-4-8-5 Minimum Size at Planting

Category	Minimum Size
Deciduous shade trees	2" caliper
Ornamental tree	1.5" caliper
Clump ornamental trees	3 tree canes and 6' in height
Evergreen trees	6' in height
Shrubs	5-gallon container (see substitution allowances) with at least 3 canes and 12" of growth. Recently re-potted plants may be rejected.
Perennials, vines, and grasses	1-gallon container
Groundcovers	1-gallon container or flats of 16

- (vi) Trees of up to six inches (6") in caliper or sixteen feet (16') in height for clump or evergreens are required to mitigate

large, unarticulated walls of parking structures or buildings that cannot be wrapped with outer commercial or residential uses and units, or otherwise meet architectural standards.

(c) Plant Diversity

- (i)** No more than twenty percent (20%) of the tree and shrub totals shall consist of one genus.
- (ii)** At least thirty percent (30%) of the trees must be (deciduous) ornamental, and at least thirty percent (30%) of the trees must be (deciduous) shade trees to allow for more solar access in winter. At least twenty percent (20%) of the trees shall be evergreen.
- (iii)** At least ten percent (10%) of the trees and twenty percent (20%) of the shrubs must be regionally native species as designated on the City Plant List.

↔ See *City Plant List in Appendix 12-4-7.1* for qualifying trees and shrubs

- (iv)** The use of flowering, perennial, herbaceous plants is required, and shall include at least fifty percent (50%) flowering species.

(d) Plant Selection

- (i)** Refer to the *City Plant List in Appendix 12-4-7.1*. Plant selection shall match the appropriate hydrozone, location, and irrigation method. The only plant material besides trees allowed in High hydrozone areas are turf, turf mixes, or varieties of Kentucky Bluegrass and Tall Fescue.
 - (ii)** Landscape designs should consider the design guidelines outlined by the Crime Prevention Through Environmental Design (CPTED).
 - (iii)** If safety issues are identified during plan review or during staff inspections the issues must be resolved within the time specified by the City.
- (e) Prohibited Plant Species:** see prohibited plant list in *Appendix 12-4-7.2*.
- (f) Permitted Plant Substitutions**
- (i)** Plant substitution requests must be approved by the Planning Manager.

- (ii) One (1) tree may be substituted for ten (10) large 5-gallon shrubs, or vice versa.
 - (iii) Three (3) 1-gallon perennials can be substituted for one (1) 5-gallon shrub, or vice versa.
 - (iv) Ornamental grasses are limited to thirty percent (30%) of the total shrub and perennial plantings.
 - (v) Substitutions must be clearly outlined in a table on the approved Official Development Plan.
- (g) **Trees**
- (i) Sight lines aligning with identified monument sign locations shall maintained.
 - (ii) Trees shall be located outside of City utility easements.
 - (iii) All trees must be set back from pedestrian walkways a minimum of seven (7') whenever possible.
 - (iv) Evergreen trees shall not be planted within ten (10') feet of a paved surface whenever possible.
 - (v) **Planting**
 - a) All trees planted in turf or native areas shall be surrounded by an area of wood mulch four feet (4') in diameter and at least four inches (4") in depth. All mulches shall be kept three (3") inches away from tree trunks to reduce insect and trunk damage.
 - b) All trees planted within paved pedestrian areas where adverse growth conditions exist, permeable pavers or approved alternative shall be used within two-hundred (200) square feet surrounding the tree trunk.
 - (vi) **Thorny, Fruit-bearing, and Nuisance Trees.** Trees that have thorns or drop large or excessive fruits are not allowed within fifteen feet (15') of sidewalks or parking lots. Trees with very small (1/4" or less) or persistent fruits are exceptions to this requirement.
 - (vii) **Tree Grates.**
 - a) Minimum tree grate size is at least thirty-six (36) square feet in area and four (4) feet in width.
 - b) At least three-hundred (300) cubic feet (10 feet by 10 feet by 3 feet deep) of structural or amended soil is

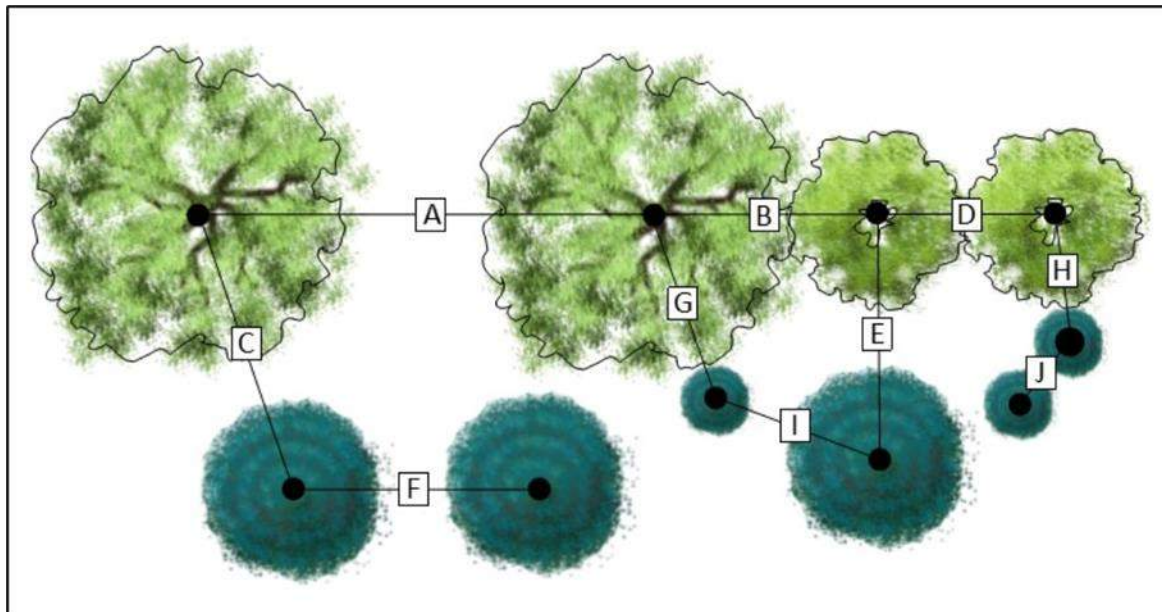
required with each tree grate installation. The use of structural cells is encouraged in lieu of structural soil.

- c) All tree grates must be equipped with removable rings that allow for tree trunk growth. Tree grates must be periodically maintained to ensure a minimum four-inch (4") clearance between the grate and trunk or root flare.

Table 12-4-8-6 Tree Spacing Table

Minimum Tree Spacing* (from the center of trees)	Shade Tree	Ornamental Tree	Evergreen Tree	Narrow Trees (10' max. mature width)	Public Trails, Walks & Paths
Shade Tree	[A] 30 feet	[B] 20 feet	[C] 25 feet	[G] 15 feet	7 feet
Ornamental Tree	[B] 20 feet	[D] 15 feet	[E] 20 feet	[H] 10 feet	7 feet
Evergreen Tree	[C] 25 feet	[E] 20 feet	[F] 15 feet	[I] 15 feet	10 feet
Narrow Trees (10' mature width)	[G] 15 feet	[H] 10 feet	[I] 15 feet	[J] 7 feet	7 feet

* Where denser screening and layering is required spacing shall be reviewed on a case-by-case basis



- (h) **Shrubs**
- (i) No more than thirty percent (30%) of any landscape area shall be free of live plant material within five (5) years of planting. Tree canopy cannot be counted towards this coverage requirement.

(ii) Shrubs planted near sidewalks or parking spaces must be set back such that mature width does not encroach within one (1') foot of the paved surface.

(i) **Turf**

(i) **Generally.** A description of proposed turfs and method of installation shall be indicated on the approved Official Development Plan.

a) Turfs are prohibited within five feet (5') of building foundations.

b) Kentucky Bluegrasses and Tall Fescues shall be considered high hydrozone turf.

c) All turfs shall be installed as sod unless otherwise approved.

d) Turfs in moderate and high hydrozones shall be mowed to maintain a height not to exceed six (6) inches.

(ii) Turf shall be allowed only in landscape areas measuring at least nine feet (9') in width unless it is watered with subsurface drip irrigation.

(iii) Exclusive of right-of-way, the High hydrozone turf shall not exceed 10% of the landscape area in all uses, except where a large, active, athletic or sports field is an approved use.

(iv) Kentucky bluegrass or tall fescues (including mixes with these species and varieties) are allowed for areas that will receive regular pedestrian or canine traffic.

(8) Alternative Lawns (Native, Native and Non-Native Blends, and Artificial)

INSERT GRAPHIC – Native Seed to turf transect

(a) Generally. Alternative lawns are grasses used in the place of traditional Bluegrass and Fescue manicured lawns to reduce water consumption.

(b) A description of proposed alternative grasses, lawns, and wildflower groundcovers and method of installation shall be indicated on the approved Official Development Plan.

(c) Native Tall Grasses

(i) Irrigated Native Tall Grasses are zero or low hydrozone, ornamental in nature, and internal to the site. Native Tall Grass seed mixes shall be comprised exclusively of all regionally-native grass species.

- (ii) Wildflower seed mixes shall be incorporated into all Native Tall Grasses after one (1) year establishment period.
- (iii) All seeded Native Tall Grass areas shall not be mowed more than twice a year (spring and fall).
- (iv) All use of Native Tall Grass areas must be clearly indicated on the Official Development Plan.
- (v) Native Tall Grasses adjacent to paved surfaces shall maintain a five foot (5') wide mowed area and noted on the Official Development Plan.
- (d) **Native Short Grasses.** Native Short grasses shall be limited to exclusively Blue Gramma, Buffalo Grass or a combination of the two and shall be applied to areas with higher visibility within private property.
- (e) **Native and Non-Native Blends.** Native and Non-Native Blends are low to medium hydrozone and may include a mixture of native and non-native grasses meant to be mowed similar in style to Bluegrass and Fescue turf.
- (9) **Seeding Requirements**
 - (a) Seeding areas shall list on the Official Development Plan the species, square footage and application rate.
 - (b) The City may require additional applications and at increased rates based on site conditions and seed type.
 - (c) Seed installation shall be by hydroseeding with separate hydromulching. A cover crop may be required for winter seeding.
 - (d) All seeded areas shall be established at a minimum of ten (10) approved plants per square foot (80% coverage) within four (4) weeks after germination, maintained at this level, and re-seeded as needed.
 - (e) Seed installations shall not enter into a warranty period until accepted by the City. A minimum warranty period of two (2) years is required from the date of acceptance.
- (10) **Artificial Turf.** The use of artificial turf is generally prohibited, except for use in single-family detached or duplex lot yard areas not adjacent to a street or public or private park or open space. The City may consider other exceptions to this limitation on a case-by-case basis for sports fields and other limited applications.
- (11) **Mulch Requirements**

- (a) Mulch is required in all planting bed areas at a minimum depth of three inches (3").
- (b) Types of mulch must be specified on the approved Official Development Plan.
- (c) Mulch immediately adjacent to hardscape, such as pavement or curbing, shall be approximately a half-inch ($\frac{1}{2}$ ") below the surrounding hardscape or curbing.

INSERT GRAPHIC - detail to cover edging and paving and mulch

- (d) The grade of all planting areas must be approximately three inches (3") lower than the adjacent surfaces in order to accommodate the mulch depth and minimize runoff.
- (e) **Organic Mulch.** Organic mulches (such as wood and bark) are required around all plants except as otherwise provided in this Section.
 - (i) Organic mulch is prohibited in stormwater infrastructure.
 - (ii) Weed barrier or fabric is required in areas with organic mulch unless an approved pre-emergent herbicide is applied prior to mulching.
 - (iii) Artificially-colored organic mulch is prohibited.
- (f) **Inorganic mulch.** Inorganic mulches (such as stone and rock) are limited to no more than thirty percent (30%) of the total planting bed area exclusive of right-of-way.
 - (i) If any slope exceeds twenty-five percent (25% or 4:1) the area must be leveled through the use of retaining walls and terracing (see [Section 11-4-6\(P\)](#));

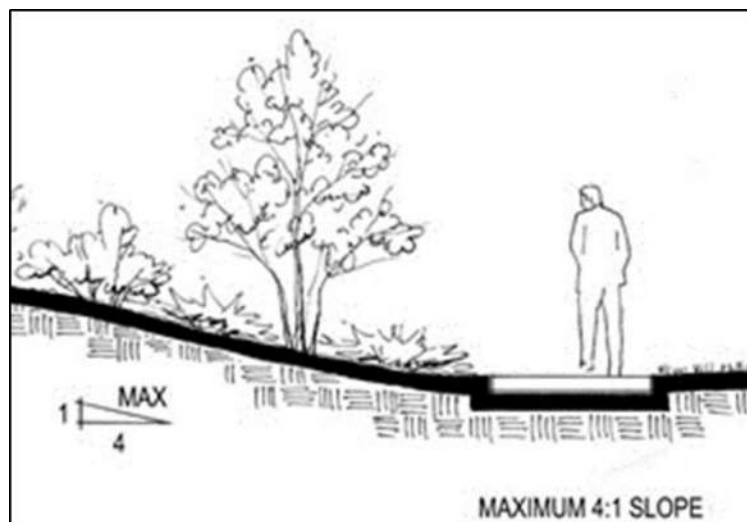


Figure 12-4-8-1 Maximum Slope

- (ii) Rounded inorganic mulch such as river rock is prohibited adjacent to paved surfaces.
- (iii) Sloped areas shall use angular rock to minimize movement outside planting bed areas; and
- (iv) Increased rock areas beyond thirty percent (30%) require Planning Manager approval. A change in rock type or size may be required.
- (v) Weed barriers are required in all inorganic mulch planting bed areas.
- (vi) All shrubs and planted in inorganic mulch shall have an eighteen-inch (18") diameter organic mulch ring. All 1-gallon plantings shall have a nine-inch (9") diameter organic mulch ring.

(E) Hydrozones

- (1) Hydrozone plans shall identify Zero, Low, Moderate, and High hydrozone areas, as provided in Table 12-4-7.1 below. Plant choice and irrigation design must conform with the relevant hydrozone requirements.
- (2) Shrub beds with drip irrigation qualify as Low hydrozones. Plant selection and site conditions must be considered when mixed-hydrozone plants are intergraded into the design.

Table 12-4-8-7 Hydrozones

Note: "gal/sf/yr" = gallons/square foot/year

Hydrozone	Water Requirements	Plantings	Irrigation
Zero	< 3 gal/sf/yr of water per year on a temporary basis for the plant material to be established for the first 2 years	Native tall grasses within the Zero hydrozone category on the plant list.	Regular watering during an initial 2 year period with a temporary irrigation system for plant establishment.
Low	< 3 gal/sf/yr of supplemental water	Plants, ornamental grasses, and perennials in shrub beds using drip irrigation. Native short grasses such as Buffalo and Blue Gramma grasses are within this category.	Drip in shrub beds only; pop-up or rotors in native short grasses.
Moderate	≤ 10 gal/sf/yr of supplemental water	Annuals and alternative turfs such as crested wheat grass and some fine fescue turfs.	Drip, pop-up, rotor, or subsurface systems.
High	≤ 18 gal/sf/yr of supplemental water	All bluegrass and tall fescue turfs planted as sod, and some fine fescue turfs.	Pop-up, rotor, or subsurface systems.

- (3) Irrigation tap fees for trees or shrubs on drip irrigation in zero hydrozone areas are based on twenty-five (25) square feet for trees and three (3) square feet for shrubs.
- (4) A minimum of fifty percent (50%) of the landscape area shall be Zero or Low hydrozone exclusive of right-of-way.
- (5) Total annual water budget application by irrigation shall not exceed an average of ten (10) gal/sf/yr. The following rates apply:

Table 12-4-8-8 Water Budget

High Water Zone	SF	x 18 Gallons/SF/Season	=	Gallons/Season
Moderate Water Zone	SF	x 10 Gallons/SF/Season	=	Gallons/Season
Low Water Zone	SF	x 3 Gallons/SF/Season	=	Gallons/Season
Zero Water Zone	SF	x 0 Gallons/SF/Season	=	Gallons/Season
TOTAL Gallons Needed by all Zones			=	Gallons/Season
TOTAL Square Feet of all Zones (SF)			=	SF
Average Gallons./SF/Season for all Zones			=	Gals./SF/Season

- (6) Any proposed water feature must be indicated as part of the water budget and classified as a High hydrozone unless the actual rate of water use is greater than 18 gal/sf/yr in which case the higher rate shall apply.
- (F) Irrigation Design and Maintenance**
- (1) Public Works and Utilities Department is responsible for the review and approval of irrigation plans and establishment of irrigation tap fees.
 - (2) Separate irrigation water taps (also known as outdoor water taps) and meters are generally required for all commercial and residential buildings and developments pursuant to Title 8 of the W.M.C.
 - (3) Automatic irrigation systems are required in all landscape areas and hydrozones.
 - (4) The property owner shall have the ultimate responsibility for maintenance of the irrigation system per the requirements of this Section, unless otherwise approved on the Official Development Plan.
 - (5) Irrigation systems and taps shall be designed and sized for a maximum irrigation time limit of eight (8) hours every other day, and shall be capable of supplying enough water to the irrigated areas in order to maintain the health of the plant material.

- (6) Publicly owned athletic fields, active play areas in public parks, or golf courses may receive an exception to this limit on a case-by-case basis by Public Works and Utilities.
- (7) The irrigation system shall be designed and maintained to prevent overspray, flooding, pooling and/or damage to adjacent site amenities and hardscapes.
- (8) Design for berms and slopes must minimize the impact of runoff. Berms and slopes require repetitive, shorter watering cycles (known as “cycle/soak”), heads with check valves, and/or sub-surface irrigation.
- (9) Backflow preventers and electric master shut-off valves are required to be installed and maintained.
- (10) Pressure reduction valves (PRV) or pressure reduction sprinkler heads are required.
- (11) Booster pumps are required where water pressure is too low to support the irrigation required by this section.
- (12) All lines and wires under pavement or hardscape shall be sleeved.
- (13) PVC pipes or fittings are prohibited above ground.
- (14) Irrigation controllers shall have the capability to allow for seasonal adjustments, including water budget controls. All controllers shall allow for multiple programs and start times, multiple day schedules, and individual time settings down to the minute.
- (15) Irrigation controllers shall use evapotranspiration (ET) or soil moisture-based programming including remote or local soil moisture sensors or historic weather station data-based scheduling.
- (16) All installed irrigation controllers must have at least twelve (12) zones with a master valve and flow sensor, with the exception of at least nine (9) zones for a single-family or duplex lot less than 10,000 square feet in area. Controller-to-valve wiring shall allow for the additional future use of unused zones.
- (17) Automatic rain sensors are required and must be installed per the manufacturer’s recommendations.
- (18) No single zone shall mix head types or irrigation methods.
- (19) Trees within planting bed areas must be irrigated to evenly distribute water around the trees’ dripline.
- (20) Trees in turf or native areas require a separate irrigation zone from shrubs and other plants in designated planting bed areas.
- (21) Emitters or drip tubing must surround the root ball of all irrigated trees.

- (22) Turf areas measuring nine (9) feet or less in any horizontal direction must be irrigated using sub-surface irrigation.
 - (23) Shrub and perennial beds require drip irrigation.
 - (24) Micro-sprays or subsurface drip irrigation is allowed only in annual beds and must be used with retractable risers. Micro-sprays with above-ground stakes are prohibited, except for use by a single-family detached homeowner.
 - (25) Sprinkler heads shall provide 100% head to head water coverage.
 - (26) The use of sprinkler heads that emit large water droplets (such as rotor heads) or low-output matched precipitation nozzles is required.
 - (27) The minimum height for pop-up type irrigation heads is six inches (6").
 - (28) Temporary automatic irrigation systems are required for all Zero hydrozones and shall comply with the requirements in this section.
 - (29) Irrigation Audit.
 - (a) Completion of a successful irrigation audit by a third-party Irrigation Association Certified Landscape Irrigation Auditor (CLIA) is required after installation of the irrigation system. Landscaping installed by a single family detached homeowner is exempt from this requirement.
 - (b) The minimum acceptable distribution uniformity is 65% or the current Irrigation Association accepted minimums (whichever is the more restrictive) for all irrigation zones.
 - (c) The property owner or manager shall post with each controller an irrigation schedule developed from the audit that provides individual spring, summer, and fall schedules and total annual water application not to exceed maximum ten (10) gal/sf/yr. It shall include type of irrigation per zone (pop-up, rotor, subsurface or drip).
 - (d) The Public Works and Utilities Department may review the settings on the controller for compliance with the irrigation schedule or approved irrigation plans.
 - (e) A set of final as-built irrigation construction documents shall be submitted to the Public Works and Utilities Department upon completion of the audit.
- (G) **Stormwater Infrastructure**
- (1) **Generally**
 - (a) Stormwater infrastructure and design must be integrated with the overall site, including the use of plantings.

- (b) The Water Quality Control Volume (WQCV) and 100-year storm elevations must be shown on the landscape plans.

INSET GRAPHIC - 100-year and WQCV graphic

(2) Stormwater Landscape Design

- (a) **Minimum Plant Material.** All stormwater treatment facilities below the 100-year storm elevation and the WQCV must be planted with the appropriate *City Stormwater Treatment Facilities Seed Mix*.
- (b) Trees that drop large or excessive fruit such as those designated as 'proximity prohibited' in the City Plant List are not allowed within twenty-five (25) feet of stormwater inlet structures.
- (c) Trees and shrubs are prohibited below the 100-year flood elevation, but are allowed in bioretention basins and bioswales.
- (d) Below the 100-year stormwater surface elevation, high hydrozone turfs are prohibited.

(H) Residential Development

(1) Generally

- (a) All residential development shall provide the required landscape as outlined in this Section.
- (b) Single Family Detached.
 - (i) **Applicability.** This subsection applies additional requirements to single-family detached and duplex dwelling units.

(2) Minimum Landscape Area. The minimum landscape area for a single-family detached or duplex lot is at least 50% of the front yard area adjacent to a public or private street.

- (a) Residential front yard is measured from 5 feet behind the front plane of the structure.
- (b) Plant Material Requirements.
 - (i) For single family detached front yards, one (1) tree is required for all lots less than 10,000 square feet. Lot greater than 10,000 square feet require two trees.
 - (ii) For duplex lots, one (1) tree is required per unit within the front yard.

(3) Single Family Attached and Multifamily Housing

- (a) **Applicability.** This subsection applies additional requirements to single family attached and multifamily residential development.

- (b) The minimum percentage of site area in landscape area is established by Table 12-7-4.7 below:

Table 12-4-8-9 Landscape Area for Mixed Housing Developments

Mixed Housing Type Land Use Designation →	Minimum Landscape Area for Residential (As a percentage of overall site area (excluding right-of-way)):	
	R-3.5, R-5, R-8, R-18, R-36	TMUND, Mixed-Use, Mixed-Use Center
Single Family Attached	30%	20%
Multifamily	30%	15%*

(I) Non-Residential & Mixed Use Development

- (1) **Applicability.** This subsection applies to:
 - (a) Non-residential land uses such as commercial, office, industrial, assembly, institutional, and
 - (b) The commercial or office components of vertical and horizontal mixed-use development.
- (2) **Minimum Landscape Area.** The minimum required landscape area is established in Table 12-4-8-10 below.

Table 12-4-8-10 Landscape Area & Setback for Non-Residential & Mixed-Use Development

Use Type Land Use Designation →	Minimum Landscape Area for Non-Residential (As a percentage of overall site area (excluding right-of-way)):		
	TMUND, Mixed-Use, Mixed-Use Center (for sites containing commercial or office uses in the buildings)	Retail Commercial, Office, Office/R&D (Low, High)	Service Commercial Flex / Light Industrial
Commercial / Retail	10%	20%	20%
Vertical Mixed-Use*	5%	5%	--
[2-story and up] Horizontal Mixed-Use**	10%	15%	--
Office	15%	20%	20%
Industrial	15%	20%	20%
Institutional	15%	20%	20%
Private Education	15%	20%	20%

**These percentages allowed only where there is a minimum 50% ground floor non-residential use component.*

***Up to 20% of the landscape area for 2-story or higher Horizontal Mixed-Use development in these land use designations may be outdoor space with permeable pavers outside fire lanes or a green roof.*

- (3) All individual lots within a development must provide the required landscape as outlined in the Section.

INSET GRAPHIC - 100- year and WQCV graphic - *Figure 12-4-7.9 Non-Residential and Mixed-Use Planting Requirements*

- (4) Raised planters with trees shall have a minimum of sixty (60) square feet of planting area.
- (J) Construction**
- (1) Phasing**
- (a) The first phase of construction must include all landscaping for perimeters, entrances, islands, medians, pedestrian connections, bus shelters, stormwater infrastructure, and other common areas and amenities, unless otherwise approved by the Planning Manager.
- (b) Future phases, if proposed, must indicate additional interim landscaping of living groundcover. Any undeveloped portions of a site shall comply with the *Construction Standards and Specifications, Chapter 2 – Earthwork, Erosion Control and Revegetation* requirements for revegetation.
- (c) Construction done in multiple phases must be accurately shown within a phasing diagram on the approved Official Development Plan.
- (d) Landscaping improvements installed by a single-family homeowner shall be installed by the property owner or developer within six (6) months of Certificate of Occupancy.
- (e) If landscape improvements are shown on an Official Development Plan, the developer shall install all improvements prior to issuance of the Certificate of Occupancy of the building or residential unit.
- (2) Standards and Specifications.** Requirements within *The City of Westminster Standards and Specifications for the Design and Construction of Public Improvements* also apply to all private improvements.
- (3) Soil Preparation**
- (a) All areas to be landscaped require soil amendment in accordance with this Section.

- (b) At least five (5) cubic yards of an organic compost amendment shall be applied per 1,000 square feet of landscape area and shall be tilled to a six-inch (6”) soil depth.
- (c) The total required amount of soil amendment must be indicated on the Official Development Plan, including calculations indicating how the total amount was derived. For native seeded areas, refer to the *Construction Standards and Specifications, Chapter 2 – Earthwork, Erosion Control and Revegetation* requirements for revegetation.

Table 12-4-8-11 9 Landscape Area for Mixed Housing Developments

SOIL AMENDMENT REQUIREMENT

Private Area	Square feet	x 5yds/1000 ft ²	= Yards ³
ROW	Square	x 5yds/1000 ft ²	= Yards ³
TOTAL			= Yards³

- (d) A soil amendment per this section is required for the entirety of all single-family lots. The developer must incorporate the amendment prior to the issuance of a Certificate of Occupancy for each lot. The City must receive verification, including a receipt, from the supplier or installer of the amount and type of soil amendment delivered and installed.
- (e) Soil amendment shall be fully stabilized class 1 or 2 as specified by the State of Colorado Chapter of the U.S. Composting Council. Soil texture, pH, and amount of soluble salts in the soil and the type of amendment shall be considered for the best possible plant growth conditions.
- (f) The developer shall schedule separate inspections through the Community Development Department prior to and after tilling. If the contractors fail to schedule the required inspection and the inspections are not completed in a timely manner, the contractors shall repeat the tilling and amendment according to this inspection schedule.
- (g) Soil amendment must be tilled into the soil within 24 hours of application, and landscape materials must be installed within two (2) weeks of tilling. Longer timeframes between tilling and landscape planting require reapplication. If conditions such as weather or grading displace the soil amendment, reapplication is required. To avoid soil compaction, vehicle or large equipment

encroachment into the area of the soil amendment is prohibited after tilling.

(4) Edging

- (a) All planting bed areas for shrub and perennials shall be separated from turf and native seed areas by either a rolled top steel edger, concrete edges, or similar edging as approved.
- (b) Perforated edging shall be used for all planting bed areas near building foundations to maintain positive drainage.
- (c) Edging with sharp edges or the use of plastic edging or plastic edging caps is prohibited.
- (d) All landscape edger is prohibited against adjacent hardscape.

(K) Maintenance

(1) Generally

- (a) The property owner is responsible for the continual maintenance of the landscaping and irrigation system, including irrigation repairs, mowing, weeding, pruning, and replacement of all dead or dying plant material. Landscaping damaged by weather events shall be replaced. Replacements shall be substantially similar in manner as originally approved. The City must approve substitutions of plant material.
 - (b) Any landscape improvements found to be not in compliance with the requirements herein or the approved Official Development Plan shall be replaced or repaired within six (6) months from initial notification from the City.
 - (c) Landscape improvement maintenance responsibilities must be indicated on the Official Development Plan for common areas, private property, and rights-of-way.
 - (d) The developer shall maintain all landscape improvements within the right-of-way and other common areas until they are conveyed to the subsequent property owner.
- (2) Mulch areas.** All areas with mulch must have 100% surface coverage and shall be maintained at a minimum depth of four inches (4") except areas containing perennial flower or groundcover species that have a spreading growth habit, which may have organic mulch maintained at a minimum one-inch (1") depth. These areas must be regularly maintained, weeds and debris removed, and re-mulched so that no fabric or bare ground is visible.

- (3) Non-living ground covers such as artificial turf, where authorized, shall be maintained in a manner according to Section XXX.
- (4) Pruning of plant material shall not drastically alter its natural growth pattern, and mature size, or intended use (e.g. screening). Any altered plant material as determined by the City shall be replaced per the Official Development Plan.
- (5) All tree pruning activities must comply with the American National Standard for tree care operations (ANSI A300), which is incorporated by reference and made a part of this Title. Any trees altered beyond acceptable standards as determined by the City must follow **Section XXXX – Tree Mitigation**.
- (6) Plants infected with insects or disease must be treated appropriately or removed from the property within thirty (30) days of the identification and notification from the City. Removed plants must be replaced with approved plant material as determined by the City within six (6) months.
- (7) Irrigation systems shall be maintained and periodically adjusted to assure watering efficiency. Replacement parts shall be compatible with the approved the irrigation plan.
- (8) The developer shall own and maintain all common area landscape and private improvements until **conveyed** to the property owner(s) and management of the owner or business association according to the Official Development Plan.
- (9) The property owner shall maintain all other common area landscape improvements including those adjacent to private drives and in rights-of-way of public streets and highways.
- (10) **Irrigation Maintenance**
 - (a) Within four (4) weeks of the installation of new landscaping, the irrigation system installer shall reset the controller(s) to the normal seasonal watering schedule.
 - (b) The temporary irrigation for Zero hydrozones must be physically disconnected from the main irrigation system at the end of the initial establishment period of no more than two (2) years of installation.
 - (c) Zero hydrozones may be irrigated after this initial establishment period only as necessary in times of drought to sustain plant life by occasional hand (or truck) watering. The Public Works Director may determine whether the use of the temporary irrigation system

should be extended beyond the initial period based upon the health and establishment of the plant material.

- (d) Irrigation shall not occur between the hours of 10 a.m. and 6 p.m. local time in order to reduce evaporation.

(L) Landscape and Private Improvements Agreement (LPIA)

- (1) Once an ODP or ODP Amendment is approved, construction or landscape improvement shall commence only after:
 - (a) the owner executes a Landscaping and Private Improvements Agreement (LPIA) in conformance with 12-4-6 of WMC; and
 - (b) the requisite surety is posted and accepted at the amount set forth in the LPIA.
- (2) Building permit(s) shall not be issued prior to fulfilling these LPIA requirements.

12-4-9 Lighting and Illumination

Purpose: this section establishes standards for well-designed lighting to enhance the design of building or site by highlighting interesting architectural details, calling attention to interesting textures and colors, and focusing attention to primary site features. Such lighting should be controlled to minimize adverse impacts to abutting residential uses.

- (A) **Generally.** This section shall apply to all land uses except for single family residences and duplex (two dwelling located on one lot).
- (B) **Parking Lots.**
- (1) Light standards shall be located only within the parking area or, where permitted, the permitted outdoor storage area, and shall not encroach into required perimeter landscape areas.
 - (2) House side shields shall be provided on all light standards adjacent to residential development.
 - (3) Building mounted lights shall maintain the same heights as specified in subsection (C) below.
- (C) **Maximum Heights.**
- (1) Building-mounted lights shall not exceed the peak elevation of the immediately adjacent sloped roof, parapet, or building elevation to which the fixture is attached.
 - (2) Freestanding light poles shall not exceed the limits established below:
 - (a) Residential districts: 15 feet
 - (b) NO, NC and SPD (where not otherwise specified by Specific Plan): 16 feet
 - (c) All other non-residential districts: 20 feet where located within 50 feet of a street right of way; 15 feet where located within 50 feet of a residential use; or 25 feet at any other location.
 - (d) The International Building Code and International Fire Code requirements.
 - (3) Exceptions to the maximum height of lighting may be approved by the Planning Manager after review of a photometric study for substantial conformance with the requirements of Title XII. Such exceptions may include requirements to use light control devices, such as fully shielded or cut-off fixtures, to reduce glare and light-spillage on to adjacent properties.
- (D) **Control of Light Trespass.** Project lighting shall be designed to minimize glare and light trespass from the project site to adjacent properties.

- (E) **Maximum Light Spillage.** For light spillage, the light level at the boundary of the project, measured 36-inches above ground level, shall be not more than 0.5 foot candles (5 Lux) above ambient light level.
- (F) **Illuminate Pedestrian Paths.** Pedestrian paths connecting the project to the public sidewalks, connecting buildings on the same project, and the public pedestrian entry foundation base of the building shall be illuminated during the twilight and evening hours the project is active and open to the public.
- (G) **Consistent Fixture Design.** Fixture designs used shall be harmonious with the building design, and with the architectural theme of the overall project, including multiple building projects.
- (H) **Gradual Transition of Exterior Lighting Levels.** The relative brightness of light used may vary throughout the project, provided the transition from higher levels to lower levels of illumination of illumination shall be gradual, without extreme or abrupt degrees of change between higher levels of illumination and natural ambient darkness.
- (I) **Highlight Building Entries.** Focus attention on primary building entries with illumination directed to highlight the entry and adjacent architectural details. Generally, lighting levels at the primary public entry shall be higher than lighting levels away from the public entry.
- (J) **Lighting to Enhance Design.** Lighting shall embellish nighttime architecture by illuminating activity areas, calling attention to details of the building design; and highlighting the relief of building features and/or the texture of building materials.

12-4-10 Parking & Loading

Purpose and Findings: *The council finds, determines and declares that it serves the interest of the public to:*

- *Lessen congestion upon the public streets of the City;*
- *Provide adequate off-street parking that balances parking demand with the need for multiple modes of travel;*
- *Recognize the parking efficiencies gained through mixed-use development and development proximate to rail and bus transit and their impact on parking demand;*
- *Encourage adequate parking for land uses in Westminster without creating excess vacant parking; and*
- *Promote bicycle use by providing safe and convenient bicycle parking through minimum requirements for bicycle parking facility type and amount.*

This section furthers these purposes by requiring the owners and operators of land, structures and uses to provide parking on their own premises and off the public streets for their employees, customers, tenants, clients, patients and other visitors. This section does not deprive property owners or operators of the right to maintain control over all land devoted to off-street parking space or to charge persons to park.

(A) Applicability

- (1) This section applies to all uses in the City of Westminster established or placed into operation after the effective date of this section.
- (2) If an adopted specific area plan establishes different requirements for off-street parking, those requirements supersede this section. If an adopted specific area plan does not establish different requirements for off-street parking, this section applies.

(B) Generally

- (1) The zoning for the property on which the required parking facilities are to be provided must be the same as the building served.¹³
- (2) Each use must include separate off-street parking space, unless shared parking is provided as established below.
- (3) No required parking area shall be used for the storage, sale, repair, dismantling or servicing of any vehicles, equipment, materials, or supplies.

¹³ From existing regulations. Why is this needed? This would make it more difficult to provide shared parking spaces. Can we delete it?

(C) Off-Street Vehicle Parking

- (1) *Generally.* The development or construction of specified buildings or uses requires the minimum off-street parking spaces listed in Table 12-4-10-1 below.
- (2) *Use Classification.* If uncertainties arise as to the classification of a building or use, the City Manager or his designee shall assign a classification in the following order of priority:
 - (a) Whether the building or use has documented parking demands that are consistent with a listed use, or
 - (b) Whether the building or use is permitted as an unlisted use that is comparable to a listed use, as determined by Section 12-3-23(C)(Use Table-Unlisted Uses).
- (3) *Maximum Spaces.* The number of parking spaces provided by any development in surface parking lots shall not exceed 125% of the minimum required spaces calculated pursuant to Table 12-4-10-1, except:
 - (a) Office developments may provide higher parking up to 8 spaces per 1,000 square feet GFA when office development includes:
 - (i) At least 60,000 square feet.
 - (ii) A density ratio of employees per gross floor area of at least 1 employee per 200 square feet.
 - (b) Parking within the building footprint of a structure (e.g., rooftop parking, below grade parking, multi-level parking structure);
 - (c) When a change in use to an existing development causes a lower parking requirement;
 - (d) Parking spaces managed for shared parking;
 - (e) Conditional use review (*section 12-5-18, W.M.C.*) is required to provide more surface parking than the maximum standard and additional landscape is required in compliance with section 12-4-8(D)(6), W.M.C. (parking lot landscaping).
 - (f) Phased projects do not need to comply with the maximum parking space requirement until the final phase is constructed.

Unified Development Code
Chapter 4 Development Standards | 12-4-10 Parking & Loading

Table 12-4-10-1 Parking Ratios

Use	Parking Spaces Required (<i>min</i>)	
	Vehicle Spaces	Bicycle Spaces
Residential		
Single-family detached dwelling	2 per dwelling unit	N/A
Single-family attached dwelling	2 per dwelling unit	N/A
Caretaker's Quarters	1 per dwelling unit	N/A
Cottage Court	1 per dwelling unit	N/A
Manufactured home park	2 per dwelling unit	N/A
Multi-family dwellings	1 per dwelling unit	¼ per dwelling unit
Lodging / Group Living		
Bed and breakfast	1 + 0.75 per bedroom	1 per 20 required vehicle spaces*
Boarding and Rooming House	1 + 1 per 3 bedrooms	1 per 20 required vehicle spaces*
Domestic violence home	1 + 1 per 3 bedrooms	1 per 20 required vehicle spaces*
Group care facility	1 + 1 per 3 bedrooms	1 per 20 required vehicle spaces*
Group home	1 + 1 per 3 bedrooms	1 per 20 required vehicle spaces*
Hotel, Motel, or Resort	1 + 1 per 3 bedrooms	1 per 20 required vehicle spaces*
Institutional care facility	1 + 1 per 3 bedrooms	1 per 20 required vehicle spaces*
Nursing home / facilities	1 + 1 per 3 bedrooms	1 per 20 required vehicle spaces*
Seasonal Shelter	1 + 1 per 3 bedrooms	1 per 20 required vehicle spaces*
Agriculture		
Agriculture	N/A	N/A
Farm Winery	N/A	N/A
Greenhouse / nursery	2 per 1000 sf	1 per 20 required vehicle spaces*
Community garden	N/A	N/A
Community Supported Agriculture	N/A	N/A
Mixed Use		
Live/Work Units	1 per dwelling unit	1 per 20 required vehicle spaces*
Commercial / Office		
Animal Services		
Animal day care and veterinary clinic, indoor	3 per 1000 sf	1 per 20 required vehicle spaces*
Animal day care, outdoor	3 per 1000 sf	1 per 20 required vehicle spaces*
Veterinary clinic, outdoor	3 per 1000 sf	1 per 20 required vehicle spaces*
Kennel	3 per 1000 sf	1 per 20 required vehicle spaces*
Day Care		
Day care facility	2 per 1000 sf	1 per 20 required vehicle spaces*
Financial Services		
Bank or financial institution	2 per 1000 sf	1 per 20 required vehicle spaces*
Payday or car title loan establishment	2 per 1000 sf	1 per 20 required vehicle spaces*
Food & Beverage Sales / Service		
Bakery, retail	3 per 1000 sf	1 per 20 required vehicle spaces*
Bar, Nightclub, or Tavern (with live entertainment)	9 per 1000 sf	1 per 20 required vehicle spaces*
Bar, Nightclub, or Tavern (without live entertainment)	9 per 1000 sf	1 per 20 required vehicle spaces*
Food preparation	3 per 1000 sf	1 per 20 required vehicle spaces*
Grocery	2 per 1000 sf	1 per 20 required vehicle spaces*
Liquor store	2 per 1000 sf	1 per 20 required vehicle spaces*
Brew pub, distillery pub, or limited winery	9 per 1000 sf	1 per 20 required vehicle spaces*
Restaurant	4 per 1000 sf	1 per 20 required vehicle spaces*

Unified Development Code
Chapter 4 Development Standards | 12-4-10 Parking & Loading

Use	Parking Spaces Required (<i>min</i>)	
	Vehicle Spaces	Bicycle Spaces
Restaurant, drive-in & drive-thru	3 per 1000 sf	1 per 20 required vehicle spaces*
Office, Business & Professional		
Ambulance service	2 per 1000 sf	1 per 20 required vehicle spaces*
Professional Office	2 per 1000 sf	1 per 20 required vehicle spaces*
Personal / Business Services		
Business support services	2 per 1000 sf	1 per 20 required vehicle spaces*
Day Labor Service	1 per 1000 sf	1 per 20 required vehicle spaces*
Funeral & interment services	2 per 1000 sf	N/A
Personal services	2 per 1000 sf	1 per 20 required vehicle spaces*
Retail sales		
Retail, general	2 per 1000 sf	1 per 20 required vehicle spaces*
Building / lumber yards	2 per 1000 sf	1 per 20 required vehicle spaces*
Convenience store (no gas)	4 per 1000 sf	1 per 20 required vehicle spaces*
Convenience store (with gas)	4 per 1000 sf	1 per 20 required vehicle spaces*
Dollar retail store	2 per 1000 sf	1 per 20 required vehicle spaces*
Flea market	2 per 1000 sf	1 per 20 required vehicle spaces*
Pawn shop / Cash for Gold Establishment	2 per 1000 sf	1 per 20 required vehicle spaces*
Thrift store or consignment shop (under 5,000 sf gross floor area)	2 per 1000 sf	1 per 20 required vehicle spaces*
Thrift store or consignment shop (5,000 sf or greater gross floor area)	2 per 1000 sf	1 per 20 required vehicle spaces*
Automotive		
Auto and truck repair (heavy)	2 per 1000 sf	N/A
Auto and truck repair (light)	2 per 1000 sf	N/A
Automobile or vehicle dealership	2 per 1000 sf	N/A
Car Wash	1 per stall	N/A
Gas Station	1 per 2 fuel pumps	N/A
Vehicle rental, automobile	2 per 1000 sf	N/A
Vehicle rental, truck	2 per 1000 sf	N/A
Entertainment / Recreation		
Adult business	4 per 1000 sf	1 per 20 required vehicle spaces*
Golf course or country club, public or private	3 spaces per hole	1 per 20 required vehicle spaces*
Health studios and centers/fitness centers	4 per 1000 sf	1 per 20 required vehicle spaces*
Indoor entertainment	5 per 1000 sf	1 per 20 required vehicle spaces*
Live Entertainment	5 per 1000 sf	1 per 20 required vehicle spaces*
Recreational Facility, Indoor	5 per 1000 sf	1 per 12 person capacity
Recreational Facility, Outdoor	6 per 1000 sf	1 per 12 person capacity
Tattoo parlor / body piercing parlor	2 per 1000 sf	1 per 20 required vehicle spaces*
Theater (indoor)	4 per 1000 sf	1 per 20 required vehicle spaces*
Civic		
Assembly		
Cemetery	N/A	1 per 20 required vehicle spaces*
Religious land use	8 per 1000 sf	1 per 20 required vehicle spaces*
Exhibition, convention, or conference facility (>30,000 sq. ft.)	4 per 1000 sf	1 per 20 required vehicle spaces*
Exhibition, convention, or conference facility (≤30,000 sq. ft.)	4 per 1000 sf	1 per 20 required vehicle spaces*
Club or lodge (private)	2 per 1000 sf	1 per 20 required vehicle spaces*
Places of assembly	4 per 1000 sf	1 per 20 required vehicle spaces*

Unified Development Code
Chapter 4 Development Standards | 12-4-10 Parking & Loading

Use	Parking Spaces Required (<i>min</i>)	
	Vehicle Spaces	Bicycle Spaces
Government / Non-Profit		
Civic Space	1 per 1000 sf	1 per 20 required vehicle spaces*
Correctional or penal institution	2 per 1000 sf	1 per 20 required vehicle spaces*
Cultural facility	3 per 1000 sf	1 per 12 person capacity
Donation facility without retail sales	2 per 1000 sf	1 per 20 required vehicle spaces*
Postal services	3 per 1000 sf	1 per 20 required vehicle spaces*
Public Safety Facility	2 per 1000 sf	1 per 20 required vehicle spaces*
Social assistance, welfare, and charitable services	2 per 1000 sf	1 per 20 required vehicle spaces*
City-owned uses	N/A	N/A
Education		
Business college / technical school	3 per 1000 sf	1 per 20 required vehicle spaces*
School (private)	3 per 1000 sf	1 per 20 required vehicle spaces*
School (public or state chartered)	3 per 1000 sf	1 per 20 required vehicle spaces*
Personal instructional services	3 per 1000 sf	1 per 20 required vehicle spaces*
Medical		
Medical Clinic	4 per 1000 sf	1 per 20 required vehicle spaces*
Hospital (with overnight stays)	2 per 1000 sf	1 per 20 required vehicle spaces*
Rehabilitation Center/Skilled Nursing	2 per 1000 sf	1 per 20 required vehicle spaces*
Hospice (inpatient)	1 + 1 per 3 bedrooms	1 per 20 required vehicle spaces*
Industrial		
Manufacturing & Employment		
Brewery, distillery, winery	1 per 1000 sf	1 per 20 required vehicle spaces*
Commercial printing establishment	1 per 1000 sf	1 per 20 required vehicle spaces*
Contractor and contractor storage	1 per 1000 sf	1 per 20 required vehicle spaces*
Data Processing, Hosting, and Related Services (including data centers)	1 per 1000 sf	1 per 20 required vehicle spaces*
Industrial, Light	1 per 1000 sf	1 per 20 required vehicle spaces*
Industrial, General	1 per 1000 sf	1 per 20 required vehicle spaces*
Industrial, Intensive	1 per 1000 sf	1 per 20 required vehicle spaces*
Media Production	1 per 1000 sf	1 per 20 required vehicle spaces*
Research and development	1 per 1000 sf	1 per 20 required vehicle spaces*
Welding, Metal Fabrication, and Pipefitting	1 per 1000 sf	1 per 20 required vehicle spaces*
Warehousing, Storage & Distribution		
Contractor supply store	1 per 1000 sf	1 per 20 required vehicle spaces*
Bulk fuel sales	1 per 1000 sf	1 per 20 required vehicle spaces*
Freight yard	0.5 per 1000 sf	1 per 20 required vehicle spaces*
Frozen food locker and cold storage plant	1 per 1000 sf	1 per 20 required vehicle spaces*
Hazardous /explosive products	1 per 1000 sf	1 per 20 required vehicle spaces*
Machinery and heavy equipment sales and service	1 per 1000 sf	1 per 20 required vehicle spaces*
Mini-warehouse or self-service storage	0.25 per 1000 sf	1 per 20 required vehicle spaces*
Petroleum Recovery	1 per 1000 sf	1 per 20 required vehicle spaces*
Wholesale distribution, warehousing and storage	0.5 per 1000 sf	1 per 20 required vehicle spaces*
Infrastructure		
Transportation / Parking:		
Ground passenger transportation (e.g. taxi, charter bus)	N/A	N/A

Unified Development Code
Chapter 4 Development Standards | 12-4-10 Parking & Loading

Use	Parking Spaces Required (<i>min</i>)	
	Vehicle Spaces	Bicycle Spaces
Parking facility (commercial)	N/A	N/A
Railroad facility	N/A	N/A
Transit center/Park & Ride	N/A	N/A
Transit stop	N/A	N/A
Utilities (Non-City)		
Utility, Major	1 per 1000 sf	N/A
Utility, Minor	1 per 1000 sf	N/A
Communications facilities		
Communications Facility	N/A	N/A
Small Cell Facility	N/A	N/A
Weather or environmental monitoring station	N/A	N/A
Waste-related:		
Composting facility	N/A	N/A
Hazardous waste disposal	N/A	N/A
Hazardous waste transfer	N/A	N/A
Salvage yard	N/A	N/A
Recycling operation	N/A	N/A
Recycling transfer station	N/A	N/A
Remediation Services	N/A	N/A
Solid waste facility	N/A	N/A
Waste Management Services, Other	N/A	N/A
Temporary Uses (see regulations for Temporary Structures and Uses (Chapter 6))		
Farmers' market	N/A	N/A
Food truck / mobile vending	N/A	N/A

* At least two bicycle spaces per premise is required.

- (D) Shared Parking and Joint Use of Parking Spaces.** The provisions below credit off-site parking facilities toward required off-street parking facilities, and allow two or more uses on different sites to credit off-street parking facilities toward their required spaces.
- (1) Generally.** Two or more uses located may combine and use separate off-street parking spaces jointly if:
- (a)** The uses are on the same lot, or
 - (b)** The uses are on separate lots within one-quarter (¼) mile of each other, and the availability of the parking spaces is guaranteed by a shared parking agreement approved by the Planning Manager. This distance is measured as the shortest path between that can be lawfully traveled by foot between:
 - (i)** A pedestrian access to a building, structure or use served by the parking facility; and
 - (ii)** A pedestrian access to the parking facility.

- (2) *Parking Spaces Required.* The required number off-street parking spaces is the sum total of parking required of all the uses, unless the uses occur during different peak periods, qualify for an automatic reduction, or are reduced pursuant to a parking study, as provided below.
- (3) *Peak Period Reductions.* An off-street parking area required for any building or use may be used as part of an off-street parking area required for another building or use where peak use periods do not overlap, as provided below. The required parking spaces are reduced as follows:
 - (a) Determine the minimum parking requirements in accordance with subsection (C) for each land use as if it were a separate use, and
 - (b) Multiply each amount by the corresponding percentages for each of the five time periods set forth in Columns (B) through (F) of Table 12-4-10-2 below, and
 - (c) Calculate the total for each time period, and
 - (d) Select the Column with the highest total. This is the required number of spaces.

Table 12-4-10-2 Parking Reductions for Shared Parking Lots with Varying Peak Use Periods

	(A) Land Use	Weekday		Weekend		
		(B) Daytime (9 a.m. – 4 p.m.)	(C) Evening (6 p.m. – midnight)	(D) Daytime (9 a.m. – 4 p.m.)	(E) Evening (6 p.m. – midnight)	(F) Nighttime (midnight 6 a.m.)
1	Professional Office / Industrial	100%	10%	10%	5%	5%
2	Retail Sales	60%	90%	100%	70%	5%
3	Residential / Lodging	75%	100%	75%	100%	75%
4	Restaurant	50%	100%	100%	100%	10%
5	Entertainment	40%	100%	80%	100%	10%

Note: see Use Table (Section 12-3-24) for classification of uses, except as follows:

- ¹ Professional office includes any professional office, or financial services.
- ² Retail sales includes any retail sales use, and any grocery, liquor store, or retail bakery.
- ³ Lodging includes any hotel, motel or resort, but does not include any other “lodging / group living” use.
- ⁴ Restaurant includes a brew pub, distillery pub, or limited winery, and does not include a restaurant with drive-in & drive-thru service. It does not include any other “food & beverage sales / service” uses.

⁵ Entertainment includes any entertainment / recreation use, and any bar, nightclub, or tavern (with or without live entertainment).

(4) *Automatic Reductions*

- (a)** If an office use and a retail use share parking and the office space comprises at least 35% of the space and at least 2,000 square feet, the parking required for the retail use is reduced to the lesser of –
 - (i)** 80% percent of the parking spaces otherwise required, or
 - (ii)** 1 parking space per 500 square feet.
- (b)** If a residential use shares parking with a retail use other than lodging uses, eating and drinking establishments or entertainment uses, the parking required for the residential use is reduced by 30% or the minimum parking required for the retail and service use, whichever is less.
- (c)** If an office and a residential use share off-street parking, the parking requirement for the residential use is reduced to the lesser of –
 - (i)** 50% of the parking normally required for the residential use, or
 - (ii)** 1 space per 1,000 square feet.

(5) *Parking Study.* If the applicant provides a parking study which demonstrates that combining the parking areas of two or more uses will further reduce the need for parking spaces, the planning manager may authorize further reduction through a shared parking agreement. The shared parking agreement may reduce the total number of spaces required by up to 50 percent¹⁴ of the total otherwise required.

(6) *Shared Parking Agreement*

- (a)** *Application.* The owner or owners of the parking facilities and the structures, buildings or uses served by the parking facilities shall file an application for approval of a Shared Parking Agreement with the Planning Manager. All owners shall be a party to the application. The application shall contain the following information:
 - (i)** Plans showing the location of the uses and structures for which off-street parking facilities are required, and
 - (ii)** the location of the off-street parking facilities, and

¹⁴ Current 20%.

- (iii) the pedestrian access locations for the parking facilities and the buildings, structures or uses.
 - (b) *Review of Applications.* The Planning Manager shall review the shared parking agreement and approve, conditionally approve, or disapprove it as part of the underlying application.
 - (c) *Effect.* The shared parking agreement binds the applicants, their heirs, successors and assigns.
 - (d) *Amendment or Withdrawal of Shared Parking Agreement.* The applicant may amend or withdraw a shared parking agreement, either partially or completely, using the same procedure and subject to the same limitations and requirements by which the shared parking agreement was approved and filed.
- (E) **Deferred parking**
 - (1) To avoid requiring more parking spaces than are actually needed to serve a development, the Planning Manager may defer the provision of a portion of the required parking if the ODP creates a deferred parking area.
 - (2) The deferred area shall be designed so that, if parking is constructed at a future time in the area, it will meet all requirements of this Chapter for a permanent parking area.
 - (3) The deferred parking area shall be landscaped, but is not included in the total landscaped area for the purpose of calculating landscaping requirements.
 - (4) The developer shall enter into a written agreement with the City committing to the construction of paved parking in the deferred area if Planning Manager determines that additional parking is required. The Planning Manager shall notify the property owner in writing that additional parking is required, after which the owner shall complete the improvements within six months of notification.
- (F) **Construction and Maintenance Standards**

Each off-street parking space shall conform with the *Standards and Specifications*. [Note: See Section 8.12.00 of the December 2020 edition of the *Standard and Specifications*.]

 - (1) All required off-street parking spaces and access drives shall be improved with asphalt pavement or an equivalent surface installed in conformance

with the *Standards and Specifications*.¹⁵ This requirement does not apply to City open space properties and parks.

- (2) All off-street parking areas shall be maintained in good condition, free of weeds, dust, trash and debris, and major surfacing defects.
- (3) All off-street parking spaces (excluding single and/or duplex units) shall be outlined by white or yellow stripes at least four inches wide, painted on the surface area or an alternative judged equally effective by the City Manager. All non-parking spaces, such as loading zones, emergency lanes or spaces in front of doorways/entrances, shall be clearly delineated.
- (4) Curb and gutter shall be installed for access drives and required parking spaces (excluding single and duplex units) facing and abutting a building, wall, fence, property line or walkway. Curb and gutter shall comply with the *Standards and Specifications*.
- (5) Parking areas (excluding single and duplex units) shall be screened to prevent disturbance to adjacent residential development due to the maneuvering of vehicles entering and leaving the parking area. Screening design and materials shall comply with the *Standards and Specifications* prior to issuance of a building permit.
- (6) Parking areas (excluding single and duplex units) shall be provided with night lighting for security and safety and adequate visibility for maneuvering to emphasize entrances and exits and hazards. Lighting structures and their location shall comply with the *Standards and Specifications* and shall be designed to not unreasonably disturb occupants of adjacent residential structures.
- (7) Parking spaces may be designed with a two-foot overhang over landscaped areas and walks if the minimum widths of the affected landscape or walk is increased by two feet.¹⁶

(G) Layout Standards

- (1) Layout of parking spaces shall comply with the *Standards and Specifications*. Prior to the issuance of a building permit, the City Manager shall approve the layout of the required parking area (excluding single and duplex units).

¹⁵ WMC 11-7-4(C)(7) currently refers to the “Westminster Standard Specifications for the Construction of Public Works Projects.” I think the intent is to refer to the Standards and Specifications (Standards and Specifications for the Design and Construction of Public Improvements). The current version of that (dated December 2020) addresses private parking lots.

¹⁶ Will need to check latest draft of landscaping standards for consistency.

- (2) All parking areas shall be provided with ingress and egress to an improved public right-of-way located to promote safety and minimize traffic congestion.
- (3) Parking areas shall include necessary internal circulation drives and aisles.

(H) Accessible Parking Spaces

- (1) Multifamily and non-residential uses shall include parking for persons with disabilities (“accessible parking spaces”) as provided below. This applies to both new construction and the alteration of existing parking facilities as provided in 28 CFR Part 36, Subpart D (§§ 36.401 – 36.406), as amended.
- (2) Accessible parking spaces shall comply with the applicable requirements of the *Standards and Specifications, 2010 ADA Standards for Accessible Design* (United States Department of Justice, September 15, 2010), Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities, the building code, and Colorado Revised Statutes, whichever has the higher requirement.

Table 12-4-10-3 Accessible Parking Spaces

Total Number of Parking Spaces in Parking Facility (Lot or Garage)	Total Number of Accessible Parking Spaces Required (<i>min</i>)	Number of Van Accessible Sparking Spaces (<i>min</i>)
1 - 25	1	1
26 - 50	2	1
51 - 75	3	1
76 - 100	4	1
101 - 150	5	1
151 - 200	6	1
201 - 300	7	2
301 - 400	8	2
401 - 500	9	2
501 - 1,000	2% of total	
> 1,000	20, plus 1 for each 100, or fraction thereof, over 1000	

(I) Parking Structures

- (1) For parking spaces located within a parking structure, the Planning Manager may reduce the dimensions of the parking spaces from the Code requirement if:

- (a) The Planning Manager approves a parking study submitted by the applicant which demonstrates that the reduction is consistent with generally accepted engineering or planning practices, and
 - (b) No parking space is less than eight feet wide.
 - (2) The ground floor of parking structures shall be designed with active uses along the street frontage except along those portions of the façade required for vehicular and pedestrian access.
 - (3) Stories above the ground floor of a parking structure shall be designed with building materials similar to the ground floor and shall include windows, openings and other architectural features to enhance the parking structure design.
- (J) Bicycle Parking**
- (1) Bicycle Parking Standards**
 - (a) Bicycle parking facilities shall include provisions for storage and locking of bicycles, either in lockers or secure racks or equivalent installation in which the user may lock the bicycle frame and at least one wheel.
 - (b) The ground surface surrounding and underneath the bicycle storage facility shall be surfaced in a manner that prevents mud or dust.
 - (c) Bicycle spaces shall consist of racks or lockers anchored so that they cannot be easily removed. Racks shall be designed that at least one wheel and the frame of a bicycle can be locked securely with a heavy chain, cable, or padlock. Lockers shall be designed to minimize the possibility of an unauthorized person removing a bicycle.
 - (d) Fixed objects that are intended to serve as bicycle racks, but not obviously intended for those purposes, shall be labeled as available for bicycles.
 - (e) Bicycle lockers shall harmonize with their environment, both in color and design. Parking device designs shall integrate with the building design or street furniture. Sufficient space is required between devices so that the use of one does not interfere with the other bicycles or devices. The parking device selected shall allow maximum flexibility in grouping and placement.
 - (f) The City will review and approve bicycle parking devices for design with respect to safety and convenience.

- (g) Parking for bicycles shall be provided on the same lot, tract or parcel as the use served.
 - (h) Bicycle parking areas shall be lighted and located as near to the building or facility entrance as possible, without interfering with pedestrian traffic.
- (2) **Amount of Off-Street Bicycle Parking Spaces Required.** The minimum number of bicycle parking spaces is as provided in Table 12-4-10-1 above.

12-4-11 Parks/Open Space/Civic (“Amenity”) Space Standards

Purpose: This section provides standards for common areas such as parks, open and civic space. These standards include naturalized open spaces, parks and recreational spaces for residential development, and civic spaces that provide gathering places for mixed-use and non-residential development. These spaces provide amenities and visual interest, reinforce Westminster’s urban design policies, provide public event and gathering places, promote walkability, and green infrastructure for water conservation, stormwater management and quality, and sustainability. Because the City is approaching buildout, these standards emphasize a range of spaces appropriate for urban centers or the redevelopment of existing commercial areas.

[Note: the zoning district regulations in Chapter 3 establish the amount of parks, open or civic space required for new development or redevelopment in each zoning district.]

(A) Applicability

- (1) This section establishes standards for parks, open space, and civic space (referred to collectively as “amenity space”) that meets the requirements of Table ___ below, and where the applicable zoning district requires amenity space.

[Note: to accommodate infill development on smaller parcels with insufficient space for amenity spaces, Chapter 3 establishes minimum space or development density or intensity thresholds for amenity space requirements.]

- (2) A residential subdivision, single-family attached dwelling, manufactured home park or multi-family building which did not meet the requirements of this section at the time of the adoption of this Title is not required to comply with this section unless there is a cumulative expansion of the percentage indicated in Table 12-4-11-2 below. The required amenity space is computed on the basis of the expansion area plus fifty percent (50%) of the existing dwellings.

Table 12-4-11-1 Park/Open/Civic Space Expansion Thresholds for Residential Development

Dwelling Units	% expansion (cumulative)
< 20	50, with at least 20 total dwelling units
21 - 50	35
51 - 100	30
> 100 sf	25

- (3) A commercial or mixed-use building which did not meet the requirements of this section at the time of the adoption of this Title is not required to comply with this section unless there is a cumulative expansion of the percentage indicated in Table 12-4-11-2 below. The required amenity

space is computed on the basis of the expansion area plus fifty percent (50%) of the existing building area, in gross square’.

Table 12-4-11-2 Park/Open/Civic Space Expansion Thresholds for Commercial or Mixed-Use Development

Building Area	% expansion (cumulative)
0 - 2,000 sf	50
2,001 - 5,000 sf	35
5,001 - 10,000 sf	30
> 10,000 sf	25

(B) Generally

- (1) **Amount Required.** Amenity space is required as indicated for the particular zoning district in Chapter 3.
- (2) **Improvement.** Amenity space may contain complementary structures and improvements needed and appropriate for the benefit and enjoyment of residents of the development.

(C) Qualifying Amenity Space

- (1) Where the zoning district or this section requires an amenity space allocation, the following areas count toward the total requirement at the ratio designated below:

Table 12-4-11-3 Qualifying Amenity Space

Category	Description / Standards	Ratio
Open Space		
Natural Area	Areas established for the protection of natural attributes of local, regional, and statewide significance, which may be used in a sustainable manner for scientific research, education, aesthetic enjoyment, and appropriate use not detrimental to the primary purpose (other than wetlands as provided above). These areas are resource rather than user-based, but may provide some passive recreational activities such as hiking, nature study, and picnicking. Natural Areas may include – <ul style="list-style-type: none"> • Floodplains; • Natural wetlands reasonably visible from walkways provided in and through the wetland 	0.75
Greenway	A series of connected natural areas (including areas protected by state or federal law) such as ravines, creeks, streams, or floodplains that connect buildings or gathering spaces with trail systems, or that buffer the site from streets or neighboring areas.	0.75

Unified Development Code

Chapter 4 Development Standards | 12-4-11 Parks/Open Space/Civic (“Amenity”) Space Standards

Category	Description / Standards	Ratio
Community Garden	A site operated and maintained by an individual or group to cultivate trees, herbs, fruits, vegetables, flowers, or other ornamental foliage for personal use, consumption, donation or off-site sale of items grown on the site.	0.75
Park	An open space area improved with playground equipment or other active recreational improvements. These may be surrounded by street frontages and building frontages, but this is not required.	1.0
Recreation areas	Hard surface recreation areas such as recreational courts and pedestrian plazas.	1.0
Wet areas	Unpaved lakes, ponds, bayous, streams, or creeks, including stormwater retention basins that are designed so that at least 20% percent of the abutting shoreline is accessible for the common use of the development. The accessible shoreline must have at least 300’ of frontage on a street.	0.5
School sites	School sites, library sites, outside hard surface recreational areas excluding the area devoted to buildings.	0.75
Rotary or Circle	a relatively small circular open space area which organizes through traffic movement around a center. A traffic circle is larger than a rotary and roundabout. A close is a circular or oval open space that serves the same function as a paved cul-de-sac but most often provides for access to more lots. All are generally located within a road right of way. The minimum size is 2,000 square’ and the maximum size is 7,000 square’.	0.3
Civic Space		
Plaza	An open area with seating that is adjacent to, or part of, a building. A plaza may be combined with a courtyard. Plazas function as gathering places and may incorporate a variety of non-permanent activities such as vendors and display stands. A plaza requires a minimum depth and width of 10’ and a minimum total area of 300 square’.	1.0
Square	Areas that are improved with a combination of lawn, landscaping and seating areas, and that are accessible to the public or the project’s tenants or customers. A square shall be: <ul style="list-style-type: none"> • bounded by streets on at least one side and pedestrian walkways on at least 2 sides, or • not bounded by streets, but accessible to the public 	1.0
Courtyard	A courtyard is a contiguous open area, open to the public: <ul style="list-style-type: none"> • is surrounded on at least two sides by building walls with entryways. • is at grade. 	0.75

Category	Description / Standards	Ratio
Pedestrian Paths	An improvement (including a sidewalk or trail) located within a public right-of-way or private area which is designed primarily for the use of pedestrians and/or bicyclists. This includes protected customer walkways or building pass-throughs that contain window displays and are intended for public access. Pedestrian paths shall comply with all applicable requirements of section 12-4-14(D), W.M.C. This does not include required sidewalks unless the sidewalk is at least 20% wider than the required width and surrounded by at least five feet of streetscaping, turf or landscaping on at least one side.	0.75
Green	A common open space available for unstructured recreation, its landscaping consisting of grassy areas, trees, shrubs, and other landscaping.	1.0

(2) Exclusions. Amenity space does not include any:

- (a) Vehicle use areas, such as parking, carports or garages, driveways, or streets, either public or private, except where specifically provided in Table 12-4-11-3 above.
- (b) Building sites for dwellings.
- (c) Utility or storage uses.
- (d) Areas within required setbacks, except as allowed below.
- (e) Any noncontiguous green area of less than 100 square’.
- (f) Unless expressly allowed by this section, required infrastructure such as:
 - (i) Driveways;
 - (ii) Drainage ditches or canals; and
 - (iii) Utilities with above ground improvements or road easements; or
 - (iv) Paved creeks.
- (g) Structures (unless a part of a common open space such as gazebos).

(D) Ownership and Maintenance of Amenity Space

- (1) Unless otherwise open to the public, amenity space shall be permanently set aside for the sole benefit, use, and enjoyment of present and future occupants of the development through covenant, deed restriction, common open space servitude, or similar legal instrument. If agreed to by the City, the amenity space may be conveyed to the City for general public use.

- (2) For PUD, rezoning or subdivision plat applications, the City Council may require that open space and recreational areas for common use be dedicated to the City or a recreational district approved by the City Council, or that it be retained in private ownership.
 - (3) Amenity space shall be protected against building development and environmental damage by conveying to the City, association, or land trust a common open space servitude restricting the area in perpetuity against any future building and against the removal of soil, trees and other natural features.
 - (4) If land shown on a preliminary plat as common open space is dedicated to the City, the City may, but is not required to, accept the common open space if:
 - (a) The land is accessible to the residents of the City;
 - (b) There is no cost of acquisition other than the costs incidental to the transfer of ownership; and
 - (c) The City agrees to and has access to maintain the lands.
 - (5) The developer shall provide for and establish an organization for ownership and maintenance of the common open space for the benefit of residences, occupants and owners of the development.
 - (6) The organization shall not be dissolved and shall not dispose of the common open space, by sale or otherwise, except to an organization conceived and established to own and maintain the amenity space for the benefit of the development. The organization shall not be dissolved or dispose of the common space without first offering to dedicate it to the city or other appropriate governmental unit.
- (E) Connectivity Incentives**
- (1) *Cross-Access Credit.* To encourage cross-access between lots, for each cross-access point provided to an adjoining lot, the applicant may choose one of the following:
 - (a) Reduce the amenity space requirement by two percentage points, up to a maximum of ten percentage points. [*Example: if the amenity space requirement is 5,000 square’, providing two cross-access points reduces the amenity space requirement by 4%, and reduces the total requirement to 4,800 sf*]; or
 - (b) Points toward the sustainability score required by Section 12-4-1, W.M.C.

- (2) *Joint Access Credit.* To encourage joint access, when a development provides joint-access with an adjoining lot along the same public street, the applicant may choose one of the following:
- (a) Reduce the amenity space requirement for that development is by one percentage point. [Example: if the amenity space requirement is 5,000 square’, providing joint access reduces the open space requirement to 4,950 sf]; or
 - (b) Points toward the sustainability score required by Section 12-4-1, W.M.C.

[NOTE: SUBSECTIONS (F) THROUGH (J) ARE FROM 11-6-8 AND ADDRESS SPECIFIC TOOLS FOR THE CITY’S TRADITIONAL LAND DEDICATIONS ATTRIBUTABLE TO RESIDENTIAL DEVELOPMENT. THEY ARE CARRIED FORWARD HERE WITH MINOR EDITS.]

(F) Dedication of Property for Public Purposes¹⁷

- (1) *Applicability.* No land development¹⁸ containing proposed or potential residential uses shall be approved by the City, unless the applicant for provides for the dedication of public lands to the City for park, open space, and other public purposes as determined by the City in accordance with this subsection.
- (2) *Standard.* The applicant shall dedicate to the City an amount of developable land corresponding to the projected residential population of the development as follows:

Twelve acres per every 1,000 persons. This minimum requirement reflects a portion of the projected demand of recreation and open space properties and facilities from the population of the proposed development.

¹⁷ Title 11 currently defines “multi-family dwelling unit,” “single-family detached dwelling unit” and “single-family attached dwelling unit” (WMC 11-6-8) in a manner similar to the zoning provisions (WMC 11-2-1). However, the dedication provisions in 11-6-8 provide that the unit types “generally” have a given density range (in dwelling units/acre): > 8 for multi-family, 5-8 for single-family attached and < 5 for single-family detached. This is deleted here because the non-binding term “general” does not change the legal definition. For example, a series of buildings on a lot with units attached at the top and side, and all with 1-2 bedrooms, and at a density of 6 du/ac, is technically a multi-family dwelling. So, these are omitted unless there is a good reason to include them. (Also, per Chapter 3, I’d like a discussion on whether we need to keep the bedroom threshold. It’s odd.)

¹⁸ In practice, do these only apply to PDPs that contain subdivisions? I suggest adding that here. I do not believe the City would want to require this for development on smaller, infill parcels that only require a building permit.

Projected population is calculated as follows:

Table 12-4-11-4 Calculation of Population for Public Purpose Dedication

Units:	Multiplied by persons per unit:
Single-family detached dwellings	3.0
Single-family attached dwellings	2.5
Multi-family dwellings	2.0
Independent living senior housing ¹⁹ units	1.5
Beds:	Multiplied by persons per bed:
Group care facilities or group homes ²⁰	0.5
Nursing home / facilities ²¹	0.25

Skilled nursing facilities¹⁹ and similar uses are exempt.

(3) *Suitability*²²

- (a) All land dedicated in accordance with this section shall possess suitable access and shall be of a location, size, shape, and topography suitable for development into active recreational areas without significant earthmoving, unless otherwise approved by the City.
- (b) The City may accept as part of the dedication requirement major floodplains, narrow strips to provide trail connection from one major recreational or park area to another, or other undevelopable areas suitable for open space. Undevelopable land so designated is credited at one-sixth the value of developable land.

(4) *Alternatives to Dedication*

- (a) If the City determines a land dedication in accordance with this section would not serve the public interest, the City may require payment of a fee in lieu of the dedication, or may require dedication of a smaller amount of land than otherwise required and payment of a fee in lieu of the portion not dedicated.
- (b) The amount of the fee is the fair market value of the land that is otherwise required for dedication under this section. "Fair market

¹⁹ Not currently defined in WMC Title 11. Per the initial round of staff comments, they are not listed as a separate use. Delete this, or define? Add as a separate use in the use table?

²⁰ Omits “institutional residential” for consistency with the Use Table.

²¹ Replaces “assisted living residence and similar uses” to match terminology in the use table.

²² This could be combined with subsection (C) above. However, this section has a very narrow focus – i.e., open space for residential development – so it is kept here pending further direction.

value" is determined by the City as of the date that dedication is otherwise required.

- (c) The City may require an appraisal to be performed. The appraiser must be licensed by the State of Colorado. The developer shall pay the cost for the appraisal.
- (5) *Designation*
 - (a) Land required to be dedicated under this subsection shall be:
 - (i) shown on PDPs and all other planning documents as "public land dedication," and
 - (ii) shall be dedicated to the City after the approval of the PDP or another time the City determines, but not later than the approval of the final plat encompassing the dedicated land.
 - (b) Following approval of a PDP containing a public land dedication, the City may withhold approval of the ODP, final plat, or any other approvals, including building permits, until the dedication is perfected.
- (6) *Phasing*
 - (a) In considering whether to approve a phasing schedule incurred in a PDP or ODP, the City shall consider whether the City will have adequate public land in the development for the land area actually developed.
 - (b) The City may require, as a condition of approval of the PDP or ODP and any plats approved under the PDP or ODP, that proposed public land is included as a part of an earlier phase than that proposed by the developer or subdivider.
- (7) *Title.* All lands required to be dedicated under this section shall be dedicated to the City without restriction and free and clear of any and all liens, restrictions, and covenants, regardless of whether the City or another entity are the ultimate user under the proposed public use.
- (8) *Fees.* Fees required under this section shall be paid to the City by certified check at the time of final plat approval.
- (9) *Preservation.* Land to be dedicated to the City under this section shall be preserved and protected during the development process. The developer shall not disturb the topsoil or vegetation on the land during the development process. If the topsoil or vegetation is damaged or disturbed, the City may require the developer to pay the City the cost of restoring such vegetation and topsoil. All construction debris and other foreign matter shall be removed from the site prior to dedication.

- (10) *Requirements Supplemental.* The land dedication requirements under this section are in addition to and separate from the requirements for public school sites, dedication of street rights-of-way and easements or rights-of-way for utilities, drainage facilities and other public improvements.
- (11) *Prior Dedications.* If, at the time of annexation of the land on which a development is proposed, the developer or a predecessor in interest dedicated lands to the City for public purposes, the land dedication requirements of this section shall be reduced by the number of acres actually dedicated at that time.
- (12) *Appeals.* The applicant may appeal the calculation of land dedication for public land, park development fees, park development credits, or cash-in-lieu of dedication to the City Manager.

(G) Park Development Fees

- (1) *Applicability.* Developers of any new residential development projects shall to provide, at the developer's expense, sufficient park improvements and recreational facilities to serve the projected population of the development. To accomplish this purpose, a park development fee is enacted in addition to any land contribution requirement imposed by this Code or any other City ordinance or resolution.
- (2) *Park Development Fee*
 - (a) Every person, firm or corporation applying for and obtaining any building permit for the original construction of any dwelling unit shall pay a park development fee based upon the number of dwelling units to be constructed, as follows:

Table 12-4-11-5 Park Development Fees

Single-family detached	\$1,547.00 per unit
Single-family attached or manufactured home	\$1,256.00 per unit
Multi-family , congregate care or independent living senior housing	\$1,031.00 per unit
Nursing home / facilities ²³	\$358.00 per bed

- (b) The above fees are automatically adjusted annually by April 15, in accordance with the consumer price index (CPI) as established for the Denver metropolitan area.
- (3) *Earmarking.* Park development fees are used only for the development of park and recreation facilities and services.

²³ Replaces “assisted living senior housing” to match terminology in the use table.

- (4) *Timing.* The developer²⁴ shall pay the fee prior to the occupancy of the first unit in any building or structure, and as a condition precedent to the issuance of any occupancy certificate. No occupancy certificate shall be issued, nor shall any occupancy of the premises be permitted, until such fees have been paid in full.
- (5) *Credits*
- (a) Any person, firm, or corporation required to pay a park development fee may receive credit against the fee for public park improvement work done by the developer at the developer's expense simultaneously with the construction of the dwelling units in accordance with City standards and policies.
 - (b) The City determines the amount of credit for various public park improvements.
 - (c) The credit shall not exceed 94 percent of the total park development fees owed by the developer, and at least six percent of the total development fee shall be paid by the developer in cash.
 - (d) Examples of credits include:
 - (i) land leveling or earth work incorporated into the park improvements;
 - (ii) installation of automatic irrigation systems;
 - (iii) finished grading, soil preparation and seeding or sod;
 - (iv) plant materials; and
 - (v) park equipment.
 - (e) The City Council may authorize park development fee credits for any improvements not listed above that council finds will benefit an existing or proposed park or recreation site or facility, including off-site improvements.
 - (f) Improvements, such as overlot grading, roadways, sidewalks, bikeways and trails, utilities, and other similar improvements, as determined by the City that are otherwise required with the development of the subdivision, or are adjacent to the public park or off-site, are generally not subject to credit toward the park development fee.

²⁴ Title 11 often uses the term “developer,” and I typically use “applicant” because it is more precise. Is there any preference for one or the other? If so, I’ll do a word search and make the change throughout the document.

- (g) To qualify for a credit, all park development plans must indicate the following, including but not limited to:
 - (i) a detailed cost estimate;
 - (ii) site location and size;
 - (iii) site design;
 - (iv) grading;
 - (v) all improvements, including site amenities; and
 - (vi) landscaping.
- (h) The department of parks, recreation, and libraries, shall review and approve any credits.
 - (i) Credits shall be included in an approved ODP.
 - (j) Improvements must be designed and installed according to acceptable City standards and specifications.
- (6) *Designation.* The required park development fee, any credits, and the timing of completion of park improvements, shall be specified on the relevant ODP. Completion of park improvements shall occur in an early phase of an overall development.
- (7) *Council Approval.* Any proposed credit for park development fees that is authorized under this subsection is subject to specific City Council approval, formalized in a written agreement, which shall be approved by council.
- (H) Conveyance of Non-Tributary Groundwater**
 - (1) *Applicability.* All subdividers shall present with any application for approval of a final plat a conveyance to the City of non-tributary groundwater (as defined in Section 37-90-137(4), C.R.S., underlying the proposed subdivision, by deed in a form approved by the City.
 - (2) *Contents.* Such deed and plat shall provide for easements for pipelines and associated well sites and access, and consent and rights of entry for the exploration, construction and operation of required wells.
 - (3) *Designation.* The conveyance shall be noted on any final plat approved by the City.
- (I) Environmental Audits.** Unless waived by the City, a phase I environmental audit shall be submitted in conjunction with any land dedication to the City, including, but not limited to, easements and rights-of-way.
- (J) Land Dedication for Public School Sites**
 - (1) *Applicability*

- (a) Any person or entity proposing residential zoning or development shall dedicate or convey land for a public school site. To meet the infrastructure demands placed upon the city and the school districts to adequately serve new residential development, the following shall provide public school sites or fees in lieu thereof to reasonably serve the proposed subdivision or residential development for which building permits are issued after the enactment of this subsection:
 - (i) the owner of unplatted residential lots;
 - (ii) the owner of existing platted, but undeveloped, residential lots; and
 - (iii) the owner of undeveloped attached or multi-family dwelling units.
- (b) Cash-in-lieu of land dedication based upon the methodology below is required for any residential properties with approved ODPs or final plats on the effective date of this subsection. For any building permit for a new residential unit, the fee will be collected by the City at time of issuance of the utility permit for each unit or building consisting of multiple units.
- (c) The following uses within the City are exempt from the requirement of dedication for public school sites:
 - (i) Construction of any nonresidential building or structure;
 - (ii) Alteration, replacement, or expansion of any legally existing building or structure with a comparable new building or structure that does not increase the number of residential dwelling units;
 - (iii) Construction of any building or structure for limited-term stay or for long-term assisted living, including any Lodging / Group Living use (see Chapter 3, Section 12-3-24 (Use Table)); and
 - (iv) Construction of any residential building or structure classified as housing for older persons, pursuant to the Federal Fair Housing Act then in effect.
- (2) *Determination*
 - (a) The City Manager, in consultation with the specific school district, shall decide if the owner of unplatted residential property shall dedicate land or provide cash-in-lieu thereof.

- (b) The City Manager, in consultation with the school district, shall determine the location of the land to be dedicated.
- (3) *Designation.* Land to be dedicated or cash-in-lieu of land dedication shall be identified on any PDP and any ODP.
- (4) *Methodology for determining dedication*
 - (a) The methodology for determining dedication of land or cash-in-lieu thereof and its supplementary background materials is as follows:

Table 12-4-11-6 Public School Site Dedication Formula

	Student generation rate per dwelling unit:			Total
	Elementary (K-5)	Middle (6-8)	Senior High (9-12)	
Single-family detached:	0.29	0.14	0.19	0.62
Single-family attached:	0.15	0.08	0.1	0.33
Multi-family:	0.04	0.02	0.02	0.08

Group or family care with students is determined on an individual basis

School facilities requirements (site size in acres and facility capacity):

	Acres	Capacity
Elementary school:	10	480
Middle school:	25	950
Senior high school:	49	1,912

Land costs per acre (final platted but undeveloped):

Single-family detached	\$60,000.00
Single-family attached	\$60,000.00
Multi-family	\$60,000.00

of units x student generation rate = number of students

of students ÷ current facility capacity = proportion of facility capacity

Proportion of facility capacity x site size in acres = acreage

Acreage x land cost per acre = project cash-in-lieu amount

Project cash-in-lieu amount ÷ number of units = cash-in-lieu per unit

- (b) The cash-in-lieu per unit is a fixed amount based on the type of unit:

Table 12-4-11-7 Public School Site Cash-in-Lieu

Single-family detached	\$876.00
Single-family attached	\$468.00
Multi-family	\$112.00

- (c) The above fees and land values are subject to annual adjustments to keep pace with the real estate market and land values.
- (5) *Conveyance of Dedicated Land/Cash-In-Lieu*
- (a) If the land is not deemed feasible or in the best interests of the City or school district, as determined by the City or school district, the City may require a payment in lieu of land dedication or a combination of both dedication and payment.
- (b) The manner of dedication or payment (land dedication or payment in lieu) shall be as stated in this subsection and the incorporated methodology. This does not preclude the City and school district, and any person or entity, from mutually agreeing to resolve the issue of dedication for public school sites in a manner other than as stated above. A credit or reduction of fee adjustment can be agreed upon for a developer or builder that is already involved in dedication and improving a school site at the time of subdivision.
- (c) The City shall refer to the school districts all residential land development applications for review and comment concerning the number of students generated and the adequacy of public school sites and facilities.
- (d) Land dedications for school sites shall be conveyed to the City any time after PDP approval, by general or special warranty deed, or by dedication on the final plat, as determined by the City. Fees paid as cash-in-lieu of land dedication for unplatted residential properties shall be paid to the City at time of final plat.
- (e) The City shall collect cash-in-lieu for existing platted, but undeveloped, single-family lots and single-family attached or multi-family buildings at the time of issuance of the utility permit for each lot or building. The City will identify the collection of the cash-in-lieu by school district and lot address.
- (f) An intergovernmental agreement with each school district is required, addressing details of school site coordination and development referrals, the methodology of collecting and

disbursing the funds, conveyance of land, accounting and reports, and other matters, prior to release of land dedications or cash-in-lieu to the appropriate school district.

- (6) *Criteria for Eligible and Ineligible Land.* Prior to dedication conveyance of land, the City shall determine if any geological, environmental, or other studies are to be conducted by the owner. The required studies must be reviewed and accepted by the City. Land dedicated for school sites shall meet the standards of both the school district and the City, but the following land areas are counted toward the requirements of the provision for public school sites:
- (a) Streams, gulches and lands within the 100-year floodplain (City Council may make exceptions to this requirement on a case-by-case basis);
 - (b) Rights-of-way and/or easements of irrigation ditches or aqueducts;
 - (c) Greenbelts, walkways, bike paths, or equestrian trails;
 - (d) Lakes, detention ponds, boggy lands or other bodies of water;
 - (e) Steep or rugged land areas and those areas that exceed a five percent slope (City Council may make exceptions to this requirement on a case-by-case basis); and
 - (f) Land areas that are hazardous for geological or environmental reasons, or sensitive wildlife areas (City Council may make exceptions to this requirement on a case-by-case basis).
- (7) *Appeals.* The applicant may appeal the calculation of land dedication for school sites or cash-in lieu thereof shall be made to the Planning Commission.

(2534 2694 2876 2912 3086 3664 3770)

12-4-12 Site Design

Purpose: The site design standards and requirements of this section build on the traditional character of Westminster while providing opportunities for new development and assuring the City remains a desirable place to live. They promote development and redevelopment that respects context, while encouraging creativity in design.

(A) Applicability. This section applies to all Use Patterns (see article 2 of this chapter).

(B) Building Placement and Site Improvements

Purpose: These standards require site design that incorporates views from the public way and from common areas in a development to natural features and cultural resources. Site design should place buildings to frame a street and create interest at the street level. Clusters of buildings also should be organized to frame and activate common areas between them. They also should be placed to maintain unique assets on the site such as views, environmental features, and cultural resources. Secondary building should be located to appear subordinate to a primary building on the site. Hardscape improvements such as roads, courtyards and pathways also should be located to enhance view opportunities.

(1) Design Standards & Requirements

- (a)** Place buildings and site improvements to celebrate and embrace the Colorado setting that is part of Westminster’s character. Use the following strategies:
- Provide view corridors to natural features and cultural resources by using one or more of the view options shown in the table below.

Table 12-4-12-1 Menu of Options for Views

Table 12-4-12-1.a Panoramic View

A wide-angle view from a key overlook or public space to a view subject.



Unified Development Code
 Chapter 4 Development Standards | 12-4-12 Site Design

Table 12-4-12-1.b
 View framed by buildings

This focuses on a prominent landmark or vista.

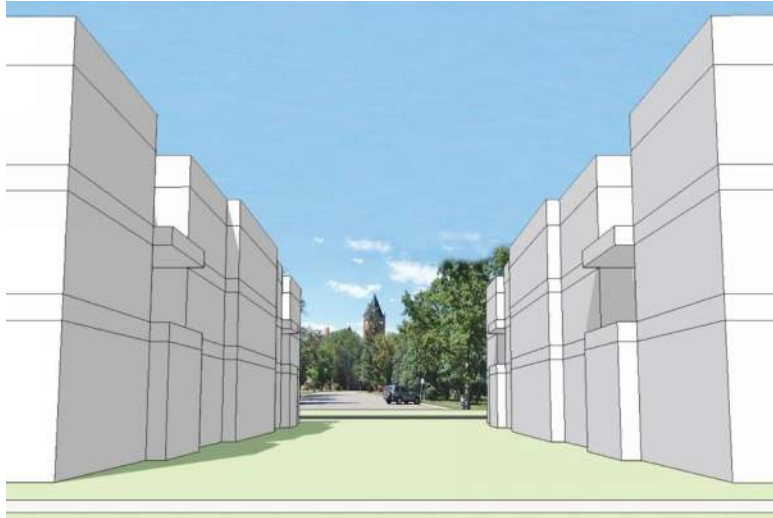


Table 12-4-12-1.c
 View through an Atrium

A view through a glassed indoor space to a view subject

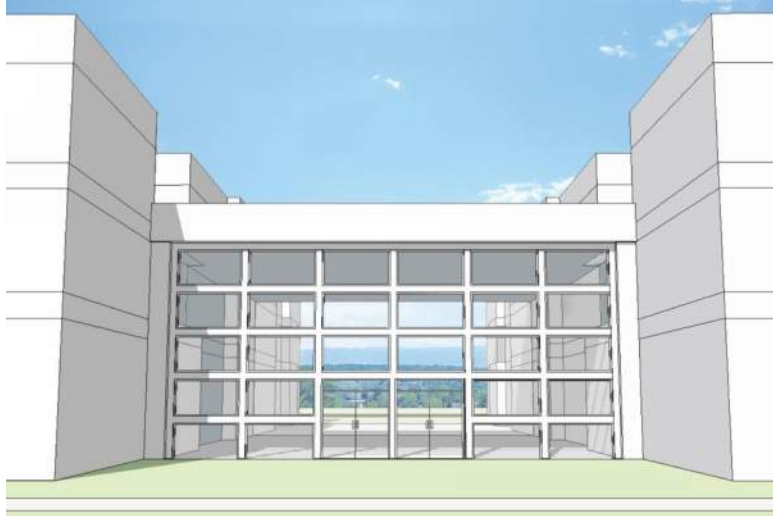
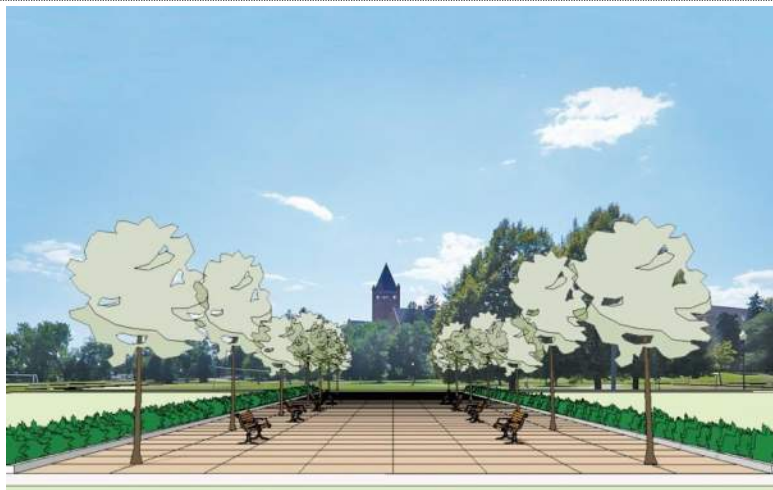


Table 12-4-12-1.d
 View framed by landscaping

A view defined by trees and other landscape features to a view subject.



- (b) Where two or more primary buildings are on a site, place them so they frame, activate, and enhance a common area. Use one or more of the following features to activate the space:

- Building entrances opening onto the common area
 - An outdoor dining area or similar activity
 - Public art
 - Landscaping
 - Physical connections to other active uses
- (c) Place secondary and ancillary buildings avoid negative impacts on the pedestrian environment.
- Locate secondary and ancillary buildings away from common areas.
 - Cluster secondary or ancillary buildings to maximize utilization of remaining yard area.
- (2) **Designing with Topography**

Purpose: Site improvements should work with the existing topography rather than cause extensive cut-and-fill to establish a flat site. This is a sustainable practice and helps to retain terrain that contributes to the character of Westminster.

(a) **Design Standards & Requirements**

- Design site to work with the existing topography.
 - Minimize cut and fill on a site. Where regrading is necessary, do so in a way to minimize impacts. For example, use a series of landscaped terraces or stepped walls.
- (b) Incorporate an existing topographic landform as a natural landscape feature in the site design.
- Design a parking lot to take advantage of changes in topography.
 - On a steep slope, terrace a parking lot, following site contours.
 - Use transitions in height as areas for landscaping.



Figure 12-4-12-1 Solar Orientation

Consider solar orientation when laying out streets, blocks, lots and homes. Above, the building and public space are oriented to harvest winter sun and repel summer heat, which saves energy and promotes pedestrian activity.



Figure 12-4-12-2 Electric Vehicle Charging Stations

A parking area should accommodate fuel-efficient and electronic vehicles.

(C) Building Entry Orientation

Purpose: Building orientation refers to the way in which a structure relates to its surroundings, including streets, outdoor places and buildings nearby. A façade should include a primary entrance which contributes to an engaging and pedestrian-friendly ground level. Some buildings also may orient to parking or a common area. They should engage these areas also by providing active entrances facing onto them.

(1) Design Standards & Requirements

- (a) Orient a building to a street by locating the primary entrance on the street-facing façade.



Figure 12-4-12-3 Primary Entrance

Locate the primary entrance on the façade. This row of residential buildings orients to the street with front porches, doors, and walkways.

- (b) Locating a primary entrance to the side is appropriate, when it is highly visible from the public way or a common area, in the following cases:
- In a residential setting where a porch, canopy or wall inset provides an opportunity to locate the entrance on the side wall at that feature.
 - In a commercial setting where the location of a wall inset or canopy provides an opportunity to locate the entrance on the side wall at that feature.



Figure 12-4-12-4 Primary Entrance

Where a building is visible from the street, locate the primary entrance on the front wall of the building, or where it will be highly visible from the street.

- Locating a primary entrance to the rear, or side of a building is appropriate only in a commercial setting where the overall orientation of the development is internal, and it is the design intent of the Use Pattern. Note: In this case the street-facing façade shall have a high degree of articulation and fenestration to provide interest at the ground level.
- (c) Provide entries to activate a common area between buildings in a campus, housing development or retail type setting.

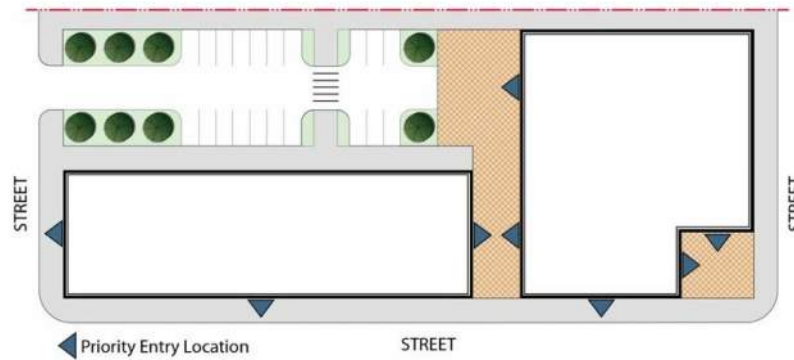


Figure 12-4-12-5 Entries that Activate Common Areas

Provide entries to activate common areas between buildings in a campus, housing, or large retail type settings. The plan above identifies some locations where additional entries would activate plaza spaces and the street edge.

(D) Street Frontages

Purpose: Street frontages vary in depth and character throughout Westminster. Each frontage area should contribute to Westminster’s heritage of well-landscaped front yards and active street edges. The depth of the frontage is the distance between the street or sidewalk edge to the front of a building. In some cases, the setback provides space for outdoor uses and amenities that activate the street edge. In other cases buildings fronts align close to a sidewalk, defining a “street wall.” Each street frontage shall be designed to be attractive for passersby. It should provide visual interest, a sense of connection with the street and promote pedestrian activity, while also meeting functional requirements of privacy and security.

(1) Design Standards & Requirements

- (a) Design the street frontage of a property to promote pedestrian activity (see *Menu of Options for Frontage Types*, Table 12-4-12-2 below.)



Figure 12-4-12-6 Street Frontages Promote Pedestrian Activity

Design the street frontage to promote pedestrian activity.

- (i) Employ the following strategies in a new development:
- Locate a new building at the sidewalk edge.
 - Include landscape amenities to engage pedestrians on abutting sidewalks and common areas.
 - Provide a landscape buffer at the sidewalk edge where a building is set back or other outdoor uses, such as parking occur.
- (ii) Employ the following strategies for improving the area in front of an existing building that is set back from the street:

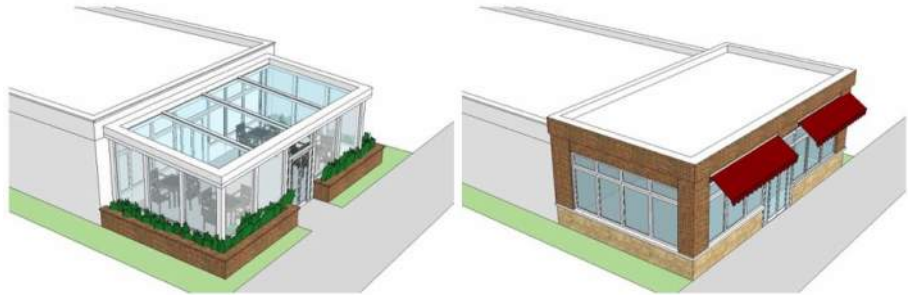


Figure 12-4-12-7 Expand Buildings Closer to Street

Expand buildings to extend closer to the street where they are set back.

- Expand the building to extend closer to the street.
 - Add landscape amenities to engage pedestrians on the sidewalk or a common area (see Table 12-4-12-3 below).
 - Enhance physical connections between the sidewalk, the building and parking.
 - Provide a landscape buffer at the sidewalk edge where a row of parking exists in front.
- (iii) Employ the following strategies for a redevelopment where an existing building is located far back on the site, behind a large surface parking area:
- Locate a new liner building at the street to screen the surface parking lot.
 - Enhance physical connections from the sidewalk to the existing building and parking.
 - Provide a landscape buffer at the sidewalk edge where a row of parking in front will remain.
- (b) Design a large scale development to incorporate a sense of arrival. Use one or more of the following common area improvements:
- Place a building at a corner as an anchor

- Install entry monuments
 - Provide a plaza space
 - Provide public art
 - Install specialty lighting to create a distinct identity
- (c) At a major intersection, enrich the corner with one or more of the following common area improvements:
- Place a building to anchor the corner.
 - Install entry monuments
 - Provide a plaza at the corner
 - Install public art
 - Install specialty lighting to create a distinct identity
- (d) Use side and rear setback areas to buffer required utilities.

Unified Development Code
 Chapter 4 Development Standards | 12-4-12 Site Design

Table 12-4-12-2 Menu of Options for Frontage Types

The following options are appropriate frontage types that provide a pedestrian-oriented street edge. See a specific Use Pattern to determine which of these options are allowed or required. See also section 12-4-8, W.M.C. for landscape standards, the zoning districts (Chapter 3 of this title and section 12-4-3, W.M.C. for setback requirements and section 12-4-10, W.M.C. for parking standards.

Table 12-4-12-2.a.

A building is placed at the edge of the sidewalk with *hardscape improvements* in the right-of-way.

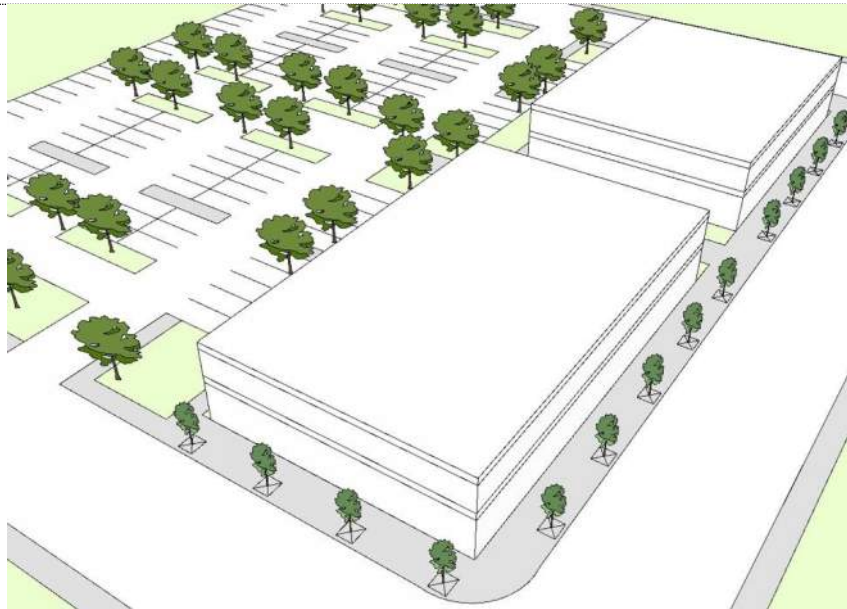


Table 12-4-12-2.b

A building is set back from the sidewalk with *landscape improvements* in front.



Unified Development Code
Chapter 4 Development Standards | 12-4-12 Site Design

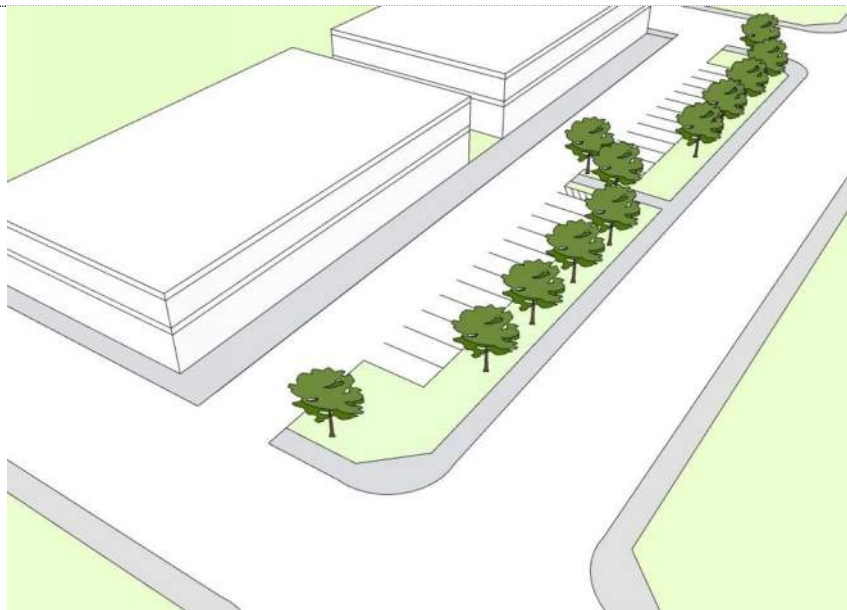
Table 12-4-12-2.c

A building is set back with *hardscape improvements and landscape amenities are in front.*



Table 12-4-12-2.d

A building is set back with a single row of parking in front, and *landscape improvements are along the street.*



Unified Development Code
Chapter 4 Development Standards | 12-4-12 Site Design

Table 12-4-12-2.e

A building is set back with a double row of parking in front, and *landscape improvements* are along the street and within the parking area.

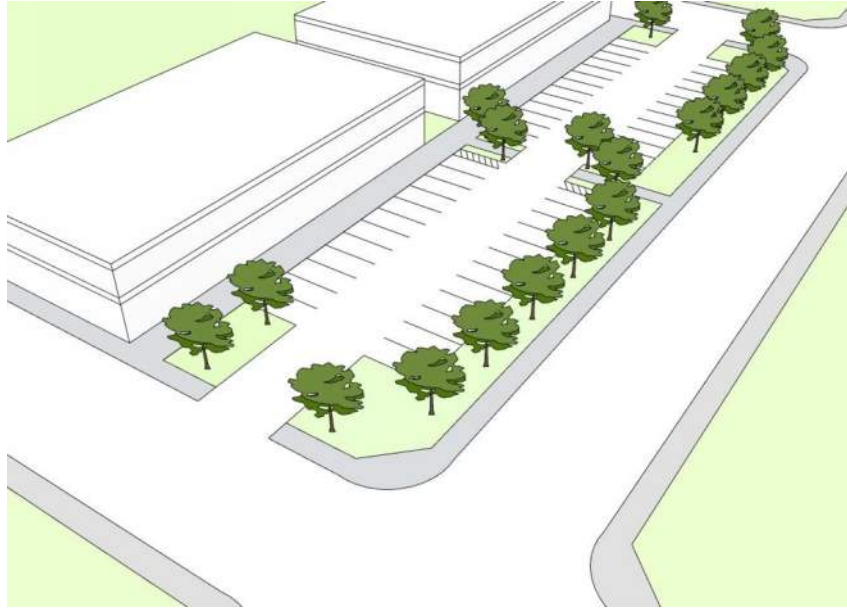


Table 12-4-12-2.f

A building is set back with four rows of parking in front, and *landscape improvements* are along the street and within the parking area.



Unified Development Code
 Chapter 4 Development Standards | 12-4-12 Site Design

Table 12-4-12-2.g

A building is set back with multiple rows of parking in front, and *landscape improvements* are along the street and within the parking area.



Table 12-4-12-2.h

Townhouses are set back with *landscape improvements* in front.



Unified Development Code
Chapter 4 Development Standards | 12-4-12 Site Design

Table 12-4-12-2.i

An Apartment Building is set back with *landscape improvements* in front.



Table 12-4-12-3 Menu of Options for Front Setbacks and Street-facing Common Areas

This table illustrates appropriate treatments for front setbacks and street-facing common areas, with the intent of providing a pedestrian-oriented street edge. It includes examples of improvements in front of a building and to an open space to the side.

Building Front Common Area

Table 12-4-12-3.a
 Enhanced Landscape and Pedestrian Access

A walkway leads directly to the building entrance with benches and landscaping enhances the space.



Table 12-4-12-3.b
 Hardscape Frontage with Outdoor Dining

Decorative paving defines the space and outdoor dining activates it.



Table 12-4-12-3.c
 Architectural Elements with Outdoor Product Display

Architectural elements (such as this pergola) enhance the space and product displays engage pedestrians.



Forecourt Common Area

Table 12-4-12-3.d
Colonnade/Arcade

A colonnade defines the sidewalk edge in front of a courtyard.



Table 12-4-12-3.e
Site Wall

A low wall with plantings to the front defines the sidewalk edge.



Table 12-4-12-3.f
Planter edge

Planters define the sidewalk edge.



Side Lot Common Area

Table 12-4-12-3.g
Active outdoor use
screening parking area

Parking, which is accessed by an ally and is screened with landscaping. An outdoor activity engages pedestrians.



Table 12-4-12-3.h
Side Plaza

An active space is defined by decorative paving and includes an outdoor dining area. A landscaped edge defines the sidewalk edge.



(E) **Transitions.** See section 12-4-16, W.M.C (Transitional Standards).

(F) Connectivity

Purpose: Connectivity refers to the network of sidewalks, pathways, thoroughfares, lanes and streets that provide continuous pedestrian, bicycle and vehicle routes within and among properties, abutting sites and neighborhoods. New development and redevelopment projects should provide connections that support active and inter-connected places. Each project should use sidewalks, building pass-throughs, plazas and multi-use alleys as connections throughout a site. It should also connect to established and future transportation networks as identified in the Westminster Transportation and Mobility Plan.

(1) Pedestrian and Bicycle Connectivity. Pedestrian walkways shall be provided in office, employment, commercial, mixed-use and multi-family residential developments. A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site recreational or open space areas or pedestrian amenities. Pedestrian walkways shall be designed to serve internal pedestrian circulation needs, and shall connect to public sidewalks and transit stops..

(a) Enhance walkability in Pedestrian and Bicycle Connections. Use the following methods:

- Connect to a Public Sidewalk. An on-site walkway shall connect the main entry of each building or each primary entry to a public sidewalk on each street frontage of the site, and to any transit stop adjacent to the site. On at least one frontage, the walkway shall occupy the shortest practical distance between the main building entry and sidewalk, generally no more than 125 percent of the straight-line distance. The distance may increase up to 50 percent of the total straight-line distance if the route is designed to take account of afternoon shade patterns from buildings or similar shading devices.

[GRAPHIC TO BE INSERTED]

Figure 12-4-12-8 Pedestrian Connections

- Size the width of a walkway to permit pedestrian access and movement. Pedestrian walkways shall be at least five feet in width and paved with a hard, durable surface.

Unified Development Code
Chapter 4 Development Standards | 12-4-12 Site Design



Figure 12-4-12-9 Internal Walkways

Size internal walkways to provide safe pedestrian access. This walkway is an appropriate width. In addition, it is defined by a paving pattern and buffered by landscaping.

- Provide an inviting hardscape that is pedestrian-friendly, such as: modular pavers, scored concrete, or similar materials.



Figure 12-4-12-10 Hardscape and Landscaping for Internal Walkways

Provide an inviting hardscape and landscaping that is pedestrian-friendly,



Figure 12-4-12-11 Accent Paving

Use accent paving to highlight crosswalks.

- Provide lighting overhead and at the pedestrian level to invite use and provide security.



Figure 12-4-12-12 Overhead Lighting

Use distinct overhead lighting to accentuate a site's circulation system and provide security.

- Where a pedestrian walkway is parallel and adjacent to an auto travel lane, it must be raised and separated from the auto travel lane by a raised curb at least 6 inches high, decorative bollards, or other physical barrier.
 - At customer entrances, pedestrian walkways shall include weather protection such as canopies, awnings, arcades and trellises.
- (b)** Incorporate features to invite use of connections. Use the following methods:
- Orient a primary entrances to the connection.
 - Enhance a building entrance to a connection with canopies and awnings, signs and lighting.
 - Provide a common area such as a plazas or courtyards with landscape amenities along a connection.

Unified Development Code
Chapter 4 Development Standards | 12-4-12 Site Design



Figure 12-4-12-13 Connection to Common Open Space

This connection leads to a common space in a residential setting.



Figure 12-4-12-14 Connection with Pergola

This connection includes a pergola to highlight access to an internal walkway system.

- Provide retail amenities such as storefronts and outdoor dining.



Figure 12-4-12-15 Midblock Pass Through

Pedestrian connectivity is provided by a midblock pass through. The walkway is activated with display windows.

(c) Provide a public connection through a block where there is a clear public benefit. Methods include:

- A path between two streets connecting through the block.



Figure 12-4-12-16 Pedestrian path

This pedestrian path connects two streets through a block and is activated with landscaping and pedestrian scaled lighting in a mixed use setting.

- An alley that is shared by pedestrians and automobiles.

(d) Whenever feasible, provide a public pass-through connection through a building, where there is a clear public benefit. (Link Table X)

Table 12-4-12-4 Menu of Options for Pedestrian and Bicycle Connectivity

This table illustrates appropriate connections for pedestrian and bicycle circulation systems. See the preceding tables for individual use patterns for which specific options are permitted or required.

Unified Development Code
Chapter 4 Development Standards | 12-4-12 Site Design

Table 12-4-12-4.a
Direct Connection Between a Building and
the Street

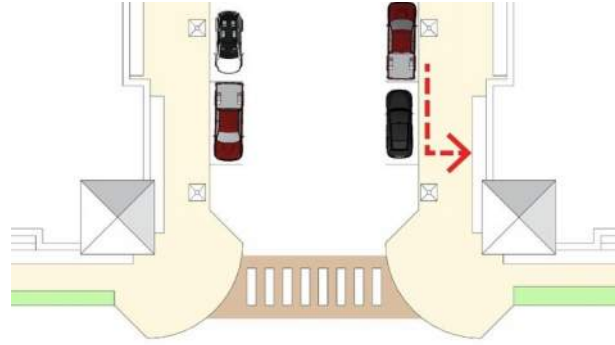
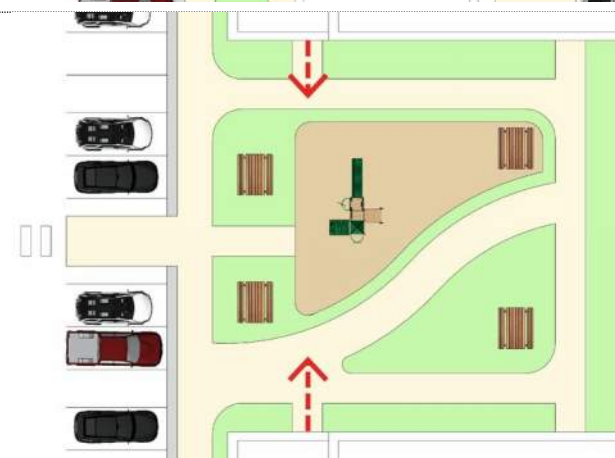


Table 12-4-12-4.b
Internal Connection Between Buildings on
the Property



Table 12-4-12-4.c
Connections to a Common Area



Unified Development Code
 Chapter 4 Development Standards | 12-4-12 Site Design

Table 12-4-12-4.d
 A distinct cross-walk

Differentiate the pedestrian way from vehicular areas with changes in paving or other design devices.

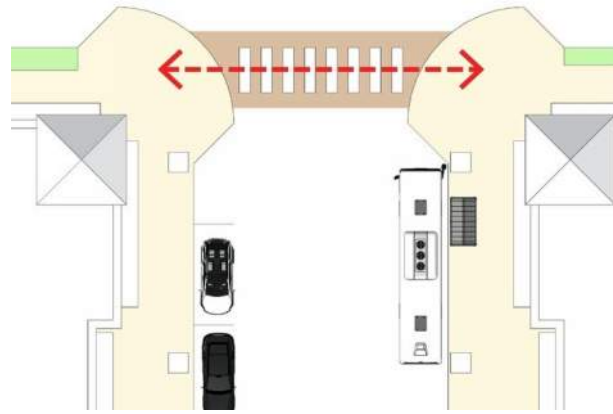


Table 12-4-12-4.e
 Direct Connections to Adjacent Transit Stops

This connection is required when property is adjacent to a transit stop.

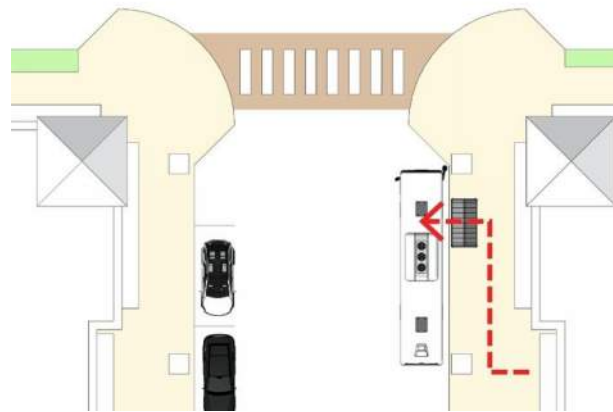
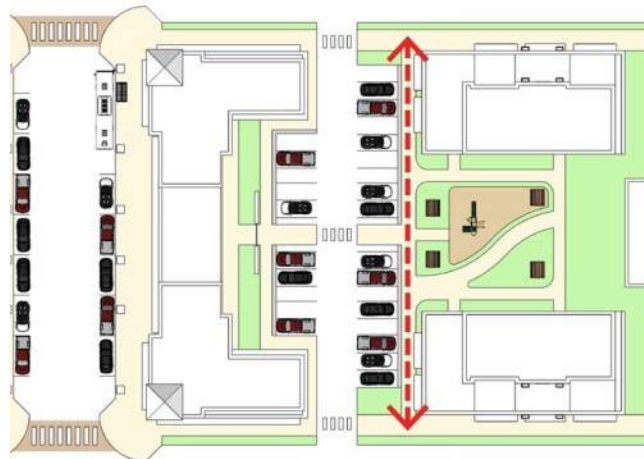


Table 12-4-12-4.f
 Cross-property Connection

Provide at least one dedicated pedestrian connection across the development which is defined with wide sidewalks, special paving materials or landscaping.



Unified Development Code
 Chapter 4 Development Standards | 12-4-12 Site Design

Table 12-4-12-4.g
 Connection to Adjacent Development

Provide at least one dedicated off-street connection for pedestrians and bicyclists to an adjacent residential, commercial or mixed-use development.

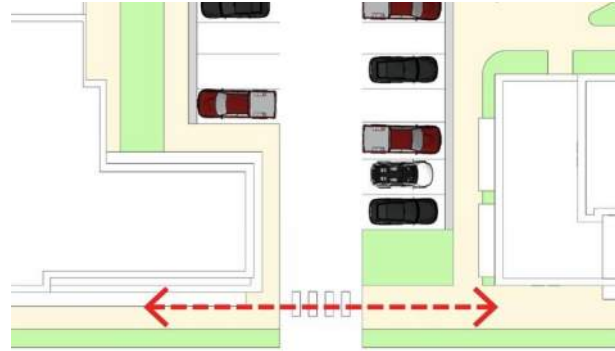
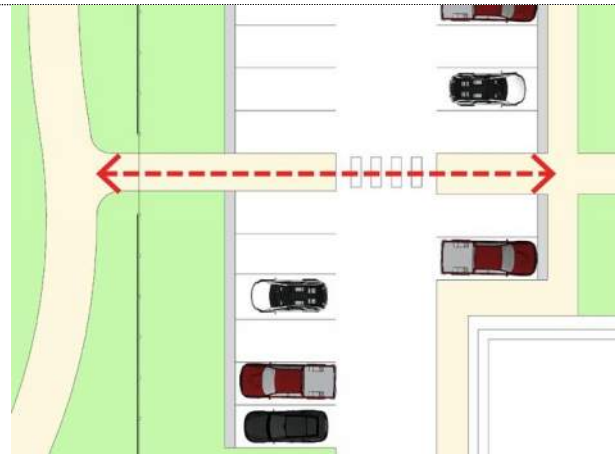


Table 12-4-12-4.h
 Connection to Public Trail

Where one exists or is planned, provide at least one dedicated connection for pedestrians and bicyclists to an adjacent pedestrian or multi-use trail.



Unified Development Code
 Chapter 4 Development Standards | 12-4-12 Site Design

Table 12-4-12-5 Menu of Options for Pass-Through Connections

A pass-through connection is intended to provide passage for pedestrians and bicyclists in a block of a long length. It shall be used to avoid a long, continuous street wall. It shall be proportioned to provide safe, comfortable passage for users. The options below may be considered for building pass-through designs. A combination of these forms also may be used.

Table 12-4-12-5.a
 Continuous, covered passage

A covered, continuous walkway through a building.

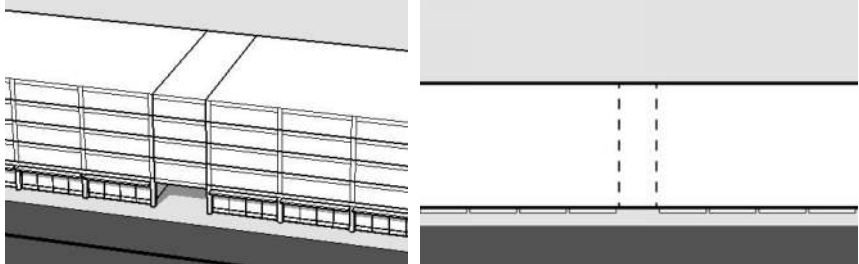


Table 12-4-12-5.b
 Setback façade element

Only a portion of the pass-through is covered and is setback from the primary façade.

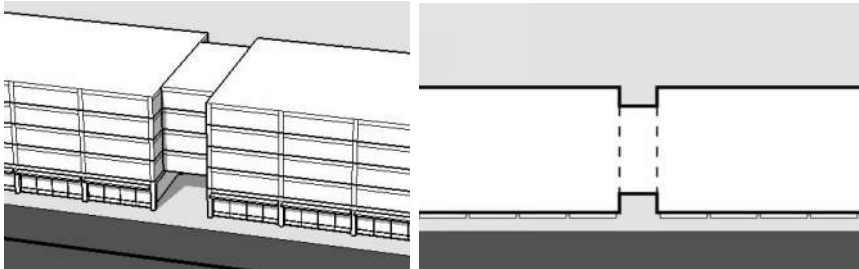


Table 12-4-12-5.c
 Hybrid

The width and height of the pass through varies in height, length, and setback.

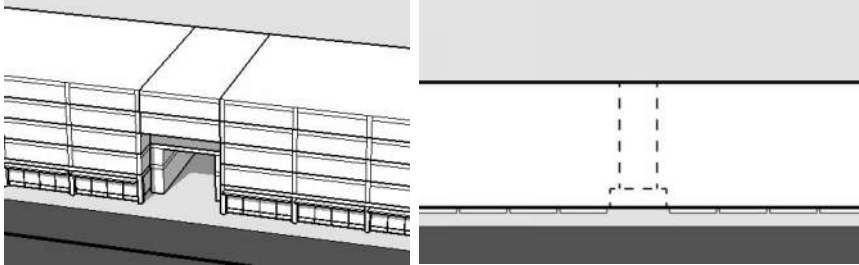
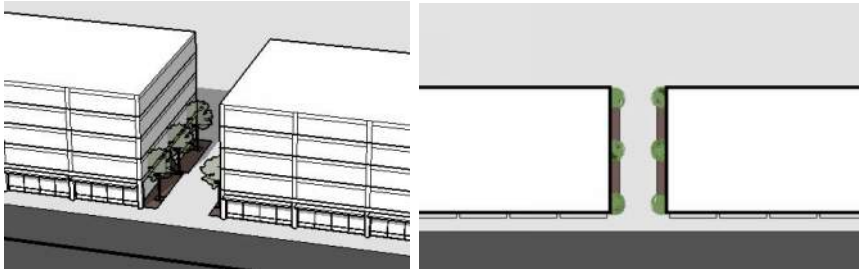


Table 12-4-12-5.d
 Open Air

The entire pass-through is open to the sky. It may, however, include pergolas or other shelters.



Unified Development Code
Chapter 4 Development Standards | 12-4-12 Site Design

Table 12-4-12-6 Menu of Options for Mid-Block Connections

A mid-block connection shall occur on a block that is greater than 300 ft. At least one of the options below should occur along any point in the block. A mid-block connection should connect to any of the following:

- The adjacent street on the opposite side of the block
- An internal space including a plaza, courtyard, and dining area
- A public open space and/or trail system

Table 12-4-12-6.a
Open Pathway

A link between buildings with a paved walk and landscaping

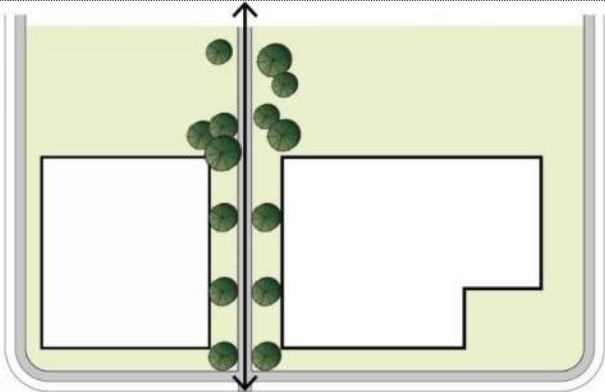


Table 12-4-12-6.b
Building Pass-Through

A link through a building that invites public use. (See Table Table 12-4-12-5 for alternative designs.)

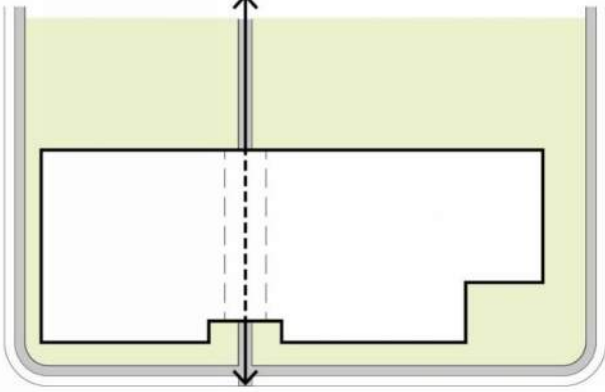
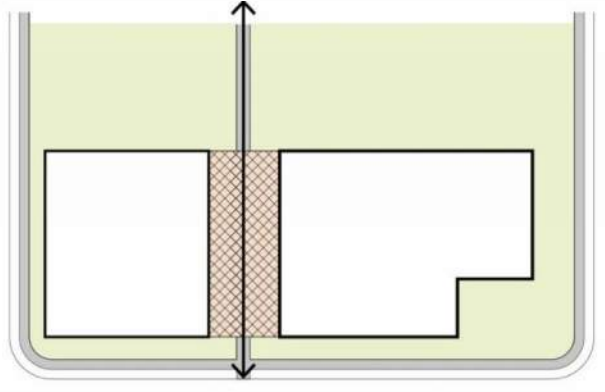


Table 12-4-12-6.c
Plaza or Courtyard

A link between buildings through a plaza or other common space



- (2) **Vehicular Connectivity.** Vehicular connectivity relates to the circulation of vehicles between public streets and private property, as well as cross-access between adjacent properties. Vehicular access shall be designed to protect public safety, enhance the development, and promote better land use by controlling the design and use of the public right-of-way. Vehicle drive aisle widths should be minimized to the extent possible through the use of angled parking or one-way drive aisles. Well-designed vehicular access reduces the number of conflicts between motor vehicles, bikes and pedestrians resulting in fewer accidents and improved traffic flow. See also specific standards for drive design, including widths, in Section XX of the code.
- (a) Provide vehicular connections into and between adjoining properties.
- Ensure that larger developments have more than one vehicular entrance/exit.

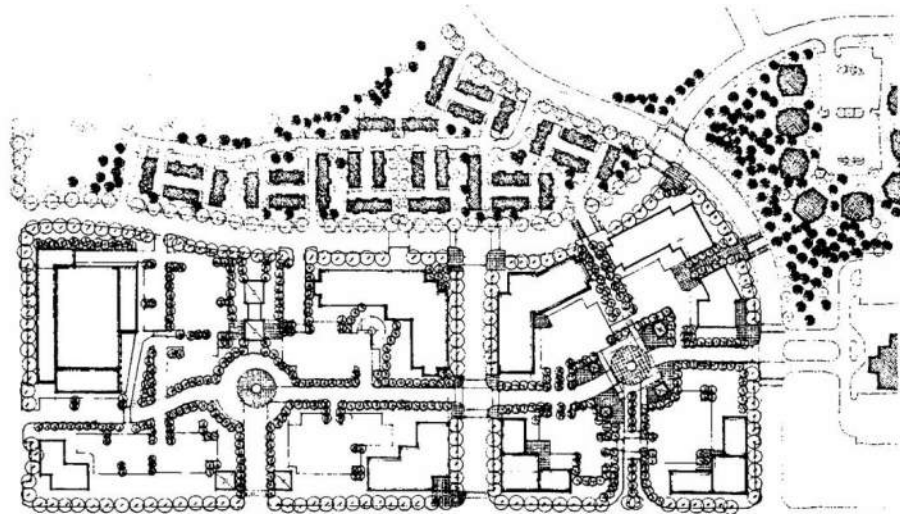


Figure 12-4-12-17 Connected Vehicle Network

Vehicular access is provided between the public street and the larger development in a connected vehicular network.

- Provide direct vehicular connections to streets and lanes on adjoining properties to reduce traffic and pedestrian impacts on surrounding streets.

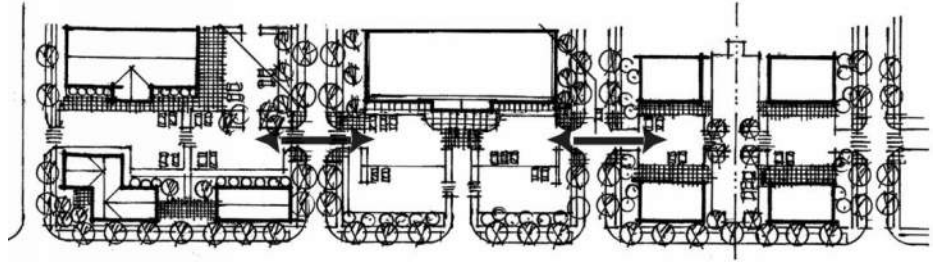


Figure 12-4-12-18 Cross-Property Access

Cross property access is provided between adjoining properties.

- Align internal drive aisles to allow for future connections to adjoining properties.
- Minimize vehicular drive aisle widths in parking lots. For example, use of angled parking or one-way drive aisles.
- Where possible, design fire lanes and emergency access points to be visually appealing. For instance, consider pavers or other paving alternatives to invite use.

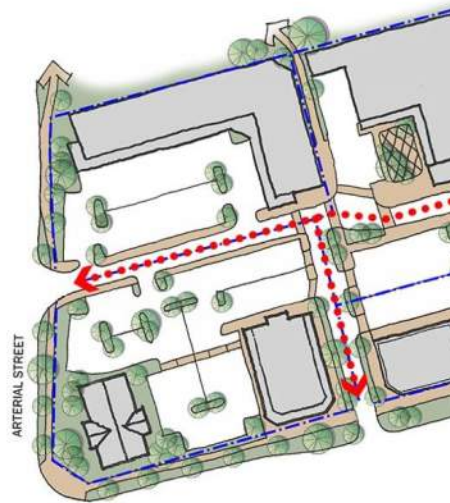


Figure 12-4-12-19 Vehicular Connections Between Properties

Provide vehicular connections into and between adjoining properties.

- (b)** Where a curb cut is to be installed, minimize its width and distinguish its appearance.
- Consider using shared driveways between properties to reduce the number of curb cuts.
 - Distinguish the driveway entrance from the surrounding right-of-way to increase its visibility and safety in the area.

Unified Development Code
Chapter 4 Development Standards | 12-4-12 Site Design

- (c) Design a service drive adjacent that is visible from the public realm to be a visual asset. Effective techniques include:
- Provide an inviting hardscape, such as: pavers, scored concrete, or similar.
 - Incorporate landscaping to buffer views and soften appearance.
- (d) Activate an alley to invite use by pedestrians and bicyclists. Effective techniques include:
- Provide an inviting hardscape that is pedestrian-friendly, such as brick, scored concrete, or similar.
 - Orient public building entrances onto the alley.
 - Enhance secondary entrances onto alleys with awnings, signs and lighting.
 - Screen service areas along an alley.
- (e) Provide streetscape furnishings along vehicular routes. .
- Include amenities, such as lighting, benches and planters.
 - Provide a common area, such as an outdoor dining area.



Figure 12-4-12-20 Hardscape Materials

Inviting hardscape materials such as brick create a pedestrian friendly environment within an alley.

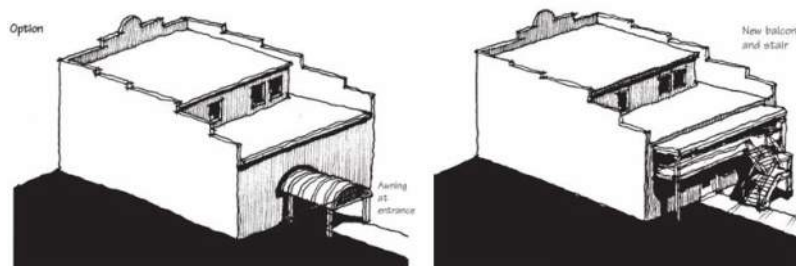


Figure 12-4-12-21 Secondary Entrance Enhancements

Enhance a secondary entrance with an awning, staircase and balcony to engage the pedestrian.

(G) Views and View Corridors

Purpose: The City’s varied topography provides breathtaking panoramic views to the Rocky Mountain Front Range and Downtown Denver. Views are enjoyed from many areas of the city, although the best publicly-accessible views are found at points along many of the city’s arterial streets and open spaces. These view opportunities should be enhanced in new development.

- (1) Incorporate view corridors to mountains, open space, as well as local landmarks in the arrangement of streets and open spaces.
- (2) Key views, which are especially important to maintain, are illustrated on the map below.

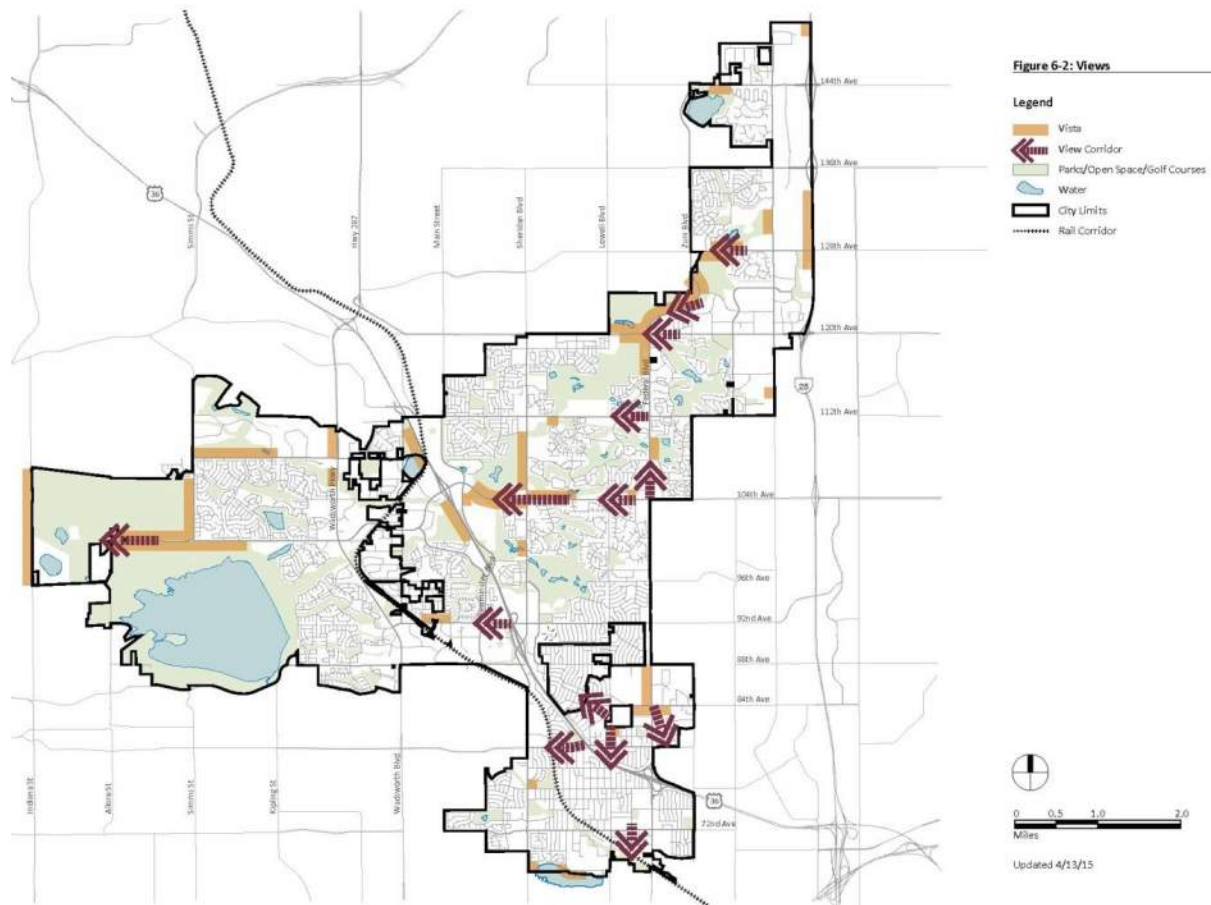


Figure 12-4-12-22 View Corridor Map

Westminister Comprehensive Plan Map illustrates important views.



Figure 12-4-12-23 View Corridors

View corridors to the mountains, open space, and other local and regional landmarks should be a basic consideration in the arrangement of streets, commercial centers and shared spaces within both residential and mixed-use districts.

(H) Block, Lot, and Street Design

Purpose: The City has a variety of existing block patterns including both curvilinear and grid. New development shall provide connections to existing systems, utilize solar orientation, provide service access, and enhance pedestrian activity when creating new blocks.

- (1) Provide connections to existing street patterns when creating new blocks. Do not form barriers.
- (2) Provide walkable block lengths when laying out new development.
- (3) Orient new streets, blocks, lots and homes to promote sustainability and pedestrian activity.
- (4) Provide alleys at mid-block locations to access parking and service areas, and link to other established systems.

(I) Circulation Network

Purpose: New streets shall connect to existing networks to promote a unified system. New streets shall promote safety and walkability to reduce the number of conflicts between motor vehicles, pedestrian and bicycles.

- (1) Streets, bikeways and walkways shall create a unifying circulation network to provide convenient routes to destinations within the neighborhood without forcing trips onto surrounding arterial streets.
- (2) Design access and circulation to minimize potential conflicts between automobiles, bicycles and pedestrians.

(J) Phased Redevelopment

Purpose: Some redevelopment projects will occur incrementally, especially older auto-oriented commercial centers. While each improvement project should be conceived to meet the long term design objectives for the use pattern, flexibility in the application of some design standards is appropriate in consideration of logistical constraints and market conditions. The standards apply to phased redevelopment projects.

- (1) Locate incremental improvements to anticipate future phases and final build-out.
- (2) Plan each improvement phase to build toward full compliance with the design standards. See the example in Table 12-4-12-7 (Phased Improvement of an Existing Development).
- (3) Plan interim improvements to accommodate future vehicular and pedestrian connections that would comply with the design standards. For example, parking areas and drive aisles may be laid out to accommodate future redevelopment as building sites.
- (4) Prioritize improvement to the street frontage of a phased redevelopment to promote pedestrian activity. [Note: See Table 12-4-12-2 (Menu of Options for Frontage Types) and Table 12-4-12-3 (Menu of Options for Front Setbacks and Street-facing Common Areas).]

Unified Development Code
Chapter 4 Development Standards | 12-4-12 Site Design

Table 12-4-12-7 Phased Improvement of an Existing Development

In some cases, redevelopment of a site may be phased so that incremental improvements build towards long-term objectives for the area. In the example illustrated below, an existing auto-oriented commercial center site is redeveloped in a series of phases. Each phase builds on previous ones, producing in the long-term a place with a variety of shops, restaurants, businesses and residences in a pedestrian-oriented setting.

Table 12-4-12-7.a
Beginning Condition

An existing site includes a large shopping center set back significantly from the street. Several smaller, automobile-oriented pad sites exist along the street edge.



Table 12-4-12-7.b
Intermediate Phase

A mid-stage in improvements includes new mixed-use and multi-family residential buildings, which are located to create a more pedestrian oriented street frontage. The large-format retail buildings in the rear remain in place. One of these is renovated. Pad sites now have outdoor uses areas in front. Streets, lanes and paths extend across the site to enhance connectivity.



Unified Development Code
Chapter 4 Development Standards | 12-4-12 Site Design

Table 12-4-12-7.c
Final Phase

The final stage includes a network of streets that extend across the former parking areas to create a pedestrian-oriented “Main Street” which is perpendicular to Street A. Some large-format retail buildings are replaced with higher intensity uses. Some parking is in a structure wrapped with ground floor retail. New residential buildings replace older pad sites in front.



(K) Pad Sites

- (1) Pad sites shall be located to define street edges and entry points or to enclose and create amenity spaces between buildings, such as public outdoor seating, landscaped areas, or other focal points (see Section 12-4-11, W.M.C).
- (2) Buildings on pad sites break the site into a series of smaller blocks defined by streets and pedestrian walkways, and to frame and enclose parking areas, outdoor dining areas, and/or amenity spaces between buildings.
- (3) Buildings on pad sites along a site’s perimeter shall be oriented so that the primary facade(s) faces a public street and has a usable entry on that street. Buildings that are interior to a lot that has buildings that otherwise meet the frontage requirement may have entrances that do not face the Primary Frontage.
- (4) Pad sites adjoining the public right of way shall locate at least one façade with windows and similar architectural features within:
 - (a) the minimum and maximum front setback, or
 - (b) if the zoning district does not establish a maximum front setback, within 35 feet of the public right-of-way.

- (5) Buildings on pad sites shall be located at site corners and entries.

12-4-13 Stormwater Management

Purpose: [TO BE ADDED LATER]

New development and redevelopment shall comply with the applicable provisions of the *Standards and Specifications* relating to storm sewer systems, and the City of Westminster *Storm Drainage Design and Technical Criteria Manual* (SDDTCM).

Related Municipal Code provisions include:

- *Stormwater management (Title 8, Chapter 13, W.M.C).*

12-4-14 Streets

Purpose: [TO BE ADDED LATER]

(A) Generally

- (1) The arrangement, character, extent, and location of all streets shall conform to applicable City street and transportation plans and access control plans.
- (2) In the planning, design, and construction of any new streets within the City, the applicant shall be consider:
 - (a) their relation to existing and other planned streets;
 - (b) topographical conditions;
 - (c) drainage;
 - (d) public convenience and safety; and
 - (e) the uses of land served by those streets.
- (3) The arrangement of streets and sidewalks shall be planned with due regard to existing streets, future street plans, topography, soil conditions, drainage and erosion, convenience, and aesthetics.
- (4) Street design and layout shall provide for the safe and convenient arrangement of roadways and parking spaces, facilities for waste disposal, as well as open and recreational areas.
- (5) Street layout and design shall comply with this Title and all ordinances and policies of the City.

(B) Street Design

- (1) *Generally*
 - (a) Street widths, lengths, grades, off-sets, and pavement sections shall be designed according to the anticipated needs of the area and the *Standards and Specifications*.
 - (b) Street rights-of-way, curb cuts, street grades, intersections and crossings shall be designed to facilitate the convenient and safe movement of motorists, pedestrians, bicyclists, and storm water as deemed necessary by the City.
- (2) *Railroads*
 - (a) If an existing or approved railroad and railroad crossing is affected by a proposed road or street, the street design shall include grade separations, buffer strips, and safety protection devices the City determines is required for the public's safety, welfare, and convenience.

- (b) Prior to the approval of an ODP, or if an ODP is not required prior to the issuance of a building permit, the applicant shall obtain any necessary approval from the affected railroad company or the Colorado Public Utilities Commission.
 - (3) *Stormwater Management and Flood Control.* Streets shall be designed with grades, storm sewers, and surfacing to provide storm drainage protection for the 100-year storm without flooding or property damage and to prevent erosion and fugitive dust.
- (C) **Street Layout.** Unless otherwise approved by the City:
 - (1) The street layout shall continue principal streets between adjacent properties where necessary for convenient traffic flow, fire protection, or provision of utilities.
 - (2) If the adjacent property is undeveloped and a street must dead-end temporarily, a temporary cul-de-sac may be required.
 - (3) All streets shall intersect at right angles with each other.
- (D) **Pedestrian and Bicycle Facilities**
 - (1) *Sidewalks.* To accommodate pedestrian traffic, sidewalks shall be constructed as required by the *Standards and Specifications*.
 - (2) *Bicycle/Pedestrian Movement Plan.* New development shall provide both bicycle and pedestrian facilities that facilitate movement between residential areas and activity areas, such as public buildings, schools, shopping areas, playgrounds, open space and recreation areas. The developer shall prepare a bicycle/pedestrian movement plan in accordance with the City plan to accomplish this, subject to the City's approval.
 - (3) *Bikeway Plan.* If a proposed development is adjacent to, or contains a planned bikeway or trail as indicated on the City's bikeway plan, provisions for the bikeway shall be included in the PDP and ODP. Construction of the bike path or bikeway or trail shall occur concurrently with project development at the owner's expense.
- (E) **Street Naming.** Streets shall be named in accordance with the Denver metro grid system, unless otherwise approved on an ODP.
- (F) **Cost Recovery.** For purposes of Section 12-4-7((I)), cost recovery for streets and related transportation facilities are determined as follows:
 - (1) *Generally.* Except as otherwise provided by subsection (2) below, the owner or developer of property abutting a street constructed and paid for by another party shall pay a proportionate share of the cost of that street, determined as follows:

- (a) For streets up to 48 feet in width, as measured from flowline to flowline, exclusive of acceleration and deceleration lanes, the owner or developer shall pay 50 percent of the cost of the improvements, including street pavement, subbase, storm sewer and other appurtenances, right-of-way costs, curbs, gutters, sidewalks, and acceleration and deceleration lanes adjacent to the development.
- (b) For streets that exceed 48 feet in width, as measured from flowline to flowline, exclusive of acceleration and deceleration lanes, the owner shall pay for the cost of constructing 24 feet of street improvements, plus the cost of curb, gutter, sidewalk, and any hiker/biker trails, plus the cost of any required acceleration and deceleration lanes adjacent to the development. On designated arterial streets, the City shall fund cost of construction of the remaining portion of the street.
- (c) All drainage and other conduit structures constructed as an integral part of the street are considered street improvements. The cost of those facilities may be allocated using the same method as allocating the cost of street improvements. The calculation of recovery costs for other drainage facilities, including storm drainage facilities that are not an integral part of the street construction, is established on a case-by-case basis, using a method based upon reasonable benefit to the property.
- (d) The following minimum standards on storm drainage facilities must be met in order for a project to receive consideration for recovery. All facilities must:
 - (i) be in closed conduit;
 - (ii) designed to be able to be used by other properties within the basin, and
 - (iii) designed to handle developed flows.
- (2) *Bridges, Overpasses and Interchanges.* The cost of any bridge, overpass, interchange, or similar street improvement involving grade-separated facilities may be assessed on an area or acreage basis, if the city council finds that the benefits of a particular improvement are enjoyed by a larger group of property owners than the abutting property owners.

12-4-15 Sustainability

Purpose: This section creates standards and incentives to implement the City’s sustainability policies, including:

- *Providing low-carbon and renewable energy;*
- *Achieving economic resilience through a diverse primary industries base;*
- *Protecting public health by providing access to recreation facilities, and by reducing food swamps and lessening the effect of food deserts;*
- *Providing a vibrant, connected and sustainable mix of diverse and adaptable neighborhoods that facilitate a sense of community;*
- *Enhancing housing diversity and affordability;*
- *Diverting waste from landfills;*
- *Ensuring that development supports multimodal transportation options and mode share targets for carpool, transit, bicycling and walking established in the Transportation & Mobility Plan (TMP);*
- *Increasing the number of electric vehicle charging stations;*
- *Expanding the urban tree canopy coverage;*
- *Improving the health of the City’s waterways and water bodies; and*
- *Reducing system-wide water use to 110 gallons per capita per day (gpcd) or lower by 2030.*

Other sections of this Title address sustainability policies for economic resilience (through designation of permitted uses in zoning districts), food ecosystems (such as community-support agriculture), trail connectivity, compact and mixed land use patterns, pedestrian routes to public building entrances, bicycle infrastructure, maximum parking requirement, complete streets, EV charging infrastructure, landscaping, and low-impact development (LID).

(A) Sustainability Menu

Applicants shall either choose items from the menu below, to reach a minimum of 25 points in, or propose their own sustainable design elements for all or a portion of the 25 points needed. The City encourages innovation, and the Planning Commission may award points for specific measures not on the menu. Applicants shall achieve points from at least three of the five categories in the menu.

Menu Item	Points	Documentation Required
Energy		

Unified Development Code
Chapter 4 Development Standards | 12-4-15 Sustainability

	Menu Item	Points	Documentation Required
1	Increase energy efficiency of structure over the energy efficiency standard. Points may be awarded for efficiency gains in specific systems, such as lighting or mechanical, but more points may be awarded for an integrated design approach.	1-25: Points are awarded on a sliding scale with one point for every two percent increase in energy efficiency, up to 25 points.	Complete USDOE REScheck or COMcheck Compliance Certificate for interior and exterior lighting, building envelope, and mechanical equipment, and provide proof of energy modeling for structures and/or additions greater than 10,000 square feet in size, with a defined performance target that demonstrates projected energy efficiency. HERS is acceptable for attached residential units, with one unit serving as the model for all units if identical construction methods are used.
2	Commission the building(s) for energy efficiency performance by a technician prior to certificate of occupancy. The applicant shall make all feasible improvements prior to planning final inspection approval.	4	Provide energy model performance targets at time of building permit application, as well as proof of contract with technician commissioning the building(s).
3	Install building automation system for advanced monitoring, which can include networked controls of multiple building systems, such as heating and cooling, ventilation, daylighting and lighting.	1-4: Programmable thermostat = 1 point; Networked controls = 2 points; Fully integrated system (BAS) = 4 points.	Show product information at time of site plan application for building system(s) used and the building features it controls to increase building efficiency.
4	Offset traditional energy usage with renewable energy production on site beyond the solar requirement standard.	1-23: 1 point awarded for each 4 percent reduction in energy use, up to 23 points for a net zero building that produces as much power as it consumes over the course of a calendar year.	Applicant to demonstrate the projected energy usage of the structure and calculate the percentage of that power reliably produced on site. Building division staff will verify the model and projected renewable energy component.
5	Plant at least 20 percent additional trees than otherwise required to maximize shade over paved or covered areas in summer (deciduous east, west, south), provide a wind break in winter (evergreens to north) and reduce the	3	Landscape plan shall demonstrate location and type of trees to be planted, and show the number of trees required versus number proposed.

Unified Development Code
Chapter 4 Development Standards | 12-4-15 Sustainability

	Menu Item	Points	Documentation Required
	urban heat island effect in parking areas and throughout the site.		
6	Construct predominately residential buildings and/or roofs to be elongated on an east-west axis, with south facing windows that receive sunlight between the hours of 9:00 a.m. and 3:00 p.m. (sun exposure) during the heating season. Combine with awnings or other shade structures on the east and west facing windows, appropriate use of glazing, daylighting, and other passive solar design techniques to reduce energy demand, including building envelope design.	3	Demonstrate by using solar path diagram, and identifying percentage of south facing window area, and placement of shade structures, glazing types and daylighting, and any other passive solar techniques employed.
7	Install heat reflective roof materials. Minimum 29 SRI (Solar Reflective Index) materials qualify.	2	Provide product cut sheets that demonstrate compliance at time of site plan submittal.
8	All residential fenestrations must achieve specific u-values.	3-5: $u \geq 0.25 - 0.20 = 3$ points $u < 0.20 = 5$ points.	Demonstrate on building plans and with product brochures.
9	Daylighting or passive lighting for internal spaces. Skylights, solar tubes and lumen sensors are examples.	1-5: 1 point per device, up to 5 points	Demonstrate on building plans and with product brochures.
10	Energy or heat recovery ventilation (balanced ventilation).	4-8: E/HRVs with 70 percent efficiency = 4 points 80 percent efficiency = 6 points 90 percent efficiency = 8 points	Demonstrate on building plans and with product brochure. Partial credit considered for portions of buildings.
Health & Wellness			
11	Increase area of amenity space. Amenity space must comply with Section 12-4-9, W.M.C. and the applicable zoning district regulations.	1 per each 10% increase in amenity space, up to 5 points	Designate amenity space and total area on site plan or subdivision plat.
12	Implement the connectivity requirements for amenity space per Section 12-4-9, W.M.C.	5	Designate trails, pedestrian paths, or similar connections on site plan or subdivision plat.
13	Provide community garden plots fruit trees, or other means of food production on site for at least 15 percent of multifamily units to foster	3	Landscape plan shall show location, size and number of garden plots, fruit trees, vines, etc. and provide evidence that garden plots are easily

Unified Development Code
Chapter 4 Development Standards | 12-4-15 Sustainability

	Menu Item	Points	Documentation Required
	local food production. Plots must at least 20 square feet each.		accessible, of appropriate slope, and contain adequate sunlight and an available water source.
Housing & Neighborhoods			
14	Development of infill site, defined as up to one-half (½) acre in size, with paved or developed lots adjacent, or across a right-of-way, on at least two sides of the lot.	3	Demonstrate at site plan review by showing contextual view of adjacent developed lots.
15	Provide at least three housing product types, with at least 40 percent of the units consisting of single-family detached/semidetached and/or single-family attached dwellings, and at least 30 percent consisting of multi-family dwellings.	2 points per 10 percent of dwellings that are multi-family, and 2 points per 10 percent of dwellings that are single-family attached or semidetached.	Demonstrate at building permit review with details on size and category of dwellings.
16	Include affordable units that federal low-income housing tax credits (LIHTC), pursuant to Section 42 of the Internal Revenue Code, and include market rate units. At least 15 percent of the dwellings must use LITC, and at least 60 percent of the units must be market rate.	2 points per LITC unit created up to 10 points.	Include all certification and approval documents for LITC awards by the Colorado Housing and Finance Authority (CHFA), along with details on size and price points of all dwellings.
17	For vertical mixed use building with commercial/office building area, include at least one dwelling per 3,000 square feet of commercial/office floor area.	2 points per dwelling	Include a site plan and building elevations showing the location of all commercial/office and residential building area, along with a phasing plan to ensure the buildout and occupancy of the space as indicated on the plans.
Materials & Waste			
18	Provide compost bin location on the property with contract for pick-up service.	2	Site plan shall show location of compost bin, and proof of contract for pick-up service required at building permit.
Transportation & Mobility			
19	Provide double the minimum of the required amount of bicycle parking on site.	1	Site plan must demonstrate locations and amount of bicycle parking.
20	Provide a bike repair station.	1	Site plan must demonstrate locations and amount of bicycle parking.

Unified Development Code
Chapter 4 Development Standards | 12-4-15 Sustainability

	Menu Item	Points	Documentation Required
21	Provide secure and enclosed parking (e.g. lockers, storage room) for at least 50 percent of the bike parking needed.	1	Site plan must demonstrate locations and amount of bicycle parking.
22	Provide shower units for at least 2 percent of all full time equivalent employees.	2	Building plans shall show location of shower facility, number of showers and calculation of showers to projected number of full-time equivalent employees.
23	Build development within ¼ mile of public bus stop or ½ mile of light rail stop, as measured using a pedestrian's walking distance. Applicant shall also demonstrate enhanced walkability by establishing connections to transit and surrounding areas.	2	Applicant must provide map to scale that demonstrates site boundaries, identifies location of transit stop, and shows walking path and distance between them. Map shall also identify potential barriers for pedestrians.
24	Provide, maintain and install a bus shelter if a stop is in or adjacent to the right-of-way.	2	Site plan shall demonstrate location and type of pedestrian amenities, as well as location of bus stop if applicable. Product specification sheets are also required.
25	Install additional level 2 or higher electric plug-in stations for hybrid and electric vehicles on-site over the minimum applicable standard, or additional conduit over the minimum applicable standard.	1-5 total: 1 per electric plug-in station + 1 per 15 percent of spaces for conduit	Site plan must demonstrate location and number of stations and/or conduit locations, and applicant must provide product specification sheets.
26	Restrict parking on site to the minimum number of spaces allowed by code. Car share spaces shall reduce the required minimum spaces by a 1:1 ratio.	1 for > 110% of minimum 2 for 90-110% of minimum 3 for < 90% of minimum	Site plan shall show parking layout and number of spaces provided, as well as calculation of minimum required.
27	Add designated and signed car share space(s) to site.	2	Site plan shall designate location and amount of car share parking, and submittal shall provide image of proposed sign and an agreement with an established car share company.

Natural Resources & Environment

Unified Development Code
Chapter 4 Development Standards | 12-4-15 Sustainability

	Menu Item	Points	Documentation Required
28	Employ stormwater runoff reduction strategies to slow runoff and promote infiltration, designed in accordance with the SDDTCM and <i>Standards and Specifications</i> .	1-5: One point per 20 percent of impervious area routed through grass buffers or swales, bioretention (such as rain gardens), and/or permeable pavement	Applicant shall show both impervious areas and porous infiltration areas on the site plan, as well as calculation of percent of impervious routed through porous areas. Product specification sheets and/or maintenance plans must also be submitted with building plans.
29	Plant a vegetated roof for a portion of the roof area.	1-10: Points awarded on a sliding scale, with one point per ten percent of vegetated roof area.	A vegetated roof plan shall be submitted with landscape plan that shows what will be planted, how it will be irrigated and a roof area calculation.
30	Exceed amenity requirement by 25 percent or more. Includes both landscaped and xeriscaped areas, but excludes ground mounted solar array areas.	2	Site plan shall show amenity and a calculation to demonstrate how it exceeds requirement by 25 percent.
31	Use EPA Water Sense certified water conservation measures for fixtures including flush urinals, dual flush toilets, faucets and showerheads, drip irrigation with rain sensors and industrial conservation measures.	1-5: One point for fulfillment of each conservation category throughout the project.	Site plan to indicate which facilities are designed with each conservation category.
Miscellaneous			
32	<p>Planning Manager may reward applicants for sustainable design elements not covered by this menu. Consideration is given to scale, efficiency or innovation beyond standard business practices of the applicant, and points are awarded at the discretion of the planning manager. Examples include participation in a bike share system and use of recycled materials. Special consideration is given to proposals that integrate a number of different menu items in a coordinated effort toward sustainability.</p>	Up to 5 points	Documentation shall be tailored to proposed plan. To qualify for points, an applicant must be able to demonstrate that the proposed project attains a measurable achievement in one of the other four categories of menu items.
33	Sustainability menu requirements and associated point system are waived if project achieves LEED Gold or the Passive House Standard.	N/A	For LEED Gold, provide proof of registration accepted by USGBC and completed LEED checklist for site plan review. Construction drawings and

	Menu Item	Points	Documentation Required
			LEED templates required for building permit. For Passive House Standard, project must be certified by the Passive House Institute (PHI) or PHI U.S.
34	Place at least 50 percent of parking area and spaces either under cover with a roof that has a minimum SRI (Solar Reflectance Index) of 29, or beneath finished living space to reduce urban heat island effect.	4	Site and building plans shall detail covered parking along with method and proof of SRI achieving SRI requirement.

For projects involving the installation of high-resource use features shown below, the minimum number of points increases according to the following schedule:

High Energy-Use Feature	Additional Sustainability Points Required
Gas fire pits exceeding 40,000 BTU	5
Indoor heated swimming pool	5
Outdoor heated swimming pool	10
Hot tub or spa	5
Snow and ice melt system	5

To calculate the total number of required points, sum 25 plus the additional points required for items listed in the schedule above. As an example, the total number of points required for a project that includes a gas fire pit and a snow melt system would be 35 (i.e., 25 + 5 + 5)

(B) Residential Sustainability Standards

Purpose: The residential sustainability standards are enacted to assure that new construction of, and significant additions to, one household dwellings and two household dwelling structures contribute to the achievement of community goals as detailed in the comprehensive plan. This section contributes to efforts to increase energy efficiency in habitable structures; encourage use of renewable energy; decrease the quantity and increase the quality of stormwater run-off; reuse and recycle materials; and preserve existing structures.

- (1) *Applicability.*
- (a) For purposes of this subsection, a “house” means any single-family detached dwelling, single-family attached dwelling with two units (duplex or flat-over-flat duplex), or semidetached dwelling.
 - (b) This section applies to any building permit for:
 - (i) Construction of a new house (“new construction”).
 - (ii) Construction of an addition with new habitable space equal to or greater than 25 percent of the existing habitable square footage of a house (“addition”). For purposes of this chapter, habitable space consists of heated square footage within a dwelling unit. Existing square footage that is either remodeled (updated kitchen e.g.) or finished (basement e.g.) is exempt. An addition may consider both the existing house and the addition cumulatively in calculating the point score.
- (2) *Residential Sustainability Menu.* Applicants for additions must achieve a minimum of 15 points from the below menu, and applicants for new construction must achieve 25 points total from the below menu. If the Energy Star option is selected, the remaining ten points must come from categories other than the energy conservation category. All applicants must achieve at least one point from three out of four menu categories. Applicants will also receive point credits for menu items installed within the previous ten years, if those improvements are in place on the day of the application and have not been used as a basis for points on prior applications.

	Menu Item	Points	Documentation Required
Energy			
1	Achieve energy star certification for new homes	15	Submit qualifying HERS rating with building permit application. Submit Energy Star certificate prior to issuance of certificate of occupancy.
2	Credit for existing home energy efficiency performance.	5-10: 5 points for minimum 85 HERS rating for existing structure. 1 point for every 10-point reduction thereafter.	Submit qualifying HERS report with building permit application.
3	Install efficient hot water system (e.g. tankless) or recirculating line.	2-Jan	Provide product brochure and show on site plan drawings.

Unified Development Code
Chapter 4 Development Standards | 12-4-15 Sustainability

	Menu Item	Points	Documentation Required
	One point per system/household unit.		
4	Install efficient heating system. Install furnace meeting 95 percent AFUE (Annual Fuel Utilization Efficiency) or greater.	5	Provide product brochure and show on site plan drawings.
5	Install efficient cooling system such as evaporative cooler or whole house fan.	2	Provide product brochure and show on site plan drawings.
6	Install heat-based geothermal system.	10	Provide product brochure and show on site plan drawings.
7	Enhanced insulation. Exceeds R-value requirements of IECC by five percent. Points allowed for separate systems: walls, ceiling, and slab insulation.	1-5: 1 point for each 5 percent increase, up to 5.	Verification through RESCheck model as required by permit process.
8	Efficient windows. Windows that meet no more than 80 percent of the code maximum u-value allowable.	3	Provide product brochure and list on site plan drawings.
9	Insulate ducts, seal ducts, or insulate pipes. Minimum R-6 for ducts, R-3 for pipes, minimum 25 linear feet.	1-3: 1 point each, up to 3.	Show on site plan drawings.
10	Renewable energy system. Install any renewable energy system allowed by zoning district (e.g. solar photovoltaic, solar thermal, geothermal heat pump).	7	Show on site plan drawings.
Materials & Waste			
11	Provide compost bin location on the property with contract for pick-up service.	2	Site plan shall show location of compost bin, and proof of contract for pick-up service required at building permit.
12	Efficient framing techniques (e.g. structurally insulated panels, greater than 16 inches on center spacing of stud, ceiling joist, use single top plates on non-load-bearing walls).	1-4: 1 point per category, up to 4	Verified through submitted building plan drawings.
13	Products certified as recycled content, reclaimed, regional, or rapidly renewable.	1-10: 1 point per category or per 5 percent of materials valuation, up to 10 points.	Documentation showing totals of receipts versus total material valuation as reported in approved building permit.
14	Documented diversion rate of construction waste for recycling.	1-5: 1 point per 5 percent diverted to	Show percent diverted out of total in terms of volume (cubic yards) or pounds. Document with photos

Unified Development Code
Chapter 4 Development Standards | 12-4-15 Sustainability

	Menu Item	Points	Documentation Required
		recycle center, up to 10 points.	and/or receipts from receiving entity.
Natural Resources & Environment			
15	Plant xeric landscaping, exclusive of paving or built areas, shall be landscaped with xeric materials.	1 point per 20 percent of lot area	Show landscape areas and materials list on site plan.
16	A high-efficiency irrigation system - Drip or sub-surface system	3	Show irrigation system details on site plan.
17	A high-efficiency irrigation system - Rain sensor system	1	Show irrigation system details on site plan.
18	Porous surfaces: For driveway, sidewalk, or patio areas. Porous asphalt or cement, grass pavers.	3-10: 3 points per category.	Show material type on site plan.
19	Install toilets or faucets certified by EPA Water Sense or dual flush toilets.	2-4: 2 points per category.	Proof of purchase.
20	Reduce heat islands: Locate trees to provide shade for paved areas.	1- 1 point per minimum 2½-inch caliper tree listed in Section 12-4-6, W.M.C. (Landscape & Preservation).	Show tree count and location on site plan.
21	Reduce heat islands: Install heat reflective roof materials. Metal, high albedo (light colored) or minimum 29 SRI (Solar Reflective Index) roofing materials qualify.	4	List roofing materials and SRI rating on site plan.
Miscellaneous			
19	The Planning Manager may reward applicants for sustainable design elements not covered by this menu. Consideration will be given for scale, historic preservation, degree of difficulty, efficiency or innovation, and points will be awarded at the discretion of the Planning Manager.	Varies	Documentation requirement shall be tailored to proposed plan.
20	Passive solar design. Design the structure to optimize the potential for passive solar gain, which includes orienting the primary building axis east-west, proper use of shade, landscaping to reduce cooling loads, careful window	6	Documentation requirement shall be tailored to proposed plan.

	Menu Item	Points	Documentation Required
	placement, enhanced insulation and thermal mass construction.		

(C) Electric Car (EV) / E-Bike / E-Scooter Charging

Purpose: This subsection implements the City’s Sustainability Plan policies to –

- *Require new single-family buildings to be pre-wired to support EV charging infrastructure. The City finds that 60% to 70% of electric vehicle charging occurs at the owner’s home at night. Retrofitting a home for electric vehicle charging is considerably more expensive than the cost of including the capacity at the time of construction. To minimize the unnecessary cost to retrofit a home, the City considers electric vehicle readiness in new home construction a high priority.*
- *Require pre-wiring and/or a minimum number of EV charging stations for large multi-family and commercial properties, including charging infrastructure for e-bikes and scooters. This subsection gives the property owner the flexibility not to install the battery charging stations at the time of initial construction, but allows for the stations to be installed in the future without costly or cost-prohibitive retrofits. This subsection requires sites to be “roughed-in” with the installation of electrical stubs at planned electric vehicle charging station locations and conduit run from the power source to the station location to support future installation.*

(1) Charging levels: Electric vehicle charging stations have standardized indicators of electrical force, or voltage, at which an electric vehicle’s battery is recharged. The terms 1, 2, and 3 are the most common charging levels, and include the following specifications:

Level	Charging Speed	Voltage
1	slow charging	0 - 120
2	medium charging	121 - 240
3	fast or rapid charging	> 240

(2) Permitted Locations

- (a)** An electric vehicle charging station equipped with Level-1 or Level-2 charging equipment is permitted outright as an accessory use to any principal use in any zoning district.
- (b)** Level-3 electric vehicle charging stations are permitted in the MC, TC., CS, BP, OP, and IP districts, or where allowed as a condition of PUD approval, when accessory to the primary permitted use.
- (c)** If the primary use of the parcel is the retail electric charging of vehicles, the use is considered a gas station for zoning purposes.

- (3) *Readiness Requirements*
- (a) *Residential.* To proactively plan for and accommodate the anticipated future growth in market demand for electric vehicles, new construction of single-family detached and attached dwellings with garages shall provide a 220-240-volt / 40 amp outlet on a dedicated circuit and in close proximity to designated vehicle parking to accommodate the potential future hardwire installation of a Level-2 electric vehicle charging station.
- (4) *Multi-Family and Non-Residential..*
- (a) This subsection applies to a project with at least 20 multi-family dwellings or 20,000 square feet of commercial/office building area. To proactively plan for and accommodate the anticipated future growth in market demand for electric vehicles, new and expanded parking areas shall provide the electrical capacity necessary to accommodate the future hardwire installation of Level-2 electric vehicle charging stations for 15 percent of the total required parking spaces on-site. This requirement only applies once to surface parking with at least 15 parking spaces, using rounding for any subsequent charging station requirements.
- (b) Projects subject to this subsection shall include at least one installed or future hardwire installation of a charging station for e-bikes and e-scooters.
- (c) The Planning Manager approve a lower ratio for parking lots with more than 1,000 spaces if the applicant demonstrates that they will require fewer electric vehicle charging stations this standard to accommodate the anticipated market demand.

Unified Development Code
Chapter 4 Development Standards | 12-4-15 Sustainability

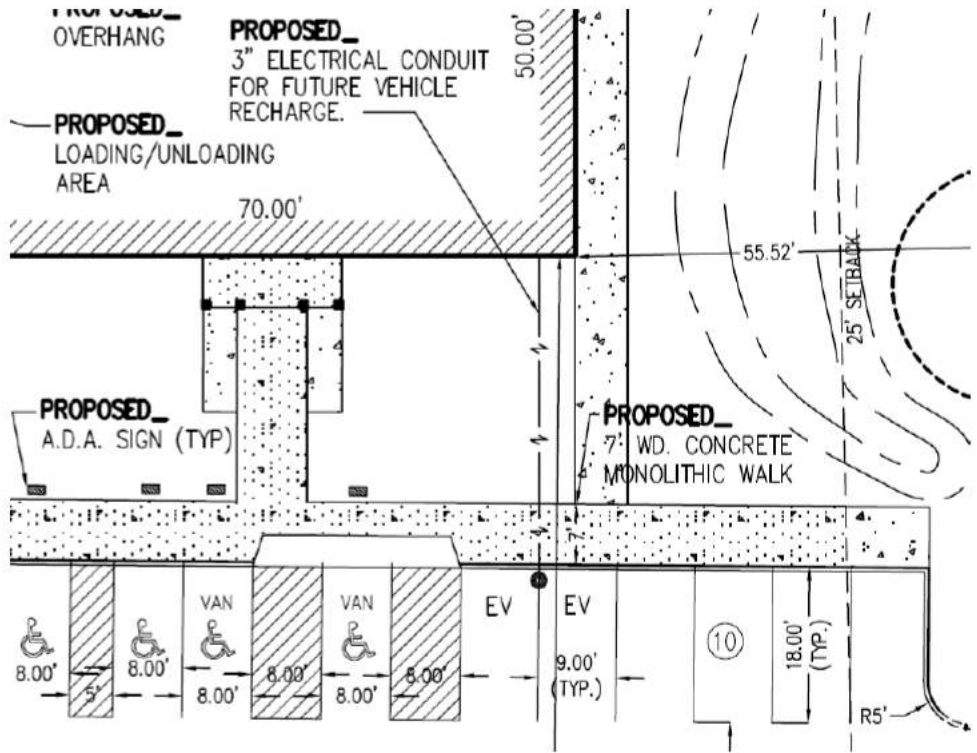


Figure 12-4-15-1 Example of Rough-In of EV Stations (Source: Auburn Hills, MI Zoning Ordinance)

12-4-16 Transitional Standards

Purpose: Where an incompatible contrast in scale, or building height would occur between properties in different zone districts or uses, a transition should be provided to buffer impacts. A transition is one that alleviates or avoids potential negative impacts to the more sensitive property. Negative impacts may include looming walls (building height), overall building scale and limited solar access.

Applicants shall apply transition design techniques between a new building (office, apartments, and commercial, for example) that is significantly greater in height or mass than that of a lower scale neighboring building (single-family detached dwellings, townhomes, and duplexes, for example.)

Table 12-4-16-1 Menu of Options for Transitions in Building Scale

The following options illustrate transition techniques that are appropriate to alleviate a negative impact of large building mass on buildings of different abutting zone districts or uses. See the tables for specific use patterns above to determine which option(s) may be allowed to meet the requirement. Also see standards for setbacks and height in Chapter 3 (Zoning Districts).

Table 12-4-16-1.a

Step Back in Building Height.

The more intense development steps down in height towards the sensitive property.

A = Required min. setback

B = 35 ft. max.

C = 45° angle



Unified Development Code
 Chapter 4 Development Standards | 12-4-16 Transitional Standards

Table 12-4-16-1.b
 Increased Setback.
 The more intense development is set back further than the minimum setback requirement.

A = Required min. setback (see Chapter 3 (Zoning Districts))
 B = 35 ft. max.
 C = 45° angle

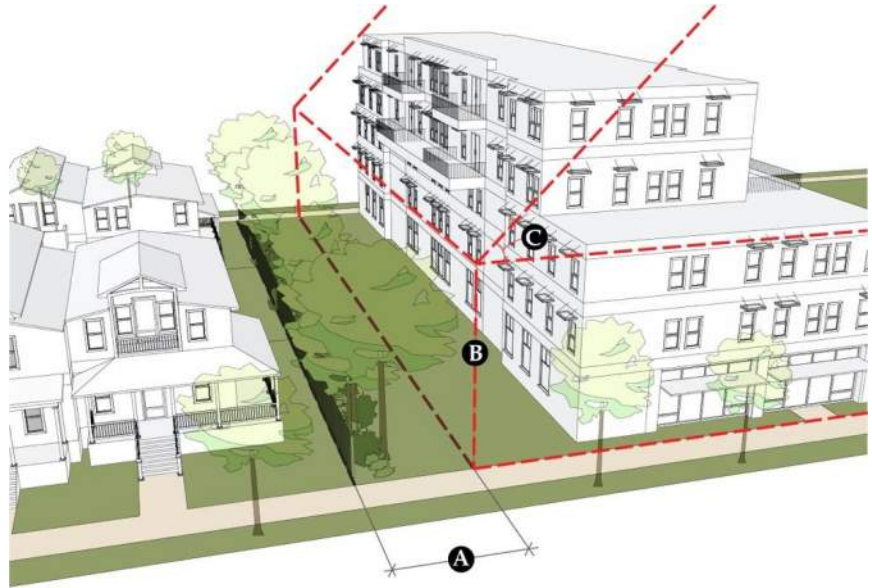
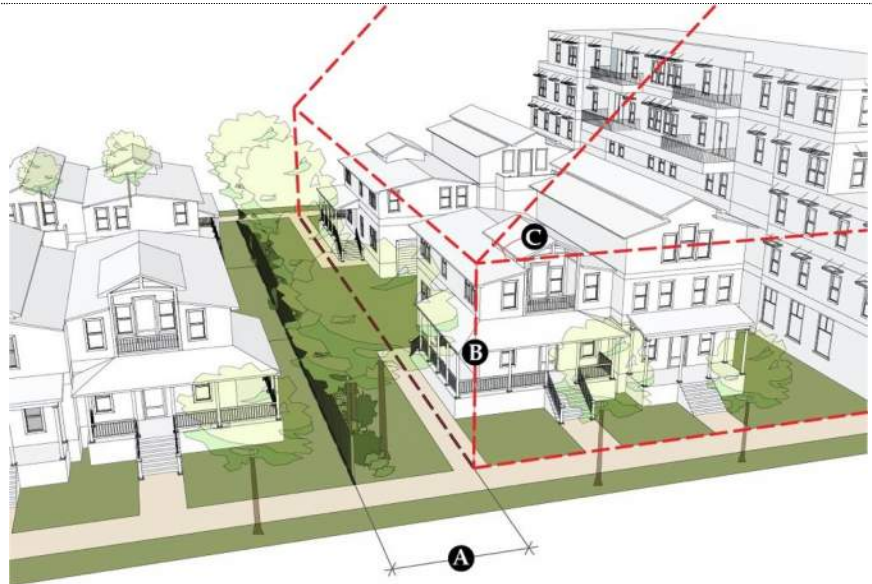


Table 12-4-16-1.c
 Lower Building Height as Buffer.
 Provide smaller scaled buildings, such as townhomes, next to sensitive site.

A = Required min. setback (see Chapter 3 (Zoning Districts))
 B = 35 ft. max.
 C = 45° angle



12-4-17 Utilities

Purpose: This section provides for the proper installation, sizing and maintenance of utilities, and the underground installation of electric and communication lines to promote safety and aesthetics.

Related Municipal Code provisions include:

- *Water regulations (Title 8, Chapter 7, W.M.C).*
- *Sanitary sewer regulations (Title 8, Chapter 8, W.M.C).*

(A) Generally

- (1) The design and construction of utilities shall comply with the *Standards and Specifications*.
- (2) The arrangement of utilities shall be planned with due regard to existing and future utilities, topography, soil conditions, convenience, aesthetics, applicable master plans, and in accordance with this Code and all ordinances and policies of the City.

(B) Easements

- (1) *Generally.* Easements shall have sufficient width and length for utility installation, maintenance, and access.
- (2) *Dimensions and Location*
 - (a) The City may require easements at least 20 feet in width for City-owned utilities including water lines, sanitary sewers, and storm sewers.
 - (b) Easements at least five feet in width shall be dedicated or reserved on each side of all rear lot lines and along sufficient side lot lines where necessary for utility installation and maintenance including gas, telephone, electric, and other services.
 - (c) Where the rear lot line abuts property outside of the subdivision on which there are no easements at least five feet in width, the easements on the rear lot lines in the subdivision shall be at least ten feet in width.
- (3) *Maintenance.* Easements dedicated to the City for City-owned utilities shall provide for the exclusion of buildings, trees, shrubs and similar improvements from the easement area.
- (4) *Access.* The City shall have the right of access at any time to maintain and inspect City-owned utilities.

(C) Undergrounding of Electric and Communication Lines

- (1) *Applicability.* This section applies to applications for subdivision plat and building permit approval.
- (2) *Generally.* The applicant shall install new utility lines, and relocate existing overhead electric and communication utility lines, underground as required below.
- (3) *Required Underground Installations.* All electric and communication utility lines and services and all street lighting circuits shall be installed or relocated underground, both within and adjacent to the subdivision or development, except as follows:
 - (a) Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, and other facilities necessarily appurtenant to underground and street lighting facilities, if as appropriate:
 - (i) placed above ground within their provided utility easement; or
 - (ii) within the street or other public right-of-way.
 - (b) All facilities reasonably necessary to connect underground facilities or permitted overhead or above-ground.
 - (c) As approved by the City, overhead electric transmission and distribution feeder lines and overhead communication long distance trunk and feeder lines (existing or new).
 - (d) Owners of improved residential lots or parcels are not required to participate in the cost of undergrounding utilities adjacent to the improved residential property.
- (4) *Guarantees.* The applicant shall guarantee all work related to the undergrounding of utilities required by this section in writing and provide surety, in accordance with Section 12-4-7(D), W.M.C.
- (5) *Payment in Lieu.* The City Engineer may authorize a cash payment in lieu of the undergrounding of utilities otherwise required by this section, if the City Engineer determines that:
 - (a) the amount of the proposed payment is reasonably equivalent to the cost of that work; and
 - (b) the undergrounding is more effectively and efficiently accomplished as part of a larger project at a future date.
- (6) *Waiver.* The City Council may waive or reduce the undergrounding requirements of this section for:
 - (a) any redevelopment or new subdivision or development if compliance with the regulations set forth in this section would

result in an unusual or unnecessary hardship or would be impractical as determined by the City Council;

- (b) development or redevelopment in the Westminster Urban Renewal Area, based on a finding that the waiver will promote or is necessary to further the goals and objectives of the urban renewal plan for the area.

- (7) *Authority Not Exclusive.* Nothing in this section limits or otherwise restricts the City's authority to use any other means provided by state law to accomplish the undergrounding of utilities.

(D) Cost Recovery

For purposes of Section 12-4-7((I)), cost recovery for water and sewer utilities is determined as follows:

- (1) **Water Mains.** The owner or developer of property abutting a treated water main constructed and paid for by another party shall pay a proportionate share of the cost determined by dividing one-half the total cost of the main by the total length of the main and multiplying the resulting quotient by the number of lineal feet of property abutting the main. The City is responsible for the fractional cost of that portion of any water main that exceeds 16 inches in diameter.
- (2) **Sanitary Sewers.** The owner or developer of property within a sanitary sewer recovery basin who uses a sanitary sewer main constructed and paid for by another party shall pay a proportionate share determined by dividing the total cost of the main by the total acreage in the established service area and multiplying the resulting quotient by the number of acres in the property that is to develop. Sanitary sewer mains that do not exceed minimum size for a public main as established by the City are not eligible for recoveries or City participation.
- (3) **Pump Stations.** The owner or developer of property served by a pump station within an established pump station recovery area shall pay a proportionate share of the cost of the station based upon the acreage of his property divided by the total acreage in the pump station service area.

Westminster Unified Development Code
Chapter 5 Procedures

DRAFT FEBRUARY 22, 2021 – FOR DISCUSSION ONLY

Contents

12-5-1	General Procedural Requirements	337
12-5-2	Pre-Application	340
12-5-3	Completeness Review	341
12-5-4	Neighborhood Contact.....	342
12-5-5	Public Notice Provisions	344
12-5-6	Staff Review	347
12-5-7	Decision Making & Public Hearings.....	348
12-5-8	Effect of Approval.....	350
12-5-9	Post-Decision Proceedings.....	352
12-5-10	Annexations	354
12-5-11	Plan Adoption	356
12-5-12	Comprehensive Plan Amendment	360
12-5-13	Code Amendment or Comprehensive Rezoning	363
12-5-14	Rezoning.....	365
12-5-15	Preliminary Development Plan (PDP).....	368
12-5-16	Official Development Plans (ODPs).....	372
12-5-17	Special Use Authorizations.....	379
12-5-18	Conditional Use Review	382
12-5-20	Subdivision Plats (Final Plats).....	385
12-5-21	Affidavits of Correction for Plats.....	387
12-5-22	Vacation of Right-of-Way	389
12-5-23	Building Permits & Certificates of Occupancy	391
12-5-24	Appeal or Call-Up.....	393
12-5-25	Variances	398
12-5-26	Interpretation.....	400

Chapter 5 Procedures

12-5-1 General Procedural Requirements

Purpose of this Chapter -

- Establishes the workflows associated with zoning and subdivision plat processes, and
- Assures that the processes comply with state law, and
- Assigns decision making authority, completeness review, and deadlines to ensure that the processes are efficient and fair to Applicants, and
- For discretionary or legislative decisions, provides notice and an opportunity to be heard by persons affected by the application.

- (A) **Applicability.** This Chapter applies to any application for a change in development or use in the City of Westminster.
- (B) **Permits and licenses.** If a use is subject to this Chapter, the Planning Manager shall approve that use as compliant with this Chapter before any City department, agency or board issues a permit, license, or other document of approval.
- (C) **Common Procedures**
 - (1) This Chapter sets up rules for procedures, such as pre-application, neighborhood notification, notices and public hearings. It describes the process for specific land development decisions. The procedures have a common workflow and description (see Table 12-5-1.1 Common Procedural Elements).
 - (2) The processes established in this Chapter are summarized in Table 12-5-1.2.

Table 12-5-1.1 Common Procedural Elements

Element	What does this mean?
Applicability	The type of development or situation that is subject to the process.
Pre-Application	If applicable, this step provides for early feedback to the Applicant before the application is officially filed.
Initiation	This is how the applicant begins the process, including which department or official receives the application.
Completeness	This is how the City of Westminster determines that the application has sufficient information to be processed.
Notice	This describes the type of notice, and how it is provided.
Decision	This states who approves the application, and the type of proceeding that leads to the decision.
Approval Criteria	These are any specific standards that apply to the application. All applications are subject to this Chapter, zoning district regulations, and any conditions of a currently effective ODP for that property.
Subsequent Applications	If an application is denied, some processes have a waiting period before that type of application can be re-filed for the property.

Unified Development Code
Chapter 5 Procedures | 12-5-1 General Procedural Requirements

Appeals	This provides a way to review an application that is denied, or that have conditions that the Applicant disagrees with.
Scope of Approval	This states the legal effect of the application – for example, the activities that the application authorizes, and time limits for the approval. For example, some approvals send the Applicant to the next step in the overall process, while others authorize construction or use.
Recordkeeping	This states how the formal decision of approval is maintained.

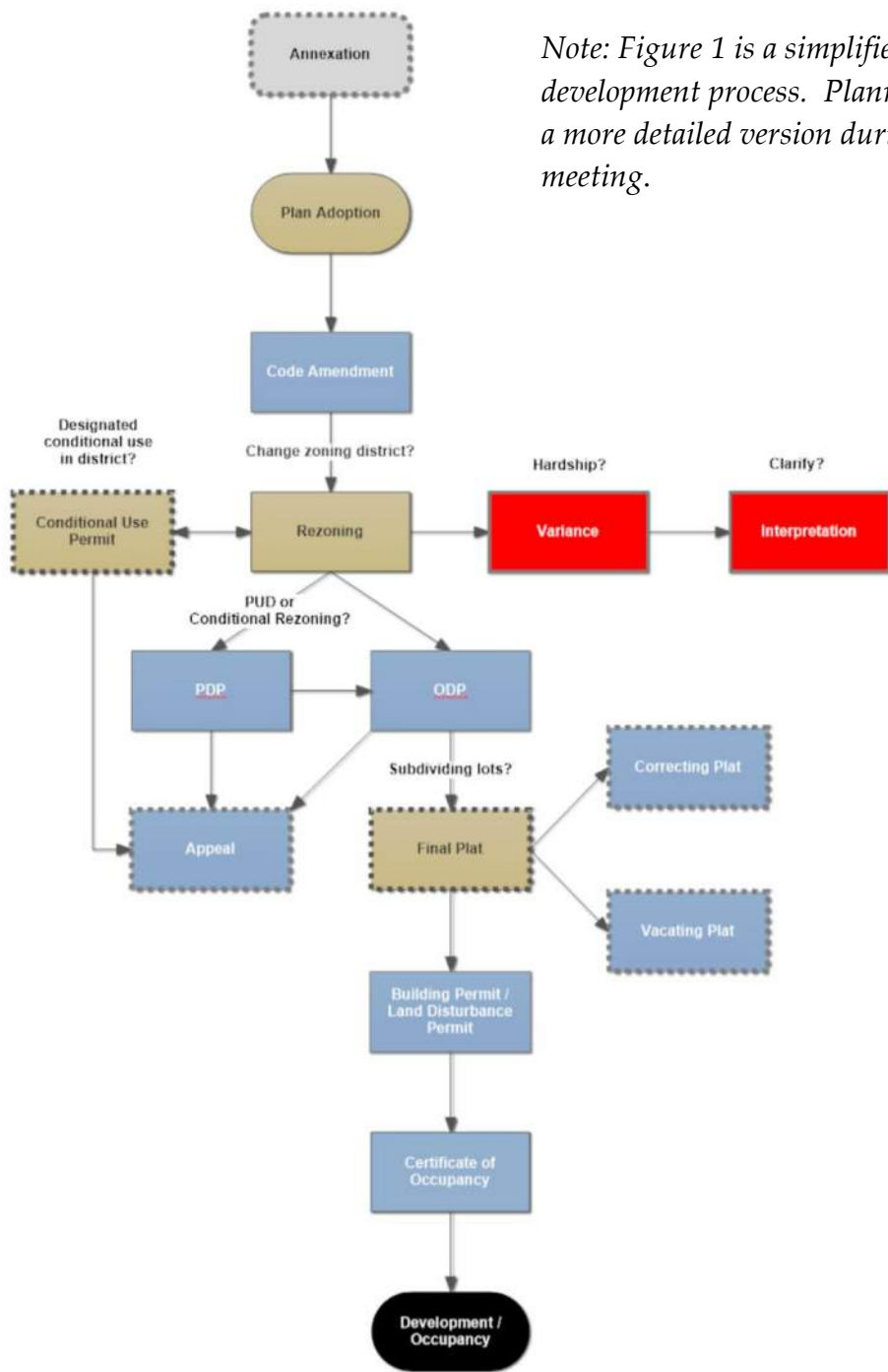
Table 12-5-1.2 Process Summary

I = intake, review and referral | R = Recommendation | D = Decision | A = Appeal, Referral or Call-Up | PH = public hearing
 ✓ = required | [brackets] = jurisdiction depends on criteria as defined in the process | S = defined by statute

Process	Agencies			Notice			Cross-Reference (W.M.C.)
	Planning Manager, City Staff	Planning Commission	City Council	Publication	Mail	Posting	
Annexation	I		D	S	S	S	12-5-10
Plan Adoption		I, R-PH	I, D-PH	✓			12-5-11
Comprehensive Plan Amendment	I	I, R-PH	I, D-PH	✓	✓	✓	12-5-12
Code Amendment		I, R-PH	I, D-PH	✓			12-5-13
Rezoning	I, R	R-PH	D-PH	✓	✓	✓	12-5-14
Preliminary Development Plan (PDP)	I, A	R-PH	D-PH	✓	✓	✓	12-5-15
Official Development Plan (ODP)	I, D	D-PH	A	✓	✓	✓	12-5-16
Special Use Authorization	I, R	D-PH	A-PH	✓	✓	✓	12-5-17
Final Plat	I, D						12-5-20
Replat	I, D						12-5-20
Affidavit of Correction	I, D						12-5-21
Vacation of Easement	I, D						12-5-22
Vacation of Right-of-Way	I, D		[D-PH]	✓	✓	✓	12-5-22
Building Permit / Certificate of Occupancy	I, D						12-5-23
Appeal / Call-Up	I	[D-PH]	[D-PH]	✓	✓	✓	12-5-24
Variance	I, R	D-PH		✓	✓	✓	12-5-25
Interpretation	I, D						12-5-26

Note: this table is a general summary. Refer to the referenced sections for the specific procedure. If there is any conflict between the text section referenced here and this Table, the text section controls.

Unified Development Code
 Chapter 5 Procedures | 12-5-1 General Procedural Requirements



Note: Figure 1 is a simplified version of the overall development process. Planning staff may provide a more detailed version during the Pre-Application meeting.

Figure 1 Overall Development Process

12-5-2 Pre-Application

Purpose: The purpose of a pre-application meeting is for the Applicant to discuss the application concept and to gather information regarding City policies, codes, standards and procedures for a technical submittal for future development.

(A) Applicability

- (1) This section applies to applications for annexation, rezoning, special use authorizations, PDP, or ODP approval (including amendments). This section does not apply to requests to amend the Comprehensive Plan.
- (2) No application subject to this section shall be accepted before the Applicant attends a pre-application meeting with City staff.
- (3) The Planning Manager may waive, in writing, the pre-application meeting for small projects that do not require review by departments outside of Community Development.

(B) Initiation

- (1) A pre-application meeting shall be scheduled by Planning Staff upon receipt of a pre-application request in a format specified by the Community Development Department.
- (2) The pre-application meeting shall occur at least 10 days before the application is filed.
- (3) No pre-application meeting shall be scheduled if the Applicant's requested land use does not conform to the Comprehensive Plan.

(C) Review

- (1) The Applicant and Staff representing the reviewers of the application shall meet at City offices.
- (2) Pre-application meetings shall include the Applicant, the Applicant's consultant team, and City Staff from departments involved in development review. The Planning Division will coordinate invitations to appropriate City Departments.
- (3) The Applicant shall provide a brief overview of the application, including but not limited to proposed location, uses, building design, circulation and access, setbacks, density or floor area ratios, coverages, and project layout.
- (4) Staff will provide information and comments at the pre-application meeting, with written comments to follow, but will not take formal action on any application.
- (5) The pre-application meeting shall include the following:

- (a) A discussion of technical studies, plans and other information deemed relevant to the particular application request;
 - (b) Discussion of the anticipated level of citizen interest;
 - (c) Identification of neighborhood notification and Neighborhood Meeting requirements, if applicable;
 - (d) A discussion of the application’s general consistency with the Comprehensive Plan; and
 - (e) Additional issues raised by the Applicant or City staff.
- (D) **Letter.** Following the pre-application meeting, the Community Development staff will furnish to the Applicant a set of written comments offering direction on how to proceed with future submittals to the City.
- (E) **Effect of Pre-Application Review.** Any opinions expressed by Staff during pre-application meetings are informational only and do not represent a commitment on behalf of the City regarding the acceptability or approval of the application.

12-5-3 Completeness Review

Purpose: This section establishes processes and requirements to ensure that the City has the information it needs to process an application, and to assure Applicants that complete applications are processed.

(A) General Requirements

- (1) Applications filed under this Chapter must include the information and fees required by Chapter 12 (Submittal Requirements).
- (2) All applications shall be made on forms prepared by the Planning Manager.

(B) Completeness Review

- (1) When applications are submitted, Staff will review applications for completeness within ten (10) days of submittal.
- (2) The City of Westminster will not complete reviews of incomplete applications. Time limits for review do not begin until an application is complete.
- (3) An application is not complete until all required items are submitted (see Chapter 12).

12-5-4 Neighborhood Contact

Purpose: This section requires Applicants to contact adjacent Property Owners and existing neighborhoods that could be affected by an application. This can be a valuable tool for the Applicant to determine issues of importance to the surrounding community and, because this is typically required early in the review process, gives the Applicant adequate time to make any needed alterations to the plans. In addition, addressing neighborhood concerns and identifying merits of the application through proactive contact with the neighborhood can reduce or eliminate negative comments that could occur later in the public hearing forum.

(A) Applicability

- (1) This section applies to any annexation, comprehensive plan amendment, PDP, PDP amendment, ODP, ODP amendment, rezoning, variance, or special use authorization.
- (2) The Planning Manager may waive the neighborhood notification requirement if the Planning Manager determines, based upon the application's likely and foreseeable lack of adverse impacts on the surrounding neighborhood, that no neighborhood notification is required.

(B) Notification

- (1) The applicant shall notify all property owners (including mineral estate owners) and homeowner associations (HOAs) registered with the City within the City limits and within one-half mile of the site.
- (2) Because each proposed development and the existing, surrounding neighborhoods are unique, the Planning Manager may require notification beyond the 500-foot notification boundary to accommodate anticipated project impacts or intervening geography (such as open space or water courses). However, the notification area for variance applications is limited to 300 feet.
- (3) Current property ownership information may be obtained from the appropriate County Assessor's Office and shall include:
 - (a) List of names, addresses, and parcel numbers of all Property Owners; and
 - (b) A map outlining the required notification area identifying the location and addresses of the Property Owners' parcels.
- (4) The above information must be submitted for review at least 15 days prior to the anticipated meeting. The Applicant shall certify that the required notices were mailed (including mailing date) to the Planning Division for review and approval.

- (C) **Initiation.** The applicant shall complete a neighborhood notification process after the first application review, and prior to commencing the second additional

application review. However, the Planning Manager may require at least one meeting to occur before the first application submittal.

(D) Review

(1) Generally

- (a)** There are two ways for the Applicant to comply with this section:
 - (i)** a **neighborhood meeting** with informational invitations mailed; or
 - (ii)** the **mailed information** alone, if approved by the Planning Manager.
- (b)** The applicant shall contact the project planner to discuss which procedure will be followed (as either may be appropriate), when to schedule a meeting, and who should be contacted.
- (c)** The project planner will review and approve all neighborhood contact correspondence prior to mailing any notifications.
- (d)** Based on neighborhood concerns and comments, subsequent contact(s) with the neighborhood(s) may be necessary.

(2) Neighborhood Meeting

- (a)** The applicant shall conduct at least one neighborhood meeting, unless mailed notification alone has received the prior approval of the Planning Manager. At the neighborhood meeting, the applicant shall present the application, explain its various attributes, and elaborate on design elements which may help alleviate resident concerns. If concerns cannot be addressed at the time of this meeting, or if new concerns arise, the Planning Manager may require additional meetings.
- (b)** The applicant shall provide a summary comments submitted at the meeting and a list of attendees with the second application review.
- (c)** Prior to the meeting(s), Staff will advise the applicant on typical meeting procedures. For instance, the applicant must provide Staff with a written record of those who attend the meeting subject to correction and addition by Staff.

(3) Informational Packets

- (a)** The applicant shall mail informational packets to the property owners and registered HOAs by first class mail according to the same requirements as for neighborhood meetings above.
- (b)** The applicant shall coordinate with Staff on the informational packet, which shall include a cover letter and reduced size copies of the site plan and building elevations.

- (c) The cover letter shall:
 - (i) Indicate the purpose of the letter;
 - (ii) Describe the application (including location, type of use, building size(s), architectural materials, etc.);
 - (iii) Identify the development team, contact names, and phone numbers to answer questions (also needs to include the City contact name and phone number);
 - (iv) Specify the procedures necessary for application approval along with tentative timing;
 - (v) Indicate whether the land use proposed is currently permitted on the property; and
 - (vi) Highlight design elements incorporated that may help alleviate residents' concerns.
- (E) **Effect of Neighborhood Meeting.** Any notices and informational packets provided through the neighborhood contact process are considered a courtesy, and hearings may proceed despite claims of a lack of notice.

12-5-5 Public Notice Provisions

Purpose: This section establishes a uniform procedure for notice of public hearings before the Planning Commission and City Council.

- (A) **Applicability.** The following notice procedures apply to any application for the approval of Comprehensive Plan Amendment (Property Owner-initiated), PDP, PDP amendment, ODP, ODP amendment, Specific Plan, or Specific Plan Amendment and any zoning or rezoning that requires a public hearing pursuant to this Chapter.
- (B) **Type of Notice.** Table 12-5-5.1 of this Chapter provides the types of notice required for the public hearing and their timing: These rules apply to all public hearings unless a different rule is provided for a specific process.

Table 12-5-5.1 Notice

Type	Description	When
Publication	Publication by the City by one publication in the official newspaper of the City.	<ul style="list-style-type: none"> • At least 4 days before Planning Commission hearing • At least 4 days before City Council hearing
Posting	Posting on the property by the applicant using at least one (1) sign with a minimum area of 30 square inches, with lettering at least one and one-quarter inches (1¼”) in height, at an appropriate location on site that is reasonably visible to vehicular and pedestrian traffic passing adjacent to the site.	<ul style="list-style-type: none"> • At least 10 days before Planning Commission hearing • At least 10 days before City Council hearing
Mail	The Applicant shall mail notice by first-class mail to all Property Owners within the area covered by the application and within 500 feet of the subject property, and registered HOAs within the City limits and within one-half (½) mile of the subject property. The Planning Manager shall have the sole discretion to expand the notification area based on a consideration of the complexity of the project, the geographic reach of potential adverse impacts, the extent of neighborhood compatibility issues, and similar factors.	<ul style="list-style-type: none"> • Mail at least 10 days before hearing date
Digital	The City may provide notice online, or to email distribution lists maintained by the City.	<ul style="list-style-type: none"> • Any point after a pre-application request or application is filed.

- (C) **Content.** The notice shall provide the date, place, and time of such hearing, and where copies of the application may be reviewed prior to the hearing
- (D) **Applicant Responsibilities.** The Applicant shall:
- (1) Prepare the list of Property Owners who are required to receive mailed notice under subsection C, above. The list shall contain the name and mailing address of Property Owners from the County Assessor's records;
 - (2) Prepare an accurately scaled map using County Assessor's maps identifying the subject site, and the location of the properties to be notified;
 - (3) Deliver to the Staff drafts of the items listed in paragraphs (1) and (2) above for approval of the format at least 14 days prior to sending and the date of hearing; and
 - (4) Provide the Staff, prior to the hearing, a certification that the required, approved notices were mailed according to the requirements in this Chapter and the date of the mailing(s).

- (E) **Verification.** Staff shall verify whether the requirements of the notice are met prior to the public hearing. At the public hearing, Staff shall enter into the public record that the required notices were issued.
- (F) **Lack of Notice Waived.** Any person with actual notice of the public hearing shall have no standing to object to the commencement or conduct of the public hearing, even if that person failed to receive one or more of the forms of notice prescribed above.

⇔ *Note: Title 24, Article 65.5 (Sections 24-65.5-101 to -105), C.R.S. requires surface owners to provide mineral estate owners with written notice prior to the time of any necessary public hearings regarding surface development, zoning changes or subdivisions. It is the responsibility of the Applicant, not the City, to identify and notify all mineral estate owners with any interest in the Applicant's property.*

12-5-6 Staff Review

Purpose: This section establishes procedures for City staff review of applications, and how staff recommendations or decisions are communicated to Applicants.

- (A) **Applicability.** This section applies to staff review of applications pursuant to this Chapter.
- (B) **Types of Review.** There are two types of staff review:
- (1) **Recommendation.** This involves a review and recommendation to the approving authority. Staff recommendations are required for annexations, Comprehensive Plan amendments, Code amendments, rezonings, ODPs, PDPs, Special Use Authorization, right-of-way vacation, appeals, variances, and revocations of permits that were approved by the Planning Commission or City Council.
 - (2) **Decision.** This involves a review and a decision on the application. Staff approval is required for ODPs, replats, vacation of easements, building permits, and certificates of occupancy.
- (C) **Stages of Review.** There are two (2) stages of staff review: pre-application and technical review.
- (1) **Pre-Application:** see Section 12-5-2, W.M.C. (Pre-Application).
 - (2) **Technical Review**
 - (a) The Applicant formally submits the application, and City staff performs a completeness review (§ 12-5-3).
 - (b) When an application is deemed complete and all required fees are paid, the designated staff will initiate technical review.
 - (c) The designated staff will distribute the application for review and comment by other appropriate City departments or officials, external agencies, and neighboring local governments.
 - (d) The designated staff will generally complete technical review according to City policy. If the designated staff determines that the application is complex or raises unforeseen issues, the designated staff may extend the review period beyond the standing policy timing and will notify the Applicant.
 - (e) Upon completion of technical review, the designated staff will provide written comments to the Applicant.
 - (f) The comments may require revisions to the application or accompanying materials, or additional information. If the Applicant does not provide a resubmittal within 120 days after the designated staff returns the written comments to the Applicant, the application is considered abandoned and must be resubmitted with

current application requirements and repayment of application fees.

- (g) Applications expire and are void if not approved within two (2) years from the date the first application submittal is accepted as complete. If the application expires, a new application (prepared to the requirements in effect when the new application is filed) and fees are required.

12-5-7 Decision Making & Public Hearings

Purpose: Public hearings involve public testimony, evidence, and a formal decision on an application. This section sets out general rules, and references to agency rules, for conducting a public hearing.

(A) Applicability

- (1) The following public hearing procedures apply to any application for the approval of Comprehensive Plan Adoption or Amendment (Property Owner initiated), Code Amendment, PDP, PDP amendment, Specific Plan, or Specific Plan Amendment and any zoning or rezoning that requires a public hearing pursuant to this Title (see Table 12-5-1.1 Common Procedural Elements).
- (2) A rule of procedure for public hearings established by the Planning Commission or City Council supersedes any contrary provision of this Section.

(B) **Scheduling.** The project planner will schedule a public hearing before the Planning Commission or City Council relating to an application.

(C) **Proceedings.** Public hearings shall be conducted in accordance with the rules prescribed by the body that conducts the hearing.

(D) Decision or Recommendation

- (1) The Planning Commission or City Council may take the following actions after the public hearing is closed:
 - (a) The City Council, or the Planning Commission if it has authority to render a final decision, may:
 - (i) approve the application;
 - (ii) approve the application with conditions;
 - (iii) deny the application;
 - (iv) remand to Planning Commission (see subsection (b), below);
 - (v) continue to a date/time certain; or
 - (vi) take other action as appropriate.

- (b) If the application requires a Planning Commission recommendation:
 - (i) the Planning Commission may submit a recommendation to the City Council on the application; and
 - (ii) The City Council may remand the application back to the Planning Commission for further review and recommendation.
 - (2) A decision of the Planning Commission or City Council is final as of the date of the meeting at which the vote is taken.
- (E) **Decision on Record.** In considering a Planning Commission recommendation or an appeal, the City Council may decide the matter on the record presented to the Planning Commission.
- (F) **Continuance of Application**
 - (1) If a public hearing is not closed, the City Council or Planning Commission may, in its discretion or as provided in the applicable rule of procedure, continue the hearing.
 - (2) If the applicant requests a continuance and the continuance is granted, the Applicant shall pay any and all additional costs to continue or reschedule the proceeding.
- (G) **Withdrawal of Application**
 - (1) **Generally.** Any application may be withdrawn, either in writing or on the record, during the proceeding before the formal recommendation or decision is made. However, if the item has already been called according to the timing section below, waiting periods apply
 - (2) **Timing.** An Applicant may withdraw an application up to the time that it is called forward and the City staff begins presentation of the application during a duly advertised public hearing. If the application is withdrawn before the item is called at the hearing, waiting periods for subsequent applications do not apply.
- (H) **Time Limits for Decision.** When this Code requires a decision within a prescribed time period, the City and the Applicant may mutually agree in writing to a different time period. In that case, the time period agreed to by the City and the Applicant applies unless the prescribed time period is required by state or federal law.

12-5-8 Effect of Approval

Purpose: This section defines the rights and limitations approvals and issuance of permits for land use and site development changes pursuant to this Title.

(A) Applicability

- (1) No building permits shall be issued, nor shall any further plan approvals be considered, for any land development subject to this Title, until the proposed development receives any further review and approval required by the defined scope of that approval or permit.
- (2) Section 12-5-8, W.M.C., does not:
 - (a) Exempt any land development from complying with the City's Comprehensive Plan, as required by Section 12-5-11, W.M.C.; or
 - (b) Affect any vested development rights that may exist for any given development.

(B) Vested Property Rights

Purpose: this section implements Article 68 of Title 24, § 24-68-101 et seq., C.R.S., which establishes a vested property right to undertake and complete development use of real property under the terms and conditions of a Site-Specific Development Plan (SSDP). The City expressly reserves all rights, powers and prerogatives granted and reserved by the Colorado Constitution, State law and the W.M.C. to the City and its citizens, particularly with respect to the rights of initiative and referendum and to the zoning and regulation of real property within the jurisdiction of the City.

- (1) **SSDP.** For a Planned Unit Development, the PDP is an SSDP if it is designated in the application as an SSDP and approved as an SSDP. If a PDP is not required by this Code or approved as an SSDP, or if a public hearing is not required before the City Council, no vested property rights are granted and no document is an SSDP, unless:
 - (a) The Applicant makes a request in writing, City Council holds a public hearing, hears the details of the request, and votes to approve it after review of the submitted document that will constitute an SSDP, and
 - (b) State law requires that a vested property right is deemed established on the approval, or conditional approval, of an SSDP [↔ C.R.S. § 24-68-103(1)(b)]. In that case the City Council shall determine, in its discretion, which document is an SSDP. No PDP that is combined with any other plan for development is an SSDP.
- (2) **Vested Property Right.** A vested property right is the right to undertake and complete the development and use of property under the terms and conditions of an SSDP. No action of the City creates any vested property

right, other than the approval of an SSDP pursuant to the provisions of this section. The duration of any vested property right shall be no longer than required by State law, unless a different duration is requested, submitted, and approved through a written agreement between the Applicant and the City. The failure to comply with any condition of approval of an SSDP forfeits any vested property right.

- (3) **Notice and Hearing.** No SSDP shall be approved until after a public hearing, preceded by the required notice of the hearing according to the requirements outlined in this Chapter. Such notice shall be published at the time and in the manner required by Sections 12-5-15 and 12-5-5, W.M.C., regarding the review of PDPs. At the hearing, owners of the property described in the SSDP, their representatives and citizens shall have an opportunity to be heard.
- (4) **Effective Date.** An SSDP is deemed approved upon the effective date of the City Council action approving the SSDP. No amendment of an SSDP shall extend or change the effective date of vesting of a property right, unless specifically provided in the amending ordinance or agreement authorized by the City Council.
- (5) **Conditions Applicable Generally.** In addition to any other conditions that may be imposed in connection with the approval of an SSDP, the following conditions apply to all SSDP approvals. A violation of any SSDP condition forfeits the applicant's vested rights.
 - (a) The applicant shall, within 14 days after approval of the SSDP, satisfy the notice requirements contained under C.R.S. Section 24-68-103 (1) by publishing at its expense a notice in a newspaper of general circulation within the City advising the general public of the SSDP approval and creation of a vested property right pursuant to state law, together with a legal description of the property covered by the site specific development plan.
 - (b) The applicant shall, within 14 days after the approval of the SSDP, acknowledge by written instrument, duly executed by an authorized official or representative of the applicant, that the applicant acknowledges its obligation to satisfy all other requirements under City Code for the development and use of property within the City, including, but not limited to, obtaining City approval of all additional plans required by the W.M.C. subsequent to the approval of the SSDP prior to commencing actual development of the property. These plan approvals may include, but are not limited to, the approval of an ODP for the property and

all studies required under City Code, including, but not limited to, studies concerning traffic, drainage, utilities, and erosion control.

- (6) **Notice of Approval.** Each SSDP shall contain the following language:
"This plan constitutes a SSDP within the meaning of Section 24-68-102, C.R.S. Approval of this plan creates a vested property right pursuant to Section 24-68-103, C.R.S. This plan is subject to all conditions of approval, including, but not limited to, those imposed as a condition to the approval of a SSDP by virtue of the provisions of Section 11-5-18(F), W.M.C."
- (7) **Other Provisions Unaffected.**
- (a) Approval of a SSDP does not exempt the plan, applicant, or development team from or waive any other provisions of this Code pertaining to the annexation, development and use of property.
 - (b) Nothing in this section creates any vested property right, but only to implement the provisions of Article 68 of Title 24, C.R.S., as amended. If that article is repealed, this section is repealed and no longer effective.
 - (c) No document approved prior to January 1, 1988, shall constitute an SSDP.
 - (d) Any partial or full waiver of a vested property right shall be recorded in the county where the property is located.
 - (e) Any landowner requesting annexation shall waive in writing any preexisting vested property rights in the petition for annexation.

(2534; Ord. No. 3919 , § 10, 2-26-2018)

12-5-9 Post-Decision Proceedings

Purpose: This section establishes procedures to rehear, modify or reconsider applications.

- (A) **Applicability.** This section applies to any application that requires a public hearing under this Code, including any Comprehensive Plan Amendment (Property Owner initiated), PDP, PDP amendment, Specific Plan, or Specific Plan amendment. It also applies to any ODP or ODP amendment that requires a public hearing.
- (B) **Reconsideration, Modification or Rehearing.**
- (1) **Applicability.** The following actions are permitted after a decision is made following a public hearing (Section 12-5-7, W.M.C.), at the discretion of the approving authority.
 - (a) At the written request of any party made within 15 days of the issuance of the decision and for good cause shown, the agency

may, at its discretion, suspend its order and re-open the hearing to reconsider, modify, or rehear the issue. The party submitting the written request shall certify in writing that the request has been served upon all other interested parties to the case.

- (b) Without prior notice or hearing, the approving authority may modify any decisions to correct a clerical error. The approving authority shall send a copy of the corrected decision to each recipient of the original decision. The date of the modified decision shall be the official issuance date for appeal purposes.
 - (c) At any time, the approving authority may revise, revoke, or rescind any decision or approval in case of fraud, mistake, or irregularity, and may do so upon its own motion, upon notice to all interested parties and following a hearing pursuant Section 12-5-7, W.M.C., if there are issues in dispute.
 - (d) The time for appeal to the District Court temporarily ceases upon receipt of a request for reconsideration, modification or rehearing. The appeal period resumes once the approving authority acts on the request for reconsideration unless the agency modifies, suspends or withdraws its decision, in which case a new appeal period commences as of the date of issuance of the approving authority's final decision.
- (2) **Grounds for Reconsideration, Modification or Rehearing:** The following guidelines shall apply to reconsideration, modification or rehearing of an application:
- (a) The agency may reconsider or rehear a matter upon a showing of mistake of fact or law, or to correct a clerical error, or for other good cause shown.
 - (b) The agency shall not rehear a matter unless evidence is submitted which could not reasonably have been presented at the original hearing, or unless a mistake or misrepresentation was made at the original hearing which requires re-hearing and re-argument in order to be corrected.

12-5-10 Annexations

Purpose: This section establishes procedures for the annexation of property to the City consistent with Art. II, Section 30 of the Colorado Constitution and Sections 31-12-101, et seq., C.R.S. (Municipal Annexation Act of 1965)(hereinafter the “Municipal Annexation Act”) in order to accommodate growth and expansion of the City’s municipal boundaries in a purposeful manner, and to ensure that all growth and expansion through annexation is accommodated according to applicable regulations.

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- (A) **Applicability.** This Section applies to all annexations of land into the City. See Section 31-12-104, C.R.S. (Eligibility for Annexation).
- (B) **Pre-Application.** See Section 12-5-2, W.M.C.
- (C) **Initiation**
 - (1) A Landowner (as defined in Section 31-12-103, C.R.S.), Registered Electors (as defined in Sections 31-12-103 and 1-1-104 (35), C.R.S.), or the City may initiate an annexation.
 - (2) A Landowner-initiated petition for annexation, or a petition for annexation election, shall be filed with the City Clerk (see Section 31-12-107, C.R.S.).
 - (3) Except for unilateral annexation or annexation upon election, the City may require an annexation agreement 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.
 - (4) The applicant shall conduct a neighborhood meeting as provided in Section 12-5-4, W.M.C.
- (D) **Completeness.** Not applicable.
- (E) **Notice.** Notice varies depending on the type of annexation proceeding, as required by the Municipal Annexation Act.
- (F) **Decision.** All annexation of unincorporated territory to the City shall comply with the Municipal Annexation Act.
- (G) **Approval Criteria.** The City Council may consider the following criteria in evaluating an annexation application:
 - (1) Whether the annexation complies with the Municipal Annexation Act; and
 - (2) Whether the annexation is in accordance with the Comprehensive Plan; and
 - (3) Whether the best interests of the City are served by annexation of the subject property.

- (H) **Subsequent Applications.** As provided by the Municipal Annexation Act.
- (I) **Appeals.** Landowners, Registered Electors, the Board of County Commissioners, or municipalities may request review of an annexation in the District Court (see Section 31-12-116, C.R.S.).
- (J) **Scope of Approval**
 - (1) The Municipal Annexation Act defines the obligations of the City, residents, and Landowners after annexation is completed.
 - (2) Within ninety (90) days after an area is annexed, the City shall apply a zoning classification to the area (see Section 31-12-115, C.R.S.).
- (K) **Recordkeeping.** As provided by the Municipal Annexation Act (see Section 31-12-113, C.R.S. (filing of maps, annexation ordinance, and coordination with Colorado Department of Revenue).

12-5-11 Plan Adoption

Purpose: This section establishes a process and workflow to adopt the Comprehensive Plan. The Comprehensive Plan establishes the City’s long-range planning policies, along with land use designations with binding use and development standards. A Specific Plan establishes policies for focus areas (as defined in the Comprehensive Plan) that are implemented through a zoning classification (a specific plan district (SPD)), which provides a mechanism for establishing a more fluid and accessible form of classifying and regulating land uses and development.

- (A) **Applicability.** This section applies to the the adoption of:
 - (1) the Comprehensive Plan for the City;
 - (2) any Specific Plan.
- (B) **Pre-Application.** Not applicable.
- (C) **Initiation**
 - (1) **Comprehensive Plan.** The City Manager may initiate the Comprehensive Plan.
 - (2) **Specific Plan.** A Specific Plan may be initiated by:
 - (a) the City Manager pursuant to adoption of a Comprehensive Plan identifying locations for a future Specific Plan, or
 - (b) an application signed by at least 50 percent of the owners who own at least 50 percent of the property in the Specific Plan District.
- (D) **Completeness.** Not applicable to Comprehensive Plan. See Chapter 12 of this Title for Specific Plans.
- (E) **Notice** (see Section 12-5-5, W.M.C.)

Table 12-5-11.1 Notice Requirements for Plan Adoption

Notice	When	Where / To Whom / Additional Requirements
Publication	4 days	Once before Planning Commission hearing
	4 days	Once before City Council hearing

- (F) **Decision.** See 12-5-7, W.M.C., for public hearing procedures.
 - (1) **Staff Review.** See Section 12-5-6, W.M.C.
 - (2) **Planning Commission Recommendation**
 - (a) The Planning Manager shall refer the Comprehensive Plan or Specific Plan to the Planning Commission for consideration.
 - (b) The Planning Commission shall conduct a public hearing, and may consider separate sections of the Comprehensive Plan or Specific Plan at continued hearing dates over a period of time.

- (c) Within 30 days of taking action, the Planning Manager shall submit the Planning Commission’s recommendation on the proposed Comprehensive Plan or Specific Plan to the City Council unless an applicant requests deferment to a later date or withdraws the application.
- (3) **City Council Adoption**
 - (a) Upon receipt of the Planning Commission’s recommendation, the City Manager shall schedule a public hearing before the City Council.
 - (b) The Council shall conduct a public hearing, and may consider separate sections of the Comprehensive Plan or Specific Plan at continued hearing dates.
 - (c) After public hearing and consideration of the recommendations of the Planning Commission, the City Council may:
 - (i) by ordinance, adopt the Comprehensive Plan or Specific Plan or any of its sections;
 - (ii) adopt sections of the Comprehensive Plan or Specific Plan and reject others;
 - (iii) send the Comprehensive Plan or Specific Plan or any sections of it to the Planning Commission for further review and public comment.
- (G) **Approval Criteria**
 - (1) **Comprehensive Plan**
 - (a) **Plan Contents.** The City Council shall evaluate the Comprehensive Plan to determine that the following criteria are met:
 - (i) The Plan identifies goals that are consistent with adopted City policies, plans and regulations;
 - (ii) The Comprehensive Plan is appropriate for future consultation and reference by the City Council, departments, boards and commissions;
 - (iii) Comments and recommendations from pertinent City departments and referral agencies have been considered; and
 - (iv) Issues that are outside of the City's jurisdiction raised by affected citizens have been identified.
 - (b) **Planning Process.** The City Council shall evaluate the planning process to determine that the following criteria are met:

- (i) The public was afforded opportunities to participate in the development of the Comprehensive Plan;
 - (ii) Appropriate municipal departments and referral agencies have reviewed the Comprehensive Plan; and
 - (iii) The Planning Commission has properly considered the Comprehensive Plan.
- (2) **Specific Plans.** Prior to approving a Specific Plan, the City Council shall find all of the following:
 - (a) The proposed Specific Plan or Specific Plan amendment conforms to the City's Comprehensive Plan and all City policies, standards and sound planning principles and practices.
 - (b) There is either existing capacity in the City's streets, drainage and utility systems to accommodate the application, or arrangements have been made to provide needed capacity in a manner and timeframe acceptable to City Council.
 - (c) The Specific Plan complies with all applicable provisions of this Code.
 - (d) The proposed Specific Plan advances and implements the objectives and policies below and the property's associated policies as set forth in the City's Comprehensive Plan:
 - (i) The location to which it is attached presents uniquely important development or redevelopment opportunities and benefits to the City;
 - (ii) The focus area, due to development or redevelopment complexities, is reasonably expected to develop over a longer period of time compared to other developments of the City of similar size;
 - (iii) The development or redevelopment of the location in accordance with its corresponding Specific Plan is considered vital to the success in achieving the primary goals of the Comprehensive Plan;
 - (iv) The SPD designation resulting from Specific Plan adoption is deemed reasonably necessary to accomplish the land use and development objectives of the corresponding focus area;
 - (v) The location is near major crossroads or transit centers, and its designation as an SPD is deemed reasonably necessary to develop the focus area as a major City gateway, transit

oriented development, historic neighborhood, or employment center; and

- (vi) The SPD and the Specific Plan will promote the creation of a cohesive neighborhood identity within the location, which will attract new employers and residents.

(H) **Subsequent Applications.** Not applicable.

(I) **Appeals.** Not applicable.

(J) **Scope of Approval**

(1) **Comprehensive or Specific Plan.** On and after the effective date of the ordinance adopting the Comprehensive or Specific Plan it is unlawful for any person to use any parcel of land in any manner not in compliance with the adopted Comprehensive or Specific Plan.

(a) This subsection does not apply to a use established prior to the effective date of the ordinance adopting the Plan. "Established prior to the effective date" means that structures or improvements necessary or customary for the use were complete and occupied or ready for occupancy prior to the effective date, or that the structures or improvements were substantially in construction under a valid and unexpired building permit prior to the effective date.

(b) Any Property Owner who wishes to change the established use of a parcel shall comply with the plan when the use is changed or the property is substantially redeveloped.

(2) **Specific Plan.** Adoption of a Specific Plan places the area subject to the Specific Plan within a Specific Plan District ("SPD"). No property within a SPD may be used, improved or developed without an ODP for the property proposed to be developed.

(3) **Use Determination.** The Planning Manager may determine whether the use of any parcel complies with the Comprehensive or Specific Plan. Within 10 days after the Planning Manager renders a decision, the Property Owner may file an appeal pursuant to Section 12-5-24, W.M.C.

(K) **Recordkeeping.** See City Charter Section 8.4 (Publication and Recording of Ordinances).

12-5-12 Comprehensive Plan Amendment

Purpose: This section establishes a process and workflow to amend the text or map of the Comprehensive Plan, or Specific Plan land uses.

- (A) **Applicability.** This section applies to the amendment of a land use designation of the Comprehensive Plan or Specific Plan for any parcel.
- (B) **Pre-Application.** See Section 12-5-2, W.M.C.
- (C) **Initiation** (see Chapter 12 for submittal requirements)
 - (1) The following may initiate a Comprehensive Plan or Specific Plan amendment subject to subsection A of this Section (see Chapter 12 for contents):
 - (a) The property owner by application filed with the Planning Manager (see Chapter 12 for contents);
 - (b) The City Council by resolution;
 - (c) The Planning Commission by resolution; or
 - (d) The City Manager pursuant to an annexation, to correct an administrative error in the adoption the Comprehensive Plan or Specific Plan, or to address substantially changed conditions since adoption of the Comprehensive Plan.
 - (2) Amendments to a Specific Plan may be initiated by the City Council or by at least 50% of the property owners who own at least 50% of the land area or lots in the Specific Plan District.
- (D) **Completeness.** See Section 12-5-3, W.M.C.
- (E) **Notice** (see Section 12-5-5, W.M.C.)

Table 12-5-12.1 Notice Requirements for Comprehensive Plan Amendments

Notice	When	Where / To Whom / Additional Requirements
Publication	4 days	Once before Planning Commission hearing
	4 days	Once before City Council hearing
Posting	10 days	See Section 12-5-5, W.M.C.
Mail	10 days	See Section 12-5-5, W.M.C.

- (F) **Decision.** See 12-5-7, W.M.C.. for public hearing procedures.
 - (1) **Staff Review.** See Section 12-5-6, W.M.C.
 - (2) **Planning Commission Recommendation**
 - (a) The Planning Manager shall schedule a public hearing before the Planning Commission.
 - (b) The Planning Commission shall conduct a public hearing.

- (c) Within 30 days of taking action, the Planning Manager shall submit the Planning Commission's recommendation on the proposed Comprehensive Plan or Specific Plan amendment to the City Council unless an applicant requests deferment to a later date or withdraws the application.
- (3) **City Council Adoption**
 - (a) Upon receipt of the Planning Commission's recommendation, the City Manager shall schedule a public hearing before the City Council.
 - (b) The Council shall conduct a public hearing.
 - (c) After public hearing and consideration of the recommendations of the Planning Commission, the City Council may:
 - (i) by ordinance, adopt the Plan Amendment, in whole or in part;
 - (ii) deny the Plan Amendment; or
 - (iii) remand the Plan Amendment or any sections of it to the Planning Commission for further review and public comment.
- (G) **Approval Criteria.** In reviewing an application for an amendment to the Comprehensive Plan, the following criteria shall be considered and may be used as the basis for conditions of approval. The Planning Commission and City Council shall consider whether the proposed Comprehensive Plan or Specific Plan amendment:
 - (1) Is consistent with the vision, intent and applicable policies of the Comprehensive Plan and other adopted plans, policies and guidelines;
 - (2) Serves a substantial public purpose and will not be substantially detrimental to the surrounding lands;
 - (3) Minimizes the nature and degree of impacts on neighboring lands; and
 - (4) Is needed to address substantially changed conditions in the immediate area of the subject tract since adoption of the Comprehensive Plan, or an error or omission in that document;
 - (5) Provides for the orderly physical growth of the City;
 - (6) Furthers an important public policy, such as a need for affordable housing, protection of historic resources, preservation of open space, reduction in water demand by virtue of a different land use designation, or the City's adopted sustainability policies;
 - (7) Is appropriate to address a uniqueness in the size, shape and character of the parcel in relation to neighboring lands. Proof that a small parcel is

- unsuitable for use as presently designated or that there have been substantial changes in the immediate area may justify an amendment subject to evidence furnished by the Applicant;
- (8) Will not cause the transportation system, drainage, water and sewer infrastructure, water supply, fire and police services, or the parks and open space system to exceed their design capacity;
 - (9) Will not cause a net negative reduction in the City's general fund revenue, considering increased tax revenues and increased infrastructure and public service costs associated with the application;
 - (10) Will not negatively impact the design capacity of public services or public infrastructure provided by referral agencies such as the Colorado Department of Transportation, local school districts, the Rocky Mountain Metropolitan Airport, or other agencies pertinent to the location and nature of the requested amendment; and
 - (11) Establishes minimal environmental impacts or has sufficiently mitigated any identified impacts.
- (H) **Subsequent Applications.** Where City Council denies a Comprehensive Plan or Specific Plan amendment, no application requesting the identical land use designation on the same parcel or lot shall be considered by the City for a period of **one (1) year** from the date the previous application was denied by City Council.
- (I) **Appeals.** Not applicable.
- (J) **Scope of Approval**
- (1) A Comprehensive Plan or Specific Plan amendment does not authorize development of land.
 - (2) A Comprehensive Plan or Specific Plan amendment authorizes an Applicant to apply for additional City approvals necessary to develop land.
 - (3) The Comprehensive Plan or Specific Plan amendment does not supersede any requirement for PDP, ODP, subdivision plat or other approval required by this Title.
- (K) **Recordkeeping.** See City Charter Section 8.4 (Publication and Recording of Ordinances).

(Ord. No. 3919 , § 11, 2-26-2018)

12-5-13 Code Amendment or Comprehensive Rezoning

Purpose: This section establishes the process and workflow to amend the text of UDC, or a comprehensive rezoning.

- (A) **Applicability.** This section applies to:
 - (1) Any amendment to the text of this Title (a “code amendment”);
 - (2) A comprehensive rezoning. A “comprehensive rezoning” means a City-initiated rezoning that affects the entire City or a substantial area, applies to multiple properties rather than a single applicant or property owner, and implements a Comprehensive Plan or a citywide policy.
- (B) **Pre-Application.** Not applicable.
- (C) **Initiation**
 - (1) The City Council or Planning Commission may initiate a Code Amendment by resolution.
 - (2) The City Manager may initiate a code amendment or comprehensive rezoning pursuant to annexation, to correct an error, or to implement Comprehensive Plan policies.
- (D) **Completeness.** See Section 12-5-3, W.M.C.
- (E) **Notice** (see Section 12-5-5, W.M.C.)

Table 12-5-13.1 Notice Requirements for Code Amendments

Notice	When	Where / To Whom / Additional Requirements
Publication	4 days	-Once before Planning Commission hearing
	4 days	Once before City Council hearing

- (F) **Decision.** See Section 12-5-7, W.M.C., for public hearing procedures.
 - (1) **Planning Commission Recommendation**
 - (a) The Planning Manager shall schedule a public hearing before the Planning Commission.
 - (b) The Planning Commission shall conduct a public hearing.
 - (c) Within 30 days of taking action, the Planning Commission shall submit its recommendation on the proposed code amendment to the City Council.
 - (2) **City Council Adoption**
 - (a) Upon receipt of the Planning Commission’s recommendation, the City Manager shall schedule a public hearing before the City Council.
 - (b) The Council shall conduct a public hearing.

- (c) After public hearing and consideration of the recommendations of the Planning Commission, the City Council may:
 - (i) by ordinance, adopt the code amendment or comprehensive rezoning, in whole or in part;
 - (ii) deny the code amendment or comprehensive rezoning;
 - (iii) remand the code amendment or comprehensive rezoning or any sections of it to the Planning Commission for further review and public comment; or
 - (iv) continue to a date/time certain; or
 - (v) take other action as appropriate.
- (G) **Approval Criteria.** In reviewing an application for a code amendment or comprehensive rezoning, the following criteria shall be considered:
 - (1) The proposed amendment is consistent with the vision, intent and applicable policies of the Comprehensive Plan and other applicable adopted plans, policies and guidelines.
 - (2) The proposed amendment supports the City’s Strategic Plan.
- (H) **Subsequent Applications.** Not applicable.
- (I) **Appeals.** Not applicable.
- (J) **Scope of Approval**
 - (1) A code amendment or comprehensive rezoning does not authorize development of land.
 - (2) Applicant applying for approvals required by this Title are subject to the code amendment or comprehensive rezoning after its effective date.
- (K) **Recordkeeping.** See City Charter Section 8.4 (Publication and Recording of Ordinances).

12-5-14 Rezoning

Purpose: This section establishes the process to reclassify the zoning designation of a parcel or development.

- (A) **Applicability.** No zoning or rezoning for any property within the City shall be granted unless the zoning or rezoning is to Planned Unit Development (PUD), Specific Plan District (SPD), or O1, **except:**
- (1) For property without PUD or SPD zoning, if the property is:
 - (a) Less than ten (10) acres; and
 - (b) Previously developed or partially developed, or
 - (c) If undeveloped, the property abuts an existing zone of the same zone requested.
 - (2) For property with current PUD zoning, if the Council finds that:
 - (a) The surrounding land uses are zoned for residential use or are zoned O1;
 - (b) The size of the property is no more than two (2) acres;
 - (c) The change in zoning will not adversely impact the surrounding neighborhood; and
 - (d) the proposed zoning will result in a development of lower residential density than the PUD existing at the time.
- (B) **Pre-Application.** See Section 12-5-2, W.M.C.
- (C) **Initiation** (see Chapter 12 of this Title for submittal requirements)
- (1) **Rezoning to Base or SPD**
 - (a) The Planning Commission or City Council may initiate a rezoning to a base district or SPD by resolution.
 - (b) A property owner may initiate a rezoning to a base district or SPD by filing a rezoning application with the Planning Manager, and
 - (c) Initiation of a rezoning to a base district (including property annexed or being annexed to the City) does not require the consent of the Property Owner.
 - (2) **Rezoning to PUD.** Unless otherwise approved by City Council, any request for rezoning to PUD shall be accompanied by a request for approval of a PDP.
- (D) **Completeness.** See Section 12-5-3, W.M.C.
- (E) **Notice** (see Section 12-5-5, W.M.C.)

Table 12-5-14 Notice Requirements for Rezoning

Notice	When	Where / To Whom / Additional Requirements
Publication	4 days	-Once before Planning Commission hearing
	4 days	Once before City Council hearing
Posting	10 days	See Section 12-5-5, W.M.C.
Mail	10 days	See Section 12-5-5, W.M.C.

(F) **Decision.** See Section 12-5-7, W.M.C., for public hearing procedures.

(1) **Planning Commission Recommendation**

- (a) The Planning Manager shall schedule a public hearing before the Planning Commission.
- (b) The Planning Commission shall conduct a public hearing.
- (c) The Planning Commission shall submit its recommendation on the proposed rezoning to the City Council.

(2) **City Council Adoption**

- (a) Upon receipt of the Planning Commission recommendation, the City Council shall conduct a public hearing.
- (b) After the public hearing, the City Council may, by ordinance:
 - (i) adopt the rezoning,
 - (ii) adopt the rezoning with conditions,
 - (iii) deny the zoning,
 - (iv) remand the rezoning to the Planning Commission for further review and public comment;
 - (v) continue to a date/time certain; or
 - (vi) take other action as appropriate.

(G) **Approval Criteria**

- (1) **Generally.** All requests for rezoning must comply with the City's Comprehensive Plan.
- (2) **Base Zone Districts.** The following criteria apply to the approval of any application for zoning or rezoning to a zoning district other than PUD:
 - (a) The proposed zoning or rezoning must conform to all City policies, standards and sound planning principles and practice.
 - (b) There is either existing capacity in the City's street, drainage and utility systems to accommodate the proposed zoning or rezoning, or arrangements have been made to provide the needed capacity in a manner and timeframe acceptable to City Council.

- (3) **City-Initiated Rezoning.** For a City-initiated rezoning, the City Council shall find, as part of the final rezoning ordinance, at least one of the following:
- (a) The current zoning is inconsistent with one or more of the goals or objectives of the Comprehensive Plan.
 - (b) The current zoning is incompatible with one or more of the surrounding land uses, either existing or approved.
 - (c) The surrounding development is or may be adversely impacted by the current zoning.
 - (d) The City's water, sewer or other services are or would be significantly and negatively impacted by the current zoning.
- (H) **Subsequent Applications.** Where City Council denies a rezoning, no application requesting the identical zoning district designation on the same parcel or lot shall be considered by the City for a period of **one (1) year** from the date the previous application was denied by City Council.
- (I) **Appeals.** Not applicable.
- (J) **Scope of Approval**
- (1) A rezoning does not authorize development of land.
 - (2) A rezoning authorizes an Applicant to apply for additional City approvals necessary to develop land. Rezoning does not supersede any requirement for building permit, subdivision plat, or other approval required by this Title.
 - (3) A PDP for any property zoned PUD or any property that would be required to rezone to PUD is required prior to the use, improvement or development of the property.
- (K) **Recordkeeping.** See City Charter Section 8.4 (Publication and Recording of Ordinances).

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12-5-15 Preliminary Development Plan (PDP)

Purpose: This section establishes a process to approve a master plan for development of contiguous land under the same or substantially the same ownership. The PDP provides a basis for more detailed development approvals through the ODP or final plat processes.

(A) Applicability.

(1) Original PDP. A PDP is required for:

- (a) PUD or Rezoning with Conditions. Concurrent with any rezoning to a PUD or to a conventional zoning district or SPD with conditions, or
- (b) Where a land use in a PUD is not designated. The City will not accept an application for an ODP until land uses are established by an amendment to the PDP.

(2) PDP Amendment. The application procedures for a PDP amendment are the same as for an original PDP approval.

(B) Pre-Application. See Section 12-5-2, W.M.C.

(C) Initiation. See Chapter 12 of this Title for submittal requirements. A PDP or PDP amendment may be initiated by:

- (1) The property owner; or
- (2) The City, when the City Council determines (upon written notice to the property owner and a public hearing) that:
 - (a) Approved land uses for the PUD are no longer appropriate, due to changed conditions in the vicinity, revisions to the Comprehensive Plan, any incompatibilities between an existing land use and surrounding zoning or development;
 - (b) The PDP no longer meets the requirements of subsection G below;
 - (c) Public facilities are inadequate or do not meet current standards; or
 - (d) Natural hazards or other environmental problems exist that threaten the public health, safety or welfare.

(D) Completeness. See Section 12-5-3, W.M.C.

(E) Notice. See Section 12-5-5, W.M.C.

Table 12-5-15.1 Notice Requirements for Preliminary Development Plans (PDPs)

Notice	When	Where / To Whom / Additional Requirements
Publication	4 days	Per Section 12-5-5, W.M.C., Table 12-5-5.1
Mail	10 days	<ul style="list-style-type: none"> • Per Section 12-5-5, W.M.C., Table 12-5-5.1 • For City-initiated PDP amendment: provide registered, mailed notice to the owner, stating the grounds for the proposed amendment and a statement that a copy of the proposed PDP amendment is on file and available for inspection in the offices of the Department of Community Development.
Posting	10 days	Per Section 12-5-5, W.M.C., Table 12-5-5.1

(F) Decision

- (1) Staff Review.** See Section 12-5-6, W.M.C.
- (2) Technical Review.** The Planning Manager shall review the application for compliance with this Code.
- (3) Approval: Original PDP.** Original PDPs require Planning Commission review and recommendation, and final approval by the City Council. (*See Section 12-5-7, W.M.C., for public hearing requirements*)
- (4) Approval: PDP Amendment (Administrative).**
 - (a) Applicability.** The Planning Manager may approve a PDP amendment, without hearing or notice, if:
 - (i)** The requested land use is consistent with the PDP;
 - (ii)** The land area devoted to any use in the PDP is changed by up to ten percent (10%);
 - (iii)** The density or intensity of use within the PDP is changed by up to ten percent (10%);
 - (iv)** The setback or height of any building in the PDP is changed by up to ten percent (10%); or
 - (v)** The amendment is an insignificant change in the PDP, in the opinion of the Planning Manager.
 - (b) Notice.** The Applicant shall certify that notice of the PDP amendment was mailed as provided by Section 12-5-5, W.M.C.
 - (c) Report.** A report of any administratively approved PDP amendment shall be submitted to the Planning Commission and City Council detailing action taken by the Planning Manager under this procedure.
 - (d) Public Hearings**
 - (i)** The Applicant may request an appeal of any PDP amendment denied by the Planning Manager or not eligible for administrative approval to the Planning Commission and City Council (see Section 12-5-24, W.M.C.).
 - (ii)** The Planning Manager may refer any proposed PDP amendment otherwise eligible for administrative approval to the Planning Commission and City Council for their review and determination (see subsection F.(3) above).

- (iii) A City-initiated PDP amendment is effective immediately upon its approval by City Council after notice and hearing (*see Section 12-5-7, W.M.C., for public hearing requirements*).
- (G) **Approval Criteria.** The following approval criteria apply to PDPs or PDP amendments with PUD zoning:
- (1) The PUD zoning and land uses in the associated PDP conform to the City's Comprehensive Plan and all City Codes, ordinances, and policies and is consistent with any previous specific conditions of approval placed on the property;
 - (2) The PDP outlines land uses compatible with neighboring land uses and standards of development consistent with the context of the surrounding area, and that increase the quality of aesthetics, durability, and sustainability of the built environment;
 - (3) The PDP creates no significant nor undue adverse impacts on future land uses, development, occupants, visitors, and the community both on the site and in the immediate area either through the unintended application of this Title or by any exceptions to it;
 - (4) Any exception from standard Code requirements or limitations is warranted by virtue of design, lack of adverse impacts listed above, and provides an alternative that meets the purpose and intent of this Code, and is clearly identified on the PDP;
 - (5) The PDP provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development;
 - (6) The PDP has no significant adverse impacts upon existing or future land uses nor upon the future development of the immediate area;
 - (7) Streets, conceptual parking areas, driveways, access points, and multi-modal circulation are designed in a manner that promotes safe, convenient, accessible, and seamless connectivity between neighboring land uses and facilities for vehicles, bicyclists, transit users, and pedestrians;
 - (8) The City may require rights-of-way adjacent to existing or proposed arterial or collector streets, any easements for public utilities and any other public lands to be dedicated to the City as a condition to approving the PDP. This does not preclude further public land dedications as a condition to ODP or plat approvals by the City;

- (9) The PDP is designed to consider energy efficiency including, but not limited to, building siting, subdivision layout, solar exposure, and topography;
 - (10) The PDP is designed for public services to function efficiently including utilities, drainage, emergency response, and solid waste removal and collection, while conforming to all applicable utility master plans;
 - (11) Performance standards are included that insure reasonable expectations of future ODPs being able to meet the criteria for approving an ODP (see Section 12-5-16, W.M.C.); and
 - (12) The Property Owner is not in default or does not have any outstanding obligations to the City.
- (H) **Subsequent Applications.** Not applicable.
- (I) **Appeals.** See Section 12-5-24, W.M.C..
- (J) **Scope of Approval**
- (1) **ODP Approval.** A PDP does not authorize development. An approved PDP or PDP amendment authorizes the application and approval of an ODP.
 - (2) **Time Limit.** If an ODP is not approved within five (5) years after a PDP or the latest PDP amendment, then:
 - (a) The Applicant shall submit the PDP or PDP amendment for review and reconsideration pursuant to this Section, subject to all applicable standards of this Title in effect at that time.
 - (b) The PDP or PDP amendment becomes null and void if the Applicant does not submit a timely application for review and reconsideration.
 - (3) **Sale of Property Subject to PDP.** See Section 12-5-20, W.M.C.
- (K) **Recordkeeping**
- (1) **Generally.** The Planning Manager and Applicant shall maintain a file of the final decision.
 - (2) **Recording.** To provide constructive notice, Staff shall take the approved and signed plan documents to the appropriate County for recordation of the PDP or PDP amendment as expeditiously as possible following its approval by City Council in the real estate records of the county in which the property is located.

(2534 2598 2975 3599 3634 3664 3368 3770; Ord. No. 3919, § 6, 2-26-2018)

12-5-16 Official Development Plans (ODPs)

Purpose: This section establishes standards and procedures to approve uses and development that are subject to a PDP, and minor amendments to existing PUDs.

(A) Applicability

- (1) **Generally.** An ODP is required before:
 - (a) Any property is initially used, improved, or developed,
 - (b) Any building permit is issued for new construction, for changes to any part of the exterior of an existing building, or indicating a change of use is issued, and
 - (c) Any utility improvements are allowed to be constructed.
- (2) **Exemptions.** An ODP is not required for:
 - (a) Tenant finish permits without a change in use or expansion of utility improvements.
 - (b) Grading permits for which the City Engineer has determined an ODP is unnecessary.
 - (c) A change of occupancy, if there are no exterior changes or improvements to any structure on the site and all other provisions of this Code and any existing PDP and ODP for the subject property are met.
- (3) **ODP Amendment**
 - (a) **Applicability.** An ODP Amendment is a standalone change to an existing ODP that minimally affects its architecture or site layout.
 - (b) **Minor ODP Amendment.** The Planning Manager may allow, or waive in writing, the requirement for a Minor ODP Amendment for:
 - (i) Minor site improvements, including, but not limited to, additions, remodeling, material or color changes, landscape or planting relocations, site furnishing modifications, and accessory buildings;
 - (ii) Minor adjustments made during construction after ODP approval. These changes must be submitted as an ODP Amendment application to the City before they are implemented. An informal approval for each change will be documented under the case number and review timing will adapt to the construction schedule. Only those changes that receive documented informal approval are approved with the final ODP Amendment when construction is complete.

All other changes must be brought into conformance with the approved ODP. If changes constitute adjustments above and beyond the thresholds for the Minor ODP Amendment process, a different process may apply;

- (iii) Construction of a single-family dwelling on a platted lot in a residential Base Zone District that apply to all design standards in effect when the MinorOPD Amendment application is filed;
- (iv) Advertising signs, fences, and landscaping that comply with this Code,
- (v) Improvements that have no adverse impacts on surrounding lots and parcels nor the public health, safety, or general welfare,
- (vi) Combining nonconforming lots or portions of nonconforming lots with continuous frontage in single ownership (see subsection (vii) below);
- (vii) The combination of nonconforming lots or portions of nonconforming lots with continuous frontage in single ownership in a manner that creates conforming lots, if:
 - a) The combined lots are considered an unsubdivided parcel for purposes of this Title;
 - b) A final plat (Section 12-5-20, W.M.C.) if submitted and approved prior to the issuance of a building permit for any structure on the lots; and
 - c) The plat brings the lots into conformance with the density requirements of the district where they are located.
- (c) The Planning Manager may condition a waiver of the requirement for an ODP Amendment upon compliance with any or all of the criteria set forth in subsection G of this Section.

(B) Pre-Application. See Section 12-5-2, W.M.C.

(C) Initiation

- (1) Upon completion of the pre-application process, the Applicant shall apply for an ODP through the Community Development Department process for applications. See Chapter 12 for submittal requirements.
- (2) ODP Amendments
 - (a) Applicants may apply to amend a previously approved ODP.

- (b) An amendment to a residential ODP for a detached single-family housing development that does not meet the criteria for administrative approval in subsection F.(3) below, shall proceed under the variance process (see Section 12-5-25, W.M.C.).
- (c) A city-initiated ODP amendment is processed in the same manner as a City-initiated PDP amendment (see Section 12-5-15, W.M.C.).
- (D) **Completeness.** See Section 12-5-3, W.M.C.
- (E) **Notice.** The following notice is required for an ODP or ODP Amendment that requires a Planning Commission or City Council public hearing. See Section 12-5-5, W.M.C.

Table 12-5-16 Notice Requirements for Official Development Plans (ODPs)

Notice	When	Where / To Whom / Additional Requirements
Publication	4 days	Per Section 12-5-5, W.M.C., Table 12-5-5.1
Mail	10 days	<ul style="list-style-type: none"> • Per Section 12-5-5, W.M.C., Table 12-5-5.1 • For City-initiated ODP Amendment: provide registered, mailed notice to the owner, stating the grounds for the proposed amendment and a statement that a copy of the proposed ODP Amendment is on file and available for inspection in the offices of the Department of Community Development.
Posting	10 days	Per Section 12-5-5, W.M.C., Table 12-5-5.1

- (F) **Decision**
 - (1) **Staff Review.** See Section 12-5-6, W.M.C.
 - (2) **Technical Review.** Staff shall review the application for an original ODP or ODP Amendment for compliance with this Code.
 - (3) **Administrative Approval of an Original ODP.** The Planning Manager may approve an original ODP without hearing or notice, that:
 - (a) Does not introduce a new land use not allowed by the PDP;
 - (b) Meets all requirements of the Comprehensive Plan designation and zoning district in which it is located, and the requirements of any PDP for the property; and
 - (c) Does not involve a parcel or lot more than ten (10) acres in size, or involves a proposed non-residential development of twenty (20) acres or less in size, exclusive of property intended for or designated for future public ownership or dedication for open space, parks, rights-of-way or other public uses, that is determined by the City Manager to further the City's economic development goals and if the development meets guidelines established by City Council to qualify for economic development assistance.

- (4) **Administrative Approvals of ODPs and ODP Amendments.** The Planning Manager may approve an ODP or ODP Amendment, without hearing, that:
- (a) Does not change the land area devoted to any approved use by more than ten percent (10%);
 - (b) Does not change the density or intensity of any approved use by more than ten percent (10%);
 - (c) Does not constitute a significant change in the ODP in the opinion of the Planning Manager;
 - (d) Does not deviate from any development standard, including, but not limited to, setbacks and building height, by more than ten percent (10%); or
 - (e) Adds a land use that was previously approved on the underlying PDP for the property.
- (5) **Public Hearings**
- (a) **Referral.** The Planning Manager may transfer any ODP to the Planning Commission for its consideration at a public hearing.
 - (b) **Appeal.** The Applicant may appeal the denial of an ODP or ODP Amendment by the Planning Manager to the Planning Commission (see Section 12-5-24, W.M.C.).
 - (c) **Final Approval by Planning Commission.** The decision of the Planning Commission regarding an original ODP or ODP Amendment is final, unless a timely appeal of the decision is filed (see Section 12-5-24, W.M.C.).
- (G) **Approval Criteria.** The following approval criteria apply to an ODP or ODP Amendment:
- (1) The ODP conforms to the Comprehensive Plan, Specific Plan (if applicable), City Code, ordinances, and policies and is consistent with any previous specific conditions of approval placed on the property;
 - (2) The ODP conforms to an approved PDP or the provisions of the applicable zoning district, if other than PUD;
 - (3) The ODP outlines the creation of an engaging, compatible, and harmonious built environment within a unifying context of the existing and planned surrounding land in terms of scale, circulation, architectural materials, color, texture, and forms;
 - (4) The ODP promotes energy efficiency including, but not limited to, building siting, lot layout, solar exposure, and topography;

- (5) For ODPs in PUD zones, any exceptions from standard Code requirements or limitations are warranted by virtue of design or special amenities incorporated in the application and are clearly identified on the ODP;
- (6) The ODP provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development through the use of scaled transitions, screening, and buffers between abutting land uses and the development, while providing high quality architectural detailing of walls visible to the public;
- (7) The ODP has no significant nor undue adverse impacts on future land uses, development, occupants, visitors, or the general community both on the site and in the immediate area either through the unintended application of this Code or by any exceptions to it;
- (8) The landscape plan:
 - (a) is suitable for the application, site design, ongoing maintenance, and conditions; and
 - (b) will improve the appearance of the community by enhancing the building, streetscape, and site; and
 - (c) meets the intent of the landscape requirements in this Title;
- (9) Existing and proposed streets are suitable and adequate to carry the traffic within the development and its surrounding vicinity;
- (10) The streetscapes and street frontages, including architecture, building fenestration, street plantings, lighting, and pedestrian furnishings, are consistent with the character of activity centers, commercial districts, and nearby residential neighborhoods, and provide for greater safety by creating views to the street for people inside buildings and active ground floor uses;
- (11) The on-site multi-modal circulation network (including all streets, parking areas, driveways, access points, multi-modal infrastructure, and turning movements) are designed in a manner that provides logical, safe, convenient, accessible, and seamless connectivity between:
 - (a) neighboring land uses and facilities for vehicles, bicyclists, transit users, and pedestrians; and
 - (b) all structures and off-site destinations likely to attract pedestrian and multi-modal traffic;
- (12) The ODP is designed to function efficiently for the purposes of public services including utilities, drainage, emergency response, and solid waste

removal and collection, and conforms the PDP and utility master plans;
 and

- (13) The Property Owner is not in default and does not have any outstanding obligations to the City.
- (H) **Subsequent Applications.** Not applicable.
- (I) **Appeals.** See Section 12-5-24, W.M.C.
- (J) **Scope of Approval**
- (1) No development shall commence, no building shall be occupied, and no lots shall be sold until the requirements of this Chapter and all additional requirements in the ODP for the property are met. Failure to comply with the ODP at any point in the construction process is cause for the issuance of a stop work order or correction notice. Once construction has begun and after it is complete, the site must be maintained in accordance with the approved ODP and the engineering standards and specifications of the City.
 - (2) No certificate of occupancy shall be granted until all provisions of the approved ODP are met.
 - (3) The Planning Manager may authorize a Certificate of Occupancy to be issued prior to completion of landscaping improvements, upon receipt of an agreement guaranteeing the completion of those improvements incorporating one of the forms of guarantees specified in Section 12-4-6, W.M.C..
 - (4) If no Building Permits within the ODP or ODP Amendment are issued within three (3) years after the ODP or latest ODP Amendment is approved the ODP or ODP Amendment becomes null and void and a new ODP or ODP Amendment is required subject to all applicable standards of this Title in effect at the time of the new application. Planning Manager may approve a one-year extension of any ODP approved under this section upon receipt of written explanation outlining extenuating circumstances unforeseen with the last approved ODP or ODP amendment that justify the extension. The one-year extension is discretionary with the Planning Manager and documentation of extenuating circumstances does not automatically justify an extension.
- (K) **Recordkeeping.**
- (1) **Generally.** The Planning Manager and Applicant shall maintain a file of the final decision.
 - (2) **Recording.** To provide constructive notice, Staff shall take the approved and signed plan documents to the appropriate County for recordation of

Unified Development Code
Chapter 5 Procedures | 12-5-16 Official Development Plans (ODPs)

the ODP or ODP Amendment as expeditiously as possible following its approval in the real estate records of the county in which the property is located.

(2534 2598 3027 3028 3599 3634 3664 3739 3770; Ord. No. 3919 , § 7, 2-26-2018)

12-5-17 Special Use Authorizations

Purpose: This section establishes a process for case by case review of uses that are permitted within a zone district, but that could become incompatible in certain respects with other uses within the district, and therefore require special permission before the land may be put to that use.

(A) Applicability

- (1) A Special Use Authorization shall be approved before a use listed as a Special Use in Section 12-3-27 (Use Table) is established, maintained, operated or conducted.
- (2) A Special Use Authorization is not required if a Special Use is specifically listed as an allowed use in the PDP of a property located within a PUD district or SPD.

(B) Pre-Application. See Section 12-5-2, W.M.C.

(C) Initiation (see Chapter 12 for submittal requirements). The Property Owner shall file an application for a Special Use Authorization with the Planning Manager.

(D) Completeness. See Section 12-5-3, W.M.C.

(E) Notice. See Section 12-5-5, W.M.C.

Table 12-5-17 Notice Requirements for Special Use Authorizations

Notice	When	Where / To Whom / Additional Requirements
Publication	4 days	Per Section 12-5-5, W.M.C., Table 12-5-5.1
Mail	10 days	Per Section 12-5-5, W.M.C., Table 12-5-5.1
Posting	10 days	Per Section 12-5-5, W.M.C., Table 12-5-5.1

(F) Decision

- (1) **Staff Review.** See Section 12-5-6, W.M.C.
- (2) **Technical Review.** After the application is deemed complete, the Planning Manager shall review the application. The Planning Manager shall conduct any research or referrals deemed necessary, prepare a recommendation on the application, and schedule a public hearing before the Planning Commission.
- (3) **Planning Commission Decision**
 - (a) The Planning Commission shall conduct a public hearing (see Section 12-5-7, W.M.C.). The Applicant has the burden to establish that the proposed use meets the approval criteria in subsection G of this section.
 - (b) Within 30 days of its public hearing on the application, the Planning Commission will:

- (i) Approve the application;
 - (ii) Approve the application with conditions, such as:
 - a) Requiring buffers or screening between the new activity and adjacent uses;
 - b) Placing limitations on the hours of operation of the use; and
 - c) Making changes in design or layout; or
 - (iii) Deny the application.
 - (c) The decision will set forth the Commission's written findings, stating in what respects the application meets or fails to meet the criteria set forth in subsection G below.
- (G) Approval Criteria.** When considering any application for a Special Use Authorization, the Planning Commission shall consider each of the criteria listed below, to the extent that each is relevant to the proposed use:
- (1) The use shall not adversely impact adjacent properties;
 - (2) The proposed use does not conflict with the policies of the Comprehensive Plan;
 - (3) The use complies with all applicable requirements of this Code, including the zone district regulations (Chapter 3), development standards (Chapter 4), or use regulations (Chapter 6);
 - (4) The use shall be compatible with existing and planned uses on adjacent properties;
 - (5) Activities or uses on the site that generate potential adverse impacts or nuisance effects, such as visual impacts, noise, vibrations, light intensity, odors, loitering, or level of police activity, are minimized to the extent practicable;
 - (6) The following elements do not adversely impact adjacent properties:
 - (a) The amount or degree of outdoor activity;
 - (b) Hours of operation and deliveries;
 - (c) Location and intensity of storage, loading, and delivery areas;
 - (d) Adequacy of parking and vehicular access and circulation;
 - (e) Traffic volume generated by the proposed use;
 - (7) The use is sited and designed, and includes appropriate conditions, that minimize impacts to pedestrian safety; and
 - (8) Land uses requiring additional City utility services must be reviewed for feasibility and lack of adverse impacts by City staff.
- (H) Subsequent Applications.** Not applicable.

- (I) **Appeal.** An Applicant may appeal to the City Council any final decision of the Planning Commission regarding a Special Use Authorization (*see 12-5-24*).
- (J) **Scope of Approval**
- (1) **Transfer.** A Special Use Authorization shall not be transferred to another person, business, or location.
 - (2) **Termination**
 - (a) A Special Use Authorization terminates automatically whenever the permitted use is inactive for a period of at least one (1) year.
 - (b) The Planning Commission may terminate any Special Use Authorization for cause if, after notice and hearing as provided above, it determines that the conditions of approval under which the permit was initially approved are no longer being met.
 - (3) **State Licensing.** If a proposed use requires a Special Use Authorization, no approval for a business license or a building permit shall be issued until the Special Use Authorization is approved by the City and the appropriate State license is issued. The Applicant shall provide and evidence of issuance of the State license to the Planning Manager.
- (K) **Recordkeeping.** The Planning Manager and the Applicant shall maintain copies of the Special Use Authorization, and all supporting documentation.

12-5-18 Conditional Use Review

Purpose: This section establishes a process for case by case review of uses that are permitted within a zone district, but that could become incompatible in certain respects with other uses within the district, and therefore require administrative review before the land may be put to that use.

(A) Applicability.

- (1) A conditional use shall be approved before a use listed as a Conditional Use in Section 12-3-27 (Use Table) is established, maintained, operated or conducted.
- (2) A domestic violence home, group care facility or group home that meets the requirements of this section may be located in any residential zone districts and residential areas of a PUD or SPD zone district.

(B) Pre-Application. See Section 12-5-2, W.M.C.

(C) Initiation (see Chapter 12 for submittal requirements). The Property Owner shall file an application for a Conditional Use with the Planning Manager.

(D) Completeness. See Section 12-5-3, W.M.C.

(E) Notice. See Section 12-5-5, W.M.C.

Table 12-5-17 Notice Requirements for Special Use Authorizations

Notice	When	Where / To Whom / Additional Requirements
Publication	4 days	Per Section 12-5-5, W.M.C., Table 12-5-5.1
Mail	10 days	Per Section 12-5-5, W.M.C., Table 12-5-5.1
Posting	10 days	Per Section 12-5-5, W.M.C., Table 12-5-5.1

(F) Decision

- (1) **Staff Review.** See Section 12-5-6, W.M.C.
- (2) **Review.** After the application is deemed complete, the Planning Manager shall review the application and prepare a decision.
- (3) **Notification of Non-compliance.** If the review determines that one or more of the conditions required to establish a conditional use are not met, the City will notify the applicant in writing describing the condition or conditions that are not satisfied.

(G) Approval Criteria. The following criteria apply to a Conditional Use:

- (1) If the use is regulated by Chapter 6, the applicable criteria of Chapter 6 apply.
- (2) If no criteria are established by Chapter 6:
 - (a) The use shall obtain and maintain any applicable state license.
 - (b) The use shall maintain adequate off-street parking for employees.

- (c) The use shall locate no closer than 750 feet from another conditional use of the same category.
 - (d) No materials shall be stored outdoors.
 - (e) No outdoor donation bins or display of merchandise is permitted.
- (3) **Reasonable Accommodation.**
- (a) If an applicant requests a reasonable accommodation to the Code requirements for a group home, in addition to providing information listed in Chapter 12, the applicant shall provide an explanation of the need for the reasonable accommodation addressing the following criteria:
 - (i) Demonstrate that the group home serves residents that meet the definition of disability in the federal Fair Housing Act.
 - (ii) Demonstrate that there is a relationship between the disability and the need for the requested reasonable accommodation.
 - (iii) Demonstrate that without the reasonable accommodation the property cannot be fully used by the residents.
 - (iv) Demonstrate that the reasonable accommodation, if granted, will not adversely affect the use of adjacent property.
 - (v) Demonstrate that the reasonable accommodation, if granted, will not constitute a direct threat to the health or safety of any residents of the City.
 - (b) For group homes requesting a reasonable accommodation relief from the minimum 750-foot spacing requirement, demonstrate that adequate parking will be available for the group home's residents and employees.
 - (c) To grant any requested reasonable accommodation, the Planning Manager shall find that the criteria listed in subsections (a) and/or (b) above are satisfied and that the reasonable accommodation will not fundamentally alter the intent or purposes of this Title.
- (H) **Subsequent Applications.** Not applicable.
- (I) **Appeal.** An Applicant may appeal to the City Manager any final decision of the Planning Manager regarding a Conditional Use (*see 12-5-24*) by filing a written request for appeal to the City Manager within ten days of denial.
- (J) **Scope of Approval**
- (1) *Licenses and Permits.* After the conditional use is approved, the City may issue a business license or building permit.

- (2) *Transfer.* A conditional use shall not be transferred to another person, business, or location.
- (3) *Termination*
 - (a) A conditional use terminates if the permitted use is inactive for a period of at least one year.
 - (b) A conditional use automatically terminates if the conditions of approval are no longer met.
- (K) **Recordkeeping.** The Planning Manager and the Applicant shall maintain copies of the Conditional Use, and all supporting documentation.

12-5-20 Subdivision Plats (Final Plats)

Purpose: This section provides for the review and approval of a subdivision for multiple dwelling units or division of a lot, tract, or parcel of land into two or more lots, tracts, parcels, sites, or other land divisions for sale or of building development, as well as to dedicate public parks, open spaces, rights-of-way, or easements. (see CRS 31-23-201).

(A) Applicability

- (1) Except as provided in subsections A.(3) and A.(4) below, a Property Owner of any land or division of land without a City-approved final plat located within the City may not transfer, sell, agree to sell, or negotiate to sell any portion less than the whole of all contiguous land under or substantially under the same ownership until and unless a final plat is approved by the City and recorded in the Office of the County Clerk and Recorder.
- (2) Subsection (1) applies to all contiguous land under the same or substantially the same ownership.
- (3) This provision does not apply to a Property Owner transferring or selling land to the City pursuant to Section 12-1-4(B)¹, W.M.C.
- (4) A Property Owner may use a PDP as the basis for a final subdivision plat and subsequent sale or transfer of land under this paragraph, if that PDP contains legally defined and described boundaries of the parcels created by the subdivision.
- (5) No Final Plat shall be approved prior to the approval of an ODP or ODP Amendment for the subject property.

(B) Pre-Application. See Section 12-5-2, W.M.C..

(C) Initiation. After an ODP is approved, the Applicant shall file an application for Final Plat approval with the City Engineer (*see Chapter 12 for submittal requirements*).

(D) Completeness. See Section 12-5-3, W.M.C..

(E) Notice. Not applicable.

¹ That subsection will replace WMC 11-4-6(R) which currently states: “City Exemption: All property, uses, structures, and facilities owned or operated by the City or the Westminster Urban Renewal Authority are exempt from complying with all zoning and subdivision regulations and are exempt from all Preliminary Development Plan, Official Development Plan, Specific Plan, and platting procedures contained in this Code. In addition, the purchase and sale of land by the City or the Westminster Urban Renewal Authority for open space, park, rights-of-way, or other public purposes is exempt from complying with all zoning and subdivision regulations and all Preliminary Development Plan, Official Development Plan, Specific Plan, and platting requirements contained in this Code.”

- (F) **Decision.** The City Engineer shall review and approve, approve with conditions, or deny a final plat. The City Engineer’s decision is final. See Section 12-5-6, W.M.C. (Staff Review).
- (G) **Approval Criteria**
- (1) The City Engineer shall approve a Final Plat, if:
 - (a) The Final Plat conforms to the approved ODP or ODP Waiver;
 - (b) The Final Plat is submitted within:
 - (i) the time frame required for Final Plat submittal in the ODP, or
 - (ii) 12 months of the date of approval of the ODP or ODP Waiver, if no time frame is provided in the ODP;
 - (c) The Final Plat contains all information required by this Code, along with any other information required by Colorado law; and
 - (d) The Final Plat satisfies the public improvement requirements set forth in Chapter 4 of this Title.
 - (2) The City Engineer may approve a Final Plat prepared solely for the subdivision of land to accomplish the acquisition of land by the City for open space, parks, rights-of-way, or other public purposes, upon a finding that the plat is the most efficient method of creating separate ownership parcels.
 - (3) No Final Plat shall be approved unless it is possible, without undue delay, to provide the necessary public improvements required pursuant to this Code.
- (H) **Subsequent Applications.** Not applicable.
- (I) **Appeals.** Not applicable. The City Engineer’s decision is final.
- (J) **Scope of Approval**
- (1) A final plat does not authorize construction, except for the installation of improvements as provided in Chapter 4.
 - (2) No Building Permit shall be issued or granted for the development or use of a lot until the final plat is approved. After the final plat is recorded, a Building Permit may be issued for development on the lot.
- (K) **Recordkeeping.** Upon its approval, the City Engineer and City Clerk shall sign the Final Plat, and the Applicant shall record the Final Plat in the office of the appropriate County Clerk and Recorder's Office.

12-5-21 Affidavits of Correction for Plats

Purpose: This section establishes an expedited procedure to correct or move lot lines, easements, or minor changes to a platted lot.

- (A) **Applicability.** This section applies to any application:
- (1) To correct an error in a course or distance shown on a recorded plat;
 - (2) To add a course or distance that was omitted on a recorded plat;
 - (3) To correct an error in a real property description shown on a recorded plat;
 - (4) To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
 - (5) To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on a recorded plat;
 - (6) To correct any other type of scrivener or clerical error or omission previously approved by the City (or County, for subdivisions annexed into the City), including lot numbers, acreage, street names, and identification of adjacent recorded plats; or
 - (7) To correct an error in courses and distances of lot lines between two adjacent lots if:
 - (a) Both lot owners join in the application; and
 - (b) Neither lot is abolished; and
 - (c) The amendment does not attempt to remove recorded covenants or restrictions; and
 - (d) The amendment does not have a material adverse effect on the property rights of the other owners in the plat.
- (B) **Pre-Application.** Not applicable.
- (C) **Initiation.** The Applicant shall file an application for an Affidavit of Correction with the Engineering Division, and a copy of the plat showing the affected lots (*see Chapter 12 for submittal requirements*).
- (D) **Completeness.** See Section 12-5-3, W.M.C.
- (E) **Notice.** Not applicable.
- (F) **Decision**
- (1) Staff shall review a complete Affidavit of Correction application. See Section 12-5-6, W.M.C. (Staff Review).
 - (2) If the Affidavit of Correction is recorded, it shall be clearly marked with the plat number and name, and a statement that the application amends the previously recorded plat.

- (G) **Approval Criteria.** The Affidavit of Correction shall be reviewed administratively against any applicable requirement or standard of this Title, the zone district regulations, or any condition of the Final Plat, a PUD, rezoning, or Special Use Authorization.
- (H) **Subsequent Applications.** Not applicable.
- (I) **Appeals.** Not applicable.
- (J) **Scope of Approval.** An Affidavit of Correction does not authorize construction.
- (K) **Recordkeeping.** The City shall record the Affidavit of Correction in the office of the appropriate County Clerk and Recorder's Office if all requirements are met.

12-5-22 Vacation of Right-of-Way

Purpose: This section establishes procedures to vacate existing rights-of-way.

(A) Applicability

- (1) The property owner may request the vacation of a recorded plat dedicating right-of-way. The property owner shall file the request before the sale of any lot adjacent to the unconstructed right-of-way.
- (2) If any lot in the subdivision is sold, the property owner may request vacation of the right-of-way through the process for approving PDPs (Section 12-5-15, W.M.C.) and subdivision plats (Section 12-5-20, W.M.C.) in this Chapter.

(B) Pre-Application. See Section 12-5-2, W.M.C.

(C) Initiation. The Applicant shall submit an application for a Vacation of Right-of-Way with the City Engineer, and a copy of the plat creating the affected lots (*see Chapter 12 for submittal requirements*).

(D) Completeness. See Section 12-5-3, W.M.C..

(E) Notice. Not applicable.

(F) Decision

- (1) The City Engineer shall review the application for Vacation of Right-of-Way (see Section 12-5-6, W.M.C. (Staff Review)) and:
 - (a) Recommend approval of the Vacation of Right-of-Way;
 - (b) Recommend approval of the Vacation of Right-of-Way with any conditions needed to ensure compliance with this Code; or
 - (c) Recommend denial of the Vacation of Right-of-Way if it causes a parcel to violate any requirement of this Code.
- (2) The City Council shall approve, approve with conditions or deny the Vacation of Right-of-Way. If the right-of-way is established as a municipal street at any time, the City Council shall only approve the Vacation of Right-of-Way by ordinance. An ordinance is not required if the roadway was established but not used as a roadway after it was established. [*Reference: Section 43-2-303(2), C.R.S.*]
- (3) If any street within the subdivision is established as a county road, municipal street or state highway, the City Council shall consider the street vacation as provided by Section 43-2-303, C.R.S.

(G) Approval Criteria. The City Council shall decide the Vacation of Right-of-Way based upon consistency with any applicable requirement or standard of state law, this Title, the zone district regulations, or any condition of the final plat, PUD, rezoning, or Special Use Authorization.

- (H) **Subsequent Applications.** Not applicable.
- (I) **Appeals.** Not applicable.
- (J) **Scope of Approval.** The approved and recorded Vacation of Right-of-Way destroys the force and effect of the vacated right-of way, and divests all subject public rights in the streets, alleys and public grounds and all subject dedications laid out or described in the plat. (↔ *For streets or roadways, see Section 43-2-302, C.R.S. (vesting of title upon vacation of roadways).*)
- (K) **Recordkeeping.** The City shall record the approved Vacation of Right-of-Way in the office of the appropriate County Clerk and Recorder's Office.

12-5-23 Building Permits & Certificates of Occupancy

Purpose: This section integrates the process to obtain building permits and certificate of occupancy to ensure compliance with zoning and subdivision requirements of this Code.

(A) Applicability

- (1) Building Permits and Certificates of Occupancy are issued in accordance with the building code (\Leftrightarrow *Section Title 11, Chapter 9, W.M.C.*).
 - (2) No person shall construct, install, enlarge, alter, repair, move, improve, remove, replace, convert, demolish, equip, change the occupancy, or depart from the allowed use of any building or structure; exterior equipment or appurtenance; pool or similar; or other work regulated by this Title, or portion thereof, in the City, or cause the same to be done without first receiving any required approvals as outlined in this Title, obtaining a Building Permit for all such work from the Building Official, nor begin use of it without first obtaining or completing applicable inspections, and obtaining the appropriate Certificate of Occupancy or completion except as follows:
 - (a) A public utility, duly franchised or authorized as such in the City, shall not be required to obtain a permit prior to performing emergency maintenance or repairs on its equipment, building, or structure, when necessary to sustain service or protect life or property. However, the public utility shall obtain a permit for the work as soon as it is practical to do so.
 - (b) Public utilities, duly franchised or authorized as such in the City, are not required to obtain a permit for the installation, alteration or repair of generation, transmission, or distribution equipment that is under the ownership and control of the public utility.
- (B) **Pre-Application.** See Section 12-5-2, W.M.C.
- (C) **Initiation.** A Building Permit or Certificate of Occupancy is filed with the Building Official. See Chapter 12 of this Title for submittal requirements.
- (D) **Completeness.** See 12-5-3, W.M.C.
- (E) **Notice.** See Section 12-5-5, W.M.C.
- (F) **Decision.** The Building Official issues a Building Permit or Certificate of Occupancy. See Building Code (\Leftrightarrow *Section Title 11, Chapter 9, W.M.C.*).
- (G) **Approval Criteria.** No Building Permit or Certificate of Occupancy shall be issued except in full compliance with the provisions of this Title.
- (H) **Subsequent Applications.** Not applicable.

Unified Development Code

Chapter 5 Procedures | 12-5-23 Building Permits & Certificates of Occupancy

- (I) **Appeals.** Any denial of a Building Permit due to non-compliance with this Title is appealable to the Building and Fire Code Appeals Committee as provided in Section 12-5-24, W.M.C.
- (J) **Scope of Approval**
- (1) Service commitments are considered issued at the time of building permit issuance.
 - (2) Nothing in this Title creates any vested rights pursuant to this Title until the Building Permit inspection requirements of the Building Code are satisfied.
 - (3) Prior issuance of permits and service commitments remain subject to subsequent rescission, reduction, or reallocation by City Council as they may deem necessary in the public interest.
 - (4) Any building permits issued in violation of this Title are void. However, nothing in this Title alters or affects other requirements of the W.M.C. relative to construction.
- (K) **Recordkeeping.** See Building Code (\Leftrightarrow *Section Title 11, Chapter 9, W.M.C.*).

(Ord. No. 3919 , § 3, 2-26-2018)

12-5-24 Appeal or Call-Up

Purpose: This section establishes procedures to appeal or refer administrative decisions to the City Manager, Planning Commission, and Council.

(A) Applicability

- (1) **Generally.** This Section establishes the process for:
 - (a) Appeals to a City agency, board, or official. It does not establish the process for appeals or original actions in state or federal courts, which are governed by Colorado state law;
 - (b) Call-Up of a Planning Commission decision by the City Council; and
 - (c) Referral of a decision to another agency, board or official, where a provision of this Title expressly provides for referral.
 - (2) **Party-In-Interest.** A Party-In-Interest may Appeal a final decision. "Party-In-Interest," as used in this section, means any of the following:
 - (a) The Applicant;
 - (b) Any Property Owner within 300 feet of the parcel subject to the application; or
 - (c) The City Manager.
 - (3) **Agencies Hearing Appeals.** The agencies hearing an Appeal are as provided in Table 12-5-22.1 Appeals, below.
 - (4) **Call-Up.** The City Council may elect to call-up a Planning Commission decision where provided by this Section.
 - (5) **Referral.** This Section applies where a specific process in this Chapter requires referral to the Planning Commission or City Council.
- (B) **Pre-Application.** Not applicable.

Table 12-5-22.1 Appeals

Decision Appealed From -		Approving Authority	Appeal Authority
Process	Sub-type (“ – ” means not applicable)		
PDP	--	[PC] → CC	Court
PDP amendment	Minor	Administrative	PC
	<ul style="list-style-type: none"> • New land use; • < 10% change in area, density, setback or height • Significant change 	[PC] → CC	Court
ODP	• ≤ 10 acres residential or	Administrative	PC
	• ≤ 20 acres nonresidential		
	• > 10 acres residential or	PC	CC
	• > 20 acres nonresidential		
Final Plat		CM	Court
Interpretation	• Unlisted uses	PM	CM
	• Meaning of regulations or Zoning Map boundaries		
	• General interpretations applying this Code		
Comprehensive Plan Amendment	--	[PC] → CC	Court
Rezoning	--	[PC] → CC	Court
Special Use Authorization	--	PC	CC
Conditional Use Permit		PM	CM
Variance	• Parking	PC	Court
	• Signs		
	• Special Planning Commission		
	• Wireless Communications Facility		
	• Satellite Earth Stations		
	• Nonconforming structures		
	• Fences		
• ODP requirements applicable to a single-family lot			
Building Permit / Certificate of Occupancy	Application of Building Code	BO	BFCAC
	Application of this Title	BO	PC

Notes:

- PC = Planning Commission; CC = City Council; PM = Planning Manager; CM = City Manager; BO = Building Official; BFCAC = Building and Fire Code Appeals Committee
- [brackets] = recommendation (example: [PC] => CC means the Planning Commission makes a recommendation, and the City Council makes the final decision)
- Court = No City appeal is provided, but the application may appeal to District Court

- (C) **Initiation** (see Chapter 12 for submittal requirements)
- (1) **Appeal.** An appeal shall be filed by submitting a written notice of appeal of the decision to the Planning Manager within ten (10) days after the date of the decision. The notice of appeal shall include the following:
- (a) The action that is the subject of the appeal;
 - (b) The date of the action;
 - (c) The name, address, telephone number and relationship of the appellant to the subject of the decision; and
 - (d) A statement setting forth the basis of the appellant's standing to appeal the decision as a Party-In-Interest as defined in this Section (see subsection A.(2) above).
- (2) **Call-Up.** A Call-Up of a Planning Commission decision requires the vote of at least four (4) members of the City Council, and the vote must occur within fourteen (14) days of the decision.
- (D) **Completeness.** See Section 12-5-3, W.M.C.
- (E) **Notice** (see Section 12-5-5, W.M.C.)

Table 12-5-22.1 Notice Requirements for Appeal or Call-Up

Notice	When	Where / To Whom / Additional Requirements
Publication	4 days	Per Section 12-5-5, W.M.C., Table 12-5-5.1
Mail	10 days	<ul style="list-style-type: none"> • Appellant and the Applicant • Include date, time and place of the hearing, and grounds for the appeal as contained in the written notice of appeal. • Per Section 12-5-5, W.M.C., Table 12-5-5.1
Posting	10 days	Per Section 12-5-5, W.M.C., Table 12-5-5.1

Notice and scheduling a Call-Up shall proceed in the same manner as for an appeal by a Party-In-Interest, except that, in lieu of a statement of the appellant's standing, the notice shall state that the hearing is being held upon the request of the City Council pursuant to this Section.

- (F) **Decision**
- (1) **Public Hearing**
- (a) **Applicability.** This subsection applies only to appeals where the Planning Commission or City Council is the Appeal Authority.
 - (b) **Scheduling Public Hearing.** Upon the receipt of a timely notice of appeal or after the City Council elects to call-up a decision, the Planning Manager shall schedule a date for a public hearing before the Appeal Authority as expeditiously as possible. The Planning

Manager shall also issue the published and posted notices provided for by this section in advance of the Appeal Authority's hearing.

(c) Public Hearing.

(i) If the Appeal Authority determines that all the requirements are met for perfecting an appeal pursuant to subsection (ii) below, the Appeal Authority shall conduct a de novo hearing on the merits.

(ii) An Appeal is perfected if the person or entity filing the appeal:

- a)** The Appeal was filed within the time limits prescribed in subsection C., above; and
- b)** The Appeal includes the information required by subsection C., above; and
- c)** Notice was provided in accordance with subsection D., above.

(iii) The Appeal Authority shall conduct the hearing in accordance with its rules of procedure.

(2) Administrative

(a) If the City Manager is the appeal authority, the applicant shall submit an appeal in writing to the City Manager explaining the reasons that the decision of the approving authority should be reversed. The approving authority shall also provide a statement explaining the reasons for its decision.

(b) The City Manager render a decision only on the information or record of the original decision subject to the appeal. The City Manager may conduct a meeting if the City Manager determines more information is necessary.

(c) The City Manager shall make a determination on the appeal within a reasonable time, but no later than the following:

- (i)** Requests for a reasonable accommodation (see section 12-5-18(G)(3), W.M.C.): 30 days of receipt of the appeal.
- (ii)** All other applications: sixty (60) days after all records have been submitted or the meeting is held (if applicable), whichever occurs later.

(d) The City Manager shall notify the applicant in writing of the decision.

(G) Approval Criteria

- (1) **Appeals.** The Appeal Authority may overturn the decision if:
 - (a) The decision was the result of an incorrect interpretation of this Chapter;
 - (b) The decision would violate Colorado or federal statutes; or
 - (c) The decision would violate the Applicant’s state or federal constitutional rights.
- (2) **Referrals.** If an application is referred, the criteria relating to the referred application apply.
- (H) **Subsequent Applications.** Not applicable.
- (I) **Appeals.** Not applicable. The decision on Appeal, referral or Call-Up is final.
- (J) **Scope of Approval**
 - (1) **Appeal.** If the decision is overturned, the Applicant may apply for any permits or approvals required for development or establishment of the use, building or structure, as provided in this Title and any condition, order, requirement, decision or determination of the appellate body.
 - (2) **Referral.** The scope of approval is the same as for the application process that was referred, according to any and all conditions stated at the hearing as part of the decision, as defined in this Chapter.
- (K) **Recordkeeping**
 - (1) **Appeals.** The Community Development Department will maintain a file of the final decision on appeal. The Applicant must maintain a copy of the final decision on appeal, including any attachments.
 - (2) **Referral.** The recordkeeping requirements are the same as for the application process that was referred, must include a copy of the final decision on the referral.

12-5-25 Variances

Purpose: This section establishes procedures for requesting variances from this Title.

- (A) **Applicability.** This section applies to any application to vary a standard applied by the applicable use patterns (Chapter 2), zone district regulations (Chapter 3), development standards (Chapter 4), or use regulations (Chapter 6) of this Title.
- (B) **Pre-Application.** See Section 12-5-2, W.M.C.
- (C) **Initiation.** The Applicant shall submit an application for a Variance with the Planning Manager. See Chapter 12 of this Title for submittal requirements.
- (D) **Completeness.** See Section 12-5-3, W.M.C.
- (E) **Notice.** See Section 12-5-5, W.M.C.

Table 12-5-23.1 Notice Requirements for Variances

Notice	When	Where / To Whom / Additional Requirements
Mail or Email	10 days	<ul style="list-style-type: none"> • Appellant and the Applicant • Include date, time and place of the hearing, and grounds for the appeal as contained in the written notice of appeal. • Per Section 12-5-5, W.M.C., Table 12-5-5.1
Posting	10 days	Per Section 12-5-5, W.M.C., Table 12-5-5.1

- (F) **Decision.** The Planning Commission shall conduct a public hearing in accordance with Section 12-5-7, W.M.C., and shall approve, approve with conditions, or deny the variance.
- (G) **Approval Criteria.**
 - (1) The Planning Commission may grant a variance if it finds that all the criteria in either subsection (a) or (b) apply:
 - (a) The strict application of this Code would result in practical difficulties or unnecessary hardship that is inconsistent with the general purpose and intent of this Code, and:
 - (i) There are unique physical conditions, such as irregularity, narrowness or shallowness of the lot, or exceptional topographical or other physical conditions peculiar to the affected property;
 - (ii) Because of those physical conditions, the property cannot be reasonably developed in conformity with the provisions of this Code;
 - (iii) The special conditions and circumstances do not result from the present or prior actions of the Property Owner;
 - (iv) The variance, if granted, will not authorize the operation of a use other than those uses specifically allowed on the

property, nor alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property; or

- (b) That the property is used for a Single-Family Detached Dwelling Unit, and:
 - (i) The variance request represents the most practical accommodation for the explicit purpose of healthy, safe, and accessible ingress or egress to or from the principal building that is not already and cannot be accommodated sufficiently elsewhere on the property or within the building without requiring a variance to be granted;
 - (ii) The variance request represents the minimum amount needed to accomplish the purpose;
 - (iii) Such variance will not substantially injure the appropriate use of any adjacent conforming property;
 - (iv) The variance request represents a solution that substantially accomplishes the purpose and intent of this Title; and
 - (v) The variance will not authorize the operation of a use other than those uses specifically allowed on single-family detached property, nor substantially or permanently impair the appropriate use or development of the property.
- (2) Any application not meeting the criteria in subsection (1) above shall be denied. In approving an application meeting the above criteria, the Planning Commission may attach reasonable conditions and safeguards as necessary to implement the purpose of this Title or other codes adopted by the City.
- (H) **Subsequent Applications.** Not applicable.
- (I) **Appeals.** Not applicable. The Planning Commission decision is final.
- (J) **Scope of Approval.** A decision in favor of any Applicant is considered approval of the matter requested and permission to apply for all relevant building permits, providing evidence of the full detail of the decision, and subject to any conditions imposed by the Planning Commission.
- (K) **Recordkeeping.** Staff will maintain a file of the final decision. The Applicant must maintain a copy of the final decision, including any attachments.

12-5-26 Interpretation

Purpose: This Section recognizes staff authority to interpret Title 12, W.M.C., and establishes procedures to track interpretations.

(A) Applicability

- (1) The Planning Manager may interpret this Title as needed to:
 - (a) Determine that a use not specifically listed in this Code is permitted in a zone district;
 - (b) Interpret this Title when the meaning of a regulation or a boundary shown on the Zoning Map is not clear, either in general or as it applies to a specific property or situation; or
 - (c) Adopt general interpretations determining the application of this Code.
- (2) The Planning Manager is not legally obligated to consider a zoning interpretation requested by an Applicant or Property Owner. If the Planning Manager chooses to render an interpretation, the Planning Manager shall proceed with completeness review. The Planning Manager will notify the Applicant if no interpretation is needed, and the interpretation will not initiate completeness review.

(B) **Pre-Application.** Not applicable.

(C) Initiation

- (1) **General.** The Planning Manager may consider an Interpretation on its own initiative, or in response to an application (see subsection (2), below).
- (2) **Application.** Any City resident or person or entity with a legal or equitable interest in property in the City may initiate an interpretation relating to the application of this Title to their property by filing an application with the Planning Manager.

(D) **Completeness.** See Section 12-5-3, W.M.C.

(E) **Notice.** Not applicable.

(F) Decision

- (1) **Initiation by Planning Manager.** If the Planning Manager initiates the interpretation:
 - (a) The Planning Manager shall render an interpretation in writing, and
 - (b) Make a copy of the interpretation available upon request.
- (2) **Initiation by Application.** If the Interpretation is initiated by application:
 - (a) The Planning Manager shall make a determination within 60 working days after a complete application is filed.

- (b) The Planning Manager shall render an interpretation in writing and:
 - (i) transmit a copy of the Interpretation to the Applicant; and
 - (ii) make a copy of the Interpretation available upon request.
- (G) **Approval Criteria**
 - (1) In rendering an interpretation, the Planning Manager or City Manager on appeal will consider:
 - (a) The Comprehensive Plan, any applicable Specific Plan, or other official City policies that relate to the regulation subject to interpretation;
 - (b) the purpose statements or other official city policies relating to the regulation;
 - (c) the context of the regulation and its relationship to similar regulations; and
 - (d) any other factors bearing on the interpretation of local ordinances under Colorado law.
 - (2) This Code shall not be interpreted to permit a use in a zone when that use is specifically listed as a permitted or special use in another zone district.
- (H) **Subsequent Applications.** Not applicable.
- (I) **Appeals**
 - (1) The Applicant may file a referral to the City Manager within ten (10) days after the Planning Manager renders the written interpretation (\Leftrightarrow see *Section 12-5-24, W.M.C.*).
 - (2) If the Planning Manager fails to make a timely decision relating to a site specific zoning interpretation, the Applicant may file a referral to the Planning Commission within ten (10) days after the decision becomes untimely.
- (J) **Scope of Approval**
 - (1) **Generally.** After the interpretation is made, all City governing bodies, agencies and officials will apply the interpretation unless it is reversed or rescinded by a subsequent Interpretation, Charter amendment, ordinance, statutory amendment, or a final, binding decision by a court of law.
 - (2) **Effective Date.** The interpretation becomes effective fifteen (15) calendar days after the written decision is transmitted to the Applicant unless a timely appeal is filed.
- (K) **Recordkeeping.** The Planning Manager shall maintain a record of all zoning interpretations, and shall make those interpretations available upon request.

Westminster Unified Development Code
Chapter 6 Use Regulations

DRAFT FEBRUARY 22, 2021 – FOR DISCUSSION ONLY

Contents

12-6-1	Generally	402
12-6-2	Accessory Structures & Uses	403
12-6-3	Adaptive Reuse	406
12-6-4	Adult Businesses	408
12-6-5	Automotive-Oriented and Convenience Businesses	411
12-6-6	Dumpsters and Trash Storage.....	416
12-6-7	Home Occupations	417
12-6-8	Hospital (with Overnight Stays).....	419
12-6-9	Industrial Uses.....	421
12-6-10	Manufactured Home Parks	422
12-6-11	Oil & Gas Regulations [separate ordinance underway by City staff]	422
12-6-12	Outdoor Storage	433
12-6-13	Residential Use	434
12-6-14	Signs	434
12-6-15	Swimming Pools, Spas & Hot Tubs.....	435
12-6-16	Telecommunications Facilities Regulations	436
12-6-17	Temporary Construction & Sales Trailers	457
12-6-18	Temporary Structures and Uses	458

Chapter 6 Use Regulations

12-6-1 Generally

Purpose: This Chapter establishes standards for individual uses or activities that supplement the other requirements of this Title. This Chapter addresses requirements that are unique to those uses. In addition, this Chapter can streamline development approval by:

- *In some situations, replacing discretionary review (such as special use authorizations) with clear predictable standards, which avoids the need for additional permit review, and*
- *for some uses, establishing additional permissions or options for location or design that meet the unique needs of the use.*

(A) Applicability

- (1) Certain permitted uses shall meet the criteria established in this Chapter.
- (2) This Chapter applies regardless of the zoning district in which the use is located or whether the use is permitted by right or as a special or conditional use, unless otherwise indicated in this Chapter.
- (3) The zoning districts where uses listed in this Chapter are permitted are established by the Use Table (Section 12-3-24, W.M.C.), unless otherwise indicated.
- (4) The uses listed in this Chapter are defined in the Chapter 10, unless otherwise indicated.

(B) Standards Supplemental

- (1) These standards in this Chapter supplement the standards established in the zoning regulations (Chapter 3) and any applicable development standards (Chapter 4).
- (2) All uses shall comply with all other applicable requirements of the Municipal Code.
- (3) If a requirement of this Chapter conflicts with a requirement established elsewhere in this Title, the requirement of this Chapter governs unless otherwise provided.

12-6-2 Accessory Structures & Uses

(A) Generally

- (1) *Permitted Zone Districts.* An accessory structure is permitted in all zoning districts or planned unit developments in accordance with the requirements of this Code, unless restricted on an approved Official Development Plan.¹
- (2) *Exceptions.* The regulations of this section on the number, architectural character, size, and setbacks do not apply to:
 - (a) fences, play equipment, outdoor fireplaces, fire-pits, cooking grills, trellises, arbors, or similar structure not intended for use as a shade or storage structure; or
 - (b) any a miniature structure that is less than five feet in height, such as a fountain, playhouse, doll house, or doghouse.

(B) Number Permitted. Unless stated otherwise on an Official Development Plan:

- (1) In residential zoning districts, one detached garage permitted in addition to two accessory structures are permitted.
- (2) In residential PUD districts, two accessory structures are permitted per building lot.
- (3) There is no limit on the number accessory structures in non-residential districts, except as provided in an ODP.

(C) Architectural Character

- (1) Accessory structures must maintain the character of the surrounding neighborhood and architecturally resemble and consist of similar materials as the exterior of the existing principal building on the property.
- (2) Pre-fabricated or corrugated metal, plastic, vinyl, canvas or similar material buildings are prohibited.

(D) Size

- (1) For all residential zoning districts and residential PUD districts:
 - (a) the total of any detached garage and accessory structures is limited to five percent of the building lot area or 600 square feet, whichever is greater, unless a different size is provided for in the PUD district.
 - (b) The combined square footage of all accessory structures shall not exceed 2,000 square feet per building lot.

¹ Deletes requirement for an ODP waiver or ODP amendment in the non-residential districts. Why would those require this review process, and not residential districts?

- (2) For non-residential zoning districts. For nonresidential PUD zoning districts, size is determined in the ODP or ODP amendment.
- (E) **Height.** Maximum height of an accessory structure is limited to 15 feet, except in O-1 zoning districts where maximum height is limited to 35 feet.
- (F) **Setbacks**
 - (1) This subsection provides the setbacks for accessory structures, except that the setbacks for accessory structures in PUD zoning districts are as specified on an approved ODP. If setbacks are not specified in the ODP, the setbacks shall follow the requirements of this subsection. The setbacks set out below are minimums, and are measured in feet from the property line.

Table 6-2-1 Accessory Structure Setbacks

Size of accessory structure	≤ 120 sf	> 120 sf	O-1 District
Front Setback	same as required for the principal building		100'
Side and rear setbacks			
• Generally	3'	5'	30'
• Adjacent to public road	15'	15'	30'

- (2) *Encroachments*
 - (a) Accessory structures shall not encroach into any easements.
 - (b) Architectural features such as cornices, canopies, eaves, awnings or similar architectural roofline features may not encroach into the required side or rear setback for any accessory structure.
- (G) **Accessory Dwelling Units (ADU)**
 - (1) One ADU may be permitted on a residential lot within the RE, SR and MR districts where the lots is 6,000 square feet or greater in size and may be detached from or attached to the primary dwelling unit.
 - (2) An ADU that is attached to or part of the same structure as the primary unit must provide a separate exterior entrance and, if facing the street, must be setback from the front façade and not visible form the public right of way.
 - (3) The maximum floor area of an ADU shall not exceed thirty percent (30%) of the roof area of the primary dwelling unit or eight-hundred (800) square feet, whichever is less.

- (4) ADUs shall conform to all setbacks, height, lot coverage and other requirements applicable to the primary dwelling unit, based on the zoning district requirements in Chapter 3.
- (5) The architectural design, exterior materials and colors, roof pitch and style, type of windows and trim details shall be substantially the same as and compatible with the primary dwelling unit.
- (6) An ADU must be served by the water service account of the primary residence. Additional tap fees, if applicable, shall be determined by the Public Works and Utilities Department. The ADU cannot be served by separate water services.
- (7) No ADU shall be permitted on a property within three hundred (300) feet laterally (same side of a block) or 150 perpendicularly (across the street or behind the lot) of any other property authorized for an ADU. Such measurements shall be made from property lines. Measurement shall be made in a straight line without regard to intervening structures or objects. A Special Use Authorization may be requested pursuant to Section 12-5-17 where an ADU is requested at distances lesser than those specified herein.

12-6-3 Adaptive Reuse

Purpose: This section provides flexibility in adapting existing structures to new uses over time, in recognition that neighborhoods and land uses do not remain static. This section encourages the repurposing of existing buildings to provide a more efficient use of infrastructure, minimize excessive development costs, and to encourage mixed use development in locations with existing infrastructure.

Permitted use in: All districts.

(A) Applicability

- (1) This section applies to the adaptive reuse of any existing building in any zoning district, if the building:
 - (a) Lawfully existed before the effective date of this Code, and
 - (b) Has been vacant for at least 2 years; or
 - (c) Is located in a local or nationally designated historic structure or historic district; or
 - (d) Was constructed at least 50 years before the effective date of this Chapter; or
 - (e) Is vacant, uninhabitable, and hazardous to persons and property because of its physical condition, as determined by the Planning Manager; or
 - (f) Has been declared or certified blighted pursuant to a redevelopment plan approved by the Planning Commission or City Council; or
 - (g) Has been declared to be a public nuisance by the City Council.
- (2) This Section does not apply to:
 - (a) New construction.
 - (b) Change of non-conforming uses, unless the existing use is located in a structure that qualifies under subsection (1) and was lawful when it was established.

(B) Eligibility. To qualify for the regulatory incentives established in subsection (E) below, an adaptive reuse must either –

- (1) Retain the existing bulk, height and lot configurations of the existing structure and lot; or
- (2) If the building is expanded or relocated on the lot:
 - (a) The building must meet the rear and side setback requirements of the district. If the building does not meet a frontage buildout

standard, the building may expand to increase the frontage buildout, but may not be altered so as to reduce the frontage buildout; and

- (b) If the existing building is set back at least 20 feet from the front property line, meet the frontage landscaping requirements; and
 - (c) Unless the expansion conforms to any maximum building footprint or height standards, the building footprint and height may expand –
 - (i) By up to 20%, or
 - (ii) By up to 50% if authorized by a conditional use permit.
 - (d) If the building is located in the Neighborhood Commercial (NC), Mixed Center (MC), or Town Center (TC) districts, the front façade shall at least maintain the existing percentage of windows and entryways after the building is rehabilitated.
- (C) **Code Compliance.** An adaptive reuse shall comply with all current, applicable building and fire code standards.
- (D) **Permitting.** The building subject to adaptive reuse must obtain a building permit under the standards in effect at the time of application, including any alternative standards adopted by the City of Westminster for existing buildings.
- (E) **Incentives.** An adaptive reuse qualifies for the following regulatory incentives:

Table 6-3-1 Adaptive Reuse Incentives

(A) Incentive	(B) Existing Building Rehab <i>(see subsection B(1) above)</i>	(C) Expansion <i>(see subsection B(2) above)</i>
Building Height <i>(Section 12-4-2)</i>	Existing building height is considered permitted and not nonconforming.	In addition to Column (B), any expansion must comply with subsection (B)(2)(c) above.
Landscape & Preservation <i>(Section 12-4-7)</i>	No additional landscaping is required. Additional landscaping provided must be maintained.	If the building is located further than 20 feet from the right-of-way, frontage landscaping is required. No additional landscaping is required.
Parking & Loading <i>(Section 12-4-8)</i>	Existing parking and loading spaces shall be maintained or may decrease where allowed by Chapter 4. No additional spaces are required.	For existing building space, Column (B) applies. Parking space requirements are reduced by 50% for any expansion, if the total number of parking spaces existing prior to the expansion is not reduced.

<p>Parks / Open Space / Civic (“Amenity”) Space (Section 12-4-9)</p>	<p>No amenity space is required.</p>	<p>No amenity space is required unless the expansion exceeds 20,000 square feet or 50% of the existing building area.</p>
<p>Stormwater management (Sections 12-4-11, 8-11-5)</p>	<p>Land disturbance permit not required.</p>	<p>Land disturbance permit required only if it involves:</p> <ul style="list-style-type: none"> • ≥ 1 acre, or • < 1 acre if part of a PUD, or • Environmentally sensitive areas

12-6-4 Adult Businesses²

Findings of Fact: The City Council finds:

- *There are a substantial number of adult businesses in the Denver metropolitan area that require special supervision from public safety agencies, to protect and preserve the health, safety, and welfare of the patrons of those businesses, as well as the citizens of the area.*
- *Adult businesses are frequently used for unlawful and unhealthful sexual activities, including prostitution and sexual liaisons of a casual nature.*
- *The concern over sexually transmitted diseases is a legitimate health concern of the City that demands reasonable regulation of adult businesses in order to protect the health and well-being of the citizens.*
- *There is convincing documented evidence that adult businesses, because of their nature, have a deleterious effect on both the existing businesses around them and surrounding residential areas, causing increased crime and the downgrading of property values.*
- *Adult businesses, due to their nature, have serious objectionable characteristics, particularly when they are located in close proximity to each other, which contributes to urban blight and downgrading the quality of life in the adjacent area.*
- *The City Council desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight.*
- *The City Council has previously acted to regulate the location and operation of other types of businesses that cause secondary effects, such as pawnshops and social gaming outlets. This section is part of an overall plan to improve and protect the quality of life from the secondary effects of a variety of activities through reasonable regulation and land use controls.*

² Penalties are moved to Chapter 8 (Enforcement), and severability is moved to Chapter 11.

- *This section does not suppress any speech activities protected by the First Amendment, but establishes content neutral requirements that addresses the secondary effects of adult businesses.*
- *This section does not condone or legitimize the distribution of obscene material, and the Council recognizes that State law prohibits the distribution of obscene materials and expects and encourages law enforcement officials to enforce anti-obscenity laws against any of those illegal activities that occur within the City.*

Purpose: This section regulates adult businesses to:

- *Promote the health, safety, and general welfare of the citizens of the City; and*
- *Establishes reasonable and uniform regulations to prevent the continued deleterious location and concentration of adult businesses within the City.*

This section does not impose a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. It is not the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

Permitted use in: CS district.

(A) Applicability

- (1) *Generally.* This section applies to adult businesses in the City.
- (2) *Definitions.* The definitions contained in Section 5-17-2, W.M.C., apply to the same terms found in this section.
- (3) *Exemptions.* This section does apply to any business that does not require a license pursuant to Chapter 23 of Title V.

(B) Districts. See Section 24-3-24, W.M.C. (Use Table).³

(C) Separation Distances

- (1) *From Sensitive Uses*
 - (a) It is unlawful to operate or cause to be operated an adult business within 1,000 feet of:
 - (i) A church;

³ Currently: "It is unlawful to operate or cause to operate an adult business outside a designated PUD district. All adult businesses shall be located within a PUD district and are subject to the same regulation as all other PUD uses." Need to discuss.

- (ii) A public or private preschool, day care center, elementary or secondary school;
 - (iii) A public park;
 - (iv) A boundary of any residential district;
 - (v) The property line of a lot devoted to residential use, regardless of the zoning designation.
- (b) This distance is made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult business is conducted, to the nearest property line of the premises of a church or public or private preschool, day care center, or elementary or secondary school, a public park, or to the nearest boundary of a residential district or residential lot.
- (2) *From Other Adult Businesses*
 - (a) It is unlawful to cause or permit the operation, establishment, substantial enlargement, or transfer of ownership or control of an adult business within 1,000 feet of another adult business.
 - (b) This distance is measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
- (D) **Building Occupancy.** It is unlawful to cause or permit the operation, establishment, or maintenance of more than one adult business in the same building or structure, or the increase of floor area of any adult business in any building or structure containing another adult business.
- (E) **Nonconformities**
 - (1) Any adult business lawfully operating on September 25, 1990, that is in violation of subsections (A) through (D) of this section is deemed a nonconforming use. The nonconforming use may continue to operate unless abandoned as provided in Chapter 7 of this Title. Those nonconforming uses shall not increase, enlarge, extend or alter except that the use may change to a conforming use.
 - (2) An adult business lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a sensitive use (see subsection (C)(1) above) within 1,000 feet of the adult business. This applies only to the renewal of a valid license and does not apply when an application for a license is submitted after the license expires or is revoked.
- (F) **Severability.** If any provision of this section is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of this section are

valid, unless it appears to the court that the valid provisions of this section are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed that the City Council would have enacted the valid provisions without the void provision, or unless the court determines that the valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

12-6-5 Automotive-Oriented and Convenience Businesses

Purpose: This section reduces the aesthetic, noise and lighting impacts of drive-in and drive-through facilities by creating separation and screening from sensitive uses.

Permitted use in:

	NC	TC	CS	IP
<i>Drive-in or Drive-Through</i>	<i>P</i>	<i>P</i>	<i>P</i>	
<i>Auto and truck repair (heavy)</i>	--	--	<i>P</i>	<i>P</i>
<i>Auto and truck repair (light)</i>	<i>S</i>	<i>S</i>	<i>P</i>	--
<i>Automobile or vehicle dealership</i>	--	--	<i>P</i>	--
<i>Car wash</i>	<i>S</i>	<i>S</i>	<i>S</i>	--
<i>Gas station</i>	<i>S</i>	<i>S</i>	<i>P</i>	
<i>Automobile rental</i>	<i>P</i>	<i>P</i>	<i>P</i>	

[Note: Section 12-4-1, W.M.C. (Water Conservation) for commercial car wash facilities.]

- (A) **Applicability.** This section applies to any:
 - (1) Restaurant, drive-in & drive-through; auto and truck repair (heavy); auto and truck repair (light); automobile or vehicle dealership; automobile rental facility, car wash; or gas station; and
 - (2) Any use with a drive-in or drive-through facility.
- (B) **Separation from Residential Districts.** No wall of any drive-in or drive-through restaurant, car wash, auto and truck repair (heavy), auto and truck repair (light), or gas station is permitted within 100 feet of any residential district boundary.
- (C) **Criteria for Review of Special Use Authorization.** When required, the review of the Special Use Authorization for uses in this sub-section shall use the approval criteria established in Section 12-5-17(G) as well as the following criteria:
 - (1) **Location.** The number of automobile related activities within 600-feet of an intersection of two arterial streets shall not exceed 2, including car

washes, gas stations, automobile sales or rental lots or automobile/vehicle repair.

- (2) **Access and Circulation.** The building and/or site for the proposed use(s) shall adequately provide parking and on-site circulation in a manner that minimizes impacts on adjacent properties and does not negatively impact vehicular or other modes of travel on adjacent streets and trails.
 - (3) **Substantial Conformance.** Existing nonconformities are remediating and the building and/or site is in, or will be brought into substantial conformance with all current development requirements, including but not limited to landscaping, parking, screening, signage and design standards.
- (D) Automobile Rental, Sales and Leasing.**
- (1) **Vehicle Display.** A maximum of 30 percent of the street side landscape area may be used for vehicle display. A minimum 12-foot wide planter strip shall separate vehicle display areas from sidewalks along the streets. Vehicle display encroachments wider than 30-feet shall be separated by a minimum distance of 30-feet between similar vehicle displays that encroaches into the street side landscape area (illustration needed). All vehicle display, parking and storage shall occur on a permanent all-weather surface.
 - (2) **Vehicle Loading and Unloading.** Vehicle loading and unloading shall occur entirely on-site and fully outside of public right of way or adjacent properties.
- (E) Automobile/Vehicle Repair, Minor or Major**
- (1) **Minimum Lot Size.** 1 acre, unless incorporated into a larger multiple tenant commercial development.
 - (2) **Refuse and Storage.** Used or discarded vehicle parts or equipment or disabled, junked, or wrecked vehicles shall be stored within the main building or in a location fully screened from public view.
 - (3) **Noise.** All body and fender work, or similar noise-generating activity, shall be enclosed in masonry or similar building with sound attenuating measures incorporated into the building design and construction to absorb noise. Bay openings shall be oriented so as to minimize the effects of sound emanating from the auto repair building towards residential uses and public outdoor spaces. Compressors shall be located within separately enclosed, sound attenuated rooms.
- (F) Car Wash/Vehicle Washing**

- (1) **Setbacks.** In addition to the provisions set forth in subsection (B) above, vacuum stations, canopies and any facilities associated with vehicle cleaning or detailing shall be located 100 feet from any residential district boundary.
 - (2) **Circulation.** Drive aisles shall be at least 11 feet in width. Car wash entrance approaches shall be screened from adjacent residential uses or public streets with four-foot masonry wall, dense landscaping or a combination thereof. Entrance approach aisles shall not encroach into any required landscape area and shall provide queuing distance for a minimum of 3 vehicles per bay for self-service facilities or 4 vehicles for automatic washes.
 - (3) **Refuse.** One permanent, non-combustible trash receptacle per wash and vacuum station is required.
 - (4) **Noise.** Sound attenuating measures shall be incorporated into the car wash design and construction to absorb noise such that sound level readings at the property lines are no more than 55 decibels. Mechanical equipment for centralized vacuum equipment shall be housed in an enclosed room.
- (G) Convenience Markets (With or Without Fuel Sales)**
- (1) **Maximum Building Size.** 5,000 square feet.
 - (2) **Refuse.** One permanent, non-flammable trash receptacle shall be installed adjacent to the building entrance and, in cases of fuel sales, shall be provided at a rate of one per every two pump stations.
 - (3) **Security.** All public entrance and exit doors shall be made of glass or another fully transparent material. An unobstructed line of sight that allows a view of and from the cash register and sales transaction area through all windows and public entrances and exit doors shall be maintained in the convenience market at all times. The unobstructed line of sight must, at a minimum, extend from four (4) feet above the ground to at least seven (7) feet above the ground. For purpose of measurements in this subsection only, measurements shall be made from the inside of the store, starting at the floor and measuring upward.
- (H) Drive-Through Uses.** To mitigate the impacts of drive-through facilities at restaurants, pharmacies, banks, cleaners and other uses the following requirements shall be met where a drive-through use is authorized:
- (1) Drive-through lanes shall be physically separate from other on-site circulation and parking areas with a five foot (5') wide landscape median.

- (2) Provide a 2-foot foundation base along the exterior of the building where adjacent to the drive-through lane
- (3) Payment and/or pick-up windows shall be architecturally integrated in proportion, color, material and texture to the building it serves. Where windows extend out from the building face, the minimum projection is 2-feet. Awnings or architecturally integrated structures shall be included for weather protection.
- (4) Drive-through lanes shall not be located parallel to the adjacent roadway. Where physical site conditions prevent such configuration, 40-inch high screen walls shall be provided adjacent to the public right-of-way. The design and materials of the screen wall shall match those of the primary building(s).
- (5) Except where otherwise approved via Official Development Plan, vehicle stacking shall be provided for a minimum stacking distance of 100-feet between the order-placing speaker and the pick-up window, with at least 40 feet of stacking distance between order-placing speaker and entry to the drive-through lane.

(I) Gas Stations (Service Stations).

- (1) **Location.** Maximum of two gas stations may be permitted within a one-quarter (1/4) mile of any four-way intersection, measured from edge of right of way.
- (2) **Minimum Frontage.** 100 feet per street.
- (3) **Architecture.** Pump islands shall be covered by a canopy that matches or complements the design of the main structure.
- (4) **Fences.** Solid masonry fences only.
- (5) **Lighting.** All exterior light sources including canopy, perimeter, and flood, shall be stationary, and shielded or recessed withing the roof canopy to ensure that all light is directed away from adjacent properties and rights of way. No lense of any lighting fixture may extend below the shielding device. Lighting shall not be of a high intensity so as to cause a traffic hazard, be used as for signage, or adversely impact adjacent properties.
- (6) **Refuse.** A minimum of one (1) permanent, non-flammable trash receptacle shall be installed for every two (2) pump islands. rovide a 2-foot foundation base along the exterior of the building where adjacent to the drive-through lane
- (7) When located not within the CS district the main structure containing the office, cashier, retail shop and/or other services shall be placed

between the pump canopy and the street right-of-way. When located on a corner, the street with the higher functional classification shall be used to determine compliance with this requirement.

- (J) **Drive-in and Drive-through Screening.**⁴ Masonry walls or berms are required to screen from view all drive-in and drive-through lanes visible from the public right-of-way. The minimum height of the walls is 30 inches. The design and materials must match those of the adjacent building.

⁴ From first draft of landscaping regulations, except that this adds drive-in lanes as well.

12-6-6 Dumpsters and Trash Storage⁵

Purpose: This section establishes location and screening standards for dumpsters and trash storage to protect the public health and safety and lessens or mitigate the visual impact those structures on the community.

Permitted use in: all zone districts

(A) Applicability

- (1) This section applies to any dumpster or similar trash storage area (hereinafter “trash storage”) with a capacity at least one cubic yard and accessory to any multi-family dwellings, and any commercial / office, civic, or industrial buildings or uses. [Note: see Section 12-3-24, W.M.C. (Use Table) for use categories, and Chapter 10 for definitions.]
- (2) This section applies to all new development consistent with subsection (1) that requires a certificate of occupancy.
- (3) For the purpose of enforcement, the property owner is legally responsible for compliance with this section.
- (4) Single-family detached and two-family dwellings and accessory uses are not permitted to maintain trash dumpsters of one cubic yard or larger, as those are of a size and type normally associated with commercial uses.

(B) Location. Trash storage shall be:

- (1) accommodated within the principal building or structure; or
- (2) if located outside, screened so that it is not visible from adjacent public streets or from adjacent residential development within 100 feet of the trash storage area.

(C) Screening

- (1) Screening shall of an opaque enclosure, decorative wall or fence at least six feet in height.
- (2) The enclosure, screen wall or fence shall be constructed of materials compatible with building materials of the structure.
- (3) The enclosure, screen wall or fence shall incorporate protective pipe bollards and concrete curbs outside and inside of the enclosure to protect it from damage by the normal removal and replacement of the dumpster by a trash truck.

⁵ Deletes the 1-year amortization provision (“all such trash storage areas in existence as of the date of adoption of this ordinance (August 1997) shall come into conformance within one year of the adoption hereof.”), as it expired over two decades ago.

- (D) **Sight Distance Triangle.** Trash storage and screening shall not encroach into sight distance triangles for driveways or street corners.
- (E) **Parking.** Trash storage and screening shall not displace required parking spaces.

12-6-7 Home Occupations

Purpose: This section provides for the conduct of business in residential dwellings to:

- *Encourage economic development by recognizing the growing trend of working from home, along with new opportunities for home-based work created by the information and gig economies;*
- *Reduce trip generation by allowing people to work where they live; and*
- *Protect surrounding residential neighborhoods from adverse impacts generated by business activities.*

Permitted use in: any zone district.

(A) Applicability

- (1) Home occupations that meet the criteria of this section are permitted in connection with the occupation of a dwelling within any zoning district, including the residential areas of a PUD zone.
- (2) The home occupations shall comply with the requirements of this section.

(B) Generally. The home occupation:

- (1) Shall clearly be incidental and secondary to the use of the dwelling for dwelling purposes; and
- (2) Shall not change the character of the dwelling or of the neighborhood by excessive noise, lights, traffic, or other disturbances.

(C) Uses

- (1) A home occupation may include any Commercial / Office use (see Section 24-3-24, W.M.C. (Use Table)), except as provided in subsection (2) below. Permitted uses include the sale of homemade foods pursuant to the Colorado Cottage Foods Act, Section 25-4-1614, C.R.S.
- (2) An occupation, activity, or use that requires a special use permit pursuant to Section 12-3-24, W.M.C. (Use Table), is not allowed as a home occupation under this chapter.

- (D) **License Required.** It is unlawful to operate a home occupation otherwise permitted under this section without first obtaining a license for the occupation. Licensing procedures are established in Chapter 3 of Title V of this Code

(E) Operation / Employees

- (1) Only persons residing in the dwelling may operate a home occupation.
- (2) The home occupation shall not employ, for a fee or otherwise, any person in the conduct of the home occupation who does not reside in the dwelling.

(F) Location

- (1) Except as provided in subsections (2) and (3) below, the home occupation shall operate entirely within the dwelling unit.
- (2) Outdoor activity is limited to the following:
 - (a) No more than two students instructed at any one time (preparing for the lesson or being instructed).
 - (b) The activity is conducted only during the months of April, May, June, July, August, September and October.
 - (c) The participants are no older than seven years of age.
 - (d) Instruction occurs only between 8:00 a.m. and 7:00 p.m.
 - (e) The home occupation is certified by the requirements of the American Red Cross or programs such as the Infant Swimming Research Program.
- (3) Subsection (2) does not apply to the use of outdoor swimming facilities for limited water safety instruction⁶ purposes.

(G) Entrances. A home occupation shall not have a separate entrance from outside the building, unless otherwise required by State law or regulation. This does not apply to limited outdoor pool instruction noted in (F)(2) and (3) above, which may be accessed through an outside gate.

(H) External Display. The operator of the home occupation shall not display or create outside the building any external evidence of the operation of the home occupation. This does not apply to permitted signs.

(I) Area

- (1) The home occupation shall not exclusively use more than 20 percent of the building area of the dwelling or 300 square feet, whichever is less.
- (2) A garage shall not be used for, or in conjunction with, a home occupation.⁷

(J) Motors. No motors shall be used in the conduct of the home occupation, except electric motors having two horsepower or less.

⁶ This is not defined. How does the City interpret this (or has it)? It seems to duplicate subsection (2).

⁷ Could we allow a garage if the home occupation leaves at least two parking spaces available in the garage and rear yard?

(K) **Nuisance.** A home occupation conducted without a home occupation license or in violation of any provision of this section is deemed a public nuisance and subject to abatement pursuant to Title VIII, Chapter 4, of this Code.

12-6-8 Hospital (with Overnight Stays)

Purpose: This section establishes entryway and operational standards for hospitals with overnight stays to protect the public health and safety and provide efficient traffic circulation.

Permitted use in: BP and OP.

(A) **Applicability.** Hospitals (with Overnight Stays), shall be located, developed, and operated in compliance with applicable zoning district regulations and this section.

(B) **Patient Entrances.** Patient entrances shall:

- (1) Be clearly distinctive from the remainder of the building and readily visible from the public street;
- (2) Include an extended foundation base to provide a patient drop-off area of at least 900 sf, extending at least 20-feet perpendicular from the patient entrance door;
- (3) Pedestrian connections within parking areas to other buildings on site, to the public street, and to transit shall follow the requirements of the pedestrian access requirements of Chapter 4, Section 12-4-10 (Site Design).



Figure 6-10-1 Summary of Hospital Site Design Requirements

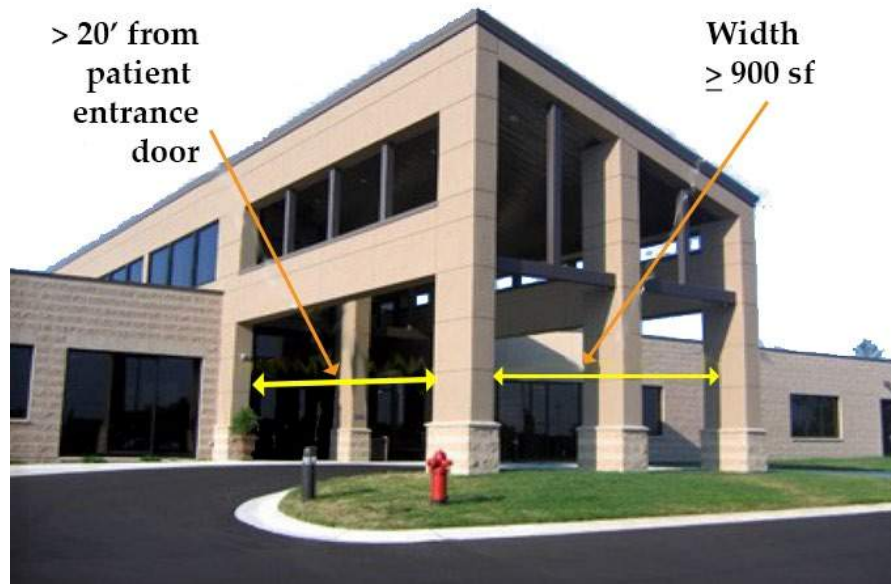


Figure 6-10-2 Patient Entrances

- (C) **Emergency Room Access.** Emergency room access shall be separate and distinct from the patient entrance(s). Vehicle access drives leading to the Emergency Room shall be direct from the street and separated from parking lanes and spaces by intervening buildings, extruded curbs and landscape islands.



Figure 6-10-3 Emergency Room Access



Figure 6-10-4 Emergency Room Access

- (1) *Storage of Liquid Chemicals and Bulk Materials.* Liquid oxygen and similar materials stored outdoors and in bulk shall be screened from ground-level view by the building, screen wall, or screen walls in combination with landscape materials. If landscape materials are used, the size of the tree at planting shall be at least a 36-inch box.
- (2) *Heliports.* Heliports associated with a hospital are permitted, and shall be located in a manner to minimize noise impacts on abutting residential uses, according to the following preferences:
 - (a) *First Preference:* Ground on side of building opposite any abutting residential areas.
 - (b) *Second Preference:* Roof level of building less than the highest point on side of building away from residential areas.
 - (c) *Third Preference:* Roof at top of building.

12-6-9 Industrial Uses

Purpose: this section limits manufacturing associated with retail issues in certain districts to protect the public health and safety and lessen or mitigate noise, lighting and visual impacts of those uses on the surrounding uses.

- (A) **Generally.** No manufacturing is permitted in conjunction with sales in NO, NC, TC and CS zone districts.
- (B) **Exception.** The prohibition on manufacturing in subsection (A) does not apply to artisans, which are considered general retail uses.

12-6-10 Manufactured Home Parks⁸

Purpose: This section cross-references existing manufactured and mobile home regulations for consistency, and establishes standards for fences.

Permitted use in: Planned Unit Development (PUD)

- (A) **Mobile Home Parks.** Mobile home parks shall comply with Title V, Chapter 11, W.M.C.
- (B) **Fences⁹**
- (1) Individual lot perimeter fences may be erected at the lot line of individual mobile home spaces.
 - (2) These fences shall be constructed of chain link and shall be of a standard design for the entire mobile home park.
 - (3) The top of those fences shall not exceed 36 inches in height.

12-6-11 Oil & Gas Regulations [separate ordinance underway by City staff]

Purpose: This section –

- *protects and promotes the health, safety, morals, convenience, order, prosperity or general welfare of the present and future residents of the City; and*

⁸ This section may not need much attention as the City is not likely to have many (if any) suitable locations for these anyway, but federal law requires that we accommodate them. I also noticed that WMC 11-7-8 and Title V, Chapter 11 appear virtually identical, so the cross-reference is carried forward. Chapter 10 updates the terminology for “mobile home” and “manufactured home” for consistency with the Colorado Statutes. Generally, “manufactured homes,” which are factory-built homes that conform to a preemptive federal building code (the National Manufactured Housing Construction and Safety Standards or “HUD Code.”) “Mobile homes” usually refer to factory-built homes that conform neither to the HUD Code or the local building code, which means that they were usually constructed before 1974. However, the current definition of “mobile home” in Title 11 is broad enough to include recreational vehicles. A “modular home” is a factory-built home that is built to the local building codes, and is considered a single-family detached dwelling. Should we revise this to contemplate RVs, and also to add tiny homes? Currently, are existing “mobile home parks” factory-built homes, or do they also include RV parks?

⁹ From WMC 11-4-6(5). This currently also provides that “fence permit issuance and fees therefor shall be in accordance with the provisions of this Code.” I did not find a “fence permit” provision in the WMC. I’ve omitted it here in case I missed something.

- *mitigates potential land use conflicts arising as a result of the development of oil and gas resources within the City.*

Under Colorado law the surface and mineral estates are separate and distinct interests in land and that one may be severed from the other. Owners of subsurface mineral interests have certain legal rights and privileges, including the right to use that part of the surface estate reasonably required to extract and develop their subsurface mineral interests, subject to compliance with the provisions of this section and any other applicable statutory and regulatory requirements. The State has a recognized interest in fostering the efficient development, production and utilization of oil and gas resources and in the prevention of waste and protection of the correlative rights of common source owners and producers to a fair and equitable share of production profits. Owners of surface estates have certain legal rights and privileges, including the right to have the mineral estates developed in a reasonable manner. Local governments have the recognized, traditional authority and responsibility to protect the health, safety and welfare of persons and property and to regulate land use within their jurisdictions. This section is an exercise of the City's police power and regulatory authority to ensure the compatible coexistence of oil and gas drilling and extraction activities with residential, commercial and other types of development within the City.

Permitted use in: all zone districts¹⁰

(A) Applicability

- (1)** Within all zone districts, it is unlawful for any person to drill a well, or reactivate a plugged or abandoned well, or extract resources from a well, or install accessory equipment or pumping systems unless the City grants an Official Development Plan (hereinafter "ODP") authorizing that activity or use in accordance with the procedures defined in this section.
- (2)** Subsection (1) does not apply to a well that is approved by the City in an ODP prior to the effective date of this section.
- (3)** When a well is approved pursuant to this section, the twinning, sidetracking, or reentering of that well to deepen, recomplate, or rework does not require a subsequent approval under this section.
- (4)** The approval of an ODP does not relieve the owner or operator from otherwise complying with all applicable regulatory requirements of the City, State of Colorado and United States.

¹⁰ It is not clear from the current regulations where oil and gas wells are allowed. I infer from 11-4-14(C)(1) ("within all zoning districts") that, because the regulations apply to all of the districts, that oil and gas operations are allowed in all zone districts.

(B) Definitions. All terms used in this section that are defined in the Colorado Oil and Gas Conservation Act (Title 33, Article 60, C.R.S., as amended)(the “Act”) or in Colorado Oil and Gas Conservation Commission (“Commission” or “OGCC”) regulations and are not otherwise defined in this section or Chapter 10 of this title are defined as provided in the Act or in Commission regulations in effect as of the date of this section. All other terms used in this section have their usual, customary and accepted meaning, and all words of a technical nature, or peculiar to the oil and gas industry, have the meaning that is generally accepted in the oil and gas industry.

(C) Generally

- (1) Inspections.** In recognition of the potential impacts associated with oil and gas drilling and well operation in an urban setting, all wells and accessory equipment and structures are subject to inspection by the inspectors of the City at reasonable times to determine compliance with applicable provisions of this section, the International Fire Code, the International Building Code, and other applicable City health/safety standards. To implement and enforce this section, City personnel may enter upon private property after reasonable notification to the operator, which provides the operator an opportunity to be present.
- (2) Sales and Use Tax License.** An operator of a well subject to this section shall at all times have a valid City sales and use tax license. The license may be obtained by filing an application with the City Clerk. All operators must comply with applicable provisions of Title IV of this Code relating to taxation.
- (3) Building Permit.** Building permits shall be obtained prior to the construction of any above-ground structure to the extent required by the City Building Code then in effect.

(D) Application

- (1)** The City shall approve an application for an ODP filed pursuant to this section if the application meets the following requirements:
 - (a)** The application submission requirements set forth in chapter 12 of this title.
 - (b)** The applicable development standards contained in subsections 12-6-11(G) and 12-6-11(H), W.M.C., and
 - (c)** The International Building Code and International Fire Code requirements.
- (2)** The City shall deny an application for an ODP filed pursuant to this section that does not meet the requirements listed above.

- (3) The City's determination of the application shall be made pursuant to the procedures set forth in this title for approval of an ODP, except that a hearing before the City Planning Commission is required on any application filed under this section.
- (E) **Variances from Development Standard**
- (1) The City Council shall grant a variance from a development standard in either of the following cases:
 - (a) The applicant establishes that a particular application of a development standard to the applicant's property results in a direct conflict with the statutory responsibilities of the Commission; or
 - (b) The applicant establishes that a particular application of a development standard to the applicant's property constitutes a taking or damage in violation of the United States Constitution or Article 2, Section 3 of the Colorado Constitution.
 - (2) The City Council may grant a variance from a development standard if it finds that the requirements set forth in Section 12-5-23(G), W.M.C., are met.
- (F) **Notice to Proceed.** Prior to commencement of operations for which an ODP is granted, a "Notice to Proceed" shall be obtained from the City Manager. The following documentation must be submitted and approved prior to the issuance of the Notice to Proceed:
- (1) A copy of the City Council ordinance approving an ODP for the well,
 - (2) A copy of the City sales and use tax license,
 - (3) A copy of all necessary state or federal permits issued for the oil or gas operation, if not previously submitted.
- (G) **Development Standards**
- (1) *Well Site and Production Site Setbacks.* The following apply to all areas of the City:
 - (a) A well site shall be set back at least:
 - (i) 350 feet from any occupied building or building permitted for construction; and
 - (ii) 75 feet from any public right-of-way.
 - (b) A production site shall be set back at least:
 - (i) 350 feet from any occupied building or building permitted for construction; and
 - (ii) 75 feet from any public right-of-way.
 - (2) *Production Site Containment*

- (a) To the maximum extent possible, all accessory equipment shall be located within a central battery area that conforms to the production site setback requirements.
- (b) All permanent production tanks shall be located within a containment berm. The containment berm shall be designed to:
 - (i) permit reasonable and adequate access and service; and
 - (ii) be capable of impounding an amount of fluid equal to 100 percent of the capacity of the largest tank within the berm.
- (3) *Noise Regulation*
 - (a) State law and regulations concerning noise abatement (Title 25, Article 12, C.R.S.) shall apply to all operations, together with applicable local government ordinances, rules or regulations.
 - (b) Exhaust from all engines, motors, coolers and other mechanized equipment shall be vented in a direction away from all occupied buildings to the extent practicable.
 - (c) All power sources used in pumping and production operations shall have electric motors or muffled internal combustion engines.
- (4) *Special Mitigation Measures-Noise*
 - (a) Where a well site or production site is located in an area of particular noise sensitivity, additional noise mitigation may be required. An area of particular noise sensitivity includes without limitation an area that includes the following: a hospital, a school, dwelling units, a nursing home, a hotel, a church, and designated wildlife preserves, open space, parks, and recreation areas.
 - (b) In determining the need for special noise mitigation, specific site characteristics shall be considered, including, but not limited to, the nature and proximity of adjacent development, prevailing weather patterns, vegetative cover and topography.
 - (c) One or more of the following additional noise abatement measures may be required:
 - (i) Acoustically insulated housing or cover enclosing a motor or engine;
 - (ii) Noise management plan identifying hours of maximum noise emissions, type, frequency, level of noise to be emitted, and proposed mitigation measures, or
 - (iii) Any abatement measures required by OGCC for high density areas, if applicable.

- (5) *Visual Impacts and Aesthetics.* The following apply to all areas of the City:
- (a) To the maximum extent practicable, a well site and production site shall be located away from prominent natural features, such as distinctive rock and land forms, vegetative patterns, river crossings, City-owned and designated open space, parks and recreation areas, and other designated landmarks.
 - (b) To the maximum extent possible, a well site and production site shall be located to avoid the tops of hills and ridges, to prevent the appearance of pumpjack and accessory equipment profiles on the horizon.
 - (c) Electric pumping systems are required in areas where feasible.
 - (d) In urbanized areas, no tanks located in a production site shall exceed six feet in height. In developing areas, no tanks located in a production site shall exceed nine feet in height.
 - (e) In urbanized areas, no treatment facilities located in a production site shall exceed six feet in height, with the exception of venting pipes which shall not exceed 16 feet in height. In developing areas, no treatment facilities located in a production site shall exceed nine feet in height, with the exception of venting pipes, which shall not exceed 16 feet in height.
 - (f) To the maximum extent possible, the applicant shall locate facilities at the base of slopes to provide a background of topography and/or natural cover.
 - (g) To the maximum extent possible, the applicant shall align access roads to follow existing grades and minimize cuts and fills.
 - (h) Facilities shall be painted as follows:
 - (i) Uniform, non-contrasting, non-reflective color tones, similar to Munsell Soil Color coding system.
 - (ii) Color matched to land, not sky, slightly darker than adjacent landscape.
 - (iii) Exposed concrete colored to match soil color.
 - (i) Electrical lines servicing pumping and accessory equipment shall be installed below ground only.
 - (j) Oil and gas shall be transported from a well to treatment facilities by buried pipeline, unless an above-ground line is approved by the City.

- (k) After commencement of production operations, all excavation slopes, both cut and fill, shall be planted and maintained with grasses, plants, or shrubs for the purposes of adequate erosion control.
- (6) *Special Mitigation Measures-Visual*. In urbanized areas, the applicant shall submit a Visual Mitigation Plan, including one or more of the following standards, as appropriate:
 - (a) All pumping systems and accessory equipment used in the operation of a completed well shall be screened on all sides by a fence of a height equal to the highest accessory equipment, with the exception of venting pipes associated with said equipment. The owner shall landscape the perimeter of the fence immediately surrounding the well site and production site. The Planning Commission shall determine the design and specific material used for the fence and landscaping during the review process, based on compatibility with adjacent development.
 - (b) To the maximum extent practicable, exterior lighting shall be directed away from residential areas, or shielded from said areas to eliminate glare.
 - (c) The applicant shall provide one or more of the following landscaping practices, on a site specific basis:
 - (i) Establishment and proper maintenance of ground covers, shrubs, trees;
 - (ii) Shaping cuts and fills to appear as natural forms;
 - (iii) Cutting rock areas to create irregular forms;
 - (iv) Designing the facility to utilize natural screens, or
 - (d) Construction of fences for use with or instead of landscaping.
 - (e) To the maximum extent possible under O.G.C.C. rules and regulations, the location of the well site and production site shall be compatible with the uses designated for the surface estate.
- (H) **Open Space, Parks and Recreation Areas**. City-owned open space, parks, or recreation areas are subject to the following special requirements:
 - (1) Whenever possible, drilling and production operations shall be located and conducted to prevent or minimize effects on trails, recreational activities, trees, grasses, water bodies, wetlands, flora and fauna, stream boundaries, and the natural condition of the land.

- (2) Development standards in this section that apply to an "urbanized area" also apply to City-owned open space, parks and recreation areas.
 - (3) Whenever possible, to minimize surface impact, the applicant shall develop multiple reservoirs or locations by drilling from common pads or by multiple completions or commingling in existing wellbores, if those operations are authorized by the OGCC.
 - (4) Concrete pads or barriers underlying tanks are required where necessary to prevent seepage or infiltration.
 - (5) Access roads on the property shall be located and constructed pursuant to City requirements. Security fences and gates shall be installed as required by the City, to control public access to the property.
 - (6) A detailed reclamation and restoration plan shall be submitted with the application. The plan shall meet or exceed City reseeding standards and shall provide for the complete reclamation of the site in a reasonable period of time to the same or a better condition than existed prior to the commencement of operations in a manner approved by the City.
 - (7) The applicant shall also submit an Irrevocable Letter of Credit, Performance and Reclamation Bond or other security, in form and content acceptable to the City Attorney, in the amount of \$5,000.00 per well, to cover the costs of reclamation, and a copy of an insurance policy in an amount sufficient to insure the applicant against all claims or causes of action for damages to persons or property, including environmental damage, arising out of its drilling, operation or production activities. The City shall be named as an additional insured on this insurance policy.
- (I) **Compliance with State Environmental Requirements.** The approval of an ODP pursuant to this section does not relieve the operator from complying with all applicable City, State and federal statutes, regulations and standards concerning air quality, water quality, ground contamination and waste disposal.
- (J) **Abandonment and Plugging of Wells.** The approval of an ODP does not relieve the operator from complying with all OGCC rules with respect to abandonment and plugging of wells. The operator shall provide the City with Commission Form 4 at the time that it is filed with the Commission.
- (K) **Seismic Operations.** The approval of an oil and gas permit does not relieve the operator from complying with all OGCC rules with respect to seismic operations. All notices that an operator is required to file with the Commission with respect to seismic operations shall be filed with the City on a timely basis. The City shall comply with the same confidentiality requirements that bind the Commission.

- (L) **Signs.** The approval of an oil and gas permit does not relieve the operator from complying with all OGCC rules with respect to signs. In addition, the owner or operator shall maintain in good, readable condition all signs required by Commission regulations.
- (M) **Reclamation.** The approval of an ODP does not relieve the operator from complying with all Commission rules with respect to site reclamation.
- (N) **Floodplain Regulations.** The well site and production site shall comply with the floodplain regulations of this Code.
- (O) **Access Roads**
 - (1) All private roads used to access a well site or a production site shall be improved prior to the drilling of the well and maintained according to the following standards:
 - (a) Access roads to the production site shall be subject to review by the City Engineer in accordance with City standards and specifications and the following minimum standards:
 - (i) A graded roadway having a prepared subgrade and an aggregate base course surface a minimum of six inches thick compacted to a minimum density of 95 percent of the maximum density determined in accordance with generally accepted engineering sampling and testing procedures approved by the Department of Community Development. The aggregate material, at a minimum, shall meet the requirements for Class 3, Aggregate Base Course, as specified in the Colorado Department of Transportation's "Standard Specifications for Road and Bridge Construction" latest edition.
 - (ii) 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 by the Department of Community Development.
 - (iii) Constructed so as to provide surface widths and clearances sufficient to accommodate City fire equipment.
 - (iv) Maintained so as to provide a passable roadway generally free of ruts and of snow.
 - (b) Access roads to well sites are subject to review by the City Engineer in accordance with the following minimum standards:

- (i) A 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.
- (ii) Graded so as to provide drainage from the roadway surface and constructed to allow for cross drainage of waterways by means of an adequate culvert pipe. Adequacy of the pipe shall be subject to approval by the Department of Community Development.
- (iii) Constructed so as to provide surface widths and clearances sufficient to accommodate City fire equipment.
- (iv) Maintained so as to provide a passable roadway generally free of ruts and of snow.

(P) Wildlife Impact Mitigation

- (1) When a well site or production site is located in a significant wildlife habitat, as defined by the Colorado Division of Wildlife, the applicant shall consult with the Division of Wildlife to obtain recommendations for appropriate site specific and cumulative impact mitigation procedures. The operator or owner shall implement the procedures recommended by the Division of Wildlife after consultation with the City.
- (2) The applicant shall not engage in activities that the Colorado Division of Wildlife determines threaten endangered species.

(Q) Emergency Response Costs. The operator shall reimburse the City for any emergency response costs incurred by the City in connection with activity at the well site or production site, except that the operator is not required to pay for emergency response costs where the response was precipitated by the mistake of the City or a third party.

(R) Enforcement

- (1) *Penalty.* Any person that violates any provision of this section or a condition or requirement of an ODP approved pursuant to this section is subject to the penalties set forth in Section 1-8-1, W.M.C.
- (2) *Civil Action.* In addition to other remedies provided by law, the City Attorney may institute an action for injunction or abatement, or other appropriate action or proceeding, to remedy a violation of this section or a violation of a condition or requirement of an ODP approved pursuant to this section.

- (3) *False or Inaccurate Information.* The City may revoke approval of an ODP if it is determined at a public meeting, held after at least ten days' notice to the applicant, that the applicant provided information and/or documentation upon which approval was based, which the applicant, its agents, servants or employees, knew, or reasonably should have known, was false, misleading, deceptive, or inaccurate.
- (S) **Severability.** If any provision of this section is found by a court of competent jurisdiction to be invalid, the remaining provisions of this section will remain valid, it being the intent of the City that the provisions of this section are severable.
- (2534)

12-6-12 Outdoor Storage

Purpose: This section provides consistent screening and surfacing standards for outdoor storage of vehicles, equipment, products, and materials to protect the public health, safety and general welfare.

Permitted in: any zone district, as provided in this section.

(A) Permitted Locations

- (1) The outdoor storage of merchandise, goods, or materials is permitted in the following zone districts:

Table 6-12-1 Permitted Outdoor Storage Locations

	O1	RE, SR, MR, MM, MH	NO	NC	MC	TC, CS	BP, IP	OP
C = Permitted subject to requires conditional use approval or ODP (see subsection (B) below)								
-- = not permitted								
50% = up to 50% of lot (see subsection (2))								
Temporary outdoor display or storage of merchandise, goods, or materials during normal business hours	--	--	C	C	--	C	--	--
Permanent outdoor display or storage of merchandise, goods, or materials	--	--	--	50%	--	50%	50%	--
Seasonal outdoor storage (garden supplies, Christmas tree sales, and similar items)	C	--	C	C	--	C	C	--

- (2) Permanent outdoor display and storage of merchandise, goods, or materials permitted above shall not occupy more than 50 percent of the total lot, unless otherwise approved on an ODP or conditional use permit. The City Council may approve more or less restrictive conditions with the approval of an ODP.
- (B) **Approval.** Permanent, accessory, and seasonal outdoor storage in a district shall conform to an approved ODP or conditional use permit. If provisions permitting outdoor storage are not contained on an approved ODP or conditional use permit, outdoor storage is prohibited.
- (C) **Screening.** In the NC, TC, or CS districts, outdoor storage, equipment, merchandise, and refuse shall be screened from view from abutting rights-of-way and adjacent properties.

12-6-13 Residential Use

Purpose: this section establishes standards for model homes and caretaker's quarters, along with transitional standards for higher density districts, to protect neighborhood character and the public health, safety and general welfare.

Permitted use in:

- *Model homes and senior housing are characteristics of dwellings permitted in O1, RE, SR MR, MM, and MH*
- *Caretaker's quarters: NO, NC, MC, TC, CS, BP, OP, IP*

- (A) **Adjacent Land Use Restrictions.** In the MR and MM districts, no single structure containing more than two dwellings shall be located immediately adjacent to an existing single-family detached dwelling.
- (B) **Model Homes.** Dwellings temporarily used as model homes or sales offices in a development must be restored to residential use and occupancy within thirty days after the following, whichever occurs first:
- (1) the initial sale or lease of all units in the development; or
 - (2) the date that no building permit for the development has been issued in 365 days.
- (C) **Caretaker's Quarters.** Where permitted, caretaker's quarters are allowed on or above the main floor, if the use is clearly ancillary to the primary business or commercial use.

12-6-14 Signs

[TO BE ADDED LATER; THE REVISED SIGN REGULATIONS WERE ADOPTED IN DECEMBER, AND ARE THEREFORE NOT PRESENTED FOR DISCUSSION AT THIS TIME]

12-6-15 Swimming Pools, Spas & Hot Tubs

Purpose: this section establishes setbacks for swimming pools and similar facilities to protect the public health, safety and general welfare.

(A) Applicability

- (1) This section applies to outdoor swimming pools, wading pools, hot tubs, spas, and similar facilities.
- (2) This section does not apply to portable wading pools constructed of flexible plastic, rubber, or similar materials.

(B) Setbacks. Structures subject to this section shall be constructed or installed so that there will be:

- (1) at least five feet between the side or rear property line and the rim of the facility; and
- (2) at least 50 feet between the front property line and the rim of the facility.

(C) Residential PUD. In the case of outdoor swimming pools, in conjunction with residential occupancies located on developer-owned or commonly owned land, the front setback shall be determined on the PDP or the ODP instead of subsection (B).

12-6-16 Telecommunications Facilities Regulations

Purpose: To accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the City Council finds that these regulations are necessary to:

- *Establish a local policy concerning communications service providers;*
- *Promote competition in the provision of communications services;*
- *Facilitate the provision of wireless communications services to the residents and businesses of the City;*
- *Minimize adverse visual effects of towers, antennas and both wireless and wired communication facilities through careful design and siting standards, including but not limited to camouflage design techniques, appropriate screening, and undergrounding of associated equipment whenever possible;*
- *Encourage collocation and maximize the use of existing and approved towers, buildings, and other structures to accommodate new wireless communications facilities to reduce the number of support structures needed to serve the community;*
- *Encourage the deployment of smaller, less intrusive wireless communications facilities to replace or supplement existing larger wireless communications facilities;*
- *Effectively manage telecommunications or broadband provider facilities in the dedicated rights-of-way and dedicated utility easements of the City; and*
- *Secure fair and reasonable compensation to the City and its taxpayers for the use of any appropriate property, owned or acquired by the City in its proprietary capacity, as a site for communications facilities.*

(Ord. No. 3891, § 6, 6-26-2017)

(A) Applicability

- (1)** This section applies to the placement of any tower, antenna, or other communications facility within the City.
- (2)** The following facilities are not subject to this section:
 - (a)** *Antennas or Towers Used by FCC-Licensed Amateur Radio Operators.* These facilities are permitted in any non-PUD or non-SPD zoning district up to the maximum height specified for principal structures for that district. In existing PUD and SPD districts, the operator must apply for an ODP amendment to establish permissible structure heights if the ODP fails to specify height limitations for antennas or towers for that district.

- (b) *Television or Radio Antennas*
 - (i) Those antennas, including over the air reception devices:
 - a) located on single family dwellings or duplexes, less than five feet above the highest point of the existing principal structure; or
 - b) for ground mounted antennas, the requirement that the height be no more than the distance from its base to the property line or the maximum height specified for accessory structures for that district, whichever is less.
 - (ii) The City Manager may approve modifications to the height restriction related to over the air reception device antennas and antenna structures, if in the reasonable discretion of the City, modifications are necessary to comply with federal law.
- (c) *City-Owned Facilities.* City-owned communications facilities located on City-owned property and/or public rights-of-way.

(Ord. No. 3891, § 6, 6-26-2017)

(B) Operational Standards

- (1) *Federal Requirements.* All WCFs shall meet the current standards and regulations of the FAA, the FCC and any other agency of the federal government with the authority to regulate WCFs. If those standards and regulations are changed, the owners of the WCF shall bring the facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency. Failure to meet those revised standards and regulations constitute grounds for the removal of the WCF at the owner's expense.
- (2) *Radio Frequency Standards*
 - (a) All WCFs shall comply with federal standards for radio frequency emissions.
 - (b) If concerns regarding compliance with radio frequency emissions standards for a WCF are made to the City, the City may request that the owner or operator of the WCF provide information demonstrating compliance.
 - (c) If that information is not sufficient, in the reasonable discretion of the City, to demonstrate compliance, the City may request and the owner or operator of the WCF shall submit a project

implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site, and which compares the results with established federal standards.

- (d) If, upon review, the City finds that the facility does not meet federal standards, the City may require corrective action within a reasonable period of time, and if not corrected, may require removal of the WCF pursuant to subsection (6) below.
 - (e) The Applicant shall pay any reasonable costs incurred by the City, including reasonable consulting costs to verify compliance with these requirements.
- (3) *Signal Interference*
- (a) All WCFs shall be designed and sited so as not to cause interference with the normal operation of radio, television, telephone and other communication services utilized by adjacent residential and non-residential properties.
 - (b) WCFs shall not interfere with any public safety communications.
 - (c) The applicant shall provide a written statement from a qualified radio frequency engineer, certifying that a technical evaluation of existing and proposed facilities indicates no potential interference problems and shall allow the City to monitor interference levels with public safety communications during this process.
 - (d) The applicant shall notify the City at least ten calendar days prior to the introduction of new service or changes in existing service, and shall allow the City to monitor interference levels with public safety communications during the testing process.
- (4) *Legal Access.* In all applications for WCFs an applicant must warrant and represent that it has the written agreement of the owner of the property which is the subject of the application for legal access to and from the WCF and the applicant must also warrant and represent that it will have legal access to the utilities to operate and maintain the WCF.
- (5) *Operation and Maintenance*
- (a) To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with standards contained in applicable local building and safety codes.
 - (b) If upon inspection, the City concludes that a WCF fails to comply with those codes and constitutes a danger to persons or property,

then, upon written notice being provided to the owner of the WCF, the owner has 30 days from the date of notice to bring the WCF into compliance.

- (c) Upon good cause shown by the owner, the City's Chief Building Official may extend the compliance period up to 90 days from the date of the notice.
- (d) If the owner fails to bring such WCF into compliance within that time period, the City may remove the WCF at the owner's expense.
- (6) *Abandonment and Removal*
 - (a) If a WCF is not used for a period of three months, the owner of the WCF shall notify the City of the non-use and shall indicate whether re-use is expected within the ensuing three months.
 - (b) Any WCF that is not operated for a continuous period of six months is considered abandoned.
 - (c) The City, in its sole discretion, may require an abandoned WCF to be removed.
 - (d) The owner of the abandoned WCF shall remove it within 30 days of receipt of written notice from the City.
 - (e) Upon removal, the land shall be restored and re-landscaped, at the operator's expense, to the level of finish of the adjacent landscaped area.
 - (f) If the WCF is not removed within 30 days:
 - (i) the City may remove it at the owner's expense; and
 - (ii) Any approved permits for the WCF expire.
 - (g) With respect to any WCF in the Right-of-Way, the WCF shall be removed within 120 days after notification by the City that the Right-of-Way is needed by the City for the expansion, construction, or reconstruction of a street or highway or other use by the City for any City project. The removal is at the sole expense of the WCF owner and if the WCF owner fails to remove the WCF within 120 days, the City may remove the WCF and charge the costs to the WCF owner.

(Ord. No. 3891, § 6, 6-26-2017)

(C) Design Standards

(1) Applicability

- (a) The requirements of this Section apply to the location and design of all WCFs governed by this Section as specified below. To that end,

WCFs shall be designed and located to minimize the impact on the surrounding neighborhood and maintain the character and appearance of the City, consistent with other provisions of this Code.

- (b) The City may waive these requirements if it determines that the goals of this Section are better served by the waiver.
- (2) *Camouflage/Concealment.* All WCFs and any transmission equipment shall, to the extent possible, use camouflage design techniques such as use of materials, colors, textures, screening, undergrounding, landscaping, or other design options that will blend the WCF to the surrounding natural setting and built environment. Design, materials and colors of WCFs shall be compatible with the surrounding environment. Designs shall be compatible with structures and vegetation on the same parcel and adjacent parcels.
 - (a) Camouflage design may be of heightened importance where findings of particular sensitivity are made (e.g., proximity to historic or aesthetically significant structures, views, and/or community features). WCFs located in areas of high visibility shall (where possible) be designed (e.g., placed underground, depressed, or located behind earth berms) to minimize their profile.
 - (b) The camouflage design may include the use of alternative tower structures if that design meets the intent of this Code and better serves the community.
 - (c) All WCFs, such as antennas, vaults, equipment rooms, equipment enclosures, and tower structures shall be constructed out of non-reflective materials (visible exterior surfaces only).
- (3) *Hazardous Materials.* Hazardous materials are not permitted in association with WCFs, except those necessary for the operations of the WCF and only in accordance with all applicable laws governing those materials.
- (4) *Siting.*
 - (a) *Generally.* No portion of any WCF may extend beyond the property line.
 - (b) *Collocation.* The City Manager may require WCFs to be designed and constructed to permit the facility to accommodate WCFs from at least two wireless service providers on the same WCF unless the City approves an alternative design. No WCF owner or operator shall unfairly exclude a competitor from using the same facility or location.

- (c) *Parking Displacement.* WCFs shall be sited in a location that does not reduce the parking for the other principal uses on the parcel below Code standards.
- (5) *Lighting.* WCFs shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the WCF is mounted on a light pole or similar structure primarily used for lighting purposes. If lighting is required, the City may require available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting shall be shielded or directed to the greatest extent possible to minimize the amount of glare and light falling onto nearby properties, particularly residences.
- (6) *Landscape Requirements*
 - (a) WCFs shall be sited in a manner that does not reduce the landscaped areas for the other principal uses on the parcel, below Code standards.
 - (b) WCFs shall be landscaped with a buffer of plant materials that effectively screen the view of the WCF from adjacent residential property. The standard buffer shall consist of the front, side, and rear landscaped setback on the perimeter of the site.
 - (c) In locations where the visual impact of the WCF is minimal, the City Manager may reduce or waive the landscaping requirement.
 - (d) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as WCFs sited on large, wooded lots, natural growth around the site perimeter may be sufficient to buffer.
 - (e) No trees larger than four inches in diameter measured at four and one-half feet high on the tree may be removed, unless authorized by the City Manager. To obtain that authorization the applicant shall show that tree removal is necessary, the applicant's plan minimizes the number of trees to be removed and any trees removed are replaced at a ratio of two to one.
- (7) *Noise.* Noise generated on the site must not exceed the levels permitted in the City Code, except that a WCF owner or operator may exceed City Code noise standards for a reasonable period of time during repairs, not to exceed two hours without prior authorization from the City.
- (8) *Urban Renewal Areas.* If the built environment is anticipated to change significantly during the usable life of a WCF, such as within an urban

renewal district, the WCF shall be compatible with the anticipated future built environment.

- (9) *Additional Requirements.* Additional design requirements apply to the various types of WCFs as specified below:
- (a) *Base Stations.* If an antenna is installed on a structure other than a tower, such as a base station (including, but not limited to the antennas and accessory equipment) it shall be of a neutral, non-reflective color that is identical to, or closely compatible with, the color of the supporting structure, or uses other camouflage/concealment design techniques to make the antenna and related facilities as visually unobtrusive as possible, e.g., positioned behind an RF transparent screen wall designed to look like an integrated part of the structure with all exposed surfaces painted or colored and finished to match the design, finish, and color of the surrounding building elements.
 - (b) *Alternative Tower Structures and Small Cell Facilities.* An ATS or Small Cell Facility shall be designed and constructed to look like a building, facility, or structure typically found in the area.
 - (c) *Alternative Tower Structures Located in the Right-of-Way.* In addition to the other criteria contained in this Section, an ATS located in the right-of-way shall be consistent with the following:
 - (i) With respect to its pole-mounted components, be located on or within an existing utility pole serving another utility;
 - (ii) Be camouflaged/concealed consistent with other existing natural or manmade features in the right-of-way near the location where the ATS will be located;
 - (iii) With respect to its pole components, be located on or within a new utility pole where other utility distribution lines are aerial, if there are no reasonable alternatives, and the applicant is authorized to construct the new utility pole;
 - (iv) To the extent reasonably feasible, be consistent with the size and shape of the pole-mounted equipment installed by communications companies on utility poles near the ATS;
 - (v) Be sized to minimize the negative aesthetic impacts to the right-of-way;
 - (vi) Be designed such that antenna installations on traffic signal standards are placed in a manner so that the size,

- appearance, and function of the signal will not be considerably altered;
- (vii) Require that any ground mounted equipment shall be located in a manner necessary to address both public safety and aesthetic concerns in the reasonable discretion of the City Manager, and may, where appropriate, require a flush-to-grade underground equipment vault;
 - (viii) Not alter vehicular circulation or parking within the right-of-way or impede vehicular, bicycle, or pedestrian access or visibility along the right-of-way. The ATS must comply with the Americans With Disabilities Act and every other local, state, and federal law and regulation. No ATS may be located or maintained in a manner that causes unreasonable interference. Unreasonable interference means any use of the right-of-way that disrupts or interferes with its use by the City, the general public, or other person authorized to use or be present upon the right-of-way, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the right-of-way that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to public health, safety, or welfare.
- (d) *Towers*
- (i) Towers shall either maintain a galvanized steel finish, or, subject to any applicable FAA standards, be painted a neutral color so as to reduce visual obtrusiveness as determined by the City;
 - (ii) Tower structures should use existing land forms, vegetation, and structures to aid in screening the facility from view or blending in with the surrounding built and natural environment;
 - (iii) Monopole support structures shall taper from the base to the tip;
 - (iv) All towers shall be enclosed by security fencing or wall at least six feet in height and shall also be equipped with an appropriate anti-climbing device; and
 - (v) Notwithstanding anything in this section to the contrary, no towers located in the public right-of-way shall exceed the

height limit for the maximum structure (non-building)
height for the zoning district in which it is located.

- (e) *Related Accessory Equipment.* Accessory equipment for all WCFs shall meet the following requirements:
- (i) All buildings, shelter, cabinets, and other accessory components shall be grouped as closely as technically possible. If accessory equipment is to be ground-mounted, it shall be enclosed in an enclosure that is clad with the same primary cladding material of the nearest building located on the same property, or with materials and colors complimentary with the immediate surroundings of the enclosure in the absence of a nearby building. The enclosure shall screen all equipment to its full height. If back-up generators or other equipment that will potentially generate noise are located in the enclosure, the enclosure shall be constructed of a masonry material such as concrete, cinder block, or CMU and then clad as previously described. The enclosure should have a secure metal door painted in a color compatible to the nearby building or surrounding area. The enclosure shall be protected by curbs, bollards, or similar devices, if placed in close proximity to where vehicular traffic is expected. Equipment (existing or new) may also be placed in underground vaults, negating the need for above-ground enclosures. Alternate screening or enclosure designs may be considered for approval, on a case-by-case basis, by the Planning Manager;
 - (ii) The total footprint coverage area of the WCF's related accessory equipment shall not exceed 350 square feet;
 - (iii) No related accessory equipment shall exceed 12 feet in height;
 - (iv) Accessory equipment, such as remote radio units, shall be located out of sight whenever possible by locating behind parapet walls or within equipment enclosures. Where these alternate locations are not available, the accessory equipment shall be camouflaged or concealed.

(Ord. No. 3891, § 6, 6-26-2017 ; Ord. No. 3981, § 2, 4-8-2019)

(D) Application, Review Procedures and Requirements

- (1) *Generally.* No new WCF shall be constructed and no collocation or modification to any WCF, including WCFs approved as part of an existing ODP, may occur except after a written request from an applicant, reviewed and approved by the City in accordance with this section. All WCFs, except eligible facilities requests that are reviewed under subsections (5) and (8) of this Subsection, shall be reviewed pursuant to the following procedures.
- (2) *Submittal Requirements and Inventory of Existing Sites.* See Chapter 12 of this Title.
- (3) *Sharing Information.* The Community Development Department may share this information with other applicants applying for administrative approvals or permits under this section or other organizations seeking to locate WCFs within the jurisdiction of the City. The Community Development Department is not, by sharing that information, in any way representing or warranting that those sites are available or suitable.
- (4) *City Manager Review.* Applications for base stations, alternative tower structures and alternative tower structures within right-of-way, shall be reviewed by the City Manager to determine that the requirements of this section are met. If the review determines that any of the conditions required by this section are not met, the City will notify the applicant in writing describing the reasons or the conditions that are not satisfied.
- (5) *Alternative Design.* All applications for towers shall demonstrate that alternative design options such as base stations or alternative tower structures are not viable options as determined by the City.
- (6) *Height in Right-of-Way.* Towers located in the public right-of-way shall not exceed the height limit for the maximum structure (non-building) height for the zoning district in which it is located. This supersedes any contrary provision of this section.
- (7) *Alternative Review Procedures for Eligible Facilities Requests.*
 - (a) *Application.* The City shall prepare, revise and make publicly available, an application form limited to the information necessary for the City to consider whether an application for collocation is an eligible facilities request. That application will not require the applicant to demonstrate a need or business case for the proposed modification or collocation. The information may include, without limitation, whether the project:
 - (i) Would result in a substantial change;

- (ii) Violates a generally applicable building, structural, electrical, or safety codes, or other rule codifying objective standards related to public health and safety, or results in non-compliance with any relevant federal requirements.
- (b) *Type of Review.* Upon receipt of an application for an eligible facilities request pursuant to this Section, the City Manager shall review the application to determine whether the application qualifies.
- (c) *Timeframe for Review.* Subject to the tolling provisions of subsection (d) below, within 60 days of the date on which an applicant submits an application seeking approval under this subsection, the City shall approve the application unless it determines that the application is not covered by this Section.
- (d) *Tolling of the Timeframe for Review.* Given the City's electronic application system, the 60-day review period begins to run when the application is filed or the first day after filing that the City is open for business, whichever is later, and may be tolled only by mutual agreement of the City and the applicant, or in cases where the City Manager or designee determines that the application is incomplete:
 - (i) To toll the timeframe for incompleteness, the City must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application;
 - (ii) The timeframe for review begins running again when the applicant makes a supplemental written submission in response to the City's notice of incompleteness; and
 - (iii) Following a supplemental submission, the City will notify the applicant within ten days if the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in subsection (d)(i). In the case of a second or subsequent notice of incompleteness, the City may not specify missing documents or information that were not delineated in the original notice of incompleteness.
- (e) *Failure to Act.* If the City fails to approve or deny a request seeking approval for an eligible facilities request under this Section within

- the timeframe for review (accounting for any tolling), the request is deemed granted. The deemed grant becomes effective when the applicant notifies the City in writing after the review period expires (accounting for any tolling) that the application is deemed granted.
- (f) *Remedies.* Applicants and reviewing authorities may bring claims related to Section 6409(a) of the Spectrum Act of 2012 (47 U.S.C. § 1455(a)) to any court of competent jurisdiction.
 - (g) *Interaction with Telecommunications Act Section 332(c)(7).* If the City determines that the applicant's request is not an eligible facilities request as delineated in this section, the presumptively reasonable timeframe under Section 332(c)(7), as prescribed by the FCC's shot clock order, will run from the issuance of the City's decision that the application is not a covered request. To the extent that information is necessary, the City may request additional information from the applicant to evaluate the application under Section 332(c)(7) reviews.
 - (8) *Abandonment and Removal.* Prior to approval, affidavits are required from the property owner and from the applicant acknowledging that each is responsible to remove a WCF that is abandoned or is unused for a period of six months.
 - (9) *Decision.* Any decision to approve, approve with conditions, or deny an application for a WCF, shall be in writing and supported by substantial evidence in a written record. The Applicant shall receive a copy of the decision.
 - (10) *Compliance with Applicable Law.* All work done pursuant to WCF applications must be completed in accordance with all applicable building, structural, electrical, and safety codes and any other applicable laws or regulations. This supersedes the approval of an application for new WCFs or collocation as described in this section to the extent of any inconsistency. In addition, all WCF applications shall comply with the following:
 - (a) Comply with any permit or license issued by a local, state, or federal agency with jurisdiction of the WCF;
 - (b) Comply with easements, covenants, conditions and/or restrictions on or applicable to the underlying real property;
 - (c) Be maintained in good working condition and to the standards established at the time of application approval; and

- (d) Remain free from trash, debris, litter, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than ten calendar days from the time of notification by the City or after discovery by the owner or operator of the site.
- (11) *Compliance Report.* Upon request by the City, the applicant shall provide a compliance report within 45 days after installation of a WCF, demonstrating that as installed and in operation, the WCF complies with all conditions of approval, applicable Code requirements and standard regulations.
- (12) *Permit Expiration.* Any active permit application that is not acted upon by the applicant within 180 days of receiving review comments from the City or any approved permit is not acted upon within 180 days of approval is deemed abandoned, and becomes null and void, with no fees refunded. If an application or approved permit becomes null and void under this Section, a new permit is required before any work may commence on the project site.

(Ord. No. 3891, § 6, 6-26-2017 ; Ord. No. 3981 , § 3, 4-8-2019)

(E) Standards for Approval

Purpose: This subsection provides for approval of WCFs administratively where visual impacts are minimized, view corridors are protected, WCFs use appropriate camouflage/concealment design techniques to avoid adverse impacts on the surrounding area, and WCFs are designed, maintained, and operated at all times to comply with the provisions of this Section and all applicable law.

- (1) *Generally*
 - (a) All work done pursuant to WCF applications must be completed in accordance with all applicable building and safety requirements as set forth in City Code and any other applicable regulations. This supersedes any contrary provision in the approval of an application for collocation as described above.
 - (b) Wireless communication facilities, which are not eligible facilities requests, shall be evaluated for approval subject to compliance with the design standards of section 12-6-16(C) and the criteria in subsections (2) through (5) below.
- (2) *Base Stations*

- (a) Base stations shall be architecturally compatible with respect to attachments, and colored to match the building or structure to which they are attached;
 - (b) The maximum protrusion of base stations from the building or structure face to which they are attached is four feet;
 - (c) Wall mounted WCFs shall not extend above the roofline; and
 - (d) Wall mounted WCFs shall be approved only where an applicant demonstrates a roof mounted WCF is inadequate to provide service and evaluated for approval based upon the following criteria. By filing an application for a roof mounted WCF, an applicant is certifying agreement to the City's determination that the height extensions described in subsections (i) and (ii) below are the maximum height that will allow the WCF to be camouflaged, and that any additional increase in height will undermine the camouflaged nature of the site:
 - (i) Roof mounted whip antennas shall extend no more than 12 feet above the parapet of any flat roof or ridge of a sloped roof or penthouse to which they are attached;
 - (ii) Roof mounted panel antennas shall extend no more than seven feet above the parapet of a flat roof or ridge of a sloped roof to which they are mounted; and
 - (iii) Other roof mounted accessory transmission equipment shall extend no more than seven feet above any parapet of a flat roof upon which they may be placed, and are not permitted on a sloped roof.
 - (iv) All WCFs installed on a rooftop shall be concealed by a screen wall. The screen wall shall be designed to appear integrated into the building architecture.
- (3) *Alternative Tower Structures*
- (a) Alternative tower structures shall be architecturally compatible with the surrounding area;
 - (b) Height and size of the proposed alternative tower structure should be minimized as much as possible;
 - (c) WCFs shall be sited in a manner that evaluates the proximity of the facility to residential structures and residential district boundaries;
 - (d) WCFs should take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses;

- (e) Compatibility with the surrounding topography;
 - (f) Compatibility with the surrounding tree coverage and foliage;
 - (g) Compatibility of the design of the site, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
 - (h) Impact on the surrounding area of the proposed ingress and egress, if any.
- (4) *Wireless Communication Facilities within Public Rights-of-Way.* An ATS or small cell facility may be deployed in the public rights-of-way including utilization of a street light pole or similar structure within a public right-of-way. These facilities remain subject to the alternative tower structures standards of approval noted above and subject to the City of Westminster's *Small Cell Infrastructure Guidelines* document and the following criteria below:
- (a) The pole or structure is not more than ten feet higher (as measured from the ground to the top of the pole) than any existing utility or traffic signal within 500 feet of the pole or structure.
 - (b) No towers located in the public right-of-way shall exceed the height limit for the maximum structure (non-building) height for the zoning district in which it is located. This supersedes anything in this section to the contrary.
 - (c) When placed in a residential zone, the WCF shall be placed adjacent to the common side yard property line between adjoining residential properties, so that the WCF minimizes visual impacts equitably among adjacent properties. On a corner lot, the WCF may be placed adjacent to the common side yard property line between adjoining residential properties or on the corner formed by two intersecting streets.
 - (d) Collocations are strongly encouraged and the number of poles within the right-of-way should be limited as much as possible.
 - (e) Equipment enclosures shall follow all City of Westminster *Small Cell Guideline* requirements.
 - (f) If the pole or structure is not owned by the City, the applicant must provide the appropriately authorized written permission from the owner of the pole or structure when the initial application is submitted.

- (5) *All Other Towers.* The City shall consider the following factors in determining whether to issue an approval, although the City may waive or reduce the burden on the applicant if the waiver better serves the goals of this Section based on one or more of these criteria:
- (a) Height or size of the proposed tower;
 - (b) Proximity of the tower to residential structures and residential district boundaries;
 - (c) Nature of uses on adjacent and nearby properties;
 - (d) Compatibility with the surrounding topography;
 - (e) Compatibility with the surrounding tree coverage and foliage;
 - (f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - (g) Proposed ingress and egress;
 - (h) No new towers shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing WCFs can accommodate the needs that the applicant proposes to address with its tower application. Evidence submitted to demonstrate that no existing WCF can accommodate these needs may consist of the following:
 - (i) No existing WCFs with a suitable height are located within the geographic area required to meet the applicant's engineering requirements;
 - (ii) Existing WCFs do not have sufficient structural strength to support applicant's proposed WCF;
 - (iii) The applicant's proposed WCFs would cause electromagnetic interference with the WCFs on the existing WCFs or the existing WCF would cause interference with the applicant's proposed WCF; and
 - (iv) The applicant demonstrates that there are other limiting factors that render existing WCFs unsuitable for collocation.
 - (i) *Setbacks and Separation.* A tower shall meet the greater of the following minimum setbacks from all property lines:
 - (i) The setback for a principal building within the applicable zoning;
 - (ii) Twenty-five percent of the facility height, including WCFs and related accessory equipment;

- (iii) The tower height, including antennas, if the tower is in or adjacent to a residential zoning district.

(Ord. No. 3891, § 6, 6-26-2017 ; Ord. No. 3981 , § 4, 4-8-2019)

- (F) **Locations on City Property.** A request to locate a telecommunications facility, a tower, a base station, or a small cell wireless facility on property owned by the City that is not public right-of-way, shall be reviewed by the City Manager pursuant to the procedures adopted by City Council Resolution 2009-8,¹¹ as amended from time to time, for the review of uses on public lands.

(Ord. No. 3891, § 6, 6-26-2017)

(G) **Satellite Earth Stations**

Purpose: The City recognizes that satellite earth stations are an important means of audio and visual communication for the convenience of the public. This section:

- *addresses the rights to use satellite earth stations;*
- *promotes the free flow of information;*
- *encourages the development of new communication technologies and services;*
- *insures that satellite earth stations do not negatively impact the public health, safety, visual environment and welfare of the community;*
- *protects the public from the hazard of satellite earth stations that are structurally unsafe or that obscure the vision of motorists; and*
- *promotes the use of satellite earth stations that are well designed and compatible with the surroundings.*

(1) *Installation Permit Required*

- (a) A satellite earth station is considered a structure. No person shall install a satellite earth station exceeding one meter (39 inches) or mounted on a mast higher than 12 feet in the City, or cause the same to be done, without first obtaining a building permit.
- (b) A temporary use permit for use of a satellite earth station exceeding one meter (39 inches) or mounted on a mast higher than 12 feet may be obtained in nonresidential districts for a period of up to 30 days in any year. The Department of Community Development shall establish criteria for those permits for purposes that such as teleconferencing.

¹¹ I was unable to find this on the City's website. Is there a policy that we could repeat in an appendix to the ordinance so that applicants know the rules in advance?

- (c) Procedures for obtaining a building permit or temporary use permit are established by the Department of Community Development.
 - (d) The fee for a building permit to install a satellite earth station exceeding one meter (39 inches) or mounted on a mast higher than 12 feet is \$25.00 plus use tax pursuant to Chapter 12, Title V, of this Code. The fee for a building permit to install a temporary satellite earth station shall be \$10.00.¹²
 - (e) A current business license and contractor's license is required for any person installing a satellite earth station within the City limits of the City.
 - (f) The lawful use and location of any satellite earth station existing at the time of enactment of this section may continue, even though the use or location does not conform to the requirements of this section. Ordinary repairs and maintenance of a nonconforming satellite earth station are permitted. If a nonconforming satellite earth station is not used for a period of one year, that use shall not reestablish and any future use shall conform to this subsection.
- (2) *Restrictions on Satellite Earth Stations Installed in Residential Districts*
- (a) *Dimension*
 - (i) A satellite earth station antenna shall not exceed ten feet (10') in diameter or width or length.
 - (ii) A satellite earth station shall not rise more than 13 feet from the ground in height. Height shall be measured vertically from the ground immediately adjacent to the base that supports the antenna to the highest point of the antenna or dish when positioned for operation.
 - (b) *Location*
 - (i) Satellite earth stations shall be installed behind the front setback of the principal building. Not more than one satellite earth station may be installed on an individual lot. A satellite earth station may be located in the side setback of a corner lot when the rear setback location does not provide acceptable reception. Approval for a side setback installation shall be noted on the building permit.

¹² Could we delete this and move it to the Fee Resolution?

- (ii) The minimum setback from the property line for a satellite earth station shall be ten feet, or as necessary for the maintenance of a clear vision zone for adjacent street traffic.
 - (c) *Foundation.* A satellite earth station shall be permanently ground mounted on a foundation that is adequate for design wind loads, pursuant to provisions of the International Building Code and local basic wind speed criteria. No satellite earth station may be installed or operated from a portable or movable structure, such as a trailer, except for temporary demonstration purposes not to exceed 72 hours.
 - (d) *Electrical Connection.* The electrical connection to the satellite earth station shall be low voltage direct or pulsed current. However, where the device connected is Underwriter Laboratory approved, alternating current is acceptable pursuant to National Electric Code requirements.
 - (e) *Maintenance.* Satellite earth stations shall be kept painted, clean and otherwise maintained in good condition.
 - (f) *Chains or Gears Shall Not be Exposed.*
 - (g) *Color.* A satellite earth station shall be a neutral color, black or earth tones.
 - (h) *Signs.* Satellite earth stations shall not display signs in any residential district.¹³
 - (3) *Restrictions on Satellite Earth Stations Installed in Nonresidential Districts*
 - (a) *Dimension.*
 - (b) A satellite earth station foundation shall not exceed 13 feet in diameter or in width or in length.
 - (c) A ground mounted satellite earth station shall not rise more than 15 feet in height. Height is measured vertically from the bottom ground immediately adjacent to the base that supports the antenna to the highest point of the antenna or dish when positioned for operation.
 - (d) *Location.*
 - (i) A satellite earth station shall be installed either to the rear or side of the building, and the support system shall be recessed, or it shall be mounted on the roof pursuant to

¹³ Replaces: “Satellite earth stations shall not be allowed to display any advertising in a residential district.”

- subsection (3)(e) of this subsection. Approval for an installation that varies from this requirement shall be noted on the building permit.
- (ii) A ground mounted satellite earth station shall be no further from the building than is required for proper operation, and setback by at least the mounted height of the satellite earth station.
 - (e) *Foundation or Mount.*

 - (i) A satellite earth station foundation shall be stationary, unless approved for temporary use not to exceed 72 hours. The permanent foundation shall be adequate for design wind loads pursuant to the provision of the International Building Code and local basic wind speed criteria.
 - (ii) A satellite earth station may be installed on the roof of a building at least 25 feet from all sides of roof parapets, and shall be designed and constructed to resist all gravity loads and wind effects pursuant to the International Building Code. When deemed necessary by the Building Division, the City may require that a State-licensed engineer provide stamped structural calculations.
 - (f) *Electrical Connection.* The electrical connection to the satellite earth station shall be low voltage direct or pulsed current. However, if the device connected is Underwriter Laboratory approved, alternating current is acceptable pursuant to National Electric Code requirements.
 - (g) *Maintenance.* Satellite earth stations shall be kept painted, clean and otherwise maintained in good condition.
 - (h) *Chains or Gears Shall Not be Exposed.*
 - (i) *Color.* A satellite earth station shall be a neutral color, black or earth tones.
 - (j) Satellite earth stations shall not display any sign in a nonresidential district.¹⁴
- (4) *Inspection:* Every installation of a satellite earth station exceeding one meter (39 inches) or mounted on a mast higher than 12 feet shall be inspected by the Building Division.

¹⁴ Replaces: "Satellite earth stations shall not be allowed to display any advertising in a nonresidential district."

- (5) *Exterior Display or Storage.* No exterior display or storage of satellite earth stations is allowed in conjunction with the wholesale and retail sale of satellite earth stations.
- (6) *Penalty:* It is unlawful to violate a provision of this section. Any person convicted of a violation of this section may be fined an amount not to exceed \$300.00.
- (7) *Variances:*
 - (a) Any person may seek to vary the provision of subsection (2)(b) of this subsection by applying to the Planning Manager. The Planning Manager's decision is appealable to the Planning Commission.
 - (b) All requests to vary the setback requirements of subsection (2)(b) shall be made in writing on a form provided by the City.
 - (c) Special circumstances or conditions, such as the following, may justify a variance:
 - (i) Existence of buildings, topography, vegetation, satellite structures, or other matters on adjacent lots or within the adjacent public right-of-way that would substantially restrict the effectiveness of the satellite earth station. Those special circumstances or conditions must be peculiar to the particular residence, business, or enterprise of the applicant and not applicable generally to all residences, businesses, or enterprises.
 - (ii) The variance, if authorized, will weaken neither the general purpose of the satellite earth station ordinance nor the regulations prescribed for the zoning district on which the satellite earth station is located.
 - (iii) The variance, if authorized, will not alter the essential character of the zoning district in which the satellite earth station is located.
 - (iv) The variance, if authorized, will not substantially or permanently injure the appropriate use of adjacent conforming property.

(2534 3555)

12-6-17 Temporary Construction & Sales Trailers

Purpose: This section the location, timing, setbacks, and development standards for temporary construction and sales trailers to protect the public health, safety and general welfare.

Permitted use in: all zone districts

- (A) **Applicability.** This section applies to temporary construction and sales trailers.
- (B) **Where Permitted**
 - (1) Temporary construction and sales trailers are permitted in all zoning districts, subject to the requirements of this section.
 - (2) A construction trailer or sales trailer may be located only on the lot it serves or within the development or subdivision for which construction is occurring.
- (C) **Timing.** No person shall permit a construction or sales trailer to remain on a site longer than the following:

Table 6-17-1 Timing of Temporary Construction and Sales Trailers

Remove no later than:	
Temporary Construction Trailers	30 days after completion of construction or cessation of construction.
Sales Trailers	Date of the sale or lease of all dwelling units or lots within the boundaries of the development or subdivision.

- (D) **Setbacks.** A construction trailer or sales trailer shall meet the setback requirements for a principal building on a lot for the zoning district in which it is located.
- (E) **Development Standards**
 - (1) A construction trailer or sales trailer shall have adequate parking and landscaping, and safe access to the site that does not impact public streets or surrounding uses.
 - (2) A sales trailer shall provide adequate asphalt or concrete parking spaces.
- (F) **Residential Use Prohibited.** The use of a construction trailer or sales trailer as any type of dwelling unit is prohibited.
- (G) **Property Maintenance.** Upon removal of a construction trailer or sales trailer, the property owner shall clean the site and restore it to an orderly condition, which may include the removal of the asphalt or concrete parking spaces.

12-6-18 Temporary Structures and Uses

Purpose: This section the location, timing, setbacks, and development standards for temporary uses on private property and sales trailers to protect the public health, safety and general welfare, and requires a temporary use permit to verify and track compliance with these standards.

Permitted use in: all zone districts

(A) Applicability

- (1) *Generally.* This section regulates and requires a temporary use permit allows for the displaying, selling, offering for sale, offering to give away or giving away of anything of value, including any good, service or amusement that is not permanent in nature and does not involve any permanent structure, but which occupies any single location within the City for more than two hours at a time. Examples include a Christmas tree lot, pumpkin patch, parking lot sale, carnival and other promotional use involving a temporary outdoor display, wagon, handcart, pushcart or motor vehicle.
- (2) *Exemptions*
 - (a) This section does not apply to persons who knock on the door or otherwise attempt to contact or speak to the occupant of a private residence for the purpose of: (a) selling, distributing or offering to sell or distribute, services, food, beverages, goods or merchandise, or (b) distributing information about services, food, beverages, goods or merchandise, or (c) inviting or attempting to discuss verbally or in written form, ideas and issues, or (d) distributing written information, or (e) seeking funds or other forms of assistance.
 - (b) This section shall not be construed to require a temporary use permit for the temporary outdoor extension of regular indoor commercial activity, such as a sidewalk sale, so long as the outdoor use is allowed pursuant to the zoning for the property.
 - (c) This section shall not apply to yard sales, garage sales or estate sales in a residential area, unless such a sale is subject to the sales and use tax provisions of this Code. Children selling drinks, such as lemonade, at their own homes shall be exempted from the application of this section.

- (d) This section shall not apply to the temporary use of parks, community buildings and recreational facilities, which are addressed in Chapter 2 of Title XIII.
- (3) *Prohibition.* The selling or giving away of used merchandise is not permitted as a temporary use.
- (B) **Zoning Compliance.** All temporary uses conducted pursuant to this section shall conform to the zoning provisions of this Title, unless otherwise provided in this section.
- (C) **Permit Required.**
 - (1) *Applicability.* It is unlawful for any person to engage in a temporary use within the city limits of Westminster without first obtaining a permit as provided in this section.
 - (2) *Pre-Application.* Not required.
 - (3) *Initiation.* An applicant for a temporary use permit shall submit to the Community Development Department a completed, signed application on a form to be furnished by the Planning Division, as well as the following the information required by Chapter 12.
 - (4) *Completeness.* See chapter 6, section 12-5-3, W.M.C.
 - (5) *Notice.* Not required.
 - (6) *Decision.* Upon receipt of an application for a temporary use permit, the Department of Community Development shall review the application and refer it to other departments as needed for review.
 - (a) If the review determines that one or more of the conditions in subsection (F) below are not met, the Planning Division will notify the applicant in writing describing the condition or conditions that have not been satisfied.
 - (b) An application for a temporary use permit may be denied if any of the conditions in subsection (F) below are not met, as determined by the Planning Manager.
 - (7) *Approval Criteria.* See subsection (F), below.
 - (8) *Subsequent Applications.* No restriction.
 - (9) *Appeals.* The applicant may appeal a denial to the City Manager, who shall have the final decision.
 - (10) *Scope of Approval*
 - (a) No approval for any business license or building permit shall be issued until the temporary use is reviewed and approved by the

City to ensure that the conditions established in this section are met.

- (b) The permit shall be issued in the individual's name, except as otherwise provided in this section. Any permit issued to a firm, association or corporation shall include the name of the authorized representative of the firm, association or corporation, which representative's name shall appear on the application, badge, and permit. No other representative of the same firm, association or corporation shall use the same permit, except as provided in this section.
 - (c) If a firm, association or corporation applies for and is granted a permit at the fee set forth in this section, it shall obtain badges that identify that entity for purposes of identification and enforcement for its employees under its permit.
 - (d) Issuance of a permit under this section does not in any way relieve an applicant from responsibility for obtaining permission from respective property owners to set up displays and sell goods on private property.
 - (e) A permit is not transferable to any other location or used by any other person or other legal entity, except as provided in this section.
- (D) **Location.** The temporary use permit shall designate the specific location for the use.
- (E) **Time Period**
- (1) The temporary use permit shall designate the time period for which the permit is to be issued.
 - (2) Permits may not be issued for any temporary use for more than 60 days per calendar year. The 60 days may run consecutively or broken into increments, such as weekends. However, because of the intended temporary nature of the use, incremental periods shall not extend beyond 30 cumulative weeks or weekends per calendar year.
- (F) **Conditions of Approval.** All temporary uses must meet the following criteria:
- (1) The temporary outdoor use is of a seasonal or special event nature;
 - (2) All structures subject to any building, construction or fire codes shall comply with those codes;
 - (3) The location of the use shall not obstruct any sight visibility triangle.
 - (4) If customers are required to park in order to gain access to the temporary use location, sufficient parking, as determined by the Planning Manager,

is available without interfering with the public rights-of-way on sidewalks or streets and without requiring customers to park at another location on private property without the consent of the property owner. The Planning Manager may require a parking study or traffic study.

- (5) Safe access is available by vehicular and pedestrian traffic to the temporary use location without requiring illegal or unsafe turning movements by vehicles or trespass across private property without the consent of the property owner.
 - (6) The use shall not:
 - (a) Impede access to the entrance of any adjacent building or driveway,
 - (b) Be located in a way that to interferes with a fire hydrant, fire escape, bus stop, loading zone, or driveway of a fire station, police station, hospital or handicapped parking space or access ramp.
 - (7) The use shall provide adequate trash receptacles, as determined by the Planning Manager.
 - (8) Adequate restroom facilities, if needed, as determined by the City, shall be provided either within an existing building or as port-o-lets.
 - (9) Adequate barriers and traffic circulation shall be installed.
 - (10) All other permits and licenses as required by the City for the use are applied for or obtained.
- (G) Conditions of Operation**
- (1) If permitted, each permittee shall comply with the permit conditions while engaged in the temporary use and shall display the permit on request.
 - (2) Temporary uses may operate at times other than the permanent on-site user, subject to City review and approval.
 - (3) All trash or debris accumulation caused by a permittee's activities shall be collected and deposited in a proper trash container daily. Any accumulation of trash or debris that causes the City to incur expense in removing the accumulation shall be cause for the City to revoke the temporary use permit.
 - (4) A sales and use tax license shall be obtained, and sales and use taxes shall be paid upon the schedule set by this Code.
 - (5) Any permittee issued a permit under this section shall comply with all Code requirements and all applicable laws of the City of Westminster and the State of Colorado.
- (H) Property Maintenance.** The permittee shall return the property to its original condition upon conclusion of doing business on the site.

- (I) **Inspection.** Upon request from a City official who presents his or her City identification, the permittee or permittee's employee shall produce his or her permit and property for inspection.
- (J) **Revocation and Termination**
- (1) This subsection applies if, upon inspection by a City official, a permittee is found operating in an unsafe or unlawful manner, or violating any provisions of the Code or the subject permit conditions.
 - (2) The Planning Manager may permit immediately revoke and deny renewal of a temporary use permit found to violate this section. In that event, the temporary use shall immediately cease and the permittee shall return the property to its original condition.
- (K) **Violation and Penalty.** See Chapter 8 of this Title.

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DRAFT FEBRUARY 22, 2021 – FOR DISCUSSION ONLY

Contents

12-7-1	Generally	463
12-7-2	Nonconforming Uses.....	464
12-7-3	Nonconforming Structures.....	465
12-7-4	Nonconforming Lots	466
12-7-5	Nonconforming Site Improvements.....	466
12-7-6	Applications and Projects in Progress (Vested Rights)	467

Chapter 7 Nonconformities

Purpose: Applying new regulations to existing development can create situations where existing lot dimensions, development density or intensity, land uses, buildings, structures, landscaping, parking areas, signs or other conditions do not strictly comply with the new requirements. This Chapter protects and regulates nonconforming uses, structures, lots, site improvements, and applications (referred to collectively as “nonconformities”), and specifies the circumstances and conditions under which those nonconformities may continue. The City finds that nonconformities that adversely affect the orderly development and value of other property in the neighborhood or district should not continue unless restricted. At the same time, reinvestment in some properties that do not strictly comply with current regulations can maintain existing neighborhood assets and economic growth, and is allowed with appropriate conditions. For existing lots or development (including uses, buildings, structures, and signs) that are “legally nonconforming,” this Chapter sets out fair rules for whether, when, and how the regulations of this Title apply.

12-7-1 Generally

(A) Generally

- (1) *Categories.* There are five types of nonconformities addressed by this Chapter:

Nonconforming Use	See section 12-7-2, W.M.C.
Nonconforming Structures	See section 12-7-3, W.M.C.
Nonconforming Lot	See section 12-7-4, W.M.C.
Nonconforming Site Improvement	See section 12-7-5, W.M.C.
Projects in Process	See section 12-7-6, W.M.C.

- (2) *Continuing Uses.* Except as provided in this chapter, the lawful use and location of any use, structure, lot or site improvement existing at the time of enactment of this chapter (or any amendments to this chapter) may be continue, even if they do not conform to the current requirements of this Title.
- (B) **Prior Rights.** This Chapter does not terminate any use, structure, lot, site improvement, or application authorized under the provisions of any ordinance that was repealed or amended, and does not excuse any violation of those ordinances.

- (C) **Nuisance or Abandonment.** A nonconformity may continue under the provisions of this chapter unless it becomes a public nuisance or is deemed abandoned.

12-7-2 Nonconforming Uses

- (A) **Applicability.** This section applies to a nonconforming use. A “nonconforming use” means any use of land lawfully established prior to the adoption of this Title, which are not permitted under the current provisions of this title. This includes any use which was lawfully established without a discretionary review, and would require discretionary review under the current provisions of this Title (*for example, a use permitted by right before this Title was adopted, but that now requires a special use authorization*).
- (B) **Abandonment.** If a nonconforming use discontinues for at least one year, that use shall not be reestablished on the same lot unless it conforms to this Title.
- (C) **Change in Use.** A nonconforming use shall not change to a use of less restrictive classification. A nonconforming use may, however, change to another use of the same or more restrictive classification.
- (D) **Extensions.** A nonconforming use shall not be extended.
- (E) **Conforming Uses Made Nonconforming by Public Projects.** If a conforming use is made nonconforming due to a purchase or condemnation of land by a public entity to construct a public improvement, the following exemptions from this section apply:¹
- (1) If a use is made nonconforming due to loss of required parking spaces, the use may be restored up to and including 100 percent of the total replacement cost and may occupy up to its preexisting footprint, stories and height. The use is subject to subsections (B) and (C), unless the change in use or extension is otherwise permitted by this Code and would not require additional parking spaces. The use is not subject to subsection (B) until after it is reestablished.
 - (2) If a use is made nonconforming due to a setback encroachment, it is exempt from subsections (B), (C) and (D). However, no extension of the use shall encroach further into the setback than was previously encroached upon as a result of the public improvement project.

(2534)

¹ Deletes: “The exemptions of this subsection apply only in the Westminster Urban Renewal area, as defined by the Westminster Urban Renewal Plan, adopted pursuant to Resolution No. 43, Series of 1992, as enacted by the Westminster City Council.” Why shouldn’t this apply anywhere in the City?

Editor's note— Ord. No. 3919 , § 4, adopted Feb. 26, 2018, repealed § 11-4-16, which pertained to adoption, implementation and compliance with City's Comprehensive Plan and derived from Ords. 2534, 3770.

12-7-3 Nonconforming Structures

- (A) **Applicability.** This section applies to a nonconforming structure. A “nonconforming structure” means a structure (including a building) that:
- (1) lawfully exists on the effective date of this Title, or any amendment to this title that would cause the building or structure not to comply with this title, and
 - (2) does not conform to all of the regulations of the zoning district in which it is located or the application of section 12-4-3, W.M.C. (Dimensional Standards (Blocks, Density, Lots and Setbacks)) or to an applicable development standard (chapter 4); or
 - (3) is a building that does not conform to the building design standards in section 12-4-2, W.M.C. (Buildings).
- (B) **Repairs and Maintenance.** Ordinary repairs and maintenance of a nonconforming structure are permitted.
- (C) **Restoration.** A nonconforming structure that is damaged by fire or other causes may be restored to its original condition, if that work is commenced within one year of the calamity and the cost of repairing the structure does not exceed 50 percent of the total replacement cost of the structure.
- (D) **Conforming Uses Made Nonconforming by Public Projects.** If a conforming structure is made nonconforming due to a purchase or condemnation of land by a public entity to construct a public improvement:
- (1) Subsection 12-7-2(E) applies to the structure or any use that occupies a structure.
 - (2) If a structure use is made nonconforming due to a setback encroachment, the structure may be restored pursuant to subsection (C) up to and including 100 percent of the total replacement cost and within its preexisting footprint. However, no extension of the structure shall increase any setback encroachment created by the public improvement project.

(2534)

Editor's note— Ord. No. 3919 , § 4, adopted Feb. 26, 2018, repealed § 11-4-16, which pertained to adoption, implementation and compliance with City's Comprehensive Plan and derived from Ords. 2534, 3770.

12-7-4 Nonconforming Lots

- (A) **Applicability.** This section applies to a nonconforming lot. A “nonconforming lot” means any lot or parcel of record before the effective date of this title which fails to meet the current requirements for lot area or width or both
- (B) **Generally.** Any lot separately designated in any plat filed with and approved by the Planning Commission before the effective date of this Title² may be developed for a permitted use even if they do not comply with the minimum lot width or area.
- (C) **O1, RE or SR Districts.** The minimum lot area and lot width of any lot in the O1, RE or SR Districts are reduced up to 30 percent of the minimum when applied to structures for a permitted use on parcels that were under separate ownership (whether consisting of one or more platted lots) on November 20, 1960, if:
- (1) The parcels on held in separate ownership from property on either side;
 - (2) Each parcel has at least 40 feet of frontage and 5,000 square feet in lot area;
 - (3) The parcels have a total frontage not exceeding 120 feet, unless at least 75 percent of the frontage of the property on both sides of the street in the block in which the subject parcel is located is already developed on 60 feet or less frontages. In that case, the maximum frontage of the parcel to which this exception applies increases to 209 feet.
 - (4) All other requirements of the applicable zoning district are maintained. Structures on corner lots shall conform to existing setbacks along the same street frontage in the area and in a manner that provides an unobstructed view of intersection traffic.

12-7-5 Nonconforming Site Improvements³

- (A) **Applicability.** This section applies to a nonconforming site improvement. A “nonconforming site improvement” means any site improvement that was lawfully established, but does not comply with the requirements in effect when an application is filed.
- (B) **Generally.** Land, structures or uses actually used, occupied or operated on or before the respective effective dates of this section shall provide the site improvements required by any previous ordinance or development plan approval.

² Replaces “after November 14, 1950.”

³ This applies the rule currently established for off-street parking (11-7-4(A)(2)) generally, with some additions that allow for expansion.

- (C) **Stricter Preexisting Requirements.** If any previous ordinance or approval required more or greater site improvements for land, structures or uses than are required by chapter 4 of this title, only site improvements required by chapter 4 are required.
- (D) **Expansion.** If the land, structures or uses are enlarged, extended, or changed, additional site improvements are required only for the incremental enlargement, extension or change as needed to meet the current standards in chapter 4 of this title.

12-7-6 Applications and Projects in Progress (Vested Rights)⁴

See section 12-5-8 (Effect of Approval).

⁴ 12-5-8.B is from WMC § 11-5-18 (Vested Property Rights). It could also be codified here. It's codified in Chapter 5 because it relates to the rights conferred by a permit or approval.



Westminster Unified Development Code
Chapter 8 Enforcement

DRAFT February 22, 2021 – FOR DISCUSSION ONLY

Contents

12-8-1	Generally	468
12-8-2	Violations	468
12-8-3	Penalties.....	469
12-8-4	Enforcement Procedures.....	470

Chapter 8 Enforcement

12-8-1 Generally

- (A) **Prohibition.** It is unlawful for any person to violate or knowingly to permit any patron to violate:
- (1) Any applicable requirement of this title; or
 - (2) Any condition of a permit or decision rendered pursuant to this title.
- (B) **Offenses Cumulative.** A separate offense is deemed committed each day the person is in violation of this title.
- (C) **Trespass.** Nothing in this section alters or amends Section 6-3-5, Trespassing, W.M.C.

12-8-2 Violations

- (A) **Applicability.** For purposes of this section:
- (1) “Applicable requirements” means:
 - (a) Any zoning district requirements and restrictions, including PUD zones;
 - (b) The contents of any rezoning, PDP, ODP, special use authorization, conditional use permit, or final plat;
 - (c) The contents of any approved engineering construction drawings, engineering drawings, building construction drawings, and any public or private improvement drawings;
 - (d) The terms, conditions and covenants of any annexation agreement, public and/or private improvements agreement, development agreement, or any agreement entered into pursuant to the provisions of this title;
 - (e) The contents of any approved drainage, traffic, or utility study relating to the application; and
 - (f) The terms and conditions of any approved variance or exception; and
 - (2) The "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.
- (B) **Violations Defined.** Unless otherwise permitted by this Code, it shall be unlawful for any person to:

- (1) Use, occupy, or sell any land or building, or authorize or permit the use, occupancy, or sale of any land or building under the person's control except in conformance with all applicable provisions of this title.
- (2) Use, occupy, or sell any land or building or authorize or permit the use, occupancy, or sale of any land or building except in conformance with all applicable requirements.
- (3) Construct, reconstruct or alter any building or structure or authorize the construction, reconstruction or alteration of any building or structure under the person's control unless it conforms to all applicable provisions of this title and with all applicable requirements.
- (4) Use any yard or other amenity provided to comply this title to provide a required yard or amenity for any other lot or building. No yard or other amenity on one lot is counted toward a yard or amenity for any other lot.
- (5) Construct, reconstruct, alter, or change the use of any building or structure within the City without obtaining a required permit from the official with authority to issue that permit. No permit shall be issued unless the plans of and for the proposed construction, reconstruction, alteration, demolition, or use fully conform to the requirements of this title then in effect. No business license shall be issued by the City Clerk without a written notice from the Planning Manager and building official that the use of the premises proposed conforms to this title.
- (6) Use, occupy or authorize the use or occupancy of any land or building for any use that is unlawful under any state or federal law. However, this provision does not apply to uses within any Residential Zoning District deemed to be permitted under Article XVIII, Sections 14 or 16, of the Colorado Constitution.

(2534 2797 3491 3497 3634 3664 3666)

12-8-3 Penalties

- (A) **Generally.** Violators are subject to the penalties provided under Title I of this Code (Section 1-8-1, W.M.C.) and are subject to civil remedies provided by Chapter 4 of Title VIII (nuisance abatement) and Title IX (public ways and property) of this Code.
- (B) **Criminal Penalties.** Any person, either as owner, lessee, occupant, or otherwise, who violates this title or who interferes in any manner with any person in the performance of a right or duty granted or imposed upon him by the provisions

of this title, is guilty of a criminal misdemeanor and punishable as provided by state law. This provision supersedes Section 1-8-1, W.M.C.¹

- (C) **Public Nuisance.** Any building or structure that is, or is proposed to be, constructed, reconstructed, altered, maintained, or used and any land that is proposed to be used in violation of any provision of this title is declared a public nuisance. The City, or any owner of real estate within the City, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate, or remove that unlawful construction, reconstruction, alteration, maintenance, or use.

(2534)

12-8-4 Enforcement Procedures

(A) Stop Work Orders

- (1) The Engineering Division of the Department of Community Development may stop any or all construction activities as deemed necessary by issuing a written stop work order. Stop work orders may be issued for:
 - (a) A violation of any condition of the improvements agreement or of the approved construction drawings or specifications; or
 - (b) Any violation of any provision of chapter 4 of this title; or
 - (c) Any violation of any other ordinance of the City, state law, or federal law pertaining to the work; or
 - (d) The existence of any condition or the occurrence of any act that may constitute a condition endangering health, life, safety, or damage to property.
- (2) Stop work orders take effect immediately upon notice to the person performing the work in the field and remain in effect until the City cancels the order in writing.
- (3) Upon receipt of a stop work order, the contractor shall take any precautions necessary to prevent damage to the project, prevent inconvenience or hazardous conditions for the general public, provide for normal drainage, and erect any necessary barricades, signs, or other facilities.
- (4) It is unlawful for any person to knowingly violate any stop work order issued pursuant to this section. Upon conviction, the violation shall be

¹ The current provision says its punishable per 1-8-1, but 1-8-1 provides that all code provisions are noncriminal.

punished by a fine of up to \$900.00 or imprisonment of up to 180 days, or both fine and imprisonment. Each day that a stop work order is violated shall constitute a separate offense under this section.

(B) Failure to Perform Improvements Obligations

- (1) A developer is in default under Chapter 4, Section 12-4-7, W.M.C. (improvements) upon:
 - (a) A failure to satisfy any condition or obligation of the developer's improvements agreement or the approved construction drawings or specifications;
 - (b) A failure to satisfy any requirement identified on the official development plan;
 - (c) A violation of any provision of this chapter; or
 - (d) A violation of any other ordinance of the City, state law or regulation, or federal law or regulation pertaining to the work.
- (2) If the City determines a developer is in default under this section, the City may take any or all of the following actions:
 - (a) Exercise the City's rights under the developer's surety;
 - (b) Deny or revoke building permits for structures;
 - (c) Withhold certificates of occupancy for structures located in the project; or
 - (d) Institute any legal actions the City Attorney may deem to be warranted.



Westminster Unified Development Code
Chapter 9 Agencies

DRAFT February 22, 2021 – FOR DISCUSSION ONLY

Contents

Contents

12-9-1	Generally	472
12-9-2	Planning Manager	472
12-9-3	Planning Commission	472

Chapter 9 Agencies

Purpose: this chapter establishes the officials and agencies who administer this title.

12-9-1 Generally

This chapter introduces and establishes the official and agencies who administer this title, describes their composition, and summarizes their authority.

12-9-2 Planning Manager

- (A) **Appointment.** The Director of Community Development shall appoint a Planning Manager.
- (B) **Duties.** The Planning Manager has the following duties:
- (1) Supervise the Planning Department;
 - (2) Serve as an administrative and staff agency responsible to the Mayor and City Council and to the Planning Commission;
 - (3) Process proposals to change the text and map of this title and for rezonings, PDPs and ODPs, special use authorizations, conditional use permits, and other applications where provided by this title.

12-9-3 Planning Commission

See sections 2-2-1 through 2-2-7, W.M.C.

Westminster Unified Development Code
Chapter 10 Definitions & Rules of Interpretation

DRAFT FEBRUARY 22, 2021 – FOR DISCUSSION ONLY

Contents

12-10-1	General Rules of interpretation.....	473
12-10-2	Definitions.....	474
12-10-3	Acroynms.....	530
12-10-4	Interpretation of Zoning Map.....	531

Chapter 10 Definitions & Rules of Interpretation

12-10-1 General Rules of interpretation

- (A) This title establishes minimum requirements adopted for the promotion of the public health, safety, and welfare.
- (B) When a requirement of this title varies from another provision of this Title, any other duly adopted City ordinance, or any duly promulgated rule or regulation of the City, the more restrictive, or that imposing the higher standards, applies.
- (C) Any action or approval authorized in this title to be taken by an official may also be taken by that official's designee.
- (D) The terms "shall," "will," and "must" are mandatory. The terms "should" or "encouraged" mean that a provision is allowed, but not required. The use of the imperative mood means that a project shall abide by the standards and requirements. Where the imperative mood is used, and the statement applies to the proposed action, compliance is required.
[Example: "Orient other building entries to plazas, greenways, and similar amenities to activate the area(s)" is the equivalent of: "A building entry shall be oriented to plazas, greenways, and similar amenities to activate the area(s)."]
- (E) When used in this title, the phrases or terms:
- (1) "This title" means this Title 12 of the W.M.C., and any amendments to this title.
 - (2) "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
 - (3) "Include," "including" or "such as" means "including, but not limited to" or "by way of example and not limitation" unless otherwise provided.
- (F) Purpose statements are included in some sections to include a statement of the City's intent in adopting regulations, establish legislative findings of the facts supporting the provisions, and/or to explain how the section works for the typical reader. Purpose statements are not requirements but may support the City's actions in interpreting and applying the requirements.
- (G) Any reference to a statute, provision of the Westminster Municipal Code, other laws or regulations, reference documents, technical manuals, or other documents refer to the most recent versions of those documents, including any amendments or updates to the statute, Westminster Municipal Code, law, regulation, or other document.

- (H) The following elements of this title are provided for explanatory purposes and for the convenience of the reader. They are not binding, and do not supersede any mandatory standards and procedures:
- (1) This document includes graphics (such as drawings, diagrams, photographs, and images) to help the reader understand the text. If there is a conflict between a graphic and the text, the text applies.
 - (2) Where a provision includes explanatory material or examples in *italics*, those provisions are for the reader’s convenience and do not supersede the text or requirements that it explains.
 - (3) If a zoning district provides examples of permitted uses, these do not supersede the permitted uses shown in the Use Table (section 12-3-24, WM.C.). If there is a conflict between the examples of permitted uses and the Use Table, the Use Table applies.

12-10-2 Definitions

The following words, terms and phrases, when used in this title, shall have the following meaning, unless the context clearly indicates otherwise:

(A) Definitions Beginning with “A”

***Abut* or *Abutting*:** Having a common border or property line, or separated from a common border by a street, right-of-way, service lane, stream or easement.

***Access road*:** That area privately owned and maintained and set aside within a mobile home park for an interior road system, providing principal means of ingress to individual home spaces and egress to a public street.

***Accessory equipment*:** for purposes of the oil & gas regulations, any equipment that is integral to the production and operation of an oil or gas well, including but not limited to, tanks, treaters, separators and production pits.

***Accessory structure*:** Any detached building or structure that is not habitable, is located on the same principal lot as a habitable structure, and is clearly incidental to the principal structure. Examples include garages, storage sheds, gazebos, pergolas, dog runs, or similar structures.

***Act*:** for purposes of the oil & gas regulations, the Oil and Gas Conservation Act of the State of Colorado, as from time to time amended.

Addition: any activity that expands the enclosed footprint or increases the square footage of an existing structure.

Adjacent. Two (2) properties, lots, parcels or site features are "adjacent" where they abut, or where they are nearby and are separated by a dissimilar type of manmade or geologic feature including but not limited to a roadway or street, right-of-way, or railroad line, or any stream, river, canal, lake, or other body of water. Adjacent may or may not imply contact but always implies absence of anything of the same kind in between; to physically touch or border upon, or to share a common property line or border. Includes properties or uses that are separated by a drive, street, or other public-dedicated right-of-way.

Adaptive reuse: The rehabilitation or expansion of an existing building (as qualified by Section 12-6-3, W.M.C.).

Adjoin: see "Abut."

Affordable housing: a new proposed residential development consisting of any combination of single-family attached, single-family detached, and multi-family dwellings, regardless of the age of occupants, provided that 50 percent or more of the units serve households earning from zero to 80 percent of the regional Area Median Income (AMI) as defined by the Department of Housing and Urban Development (HUD).

Alternative lawn: turfgrasses, wildflowers, and other lower water-using and low growing grasses and forbs used instead of Kentucky bluegrass, tall fescue, or a blend with either of these.

Alternative tower structure or **ATS:** for purposes of the telecommunications facilities regulations, flagpoles, clock towers, bell steeples, light poles, farm silos, water towers, and similar alternative design mounting structures that are compatible with their settings and surrounding structures, natural or otherwise, and which camouflage or conceal the presence of antennas or towers. This term also includes any antenna or antenna array attached to the alternative tower structure. A freestanding pole in the public right-of-way that accommodates small cell facilities is considered an alternative tower structure to the extent that it meets the camouflage and concealment standards of the telecommunications facilities regulations.

Amenity: Any open space or civic space (see amenity standards).

Amenity standards: The parks/open space/civic (“amenity”) space standards of Chapter 4 of this Title. [Note: 12-4-10, W.M.C.]

American Standard for Nursery Stock: the document titled “American Standard for Nursery Stock” (ANSI Z60.1) dated April 14, 2014 and published by AmericanHort, which is incorporated by this reference.

Ambulance service: a privately-owned facility for the dispatch, storage, and maintenance of emergency medical care vehicles.

Animal day care, indoor: a facility where non-livestock animals may be groomed, trained, exercised, and socialized, but not kept or boarded outside overnight, bred, or sold. Outdoor runs or other outdoor areas are not permitted.

Animal day care, outdoor: a facility where non-livestock animals may be groomed, trained, exercised, and socialized, but not kept or boarded overnight, bred, or sold. Outdoor runs and exercise areas are permitted.

Antenna(s): for purposes of the telecommunications facilities regulations, any device used to transmit and/or receive radio or electromagnetic waves such as, but not limited to panel antennas, reflecting discs, microwave dishes, whip antennas, directional and non-directional antennas consisting of one or more elements, multiple antenna configurations, or other similar devices.

Antique shop: a shop or store that devotes more than 75 percent of its retail floor area to the sale of antiques. “Antique” means an article of glass, china, furniture, musical instrument, or similar furnishing or decoration that has been used by one or more persons and that has greater value than when it was originally created and sold and has significance as a result of age, design, quality, historical association, or affiliation with a well-known person.

Appeal: a request for a review of the interpretation of any provisions of this ordinance, or a request for review of the identification of any floodplain or floodway as indicated in any official flood study.

Applicant: a person, partnership, company, corporation, public agency, or the assigns of such entities that request permission to engage in land development activity. For any City-initiated application, the term “applicant” shall mean the City.

Application. An application for any permit or action required by this Title, including any application for Annexation, Plan Adoption, Comprehensive Plan amendment, code amendment, rezoning, PDP, ODP, Special Use Authorization, Subdivision Plat, Affidavit of Correction, Vacation of Right-Of-Way, Building Permit, Certificate of Occupancy, or Variance. The term “application” includes the project proposed by the application, including all proposed buildings, site features, and infrastructure.

Appeal Authority: the official or entity authorized by Section 12-5-22, W.M.C., to hear and render a final decision on an Appeal relating to an Application.

Approving Authority. The official or entity authorized to render a final decision that approves, approves with conditions or denies an Application.

Architectural projection: any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, including roof overhangs, mansards, unenclosed exterior balconies, marquees, bay windows, immovable awnings, canopies, pilasters, fascias, and the like, but not including signs.

Area of shallow flooding: A designated zone AO or AH on a community's flood insurance rate map (FIRM) with a one-percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Artificial Turf: a non-living material typically used in lieu of a living turf/lawn. The appearance mimics a green, living turf or bluegrass lawn during the growing season.

Artisan or Artisanal Uses: Establishments that prepare, display, and sell individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items.

Assisted living residence: a state-licensed residential facility that provides impaired adults with room and board, personal services, protective oversight and supervision, and social care due to impaired capacity, but not to the extent that regular 24-hour medical or nursing care is required and subject to the limitations in Section 25-27-102, C.R.S., as amended.

Attached senior housing unit: an attached dwelling within a housing project restricted to persons 60 years of age or over, or as may otherwise be determined by council.

Awning: a roof-like cover that projects from the wall of a building as an architectural detail or for the purpose of shielding an area, doorway, or window from the elements.

(B) Definitions Beginning with “B”

Base flood elevation (BFE): The elevation shown on a FEMA flood insurance rate map for zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Base station: for purposes of the telecommunications facilities regulations, a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network, except that a base station does not include or encompass a tower as defined in this Chapter or any equipment associated with a tower. Base station does include, 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 the telecommunications facilities regulations, 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 that support.
- (2) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including distributed antenna systems "DAS" and small-cell networks) that, at the time the relevant application is filed with the City under the telecommunications facilities regulations, 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 that support.

The definition of base station does not include any structure that, at the time the relevant application is filed with the City under the telecommunications facilities

regulations, does not support or house equipment described in subsections (1) and (2) above.

Basement: as defined by the building code. [Note, the 2015 International Building Code defines “basement” as “a story that is not a story above grade plane (see “story above grade plane”).] For purposes of the floodplain regulations, “basement” means any area of a building having its floor sub-grade (below ground level) on all sides.

Battery Charging Station: An electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.

Berm: an earthen mound used for visual interest, to screen views, or to reduce noise levels. For purposes of the oil & gas regulations, a “berm” is an earthen barrier of compacted soils preventing the passage of liquid materials, or providing screening from adjacent uses, as may be specified in an applicable design standard.

Billboard: a sign and its structure, advertising an establishment, merchandise, service, or entertainment that is not sold, produced, manufactured or furnished on the property where the said sign is located.

Body piercing/tattoo parlor: an establishment that engages in the non-medical act of penetrating the skin, other than the ears, to make, generally permanent in nature, a hole, mark, or scar. The term "body piercing/tattoo" shall apply to body illustrations but exclude permanent cosmetics, such as lip liner, eyeliner, or eyebrow enhancement.

Brewery: a facility that is primarily for the on-site manufacturing of malt liquors, which may include a tap room that is less than or equal to 30 percent of the facility's total floor area, including any outdoor seating or accessory sales areas. For the purposes of this definition, "tap room" means a use associated with and on the same premises as a brewery, at which guests may consume and purchase, for on or off premise consumption, the manufacturer's products and other nonalcoholic beverages.

Brewpub: a facility that is primarily a restaurant where malt liquor is manufactured on the premises as an accessory use. A brewpub may include some off-site distribution of its malt liquor consistent with state law.

Broadband facility: for purposes of the telecommunications facilities regulations, any infrastructure used to deliver broadband service or for the provision of broadband service.

Broadband provider: for purposes of the telecommunications facilities regulations, a person that provides broadband service.

Broadband service: For purposes of the telecommunications facilities regulations, any technology identified by the U.S. Secretary of Agriculture as having the capacity to transmit data to enable a subscriber to the service to originate and receive high-quality voice, data, graphics, and video.

Building: As defined by the building code. [Note: “Building” is defined by the 2015 International Building Code as “[a]ny structure used or intended for supporting or sheltering any use or occupancy. See building design standards in Chapter 4, Section 12-4-2, W.M.C.]

Building Area: As defined by the building code. [See building design standards in Chapter 4, Section 12-4-2, W.M.C.]

Building Code: The latest edition of the Building Code as amended and adopted by the City Council of the City of Westminster. [Note: Westminster has adopted the 2015 International Building Code.]

Building Official: The officer or other person charged with the administration and enforcement of the building code and sign code or that official or person’s duly authorized representative.

Building service equipment: The plumbing, mechanical, and electrical equipment, including piping, wiring, fixtures, and other accessories that provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire protection, and facilities essential for the habitable occupancy of a mobile home, building, or structure.

Business association: An association of owners of business, office, or otherwise commercial units, condominiums, or properties.

(C) Definitions Beginning with “C”

Caliper: the measurement in diameter of a tree trunk measured 6 inches above the ground for trees up to 4-inch diameter, and 4.5 feet above the ground for larger trees (see “DBH”).

Camouflage, concealment, or camouflage design techniques: for purposes of the telecommunications facilities regulations, when any measures are used in the design and siting of towers, base stations or wireless communication facilities with the intent to minimize or eliminate the visual impact of such facilities to surrounding uses. A site utilizes camouflage design techniques when it (i) is integrated as an architectural feature of an existing structure such as a cupola, or (ii) is integrated in an outdoor fixture such as a flagpole, or (iii) uses a design which mimics and is consistent with the nearby natural, or architectural features (such as an artificial tree) or (iv) is incorporated into or replaces existing permitted facilities (including without limitation, stop signs or other traffic signs or freestanding light standards) so that the presence of the tower, base station or wireless communications facility is not readily apparent. For base stations and other associated equipment, below grade vault placement will constitute camouflage or concealment.

Cane: a major branch or trunk of a shrub or clump ornamental tree rising from the ground, as opposed to smaller limbs that branch off from one of these.

Canopy: a structure of rigid or non-rigid material on a framework sheltering an area or forming a sheltered walk to the entrance of building.

Certified Landscape Irrigation Auditor (CLIA): an individual who maintains a current certification as a “Certified Landscape Irrigation Auditor (CLIA)” by the Irrigation Association.

Channel: The physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

Channelization: The artificial creation, enlargement or realignment of a stream channel.

City Engineer: and include any engineer, or firm of engineers, or corporation engaged in the practice of engineering, that may be under contract with the city with respect to local public improvements contracted for or installed pursuant to this chapter.

City Manager: the Westminster City Manager or their designee.

Cemetery: land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums, and funeral establishments, when operated in conjunction with and within the boundary of such cemetery.

Certificate of Occupancy: the final documentation from the City Building Division verifying that a building has been constructed per all permit documents and applicable Building Code requirements, inspected, and verified by the appropriate authorities to be thereby safe and ready to be occupied.

Certified Irrigation Contractor (CIC): an individual who maintains a current certification as a “Certified Irrigation Contractor (CIC)” by the Irrigation Association.

Certified Irrigation Designer (CID): an individual who maintains a current certification as a “Certified Irrigation Designer (CID)” by the Irrigation Association.

Certified Landscape Irrigation Auditor (CLIA): an individual who maintains a current certification as a “Certified Landscape Irrigation Auditor (CLIA)” by the Irrigation Association.

Church: a building or structure or group of buildings or structures that are primarily intended for the conducting of organized religious services and accessory uses normally associated therewith.

City: the City of Westminster, Colorado.

City Manager: see Title 1, Chapter 12, W.M.C. The term “City Manager” includes any designee of the City Manager.

Civic Building: A building designed and constructed for community use or benefit by governmental, cultural, educational, public welfare, religious or transportation organizations. This includes of the following structure types, as defined in the Land-Based Classification Standards (“LBCS”), Structure and Function classifications:

Structure or Use Type	LBCS Code(s)
Public assembly structures. Examples include theaters (3100) and churches (3500)	Structure 3000-3950
Institutional or community facilities. Examples include hospitals (4110) and schools or university buildings (4200 – 4230)	Structure 4000

Civic Space: any Plaza, Square, Courtyard, Pedestrian Pathway, or Green as defined in the Amenity Standards.

Clump Ornamental Tree: Generally smaller than a shade tree, larger than a large shrub at maturity, but may be shorter at installation than regular ornamental trees due to having three or more smaller trunks, “clumped” together, rather than one main trunk. The minimum size for Clump Ornamental Trees is 6’.

Code: The City of Westminster Municipal Code.

Collocation: for purposes of the telecommunications facilities regulations, 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 so that installation of a new support structure is not required.

Commission or OGCC: for purposes of the oil & gas regulations, the Oil and Gas Conservation Commission of the State of Colorado.

Common Area: Privately owned land area within a development reserved for joint, private use. These areas are typically owned and maintained by a homeowners association, business association, condominium association, general improvement district, or metro district (as general common elements). [Note: Umbrella statement that covers the improvements within a development ex: pool, clubhouse, park, public art, surrounding landscape both passive and active typically under one ownership.]

Comprehensive Plan: the current municipal planning document(s) adopted pursuant to City Charter Section 4.16 and Title 31, Chapter 23, C.R.S.

Code of federal regulations (CFR): The codification of the general and permanent rules published in the federal register by the executive departments and agencies of the federal government. It is divided into 50 titles that represent broad areas subject to federal regulation.

Community: Any political subdivision in the State of Colorado that has authority to adopt and enforce floodplain management regulations through zoning, including, but not limited to, cities, towns, unincorporated areas in the counties, [Native American] tribes and drainage and flood control districts.

Conditional letter of map revision (CLOMR): FEMA's comment on a proposed project, which does not revise an effective floodplain map, which would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Conditional use: a use that may be an appropriate use in a Specific Zoning District because it is subject to certain conditions prescribed in this title.

Conservation Easement: an easement that protects natural or water resources, open space, or other areas that provide a public benefit from development consistent with Title 38, Article 30.5 (Sections 38-30.5-101 - 38-30.5-112), C.R.S.

Consignment: the placing of used merchandise, by the owner of such goods, in the bailment of another, while retaining ownership until the goods are sold. Consignment of goods differs from donation of goods in that, with consignment, the owner of the goods retains ownership until he or she receives payment for them, and the goods have generally not lost a significant amount of value due to their original quality and limited wear.

Consignment store: a shop or store that devotes more than 75 percent of its retail sales floor area to the sale of consignment items.

Construct: "constructed," "construction," or words of similar import and shall be deemed to include "acquire," "acquired," "acquisition," or similar import in districts created to acquire improvements already constructed.

Construction trailer: a mobile home, manufactured home, or similar structure located on a construction site and temporarily used as office space and/or to store material and equipment for the convenience of the construction project.

Conventional Zoning District: any zoning district other than a PUD or an SPD. This includes: [DISTRICT NAMES TO BE ADDED AFTER CHAPTER 3 IS COMPLETED]

Correction home: a state-licensed facility housing residents for purposes of rehabilitation, special care, supervision, or treatment for social, behavioral, or disciplinary problems. A "correction home" includes adult or juvenile "halfway houses," community corrections facilities and law offender division facilities.

Critical facility: A structure or related infrastructure, but not the land on which it is situated, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. The classification and detailed description of critical facilities is specified in Rule 6 of the Department of Natural Resources, Colorado Water

Conservation Board's "Rules and Regulations for Regulatory Floodplains in Colorado," dated November 17, 2010, or as such rule is amended.

Cut: an act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, or relocated.

(D) Definitions Beginning with “D”

Day care facility: a state-licensed facility maintained for the care of five or more persons not related to the owner, operator or manager thereof, providing care, supervision, or education for less than 24 hours. The term includes facilities commonly known as "child care center," "day care center," "adult day care facility," "day nursery," "preschool," "kindergarten," and "summer camp," except that "kindergarten" does not include a kindergarten maintained in connection with a public or private elementary school.

Deciduous: a plant with foliage that is shed annually.

Density: The number of dwellings within a designated land area. For purposes of this Title, “density” means gross density unless otherwise provided. [See section 12-3-1, W.M.C., Table 12-3-1 1 Summary / Description of Dimensional Standards for additional rules for density calculations.]

Density, Gross: The number of dwellings divided by the total land area (in acres) subject to an application, stated as dwellings per gross acre.

Designated Staff: the staff assigned to review an application.

Detention basin or pond: an area of land graded and constructed for the purpose of temporary storage of stormwater runoff where the opening for release is of a relatively fixed capacity and not manually operated.

Developed flow: the amount of rainfall runoff generated by a parcel of land that has been developed to its ultimate use with no retention or detention facilities by which the runoff volume or flow rate is altered.

Developer: any person, persons, company, partnership, or corporation who subdivides, constructs, or provides any type of improvements or in any way engages in the development of land. The developer may be the property owner.

Developing Area: for purposes of the oil & gas regulations, an area of at least one square mile of land that is determined by the Planning Commission to contain an average residential density of less than one dwelling unit per two and one-half (2.5) acres or to contain less than an average of 50,000 square feet of gross floor area devoted to non-residential structures that require a certificate of occupancy.

Development: any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations or storage of equipment or materials.

DFIRM database: The database (usually spreadsheets containing data and analyses) that accompany the DFIRM. The "FEMA Mapping Specifications and Guidelines" outline requirements for the development and maintenance of DFIRM databases.

Diameter at Breast Height ("DBH"): See caliper. Caliper when measured 4.5 feet above the ground.

Digital flood insurance rate map (DFIRM): the FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

Diameter at Breast Height (or "DBH"): See caliper. Caliper when measured 4.5 feet above the ground.

Discount store: a retail establishment that sells new merchandise at discounted prices.

Distillery: a facility for the manufacturing of spirituous liquors, as that term is defined in state law.

Distribution center: a facility where goods are received and/or stored for delivery to the ultimate customer at off-site locations and such goods are not manufactured, produced, or reprocessed on-site. Said facility is characterized by a larger storage capacity and volume of traffic than a typical retail packaging and postal substation.

Diversion channel: a channel with a supporting ridge on the lower side constructed across the slope.

Domestic violence shelter home: a residential facility providing special care for victims of domestic violence.

Donation facility: a non-retail facility or collection point with bins, containers, sheds, or other facilities designed and intended for the depositing of clothing, textiles, or other household goods for pick-up.

Double Row of Parking: Two rows of parking adjacent to each other, not separated by a drive aisle or landscaping.

Drip Line: A vertical line extended downward from the tips of the outermost branches of a tree or shrub to the ground.

Drip Irrigation: An irrigation method used for trees, shrubs and perennials that uses individual emitters to apply water to the base of the plants.

Drive-in: The service of food or other goods, services or entertainment where patrons remain in their motor vehicles which are parked in spaces provided on the premises for that purpose.

Drive-through: Service where sales occur or patrons are served through a window or other wall opening, door, or mechanical device while remaining in their motor vehicles. Any products served to patrons are normally not consumed on the premises.

Drought: a period of at least one year or one season (such as winter, spring, summer or fall) with below average precipitation.

Dumpster: A bulk container or receptacle used for the temporary storage and disposal of garbage, trash and any form of waste materials, not including hazardous or infectious wastes.

Duplex: a building that contains two dwellings attached to each other by a common vertical wall, where the building is located on a single lot.

Duplex-Flat over Flat: A detached structure that consists of two dwelling units arranged one above the other, with a street entry.

Dwelling: a building, or a single unit in a building, that provides complete independent living facilities for person, including permanent provisions for sleeping, eating,

cooking, sanitation (bath and toilet) and general living facilities and spaces. A dwelling is designed and intended for occupancy as a primary residence by one family or by a group that lives essentially as a family. Also referred to as a “dwelling unit.”

Dwelling, multi-family: a dwelling contained in a structure also containing other dwellings in which each unit is attached to another at one or more party walls and at either the floor or the ceiling. Includes apartments and manor style apartments. This does not include townhomes or duplexes (including flat over flat units arranged one above the other), which are considered single-family attached dwellings.

Dwelling, residential: see “dwelling.”

Dwelling, single-family attached: a dwelling contained a structure that shares party walls with another dwelling. Includes duplexes, single-family semidetached dwellings, and townhomes.

Dwelling, single-family detached: a single dwelling contained in a freestanding structure that has no party walls with other structures. Includes zero lot line homes, manufactured homes, and pull-apart townhomes. Pull-apart townhomes may not be permitted in the applicable zoning district based on the building design standards or use patterns for that district. A modular home or manufactured home is considered a single-family detached dwelling if it meets the definition above.

Dwelling, semidetached: a building that contains two dwellings attached to each other common vertical wall, with each dwelling located on a separate lot.

Dwelling, two-family: any duplex or semidetached dwelling.

(E) Definitions Beginning with “E”

E-Bike: Any “electrical assisted bicycle” or “Electric personal assistive mobility device” or “EPAMD” as defined by Section 42-1-102, C.R.S.

[Note: the statute defines these terms as follows:

“Electrical assisted bicycle” means a vehicle having two or three wheels, fully operable pedals, and an electric motor not exceeding seven hundred fifty watts of power. Electrical assisted bicycles are further required to conform to one of three classes as follows:

"Class 1 electrical assisted bicycle" means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.

"Class 2 electrical assisted bicycle" means an electrical assisted bicycle equipped with a motor that provides assistance regardless of whether the rider is pedaling but ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.

"Class 3 electrical assisted bicycle" means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty-eight miles per hour.

"Electric personal assistive mobility device" or "EPAMD" means a self-balancing, nontandem two-wheeled device, designed to transport only one person, that is powered solely by an electric propulsion system producing an average power output of no more than seven hundred fifty watts.]

E-Scooter: Any "electric scooter" or "low-power scooter" as defined by Section 42-1-102, C.R.S.

[Note: the statute defines these terms as follows:

"Electric scooter" means a device:

Weighing less than one hundred pounds;

With handlebars and an electric motor;

That is powered by an electric motor; and

That has a maximum speed of twenty miles per hour on a paved level surface when powered solely by the electric motor.

"Electric scooter" does not include an electrical assisted bicycle, EPAMD, motorcycle, or low-power scooter.

"Low-power scooter" means a self-propelled vehicle designed primarily for use on the roadways with not more than three wheels in contact with the ground, no manual clutch, and either of the following:

A cylinder capacity not exceeding fifty cubic centimeters if powered by internal combustion; or

A wattage not exceeding four thousand four hundred seventy-six if powered by electricity.

"Low-power scooter" does not include a toy vehicle, bicycle, electrical assisted bicycle, electric scooter, wheelchair, or any device designed to assist people with mobility impairments who use pedestrian rights-of-way.]

Electric Vehicle (“EV”): An “electric car” or “electric vehicle” (“EV”) means a “plug-in electric motor vehicle” as defined by Section 42-1-102, C.R.S.

[Note: the statute defines these terms as follows:

“Plug-in electric motor vehicle” means:

A motor vehicle that has received an acknowledgment of certification from the federal internal revenue service that the vehicle qualifies for the plug-in electric drive vehicle credit set forth in 26 U.S.C. sec. 30D, as amended, or any successor statute; or

Any motor vehicle that can be recharged from an external source of electricity and that uses electricity stored in a rechargeable battery pack to propel or contribute to the propulsion of the vehicle’s drive wheels.]

Electric Vehicle Charging Station: A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

Elevated building: a non-basement building (i) built, in the case of a building in zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the highest adjacent grade level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Eligible facilities request: for purposes of the telecommunications facilities regulations, a request for modification of an existing tower or existing base station that does not substantially change the physical dimensions of that tower or base station, involving (i) collocation of new transmission equipment, (ii) removal of transmission equipment, or (iii) replacement of transmission equipment.

Eligible support structure: for purposes of the telecommunications facilities regulations, any tower or base station as defined in this Section, if it exists at the time the relevant application is filed with the City under the telecommunications facilities regulations.

Energy Star: A voluntary labeling program to identify and promote energy-efficient products, new homes, commercial and industrial buildings, and design projects for commercial buildings.

Erosion: the wearing away of land surface by detachment and transportation of soil or rock material through the action of moving water, wind, ice, or gravity.

Erosion and Sediment Control Plan: a written plan identifying measures that will be implemented to minimize the discharge of pollutants in stormwater and is required with all applications for land disturbance permits. Such document illustrates grading plans and includes necessary best management practices (BMPs) and stormwater treatment facilities including construction schedules of installations.

EURV: Estimated Urban Runoff Volume as defined in the Urban Storm Drainage Criteria Manual – Volume 2; from Mile High Flood District (doing business as Urban Drainage and Flood Control District).

Evapotranspiration: the quantity of water evaporated from adjacent soil surfaces and transpired from plants during a specific time.

Evergreen: a plant with foliage that persists green year-round.

Evergreen Tree: a tree with foliage that persists year-round and remains green; generally coniferous. Mature height meets or exceeds fifteen feet (15').

Existing: for purposes of the telecommunications facilities regulations, 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, if a tower that exists as a legal, nonconforming use and was lawfully constructed is existing for purposes of this definition.

Existing manufactured home park or subdivision: for purposes of the floodplain regulations, a manufactured or mobile home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before January 27, 2014.

Existing residential subdivisions: a platted and duly recorded residential subdivision or a residential subdivision for which an application for final plat was submitted by July 1, 1994, in accordance with Ordinance No. 2223. Any other subdivision shall be deemed to be a new residential subdivision within the meaning of this chapter.

Expansion to an existing manufactured home park or subdivision: for purposes of the floodplain regulations, the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured or mobile homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Exterior Wall: as determined by the Building Code. [Note: “Exterior Wall” is defined by the 2015 International Building Code as “a wall, bearing or nonbearing, that is used as an enclosing wall for a building, other than a fire wall, and that has a slope of 60 degrees (1.05 rad) or greater with the horizontal plane.”]

(F) Definitions Beginning with “F”

Family: a head of household plus, if applicable, any individuals related to the head of household by blood, marriage, adoption, or guardianship, including foster children placed by a state institution or a licensed child placement agency.

Family care home: a state-licensed facility in the residence of the provider that provides less than 24-hour care, training, education, or supervision for two to six children who are not related by blood, marriage, or adoption to the care provider.

Fast food restaurant: any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes one or both of the following characteristics:

- (1) Foods, frozen desserts, or beverages are usually served in paper, plastic, edible, or other disposable containers.
- (2) Facilities for on-premises consumption of the food are insufficient for the volume of food sold in the establishment.

FCC: for purposes of the telecommunications facilities regulations, the Federal Communications Commission.

Federal register: the official daily publication for rules, proposed rules, and notices of federal agencies and organizations, as well as executive orders and other presidential documents.

FEMA: the Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

Final plat: the map or plan of record of a subdivision and any accompanying material, as described in this Code or in rules and regulations promulgated hereto.

Fire Wall: as determined by the Building Code. [Note: “Fire Wall” is defined by the 2015 International Building Code as “a fire-resistance-rated wall having protected openings, which restricts the spread of fire and extends continuously from the foundation to or through the roof, with sufficient structural stability under fire conditions to allow collapse of construction on either side without collapse of the wall.”]

Five-hundred-year flood: A flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term does not imply that the flood will necessarily happen once every 500 years.

Five-hundred-year floodplain: The area of land susceptible to being inundated as a result of the occurrence of a 500-year flood.

Flood or flooding: a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland waters from channels and reservoir spillways or (2) the unusual and rapid accumulation of runoff of surface waters from any source or (3) mudslides or mudflows that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas, such as Earth carried by a current of water and deposited along the path of the current.

Flood insurance rate map (FIRM): an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood insurance study (FIS): the official report provided by the Federal Emergency Management Agency. The report contains the flood insurance rate map as well as flood profiles for studied flooding sources that can be used to determine base flood elevations for some areas.

Floodplain or flood-prone area: the area that will be inundated during the occurrence of a storm of a given magnitude or frequency. For purposes of the floodplain regulations, “floodplain” or “flood-prone area” means any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

Floodplain Ordinance Administrator or Floodplain Administrator: the City's official designated to administer and enforce the floodplain management regulations.

Floodplain development permit: the permit required before construction or development begins within any special flood hazard area (SFHA). For those areas where FEMA has not defined a SFHA, the City shall require permits for all proposed construction or other development including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this floodplain management ordinance.

Floodplain management regulations: the City's zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, stormwater quality ordinance) and other applications of police power. The term also describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodplain regulations: the floodplain regulations in chapter 4 of this title. [*Reference: Section 12-4-6, W.M.C.*]

Floodplain management: the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works, and floodplain management regulations.

Flood profile: a graph or longitudinal profile showing the relationship of the water surface elevation of a flood event to the ground surface along a stream or river.

Flood storage area: those portions of the floodplain that may serve as a temporary storage area for floodwaters from the 100-year flood that are outside the floodway area.

Floodproofing: any combination of structural and/or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood control structure: a physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodway or regulatory floodway: the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of map revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

Floor Area: see “building area.”

Floor area ratio: The ratio of the floor area of all buildings on a lot to the total lot area.

Food service: both full service and fast food restaurants with or without liquor service, as well as specialty stores, such as doughnut shops and ice cream parlors.

Forbs: perennial plants typically native and installed as seed, sometimes with mixed with grasses.

Freeboard: the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Frontage, building: the horizontal, linear dimension of that side of a building that abuts a street, a parking area, a mall, or other circulation area that is open to the general

public; and having either a main window display of the enterprise or a public entrance to the building. In industrial districts a building side with an entrance open to employees shall also qualify as a building frontage. Where more than one use occupies a building, each use having a public entrance or main window display for its exclusive use shall be considered to have its own building frontage, which shall be the front width of the portion of the building occupied by that use.

Frontage Buildout: the minimum area lying between the minimum front setback (or, if the zoning district does not establish minimum front setback, the front property line) and a maximum setback, that is occupied by a building frontage. The frontage buildout is expressed as a percentage of the area lying between the side lot lines.

Frontage, lot: that side of a lot abutting on a street or way ordinarily regarded as the front of the lot.

Frontage, street: the linear frontage(s) of a lot or parcel abutting on a private or public street that provides principal access to, or visibility of, the premises.

(G) Definitions Beginning with “G”

Grade Plane: as defined by the Building Code (see Chapter 4, Section 12-4-2, W.M.C.).

Grading: the practice of changing the ground level or slope.

Gross floor area: the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, excluding the following areas: attic areas with head room of less than seven feet; unenclosed building exterior walks, stairs, or fire escapes; elevator structures on the roof; areas devoted exclusively to air conditioning, ventilating, and other building machinery and equipment; and parking structures and enclosed pedestrian walks of over 30 feet in width and 100 feet in length.

Groundcover: living plant material that grows low to the ground (under six inches (6”) in height), of a spreading nature and typically available in small pots for planting. Does not include annuals, weeds, turfs, mulches or tree canopy.

Group care facility: a state-licensed residential facility providing accommodations, personal services or special care for individuals of any age, not related to the owner or operator thereof, and who seek or require a protective living environment, but who do

not require 24-hour medical or nursing services. Group care facilities shall include, but are not limited to, group homes of more than eight persons, residential child care facilities, specialized group facilities, and youth shelter facilities.

Group home: a group home for persons with intellectual and developmental disabilities, a group home for persons with behavioral or mental health disorders, a group home for the aged, or any other type of home allowed under the provisions of the federal Fair Housing Act, as amended, for any type of protected class, or pursuant to any other applicable law. "Group home" does not include a facility which provides 24-hour medical or nursing care to its occupants.

Group home for persons with behavioral or mental health disorders: a state-licensed group living situation where services and support are provided for the exclusive use of no more than eight persons with behavioral or mental health disorders, which shall not include persons who have committed a violent offense.

Group home for persons with intellectual and developmental disabilities: a state-licensed group living situation where services and support are provided for the exclusive use of no more than eight persons with intellectual and developmental disabilities.

Group home for the aged: a group living situation for the exclusive use of not more than eight persons 60 years of age or older. Group homes for the aged do not include nursing facilities or institutions providing life care.

(H) Definitions Beginning with "H"

Hardscape: inorganic site improvements at the ground plane such as pavement or paving of concrete, stone, pavers, brick, plazas, patios, structures, and walkways. Hardscape area does not include artificial turf unless approved otherwise with the review of the ODP.

Hardscape Improvements: Impervious site improvements at the ground plane such as pavement made of concrete, asphalt, mortared stone, and brick pavers. These materials are often found in plazas, patios, and walkways

Hardship: For purposes of applying the variance criteria in Section 12-5-23, W.M.C., "hardship" means that the Applicant cannot realize a reasonable economic return as a result of the standards from which a variance is requested, and that no other use

permitted in the zoning district or land use designation would allow a reasonable return under those standards. The hardship upon which the need for a variance is premised shall not be self-created, and it must be of a type peculiar to the subject property and not shared by others. Hardship is not established merely because the requested Variance would allow the subject property or use to be more profitable, compete more successfully in the market, or operate more efficiently. [Note: see *Murray v. Board of Adjustment*, 42 Colo.App. 113, 594 P.2d 596 (Colo. App., 1979); *Levy v. Board of Adjustment*, 149 Colo. 493, 369 P.2d 991 (1962).]

Health/fitness facility: an indoor fitness center, gymnasium, health and athletic club which may include exercise equipment, indoor and outdoor courts, spa, sauna, pool and associated amenities.

Height (Building): as defined by the building code (see Chapter 4, Section 12-4-2, W.M.C.).

Height (Plant Height): plant height as measured by the American Standard for Nursery Stock (ANSI Z60.1).

HERS Rating: The Home Energy Rating System is a scoring system used to determine the energy efficiency of a home.

Highest adjacent grade: the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure: any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- (a) By an approved state program as determined by the Secretary of the Interior, or
- (b) Directly by the Secretary of the Interior in states without approved programs.

Home occupation: Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use to a dwelling.

HOA or Homeowners Association: an association of owners of dwellings as required and defined in Section 38-33.3-103, C.R.S., and registered with the Colorado Division of Real Estate (see Section 38-33.3-401, C.R.S.).

Hotel, full service: any establishment that provides temporary lodging for compensation, generally providing between 100 to 600 guest rooms and may include suites providing larger living space separate from the bedroom. Full service hotel guest rooms may NOT have kitchens nor “kitchenettes” but may have a “mini fridge” and small coffee maker. Hotels in this category shall have large internal lobbies sufficient to handle check-in and checkout functions associated with conference traffic. This type of facility shall provide conference, meeting or banquet rooms. Access to rooms shall be through internal corridors. The facility may provide retail space for newsstands, gift shops, and business service centers. Food and beverage outlets, including formal restaurants offering various styles of food across a range of prices, will be available. The establishment shall provide daily housekeeping, room, maid, linen, telephone and other similar services. Hotels of this type shall provide a swimming pool and a fully equipped fitness center and may provide whirlpools, sauna and steam rooms. A hotel of any type shall at all times operate only as a hotel, and in no event shall it be converted to a multiple unit dwelling or any other form of permanent residence. A guest shall at all times be prohibited from using a hotel room or suite as a primary permanent residence.

Hotel, extended stay: any establishment that provides temporary lodging for compensation, providing larger rooms (greater than 400 square feet) with a living space separate from the bedroom. Extended stay hotels shall provide 75 percent of all suites with Pullman kitchens (sink, built-in cook top or stove, microwave oven and refrigerator). Ninety percent of all rooms within this category shall be available to guests staying 90 days or less. Hotels in this category shall have a main office providing check-in, checkout and customer service functions at all hours. Housekeeping/maid service shall be provided. Ingress and egress to units shall be either internal or through a secured internal courtyard. This type of facility shall provide hospitality lounge and/or meeting rooms and may provide limited retail space for newsstands, gift shops,

and business service center. Extended stay hotels are encouraged to provide a formal restaurant or cafe and a fully equipped fitness center for use by guests, on-site or through co-op. A hotel of any type shall at all times operate only as a hotel, and in no event shall it be converted to a multiple unit dwelling or any other form of permanent residence. A guest shall at all times be prohibited from using a hotel room or suite as a primary permanent residence.

Hotel, mid-tier: any establishment that provides temporary lodging for compensation, generally providing between 80 to 500 guest rooms and may include suites. Ingress and egress shall be through an internal lobby with an office providing check-in, checkout and related services at all hours. Access to rooms shall be through an internal corridor. This type of facility may provide limited retail space for gift shops or other similar uses. A formal restaurant or cafe is encouraged. Separate meeting rooms should be provided for conferences or banquets. Mid-tier hotels shall provide, on-site, a swimming pool and are encouraged to provide whirlpool, sauna, steam room and a fully equipped fitness center. A hotel of any type shall at all times operate only as a hotel, and in no event shall it be converted to a multiple unit dwelling or any other form of permanent residence. A guest shall at all times be prohibited from using a hotel room or suite as a primary permanent residence.

Hotel, limited service: any establishment that provides temporary lodging, for compensation, generally providing between 50 to 125 rooms at rates below the prevailing rates of full-service facilities in the same area. Hotels in this category shall have a main office providing check-in, checkout and customer service functions at all hours. Ingress and egress to rooms can be either internal or external (internal will be encouraged). Hotels in this category are encouraged to provide on-site or through co-op, a fully equipped fitness center for use by guests. The establishment shall provide daily housekeeping, room, maid, linen, telephone and other similar services. A hotel of any type shall at all times operate only as a hotel and in no event shall it be converted to a multiple unit dwelling or any other form of permanent residence. A guest shall at all times be prohibited from using a hotel room or suite as a primary permanent residence.

Hospital: an institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, or ambulance service.

House: see “Dwelling.”

Hydrozone: irrigated areas within the landscape defined by similar water needs to sustain healthy plants. For the purposes of this Title, hydrozones are broken into four categories of Zero, Low, Moderate, and High.

Hydrozone Calculations: a table of the various hydrozone areas relative to their water use and types of irrigation.

Hydrozone Plan: a plan on which various hydrozones and their corresponding types of irrigation are indicated.

(I) Definitions Beginning with “I”

IECC: A building construction code that regulates the energy efficiency of structures (adopted pursuant to Section 11-9-1, W.M.C.).

Independent manufactured home: A mobile home that has a toilet and a bathtub or shower.

Injection Well: for purposes of the oil & gas regulations, any hole drilled into the earth into which fluids are injected for the purposes of secondary recovery, storage, or disposal, pursuant to authorizations granted by the OGCC.

Inspector: for purposes of the oil & gas regulations, any person designated by the City Manager with authority to inspect a well site or production site to determine compliance with the oil & gas regulations and other applicable City ordinances.

Irrigation: an automatic, permanent, artificial watering system designed to transport and distribute water to landscape plants.

Irrigation Audit: a procedure in accordance with the Recommended Audit Guidelines (September 2009) published by the Irrigation Association that includes a visual site inspection of the installed irrigation system for performance according to design criteria; a watering system test; physical corrections if necessary; and establishment of a watering schedule. [↔ See www.irrigation.org/IA/Resources/Technical-Resources/Irrigation-Auditing/Audit-Guidelines/IA/Resources/Audit-Guidelines.aspx]

Irrigation Plan: a plan drawn to scale that indicates the irrigation components and their specifications as related to a specific landscape plan.

Irrigation Season: see “Year.”

Illumination, direct: lighting by means of an unshielded light source, including neon tubing, that is effectively visible as a part of the sign where light travels directly from the source to the viewer's eye.

Illumination, indirect: lighting by means of a light source that is directed at a reflecting surface in such a way as to illuminate the sign from the front, or a light source that is primarily designed to illuminate the entire building facade upon which a sign is displayed. Indirect illumination does not include lighting that is primarily used for purposes other than sign illumination, such as parking lot lights or lights inside a building that may silhouette a window sign but that are primarily installed to serve as inside illumination.

Illumination, internal: lighting by means of a light source that is within a sign having a translucent background, silhouetting opaque letters or designs, or that is within letters or designs that are themselves made of a translucent material.

Indoor entertainment: an establishment where entertainment, either passive or active, is provided on a temporary or permanent basis for the pleasure of the patrons and is contained entirely within a closed building. Entertainment establishments include, but are not limited to, movie theatres, comedy clubs, laser tag, bowling, billiards, live performances, karaoke, dance, and similar activities.

Institutional care facility: a state-licensed facility housing residents for purposes of rehabilitation, special care, supervision, treatment for behavioral or disciplinary problems or alcohol or substance abuse. Institutional care facilities include secure residential treatment centers, correction homes, home detention facilities, and halfway houses.

Interest rate: that interest rate on recoverable costs that is officially established by the City Council from time to time.

Irrigation: an automatic, permanent, artificial watering system designed to transport and distribute water to landscape plants.

Irrigation Audit: a procedure in accordance with the *Recommended Audit Guidelines* (September 2009) published by the Irrigation Association that includes a visual site

inspection of the installed irrigation system for performance according to design criteria; a watering system test; physical corrections if necessary; and establishment of a watering schedule. (↔ See www.irrigation.org/IA/Resources/Technical-Resources/Irrigation-Auditing/Audit-Guidelines/IA/Resources/Audit-Guidelines.aspx)

Irrigation Plan: a plan drawn to scale that indicates the irrigation components and their specifications as related to a specific landscape plan.

Irrigation Season: see “Year.”

(J) Definitions Beginning with “J”

[Reserved]

(K) Definitions Beginning with “K”

Kennel: premises where more than five non-livestock animals, excluding offspring not exceeding four months of age belonging to one of the adult animals, are kept for any purpose, including boarding or training. The term "kennel" does not include pet shop.

(L) Definitions Beginning with “L”

Land disturbance: an activity involving the clearing, grading, transporting, filling, or other activity that causes land to be exposed to erosion.

Land-Based Classification Standards (“LBCS”): The American Planning Association, *Land-Based Classification Standards LBCS Tables* (April 1, 2001). [Note: see the LBCS web page at <https://www.planning.org/lbcs/>.]

Land Use: land use designation (such as single-family, single-family attached, multi-family, non-residential, or other type of land use designation), as defined by the Westminster Comprehensive Plan.

Land Use Plan: a component of the Comprehensive Plan consisting of descriptions of land use categories; statements of land use policies; and a geographical depiction of the placement of land uses within the City and sphere of influence areas.

Landowner: see “Property Owner.”

For purposes of the telecommunications facilities regulations, a “landowner” means a natural person or persons, partnership, company, corporation or other legal entity recorded, in the records of the Adams or Jefferson County Clerk and Recorder, as the owner of the real property upon which the communications facility is located or proposed to be located. For the purposes of a communications facility located on a building or other existing structure that is owned by a different legal entity than the owner of the real property, both the real property owner and the owner of the building or structure will be considered to be landowners.

Landscape Architect: a person who engages in the practice of landscape architecture, and who is licensed in accordance with the Colorado Landscape Architects Professional Licensing Act (Sections 12-45-101 through 12-45-120, C.R.S.).

Landscape Area: All portions of a property intended for landscape improvements and site amenities.

Landscape Buffer: Landscape area and improvements intended to physically and visually mitigate impacts between land uses, or from public property including rights-of-way.

Landscape Improvements: all elements typically used in the design and construction of a finished landscape. These include, but are not limited to, soil, compost, plant material, edging, weed barrier, mulch, irrigation systems, water features, and decorative boulders.

Landscape Plan: a plan drawn to scale that shows the layout of all landscape components and their specifications for a development site.

Landscape & Preservation Regulations: the “Landscape and Preservation” regulations in Chapter 4 of this Title. [↔ Note: see section 12-4-8, W.M.C.]

Legislative Rezoning: means a rezoning that is:

- initiated by the City to modify the zoning classifications of multiple properties; and
- based on considerations concerning the common needs of a substantial geographic area, involving a considerable number of properties.

Letter of map revision (LOMR): FEMA's official revision of an effective flood insurance rate map (FIRM), or flood boundary and floodway map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations (BFEs), or the special flood hazard area (SFHA).

Letter of map revision based on fill (LOMR-F): FEMA's modification of the special flood hazard area (SFHA) shown on the flood insurance rate map (FIRM) based on the placement of fill outside the existing regulatory floodway but inside the flood storage area.

Levee: a man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

Levee system: a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Light source: neon, fluorescent or similar tube lighting, the incandescent bulb, including the light producing elements therein, and any reflecting surface that, by reason of its construction and/or placement, becomes, in effect, the light source.

Lot: a tract, plot, or parcel of land established by a plat approved according to subdivision regulations in single ownership and not divided by a public street or other legal property line.

Lot Area: The size of a lot measured within the lot lines and expressed in terms of acres or square feet.

Lot Line: as determined by the Building Code. [Note: "Lot Line" is defined by the 2015 International Building Code as "a line dividing one lot from another, or from a street or any public place."]

Lot line, front: the lot line on the frontage side of the lot.

Lot, reverse corner: a corner lot having as its side lot line a continuation of the front lot line of the adjacent lots.

Lot width: The horizontal distance between the side lot lines as measured at the minimum front yard depth required by this article, and parallel to the street line.

Lowest adjacent grade (LAG): the lowest elevation of the ground surface touching a structure.

Lowest floor: the lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

(M) Definitions Beginning with “M”

Maintenance: any activity undertaken to prevent the deterioration, impairment, or need for repair of an area, structure, right-of-way, or land use, including but not limited to, management, repair or replanting of plant materials and landscape materials. For purposes of the Landscape & Preservation Regulations, “maintenance” means any activity undertaken to prevent the deterioration, damage, function and efficiency of a landscape area and improvements within.

Maintenance, sign: the replacing, repairing or repainting of a portion of a sign structure, periodic changing of bulletin board panels, or the renewing of copy that has become no longer usable through ordinary wear and tear, weather or accident. The replacing or repairing of a sign or sign structure that has been damaged to an extent exceeding 50 percent of the replacement cost, as determined by the building official, shall be considered as "maintenance" only when said sign conforms to all of the applicable provisions of this Code and when the damage has been caused by an act of God or violent accident.

Management: the owner or person responsible for operating and managing property, multiple properties, or units, or an agent, employee, or representative authorized to act on said management's behalf, in connection with matters relating to business, tenancy, common areas, and/or the overall operation and maintenance of the property or condition of units.

Manor Apartment: A building that - (1) is a converted single-family detached dwelling, or with architectural features and massing that are compatible with single-family dwellings, and (2) that consists of at least three (3) separate dwellings. This use type is different from a boarding house in that the units are intended for occupancy as permanent residences, and each unit may have separate kitchens and bathroom facilities. This use type is sometimes called a "mansion house," "apartment house" or "big house."

Manufactured home: For purposes of this Title:

- For purposes of the floodplain regulations, the term "manufactured home" also includes mobile homes, park trailers, travel trailers, and similar vehicles placed on a site for greater than 180 consecutive days.
- For all other purposes, a "manufactured home" is as defined by Section 24-32-3302, C.R.S. [Note: The cited statute defines "manufactured home" as "any preconstructed building unit or combination of preconstructed building units that: (a) Include electrical, mechanical, or plumbing services that are fabricated, formed, or assembled at a location other than the site of the completed home; (b) Is designed for residential occupancy in either temporary or permanent locations; (c) Is constructed in compliance with the federal act, factory-built residential requirements, or mobile home standards; (d) Does not have motor power; and (e) Is not licensed as a recreational vehicle."]

Manufactured home park or manufactured home subdivision: a parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.

Marquee: any hood, canopy, awning, or permanent roof-like construction that is supported wholly or in part by a building and projects from a wall of a building.

Mean sea level: the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on the City's flood insurance rate map are referenced.

Micro-Spray: type of irrigation using low-water emitting spray nozzles usually intended for watering annuals or perennials. Also referred to as micro-jets.

Micro wireless facility: for purposes of the telecommunications facilities regulations, a small wireless facility that is no larger in dimensions than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, that is no more than 11 inches in length.

Mobile home: As defined by Section 24-32-3302, C.R.S. [Note: the cited statute defines “mobile home” as “a manufactured home built prior to the adoption of the federal act,” and “federal act” is defined as “the “National Manufactured Housing Construction and Safety Standards Act of 1974”, 42 U.S.C. sec. 5401 et seq.”]

Mobile home park: a parcel of land under single ownership that has been planned and approved for the placement of a mobile home, occupied for dwelling purposes, and for transient and non-transient uses.

Mobile home space: a plot of land within a mobile home park designed and intended to accommodate one mobile home.

Modular home: As defined by Section 24-32-3302, C.R.S., except that the reference to “building codes” is deemed refer to the City’s building code rather than the building codes adopted by the Colorado State Housing Board. [Note: the cited statute defines “modular home” as “a factory-built residential structure,” which is in turn defined as “a manufactured home constructed to the building codes adopted by the board and designed to be installed on a permanent foundation, except for homes constructed to a federal manufactured home construction and safety standard and any home designated as a mobile home.”]

Mulch: material such as rock or shredded wood used to cover the soil around plants

(N) Definitions Beginning with “N”

National flood insurance program (NFIP): FEMA’s program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

Neutral Color: A color of a blending character that is unobtrusive and natural.

New manufactured home park or subdivision: A manufactured or a mobile home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed on or after January 27, 2014.

Non-Potable Water: treated, recycled waste water that may be available from the City for a specific use such as landscaping, not intended for human consumption.

No-rise Certification: a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the flood insurance rate map (FIRM) or flood boundary and floodway map (FBFM).

North American Industry Classification Manual (“NAICS”): The *North American Industry Classification Manual* (Executive Office of the President, Office of Management and Budget, 2017). [Note: see NAICS web page at <https://www.census.gov/naics/>]

Nursing home/facility: a state-licensed facility that meets the state nursing home standards and is maintained primarily for the care and treatment of inpatients under the direction of a physician and have the availability of a licensed nurse on a 24-hour basis. For the purposes of the use categories in Section 11-4-4, W.M.C., nursing home shall include convalescent homes, rest homes, and assisted living residences, even though such uses do not provide 24-hour nursing or physician services.

(O) Definitions Beginning with “O”

Official Development Plan (ODP): A specific plan for a development site that includes site layout and locations for landscaping, parking, access and other requirements such as building orientation and architecture. In addition to the approved ODP on record this includes any approved applicable ODP Amendments and ODP Waivers.

Official Zoning Map: See “Zoning Map.”

Oil & gas regulations: The oil & gas regulations in Chapter 6 of this title. [Reference: Section 12-6-11, W.M.C.]

Oil and gas well: for purposes of the oil & gas regulations, a hole drilled into the earth for the purpose of exploring for or extracting oil, gas, or other hydrocarbon substances.

One-hundred-year flood: 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 "100-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.

One-hundred-year floodplain: The area of land susceptible to being inundated as a result of the occurrence of a 100-year flood.

Open Space: Any Natural Area, Greenway, Community Garden, Park, Recreation Area, Wet Area, School Site, or Rotary or Circle as defined in the Amenity Standards.

Operating Plan: for purposes of the oil & gas regulations, a general description of an oil or gas well facility identifying purpose, use, typical staffing pattern, seasonal or periodic considerations, routine hours of operation, source of services, infrastructure, and any other information related to regular functioning of such facility.

Operator: for purposes of the oil & gas regulations, the person designated as operator in OGCC Form 2 or a subsequently filed OGCC Form 10.

Ornamental Grass: an annual or perennial grass plant valued for its texture and color in the landscape.

Ornamental Tree: a small to medium tree with an expected height of 20 feet at maturity and that that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.

Owner: a natural person or persons, a company, a corporation, a partnership or other legal entity recorded as such on the real property records of the Adams or Jefferson County Clerk and Recorder, including a duly authorized agent or attorney, a purchaser, devisee, fiduciary or living person having a vested or contingent interest in the property in question. For purposes of the oil & gas regulations, "owner" means any person with a working interest ownership in an oil and gas well or a leasehold interest in the well.

(P) Definitions Beginning with "P"

Parcel: a tract or plot of land of any size that may not be newly or further developed or improved until approved as a lot in a subdivision plat according to state and local standards and regulations.

Pawn shop: any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property and issues a lien upon such personal property.

Parking Module: the two to four rows of parking that occur between medians.

Participation costs: that portion of the construction cost of public improvements for which the City is responsible.

Pedestrian Access: any of the following that are unlocked during business hours: (1) for a building or structure, a door or similar entrance that a customer or employee can access on foot, and (2) for a use that does not occur within a building or structure, a location where pedestrians can lawfully access the property at grade and without barriers (such as fences, ditches, berms or landscaping). A gate that employees and customers can open during business hours is not considered a “barrier” for purposes of this definition.

Pedestrian Path: See Amenity Standards.

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

Planning Manager: the member of the Department of Community Development charged with administering the Comprehensive Plan and its implementation. “Planning Manager” includes the Planning Manager’s designee. If the Planning Manager determines that an interpretation or decision of Planning Commission and/or City Council is required, “Planning Manager” includes the Planning Commission and/or City Council, as appropriate.

Plant Materials: living plants such as trees, shrubs, groundcovers, vegetables, and vines.

Planting Bed Area: Landscape area delineated by a landscape edger designated for shrubs, trees, perennials, ornamental grasses, and inorganic and organic mulch.

Planting Strip: see “Tree Lawn.”

Pop-Up: type of irrigation using retractable spray nozzles intended for watering turf or annuals and perennials.

Pre-application meeting: a meeting between City staff and an applicant regarding the land development process, contact information, applicable codes, applications and fees.

Preliminary Development Plan (PDP). The principal zoning document for a site that establishes intended future development parameters. Allowable land uses, descriptions of the future development, and relationships between the site and surrounding properties and street networks are established by means of a PDP. Further, the intent, limitations, and regulations for the project are created by PDP. If needed, the timing and/or phasing of the development is also identified. In addition to the approved PDP on record, this includes any approved applicable PDP Amendments.

Principal Building: The building or structure in which is conducted the principal use of the lot. This includes any buildings that are attached to the principal building by a covered structure. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses are not considered principal buildings.

Private Improvements: include –

- all on-site and off-site landscaping required to be installed pursuant to an ODP, whether on private or public property, and
- all on-site facilities to be privately owned and maintained in areas of private or common ownership, including parking lots, fencing, screening, trash enclosures, walkways, trails, swimming pools, tennis courts, and community recreation facilities.

Production Pits: for purposes of the oil & gas regulations, those pits used for initial settling, temporary storage, or disposal of produced water by permeation or evaporation after drilling and initial completion of a well.

Production Site: for purposes of the oil & gas regulations, the surface area immediately surrounding proposed or existing production pits, or other accessory equipment necessary for oil and gas production activities, exclusive of transmission and gathering pipelines.

Professional Engineer: an engineer that is registered to practice engineering in the State of Colorado.

Project Planner: the City staff member that is assigned to review an application.

Property Owner: the owner in fee of any undivided interest in a given parcel of land. If the mineral estate has been severed, the Property Owner is the owner in fee of an undivided interest in the surface estate and not the owner in fee of an undivided interest in the mineral estate. “Property Owner” includes any agent of the Property Owner.

Protected Tree: existing healthy trees that are required to be preserved or transplanted.

Public entrance: an entrance to a building or premises that is customarily used or intended for use by the general public. Fire exits, special employee entrances and loading dock entrances not generally used by the public and the like are not considered public entrances.

Public improvement: any street, curb, gutter, sidewalk, drainage ditch, drainageway, utility line, pedestrian way, or other facility for public use or owned by the City.

Public right(s)-of-way: for purposes of the telecommunications facilities regulations, dedicated roads, streets, alleys and dedicated generic utility easements. The term does not include any portion of a road, street, alley or utility easement that was not dedicated to the City but was acquired by means of purchase, eminent domain, exchange of property, or payment of other compensation, nor does it include specific-purpose utility easements, unless the specific purpose of the utility easement dedication included transportation facilities or public access.

Pull-apart Townhome: a single-family dwelling that is constructed to appear to be an attached townhome but is actually constructed with a narrow gap between paired dwellings. A “pull-apart townhome” is not considered a “townhome,” but is a single-family detached dwelling.

(Q) Definitions Beginning with “Q”

[RESERVED]

(R) Definitions Beginning with “R”

Rain Sensor or Rain Shutoff Device: a device connected to an irrigation controller that overrides scheduled irrigation when significant precipitation is detected.

Recoverable costs: that portion of the construction cost for which the city determines the owners or developers of other properties served by the improvements are responsible. Recoverable costs may include that portion of the costs of construction financed by developers through special assessment obligations or any other form of financial support that exceeds the amount of benefits the financing developers will realize from the improvements so financed.

Recreational vehicle: a vehicle that is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

Redevelopment: any man-made change to improved land including any material change in the use or appearance of any structure, physical improvement, grading, landscaping, or in the land itself.

Reentering: for purposes of the oil & gas regulations, accessing an existing well bore for either the original or amended purpose when such well has not been abandoned.

RESCheck: A software program that simplifies compliance with the IECC by automating the calculations required for reporting.

Residential Design Standards: the adopted minimum criteria for new single-family attached, single-family detached, senior housing and multi-family residential development.

Residential Zoning District: Any of the following zoning districts - Open District (O1), Suburban Residential Estate (RE), Suburban Residential (SR), Mixed Residential (MR), Mixed Medium Residential (MM), and Mixed High Residential (MH).

Retail establishment: a shop or store that, as its primary business, sells new merchandise to the public.

Roof: the cover of any building, including the eaves and similar projections.

Roofline: the highest point on any building where an exterior wall encloses usable floor space. The term "roofline" includes the top of any parapet wall, providing said parapet wall extends around the entire perimeter of the building at the same elevation.

However, the top of a parapet wall extending along one or more building elevations or a portion of one or more building elevations may, as determined by the City Manager, be considered to be the roofline in those instances where the parapet wall improves the architectural appearance of a building or shields rooftop mechanical equipment.

(S) Definitions Beginning with "S"

Sales trailer: a mobile home, manufactured home, or similar structure located on a development site and temporarily used as a sales or rental office for the units in the development.

Satellite earth station or satellite dish: An antenna, often dish-shaped, designed to receive television broadcasts relayed by microwave signals from earth orbiting communication satellites. A satellite earth station has the following elements: a low-noise amplifier (LNA) that is situated at the focal point of the receiving component, and that magnifies and transfers signals; and a coaxial cable that carries signals to the interior of a building. "Satellite earth station" includes an antenna or satellite dish capable of receiving signals from direct broadcast satellites (DBS), multichannel multipoint distribution (wireless cable) providers (MMDS), and television broadcast stations (TVBS).

School, primary/secondary: a public, private, or parochial educational facility offering instruction at the elementary, junior, and/or senior high school levels in the branches of learning and study required to be taught in the public schools of Colorado.

Screen wall: for purposes of the telecommunications facilities regulations, an opaque structure, typically located on top of, but integrated with the design of, a building that conceals mechanical, communications or other equipment from view from the surrounding rights-of-ways and properties.

Sediment: rock, sand, gravel, silt, soil, or other material that is transported by, suspended in, or deposited by water or air or is accumulated in beds by other natural agencies.

Sedimentation: the process of subsidence and deposition of suspended matter carried by water or other liquids.

Senior housing development: a residential project for persons 60 years of age or older which may include the following types of facilities:

Government-sponsored senior housing and non-profit senior housing:

Government-sponsored senior housing projects provided by non-profit section 501(c)(3) organizations as defined by the federal government; or

Non-government sponsored for-profit senior housing:

- (1) Assisted living and long-term care facilities: Shelter and services for frail elderly who are functionally and/or socially impaired and in need of 24-hour supervision. Services include, as a minimum, environmental security, transportation, housekeeping, social activities, laundry and meals. "Long-term" implies residency of longer than 100 days.
- (2) Congregate care: Shelter for elderly who may need limited assistance but do not need 24-hour supervision. Services include, at a minimum, environmental security, transportation, housekeeping, social activities, laundry and meals.
- (3) Independent living: Multi-family housing targeted specifically to seniors who are functionally and socially independent. Services include, at a minimum, environmental security, transportation, housekeeping and social activities.

Serious hazard: a man-made or natural phenomenon that is of such a significant adverse impact to past, current, or foreseeable development of land as to constitute a significant hazard to public health and safety or to property. The term may include, but is not limited to, natural hazards, such as ground subsidence, radioactivity, landslides, floodplains and unstable slopes, and man-made hazards, such as radioactivity and airport operations.

Service building: any building or structure within a mobile home park that is used in common by the tenants of the mobile home park for such purposes as assembly, storage, recreation, laundry, car washing, office needs, or similar uses.

Service commitment: that the measure of City service required is determined by the average service provided to one single-family detached dwelling. Calculation of a service commitment for a structure shall be determined in accordance with the following schedule:

Single-family detached dwelling or mobile home unit: 1.0 service commitment

Single-family attached dwelling: 0.7 service commitment

Multi-family dwelling: 0.5 service commitment

Attached senior housing: 0.35 service commitment

Nonresidential: to be determined on a case-by-case basis, based upon the specific plan presented.

Setback: A line established by this Title, generally parallel with and measured from the lot line. A minimum setback defines the limits of a required yard. Generally, no building or structure is allowed within a required yard, except for permitted setback encroachments. A maximum setback requires placement of the front building plane of principal buildings forward of the setback for a minimum distance (defined as the “frontage buildout).

Setback encroachment: A situation where a structure extends into a required minimum setback. [

Setback, Front: see Chapter 4, Section 12-4-3, W.M.C.

Setback, Side: see Chapter 4, Section 12-4-3, W.M.C.

Setback, Rear: see Chapter 4, Section 12-4-3, W.M.C.

Shade Tree: a medium to large tree with an expected height greater than 20 feet at maturity and is planted for its spreading canopy and crown

Shopping center; business center; and office, industrial, or technical parks/centers: a group of two or more professional, office, commercial, industrial, or combination thereof establishments that are planned, developed, owned, or managed as a unit and related in location, size, and type, and provide on-site parking in definite relationship to the types and sizes of establishments. Freestanding or attached buildings that function as a part of a shopping center, though they may be under separate ownership, shall be deemed to be a part of the shopping center.

Shrub: a small to medium woody or herbaceous perennial plant with several main stems arising at or near the ground. Shrubs can be deciduous or evergreen.

Sidetracking: for purposes of the oil & gas regulations, entering the same well from the surface, but not necessarily following the same well bore throughout its subsurface extent, when deviation from such well bore is necessary to reach the objective depth.

Sight triangles: All landscape and hardscape materials within sight triangles as outlined in the City of Westminster Standards and Specifications for the Design and Construction of Public Improvements (SSDCPI) must rise no higher than 30 inches in height and extend no lower than 80 inches above the ground.

Silt trap: a constructed permanent facility for the collection of water-carried soils.

Site: A property that includes at least one legally subdivided lot.

For purposes of the telecommunications facilities regulations, “*site*” means, for towers other than towers in the public right-of-way and eligible support structures, the current boundaries of the leased or owned property surrounding the tower or eligible support structure and any access or utility easements currently related to the site. For other alternative towers structures, base stations, and small cell facilities in the right-of-way, a site is further restricted to that area comprising the base of the structure and to other related transmission equipment already deployed on the ground.

Site Improvement: Any parking, landscaping, or other site development improvement required by chapter 4 of this title. Site improvements refer to the following provisions of chapter 4 of this title:

- Fences (Section 12-4-4)
- Improvements (12-4-7)
- Landscape & Preservation (12-4-8)

- Parking & Loading (12-4-9)
- Parks/Open Space/Civic (“Amenity”) Space Standards (12-4-10)
- Stormwater Management (12-4-12)
- Streets (12-4-13)
- Sustainability (12-4-14)
- Utilities (12-4-16)

Site Furniture: furnishings designed for outdoor use, such as bicycle racks, trash receptacles, chairs, tables, and benches.

Small cell facility: for purposes of the telecommunications facilities regulations, any of the following:

- (1) A wireless service facility that meets both of the following qualifications:
 - (a) Each antenna is located inside an enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and
 - (b) Primary equipment enclosures are no larger than 17 cubic feet in volume as measured on the exterior surface of the enclosure. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: Electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, and cut-off switch; or
- (2) A micro wireless facility.

Small cell network: for purposes of the telecommunications facilities regulations, a collection of interrelated small cell facilities designed to deliver wireless service.

Soil Amendment: organic and inorganic material added to the soil to improve texture, moisture holding capacity and water and air infiltration.

SRI: The Solar Reflectance Index is a measurement of the ability of a surface, such as pavement or a rooftop, to reflect solar energy and reduce heat gain.

South Westminster Residential Project: a residential project located south of 80th Avenue in the City that meets all applicable design criteria for such projects.

Special flood hazard area or flood hazard area: the land in the floodplain within a City subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

Special use: a type of use that, because of special characteristics or circumstances, may be appropriately placed in a particular zone district on a case-by-case basis subject to conditions necessary to make the use compatible with other uses permitted in the district or an adjoining district.

Staff: City staff persons assigned to the Community Development Department.

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

Standards and Specifications: the *Standards and Specifications for the Design and Construction of Public Improvements* (December 2020), as amended, promulgated by the City Manager pursuant to Section 12-4-1, W.M.C.

Stormwater Infrastructure: this term encompasses all types of basins, ponds, swales, rain gardens, and other areas designed and engineered to accommodate or convey stormwater drainage or quality.

Story: as defined by the building code (see Chapter 4, Section 12-4-2, W.M.C.).

Street: any public or private street or drive excluding an alley. This includes roads, avenues, boulevards, expressways, highways, parkways, and bridges.

Street entrance: the intersection of public streets and/or private drive that has the most prominence and is most easily identified for access to a subdivision. The required landscape area for the most prominent street entrance(s) may be located on one corner or divided among up to four corners and medians if design constraints cause a median to be needed.

Street improvements: any one or more of the following: surfacing, extending, widening, lengthening, altering, reconstruction, or other improvements to roadways; construction of curbs, gutters, or sidewalks; construction of bridges, overpasses, or underpasses; the necessary grading therefor; street lighting; landscaping of adjoining parkways by the planting of trees and shrubs; and storm drainage facilities incidental thereto.

Streetscape: Landscape improvements adjacent to public and private streets and drives.

Structural Cell: rigid cubic platforms used under hardscape to allow for less compaction and greater root structure for trees planted in developed conditions.

Structural Soil: a medium that can be compacted to pavement design and installation requirements while permitting root growth. It is a mixture of gap-graded gravels (mostly made of crushed stone) and soil (mineral content and organic content).

Structure: as defined by the building code. [Note: “Structure” is defined by the 2015 International Building Code as “that which is built or constructed.”] For purposes of the floodplain regulations, “structure” means a walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

Subsurface Drip Irrigation (SDI): an underground irrigation method where a network of lines with incrementally-spaced emitters are used to convey water to the root zone of the intended plant. This method is typically used for turf areas, annual beds.

Studio: a small, single purpose facility containing no more than 4,000 square feet, for activities such as dance, martial arts, visual arts or calisthenics for improving strength and circulation or other similar uses as deemed appropriate by the City.

Subdivision: the division, by approved plat of any tract of land, lot, or parcel into two or more lots for the purpose, whether immediate or future, of sale, transfer of ownership, or to offer for sale or development. Lots, plots, blocks, and other subdivisions may be designated in accordance with any recorded plat thereof.

Substance abuse rehabilitation home: a residential facility for rehabilitation, special care, supervision, or treatment for alcohol, narcotic, or substance abuse. The home must be licensed by the state or the appropriate agency thereof.

Substantial damage: damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

Substantial improvement: for purposes of the floodplain regulations, any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before start of construction of the improvement. This includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to ensure safe living conditions, or
- (2) Any alteration of an historic structure provided that the alteration will not preclude the structure's continued designation as an historic structure.

Substantial structural damage: damage sustained by any structure and resulting from any cause whereby the cost of restoring the structure to its previous condition prior to the damage would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial structural improvement: any repair, reconstruction, addition or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) Before the improvement or repair is started; or
- (2) If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is

considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications that are solely necessary to assure safe living conditions; or
- Any alteration of structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Substantially change: for purposes of the telecommunications facilities regulations, any of the following, and refers to a single change or a series of changes over time (whether made by the same or different entities) viewed against the initial approval for the tower or base station that individually or cumulatively produces:

- (1) For towers other than alternative tower structures in the right-of-way, increases in 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, increases in 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 right-of-way, the addition of 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 eligible support structures, the addition of 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, the installation of more than, but not to exceed four, the standard number of new equipment cabinets for the technology involved (but not to exceed four); or for towers in the right-of-way and base stations, the 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, any excavation or deployment outside the current site;
- (5) For any eligible support structure, an undermining of the concealment elements of the eligible support structure; or
- (6) For any eligible support structure, non-compliance 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 Paragraphs (1)–(4) of above.

For the purpose of determining whether a substantial change exists, changes in height are measured from the original support structure in those case where deployments are or will be separated horizontally, such as on building rooftops; in other circumstances, changes in height are measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to February 22, 2012.

Surety: a letter of credit or cash amount given to the City to ensure the installation and completion of private improvements including hardscape, landscape, and plant materials according the ODP; only after completion may the surety may be returned.

(T) Definitions Beginning with “T”

Tattoo/body piercing parlor: the same as the term "body piercing/tattoo parlor" previously defined.

Telecommunications facilities regulations: The telecommunications facilities regulations in Chapter 6 of this title. [Reference: Section 12-6-16, W.M.C.]

Telecommunications provider: for purposes of the telecommunications facilities regulations, a person that provides telecommunications service or services, with the exception of cable services and aggregators of telecommunications services as those terms are defined by federal law. Telecommunications provider does not mean a person or business using antennas, support towers, equipment, and/or buildings used to

transmit high power over-the-air broadcast of AM, and FM radio, VHF and UHF television, and advanced television services, including high definition television.

Telecommunications service(s): for purposes of the telecommunications facilities regulations, the offering of telecommunications for a fee directly to the public or to classes of users so as to be effectively available directly to the public, regardless of the facilities used.

Temporary Irrigation: one or more automatic irrigation zone(s) for “Zero” hydrozone(s), intended for disconnection after an establishment period.

Thrift store: a shop or store that devotes more than 75 percent of their retail sales floor area to the activity of selling used clothing or merchandise. This does not include antique shops or consignment stores, or used motor vehicle parts sales.

Tower: for purposes of the telecommunications facilities regulations, any structure 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 private, broadcast, and public safety services, unlicensed wireless services, fixed wireless services such as microwave backhaul, and the associated site. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and other similar structures.

Townhome: A building that has two or more dwelling units erected in a row as a single building (either as a single building on its own lot, or with each dwelling separated by a lot line), and with each unit separated from the adjoining unit(s) by a fire wall along the dividing lot line. A townhome is separated from any other building by space on all sides. Each individual dwelling has individual front and rear access to the outside. All dwelling units in a townhome are attached. A "townhome" does not include a "pull-apart townhome," which is considered a single-family detached dwelling.

Transmission equipment: for purposes of the telecommunications facilities regulations, 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.

Transplanted Tree: protected trees that are proposed to be relocated.

Treatment facilities: for purposes of the oil & gas regulations, any plant, equipment or other works used for the purpose of treating, separating or stabilizing any substance produced from a well.

Tree: a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.

Tree Lawn: the landscape area that occurs between a detached sidewalk along a public or private drive or street.

Tree Mitigation: the act of compensating for healthy tree removal by planting a proportionate number of replacement trees or cash-in-lieu.

Turf: a ground covering usually of mowed turfgrass, forming a lawn. [Source: 37-60-126, C.R.S.]

Turf: continuous living plant coverage consisting of grasses installed as sod or seed which, when regularly mowed, form a dense growth of leaf blades. [Source: 37-60-126, C.R.S.]

Turfgrass: continuous living plant coverage consisting of grasses installed as sod which, when regularly mowed, form a dense growth of leaf blades. [Source: 37-60-126, C.R.S.]

Twinning: for purposes of the oil & gas regulations, the drilling of a well adjacent to or near an existing well when the existing well cannot be drilled to the objective depth and/or produced due to an engineering problem, such as collapsed casing or formation damage.

(U) Definitions Beginning with “U”

Unrestrained slope: unstable earthen slope with high potential for movement or erosion.

Urbanized Area: for purposes of the oil & gas regulations, an area of at least one square mile of land that is determined by the Planning Commission to contain an average residential density equal to or greater than one dwelling unit per two and one-half acres

or to contain an average of 50,000 square feet or greater of gross floor area devoted to non-residential structures.

Used merchandise: goods and products that were once new but have been used by one or more persons.

Utility: All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, energy and power (such as electricity, oil and gas), information, and telecommunication and telephone.

U Value: The measurement of the rate of heat loss indicated in terms of the U-factor (U-value) of a window assembly. The lower the U-factor, the greater a window's resistance to heat flow and the better its insulating properties.

(V) Definitions Beginning with “V”

Variance: a departure from the provisions of the zoning ordinance, but not including the actual use or structure.

For purposes of the floodplain regulations, “variance” means a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations).

Vertical Mixed Use: A building where non-residential uses are located on the ground floor, and dwellings, professional office,, business support services, or personal services are located on the upper floors.

Veterinary office and clinic, indoor: a facility for the care of sick or injured animals. Such facilities may include veterinarians' offices, administrative offices, space for examination, surgery, and recovery, and for overnight indoor boarding of animals while under treatment.

Veterinary office and clinic, outdoor: a facility for the care of sick or injured animals. Such facilities may include veterinarians' offices, administrative offices, space for examination, surgery, and recovery, and for overnight indoor and outdoor boarding of animals while under treatment.

Violation: For purposes of the floodplain regulations, the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Subsections 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

(W) Definitions Beginning with “W”

Warehouse: a building used primarily for the storage of manufactured products, components, supplies, equipment, or materials, excluding bulk storage of materials that are flammable or explosive or that present hazards commonly recognized as offensive.

Water Budget: an estimate of the total amount of gallons of water for irrigation used throughout an irrigation season..

Water Resources Manager: the City’s Water Resources Manager, or their designee.

Water surface elevation (WSEL): the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Weed: as defined by Section 8-1-13 W.M.C., or any weed or noxious weed as defined by the Colorado Noxious Weed Act (C.R.S. § 35-5.5-103).

Weed barrier or fabric: a porous geotextile material installed underneath rock or wood mulch to prevent the growth of weeds.

Well: for purposes of the oil & gas regulations, an oil and gas well or an injection well.

Well Head: for purposes of the oil & gas regulations, the equipment attaching the surface equipment to wellbore equipment at the well.

Well Site: for purposes of the oil & gas regulations, that area surrounding a proposed or existing well or wells and accessory structures, containment berm and equipment necessary for drilling completion, recompletion, workover, development, and production activities.

Wetlands: those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do

support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands shall also include any lands that are defined as wetlands under any federal or state law.

Winery: a facility for the manufacturing of vinous liquors, as that term is defined in state law.

Wireless communications facility or wireless service facility (WCF): for purposes of the telecommunications facilities regulations, a facility used to provide personal wireless services as defined at 47 U.S.C. Section 332 (c)(7)(C), or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies, or wireless utility monitoring and control services. A WCF may include an antenna or antennas (but does not include coaxial or fiber optic cable that is not immediately adjacent to, or directly associated with, a particular antenna), base stations, alternative tower structures, and towers. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building. It does not include the support structure to which the WCF or its components are attached if the use of such structures for WCFs is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand held radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of this Chapter.

WQCV: Water Quality Control Volume as defined in the Urban Storm Drainage Criteria Manual – Volume 2; from Mile High Flood District (doing business as Urban Drainage and Flood Control District).

(X) Definitions Beginning with “X”

Xeriscape: the application of the principles of landscape planning and design, soil analysis and improvement, appropriate drought-tolerant plant selection, limitation of high hydrozone turfgrass area, use of organic mulches, irrigation efficiency, and appropriate maintenance that results in water savings.

(Y) Definitions Beginning with “Y”

Yard: all portions of a residential lot not covered by the building footprint. Yards are broken down to front, rear, and side yard areas.

Yard, Required: The area between the lot line and a minimum setback.

Year (Irrigation): for purposes of Section 12-4-7 W.M.C. and calculation of water rates, a year is equivalent to a typical irrigation season that is from mid-April to mid-October (26 weeks).

(Z) Definitions Beginning with “Z”

Zero lot line home: A single-family detached dwelling that is sited with no setback along one side property line.

Zone District or Zoning District: Any of the districts established in Chapter 3 for which use, dimensional and design standards are established. The Zoning Map establishes the boundaries of a zoning district, where applicable.

Zoning Map: The map that establishes zoning district boundaries. [See Section 12-3-3, W.M.C.]

(3599 3644 3714 3770; Ord. No. 3919 , §§ 1, 2, 2-26-2018; Ord. No. 3926 , § 1, 3-26-2018; Ord. No. 3927 , § 1, 4-9-2018)

12-10-3 Acroynms

The following acronyms have the following meanings for purposes of this Title, unless the context clearly indicates otherwise:

CIC	Certified Irrigation Contractor
CID	Certified Irrigation Designer
CLIA	Certified Landscape Irrigation Auditor
C.R.S.	Colorado Revised Statutes
DBH	Diameter at breast height
FCC	Federal Communications Commission
GPSF	Gallons per square foot
HERS	The HERS Index, which is an industry standard to measure residential energy efficiency (see RESNET web page at https://www.hersindex.com/hers-index/what-is-the-hers-index/)
HOA	Homeowners’ Association
IECC	Internal Energy Conservation Code
LBCS	Land-Based Classification Standards
NAICS	North American Industry Classification Manual
OGCC	Colorado Oil and Gas Conservation Commission
ODP	Official Development Plan

PDP	Preliminary Development Plan
SDI	Subsurface Drip Irrigation
SDDTCM	the City of <i>Westminster Storm Drainage Design and Technical Criteria Manual</i> , as amended, promulgated by the City Manager pursuant to Section 12-4-1, W.M.C.
SSDP	Site-Specific Development Plan
USDOE	United States Department of Energy
WCF	Wireless communications facility or wireless service facility
W.M.C.	Westminster Municipal Code
WQCV	Water Quality Control Volume

12-10-4 Interpretation of Zoning Map

- (A) **Criteria.** Where the map appears to be unclear regarding the location of district boundaries, the Planning Manager shall make a determination using the following criteria:
- (1) *Rights-of-Way or Easements.* Where boundary lines appear to follow existing streets, alleys, railroad tracks, utility lines, or similar features, the zoning boundary shall be construed to follow the centerline of the rights-of-way or easement. Where the location of these features on the ground differs from that shown on the Official Zoning Map, the features on the ground control.
 - (2) *Annexed and Undesignated Lands.* For the purposes of ensuring that all land has a zoning designation, any land that is annexed into the City shall be zoned in accordance with its associated future land use class(es) as set forth in the Future Land Use Map in the Comprehensive Plan.
 - (3) *City Limits.* Where district boundaries are indicated as approximately following City limits, such City limits shall be considered the district boundaries.
 - (4) *Property Lines.* Where the boundaries are indicated as approximately following property lines, such lines shall be construed to be the boundaries.
 - (5) *Watercourses.* Boundaries shown as following, or approximately following, the centerline of drainage ways, streams, water bodies, or other watercourses shall be construed as following the centerline. In the event of a natural change in the location of such streams or other watercourses, the zoning district boundary shall be construed as moving with the centerline.
 - (6) *Vacation or Abandonment.* Where a public right-of-way is officially vacated or abandoned, the regulations applicable to the abutting property apply equally to the vacated or abandoned street or alley.
- (B) **Interpretation.** If the boundary remains uncertain, the Planning Manager shall interpret the Official Zoning Map to determine the location of the boundary in question.



Westminster Unified Development Code
Chapter 11 Legal Provisions

DRAFT FEBRUARY 22, 2021 – FOR DISCUSSION ONLY

Contents

12-11-1	Relationship to Other State, Federal and Local Provisions.....	532
12-11-2	Zoning of Annexed Territory	532
12-11-3	Private Restrictions	532
12-11-4	Severability.....	532
12-11-5	Repeal of Existing Ordinance.....	533
12-11-6	Effective Date.....	533

Chapter 11 Legal Provisions

Purpose: This chapter provides for the legal relationship of this title to other legal provision, the zoning of annexed territory, and for an effective date.

12-11-1 Relationship to Other State, Federal and Local Provisions

- (A) **Conflict with State or Federal Laws.** If any restriction, prohibition, or provision of this title conflict with those provisions or any laws of the State of Colorado, or with regulations of State or Federal regulatory bodies having jurisdiction:
- (1) If the provision of this title is not preempted, the more restrictive restriction, regulation, prohibition or provision applies.
 - (2) If the state or federal law preempts a provision of this title, the state or federal law applies.
- (B) **Conflict with Other City Regulations.** Unless otherwise provided in this title, to the extent that provisions of this title are inconsistent with one another, or if they conflict with provisions found in other adopted codes, ordinances, or regulations of the City of Westminster, the more restrictive provision controls.

12-11-2 Zoning of Annexed Territory

Any territory annexed to the City shall be zoned pursuant to the applicable procedures and requirements of this title and of the W.M.C. No land within the corporate limits of the City shall remain without a zoning district designation for more than ninety (90) days, during which period no building permit shall be issued.

12-11-3 Private Restrictions

- (A) This title does not interfere with, abrogate, or annul any easement, covenant, deed restriction, or other agreement between private parties.
- (B) To the extent that a provision of this title imposes a greater restriction than imposed by a private agreement, the provisions of this title control. To the extent that the provisions of a private agreement impose a greater restriction than this title, the provisions of the private agreement control.
- (C) The City is not responsible for monitoring or enforcing private agreements.

12-11-4 Severability

- (A) If any court of competent jurisdiction declares that any section, Subsection, or provision of this title is invalid, that judgment will not affect the validity of the remaining
- (B) provisions of this title.

Unified Development Code**Chapter 11 Legal Provisions** | *12-11-5 Repeal of Existing Ordinance*

- (C) If any court of competent jurisdiction invalidates the application of any provision of this title to a development, that judgment will not affect the application of that provision to any other development not specifically included in the judgment.
- (D) If any court of competent jurisdiction invalidates any condition attached to an application approved under this title, that judgment will not affect the validity of any other condition attached to the approval that is not specifically included in the judgment.

12-11-5 Repeal of Existing Ordinance

Any ordinance inconsistent with the terms and provisions of this title is repealed. That repeal, however, is only to the extent of any inconsistency. In all other respects, this ordinance is cumulative of other ordinances regulating the same subject matter.

12-11-6 Effective Date

The effective date of this title is .

DRAFT FEBRUARY 22, 2021 – FOR DISCUSSION ONLY

Contents

12-12-1	Generally	534
12-12-2	Application Checklists	534
12-12-3	Fees.....	535
12-12-4	Plan Adoption	537
12-12-5	Plan Amendment	538
12-12-6	Preliminary Development Plan.....	538
12-12-7	Official Development Plan.....	539
12-12-8	Special Use Authorization / Conditional Use Permit	540
12-12-9	Final Plat.....	542
12-12-10	Landscape and Irrigation Submittals	542
12-12-11	Oil & Gas ODP	545
12-12-12	Private Improvements Agreement	547
12-12-13	Temporary Use Permits.....	547
12-12-14	WCF Applications	548

Chapter 12 Submittal Requirements

Purpose: this Chapter establishes submittal requirements to ensure that the City has the information it needs to process an application, and to assure applicants that complete applications are processed.

12-12-1 Generally

- (A) **Completeness.** All applications must include complete information for the City to process them. This Chapter establishes the information that applications must include to be considered complete.
- (B) **Preparation.** All applications must be prepared by the owner of the subject property or the property owner’s agent.
- (C) **Forms.** The Planning Manager may prescribe forms and requirements for completing the information required by this Chapter. The forms may include:
 - (1) filing instructions (such as mail, email, and website or internet upload locations),
 - (2) number of physical copies,
 - (3) certifications,
 - (4) advisory notifications about private covenants, ex parte contacts, or other legal matters, and
 - (5) related information.
- (D) **Additional or Modified Submittals.** Applications requiring additional or modified submittals will be considered abandoned if the required submittal or resubmittal is not made within 180 days of the last submittal date and a new application and new fee will be required.

12-12-2 Application Checklists

- (A) **Generally.** Applications for permits or land development decisions required by Chapter 5 of this title shall be filed upon forms prescribed by the Planning Manager. The following information is required for each application listed below:

[A TABLE OF SUBMITTAL REQUIREMENTS IS BEING PREPARED AND WILL BE INSERTED HERE]

- (B) **Disclosure Requirements.** Developers of property within the corporate limits of the City and within a PUD District shall post, in a prominent location in the sales or rental office for said property, the following materials:
 - (1) A sign containing, in prominent, bold lettering the following statement:
 "All questions concerning the future use or development of property located outside the boundaries of this project should be addressed to the City of Westminster."
 - (2) A sign containing, in prominent, bold lettering, the following statement:
 "A copy of the Preliminary Development Plan and the current Official Development Plan and Plat for this subdivision is maintained in this office and is available for inspection upon request."

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12-12-3 Fees

- (A) An applicant shall the corresponding fees for applications established in Table 12-2-1.¹
- (B) Fees shall be paid at the time of application.
- (C) The Fee Schedule establishes fees to defray the costs of a public hearing. Payment of public hearing fees is required prior to the required notices of hearing.²
- (D) Fees are non-refundable unless otherwise provided in the Fee Schedule.

Table 12-2-1 Fee Schedule

Application	Fee
Review Fees:	
PDP or amendment— Concept review	\$350.00 (x) sq. rt. of acres (\$350.00 min.)
PDP or amendment— Technical review	\$350.00 (x) sq. rt. of acres (\$350.00 min.)
ODP or amendment— Concept review	\$400.00 (x) sq. rt. of acres (\$400.00 min.)
ODP or amendment— Technical review	\$400.00 (x) sq. rt. of acres (\$400.00 min.)
Combined PDP/ODP (including amendments)	
Concept review	\$550.00 (x) sq. rt. of acres (\$550.00 min.)
Technical review	\$550.00 (x) sq. rt. of acres (\$550.00 min.)

¹ Could we instead allow the City Council to establish application fees by resolution?

² From WMC 11-5-21 (land use plan amendments). This makes this a general requirement for any public hearing for a private applicant-initiated process.

Unified Development Code
Chapter 12 Submittal Requirements | 12-12-3 Fees

Application	Fee
Zoning or rezoning	\$500.00
Annexation	\$300.00
Comprehensive land use plan amendments	\$500.00
Administrative amendment (PDP/ODP)	\$250.00
Minor administrative amendment (PDP/ODP)	\$75.00
ODP waiver	\$250.00
Special use authorization or conditional use permit	\$450.00
Temporary use/special event permit	\$100.00
Construction drawing reviews (Construction drawing reviews may include, but are not limited to, final plats, address plats, construction drawings, R.O.W. permits and public improvements agreements)	\$750.00 + \$75.00 (x) sq. rt. of acres (\$1,125.00 max.)
Minor replat (lot line adjustment)	\$300.00
Vacations (R.O.W. and easements)	\$300.00
Land disturbance permits	\$250.00
Development sign posting fee	\$50.00
Variance	\$250.00
Other Service Fees:	
Zoning verification letter	\$50.00
Affidavit of correction	\$100.00
Recording fees for plats and plans	\$50.00 + \$20.00/page
Recording fees for letter and legal size e-filing	\$10.00/page
Floodplain information (non-residential only)	\$20.00
Scheduling and conducting public hearing	\$350.00/hearing
Document Fees:	
Plan submittal guidelines	\$20.00
Comprehensive land use plan	\$25.00
Northeast comprehensive development plan	\$5.00
Copies of plans on file	\$5.00/page
Copies of documents (up to 20 pages) on CD	\$5.00/CD

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12-12-4 Plan Adoption³

- (A) **Specific Plan Content:** A Specific Plan shall include, but not be limited to text and illustrations sufficient, in the opinion of the Planning Manager, to specify all of the following in detail:
- (1) The distribution, location and extent of individual land uses, including open space, within the area covered by the plan;
 - (2) The proposed distribution, location, extent and intensity of major components of public and private transportation, waste water, water, drainage, solid waste disposal, energy, parks, schools and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan;
 - (3) Land use regulations and development, design and performance standards that govern each use or physical area identified by the specific plan. These regulations and standards may include, but not be limited to the following:
 - (a) A listing of allowable uses within each land use designation and applicable definitions, use classifications, supplemental standards (height, intensity, etc.) and requirements for discretionary entitlement application and other permits
 - (b) Standards governing site coverage, lot size and dimensions (where applicable), yard and setback requirements, usable open space, landscaping and related performance standards;
 - (c) Site development standards that address adjacent zoning district and development, where applicable;
 - (d) Standards and guidelines for the architectural, landscaping, streetscape and other urban design features for development within the specific plan area. Streetscape design shall include, but not be limited to, plant and materials palette, landscape design and placement, lighting, street furniture and equipment screening; and
 - (e) Supplemental illustrations establishing the basic architectural and environmental character to be attained throughout the specific plan area.
 - (4) A program of implementation measures, including regulations, programs, public works projects, financing measures and a statement of consistency with any existing master/capital improvements plan necessary to carry out subsections (i), (ii) and (iii) listed above; and

³ From WMC 11-5-20.

- (5) A statement of relationship of the specific plan to the Comprehensive Plan, including a statement of how the specific plan implements the goals and policies of the Comprehensive Plan.
- (6) All necessary maps within the area covered by the proposed plan;
- (7) A legal and physical description of the site including boundaries, easements, existing topography, natural features, existing buildings, structures and utilities;

12-12-5 Plan Amendment⁴

- (A) Applications for such a Plan Amendment shall be made to the Planning Manager, in the form and with such information as may be required by the Community Development Director.
- (B) At a minimum the owner shall provide:
 - (1) A completed application in a format established by the Community Development Department.
 - (2) Payment of required application and public hearing fees.
 - (3) Property owner signature, and if necessary, the Statement of Authority Form provided by the Department of Community Development.
 - (4) Statements of compliance with the criteria listed in Section 12-5-12(g), W.M.C.
 - (5) Traffic impact summary in a format established by the Department of Community Development.
 - (6) Acreage and legal description of the parcel or parcels subject to the request with lot and block references if contained within a recorded platted subdivision, or if not platted with a property survey, metes-and-bounds description via field notes.
 - (7) Citizen participation plan describing timing, types and sequence of outreach efforts including a list of property owners who are required to receive notice pursuant to Section 12-5-5(B), W.M.C., and an accurately scaled map using County Assessor's maps identifying the subject site, and the location of the properties to be notified.

12-12-6 Preliminary Development Plan

- (A) The Preliminary Development Plan shall reflect a plan for development, redevelopment, or non-development of all contiguous land under the same or substantially the same ownership as determined by the City. This requirement

⁴ From WMC 11-5-21(A)(2).

shall apply, even if the owner has no immediate plans for the development or redevelopment of a portion of the land. The Preliminary Development Plan may include portions of the property for which a land use is not designated.

- (B) Prior to any review of a proposed PDP, the applicant shall provide:
- (1) Written consent of all owners of the property within the proposed PDP;
 - (2) Evidence of ownership and encumbrances satisfactory to the City and such other information as may be reasonably required to evaluate the proposed development;
 - (3) A non-refundable application fee as specified in the Land Use and Development Review Fee Schedule set forth in Section 11-1-6, W.M.C., shall be paid at the time of application for any proposed ODP.

12-12-7 Official Development Plan

- (A) **Area Subject to ODP**
- (1) For any property zoned PUD or SPD, the Planning Manager may require that any ODP filed with the City cover the entire ownership or substantially the same ownership of adjacent lots or parcels.
 - (2) For any property not zoned Planned Unit Development or Specific Plan, any ODP filed with the City shall reflect a plan for the development or redevelopment of all contiguous land under the same ownership or substantially the same ownership. This requirement shall apply to all ODPs, even if the landowner has no immediate plans for the development or redevelopment of such land. The intent is to insure that a unified plan is approved for all land held by the same ownership or substantially the same ownership.
- (B) **Filing Requirements.** Prior to any review of a proposed ODP or ODP Amendment, the applicant shall provide:
- (1) Either the written consent of all owners of the property in the proposed ODP or ODP Amendment or evidence otherwise satisfactory to the Planning Manager of the applicant's authority to represent the owners of the property;
 - (2) Evidence of ownership and encumbrances satisfactory to the City and such other information as may be reasonably required to evaluate the proposed development;
 - (3) A non-refundable application fee as specified in the Land Use and Development Review Fee Schedule set forth in Section 12-12-3, W.M.C., shall be paid at the time of application for any proposed ODP.

- (C) **Recording Fees.** All recording fees for an ODP or ODP Amendment shall be paid for all plans and plats that have been approved by the City prior to their recording.
- (D) **ODPs.** Official Development Plans: In addition to all other requirements in this chapter pertaining to ODPs and ODP amendments, the Planning Manager may require an application for the approval of an ODP or ODP Amendment within a Specific Plan District to include any or all of the following:
- (1) A site plan, drawn to scale that depicts all proposed on-site improvements and utilities and the locations of same in accordance with the standards established in the Specific Plan;
 - (2) A landscape plan drawn to scale that sets forth information pertinent to the landscape requirements of the relevant specific plan and the Westminster Municipal Code and shows all existing trees and shrubs on the site;
 - (3) Grading and drainage plans unless the City Engineer determines they are unnecessary for the review process;
 - (4) Architectural plans and exterior elevations indicating profiles, glazing and materials drawn to scale. Colored architectural elevations and a materials board with physical samples shall be submitted with drawings;
 - (5) Three dimensional massing model demonstrating mass, articulation, building placement and cast shadow analysis;
 - (6) Scale drawings of all signs and light standards with details of height, area, color and materials specified therein, including a photometric plan;
 - (7) A Phasing Plan if applicable; and
 - (8) Any other documents or information necessary to determine compliance of the ODP or ODP amendment with the requirements of the applicable Specific Plan.

12-12-8 Special Use Authorization / Conditional Use Permit

All applications for special use authorization or conditional use permits must include the following information:

- (1) A completed application form provided by the City.
- (2) The required fees for review and public hearing.
- (3) Written description of the proposed use in sufficient detail to allow review and analysis of the operation and its potential impact on the existing neighborhood.
- (4) Legal description and address of the site.

- (5) Detailed site plan showing location of existing and proposed buildings and other structures, parking areas and number of available parking spaces for the special use, ingress and egress, outside trash and storage areas, and type of screening, fencing, and landscaping.
- (6) Vicinity map showing immediately adjacent property, structures, existing land use, existing zoning and Comprehensive Plan classification(s), streets, sidewalks, and curb cuts.
- (7) Existing floor plan and elevation of buildings or proposed construction or modifications as may be applicable.
- (8) Map and list of property owners within 300 feet of the subject property, based upon records of the County Assessor as of a date within 15 days of filing the application. The list and map shall meet the requirements in Section 11-5-13(A)(7), W.M.C.
- (9) In the case of a Group Care Facility or Institutional Care Facility, a map to scale indicating the locations of any other Group Care Facility or Institutional Care Facility within 750 feet of the subject property, measured at the property line.
- (10) In the case of a Tattoo or Body Piercing Parlor, a map to scale indicating the location of any other Tattoo or Body Piercing Parlor within 1,000 feet. Measurement shall occur as prescribed in Section 11-4-13, W.M.C.
- (11) In the case of an Ambulance Service, a map to scale indicating a minimum distance of 500 feet from the boundary of any residential district or the property line of a lot devoted to a residential use regardless of the zoning designation, measured from the property line.
- (12) In the case of a Thrift Store, a map to scale indicating the location of any other Thrift Store within 1,000 feet. Measurement shall occur as prescribed in Section 11-4-13, W.M.C.
- (13) In the case of an Institutional Care Facility, the applicant shall also submit written plans for: security measures to prevent unplanned and unsafe activities on the part of residents; screening measures to prevent the placement of residents with a history of or high risk for violence or abuse of children; the ratio of supervisors to residents; programs for counseling or rehabilitation; the hours per day or week when counseling or rehabilitation programs will be administered; the education, training and other qualifications of all staff members; provisions for recreation, including the areas of the building and site to be used for recreation.

- (14) In the case of an Institutional Care Facility or Group Care Facility, a copy of the approved State license or the application form for such State license showing the use requested.
- (15) In the case of a Brewery, the floor plan must delineate the perimeter of the tap room and outdoor seating, showing maximum occupancy of each, and must show location of product storage. The applicant must also address the following in writing: products to be brewed and production limit of each; plans for wholesale of the manufactured product; plans for truck traffic; days per week and hours per day of operation for the tap room and the manufacturing facility; plans for safe storage and service of manufactured product, including training of servers or sellers; parking plans. The applicant must also provide state discharge permit, if any, and state liquor license and liquor license application.
- (16) In addition, reasonable additional information, including, but not limited to, a traffic study prepared by a professional traffic consultant may be required by the City Manager or designee if required to evaluate the application.
- (17) In the case of a use identified as a special use under Section 11-4-8(B)(11) above, the criteria identified in the respective specific plan must be addressed.

12-12-9 Final Plat

An application for review and approval of a final plat shall be submitted in the format specified by the Community Development Department.

A non-refundable application fee as specified in the Planning and Engineering Development Review Fee Schedule set forth in Section 11-1-6, W.M.C., shall be paid at the time of application for a Final Plat. In addition, a recording fee of \$20.00 per sheet shall also be paid for any plats that have been approved by the City prior to their recording.

The City Manager may, in his or her sole discretion, on a case-by-case basis, waive any of the normal submittal requirements for Final Plats within his or her administrative approval authority that the City Manager deems to be minor in substance and scope and reduce the fee for such minor amendments to \$75.00.

12-12-10 Landscape and Irrigation Submittals

(A) Generally

- (1) As required by Section 12-4-7, W.M.C., landscape and hydrozone plans shall be reviewed and approved by the City. Landscape and hydrozone construction plans must reflect the approved landscape and hydrozone

plans reviewed and approved at the time of ODP or ODP Waiver approval.

- (2) The format and content for landscape and hydrozone drawings and private improvements agreements shall be as specified by the Community Development Department, the City's landscape regulations, and as set forth in this Code.
- (3) No construction of landscape improvements can occur until the City approves the landscape and irrigation construction plans, and the private improvements agreement.
- (4) As-built landscape and irrigation drawings shall be presented by the developer to the owner/owner's association/homeowner's association and the City prior to final acceptance of the project.
- (5) Any revisions to the approved landscape and hydrozone plans during the construction of a project must be approved by the City prior to the field change, and shall be reflected in a revised set of construction drawings and may require an ODP Amendment.
- (6) The developer must submit irrigation as-built drawings to the owner/business association or homeowner's association prior to final acceptance of the project.
- (7) Prior to the issuance of the certificate of occupancy, the developer must provide an approved soil amendment inspection, affidavit of compliance, irrigation system as-builts and the successfully completed irrigation audit reports to the City verifying that the landscape and irrigation improvements have been installed according to approved plans and all City requirements.

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(B) Landscape Plans. Landscape plans shall include the following information:

[SUBMITTAL REQUIREMENTS TO BE ADDED]

- (1) Existing site water pressure as provided by the city of Westminster Department of Public Works and Utilities.
 - (2) Landscaping within utility easements or adjacent to fire hydrants.
 - (3) Design and landscape requirements of all rights-of-way and common areas.
 - (4) Landscape design of all right-of-way areas, including that of US 36 and I-25.
- (C) Hydrozone Plans.** Hydrozone plans are supplemental to the Landscape Plans and must include general design information. The line layout and head placement may be determined in the field. However, the system must pass the

required irrigation audit. The Hydrozone plan included in the ODP shall contain the following information:

- (1) All landscape areas identified with a hatch or shading by Hydrozone and the square footage of each landscape area.
- (2) All areas of rock and/or wood mulch individually identified with their corresponding square footages.
- (3) Irrigation method for each Hydrozone— drip, micro-spray, pop-up spray, rotor, subsurface drip, etc.
- (4) Location of the irrigation point of connection(s) and size.
- (5) Controller location(s) and model(s).
- (6) Irrigation notes as identified in the Plan Submittal Document (see Chapter 12).
- (7) Reclaimed water notes if applicable.
- (8) Water budget table. The water budget will use specifications provided by Section 12-4-7, W.M.C., and any additional information provided by the City, to calculate water usage by hydrozone to arrive at the total amount.

Table 12-12-10.12-10-1 Water Budget

Note: gsfs = gallons/sf/season

High Water Zone	SF	x 18 gsfs	= Gallons/Season
Moderate Water Zone	SF	x 10 gsfs	= Gallons/Season
Low Water Zone	SF	x 3 gsfs	= Gallons/Season
Zero Water Zone	SF	x 0 gsfs	= 0
Total Gallons Needed by all Zones			= Gallons/Season
Total Square Feet of all Zones (SF)			= SF
Average gsfs for all Zones			= gsfs

The average gsfs cannot exceed a maximum of 12. The irrigation season is from mid-April to mid-October (26 weeks).

(D) Irrigation As-Built Plans

- (1) A set of final irrigation construction as-built documents shall be submitted for review and approval by the ODP Inspector prior to the issuance of the certificate of occupancy.
- (2) [ADD INFO REQUIRED FOR IRRIGATION AS-BUILTS]

(E) Tree Inventory and Protection Plan

- (1) If a landscape plan is required and existing trees are present, a tree inventory and protection plan must be submitted and approved as part of

the landscape plan. The tree inventory and protection plan shall comply with the city’s tree preservation specifications.

- (2) The following chart shall be completed for the ODP for all projects incorporating tree preservation:

Table 12-12-10.12-10-2 Tree Preservation Chart

Species	DBH	Condition	Disposition	Mitigation	Notes
Total Mitigation Required					

Notes to Tree Preservation Chart:

- Species—Provide the common and botanical name for the tree
- DBH—Diameter at Breast Height (measured 4.5 feet above grade) in caliper inches
- Condition—Rated by an ISA (International Society of Arboriculture) Certified Arborist as Excellent, Good, Fair, Poor or Dead. Use current ISA rating system for determining condition (All ratings will be subject to review by the City of Westminster Forester)
- Disposition—Keep, Remove, or Transplant
- Mitigation—If tree is being removed, specify the caliper inches that are required for mitigation using the 2:1 caliper inch ratio. 2 inches are required to replace every 1 inch removed
- Notes—Any additional information worth noting about the tree

12-12-11 Oil & Gas ODP

- (A) **Filing.** An application for an ODP pursuant to the oil & gas regulations shall be filed with the City Department of Community Development
- (B) **Fee.** An application for review of an ODP pursuant to this section shall be accompanied by a fee of \$1,000.00. The fee shall not be refunded if the application is withdrawn or denied.
- (C) **Contents.** An application for an oil & gas ODP shall include the following information:
 - (1) **Site Plan.** The site plan shall be submitted in accordance with the format prescribed for an ODP application in Title XI of the Code, showing:
 - (a) A legal description of the property upon which the well site and production site are to be situated,

- (b) A true north arrow,
 - (c) The location of the proposed well site and production site, including well, twinning locations, motors, tank battery, separators and treaters, storage facilities, production pits, containment berm, transmission and gathering pipelines and other accessory equipment to be used during the drilling, maintenance and operation of the proposed well,
 - (d) The location of all other proposed structures, including fencing and signs,
 - (e) All proposed access ways associated with the well site and production site,
 - (f) Intended color of paint for storage tanks and other permanent structures, fencing and berming for the site,
 - (g) A description and location of proposed landscaping,
 - (h) All existing physical features, including drainageways, floodplains, roads and rights-of-way, designated wild-life areas, trees and City open-space, parks and recreation property within 1,000 feet of a well site or production site,
 - (i) Existing subdivision boundaries, buildings, structures, property lines, public and private utility easements of record and utility facilities and improvements within 400 feet of the well site or production site,
 - (j) The signature and seal of a professional land surveyor, and
 - (k) Any other information required by the provisions of this title relating to the content of an application for an ODP.
- (2) **Vicinity Maps.** Vicinity maps shall be submitted with the application for an ODP on one or more maps or plats showing the following:
- (a) Location of all existing bodies of water and watercourses, including direction of water flow. This information shall be submitted on United States Geological Service (USGS) 7.5 minute series, assessor base maps that indicate topographic detail and show all existing bodies of water and watercourses with a physically defined channel within a 1,000-foot radius of the proposed well.
 - (b) Location of existing oil and gas wells as reflected in OGCC records. This information shall be submitted on a map and shall include any and all wells (including abandoned wells) within a 1,000-foot radius of the proposed location for the well.

- (c) Location of proposed well site and proposed production site. This information shall be that contained on OGCC Form 2 and shall be graphically depicted on a map of the section in which the sites are to be located and shall include the parcel tax identification number of the property on which the sites are to be located.
- (3) **Narrative Elements.** In addition to the site plans and the vicinity maps required in subsections (1) and (2) of this section, the application shall also include:
 - (a) The names and addresses of the operator and surface owner, and copies of any lease agreements with the surface owner and applicable OGCC Forms 1 and 2.
 - (b) An operating plan.
 - (c) A listing of all permits or approvals obtained or yet to be obtained from local, State or federal agencies other than OGCC.
 - (d) An emergency response plan that includes, but is not limited to, a listing of local telephone numbers of the public and private entities and individuals to be notified in the event of an emergency, a description of the best emergency access to the well, drilling equipment and related facilities and structures, and a description of arrangements that will be made to allow access by emergency response personnel to secured facilities.
 - (e) A plan for weed control at the well site.
 - (f) A schedule of drilling and anticipated completion events related to the proposed well.
 - (g) The drainage and erosion control plan for on-site and off-site drainage.
 - (h) A site reclamation and restoration plan including the reclamation schedule.
 - (i) A waste disposal plan.

12-12-12 Private Improvements Agreement

[TO BE INSERTED]

12-12-13 Temporary Use Permits

An application for a temporary use permit shall include:

- (A) **Generally**
 - (1) A completed temporary use permit application.

- (2) The fee to be charged upon application of a temporary use permit, as outlined in the fee schedule (see section 12-12-2, W.M.C.).
 - (3) Written authorization from the real property owner of the applicant's right to use the property.
 - (4) A written description of the nature of the activity.
 - (5) An illustration or picture of any proposed stand, including measurements.
 - (6) An illustration or picture of any proposed sign, including measurements.
 - (7) When requested, a list of the individuals or employees operating on behalf of the business within the City.
 - (8) Documentation of nonprofit tax status, if applicable.
- (B) **Site Plan.** Site plan to include:
- (1) The location where the activity will be conducted;
 - (2) All buildings and structures, including entrance and exit locations;
 - (3) All parking spaces, drive aisles, and emergency access aisles, including any area proposed to be blocked off or barricaded for the activity and method of barricade;
 - (4) All trash enclosures or receptacles;
 - (5) Location of on-site restrooms to be available to employees and/or the public, if any;
 - (6) All landscaped areas;
 - (7) All freestanding light fixtures; and
 - (8) All freestanding signs.
- (C) **Employees.** Each business applying for a permit and wishing to permit employees pursuant to the temporary permit, shall provide any proof required by the City Manager to demonstrate that it is a bona fide business entity separate from its alleged employees.
- (D) **Additional Information.** Additional information, as needed, to assess the proposed temporary use.

12-12-14 WCF Applications

- (A) **Applicability.** Applications for approval of a WCF shall include all information the City Manager requires as necessary to assess compliance with the telecommunications facility regulations.
- (B) **Generally.** At a minimum, the application shall include:
- (1) A completed application form;
 - (2) Signal Interference Letter;
 - (3) Proof of Owner Authorization;

- (4) Proof of Agent Authorization (from the carrier);
 - (5) Submittal fees;
 - (6) A scaled site plan, photo simulation, scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate qualified professionals, showing the location and dimension of all improvements, including information concerning:
 - (a) Topography;
 - (b) Radio frequency coverage;
 - (c) Tower height;
 - (d) Setbacks;
 - (e) Drives;
 - (f) Parking;
 - (g) Fencing;
 - (h) Landscaping;
 - (i) Adjacent uses;
 - (j) Drainage; and
 - (k) Other required pursuant to subsection (A).
- (C) Inventory of Existing Sites**
- (1) Each applicant for a WCF shall:
 - (a) provide the City Manager a narrative and map description of the applicant's existing or then currently proposed WCFs within the City, and outside of the City within one mile of its boundaries; and
 - (b) inform the City generally of the areas of the City in which it believes WCFs may need to be located within the next three years.
 - (2) The inventory list should identify the site name, site address or general vicinity if no address is known, and a general description of the facility (e.g., rooftop antennas and ground mounted equipment).
 - (3) This subsection (C) does not require the applicant to submit its business plan, proprietary information, or make commitments regarding locations of WCFs within the City. Rather, it is an attempt to provide a mechanism for the City and all applicants for WCFs to share general information, assist in the City's comprehensive planning process, and promote collocation by identifying areas in which WCFs might be appropriately constructed for multiple users.