

ARTICLE I - Administrative Provisions and Procedures

Sec. 16-1-10. - Title.

For the purpose of brevity, the City's Zoning Ordinance shall hereafter be referred to as "this Chapter."

Sec. 16-1-20. - Purpose.

This Chapter establishes land use classifications, divides the City into districts and imposes regulations, prohibitions, procedures and restrictions intended to promote the health, safety, convenience, aesthetics and welfare of the present and future inhabitants of the City. This Chapter shall govern the use of land for residential and nonresidential purposes, regulate and limit the height and bulk of buildings and other structures, limit lot occupancy, determine the setbacks and provide for open space by:

- (1) Establishing standards of performance and design;
- (2) Adopting an official zoning map;
- (3) Prescribing procedures for changes and modifications of zoning districts and for uses by special review, variances and other permits;
- (4) Allowing for nonconforming uses and buildings;
- (5) Providing regulations for accessory uses and buildings;
- (6) Providing for the amendment and enforcement of this Article with means for appeal; and
- (7) Prescribing penalties for violation of its provisions.

(Ord. 02-01 §101; Ord. 04-17 §1; Ord. 05-13 §101)

Sec. 16-1-30. - Authority.

The City is a home rule city organized and existing under Article XX of the Constitution of the State of Colorado. This Chapter is enacted pursuant to the City of Lone Tree Home Rule Charter and the powers granted and limitations imposed on municipalities by the Constitution and the laws of the state of Colorado.

(1) (Ord. 02-01 §102; Ord. 05-13 §102)

(Ord. 05-13 §103)

Sec. 16-1-40. – Jurisdiction and applicability.

The provisions of this Chapter shall be applicable to all land within the municipal boundaries of the City, except as otherwise provided in this chapter.

Sec. 16-1-50. - Interpretation.

1. The regulations contained herein shall be regarded as minimum requirements.
2. Whenever a provision of this Chapter or any provision in any applicable law, ordinance, resolution, rule, or regulation (to include plans and standards adopted by the City) contains restrictions covering the same subject matter, that which is most restrictive or imposes higher standards or requirements shall govern.
 - a. In the event of any inconsistency between this Chapter and the provisions of Part 3, Article 23 of Title 31, C.R.S., the latter shall control.
 - b. Whenever a Planned Development District, Sub-area Plan, Preliminary Plan, or other development plan approved by the City provides alternative standards, such standards shall apply unless such standards do not meet the minimum standards or requirements for matters related to public health, safety and public infrastructure design. In such instances, the City may apply current, updated standards, as determined by the Community Development or Public Works Directors.
3. This chapter is not intended to abrogate, annul, govern or prevail over any private agreement or restriction between private parties; provided, however, that where the provisions of this chapter are more restrictive or impose higher standards or requirements than such private agreement or restriction, the provisions of this chapter shall govern. The City shall not be responsible for monitoring or enforcing private agreements.

(Ord. 02-01 §104; Ord. 05-13 §104)

Sec. 16-1-60. - Rules of construction.

- (a) The particular controls the general.
- (b) In case of any difference of meaning or implication between the text of this Chapter and the captions for each Section, the text shall control.
- (c) The word “shall” is always mandatory, and the word “may” is permissive.
- (d) Words used in the present tense include the future, unless the context clearly indicates the contrary.
- (e) Words used in the singular include the plural, and words used in the plural include the singular, unless the context clearly indicates the contrary.

(f) A building or structure includes any part thereof. A building or other structure includes all other structures of every kind, regardless of similarity to buildings.

(g) The phrase “used for” includes "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

Sec. 16-1-70. -Reserved.

Sec. 16-1-80. - Effective date.

This Chapter shall take effect on [DATE TO BE INSERTED POST-ADOPTION].

Sec. 16-1-90. - Repeals.

Any subsequent repeal of this Chapter shall not affect or prevent the prosecution or punishment of any person for the violation of any resolution or ordinance repealed hereby for any offense committed prior to the repeal.

(Ord. 05-13 §122)

Sec. 16-1-100. - Severability.

The provisions of this Chapter shall be severable in accordance with the following provisions:

(1) If any provision of this Chapter is declared to be invalid by a decision of any court of competent jurisdiction, the effect of such decision shall be limited to that specific provision, clause, sentence, paragraph, Section or Article held to be invalid, as expressly stated in such judgment. Such decision shall not affect, impair or nullify this Chapter as a whole or any other part thereof, but the rest of this Chapter shall continue in full force and effect.

(2) If the application of any provision of this Chapter to any tract or lot of land, building or structure, sign, or use is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that the effect of such decision shall be limited to that specific tract or lot of land, building or structure, sign, or use immediately involved in the controversy, action or proceeding in which judgment or decree of invalidity was rendered. Such decision shall not affect, impair or nullify this Chapter as a whole, or the application of any provision thereof, to any other tract or lot of land, building or structure, sign, or use.

Sec. 16-1-110. -Text Amendments.

These regulations may be amended in the following manner:

(1) Amendment proposals may be initiated by the Council, the Planning Commission or the Director. Any resident of the City of Lone Tree or owner of land or structures within the City of Lone Tree may submit a written request to the Council to amend this Chapter.

(2) The Community Development Department shall review all amendment proposals, make recommendations and schedule public hearings before the Planning Commission and Council. Public notice is required as follows: At least fifteen (15) days prior to the public hearing before the Planning Commission and fifteen (15) days prior to the public hearing before the Council, a notice shall be published in the official publication, in accordance with Article V, Subsection 7.D, of the Home Rule Charter.

The notice shall read as follows:

NOTICE OF PUBLIC HEARING

A public hearing will be held before the Planning Commission on (day of week), (date), at (time), and before the Council on (day of week), (date), at (time) in the City Council Hearing Room, (address) for a proposed amendment to the City's Zoning code. For more information contact the Community Development Department, (phone).

(3) At a public hearing, the Planning Commission shall consider the proposed amendment and make a recommendation to the Council.

(4) Upon consideration of all written and oral testimony, the Council may revise or alter the proposal before adopting any amendment to this Chapter. Amendments shall be approved by ordinance and shall take effect on the date as provided therein.

(Ord. 05-13 §105)

(Ord. 02-01 §105; Ord. 04-17 §1; Ord. 05-13 §106)

(Ord. 02-01 §106; Ord. 05-13 §107)

Sec. 16-1-120. Control over development.

(a) No zoning, rezoning, or development within the City shall be recommended for approval by the Planning Commission or approved by the Council, City Manager, Director or Community Development Director as applicable, unless it conforms to the provisions of this Chapter.

(b) The Council may suspend or withdraw any approval of a development plan or may require certain corrective measures be taken following a determination that the information provided by the applicant upon which such approval was based is substantially false or inaccurate or that new, significant information has been brought to its attention. Suspension of approval may occur at any stage in the development process and shall be implemented by resolution of the Council adopted at a public meeting.

a. A written notice from the Director shall be served upon the applicant, setting out a clear and concise statement of alleged facts and directing the applicant to appear before the Council not less than ten (10) days nor more than thirty (30) days after the date of notification.

b. The Council shall determine at the public meeting the nature and extent of alleged false or inaccurate information, shall consider any new significant information that has been brought to its attention and shall have the power, upon good cause being shown, to suspend or withdraw any approval of the plan. If the plan was previously recorded, due notice that the plan has been withdrawn and the plan voided shall be recorded with the County Clerk and Recorder.

(c) No plan for development shall be approved by the Council unless all ad valorem taxes applicable to land to be developed for years prior to that year in which approval is granted have been paid.

Sec. 16-1-130. - Fees.

(a) The City Council may establish and adopt a schedule of fees by resolution to be paid by the applicant to defray the expenses of the City in reviewing and processing applications, or for other planning and community development services, including the fees and costs of all City consultants incurred in connection with such matters.

(b) The City may require applicants to pay for expenses (in addition to the schedule of fees adopted by the City) incurred in the review process to cover the City's cost for legal, engineering, planning, architectural and other related development review fees, as may be applied by referral or consulting agencies. These charges may be determined on a case-by-case basis depending upon the size, site characteristics and related features of a project. The City shall notify the applicant when an outside consultant is needed for technical review, or in order to expedite the review process.

Sec. 16-1-140. Applicant's responsibility.

The applicant or representative shall be responsible for understanding the requirements and procedures contained in this Chapter and all applicable regulations and shall be responsible for attending all presubmittal and/or preapplication, Planning Commission and Council hearings at which the application is considered. Failure to attend the hearings may result in the request being tabled and a new hearing date scheduled. The applicant is responsible for submitting the information requested by the Community Development Department and Public Works Department for the review of the development proposal. Failure to submit required application materials may result in the City postponing review of the application until complete. It is the applicant's responsibility to consult with the City regarding interpretation and application of this Code, phasing proposals for development, as well as any options that might be available regarding security alternatives for landscaping improvements. The applicant is responsible for resolving issues with referral agencies, as may arise.

Sec. 16-1-150. - Air navigation determinations

Applicants are responsible for providing any prior required notice to the Federal Aviation Administration (FAA) of the proposed construction or alteration of a structure that may constitute an obstruction to the safe navigation, landing, or takeoff of aircraft at a publicly used airport, as required by regulations at 14 C.F.R. Part 77. Copies of all written communications with and final determinations by the FAA shall be submitted to the Community Development Department prior to approval of a Site Improvement Plan (SIP) application. Upon the issuance by the FAA of a determination of no hazard to air navigation which includes mitigation measures, the mitigation measures recommended by the FAA may be required. Upon the issuance by the FAA of a determination of hazard to air navigation, the SIP application shall be denied.

Sec. 16-1-160. Withdrawal of application.

The applicant may withdraw an application at any time during the process upon submittal of a written request to the Community Development Department. Presubmittal and/or preapplications fees will not be refunded; application fees may be refunded at the discretion of the Director, and only when the withdrawal request is submitted prior to completion of the Completeness Review.

Sec. 16-1-170 Inactive applications.

(a) Applications for development approval shall be diligently pursued by an applicant. An application shall be deemed withdrawn and terminated if the applicant fails to submit requested information, or to request a public meeting or hearing date, as applicable, for a period of more than one hundred eighty (180) days after the date the application is initiated. Staff shall provide notice to the applicant if the application is deemed inactive and terminated.

(b) Upon a written request by the applicant, the Community Development Director may grant not more than two (2) extensions of time of not more than one hundred eighty (180) days each to complete pending, required actions. Following the grant of an extension, and after one hundred fifty (150) days of inaction by the applicant, the Community Development Director may notify the applicant in writing that the application will be deemed withdrawn and terminated within thirty (30) days. After thirty (30) days, provided that the applicant has not submitted the required additional information and/or requested a hearing date, the Community Development Director shall notify the applicant in writing that the application has been terminated.

(c) Resubmittal of a new application and payment of applicable fees shall be required to pursue inactive applications that are terminated.

Sec. 16-1-180. Powers of Planning Commission.

The Planning Commission shall have the powers specifically granted in this Chapter including, but not limited to, the following:

- (1) Review applications and proposals for compliance with this Chapter, Chapter 17, the Comprehensive Plan, the Design Guidelines and Standards, applicable sub-area or framework plans, and other plans as applicable and make recommendations to the Council.
- (2) Review requests for waivers from this Chapter when an application is before them and make recommendations to the Council.
- (3) Initiate, review or recommend amendments to this Chapter to the Council.

Sec. 16-1-190. Powers of City Council.

The Council shall have the powers provided in this Chapter and any other specific or implied powers granted by the Charter, state law or other applicable law including, but not limited to, the following:

- (1) Review applications and proposals for compliance with this Chapter, Chapter 17, the Comprehensive Plan, the Design Guidelines and Standards, applicable sub-area or framework plans, and other plans as applicable and approve, conditionally approve, or deny them.
- (2) Rescind, nullify, or terminate, as applicable, site improvement plans, site improvement plan improvements agreements or other official documents or agreements if it is found there has been a misrepresentation of fact which impacts the design or legal or physical status of the development.
- (3) Grant requests for waivers from this Chapter.
- (4) Modify and amend this Chapter in accordance with Section 16-1-110 of this Article.

Sec. 16-1-200. Powers of the City Manager.

The City Manager shall have the powers provided in this Chapter.

Sec. 16-1-210. Powers of the Community Development Director.

The Community Development Director shall have the powers provided in this Chapter.

Sec. 16-1-220. Powers of the Public Works Director.

The Public Works Director shall have the powers provided in this Chapter.

Sec. 16-1-230. - General public notice requirements.

Where identified in this Chapter, the City shall be responsible for public notification. In calculating the time period for publishing and/or posting a public notice, or notifying adjacent landowners and/or mineral estate owners of a public hearing, the day of publishing, posting or mailing will be counted in the total number of days required. The day of the hearing shall not be

counted toward the total number of days required for the notification period. Publishing shall be in the Official Publication. All publishing and noticing fees shall be billed to the applicant, per the City's adopted fee schedule. Posting expenses shall be at the expense of the applicant.

(Ord. 02-01 §107; Ord. 05-13 §108)

(Ord. 05-13 §109)

(Ord. 02-01 §109; Ord. 05-13 §110)

Sec. 16-1-240. – Violations.

(a) No land in the City shall be used, nor any building or structure erected, constructed, enlarged, altered, maintained, moved or used in violation of or inconsistent with:

1. This Chapter, as may be amended;
2. The terms and conditions of any applicable permit, plan, approval, or other form of authorization required to engage in such activity; and/or
3. The terms and conditions or limitations placed by the City within any development agreement, site improvement plan improvement agreement, or other similar agreement.

(b) No structure shall be altered, built, or moved, and no structure or land shall be used or occupied, which does not conform to all applicable provisions of this Chapter in which the structure or land is located.

(c) No structure shall be erected, placed upon or extended over any easement unless approved in writing by the agency or agencies having jurisdiction over such easement. A copy of such approval shall be submitted to the Community Development Department prior to building permit issuance and may be required prior to approval of a development application, such as a Site Improvement Plan.

Sec. 16-1-250 Inspections and notice of violation.

(1) The Director shall respond to zoning complaints and make regular inspections of properties in the City.

(2) The Director shall consult with the City Attorney and Chief Building Official and other applicable City offices concerned with, but not limited to, the lawful erection, construction, alteration, occupation or use of any building, structure, or land in the incorporated area of the City.

(3) The Council authorizes the Director, in accordance with law, to enter and inspect any building, structure or tract of land within the boundaries of the City to determine compliance with this Chapter, and to perform other such duties as may be necessary and appropriate to

permit such agents to detect zoning violations, to give alleged violators statutory notice and to enforce compliance with this Chapter.

(4) When the Director has knowledge of any violation of this Chapter on a particular property, the Director, or designee, is authorized to issue a written Notice of Violation for work on any land, improvement to land, building or any structure which is not in compliance with the provisions of this Chapter, which notice shall describe the nature of the violation and shall provide notice that an Order to Stop Work may be issued if the violation is not corrected within the time frame stipulated in the notice, as reasonably determined by the Director. The Director may request in writing, from the property owner, agreement to the remedy of any such violation.

Sec. 16-1-260. Remedies.

(a) The Director is authorized to issue an Order to Stop Work on any land, improvement to land, building, or any structure which remains in violation of the provisions of this Chapter after the time frame as stipulated in the Notice of Violation. The order shall require anyone performing such work or owning the property on which such work is being performed, to cease and desist, and shall describe the nature of the violations and the enforcement action which the City intends to undertake.

(b) The decision of the Director to issue an Order to Stop Work may be appealed to the Council. The party seeking to appeal said order shall submit the appeal in writing, accompanied by a copy of the Notice of Violation and the Order to Stop Work to the Council within ten (10) days of receipt of the Order to Stop Work. The Council shall render a decision upon said appeal within twenty (20) days of receipt of said appeal and shall communicate its decision in writing to the Director and to the appellant.

(c) Upon issuance of said order to any person performing such work and upon presentation of a copy of such order to the City's law enforcement personnel, such law enforcement personnel shall be empowered to serve legal process by summons on, or arrest of, any person who continues to perform work in violation of the terms of such order.

(d) Each day during which work continues in violation of the terms of an Order to Stop Work shall be deemed a separate violation subject to the penalties set forth in Section 16-1-280. The Council, through the City Attorney, may also initiate legal proceedings in accordance with applicable statutes, regulations, civil and criminal procedures to enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use and may also pursue any other remedies provided by law.

(e) The City may deny or withhold all permits, certificates, licenses, or other forms of authorization to use or develop any land, structure or improvements thereon including issuance or renewal of a liquor license until the alleged violation related to such property, use, or development is corrected.

(f) The City may revoke any development approval, permit or other authorization, after notice and a public hearing before the decision-maker that originally granted the final approval, permit or other authorization, when it is determined that:

1. There is a material departure from the approved plans, specifications, or conditions of approval;
2. There is a violation of any provision of this Code;
3. The development approval was obtained by false representation; and/or
4. The development approval, permit, or other authorization was issued in error.

Sec. 16-1-270. – Enforcement.

This Chapter shall be enforced by the Director, the Police Department and other authorized representatives as set forth by resolution, intergovernmental agreement, other Council action or as otherwise set forth herein, on all matters involving this Chapter, and in accordance with Sections 16-1-250 and 16-1-260.

(1) This Chapter may also be enforced by injunction, or other civil actions, and the City shall be entitled to an award of its costs, including attorney's fees.

(2) If the alleged violation has not been corrected within thirty (30) days, or the applicable time period specified in the notice, the City, through the City Attorney, may initiate legal action in municipal court or other court of appropriate jurisdiction to abate, stop, enjoin, or prevent such violation. The cost of abatement shall be at the expense of the violator and shall be supported by competent evidence and reduced to judgment in the same action in a hearing before the Court.

(3) Any police officer of the Police Department is authorized to issue a summons and complaint to any person reasonably believed to have committed a violation of this Chapter in the officer's presence.

(Ord. 02-01 §113; Ord. 05-13 §114; Ord. 19-07 Art. 4)

(Ord. 02-01 §114; Ord. 05-13 §115; Ord. 18-06 , Art. 4)

Sec. 16-1-280. Penalties.

(a) Violations of any of the provisions of this Chapter, including violations of conditions of approval, shall constitute a municipal offense subject to the penalties set forth in Section 1-4-20 of this Code. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

(b) Any person, whether as principal, agent, employee or otherwise, who violates any of the provisions of this Chapter or any landowner who allows the use of his or her land by another in

violation of this Chapter, shall be fined subject to the penalties set forth in Section 1-4-20 of this Code. Each day during which any such illegal erection, construction, reconstruction, alteration, maintenance or use continues shall be deemed a separate offense.

(Ord. 02-01 §115; Ord. 05-13 §116)

(Ord. 11-05 Art. 4)

Sec. 16-1-290. - Nonliability for officials.

Any City official, employee or consultant, charged with the enforcement of this Chapter, acting in good faith and without malice on behalf of the City in the discharge of official duties, shall not thereby be rendered personally liable for any damages which may accrue to persons or property resulting from any such act or omission committed in the discharge of such duties.

(Ord. 02-01 §117; Ord. 05-13 §118)

Sec. 16-1-300. - Nonliability for injury.

This Chapter shall not be construed to hold the City in any manner responsible for any injury to persons or property resulting from any inspection as herein authorized, resulting from any failure to so inspect, resulting from the issuance or denial of a building permit as herein provided, or resulting from the institution of any court action or the forbearance from the same.

(Ord. 02-01 §118; Ord. 05-13 §119)

(Ord. 02-01 §119; Ord. 05-13 §120)

(Ord. 02-01 §120; Ord. 05-13 §121)

(Ord. 02-01 §122; Ord. 04-17 §1; Ord. 05-13 §123)

ARTICLE II - General Requirements

Sec. 16-2-10. - Districts.

- (a) In order to carry out the purpose and provisions of this Chapter, the following zoning districts are hereby established:

SR	Suburban Residential District (SR-1—SR-4, SR-E, SR-L, SR-M)
MF	Multi-family District (MF-1, MF-2)
I	Institutional District
B	Business District
C	Commercial District (C—C-5)

PD	Planned Development District
P & OS	Parks and Open Space District
CMRSFO*	Commercial Mobile Radio Service Facilities Overlay District
FO**	Floodplain Overlay District

*This district overlays all zone districts within the City; its boundaries are identical to those of the City.

**Boundaries for this district are defined in Municipal Code Chapter 15, Article IV.

(Ord. 02-01 §201; Ord. 05-13 §201)

Sec. 16-2-20. – Official zoning map adopted.

The boundaries of zoning districts are shown on the map entitled “Official Zoning Map of the City of Lone Tree,” referred to herein as “Zoning Map,” which is incorporated into and made part of this chapter by this reference. Amendments to the Zoning Map shall be made administratively to implement all zone boundary changes approved by ordinance of City Council. Technical changes to the Zoning Map that are necessary to ensure that the Zoning Map accurately reflects zone boundaries shall also be made administratively.”

(Ord. 02-01 §202; Ord. 04-17 §1; Ord. 05-13 §202)

Sec. 16-2-30. - District boundaries.

District boundaries are shown on the Zoning Map. However, where uncertainty exists as to the boundaries of districts, the following rules shall apply:

- (1) A boundary indicated as approximately following the centerline of a street, highway, streambed, transit line right-of-way or alley shall be construed to follow such centerline.
- (2) A boundary indicated as approximately following the right-of-way line of a street, highway or alley shall be construed to follow such right-of-way line, and in the event of a change in such right-of-way line, the boundary shall be construed as moving with the right-of-way line.
- (3) A boundary indicated as approximately following platted lot lines shall be construed to follow such lot lines.
- (4) A boundary indicated as parallel to, or an extension of, features indicated in Subsections (1) through (3) above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
- (5) Where a street or alley is vacated or abandoned, the regulations applicable to the property to which it reverts shall apply to such vacated or abandoned street or alley.
- (6) Disputes concerning the exact location of any district boundary line shall be decided by the Director.

(7) All streets, alleys, public ways, waterways and transit line rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, public ways, waterways and railroad rights-of-way.

(8) Where the centerline of a street, alley, public way, waterway or transit line right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to the centerline.

(Ord. 02-01 §203; Ord. 04-17 §1; Ord. 05-13 §203)

Sec. 16-2-40. - Reserved.

(Ord. 02-01 §204; Ord. 04-17 §1; Ord. 05-13 §204)

Sec. 16-2-50. - Exclusion of uses.

(a) Uses not specifically listed or not reasonably similar to those uses listed in any particular zoning district shall be deemed to be excluded from the particular zoning district.

(1) A use may be deemed by the Director to be reasonably similar to those listed in a zone district if it generates similar impacts and has similar physical and/or operational characteristics as the uses that are listed.

(b) Uses listed in any particular zoning district shall be deemed to be excluded from any other zoning district, unless such use is specifically listed or referenced in the other zoning district.

(Ord. 02-01 §205; Ord. 05-13 §205)

Sec. 16-2-60. – Permitted Uses in All Residential Zoning Districts.

(a) Group homes, as defined in this Chapter, shall be permitted in all zoning districts where residential uses are permitted by right.

(b) Family childcare homes, as defined in this Chapter, shall be permitted in all zoning districts where residential uses are permitted by right.

Sec. 16-2-70. - Inclusion of use not listed.

(a) Uses not listed may be interpreted for inclusion in a specific zoning district by the Director when such use is reasonably similar to those uses listed.

(b) Uses not specifically listed or not reasonably similar to those uses listed, or not interpreted for inclusion by the Director, in a specific zoning district, may be added to the appropriate zoning district upon approval by the City in accordance with the following procedure:

(1) The applicant shall meet with the Director to determine if the intended use is listed or similar to listed uses and shall discuss the procedures and submittal requirements for amending the appropriate sections of this Chapter.

(2) The applicant shall submit the following information to the Community Development Department:

a. A complete application form (available from the Community Development Department).

- b. Application, publishing and public noticing fees (fee schedule available from the Community Development Department).
- c. A written description of the intended use, the appropriateness of the intended use in the specific zoning district and any other information requested by staff.
- (3) The Director shall review the amendment request, prepare a staff report with the amended regulatory language and meet with referral agencies and other interested parties regarding the proposed changes.
- (4) The Director shall schedule a hearing with the Planning Commission and notify the applicant of the hearing date and time.
- (5) The City shall publish a notice in the Official Publication, prior to the Planning Commission hearing. The public notice shall appear at least fifteen (15) days prior to the Planning Commission hearing, and fifteen (15) days prior to the City Council hearing.

The Public notice shall read:

**NOTICE OF PUBLIC HEARING
BEFORE THE (PLANNING
COMMISSION OR CITY COUNCIL)**

A public hearing will be held on (day of week), (date), at (time), or soon thereafter, in the City Council Hearing Room, 8527 Lone Tree Pkwy., City of Lone Tree, CO 80124 or other designated place for a proposed amendment to (zone district) to include (state specific use) as a (principal use or use by special review). For more information, call the Community Development Department at [the phone number provided by the City].

File Name and Number: _____

Published in (newspaper) on (date).

- (6) The Planning Commission shall evaluate the application, staff report and public testimony, and make a recommendation to the City Council to approve, approve with modifications or deny the proposed amendment.
- (7) Following the recommendation by the Planning Commission, the City will schedule a public hearing with the City Council and notify the applicant of the hearing date and time.
- (8) The City shall be responsible for publishing a notice in the Official Publication in accordance with Paragraph (5) above.
- (9) The City Council shall evaluate the proposed amendment, referral agency comments, staff report, the Planning Commission recommendation and public testimony, and shall approve, approve with modifications, table for further study, or deny the amendment proposal based upon finding that such use is/is not: reasonably similar to any other use; appropriate for the zoning district to which it is proposed to be added; in conformance with the basic requirements and characteristics of the use category to which it is proposed to be added; and going to create more offensive noise, vibration, dust, heat, smoke, odor, glare, traffic hazard or other objectionable impacts than would normally result from the other uses listed in the zoning district to which it is proposed to be added.

(10) If the proposed amendment is approved, the Director shall be responsible for revising the appropriate section of this Chapter accordingly.

(Ord. 02-01 §206; Ord. 04-06 Art. 3 §3; Ord. 04-17 §1; Ord. 05-13 §206)

Sec. 16-2-80. - Public access.

Land proposed for development shall adjoin a publicly dedicated street unless private streets are proposed and a special district or some other duly established entity, recognized by the City Council, has committed in writing to maintain the private street in perpetuity.

Sec. 16-2-90. - Water and sanitation.

All uses shall be served by a central water and sanitation provider.

(Ord. 02-01 §707; Ord. 05-13 §707)

Sec. 16-2-100. - Utilities.

All public utility distribution lines shall be placed underground.

Sec. 16-2-110. - Street standards.

Construction of paved streets shall be in accordance with the City's duly adopted Roadway Design and Construction Standards, Storm Drainage Design and Technical Criteria Manual and other applicable City regulations.

Sec. 16-2-120. - Fencing and retaining wall standards.

- (a) Fences, walls or hedges shall not be erected or installed in the public right-of-way.
- (b) Fences are permitted within setbacks on private land, provided they do not impede sight triangles or encroach into sight easements.
- (c) A building permit is required for the following walls and fences:
 - (1) Retaining walls greater than four (4) feet in height;
 - (2) Retaining walls greater than two (2) feet in height that carry a vertical load; and
 - (3) Fences greater than seven (7) feet in height.
- (d) Fences, walls or hedges shall be erected or installed and maintained in a manner which does not obstruct the vision of automobile traffic on the adjacent streets, rights-of-way or driveways in accordance with the City's Roadway Design and Construction Standards.
- (e) Sound barrier walls, when constructed adjacent to a street by a landowner other than the Colorado Department of Transportation, shall be designed in accordance with City criteria and approved by the City.
- (f) Electrically charged, concertina or razor wire is prohibited. Buried electrical and mesh wire fencing for pets is allowed. Barbed wire may be permitted in association with limited agricultural uses, as approved by the Director. Chain link fencing is prohibited unless approved through a Site Improvement Plan (SIP) process, per Article XXVII; chain link fencing shall only be

approved via an SIP when such fencing is required to ensure the safety and security of public utilities.

(g) Perimeter boundary fencing shall be limited to wood, brick, stone, stucco, wrought iron or other material as may be approved by the Director. Woven wire may be used only with other open fencing and shall not extend above the height of the fence posts. Perimeter boundary fencing along arterial and collector streets shall be limited to City-approved brick or other material as may be approved by the Director.

(h) Fences or walls shall be designed and maintained so that they are architecturally harmonious with the principal structures on the lot. Fences for non-residential uses that abut a residential zone district shall be of wooden or masonry construction or, with the approval of the Director, a hedge.

(i) Fences, walls or hedges shall not exceed the heights listed below, unless otherwise approved by the City for noise mitigation:

(1) Fences, walls or hedges placed within front setbacks shall not exceed four (4) feet in height;

(2) Fences, walls or hedges placed outside of front setbacks shall not exceed six (6) feet in height; and

(3) Ornamental iron fences shall not exceed ten (10) feet in height; ornamental iron fences must provide a minimum of 80% visibility.

(Ord. 02-01 §715; Ord. 05-13 §715)

Sec. 16-2-130. - Sign standards.

Sign standards are set out in Article XXIX of this Chapter.

(Ord. 02-01 §716; Ord. 04-17 §1; Ord. 05-13 §716)

Sec. 16-2-140. - Lighting standards.

Lighting standards are set out in Article XXX of this Chapter.

Sec. 16-2-150. - Minimum area.

(a) No part of the area of a lot required for the purpose of complying with the provisions of this Chapter shall be included as part of the area required for another lot.

(b) No minimum lot area shall be required for utility service facilities. The required lot area for major facilities of a public utility shall be addressed in the Use by Special Review procedures in accordance with Article XXI, Uses by Special Review, of this Chapter.

Sec. 16-2-160. - Setbacks for infill lots.

When the setbacks required for any adjoining lots are greater than those specified in the zone where an infill lot is located, the applicant for a development approval affecting an infill lot shall be required to provide the greater setback associated with the adjoining lots.

Sec. 16-2-170. - Planned Developments and Sub-Area Plans.

Planned Developments and Sub-Area Plans may include regulations for and modifications from this Chapter relative to regulations, including but not limited to dedication requirements; variation, variance and appeal standards and procedures; site improvement and/or master plans; parking standards; sign standards; and other items as determined by the City where particular attributes of the Planned Development or Sub-Area Plan warrant.

(Ord. 02-01 §207; Ord. 05-13 §207)

(Ord. 02-01 §209; Ord. 05-13 §209)

(Ord. 02-01 §210; Ord. 05-13 §210)

(Ord. 02-01 §218; Ord. 05-13 §218)

Sec. 16-2-180. - Dedication of land.

(a) All land dedications and conveyances associated with public land for parks, trails, open space, public facilities and other uses as may be outlined per a Planned Development or other dedication arrangement shall be made, upon request by the City, on behalf of the entity for which the land is to be utilized and shall be conveyed prior to the issuance of building permits for the site, or as otherwise established in site improvement plan or development agreements. Prior to site development or public dedication, the City may require that the public entity involved with said dedication provide assurance to the City that adequate funds are or will be available and that construction will occur within a reasonable time frame.

(b) The entity dedicating the land for public purpose shall provide for the construction of, at no cost to the City or public agency, the improvement or phased improvement of all roads adjacent to the publicly dedicated sites, traffic signalization to serve the site, extension of all utilities to the site and other public infrastructure as required by the City, with any associated reimbursement agreements for said improvements. The City may require security to ensure such improvements, at such time as determined by the City.

(c) The City shall consider dedications from developments made prior to incorporation as having satisfied the City's dedication requirements.

Sec. 16-2-190. - Merger by contiguity.

For commonly owned, contiguous, nonconforming parcels, the following shall apply:

(1) Parcels described by metes and bounds. When (2) two or more contiguous, nonconforming parcels come under single ownership and are described in the same deed, these parcels may be deemed one (1) parcel upon review and approval of the City Council. The subsequent division of such land into two (2) or more parcels/lots shall be in accordance with Chapter 17 of this Code, even if the land is to be divided as previously described or conveyed.

(2) Parcels described by a survey. When two (2) or more contiguous, nonconforming parcels, shown on a recorded survey that did not receive City approval, come under single ownership and

are described in the same deed, these parcels may be deemed one (1) lot for the purpose of building permit issuance. A building permit may be issued, provided that the minimum required lot size and setbacks of the zone district in which the land is located are met.

(Ord. 02-01 §212; Ord. 05-13 §212)

(Ord. 02-01 §213; Ord. 05-13 §213)

Sec. 16-2-200. – Mineral extraction

Mineral extraction is permitted only through the use by special review process set forth in Article XXI. The City's local application requirement shall be in addition to any other application or approval requirement imposed by the state or other governmental agency.

Article III Property standards

Sec. 16-3-10. - Property maintenance, general.

The following provisions apply to all properties in the City.

(a) No land may be used as an outside storage area for the purpose of collecting, dismantling, storing or selling junk, trash, rubbish, refuse of any kind, remnants of wood, metal or plastic, discarded materials, inoperative vehicles or dismantled machinery, whether or not the same could be put to any reasonable use, unless otherwise authorized by the City in an approved Site Improvement Plan or Temporary Use Permit for the land.

(b) On- or off-street parking of unlicensed or inoperable vehicles is prohibited in all residential zoning districts and Planned Developments where residential uses are permitted.

(c) To prevent the creation of an attractive nuisance, swimming pools and associated pool barriers shall be maintained in a safe condition, as approved by the building permit and Site Improvement Plan (SIP), if applicable.

(d) Fences, walls or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair of a fence, wall or hedge which constitutes a safety hazard by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or which constitutes a zoning violation.

Sec. 16-3-20. - Property maintenance, specific.

The following provisions apply to all properties except single-family detached:

(a) All improvements on the property shall be maintained in a state of good repair consistent with the approved Site Improvement Plan (SIP). This includes proper upkeep and maintenance of all structures, sidewalks, paved surfaces, access, parking areas, drainage ways, lighting, signage and similar improvements. All improvements must be kept free from trash, debris, litter and graffiti.

(b) Landscaping shall be maintained in a neat, clean and healthy condition. This shall include proper pruning, mowing of lawns, weeding, fertilizing, mulching, trimming, removal of litter and regular irrigation of all plantings, including winter watering of trees, as applicable. Trees shall be watered monthly during times of drought.

(c) Maintenance of trees and shrubs is required near intersections so as not to obstruct or interfere with views or sight lines (private property owners with landscaping in these areas should consult with the Community Development and Public Works Departments to verify and correct problems).

(d) Property owners shall be required to replace trees or shrubs when forty percent (40%) or more of the plant is dead or is succumbing to a disease that is likely fatal in the short term. Trees shall also be replaced when the primary leader (the top) is dead and the next lateral branch is unlikely to assume and maintain apical dominance (take over as a new top), as determined by the Community Development Department. Plant replacement shall be completed within one (1) planting season. Dead plant materials shall be removed and replaced with healthy planting materials of comparable size and the same species as shown on the approved SIP, unless otherwise approved by the Community Development Department. The number of trees and shrubs may be increased where appropriate to make up for the loss of vegetative cover, as determined by the Community Development Department.

(e) Undeveloped properties eligible for a Site Improvement Plan must also be maintained in a state of good repair. This includes regular mowing, weeding, mud and erosion control, as well as trash removal. All landscaping in and along public rights-of-way shall adhere to maintenance standards identified in the City's Design Guidelines and Standards for Landscaping.

(f) Sidewalks and landscaping in the public right-of-way adjacent to commercial, multi-family or single-family attached properties are the responsibility of the adjoining property owner or managing entity. Sidewalks must be maintained in a condition free from snow or ice within twenty-four (24) hours after its accumulation.

(g) Maintenance access shall be provided to all storm drainage facilities to ensure the continuous operational capabilities of the system. The property owner shall be responsible for the maintenance of all drainage facilities, including inlets, pipes, culverts, channels, ditches, hydraulic structures and detention basins located on the property, unless such maintenance responsibility is provided by an alternate entity, with City approval, through a separate written agreement with a copy on file with the Director of Public Works or their designee. If the City determines that the property is not in compliance with the above requirements, it may contact the owner to remedy the violations within a timeframe specified by the Director of Public Works. If the owner fails to remedy the violation in the time specified, the City shall have the right to enter the land for the purposes of operations and maintenance. All such maintenance costs shall be assessed to the property owner.

(h) Trash enclosures shall be maintained in a state of good repair with operable enclosure doors. All access into the trash enclosure must be comprised of a metal gate system that is closed at all times except during trash collection. All trash and debris placed in the trash enclosure must

be located off the ground and placed in metal dumpsters. Trash containers or dumpsters must be in a state of good repair with operable lids. Lids must be kept closed to keep litter contained.

- (i) Overnight storage of vehicles including delivery, catering or fleet vehicles is prohibited unless otherwise shown on an approved Site Improvement Plan (SIP). Any proposed addition or increase of overnight storage beyond that which is approved with an SIP may necessitate an SIP amendment per Section 16-27-180.
- (j) The function of the site, as provided in the approved Site Improvement Plan (SIP) for the property shall be maintained by the property owner or designated management authority. Deviations from the approved SIP and/or an increase in the volume or frequency of use may necessitate an SIP amendment per Section 16-27-180. For the purposes of property maintenance, site function shall include the following components of an SIP:
 - a. Delivery and loading spaces;
 - b. Snow storage areas; and
 - c. Vehicle queuing.

Sec. 16-3-30. - Household pets.

(a) Household pets inclusive of, but not limited to, dogs and cats shall be permitted in all zoning districts allowing residential use, provided that no more than a combination of four (4) animals with no more than three (3) of any one kind or species that are more than four (4) months of age are kept by the occupant of any residential unit. Kennels, boarding facilities and commercial pet activities are not allowed in residential districts.

(b) This provision does not apply to tropical fish, small reptiles, small rodents, (i.e., gerbils, hamsters) and small birds kept as pets, unless raised for commercial or other purposes, kept outdoors, or kept in an accessory structure.

(Ord. 02-01 §217; Ord. 05-13 §217)

(Ord. 02-01 §219; Ord. 05-13 §219)

(Ord. 12-01 Art. 4)

(Ord. 11-05 Art. 4; Ord. 17-03 Art. 4, B.; Ord. 20-09 Art. 4, A., B.)

Sec. 16-3-40. - Rain barrels.

The City promotes the benefits of the use of rain barrels while recognizing the need to blend their use into a residential setting. To balance the environmental, drainage and other benefits of rain barrels with the potential for nuisance, aesthetic or other issues that may result from the use of the same, precipitation from a rooftop that is collected in a rain barrel is permitted subject to the following:

(1) A rain barrel collecting precipitation from a downspout is allowed adjacent to any building façade, when the rain barrel is:

- a. Fifty-five (55) gallons or less in capacity;

- b. Blends with the building's façade and surrounding landscaping and vegetation;
- c. Outdoors, above ground, not elevated more than twenty-four (24) inches above adjacent grade, placed on a stable surface, and maintained in such a way as to prevent tipping;
- d. Secured with a sealable lid;
- e. Maintained in a safe and functional condition and kept in good repair;
- f. Maintained to prevent any offensive odors, any mosquito or other insect eggs and larvae, any other nuisance or any other City code violation; and
- g. Has associated permanent or temporary piping that reasonably blends in with surrounding landscaping and vegetation.

(2) Shall meet all provisions of the State laws, including:

- a. Collection is from a rooftop of a building that is used primarily as a single-family residence (defined as a separate building or an individual residence that is part of a row of residences joined by common sidewalls) or a multi-family residence with four (4) or fewer units;
- b. The collected precipitation is used on the property on which it is collected;
- c. No more than two rain barrels, with a total of one hundred ten (110) gallons of storage, are allowed per residence;
- d. The collected precipitation is used solely for outdoor purposes including the irrigation of lawns and gardens;
- e. Precipitation collected shall not be used for drinking water or indoor household purposes.

(Ord. 17-03 Art. 4, C.)

ARTICLE IV Reserved

ARTICLE V Reserved

ARTICLE VI Reserved

ARTICLE IV - SR - Suburban Residential District (SR-1—SR-M)

Sec. 16-7-10. - Intent.

(a) The purpose of this District is to provide areas for a variety of housing types, designed in a manner to create livable space in the urban setting that is protected from incompatible land uses and hazardous conditions, and buffered from commercial/industrial uses. Adequate facilities, such as roads, water and sanitation, fire protection, emergency service and public utilities shall be available to serve these areas. Growth should occur in a phased and contiguous manner to save on the costly, premature extension of basic infrastructure. The SR District is characterized by a variety of housing types within a range of affordability, including housing for the elderly, handicapped and other special populations, and other accessory uses which enhance the basic elements of a balanced residential area, such as schools, parks, playgrounds and neighborhood recreational facilities.

(b) Development within this District should be designed to create neighborhoods in terms of scale and identity and as service units with adequate schools, parks and convenience retail; and with pedestrian, bicycle and automobile circulation that includes connections between neighborhoods and community facilities.

(c) A licensed boarding house or rooming house may be operated in a zoned suburban residential area. The maximum number of occupants in a licensed boarding house or rooming house shall be limited to that number which will not produce excess automobiles, as determined by the Director.

(Ord. 02-01 §701; Ord. 05-13 §701)

Sec. 16-7-20. - Principal uses.

On lots that conform to the minimum lot area, the following uses are allowed by right and are considered "principal uses:"

- (1) Group homes.
- (2) Family childcare homes.
- (3) Boarding house or rooming house, licensed, which does not produce excess automobiles.
- (4) Construction office, temporary (temporary structures standards are set out in Article XXII of this Chapter).
- (5) Library (site plan required per Article XXVII of this Chapter).
- (6) Open space/trails.
- (7) Park/playground.
- (8) Recreation facility, neighborhood (site plan required per Article XXVII of this Chapter).
- (8) Residential dwelling unit, the occupancy of which does not produce excess automobiles.
- (9) Residence:
 - a. Principal — one (1) single-family dwelling per lot (excluding mobile home).
 - b. Temporary (temporary structures standards are set out in Article XXII of this Chapter).
- (10) Sales office, temporary (temporary structures standards are set out in Article XXII of this Chapter).
- (11) School — public, kindergarten through 12th grade.
- (12) Utility service facility (site plan required per Article XXVII of this Chapter).

(Ord. 02-01 §702; Ord. 04-17 §1; Ord. 05-13 §702)

Sec. 16-7-30. - Accessory uses.

The following shall be allowed only when a principal use has been established on the lot:

- (1) Accessory uses and buildings.
- (2) Garage, private, limited to a maximum size of one thousand (1,000) square feet.
- (3) Home occupation (home occupation standards are set out in Article XXIII of this Chapter).
- (4) Personal-care boarding.

- (5) Satellite receiving dish.
- (6) Water/wastewater treatment or water storage facility for private domestic use not exceeding five thousand (5,000) gallons.
- (7) Swimming pools. All swimming pools require building permits and may also require pool barriers (e.g. fencing) to meet applicable building codes, per the Building Division.

(Ord. 02-01 §703; Ord. 04-17 §1; Ord. 05-13 §703)

Sec. 16-7-40. - Uses permitted by special review.

The following uses are permitted, upon the approval of the City Council, in accordance with Articles XXI and XXVII of this Chapter:

- (1) Boarding house or rooming house, licensed, the occupancy of which does produce excess automobiles.
- (2) Church/church school.
- (3) Club/private recreational use (country club).
- (4) Cultural facility.
- (5) Daycare center/preschool.
- (6) Fire station.
- (7) Golf course.
- (8) Nursing home or convalescent home or other extended-care facility.
- (9) Recreation facility, community.
- (10) Retirement home.
- (11) School (private), college or university, and related facilities.
- (12) Sheriff/police substation.
- (13) Utility, major facility.
- (14) Water/wastewater treatment and water storage for domestic use in excess of five thousand (5,000) gallons for public, private or multiple use.

(Ord. 02-01 §704; Ord. 04-17 §1; Ord. 05-13 §704; Ord. 12-01 Art. 4)

Sec. 16-7-50. - Maximum gross density.

The gross density shall not exceed six (6) dwellings/acre and may be less due to required infrastructure or dedication, or environmental constraints.

(Ord. 02-01 §705; Ord. 05-13 §705)

Sec. 16-7-60. - Minimum lot area.

The minimum lot area is seven thousand (7,000) square feet. Calculation of the minimum lot area is exclusive of open space, City-dedicated land or rights-of-way.

(Ord. 02-01 §706; Ord. 04-17 §1; Ord. 05-13 §706)

(Ord. 02-01 §708; Ord. 05-13 §708)

Sec. 16-7-70. - Land dedication.

A portion of the gross site area shall be dedicated to the City for public use, or cash in lieu of land shall be paid as required by Chapter 17 of this Code.

(Ord. 02-01 §709; Ord. 05-13 §709)
(Ord. 02-01 §710; Ord. 04-17 §1; Ord. 05-13 §710)

Sec. 16-7-80. - Parking standards.

- (a) Parking standards are set out in Article XXVIII of this Chapter.
- (b) The minimum off-street parking spaces required are two (2) spaces per dwelling unit.
- (c) The outside, off-street parking of recreational vehicles and trailers, utility trailers or other similar vehicles in residential areas shall be allowed up to seventy-two (72) hours per month. The foregoing shall be allowed for an additional seventy-two (72) hours per month only by special permit issued by the Community Development Department.
- (d) In order to avoid the storage of vehicles in residential areas, the outside, off-street parking of unlicensed and/or inoperable vehicles is prohibited.

(Ord. 02-01 §711; Ord. 04-17 §1; Ord. 05-13 §711)

Sec. 16-7-90. - Minimum setbacks.

The setback is measured from the lot line to the exterior wall of the structure horizontally and perpendicular to the lot line.

- (1) Abutting a street:
 - a. Regional/major arterial: one hundred (100) feet.
 - b. Minor arterial/collector/local: twenty-five (25) feet.
- (2) Side:
 - a. Principal use: five (5) feet.
 - b. Accessory use: five (5) feet.
- (3) Rear:
 - a. Principal use: twenty (20) feet.
 - b. Accessory use: five (5) feet.
- (4) From electrical transmission lines of 115 kV or greater: one hundred (100) feet from the closest edge of the easement to the structure.

(Ord. 02-01 §712; Ord. 05-13 §712)

Sec. 16-7-100. - Encroachments.

- (a) A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend three (3) feet into a required setback.
- (b) An open, unenclosed, uncovered deck/ porch at ground level may extend six (6) feet into a required setback, except for a side setback.

- (c) An open unenclosed, uncovered deck/porch greater than four (4) feet in height, above ground level may extend three (3) feet into a required setback, except for a side setback.
- (d) A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holders is provided.
- (e) Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation or gas regulator/ meter station shall meet the required setbacks.

(Ord. 02-01 §713; Ord. 05-13 §713)

Sec. 16-7-110. - Building height.

- (a) Maximum building height:
 - (1) Principal building: thirty-five (35) feet.
 - (2) Accessory building: ten (10) feet.

The maximum height of accessory structures may be increased to twenty (20) feet by the Director, where it is determined that off-site impacts can be mitigated. The maximum building height shall not apply to church spires, belfries, cupolas, domes not used for human occupancy, chimneys, skylights, ventilators, water tanks, silos, parapet walls, cornices without windows, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level.

- (b) The height of an antenna shall be no greater than its distance to the nearest lot line.
- (c) The maximum height of a roof-mounted church spire shall not exceed 1.62 times the height of the church. The church height shall be measured from the lowest walkout level of the church to the highest roof peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. (See Article XXXVI, Definitions, for Building Height - Spire Height Calculation Diagram.)

(Ord. 02-01 §714; Ord. 05-13 §714)
(Ord. 02-01 §717; Ord. 04-17 §1; Ord. 05-13 §717)

Sec. 16-7-120. - Common/public area standards.

All improvements proposed within common and public areas of residential zoning districts and subdistricts are subject to review and approval by the City. Common and public areas may include, but not be limited to, neighborhood entryway areas, drainage and landscaped areas, parks, trails and public gathering spaces. Said areas may be owned by the City, the homeowners' association, special district or other entity. Improvements may include, but not be limited to, landscaping, irrigation, signage, fencing, lighting and drainage, play equipment, shelters, and furniture.

- (1) Improvement approval procedure.

- a. Prior to submittal of required materials, the applicant shall meet with the Director to discuss the procedure and submittal requirements to ensure that the proposal is in keeping with the City regulations, policies and design standards.
 - b. The Director shall determine whether the request may be approved administratively, or whether it will involve City Council approval, based on the size, scope and impacts associated with the project, as determined by the Director.
 - c. The request will be approved, approved with conditions or denied based on whether the proposal is consistent with City regulations, policies and design standards.
- (2) Submittal requirements.
- a. Development application form (available from the Community Development Department).
 - b. Application fee (as determined by the City).
 - c. Written description of the request.
 - d. Supporting plans and documents that adequately describe the request, which may include site plan, landscape plan, lighting plan, signage details, site distance analysis, equipment specifications and other materials as determined by the Director.

(Ord. 05-13 §718)

Sec. 16-7-130. - Subzoning districts (SR-1 through SR-4).

The specific provisions of the following subzoning districts shall govern the provisions within Sections 16-7-10 through 16-7-120 above. If a particular element or issue is not addressed in the specific provisions for a subzone, the relevant provisions contained in Sections 16-7-10 through 16-7-120 above, and in the remainder of this Chapter, shall apply.

(Ord. 02-01 §718; Ord. 05-13 §719)

Sec. 16-7-140. - Principal uses of SR-1 Subzoning District.

The following uses shall be allowed. The Director may determine other similar uses as appropriate in this subzoning district.

- (1) Accessory uses and buildings (as provided in Section 16-7-30).
- (2) Group homes.
- (3) Family childcare homes
- (4) Boarding house or rooming house, licensed, which does not produce excess automobiles.
- (5) Guardhouse for ingress-egress security.
- (6) One (1) single-family dwelling per lot.
- (7) Parks, open space and trails.
- (8) Public school, library.
- (9) Recreational areas and facilities.

(Ord. 02-01 §719; Ord. 05-13 §720)

Sec. 16-7-150. - Uses permitted by special review in SR-1 Subzoning District.

The following uses are permitted in the SR-1 Subzoning District, in accordance with Article XXI of this Chapter:

- (1) Daycare center/preschool.
- (2) Fire station.
- (3) Private schools, churches, church schools and other institutions of higher learning.
- (4) Public utilities, including electric transmission line (115 kV or greater), electric substations and gas regulator stations.
- (5) Water and sewer facilities, pump stations and associated uses.

(Ord. 02-01 §720; Ord. 05-13 §721)

Sec. 16-7-160. - Development standards of SR-1 Subzoning District.

- (a) The minimum lot area shall be seven thousand five hundred (7,500) square feet.
- (b) Minimum setback from a street shall be twenty (20) feet if front-entry garage access is proposed. If side-entry garage access is proposed, or if the garage access is from another street or alley, the setback shall be a minimum of fifteen (15) feet.
- (c) Minimum rear setback shall be twenty (20) feet.
- (d) Minimum side setbacks shall be five (5) feet for interior side lot lines.

(Ord. 02-01 §721; Ord. 05-13 §722)

Sec. 16-7-170. - Principal uses of SR-2 Subzoning District.

The following uses shall be allowed. The Director may determine other similar uses as appropriate in this subzoning district.

- (1) Accessory uses and buildings (as provided in Section 16-7-30).
- (2) Boarding house or rooming house, licensed, which does not produce excess automobiles.
- (3) Group homes.
- (4) Family childcare homes.
- (5) Guardhouse for ingress-egress security.
- (6) One (1) single-family dwelling per lot.
- (7) Parks, open space and trails.
- (8) Public school, library.
- (9) Recreational areas and facilities.
- (10) Temporary construction office or storage area.
- (11) Temporary sales office.

(Ord. 02-01 §722; Ord. 05-13 §723)

Sec. 16-7-180. - Uses permitted by special review in SR-2 Subzoning District.

The following uses are permitted in the SR-2 Subzoning District, in accordance with Article XXI of this Chapter:

- (1) Daycare center/preschool.
- (2) Fire station.
- (3) Private schools, churches, church schools and other institutions of higher learning.
- (4) Public utilities, including electric transmission line (115 kV or greater), electric substations and gas regulator stations.
- (5) Water and sewer facilities, pump stations and associated uses.

(Ord. 02-01 §723; Ord. 05-13 §724)

Sec. 16-7-190. - Development standards of SR-2 Subzoning District.

- (a) The minimum lot area shall be seven thousand five hundred (7,500) square feet.
- (b) Minimum setback from a street shall be twenty (20) feet if front-entry garage access is proposed. If side-entry garage access is proposed, or if the garage access is from another street, the setback shall be a minimum of fifteen (15) feet.
- (c) Minimum rear setback shall be fifteen (15) feet, excluding patios. Rear setback from South Yosemite Street or Lincoln Avenue shall be twenty-five (25) feet.
- (d) Minimum side setbacks shall be five (5) feet for interior side lot lines.

(Ord. 02-01 §724; Ord. 05-13 §725)

Sec. 16-7-200. - Principal uses of SR-3 Subzoning District.

The following uses shall be allowed upon the approval of a site improvement plan in accordance with Article XXVII of this Chapter. The Director may determine other similar uses as appropriate in this subzoning district.

- (1) Accessory uses and buildings (as provided in Section 16-7-30).
- (2) Boarding house or rooming house, licensed, which does not produce excess automobiles.
- (3) Group homes.
- (4) Family childcare homes.
- (5) Guardhouse for ingress-egress security.
- (6) Multi-family dwelling.
- (7) Parks, open space and trails.
- (8) Recreational areas and facilities.
- (9) Sales or leasing office.
- (10) Single-family dwelling (no site improvement plan required).

(Ord. 02-01 §725; Ord. 05-13 §726)

Sec. 16-7-210. - Uses permitted by special review in SR-3 Subzoning District.

The following uses are permitted in the SR-3 Subzoning District, in accordance with Article XXI of this Chapter:

- (1) Daycare center/preschool.
- (2) Emergency care centers, nursing and convalescent homes and other external care facilities, such as outpatient care centers and clinics.
- (3) Fire station.
- (4) Private schools, churches, church schools and other institutions of higher learning.
- (5) Public utilities, including electric transmission line (115 kV or greater), electric substations and gas regulator stations.
- (6) Water and sewer facilities, pump stations and associated uses.
- (7) Water recycling, heat exchange and geothermal uses associated with water use consumption within multi-family development.

(Ord. 02-01 §726; Ord. 05-13 §727)

Sec. 16-7-220. - Development standards of SR-3 Subzoning District.

- (a) Development of single-family detached dwellings shall comply with the development standards set forth herein.
- (b) Setbacks.
 - (1) General setback: A minimum of twenty (20) feet shall be required from project boundaries, and thirty (30) feet minimum shall be required from major streets.
 - (2) Street setback: A minimum street setback of twenty (20) feet to the garage doors is required; otherwise, a minimum street setback of ten (10) feet to the side of the unit.
 - (3) Side setback: No minimum side setback, except when adjacent to a private street; then ten (10) feet is required.
 - (4) Distance between structures: A minimum distance of ten (10) feet is required between structures.
- (c) Minimum setbacks for multi-family units from all lot lines shall be fifteen (15) feet, except where adjacent to single-family detached residential dwelling; then the minimum setback shall be twenty-five (25) feet and along any arterial street, setbacks shall be thirty (30) feet.
- (d) The maximum building height shall not exceed fifty (50) feet measured in accordance with the City's duly adopted Building Code.
- (e) Within the SR-3 Subzoning District, a minimum of thirty percent (30%) of the gross site area shall be set aside and improved by the developer as landscaped open space.

(Ord. 02-01 §727; Ord. 05-13 §728)

Sec. 16-7-230. - Principal uses of SR-4 Subzoning District.

The following uses shall be allowed upon the approval of a site improvement plan in accordance with Article XXVII of this Chapter. The Director may determine other similar uses as appropriate in this subzoning district.

- (1) Accessory uses and buildings (as provided in Section 16-7-30).

- (2) Boarding house or rooming house, licensed, which does not produce excess automobiles.
- (3) Group homes.
- (4) Family childcare homes.
- (5) Guardhouse for ingress-egress security.
- (6) Multi-family dwelling.
- (7) Parks, open space and trails.
- (8) Recreational areas and facilities.
- (9) Sales or leasing office.
- (10) Single-family dwelling (no site improvement plan required).

(Ord. 02-01 §728; Ord. 05-13 §729)

Sec. 16-7-240. - Subzoning districts (SR-E - Estate; SR-L - Low-Density and SR-M - Moderate-Density) of SR-3.

The specific provisions of the subzoning districts shall control over the provisions within Sections 16-7-10 through 16-7-120. If a particular element or issue is not addressed in the specific provisions for a subzone, the relevant provisions contained in Sections 16-7-10 through 16-7-120 and in the remainder of this Chapter shall apply.

(Ord. 02-01 §729; Ord. 05-13 §730)

Sec. 16-7-250. - Development standards of SR-4 Subzoning District.

- (a) Setbacks adjacent to SR-L District (rear lot) with intervening street:
 - (1) Building: twenty-five (25) feet.
 - (2) Landscape buffer: fifteen (15) feet.
 - (3) Berming: three (3) feet (3:1 consisting of canopy and groundcover).
- (b) Setbacks adjacent to SR-L and SR-M Districts (facing lot):
 - (1) Building: twenty-five (25) feet.
 - (2) Landscape buffer: twenty (20) feet.

(Ord. 02-01 §730; Ord. 05-13 §731)

Sec. 16-7-260. - Subzoning districts (SR-E - Estate, SR-L - Low-Density and SR-M - Moderate-Density) of SR-4.

The provisions of the subzoning districts as stated within each subzoning district shall apply, unless not addressed, then the provisions contained outside of the subzoning district shall apply.

(Ord. 02-01 §731; Ord. 05-13 §732)

Sec. 16-7-270. - Principal uses of SR-E, SR-L and SR-M Subzoning Districts.

The following uses shall be allowed. The Director may determine other similar uses as appropriate in this subzoning district.

- (1) Accessory uses and buildings (as provided in Section 16-7-30).
- (2) Group homes.
- (3) Family childcare homes.

- (4) Boarding house or rooming house, licensed, which does not produce excess automobiles.
- (5) Guardhouse for ingress-egress security.
- (6) Open space, landscaping, trails.
- (7) Public and quasi-public buildings and structures.
- (8) Recreation areas, parks, recreation facilities, golf courses.
- (9) Single-family dwellings.
- (10) Temporary offices and sales center.

(Ord. 02-01 §732; Ord. 05-13 §733)

Sec. 16-7-280. - Uses permitted by special review in SR-E, SR-L and SR-M Subzoning Districts.

The following uses are permitted in the SR-E, SR-L and SR-M Subzoning Districts, in accordance with Article XXI of this Chapter:

- (1) Information centers.
- (2) Nursing and convalescent homes and other extended care facilities.
- (3) Private schools, churches, church schools and related institutions.
- (4) Public or homeowners' association-owned buildings.
- (5) Public utilities, including electric transmission lines, substations and related facilities.
- (6) Water and sewer facilities, pump stations and associated uses.

(Ord. 02-01 §733; Ord. 05-13 §734)

Sec. 16-7-290. - Development standards of SR-E, SR-L and SR-M Subzoning Districts.

- (a) Minimum lot:
 - (1) SR-E: twelve thousand (12,000) square feet.
 - (2) SR-L: ten thousand (10,000) square feet.
 - (3) SR-M: six thousand five hundred (6,500) square feet.
- (b) Setbacks:
 - (1) SR-E: twenty-five (25) feet front and rear; fifteen (15) feet side.*
 - (2) SR-L: twenty-five (25) feet front and rear; fifteen (15) feet side.
 - (3) SR-M: twenty (20) feet front and rear; ten (10) feet side.

*Note: The Heritage Estates development (SR-E) requires seven-foot side setbacks or twenty-eight (28) feet of minimum building separation.

- (b) Maximum building height, thirty-five (35) feet except for chimneys.

(Ord. 02-01 §734; Ord. 05-13 §735)

Sec. 16-7-300. - Accessory buildings and uses in SR-E, SR-L and SR-M Subzoning Districts.

The following uses are permitted, subject to the applicable provisions of this Chapter:

- (1) Detached garages.
- (2) Home occupations.
- (3) Maintenance buildings.
- (4) Private swimming pools and private greenhouses. All swimming pools require building permits and may also require pool barriers (e.g. fencing) to meet applicable building codes, per the Building Division.
- (5) Storm shelters.
- (6) Tennis courts, barbecue pits, water features and fountains.

(Ord. 02-01 §735; Ord. 05-13 §736)

Sec. 16-7-310. - Setbacks for accessory uses in SR-E, SR-L and SR-M Subzones.

Private uncovered swimming pools and tennis courts may project into any yard, provided that any such use is set back a minimum of five (5) feet from any property line and does not encroach into utility or drainage easements.

(Ord. 02-01 §736; Ord. 05-13 §737)

ARTICLE VIII - MF - Multi-family District (MF-1, MF-2)

Sec. 16-8-10. - Intent.

The MF District is characterized by multi-family residential complexes in a landscaped setting with landscaped off-street parking areas. Site improvements, including landscaping and recreational and support amenities commensurate to the size of the complex, shall be provided and designed to minimize the impact on adjacent residential uses. A site improvement plan is required prior to construction. Typical structures include townhouses, condominiums, apartments and other accessory uses, which enhance the basic elements of a balanced residential area, such as schools, parks, playgrounds and neighborhood recreational facilities.

(Ord. 02-01 §801; Ord. 05-13 §801)

Sec. 16-8-20. - Principal uses.

The following uses are allowed upon the approval of a site improvement plan in accordance with Article XXVII of this Chapter:

- (1) Construction office, temporary (temporary structures standards are set out in Article XXII of this Chapter).
- (2) Library.
- (3) Nursing home, convalescent home or other extended-care facility.
- (4) Open space and trails.

- (5) Park/playground.
- (6) Recreation facility, neighborhood.
- (7) Residence.
 - a. Multi-family dwelling (apartment, condominium complex)
 - b. Single-family, attached (townhouse, patio, fourplex)
- (8) Retirement home.
- (9) Sales office, temporary (refer to Article XXII).
- (10) School, public, kindergarten through 12th grade.
- (11) Utility service facility.
- (12) Group homes.
- (13) Family childcare homes.

(Ord. 02-01 §802; Ord. 04-17 §1; Ord. 05-13 §802)

Sec. 16-8-30. - Accessory uses.

The following shall be allowed only when a principal use has been established on the lot, in accordance with Article XXVII of this Chapter:

- (1) Accessory uses and buildings.
- (2) Home occupation (home occupation standards are set out in Article XXIII of this Chapter).
- (3) Personal care boarding.
- (4) Satellite receiving dish.

(Ord. 02-01 §803; Ord. 04-17 §1; Ord. 05-13 §803)

Sec. 16-8-40. - Uses permitted by special review.

The following uses are permitted, upon the approval of the City Council, in accordance with Articles XXI and XXVII of this Chapter:

- (1) Boarding house or rooming house.
- (2) Church or church school.
- (3) Club/private recreational use (country club).
- (4) Cultural facility.
- (5) Daycare center/preschool.
- (6) Fire station.
- (7) Golf course.
- (8) Hospital.
- (9) Recreation facility, community.
- (10) Sheriff substation.
- (11) Utility, major facility.

(Ord. 02-01 §804; Ord. 04-17 §1; Ord. 05-13 §804; Ord. 12-01 Art. 4)

Sec. 16-8-50. - Maximum gross density.

The gross density shall not exceed twenty (20) units/acre and may be less due to required infrastructure or dedication, or environmental constraints.

(Ord. 02-01 §805; Ord. 05-13 §805)

Sec. 16-8-60. - Minimum lot area.

The minimum lot area is seven thousand (7,000) square feet.

(Ord. 02-01 §806; Ord. 04-17 §1; Ord. 05-13 §806)

(Ord. 02-01 §808; Ord. 05-13 §808)

Sec. 16-8-70. - Land dedication.

A portion of the gross site area shall be dedicated to the City for public use or cash in lieu of land shall be paid as required by Chapter 17 of this Code.

(Ord. 02-01 §809; Ord. 05-13 §809)

(Ord. 02-01 §810; Ord. 05-13 §810)

(Ord. 02-01 §812; Ord. 04-17 §1; Ord. 05-13 §812)

Sec. 16-8-80. - Minimum setbacks.

The setback is measured from the lot line to the wall of the structure horizontally and perpendicular to the lot line.

(1) Abutting a street:

a. Regional/major arterial: one hundred (100) feet.

b. Minor arterial/collector/local: twenty (20) feet.

(2) Side/rear setback: fifteen (15) feet.

(3) Schools or buildings located in recreation areas shall be forty (40) feet from all lot lines.

(4) Minimum distance between buildings: ten (10) feet.

(5) From electrical transmission lines of 115 kV or greater: one hundred (100) feet from the closest edge of the easement to the structure.

(Ord. 02-01 §813; Ord. 05-13 §813)

Sec. 16-8-90. - Encroachments.

(a) A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend three (3) feet into a required setback. Fire escapes may extend up to six (6) feet into a required setback.

(b) An open, unenclosed, uncovered deck/ porch at ground level may extend six (6) feet into a required setback, except for a side setback.

(c) An open, unenclosed, uncovered deck/ porch greater than four (4) feet in height, above ground level, may extend three (3) feet into a required setback, except a side setback.

- (d) A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holders is provided.
- (e) Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation or gas regulator/ meter station shall meet the required setbacks.

(Ord. 02-01 §814; Ord. 05-13 §814)

Sec. 16-8-100. - Building height.

- (a) Maximum building height: thirty-five (35) feet. The maximum building height shall not apply to church spires, belfries, cupolas, penthouses or domes not used for human occupancy, chimneys, skylights, ventilators, water tanks, silos, parapet walls, cornices without windows, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level.
- (b) The height of antennas shall be no greater than the distance to the nearest lot line.
- (c) The maximum height of a roof-mounted church spire shall not exceed 1.62 times the height of the church. The church height shall be measured from the lowest walkout level of the church to the highest roof peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. (See Article XXXVI, Definitions, for Building Height - Spire Height Calculation Diagram.)

(Ord. 02-01 §815; Ord. 05-13 §815)

(Ord. 02-01 §818; Ord. 04-17 §1; Ord. 05-13 §818)

Sec. 16-8-110. - Subzoning districts (MF-1, MF-2).

The specific provisions of the following subzoning districts shall govern the provisions within Sections 16-8-10 through 16-8-100 above. If a particular element or issue is not addressed in the specific provisions for a subzone, the relevant provisions contained in Sections 16-8-10 through 16-8-100 above, and in the remainder of this Chapter, shall apply. (Ord. 02-01 §819; Ord. 05-13 §819)

Sec. 16-8-120. - Principal uses of MF-1 Subzoning District.

The following uses shall be allowed upon the approval of a site improvement plan in accordance with Article XXVII of this Chapter. The Director may determine other similar uses as appropriate in this subzoning district.

- (1) Multi-family attached dwelling units, accessory buildings and uses, for sale or lease.
- (2) Parking areas.
- (3) Public or private parks, playgrounds, recreation facilities and open space.
- (4) Temporary sales and construction offices.
- (5) Group homes
- (6) Family child care homes.

(Ord. 02-01 §820; Ord. 05-13 §820)

Sec. 16-8-130. - Development standards of MF-1 Subzoning District.

- (a) Density: fifteen and eight-tenths (15.8) units/acres. There shall be no minimum lot areas.
- (b) Maximum building height: thirty-five (35) feet.
- (c) Minimum building setbacks:
 - (1) From arterial right-of-way: thirty (30) feet.
 - (2) To any other right-of-way or pavement edge of a private drive: twenty (20) feet
 - (3) To any other project boundary: twenty (20) feet.
 - (4) Minimum distance between structures: twenty (20) feet.
- (d) Private recreation structures or "hard-surface" improvements:
 - (1) From public open space: ten (10) feet.
 - (2) To any other project boundary: fifty (50) feet.
- (e) Minimum twenty-foot landscaped setback from any multi-family parking lot to the back of curb of an arterial street.
- (f) Roadways and parking: Private drives shall be a minimum of twenty-nine (29) feet in width and shall meet the City's duly adopted street standards.

(Ord. 02-01 §821; Ord. 05-13 §821)

Sec. 16-8-140. - Subzoning Districts (MF-2).

Reserved.

(Ord. 02-01 §822; Ord. 04-17 §1; Ord. 05-13 §822)

Sec. 16-8-150. - Principal uses of MF-2 Subzoning District.

The following uses shall be allowed upon the approval of a site improvement plan in accordance with Article XXVII of this Chapter. The Director may determine other similar uses as appropriate in this subzoning district.

- (1) Multi-family attached dwelling units, accessory buildings and uses, for sale or lease.
- (2) Parking areas.
- (3) Public or private parks, playgrounds, recreation facilities and open space.
- (4) Temporary sales and construction offices.
- (5) Group homes.
- (6) Family childcare homes.

(Ord. 02-01 §823; Ord. 05-13 §823)

Sec. 16-8-160. - Development standards of MF-2 Subzoning District.

- (a) Setbacks:

- (1) All sides: fifteen (15) feet.
- (2) Adjacent to single-family development: twenty-five (25) feet.
- (3) Major streets: thirty (30) feet.
- (b) Building height: fifty (50) feet.
- (c) Landscaped open space: thirty percent (30%).

ARTICLE IX - I - Institutional District

Sec. 16-9-10. - Intent.

To provide areas for institutional uses in balance with residential development as an integral part of the community. The I District is characterized by parks, public and semi-public buildings situated in a landscaped setting with landscaped off-street parking areas. Site improvements, including landscaping, shall be provided and designed to minimize the impact on adjacent residential uses and maintain the appearance and visual quality of the City. Typical uses include public and private schools, churches, government offices and public recreational areas.

(Ord. 02-01 §901; Ord. 05-13 §901)

Sec. 16-9-20. - Principal uses.

The following uses shall be allowed upon the approval of a site improvement plan in accordance with Article XXVII of this Chapter. The Director may determine other similar uses as appropriate.

- (1) Library.
- (2) Park/playground.
- (3) Public recreation area.
- (4) Public school.

(Ord. 02-01 §902; Ord. 05-13 §902)

Sec. 16-9-30. - Accessory use.

The following shall be allowed only when a principal use has been established on the lot:

- (1) Water/wastewater treatment and water storage facility for private use, not exceeding five thousand (5,000) gallons, excluding stormwater detention/retention.

(Ord. 02-01 §903; Ord. 05-13 §903)

Sec. 16-9-40. - Uses permitted by special review.

The following uses are permitted, upon approval by the City Council, in accordance with Articles XXI and XXVII of this Chapter:

- (1) Church or church school.
- (2) Fire station.
- (3) Government offices and facilities.

- (4) Heliport.
- (5) Hospital or extended-care health facilities.
- (6) Private school.
- (7) Public works storage or staging.
- (8) Utility or communication equipment.
- (9) Water storage in excess of five thousand (5,000) gallons.

(Ord. 02-01 §904; Ord. 05-13 §904)

Sec. 16-9-50. - Minimum lot area.

There is no minimum lot area.

(Ord. 02-01 §905; Ord. 04-17 §1; Ord. 05-13 §905)

Sec. 16-9-60. - Landscaping requirement.

Each lot shall be landscaped as shown on the approved landscape plan prepared in accordance with Article XXVII. Areas to be landscaped include the lot area within the required setback from the street, parking areas and other areas as required.

(Ord. 02-01 §907; Ord. 05-13 §907)

Sec. 16-9-70. - Minimum setbacks.

The setback is measured from the lot line to the wall of the structure horizontally and perpendicular to the lot line.

- (1) Abutting a street:
 - a. Regional/major arterial: fifty (50) feet.
 - b. Minor arterial: forty (40) feet.
 - c. Collector/local: ten (10) feet; no parking.
- (2) Adjoining:
 - a. Residential: fifty (50) feet.
 - b. All others: no setback.

(Ord. 02-01 §§908, 909.01, 910.01; Ord. 05-13 §§908, 909.01, 910.02)

Sec. 16-9-80. - Building height.

- (a) Maximum building height: forty (40) feet. The maximum building height shall not apply to church spires, belfries, cupolas, chimneys, skylights, ventilators, cornices without windows, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level.
- (b) The height of an antenna shall be no greater than the distance to the nearest lot line.
- (c) The maximum height of a roof-mounted church spire shall not exceed 1.62 times the height of the church. The church height shall be measured from the lowest walkout level of the church

to the highest roof peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. (See Article XXXVI, Definitions, for Building Height - Spire Height Calculation Diagram.)

(Ord. 02-01 §911; Ord. 05-13 §911)
(Ord. 02-01 §913; Ord. 04-17 §1; Ord. 05-13 §913)

ARTICLE X - Reserved

ARTICLE XI - B - Business District

Sec. 16-11-10. - Intent.

(a) Development within this District is encouraged in compact centers, rather than in extended strips of development along roadways, to provide for orderly development, minimize traffic congestion and provide for safe pedestrian movement. Business centers shall be located so as to minimize conflicts with residential and agricultural uses, wildlife habitats/corridors and environmentally and visually sensitive areas. Offices may serve as a transition between urban residential and major commercial or industrial areas. All uses shall be conducted entirely within an enclosed building and involve limited wholesale activity and storage within the principal structure.

(b) The B District is characterized by retail business buildings situated in a landscaped setting with landscaped off-street parking areas. Site improvements, including landscaping, shall be provided and designed to minimize the impact on adjacent residential uses and maintain the appearance and visual quality of the City. A site improvement plan is required prior to the use of the lot for any purpose. Typical uses include drugstores, flower shops, bookstores and other general merchandise stores, offices, banks, private clubs and public recreational areas.

(Ord. 02-01 §1101; Ord. 05-13 §1101)

Sec. 16-11-20. - Principal uses.

The following uses shall be allowed upon the approval of a site improvement plan in accordance with Article XXVII of this Chapter. The Director may determine other similar uses as appropriate.

- (1) Antique shop.
- (2) Appliance store.
- (3) Artist supply store.
- (4) Bakery, retail.
- (5) Bank.
- (6) Bar/lounge.
- (7) Barber shop.
- (8) Beauty salon, full service.
- (9) Book store.
- (10) Church or church school.
- (11) Clothing store.

- (12) Construction office, temporary (temporary structures standards are set out in Article XXII of this Chapter).
- (13) Convenience store without gas pump.
- (14) Craft/hobby store.
- (15) Cultural facility.
- (16) Daycare center (outdoor play area shall be enclosed by six-foot fence).
- (17) Drug store.
- (18) Dry-cleaning.
- (19) Flower/plant shop.
- (20) Funeral home/mortuary.
- (21) Furniture shop.
- (22) Gift shop.
- (23) Grocery store.
- (24) Hardware store.
- (25) Jewelry store.
- (26) Laundry.
- (27) Library.
- (28) Liquor store.
- (29) Music store.
- (30) Office, general, medical, dental, including all professional and governmental activities.
- (31) Office supply store.
- (32) Office, temporary (refer to Article XXII).
- (33) Open space/trails.
- (34) Paint store.
- (35) Park/playground.
- (36) Parking lot, public or private.
- (37) Pet shop.
- (38) Photographic studio, equipment or supply store.
- (39) Printing/copy service, retail.
- (40) Recreation facility, indoor.
- (41) Restaurant/fast-food establishment.
- (42) Retail/service business.
- (43) Satellite receiving dish.
- (44) School, including college or university and related facilities.
- (45) Seasonal use (refer to Article XXII-A).
- (46) Sheriff substation.
- (47) Shoe store.
- (48) Sporting goods/athletic equipment store.
- (49) Toy/game store.
- (50) Travel agency.
- (51) Utility service facility.

(Ord. 02-01 §1102; Ord. 04-17 §1; Ord. 05-13 §1102)

Sec. 16-11-30. - Accessory uses.

The following shall be allowed only when a principal use has been established on the lot:

- (1) Water/wastewater treatment or water storage facility for private use, not exceeding five thousand (5,000) gallons, excluding stormwater detention/retention.

(Ord. 02-01 §1103; Ord. 05-13 §1103)

Sec. 16-11-40. - Uses permitted by special review.

The following uses are permitted, upon approval by the City Council, in accordance with Articles XXI and XXVII of this Chapter.

- (1) Automobile service station with gasoline pumps or car wash.
- (2) Convenience store with gasoline pumps.
- (3) Fire station.
- (4) Firing range, indoors.
- (5) Heliport.
- (6) Hospital.
- (7) Hotel/motel, including conference or convention center and other incidental accessory uses located within the principal building.
- (8) Residence: Single-family or multi-family unit for management or employees.
- (9) Theater, indoor.
- (10) Utility, major facility.
- (11) Veterinary clinic/hospital, animals, shall be confined in an enclosed building which is part of the principal structure.
- (12) Water/wastewater treatment or water storage in excess of five thousand (5,000) gallons for public, private or multiple use.

(Ord. 02-01 §1104; Ord. 05-13 §1104)

Sec. 16-11-50. - Minimum lot area.

There is no minimum lot area.

(Ord. 02-01 §1105; Ord. 04-17 §1; Ord. 05-13 §1105)

(Ord. 02-01 §1107; Ord. 05-13 §1107)

Sec. 16-11-60. - Land dedication.

A portion of the gross site area shall be dedicated to the City for public use, or cash in lieu of land shall be paid as required by Chapter 17 of this Code.

(Ord. 02-01 §1108; Ord. 05-13 §1108)

(Ord. 02-01 §1110; Ord. 05-13 §1110)

Sec. 16-11-70. - Landscaping requirement.

Each lot shall be landscaped as shown on the approved landscape plan prepared in accordance with Article XXVII. Areas to be landscaped include the lot area within the required setback from the street, parking areas and other areas as required.

(Ord. 02-01 §1111; Ord. 05-13 §1111)

Sec. 16-11-80. - Minimum setbacks.

The setback is measured from the lot line to the wall of the structure horizontally and perpendicular to the lot line.

- (1) Abutting a street:
 - a. Regional/major arterial: seventy-five (75) feet.
 - b. Minor arterial: forty (40) feet.
 - c. Collector/local: twenty (20) feet. No parking shall be located within this setback.
- (2) Adjoining the following zones:
 - a. Business or Commercial: no setback.
 - b. Light Industrial: twenty-five (25) feet.
 - c. Multi-family Residential: forty (40) feet.
 - d. Suburban Residential: forty (40) feet.
 - e. Institutional: forty (40) feet.
 - f. Open Space, with trail: forty (40) feet.
 - g. Open Space, non-trail: twenty (20) feet.

(Ord. 02-01 §1112; Ord. 05-13 §1112)

Sec. 16-11-90. - Encroachments.

- (a) A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend three (3) feet into a required setback. Fire escapes may extend six (6) feet into a required setback.
- (b) A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holders is provided.
- (c) Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation or gas regulator/ meter station shall meet the required setbacks.

(Ord. 02-01 §1113; Ord. 05-13 §1113)

Sec. 16-11-100. - Building height.

- (a) Maximum building height: thirty-five (35) feet. The maximum building height shall not apply to church spires, belfries, cupolas, penthouses or domes not used for human occupancy, chimneys, skylights, ventilators, water tanks, silos, parapet walls, cornices without windows, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level.
- (b) The height of an antenna from ground level shall be no greater than the distance to the nearest lot line.

(c) The maximum height of a roof-mounted church spire shall not exceed 1.62 times the height of the church. The church height shall be measured from the lowest walkout level of the church to the highest roof peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. (See Article XXXVI, Definitions, for Building Height - Spire Height Calculation Diagram.)

(Ord. 02-01 §1114; Ord. 05-13 §1114)

(Ord. 02-01 §1115; Ord. 05-13 §1115)

Sec. 16-11-110. - Outdoor storage.

Outdoor storage of merchandise, equipment or other items associated with a nonresidential use is prohibited, unless otherwise approved through the Site Improvement Plan process, or as authorized by the Director through the issuance of a Temporary Use Permit.

(Ord. 11-05 Art. 4)

(Ord. 02-01 §1118; Ord. 04-17 §1; Ord. 05-13 §1118)

ARTICLE XII - C - Commercial District

Sec. 16-12-10. - Intent.

(a) Development within this District is encouraged in centers that are planned as a unit rather than in extended strips along roadways, to provide for orderly development, safe pedestrian movement and minimize traffic congestion. Commercial centers shall be located so as to minimize conflicts with residential and agricultural uses, wildlife habitats/corridors and environmentally and visually sensitive areas. Offices may serve as a transition between urban residential and major commercial or industrial areas. Minimal assembly or manufacturing activities shall be allowed. Outside storage is not allowed unless otherwise approved as part of the Site Improvement Plan.

(b) The C District is characterized by commercial buildings situated in a landscaped setting with landscaped off-street parking areas. Site improvements, including landscaping, shall be provided and designed to minimize the impact on adjacent residential uses. A Site Improvement plan is required prior to the use of the lot for any purpose. Typical uses include all the retail-oriented uses listed in the business zoning district plus amusement facilities, hotels, theaters and veterinary clinics.

(Ord. 02-01 §1201; Ord. 05-13 §1201)

Sec. 16-12-20. - Principal uses.

The following uses shall be allowed upon the approval of a Site Improvement Plan in accordance with Article XXVII of this Chapter. The Director may determine other similar uses as appropriate in this zoning district.

(1) All uses permitted by right in the B District.

(2) Automobile service station, including gasoline pumps.

- (3) Bakery, wholesale/retail.
- (4) Building materials, wholesale/retail.
- (5) Car wash.
- (6) Carpentry shop.
- (7) Convenience store with gasoline pumps.
- (8) Equipment rental, small.
- (9) Farm implement sales/service.
- (10) Feed store.
- (11) Greenhouse or plant nursery, wholesale/retail.
- (12) Hotel/motel, including conference or convention center and other incidental accessory uses located within the principal building.
- (13) Mini-storage with no storage of dangerous or flammable materials and no sales or services from any unit.
- (14) Motor vehicle/equipment, service.
- (15) Printing/publishing, wholesale.
- (16) Recreation facility, outdoor/community.

- (17) Storage area, commercial.
- (18) Theater, outdoor/indoor.
- (19) Tire sales/repair store.
- (20) Upholstery supply/repair store.
- (21) Veterinary clinic/hospital: animals shall be confined in an enclosed building which is part of the principal structure.

(Ord. 02-01 §1202; Ord. 04-06 Art. 3 §1; Ord. 05-13 §1202; Ord. 06-05 Art. 3 §A; Ord. 13-03 Art. 4)

Sec. 16-12-30. - Accessory use.

The following shall be allowed only when a principal use has been established on the lot:

- (1) Water/wastewater treatment or water storage facility for private use, not exceeding five thousand (5,000) gallons, unless for surface or underground stormwater detention.

(Ord. 02-01 §1203; Ord. 05-13 §1203)

Sec. 16-12-40. - Uses permitted by special review.

The following uses are permitted, upon approval by the City Council, in accordance with Articles XXI and XXVII of this Chapter:

- (1) Aquarium.
- (2) Automobile sales.
- (3) Firing range, indoor.
- (4) Heliport.
- (5) Residence:
 - a. Single-family or multi-family unit for management or employees.

- b. Multi-family: apartment, condominiums.
- (6) Utility, major facility.
- (7) Water/wastewater treatment or water storage in excess of five thousand (5,000) gallons for public, private or multiple use.
- (8) Zoological park.

(Ord. 02-01 §1204; Ord. 05-13 §1204)

Sec. 16-12-50. - Minimum lot area.

There is no minimum lot area.

(Ord. 02-01 §1205; Ord. 04-17 §1; Ord. 05-13 §1205)

(Ord. 02-01 §1207; Ord. 05-13 §1207)

(Ord. 02-01 §1210; Ord. 05-13 §1209)

Sec. 16-12-60. - Landscaping requirement.

Each lot shall be landscaped as shown on the approved landscape plan prepared in accordance with Article XXVII. Areas to be landscaped include the lot area within the required setback from the street, parking areas and other areas as required.

(Ord. 02-01 §1211; Ord. 05-13 §1210)

Sec. 16-12-70. - Minimum setbacks.

The setback is measured from the lot line to the wall of the structure horizontally and perpendicular to the lot line.

- (1) Abutting a street:
 - a. Regional/major arterial: seventy-five (75) feet.
 - b. Minor arterial: forty (40) feet.
 - c. Collector/local: twenty (20) feet; no parking
- (2) Adjoining the following zones:
 - a. Business or Commercial: no setback.
 - b. Multi-family Residential: seventy-five (75) feet.
 - c. Suburban Residential: seventy-five (75) feet.
 - d. Institutional: seventy-five (75) feet.
 - e. Open Space: seventy-five (75) feet.

(Ord. 02-01 §1212; Ord. 05-13 §1211; Ord. 06-05 Art. 3 §B; Ord. 13-03 Art. 4)

Sec. 16-12-80. - Encroachments and sidewalks.

- (a) A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend three (3) feet into a required setback. Fire escapes may extend up to six (6) feet into a required setback.

- (b) A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holders is provided.
- (c) Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation, or gas regulator/ meter station shall meet the required setback.
- (d) All commercial sites shall provide perimeter sidewalks along abutting public streets.

(Ord. 02-01 §1213; Ord. 05-13 §1212)

Sec. 16-12-90. - Building height.

- (a) Maximum building height: sixty (60) feet. The maximum building height shall not apply to church spires, belfries, cupolas, penthouses or domes not used for human occupancy, chimneys, skylights, ventilators, water tanks, silos, parapet walls, cornices without windows, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level.
- (b) The height of an antenna shall be no greater than the distance to the nearest lot line.
- (c) The maximum height of a roof-mounted church spire shall not exceed 1.62 times the height of the church. The church height shall be measured from the lowest walkout level of the church to the highest roof peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. (See Article XXXVI, Definitions, for Building Height - Spire Height Calculation Diagram.)

(Ord. 02-01 §1214; Ord. 05-13 §1213)

(Ord. 02-01 §1215; Ord. 05-13 §1214)

Sec. 16-12-100. - Outdoor storage.

Outdoor storage of merchandise, equipment or other items associated with a nonresidential use is prohibited, unless otherwise approved through the Site Improvement Plan process, or as authorized by the Director through the issuance of a Temporary Use Permit.

(Ord. 11-05 Art. 4)

(Ord. 02-01 §1217; Ord. 04-17 §1; Ord. 05-13 §1216)

(Ord. 02-01 §1218; Ord. 04-17 §1; Ord. 05-13 §1217)

(Ord. 02-01 §1219; Ord. 05-13 §1218)

Sec. 16-12-110. - Subzoning districts C-1 through C-5.

The specific provisions of the subzoning districts shall govern the provisions within Sections 16-12-10 through 16-12-100 above. If a particular element or issue is not addressed in the specific provisions for a subzone, the relevant provisions contained in Sections 16-12-10 through 16-12-100 above and in the remainder of this Chapter shall apply.

(Ord. 02-01 §1220; Ord. 05-13 §1219)

Sec. 16-12-120. - Principal uses of C-1 Subzoning District.

The following uses shall be allowed upon the approval of a site improvement plan in accordance with Article XXVII of this Chapter. The Director may determine other similar uses as appropriate in this subzoning district.

- (1) Educational and vocational training institutions.
- (2) Hotels, motels, conferences and meeting facilities.
- (3) Light industrial facilities, including manufacture, fabrication, processing or assembling of products; provided, however, that no effects from noise, smoke, glare, vibration, fumes or other environmental factors shall be measurable at the property line.
- (4) Recreational facilities, public or private.
- (5) Research and development facilities.
- (6) Retail and personal service commercial, including auto sales and service.
- (7) Utility service facility, including offices, public and quasi-public facilities, including police stations, libraries, schools, churches and church schools, daycare centers, etc.
- (8) Warehousing and distribution facilities, mini-warehouses excluded.
- (9) Sexually oriented businesses; refer to Article XIII for additional development standards applicable to this use.

(Ord. 02-01 §1221; Ord. 05-13 §1220)

Sec. 16-12-130. - Uses permitted by special review of C-1 Subzoning District.

The following uses are permitted, upon approval of the City Council, in accordance with Articles XXI and XXVII of this Chapter:

- (1) Chemical storage, transfer or disposal facility.
- (2) Fire station.
- (3) Group home.
- (4) Heliport.
- (5) Hospital.
- (6) Telecommunication facility.
- (7) Water/wastewater treatment or water storage.

(Ord. 02-01 §1222; Ord. 05-13 §1221)

Sec. 16-12-140. - Density and open space of C-1 Subzoning District.

A minimum of twenty percent (20%) of each site shall be maintained as landscaped open space. Landscape amenities, recreation areas and pedestrian walkways or plazas shall be allowed within the required open space.

(Ord. 02-01 §1223; Ord. 05-13 §1222)

Sec. 16-12-150. - Minimum setbacks of C-1 Subzoning District.

The following are the minimum setbacks for general building and parking within the C-1 Subzoning District:

- (1) To the right-of-way of major streets such as: South Quebec, South Yosemite, County Line Road and C-470.
 - a. Building, thirty (30) feet.
 - b. Parking, fifteen (15) feet landscaped.
- (2) To any other right-of-way or pavement edge of a private drive:
 - a. Building, twenty (20) feet.
 - b. Parking, ten (10) feet landscaped.
- (3) To any side or rear lot line: Building and parking, ten (10) feet landscaped.
- (4) To City open space:
 - a. Building, thirty (30) feet.
 - b. Parking, ten (10) feet landscaped.
 - c. Minimum distance between structures, twenty (20) feet.

(Ord. 02-01 §1225; Ord. 04-17 §1; Ord. 05-13 §1223)

Sec. 16-12-160. - Shadow restrictions of C-1 Subzoning District.

No portion of the travel lanes of major roadways shall receive less than two (2) hours of sunlight between the hours of 10:00 a.m. and 2:00 p.m. on the winter solstice, when the sun is lowest in the sky.

(Ord. 02-01 §1226; Ord. 05-13 §1224)

Sec. 16-12-170. - Principal uses of C-2 Subzoning District.

The following uses shall be allowed upon the approval of a site improvement plan in accordance with Article XXVII of this Chapter. The Director may determine other similar uses as appropriate in this subzoning district.

- (1) Educational and vocational training institutions.
- (2) Hotels, motels and conference and meeting facilities.
- (3) Light industrial facilities, including manufacture, fabrication, processing or assembling of products; provided, however, that no effects from noise, smoke, glare, vibration, fumes or other environmental factors shall be measurable at the property line.
- (4) Recreational facilities, public or private.
- (5) Research and development facilities.
- (6) Retail and personal service commercial.
- (7) Utility service facility, including offices, public and quasi-public facilities, including police stations, libraries, schools, churches and church schools, daycare centers, etc.
- (8) Warehousing and distribution facilities, mini-warehouses excluded.
- (9) Sexually oriented businesses; refer to Article XIII for additional development standards applicable to this use.

(Ord. 02-01 §1227; Ord. 05-13 §1225; Ord. 06-05 Art. 3 §C)

Sec. 16-12-180. - Uses permitted by special review of C-2 Subzoning District.

The following uses are permitted, upon approval of the City Council, in accordance with Articles XXI and XXVII of this Chapter:

- (1) Automobile sales or repair.
- (2) Chemical storage, transfer or disposal facility.
- (3) Fire station.
- (4) Heliport.
- (5) Hospital.
- (6) Telecommunication facility.
- (7) Water/wastewater treatment or water storage.

(Ord. 02-01 §1228; Ord. 05-13 §1226)

Sec. 16-12-190. - Density and open space of C-2 Subzoning District.

A minimum of twenty percent (20%) of each site shall be maintained as landscaped open space. Landscape amenities, recreation areas and pedestrian walkways or plazas shall be allowed within the required open space.

(Ord. 02-01 §1229; Ord. 05-13 §1227)

Sec. 16-12-200. - Minimum setbacks of C-2 Subzoning District.

The following are the minimum setbacks for general building and parking within the C-2 Subzoning District:

- (1) To the right-of-way of major streets such as: South Quebec, South Yosemite, County Line Road and C-470.
 - a. Building, thirty (30) feet.
 - b. Parking, fifteen (15) feet landscaped.
- (2) To any other right-of-way or pavement edge of a private drive:
 - a. Building, twenty (20) feet.
 - b. Parking, ten (10) feet landscaped.
- (3) To any side or rear lot line: Building and parking, ten (10) feet landscaped.
- (4) To City open space:
 - a. Building, thirty (30) feet.
 - b. Parking, ten (10) feet landscaped.
 - c. Minimum distance between structures, twenty (20) feet.

(Ord. 02-01 §1231; Ord. 04-17 §1; Ord. 05-13 §1228)

Sec. 16-12-210. - Principal uses of C-3 Subzoning District.

The following uses shall be allowed upon the approval of a site improvement plan in accordance with Article XXVII of this Chapter. The Director may determine other similar uses as appropriate in this subzoning district.

- (1) Educational and vocational training institutions.
- (2) Hotels, motels and conference and meeting facilities.

- (3) Light industrial facilities, including manufacture, fabrication, processing or assembling of products; provided, however, that no effects from noise, smoke, glare, vibration, fumes or other environmental factors shall be measurable at the property line.
- (4) Recreational facilities, public or private.
- (5) Research and development facilities.
- (6) Retail and personal service commercial.
- (7) Utility service facility, including offices, public and quasi-public facilities, including police and fire stations, libraries, schools, churches and church schools, daycare centers, etc.
- (8) Warehousing and distribution facilities, mini-warehouses excluded.

(Ord. 02-01 §1232; Ord. 05-13 §1229)

Sec. 16-12-220. - Uses permitted by special review of C-3 Subzoning District.

The following uses are permitted, upon approval of the City Council, in accordance with Articles XXI and XXVII of this Chapter.

- (1) Automobile service stations, including gasoline pumps.
- (2) Chemical storage, transfer or disposal facility.
- (3) Group home.
- (4) Heliport.
- (5) Hospital.
- (6) Telecommunication facility.
- (7) Water/wastewater treatment or water storage.

(Ord. 02-01 §1233; Ord. 05-02 Art. 3; Ord. 05-13 §1230)

Sec. 16-12-230. - Density and open space of C-3 Subzoning District.

A minimum of twenty-five percent (25%) of each site shall be maintained as landscaped open space. Landscape amenities, recreation areas and pedestrian walkways or plazas shall be allowed within the required open space.

(Ord. 02-01 §1234; Ord. 05-13 §1231)

Sec. 16-12-240. - General building and parking minimum setbacks of C-3 Subzoning District.

The following are the minimum setbacks for general building and parking within the C-3 Subzoning District:

- (1) To the right-of-way of major streets such as: South Quebec, South Yosemite, County Line Road and C-470.
 - a. Building, thirty (30) feet.
 - b. Parking, fifteen (15) feet landscaped.
- (2) To any other right-of-way or pavement edge of a private drive:
 - a. Building, twenty (20) feet.
 - b. Parking, ten (10) feet landscaped.
- (3) To any side or rear lot line: Building and parking, ten (10) feet landscaped.

- (4) To City open space:
 - a. Building, thirty (30) feet.
 - b. Parking, ten (10) feet landscaped.
 - c. Minimum distance between structures, twenty (20) feet.

(Ord. 02-01 §1236; Ord. 04-17 §1; Ord. 05-13 §1232)

Sec. 16-12-250. - Principal uses of C-4 Subzoning District.

The following uses shall be allowed upon the approval of a site improvement plan in accordance with Article XXVII of this Chapter. The Director may determine other similar uses as appropriate in this subzoning district; for sites adjacent to a residential area(s), similar use determinations shall be confirmed by a majority vote of City Council. Permitted uses, buffers and related standards are designed to minimize conflicts with residential areas regarding hours of operation, commercial traffic, noise and other conditions.

- (1) Banks and financial institutions, including drive-in facilities with up to three (3) drive-up bays with or without automatic teller machines when set back eighty (80) feet from adjacent residential areas.
- (2) Private recreational facilities, excluding bowling alleys, firing ranges, indoor tennis clubs, or other similar large, enclosed commercial recreation.
- (3) Professional offices and office showrooms, including medical and dental facilities.
- (4) Research and development facilities, including light assembly but excluding heavy manufacturing.
- (5) Restaurant or cafeteria, if completely enclosed within a building whose primary use is office (no drive-in).
- (6) Utility service facility, including offices, public and quasi-public facilities, such as police and fire stations, libraries, schools, churches and church schools and daycare centers.
- (7) Warehouse/distribution facilities with less than fifty (50) owned and operated trucks; such uses shall be subject to the following provisions:
 - a. Any warehouse/distribution structure with more than four (4), but not more than twelve (12), loading dock bays shall be set back a minimum of one hundred (100) feet from residential lots. The loading dock areas of such structures shall be set back a minimum of two hundred (200) feet from residential lots and shall be effectively screened from said lots with a combination of berming, planting and/or fencing, with no access permitted on residential access roads such as Acres Green Drive for warehouse/ distribution facilities. Any warehouse/ distribution facility with more than twelve (12) loading dock bays and/or more than fifty (50) trucks owned and operated at the site is prohibited.
 - b. Warehouse/distribution facilities for toxic chemical storage, heavy equipment (such as cranes and earth-moving equipment), concrete or asphalt batch plants and distribution, or similar intensive uses, including sexually oriented businesses, are prohibited.

(Ord. 02-01 §1237; Ord. 05-13 §1233)

Sec. 16-12-260. - Density and open space of C-4 Subzoning District.

(a) A minimum of thirty-five percent (35%) of each site shall be maintained as landscaped open space. Landscape amenities, recreation areas and pedestrian walkways or plazas shall be allowed within the required open space.

(b) A landscape buffer shall be provided adjacent to residential areas with a minimum landscaped setback of at least fifty (50) feet. in order to provide an effective and attractive landscape screen.

(Ord. 02-01 §1238; Ord. 05-13 §1234)

Sec. 16-12-270. - Maximum building height of C-4 Subzoning District.

The maximum building height is thirty-five (35) feet.

(Ord. 02-01 §1239; Ord. 05-13 §1235)

Sec. 16-12-280. - Minimum setbacks of C-4 Subzoning District.

The following are the minimum setbacks for general building and parking within the C-4 Subzoning District:

(1) To the right-of-way of major streets:

a. Building, thirty (30) feet.

b. Parking, fifteen (15) feet.

(2) To the right-of-way of any other street or pavement edge of a private drive:

a. Building, twenty (20) feet.

b. Parking, ten (10) feet landscaped.

(3) To any side or rear lot line, unless otherwise specified herein: Building and parking, ten (10) feet landscaped.

(4) To City open space:

a. Building, thirty (30) feet.

b. Parking, ten (10) feet landscaped.

c. Minimum distance between structures, twenty (20) feet.

(5) To residential uses (landscape buffer required):

a. Building, seventy-five (75) feet; setback area must be landscaped.

(1) The landscape buffer along adjacent residential areas shall provide a balanced design of evergreen trees, ornamental flowering trees and deciduous canopy trees. A "barrier plant" immediately adjacent to the property line shall be avoided.

b. Parking, fifty (50) feet; setback area must be landscaped.

(1) The landscaped area shall be included in the open space standard. The only permitted use for this buffer area shall be landscaping and public utilities; all utility lines shall be underground. Installation of landscaping shall be done concurrent with construction for any lot or building group adjacent thereto, or as otherwise approved in a Site Improvement Plan Improvements Agreement.

c. Minimum tree sizes at installation shall be as follows:

a. Evergreen trees: six (6) feet in height.

b. Ornamental trees: one-and-one-half-inch caliper.

c. Canopy deciduous trees: two-inch caliper.

(Ord. 02-01 §1240; Ord. 04-17 §1; Ord. 05-13 §1236)
(Ord. 02-01 §1241; Ord. 04-17 §1; Ord. 05-13 §1237)

Sec. 16-12-290. - Signage of C-4 Subzoning District.

(a) Signage shall conform to Article XXIX of this Chapter and shall meet adhere to the following additional restrictions:

- (1) The maximum size of any sign facing a residential access road shall be sixty (60) square feet.
 - (2) The maximum height of any freestanding sign (either temporary or permanent) facing a residential access road, or within two hundred (200) feet of an adjacent residential area shall be seven (7) feet.
 - (3) No sign requiring a sign permit (either temporary or permanent) shall be oriented toward, or shall be intended to be read from, adjacent residential areas.
- (b) The minimum setback for signs facing onto all federal and state highways and major arterials shall be thirty (30) feet or more from the property line.

(Ord. 02-01 §1242; Ord. 05-13 §1238)

Sec. 16-12-300. - Lighting of C-4 Subzoning District.

Private lighting shall not exceed fifteen (15) feet in height and shall be designed and placed so that no direct illumination or glare shall fall within adjacent residential areas.

(Ord. 02-01 §1243; Ord. 05-13 §1239)

Sec. 16-12-310. - Principal uses of C-5 Subzoning District.

Upon the approval of a site improvement plan in accordance with Article XXVII of this Chapter, and with the exception of the following prohibited uses listed below, all uses listed in the B District and C District of this Chapter are permitted. The Director may determine other similar uses as appropriate in this subzoning district; approval of similar uses adjacent to a residential area require City Council confirmation by a majority vote. The following uses are prohibited:

- (1) Car sales.
- (2) Drive-in restaurant or drive-in theater.
- (3) Farm implement sales.
- (4) Hospital.
- (5) Mini-storage.
- (6) Motel or hotel.
- (7) Motor vehicle/equipment service and repair.
- (8) Satellite receiving dish.
- (9) Wholesale sales of any item.

(Ord. 02-01 §1244; Ord. 04-17 §1; Ord. 05-13 §1240; Ord. 06-05 Art. 3 §D)

Sec. 16-12-320. - Uses permitted by special review of C-5 Subzoning District.

Upon approval of the City Council in accordance with Articles XXI and XXVII of this Chapter, and with the exception of the following prohibited uses listed below, all uses by special review listed in the B District and C District of this Chapter are permitted. The following uses are prohibited:

- (1) Firewood sales.
- (2) Firing range.
- (3) Heliport.
- (4) Hospital.
- (5) Motel or hotel.
- (6) Storage and warehousing facilities.

(Ord. 02-01 §1245; Ord. 05-13 §1241)

Sec. 16-12-330. - Development standards of C-5 Subzoning District.

The following are the minimum development standards for the C-5 Subzoning District:

- (1) Building setbacks:
 - a. Setback from a public street: forty (40) feet.
 - b. Rear setback: twenty-five (25) feet.
 - c. Side setback: fifteen (15) feet.
 - d. Side setback when adjacent to single-family detached residential: twenty-five (25) feet.
- (2) The maximum building height shall be fifty (50) feet for commercial and sixty (60) feet for office measured in accordance with the City's duly adopted Building Code.

(Ord. 02-01 §1246; Ord. 05-13 §1242)

ARTICLE XIII - Sexually oriented businesses

Sec. 16-13-10.

A sexually oriented business shall be permitted in the City's C-1 and C-2 subzoning districts, provided that it is located not less than two hundred fifty (250) feet from another sexually oriented business or a massage parlor as defined by Section 12-48.5-103, C.R.S. The distance between any two (2) sexually oriented businesses, or between a sexually oriented business and a massage parlor, shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business.

- (1) Sexually explicit advertisements or other promotional displays for sexually oriented businesses that are harmful to minors shall not be visible to minors from pedestrian ways, walkways or other public areas.
- (2) Purpose; findings and rationale regarding regulation of sexually oriented businesses.
 - a. Purpose. It is the purpose of this Article to regulate sexually oriented businesses in order to promote the health, safety and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this Article have neither the purpose nor

effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Article 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. Neither is it the intent nor effect of this Article to condone or legitimize the distribution of obscene material.

b. Findings and rationale. Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the City Council, and on findings, interpretations and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *Sewell v. Georgia*, 435 U.S. 982 (1978); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Dallas v. Stanglin*, 490 U.S. 19 (1989); and *Doctor John's, Inc. v. Wahlen*, 542 F.3d 787 (10th Cir. 2008); *O'Connor v. City and County of Denver*, 894 F.2d 1210 (10th Cir. 1990); *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998); *Abilene Retail #30, Inc. v. Bd. of Comm'rs of Dickinson County*, 492 F.3d 1164 (10th Cir. 2007); *Doctor John's, Inc. v. City of Roy*, 465 F.3d 1150 (10th Cir. 2006); *Heideman v. South Salt Lake City*, 165 F. App'x 627 (10th Cir. 2006); *VIP of Berlin, LLC v. Town of Berlin*, 593 F.3d 179 (2010); *Imaginary Images, Inc. v. Evans*, 612 F.3d 736 (4th Cir. 2010); *LLEH, Inc. v. Wichita County*, 289 F.3d 358 (5th Cir. 2002); *Ocello v. Koster*, 354 S.W.3d 187 (Mo. 2011); *84 Video/Newsstand, Inc. v. Sartini*, 455 F. App'x 541 (6th Cir. 2011); *Plaza Group Properties, LLC v. Spencer County Plan Commission*, 877 N.E.2d 877 (Ind. Ct. App. 2007); *Flanigan's Enters., Inc. v. Fulton County*, 596 F.3d 1265 (11th Cir. 2010); *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360 (6th Cir. 2009); *Entm't Prods., Inc. v. Shelby County*, 588 F.3d 372 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *World Wide Video of Washington, Inc. v. City of Spokane*, 103 P.3d 1265 (Wash. App. 2005); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Peek-a-Boo Lounge v. Manatee County*, 630 F.3d 1346 (11th Cir. 2011); *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007); *H&A Land Corp. v. City of Kennedale*, 480 F.3d 336 (5th Cir. 2007); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995); *Fantasy Ranch, Inc. v. City of Arlington*, 459 F.3d 546 (5th Cir. 2006); *Illinois One News, Inc. v. City of Marshall*, 477 F.3d 461 (7th Cir. 2007); *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *Richland Bookmart, Inc. v. Knox County*, 555 F.3d 512 (6th Cir. 2009); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County*, 256 F. Supp. 2d 385 (D. Md. 2003); *Richland Bookmart, Inc. v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); *DCR, Inc. v. Pierce County*, 964 P.2d 380 (Wash. Ct. App. 1998); *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); *Fantasyland Video, Inc. v. County of San Diego*, 505 F.3d 996 (9th Cir. 2007); *Midvale City Corp. v. Haltom*, 73 P.3d 334 (2003); *Enlightened Reading, Inc. v. Jackson County*, 2009 WL 792492 (W.D. Mo. Mar. 24, 2009); *ILQ Investments, Inc. v. City of Rochester*, 25 F.3d 1413 (8th Cir. 1994); *Johnson v. California State Bd. of Accountancy*, 72 F.3d 1427 (9th Cir. 1995); *Spencer v. World Vision, Inc.*, 633 F.3d 723 (9th Cir. 2010); *Plaza*

Group Props., LLC, v. Spencer County, 911 N.E.2d 1264 (Ind. App. 2009); Annex Books, Inc. v. City of Indianapolis, 2013 WL 685927 (S.D. Ind. Feb. 25, 2013); Mitchell v. Commission on Adult Entertainment Establishments, 10 F.3d 123 (1993); Hart Book Stores, Inc. v. Edmisten, 612 F.2d 821 (1979); Uniontown Retail No. 36, LLC v. Board of Com'rs of Jackson County, 950 N.E.2d 332 (2011); Village of Bonduel v. Eldorado's Adult Party Store, 212 Wis.2d 244 (1997); Gammoh v. City of La Habra, 395 F.3d 1114 (9th Cir. 2005); Z.J. Gifts D-4, L.L.C. v. City of Littleton, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); People ex rel. Deters v. The Lion's Den, Inc., Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); Reliable Consultants, Inc. v. City of Kennedale, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); Patterson v. City of Grand Forks, Case No. 18-2012-CV-00742 (Grand Forks Cty. Dist. Ct. Nov. 1, 2012); and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including but not limited to "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," Journal of Urban Health (2011); "Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime?" Crime & Delinquency (2012) (Louisville, KY); Metropolis, Illinois - 2011-12; Manatee County, Florida - 2007; Hillsborough County, Florida - 2006; Clarksville, Indiana - 2009; El Paso, Texas - 2008; Memphis, Tennessee - 2006; New Albany, Indiana - 2009; Louisville, Kentucky - 2004; Fulton County, GA - 2001; Chattanooga, Tennessee - 1999-2003; Jackson County, Missouri - 2008; Ft. Worth, Texas - 2004; Kennedale, Texas - 2005; Greensboro, North Carolina - 2003; Dallas, Texas - 1997; Houston, Texas - 1997, 1983; Phoenix, Arizona - 1995-98, 1979; Tucson, Arizona - 1990; Spokane, Washington - 2001; St. Cloud, Minnesota - 1994; Austin, Texas - 1986; Indianapolis, Indiana - 1984; Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California - 1978; Oklahoma City, Oklahoma - 1986; New York, New York Times Square - 1994; the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); Dallas, Texas - 2007; "Rural Hotspots: The Case of Adult Businesses," 19 Criminal Justice Policy Review 153 (2008); "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; Littleton, Colorado - 2004; Amarillo, Texas - 1977; and various data and articles documenting robbery and other crimes at retail adult establishments, the City Council finds:

1. Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects, including but not limited to personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
2. Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses and should be separated from other sexually oriented businesses to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one (1) area.
3. Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the City's rationale for this Article, exists independent of any comparative analysis between sexually oriented and non-sexually oriented

businesses. Additionally, the City's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the City. The City finds that the cases and documentation relied on in this Article are reasonably believed to be relevant to said secondary effects.

(c) The City hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of sexually oriented businesses, including the judicial opinions and reports related to such secondary effects.

ARTICLE XIV - Reserved

ARTICLE XV - PD - Planned Development District

Sec. 16-15-10. - Intent.

(a) The purpose of this Article is to encourage creative design, including new urbanism, neo-traditional and other innovative approaches and to facilitate a variety of designs or a mix of use in the development of a balanced community, including residential, business, commercial, recreational, open space and other selected secondary uses, in accordance with Section 24-67-101 et seq., C.R.S. Growth should occur in a phased and contiguous manner to save on the costly, premature extension of basic infrastructure.

(b) The PD District is characterized by a project that provides or contributes to a balanced mix of land uses in the surrounding community, served by adequate schools, parks, employment opportunities, retail, health services and public transit. Pedestrian, bicycle, public transit and automobile circulation should include connections between neighborhoods, community facilities, employment centers and shopping centers.

(c) As a statement of the City's objectives, development within this District should be designed to:

- (1) Ensure that provision is made for ample open space;
- (2) Ensure that environmentally and visually sensitive areas are preserved;
- (3) Promote layout, design and construction of residential development that is sensitive to the natural landform and environmental conditions of the immediate and surrounding area;
- (4) Provide or be located in proximity to employment and activity centers, such as shopping, recreational and community centers, health care facilities and public transit;
- (5) Ensure the adequacy of public facilities to accommodate population growth;
- (6) Promote balanced developments of mixed housing types;
- (7) Encourage the provision of dwellings with a range of affordability; and
- (8) Otherwise implement the stated purpose and intent of this Chapter, the Comprehensive Plan and duly adopted Design Guidelines and Standards.

(Ord. 02-01 §1501; Ord. 04-17 §1; Ord. 05-13 §1501)

Sec. 16-15-15. - General requirements.

(a) Development in this District is permitted only in accordance with a development plan prepared and approved in accordance with the provisions herein. Planned Developments may be approved for property owned by one (1) or more property owners and shall be developed under a

unified plan as provided in this Section. The owners and their successors, heirs or assigns shall be bound by the approved development plan, including any amendments thereto approved by the Director and City Council, as provided herein.

(b) The uses permitted in a Planned Development shall be only those specifically set forth in the approved development plan. The minimum number of units or acres which may constitute a planned unit development shall be fifty (50) units or one (1) acre.

(c) The maximum time period within which any application shall be reviewed and approved, disapproved or conditionally approved shall be one (1) year from the date of submittal of a complete application. The board authorized to review Planned Development applications shall be the Planning Commission or City Council, as further specified herein. Staff review of applications is generally delegated to the Director.

(d) In order to provide uniform administrative procedures and quality development standards, Planned Developments shall conform to the following Articles of this Chapter, as amended:

- (1) Article I, Administrative Provisions and Procedures.
- (2) Article II, General Requirements and Exceptions.
- (3) Article XV, PD - Planned Development District.
- (4) Article XVII, Utility Service and Telecommunication Facility Overlay District.
- (5) Article XVIII, Floodplain Overlay District.
- (6) Article XX, Nonconforming Uses and Structures.
- (7) Article XXI, Use by Special Review.
- (8) Article XXII, Temporary Structures.
- (9) Article XXIII, Home Occupation.

Any plan that falls below these minimum standards shall not be approved. Development plans may include regulations or provisions that may be modified in terms of rezoning, variance and appeal standards and procedures, site improvement plans, parking standards and sign standards. Additionally, alternative City roadway, drainage and grading standards may be established to lessen the environmental impacts of development in sensitive areas and promote more compact development. The criteria for establishing said modified standards shall depend upon the particular attributes of the Planned Development in meeting the intent of this Article and the goals and policies of the Comprehensive Plan.

(e) Mineral extraction operations processed as Planned Developments shall hold a valid permit from the state of Colorado and shall meet all requirements and criteria listed in Article XXI of this Chapter.

(f) A portion of the gross site area shall be dedicated to the City for public use, or cash in lieu of land shall be paid as determined by the Planned Development or during the site improvement plan or subdivision review process.

(g) All public utility distribution lines shall be placed underground.

(h) Development of visually or environmentally sensitive areas may be accomplished by clustering development in less sensitive portions of the area, while more sensitive portions are protected from future development through open space designations, conservation easements or other such acceptable measures.

(Ord. 02-01 §1502; Ord. 04-17 §1; Ord. 05-13 §1502)

Sec. 16-15-20. - Approval criteria for Planned Development zoning or rezoning.

The following criteria shall, where applicable, be considered by the Planning Commission and City Council in the review of Planned Development zoning or rezoning applications:

- (1) Whether the application is in compliance with the requirements of this Chapter and the Comprehensive Plan;
- (2) Whether the application is in compliance with all applicable statutory provisions;
- (3) Whether there has been a substantial change in the character or economic condition of the neighborhood;
- (4) Whether the general impact of the zoning or rezoning would adversely impact the provision of public facilities and services;
- (5) Whether the proposed zoning or rezoning is compatible with the surrounding land uses;
- (6) Whether the subject land is suitable for the intended use and is compatible with the natural environment;
- (7) Whether the intended land use would create traffic congestion or burden the existing road network;
- (8) Whether the proposed development plan complies with the general requirements in Section 16-15-15 herein; and
- (9) Whether the Planned Development provides for unified development control under a unified plan.

(Ord. 02-01 §1503; Ord. 04-17 §1; Ord. 05-13 §1503)

Sec. 16-15-25. - Step One - Preapplication review.

As a prerequisite to the submittal of the formal zoning or rezoning application, the applicant shall submit a preapplication for review by the Director. The applicant shall meet with the Director to discuss the submittal requirements for this preapplication review.

(Ord. 05-13 §1504)

Sec. 16-15-30. - Step One - Submittal process.

- (a) The applicant shall submit the required submittal information to the Community Development Department. An incomplete submittal shall not be processed.
- (b) The Director shall review the submittal information and provide a formal administrative analysis of the proposed zoning or rezoning to the applicant that identifies issues associated with the proposed zoning or rezoning, referral agencies to be contacted when the zoning or rezoning application is submitted, additional submittal requirements and the formal zoning or rezoning process.
- (c) The applicant may request that the Planning Commission review the proposal. Any action taken by the Planning Commission shall not be interpreted as a formal action, but advisory only.

(Ord. 05-13 §1505)

Sec. 16-15-35. - Step One - Submittal requirements.

The application shall include the following:

- (1) Completed land use application form (available from the Community Development Department) signed by all landowners whose lands are included within the development.
- (2) Preapplication fee (fee schedule available in the Planning Department).
- (3) A notarized letter of authorization from the landowner permitting a representative to process the application, when applicable.
- (4) Project summary (per Section 16-15-40 below).
- (5) Plan exhibit (per Section 16-15-45 below).

(Ord. 05-13 §1506)

Sec. 16-15-40. - Project summary.

The applicant shall submit a written project summary that completely addresses the following:

- (1) The name and address of:
 - a. Landowner/applicant;
 - b. Representative, if applicable;
 - c. Mineral rights owner; and
 - d. Water rights owner.
- (2) General project concept.
- (3) Proposed development staging and time frame.
- (4) Relationship to the existing and adjacent land uses.
- (5) Changes in the character or economic condition of the neighborhood to substantiate the rezoning.
- (6) Impacts on City services.
- (7) Evidence that an adequate water supply, sufficient in terms of quality and quantity, is available, and evidence of the physical and legal capability to provide sanitation. This information may be reviewed by the technical committee of the appropriate water basin authority.
- (8) Type of method of fire protection.
- (9) A description of any natural or man-made hazards.
- (10) Impacts on existing flora and fauna.
- (11) Compliance with the Comprehensive Plan.
- (12) Compliance with the requirements of the Colorado and Tri-County Health Department, Denver Regional Council of Government or another regulatory agency regarding water quality, transportation, air quality, etc.

(Ord. 02-01 §§1504—1507; Ord. 04-17 §1; Ord. 05-13 §1507)

Sec. 16-15-45. - Plan exhibit.

- (a) The plan shall be submitted on 24" x 36" paper at a scale of 1" = 100', 1" = 200' or another scale approved by the Director.
- (b) The name of the proposed Planned Development shall be placed at the top of each sheet along the long dimension of the sheet. Names shall not duplicate existing Planned Developments or subdivisions. A general legal description stating the aliquot portion of the section, section, township and range of the 6th P.M., and "the City of Lone Tree" shall be included under the

name, followed by the total acreage, number of residential units or square footage of business/commercial/industrial.

Example:

MEADOW BROOK

PLANNED DEVELOPMENT

A part of the S½ of Section __,

Township __ South, Range __ West of the ____

P.M., City of Lone Tree, CO.

475 acres - 230 dwellings

- (c) The plan shall contain a written metes and bounds legal description of the land.
- (d) The plan shall be accompanied by two (2) vicinity maps that depict the area to be zoned or rezoned and the area that surrounds this site within a two-mile radius. One (1) vicinity map shall be superimposed on the City Zoning Map, and the other vicinity map shall be superimposed on the City subdivision map, maintaining the same scale.
- (e) The plan shall contain a block in the lower right-hand corner, or along the right-hand margin, which includes the following:
 - (1) The preparation date.
 - (2) A north arrow designated as true north.
 - (3) A written and graphic scale.
 - (4) The names and addresses of the applicant, developer, engineer or surveyor who prepared the exhibit.
 - (5) The number of the sheet and the total number of sheets.
- (f) The plan shall indicate existing zoning of the land on the plan exhibit and the existing zoning and land uses of the adjacent land.
- (g) The plan shall delineate, to scale, the existing easements or rights-of-way on the site, their use and the titleholder or right holder
- (h) The plan shall show all existing structures on the site, their uses and whether they are to remain on the site.
- (i) The plan shall show public access to the site and internal circulation, not limited to vehicular.
- (j) The plan shall delineate right-of-way dimensions, name and surface materials for all points of access on or adjacent to the site.
- (k) The plan shall show topography at ten-foot contour intervals, including high and low spot elevations, and shadow areas of twenty percent (20%) or greater slope. The staff planner may request that other significant topographic conditions be depicted at greater or lesser intervals where appropriate.
- (l) The plan shall geographically define all natural and man-made watercourses, retention areas, streams and lakes, and the one-hundred-year floodplain affecting the site.
- (m) The plan shall show all adjacent land owned by the applicant, the current or intended use of such land; land not part of the rezoning request shall be noted as such.
- (n) The plan shall note any unique features on the site, historical landforms, views, etc.

(Ord. 05-13 §1508)

Sec. 16-15-50. - Step Two - Submittal and decision process.

The zoning or rezoning application shall be submitted only after the preapplication review has been completed by the Community Development Department and processed as follows:

- (1) The applicant shall submit the required submittal information to the Community Development Department. The submittal shall be reviewed for completeness within fifteen (15) business days. The applicant shall be notified of any inadequacies. An incomplete submittal shall not be processed.
- (2) Once the submittal is determined complete, staff will notify the applicant of the number of copies of the submittal information required for distribution to referral agencies. A list of the referral agencies shall be provided to the applicant by the Director, and it may include homeowners' associations. Referral packets shall be provided by the applicant in unsealed manila envelopes, addressed to the appropriate referral agency, with all submittal information properly folded and compiled. The applicant shall provide stamped envelopes or shall otherwise make provision for the payment of postage.
- (3) The Director shall mail referral packets to the referral agencies. The applicant shall be responsible for distributing any revised plans, as required by the Director.
- (4) The referral agencies shall comment within thirty-five (35) days of receiving a complete submittal unless an extension of no more than fifteen (15) days is consented to by the applicant. The applicant is encouraged to meet with the referral agencies, staff and public interest groups to address any concerns prior to the end of the referral period. The applicant is required to pay those fees assessed by referral agencies.
- (5) The Director will review the referral comments, discuss the concerns with the applicant and request that the Coordinator schedule a public hearing before the Planning Commission, who will notify the applicant of the hearing date and time. The applicant is responsible for public notice in accordance with Section 16-15-80 herein. The Director shall prepare a staff report.
- (6) The Planning Commission shall evaluate the application, referral comments, staff report and public testimony, and make a recommendation to the City Council to approve, approve with conditions, continue or deny the zoning or rezoning request. The Planning Commission's comments shall be based on the evidence presented and compliance with the adopted standards, regulations, policies and other guidelines.
- (7) Following the recommendation by the Planning Commission, the Director will schedule a public hearing with the City Council and notify the applicant of the hearing date and time. The hearing shall be scheduled for the earliest available time, taking into consideration the fifteen-day public noticing requirement, but in no case later than one hundred twenty (120) days after the final Planning Commission hearing. The applicant shall be responsible for public notice in accordance with Section 16-15-80 herein.
- (8) The City Council shall evaluate the Planned Development application (a zoning or rezoning request), referral agency comments, staff report, the Planning Commission recommendation and public testimony, and shall approve, conditionally approve, table for further study, remand to the Planning Commission, continue or deny the zoning or rezoning. The City Council's decision shall be based on the evidence presented and compliance with the adopted standards, regulations, policies and other guidelines.

(9) Upon approval, the development plan shall be recorded in accordance with Section 16-15-70 herein.

(10) If the zoning or rezoning request is denied by the City Council, the applicant may not resubmit the same or substantially same request within one (1) year of any such denial. The Director shall determine whether any such resubmittal is the same or substantially the same request. An adverse decision of the Director may be appealed by the applicant, in writing, to the City Council within ten (10) business days from the date of the decision. After the denial of a zoning or rezoning request by the City Council, the submittal of a new application and processing fee shall be required in order to pursue the proposed zoning or rezoning.

(Ord. 05-13 §1509)

Sec. 16-15-55. - Step Two - General submittal requirements.

The following are the submittal requirements for the zoning or rezoning. The applicant may submit the documents which were required under Section 16-15-35 above in the same form or as modified after review by the Director.

- (1) A completed application form (available from the Community Development Department);
- (2) Application fee (fee schedule available from the Community Development Department);
- (3) Proof of ownership, which may be an updated or current title insurance policy or title commitment no more than thirty (30) days old from the date of application;
- (4) A notarized letter of authorization from the landowner permitting a representative to process the application, as necessary;
- (5) Project summary (per Section 16-15-40 above);
- (6) Plan exhibit (per Section 16-15-45 above);
- (7) Development plan (per Section 16-15-60 below); and
- (8) A copy of the formal staff analysis from the preapplication review, and any additional information, as requested by the Director.

(Ord. 02-01 §1512; Ord. 05-13 §1510)

Sec. 16-15-60. - Development plan.

The development plan shall be prepared on 24" x 36" sheets. The name of the Planned Development shall be centered on the upper portion of each sheet and the sheet number in the lower right-hand corner of each sheet. Textual information shall be placed in columns five (5) to eight (8) inches in width. Type style shall be sans serif (without a fine line finishing off the main strokes of a letter) at a minimum size of 12 pt. For processing purposes, the textual information may be prepared on 8½" x 11" paper.

(1) Sheet 1.

- a. The name of the proposed Planned Development shall be centered at the top of the sheet along the long dimension of the sheet. The following wording shall be placed in columns, five (5) to eight (8) inches in width, beginning in the upper left-hand column:

GENERAL PROVISIONS

Authority

This Development Plan is authorized by Chapter 16, Article XV, of the Lone Tree Municipal Code.

Applicability

The provisions of this Development Plan shall run with the land. The landowners, their successors, heirs, or assigns shall be bound by this Development Plan, as amended and approved by the Director or City Council.

Adoption

The adoption of this Development Plan shall evidence the findings and decision of the City of Lone Tree City Council that this Development Plan for (name of development) is in general conformity with the Comprehensive Plan; is authorized by the provisions of Chapter 16, Article XV, of the Lone Tree Municipal Code; and that such Article XV and this Development Plan comply with the Colorado Planned Unit Development Act of 1972, as amended.

Relationship to City Regulations

The provisions of this Development Plan shall prevail and govern the development of (name of development), provided, however, that where the provisions of this Development Plan do not address a particular subject, the relevant provisions of Chapter 16 of the Lone Tree Municipal Code or any other applicable ordinance or regulations of the City of Lone Tree, shall be applicable.

Enforcement

To further the mutual interest of the residents, occupants, and owners of the Planned Development and of the public in the preservation of the integrity of the Plan, the provisions of this Plan relating to the use of land and the location of common open space shall run in favor of the City of Lone Tree and shall be enforceable at law or in equity by the City within limitation on any power or regulation otherwise granted by law.

Conflict

Where there is more than one provision within the Development Plan that covers the same subject matter, the provision which is most restrictive or imposes higher standards or requirements shall govern unless determined otherwise by the Director.

Maximum Level of Development

The actual density of dwellings approved by the City in the Planned Development may be less than shown on the plan due to subdivision or site improvement plan requirements or other requirements of the City such as park/school land dedication.

The total number of dwellings or density or the total commercial, business, or industrial intensity approved for development within the Planning Areas is the maximum development requested for platting or construction (plus approved density transfers, if any). The actual number of dwellings or level of development for commercial, business, or industrial properties may be less due to subdivision or site improvement plan requirements or other requirements of the City Council.

Project Tracking

At the time of each subdivision final plat, the applicant shall provide a summary of the development, to date, along with the final plat submittal to the Planning Department, in order to assure maximum development limits are not exceeded.

- b. The statement of commitments shall follow the above in the identical format, with the following heading:

STATEMENT OF COMMITMENTS

The statement of commitments shall, in all cases, describe the development commitments including a method for assigning responsibility to heirs, successors, or assigns, and timing of the fulfillment of these commitments for the following:

(1) Dedication.

Public dedication for parks, schools, libraries, roads, drainage, etc., either in specific acreage dedication (referenced by symbol) or specific cash in lieu of land or facilities. Describe the proposed ownership, utility provision, improvement schedule, and maintenance provision. A provision for on-demand dedication for regional parks and trails and school sites should be stated. Title insurance shall be provided by the applicant for City-dedicated land. In all cases, dedicated land shall be conveyed to the City and the City may further convey the land to the appropriate agency, unless otherwise specified by City Council.

(2) On- or off-site improvements.

Provision shall be made for the construction of, or payment of fees for, community or off-site improvements through bonding or the imposition of pro rata fees.

(3) Wildlife preservation plan.

(4) Wetlands/riparian preservation plan.

(5) Project phasing restrictions.

(6) Fire protection.

(7) Payment of taxes on land to be dedicated for public use.

(8) Other commitments imposed by the City Council.

c. Ownership certification:

Name of Landowner _____

(Landowner's Signature - notarize)

I/we _____, a (one of the following: qualified title insurance company, title company, title attorney, or attorney at law), duly qualified, insured or licensed by the State of Colorado, do hereby certify that I/we have examined the title of all lands depicted and described hereon and that title to such land is owned in fee simple by _____ at the time of this application.

(Notarized Signature) _____

Name of Authorized Official (date)

Name of Company;

OR

(Signature) (Reg. No.) _____

Name of Attorney (date)

d. City certification:

This rezoning request to Planned Development has been reviewed and found to be complete and in accordance with the (Council Ordinance or Motion and Date) approving the Planned Development and all applicable City Regulations.

(Signature) _____

Mayor, City of Lone Tree (date)

(Signature) _____

Director (date)

e. Clerk and recorder certification:

State of Colorado)

City of Lone Tree) ss.
Douglas County)

I hereby certify that this Plan was filed in my office on this (day) of (month), 20____, A.D. at _____ o'clock a.m./p.m., and was recorded per Reception No. _____.

Clerk and Recorder

INDEX

Sheet 1	General Provisions/ Requirements
Sheet 2	Development Standards
Sheet 3	Development Plan

(2) Sheet 2: The name of the proposed Planned Development shall be centered at the top of the sheet along the long dimension of the sheet. Beginning in the upper left-hand column of the sheet, state the following for each planning area category, e.g., single-family:

- a. Principal uses.
- b. Uses permitted by special review.
- c. Accessory uses/structures.
- d. Standards for principal and accessory uses where appropriate or applicable:
 1. Minimum lot area.
 2. Minimum front, side and rear setbacks.
 - a) Include a graphic representation or footprint of all typical residential structures other than single-family detached, i.e., zero lot line, patio, etc.
 - b) In order to provide for sufficient parking in all residential development where the garage door directly faces and is accessed by the public street, a minimum setback of twenty (20) feet shall be required from the garage to the edge of the sidewalk nearest the garage or, where sidewalks are not required, from the garage to the edge of the pavement.
 3. Maximum building heights.
- e. Other standards or requirements provided in Section 16-15-15 herein.
- f. Complete legal description. The staff planner may allow this to be provided on a separate sheet, if lengthy.

(3) Sheet 3: The name of the proposed Planned Development shall be centered at the top of the sheet along the long dimension of the sheet. This sheet shall graphically depict the site and include the following:

- a. A block in the lower right-hand corner, or along the right-hand margin, which includes the following:
 1. North arrow.
 2. Graphic and written scale at 1" = 100' or 1" = 200' or as otherwise approved by the Director or staff planner.
 3. Date of preparation.

- b. Two (2) vicinity maps that depict the relationship to the surrounding area within a two-mile radius. One (1) vicinity map shall be superimposed on a current County or City Subdivision Map; the other shall be superimposed on a current County or City Map, maintaining the same scale.
 - c. Dimensions, bearings and control points along all exterior property lines.
 - d. Topography at ten-foot contour intervals, including high and low spot elevations and shadow areas of twenty percent (20%) or greater slope. The staff planner may request that other significant topographic conditions be depicted at greater or lesser intervals where appropriate.
 - e. Access:
 - 1. Arterials and collectors. In all cases, access shall be depicted to all planning areas. Include the right-of-way dimensions and surface width. (Refer to the City's duly adopted Roadway Design and Construction Standards, Storm Drainage Design and Technical Criteria manual and Chapter 17 of this Code).
 - 2. Trails.
 - 3. Existing easements. The staff planner may allow them to be provided on a separate plan.
 - f. One-hundred-year floodplain. Depending upon the extent of floodplain area, the Director may permit this information to be provided on a separate sheet.
 - g. Land dedication.
 - 1. Public or private, regional and community parks, open space and trails shall be depicted and referenced by number, letter or symbol. Local park dedication shall be determined at the time of platting.
 - 2. All other land dedication, including school, library, fire station or sheriff substations, as needed or required.
 - h. Planning areas.
 - 1. All planning areas and open space areas shall be on topography at a scale that clearly delineates the planning area boundaries so that they can be located on the site.
 - 2. For each planning area shown on the development plan or within a separate table, indicate the following:
 - a) Acreage;
 - b) Land use designation; and
 - c) Residential density.
- Note: The actual density of dwellings approved by the City in the Planned Development may be less than shown on the plan due to subdivision or site improvement plan requirements or other requirements of the City, such as park/school land dedications.
- i. Land use table. A separate land use table, which indicates the total land use for the Planned Development, shall be prepared as follows:

PARTIAL EXAMPLE:

<i>SYMBOL</i>	<i>LAND USE</i>	<i>DENSITY</i>		<i>GROSS ACRES</i>	<i>%</i>
SF	Single-Family	8 du/ac		40.0	9%
SFA	SF - Attached	14 du/ac		40.0	9%

MF	Multi-family	40 du/ac		80.0	17%
	SUBTOTAL	---		160.0	35%
MU*	Mixed Use	---		120.0	26%
O/C*	Office/Commercial	---		60.0	13%
OS	Open Space	---		120.0	26%
	TOTAL			460 acres	100%

* No density cap

(Ord. 02-01 §1513; Ord. 04-17 §1; Ord. 05-13 §1511)

Sec. 16-15-70. - Recordation of development plan.

(a) Upon approval by the City Council, the applicant shall have three (3) months to submit the approved or amended development plan on a 24" x 36" wide flat, spliceless, tapeless and creaseless sheet of double matte Mylar film (fix-line, emulsion down), with a uniform thickness of not less than .003 of an inch, ready for recordation, including the recordation fees, to the staff planner. In addition, the applicant shall submit one 11" x 17" Mylar reduction of the development plan to the Community Development Department.

(b) Within thirty (30) business days of receipt of the development plan, the staff planner shall review the documents for compliance with the City Council's approval, obtain the City Official's signatures and submit to the County Clerk and Recorder's office for recordation.

(c) The Director may grant no more than one (1) extension of time, of not more than six (6) months, upon a written request by the applicant prior to the expiration of the three-month period. An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the deadline, listing any changes in the character of the neighborhood, any changes in the Comprehensive Plan, Chapter 17 of this Code or this Article that have occurred since approval of the plan. Additional review of the plan may occur resulting in additional conditions, as applicable.

(d) If the request for an extension of time for recordation of the plan is denied by the Director, the applicant may appeal the denial in writing to the City Council within ten (10) business days from the date of the denial by the Director. Denial of the extension of time by the Director and the City Council shall void the Planned Development rezoning, including the development plan.

(Ord. 02-01 §1514; Ord. 04-17 §1; Ord. 05-13 §1512)

Sec. 16-15-80. - Public notice requirements - zoning or rezoning.

The applicant shall be responsible for public notification. In calculating the time period for public notification, the day of publishing, posting or mailing shall be counted toward the total number of days required. The day of the hearing shall be counted toward this total.

(1) Written notice. At least fifteen (15) days prior to the Planning Commission hearing, and again fifteen (15) days prior to the City Council hearing, as specified in Section 16-15-50, the applicant shall mail a written notice of said hearing by first class mail, to all adjoining landowners, to homeowners' associations which have authority over property located within two hundred (200) feet of the land proposed for zoning or rezoning, to the mineral rights owners and lessees and easement holders. The mailed notice shall include:

- a. A short, written description of the proposed zoning or rezoning.
- b. A site plan depicting the land proposed for zoning or rezoning, and
- c. A vicinity map showing the land to be zoned or rezoned and the area surrounding this land within a two-mile radius.

An alphabetical list of the landowners, or an affidavit of mailing, shall be provided by the applicant to the Community Development Department at least five (5) business days prior to the hearing.

(2) Published notice. At least fifteen (15) days prior to the Planning Commission hearing and fifteen (15) days prior to the City Council hearing, the applicant shall:

- a. Publish a notice in the Official Publication; and
- b. Provide a publisher's affidavit of said published notice to the Planning Department at least five (5) business days prior to the public hearing.

The City Council may direct that the notice be published in the Official Publication. Such notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE
THE (PLANNING COMMISSION OR
CITY COUNCIL)**

A public hearing will be held on (day of week), (date), (time), or soon thereafter, in the City Council Hearing Room, 8527 Lone Tree Pkwy., City of Lone Tree, CO 80124, or other designated place for a change in zoning from (zone district) to (zone district) or for the initiation of new zoning. The subject property is located approximately (distance and direction from nearest major intersection). For more information, call the Community Development Department [list the telephone number provided by the City].

File Name and Number: _____

Legal Description: _____

Application Date: _____

Published in (newspaper) (date)

(3) Posted notice: At least fifteen (15) days prior to the Planning Commission hearing and fifteen (15) days prior to the City Council hearing, the applicant shall post a notice on the land under construction. The notice shall consist of at least one (1) sign facing each abutting right-of-way, within ten (10) feet of the property line abutting the right-of-way, visible from the right-of-

way, placed on posts at least four (4) feet above ground level. Additional signs may be required by the staff planner. Each sign shall measure not less than 3' x 4'. Letter size shall be a minimum of three (3) inches high. Said notice shall read:

NOTICE OF PUBLIC HEARING BEFORE
THE (PLANNING COMMISSION OR
CITY COUNCIL)

This land shall be considered for initial PD - Planned Development zoning, or a change of zoning from (zoning district) to PD - Planned Development. For more information, call the Community Development Department [list the phone number provided by the City]. The public hearing is (date) in the City Council Hearing Room, 8527 Lone Tree Pkwy., City of Lone Tree, CO 80124 [or other designated place] at (time), or soon thereafter.

File Name and Number: _____

Hearing Date: _____

a. An affidavit of sign posting shall be submitted for the file in the Planning Department at least five (5) business days prior to the hearings. The signs shall be photographed by the applicant and attached to the affidavit as follows:

(attach photo here)

I, (applicant/representative), attest that the above sign was posted on (date), at (location) pursuant to Chapter 16 of the Lone Tree Municipal Code.

(signature)

(applicant/representative)

File Name and Number: _____

Signed and sworn before me this date: _____

NOTARIZED BY: _____

b. The sign shall be removed by the applicant within two (2) weeks following the final decision by the City Council.

(Ord. 02-01 §1515; Ord. 04-17 §1; Ord. 05-13 §1513)

Sec. 16-15-90. - Amendments to development plan.

(a) The Director shall determine whether an amendment request shall be considered an administrative amendment, major amendment or a rezoning based on the criteria established herein. The applicant may appeal the Director's decision to deny an administrative amendment within ten (10) business days of said decision to the City Council, in writing. The City Council shall have sole authority to approve inclusions or exclusions of land to, or from, the Planned Development.

(b) Requests for a decrease of the setback, minimum lot size or increase of the maximum building height for individual lots within the Planned Development shall be processed as a variance in accordance with Article XXVI of this Chapter.

(Ord. 02-01 §1516; Ord. 05-13 §1514)

Sec. 16-15-100. - Administrative amendment; criteria.

An amendment request may be considered as an administrative amendment if it improves design or efficiency and meets the following criteria:

(1) Setbacks. A decrease of the required setback when such decrease is no more than a twenty-five-percent change to the originally approved setback., i.e., a twenty-five-percent decrease of a setback of thirty (30) feet is seven and one-half (7.5) feet, resulting in a new setback of twenty-two and one-half (22.5) feet.

(2) Minimum lot size. A decrease of the minimum lot size when such decrease is no more than a fifteen-percent change to the originally approved minimum lot size, i.e., a fifteen-percent decrease of ten thousand (10,000) square feet is one thousand five hundred (1,500) square feet, resulting in a new minimum lot size of eight thousand five hundred (8,500) square feet.

(3) Maximum building height. An increase of the maximum building height when such increase is no more than a fifteen-percent change to the originally approved maximum building height.

(4) Increased number of dwelling units. An increase of the number or density of dwelling units in a planning area of twenty percent (20%) or less.

(5) Decreased number of dwelling units. A decrease of the number or density of dwelling units in a planning area of twenty-one percent (21%) or more. Such decrease shall result in a net loss of dwelling units unless these units or the density are concurrently approved as an increase of units or density in another planning area.

(6) Text changes. Insubstantial changes to the text, as determined by the Director, to add clarity, when such changes do not change the commitments.

(7) Street alignment. The Director, upon review by the City Engineer, shall determine whether an insignificant shift in the alignment of an arterial or collector shall require no amendment or an administrative amendment.

(8) Planning area boundary. Whenever a planning area boundary abuts an arterial or collector as shown on the development plan, the planning area boundary is the abutting right-of-way. Whenever a planning area boundary abuts either another planning area or open space, the planning area boundary is as shown on the development plan.

a. This planning area boundary may be reconfigured when:

1. The total net acreage of the affected planning areas is not increased

2. No more than thirty percent (30%) of the planning area is directly affected. (In area calculation, include land to be excluded from, or included in the planning area.)

3. The total acreage of the affected open space area is not decreased

4. Any open space area proposed to be reconfigured is of equal value; additional open space is provided adjacent to or within the planning area. (Such factors as location, accessibility, slope and views shall be considered.)

5. Park and school land dedication has the written approval of the Director and the school district, as applicable.

6. The proposed change to the planning area boundary does not include an inclusion or exclusion of land to the Planned Development

b. When required by the Director, the applicant shall submit an illustrative plan showing the acreage affected and compliance with Subparagraph a. above.

(Ord. 02-01 §1517; Ord. 05-13 §1515)

Sec. 16-15-110. - Administrative amendment; submittal process.

- (a) The submittal shall be reviewed for completeness and the applicant shall be notified of any inadequacies. An incomplete submittal shall not be processed.
- (b) Once the submittal is determined complete, the Director will determine if referrals are necessary and, if so, will notify the applicant of the number of copies of the amendment required for distribution to directly affected referral agencies. Referral packets shall be provided by the applicant in unsealed manila envelopes, addressed to the appropriate referral agency, with all submittal information properly folded and compiled. The staff shall mail the packets.
- (c) The Director shall determine whether the applicant must provide public notice. When public notice is required, the applicant shall provide notice as follows:
 - (1) At least fifteen (15) days prior to the Director's decision, the applicant shall send a written notice to homeowners' associations within and adjacent to said Planned Development by first class mail. The notices shall read:
 - a. A vicinity map, when appropriate.
 - b. The specific element and general location.
 - c. Instructions to address comments to the Planning Director.
 - (2) At least fifteen (15) days prior to the Director's decision, the applicant shall publish a notice in a newspaper of general circulation in the City and provide a publisher's affidavit of said published notice five (5) days prior to the action by the Director. The notice shall read:

NOTICE OF PROPOSED
ADMINISTRATIVE AMENDMENT TO
(Name of Development Plan)

On (date) action will be taken on an administrative amendment to (name specific element and general location proposed for amendment, e.g., "increase building heights by 10% in planning area C-2 located at the northeast corner of ____"). Address all comments to the Director.

- (d) The referral agencies shall comment within twenty-one (21) days of receiving a complete submittal. Within thirty (30) days of receipt of comments, the Director shall approve or deny the request. The following criteria shall be considered by the Director for approval of an administrative amendment:
 - (1) Whether the amendment is consistent with the standards and conditions of approval in Section 16-15-20 herein;
 - (2) Whether the amendment is consistent with the efficient development and preservation of the entire Planned Development;
 - (3) Whether the amendment will adversely affect the enjoyment of the adjacent land or the public interest; and
 - (4) Whether the amendment's sole purpose is to confer a special benefit upon an individual.
- (e) Within thirty (30) days of receiving approval, the applicant shall submit the amended development plan to the Community Development Department for recordation as follows:
 - (1) New signature blocks in accordance with Subparagraphs 16-15-60(1)(c) and (e)

above shall be provided. An administrative amendment is signed only by the Director and not the City Council. The signature block shall read:

ADMINISTRATIVE AMENDMENT OF THE
(name of PD) DEVELOPMENT PLAN AMENDING (specific element, i.e., boundary of
Planning
Area 43) AS DEPICTED HEREON PURSUANT
TO SECTION (specific section of the
Development Plan).
APPROVED THIS ____ DAY OF _____, BY THE COMMUNITY DEVELOPMENT
DIRECTOR. THIS AMENDMENT NO. _____ AFFECTS ONLY (i.e., Planning Area 43)
AS DESCRIBED IN FILE NO. _____.

Director

(2) The approved amendment of the Development Plan shall be submitted on a 24" x 36" wide flat, spliceless, tapeless and creaseless sheet of double matte Mylar film (fix-line, emulsion down) with a uniform thickness of not less than .003 of an inch, ready for recordation, including the recordation fees and one (1) 11" x 17" Mylar reduction.

(3) If the amended documents are not submitted within said time period, the amendment shall be void and of no force or effect.

(f) Within thirty (30) business days, the staff planner shall review the documents for compliance with the Director's approval, obtain City officials' signatures as necessary and submit the document to the County Clerk and Recorder's office for recordation.

(Ord. 02-01 §1518; Ord. 05-13 §1516)

Sec. 16-15-120. - Administrative amendment; submittal requirements.

- (a) Completed land use application.
- (b) Application fee (fee schedule available from the Community Development Department).
- (c) Proof of ownership which includes an updated or current title insurance policy or title commitment no more than thirty (30) days old.
- (d) A notarized letter of authorization from the landowner permitting a representative to process the application.
- (e) A written explanation justifying the request as an administrative amendment.
- (f) Three (3) copies of the appropriate portions of the Development Plan retitled with all amendments, including major amendments, numbered consecutively. For example:

MEADOW BROOK PLANNED DEVELOPMENT
(i.e., 1st) Amendment
An administrative amendment to
(specific element or planning area)

- (g) A sketch plan, in accordance with Chapter 17 of this Code, when the request is for a boundary line adjustment.

(Ord. 02-01 §1519; Ord. 04-17 §1; Ord. 05-13 §1517)

Sec. 16-15-130. - Major amendment; criteria.

A major amendment is considered to be an amendment that affects a specific planning area of the Planned Development and does not affect the integrity of the entire Planned Development. An amendment request may be considered as a major amendment if it meets the following criteria:

- (1) Setbacks. A decrease of the required setback when such decrease is greater than a thirty-five-percent change to the originally approved setback.
- (2) Minimum lot size. A decrease of the minimum lot size which is greater than twenty-five percent (25%) of the minimum lot size originally approved.
- (3) Maximum building height. An increase of the maximum building height when such increase is greater than a fifteen-percent change to the originally approved maximum building height.
- (4) Increased number or density of dwelling units. An increase of the number or density of dwelling units in a planning area of twenty-one percent (21%) or more.
- (5) Decreased number or density of dwelling units. A decrease of the number or density of dwelling units in a planning area of twenty-one percent (21%) or more. Such decrease shall result in a net loss of dwelling units unless these units or the density are concurrently approved as an increase of units or density in another planning area.
- (6) Text changes. Substantial changes to the text, as determined by the Director, which affect a specific planning area, the standards or commitments.
- (7) Street alignment. A significant shift in the alignment of an arterial or collector, as determined by the Director.
- (8) Planning area boundary. Whenever a planning boundary abuts an arterial or collector as shown on the development plan, the planning area boundary is the abutting right-of-way. Whenever a planning area boundary abuts either another planning area or open space, the planning area boundary is as shown on the development plan.
 - a. This planning area boundary may be reconfigured when:
 1. The total acreage of the planning area is increased.
 2. More than twenty-five percent (25%) of the planning area is affected. (In area calculation, include land to be excluded from, or included in the planning area).
 3. The total acreage of the affected open space areas is decreased.
 4. Any open space area proposed to be reconfigured is an equal value; additional open space area is provided adjacent to or within the planning area. (Such factors as location, accessibility, slope and views shall be considered).
 5. Park and school land dedication have received the written referral recommendation from the Director or the school district, as applicable.
 6. The change to the planning area boundary does not include an inclusion or exclusion of land to the Planned Development.
 - b. The applicant shall submit a sketch plan, in compliance with Chapter 17 of this Code, concurrent with the major amendment application showing the acreage affected and compliance with Subparagraph a above.

(Ord. 02-01 §1520; Ord. 05-13 §1518)

Sec. 16-15-140. - Major amendment; submittal process.

- (a) The submittal shall be reviewed for completeness and the applicant shall be notified of any inadequacies. An incomplete submittal shall not be processed.
- (b) Once the submittal is determined complete, staff will notify the applicant of the number of copies of the amendment required for distribution to referral agencies. Referral packets shall be provided by the applicant in unsealed manila envelopes, addressed to the appropriate referral agency, with all submittal information properly folded and compiled. The staff shall mail the packets.
- (c) The referral agencies shall comment within thirty (30) business days of receiving a complete submittal.
- (d) The staff planner will review the referral comments, discuss the concerns with the applicant, schedule a public hearing before the Planning Commission, notify the applicant of the hearing date and time, and prepare a staff report.
- (e) The applicant is responsible for public notification. In calculating the time period for public notification, the day of publishing, posting or mailing shall be counted toward the total number of days required. The day of the hearing shall not be counted toward this total.
- (1) Written notice. The Director shall determine the written notice requirements.
- (2) Posted notice. At least fifteen (15) days prior to the Planning Commission hearing and fifteen (15) days prior to the City Council hearing, the applicant shall post a notice on the land under consideration. The notice shall consist of a least one (1) sign facing each abutting right-of-way, within ten (10) feet of the property line abutting the right-of-way, visible from the right-of-way, placed on posts at least four (4) feet above ground level. Additional signs may be required by the staff planner. Each sign shall measure not less than 3' x 4'. Letter size shall be a minimum of three (3) inches high. Said notice shall read:

NOTICE OF PUBLIC HEARING BEFORE THE
(PLANNING COMMISSION OR
CITY COUNCIL)

This land shall be considered for a major amendment to the (name) Development Plan. For more information, call the City of Lone Tree Community Development Department [list the phone number provided by the City]. The public hearing is (date) in the City Council Hearing Room, 8527 Lone Tree Pkwy, City of Lone Tree, CO 80124, or other designated place at (time), or soon thereafter.

File Name and Number: _____

Hearing Date: _____

Further requirements include:

- a. An affidavit of sign posting shall be submitted for the file in the Planning Department at least five (5) business days prior to the hearings. The signs shall be photographed by the applicant and attached to the affidavit as follows:
- b.

(attach photo here)

I, (applicant/representative) , attest that the above sign was posted at (location), on (date), pursuant to Chapter 16 of the Lone Tree Municipal Code.

(signature)
(applicant/representative)
File Name and Number: _____
Signed and sworn before me this date: _____
NOTARIZED BY: _____

- b. The sign shall be removed by the applicant within two (2) weeks following the final decision by the City Council.
- (3) Published notice. At least fifteen (15) days prior to the Planning Commission hearing and fifteen (15) days prior to the City Council hearing, the applicant shall:
 - a. Publish a notice in the Official Publication; and
 - b. Provide a publisher's affidavit of said published notice five (5) business days prior to the public hearing, to the Community Development Department. The notice shall read:

**NOTICE OF PUBLIC HEARING
BEFORE THE (PLANNING COMMISSION
OR CITY COUNCIL)**

A public hearing will be held on (day of week) , (date) , at (time) , in the City Council Hearing Room, 8527 Lone Tree Pkwy., City of Lone Tree, CO, [or other designated place], to consider a major amendment to the (name) Development Plan. The proposed amendment is to (name specific element and general location proposed for amendment, e.g., increase building heights by 10% in planning area C-2 located at the northeast corner of ____). For more information, call the City of Lone Tree Community Development Department [list the phone number provided by the City].

File Name and Number: _____
Legal Description: _____

- (f) The Planning Commission shall evaluate the application, referral comments, staff report and public testimony, and make a recommendation to the City Council to approve, approve with conditions or deny the amendment request. The Planning Commission's comments shall be based on the evidence presented and compliance with the adopted standards, regulations, policies and other guidelines.
- (g) Following the recommendation by the Planning Commission, the Director will schedule in consultation with the Coordinator a public hearing with the City Council and notify the applicant of the hearing date and time. The applicant shall be responsible for public notice, in accordance with Subsection (e) herein.
- (h) The City Council shall evaluate the major amendment, referral agency comments, staff report, the Planning Commission recommendation and public testimony, and shall approve, conditionally approve, table for further study, remand to the Planning Commission or deny the amendment. The City Council's comments shall be based on the evidence presented and compliance with the adopted standards, regulations, policies and other guidelines. The following criteria shall be considered by the City Council for approval of the major amendment:
 - (1) Whether the amendment is consistent with the major amendment criteria in Section 16-15-160 herein;
 - (2) Whether the amendment is consistent with the efficient development and preservation of the entire Planned Development;

- (3) Whether the amendment will adversely affect the public interest or enjoyment of the adjacent land; and
- (4) Whether the amendment's sole purpose is to confer a special benefit upon an individual.
 - (i) Within thirty (30) days of receiving approval, the applicant shall submit the amended development plan to the Planning Department for recordation as follows:
 - (1) The approved amended development plan shall be submitted on a 24" x 36" wide flat, spliceless, tapeless and creaseless sheet of double matte Mylar film (fix-line, emulsion down) with a uniform thickness of not less than .003 of an inch, ready for recordation, including the recordation fee and one (1) 11" x 17" Mylar reduction.
 - (2) New signature blocks shall be provided in accordance with Subparagraphs 16-15-60(1)c.1 and 3 herein. The City certification shall read:

THIS MAJOR AMENDMENT OF THE (name of PD) DEVELOPMENT PLAN AMENDING THE (specific element, i.e., the setbacks for Planning Area 62) AS DEPICTED HEREON PURSUANT TO (specific section of Development Plan) HAS BEEN APPROVED BY CITY COUNCIL ORDINANCE NO. _____, ON (MONTH/DAY/YEAR). THIS AMENDMENT NO. _____ AFFECTS ONLY (i.e., Planning Area 62) AS DESCRIBED IN FILE NO. _____.

(Signature) _____
 Mayor, City of Lone Tree (date)
 (Signature) _____
 Director (date)

- (3) If the amended documents are not submitted within said time period, the amendment shall be void and of no force or effect.
 - (j) Within thirty (30) business days the staff planner shall review the documents for compliance with the City Council's approval, obtain City officials' signatures as necessary and submit the document to the County Clerk and Recorder for recordation.

(Ord. 02-01 §1521; Ord. 04-17 §1; Ord. 05-13 §1519)

Sec. 16-15-150. - Major amendment; submittal requirements.

The submittal shall include the following:

- (1) Completed land use application.
- (2) Application fee (fee schedule available from Community Development Department).
- (3) Proof of ownership which includes an updated or current title insurance policy or title commitment no more than thirty (30) days old.
- (4) A notarized letter or authorization from the landowner permitting a representative to process the application.
- (5) A written explanation of the request.
- (6) Three (3) copies of the appropriate portions of the development plan retitled with all amendments, including administrative amendments, numbered consecutively. For example:

MEADOW BROOK PLANNED
 DEVELOPMENT, (i.e., 1 st) Amendment

A major amendment to
(specific element and/or planning area)

(7) A sketch plan, in accordance with Chapter 17 of this Code, when the request is for a boundary line adjustment.

(Ord. 02-01 §1522; Ord. 04-17 §1; Ord. 05-13 §1520)

Sec. 16-15-160. - Rezoning; criteria.

(a) Rezoning shall be required when the amendment to the Planned Development plan affects the integrity of a particular planning area or of the entire Planned Development. The rezoning procedure is required when the proposed amendment is for any one (1) of the following:

(1) A change in land use, excluding a change of residential type, i.e., single-family to multi-family.

(2) An increase in the total number of dwellings from that originally approved for the Planned Development.

(3) An inclusion or exclusion of land to, or from, the Planned Development.

(b) The rezoning procedure shall include a comprehensive reanalysis of a particular planning area or of the entire development plan. The original commitments and development standards shall be reevaluated, including any changes in the character of the area, or changes in the Comprehensive Plan, this Chapter or Chapter 17 of this Code that have occurred since approval of the Planned Development, as these changes affect a particular planning area or the Planned Development. If the rezoning involves only a part of a Planned Development, the rezoning procedure shall include an analysis of the impact of the rezoning on the balance of the Planned Development. The rezoning process is set out in Sections 16-15-25 through 16-15-55 herein.

(Ord. 02-01 §1523; Ord. 04-17 §1; Ord. 05-13 §1521)

Sec. 16-15-170. - Withdrawal of application.

The applicant may withdraw an application at any time during the process upon submittal of a notarized, written request to the Planning Department. Preapplication fees will not be refunded, and rezoning fees will be refunded only when the withdrawal request is submitted prior to the mailing of referral packets.

(Ord. 02-01 §1524; Ord. 05-13 §1522)

Sec. 16-15-180. - Inactive files.

Files that become inactive, whereby the applicant is required to submit additional information or request a hearing date and has failed to do so, for a period of more than six (6) months shall become void, and the resubmittal of a new application and fees shall be required. The Director may grant no more than two (2) extensions of time, of no more than six (6) months, upon a written request by the applicant. After five (5) months, the staff planner shall notify the applicant in writing that the application will become void within thirty (30) days. After thirty (30) days,

provided that the applicant has not submitted the required additional information or requested a hearing date, the staff planner shall notify the applicant in writing that the application is void.

(Ord. 02-01 §1525; Ord. 05-13 §1523)

Sec. 16-15-190. - Waivers.

Specific provisions of this Section may be waived by the Council, except as provided for in Section 16-15-15 herein, based on a finding of fact that such waiver would better achieve the goals and policies of the Comprehensive Plan and the intent of this Chapter than would be afforded by strict adherence to these regulations in accordance with the following:

(1) A request to waive any portion of this Section is permitted only after completion of the preapplication review and prior to the formal zoning or rezoning submittal.

(2) The applicant shall submit, in writing, the reasons for the request, to the Community Development Department.

(3) The Director shall schedule the waiver request for a public hearing with the City Council and notify the applicant of the hearing date and time.

(4) At least fifteen (15) days prior to the hearing, the applicant shall publish a notice in the Official Publication and provide a publisher's affidavit of said published notice to the Planning Department at least five (5) business days prior to the public hearing. The notice shall read:

BEFORE THE CITY COUNCIL

A public hearing will be held on (day of week), (date) , at (time) , or soon thereafter, in the Lone Tree District Center, 8527 Lone Tree Pkwy, City of Lone Tree, CO 80124, [or other designated place] for a waiver to the Planned Development Standards, specifically (list the regulations affected) . For more information, call the Community Development Department at [list the telephone number provided in the Zoning Resolution].

File Name and Number: _____

Published in (newspaper) (date)

NOTE: In calculating the time period for public notification, the day of publishing shall be counted toward the total number of days required. The day of the hearing shall not be counted toward this total.

(5) The City Council shall evaluate the waiver request and shall approve, conditionally approve, continue or deny the request.

(Ord. 02-01 §1526; Ord. 04-17 §1; Ord. 05-13 §1524)

ARTICLE– XVI – P & OS - Parks and Open Space District

Sec. 16-16--10. - Intent.

Parks and open spaces constitute important physical, environmental, social, aesthetic and economic assets to the community. The purpose of this Article is to provide for active and passive use areas, including park, trail and recreational uses, as well as lands for open space for

such purposes as wildlife corridors/habitats; scenic view sheds; community buffers; cultural, historical and archaeological areas/structures; and landmarks and natural resources.

(Ord. 09-08)

Sec. 16-16-20. - Principal uses.

The following uses shall be allowed upon the approval of a site improvement plan in accordance with Article XXVII of this Chapter:

- (1) Community garden.
- (2) Environmental education center/ museum.
- (3) Nature center/picnic area.
- (4) Open space/trails/trailheads/parks.
- (5) Public recreational facilities and areas, including such uses as tennis courts, aquatics centers and playgrounds.
- (6) Similar uses as determined by the City Manager or designee in accordance with the intent of this District.

(Ord. 09-08)

Sec. 16--16-30. - Accessory uses.

The following uses shall be allowed only as an accessory use related to the principal use established on the parcel/lot:

- (1) Maintenance building.
- (2) Parking area.
- (3) Residence, caretaker.

(Ord. 09-08)

Sec. 16-16-40. - Minimum lot area.

There is no minimum lot area.

(Ord. 09-08)

(Ord. 09-08)

Sec. 16-16-50. - Building height.

Maximum building height is thirty-five (35) feet.

(Ord. 09-08)

(Ord. 09-08)

Sec. 16-16-60. - Sign standards.

One (1) identification sign is permitted per street frontage. Standards regarding height, setbacks and the permitting process are set out in Article XXIX of this Chapter.

(Ord. 09-08)

(Ord. 09-08)

ARTICLE–XVII - Commercial Mobile Radio Service Facilities Overlay District

Sec. 16-17--10. - Intent.

The purpose of this Article is to ensure that utility service and telecommunication facilities are located and designed to minimize visual impacts to the City under the terms of this Article and the City's franchise agreement.

(Ord. 02-01 §1701; Ord. 04-17 §1; Ord. 05-13 §1701)

(Ord. 02-01 §1702; Ord. 05-13 §1702)

Sec. 16-17--20. - Site selection criteria.

An application for a utility service or telecommunications facility shall address each of the following site selection elements:

- (1) Screening potential of existing vegetation, structures and topographic features.
- (2) Compatibility with adjacent land uses.
- (3) Opportunities to mitigate visual impact, including construction of stealth structures such as architectural towers, as well as light and landscaping standards in accordance with the provisions of this Article.
- (4) Availability of suitable existing structures for antenna mounting.

(Ord. 02-01 §1703; Ord. 05-13 §1703)

Sec. 16-17--30. - Design criteria.

All utility service and telecommunication facilities shall comply with the following design standards:

- (1) Facilities shall be designed to be compatible and blend in with surrounding buildings and existing or planned uses in the area. This may be accomplished through the use of compatible architectural elements such as color, texture, scale and character.
- (2) Facilities shall preserve or enhance the existing character of the topography and vegetation. Existing vegetation, if any, and if suitable with natural features, should be preserved or improved.
- (3) A variety of screening techniques should be considered, depending on site conditions. Such techniques may include, but not be limited to, landscaping, berming screening and fencing, where appropriate.
- (4) Construction of new support towers may only be permitted upon demonstration that other alternatives are infeasible and in accordance with the provisions of this Article. Support towers may be allowed when:

- a. Designed to be compatible with the surrounding uses and not a dominate feature of the landscape;
 - b. The structure is not a dominant silhouette on a ridgeline;
 - c. The existing topography and vegetation provide the greatest amount of screening/backdrop possible on the site; and
 - d. The existing vegetation has been preserved or enhanced and disturbance of the existing topography of the site has been minimized, unless such disturbances result in visual enhancement of the surrounding area.
- (5) Antennas, panels, arrays and dishes may be allowed when:
- a. Placed on or within a building or structure, such as on the side of a building or parapet wall, architectural tower or cupola, in an architecturally sensitive manner. Rooftop antennas shall not project above the parapet unless mounted on a penthouse or totally screened by materials that are compatible with the existing building or structure;
 - b. Mounted on, or incorporated with, an existing support tower;
 - c. Disguised as an architectural feature or element of an existing or proposed building or structure, provided that it is compatible in terms of architectural style, height, mass, scale and color;
 - d. Disguised or camouflaged in an architecturally appropriate manner as a flagpole or similar structure, provided that it is compatible with surrounding landscape features, buildings or uses; and
 - e. Mounted on a light standard or an existing public utility structure; however, on light standards and single-pole structures less than twenty-four (24) inches in diameter, the antenna must be mounted directly to the pole without standoff brackets or sectorized platforms.
- (6) Whip-type antennas may be allowed:
- a. On structures, existing support towers or utility facilities;
 - b. To project above the roofline of structures, except pitched roofs unless on the ridge of the roof; and
 - c. To exceed the height limitation of the district.
- (7) Proposed telecommunication antennas shall be located on existing support towers where feasible and where visual impacts are minimal. Otherwise, telecommunication facilities may be allowed when:
- a. Such facilities are sited to result in minimal impact to the environment and to wildlife in the region;
 - b. Such facilities are sited to fade into the predominant backdrop of the vicinity by complementing other features and forms in the backdrop landscape;
 - c. All elements are designed and constructed to result in minimal visual impact. Elements shall be constructed of nonreflective or low-reflective materials that are typical in style and color to buildings, structures or backdrop landscape;
 - d. Elements of the facility, including but not limited to the accessory equipment shelter, are camouflaged or screened from major views. Where proposed, fencing and lighting shall be designed to result in minimal visual impacts; and
 - e. The access to the facility is designed to require minimal land disturbance, including cut and fill, and results in minimal visual impacts.
- (8) All accessory equipment shall be concealed below grade, within an approved structure or screened by a berm, vegetation, topographic feature or in another manner approved by staff.

Setback and height limitations of the zone district shall apply, unless otherwise approved by City.

(9) An alternative design may be considered for approval when determined by the Director to be clearly superior and better in meeting the intent of this Article.

(Ord. 02-01 §1704; Ord. 04-17 §1; Ord. 05-13 §1704)

Sec. 16-17--40. - Maximum height for utility service and telecommunication facilities.

(a) The height of any freestanding facility shall conform to the height limit of the subject zone district unless a height waiver is granted by the Director.

(b) Wherever an antenna is attached to a building roof, the height of the antenna shall not be more than fifteen (15) feet over the height of the building. If the building is constructed to the height limit of the applicable zone district, an additional fifteen (15) feet of antenna height is permissible.

(Ord. 02-01 §1705; Ord. 05-13 §1705)

Sec. 16-17--50. - Minimum setbacks for freestanding facilities.

(a) The minimum setback for a freestanding facility located within two hundred fifty (250) feet of any property zoned for residential use is one (1) foot for every foot of tower height.

(b) The minimum setback for a freestanding facility located more than two hundred fifty (250) feet from property zoned for residential use is the minimum setback in the underlying zone district for buildings or structures.

(Ord. 02-01 §1706; Ord. 04-17 §1; Ord. 05-13 §1706)

Sec. 16-17--60. - Application, submittal and approval procedures.

Utility service and telecommunication facilities may be permitted as provided herein.

(1) Site improvement plan. An application for freestanding utility service or telecommunication poles or towers shall be submitted in conformance with the provisions of this Article and processed in accordance with the requirements of Article XXVII of this Chapter. The Director shall conduct a public hearing on the proposed plan before the Planning Commission and City Council for final approval, approval with conditions or denial.

(2) Administrative approval. An application for a roof- or building-mounted facility shall be submitted in conformance with the provisions of this Article and the submittal requirements outlined in Article XXVII of this Chapter. Such applications may be approved administratively, as determined by the Director. A decision of the Director may be appealed by the applicant by filing a letter of appeal with the City within five (5) business days of the Director's decision. The City shall then hold a public hearing and shall review the application for conformity with the criteria in this Article. The decision of the City shall be considered final.

(Ord. 02-01 §1707; Ord. 05-13 §1707)

(Ord. 02-01 §1708; Ord. 05-13 §1708)

Sec. 16-17-70. - Application submittal requirements for telecommunications facilities.

(a) In addition to the requirements contained in this Article and Article XXVII of this Chapter, a narrative report describing the telecommunication facility shall be included with the application. All information pertaining to the structural integrity of the facility shall be certified by a licensed professional structural engineer. Information required pertaining to the function and capacity of the telecommunication facility shall be certified by a licensed, professional radio frequency engineer. The report shall include the following, unless otherwise waived by the Director:

- (1) Description of the height, design and elevation of the proposed support tower with a cross-section view and description, and a statement as to whether the tower will be structurally designed to accommodate future antennas.
 - (2) Description of height for all proposed mounting positions for potential antennas and minimum separation distances.
 - (3) Discussion of proposed number, height and types of antennas to be accommodated.
 - (4) Description of output frequency, number of channels and power output per channel for each proposed antenna (if applicable).
 - (5) Description of the steps the applicant will take to avoid interference with any established public safety telecommunications verified by an intermodulation study that predicts no likely interference problems, as reviewed and approved by public safety entities potentially impacted by the facility.
 - (6) A five-year plan for use and estimated life of the proposed telecommunication facility. The plan should address additional development and coverage anticipated to meet projected service needs.
 - (7) A copy of the study or similar document identifying and justifying technologically feasible locations (search ring or rings) for the proposed service, and demonstrating to the satisfaction of the City that the proposed service cannot be accommodated on an existing or approved support tower located within a five-mile radius.
 - (8) The results of the RF drive test (certified as currently in calibration and traceable to National Institute Standards and Technology) if undertaken to verify technologically feasible locations.
 - (9) Summary report of dropped and blocked calls (applicable if the telecommunication facility is intended to support a personal wireless service provider).
 - (10) Documentation that the proposed facility will be in compliance with applicable federal requirements, including but not limited to those associated with the National Environmental Protection Agency (NEPA).
- (b) The City may require additional submittal information in order to evaluate the visual impacts of the proposal, including but not limited to a visual inventory of site conditions, visual analysis and simulations with the proposed facility, cross-sections or other materials as deemed necessary by the Director to identify and assess the impacts of the proposal.
- (c) The City may require that an independent, outside consultant be retained, at the app'icant's expense, to perform evaluations pertaining to compliance with regulations, standards and requirements stipulated.

(Ord. 02-01 §1709; Ord. 05-13 §1709)

Sec. 16-17-80. - Decision.

Any decision to deny a request to place, construct or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

(Ord. 02-01 §1710; Ord. 05-13 §1710)

Sec. 16-17-90. - Co-location.

No facility owner or lessee or employee thereof shall act to exclude or attempt to exclude any other provider from the same location. A facility owner or lessee or employee thereof shall cooperate in good faith to achieve co-location of antennae with other providers.

(Ord. 02-01 §1711; Ord. 05-13 §1711)

ARTICLE -VIII - Reserved

ARTICLE -XIX - Reserved

ARTICLE XX - Nonconforming Uses and Structures

Sec. 16-20-10. - Intent.

The purpose of this Article is to recognize the lawful uses of land or buildings existing at the time of the adoption of the initial ordinance codified herein that do not conform to the regulations set forth herein. Any use, structure or parcel of land which was conducted, erected or created in violation of any previous zoning ordinance shall not be considered as a legal, nonconforming use, structure or lot and shall be required to comply with all provisions of this Chapter.

(Ord. 02-01 §2001; Ord. 04-17 §1; Ord. 05-13 §2001)

Sec. 16-20-20. - Nonconforming use.

A use of land which was lawful before this Chapter was adopted or amended may continue to exist even though the use would be prohibited, regulated or restricted under the provisions of this Chapter and amendments, subject to the following provisions:

- (1) Such nonconforming use shall not be enlarged, expanded, extended, increased or moved to occupy an area of land or area in a structure which was not occupied before this Chapter was adopted or amended.
- (2) An existing structure devoted to a nonconforming use shall not be enlarged, expanded, extended or altered to accommodate the nonconforming use or any other use not allowed in the district in which the structure is located.

(3) If any such nonconforming use is discontinued for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land or structure shall conform to the provisions of this Chapter and as thereafter amended.

(4) A nonconforming use of land may be changed only to a use that is allowed in the zoning district in which the land is located.

(5) Should a structure devoted to a nonconforming use be damaged or destroyed by any means, unless damaged by more than fifty percent (50%) of its value, the structure may be reconstructed and the nonconforming use reestablished pursuant to Paragraph (2) above.

(Ord. 02-01 §2002; Ord. 05-13 §2002)

Sec. 16-20--30. - Nonconforming structure.

A structure which was lawful before this Chapter was adopted or amended may continue to exist, even though the structure would be prohibited, regulated or restricted under the provisions of this Chapter or amendments, subject to the following provisions:

(1) Such nonconforming structure shall not be enlarged or altered in a manner which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

(2) Should a legal, nonconforming structure be damaged or destroyed by any means, unless damaged by more than fifty percent (50%) of its value, it may be restored; provided that the reconstruction begins within one (1) year of the date the structure was damaged or destroyed and the reconstruction is completed within the time limits of the building permit.

(3) Should such nonconforming structure be moved for any reason for any distance whatsoever, it shall conform to the provisions of the district in which it is located after the move.

(4) Any nonconforming structure may be repaired and maintained for ordinary upkeep. Such repairs or maintenance shall not enlarge, expand, extend or increase the nonconformity in any manner.

(Ord. 02-01 §2003; Ord. 05-13 §2003)

Sec. 16-20--40. - Nonconforming lot.

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot which was of record before this Chapter was adopted or amended. This provision shall apply even though such lot fails to meet the lot requirements applicable in the given zone district. However, all minimum yard requirements shall conform to the provisions within this Chapter and as hereafter amended. On nonconforming lots, uses shall be limited to the principal, accessory and special uses allowed in the zone district to which the lots conform in area.

(Ord. 02-01 §2004; Ord. 05-13 §2004)

Sec. 16-20--50. - Termination.

The City Council may require the termination of a nonconforming use, subject to the following provisions:

- (1) The City Council may initiate a public hearing through the Community Development Department on its own, or upon the recommendation of the Planning Commission.
- (2) The Community Development Department shall schedule a public hearing before the Planning Commission and the City Council.
- (3) At least fifteen (15) days prior to the Planning Commission hearing and fifteen (15) days prior to the City Council hearing, notice shall be published in the Official Publication. The notice shall read:

NOTICE OF PUBLIC HEARING

A public hearing will be held on (day of week) , (date) , at (time) , at (time) , or soon thereafter, in the Council's Hearing Room, 8527 Lone Tree, CO, 80124, [or other designated place, if applicable] for a proposed termination of a nonconforming use located approximately (distance and direction from nearest major intersection) . For more information, call the Community Development Department at [the telephone number provided by the City.]

Legal Description: _____

Published in: (newspaper) (date)

- (4) At least fifteen (15) days prior to the City Council hearing, the Community Development Department shall mail a notice of said hearing by certified mail, return receipt requested, to the affected landowner and the abutting mineral rights and landowners.
- (5) The Community Development Department shall notify the affected landowner, in writing, of the City Council's determination.
- (6) If the proposed termination of a nonconforming use is approved by the City Council, such use may be continued for a period not to exceed two (2) years from the date of termination, after which time such nonconforming use shall cease.

(Ord. 02-01 §2005; Ord. 04-17 §1; Ord. 05-13 §2005)

ARTICLE XXI - Use by Special Review

Sec. 16-21-10. - Intent.

The purpose of this Article is to provide for uses in specific zoning districts that shall require a public notice and hearing, the review of the Planning Commission and approval of the City Council, subject to such conditions and safeguards as may be imposed by the City Council.

(Ord. 02-01 §2101; Ord. 04-17 §1; Ord. 05-13 §2101)

Sec. 16-21-20. - Approval standards.

A special use shall be approved only if the Planning Commission reviews and makes a recommendation and the City Council finds that the proposed special use:

- (1) Complies with the minimum zoning requirements of the zoning district in which the special use is to be located, as set forth in this Chapter;
- (2) Complies with the requirements of this Article;
- (3) Complies with Chapter 17 of this Code;

- (4) Will not have a material adverse effect on community capital improvement programs;
- (5) Will not require a level of community facilities and services greater than that which is available;
- (6) Will not cause significant air, water or noise pollution;
- (7) Will be adequately landscaped, buffered and screened; and
- (8) Will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of the City.

(Ord. 02-01 §2102; Ord. 05-13 §2102)

Sec. 16-21-30. - Length of approval.

A special use shall be permitted for a duration of time specified by the City Council or until the land use changes or is terminated, whichever occurs first. The Use by Special Review may transfer with the sale of the land.

(Ord. 02-01 §2103; Ord. 05-13 §2103)

Sec. 16-21-40. - Annual review.

Each special use is subject to yearly review, or as often as the City Council deems appropriate to ensure compliance with the approval criteria and conditions of approval.

(Ord. 02-01 §2104; Ord. 05-13 §2104)

Sec. 16-21-50. - Amendment of approved special use.

(a) An amendment of the use approved by special review may be approved administratively by the Director, when the change does not substantially increase the intensity of the use or impacts to the neighborhood, in accordance with the approval standards in Section 16-21-20 above. The applicant shall submit the fee, an explanation of the amendment and the resulting impacts, and an amended site plan, as required, to the Community Development Department. The Director may approve or deny the amendment.

(b) A decision by the Director to deny such amendment may be appealed to the City Council. A written appeal must be submitted by the applicant to the Community Development Department within ten (10) business days of such denial, and a hearing will be scheduled by the Director with the City Council.

(c) The Director may require the submittal of a new Use by Special Review application when a substantial change to the use approved by special review is proposed. The applicant may appeal the decision of the Director, in writing, within ten (10) business days of such decision, to the City Council.

(Ord. 02-01 §2105; Ord. 05-13 §2105)

Sec. 16-21-60. - General provisions.

(a) The City Council may establish lesser setbacks than those required in this Article if the City Council determines that adequate buffering exists or will be provided to mitigate such concerns as noise, dust or other visual, social or environmental impacts. The burden of proof is on the applicant to demonstrate such adequate mitigation measures.

(b) Outdoor storage or display of merchandise, equipment or other items associated with a nonresidential use is prohibited, unless otherwise approved through the Site Improvement Plan process, or as authorized by the Director through the issuance of a Temporary Use Permit.

(Ord. 02-01 §2106; Ord. 05-13 §2106; Ord. 11-05 Art. 4)

Sec. 16-21-70. - Nonconforming lots.

A Use by Special Review may be permitted on nonconforming parcels, when such use is permitted as a Use by Special Review in the zoning district where such nonconforming parcel would be a conforming parcel.

(Ord. 02-01 §2107; Ord. 05-13 §2107)

Sec. 16-21-80. - Prerequisite.

The applicant shall meet with the Community Development Department informally to discuss the request and to determine the submittal requirements, dependent upon the size and nature of the proposal.

(Ord. 02-01 §2108; Ord. 05-13 §2108)

Sec. 16-21-90. - Submittal process.

The submittal and decision process shall be the same for a use by special review as that provided in Section 16-15-50, except that the particular requirements pertaining to documentation and notice shall be as provided below.

(Ord. 02-01 §2109; Ord. 05-13 §2109)

Sec. 16-21-100. - Withdrawal of application.

A request to withdraw an application shall be submitted, in writing, to the Community Development Department staff planner. Withdrawal of the application shall preclude reactivation. The submittal of a new application and processing fee shall be required in order to pursue the proposed use by special review.

(Ord. 02-01 §2110; Ord. 05-13 §2110)

Sec. 16-21-110. - Submittal requirements.

The following materials are required:

- (1) Completed land use application (available from the Community Development Department).
- (2) Application fee (fee schedule available from the Community Development Department).
- (3) Proof of ownership which includes an updated or current title insurance policy or title commitment no more than thirty (30) days prior to the date of application.
- (4) If desired, a notarized letter of authorization from the landowner permitting a representative to process the application.

(Ord. 02-01 §2111; Ord. 04-17 §1; Ord. 05-13 §2111)

Sec. 16-21-120. - Narrative.

The applicant shall submit a written description, on 8½" x 11" paper, of the following:

- (1) General project concepts;
- (2) Zoning of the land and compliance with the zoning requirements;
- (3) Overall impacts of the proposed use on the property and adjoining lands;
- (4) Compliance with the Comprehensive Plan;
- (5) Compliance with appropriate agencies and necessary permits;
- (6) Proof of water availability;
- (7) Method of wastewater treatment;
- (8) Type of method of fire protection;
- (9) Impacts on existing flora and fauna;
- (10) Impacts on air and water quality;
- (11) Impacts on peace and quiet of neighborhood;
- (12) Provision of buffering, including additional landscaping;
- (13) Impacts on City services and services provided by special districts and other providers within the City;
- (14) Legal description; and
- (15) Name and address of the owner, the developer if different than the owner and the person preparing the plan exhibit and site improvement plan.

(Ord. 02-01 §2112; Ord. 04-17 §1; Ord. 05-13 §2112)

Sec. 16-21-130. - Management plan.

An operational/management plan shall be provided that addresses all aspects of the day-to-day operation of the use by special review. The degree of detail will depend upon the specific use. The following items shall be included in the plan:

- (1) Number of clients (e.g., parishioners, animals);
- (2) Hours of operation, indicating whether the use is seasonal and the number of days of the week;
- (3) Number of employees;
- (4) Required outside storage/parking/ loading areas;
- (5) Permit requirements from other state, federal or local agencies; and
- (6) Method of providing fire protection.

(Ord. 02-01 §2113; Ord. 05-13 §2113)

Sec. 16-21-140. - Plan exhibit.

A site improvement plan shall be prepared in accordance with Article XXVII of this Chapter.

(Ord. 02-01 §2114; Ord. 05-13 §2114)

Sec. 16-21-150. - Public notice requirements.

The applicant shall be responsible for public notification. In calculating the time period for public notification, the day of publishing, posting or mailing shall be counted toward the total number of days required. The day of the hearing shall not be counted toward this total.

(1) Mailed notice. At least fifteen (15) days prior to the Planning Commission hearing, and again fifteen (15) days prior to the City Council hearing, as specified in Section 16-21-90 above (with reference to Section 16-15-60), the applicant shall mail a written notice of said hearing by first class mail, to all adjoining landowners, mineral rights holders, and to homeowners' associations which have authority over property located within two hundred (200) feet of the land proposed for the special use, to the mineral rights owners and lessees and to easement holders. The mailed notice shall include:

- a. A short narrative of the request;
- b. A vicinity map; and
- c. A site map;

At least five (5) business days prior to the hearing, the applicant shall provide to the Community Development Department:

- a. An alphabetical list of the mineral rights owners and landowners;
- b. A map showing their relationship to the site; and
- c. An affidavit of mailing.

(2) Published notice. At least fifteen (15) days prior to the Planning Commission hearing and fifteen (15) days prior to the City Council hearing, the applicant shall:

- a. Publish a notice in the Official Publication; and
- b. Provide a publisher's affidavit of said published notice to the Community Development Department at least five (5) business days prior to the hearing. The notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE
THE (PLANNING COMMISSION
OR CITY COUNCIL)**

A public hearing will be held on (day of week), (date), at (time), or soon thereafter, in the City Council Hearing Room, 8527 Lone Tree Pkwy., City of Lone Tree CO 80124, [or other designated place] for approval of a use by special review for a (name of the specific use, i.e., church) in the _____ zoning district. The subject land is located approximately (distance and direction from the nearest major intersection). For more information call the City of Lone Tree Community Development Department [list the phone number provided by the City].

File Name and Number: _____

Owner: _____

Legal Description: _____

Published in: (newspaper) (date)

(3) Posted notice. At least fifteen (15) days prior to the Planning Commission hearing and fifteen (15) days prior to the City Council hearing, the applicant shall post a notice on the land for which the use is requested. The notice shall consist of at least one (1) sign facing each abutting right-of-way, within ten (10) feet of the property line abutting the right-of-way, visible from the right-of-way, placed on posts at least four (4) feet above ground level. Additional signs may be required by the staff planner. Each sign shall measure not less than three (3) feet by four (4) feet. Letter size shall be a minimum of three (3) inches high. Such notice shall read:

NOTICE OF PUBLIC HEARING BEFORE
THE (PLANNING COMMISSION
OR CITY COUNCIL)

This land shall be considered for a Use By Special Review for a (insert specific use) in the _____ zoning district. For more information call the City of Lone Tree Community Development Department [list the phone number provided by the City]. The public hearing is (date), in the City Council Hearing Room, 8527 Lone Tree Pkwy., City of Lone Tree, CO 80124, [or other designated place, if applicable] at (time).

File Name: _____

File Number: _____ Hearing Date: _____

a. An affidavit of sign posting shall be submitted by the applicant for the file in the Community Development Department at least five (5) business days prior to the hearings. The signs shall be photographed by the applicant and attached to the affidavit as follows:

(attach photo here)

I, (applicant/representative) , attest that the above sign was posted at (location), on (date), pursuant to Chapter 16 of the Lone Tree Municipal Code.

(signature)

(applicant/representative)

File name and number: _____

Signed and sworn before me this date: _____

NOTARIZED BY: _____

b. The sign shall be removed by the applicant within two (2) weeks following the final decision by the City Council, withdrawal or closure of the file by the Community Development Department.

(Ord. 02-01 §2115; Ord. 04-17 §1; Ord. 05-13 §2115)

Sec. 16-21-160. - Termination of use.

(a) Construction pursuant to approval of a use by special review shall be commenced within three (3) years from the date of approval, unless otherwise specified by the City Council, or the approval shall terminate. The Director may grant an extension of time, for good cause shown, upon a written request by the applicant.

(b) A use by special review shall terminate when the use of the land changes or when the time period established by the City Council for the use through the approval process expires, whichever occurs first. The owner may notify the Community Development Department of a termination of the use. When the Community Development Department is notified of a termination of use or observes that the use has been terminated during the annual review, a written notice of termination shall be sent to the landowner.

(c) The landowner may appeal in writing to the Director within ten (10) business days of receipt of the termination notice. A hearing shall be scheduled with the City Council to provide the landowner an opportunity to appeal the termination. The appeal may be granted for good cause shown. If the landowner does not submit a written appeal, the termination becomes final and a new use by special review application, hearing and approval shall be necessary to continue to use the land in a manner that requires approval of a use by special review.

(Ord. 02-01 §2116; Ord. 05-13 §2116)

Sec. 16-21-170. - Inactive files.

Inactive files shall become void if the applicant is required to submit additional information or request a hearing date and has failed to do so for a period of more than six (6) months. Thereafter, the resubmittal of a new application and fees shall be required to pursue the special use request. After five (5) months of inactivity, staff shall notify the applicant in writing that the application will become void within thirty (30) days. If the applicant fails to submit the required additional information or request a hearing date within thirty (30) days, staff shall notify the applicant in writing that the application is void. The Director may grant an extension of time, of no more than six (6) months, upon a written request by the applicant.

(Ord. 02-01 §2117; Ord. 05-13 §2117)

Sec. 16-21-180. - Post-denial application.

If a use by special review is denied by the City Council, a resubmittal of the same or substantially same use by special review application shall not be accepted within one (1) year from the date of denial by the City Council, or in the event of litigation, from the date of the entry of the final judgment. However, if evidence is presented to the City Council showing that there has been a substantial change in physical conditions or circumstances, the City Council may reconsider the use by special review. A new application and processing fee shall be required.

(Ord. 02-01 §2118; Ord. 05-13 §2118)

ARTICLE XXII - Temporary Structures

Sec- 16-22-10. - Intent.

The purpose of this Article is to provide for the regulation of temporary structures such as a temporary residence, a temporary construction office or a temporary sales office. As applied in

this Article, the term temporary shall mean a period not to exceed six (6) months, unless otherwise stated herein.

(Ord. 02-01 §2201; Ord. 04-17 §1; Ord. 05-13 §2201)

Sec– 16-22-20. - General requirements.

Prior to the establishment and use of a temporary structure pertaining to Sections 16-22-30 through 16-22-60, the applicant shall be required to obtain Community Development Department approval and a temporary building permit from the Building Division, post a bond as required and conform to all zoning regulations and health and safety standards.

(Ord. 02-01 §2202; Ord. 04-17 §1; Ord. 05-13 §2202)

Sec– 16-22-30. - Temporary permit process.

(a) The applicant shall submit a plot plan to the Community Development Department, showing the location of the structure, setbacks, parking and any other required information (applied to Sections 16-22-30 through 16-22-60). Temporary structures shall be in conformance with the zoning requirements of the district in which the structure is to be located.

(b) Upon approval by the Community Development Department, the applicant shall obtain a temporary permit for the temporary structure from the Building Division and post a bond as required.

(Ord. 02-01 §2203; Ord. 05-13 §2203)

Sec– 16-22-40. - Temporary construction office.

A temporary structure for the storage of construction materials and a construction office to be used for managing a construction job shall be allowed in all districts, provided that:

(1) A building permit has been issued for a permanent structure, or, in the case of a road construction project, approval has been granted by the Director of Public Works or their designee.

(2) The structure is used only during normal construction hours by the construction employees. The structure shall not be used for living quarters.

(3) The structure is located within the area of a recorded plat or an approved Site Improvement Plan.

(4) The temporary structure shall be removed upon issuance of a certificate of occupancy or completion of the permanent structure.

(Ord. 02-01 §2204; Ord. 05-13 §2204; Ord. 17-03 Art. 4, D.)

Sec– 16-22-50. - Temporary residential sales office.

A temporary residential sales office shall be allowed in the SR, MF and PD Districts, provided that:

- (1) The office is located within the area of a final plat.
- (2) Sales are limited to those units within the subdivision or residential development in which the office is located.
- (3) A permit has been issued by the Building Division.
- (4) Adequate access, off-street parking and sanitary facilities shall be provided.
- (5) The temporary office structure shall be removed after two (2) years or when the last lot is sold, whichever occurs first.

(Ord. 02-01 §2205; Ord. 05-13 §2205)

Sec– 16-22-60. - Temporary nonresidential office.

A temporary nonresidential office shall be allowed in the B, C and similar nonresidential planning areas within a PD, provided that:

- (1) A building permit shall be obtained for a permanent nonresidential structure from the Building Division.
- (3) The temporary office is located within the area of the approved Site improvement Plan for the nonresidential structure.
- (4) Adequate access, off-street parking and sanitary facilities shall be provided.
- (5) The temporary office structure shall be removed upon issuance of a certificate of occupancy for the permanent structure.

(Ord. 02-01 §2206; Ord. 05-13 §2206)

Sec– 16-22-70. - Temporary commercial structures.

A temporary commercial structure may be allowed in all zones that permit such use for a period of up to two (2) years, which may be renewed, when the following criteria are met:

- (1) The proposed temporary structure and site improvements comply with the provisions of Article XXVII of this Chapter.
- (2) The site is adequately landscaped to buffer the visual impacts of the proposed temporary structure on neighboring uses.
- (3) The design of the structure and site improvements is of sufficient quality such that it is compatible with surrounding land uses and will accommodate vehicular and pedestrian circulation during all types of weather (i.e., all weather surfaces).
- (4) Positive consideration will be afforded when the temporary structure is accompanied with plans for a permanent replacement facility.

(Ord. 02-01 §2207; Ord. 05-13 §2207)

ARTICLE XXII-A - Temporary Uses

Sec.–16-22A-10. - Intent.

The purpose of this Article is to provide for the regulation of temporary uses to ensure that visual and safety impacts are mitigated. Such uses include farmers markets, festivals, fairs, Christmas

tree lots, fruit and vegetable stands, grand openings and anniversary celebrations, and outdoor sales and promotions. Other similar temporary uses may be approved by the Director.

(Ord. 11-05 Art. 4)

Sec.–16-22A-20. - General requirements.

A Temporary Use Permit is required as provided herein. A temporary use application and fee schedule is available from the Community Development Department.

- (1) The property where the proposed temporary use is to be located and the property owner of record shall not have any outstanding land use violations or obligations to the City, including taxes and fees.
- (2) If the temporary use is to be located on private property, written permission may be required from the property owner(s). If the use is to be located in the public right-of-way or City-owned property, City approval is required.
- (3) Temporary structures, such as tents, sheds and trailers, as well as recreational vehicles and semi-trucks, may be utilized along with the temporary use provided that such temporary structures and vehicles comply with the regulations and permitting requirements of the City and other referral agencies. The temporary structures and vehicles must be removed once the temporary use has terminated.
- (4) The proposed site shall be adequately served by streets or drives having sufficient width and improvements to accommodate the type and quantity of traffic that such temporary use could reasonably be expected to generate.
- (5) Adequate parking to accommodate vehicular traffic expected to be generated by such use shall be available either on site or at adjacent sites with permission of the owner.
- (6) The use shall not block exits or pose a hazard to vehicular or pedestrian traffic and shall occur in a manner that assures a minimum of three (3) feet of unimpeded access for pedestrians.
- (7) On-site screening may be required to mitigate impacts of the temporary use on adjacent properties or rights-of-way.
- (8) All on-site lighting shall be installed and maintained in order to minimize and mitigate light pollution and trespass on surrounding land uses, and shall be subject to the lighting provisions of Article XXX.
- (9) Temporary outdoor storage on residential and nonresidential properties is subject to applicable provisions of Article XXII-B.
- (10) A business license from the City is required for all sales related to temporary uses.
- (11) The temporary use shall be operated in compliance with all other applicable provisions of this Municipal Code, including but not limited to noise, litter, trash and debris.
- (12) Failure to abide by the stipulations of the permit constitutes a zoning violation and could result in termination of the use and forfeiture of all financial security that may be held by the City.

(Ord. 11-05 Art. 4)

Sec.–16-22A-30. - Markets, festivals and fairs; specific requirements.

- (a) Farmers markets, flea markets, festivals, carnivals, fairs and similar uses may be allowed only in the Business, Commercial, Parks and Open Space, and Institutional zone districts or similar zones of a Planned Development district.
- (b) A Temporary Use Permit shall be required and may be issued by the Community Development Department upon an assessment of the application meeting the general requirements of Section 16-22A-20 of this Article.
- (c) Promotional items that may be allowed with a Temporary Use Permit include, but are not limited to:
 - (1) Food vendors.
 - (2) Banners (attached to a building when there is a building). No banners are allowed in the public right-of-way. Regulations for banners on light poles are governed by Subsection 16-29-60(q) of this Chapter.
 - (3) Temporary signage that does not penetrate the ground which may be placed in the right-of-way adjacent to the property, provided it does not interfere, obscure or otherwise impede vehicular or pedestrian traffic of any kind. No lawn signs are allowed in the public right-of-way. If an event is not being conducted at its regular place of business, temporary signage which does not penetrate the ground is allowed off-site in the right-of-way (not allowed in medians), provided it does not interfere, obscure or otherwise impede vehicular or pedestrian traffic of any kind; however, no lawn signs are allowed in the right-of-way. All promotional items must be promptly removed after the event.

(Ord. 11-05 Art. 4)

S-c. 16-22A-40. - Grand openings, anniversary celebrations and other special occasions; specific requirements.

- (a) Grand openings, anniversary celebrations and other special occasions may be allowed only in the Business, Commercial or similar zones of a Planned Development.
- (b) A Temporary Use Permit shall be required and may be issued by the Community Development Department upon an assessment of the application meeting the general requirements of Section 16-22A-20 of this Article.
- (c) If related to a retail business, the celebration or special occasion must be beyond the normal purchase of goods or services of the retailer.
- (d) Grand opening events shall last no longer than seven (7) consecutive days. Anniversary celebrations and other special occasions shall last for the time period specified on the permit.
- (e) Promotional items that may be allowed with a Temporary Use Permit include, but are not limited to:
 - (1) Food vendors.
 - (2) Banners (attached to a building when there is a building). No banners are allowed in the public right-of-way.
 - (3) Portable signage which may be placed in the right-of-way adjacent to the property, provided it does not interfere, obscure or otherwise impede vehicular or pedestrian traffic of any kind. No lawn signs are allowed in the public right-of-way. If an event is not being conducted at its regular place of business, portable signage is allowed off-site in the right-of-way (not allowed in medians), provided it does not interfere, obscure or otherwise impede vehicular or pedestrian

traffic of any kind; however no lawn signs or banners are allowed in the right-of-way. All promotional items must be promptly removed after the event.

(Ord. 11-05 Art.—4)

Sec. 16-22A-50. - Christmas tree sales lot; specific requirements.

- (a) Christmas tree sales lots shall be permitted only in the Business and Commercial zone districts, or similar zones of a Planned Development district.
- (b) A Temporary Use Permit shall be required and may be issued by the Community Development Department upon an assessment of the application meeting the general requirements of Section 16-22A-20 of this Article and may be issued for a two-month period starting November 1 and continuing through December 31 of the same year.
- (c) Hours of operation may include both daylight and evening hours, with sales no later than 10:00 p.m.

(Ord. 11-05 Art. 4)

Sec. 16-22A-60. - Fruit and vegetable stands; specific requirements.

- (a) Fruit and vegetable stands shall be permitted only in the Business, Commercial and Institutional zone districts, or similar zones of a Planned Development district.
- (b) A Temporary Use Permit shall be required and may be issued by the Community Development Department upon an assessment of the application meeting the general requirements of Section 16-22A-20 of this Article and may be issued for a five-month period from June through October of the same year.
- (c) Hours of operation shall be limited to daylight hours.

(Ord. 11-05 Art. 4)

Sec. 16-22A-70. - Outdoor sales and promotions; specific requirements.

- (a) Outdoor sales on areas other than sidewalks, limited to the sale or promotion of merchandise within the principal use, may be permitted only in the Business and Commercial zone districts or similar zones of a Planned Development district, and shall require a Temporary Use Permit.
- (b) A Temporary Use Permit shall be required and may be issued by the Community Development Department upon an assessment of the application meeting the general requirements of Section 16-22A-20 of this Article.
- (c) The Temporary Use Permit shall be granted for a period not to exceed one hundred twenty (120) days in a calendar year.
- (d) Sidewalk sales and outdoor sidewalk displays do not require a Temporary Use Permit; however, displays must be located to maintain at least three (3) feet of unobstructed pedestrian access and displays must be placed indoors at the close of business each day.

(Ord. 11-0– Art. 4)

Sec. 16-22A-80. - Temporary Use Permit; permitting procedure.

- (a) The applicant shall submit the application fee and the information required in Section 16-22A-100 of this Article to the Community Development Department.
- (b) The submittal shall be reviewed for completeness and the applicant notified of any inadequacies. Once the submittal is determined complete, the Community Development Department and other agencies such as the Director of Public Works or their designee, the affected fire district and the health department may be asked to review the application.
- (c) After review by applicable departments and referral agencies, the Community Development Department shall approve, approve with conditions, or deny the Temporary Use Permit.
- (d) Denial of the Temporary Use Permit may be appealed to the City Council, in writing, within ten (10) business days of denial by the Community Development Department.

(Ord. 11-05 Art. 4; Ord. 17-03 Art. 4, E.)

Sec. 16-22A-90. - Grounds for denial of permit.

An application for a Temporary Use Permit may be denied upon the Community Development Department's written determination that one (1) or more of the following exists:

- (1) The application does not meet the general requirements of Section 16-22A-20 of this Article.
- (2) The temporary use creates an unreasonable risk of significant damage to public or private property, beyond normal wear and tear; injury to persons; public or private disturbances or nuisances; unsafe impediments or distractions to vehicular or pedestrian travel; or other adverse effects upon the public health, safety or welfare.
- (3) The temporary use is of such a nature, size or duration that the particular location requested cannot reasonably accommodate the event.
- (4) The time and location requested for the proposed temporary use has already been permitted or reserved for other activities.

(Ord. 11-05 Art. 4)

Sec. 16-22A-100. - Temporary Use Permit; submittal requirements.

The following materials shall be submitted to the Community Development Department, unless waived:

- (1) Completed Temporary Use Permit application form.
- (2) Permit fee as required by the City's adopted fee schedule.
- (3) A letter of authorization from the landowner allowing a representative to process the application, if necessary.
- (4) A detailed description of the use, including:
 - a. Description of the activity.
 - b. Hours of operation.
 - c. Number of employees.

- d. How the application meets the general requirements of Section 16-22A-20 of this Article.
- (5) A site plan depicting the following:
 - a. Lot boundary.
 - b. Driveway access.
 - c. Dimensions of existing and proposed structures, uses, display areas, vehicles and sign(s).
 - d. On-site lighting location and type.
 - e. Location of required off-street parking/loading areas.
 - f. Location of recycling/trash containers, hand-wash sinks and portable restrooms where applicable.
 - g. Adjacent land uses.
- (6) In addition to the permit fee, financial security in an amount and form determined by the Director may be required and submitted to the Community Development Department prior to issuing the permit. The site shall be inspected to ensure proper site cleanup prior to refunding the financial security.
- (7) Copies of all pertinent certificates or permits required by any of the referral or regulatory agencies as deemed necessary by the Community Development Department to operate the proposed temporary use or to occupy the proposed temporary structure, as it relates to public health, safety and welfare. This may include, but is not limited to, health certificates, tent permits and electrical permits.
- (8) Copy of a current City of Lone Tree Business/Sales Tax License for the temporary use.

(Ord. -1-05 Art. 4)

ARTICLE XXII-B - Outdoor Storage

Sec. 16-22B-10. - Intent.

The purpose of this Article is to provide for the regulation of outdoor storage to ensure that visual and safety impacts are mitigated.

(Ord. 1--05 Art. 4)

Sec. 16-22B-20. - Applicability.

The following provisions apply to all uses in the Business and Commercial zone districts, including similar uses within a Planned Development district. Regulations addressing temporary storage units are also applied herein to residential zone districts, including similar uses within a Planned Development.

(Ord. 1--05 Art. 4)

Sec. 16-22B-30. - Permanent outdoor storage.

- (a) Outdoor storage of merchandise, equipment or other items associated with a nonresidential use intended as permanent storage is prohibited, unless otherwise approved through the Site Improvement Plan process.

(b) Outdoor storage for Site Improvement Plans may be allowed in accordance with the following standards:

(1) Outdoor storage, including but not limited to raw materials, supplies, finished or semi-finished products or equipment, shall be enclosed and concealed by a fence or wall. Vegetation may be used in place of or in conjunction with a fence or wall, provided that the outdoor storage is not visible from adjacent public areas.

(2) Outdoor storage shall not be allowed within any required landscaped area, nor within the required setback from a street.

(3) In the event that it is not possible to prevent viewing of the outdoor storage from adjoining land or public rights-of-way, such outdoor storage may be prohibited.

(Ord. 1--05 Art. 4)

Sec. 16-22B-40. - Temporary outdoor storage.

(a) Location on single-family residential properties. Placement of temporary storage units on single-family residential properties requires a Temporary Use Permit and shall meet all of the following provisions:

(1) The unit shall not be placed on the street or sidewalk.

(2) The unit may be placed on a property for a period not to exceed thirty (30) consecutive days in a calendar year, unless in association with ongoing construction activities carried out pursuant to a valid building permit, or for extraordinary circumstances, as determined by the Director.

(b) Location on multi-family residential property. Placement of temporary storage units on multi-family residential property requires a Temporary Use Permit and shall meet all of the following provisions:

(1) The unit shall not be placed within any drive aisle, public right-of-way or sidewalk.

(2) The unit may be placed on a property for a period not to exceed thirty (30) consecutive days in a calendar year, unless in association with ongoing construction activities carried out pursuant to a valid building permit, or for extraordinary circumstances, as determined by the Director.

(c) Location on nonresidential properties. Placement of temporary storage units on nonresidential properties requires a Temporary Use Permit and shall meet all of the following provisions:

(1) The unit shall be placed behind buildings, in a loading dock or service area or in an area least visible from the street.

(2) The unit shall not be placed within any drive aisle, public right-of-way or sidewalk.

(3) The unit may be placed on a property for no more than a total of ninety (90) days over a twelve-month period, unless in association with ongoing construction activities carried out pursuant to a valid building permit, or for extraordinary circumstances, as determined by the Director.

(d) At the discretion of the Director, the unit may be placed in an alternative location, provided that the alternative location does not create an unsafe condition.

(e) Storage of hazardous materials within temporary storage units is prohibited.

(Ord. 11-05 Art. 4)

ARTICLE XXIII-- Home Occupation

Sec. 16-23-10. - Intent.

The purpose of this Article is to provide for the operation of limited commercial activities within residential zoning districts. The standards for home occupations herein are intended to ensure compatibility with the residential character of the neighborhood and its permitted uses.

(Ord. 02-01 §2301; Ord. 04-17 §1– Ord. 05-13 §2301)
(Ord. 02-01 §2302– Ord. 05-13 §2302)

Sec. 16-23-20. - Home occupation; criteria.

Home occupations shall constitute permitted accessory uses if they are clearly secondary and incidental in relation to the residential use of the primary building. Uses such as motor vehicle repair and/or body shops, medical clinics, hospitals, bed and breakfast establishments, animal clinics/hospitals, retail businesses or any similar uses generating more than occasional or minimal vehicular traffic are not considered home occupations.

A home occupation shall be allowed as a permitted use, in residential provided that:

- (1) Such use shall be conducted only within the principal dwelling. The use of detached accessory structures shall not be allowed for home occupations.
- (2) Such use shall be conducted only by the occupants thereof, plus not more than one (1) nonresident employee.
- (3) Such use shall be clearly incidental and secondary to the use of the residence as a dwelling and shall not change the character thereof.
- (4) The total area used for such purpose shall not exceed fifty percent (50%) of the first-floor area of the principal dwelling.
- (5) There shall be no exterior advertising of the home occupation.
- (6) There shall be only limited and incidental sale of products made by the residents and conducted on the site.
- (7) There shall be no outside storage on the premises of materials or equipment used in connection with the home occupation.
- (8) There shall be no excessive or offensive noise, vibration, smoke, dust, odors, heat, glare or light noticeable or extending beyond the lot.
- (9) Traffic shall not be generated which significantly affects the residential character of an area.
- (10) Such use shall comply with all applicable development guides, building codes, fire codes, health regulations, and any other applicable local, state or federal regulations. The permissions granted or implied by this Article shall not be construed as an exemption from such regulation.

(Ord. 02-01 §23–3; Ord. 05-13 §2303)

ARTICLE XXIV - Reserved

ARTICLE XXV - Rezoning

Sec. 16-25-10. - Intent.

The purpose of this Article is to provide a process to amend the City Zoning Map with regard to the area of any zoning district. During this process, factors such as lessening road congestion; ensuring the adequacy of public facilities to accommodate population growth; reducing the waste of excessive amounts of roads; promoting energy conservation; securing safety from fire, flood and other dangers; providing adequate light and air; classifying land uses and distributing land use and development; protecting the tax base; securing economy in governmental expenditures; fostering agriculture and other industries; and protecting urban, nonurban and rural development shall be considered.

(Ord. 02-01 §2501; Ord. 04-17 §1; Ord. 05-13 §2501)

Sec. 16-25-20. - Standards for approval.

The following criteria shall be considered by the Planning Commission and City Council in the review of all rezoning applications:

- (1) Whether the application is in compliance with the requirements of this Article and the Comprehensive Plan;
- (2) Whether the application is in compliance with all applicable statutory provisions;
- (3) Whether there has been a substantial change in the character or economic conditions of the neighborhood;
- (4) Whether the rezoning would adversely impact the provision of public facilities and services;
- (5) Whether the proposed rezoning is compatible with the surrounding land uses;
- (6) Whether the subject land is suitable for the intended use; and
- (7) Whether the intended land use would create traffic congestion or burden the existing roadway network.

(Ord. 02-01 §2502; Ord. 04-17 §1; Ord. 05-13 §2502)

Sec. 16-25-30. - Step One - preapplication review; prerequisite.

The applicant shall meet with staff to discuss the procedures and submittal requirements for Step One, a preapplication review by staff and other pertinent agencies.

(Ord. 02-01 §2503; Ord. 05-13 §2503)

Sec. 16-25-40. - Step One - preapplication review; submittal process.

- (a) The applicant shall submit the required submittal information to the Community Development Department. An incomplete submittal shall not be processed.
- (b) The Director shall review the submittal information and provide a formal administrative analysis of the proposed rezoning to the applicant that identifies issues associated with the

proposed rezoning, referral agencies to be contacted when the rezoning application is submitted, additional submittal requirements and the formal rezoning process.

(c) The applicant may request that the Planning Commission review the proposal. Any action taken by the Planning Commission shall not be interpreted as a formal action but is advisory only.

(Ord. 02-01 §2504; Ord. 05-13 §2504)

Sec. 16-25-50. - Step One - preapplication review; submittal requirements.

The applicant shall submit:

- (1) Completed land use application form (available in the Planning Department);
- (2) Preapplication fee (fee schedule is available in the Planning Department);
- (3) Project summary (per Section 16-25-60 below); and
- (4) Plan exhibit (three [3] copies of the plan per Section 16-25-70 below).

(Ord. 02-01 §2505; Ord. 04-17 §1; Ord. 05-13 §2505)

Sec. 16-25-60. - Project summary.

The project summary shall be in a narrative form completely addressing the following:

- (1) General project concept.
- (2) The name and address of:
 - a. Landowner/applicant;
 - b. Representative, if applicable;
 - c. Mineral rights owner; and
 - d. Water rights owner.
- (3) Purpose of the request.
- (4) Proposed development staging and time frame.
- (5) Relation to the existing land uses and abutting land uses.
- (6) Impacts on City services.
- (7) Source of water and method of wastewater treatment.
- (8) Type or method of fire protection.
- (9) Description of any natural or man-made hazards.
- (10) Impacts on existing flora and fauna.
- (11) Compliance with the following:
 - a. The Comprehensive Plan; and
 - b. Denver Regional Council of Government's standards or policies for water quality, transportation, air quality, etc.
- (12) Changes in the character of the neighborhood, since the land was last zoned, to substantiate a rezoning.

(Ord. 02-01 §2506; Ord. 04-17 §1; Ord. 05-13 §2506)

Sec. 16-25-70. - Plan exhibit.

Requirements for the plan exhibit are as follows:

- (1) The plan shall be prepared on 24" x 36" paper at a scale of 1" = 100', 1" = 200' or another scale approved by the Director that allows for maximum clarity of the proposal, with the name of the proposal placed at the top of the sheet along the long dimension of each sheet.
- (2) The legal description of the land must be shown on the plan exhibit.
- (3) A vicinity map shall be provided that depicts the area to be rezoned and the area which surrounds this site within a one-mile radius superimposed on the City Zoning Map maintaining the same scale.
- (4) A block in the lower right-hand corner shall include the following: the preparation date; a north arrow designated as true north; a written and graphic scale; the names and addresses of the applicant, developer, engineer or surveyor who prepared the exhibit; and the number of the sheet and the total number of sheets.
- (5) Existing zoning of the land on the plan exhibit and the existing zoning and land uses of the abutting land shall be indicated.
- (6) The existing easements on the site shall be delineated to scale, together with their use and titleholder or right holder to that easement.
- (7) All existing structures on the site shall be shown, together with their uses and whether they are to remain on the site.
- (8) Public access to the site and internal circulation, not limited to vehicular, shall be shown.
- (9) Right-of-way dimensions, name and surface materials shall be delineated for all points of access on or adjacent to the site shall be delineated.
- (10) Topography at ten-foot contour intervals shall be shown and areas of twenty percent (20%) or greater slope shall be delineated. The staff planner may request that other significant topographic conditions be depicted at greater or lesser intervals, where appropriate.
- (11) All natural and man-made watercourses, retention areas, streams and lakes and the one-hundred-year floodplains affecting the site shall be graphically defined.
- (12) All adjacent land owned by the applicant and the current or intended use of such land shall be shown; land not part of the rezoning request shall be noted as such.
- (13) Any unique features on the site, historical landforms, views, etcetera, shall be noted.

(Ord. 02-01 §2507; Ord. 04-17 §1; Ord. 05-13 §2507)

Sec. 16-25-80. - Step Two - rezoning; submittal process.

- (a) The rezoning application shall be submitted and considered only after the preapplication review (Step One) has been completed by the Community Development Department and a copy provided to the applicant. The submittal and decision process shall be the same as set forth in Section 16-15-50 for Planned Developments. The applicant shall be responsible for public notice as provided in Section 16-25-100 below.
- (b) Upon approval, an ordinance shall be adopted by the City Council which includes the full legal description of the land rezoned and which shall be recorded in the County Clerk and Recorder's office.
- (c) If denied by the City Council, the submittal of a new application and processing fee shall be required in order to pursue the proposed rezoning. A resubmittal of a rezoning request for the same or substantially same request, as determined by the Director, shall not be acceptable within

one (1) year of such denial. The applicant may appeal the decision of the Director, in writing, to the City Council within ten (10) business days from the date of the decision.

(Ord. 02-01 §2508; Ord. 05-13 §2508)

Sec. 16-25-90. - Step Two - rezoning; submittal requirements.

The applicant shall submit the following. Those documents that were submitted pursuant to Section 16-25-50 above may be resubmitted in the same form or as modified after review by the Community Development Department.

- (1) A completed application form (available from the Community Development Department).
- (2) Application fee (fee schedule is available from the Community Development Department).
- (3) Proof of ownership, which may be an updated or current title insurance policy or title commitment no more than thirty (30) days old from the date of application.
- (4) Project summary (per Section 16-25-60 above).
- (5) Plan exhibit (per Section 16-25-70 above).
- (6) A copy of the formal Community Development Department analysis from the preapplication review and any additional information as requested by the Director.

(Ord. 02-01 §2509; Ord. 05-13 §2509)

Sec. 16-25-100. - Public notice requirements; rezoning.

The applicant shall be responsible for public notification. In calculating the time period for public notification, the day of publishing, posting, or mailing shall be counted toward the total number of days required. The day of the hearing shall not be counted toward this total.

(1) Mailed notice. At least fifteen (15) days prior to the Planning Commission hearing, and again fifteen (15) days prior to the City Council hearing, as specified in this Section (with reference to Section 16-15-60), the applicant shall mail a written notice of said hearing by first class mail to all adjoining landowners, mineral rights owners, and to homeowners' associations which have authority over property located within two hundred (200) feet of the land proposed for rezoning, to the mineral rights owners and lessees and to easement holders. The mailed notice shall include:

- a. A short description of the proposed rezoning in narrative form;
- b. A site plan depicting the land proposed for rezoning; and
- c. A vicinity map showing the land to be rezoned and the area surrounding this land within a one-mile radius.

An alphabetical list of the mineral rights owners and landowners and an affidavit of mailing shall be provided by the applicant to the Community Development Department at least five (5) business days prior to the hearing.

(2) Published notice. At least fifteen (15) days prior to the Planning Commission hearing and fifteen (15) days prior to the City Council hearing, the applicant shall:

- a. Publish a notice in the Official Publication; and
- b. Provide a publisher's affidavit of said published notice to the Community Development Department at least five (5) business days prior to the public hearing.

The City Council may direct that the notice be published in one (1) or more additional newspapers of general circulation in the City. The notice shall read:

NOTICE OF PUBLIC HEARING BEFORE THE
(PLANNING COMMISSION OR CITY
COUNCIL) OF THE CITY OF LONE TREE

A public hearing will be held on (day of week) , (date) , at (time) , or soon thereafter, in the City Council Hearing Room, 8527 Lone Tree Pkwy., City of Lone Tree, CO 80124, [or other designated place, if applicable] for a change in zoning from (zone district) to (zone district) . The subject property is located approximately (distance and direction from nearest major intersection). For more information, call the Community Development Department [list the phone number provided by the City].

File Name and Number: _____

Legal Description: _____

Application Date: _____

Published in (newspaper) (date)

(3) Posted notice. At least fifteen (15) days prior to the Planning Commission hearing and fifteen (15) days prior to the City Council hearing, the applicant shall post a notice on the land under consideration. The notice shall consist of at least one (1) sign facing each abutting right-of-way, within ten (10) feet of the property line abutting the right-of-way, visible from the right-of-way, placed on posts at least four (4) feet above ground level. Additional signs may be required by the staff planner. Each sign shall measure not less than three (3) feet by four (4) feet. Letter size shall be a minimum of three (3) inches high. The notices shall read:

NOTICE OF PUBLIC HEARING BEFORE
THE (PLANNING COMMISSION OR CITY
COUNCIL) OF THE CITY OF LONE TREE

This land shall be considered for a change in zoning from (zone district) to (zone district) . For more information, call the Community Development Department [list the phone number provided by the City]. The public hearing is (date) , in the City Council Hearing Room, 8527 Lone Tree Pkwy., City of Lone Tree, CO 80124, [or other designated place, if applicable] at (time) , or soon thereafter.

File Name and Number: _____

Hearing Date: _____

Further requirements include:

a. An affidavit of sign posting shall be submitted for the file in the Community Development Department at least five (5) business days prior to the hearings. The signs shall be photographed by the applicant and attached to the affidavit as follows:

(attach photo here)

I, (applicant/representative) , attest that the above sign was posted on (date), at (location), pursuant to Chapter 16 of the Lone Tree Municipal Code.

(signature)

(applicant/representative)

File Name and Number: _____
Signed and sworn before me this date: ____
NOTARIZED BY: _____

b. The sign shall be removed by the applicant within two (2) weeks following the final decision by the City Council.

(Ord. 02-01 §2510; Ord. 04-17 §1; Ord. 05-13 §2510)

Sec. 16-25-110. - Withdrawal of application.

The applicant may withdraw an application at any time during the process upon submittal of a notarized, written request to the Community Development Department. Preapplication fees will not be refunded, and rezoning fees will be refunded only when the withdrawal request is submitted prior to the mailing of referral packets.

(Ord. 02-01 §2511; Ord. 05-13 §2511)

Sec. 16-25-120. - Inactive files.

Files that are inactive shall become void if the applicant is required to submit additional information or request a hearing date and has failed to do so for a period of more than six (6) months. The resubmittal of a new application and fees shall be required to pursue the rezoning request. The Director may grant no more than two (2) extensions of time, of no more than six (6) months, upon a written request by the applicant. After five (5) months, the staff planner shall notify the applicant in writing that the application will become void within thirty (30) days. After thirty (30) days, provided that the applicant has not submitted the required additional information or requested a hearing date, the staff planner shall notify the applicant in writing that the application is void.

(Ord. 02-01 §2512; Ord. 05-13 §2512)

Sec. 16-25-130. - City-initiated rezoning.

The City Council may, at any time, direct the Community Development Department to initiate rezoning for any parcel or parcels of land within the incorporated area of the City. When rezoning is initiated by the City Council, the owners of record and contract purchaser, when applicable, shall be notified by certified mail of the intended zoning change, unless the rezoning is based upon a City-wide, comprehensive rezoning program. In regard to City-wide comprehensive rezonings, all applicable procedures as to publishing and public hearing shall be followed.

(Ord. 02-01 §2513; Ord. 05-13 §2513)

ARTICLE XXVI - Variance and Appeal Standards and Procedures

Sec. 16-26-10. - Intent.

The purpose of this Article is to provide a process and criteria for varying from certain provisions of this Chapter so as to afford a measure of flexibility in the standards, while ensuring that development is sensitive to the natural and built environment and to existing and future residents, and to support or advance community goals and policies.

(Ord. 14-06 Art. 4)

Sec. 16-26-20. - Variance limitations.

- (a) Variances shall be limited to the following:
 - (1) Variance to minimum area of a lot.
 - (2) Variance to maximum height of structures or fences.
 - (3) Variance to minimum setbacks.
 - (4) Reduction in minimum off-street parking requirements.
 - (5) Standards identified in the City's Design Guidelines and Standards or Sub-Area Plans.
 - (6) Increase in minimum off-street parking requirements exceeding a 10% increase per Section 16-28-70.
- (b) A variance for the following shall be strictly prohibited:
 - (1) A use variance to permit a use other than those listed in a specific zoning district.
 - (2) A variance to the sign permit standards.
 - (3) A variance authorizing a violation of this Chapter or any duly adopted ordinance of the City.

(Ord. 14-06 Art. 4)

Sec. 16-26-30. - Variance; approval criteria.

No variance shall be granted unless each of the following criteria in subsections (a) and (b) are met:

- (a) A variance may be granted only where it can be demonstrated that such:
 - (1) Is sensitive to and compatible with adjoining existing and planned land uses;
 - (2) Will not adversely impact the natural environment through unwarranted or undesirable grading, altering of drainages or vegetation removal;
 - (3) Maintains a desirable balance with the overall bulk and massing of building architecture; and
 - (4) Promotes other community goals as set forth in the City's Comprehensive Plan, such as a well-planned, high-quality and, where appropriate, compact development.
- (b) A variance may be granted, provided that no substantial detriment to the public health, safety and welfare is created, that the intent and purpose of this Chapter is not impaired and that no active zoning violations exist on the site, unless such violations have been otherwise approved by the Director.

(Ord. 14-06 Art. 4)

Sec. 16-26-40. – Variance submittal requirements.

The applicant shall submit the following to the Community Development Department:

- (1) A completed application form.
- (2) Proof of ownership (or letter of authorization) for the land which is the subject of the variance.
- (3) Application fee (fee schedule available from the Community Development Department).
- (4) A site plan, when applicable, indicating how the variance relates to the affected land drawn to scale, including the height and setbacks of all existing and proposed structures and any other information requested by the Community Development Director.
- (5) An explanation in narrative form explaining the variance request and how such a variance will meet the approval criteria provide in Section 16-26-30.

Variance requests submitted concurrently with an SIP application do not need to submit a separate site plan or proof of ownership.

Sec. 16-26-50. - Administrative variance.

The Director may grant up to a twenty-five-percent adjustment in the bulk standards listed in Subsection 16-26-20(a)(1-4) in accordance with the approval criteria listed in Section 16-26-30. The applicant shall submit the variance request to the Community Development Department, per the submittal requirements provided in Sec. 16-26-40. The applicant shall provide written notice to mineral rights owners and abutting landowners affected by the request to include a statement that the Director may act upon the variance request after ten (10) days elapses from the date of the notice. Such written notice shall be sent by certified mail, return receipt requested, at' least fifteen (15) days prior to the Director's consideration of such request. As an alternative to written notice, the applicant may submit signed statements from each of the abutting landowners and any affected mineral rights owners stating that they were notified of the variance request with the application. A decision by the Director to deny such variance may be appealed to the Board of Adjustment and Appeals in accordance with the procedure in Section 16-26-80 below. A written appeal shall be submitted by the applicant to the Community Development Department within ten (10) business days of such denial. The Director reserves the right to refer any variance request associated with a Site Improvement Plan application to the City Council.

(Ord. 14-06 Art. 4)

Sec. 16-26-60. - Variance requests heard by City Council.

The City Council is authorized to grant variances submitted in conjunction with consideration of a Site Improvement Plan to the regulations of this Chapter. The City Council may grant a variance provided the variance conforms to the approval criteria in Sec. 16-26-30 of this Chapter or, in cases where Sub-area Plans provide variances and/or variations processes and criteria, then the sub-area plan process and criteria shall apply.

Sec. 16-26-70. Variance requests not in conjunction with an SIP shall be heard by the Board of Adjustment and Appeals.

The Board of Adjustment and Appeals may authorize variances from the bulk standards of this Chapter subject to terms and conditions fixed by the Board.

- (a) The submittal shall be reviewed for completeness and the applicant notified of any inadequacies. An incomplete submittal shall not be processed. Variance requests submitted as stand-alone applications shall adhere to the public noticing requirements outlined in Sec. 16-26-60.
- (b) Once the submittal is determined to be complete, staff shall submit the application to the appropriate referral agencies, schedule the variance or appeal before the City Council or Board of Adjustment and Appeals, as appropriate, and notify the applicant of the date and time of the public hearing.
- (c) The applicant shall post notice on the property per Sec. 16-26-90 and the City will notify the abutting landowners and mineral rights owners in accordance with the public notice requirements in Sec. 16-26-90 below. All posting and noticing fees shall be billed to the applicant, per the City's adopted fee schedule.
- (d) The City Council or Board of Adjustment and Appeals shall evaluate the application, referral agency comments, staff report and public testimony, and shall approve, conditionally approve, table for further study or deny the appeal or variance.
- (e) The concurring vote of four (4) members of the City Council or Board of Adjustment and Appeals shall be necessary to approve a variance. The Council's or Board's determination shall be based on the evidence presented and compliance with the applicable criteria.

Sec. 16-26-80. - Appeals to Board of Adjustment and Appeals.

- (a) Appeal. An appeal may be taken to the Board of Adjustment and Appeals by any person aggrieved by an inability to obtain a building permit or by an administrative decision of any official based upon or made in the course of the administration or enforcement of the provisions of this Chapter or Chapter 18 of this Code.
- (b) Vote required. The concurring vote of four (4) members of the Board of Adjustment and Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on a variance request.
- (c) Preapplication review for variance or appeal. The applicant shall discuss the variance or appeal informally with staff to discuss the procedures and submittal requirements.
- (d) Submittal requirements. The applicant shall submit the following to the Community Development Department:
 - (1) A completed application form.
 - (2) Proof of ownership of the land which is the subject of the variance or appeal.
 - (3) Application fee (fee schedule available from the Community Development Department).
 - (4) A site plan, when applicable, indicating how the variance relates to the affected land drawn to scale, including the height and setbacks of all existing and proposed structures and any other information requested by the Community Development Director.
 - (5) An explanation in narrative form explaining the variance or appeal and how it meets the approval criteria in Section 16-26-30 herein.

(Ord. 14-06 Art. 4)

Sec. 16-26-90. - Public notice requirements.

(a) Mailed notice. At least fifteen (15) days prior to the City Council or Board of Adjustment and Appeals hearing, the City shall send a written notice of said hearing by first class mail to all mineral rights owners, adjoining landowners, mineral rights owners, and to homeowners' associations which have authority over property located within two hundred (200) feet of the land under consideration. The notice shall include:

- (1) An explanation of the variance in narrative form;
- (2) A vicinity map;
- (3) A site plan (when applicable); and

Information on where to find additional project details and how to provide comments on the project.

(b) Public notice. At least fifteen (15) days prior to the scheduled City Council or Board of Adjustment and Appeals hearing for the variance application or appeal, the City shall publish a notice in the Official Publication. The notice shall read:

BEFORE THE CITY COUNCIL/BOARD OF ADJUSTMENT AND APPEALS

A public hearing will be held on (day of week) , (date) , at (time) , or soon thereafter, at the Lone Tree Civic Center, 8527 Lone Tree Pkwy, City of Lone Tree, CO 80124, [or other designated place] for (a variance/appeal) pursuant to Chapter 16 of the Lone Tree Municipal Code to allow for a change in _____. The subject property is located approximately (distance and direction from nearest major intersection). For more information, call the Community Development Department at [list the telephone number].

File Name and Number: _____

Published in (newspaper) (date)

(c) Posted notice. At least fifteen (15) days prior to the City Council or Board of Adjustment and Appeals hearing, the applicant shall post a notice on the land under consideration. The sign posting shall consist of at least one (1) sign facing each abutting right-of-way, within ten (10) feet of the lot line abutting the right-of-way, visible from the right-of-way, placed on posts at least four (4) feet above ground level. Each sign shall measure not less than three (3) feet by four (4) feet. Letter size shall be a minimum of three (3) inches high. The notice shall read:

NOTICE OF PUBLIC HEARING BEFORE THE CITY COUNCIL/BOARD OF ADJUSTMENT AND APPEALS

This land shall be considered for (a variance/appeal) pursuant to Chapter 16 of the Lone Tree Municipal Code to allow for a change in _____. For more information, call the Community Development Department, [list the phone number provided by the City]. The public hearing is (date), in the City Council Hearing Room, 8527 Lone Tree Pkwy., City of Lone Tree, CO 80124 [or other designated place, if applicable] at (time).

Name of Proposal: ____

File Number: _____ Hearing Date: _____

(d) Additional public notice may be required by the Director.

(e) The sign(s) shall be removed by the applicant within two (2) weeks following the final decision by the Board of Adjustment and Appeals.

(Ord. 14-06 Art. 4)
(Ord. 14-06 Art. 4)

Sec. 16-26-100. - Post-approval action.

Construction pursuant to approval of a variance or an appeal shall be completed within eighteen (18) months from the date the variance/appeal was granted, unless otherwise specified by the reviewing authority as provided herein. An extension of time may be granted by the reviewing authority as provided herein for good cause shown, upon a written request by the applicant.

(Ord. 14-06 Art. 4)

Sec. 16-26-110. - Post-denial action.

If denied by the Board of Adjustment and Appeals or City Council, a resubmittal of the same or substantially same variance or appeal application shall not be accepted by the City for consideration within one (1) year from the date of denial by the Board or Council. However, if evidence is presented to the Board of Adjustment and Appeals showing there has been a substantial change in physical conditions or circumstances associated with the variance request, the Board may reconsider the variance. A new application and processing fee shall be required.

(Ord. 14-06 Art. 4)
(Ord. 14-06 Art. 4)

ARTICLE XXVII - Site Improvement Plan (SIP)

Sec. 16-27-10. - Intent.

The intent of this Site Improvement Plan (SIP) Article is to ensure compliance with the development and design standards and provisions of this Chapter through a development review and approval process to create a well-designed community that enhances the quality of life for citizens in keeping with the vision expressed in the City's Comprehensive Plan.

(Ord. 11-05 Art. 4)

Sec. 16-27-20. - Applicability.

Approval of an SIP is required prior to any construction of new buildings and related site improvements, to include, but not be limited to, park development, public facilities, or structures and site improvements associated with public utilities. Approval of an amended SIP may be required for exterior modifications to existing buildings and site improvements, and changes in use as provided in Sec. 16-27-180. SIPs are not required for single-family detached development.

Sec. 16-27-30. - Application of Design Guidelines and Standards.

The City Council has adopted by reference Design Guidelines and Standards for Architecture and Site Planning and Design Guidelines and Standards for Landscaping to implement the intent of this Article, and to facilitate the preparation of SIP applications. Copies of both Design Guidelines and Standards are available online at the City's website, or from the Community Development Department. Such Design Guidelines and Standards may be amended or replaced and/or additional Design Guidelines and Standards adopted by resolution of the City Council. The Director and/or Planning Commission may provide a recommendation with respect to proposed additions, amendments or replacement of Design Guidelines and Standards.

Sec. 16-27-40. - Review process.

The following steps identify the complete review process for SIP applications. All new SIP applications must follow this process. Depending on the scale and scope of SIP amendments, not all SIP amendment applications will require review by the Planning Commission, and/or approval by City Council; please consult Sec. 16-27-180 for additional information regarding classification of SIP amendments and associated review processes.

- (1) Presubmittal Meeting: Intended to assist the applicant in preparing a formal SIP application.
 - a. Prior to submittal of the SIP, the applicant shall meet with the Community Development Department staff and other staff and entities, as determined by the Community Development Director or designee, to discuss the procedures, submittal requirements and criteria of approval.
 - b. The applicant shall submit a concept plan of the building and site, and a brief narrative explaining the proposal at least seven (7) business days prior to the Presubmittal Meeting.
 - c. A fee is required for the Presubmittal Meeting. Depending on the scope of the development, additional Presubmittal meetings may be required; each additional pre-submittal meeting may incur a separate fee, as determined by the Community Development Director.
 - d. Applicants are advised that some areas within the City require project review and approval by private design review committees prior to scheduling Presubmittal meetings with the City. Applicants should consult the Community Development Department for assistance in determining if such requirements apply to their development site.
 - e. If an applicant fails to submit an SIP application within one hundred eighty (180) days of the Presubmittal Meeting, a new Presubmittal Meeting application and fees shall be required. The Community Development Director may grant no more than one (1) extension of time, of no more than one hundred eighty (180) days, upon a written request by the applicant for good cause shown.
- (2) Completeness Review: Intended to ensure the application is complete prior to staff review.

- a. The applicant shall submit to the Community Development Department the application and all information and fees in accordance with the submittal requirements in Section 16-27-80 of this Article.
 - b. Within seven (7) days of receipt of an application, the City shall notify the applicant of any missing or incomplete information. An incomplete application may not be processed. Depending on the scale and scope of an SIP, additional materials may be requested by the Community Development Department and/or Public Works Department after the initial review for application completeness and during the technical review and/or referral processes.
- (3) Technical Review: Intended to ensure an application has met all general requirements of City Code, Standards and applicable plans prior to an application being released on public referral; this promotes efficiency and minimizes the number of referrals that may be required for an application.
- a. Once an application is determined to be complete, the applicant will be notified to submit print copies of the SIP and other materials, as may be required. Staff will then conduct a technical review of the complete SIP application and all supporting materials.
 - b. Technical comments from the Planning and Engineering Divisions shall be provided to the applicant within twenty-one (21) days of plan submission for technical review. Such comments will note which technical review items must be addressed in order to proceed to the referral review process.
- (4) Referral review. Intended to ensure an application meets all minimum requirements of utility companies, service districts and other applicable external agencies prior to the application being presented to Planning Commission and/or City Council for recommendation or approval.
- a. Following resubmittal of the application addressing staff's technical review comments, and when staff has determined the submittal to be complete and in general conformance with City Code, Design Standards and applicable plans, the applicant will be notified to submit an electronic file of all application materials. Staff will distribute the application materials to referral agencies.
 - b. The referral period shall be thirty-five (35) days; however, such period may be reduced to no less than twenty-one (21) days by the Community Development Director based on the scale or complexity of the project.
 - c. Staff will provide the applicant with referral responses received from referral agencies and/or the general public and will note which critical comments must be addressed in order to proceed to the public hearing process. The applicant is encouraged to meet with the Community Development Department and/or Public Works Department, referral agencies and other interested parties to address the referral concerns prior to the end of the referral period. The applicant is required to pay any review fees that may be assessed by referral agencies. All referral comments will be provided to the Planning Commission and City Council as part of the application packet.

(5) Notification to Adjacent Property Owners. Ensures timely notice to adjacent landowners and mineral rights owners.

- a. For all SIP applications requiring approval by Planning Commission or City Council, the applicant shall provide a vicinity map of the property and a list of the mineral rights owners, adjacent property owners and other surrounding property owners as required by the Community Development Department.
- b. The Community Development Department shall notify mineral rights owners and adjacent landowners of the application via U.S. mail or electronic mail; the applicant shall be responsible for payment of associated mailing fees in accordance with the City's published fee schedule.
- c. The Community Development Department will provide a printed project notice to the applicant. It is the applicant's responsibility to post the notice on the project site in a publicly visible location for the duration of the application period (until final approval from the City is received). The applicant shall be responsible for payment of associated printing fees, as determined by the City's published fee schedule.

(6) Planning Commission Review.

- a. Following submittal of the revised SIP based on staff and referral comments, staff shall review the revised SIP to ensure it adequately addresses all critical referral comments. Once the revised SIP is found to address all critical referral comments, staff will schedule a public hearing before the Planning Commission, providing notice of such hearing to the applicant and to the public via posting on the City's website at least seven (7) days in advance of such public hearing. Staff will prepare a staff report for consideration by the Planning Commission. The report shall include staff findings and a recommendation for SIP approval, approval with conditions, or denial, based upon conformance with the criteria of approval in Section 16-27-70.
- b. The applicant may be required to submit printed and bound copies of the SIP or colored renderings on 11" x 17" sheets and other material as determined by the Community Development Department for the Planning Commission review. The applicant is responsible for preparing a visual presentation for Planning Commission and for ensuring a representative will attend the Planning Commission hearing to provide such presentation. Failure to attend the Planning Commission hearing may result in the application being tabled for review at a later date.
- c. The Planning Commission shall evaluate the application, referral comments, staff report and hearing testimony and make a recommendation to the City Council to approve, approve with conditions, or deny the SIP. The Planning Commission may also continue the hearing to a date certain for further study. The Planning Commission's decision shall be based on the evidence presented and compliance with the criteria of approval. In the case of certain Minor SIP Amendments, as described in Section 16-27-180, the Planning Commission is the decision-making entity.

(7) City Council review.

- a. Following the recommendation by the Planning Commission, the Community Development Department will schedule the SIP for a public hearing before the City Council and notify the applicant of the public hearing date and time. The City Council may, at its discretion at a public hearing, set a City Council public hearing date for City Council consideration of an SIP application which has been continued by the Planning Commission, with or without Planning Commission recommendation.
- b. The applicant may be required to submit printed and bound copies of the SIP or colored renderings on 11" x 17" sheets and other material as determined by the Community Development Department for the City Council. review. The applicant is responsible for preparing a visual presentation for City Council and for ensuring a representative will attend the City Council hearing to provide such presentation. Failure to attend the City Council hearing may result in the application being tabled for review at a later date.
- c. The Council shall evaluate the SIP, referral agency comments, staff report, the Planning Commission recommendation and public testimony and shall approve, conditionally approve, table for further study, remand to the Planning Commission, or deny the SIP. The Council's decision shall be based on the evidence presented and a finding of compliance or noncompliance with the criteria of approval. Any decision of denial shall be in writing and, if the applicant is not present when such decision is rendered, the City shall provide notice of such decision to the applicant via first class mail, electronic mail, or hand delivery within ten (10) business days of such decision.
- d. If denied by the Council, a resubmittal of the SIP for the same or substantially same request, as determined by the Director, shall not be accepted within one (1) year of such denial.
- e. If approved by Council, the SIP shall be recorded in accordance with Section 16-27-100.

(8) Review of building permit applications concurrent with SIP review.

- a. A building permit may be issued only after an SIP and all required documentation has been approved and recorded by the City. However, with the approval of the Community Development Director, an applicant may submit a building permit application to the Building Division for review concurrent with the SIP application. Building permits shall not be issued for any development that is not in conformance with the approved SIP. Approval of construction drawings and permits by the Director of Public Works or their designee and by any relevant service providers, e.g., utilities or special districts, shall be required prior to issuance of building permits.

Sec. 16-27-50. - Conditions of Approval.

In order to mitigate potential negative impacts from development, the City may impose conditions of approval on an SIP including but not limited to hours of operation, deliveries, trash pickup, and/or parking lot and street sweeping restrictions. Such restrictions shall be imposed based on evaluation of the magnitude and frequency of the permitted use as it relates to impacts

on traffic, parking, noise, light, dust, odor, vibrations or similar forms of pollution or public nuisances.

Sec. 16-27-60. - Variances.

The City Council is authorized to grant variances to the regulations of this Chapter, the Design Guidelines and Standards, or Sub-Area Plans as part of the SIP process, provided that the variance conforms to the approval criteria in Section 16-26-70 of this Chapter.

(Ord. 11-05 Art. 4)

Sec. 16-27-70. Approval Criteria.

A site improvement plan shall be reviewed for compliance with each of the following criteria:

- (1) The SIP is in substantial conformance with and furthers or implements the following plans, standards and guidelines:
 - a. The Comprehensive Plan;
 - b. The Design Guidelines and Standards; and
 - c. Any applicable site-specific plans, including but not limited to, Planned Development District, Sub-Area and/or Framework Plans.
- (2) Approval of the SIP is consistent with the intent of this Chapter.
- (3) The SIP shall be in conformance with the applicable sections of this Chapter; Planned Development zoning as applicable; Roadway Grading, Drainage and Erosion Control Standards; and other requirements as applicable.
- (4) The SIP is consistent with previously approved plats, Planned Developments, and other land use approvals affecting the subject property.
- (5) The proposed development mitigates or offsets to the maximum extent practicable any adverse impacts reasonably anticipated to result from the use.
- (6) The site of the proposed development does not have any active zoning violations under this Chapter, unless otherwise approved by the Director for good cause shown.

Sec. 16-27-80. – General submittal requirements.

Unless otherwise specified, all application materials shall be submitted to the Community Development Department electronically in a portable electronic format (pdf) on forms approved by the Community Development Department. An application package is available from the Department outlining the complete list of submittal materials, specifying submittal format and details. Additional SIP exhibit specifications and criteria available on the City's webpage are

herein incorporated into the SIP application requirements; it shall be the applicant's responsibility to ensure the SIP application conforms with the exhibit requirements specified by the City.

The SIP shall include the following components, unless the Community Development Director waives one or more requirements determined to be unnecessary for the review of the application due to site circumstances, or the scale or nature of the application. Incomplete applications shall not be accepted for processing.

- a. A Community Development application form.
- b. An Engineering application form.
- c. Planning and Engineering Division application fee(s) in accordance with the City's adopted fee schedule.
- d. A Project Description, to include a Statement of Design Intent and a Sustainability Statement.
- e. A fully detailed SIP plan set prepared in accordance with generally accepted professional standards; the set shall include plans for grading, utilities, irrigation, landscaping, lighting, drainage, site amenities/furnishings, traffic and pedestrian access and connectivity, and building elevations and renderings. The SIP shall include standard notes, certifications, notices and signature blocks as approved by the Community Development Department and City Attorney.

Bound plan sets on 24" x 36" paper may be required by Community Development Department staff. Prior to public hearings, staff will inform the applicant of additional bound plan sets that may be required on 11"x17" paper, to be provided by the applicant to the Community Development Department for Planning Commission and City Council review.
- f. A notarized Letter of Authorization from the landowner indicating proof of ownership and authorization for a representative to process the application (when the landowner and applicant are different).
- g. A Treasurer's certificate of taxes paid.
- h. An electronic file of the recorded final plat which shows the lots on which the SIP is proposed; or for unplatted land, a certified boundary survey of the site prepared by, or under the supervision of, a registered professional land surveyor licensed within the State of Colorado.
- i. Identification and documentation of covenants or other private agreements and encumbrances affecting the subject property.
- j. Dedications of land or cash in lieu of such dedication may be required as provided in Chapter 17, Article IX of this Code.
- k. A product sample board reflecting all exterior building materials and colors, including glazing and mullions.

- l. Manufacturer's specifications (including color) for any fencing, retaining walls and/or site furnishings, to include, but not be limited to, trash receptacles, bike racks, and playground equipment.
- m. Depending on the scale and complexity of the SIP proposal the Community Development Department may also require building floor plans, section drawings, perspective drawings, and/or supplemental reports/studies.
- n. To ensure an overall cohesive appearance, commercial areas that consist of properties with multiple ownerships that share common access shall coordinate site maintenance responsibilities such as parking lot maintenance, snow plowing, detention facilities, landscaping and similar services through a business or common association, or separate agreement. For all such applicable sites, a copy of such recorded agreements is required with the SIP application. For all such applicable sites where such an agreement does not yet exist and/or is not yet recorded, development of such an agreement may be required as part of the SIP application; recordation of such an agreement may also be required as part of the SIP application.
- o. A master phasing plan may be required for projects proposed to be constructed in more than one phase. The master phasing plan shall identify the general type, design and timing of proposed public improvements, infrastructure, site and amenity development, and building construction. The master phasing plan must be included in the SIP plan set for review and approval per Section 16-27-40. Such plans shall be used to guide the review of SIPs submitted for subsequent phases and may be amended as part of the original SIP per Section 16-27-180.
- p. A Phase III drainage report submitted in conformance with the City's adopted Storm Drainage Design and Technical Criteria manual.
- q. An Erosion Control Study and Plan, in conformance with Chapter 15 of Code and the City's adopted Storm Drainage Design and Technical Criteria manual. Methods of erosion control (temporary/permanent), soil and vegetation removal, stockpiling and reuse shall be included.
- r. One (1) bound set of civil site improvement construction drawings, showing items such as grading, paving, storm drainage improvements, etc. The bound civil drawings shall be provided on 24" x 36" paper and shall be accompanied by electronic copies in pdf and AutoCAD formats. Civil design shall be at 100% unless otherwise approved by the Public Works and Community Development Directors. (Contact the Engineering Division and any affected special district for details.)
- s. Sites located in a wildfire risk area, as determined by the Regional Hazard Mitigation Plan, may be required to submit a wildfire mitigation plan.
- t. Supplemental utility, traffic and/or other technical studies and information as may be required by the Community Development and/or Public Works Departments.

(Ord. 11-05 Art. 4)

Sec. 16-27-90 Certifications, notes.

The final SIP shall contain executed certifications, approval blocks, notices and statements in a standard format approved by and made available from the Community Development Department. Such certifications, approval blocks, notices or statements may be modified as approved by the City Attorney.

Sec. 16-27-100 SIP Recordation

All SIPs and associated Site Improvement Plan Improvements Agreements (SIPIA) shall be recorded in the office of the Douglas County Clerk and Recorder in accordance with the City's administrative procedures. The City may also require recordation of SIP amendments that include, but may not be limited to, the assignment of maintenance responsibilities for infrastructure, landscaping, or other public amenities; or that include land use restrictions or obligations not otherwise defined in this Code, City regulations, sub-area plans, or planned development district plans; or that include other legally binding land use restrictions or obligations, as determined by the Community Development Director. The applicant shall be responsible for all recordation fees.

Sec. 16-27-110. Construction Conformance.

The applicant is responsible for ensuring the project is completed in accordance with the approved SIP and materials sample board and further assumes the risk associated with any changes, omissions or field change orders made without prior City approval. Unauthorized changes, omissions, or field change orders may result in corrective actions, additional review and/or inspection fees and resubmittals, delay of permits or certificates of occupancy, or citations for zoning violations. Building plans shall conform to the approved SIP. Prior to the Community Development Department signing off on the release of a certificate of occupancy, a post-approval inspection will be conducted by the Community Development Department to ensure conformance with the approved SIP. Applicants should contact the Community Development Department for such inspection when construction is complete, and all improvements have been made per the approved SIP.

(Ord. 11-05 Art. 4)

Sec. 16-27-120 Inspection process.

- (a) Staff inspection of building design, materials and colors, landscaping, grading, drainage and erosion control is required prior to issuance of a Certificate of Occupancy. At the early stages of final exterior building material and color application, the applicant is

responsible for contacting staff to schedule on-site inspections. The applicant is strongly encouraged to provide a sample mock-up of a representative portion of the building to expedite the inspection process and ensure compliance with the approved plans and material sample board. Planning Staff shall issue a SIP inspection certificate upon inspection and approval.

(b) Inspections of utility and infrastructure improvements may occur within any month of the year, unless otherwise directed by the Public Works Director. Inspections of landscape improvements shall occur between May 1 and October 31, unless otherwise approved by the Community Development Director.

(c) Certificates of Occupancy. When the construction of all buildings and all site improvements has been completed in accordance with the approved SIP, building permits and approved civil site engineering construction plans, a Certificate of Occupancy (CO) will be issued.

Sec. 16-27-130. - Field change orders.

(a) A Certificate of Occupancy shall not be issued for any development that is not in conformance with the approved SIP except in limited circumstances involving minor field change orders approved administratively by the Community Development Director or their designee; such alterations may include but are not limited to:

1. An addition or change to mechanical equipment generally in the same dimensions where proper screening is achieved;
2. Replacement of one type of tree or landscaping material for another that achieves the same intent;
3. Relocation of an exterior door or window;
4. Minor modifications to site furnishings; and
5. Routine maintenance of building and site improvements where replacements or minor upgrades are made consistent with the City's Design Guidelines and Standards.

(b) Field change orders for minor alterations or material replacements may be requested once a project is under construction and shall be made in writing to the Community Development Department. Such requests shall be limited to minor changes to the approved SIP due to plant or material unavailability or minor realignments of planting or product placement that will not alter or impair the overall standards and/or functional aspects of the approved SIP, or other City standards or criteria as determined by the Community Development Department.

(c) Major field change orders require an amendment to the SIP as set forth in Section 16-27-180.

Sec. 16-27-140. - Site Plan Expiration.

- (a) Unless as otherwise approved by the City through the establishment of vested property rights, an SIP shall expire and be of no further force and effect three (3) years following the date of recordation (or approval, in the case of SIP amendments that do not require recordation) unless prior to the date of expiration: (1) a building permit is issued and construction has been diligently pursued towards completion of the project, as determined by the Building Official; or (2) approval has been extended in accordance with subsection (b) below. For multi-phased SIPs, building permits shall not be issued more than three (3) years from the date of Phase I approval when it is determined by the Director that updated regulations or changing conditions warrant a new submittal.
- (b) In the event an SIP is approved, but no certificate of occupancy is issued within three years from the date of building permit issuance, a new and/or revised SIP may be required by the City.
- (c) The Director may grant one (1) extension, of not more than six (6) months, upon a written request by the applicant prior to the expiration of the SIP if a review of the SIP shows that no major changes in the City's development or zoning regulations or in the development pattern of the surrounding properties has occurred, as determined by the Director. The Director shall determine if updated City regulations or standards shall apply and whether a reinstatement of the expired SIP will be processed administratively or involve review by the Planning Commission and/or City Council.

(Ord. 11-05 Art. 4; Ord. 17-03 Art. 4, H.)

Sec. 16-27-150 Site Improvement Plan Improvements Agreement (SIPIA).

The City shall determine the type, location and extent of necessary improvements that may be required for each SIP, based on the characteristics of the proposed development, its relationship to surrounding areas and applicable Codes and regulations governing such improvements. The developer shall provide for the construction, at no cost to the City, of all utilities and other public infrastructure and improvements, as may be required by the City.

- (1) A Site Improvement Plan Improvements Agreement (SIPIA) and associated surety(ies) may be required to guarantee the completion of site improvement plan improvements and to specify the nature and timing of the work to be completed.

A SIPIA will be required whenever any improvements on or associated with the site are within the public right-of-way or are (or may become) the City's to maintain, and in other circumstances as determined by the Public Works Department and/or Community Development Department. The developer shall provide the necessary security to ensure infrastructure and/or landscaping improvements are made, as determined by the City.

(2) Improvements shall be constructed and/or installed according to plans and specifications prepared by a licensed professional engineer and/or landscape architect in accordance with the adopted Roadway Design and Construction Standards; the Storm Drainage Design and Technical Criteria Manual; the Grading, Erosion and Sediment Control Manual; the Flood Damage Prevention Ordinance; the Design Guidelines and Standards; Chapters 15, 16 and 18; the Building and Fire Codes; and other applicable regulations, as determined by the City.

(3) Except for force majeure causes, failure by the applicant to complete the work or to request a time extension within the specified time period for completion may result in a forfeiture of the security and may cause the City to initiate the construction of such improvements, as detailed in the SIPIA. Except for force majeure causes, the Director may grant no more than two (2) extensions of not more than six (6) months each upon receipt of a written request, accompanied by an extension of the financial security. A separate request must be submitted for each requested extension, and such request must be submitted prior to the date the construction was to have been completed.

Sec. 16-27-160 Guarantee of Site Improvement Plan Improvements

(a) No SIP or amendment shall be approved or recorded until the applicant has submitted, and the City has reviewed and accepted, one (1) or a combination of the following:

(1) A site improvement plan improvements agreement (SIPIA) and associated security (if required).

(2) Other agreements setting forth the plan, method and parties responsible for the construction of any required site improvement plan improvements shown in the final SIP documents which, in the judgment of the Public Works Department and/or Community Development Department, will make reasonable provision for completion of said improvements in accordance with design and time specifications.

(3) Documentation that there are no required site improvement plan improvements associated with the SIP.

(b) When required, the applicant shall provide security, in a form acceptable to the City, for the site improvement plan improvements as follows:

(1) The applicant shall provide the City with an itemized estimate of the cost of required site improvement plan improvements, except those landscaping improvements as described in Sec. 16-27-160(c), on a standardized form available from the Public Works Department in accordance with the requirements of the Roadway Design and Construction Standards, the Storm Drainage Design and Technical Criteria Manual, the Grading Erosion and Sediment Control Manual,

Chapter 15 and other applicable regulations. Upon review, the Public Works Department shall require one (1) of the following:

- a. Security in the amount of one hundred fifteen percent (115%) of the total cost of the required site improvements shall be submitted concurrently with the recordation of the Site Improvement Plan Improvements Agreement. The applicant shall post security for landscaping improvements separately, as applicable.
- b. Warranty security in the amount of fifteen percent (15%) of the total cost of required improvements shall be paid by the applicant prior to the issuance of building permits, when the required site improvements have been completed and been granted probationary acceptance by the Public Works Department.
- (c) For required landscape improvements, the applicant shall provide the City with an itemized estimate of the cost of required landscape improvements on a standardized form available from the Community Development Department in accordance with the requirements of this Code and Design Standards and Guidelines for Landscaping and other applicable regulations. Security for landscape improvements shall consist of one of the following:
 - (1) Security in the amount of one hundred fifteen percent (115%) of the total cost of the required landscape improvements posted concurrently with the recordation of the Site Improvement Plan Improvements Agreement. Release of such security by phase shall be in accordance with the terms of the Site Improvement Plan Improvements Agreement.

Unless security is provided by the developer as provided in 16-27-160(c)(1), a restriction on the issuance of a certificate of occupancy may be imposed in accordance with the terms and conditions set forth in a SIPIA. A restriction on certificates of occupancy shall mean that until all required landscape improvements are installed and completed for the development, the City shall not issue any certificate of occupancy for such development.

- (2) Warranty security in the amount of fifteen percent (15%) of the total cost of required landscape improvements shall be paid by the applicant prior to the issuance of building permits, when the required landscape improvements have been completed and been granted probationary acceptance by the Community Development Department.
- (d) The Director of Public Works (or their designee) and the Community Development Director (or their designee) shall review the SIPIA (or alternative agreements and/or contracts) and the cost estimates and recommend changes as necessary to complete the required improvements.
- (e) The City Attorney shall review any modifications made by the applicant to the SIPIA (or alternative agreements and/or contracts) and notify the applicant of any deficiencies or required

changes. The SIPIA and/or agreements shall be in the form approved by the City Attorney and the City Manager.

(f) The Director of Public Works and/or the Community Development Director, or their designee, shall monitor the SIPIA and/or any alternative agreements and/or contracts.

(g) At the discretion of the City Manager, the City may waive the requirement for security by federal, state or local governments, including metropolitan and special districts, upon evidence of alternate assurance of completion of public improvements through budget appropriations of sufficient funds.

Sec. 16-27-170 Release of security.

(a) Upon completion of all required site improvement plan improvements as identified in the SIPIA, the applicant may apply to the Public Works Department and/or the Community Development Department for probationary acceptance and associated reduction of the security to fifteen percent (15%) of the total cost of the improvements.

(b) Upon inspection by the Director of Public Works and/or the Community Development Director, and upon their approval, the City shall issue a written probationary acceptance and authorize the security reduction. If the City determines that any improvements are not constructed in substantial compliance with the specifications, it shall furnish the applicant a list of specific deficiencies and shall retain security until all deficiencies have been satisfactorily addressed and the project is issued probationary acceptance.

(c) If the City determines that the applicant has not constructed any or all of the improvements in accordance with all of the specifications and agreed upon time frames, the City may withdraw and employ from the deposit of security such funds as may be necessary to construct the improvements in accordance with the specifications. If the submitted security is not sufficient to cover the improvements, the applicant is responsible for the additional costs.

(d) The probationary period shall be two years from the date of the City's issuance of probationary acceptance. At the end of the two-year probationary period, the applicant shall request a final inspection from the Public Works Department and/or the Community Development Department. Upon inspection by the Director of Public Works and/or the Community Development Director (or designees) and upon their approval, the City shall issue final acceptance and release the remaining security.

(e) If the City determines that any improvements are not constructed in substantial compliance with the specifications and/or have defects, it shall furnish the applicant with a list of specific deficiencies and retain the remaining security until all deficiencies have

been satisfactorily addressed and the project is granted final acceptance. Security to cover the cost of repair of such improvements is required during the warranty period in accordance with the requirements of the SIPIA.

- (f) If the City determines that the applicant has not addressed the deficient items from the final inspection in accordance with all of the specifications and agreed upon time frames, the City may withdraw and employ from the deposit of security such funds as may be necessary to address the deficiencies in accordance with the specifications. If the submitted security is not sufficient to cover the improvements, the applicant is responsible for the additional costs.

(Ord. 11-05 Art. 4; Ord. 17-03 Art. 4, I.)

Sec. 16-27-180 SIP Amendments – General.

An SIP Amendment may be required for exterior modifications to existing buildings and site improvements, or for changes in use of an existing site. SIP amendments are processed as minor or major amendments.

Based on criteria set forth below, minor amendments are reviewed administratively by staff or by Planning Commission and major amendments are reviewed by Planning Commission and City Council:

SIP Minor and Major Amendment Process Guidelines

Site Plan Element	Minor Administrative Amendment with Staff Approval	Minor Amendment with Planning Commission Approval	Major Amendment with City Council Approval
Additions to buildings	≤ 25% of building square footage ¹ , limited to a maximum addition ≤ 5,000 sq. ft.	> 25% of building square footage ¹ , or an addition > 5,000 sq. ft.	As determined by the Community Development Director

Increase in building height within the approved maximum zoning height	$\leq 10\%$ of the building height approved on the original SIP ²	$> 10\%$ of the building height approved on the original SIP ²	
Decrease in the amount of parking to less than the minimum zoning requirement	$\leq 25\%$ of the minimum required by zoning	$> 25\%$ of the minimum required by zoning ³	
Changes to the number or type of access locations and/or changes or impacts to internal circulation.	As determined by the Community Development Director	As determined by the Community Development Director	As determined by the Community Development Director
Changes to the function of an approved SIP brought about by increased delivery volume or frequency, increased need for vehicle queuing, and/or alterations to snow storage areas.	As determined by the Community Development Director	As determined by the Community Development Director	As determined by the Community Development Director
Use change within a building or tenant space	When use change may result in minor impacts to the site or adjoining	When use change may result in significant impacts to the site or adjoining ROW or	As determined by the

(without exterior building or site changes)	ROW or properties (ex. changes to site amenities, changes to internal traffic volumes, increase in parking demand, changes in operations that may generate noise, drainage, storage, etc.)	properties (ex. significant changes to traffic volumes, access, circulation patterns, increased stormwater volumes, increase in parking demand, changes in operations that may generate noise, etc.) as determined by the Community Development Director or Public Works Director.	Community Development Director
Increase in the number of dwelling units	≤ 5% of units approved under the original SIP	> 5% of units approved under the original SIP	As determined by the Community Development Director
Architectural details & building design	Minor architectural changes such as window and door placements or other minor modifications consistent with the Design Guidelines and Standards for Architecture and Site Planning.	<p>Major changes or additions to architectural features, as determined by the Community Development Director. Examples include:</p> <p>Multiple changes to a SIP. Even in cases where no single change exceeds the threshold requiring Planning Commission review, staff will consider the cumulative effect of all the changes.</p> <p>Significant changes in the lines of the architecture, such as significant modification of rooflines.</p>	As determined by the Community Development Director

Color changes	<p>Color changes less than 50% of an approved, but not constructed building; or</p> <p>Maintenance upgrades to an existing constructed building that are consistent with the Design Guidelines and Standards for Architecture and Site Planning (e.g. changes due to rebranding).</p>	Color changes of 50% or more of an approved, but not constructed building	As determined by the Community Development Director
Building materials	Changes to the "skin" or materials used to surface a building, ex. < twenty percent (20%) of the surface area.	Significant changes to the "skin" or materials used to surface a building, ex. > twenty percent (20%) of the surface area.	As determined by the Community Development Director
Landscaping and site furnishings and amenities (ex. umbrellas, fencing, trash enclosures)	Must be consistent with the Design Guidelines and Standards for Landscaping and/or the Design Guidelines and Standards for Architecture and Site Planning.	As determined by the Community Development Director, based on the size, scope and impact of the changes.	Not applicable

¹ Calculated per building.

² Maximum height in the zone district cannot be exceeded without amending the zoning document.

³ If the decrease is below the minimum required by code, a parking study may be required.

Sec. 16-27-190 SIP Amendments - Minor

(a) Generally.

The purpose of the Minor Amendment is to provide an efficient process for minor modifications to approved SIPs that satisfy eligibility and approval criteria.

(b) Elements Eligible for Minor Amendments.

The items listed in the chart in Sec. 16-27-180 qualify for a Minor Amendment within the ranges specified therein. If an item does not qualify as a Minor Amendment or is otherwise not applicable to Field Change Orders per Section 16-27-130, it is considered a Major Amendment and must be processed as set out in Section 16-27-260, Major Amendment, below.

(c) Specific Exclusions.

The following items are not eligible for approval as a Minor Amendment under any circumstances:

1. An application that proposes a variance affecting an element of the project for which a variance has previously been granted – either administratively or by the City Council. In those cases, the SIP shall be subject to City Council review.
2. An application that requires additional right-of-way dedications, easements or public improvements; that requires a Site Improvements Plan Improvement Agreement (SIPIA) or other maintenance agreement; or that requires modifications to an existing SIPIA, or existing maintenance agreement.
3. Subdivision related changes (such as those impacting lot lines, easements, rights-of-way, private roadways, drainage systems, or vacations of any such features), without prior or concurrent approval of a replat or plat correction as applicable.

(d) SIP Amendment Not Required

If a proposed post-certificate of occupancy site change is so minor as to have little to no impact on the approved SIP, as determined by the Community Development Director, such site changes shall not require a Minor Amendment to the approved SIP. Examples of such changes may be found in Sec. 16-27-130 (Field Change Order).

Sec. 16-27-200 SIP Amendment Process and Decision.

Revisions to approved SIPs shall not be permitted without first consulting with the Community Development Director to determine if an SIP amendment is required, and if so, what the process will be. The Community Development Director shall determine if the proposed revisions will be processed as a minor amendment requiring either staff or Planning Commission approval, or as a major amendment requiring City Council approval. Minor Amendments may require City

Council approval based on the scale, impact, phasing location, surrounding land uses or the significance of the element being changed to the overall quality of the project.

(a) Prior to submittal of the application, the applicant may be required to attend a pre-submittal meeting with staff to review the proposal. When required, prior to the pre-submittal meeting, the applicant shall submit all pre-submittal materials, along with a letter of intent, which details how the proposed amendment meets the applicable amendment criteria set out in Sec. 16-27-180. During the pre-submittal meeting, the Community Development Director will make an initial determination as to the proposal's eligibility to be processed as a Minor Amendment.

(b) Upon a determination that the application can be processed as a Minor Amendment, the applicant must submit the formal application within 60 days of the Manager's determination. Failure to submit the formal application within 60 days of the Manager's written determination will render the decision with regard to the review process voidable.

(c) The Community Development Director reserves the right to refer any request for a Minor Amendment to the Planning Commission for consideration at a public hearing based on the scope, impacts, or level of concern about whether and to what extent the application complies with approval criteria. The Community Development Director will notify the applicant if the Community Development Director determines that Planning Commission and/or City Council review will be required.

Sec. 16-27-210. - SIP Amendment Review Process.

- (1) Minor and Major Amendments shall be processed according to the following review criteria:
 - a. All amendments must meet the intent of the SIP requirements and the Design Guidelines and Standards, as applicable.
 - b. All applications will be sent to the appropriate referral agencies for comment.
 - c. If the nature of the SIP amendment impacts a previously approved variance by the Director, the request may be reviewed by the City Council, as required by the Director.

(Ord. 11-05 Art. 4; Ord. 17-03 Art. 4, J.)

Sec. 16-27-220 SIP Minor Amendment Application Materials.

The following application materials are required for a Minor Amendment:

- (1) A completed Land Use Application.
- (2) An amendment exhibit (site plan, architectural renderings) clearly depicting the approved and proposed building and/or site conditions.
- (3) A letter of intent that explains, justifies and validates the request, stating all facts relied upon and providing documentation as requested.
- (4) Letter of Authorization (if the applicant is not the property owner).
- (5) Certificate of taxes paid.
- (6) Proof of ownership, as required.
- (7) Other information, reports, and supporting design detail, as requested by the Community Development Department.
- (8) Community Development Department application fee and engineering review fees, when required, pursuant to the City's adopted fee schedule.

Sec. 16-27-230 SIP Minor Amendment Approval Criteria.

Each of the following criteria shall be met for approval of a Minor Amendment:

- (1) SIP Minor Amendments must be consistent with the Comprehensive Plan, principles of the City Design Guidelines for Architecture and Site Planning, and in conformance with the Design Standards for Architecture and Site Planning and the Design Standards for Landscaping.
- (2) The SIP amendment shall be in conformance with the applicable sections of Chapter 16 of the Municipal Code (Zoning Code); Planned Development zoning as applicable, Sub-Area Plans, as applicable; and Roadway Grading, Drainage and Erosion Control Standards; and other requirements as applicable.
- (3) The SIP amendment shall be eligible for a Minor Amendment process per Sec. 16-27-190.

- (4) Approval of the SIP amendment is in keeping with the spirit and intent of this Chapter and will not weaken the purposes of the regulations.
- (5) Approval of the SIP amendment will not adversely affect the public health, safety, and welfare.
- (6) The site may not have any active zoning violations, unless otherwise approved by the Director.

Sec. 16-27-240 SIP Major Amendments

This section applies to any changes to an SIP that do not qualify for a Minor Amendment pursuant to Section 16-27-180; changes that do not qualify under that section are considered “major amendments” for the purposes of this Section.

Sec. 16-27-250 SIP Major Amendment Application Materials.

- (a) A major change requires resubmittal of the original documents, per Sec. 16-27-80. The Community Development Director may waive resubmittal of any of the original submittal items if they do not pertain to the changes to the SIP.
- (b) When possible, the development standards should appear in a chart format comparing the approved SIP details and the proposed changes to those details, as originally approved.

Sec. 16-27-260 SIP Major Amendment Review Process.

A major change is processed in accordance with Section 16-27-40. If required for the original application, a major change requires a new public hearing with the Planning Commission and/or City Council. SIP major amendments shall be recorded.

ARTICLE XXVIII - Parking Standards

Sec. 16-28-10. - Intent.

These standards are intended to ensure that the parking associated with new development is provided in a reasonable and balanced manner (neither an undersupply nor an oversupply); complements surrounding land uses; and promotes growth patterns in a manner consistent with the Comprehensive Plan and the City's Design Guidelines and Standards.

(Ord. 11-05 Art. 4)

Sec. 16-28-20. - Applicability.

Off-street parking areas shall be allowed in all districts as an accessory use to buildings and uses newly constructed, restored, changed or substantially expanded. Except as provided in other sections of this Chapter, approved Development Plans, Site Improvement Plans (SIP) or Sub-Area Plans, off-street parking areas shall be in accordance with this Article.

(Ord. 11-05 Art. 4)

Sec. 16-28-30. - General provisions.

- (a) Parking on undeveloped land. Undeveloped land shall not be used for parking unless approved by the Director.
- (b) Additional parking for expansion of use. Nothing in this Section shall prevent the extension of or addition to a building, structure or use into an existing parking area, provided that:
 - (1) The number of parking spaces provided already exceeds the minimum parking spaces provided herein and the minimum parking spaces required will be met after the addition; or
 - (2) The same amount of parking spaces taken by the extension or addition is provided by an enlargement of the existing parking area, or if additional parking is found elsewhere in accordance with these regulations herein; and
 - (3) The total number of spaces required for all uses on the lot is met.
- (c) Phasing of parking. Required off-street parking areas may be phased along with proposed phased development. Areas required for parking, but not immediately improved, shall be reserved for this purpose.
- (d) Location of parking area.
 - (1) Off-street parking facilities for any use shall be provided and located on the same lot as the use(s) they are intended to serve, except as provided for herein.
 - (2) If sufficient parking spaces cannot be accommodated on the lot, for any use, parking on another site may be used, provided that said parking area is within five hundred (500) feet of the nearest point of the specific use and a shared-parking agreement is submitted per Paragraph (e)(5) below, or as otherwise approved by the Director.
 - (3) Each off-street parking area accessory to a principal use shall be located in the same zone district as the principal use, except as may be approved by the Director when adequate evidence is provided that meets the intent of these regulations.

- (4) Accessible parking spaces shall be located as near to the entrance of the use as practical and shall be designed, whenever possible, to prevent the crossing of any drive aisle.
- (5) Parking lots shall be located to the rear or side of buildings or in the interior of a block whenever possible.
- (6) Parking requirements, except for single-family detached, may be satisfied using on-street parking located adjacent to the property.
- (e) Shared parking. No off-street parking required for any use for the purpose of complying with the provisions of this Chapter shall be included as part of an off-street parking area similarly required for another use without an approved shared-parking agreement.
- (1) Where it is desirable to share the use of parking spaces between two (2) or more uses, the total spaces, not including accessible parking, shall be calculated based upon the formula in Paragraph (e)(2) below, or as otherwise determined by a study of local conditions as may be approved by the City. This formula is intended to provide guidance to the City to minimize the potential that parking will not be undersupplied or oversupplied. Where land use classifications do not conform to the table in Paragraph (e)(2) below, the Director may determine the appropriate shared-parking amount based upon sufficient data submitted by the applicant, which may include the principal operating hours of the uses, the number of employees, the nature of the uses and other information requested by the Director.
- (2) For two (2) or more uses, see the formula in the table below. Multiply the minimum parking for each individual use, as set forth in Section 16-28-90 of this Article, by the appropriate percentage indicated in the table for each of the six (6) designated time periods. Add the resulting sums for each of the six (6) columns. The minimum parking requirement shall be the greatest sum among the six (6) columns.

Shared-Parking Calculations

<i>Land Use Classification</i>	<i>Weekdays</i>			<i>Weekends</i>		
	<i>1:00 a.m. - 7:00 a.m.</i>	<i>7:00 a.m. - 6:00 p.m.</i>	<i>6:00 p.m. - 1:00 a.m.</i>	<i>1:00 a.m. - 7:00 a.m.</i>	<i>7:00 a.m. - 6:00 p.m.</i>	<i>6:00 p.m. - 1:00 a.m.</i>
Office	5%	100%	5%	0%	15%	0%
Retail sales	0%	100%	80%	0%	100%	60%
Restaurant (not 24-hour)	20%	70%	100%	30%	75%	100%
Multi-family residential	100%	60%	100%	100%	75%	95%
Theater	0%	60%	100%	0%	80%	100%
Hotel guest rooms	100%	55%	100%	100%	55%	100%
Hotel restaurant	40%	60%	100%	50%	45%	100%
Conference rooms	0%	100%	100%	0%	100%	100%
Place of religious assembly	0%	25%	50%	0%	100%	50%

- a. Example: The following example is based upon the above standards, using the City's parking requirements for the use listed. Assuming in this example that:

1. A 10,000-square-foot floor area office building	= 34 spaces (with 4 company vehicles)
2. A 6,000-square-foot floor area retail building	= 20 spaces
3. A 5,000-square-foot floor area restaurant with 10 employees	= 60 spaces
4. A 100-unit multi-family complex (all 2-3 bedrooms)	= 250 spaces
Total spaces required	= 364 spaces

Example of Using Shared-Parking Calculations

<i>Land Use Classification</i>	<i>Weekdays</i>			<i>Weekends</i>		
	<i>1:00 a.m. - 7:00 a.m.</i>	<i>7:00 a.m. - 6:00 p.m.</i>	<i>6:00 p.m. - 1:00 a.m.</i>	<i>1:00 a.m. - 7:00 a.m.</i>	<i>7:00 a.m. - 6:00 p.m.</i>	<i>6:00 p.m. - 1:00 a.m.</i>
Office	2	34	2	0	6	0
Retail sales	0	20	16	0	20	12
Restaurant (not 24-hour)	12	42	60	18	45	60
Multi-family residential	250	150	250	250	188	238
Total	264	246	328	268	259	310

In the preceding example, the total parking (not including accessible spaces) would be 328 spaces (all numbers are rounded up); had a straight calculation been applied, 364 spaces would have been required, resulting in a difference of 36 spaces.

(3) In situations where shared parking is desired, the general category of use and required parking spaces shall be noted on the SIP. A note referencing the shared-parking agreement shall be included on the SIP and shall include the reception number pertaining to the recorded parking agreement. No change to the shared-parking calculation shall be made without an amendment to the SIP.

(4) Any subsequent change in land use requiring a building or sign permit shall be evaluated against the approved SIP to ensure that adequate parking is maintained. Where insufficient parking may result by a change of use as determined by the Director, the Director may require increased parking, a reduction in the intensity of the use or may deny the use.

(5) In order to satisfy minimum parking requirements, in situations where shared parking is proposed a draft shared-parking agreement shall be submitted to the Community Development Department for review that shall specify the number and location of the shared-parking spaces.

The final agreement shall be recorded with the Douglas County Clerk and Recorder and shall run with the land. Any amendment to the shared-parking agreement that impacts the number of shared spaces must first be reviewed by the Director, who shall review the parking impacts and determine whether an SIP amendment is necessary.

(f) Prohibited use.

(1) Unless otherwise permitted as part of an approved SIP or a permit issued by the Director, no parking area shall be used for the sale, display, storage, repair, dismantling or servicing of any vehicles, equipment, materials or supplies. Emergency repair is permitted.

(2) Overnight parking of campers, trailers, recreation vehicles, buses and other similar vehicles in parking areas is prohibited except as may be allowed on the approved SIP, or as approved by the Director.

(Ord. 11-05 Art. 4)

Sec. 16-28-40. - Parking plan requirements.

Parking shall be detailed on the SIP per Article XXVII of this Chapter for all parking lots, structures and on-street parking. The plan must contain the following minimum information:

(1) Number, location and dimension of parking stalls, to include identification of any compact parking spaces;

(2) Widths of aisles, islands, walkways and landscaped medians;

(3) Type of surfacing;

(4) Location of parking landscaping in conformance with the Design Guidelines and Standards for Landscaping;

(5) Location of traffic directional arrows, signage and markings;

(6) Number, location and dimension of loading and delivery areas;

(7) Accessible parking spaces (per ADA requirements);

(8) Preferred parking spaces, if applicable; and

(9) Designated commercial vehicle parking spaces, if applicable.

(Ord. 11-05 Art. 4)

Sec. 16-28-50. - Design standards for parking spaces.

(a) Minimum Parking Space and Parking Lot Aisle Dimensions. The following table establishes the minimum parking lot space and aisle dimensions for full-size and compact automobiles.

Parking Space and Aisle Dimensions

Full-sized Car				
Angle	0 degrees (parallel parking)	45 degrees	60 degrees	90 degrees
Width	8'	9'	9'	9'
Length	20'	18'	18'	18'

Compact Car				
Angle	0 degrees (parallel parking)	45 degrees	60 degrees	90 degrees
Width	8'	7'6"	7'6"	7'6"
Length	20'	16'	16'	16'
All Cars Aisle Width				
Aisle Width	12' (one way)	13' (one way)	14'6" (one way)	22' (one way)
	22' (two way)	22' (two way)	22' (two way)	22' (two way)
Accessible Parking				
	Car and van spaces must meet the minimum requirements of the Americans with Disabilities Act (ADA) Accessibility Guidelines; accessible spaces must include accessible aisle(s), at the minimum width required by the ADA.			
Parking Space Adjacent to Parking Island				
Width	10'			

(b) Unusable parking spaces. Any parking space that is determined by the City to be unusable due to maneuverability difficulties, or which does not have clear access, shall not be considered in the total number of available parking spaces on the property.

(c) Back-out parking. Except for one- and two-family dwellings, or where back-out parking already exists, all parking areas shall be designed so that vehicles exiting from the parking area will not be required to back out across any sidewalk or public right-of-way.

(d) Overhang allowances. Overhang allowances for spaces adjacent to the site perimeter or adjacent to islands is two (2) feet for full-sized car parking and one (1) foot for compact car parking.

(e) Semi-tractor trailer parking. For those uses which cater to the parking of semi-tractor trailers, designated off-street parking spaces shall be required for each such vehicle located on any parcel. The use of regular automobile parking spaces or automobile circulation aisles for semi-tractor trailer parking is prohibited. All parking spaces for semi-tractor trailers shall be at least twelve (12) feet in width and sixty (60) feet in length. All aisles shall be at least thirty (30) feet in width. The Community Development Department may require special design provisions based upon the overall site layout and parking area design. No backing maneuvers shall be allowed in the right-of-way.

(f) Marking of parking spaces.

(1) General. Parking spaces shall be marked and maintained on the pavement, and any other directional markings/signs shall be installed and maintained as required by the approved parking plan.

(2) Compact car parking. Compact car parking area or spaces shall be marked with a freestanding sign or otherwise distinguished from full-sized parking areas or spaces.

(3) Accessible parking. Each accessible parking space shall be marked with a freestanding sign and the accessible parking symbol shall be painted on the pavement of the parking space. All accessible parking signs and symbols shall be in adherence with the requirements identified by the Americans with Disabilities Act (ADA).

(4) Carpool, car share and electric vehicle charging stations and/or parking spaces shall be marked with a freestanding sign or otherwise distinguished from standard parking areas or spaces.

(Ord. 11-05 Art. 4)

Sec. 16-28-60. - Design standards for parking areas.

(a) Access. Each required off-street parking area shall have adequate access to a public street or other thoroughfare. Alleys, where they are utilized, shall only be used as secondary means of access to a lot or parcel.

(b) Off-street loading area. Loading areas shall be provided as required and shall not be used to supply off-street parking spaces. The loading area shall not occupy or intrude into any fire lane and shall not be located in setback areas.

(c) Marking traffic flow. Parking which is designed for one-way traffic should be clearly indicated as such by the use of a sign and/or arrow designating the direction of traffic flow.

(d) Grading. All off-street parking areas shall be properly graded. The Director of Public Works or their designee must approve the drainage and stormwater detention design.

(e) Surfacing. Each off-street parking area shall be surfaced with asphalt, Portland cement concrete or some other material approved by the Director of Public Works or their designee.

(f) Wheel stops. Wheel stops may be required in parking lots to prevent cars from impacting adjacent landscaping, fencing or walkways.

(g) Landscaping. Consult the Design Guidelines and Standards for Landscaping for landscape requirements for parking lots.

(Ord. 11-05 Art. 4; Ord. 17-03 Art. 4, K.)

Sec. 16-28-70. - Maximum parking requirements.

Parking lots may contain up to ten percent (10%) more spaces than the minimum requirement only with the approval of the Director, upon evidence presented that the additional parking requested is deemed necessary and consistent with the intent of these regulations. Requests for parking exceeding ten percent (10%) of the minimum shall be processed as a variance to the parking standards as part of an SIP review requiring City Council approval.

(Ord. 11-05 Art. 4)

Sec. 16-28-80. - Minimum requirements for off-street parking; general provisions.

(a) Uses not specified. In the case of a use not specifically mentioned, the requirements for off-street parking facilities for a similar use shall apply. In the case of any discrepancies, the

Director's decision shall rule. The Director's decision may be appealed to the Planning Commission.

(b) Parking space calculation. In calculating the required number of parking spaces, any fraction of a space shall require one (1) parking space.

(c) Reduction for transit. In all zone districts, the number of off-street parking spaces for uses and structures located within one-quarter (1/4) mile of the transit stop may be reduced up to twenty percent (20%) with the approval of the Director.

(d)

Accessible parking. Parking shall be provided for persons with disabilities according to the requirements of the International Building Code, the Colorado Revised Statutes, and the Department of Justice published revised regulations for Titles II and III of the Americans with Disabilities Act (ADA), as may be amended. Required accessible parking spaces shall be applied per Sec. 16-28-70, prior to any applicable parking reductions. The applicant is responsible for compliance with current ADA standards.

(e) Floor area calculation. Required off-street parking for nonresidential land use shall be based on the total floor area of all floors in the principal structure, excluding atriums, restrooms, mechanical areas, stairwells, elevator shafts and other similar spaces not intended for human occupancy. The applicant shall provide calculation of the floor area upon request.

(f) Compact car parking. Parking spaces designated for small or compact cars may only be used when requirements for parking have already been met with full-sized spaces, or as otherwise approved by the City.

(g) Public assembly parking. In places of public assembly in which patrons or spectators occupy benches, pews or other seating facilities, each twenty (20) inches of seating facilities shall be counted as one (1) seat for the purpose of determining requirements for off-street parking facilities.

(h) Minimum vehicle queuing (i.e. stacking) space requirements shall be as identified in Sec. 16-28-90. Each vehicle queuing space shall be equivalent to the width and length measurements for a parking space for a full-sized car, as identified in Section 16-28-50. The Public Works Director may require additional queuing spaces beyond the minimum requirements identified in Sec. 16-28-90 and/or may impose a queuing requirement for a use that does not have a queuing requirement identified. Such determinations shall be based on an analysis of site access and circulation patterns, potential impacts to traffic within public rights-of-way and traffic studies provided with the application.

(Ord. 11-05 Art. 4)

Sec. 16-28-90. - Requirements for off-street parking; specific use.

The minimum off-street parking spaces for specific uses shall be as provided below, except where the Director may recommend an increase or decrease in the standard based upon documented comparisons, information from similar jurisdictions or evidence from qualified professionals:

<i>Use</i>	<i>Off-Street Parking Space</i>
Assisted living and congregate care	.5 space per dwelling unit

Auditorium or similar place of public assembly	The greater of: 1 space per 3 fixed seats or 1 space per 150 sq. ft. of floor area
Bank/credit union/savings and loan	1 space per 400 sq. ft. of floor area, plus 3 stacking spaces per drive-up window
Bar/lounge/night club or similar place of assembly	1 space per 3 seats, plus 1 space per employee on maximum shift
Beauty salon/barber shop	2 spaces per operator, plus 1 space per employee on maximum shift
Bed and breakfast	1 space per guest room, plus 2 spaces per dwelling unit
Bowling alley	3 spaces per lane, plus 1 space per employee
Car dealership/recreational vehicles or boats	1 space per 1,000 sq. ft. of auto display area, plus 1 space per employee on maximum shift
Car/motor vehicle repair/tire store	1 space per employee on maximum shift, plus 2 spaces per bay or stall
Car wash/detail shop	1 space per employee on maximum shift, plus 2 spaces per bay or stall <i>(Stacking spaces may be required for tunnel car washes)</i>
Daycare/nursery	1 space per each employee, plus 1 space per 5 children
Fitness/health club	1 space per 200 sq. ft. of floor area
Fraternity/sorority house	3 spaces per bedroom, plus 1 space per employee on maximum shift
Funeral home/mortuary	1 space per 100 sq. ft. of floor area open for public use
Gas station/repair garage	1 space per employee on maximum shift, plus 2 spaces per bay or stall
Golf course	2 spaces per hole, plus 1 space per employee on maximum shift
Golf course, miniature golf/driving range	1 space per hole or platform, plus 1 space per employee on maximum shift
Hospital or similar health facility, with associated medical office	4 spaces per bed (for inpatient care such as hospitals)5 spaces per 1,000 sq. ft. of gross floor area for medical offices associated with hospitals or similar health facilities
Hotel/motel	1 space per guest room, plus 1 space per employee on maximum shift, plus parking spaces

	as required for associated uses such as restaurant, lounge or conference rooms
Industrial use, laboratory	The greater of: 1 space per 300 sq. ft. of floor area or 1 space per employee on maximum shift
Industrial use, manufacturing/processing/assembly	1 space per 500 sq. ft. of floor area
Library/museum/gallery	1 space per 300 sq. ft. of floor area
Lumber yard	1 space per 200 sq. ft. of floor area in main sales building
Medical office (with outpatient care only)	4 spaces per 1,000 sq. ft. of floor area
Nursing home	½ space per bed
Office uses	1 space per 300 sq. ft. of floor area, plus 1 space for each company-related vehicle
Post office or similar public buildings	1 space per 300 sq. ft. of floor area, plus 1 space for each agency-owned vehicle
Recreational facilities (i.e., swimming pools, skating rinks)	½ space per person based on occupancy, plus 1 space per spectator seat
Recreational facilities (tennis/racquetball or other court games)	2 spaces per court, plus 1 space per employee on maximum shift
Residence, multi-family dwelling	1.5 spaces per 1-bedroom unit, plus .5 guest space per unit; 2 spaces for 2- and 3-bedroom units, plus .5 guest space per unit
Residence, senior adult housing (attached)	1.5 spaces per dwelling unit, plus .5 guest space per unit
Residence, single-family	2 spaces per dwelling
Residence, single-family attached	2 spaces per dwelling plus .5 guest space per unit
Restaurant	1 space per 100 sq. ft. of internal floor area, plus 1 space per employee on maximum shift, plus .5 space per 100 sq. ft. of outside seating area
Restaurant, fast-food	1 space per 100 sq. ft. of floor area, plus 6 stacking spaces per drive-up window
Retail or wholesale, convenience	1 space per 250 sq. ft. of floor area
Retail or wholesale, electronics and home improvement superstores	1 space per 300 sq. ft. of floor area
Retail or wholesale, furniture or carpet superstore	1 space per 1,000 sq. ft. of floor area
Retail or wholesale, general	1 space per 330 sq. ft. of floor area

Retail/freestanding discount store	3 spaces per 1,000 sq. ft. of floor area
Schools, college/university or vocational	.34 space per student
Schools, elementary school	.2 space per student
Schools, high school	.46 space per student
Schools, middle school	.16 space per student
Schools, private; preschool	1 space per employee, plus 1 space per 5 children
Shopping center (100,000 sq. ft. or larger)	1 space per 250 sq. ft. of floor area
Theater/movie/cinema	1 space per 3 seats, plus 1 space per employee on maximum shift
Utility facility, major	To be determined through the approval process
Warehousing facility; commercial	1 space per 1,000 sq. ft. of floor area, plus 1 space per 400 sq. ft. of retail/wholesale/office area
Warehousing, mini-warehouse units	1 space per 100 units, plus 1 space per employee

(Ord. 11-05 Art. 4; Ord. 12-01 Art. 4)

Sec. 16-28-100. - Bicycle parking.

- (a) Where bicycle parking racks/facilities are required. Commercial, industrial, civic, employment, multi-family, schools and recreational uses shall provide bike racks or other facilities approved by the Director.
- (b) Number of bicycle parking spaces required. Unless otherwise determined by the Director, a minimum number of bicycle parking spaces shall be provided equal in number to two percent (2%) of the total number of automobile parking spaces provided by the development, but not less than one (1) space.
- (c) Location of bicycle parking. For convenience and security, bicycle parking facilities shall be located near building entrances.
- (d) Clearance. Provide a minimum one-foot clearance between parked bicycles and adjacent walls, poles, landscaping, street furniture, drive aisles and pedestrian clearways and at least a four-foot clearance from vehicle parking spaces.
- (e) Bicycle parking design standards. Bicycle parking facilities shall be designed consistent with the City's adopted Design Guidelines and Standards for Architecture and Site Planning.

Sec. 16-28-110. - Minimum requirements for off-street loading and delivery; general provisions.

Per the Site Improvement Plan submittal requirements identified in Sec. 16-27-100, all multi-family and mixed-use development applications shall be required to submit a loading and delivery plan. The City will review the loading and delivery plan and identify the minimum required loading and delivery spaces for the development. Such determination shall be based on the volume and frequency of loading and delivery proposed to occur on the site; the estimated number of residents, employees and/or customers; site location relative to street network and

roadway designation; the availability of on-street parking; and other site constraint and/or use determinations that may impact off-street loading and delivery requirements for the site.

(1) Off-street loading and delivery space minimum size requirements shall be as follows:

a. Residential loading and delivery space: twelve (12) feet wide, eighteen (18) feet long, eight (8) feet high, and a six (6) foot access aisle.

b. Standard loading and delivery space: twelve (12) feet wide, twenty-five (25) feet long, fourteen (14) feet high, and a six (6) foot access aisle.

c. Over-sized loading and delivery space: twelve (12) feet wide, sixty (60) feet long, fourteen (14) feet high, and a ten (10) foot access aisle.

(2) Off-street loading and delivery spaces shall be located on the same lot or parcel as the structure or use for which it is provided and shall be located behind, or on the non-street side, of buildings to the maximum extent practicable.

(3) Loading and delivery spaces shall be independently accessible and shall be designed to ensure delivery vehicles can maneuver on-site and shall be located to prevent delivery vehicles from:

a. Backing from, or into, public rights-of-way or emergency access lanes;

b. Interrupting the continuous flow of safe, efficient traffic;

c. Conflicting with pedestrian, bicycle or transit connectivity;

d. Obstructing sight triangles, public rights-of-way, emergency access lanes, or fire exits;

e. Impeding movement to and from accessible parking spaces;

f. Utilizing any minimum required parking spaces or snow storage areas; or

g. Impacting landscaped areas.

(4) Exceptions to the above listed requirements of Sec. 16-28-110 may be provided by the Director for good cause shown, and when supported by documented comparisons, information from similar jurisdictions, or evidence from qualified professionals.

Sec. 16-28-120. - Requirements for off-street loading and delivery; multi-family use.

The minimum off-street loading and delivery spaces for multi-family developments shall be as provided below, except where the Director may recommend an increase or decrease in the standard based upon documented comparisons, information from similar jurisdictions or evidence from qualified professionals.

<i>Number of Units</i>	<i>Off-Street Loading/Delivery Space(s)</i>
1-100 Units	2 Standard Loading and Delivery Spaces
101-200 Units	1 Residential Loading and Delivery Space 2 Standard Loading and Delivery Spaces
201-300	2 Residential Loading and Delivery Spaces 2 Standard Loading and Delivery Spaces
301 and greater	2 Residential Loading and Delivery Spaces 3 Standard Loading and Delivery Spaces

Sec. 16-28-130. Snow storage.

All development and proposed land uses that are planned with off-street parking and circulation areas not covered by a roof, except single-family dwellings and accessory dwelling units, shall be designed and constructed to provide snow storage areas in compliance with the minimum standards of this Section, or as otherwise approved by the Director.

- (1) Snow storage areas shall be:
 - a. Located near the sides or rear of parking areas, away from the primary street frontage.
 - b. Located to maximize solar exposure to the greatest extent feasible. Areas shaded by structures or vegetation shall be avoided.
 - c. Located so that snow removal equipment is not required to enter the public streets to move snow to the storage area.
 - d. Located in areas that are substantially free and clear of obstructions (e.g. utility infrastructure, drainage detention basins, trees, trash enclosures).
 - e. Designed to provide adequate drainage to prevent ponding and the formation of ice, especially when adjacent to pedestrian areas. Drainage from snow storage areas shall be directed towards on-site drainage detention facilities and/or shall be located to allow for infiltration into the ground through a vegetated buffer.
 - f. Located in areas that do not conflict with pedestrian or bicycle connectivity, pedestrian plazas, or communal or public spaces.
- (2) Snow storage areas shall not be:
 - a. Located adjacent to accessible parking spaces or accessible access ramps.
 - b. Located within parking or loading and delivery spaces required to meet the minimum parking or loading and delivery space obligations for the site.
 - c. Located within required landscaping areas that contain trees; any snow storage areas located in landscaped areas shall be planted with plants tolerant to snow storage and road salts.
- (3) As part of their development application, developers are responsible for providing the calculations utilized to assess and justify the snow storage capacity proposed for their development site. The City Engineer will review the calculations and may amend the calculation and/or require additional storage capacity depending on the individual site characteristics and average snowfall for the area.

(Ord. 11-05 Art. 4)

ARTICLE XXIX - Sign Standards

Sec. 16-29-10. - Purpose and intent.

The purpose of this Article is to provide regulations that protect the health, safety and welfare of the public and support the economic well-being of the community by creating a favorable physical image. These regulations are intended to further the goals and policies in the City Comprehensive Plan and Design Guidelines and Standards. More specifically, the intent of this Article is to:

- (1) Preserve and enhance an attractive physical appearance of the community and promote a healthy and vibrant economy.
- (2) Encourage signs that are well-designed, that attract, rather than demand, the public's attention, and that do not create a nuisance, distraction or impediment to travelers or adjacent landowners by their brightness, size or height.

- (3) Provide businesses, individuals, institutions and organizations within the City a reasonable opportunity to use signs as an effective means of identification and communication, while appropriately regulating the time, place and manner under which signs may be displayed.
- (4) Foster the safety of motorists and pedestrians by assuring that all signs are in safe and appropriate locations.
- (5) Provide content-neutral review and approval procedures that ensure compliance with, and consistent enforcement of, the requirements of this Article.

(Ord. 16-02 Art. 4, A.)

Sec. 16-29-20. - Application of Article.

- (a) The regulations contained in this Article shall apply to all outdoor signs in the City, unless otherwise provided for in this Article.
- (b) Any sign that can be displayed under the provisions of this Article may contain a noncommercial message.
- (c) Regulations contained in this Article shall apply to signs in all zoning districts. On parcels where mixed-uses (both residential and nonresidential) exist, residential uses shall comply with residential sign regulations and nonresidential uses shall comply with nonresidential sign regulations provided in this Article.
- (d) Signs within a Planned Development (PD) District shall be governed by this Article, except when the PD, or a Sub-Area Plan of the PD, has been adopted by the City Council, which incorporates additional or alternative standards for signage. In those cases, the sign provisions of the PD or Sub-Area Plan shall govern and supersede provisions of this Article. If a particular element is not addressed in one (1) of the above, the provisions of this Article shall apply.
- (e) Alternative sign standards may be approved by the Planning Commission as part of a wayfinding signage plan developed by the City, or as part of a Site Improvement Plan for commercial centers or districts in excess of one hundred (100) acres, or for freestanding buildings in excess of one hundred thousand (100,000) square feet. In these cases, the Planning Commission may approve signs that vary from standards herein upon demonstration of compliance with the intent of this Article and the Design Guidelines and Standards for Architecture and Site Planning.
- (f) Signs in the C4-Commercial Zone District, as amended, are regulated by additional restrictions of that zone district.
- (g) The regulations shall not apply to temporary signs erected by state or local government agencies or their contractors, or public utility companies to communicate information to the public, facilitate the construction, maintenance or operation of transportation facilities or to warn of dangerous or hazardous conditions, including signs indicating the presence of underground utilities.
- (h) Approved architectural and site features associated with a Site Improvement Plan are exempt from the regulations provided in this Article.

(Ord. 16-02 Art. 4, A.)

Sec. 16-29-30. - Signs allowed without a sign permit.

The following signs are allowed without a permit:

- (1) Any sign displaying a public notice or warning required by a valid and applicable federal, state or local law, ordinance or regulation.
- (2) All flags shall comply with standards of Subsection 16-29-60 (p). Up to three (3) flags per premises. More than three (3) flags shall require approval through a Site Improvement Plan process.
- (3) Window signs that do not exceed a total of fifty percent (50%) of the total window area per building side or per tenant occupied building frontage in a multi-tenant building. Window signs temporarily covering windows of unoccupied buildings or tenant spaces for sale or lease may exceed the maximum area requirement. "Day-Glo" fluorescent, luminous or reflective color window signs are prohibited. A banner applied to the exterior surface of a window is not considered a window sign and shall require a banner permit (see Section 16-29-130).
- (4) Signs on motor vehicles for sale or lease, including trucks, buses and trailers, that do not exceed two (2) total square feet. Federally mandated window stickers shall not be included in the calculation of square footage. "Day-Glo" fluorescent, luminous or reflective color signs mounted or painted on vehicles are prohibited.
- (5) Signs erected by state or local government agencies or their contractors, or public utility companies to facilitate the construction, maintenance or operation of transportation facilities or to warn of dangerous or hazardous conditions, including signs indicating the presence of underground utilities.
- (6) Incidental signs in residential areas where noted in Figure 16.1 herein, and in nonresidential and multifamily areas where noted in Figure 16.2 herein.
- (7) Temporary signs in residential areas as noted in Figure 16.1.
- (8) Temporary signs in nonresidential areas as noted in Figure 16.2.
- (9) Portable signs, including A-frame signs, that do not exceed one (1) per public entry door to an establishment, not to exceed twelve (12) square feet per side per sign, and located within twenty (20) feet of the entry of the establishment. The sign shall not be placed in a parking lot, right-of-way or in a median; shall not block exits or pose a hazard to vehicular or pedestrian traffic; shall not penetrate the ground; and shall be placed to assure continuous ADA access. Establishments with drive-through windows may have one portable (1) sign placed on the interior side of the drive-through, not to exceed twelve (12) square feet per side. Signs may be displayed during business hours only and must be stored indoors upon close of business.
- (10) Signs used for purposes of direction, instruction or safety at construction sites.

(Ord. 16-02 Art. 4, A.)

Sec. 16-29-40. - Prohibited signs.

The following signs are prohibited unless otherwise approved as part of a temporary use permit, banner permit or as otherwise provided in this Article. Signs not specifically addressed below or in this Article, or which are reasonably similar to the following, are considered prohibited as determined by the Director.

- (1) Portable signs, including but not limited to temporary promotional signs, balloons, inflatable devices, advertising flags, flutter flags, pennants or spinners, inflatable signs, lawn signs, banners, and sail banners.

- (2) Commercial flags and balloons that are mounted or attached on vehicles for sale or lease and "Day-Glo" fluorescent, luminous or reflective color signs mounted or painted on vehicles for sale or lease.
- (3) Vehicle-mounted signage located for the purpose of advertisement, business identity or directional guidance on private or public property on or near street frontages or access drives. Such vehicles are required to locate to the rear of the building, loading area or other less visible interior space so as not to be used as signage when parked.
- (4) Beacons, flashing signs, search lights and any lights that project towards the sky; and signs with any type of animation or intermittent lighting effects including messages that flash, blink, scroll or move.
- (5) Any sign emitting sound for the purpose of attracting attention.
- (6) Signs in the public right-of-way or on public property, except signs erected by the City, a licensee of the City, a special district serving the City or the State in accordance with the Manual on Uniform Traffic Control Devices, as amended. Signs in the public right-of-way or on public property that are not approved or otherwise exempted may be removed by the Director or designee and discarded. Those who install such signs may be subject to a penalty in accordance with this Chapter.
- (7) Roof-mounted signs, or signs which project above the highest point of the roofline or fascia of the building.
- (8) Signs on landscaping, lawns, pavement or furniture, such as benches, bike racks, light poles and similar site or streetscape elements, unless otherwise approved by the City.
- (9) Electronic message signs.
- (10) Changeable copy signs (wall-mounted).
- (11) Off-premises signs, including billboards, are prohibited except as otherwise provided in this Article. Off-premises signs may be permitted as follows: where two (2) or more businesses within commercial centers (with adjacent uses and common access) or shopping centers consolidate signage that provides enhanced wayfinding and identification in compliance with the applicable regulations of this Article and the Design Guidelines and Standards for Architecture and Site Planning; or where construction has temporarily closed or altered the access into or out of a property.

(Ord. 16-02 Art. 4, A.)

Sec. 16-29-50. - Sign permit.

- (a) Unless specifically exempted in Section 16-29-30, a permit shall be required from the Community Development Department for erection of all signs, and for any change to an existing approved sign resulting in a modified appearance or increase in total area. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the sign's owner from responsibility for its erection and maintenance in a safe manner and in a manner in accordance with all the other provisions of this Article.
- (b) All requests for signage shall be accompanied by a completed sign permit application, colored illustration, scaled drawings of building or tenant-occupied frontages, sign dimensions and sign specifications. Applications for permanent wall signs shall include an image or images with sign(s) superimposed on the building face and showing all existing wall signage, if any. Applications for permanent freestanding signs shall include a site plan showing the location,

setback, height and sign area of all proposed and existing signage if any, and existing and proposed landscaping and easements, as applicable. Applications for freestanding signs in excess of six (6) feet in height shall be accompanied by an engineered drawing or stamped certificate by a certified engineer attesting to the structural stability of the sign, as requested by the City. All completed applications shall be decided within thirty (30) days of submission.

(c) Appeals.

(1) Any person aggrieved by any decision of an administrative officer of the City pursuant to the provisions of this Section may appeal that decision to the Director. Such appeal shall be filed in writing within ten (10) business days of receipt of the decision. The Director may meet informally with the appellant and shall render a decision in writing within twenty (20) days of receipt of the appeal.

(2) Any person aggrieved by the decision of the Director may appeal the decision to the Planning Commission. Such appeal shall be filed in writing within ten (10) days of receipt of the decision. The Planning Commission shall schedule a hearing and render a decision in writing within twenty (20) days of receipt of the appeal. The written decision shall be given to the appellant and the Director.

(3) Any person aggrieved by a final decision of the Planning Commission may appeal the decision by appropriate legal action to a court of record having jurisdiction. Such appeal shall be filed no more than thirty (30) days from the date of the final decision.

(d) A sign permit fee shall be established by the City Council and shall be available through the Community Development Department. Additional building permit, electrical permit and/or use tax fees may apply.

(e) Sign permits are effective for a period of one (1) year from the date of permit approval, during which time the sign installation must be completed, or a request for new permit must be submitted. Requests to extend the approval period shall be submitted in writing and may be granted by the Director for up to an additional six (6) months.

(f) Unless otherwise stated in this Article, all determinations, findings and interpretations shall be made by the Community Development Department.

(Ord. 16-02 Art. 4, A.)

Sec. 16-29-60. - General provisions.

(a) Signs shall be designed to be compatible with a building or project in terms of relative scale, overall size, materials and colors, and shall substantially conform to the Design Guidelines and Standards for Architecture and Site Planning pursuant to Section 16-29-70.

(b) The maximum square footage of all signs and the maximum height of freestanding signs contained herein may be reduced in order to be in proper proportion and scale to the building or project. Guidelines for determining the height of a freestanding sign may include, but are not limited to, the proportional relationship of the sign to: height of adjoining buildings, topography, elevation of grade, area landscaping, traffic speeds of adjoining roads and distance from roads.

(c) Freestanding signs shall employ forms and materials that duplicate or complement the design of the building or project. The design should support or frame the body of the sign with a proportionate base and a definitive cap that provides a finished appearance. Pylon signs or signs with exposed pole supports are not allowed.

- (d) Wall signs shall be comprised of individual channel letters. Internally illuminated cabinet signs are permitted for wall or freestanding signs, provided that the cabinet incorporates routed, push-through or molded letters, graphics, panels or similar qualities that provide substantial dimension and interest to the face of the sign. Up to one-third of a sign may be a smooth-faced cabinet.
- (e) Wall signs shall be mounted onto the wall in such a way that mitigates the visual impacts of electrical raceways, components and conduits. This may include concealing such elements from public view, finishing them to match the background wall color, or integrating them into the overall design of the sign.
- (f) Cabinet signs shall have a predominantly darker colored background with a lighter contrasting color for the letters and symbols. Registered trademarks and logos are exempt from this provision. The background or field should have a non-gloss, non-reflective finish.
- (g) Changeable copy signs are permitted as part of freestanding signs. Translucent white or light-colored panels are allowed. Additionally, all letters and characters must be securely placed and form complete messages (i.e., no dangling or missing letters) to ensure quality appearance and legibility.
- (h) Signs and sign structures shall be maintained at all times in a state of good repair and free from malfunction, deterioration, insect infestation, rot, rust, loosening or fading.
- (i) Any element of a building, site or landscaping damaged or altered by the removal of a sign must be repaired or replaced. If a wall sign is replacing an existing wall sign, any exposed holes or damage to the building must be repaired and repainted to match the wall surface.
- (j) Signs shall be constructed such that they are able to withstand the maximum wind pressure for the area in which they are located.
- (k) Temporary signs shall not be illuminated.
- (l) The Director or designee shall have the authority to order the repair, alteration or removal of a sign or structure which constitutes a violation of the provisions of this Article or approved permit. In the event that such a sign has not been removed, altered or repaired within a specified time frame after written notification, the Director or designee shall have the authority to remove such sign or structure at the expense of the owner of the premises on which the sign is located.
- (m) No sign shall be located, designed or lighted so as to impair the visibility of traffic movement, or to distract, or contain an element that distracts, the attention of drivers in a manner likely to lead to unsafe driving conditions, as determined by the Director or designee.
- (n) Signs within the sight distance area, as defined in the City's adopted Roadway Design and Construction Standards, at the intersections of roads and driveways are subject to review and approval by the Engineering Division.
- (o) For the purpose of enforcing signs not in conformance with this Article, the following parties shall be regarded as having joint and severable responsibility with regard to illegal placement of such signs:
- (1) The record owner of the property on which the sign is located.
 - (2) The entity or person identified in the sign.
 - (3) The person placing or affixing the sign.
- (p) All flags shall conform to the following regulations:
- (1) No flag shall exceed five (5) feet by eight (8) feet.
 - (2) The maximum height for freestanding flagpoles shall be thirty (30) feet.
- (q) Banners erected on light poles on public or private property may be allowed upon approval of a sign permit. Banners on public property are permitted only upon execution of a license

agreement approved by the City, as well as approval of a sign permit. Banners on public or private property shall conform to the following:

- (1) Banners shall be associated with multi-tenant shopping centers, residential or mixed-use developments, transit-oriented developments, cultural or recreational entities, and similar applications. The type of banner may change periodically under the scope and terms of the agreement and/or permit.
- (2) Banners should be sized and mounted to provide adequate visibility and spacing so as not to interfere with pedestrian or vehicular movement.
- (3) Banners shall be made of quality, durable materials that are resistant to fading or damage by the wind and maintained in good condition.
- (4) Mounting systems shall complement the design and color of the pole.

(Ord. 16-02 Art. 4, A.)

Sec. 16-29-70. - Design Guidelines and Standards.

The Director shall establish Design Guidelines and Standards to effectuate the intent and purpose of this Article, to assist in its implementation, and to facilitate sign permit applications. Copies of the Design Guidelines and Standards are available from the Community Development Department.

(Ord. 16-02 Art. 4, A.)

Sec. 16-29-80. - On-site signs - residential.

Signs on parcels in residentially developed areas shall comply with the standards set forth in Figure 16.1, this Article, and shall substantially conform to the guidelines pursuant to Section 16-29-70.

Figure 16.1

Signs in Residential Areas

<i>Type of Sign</i>	<i>Max. Sign Area</i>	<i>Max. Height</i>	<i>Max. Number</i>	<i>Sign Permit Required</i>	<i>Additional Requirements</i>
Incidental sign (permanent)	Max 4 sq. ft. if gross floor area of building(s) on site is < 100,000 sq. ft., and Max 10 sq. ft. if gross floor area of building(s) on site is > 100,000 sq. ft.	—		No	

Sign located at entry to subdivision	48 sq. ft. single-sided; 24 sq. ft. per sign face if double-sided (freestanding) 32 sq. ft. (wall)	8 ft.	2 per entrance to community	Yes	
Signs for uses approved by special use permit in residential areas	32 sq. ft. if single-sided (16 sq. ft. per face if double-sided)	8 ft.		Yes	Shall be approved with new or amended SIP or special use permit.
Temporary sign (single-family detached or attached)	9 sq. ft. of cumulative area per side per street frontage	6 ft.		No	May be lawn sign. Signs shall be maintained, clean and in good repair.
Temporary sign (single-family detached or attached)	9 sq. ft. of cumulative area per side per street frontage	6 ft.		No	May be lawn sign. Signs shall be maintained, clean and in good repair.
Temporary sign (located on undeveloped property or property under development)	<5 ac. = 32 sq. ft. if single-sided; 16 sq. ft. per face if double-sided	6 ft.	1 per street frontage	No	
	>5 ac. = 48 sq. ft. if single-sided; 24 sq. ft. per face if double-sided	12 ft.	2 per street frontage	No	
Temporary special event sign	32 sq. ft. if single-sided; 16 sq. ft. per side if double-sided	6 ft.	1 per street frontage	No	

(Ord. 16-02 Art. 4, A.)

Sec. 16-29-90. - On-site signs - nonresidential and multifamily apartments.

Signs on parcels in nonresidential and multifamily apartment areas shall comply with standards set forth in Figure 16.2, this Article, and substantially conform to the guidelines pursuant to Section 16-29-70.

Figure 16.2

Signs in Nonresidential and Multifamily Apartment Areas

<i>Type of Sign</i>	<i>Max. Sign Area</i>	<i>Max. Height</i>	<i>Max. Number</i>	<i>Sign Permit Required</i>	<i>Additional Requirements</i>
Freestanding sign	Maximum sign area per sign face: 0.5 sq. ft. per 3 linear ft. of street frontage on which the sign is placed to a maximum total of 100 sq. ft. per face	15 ft.	1 per tenant frontage, per parcel	Yes	Signs shall not be placed in the right-of-way or in any easements that prohibit structures unless otherwise allowed by easement beneficiary.
Wall sign	50 sq. ft. plus 1 sq. ft. per lineal foot of building frontage, or tenant lease line, in excess of 50 ft. to a total of 100 sq. ft. per building face. For floor areas greater than 100,000 sq. ft., a maximum of 200 sq. ft. per building face	—	Office buildings or buildings with similar use where multiple tenants exist or may be planned, and where public entrance is predominantly interior are limited to 1 wall sign per building side. Additional signs may be approved where retail or other uses have separate exterior public entry.	Yes	No sign shall exceed 75% of the linear footage of the wall on which the sign is placed (within the tenant lease line or multi-tenant buildings), unless otherwise approved. See also Section 16-29-60
Projecting sign	Shall be counted toward maximum allowable wall sign area	—	1 per tenant frontage	Yes	Projecting signs shall not extend more than 36" from the building to which they are attached and shall have a clearance of 8 feet from grade level to the bottom of the sign.
Awning	Up to 20% of the area of the shed (slope)	—		Yes	Are permitted in addition to

	portion of awning and 50% of valance				allowance for wall sign.
Canopy sign	25% of the fascia per side	—	Not to exceed 2 per canopy	Yes	Are permitted in addition to allowance for wall sign. Color bands and light bands are prohibited. Signs shall not extend beyond gable or fascia of canopy.
Incidental sign (permanent)	Max 4 sq. ft. if gross floor area of building(s) on site is <100,000 sq. ft., and Max 10 sq. ft. if gross floor area of building(s) on site is > 100,000 sq. ft.	4 ft.		No	If incidental sign is a projecting sign, the bottom of the sign shall be a minimum 8 feet above the sidewalk and shall not extend more than 36" from the building to which attached.
Temporary sign (multifamily)	32 sq. ft. if single-sided; 16 sq. ft. per face if double-sided	6 ft.	1 per street frontage	No	
Temporary sign (located on developed property)	32 sq. ft. single-sided; 16 sq. ft. per face if double-sided	6 ft.	1 per street frontage	No	
Temporary sign (located on undeveloped property or property under development)	<5 ac. = 32 sq. ft. if single-sided; 16 sq. ft. per face if double-sided	6 ft.	1 per street frontage	No	
	>5 ac. = 64 sq. ft. if single-sided; 32 sq. ft. per face if double-sided	12 ft.	2 per street frontage		

Temporary special event sign				Yes	Display time is limited to duration of event. May not be placed in rights-of-way, public property, or on sidewalks.
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(Ord. 16-02 Art. 4, A.)

Sec. 16-29-100. - Permanent sign measurement.

The area of a sign shall be measured as follows:

- (1) For a wall sign which includes a backing or background that is part of the overall sign display, the sign area measurement shall include the entire portion within such background and shall be determined by the sum of areas in each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of the sign display.
- (2) For a wall sign comprised of separate elements that are organized to form a single sign, the sign area measurement shall be determined by the sum of areas in each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest perimeter enclosing the extreme limits of each separate element in the sign display, not including the space between each element.
- (3) For a freestanding sign, the sign area measurement shall be determined by the sum of areas in each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of the sign display. The sign area shall not include the frame or structural support unless such structural support is so designed to constitute a part of the sign display.
- (4) Architectural features and structural decorations which are integral to the design of the building or freestanding structure and are not integral to the design of the sign display, are not included in determining sign area measurement.
- (5) The maximum height of a freestanding sign is fifteen (15) feet. Sign height is measured from the base to the highest point of the sign including decorative elements and architectural features, as measured from the average finished grade.
- (6) The maximum square footage of all signs and the maximum height of freestanding signs contained herein may be reduced in order to be in proper proportion and scale to the building or project. Guidelines for determining the height of a freestanding sign may include, but are not limited to, the proportional relationship of the sign to height of adjoining buildings, topography, elevation of grade, area landscaping, traffic speeds of adjoining roads, and distance from road.

(Ord. 16-02 Art. 4, A.)

Sec. 16-29-110. - Sign illumination.

The purpose of this Section is to establish standards for illuminated signs that are consistent with the City's economic and aesthetic goals while ensuring that lighting does not create glare or

significant off-site impacts. In areas where an illuminated sign may impact a single-family residential area, the Director may impose requirements related to reducing illumination levels or imposing time restrictions on hours of lighting.

- (1) All illumination associated with a proposed sign shall be disclosed as part of the sign permit or temporary use permit application and is subject to review and approval as part of said permit.
- (2) Illuminated signs shall have light levels appropriate for the ambient light conditions of the context in which it is located, so as to provide consistency and compatibility with light levels in the area.
- (3) The light source, whether internal or external to the sign, shall be shielded from view, with the exception of approved exposed LED tubing, neon, luminous tube signs or similar lighting which may be approved in nonresidential areas where it is not readily visible from residential areas.
- (4) Externally illuminated monument signs may be illuminated from a ground light source and shall utilize shielded and focused light fixtures that do not cause glare and that minimize illumination beyond the sign copy.
- (5) Freestanding permanent signs may be illuminated from solar-powered energy, provided that the location and design of the solar panels and all related exposed equipment are integrated into the design of the sign structure so as to minimize their visibility.
- (6) Illuminated cabinet signs or portions thereof that are not signed or not in use shall have illumination turned off, or otherwise screened or reduced in intensity to minimize impacts.
- (7) Illuminated signs displayed onto any surface by a projection method are subject to a sign permit or temporary use permit and shall not project onto a public sidewalk or right-of-way.
- (8) Lighting for signs shall not create a hazardous glare for pedestrians or vehicles either in a public street or on private premises.
- (9) Signs shall not include animation, flashing, moving or intermittent illumination.
- (10) Illumination levels are subject to a thirty-day review period following the installation of the sign, during which time the City may inspect the sign to ensure that illumination levels are consistent and compatible with ambient light conditions in the area; do not create glare; are positioned at the appropriate angle to light the copy area; and do not have exposed light sources. The Director may require that light be shielded, reduced in intensity or removed, to ensure compliance with the requirements of this Article and the Design Guidelines and Standards for Architecture and Site Planning. Additionally, at any time, the Director may order the modification or removal of any illumination determined to be noncompliant with this Article or the Design Guidelines and Standards for Architecture and Site Planning.

(Ord. 16-02 Art. 4, A.)

Sec. 16-29-120. - Nonconforming signs.

- (a) Any permanent nonconforming sign lawfully existing at the time of adoption of the ordinance codified in this Article may be continued in operation and maintained after the effective date of the ordinance codified herein.
- (b) A nonconforming sign or sign structure shall be brought into conformity with this Article if it is altered, reconstructed, replaced or relocated. A change in copy is not considered an alteration or a replacement for purposes of this Section.

- (c) Termination of nonconforming signs shall occur:
- (1) By abandonment, meaning any sign, together with its supporting structure, which remains on the property ten (10) days or more after the use with which it was approved has been vacated.
 - (2) By destruction, damage or obsolescence, which will terminate the right to maintain any nonconforming sign, including whenever the sign is damaged or destroyed in excess of fifty percent (50%) of the current replacement cost of the sign from any cause whatsoever, or becomes obsolete or substandard under any applicable City ordinances.
 - (3) Any sign maintained in violation of the provisions of this Article shall constitute a nuisance to be abated in a manner provided in Chapter 7, Article 1 of this Code, as amended.

(Ord. 16-02 Art. 4, A.)

Sec. 16-29-130. - Temporary banners.

- (a) Each business or entity with its own exterior public entrance to the building may display one (1) banner per tenant frontage, not to exceed two (2) banners, on no more than four (4) occasions per calendar year using any combination of days not to exceed a cumulative total of sixty (60) days per calendar year.
- (b) The maximum banner size shall not exceed fifty (50) square feet where the tenant building frontage is less than one hundred fifty (150) linear feet. Banners up to two hundred (200) square feet are permitted for tenant building frontages in excess of one hundred fifty (150) linear feet. The applicant may be required to provide documentation to confirm building frontage.
- (c) Banners must be securely attached to the building or to a fence or wall attached to the building within the boundaries of the tenant's lease line. Banners should be pulled straight and taut wherever possible and properly maintained at all times. Banners must not block access to windows or doors and must be placed so as not to create hazardous or unsafe conditions.
- (d) A banner is allowed in place of a permanent sign as long as a sign permit for the permanent sign has been submitted and a permit is obtained for the banner. The size of the banner may be as large as the size approved for the permanent sign. The banner may be displayed for up to ninety (90) days. The banner does not count towards the regular banner time allotment.
- (e) Banners displayed on buildings that will open in the foreseeable future may be allowed as an alternative to a temporary ground sign once a building permit has been issued. One (1) banner per street frontage not to exceed two (2) banners is allowed. Banners shall not exceed fifty (50) square feet in area. However, banners up to two hundred (200) square feet are permitted for tenant building frontages in excess of one hundred fifty (150) linear feet. The applicant may be required to provide documentation to confirm building frontage. Banners must be removed when the business is open to the public. No permit is required for these banners.
- (f) When circumstances arise that make it impossible to meet the above banner requirements, the Director has the authority to approve variations.
- (g) A banner permit application is available from the Community Development Department.
- (h) Failure to obtain a banner permit or failure to abide by the stipulations of an approved permit constitutes a zoning violation.

(Ord. 16-02 Art. 4, A.)

Sec. 16-29-140. - Temporary use signage.

(a) Signs associated with a temporary use shall be subject to the terms of the temporary use permit, as provided by Article XXII of this Chapter.

(b) Failure to obtain a temporary use permit or failure to abide by the stipulations of an approved permit constitutes a zoning violation.

(Ord. 16-02 Art. 4, A.)

(Ord. 16-02 Art. 4, A.)

(Ord. 16-02 Art. 4, A.)

ARTICLE XXX - Lighting Standards

Sec. 16-30-10. - Intent.

The purpose of this Article is to provide lighting standards that prevent motorized vehicle and pedestrian conflicts, provide personal safety and protection against assault, theft and vandalism; provide convenience and comfort levels to the users of sites, and that minimize the negative effects of light pollution and trespass on surrounding land uses.

(Ord. 02-01 §3001; Ord. 04-17 §1; Ord. 05-13 §3001)

Sec. 16-30-20. - Lighting standards.

All outdoor lighting shall meet the following standards:

(1) External lighting shall be shielded such that the source of illumination (bulb or direct lamp image) is not visible from any adjacent property, except for Director-approved limited decorative lighting, approved streetscape lighting or as otherwise provided herein.

(2) For residential land and for land requiring Site Improvement Plan review, floodlights may only be used where there is external shielding and provided that light levels measured twenty (20) feet beyond the site's property line (adjacent to residential or public right-of-way) shall not exceed 0.1 foot-candles as a direct result of on-site lighting. All landowners have ninety (90) days within the date of approval of these amendments to come into conformance with this regulation or the property owner will be put on notice to redirect, shield, remove or replace such lighting. The use of directional shielding and photocells with timers that allow floodlights to go on at dusk and off by 11:00 p.m. are encouraged.

(3) Except as otherwise allowed for herein, all lighting (including, but not limited to street, parking lot, security, walkway and building) shall conform with the Illuminating Engineers Society of North America (IESNA) criteria for full cutoff fixtures. No portion of the bulb or direct lamp image may be visible beyond two (2) mounting heights from the fixture. If the bulb position within a fixture is vertical, any or all of the following may be required:

a. A high socket mount;

b. A translucent fixture lens;

c. An opaque coating or shield on a portion of the perimeter of the lens; or

d. Other industry-accepted measures, to ensure that the fixture IES classification as a true cutoff is not compromised.

- (4) All lights must be retrofitted with shielding in a manner such that the light conforms with IES criteria for true cutoff fixtures as noted in Paragraph (3) above.
- (5) All lights, except those required for security as provided herein, must be extinguished within one (1) hour after the end of business hours and remain extinguished until one (1) hour prior to the commencement of business hours. For reasons of security, one and one-half (1.5) foot-candles at entrances, stairways and loading docks, and one-half (0.5) foot-candle on the rest of the site is permitted.
- (6) Lights which are mounted on the ground or poles for the purpose of illuminating the building facade are prohibited, unless otherwise approved through the site improvement plan process.
- (7) Non-IES-approved cutoff fixtures which use incandescent bulbs of one hundred fifty (150) watts or less may be permitted to illuminate landscape plantings, pedestrian walkways, signage or product display areas. All signage lighting shall be extinguished within one (1) hour of the end of business hours and remain extinguished until one (1) hour prior to commencement of business hours.
- (8) Blinking, flashing or changing intensity lights and lighted signs shall be prohibited, except for temporary holiday displays or lighting required by the FAA for air traffic control and warning purposes.
- (9) No outdoor lighting may be used in any manner that could interfere with the safe movement of motor vehicles on public thoroughfares. The following is prohibited:
 - a. Any fixed light not designed for roadway illumination that produces incident or reflected light that could be disturbing to the operator of a motor vehicle.
 - b. Any light that may be confused with or construed as a traffic control device, except as authorized by a state, federal or city government.
- (10) No beacon or searchlight shall be installed, illuminated or maintained.
- (11) All stadium and all other exterior sports arena lights used for the purpose of illumination of the playing area must be extinguished by 10:00 p.m. or immediately after the conclusion of the final event of the day. The remainder of the facility lighting, except for reasons of security, must be extinguished at 10:00 p.m. or within one (1) hour after the event, whichever is later, and remain extinguished until one (1) hour prior to the commencement of the next event. For reasons of security, however, a maximum level of one and one-half (1.5) foot-candles at entrances and stairways and one-half (0.5) foot-candle on the rest of the site is permitted.
- (12) Maximum fixture height for all lighting shall be:
 - a. Twenty-four (24) feet when the fixture is located within seventy-five (75) feet of the site's boundary; and
 - b. Forty (40) feet when the fixture is located beyond seventy-five (75) feet from the site's boundary, provided that, for mounting heights in excess of twenty-four (24) feet, the distance of the fixture to the site's boundary is not less than three (3) times the mounting height.
- (13) All fixtures mounted within fifteen (15) feet of any residential property line or public right-of-way boundary of the site shall be classified as IES Type III or Type F (asymmetric forward throw) and shall be fitted with a "house side shielding" reflector on the side facing the residential or public right-of-way property line.
- (14) Acceptable bulb types:
 - a. High pressure sodium;
 - b. Metal halide (coated preferred);
 - c. Incandescent.

- (15) Maximum on-site foot-candles shall not exceed the following and may be reduced if adjacent to residential or other similar sensitive-type land use:
- a. Ten (10) foot-candles in areas adjacent to building entryways. Said ten-foot-candle maximum shall include light spillage from within the building as well as light from signage.
 - b. Three (3) foot-candles for parking lot areas.
 - c. Ten (10) to thirty-five (35) foot-candles for special display areas associated with such uses as auto sales.
 - d. Thirty (30) foot-candles under canopies of service stations or similar approved uses.
- Exceptions may be granted for the lighting of monument or other signs which enhance the City's identity or image.

(16) Light levels measured twenty (20) feet beyond the site's property line (adjacent to residential or public right-of-way) shall never exceed one-tenth (0.1) foot-candle as a direct result of the on-site lighting.

(17) All project lighting must receive final administrative approval, including illumination levels and types of fixtures, prior to issuance of a certificate of occupancy. Any unsatisfactory lights must be further shielded, reduced or increased in intensity, or removed.

(Ord. 02-01 §3002; Ord. 05-13 §3002)

Sec. 16-30-30. - Indoor lighting.

For land requiring Site Improvement Plan review, internal lighting shall be shielded such that the source of illumination (bulb) is not visible from any adjacent property, except for Director-approved limited decorative lighting or as otherwise provided herein.

(Ord. 05-13 §3003)

ARTICLE XXXI - Reserved

ARTICLE XXXII - Reserved

ARTICLE XXXIII - Reserved

ARTICLE XXXIV - Vested Property Rights

Sec. 16-34-10. - Intent and authority.

The purpose of this Article is to provide procedures and standards for review and approval of a site-specific development plan for the purpose of vesting property rights in property other than single-family residential property. This Article is adopted pursuant to Section 24-67-101 et seq., C.R.S. (the "Vested Property Rights Law"). In the event of any conflict between this Article and the Vested Property Rights Law, the latter shall control.

(Ord. 02-01 §3401; Ord. 04-17 §1; Ord. 05-13 §3401)

Sec. 16-34-20. - Criteria.

For other than single-family residential property, property rights may be vested by the City Council upon the approval of a site-specific development plan. The SIP is designated as the site-specific development plan as that term is defined in Section 24-68-102(4), C.R.S.

(1) The City Council may accept, upon the recommendation of the Director, any SIP approved by the Douglas County Site Improvement Plan Referral Board prior to September 11, 1996, under the applicable County regulations, for consideration as an approved site-specific development plan for the purpose of vesting property rights under this Article.

(2) A change deemed by the Director to be a minor revision to an SIP which has been designated as a site-specific development plan shall not affect the terms and conditions of the vesting as specified on the SIP and in any applicable development agreement and shall not extend the vesting period, unless expressly authorized by the City Council.

(3) A change deemed by the Director to be a major revision to an SIP which has been designated as a site-specific development plan shall render the terms and conditions of any original vesting null and void; however, an applicant who seeks approval of a major revision to the SIP may also seek a new vested right pursuant to the provisions of this Article.

(Ord. 02-01 §3402; Ord. 05-13 §3402)

Sec. 16-34-30. - Procedure.

(a) For any SIP approved by the City after March 1, 1997, under this Chapter, an application for vested property rights must be made within ninety (90) days of such approval, or the applicant shall be precluded from applying for recognition of such rights under the provisions of this Article.

(b) Only the landowner or their designee is permitted to apply for designation of a site-specific development plan for the purpose of vesting property rights.

(c) Concurrent processing of the SIP and the approval of a site-specific development plan under this Article shall be permitted only with the approval of the Director.

(d) The applicant shall submit the required information to the Community Development Department. Once the submittal is determined complete the Community Development Department will schedule a date for a hearing before the City Council, for the purpose of consideration of the proposed site-specific development plan, and shall notify the applicant of the hearing date.

(e) The applicant is responsible for publishing a notice in the newspaper, prior to the City Council hearing, in compliance with the public notice requirements herein.

(Ord. 02-01 §3403; Ord. 05-13 §3403)

Sec. 16-34-40. - Public notice requirements.

At least fifteen (15) days prior to the hearing before the City Council, the City shall publish a notice in the Official Publication; at least five (5) days prior to the hearing. The notice shall read:

NOTICE OF PUBLIC HEARING BEFORE
THE CITY COUNCIL

A public hearing will be held on (day of week), (date), at (time), in the City Council Hearing Room at 8527 Lone Tree Pkwy., City of Lone Tree, CO, 80124 [or other designated place] for a vesting of property rights. Said property is located approximately (distance and direction from nearest major intersection) and is known as the (name of development). For more information call the Community Development Department at [list the phone number provided by the City].

Owner: _____

Legal Description: _____

Type and intensity of use: _____

Published in: (newspaper) (date)

(Ord. 02-01 §3404; Ord. 04-17 §1; Ord. 05-13 §3404)

Sec. 16-34-50. - City Council actions.

- (a) The City Council may approve, conditionally approve or deny the site-specific development plan.
- (b) The City Council may approve the site-specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare. Such conditional approval shall result in a vested property right, although failure to abide by the conditions will result in a forfeiture of vested property rights. Such conditions may include:
 - (1) Compliance with regulations which may be promulgated following approval of the site-specific development plan based upon reasons of public health, safety and welfare.
 - (2) Certification by the applicant that the information submitted at SIP was sufficient and reasonable to conclude that the subject property and its immediate vicinity are free of all natural or man-made hazards, or that the applicant has identified any such hazard and has taken such necessary measures to ensure that such hazard will not pose a serious threat to the public health, safety or welfare; provided, however, that subsequent discovery of any hazard which is not corrected by the applicant to the satisfaction of the City Council, and is determined by the City Council to pose a serious threat to the public health, safety or welfare, shall render the site-specific development plan void and result in a forfeiture of vested property rights.
- (c) Following approval or conditional approval of the site-specific development plan, such plan may be subject to subsequent review by the local government to ensure compliance with the terms and conditions of the original approval. Failure to abide by such terms and conditions shall result in a forfeiture of vested property rights.

(Ord. 02-01 §3405; Ord. 05-13 §3405)

Sec. 16-34-60. - Post-approval action.

A site-specific development plan shall be deemed approved upon the effective date of the City Council's legal action, resolution or ordinance relating thereto. Such approval shall be subject to all rights of referendum and judicial review, except that the period of time permitted by law for the exercise of such rights shall not begin to run until the date of publication, in the Official Publication, of a notice advising the general public of the site-specific development plan approval and creation of a vested property right under this Article. Such publication shall be the responsibility of the applicant and shall occur no later than fourteen (14) days following

approval. The applicant shall present to the Community Development Department an affidavit of such publishing, within fourteen (14) days of publishing. Such notice shall read:

CITY OF LONE TREE:
NOTICE OF APPROVAL OF
SITE-SPECIFIC DEVELOPMENT PLAN

Notice is hereby given that on (date) the City of Lone Tree City Council approved a Site-specific Development Plan for the property and purpose described below, which approval may have created a vested property right pursuant to Colorado law. Such approval is subject to all rights of referendum and judicial review.

Legal Description: _____

Type and intensity of use: _____

Published in: (newspaper) _____ (date)

(Ord. 02-01 §3406; Ord. 04-17 §1; Ord. 05-13 §3406)

Sec. 16-34-70. - Approval rights.

(a) Upon approval of a site-specific development plan, the vested property rights shall attach to and run with the property and shall confer upon the landowner the right to undertake and complete the development and the use of said property under the terms and conditions of the site-specific development plan, including any amendments and modifications thereto which have been duly approved as set forth herein.

(b) A vested right, once established as provided for herein, precludes any zoning or land use action concerning the subject property by the County or pursuant to an initiated measure which would alter, impair, prevent, diminish, impose a moratorium on or otherwise delay the development or use of the property as set forth in a site-specific development plan, except:

(1) With the consent of the affected landowner;

(2) Upon the discovery of a natural or man-made hazard on or in the immediate vicinity of the subject property, which could not reasonably have been discovered at the time of the site-specific development plan approval and which, if uncorrected, would pose a serious threat to the public health, safety and welfare, or except as provided in Paragraph 16-34-50(b)(2) above; or

(3) To the extent that the affected landowner receives just compensation for all costs, expenses and liabilities incurred by the landowner after approval of the site-specific development plan, including costs incurred in preparing the site for development consistent with the site-specific development plan, all fees paid in consideration of financing and all architectural, planning, marketing, legal and other consultants' fees, together with the interest thereon at the legal rate until paid. Just compensation shall not include any diminution of the value of the property which is caused by such action.

(c) The establishment of a vested property right shall not preclude the application of ordinances or regulations which are general in nature and are applicable to all property subject to land use regulation by a local government, including building, fire, plumbing, electrical and mechanical codes.

(Ord. 02-01 §3407; Ord. 05-13 §3407)

Sec. 16-34-80. - Vesting period.

(a) A property right which has been vested as provided for herein shall remain vested for a period of three (3) years. The vesting period shall not be extended by any amendments to a site-specific development plan unless expressly authorized by the City.

(b) Notwithstanding Subsection (a) above, the City Council may be authorized to enter into development agreements with landowners providing that property rights shall be vested for a period exceeding three (3) years where warranted in light of all relevant circumstances, including but not limited to the size and phasing of the development, economic cycles and market conditions. Such development agreements shall be adopted as legislative acts subject to referendum.

(Ord. 02-01 §3408; Ord. 05-13 §3408)

Sec. 16-34-90. - Jurisdiction.

A vested property right approved while one (1) local government has jurisdiction over all or part of the property included within a site-specific development plan shall be effective against other local government which may subsequently obtain or assert jurisdiction over such property.

(Ord. 02-01 §3409; Ord. 05-13 §3409)

Sec. 16-34-100. - Judicial determination.

Nothing in this Article shall preclude judicial determination, based on common law principles, that a vested property right exists in a particular case or that a compensable taking has occurred.

(Ord. 02-01 §3410; Ord. 05-13 §3410)

ARTICLE XXXV - Solar and Wind Energy Standards

Sec. 16-35-10. - Intent.

These standards are intended to ensure that solar and wind technology associated with existing and new development is designed to be compatible, safe in relation to existing and planned uses, and supports development consistent with this Code, the City's Comprehensive Plan, and the Design Guidelines and Standards for Architecture and Site Planning.

(Ord. 09-07)

Sec. 16-35-20. - Applicability.

The Solar and Wind Energy Standards shall apply to all zone districts, including all land within planned developments as provided herein. All applications for Solar Panels and wind turbines shall be in accordance with this Article.

(Ord. 09-07)

Sec. 16-35-30. - Solar Panels.

- (a) Solar Panels are allowed in all zone districts, subject to the standards herein.
- (b) Solar Panels, if installed on the ground, shall meet accessory use setbacks or five (5) feet, whichever is greater.
- (c) General standards.
 - (1) All exposed electrical or plumbing lines shall be of a color compatible with the structure and materials adjacent to the lines; i.e., pipes on the walls shall be of a color compatible with the walls, while pipes on the roof shall be of a color compatible with the roof.
 - (2) Exposed frames shall have a nonreflective surface. Aluminum trim, if used and visible, shall be of a color compatible with the surface upon which it is installed.
- (d) Standards for Roof-Mounted Panels.
 - (1) The location and design of Solar Panels shall be integrated with the building architecture.
 - (2) Solar Panels shall be placed uniformly, consistent with the overall roof configuration. The shape and proportions of the array shall be matched with the shape and proportions of the roof.
 - (3) Solar Panels shall be installed flat on the plane of pitched roofs, or, if they must be pitched to obtain efficiencies, panels shall not exceed a pitch of twenty-five (25) degrees.
 - (4) The placement of Solar Panels on angled roofs shall be designed so that they do not extend beyond the ridgeline or side edges of the roofline.
 - (5) Solar Panels on flat roofs shall be positioned behind parapets or screen walls to the extent possible, or the panels shall be integrated into the architecture.
- (e) Review process.
 - (1) A building permit is required for Solar Panels and shall be reviewed against the standards herein.
 - (2) In addition to a building permit, Solar Panels on any development requiring a Site Improvement Plan (SIP) shall be reviewed as part of the SIP or associated amendment.
- (f) Submittal requirements. Applicants are required to submit:
 - (1) An illustrated specification of the proposed Solar Panels that clearly depicts the system and defines the materials used; and
 - (2) A plan that shows the location and number of Solar Panels (whether affixed to the roof or at ground level) and the location and color of any exterior system components. Setbacks shall be indicated if ground-mounted units are proposed.

(Ord. 09-07)

Sec. 16-35-40. - Small Wind Turbines.

- (a) Small Wind Turbines are only allowed in the C-1, C-2, C-3 and B zone districts and in commercial or business areas of Planned Developments, subject to a Use by Special Review, pursuant to Article XXI of this Chapter. Small Wind Turbines are not allowed in residential zone districts or in residential areas of Planned Developments. Large Wind Turbines are not allowed in any zone district.
- (b) The Use by Special Review approval standards for Small Wind Turbines shall include all approval standards for uses by special review, pursuant to Article XXI of this Chapter, with the

exception of the approval standard requiring adequate landscaping buffering and screening. In addition, the Use by Special Review application shall include provisions that:

- (1) Will minimize visual impacts through considerations, including but not limited to siting, color, finish, scale and the burying of transmission lines underground from the tower to the user or power grid; and
- (2) Will require the rotor blades to be a minimum of twenty-five (25) feet above the ground, unless safety is otherwise addressed to the satisfaction of City Council. Roof-mounted or enclosed turbines are exempt from this minimum distance requirement.

(Ord. 09-07)

ARTICLE XXXVI – Definitions

(Ord. 05-13 §3601)

Abutting means having a common border with, or separate from such a common border by, a right-of-way, alley or easement.

Accessible parking means parking spaces provided for the disabled according to the requirements of the Americans with Disabilities Act (ADA).

Accessory equipment shelter means an enclosed structure, cabinet, shed or box generally near or at the base of the support structure of a telecommunication or personal wireless communication facility that houses batteries, electrical equipment and other related equipment.

Accessory building means a subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

Accessory use means a use naturally and normally incidental to, subordinate to and devoted exclusively to the principal use.

Addition means any increase to the gross floor area of a structure.

Adjacent means having a common border with, or separated by common areas, open space, roadways or alleys.

Administrative Amendment Certificate means a written certificate documenting the official decision of the Community Development Department or Community Development Department on a proposed amendment to a previously approved plan.

Alteration see *Modification*.

Antenna means a system of wires, rods, reflecting discs or similar devices used for the wireless transmission or reception from a specific direction.

- a. *Directional* (or *panel* or *rectangular*) *antenna* means a flat surface antenna used to archive transmission or reception from a specific direction.
- b. *Omnidirectional* (or *whip*) *antenna* means a thin, self-supporting rod antenna that beams and receives a signal in all directions.
- c. *Parabolic* (or *dish*) *antenna* means a round, often concave, antenna no greater than twenty-four (24) inches in diameter used primarily for point-to-point transmission of radio signals.

Antenna array means groups of antennas designed to send and receive wireless transmissions.

Appeal means a review of a decision, determination, order, or act of an administrative or appointed body pursuant to the terms of this Chapter.

Assisted living and congregate care means independent living developments that provide centralized amenities such as dining, housekeeping, transportation and organized social/recreational activities. Limited medical services (such as nursing and dental) may or may not be provided. The resident may contract additional medical services or personal assistance.

Awning means an architectural projection or shelter projecting from and supported wholly by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

Banner sign means a copy or graphics displayed on a flexible form made of fabric, plastic, nylon or other nonrigid material.

Berm means a mound of earth used in landscaping for screening, definition of space, noise attenuation or decoration.

Billboard. See *off-premises sign*. Any other outdoor advertising prohibited by the provisions of C.R.S. § 43-1-401, et seq. shall also be considered *billboards*.

Board of Adjustment and Appeals means the persons appointed by the City Council and acting pursuant to the provisions of the Charter.

Boarding/rooming house means an establishment in which sleeping accommodations are provided by the head of household in a residential dwelling to unrelated persons where excess automobiles may result (see *household* and *excess automobiles*).

Borrow site means a site used for the extraction of earthen materials such as sand, gravel, rock and dirt, where the material is removed from the legally described site and characterized by a short-term operation and a limited quantity of earthen material.

Buffer area means an area of land established to separate and protect one (1) type of land use from another, and to screen uses from objectionable noise, smoke or visual impact or to provide for future public improvements or additional open space.

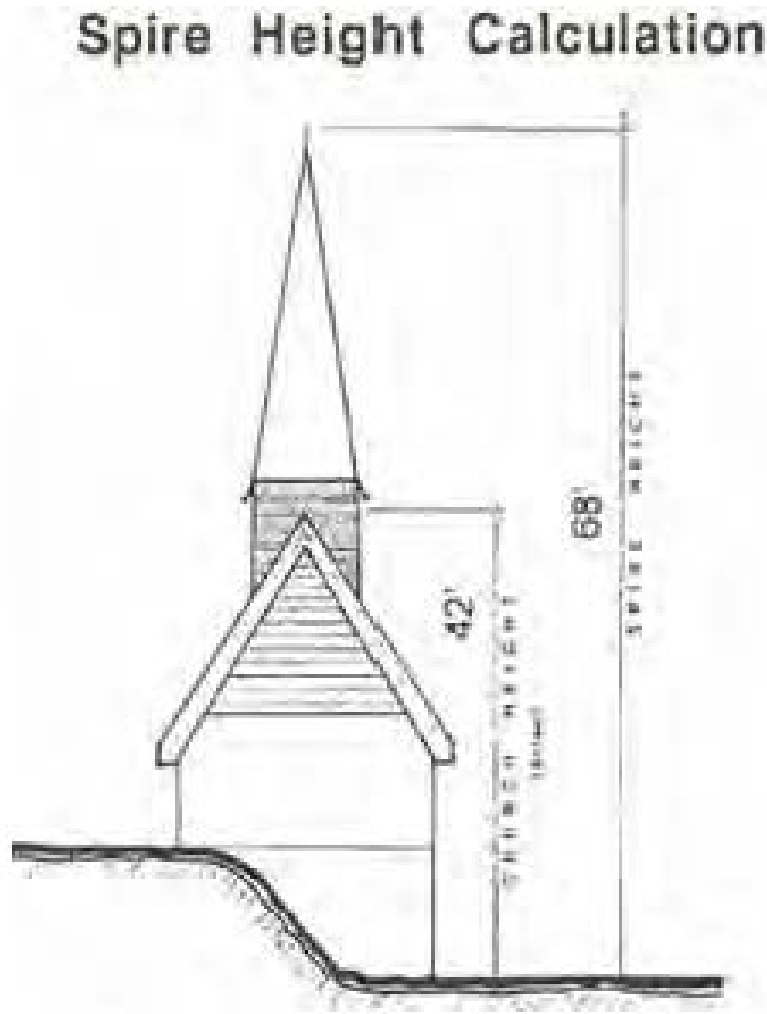
Building means any permanent structure, or portion thereof, built for the shelter or enclosure of human beings, animals or property of any kind and excluding signs or fences.

Building Department means the City's designated Building Department as set forth by resolution or other City Council action and authorized to perform all building code administration and inspection services as directed by this Chapter and other City regulations.

Building envelope means the portion of a lot within applicable setback requirements where building construction will be permitted, or other activities if so limited or described on the plat.

Building height. To measure building height, refer to the City Building Code as amended and adopted by the City Council.

Spire height calculation (see diagram):



[OBJ]

Cabinet sign means a sign structure consisting of the frame and face(s), not including the internal components, embellishments or support structure.

Canopy means a multi-sided overhead structure or architectural projection supported by attachments to a building (attached) or supported by columns but not enclosed by walls (freestanding).

Carrier means a company that provides wireless communication services.

Cellular communication means a type of personal communication service consisting of low-power mobile radio communication that occurs through a network of radio wave transmitting devices.

Central sanitation means a centralized wastewater collection and treatment facility approved by Tri-County Health Department and the Colorado Department of Public Health and Environment, including at a minimum secondary wastewater treatment, subject to any waste discharge permits required by the State.

Central water means a centralized water distribution facility which may be made up of one (1) or more wells or other sources of water.

Changeable copy sign means a sign where letters, characters or graphics change manually through placement of letters or symbols on a panel mounted in or on a track system.

Channel means a natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

Channel flow is that water which is flowing within the limits of the defined *channel*.

Church means a building where people regularly assemble for worship, together with its accessory buildings and uses, maintained and controlled by an organization to sustain public worship.

City means the City of Lone Tree, Colorado.

City Engineer means the City's designated Director of Public Works or their designee, to perform the engineering functions for the City as set forth in this Chapter.

Clinic, dental or medical means a facility licensed and used for the provision of medical, dental, surgical or mental health care of the sick or injured, excluding inpatient and overnight accommodations.

Club (country club) means individuals gathered for social, educational or recreational purposes, including buildings or facilities owned or operated by such organization.

Cluster means a development pattern characterized by the compact arrangement of land uses within a project boundary or planning area, designed to create common open space or to preserve environmentally or visually sensitive areas.

Co-location means the circumstance occurring when more than one (1) antenna or transmitter is located on a single structure.

Community Development Department means the City department responsible for all matters regarding land use planning, zoning and subdivision, and includes the administration of building regulations and zoning enforcement, as set forth in this Chapter.

Community Development Director unless otherwise specified, means the City's Director of the Community Development Department, or their designee; the Director is responsible for all matters regarding land use planning, zoning and subdivision, and includes the administration of building regulations and zoning enforcement, as set forth in this Chapter.

Community garden means a piece of land gardened collectively by a group of people for the purpose of providing access to fresh produce and plants.

Comprehensive Plan means a long-range guiding document adopted by resolution by the Lone Tree City Council, in adherence with C.R.S. 31-23-206, which provides the land use planning policy framework for the City of Lone Tree, promotes the community's vision, goals, objectives, and policies, and establishes a process for orderly growth and development. The effective Comprehensive Plan is the most recent version adopted by resolution by the Lone Tree City Council.

Condominium means a legal form of ownership whereby an owner gains title to an interior air space dwelling unit, together with interest in the common areas and facilities appurtenant to such units.

Congregate care see *Assisted Living*.

Convenience store means a small retail or service commercial use, which provides limited food products, household items or other goods or services commonly associated with the same, which do not typically offer comparison shopping opportunities.

Copy means those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

Council means the City Council, the governing body of the City.

Day-Glo means a trade name for certain inks or lacquers that become fluorescent when activated by the ultraviolet rays of sunlight or special illumination.

Days unless otherwise specified, means calendar days.

Day care center/preschool means a commercial facility where care and training is provided for children or adults for periods of less than twenty-four (24) consecutive hours.

Family childcare home has the same meaning as set forth in C.R.S. § 26-6-102(13), as further defined and regulated in the Code of Colorado Regulations. *Density* means the number of units per area of measure. For example, the number of dwelling units per acre.

Density, gross means the total number of units divided by the total land area within the boundary of the project, including publicly dedicated streets, open space or other public facilities.

Density, net means the number of units divided by the total land area within the boundary of the project, excluding publicly dedicated streets, open space or other public facilities.

Dental clinic see *clinic*.

Department means the City's Community Development Department responsible for processing and administering all matters regarding land use zoning and subdivision for the City.

Design Guidelines and Standards means a set of guidelines and standards defining parameters to be followed in site and/or building design and development, landscaping, and additional design areas, as may be determined by City Council. The effective Design Guidelines and Standards may be provided in one (1) document, or numerous documents, as may be adopted and amended by ordinance or resolution of the Lone Tree City Council.

Designated elevation means the elevation above sea level determined at each airport in accordance with the approved airport guidelines.

Development means any change to improved or unimproved real estate, including but not limited to buildings, structures, mining, dredging, filling, grading, paving, excavation or drilling operations or any alteration to land, buildings or structures which falls under the purview of this Chapter.

Development plan means a specific set of regulations establishing lot size, land use, density, lot coverage, open space or other standards and a map depicting land uses within a Planned Development District approved by the City Council and recorded in the County Clerk and Recorder's office. The current and future owners and their successors and assigns are required to develop their property in accordance with this plan.

Direct illumination see *exterior illuminated sign*.

Director see Community Development Director.

Double-sided sign means a sign with two (2) parallel faces.

Driveway means a private vehicular access abutting a street, for the exclusive use of the owners and occupants of the lot, lots or project and their invitees, not considered to be a street.

Dwelling means a building or portion thereof used exclusively for residential occupancy, including single-family, two-family and multi-family dwellings, but not including mobile homes,

hotels, motels, motor homes or tents. Manufactured homes certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. § 5401, et seq., as amended, and complying with the definition found at Section 30-28-115(3)(a), C.R.S., shall be deemed a *dwelling unit*.

Dwelling, multi-family means a dwelling situated on one (1) lot and arranged, designed or intended for occupancy by two (2) or more families living independently of each other, including condominiums and duplexes, but excluding hotels and motels.

Dwelling, single-family means a dwelling situated on one (1) lot and arranged, designed or intended for occupancy by not more than one (1) family in compliance with the City Building Code. The dwelling must function as a continuous enclosure without any impassable separation such as a wall or floor. Dwelling spaces joined by a garage or breezeway are considered to be separate dwellings.

Dwelling, single-family, attached means a dwelling with primary ground floor access to the outside, which is attached to another unit by a party wall without openings, and is situated on one (1) lot. The term is intended primarily for such dwelling types as townhouses, cluster units and patio homes.

Dwelling unit see *residential dwelling unit*.

Easement means an acquired right of use, interest or privilege in land owned by another.

Electronic message sign means a sign where letters, characters or graphics are activated and displayed electronically allowing variable message or display and programming capability.

Engineer means the City's designated Director of Public Works, or their designee, as set forth by resolution or other City Council action, to perform the engineering functions for the City as set forth in this Chapter.

Engineering Division means the City's designated Engineering Division as set forth by resolution or other City Council action to perform the engineering functions for the City as set forth in this Chapter.

Entertainment event means a public presentation that provides amusement for or holds the attention of those in attendance, including a festival, carnival, revival or other similar activity, normally held on an annual or occasional basis.

Equipment, small means vehicles/ equipment not exceeding the following gross vehicle weights: motorized - eighteen thousand (18,000) lbs.; nonmotorized - six thousand (6,000) lbs.

Excess automobile means any vehicle or vehicles owned or operated by members of a household that cannot be accommodated on the dwelling unit's driveway or parked in a common lot.

Exterior illuminated sign means a sign that is illuminated by a light source that is directed towards and shines on the face of a sign; also called *direct illumination*.

Façade means the entire area of a building face or side extending from the roof or parapet to the ground and from one corner of the building to another.

Facilities means systems or structures designed to collect, treat or distribute potable water, and includes water wells, treatment plants, storage facilities and transmission and distribution mains.

Family means two (2) or more persons related by blood, adoption or marriage, including foster children.

Fence, solid means any structure used as a barrier, boundary or means of concealing the interior portion of a lot.

Field Change Order means a requested minor change to a landscape plan that was originally approved as a component of a Site Improvement Plan.

Financial security or security means an amount of money determined and held by the City for the purpose of assuring timely completion of public improvements and site work, including but not limited to landscaping, and of other purposes determined by the City. *Financial security* may be issued in the form of an irrevocable standby letter of credit or cashier's check and released to the issuer upon satisfactory completion of work as determined by the City.

Fire protection facilities means fire stations and major pieces of fire-fighting apparatus, including but not limited to pumpers, quick response vehicles, hook and ladder trucks and similar equipment owned and operated by City fire districts.

Flag means any fabric or similar material which is attached or otherwise suspended by one edge to a pole or rope.

Floor area means the total floor area of all floors in the principal structure, excluding atriums, rest rooms, mechanical areas, stairwells and elevator shafts.

Floor area, gross means the sum of the horizontal area, measured in square feet, of all floors of a building measured from the exterior face of the wall, including stairwells or elevator shafts, and excluding unfinished basements or attics, garage space or unenclosed porches.

Floor area, net means the sum of the horizontal floor area, measured in square feet, of all floors of a building, measured from the interior face of the exterior wall, excluding therefrom stairwells, elevator shafts, covered malls, covered walkways, roof patio areas, covered entries, covered utility rooms and storage areas.

Floor Area Ratio (F.A.R.) is determined by dividing the gross floor area of all buildings on a lot by the total area of that lot.

Foot-candle means a unit of measurement referring to illumination incident to a single point. One foot-candle is equal to one lumen uniformly distributed over an area of one square foot.

Freestanding sign means a sign principally supported by a structure affixed to the ground or supported by one (1) or more columns, poles or braces placed in or upon the ground and not supported by a building.

Frontage means the length of a parcel/lot abutting a right-of-way.

Garage, private means a building or portion thereof in which only private or pleasure-type motor vehicles used by the owner or resident tenants of the land are stored or kept.

Garage, public means a building or portion thereof, other than a private garage, used for the parking of automobiles.

Grade means the elevation of the finished surface of the ground.

Greenhouse means a structure used for the propagation, cultivation or growing of nursery stock, such as flowers, bulbs, plants, trees, shrubs or vines.

Gross leasable area means the total horizontal floor area, measured in square feet, of all floors of a principal structure, excluding atriums, stairwells, elevator shafts, covered malls, covered walkways, common hallways, roof patio area, covered entries, covered parking, covered driveways, covered loading areas, common rest rooms, utility rooms and storage areas. The terms *lease area* and *usable floor area*, as used in this Chapter, shall be identical to *gross leasable area*.

Group home, including a for-profit or nonprofit group home, an owner-occupied group home and a state-licensed group home, means a structure which provides residential, non-institutional housing for a group of up to eight unrelated individuals or related and unrelated individuals, as further defined in Section 31-23-303, C.R.S., subject to all applicable state and City licensing.

Guest house means a dwelling attached or unattached to the principal dwelling, used to house guests of the occupants of the principal dwelling, and which shall not be rented or leased, or held in ownership by other than the owner of the principal dwelling.

Hardscape means any non-living materials or structural site improvements, that may include, buildings, paving, walkways, walls, fences, arbors, patios, site furnishings, decorative rock, stones, and similar materials.

Heliport means any area used by helicopters for commercial or business purposes, including landing and take-off, passenger and cargo loading, maintenance and fueling facilities.

Home occupation is defined as a business, profession, occupation or trade conducted entirely within a residential building, which use is accessory, incidental and secondary to the use of the

building for dwelling purposes and does not change the essential residential character or appearance of such building.

Homeowners' association means an association of homeowners within a residential area created to govern the area, with powers including, but not limited to, the setting and collection of expense assessments from the members of the association, the control and maintenance of common areas and the enforcement of protective covenants.

Hospital means an institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities and staff offices that are an integral part of the facilities.

Hotel means any building arranged, designed or intended as a temporary lodging place for human beings, with or without meals, in which there are six (6) or more guest rooms or suites.

Household means an individual, two (2) or more persons related by blood, adoption, foster children or marriage and the number of unrelated persons living in said dwelling unit that is equal to or less than the number of cars that can be parked off-street on the dwelling unit's driveway or allocated parking in a common lot, and not result in excess automobiles as determined by the Director. This definition is a criteria for determining the status of a boarding or rooming house.

Impervious Surface means any material which prevents, impedes, or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation-bearing soils, including building, asphalt, concrete, gravel, and other surfaces.

Improvement means the construction or installation of required infrastructure, utility services, lighting, landscaping or other appurtenances intended to serve and/or support a site improvement plan or development project. Improvements may be public in nature (e.g. installation of a turn lane in an existing right-of-way) or private (e.g. installation of landscaping adjacent to a public right-of-way).

Incidental signs means a sign of a permanent nature that has a purpose secondary to the use on the property and not intended to attract attention beyond the perimeter of the site.

Industrial park means a tract of land with two (2) or more separate industrial buildings or related uses planned, designed, constructed or managed on an integrated and coordinated basis with special attention to on-site traffic patterns, parking, utilities, building design and orientation, and open space.

Inoperable vehicle means any vehicle that is unlicensed or mechanically unable to travel on the street in accordance with state law.

Island see *Parking Island*.

Isoline Map means a map presenting numerical data cartographically to assist readers in identifying geographical patterns and relationships. Isolines are lines drawn on maps connecting data points of the same value; when shaded they are known as isopleth maps.

Junkyard means a building, structure or parcel of land, or portion thereof, used for the collecting, storage or sale of wastepaper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage, salvaging or demolition of vehicles, machinery or other materials.

Kennel means any structure or area used to house dogs, cats or other household pets or used for grooming, breeding, training or selling of animals. Limited health-care facilities may be accessory to this use.

KV means kilovolt.

Landscape means improvement to an area of land by the planting of a combination of trees, shrubs and groundcover.

Large Wind Turbines means wind turbines generating greater than 100 kilowatts.

Lawn sign means a temporary sign that is erected by means of inserting one (1) or more stakes into the ground.

Legal description means a written metes and bounds description of the boundary of a parcel of real property by a Professional Land Surveyor (PLS), for the purpose of perpetuating location and title. The description must recite all ties and monuments, recorded or physical, which will determine the correct position of the boundary, all references to adjoining lands by name and record, and a full dimensional recital of the boundary courses in succession which shall be mathematically correct. The description must be accompanied by an exhibit or map showing all pertinent information as described in the narrative. Legal description also includes a designated lot on a recorded plat.

Licensed Landscape Architect means a person who is currently licensed by the State of Colorado to practice the profession of landscape architecture.

Licensed Professional Engineer means a person who is currently licensed by the State of Colorado to practice the profession of engineering.

Lot means a parcel of land designated as a lot on a recorded plat, or a parcel of land that has been recorded by a deed in the County Clerk and Recorder's office, provided that such lot was created in compliance with state land use laws and City subdivision and zoning regulations in effect at the time the lot/parcel was created. Also referred to as a *lot of record*. (A tax parcel is not necessarily a *lot of record*.)

a. *Lot, corner* means a lot abutting two (2) or more adjacent streets which have an angle of intersection of not more than one hundred thirty-five (135) degrees.

b. *Lot, double frontage* means a lot abutting two (2) streets as distinguished from a corner lot.

- c. *Lot, flag* means a lot having access or an easement to a public or private street by a narrow, private right-of-way.
- d. *Lot, interior* means a lot other than a corner lot.

Lot, area of means the area of a lot exclusive of streets, City-dedicated land or open space.

Lot, buildable means a lot of record that complies with all the requirements of the zoning district within which it is located, or a nonconforming lot, provided that such lot was created in compliance with state land use laws and the City's subdivision and zoning regulations in effect at the time the lot was created. (A tax parcel may or may not be a buildable lot.)

Lot line, front means the lot line separating the lot from a street. On a corner lot or double frontage lot, each lot line separating the lot from a street is considered a front lot line. Where a lot is not abutting a street, other than by its driveway, that lot line which faces the principal entrance of the main building is the front lot line.

Lot line, rear means the lot line opposite and most distant from the front lot line; however, for corner lots the rear lot line may be any lot line not abutting a street. For triangular, pie-shaped or irregularly shaped lots, the rear lot line shall be deemed to be a line within the lot having a length of ten (10) feet, parallel to and most distant from the front lot line for the purpose of determining required setbacks.

Lot line, side means any property boundary line which is neither a front lot line nor a rear lot line.

Lot, nonconforming means a lot that has less than the required minimum area or width as established by the zone in which it is located.

Manufactured housing means a factory-built, single-family structure that is manufactured and certified under the authority of 42 U.S.C. § 5401, the National Manufactured Home Construction and Safety Standards Act, and complies with the definition found at Section 30-27-115(3)(a), C.R.S. A *manufactured house* is different from a *mobile home*.

Master phasing plan means the master plan for a multi-phase Site Improvement Plan (SIP) that is included with the SIP application. The master phasing plan identifies the general type, design and timing of proposed public improvements, infrastructure, site and amenity development, and building construction.

Metes and bounds means a method of describing or locating real property; *metes* are measures of length and *bounds* are boundaries; this description starts with a well-marked point of beginning and follows the boundaries of the land until it returns once more to the point of beginning.

Microwave dish means a device for receiving or transmitting radio frequency/ electromagnetic waves.

Mineral extraction means exploration for and/or the withdrawal and refinement of materials, including but not limited to, minerals (either solid, liquid or gas which are usable in their natural form or converted to a usable form when extracted from the earth), sand, gravel, quarry aggregate, oil, natural gas, coal, dimension or landscape stone, peat and metals. *Mining* does not include surface or groundwater found in the City.

Mining see mineral extraction.

Mini-storage see *mini-warehouse*.

Mini-Warehouse means a building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

Mixed-Use means a building or groups of buildings designed to encourage a diversity of compatible land uses, which include a mixture of two or more of the following uses: residential, office, retail, recreational, institutional, educational, or other uses determined to be compatible with uses in the mixed-use area.

Modification (or alteration) means the act or process which changes one or more of the exterior architectural features of a structure or exterior features of a site.

Modular home means a prefabricated living unit, designed to become a permanent building, which meets the building standards of the City Building Code.

Nonconforming building means a building that does not meet the bulk requirements of the zoning district in which it is located, but which complied with applicable regulations at the time the building was constructed.

Nonconforming sign means a sign, which on the effective date of the ordinance codified in this Article, was lawfully maintained and had been lawfully erected in accordance with the provisions of any prior applicable sign regulation but which does not conform to the limitations established by this Article, as amended.

Nonconforming use means a use of land or of a building that does not comply with the use regulations for its zoning district, but which complied with applicable regulations at the time the use was established.

Nursing home means an establishment, other than a hospital, licensed by the State, that operates and maintains continuous day and night facilities providing room and board, personal service and professional nursing care.

Office, professional means a place of business for predominantly administrative, professional or clerical operations, i.e., accountant; architect; attorney; bookkeeper; broker; doctor; dentist; chiropractor; psychologist; drafter; bank; savings and loan; insurance company; credit union;

credit-reporting agency; developer; contractor; engineer; surveyor; planner; insurance agency; interior design; landscape architect; pharmacy; notary; stenographer or clerical services.

Office showroom means a land use or structure which combines at least two (2) of the following: (1) office; (2) display and showroom; (3) wholesale; (4) retail sales; (5) services generally oriented to the needs of the business community; and (6) storage functions where the storage function is accessory to the primary operation.

Office/showroom facilities are typically designed for multiple-tenant occupancy where each tenant has only light trucking and loading requirements which are usually confined to normal business hours of 7:00 a.m. to 6:00 p.m.

Official Publication means the newspaper in which legal notices and required publications shall be made..

Off-premises sign means a sign directing attention to a specific establishment, service, product, activity, or event that that is not conducted at the property upon which the sign is located.

Off-street Loading/Delivery Space means an off-street space on the same lot with a building or group of buildings for temporary parking of a commercial vehicle while loading and unloading merchandise, materials, or other deliveries.

Open space means public or private land and aquatic areas that are regulated or managed to protect the natural environment and significant cultural resources; provide recreation and agricultural opportunities; shape the pattern of urban development or any combination thereof, including yards and common areas and including a limited number of buildings and accessory uses compatible with intended use. *Open space* shall be deemed not to include driveways, parking lots or other surfaces designed or intended for vehicular travel.

Outdoor Storage means the storage of any material for a period greater than 24 hours, including items for sale, lease, processing, construction and repair (including vehicles) not in an enclosed building.

Overnight storage of vehicles means the storage of any delivery, catering or fleet vehicle. Overnight storage of vehicles excludes the personal vehicle of the resident who lives on the site upon which the vehicle is parked overnight.

Parcel means all contiguous land held under one (1) deed irrespective of the method of legal description used.

Park means any public or private land available for recreational, educational, cultural or scenic purposes.

Parking Island means a landscaped area within the interior of a surface parking lot or the center of a roundabout which is completely surrounded by other hardscape surfaces and is typically intended to break up large areas of impervious surfaces.

Parking, off-street/lot means an area other than a street or alley that is permanently reserved and maintained for the parking of motor vehicles on a temporary basis (daily or overnight.)

Personal Communication Service (PCS) means a type of wireless communication technology capable of transmitting voice, data and paging that utilizes small cells on tight grids.

Personal wireless communication facility means any unstaffed facility for the transmission and/or reception of voice, data and paging signals consisting of one (1) or more of the following elements: antennas, support towers and accessory equipment shelters.

Personal wireless communication services means the term used to collectively describe low-powered, unmanned facilities providing wireless telecommunication services, including but not limited to paging, personal communication service (PCS), commercial mobile radio service (CMRS), cellular telephone and similar technologies to a small geographic area within a network of interconnected sites. The power density at the property line shall not exceed the radio frequency emission standards set by the FCC.

Photometric Plan means a diagram drawn to scale depicting the location of all light poles and building mounted light fixtures (existing and proposed) in a specific area and a numerical grid of the predicted maintained lighting levels that the fixtures will produce. All values shall be at grade unless otherwise stipulated.

Planned Development means a zoning district for an area of land controlled by one (1) or more landowners which is developed under a single development guide for mixed use.

Planning area means an area of land within a planned development defined by acreage, use, density, etc., and whose boundaries are defined by the alignment of arterials or collectors or as depicted by the development guide.

Planning Commission means the persons appointed by the City Council and acting pursuant to the provisions of the Charter and the Code.

Plant nursery means an area of land used to raise trees, shrubs, vines or other plants, for transplanting or sale.

Plat means a map and supporting materials of certain described land prepared in accordance with Chapter 17 of this Code as an instrument for recording real estate interests with the County Clerk and Recorder.

Portable sign means a sign that is designed to be moved easily, such as an easel or A-framed sign, is not permanently affixed to the ground, does not penetrate the ground, and is not permanently affixed to a structure or a building.

Principal building means a building in which the primary use of the lot/parcel on which the building is located is conducted.

Principal use means the primary use of land or structures on a site, as distinguished from an *accessory use*.

Projecting sign means a building-mounted sign with the faces of the sign projecting from and perpendicular to the building fascia.

Promotion means any event or activity that promotes, advertises or markets goods or services through the use of public displays of advertising materials in the form of banners, pennants, sales events, tents, window displays or any other advertising which exceeds approved permanent signage for the entity.

Public improvement means the construction or installation of required infrastructure, utility services, lighting, landscaping or other appurtenances intended to serve and/or support a site improvement plan or development project and intended to be owned and/or maintained by a public or quasi-public entity.

Public schools means elementary schools, middle schools, high schools and charter schools, capital equipment provided therein and the land needed for public schools which are owned and operated by a public school district or pursuant to charter.

Push-through means a letter or logo that is cut out of a backing material as thick as or thicker than the sign face material, and then mounted on the inside of the sign face so that the backing material's thickness extends flush with or through and beyond the front plane of the sign face.

Pylon sign means a freestanding sign with a visible support structure, which may or may not be enclosed by a pole cover.

Raceway means an electrical enclosure that may also serve as a mounting device for a wall sign.

Recreation facility, community means an indoor/outdoor area or other facility used for social or recreational purposes, generally open to the public, including active play fields, swimming pools, tennis or basketball courts, play apparatus or picnic areas and generally serving residents within a five- to seven-mile radius.

Recreation facility, indoor means an establishment completely enclosed by a structure, providing recreational facilities such as a bowling alley, gymnasium, roller skating or ice skating rink, billiards, pool, theater, swimming pool or related amusements. Such facilities shall not include adult entertainment establishments.

Recreation facility, neighborhood means an indoor/outdoor area or other facility used for social or recreational purposes, generally open to the public, including active play fields, swimming pools, tennis or basketball courts, play apparatus or picnic areas and generally serving residents within a two-mile radius.

Recreation facility, outdoor means an area used primarily for outdoor recreational activity, such as a swimming pool, tennis court, golf course and associated uses, including hotel, restaurant and retail; basketball court, soccer field, baseball diamond, park, playground or other similar uses not specifically addressed. Such facilities may include structures for rest rooms, locker rooms and maintenance equipment storage.

Recreational vehicle means a motor home, travel or camping trailer, van or truck camper with or without self-motive power, boat, jet ski, motorcycle or all-terrain vehicle.

Recreational vehicle storage yard means an area of land and associated structures arranged, designed or intended to accommodate the temporary parking or storage of unoccupied recreational vehicles.

Residence, caretaker means a dwelling or mobile home designed or intended for occupancy by a person owning, employed in or dealing with and responsible for the security and maintenance of the land on which it is situated. A *caretaker's residence* shall meet the principal use setbacks.

Residential dwelling unit means a building, structure or portion thereof that is occupied by a household.

Residential rezoning means a rezoning from a zoning district that does not permit residential uses to a zoning district that permits residential uses, unless within a Planned Development maintaining the dwelling unit cap, or a rezoning from a zoning district that permits residential uses to a zoning district that permits an increased number of dwelling units.

Retail/service business means a commercial use characterized by the selling of tangible goods and merchandise or services and intangibles directly to the consumer.

Retaining Wall means any fence or wall built or designed to retain or restrain lateral forces of soil or other materials, said materials being similar in height to the height of the wall.

Retirement home means one (1) or more buildings containing dwellings where the occupancy is restricted to persons at least fifty-five (55) years of age, or couples where either spouse is at least fifty-five (55) years old. This may contain special support services, i.e., convalescent or nursing facilities, and central dining facilities.

Rezoning means a change in a zoning district or an initial zoning. A *rezoning* also entails a revision to the City Zoning Map.

Right-of-way means land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer or other public use.

Satellite dish means a device incorporating a solid, open, mesh or bar configured surface used to transmit or receive radio or electromagnetic waves (including microwave dishes).

Screening means a method of visually shielding or obscuring an abutting or nearby use or structure from another by fencing, walls, berms, densely planted vegetation, or any combination of those features or materials.

Security see *financial security*.

Senior adult housing, (attached) means housing consisting of retirement communities, age-restricted housing and active adult communities. These developments may include limited social or recreational services; however, they generally lack centralized dining and on-site medical facilities. Residents in these communities live independently, are typically active (requiring little to no medical supervision) and may or may not be retired.

Setback means the required minimum horizontal distance between the location of structures or uses and the related front, side or rear lot line measured perpendicularly to such lot line.

- a. *Front setback* means a setback extending across the full width of the lot measured perpendicularly to the front lot line.
- b. *Rear setback* means a setback extending across the full width of the lot measured perpendicularly to the rear lot line.
- c. *Side setback* means a setback extending the full length of the side lot line measured perpendicularly to the side lot line. The *side setback* typically overlaps with the front or rear setback.
- d. *Street setback* means a setback extending across the full width of the lot measured perpendicularly to the front lot line.

Sexually oriented business shall be as defined in Chapter 6, Article IV of this Code.

Shopping center means a grouping of retail business or service uses on a single site with common parking facilities and open space.

Sight Triangle means an area of land at the intersection of streets, a street and an alley, or a street and a driveway, within which nothing may be erected, planted, placed, or allowed to grow in a manner which will obstruct the vision of motorists entering or leaving the intersection.

Sign means any device visible from a public place that displays messages by means of graphic presentation of alphabetic or pictorial symbols or representations.

Sign display means the combination of characters, lettering, illustrations, ornamentation or other figures, together with any other material, design or color intended to differentiate such elements from the background to which they are placed.

Site means a contiguous area of land, including a lot or lots or a portion thereof, upon which a project is developed or proposed for development.

Site improvement means the construction or installation of improvements required by a Site Improvement Plan (SIP); such improvements may include, but are not limited to, structures, infrastructure, landscaping, furnishings, lighting and/or signage.

Site Improvement Plan (SIP) means the plans and supplemental materials, including but not limited to, a grading and drainage plan, a landscape plan and other detailed information, drawn and submitted in accordance with this Chapter.

Site improvement plan improvements means the improvements specified in a Site Improvement Plan Improvements Agreement (SIPIA).

Site Improvement Plan Improvements Agreement (SIPIA) means an agreement executed between a developer and the City which describes the type, location, and extent of any necessary site improvements that are required to be constructed as part of the development of an approved Site Improvement Plan.

Small Wind Turbines means wind turbines generating less than or equal to 100 kilowatts.

Snow Storage Area means an area of a development site reserved for the storage of snow as it is collected or removed from off-street parking and circulation areas.

Solar Panels means panels generating solar electric or solar thermal energy.

Special Flood Hazard Area (SFHA) means the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year (i.e., the 100-year floodplain).

Stealth design means a personal wireless communication facility or element thereof, that is disguised, camouflaged, hidden or incorporated into an existing or proposed structure or placed within an existing or proposed structure so as to minimize or eliminate its visibility.

Storage Area, Commercial see Warehouse/distribution Facility.

Storage Facility see Warehouse/distribution Facility.

Street means land intended primarily for vehicular traffic and providing the principal means of access to property, including a road, lane, drive, avenue, highway, boulevard or any other thoroughfare other than a driveway.

- a. *Arterial, regional/major* means a street or highway significant to the region, serving the major centers of activity, which carries the major portion of the trips entering and leaving an urban area, as well as the majority of through-traffic movements desiring to bypass towns or neighborhoods.
- b. *Collector* means a street which distributes trips from the arterial to the ultimate destination. The collector system provides both land access service and local traffic movement within residential neighborhoods, commercial areas and industrial areas.
- c. *Local* means a street which provides direct access to abutting land and access to the arterial and collector road network. Service to through-traffic movement usually is deliberately discouraged.

Street, private means a privately owned access way generally not constructed to City specifications and not maintained by the City.

Street, public means all public property reserved or dedicated for vehicular traffic constructed in compliance with the City's duly adopted Roadway Design and Construction Standards and the Storm Drainage Design and Technical Criteria manual.

Streetscape means the combination and interaction of all of the elements that compose the pedestrian environment including but not limited to paving, sidewalks, tree lawns, street trees, tree grates, landscape cut-outs in the paving, landscaping, street and pedestrian lighting, benches and other seating, planters, pots, trash receptacles, bike racks, newspaper corrals, kiosks, bollards, bus shelters, shading devices, wayfinding and identity signs, regulatory signs and public art

Structure means anything constructed or erected in, under, over or upon the land, or attached to something in, under, over or upon the land, but excluding off-street parking areas, fences and walls, and electrical distribution, natural gas or water and sewer lines.

- a. *Permanent* means that which is built in such a manner that it would reasonably be expected to last and remain useful for more than five (5) years.
- b. *Temporary* means a structure that is not a permanent structure, or one that is constructed for a special purpose in contemplation of removal upon accomplishment of such purpose. *Temporary* shall mean a period of six (6) months.

Support tower means a vertical structure designed and engineered for the purpose of supporting antennas for the transmission and/or reception of radio signals.

- a. *Lattice tower* means a self-supporting tower with multiple legs and cross bracing of structural metal designed to support antennas.
- b. *Monopole* means a self-supporting tower consisting of a single shaft of wood, metal or concrete designed to support antennas.

Telecommunication facility means a facility and all elements thereof, including but not limited to support towers, antennas and accessory equipment shelters, that together facilitate communication by the electronic transmission of telephone, radio, internet, wireless or microwave impulses of an FCC-licensed carrier, but excluding those used exclusively for private radio and television reception, private citizen's bands and amateur radio communications. Personal wireless communication facilities that exceed the height requirements provided for by this Chapter shall be considered telecommunication facilities and therefore subject to all applicable provisions.

Temporary sign means a sign displaying any messages of a transitory or temporary nature. Portable signs, including banners, are considered temporary signs.

Temporary Special Event Sign means signage that may exceed allowable permanent signage for an entity, provided that the signage is associated with an approved Temporary Use Permit. Display time is limited to the duration of the special event. The language on these signs need not be tied to the event.

Temporary use means a use that is authorized by this Code to be conducted for a limited period of time. Temporary uses are characterized by such activities as farmers markets, festivals, fairs, Christmas tree sales lots, grand openings, anniversary celebrations and other similar uses.

Title Commitment or Report means a document issued by a title company identifying ownership of a specific parcel and encumbrances, easements and other matters affecting the subject parcel.

Townhome means an individual dwelling unit situated on one (1) lot but attached to one (1) or more similar dwelling units by a common wall or party wall. Where such a unit is attached to another, the property line shall be the center of the common wall or party wall. The owner of a townhome unit may have an individual interest in common areas and elements appurtenant to such units.

Tract means a platter parcel that is not intended for development of occupied buildings.

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

Utility, major facility means any line transmitting electrical energy of 115 kV and above, power plants, electric substations, pipelines and storage areas of utilities providing natural gas or petroleum derivatives and appurtenant facilities.

- a. *Appurtenance* means a use naturally and normally incidental and subordinate to and devoted to the public utility facility, or a subordinate structure detached from but located on the same lot as the public utility facility, the use of which is incidental to and customarily found in connection with a major public utility facility.
- b. *Substation* means any facility designed to provide switching, voltage, transformation or voltage control required for the transmission of electricity at 115 kV or greater. A *substation* is considered a major utility facility.
- c. *Transmission lines* means any electric transmission lines and appurtenant facilities which emanate from a power plant or a substation and terminate at a substation and which are designed to be capable of the transmission of electricity at greater than 115 kV.

Utility, public means every firm, partnership, association, cooperative, company, corporation and governmental agency, and the directors, trustees or receivers thereof, whether elected or appointed, which is engaged in providing to the public for domestic, mechanical or public uses, railroad, airline, bus, electric, rural electric, telephone, telegraph, communications, gas, gas pipeline, carrier, water, sewerage, pipeline, street transportation, sleeping car, express or private car line facilities and services and which is subject to the jurisdiction, control and regulation of the Colorado Public Utilities Commission and to provisions of the state statutes.

Utility, service facility means any electric distribution line, natural gas distribution pipeline, telegraph and telephone line, neighborhood substation, gas regulator station, gas meter station,

personal wireless communication facility, or other facility intended to collect, treat, store or distribute water or sewer.

- a. *Electric distribution line* means structures and appurtenant facilities used for the distribution of electric energy in voltages less than 115 kV.
- b. *Gas distribution line* means mains, services, equipment and appurtenant facilities which carry or control the supply of gas from the point of local supply to, and including, the sales meters.
- c. *Neighborhood substation* means any facility used for the purpose of reducing voltages to levels of 115 kV or less for distribution to individual users.
- d. *Personal wireless communication facility* means any unstaffed facility for the transmission and/or reception of voice, data and paging signals consisting of one (1) or more of the following elements: antennas, support towers and accessory equipment shelters.

Utility trailers means vehicles designed to pull behind motorized vehicles for the purpose of hauling cargo and includes, but is not limited to, boat and horse trailers and trailers for towing recreational vehicles, including jet skis, all-terrain vehicles (ATVs) and snowmobiles.

Variance means a grant of relief from certain provisions of this Chapter, as provided by Article XXVI of this Chapter.

Vehicle queuing or vehicle stacking means the space required to accommodate vehicles as they queue (or “stack up”) in a line while waiting to access or utilize a service (e.g. fast food restaurant service window).

Veterinary clinic/hospital means a structure where animals are brought for medical or surgical treatment and may be held during the time of treatment and recuperation.

Walkout level means the level of a building that gains access at grade to the property and precludes in such definition subterranean or basement levels with walkup stairwells to grade.

Wall sign means a sign that is in any manner affixed to any exterior wall of a building or structure, excluding banners.

Warehouse means a building or portion thereof for storing goods, wares and merchandise for the owner or for others.

Warehouse/distribution facility means a land use or structure in which the primary function is the storage of goods and wares and the transport of the same by heavy truck, rail or other means. Such facilities are typically intended for large users or operations, and include frequent trucking and loading activities outside of normal business hours of 7:00 a.m. to 6:00 p.m.

Warehousing, mini-storage units see mini-warehouse.

Water and sewer facilities, public means facilities of a municipal, public utility, nonprofit corporation, sanitation or water or other special district that are constructed, operated or maintained to provide water or sewer service.

Watercourse means a channel, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir or lake in which storm runoff and floodwater flows either regularly or intermittently, including major drainage ways for carrying urban storm runoff.

Window sign means a sign that is applied or attached to the interior or exterior surface of a window or window frame.

Zero lot line means the location of a structure on a lot in such a manner that one (1) or more of the structure's sides rests directly on a lot line with no easement or setback requirement, including two (2) adjoining structures on separate lots sharing a common wall.

(Ord. 02-01 §3602; Ord. 04-06 Art. 3 §§2, 6; Ord. 04-17 §1; Ord. 05-13 §3602; Ord. 09-07; Ord. 09-08; Ord. 11-05 Art. 4; Ord