



Article 4. Zoning District & Uses

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- 4.02 Allowed Uses
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4.01 Zoning Districts

- A. **Intent.** To carry out the purposes of this code, the following districts are established, with the intent given for the character of specific areas, the development patterns and context, and the types or intensity of uses and buildings.

Table 4-1: Zoning Districts & Intent

District & Intent	Relationship to Comprehensive Plan
<p><b>A/R – Agriculture / Residential.</b> The A/R district is intended for little or no development. These districts allow agriculture and associated uses, and include rural density residential living with detached houses on very large lots. Due to the development patterns and inefficiency of providing city services, this area receives only limited infrastructure investment and is therefore used as a "pre-development" district to either preserve open and rural lands, or hold areas until more coordinated, compact, and efficient growth and development can occur.</p>	Limited application as a pre-development area.
<p><b>RE and AE– Rural Estate and Agriculture Estate.</b> The RE and AE districts is are intended for very low density residential living with detached houses on larger lots. These districts permit limited farming, agriculture and similar, less intense rural uses that are compatible with low density living. Due to the dispersed development intensity, this area receives lower levels of infrastructure and public service, and should be very limited in application based on the Comprehensive Plan, unless used in association with planned conservation or agricultural preservation patterns.</p>	Limited application on the edges of areas. Planned applications for conservation or agricultural preservation.
<p><b>R-1 - Single-Family Residential.</b> The R-1 district provides residential living (detached houses) in low-density suburban neighborhood settings with access to supporting uses such as schools, churches, parks and other public facilities.</p>	General application in low-density residential areas or limited application to provide larger lots at the edges of walkable neighborhoods.
<p><b>R-1A - Single- and Two-Family Residential.</b> The R-1A district provides residential living (detached houses and duplexes) in low-density suburban neighborhood settings, with access to supporting uses such as schools, churches, parks and other public facilities. This district may also be used in limited applications to provide larger lots in, walkable neighborhoods, when integrated with other zoning districts that provide additional housing types and access to activity centers.</p>	General application in low-density residential areas or limited application to provide larger lots at the edges of walkable neighborhoods.
<p><b>R-1B – City Neighborhood Residential.</b> The R-1B district provides residential living in compact, walkable neighborhood settings (limited range of small-scale residential building types), and integrates supporting uses such as schools, churches, parks and other public facilities that reinforce residential neighborhoods. This district should be close and connected to zoning districts that provide a broader range of housing types and access to downtown and other activity centers.</p>	General application in moderate density residential and as the predominant component of walkable neighborhoods, typically near downtown or other walkable activity centers and destinations.



**Table 4-1: Zoning Districts & Intent**

District & Intent	Relationship to Comprehensive Plan
<p><b>R-2 – Mixed-Density Residential.</b> The R-2 district provides residential living (wide range of small-scale residential building types) in a compact, walkable neighborhood settings allowing a mix of housing options at strategic locations which transition to complimentary and supporting non-residential uses. A well-designed public realm provides the focal point to integrate a variety of building types with a consistent neighborhood character.</p>	<p>General application in moderate and high-density areas, as a complimentary component of walkable neighborhoods or the predominant residential component of downtown, mixed use areas, and transit-served nodes.</p>
<p><b>R-3 – Multiple Family Residential.</b> The R-3 district provides residential living in a moderate-density pattern in suburban neighborhoods located in areas that have transitions between lower-density neighborhoods or more intense non-residential uses and where a high level of accessibility, public amenity and support services are immediately available.</p>	<p>General application in high-density areas</p>
<p><b>MH – Manufactured and Small-Format Housing District.</b> The MH district provides residential living for smaller format manufactured, mobile, or other small format residences in a planned community that shares common amenities located in areas that have transitions between lower-density neighborhoods or more intense, non-residential uses and where a high level of accessibility, public amenity and support services are immediately available. See Section 5.08. Manufactured and Small-Format Housing District.</p>	<p>Limited application on a project specific basis, considering context and design.</p>
<p><b>DT – Downtown.</b> The DT district provides a broad range of retail, entertainment and civic uses and supporting office, service, and residential uses in a compact and walkable format. This district preserves the historic “main street” scale and small town character of Brighton. It is the vibrant heart of the community with a high level of civic design, walkable urban patterns, and a concentration of diverse, small-scale uses.</p>	<p>General application for Downtown Brighton.</p>
<p><b>MU – Mixed Use.</b> The MU district provides a mix of retail, service, employment, entertainment and civic uses in a walkable setting. The district includes three variants based on scale and intensity of development:</p> <ul style="list-style-type: none"> <li>• MU-NC Neighborhood Center - intended for small-scale, neighborhood serving activity centers tightly integrated with and serving the daily needs of adjacent neighborhoods (typically under 10 acres);</li> <li>• MU-CC Community Center – providing daily, discretionary and entertainment in a format that is an active destination for broader community, and designed in a way that compliments higher-density neighborhoods (typically 10 to 30 acres); and</li> <li>• MU-E/REC - providing for regional shopping, employment, or institutional uses, arranging them as the heart of a multi-modal regional destination (typically larger than 30 acres).</li> </ul> <p>Each of these areas requires a high level of accessibility, public amenity and civic design to serve as the organizing element of a broad range of uses and building types.</p>	<p>MU-NC - General application for mixed use commercial, commercial, or any format where commercial uses support surrounding areas in a walkable context.</p> <p>MU – CC General application mixed use commercial in the Urban Centers, or the edges of downtown, or commercial areas along major arterials</p> <p>MU-RC – Limited application in association with the strategic location of large scale retail, instructional or employment uses.</p>
<p><b>C-O – Commercial Office.</b> The C-O district provides administrative, professional and limited personal services in a low or moderate intensity format that can be compatible with adjoining residential districts or low-intensity uses. It is generally located near residential neighborhoods along minor arterial streets.</p>	<p>General allocation in commercial areas or as support uses on the edges of mixed use centers.</p>
<p><b>C-1 – Local Retail.</b> The C-1 district provides small-scale retail, service, civic and employment uses to support suburban or walkable neighborhoods. It is generally located near residential neighborhoods along minor arterial streets.</p>	<p>General allocation in commercial areas, or as support uses on the edges of mixed use centers.</p>
<p><b>C-2 – Restricted Retail and Services.</b> The C-2 district provides a wider variety of small and moderate scale retail, service, civic and employment uses. It is centrally located and along arterial streets or intersections, and where transitions and buffers between lower-density residential and low-intensity uses are possible.</p>	<p>Limited application in commercial areas along corridors, and where mixed-use designations may not accommodate uses.</p>



**Table 4-1: Zoning Districts & Intent**

<i>District &amp; Intent</i>	<i>Relationship to Comprehensive Plan</i>
<p><b>C-3 – General Retail &amp; Services.</b> The C-3 district provides wide range retail, service and employment uses at a scale, intensity or in a format that requires a high level of vehicle accessibility and visibility, typically along corridors or major intersections, and is not easily integrated with other land uses or development patterns. Planned versions of this district can yield campus or mixed-use district patterns that are oriented to internal open space systems or other focal points of development.</p>	<p>Limited application in commercial areas along major thoroughfares and where mixed-use designations may not accommodate uses.</p>
<p><b>BP – Business Park.</b> The BP district provides planned business, employment and light manufacturing uses, and supporting services arranged in a campus development pattern around common amenities, well-designed open space systems, and internal circulation systems. It is typically along corridors or major intersections and not easily integrated with other land use patterns.</p>	<p>Limited application based on specific campus designs, and where mixed-use designations may not accommodate uses.</p>
<p><b>I-1 – Light Industrial.</b> The I-1 district provides primarily service, employment, manufacturing and distribution uses at a scale, intensity and format that won't have significant impact on adjacent uses, and which can mix with supporting and compatible service and retail uses.</p>	<p>General application in industrial areas, and limited application on the edges of Mixed-use Community Centers or Mixed-use Regional Centers</p>
<p><b>I-2 – Heavy Industrial.</b> The I-2 district provides for the broadest scope of service, manufacturing and distribution uses that are generally not compatible with residential or commercial activity due to the scale, operation, intensity or impacts of activities, or due to the high level of transportation access and support infrastructure required of the business.</p>	<p>Limited application in industrial areas or other locations on major regional freight routes.</p>
<p><b>S4GW, S4CR, O, ME, FC, PL.</b> See Section 4.05, Special Purpose and Overlay Districts.</p>	

- B. **Official Zoning Map.** The boundaries of the districts are shown on the official Zoning Districts Map on file with the Community Development Department. Electronic copies and files of this map shall reference the “Official Copy” on file with the Community Development Department, but any copy should be verified with the Department before materially relying on any electronic or other representative copy of the map.

**4.02 Allowed Uses**

- A. **Use Table.** In order to implement the intent of each zoning district, facilitate complimentary transitions between districts, and to regulate a variety of compatible uses within zoning districts each district is permitted the uses indicated in Table 4-2. The table identifies uses as:
  1. Permitted uses (P) subject to general district and building standards.
  2. Conditional uses (C) subject to the review process and criteria in Section 2.07.
  3. Other accessory or temporary uses may be permitted according to the standards of Section 4.03, Accessory Uses.
  4. Uses listed in the table, or more specific types of uses generally enabled in the table, may be subject to specific standards or limits in Section 4.04, Use-specific Standards.
  5. Uses in the table are more specifically described in Section 11.01, Description of Uses.



ARTICLE 4 – ZONING DISTRICTS & USES

4.02 ALLOWED USES

Table 4-2: Zoning Districts & Uses																										
P Permitted subject to general district building and site design standards. C Conditional use, subject to discretionary review process in 2.07. blank use not allowed	Residential Districts									Mixed-use Districts			Commercial Districts					Industrial Districts		Special Purpose & Overlay Districts						
	A/R	AE	RE	R1	R1A	R1B	R2	R3	MH	DT	MU-NC	MU-CC	MU-REC	CO	C1	C2	C3	BP	I1	I2	S4CR	S4GW	ME	FC	PL	OPEN
<b>Residential Uses</b>																										
Detached house *	P	P	P	P	P	P	P														P					
Duplex *					P	P	P	P		P	P	P									P	P				
Row house *						P	P	P		P	P	P									P	P				
Apartment *							P	P		P	P	P										P				
Live/Work	P	P					P			P	P	P	P								P	P				
Mixed use *										P	P	P	P													
Manufactured / Small Format Home Community								P																		
Senior Living – Independent							P	P	P	P	P	P	P	P	P	P	P									
Senior Living – Assisted							P	P	P	P	P	P	P	P	P	P	P									
Senior Living – Nursing								P	P	P	P	P	P													P
Group Home – Assisted Living	P	P	P	P	P	P	P	P	P	P	P	P									P	P				C
Group Home - Protective	P	P	P	P	P	P	P	P		P	P	P														C
Group Home – Rehabilitative	C	C					C	C		C	C	C														C
Group Home – Emergency Shelter										C	C	C						C	C							C
* = Specific building types and lot sizes designated by district in Article 5																										
<b>Public / Civic Uses</b>																										
Assembly – Small (under 250)	C	C	C	C	C	C	C	C	C	P	P	P	P	C	P	P	P			C		C	P			P
Assembly – Neighborhood (250 – 750)	C	C			C	C	C	C		C	P	P	P	C	P	P	P			C		C	P			P
Assembly – Community (750 – 1500)							C	C		C		P	P				P	P			C					P
Assembly – Regional/Convention Center (1500+)										C		P						P								P
Public Safety / Services	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	C	C			P
Library / Museum										P	P	P	P	P	P	P	P	P	P	P						P
School – Small (under 1 acre)	C	C								C	P	P	P	C	P	P	P	P	P	P		C	C			P
School – Neighborhood (1-5 acres)	C	C	C	C	C	C	C	C		C	P	P	C	P	P	P	P	P	P	P		C	C			P
School – Community (5-15 acres)	C	C				C	C	C			C	P					P	P	P	P						P
School – Regional / Campus (15+ acres)	C	C										C						P	C							P
Cemetery and Columbarium																										C
Morgue										C			P					C	C	P	P					P
Transportation – Bus Station										C	C	P						P	P	P	P					P



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	A/R	AE	RE	R1	R1A	R1B	R2	R3	MH	DT	MU-NC	MU-CC	MU-R/EC	CO	C1	C2	C3	BP	I1	I2	S4CR	S4GW	ME	FC	PL	OPEN
Transportation – Commuter Rail Station									P		C	P						P	P						P	C
Transportation – Light Rail Station									P		P	P		C	C	P	P	P	P	P					P	C
Transportation – Airport, heliport / helipad												C						C	C	C				C	C	C
Transportation – Public Parking									C	C	C	C		C	C	P	P	P	P	P				C	C	P
Park and Open Space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Public Lands	P	P										C											P	P	P	P
Power Plant												C							C	P						C
Public Utility Facilities												C	C				C	C	P	P			C	C	P	
Public Utility Storage Yard / Service Station																		C	P	P			C	C	P	
Water and/or Wastewater Treatment Plant																		C	C	C						P
<b>Commercial Uses</b>																										
Retail – Micro (under 1.5K)						C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	
Retail – Small (1.5K – 4K)									P	P	P	P	C	P	P	P	P	P	P	P	P	P				
Retail – General (4K – 10K)									P	C	P	P		P	P	P			C		C	C				
Retail – Medium (10K – 50K)									C		C	P			P	P										
Retail – Large (50K – 100K)									C		C	P			C	P										
Retail – Warehouse (100K+)												P					P									
Animal Care - Limited									P	P	P	P		P	P	P	P	P	P	P		P	C	C	P	
Animal Care - General											C	P			P	P	P	P	P				C	C	P	
Animal Care – Large	C	C										C					C	C		C			C	C	C	
Day Care – Center									P	P	P	P	C	P	P	P	P				C	C			P	
Grocery – Market (under 10K)									P	P	P	P		P	P	P	P									
Grocery – Small (10K – 35K)									C	C	P	P		C	P	P	C									
Grocery – General (35K – 90K)											P	P			P	P	C									
Grocery – Large (90K+)												P					P									
Lodging – Bed & Breakfast (2-5 rooms)	C	C	C			C	C			P	P	P	P	P	P	P					P	P				
Lodging – Inn (6 -30 rooms)									P	P	P	P			P	P	P					P				
Lodging – Hotel / Motel Small (31-100 rooms)									P		P	P			P	P	P									
Lodging – Hotel / Motel Large (101+ rooms)									C			P				P	C									
Medical Care – Small (under 10K)									P	P	P	P	P	P	P	P	P	P	P		P	P			P	
Medical Care – General (10K – 40K)									C		C	P	C	C	P	P	P								P	
Medical Care – Large (40K-100K)											C	P					P	P							P	



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	A/R	AE	RE	R1	R1A	R1B	R2	R3	MH	DT	MU-NC	MU-CC	MU-R/EC	CO	C1	C2	C3	BP	I1	I2	S4CR	S4GW	ME	FC	PL	OPEN		
Medical Care – Campus / Complex (100K+)												P				P	P									P		
Medical Care – Rehabilitation Clinic									C		C	C				C	C	C	C									
Office – Small (under 10 K)							C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P					P	
Office – General (10 – 50K)										P	C	P	P	C	C	P	P	P	P	P							P	
Office – Large (50-100K)										C		P	P				P	P	P								P	
Office – Complex/Campus (100K+)												P					P	P									P	
Outdoor Sales - Limited												C	P			C	P	C	P	P								
Outdoor Sales – General													P				P	C	P	P								
Outdoor Sales - Large													C				C		P	P								
Recreation and Entertainment – Indoor, Limited										P	P	P	P	P	P	P	P	P	P	P	P	P					P	
Recreation and Entertainment – Indoor, General										P		P	P				P	P		P	P						P	
Recreation and Entertainment – Indoor, Large										C			P				P		P	C							P	
Recreation and Entertainment – Outdoor, Limited										C	C	P	P		C	P	P	C	P	P				P	P	P	P	P
Recreation and Entertainment – Outdoor General,												C	P			C	P	C	P	P				C	C	C	C	C
Recreation and Entertainment – Outdoor, Large													C				C			C					C	C	C	C
Recreation and Entertainment – Campground	C	C											P															
Restaurant – Small (under 3K)							C	C	C	P	P	P	P		P	P	P	P	P	P			P					
Restaurant – General (3K-5K)										P	P	P	P		C	P	P	C	P				P					
Restaurant – Large (5K+)										C		P	P				P	P										
Restaurant – Bar										C	C	P	P		C	C	C	C										
Service – Small (under 3K)							C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P					P	
Service – General (3K – 10K)										P		P	P			P	P	P	P	P							P	
Service – Large (10K +)										C		C	P				P										P	
Vehicle – Gas Station, Small (up to 8 pumps)										C	P	P	P		P	P	P	P	P	P			P				P	
Vehicle - Gas Station, General (up to 16 pumps)										C		C	P				P	P	P	P	P						P	
Vehicle – Gas Station, Large (up to 24 pumps)													C				P			P	P						P	
Vehicle – Gas Station, Truck Stop (24+ pumps)																				P	P						P	
Vehicle – Service & Repair, Limited										C	C	P	P		C	P	P	P	P	P								P
Vehicle – Service & Repair, General												C	P			P	P	P	P	P								P



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	A/R	AE	RE	R1	R1A	R1B	R2	R3	MH	DT	MU-NC	MU-CC	MU-R/EC	CO	C1	C2	C3	BP	I1	I2	S4CR	S4GW	ME	FC	PL	OPEN	
Vehicle – Service & Repair, Major																			P	P							
Pawn Shop																				C	P						
Check Cashing Business											C	P	P							C	C						
Ball Bonds Business												C	C							C	C						
Sexually oriented business																				C							
Marijuana Store (see Municipal Code for location restrictions)																	P	P		P							
<b>Industrial Uses</b>																											
Manufacturing – Artisan / Limited	P	P				C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P					
Manufacturing - Light									C			P								C	C	P	P				
Manufacturing - General																						P	P				
Manufacturing - Heavy																							C				
Mineral Extraction																								P	P		
Asphalt Concrete mixing plant																					C	P			C	C	C
Storage and Warehousing – Personal, Indoor												P								P	P	P					
Storage and Warehousing – Personal, Outdoor												C								C	P	P					
Storage and Warehousing – Commercial, Indoor																				P	P	P					
Storage and Warehousing – Outdoor, Minor																				C	C	P			P	C	C
Storage and Warehousing – Outdoor, Major																				C	P			P	C	C	C
Storage of Gasses or Liquefied Petroleum	P	P	C									C								C	P	P			P	C	C
Railroad / Freight Yard																					P	P					C
Oil and Gas – Drilling	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Waste Processing – General																					C						C
Waste Processing - Landfill																					C	C			C	C	C
Waste Processing – Junk yard / salvage Yard																					C						
<b>Agriculture Uses</b>																											
Agri-tourism	P	P																									P
Roadside Stands	P	P	P																					P	P	P	P
Farmers Market	P	P	P						P		P	P			P	P	P	P	P	P				P	P	P	P
Farming – Small/Limited	P	P	P																					P	P	P	P
Farming - General	P	P	C																					C	C	P	



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	A/R	AE	RE	R1	R1A	R1B	R2	R3	MH	DT	MU-NC	MU-CC	MU-R/EC	CO	C1	C2	C3	BP	I1	I2	S4CR	S4GW	ME	FC	PL	OPEN
<i>Farming – Large / Industrial</i>	C	C																								
<i>Fish Hatchery</i>																			P	P			C	C	C	
<i>Nursery – Greenhouse, Small</i>	P	P							C		C	P				C	P		P	P						
<i>Nursery – Greenhouse, Large</i>	P	P										P					P		P	P						
<i>Animal Care – Animal hospital, livestock</i>	C	C																	P	P						
<i>Grain Elevator</i>	P	P																	P	P				C		
<b>Wireless Communication Facility (See 10.04)</b>																										
<i>Roof and Wall Mounted WCF</i>							C		C	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P
<i>Small Cell WCF &amp; Alt. Tower Structure in ROW</i>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<i>Alternative Tower Structure not within ROW</i>							C		C	C	P	P	C	C	P	P	P	P	P	P			P	P	P	P
<i>Tower</i>											C	C			C	C	C	C	C	C			C	C	C	C



### 4.03 Accessory Uses

In addition to the general use and development standards applicable to all districts, permitted uses may include other accessory uses. This section provides basic performance standards for all accessory uses and some specific standards for particular accessory uses.

- A. **Accessory Uses, Generally.** All principal uses shall include accessory uses subject to the following general standards:
1. The use and any structure is clearly incidental and subordinate to an allowed use and customarily associated with the allowed use.
  2. The use is on the same lot as the principal use or otherwise clearly associated with an active principal use.
  3. The use is compatible with the general character of the area and comparable in scale and intensity to uses of other property in the vicinity.
  4. No use or structure may be constructed, maintained or conducted in a way that produces noise, vibration, noxious odor or material, any visible light, glare or other visible impacts that are harmful, damaging or disturbing to the adjacent property.
  5. Any structures or site design elements to support the use can be screened or located to minimize impact on adjacent property or are not significantly different from what is typical for other allowed uses in the district.
  6. There are no unusual traffic patterns or increases in operational activity that impact the use and design of streets and public spaces differently than other allowed uses.
  7. All uses and structures are conducted in a way that is consistent with the intent and objectives of all other design and development standards applicable to the property.
- B. **Accessory Dwelling.**
1. *Residential.* Accessory dwellings shall be accessory to a primary residential use on the lot and subject to the following additional standards:
    - a. One accessory dwelling may be permitted per lot only when associated with a detached house or duplex.
    - b. Accessory dwelling units may be located in a detached accessory building or located within the principal building (such as an attic or basement apartment).
    - c. The accessory dwelling shall not exceed 50 percent of the living area of the principal dwelling or 1,200 square feet, whichever is less.
    - d. One additional parking space shall be provided on site, although this provision may be waived by the Director if the context and circumstances of each dwelling unit prove the space unnecessary.
    - e. The property owner shall occupy either the principal or accessory dwelling as their permanent residence. The City may alternate ownership arrangements where a reputable property management agency controls the property and has provided assurances of on-going maintenance.
    - f. The accessory dwelling shall be designed to maintain the architectural design, style, appearance and character of the principal building, and whether within the principal building or in a detached structure, shall ensure that the accessory dwelling is clearly subordinate to the principal dwelling through the location of parking, access, building entrances and other design features that accommodate the dwelling.
    - g. The applicant shall demonstrate proof of adequate utility services for both the principal and accessory unit.
    - h. A detached accessory structure shall meet all development and design standards for the lot in Article 5.

- i. Driveways shall meet all standards in Articles 5 and 7.
2. *Agricultural, Commercial, or Industrial.* Accessory dwellings for a caretaker or watchman shall be accessory to a principal agricultural, commercial, or industrial use on the lot and subject to the following additional standards:
- a. The principal use must be a lawful conforming use.
  - b. The caretaker or watchman unit shall be for occupancy by the caretaker or watchman employed on the premises.
  - c. Only one (1) accessory dwelling unit shall be allowed in conjunction with a principal lawful use and the accessory dwelling shall be clearly ancillary to the primary business or use.
  - d. The caretaker or watchman unit may be established within an existing single-family dwelling or within or attached to the principal non-residential building. If established within an existing single-family dwelling, the accessory dwelling is in addition to the accessory buildings allowed in Section 6.02.
  - e. In addition to the parking required otherwise on site, one off-street parking space shall be provided for the exclusive use of the caretaker/watchman.
  - f. The applicant shall demonstrate proof of adequate utility services for both the principal use and accessory unit.
  - g. Proof of adequate access shall be provided.
  - h. No such accessory dwelling shall be deeded, sold, leased or rented without conforming to the subdivision and zoning regulations.
  - i. Driveways shall meet all standards in Articles 6 and 7.
- C. **Home Occupation.** Home occupations shall meet all of the following standards:
- 1. The occupation shall be limited to residents of the dwelling and no non-resident employees. If the resident applicant is not the homeowner, the homeowner shall provide a notarized authorization with the permit application.
  - 2. No more than 25% of the floor area of any one floor of the dwelling unit shall be utilized for a home occupation except as may be required for state-licensed family child care homes.
  - 3. Any materials or equipment used in the home occupation shall be stored within an enclosed structure.
  - 4. No alteration of the exterior of the principal residential building or site shall be made which changes the residential character of the building or site.
  - 5. Signs shall be limited to 1 non-illuminated sign, no more than 2 square feet, and within at least 10 feet of the primary entrance.
  - 6. No traffic shall be generated by the home occupation that is abnormal to a residential neighborhood. Any deliveries shall be from vehicles 16 feet or less or rated 8,000 pound gross vehicle weight or less, except for limited larger vehicles at a frequency typical of the principal residential use.
  - 7. All activity shall be conducted with an enclosed living area or the garage, except as required for state-licensed family child care homes.
  - 8. No equipment, machinery or operation shall be used in such activities that is perceptible off the premises because of noise, smoke, odor, dust, radiation, electrical interference or vibration.
  - 9. No home occupation shall produce on a regular or repeated basis quantities or types of refuse not customarily associated with a normal residential use in that zone district.
  - 10. Only up to 10 customer or patron visits per day shall be permitted and limited to between the hours of 7 a.m. and 7 p.m. There is no restriction on the number of customers or patrons visiting at any given time, so long as the total number of visits per day does not exceed 10 and all other specific and general accessory use criteria are met. All parking necessary for the use shall be confined to the garage, driveway or street directly in front of the dwelling.

11. The operation of any wholesale or retail business is prohibited unless it is conducted entirely by mail or sales are transacted no more than once per week (i.e. Tupperware party). Incidental sales of products associated with a services shall be permitted (e.g. instructional books sold in conjunction with music lessons).
12. Any person operating a home occupation shall obtain a home occupation permit from the Community Development Department, and submit any other local, state or federal government or agency licenses necessary for the proposed business. The Director shall either issue the permit or notify the applicant in writing as to why the permit does not meet these standards. The Director may condition the permit on any specific conditions necessary to ensure these standards are met and maintained.
13. Permits shall be valid for up to 1 year, may be revoked at any time for non-compliance with these standards or conditions, and shall be void if the applicant ceases engaging in the home occupation or does not reside on the premises for more than 60 days.
14. Specific home occupations conditions:
  - a. Garage sales are limited no more than 4 per year and 3 days per event.
  - b. Family Child Care Homes shall receive all required a state licenses. Family child care homes are carried on within a residence for compensation, providing care and supervision for children who are away from their homes any part of the day. They may be operated between the hours of 6 a.m. and 7 p.m. These homes are divided into the following two categories:
    - (1) *Exempt:* Family child care homes that qualify for a State of Colorado licensure exemption according to Section 26-6-103, C.R.S. Exempt family child care homes shall not require a home occupation permit.
    - (2) *Small:* Family child care homes limited to the full- or part-time care of not more than 6 children at one time, including those of the operator under the age of 12, and not more than 2 additional children, for before- and after-school care. Small family child care homes are allowed permitted to the general accessory use standards
    - (3) *Large:* Family child care homes limited to the full- or part-time care of 7 to 12 children at one time, including those of the operator under the age of 12. Large family child care homes shall require a Conditional Use Permit subject to the procedures and criteria in Section 2.07.
  - c. Firearms sales shall submit with their license a statement verifying the following:
    - (1) No firearms, ammunition, or accessories shall be sold or offered for sale on the premises;
    - (2) The exchange of firearms shall only be conducted at gun shows, pursuant to all applicable firearms laws and regulations.
    - (3) No firearms, ammunition, parts or supplies related to the home occupation shall be kept on the premises, except those kept for the private use of the permit holder and unrelated to the business.
    - (4) No repair, service or gunsmithing shall be conducted.
    - (5) In the event that federal or state law prohibits the exchange of firearms merchandise outside of the dwelling in which the home occupation is conducted, any permit for firearms sales shall become void.
15. Prohibited home occupations. The following shall not be allowed as home occupations:
  - a. Animal and pet-related services, including a veterinarian, grooming, kennel or animal daycare;
  - b. Bed and breakfast or boarding or rooming house;
  - c. Clinics, hospitals, or residential care services
  - d. Cosmetology services (barber shop or beauty parlor)
  - e. Repair services related to automobiles, motorcycles, large household appliances or other large-scale machinery;
  - f. Restaurants;
  - g. Dispatching of more than 1 vehicle to and from the residential premises (i.e. towing services, repair service, taxis, etc.)

- D. **Urban Agriculture.** Urban agriculture is permitted as an accessory use in all residential districts except R-2 and R-3, and in the O district, subject to the provisions of Section 6-4-900 of the Brighton Municipal Code.
- E. **Outdoor Storage, Non-residential.** Accessory outdoor storage may be permitted in the non-residential districts subject to the following standards:
1. In the CO, C-1, C-2, C-3, DT, MU-NC, MU-CC, MU-E/RC and I-1 districts, the storage area shall be located behind the front building line of the principal building.
  2. The storage area shall be fully screened from residential property or public spaces according to the standards and design requirement of Section 8.03, and no materials shall be stacked higher than the screening.
  3. The storage area shall be located on the most remote section of the site or building as possible, but no closer than 30 feet to any street or right-of-way in any in all cases.
  4. Storage areas shall be limited to:
    - a. No more than 200 square feet in the CO, C-1 or DT, and MU-NC districts.
    - b. No more than 30% of the building footprint in the C-2, C-3, MU-CC and MU-E/RC district.
    - c. No more than 100% of the building footprint in the I-1 district.
  5. The storage area shall be paved per the requirements for parking lots, except a stabilized dust-free surface may be used in the I-1 district.
  6. Alternatives to these accessory use limits may only be approved by the Director through site plan review procedures in Section 2.06.
- F. **Outdoor Display and Service Areas.** Outdoor display and service areas accessory to an allowed retail or service use are allowed subject to the following conditions:
1. Outdoor display and areas shall be located on the same lot as the principal use or along the street frontage immediately abutting the use in the case of street front buildings.
  2. The area shall be limited to no more than 20% of the ground floor area of the principal use.
  3. Display and service areas shall not be arranged where they interfere with pedestrian or building access or clear vision areas. At least 5 feet clear or at least 50% of the width any sidewalk, whichever is greater, shall be maintained for any display or service areas located on a sidewalk.
  4. The area may be located in parking areas, provided it does not interfere with adequate parking and circulation of the entire site. The permanence of any structures shall be considered in evaluating the impact on adequate parking needs for the site.
  5. The area shall be screened from view along any property line abutting a residential use or district according to Section 8.03.
  6. A site plan shall be provided for any outside display or service area more than 400 square feet, lasting more than seven consecutive days, or more than four separate occurrences per year. A site plan shall show the location, area, and dimensions of the display area, and specifications for all lighting, fencing, screening or temporary or permanent structures.
  7. In reviewing the site plan, conditions or performance standards to mitigate excess noise, visual or operational impacts may be added by the Director to address specific sites or contexts.
  8. Any outdoor display area more than 1,000 square feet or that does not meet the conditions of this sub-section may only be approved through the Conditional Use Permit procedures and criteria in section 2.07.
- G. **Accessory Drive-Through.** Drive-through or drive-up service accessory to an allowed retail or service use is permitted subject to the following standards, provided it is not otherwise prohibited by a specific plan or standard for a particular area.

1. The service area shall not substantially expand the traffic or vehicle circulation otherwise necessary for the site. In general, the service area shall use the same entrance and exit from the site as the principal use, unless a more remote or discrete service off an alley or secondary street better meets this criteria.
  2. Avoid potential pedestrian/vehicle conflicts on the site and along the streetscape. No access shall be provided on any street designed to walkable street standards in Section 3.01. (Pedestrian / Mixed Use Street, Avenue, or Boulevard street types). Use of alleys, internal access and the rear of buildings for drive-through services is required to preserve the streetscape design and development patterns of these areas.
  3. Service areas and windows shall be located on the most remote wall possible, considering adjacencies to public-streetscapes, residential property or other sensitive land use and urban design characteristics of the context. Additional screening or buffers may be required beyond the standards of Section 8.03 in order to ensure compatibility.
  4. No service area or pick up window shall be located within 100 feet of any residentially zoned property unless enhanced site design or operational limits demonstrate visual and noise impacts are mitigated.
  5. Adequate stacking spaces for automobiles shall be provided to eliminate any impact on public streets. Circulation, stacking and other access issues shall be designed in a manner that has the least impact on pedestrians entering the principal building both from public streets and from internal streets or parking areas.
  6. Signs, speakers or lighting elements shall not be visible or audible from the public right-of-way or adjacent residential property. Additional screening or buffers may be required beyond the standards of Section 8.03.
  7. Any drive through facility in the DT, MU-NC, C-O, C-1, and BP district shall require a Conditional Use Permit subject to the procedures and criteria in Section 2.07.
  8. The Director may require any other drive-through service area that does not clearly meet these standards and criteria to be reviewed subject to the procedures and criteria for Conditional Use Permits in Section 2.07.
- H. **Transit Facilities.** Any site providing transit facilities as part of a development site and not in the right-of-way in association with a public streetscape design, shall meet the following standards:
1. Facilities shall be located along major transportation thoroughfares in association with routes and stops of the transit agency. Access points and stop shelter locations shall be along the perimeter, and the structures may have exceptions to any setback requirements in order to prioritize convenient access for pedestrians and transit riders.
  2. Shelter design and location should be coordinated with the Regional Transportation District (RTD).
  3. Structures should be constructed to be architecturally and aesthetically compatible with the structures in the development, and in particular the nearest adjacent off-site structures.
  4. Accommodations for bicycle parking and access shall be made in association with the transit facilities, designed and located in a manner that best integrates with the broader bicycle transportation systems in the area.
- I. **Swimming Pools.** Swimming pools accessory to an allowed are permitted subject to the following standards:
1. No swimming pool may be located in any required front yard.
  2. All swimming pools shall be completely enclosed by a fence at least 6 feet high, with no openings large enough to permit children to pass through, other than gates or doors equipped with self-latching devices on the top and inside of the gate or door. The fence may enclose the pool area, the entire lot subject to Section 8.03 standards, or a portion of the lot with the pool area for public or semi-public pools.
  3. Wading pools with a maximum depth of 14 inches do not require fencing.

- J. **Temporary Uses.** Uses conducted on private property that may not otherwise be interpreted as being permitted by Table 4-2, and the general accessory uses in Section 4.03.A, may be permitted through a Temporary Use Permit.
1. **Types.** Temporary uses generally meet one of the following types:
    - a. **Short-term:**
      - i. Trade shows, auctions or farmers markets, or other events where the commercial property grounds are set up for large-scale events or sales on a temporary basis.
      - ii. Community recreation or entertainment events such as art fairs, carnivals or festivals.
      - iii. Promotional ventures or special commercial events such as tent sales or seasonal holiday sales events.
    - b. **Long-term:**
      - i. Construction Offices
      - ii. Sales Offices
      - iii. Temporary construction yards
  2. **Duration.** Temporary uses may be permitted to operate according to the following:
    - a. Short-term temporary use permits shall have a specified start and end date not more than 90 days per year or be based on a schedule that includes no more than 90 days per year, unless a longer period is approved by the Director.
    - b. Long-term temporary use permits shall have a specified start and end date of not more than one year (365 days), unless a longer period is approved by the Director.
  3. **Permit.** An application for a permit shall be submitted by the owner, or an agent of the owner with written permission from the owner at least 10 days prior to the desired issue date.
    - a. Temporary use permit applications shall include the following:
      - i. The applicant shall submit a complete description of the event or activity, including anticipated traffic, hours and peak times of operation, access and circulation plans, the ability to accommodate fire and police access, and any need for special protection or other public safety, health and welfare needs.
      - ii. The applicant shall submit a plan identifying the extent of the grounds, gathering places and circulation routes, any streets or public spaces to be dedicated to the event, the location of all structures, equipment or other accessory facilities, and any utility needs for these structures, equipment or fixtures.
  4. **Criteria.** A temporary use permit shall be evaluated based on the following, in addition to all other general procedures and criteria for conditional permits in Section 2.07:
    - a. The proposed use is of a scale, intensity and format that is ordinarily occurring in the vicinity considering the size, anticipated traffic, hours of operation and duration of the event.
    - b. The anticipated traffic and parking can be handled by the existing street network, site access and lot layout, or the applicant has demonstrated sufficient management strategies and procedures to mitigate any potential negative effects on the area.
    - c. The degree of potential negative impacts on adjacent property, and in particular the likelihood of the event violating the general District Performance Standards in Section 4.06. The applicant may submit mitigation plans for any potential impacts, including limiting hours of operation, neighborhood meeting plans or other evidence of limiting impacts on surrounding property owners or residents.

- d. The Director or Chief Building Official may impose any other conditions on a permit necessary to protect the health, safety and welfare.

K. Residential Clubhouse/Leasing Office. Clubhouses and/or leasing offices shall follow the same development standards as the principal building, except the non-residential building design standards in Section 6.05 shall apply when the clubhouse and/or leasing office is detached from the principal building(s).

#### 4.04 Use-Specific Standards

The following uses may have impacts different than those generally enabled in the zoning districts, and have standards specific to the uses. These standards shall be met whether the use is a generally permitted use, accessory use or a conditional use according to Table 4-2. The uses in this section may include more specific types or formats of the uses generally enabled in Table 4-2

- A. **Group Homes.** In districts where group homes are a permitted or conditional use, they shall meet the following conditions to ensure they are integrated into neighborhoods, have a non-institutional nature, and maintain the residential character of neighborhoods.
  - 1. Group homes shall meet all of the residential design standards applicable in the particular district, and any alterations to support the group living shall be done in a discrete way in accordance with those standards.
  - 2. No group home shall be located less than 750 from another existing group home, except that the Director may waive the is requirement if separated by a restricted access highway, community scale park or other large open space or barrier.
- B. **Manufactured Homes.** In any district where a detached house is permitted, a manufactured home shall be permitted subject to the same restrictions, setbacks, use and residential design standards as any other dwelling unit of similar density and use. Using engineering calculations or tests, following commonly accepted engineering practices, all components and subsystems of manufactured homes must perform to meet health, safety and functional requirements to the same extent as required for other dwelling units of similar density and use by the applicable building and fire codes adopted by the City. This distinguishes manufactured homes as a construction technique rather than a building type. Manufactured homes are subject to the following additional standards, except where permitted as part of a Manufactured or Small-Format Housing Community in the MH district.
  - 1. Minimum size shall be 24 feet in width and 900 square feet of floor space on the main level above grade.
  - 2. Must be installed on an engineered permanent foundation with drawings engineered and stamped by a state-licensed engineer.
  - 3. Must have brick, wood or cosmetically equivalent exterior siding that is compatible with the surrounding neighborhood. Pictures, samples and/or detailed description of intended exterior siding must accompany the building permit application.
  - 4. Evidence must be supplied to the City with the building permit application that the manufacturer has met or exceeds all minimum UBC, UPC, UMC and NEC standards for residential construction as per the currently adopted Municipal Code.
  - 5. All manufactured homes shall have a gable roof with a minimum pitch of 4 inches of vertical rise for every 12 inches of horizontal run. These gabled roofs must be engineered and built to withstand a snow load of 30 pounds per square foot, and the entire home must be able to withstand wind shears of 85 miles per hour.
- C. **Lodging – Bed & Breakfast.** In districts where lodging – bed & breakfast is a permitted or conditional use, it shall meet the following standards.



1. The use is in or within ¼ mile of the downtown or other mixed-use center, such that guests may experience the convenience of nearby retail, office, entertainment and recreation amenities;
  2. The owner or the applicant shall occupy a residence on the site and must demonstrate a sufficient ability for site maintenance and property management;
  3. Guests must pay based on a daily rental rate, and must limit their stay to no more than 14 days;
  4. There shall be no more than 5 guest rooms;
  5. Meals may only be served to guests. No cooking facilities are allowed in the guest rooms.
  6. One off-street parking space shall be provided per guest room, however shall be sited to meet all frontage design and site design standards applicable in the district.
- D. **Crematoriums.** Crematoriums are a specific type of service use, and in districts where service uses are enabled, crematoriums - whether a principal use or an accessory use to a principal use (e.g., funeral home, parlor with cremation services) - shall meet the following standards:
1. To the maximum extent possible, the discharge device (smokestack) shall be screened from view, using architecturally integrated screening units, roof parapets or sloped roof forms that appear as integral elements in the overall building design.
  2. All activity relating to the deceased shall be handled discretely and screened from public view to the maximum extent possible, including delivery, handling, removal, transfer and storage of the remains. The method of screening may include any of the following: fencing, walls and/or landscaping consistent with that used elsewhere within the development, as determined at the time of approval.
  3. The crematorium shall not be used for the disposal of any waste materials, including medical or industrial.
  4. Pet crematoriums shall be limited to the preparation and cremation of pets.
  5. A licensed funeral home or parlor operating an approved crematorium may perform cremation services for other licensed funeral homes or parlors.
  6. The crematorium shall secure and keep current all necessary approvals, permits and certifications from applicable state and federal agencies.
- E. **Tattoo and Body Piercing Establishments.** Tattoo and body piercing uses are a specific type of service use, and in districts where service uses are a permitted or conditional use, any tattoo and body-piercing establishment shall meet the following standards:
1. No establishment shall perform tattooing and/or body piercing services within the City unless the establishment has received a City license to operate.
  2. A separate and enclosed area, away from public view, shall be established within the business for tattooing and/or body piercing on or near the male or female genitals. At no time shall tattooing and/or body piercing procedures be performed within public view that exposes male or female genitalia.
  3. The establishment shall comply at all times with the Colorado Department of Public Health and Environment State Board of Health Rules and Regulations for Body Art Establishments and the Colorado House Bill 00-1246, also known as the "Body Art Act," as the same may be amended from time to time.
  4. Client consent forms, explanation of risks and outcomes and aftercare instructions shall be available in both English and Spanish.
- F. **Gun and Archery Shooting Ranges.** Gun and archery shooting ranges are a specific type of recreation and entertainment Use (indoor or outdoor), and in districts where recreation and entertainment uses are a permitted or conditional use, gun and archery shooting ranges shall meet the following standards:
1. They shall require a Conditional Use permit subject to the procedures and criteria of Section 2.07, even when recreation and entertainment uses are a permitted use.
  2. A gun shooting range shall comply with the current National Rifle Association standards for shooting range design, provided, however, that no conditional use permit may be issued



until the City Council has determined that the use will not constitute a hazard to the health, safety or general welfare of the public or be or create a public nuisance. Approval of the conditional use may vary these standards where the applicant has demonstrated that the proposed facility includes alternative designs and features, either natural or manmade, which will otherwise mitigate the potential adverse impacts to the health, safety and welfare of owners or users of neighboring properties, users of the shooting range, and the general public. Application for a conditional use permit for a gun shooting range, whether indoor or outdoor shall include specifications of the types of firearms, ammunition and shooting to be allowed, such as trap, skeet, muzzle loader, high power rifle, small bore rifle, pistol, action pistol, etc.

3. The City Council may prescribe rules and regulations, from time to time, for the construction and operation of gun and archery shooting ranges, including proof of public liability insurance and may cancel or refuse to renew said permit for violation of such rules and regulations.
4. Pistol and rifle firing range design shall include sufficient land area under control of the applicant for a safety fan (direct fire zone, safety zones and ricochet zones) to accommodate the ballistics of the highest-powered firearms and ammunition to be used on the range. Such geographic areas shall be based on current National Rifle Association guidelines for shooting range design. Such spatial requirements may be reduced in consideration of natural topographic features or manmade improvements, including but not limited to, backstop and side berms, bullet traps, ricochet catchers, and overhead or ground safety baffles, which will provide sufficient safety measures to protect adjacent properties.
5. Shortfall Zone is the area of a shotgun firing range where spent shotgun shot falls to the earth and where development, other than trap or skeet houses or the equivalent facilities for other types of shotgun events, and human occupancy, other than operators of the trap, skeet or equivalent facilities, is prohibited during active shooting.
6. Sound abatement shields or barriers shall be installed on outdoor gun shooting ranges located within one-half (½) mile of a residential building or one-quarter (¼) mile from a commercial building, unless significant natural barriers exist.
7. All backstops shall have sufficient depth of sand or other similar soft earthen material that is free of rocks, stones and other hard objects that may result in bullet ricochets. All manmade berms shall be vegetated to reduce the potential for erosion. A manmade, mechanical backstop may be substituted upon approval of City Council. All backstops and berms shall be maintained to perform their intended functions.
8. No firearm may be discharged outdoors between sunset and 8:00 a.m., Monday through Saturday, and between sunset Saturday and 9:00 a.m. on Sundays and holidays. The City Council reserves the right to establish more restrictive time limits as a condition of approval.
9. The applicant must comply with all applicable federal and state regulations and requirements for development of a gun and archery shooting range.

G. **Recreation and Entertainment – Outdoor.** In districts where recreation and entertainment – outdoor is a permitted or conditional use, it shall meet the following conditions:

1. For sites that do not include a principal building, accessory buildings shall be setback at least 50 feet from the front lot line and any adjacent residential district and 20 feet from any adjacent non-residential district. Any principal building shall meet the building development and design standards of the particular district, and accessory buildings may then meet the accessory building standards applicable to any other permitted use and building.
2. Any accessory building or structure shall be setback from any property line a distance of at least the same as its height and no more than 50 feet tall.
3. Hours of operation shall not extend beyond midnight in non-residential areas and 10:00 p.m. in areas within 500 feet of residential zoning districts.
4. Any use proposing building locations, building or structure heights, or hours of operation different from these standards shall require a Conditional Use Permit according to the procedures and criteria in Section 2.07.

- H. **Storage & Warehousing - Outdoor.** In districts where storage and warehousing - outdoor is a permitted or conditional use, it shall meet the following standards (See Section 4.03 for accessory outdoor storage standards):
1. Storage areas shall either be located behind the principal building, or screened from view from the streetscape and public spaces with a fence, landscape buffer, or combination of these spaces.
  2. Except for in the I-2 district, outdoor storage shall be screened from view of adjacent property by any combinations of buildings, fences or landscape buffers to be not visible at eye level from adjacent property.
  3. All outdoor storage shall be screened from residential property according to the landscape and buffer requirements of Section 8.03.
  4. Exceptions to these screening requirements may be approved by the Director through the Site Plan process.
- I. **Landfills.**
1. *Temporary Clean Landfill.* The dumping of nonorganic clean fill which will not degrade ground water (i.e. consisting of dirt, gravel, rocks, concrete, brick, etc.) shall be allowed as a temporary use in all zoning classifications. Clean fill shall be completed within 90 days after the initial date of the issuance of the temporary permit and be covered with 18 inches of topsoil.
    - a. A temporary permit may be obtained from the Building Department upon the filing of an application requesting a temporary use and accompanied by a fifty-dollar application fee.
    - b. The Building Department may impose conditions, bonding and insurance necessary for the health, safety and welfare of the inhabitants of the surrounding area.
    - c. A temporary permit shall be subject to reissue and shall be issued for land less than 5 acres in size, requiring less than 15 feet of fill and for dry pits only.
    - d. A site plan shall include the location and a sketch elevation to scale of all lighting fixtures that will be used to illuminate the site for evening play. These fixtures must be of sufficient size and number to adequately illuminate the site without casting direct light on neighboring properties or public rights-of-way.
  2. *Sanitary Landfills.* A public or private dump shall not be operated within the meaning of these regulations without first having obtained a certificate of designation from the City Council and subject to conditions set forth below.
    - a. *Permit and Application Requirements.*
      - (1) The application for a permit to operate shall set forth the location of the site and facility, the type of site and facility, the type of processing to be used, the hours and days of operation, the method of supervision, the rates to be charged and any other information pertaining to the operation, care and maintenance of said site and facility.
      - (2) A report prepared in accordance with the Colorado Department of Public Health and Environment regulations concerning such a site and facility and a recommendation from the Department for approval.
      - (3) Prior to the City Council public hearing, the property shall be posted for a period of 15 days. The signs shall be posted in conspicuous locations visible from the public rights-of-way.
      - (4) Application fee of \$150.00, and an annual permit fee of \$300.00

- (5) A permit to operate a public or private sanitary landfill site shall be issued for periods of time and subject to conditions as determined by the City Council.
  - (6) The permittee shall post a performance bond with the City as determined by the City Council to insure compliance with standards of these regulations.
  - (7) The permittee shall provide liability insurance in the sum required by the City Council.
  - (8) The City Council shall have the power to cancel permits for violations of any of these regulations or conditions imposed by the City Council. Upon at least ten (10) days notice to the permittee, the Council shall hold a hearing to determine the nature and extent of the alleged violation and shall have the power, upon good cause, to cancel or revoke the permit and to require corrective measures to be taken.
- b. *Operation Standards.* The following are minimum standards to be observed by all permittees, private or public:
- (1) A sign shall be posted at the entrance stating the operating days, hours and restrictions. Dumping shall not be permitted when wind velocity exceeds 35 miles per hour.
  - (2) All dumps shall have wire fences no less than 8 feet high with posts not less than 10 feet apart. All fences shall be of mesh type with meshes not exceeding 2 inches by 2 inches and be made with at least 14-gauge wire.
  - (3) Fence rows and adjacent areas shall be cleaned periodically to remove accumulated debris.
  - (4) Burning shall not be permitted.
  - (5) Only garbage which is dry and wrapped shall be permitted.
  - (6) Dumping of automobiles and automobile bodies shall not be permitted.
  - (7) The maximum length of trees or logs permitted to be dumped shall not exceed 6 feet. Said logs shall be not less than 6 feet below the surface of the dump upon completion.
  - (8) The refuse deposit shall be covered with 6 inches of dirt at intervals as determined by the City Engineer.
  - (9) Each fill site shall be filled to grade, allowing for settling, and shall be topped with a minimum of 2 feet of clean soil. Final surface of the site should be graded to prevent ponding of water.
  - (10) Sanitary facilities for personnel shall be provided.
  - (11) Telephone or radio communication shall be provided.
  - (12) No toxic chemicals, radioactive materials, materials contaminated by radioactive substances or explosives shall be disposed of in sites not specifically designated by the Council for that purpose.
  - (13) Waste deposited shall be compacted into layers as determined by the City Engineer.
  - (14) The operator shall provide for prevention of water pollution.
  - (15) The operator shall provide for the control of flies, mosquitoes, rodents and other disease vectors at disposal site.
  - (16) The operator shall provide for the control of dust and obnoxious odors.

#### 4.05 Special Purpose & Overlay Districts

##### A. South 4<sup>th</sup> Street Overlay District (S4).

1. *Intent.* The South 4<sup>th</sup> Street Overlay District is intended to allow a broader range of uses in a scale and format that is compatible with the residential character of the area. It allows small-scale and neighborhood-compatible commercial for reuse of residential structures and small-scale commercial buildings at key nodes. It is divided into a “gateway” portion (S4GW), primarily at the transition to downtown and at Bromley Lane, to promote development that creates greater activity and serves as signature entry to the neighborhood and a “corridor” portion (S4CR) that preserves the neighborhood scale and character for the edges of surrounding neighborhoods and length of the corridor.
2. *Applicability.* The South 4<sup>th</sup> Street Overlay District is an overlay district that applies in addition to the base zoning district for areas designated on the official zoning map. Specifically it applies to all property abutting 4<sup>th</sup> Street between Bridge Street and Bromley Lane, and is further designated as “gateway” and “corridor” as indicated on the official zoning map
3. *Uses.* The South 4<sup>th</sup> Street District is specifically intended to promote the adaptive reuse of residential structures with limited, small-scale and neighborhood compatible structures, while preserving the residential character of the area and residential uses within the corridor. Table 4-2 provides uses allowed in the S4GW and S4CC district and overrides the uses permitted in the base zoning districts.
4. *Development Standards.* The development standards applicable to the base zoning districts shall apply, except that the allowed building types and frontage types are specifically modified in Section 6.04.D. Specifically, the S4GW district shall allow C-1 building types, follow the non-residential design standards, and require Street-front or Terrace frontages, and the S4CR district allows R-1-B building types, follows residential design standards, and requires terrace or Neighborhood Yard frontage types.
5. *Performance Standards.* In addition to all other building and site design standards, the following specific performance standards apply in the S4 district.
  - a. Any use designated a conditional use in the S4 district shall be restricted to buildings up to 2,000 feet or up to 3,000 feet on corner lots.
  - b. Any storage areas or trash bins shall be located behind the building and towards the back of the lot so they are not visible from 4<sup>th</sup> Street and otherwise screened from adjacent property according to the standards in Article 8.

**B. Open Space District (O).**

1. *Intent.* The Open Space district is intended to ~~preserve public and private open space. It implement the Open and Civic Space system identified in Article 3 and ensures~~ that a wide range of open and civic spaces are integrated into the development patterns of the City, appropriate to the context or inherent natural features of the area.
2. *Applicability.* The Open Space district ~~is an overlay district or as a special purpose district for areas designated on the official zoning map and typically applies to public, common or private lands designed to be used as open or civic space, that are part of the Open and Civic Space systems designated in Article 3. In cases where it applies as an overlay district, the standards of the O district control. In cases where it is applied as a special purpose district, the O district standards apply, but should any change in the O district occur, the property shall revert to the A/R zoning district standards, unless another district is specifically designated at that time. The purpose is to protect property from future development, without carefully considering how it affects the Open and Civic Space system and integrate into surrounding areas.~~

3. *Uses.* The Open Space district preserves open spaces ~~from development~~ and the uses designated in Table 4-2 shall control in the O district. Also note that all parks and open spaces are allowed in all districts, and it is not necessary to be in the O district to develop portions of the Open and Civic Space system.
4. *Development Standards.* The Open Space district is intended for development of public, common, or private open ~~or spaces~~*civic spaces* ~~as part of the Open and Civic Space System.~~ Development ~~should~~ *shall* occur according to the design types specified in Section 3.02. The O district may include accessory buildings or structures, only to the extent they support the essential function of the open spaces. In these cases, all ~~buildings and sites shall be compatible with the scale and architectural character of the adjacent uses and surrounding area.~~ ~~For example, accessory structures on O districts in commercial and mixed-use areas shall~~ *buildings shall* follow the non-residential building and design standards, ~~and accessory structures in O districts in residential and neighborhood areas shall follow the residential building and design standards.~~

C. **Mineral Extraction District (ME).**

1. *Intent.* The Mineral Extraction district is intended to allow limited use of property for the specific purpose of mineral extraction, subject to following all federal, state or local rules, guidelines or industry standards that protect the public health, safety and welfare, and subject to proper mitigation, operation, and reclamation of the lands for other uses once the mineral extraction is complete. The district promotes the reasonable and uniform limitations, safeguards and controls for the conservation and wise utilization of natural resources and for rehabilitation of excavated land.
2. *Applicability.* The Mineral Extraction district can apply as an overlay district or as a special purpose district for areas designated on the official zoning map. In cases where it applies as an overlay district, the standards of the base zoning district control, and the ME district standards supplement those standards to the extent necessary to permit proper mineral extraction. In cases where it is applied as a special purpose district, the ME district standards apply, but should any change in the ME district occur, the property shall revert to the A/R zoning district standards, unless another district is specifically designated at that time. In all cases, the ME district should convert to the Open Space (O) district upon reclamation of the mineral extraction areas.
3. *Uses.* The Mineral Extraction district includes land designated as containing commercially feasible mineral deposits in sufficient size parcels and in areas where extraction and rehabilitation can be undertaken while still protecting the health, safety and welfare of the inhabitants of the area and the City. In cases where the location of the District or use abuts other zoning or use, use of land, structures, excavation and rehabilitation may be restricted to be compatible and protect the adjoining areas. The uses designated in Table 4-2 are permitted in the ME district, or supplement any other uses permitted in the any underlying zoning district in cases where it is designated as an overlay district.
4. *Development Standards.* No permanent structures may be constructed on mineral conservation districts, except fences, without demonstrating by competent proof that either minerals are not of commercial quantity and quality, or that such construction will not prohibit eventual extraction. Where structures are allowed, the minimum requirements of the R--1 or C-1 District shall be followed where applicable, except by special or conditional use permit.
5. *Excavation and Rehabilitation Plan.* The extraction of commercial mineral deposits with necessary accessory uses shall be allowed in Mineral Extraction district only in

conformance with an approved excavation and rehabilitation plan. The plan shall contain the following in the required number of copies.

- a. A detailed description of the method of operation of excavation and rehabilitation to be employed, including any necessary accessory uses.
  - b. An excavation plan showing the areas to be mined with accompanying time schedules, fencing, depth and other pertinent factors.
  - c. A detailed rehabilitation plan showing detailed proposed rehabilitation with time schedules, including finished contours, grading, sloping, types, placement, and amount of revegetation, after-use plans and any other proposed factors.
  - d. A water report and evaluation prepared by a registered engineer analyzing the effect and/or feasibility of both ground and surface water.
  - e. A drainage report and drainage plan prepared by a registered engineer with consideration of natural drainage, drainage during excavation and drainage after rehabilitation such that the proposed rehabilitation and excavation will have no adverse effect in excess of natural conditions (where applicable, the report should consider floodway and flood storage aspects).
  - f. Any additional information as may be requested by the Community Development Department.
  - g. Upon approval, the excavation and rehabilitation plan should be filed as a Planned Resource Development Plan with bonding and insurance deemed necessary by the City Council to insure compliance with both the excavation and rehabilitation plans as approved. Any change in either plan shall be prohibited unless amended by approval of the City Council after review by the Planning Commission.
  - h. The procedure for consideration of any request change in the plans shall be the same as for a zone change.
6. *Operation Standards for All Mining Operations.* Mining and necessary accessory uses shall be subject to the following conditions:
- a. A permit to excavate issued by the State of Colorado.
  - b. No excavation or deposit of overburden within 25 feet to the boundary of adjacent property, easement, irrigation ditch or right-of-way unless by written agreement of the owner or owners of such property, easement, irrigation ditch or right-of-way.
  - c. No excavation within 125 feet of any existing residence unless by written agreement of the owner and occupants of such residence.
  - d. Haulage roads within the premises shall be maintained in a reasonably dust-free condition.
  - e. Hours of operation shall be 6:00 a.m. to 10:00 p.m.
  - f. All sand and gravel shall be excavated in such a manner as to leave an average of 2 feet of undisturbed sand or gravel to provide a water gearing strata, unless the rehabilitation plan provides for a permanent lake.
  - g. In no event shall a slope of less than 2:1 be left for dry pit or a slope of less than 3:1 to a depth of 8 feet and 2:1 thereafter be left for a wet pit, when operations are completed.
  - h. The operator shall submit a route plan to the Director of Infrastructure & Public Works and receive permission to use for haulage any public right-of-way not designed for such haulage by reason of load limit, dust, right-of-way or pavement width, or other relevant factors. He or she may place reasonable restrictions on such right-of-way use.
  - i. The floor of excavated pits, whether wet or dry, shall be left in a reasonably smooth condition.
  - j. The operator shall not excavate, store, overburden or excavate material, or dike in such a manner as to increase any drainage or flooding on property not owned by the operator or damage to public facilities.

- k. Prior to starting excavation, the operator shall fence gravel pit operations with a V-mesh or chain link fence to a height of 72 inches topped with 3 strands of barbed wire canted at a 45 degree angle outward. The operator may fence the entire area immediately or fence only areas of excavation; however, no fencing shall be removed until rehabilitation has been completed.
- l. All operations shall conform to noise, vibration and other performance and development standards.
- m. All air emissions shall conform to standards established by the Tri-County District Health Department and the Colorado Department of Health and Public Environment.
- n. All water uses and discharge shall conform to standards established by the State Water Pollution Control Commission.
- o. Except for pits designated as sanitary landfills by certificate of designation, all slopes shall be stabilized and land remaining above the natural water level revegetated.
- p. Upon completion of the rehabilitation plan, the applicant shall apply to the City Council for release of collateral and approval of the complete rehabilitation plan and application for the appropriate zone district.
- q. City Council shall have the power to cancel the plan for violation of any of these regulations or conditions imposed by the City Council. Upon at least 10 days' notice to the owner and operator, the City Council may hold a hearing to determine the nature and extent of the alleged violation and shall have the power upon good cause to cancel or revoke the plan and to require corrective measures to be taken.

**D. Flood Control District (FC).**

- 1. *Intent.* The Flood Control district is intended to protect areas that are susceptible to periodic or occasional inundation due to natural weather cycles, rare weather events, or changing weather and climate patterns. This district preserves the ecological functions of water courses, wetlands, and areas susceptible to floods and protects or limits any investments in and around these areas. The district implements the national Flood Insurance Program for the City of Brighton.
- 2. *Applicability.* The Flood Control district can apply as an overlay district or as a special purpose district for areas designated on the official zoning map. In cases where it applies as an overlay district, the standards of the FC district override all standards and uses of the base zoning district that are contrary. In cases where it is applied as a special purpose district, the FC district standards apply, but should any change in the flood boundary or FC district occur, the property shall revert to the A/R zoning district standards, unless another district is specifically designated at that time.
- 3. *Uses.* The Flood Control district is specifically intended to promote low impact uses that preserve the function of floodways and to ensure that any structures built in the area are protected from inundation and do not alter flood patterns. Table 4-2 identifies uses permitted in the FC district and overrides any permitted uses of any base zoning districts.
- 4. *Development Standards.* The standards in Section 10.02. shall control all development in the FC district.

**E. Public Lands District (PL).**

- 1. *Intent.* The Public Lands is intended to provide public and semi-public facilities and uses in ~~an~~ convenient locations, ~~and~~ efficient formats ~~to serve the surrounding areas, and in a~~



manner that protects the character and context of the surrounding areas that the uses serve.

2. **Applicability.** The Public Lands district ~~is a~~ can apply as an overlay district or as a special purpose district for areas designated on the official zoning map. ~~In cases where it applies as an overlay district, the standards of the base zoning district apply, and the PL standards only override those standards to the extent necessary for the specific public use and building. In cases where it is applied as a special purpose district, the PL district standards apply, but should any change in the flood boundary or PL district occur, the property shall revert to the R-1 zoning district standards, unless another district is specifically designated at that time.~~
3. **Uses.** The Public Lands district is specifically intended to promote necessary public services in close proximity to the lands, uses and buildings they support. ~~In general the uses of the base zoning district and pediment adjacent zoning districts are permitted, and Table 4-2 presents additional permitted uses, provided they are implemented with the applicable site and building design standards. s that are sensitive to the context, surrounding uses and development patterns.~~
4. ~~**Development Standards.** Development of buildings in the PL district shall follow the standards in this section. Additionally, all buildings and sites shall be compatible with the scale and architectural character of the adjacent uses and surrounding area. For example, PL districts and uses in commercial and mixed-use areas shall follow the non-residential building and design standards, and PL districts and uses in residential and neighborhood areas shall follow the residential building and design standards.~~
  - a. ~~Lot size.~~ At least 20,000 square feet, and at least 100 feet wide
  - b. ~~Setbacks:~~
    - (1) ~~Front.~~ 50 feet.
    - (2) ~~Side.~~ 15 feet; except 50 feet adjacent to any street.
    - (3) ~~Rear.~~ 15 feet except equal to the height of the building if abutting residential, up to 50 feet max.
  - c. ~~Building Height.~~ 60 feet.

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#### 4.06 District Performance Standards

All principal and accessory uses in non-residential districts shall be operated in a manner that meets the performance standards in Table 4-3, Non-residential District Performance Standards.

**Table 4-3: Non-residential District Performance Standards**

	C-O, C-1, BP, and MU-NC	C-2, C-3,DT, MU-CC, MU-E/REC	I-1	I-2
Noise levels during business hours (7AM-10PM)	65db	70db	75db	80db
Noise levels during quiet hours (10PM – 7AM)	45db	55db	65db	80db
No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.	☑	☑		
No smoke or particulate matter shall be produced that is a number I or darker on the Ringelmann chart	☑	☑	☑	
Dust, fly ash, radiation, gases, heat, glare or other effects shall not be produced which are obviously injurious or damaging to humans or property beyond the property line;	☑	☑	☑	☑
Vibration or concussion which is perceptible without instruments at the property line shall be prohibited	☑	☑	☑	





**ARTICLE 4 – ZONING DISTRICTS & USES**  
*4.06 DISTRICT PERFORMANCE STANDARDS*

**Table 4-3: Non-residential District Performance Standards**

Lighting measured at the property line adjacent to right-of-way	1.0 FC	1.5 FC	1.0 FC	1.0 FC
Lighting measured at the property line adjacent to residential uses	0.1 FC	0.5 FC	0.1 FC	0.1 FC
Lighting measured at the property line adjacent to the same or more intense zoning districts	1.5 FC	2.0 FC	2.0 FC	2.0 FC

## Article 5. Neighborhood Design Standards

5.01	Intent & Applicability
5.02	Residential Building Types
5.03	Lot Open Space Design
5.04	Building Design
5.05	Courtyard Pattern
5.06	Conservation Pattern
5.07	Manufactured & Small Format Housing District
5.08	Community Benefit Incentives

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### 5.01 Intent & Applicability

- A. **Intent.** The Neighborhood Design Standards have the following intent.
1. Improve the appearance and livability of neighborhoods with good civic design, and reinforce the distinct character of different neighborhoods based on their context.
  2. Design and locate parks, trails and other open spaces as focal points that shape neighborhood character.
  3. Design walkable neighborhood streetscapes, with slow traffic speeds, well-connected sidewalks, and shade and enclosure offered from street trees.
  4. Relate all buildings and lot frontages to the streetscape and open spaces, while still promoting effective transitions from public spaces to private spaces on the lot.
  5. Promote human-scale buildings and create active social spaces along the streetscape.
  6. Provide housing variety within neighborhoods and among different neighborhoods, and ensure compatible transitions between different building types.
  7. Promote lasting and sustained investment in neighborhoods with quality design.
  8. Promote the conservation of water supplies through the use of water-wise landscaping materials and efficient water application.
- B. **Applicability**
1. The standards in this article shall generally apply to all residential development, except where stated that sections only apply to specific building types, specific districts or specific scales of projects.
  2. Modification or additions to buildings or sites shall meet these standards to the extent of the modification or addition, except that the Director may waive any requirement applied to modifications or additions that conflicts with the consistent design of an existing building or conflicts with the prevailing character on the block or immediate vicinity of the project.
  3. The standards shall not apply to ordinary maintenance of existing buildings, except that maintenance to any building may not occur in a manner that brings the building or site to a greater degree of non-conformance with these standards.

### 5.02 Residential Building Types

- A. **Descriptions of Types.** The following building types are established to allow a range of residential buildings and create effective transitions within and between neighborhoods. The

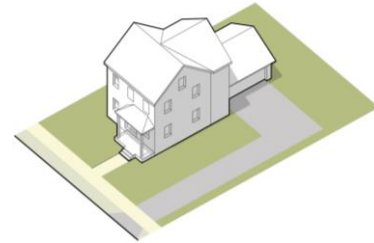
building types provide distinctions based on lot sizes, unit configuration, building footprints and massing, building placement, and frontage designs.

**Table 5-1: Residential Building Types Descriptions**

**Detached House**

A residential building designed for one primary dwelling unit in an urban neighborhood, suburban or rural setting. Variants of this type are based primarily on lot size and context.

- Detached House – Rural
- Detached House – Suburban
- Detached House – Neighborhood
- Detached House – City Lot
- Detached House – Compact



**Duplex/ Multi-unit House**

A residential building designed to accommodate two primary dwelling multiple dwelling units in an urban neighborhood or suburban setting. Unit configurations include “up/down,” “side-by-side,” or “front/back.” Variants of this type are primarily based on context and the frontage design. Duplex – Suburban, typically has the scale and massing of two attached houses, while the Duplex / Multi-unit House has the scale and massing of a single detached house divided into multiple units — typically 2 to 4. Unit configurations for Duplex – Suburban or Duplex / Multi-unit House may include “up/down,” “side-by-side,” “front/back,” or variation based on context and frontage design. Homes may also be designed to have the scale and massing of a single detached house divided into multiple units.

- Duplex – Suburban (2 units max)
- Duplex / Multi-unit House (2 – 4 units)



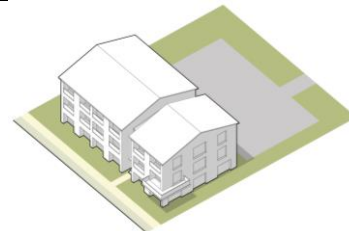
**Row House**

A residential building type designed to accommodate 3 to 8 dwelling units in an urban neighborhood or mixed-use setting. Each unit is separated by a common sidewall with a side-by-side configuration and each has its own private entrance.



**Small Apartment**

A small-scale, multi-unit residential building designed on a small or moderate-sized lot in an urban neighborhood or mixed-use setting. The building is accessed by a common lobby entrance at building frontage and arranged to integrate into the block structure of a neighborhood with a variety of other small-scale residential building types.



**Medium Apartment**

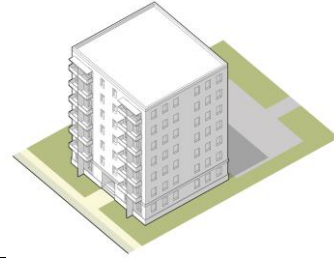
A moderate-scale, multi-unit residential building on a moderate-sized lot in high-density areas, corridors or mixed-use areas. The building is accessed by a common lobby entrance at the building frontage and arranged to integrate into the block structure of a neighborhood, typically as a transition to small-scale residential building types.



**Table 5-1: Residential Building Types Descriptions**

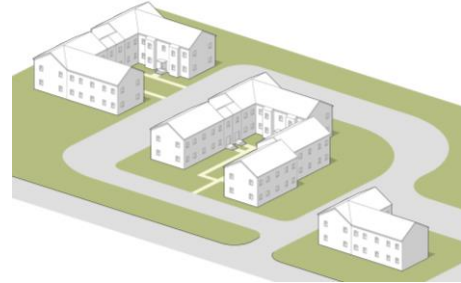
**Large Apartment**

A large-scale, multi-unit residential building on a moderate- to large-sized lot in high-density areas, corridors or mixed-use areas. The building is accessed by a common lobby entrance at the building frontage. It is appropriate in limited contexts where greater density or intensity supports broader planning goals for the area or neighborhood.



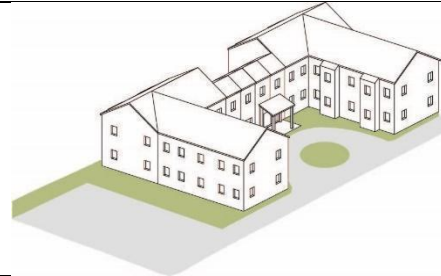
**Garden Apartment**

A grouping of small-scale apartment buildings in a common development, typically in a suburban context and arranged around an internal system of streets and other access ways, walkways and common open space.



**Senior Living**

One building or a grouping of buildings in a common development providing senior housing and support for daily living (meals, housekeeping, nursing, security, personal care, transportation). These large buildings typically have a common lobby entrance. Parking for employees and residents is provided on site. Senior living facilities are appropriate in transition spaces between commercial uses and multi-family or single-family uses.



**Civic**

A building designed for a civic, institutional or public use, with building and site design that emphasizes the public realm through enhanced design and relationships to streetscape and open space. Variations include small civic buildings for integration into neighborhoods and mixed-use areas, as well as prominent civic buildings on larger grounds or in a campus setting, with specific patterns and scale based on the functions for the intended use.

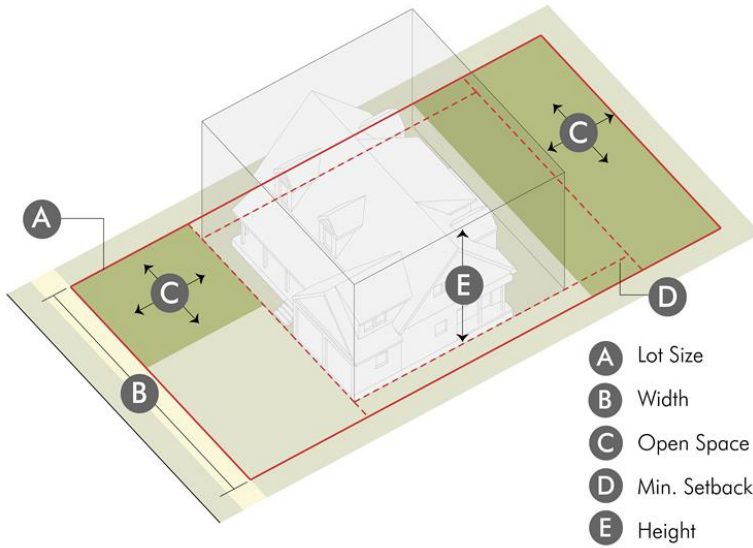


**Live / Work**

A building designed for a primary dwelling unit but has a secondary component – typically at the building frontage – designed for a commercial and occupational use by the resident. This building type is appropriate at transitions between neighborhoods and commercial centers or busier corridors, or integrated into mixed-use areas.



B. **Building Types and Development Standards.** The development standards for residential districts shall be based on the different building types permitted in each district, as specified in Table 5-2, Residential District Building Type & Development Standards. The Design Standards in other sections of this article may further specify the design and location of each building type in a specific context.



**Figure 5-1 Building Types**  
Building types in Table 5-2 are distinguished based on lot sizes, unit configuration, building footprints and massing, building placement and frontage designs. This diagram illustrates the key elements standards in Table 5-2 applied to a typical lot.

Table 5-2: Residential District Building Type & Development Standards

Zoning Districts									Building Types	Development Standards							
A/R	A/E	RE	R-1	R-1-A	R-1-B	R-2	R-3	Size		Width [1]	Lot Open Space	Minimum Setbacks [3]			Building Height		
												Front	Interior Side	Corner Side [1]	Rear		
■									<i>Detached House - Rural</i>	35 ac. A/R	300' +	80% of lot	Based on context. See Section 5.02.D. Frontage Design	20'	20'	20'	35' / 2.5 stories
	■	■							<i>Detached House - Suburban</i>	20K s.f. +	80' +	60% of lot		15'	30'	25'	35' / 2.5 stories
			■	■	■	■			<i>Detached House - Neighborhood</i>	7K s.f. +	65' +	1,200 s.f./unit		7'	15'	25' [4]	35' / 2.5 stories
				■	■	■	■	[5]	<i>Detached House – City Lot</i>	5K s.f. +	40' +	800 s.f./unit		5'	10'	25' [4]	35' / 2.5 stories
					□	■	■	[5]	<i>Detached House - Compact</i>	3K s.f. +	25' +	400 s.f./unit		4'	8'	25' [4]	35' / 2.5 stories
				■		■	■	[5]	<i>Duplex - Suburban</i>	7K s.f. +; 2 units max	65' +	600 s.f./unit		7'	20'	25'	35' / 2.5 stories
					□	■	■	[5]	<i>Duplex / Multi-unit House</i>	5K s.f. +; 2K s.f. per unit minimum 2 - 4 units	40' +	400 s.f./unit		5'	10'	25' [4]	35' / 2.5 stories
					□	■	■		<i>Row House</i>	1.5K s.f. per unit minimum 3 - 8 units	18'–36' per unit	200 s.f./unit		5' [2]	10'	15' [4]	45' / 3 stories
						□	■		<i>Small Apartment</i>	6K – 14K s.f. 3 – 12 units	50' – 100'	200 s.f./unit		5' [2]	10'	15'	45' / 3 stories
						□	□		<i>Medium Apartment</i>	10K – 20K s.f. 13 – 40 units	80' – 200'	150 s.f./unit		5' [2]	10'	20'	60' / 5 stories
						◆	◆		<i>Large Apartment</i>	20K s.f. – 80K s.f. 500 s.f. per unit	150' – 300'	150 s.f./unit		10' [2]	10'	20'	110' / 10 stories
							■		<i>Garden Apartment</i>	5K s.f. + 1K s.f. per unit	100' +	300 s.f./unit		20'	25'	20'	45' / 3.5 stories
						□	■		<i>Senior Living</i>	20K s.f. +	150' – 300'	150 s.f./unit		10' [2]	10'	20'	45' / 3 stories
■	■	■	■	■	■	■	■	■	<i>Accessory Buildings</i>	See Residential Accessory Buildings in Section 5.02.E							
■	■						□		<i>Live / Work</i>	See Non-residential Building Types in Table 6-2							
□	□	□	□	□	□	□	□	□	<i>Small Civic</i>	See Non-residential Building Types in Table 6-2							

- Building types allowed
- Building types allowed subject to the location criteria in Section 5.02.F.
- ◆ Building type allowed only by Conditional Use Permit or Planned Zoning District according to the procedures in Article 2.
- [1] Corner lots shall add 10' to the required lot width.



## ARTICLE 5 – NEIGHBORHOOD DESIGN STANDARDS

### 5.02 RESIDENTIAL BUILDING TYPES

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- [2] Row Houses, Small, Medium Apartments shall have a 10' side setback when abutting lots with a detached house; 20' for Large Apartments.
- [3] Buildings that require a certificate of occupancy shall be setback at least 250' from an oil/gas facility, and 25' from a well that has been plugged and abandoned. Buildings that do not require a certificate of occupancy shall be setback 150' from a tank battery or oil/gas well (unless plugged and abandoned).
- [4] Detached houses, duplexes, and row homes with an alley-loaded attached garage shall have a 5' minimum setback from the rear property line.
- [5] Building type only permitted with the Common Lot Development Pattern.



- C. **Dimension Exceptions.** The following are exceptions to setback and building dimensions standards established in Table 5-2: Residential District Building Type & Development Standards.
1. *Lot and Building Configurations.*
    - a. Row houses and side-by-side duplexes may have individual units platted on separate lots, provided the building meet the standards in Table 5-2 and each unit meets any per-unit or proportional standards for each lot. The lots shall be platted with a party wall as provided by the standards in the building code.
    - b. Side lot easements may be granted in association with a plat between abutting lots to meet the lot open space requirements and design standards in Section 5.03. These easements may create the effect of zero lot line houses, provided the platted lot lines and buildings meet the standards in Table 5-2. Easements shall be private agreements and account for all access and maintenance scenarios for the lot, open space, and buildings.
    - c. Shared access easements may allow driveways, common lanes or alleys to be located along private lot lines, and any limits to access widths in Section 5.02.D. may be apportioned among all lots sharing access.
    - d. Lots may be configured in a Courtyard Pattern as provided in Section 5.05.
  2. *Setback Encroachments.* The following encroachments into the required setback are permitted, except in no case shall this authorize structures that violate the provisions of any easement.
    - a. Primary entrance features may encroach beyond the required front building line, as specified in Section 5.04.C.
    - b. Structural projections such as bay windows, balconies, canopies, chimneys, eaves, cornices, open fire escapes, egress wells, or other non-foundational overhangs or projections may extend up to 4 feet from the foundation and encroach into the setback, but no closer than 2 feet from any lot line. This exception shall be limited to no more than 20% of the surface area of a building elevation.
    - c. Unenclosed and un-roofed decks or patios attached to the principal structure at or below the first floor elevation may extend into the rear or side setback up to 15 feet but no closer than 5 feet to any lot line.
    - d. Ground-mounted mechanical equipment accessory to the building may be located in the side or rear setback provided that it extends no more than 6 feet from the principal building, no closer than 3 feet to the lot line, and is screened from public right-of-way by structures or landscape. These limitations do not apply to any utility structures otherwise authorized to be located according to easements or in the right-of-way, which shall follow the location and design standards of those specific authorizations.
    - e. Any other accessory use or structure within the setback, not specified in Section 5.02.E, shall have a setback of at least 1/3 its height from the property line.
  3. *Height Exceptions.* The following are exceptions to the height limits in Table 5-2:
    - a. Building elements integral to the design and construction of the building, such as parapet walls, false mansards or other design elements essential to a quality appearance of the building may extend up to 6 feet above the roof deck.
    - b. Architectural features such as belfries, chimneys, ornamental towers and spires, and similar accessory features that a minimal part of the building footprint, massing and volume may extend up to 50% above the actual building height.
    - c. Functional and mechanical equipment such as elevator bulkheads, cooling towers, smoke stacks, roof vents or other equipment may be built up to their necessary height in accordance with building codes.



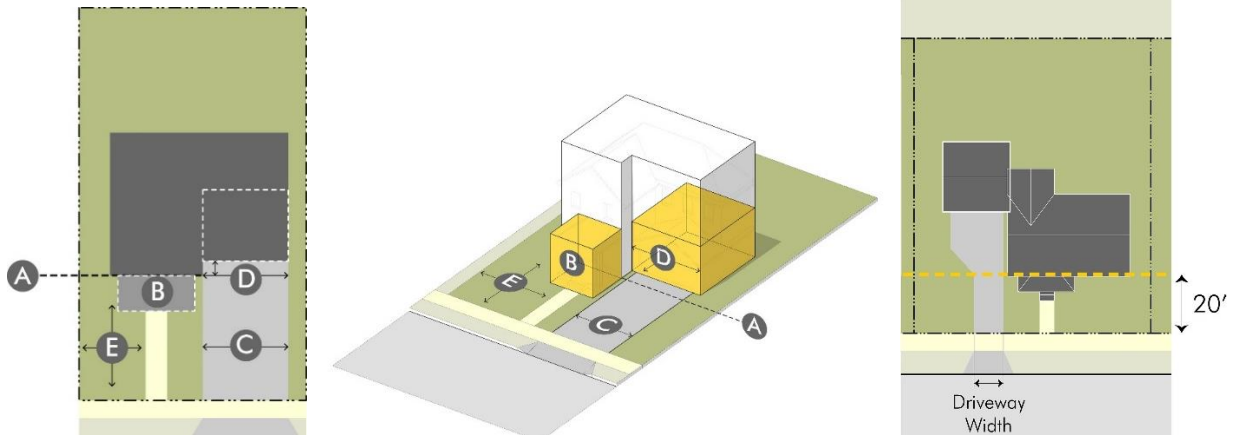
- d. Any residential building fronting directly on civic or common open space, or fronting on blocks directly opposite of civic or open space, may be built to 45' and 3 stories.

D. **Frontage Design.** The design of lot frontages establishes the relationship of buildings and lots to the streetscape, including building placement, lot access, and garage extent and locations. Buildings shall be placed in relation to the front lot lines established in Table 5-2 based on the frontage types in this sub-section.

1. *Design Objectives.* Frontage types shall be applied to meet the following design objectives:
  - a. Enhance the image of neighborhoods by coordinating streetscape investment with private lot and building investment.
  - b. Design frontages to the particular context of the neighborhood, block and street.
  - c. Design frontages to limit areas designated for vehicles and provide visual interest using landscape design.
  - d. Coordinate development across several lots, considering the cumulative impacts on streetscapes from access, parking, and landscape design.
  - e. Orient all buildings and lots to the public street or to common open spaces that serve as an extension of the streetscape and public realm.
  - f. Limit the extent of frontages and building facades designed for car access and emphasize the extent designed for social spaces and pedestrian access, particularly on narrower lots, walkable streets, or neighborhoods intended for more compact, walkable development.
  
2. *Applicability.* The appropriate application of frontage types is based upon the character of the zoning district, the building type, and the streetscape design on which the development fronts. Table 5-4, Residential Frontage Types specifies the appropriate frontage type(s) for the residential zoning districts. Where multiple frontage types are permitted, the frontages should be similar for all lots on the same block face or gradually transition to different types on adjacent lots.

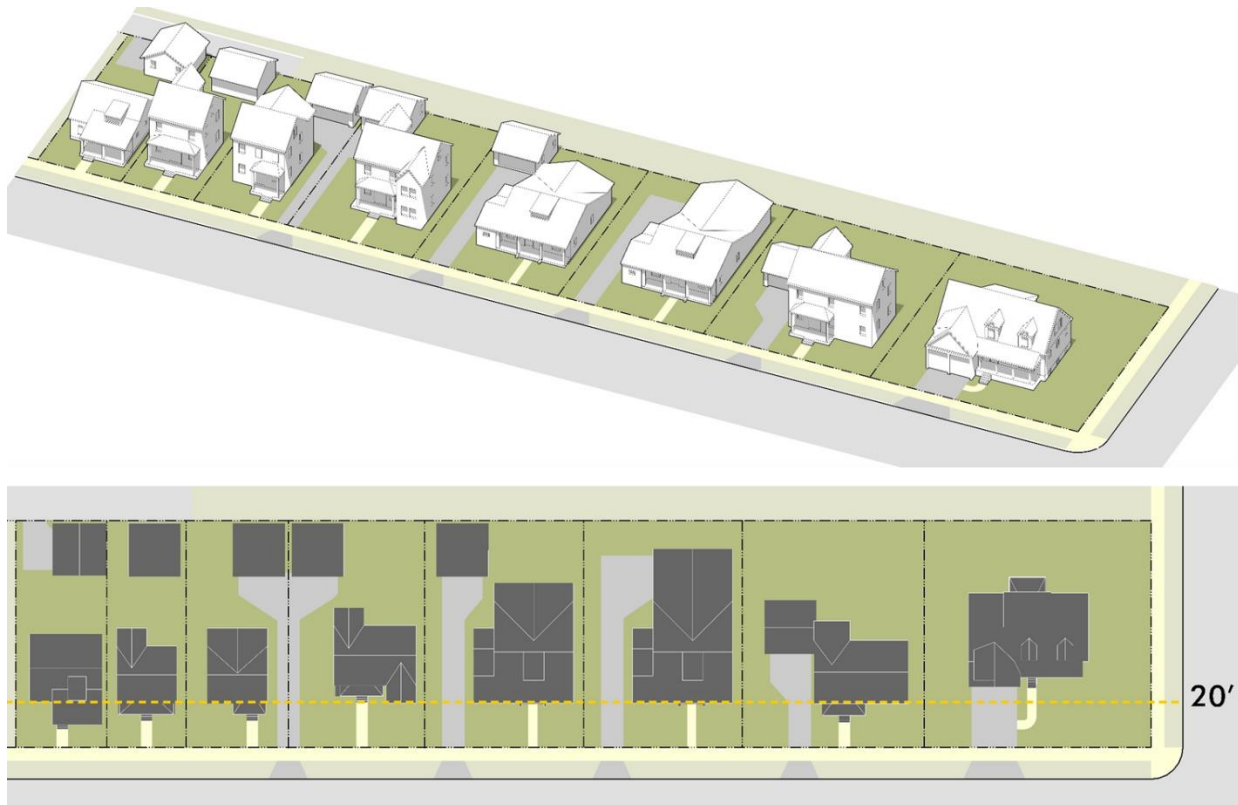
Table 5-4: Residential Frontage Types				
Zoning District	Frontage Types			
	Terrace	Neighborhood Yard	Suburban Yard	Buffer
A/E, A/R, RE			■	
R-1, R-1-A	■	■	■	
R-1-B, R-2	■	■		
R-3				■
Any civic or institutional or other permitted nonresidential building type	■	■		■

3. *Frontage Design Standards.* Frontage types shall be designed according to the standards in Table 5-5, Residential Frontage Types & Design Standards.



**Figure 5-2 Frontage Design Standards**

This diagram illustrates the key elements of frontage design –(A) front building line; (B) front entry features, (C) driveway widths (applies to the first 20’ of frontage depth); (D) garage extent and location, and (E) landscape areas. These elements determine the relationship between the building, the lot, and the streetscape, and affect the character of the area when applied across multiple lots on a block.



**Figure 5-3 Residential Access Patterns**

Frontage type standards are based on lot widths to recognize both the proportionate and cumulative effect that frontage design elements have on a block. The more compact and the narrower the lot, the greater impact access has on the frontage and streetscape. In these situations, alternatives that limit the car-orientation of the frontage and streetscape but still accommodate the convenience of access of vehicles, should be used. In cases where access standards limit the access, narrower entries, shared drives, common lanes or internal block alleys may be required.

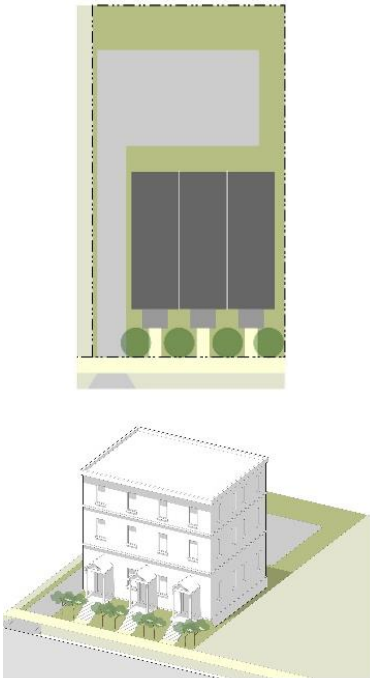
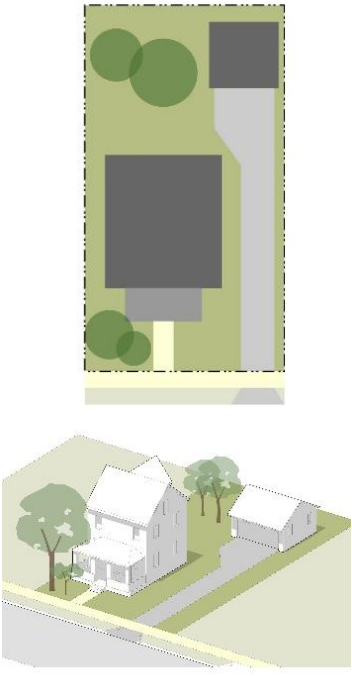
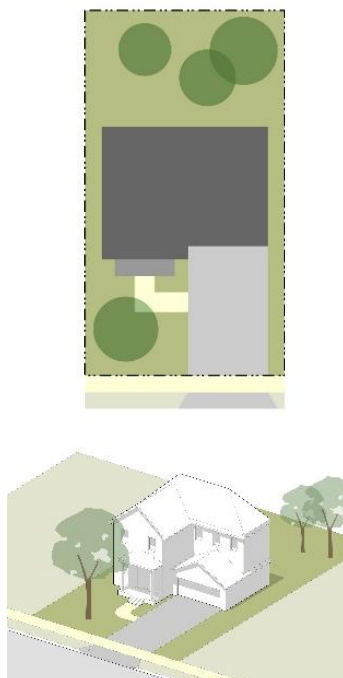
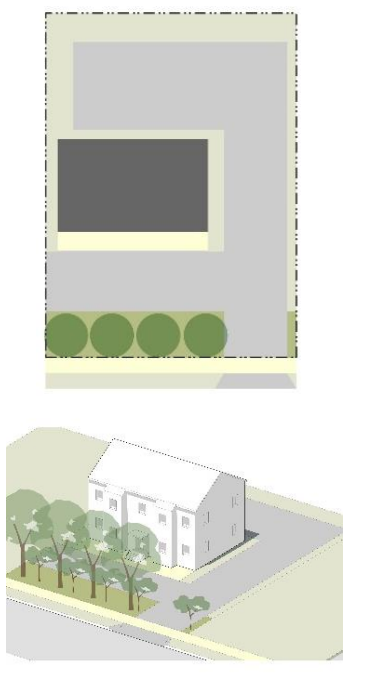
**Table 5-5: Residential Frontage Types & Design Standards**

Frontage Element	Terrace	Neighborhood Yard	Suburban Yard	Buffer
<i>Description / Design Objective</i>	A shallow open area along a block face that creates a continuous landscape element across multiple frontages and enhances the tighter relationships of buildings along a streetscape, such as courtyards, gardens or small lawns.	A small to moderate open area with a building setback from the property line to create consistent landscaped area that emphasizes the buildings relationship to the streetscape and creates a consistent rhythm of building facades along a block.	A small, moderate or large open area with a building setback from the property line to create larger, uninterrupted landscape areas along a block.	A concentrated landscaped area used to soften, screen and separate the site and any potential impacts from the streetscape.
<i>Front Building Line</i>	10' – 25'	25' – 40' 15' – 25', provided any front-loaded garage remains at least 12' back from the Front Building Line.	25'+ 15' – 25', provided any front-loaded garage remains at least 12' back from the Front Building Line.	30'+
<i>Front Entry Feature</i>	Required, See Section 5.04.C	Required, Section 5.04.C	Required, Section 5.04.C	Required, Section 5.04.C
<i>Driveway Width (w/in first 20') [1]</i>	15% of lot width, up to 20' maximum	20% of lot width, up to 20' maximum	40% of lot width, up to 24' maximum	25% of lot width, up to 30' maximum
<i>Garage Limitations</i>	<ul style="list-style-type: none"> <li>No more than 40% of the front elevation.</li> <li>If between 30% to 40% of front elevation – at least 12' behind the front building line.</li> <li>If less than 30% of the front elevation, at least 4' behind front elevation or 12' behind the front entry feature, whichever is greater</li> <li>Otherwise, side-loaded, rear-loaded, or detached garages shall be used.</li> </ul>		<ul style="list-style-type: none"> <li>No more than 45% of the front elevation, except no limit applies for side facing garages or front-facing garages setback more than 40' from front lot line.</li> <li>At least even with or behind the front building line, or 30' from front lot line, whichever is greater.</li> <li>Where more than two front-loaded garage bays are allowed, the third bay should be off-set at least 2' from the two primary bays or individual bays shall be used.</li> </ul>	
<i>Landscape (frontage areas)</i>	<p>Allocation of space shall be:</p> <ul style="list-style-type: none"> <li>70% to 90% landscape; and</li> <li>10% to 30% hardscape.</li> </ul>	<p>Allocation of space shall be:</p> <ul style="list-style-type: none"> <li>75% to 100% landscape; and</li> <li>0% to 25% hardscape.</li> </ul>	<ul style="list-style-type: none"> <li>50% minimum landscape area</li> </ul>	<ul style="list-style-type: none"> <li>Type I: 6' minimum buffer on local streets.</li> <li>Type II: 15' minimum buffer on collector streets.</li> <li>Type III: 30' minimum buffer on sites over 3 acres or arterial streets.</li> </ul>

See Section 8.02, Landscape Design for planting requirements, standards and specifications

[1] Driveway width limits apply to the lot frontage. This limit shall apply to the first 20' of the lot depth (Figure 5-2). In cases where driveway width limits and garage limitations prohibit front-loaded garages and driveways on a particular lot, a range of alternative access patterns and garage locations should be used (Figure 5-3).

**Table 5-5: Residential Frontage Types & Design Standards**

Frontage Element	Terrace	Neighborhood Yard	Suburban Yard	Buffer
<p><i>Description / Design Objective</i></p>	<p>A shallow open area along a block face that creates a continuous landscape element across multiple frontages and enhances the tighter relationships of buildings along a streetscape, such as courtyards, or gardens.</p>	<p>A small to moderate open area with a building setback from the property line to create consistent landscaped area that emphasizes the buildings relationship to the streetscape and creates a consistent rhythm of building facades along a block.</p>	<p>A small, moderate or large open area with a building setback from the property line to create larger, uninterrupted landscape areas along a block.</p>	<p>A concentrated landscaped area used to soften, screen and separate the site and any potential impacts from the streetscape.</p>
				

4. *Exceptions.* The Director may approve exceptions to the frontage type standards where:
  - a. The specific standard is not practical due to the context and location of the lot or other similar physical conditions beyond the specific building and site not created by the landowner; or
  - b. An alternative design equally or better meets the design objectives of this section; or
  - c. In instances of infill development where clear pattern of existing buildings and lots on the same block and opposite block face present a different arrangement in terms of the front building line, driveway access patterns, and extent and placement of garages.
  - d. In all cases the deviation is the minimum necessary to address the circumstance and does not negatively impact other design standards applicable to the building or site.
  
- E. **Accessory Buildings - Residential.** Accessory buildings shall be permitted in association with, and on the same lot as, a principal building. The different types of accessory buildings outlined in this Section are not mutually exclusive, and are subject to the following additional limitations.
  1. *Generally.* All accessory buildings shall be at least 10 feet from the principal building, unless a lesser distance is specified by applicable building codes. Accessory buildings shall be clearly incidental and subordinate to the principal building or use, in terms of scale, location and orientation.
  
  2. *Small Sheds.* Accessory buildings 120 square feet or less, and less than 12 feet tall, shall be limited to:
    - a. 1 per lot or 1 per each 5,000 square feet of lot, whichever is more; up to a maximum of 3;
    - b. Be located behind the front building line of the principal building.
  
  3. *Open Structures.* Unenclosed structures such as pergolas and gazebos not attached to the principal structure, 120 square feet or less, and less than 12 feet tall, shall be limited to:
    - a. 1 per lot or 1 per each 5,000 square feet of lot, whichever is more; up to a maximum of 3;
    - b. Be located behind the front building line of the principal building.
  
  4. *Accessory Building - Residential.* In any residential district, accessory buildings over 120 square feet shall meet the following:
    - a. No more than 1 per lot, except that the small apartment, medium apartment, large apartment, and garden apartment building types may have 1 per principal building.
    - b. Located behind the front building line.
    - c. Be at least 10 feet from the rear lot line, except that an accessory garage accessed from an alley may be setback 5 feet from the rear lot line.
    - d. Be at least 5 feet from the side lot line, except that on corner lots, they shall have the same street-side setback as the principal building.
    - e. Maximum height of 1.5 stories or no higher than the principal building, whichever is less. The following specific massing standards apply:
      - (1) The first story wall height shall be no more than 10 feet above the finished floor, except that gables, dormers or other subordinate walls may support the roof structure.
      - (2) The roof peak or other top of structure shall not exceed 24 feet above finished floor for pitched roofs with a 6:12 pitch or greater and no more than 16 feet for flat or shed roofs below a 6:12 pitch.

- f. Maximum size of 800 square feet or 10% of the lot area, whichever is greater, but no more than 1,600 square feet. However, the lot shall maintain the required lot open space standards regardless of the permitted principal and accessory building allowances.
  - g. Be constructed with materials, architectural details and style, and roof forms that are compatible with the principal building as described in Section 11.02 Glossary of Architecture & Design Terms.
  - h. Accessory buildings may be attached to the principal building by an open-roofed structure, an enclosed breezeway, or other manner that ensures it is clearly a secondary and subordinate mass from the principal building.
  - i. Accessory buildings shall not be located within an easement area.
  - ~~j. Clubhouses and/or leasing offices shall follow the same development standards as the principal building, except the non-residential building design standards in Section 6.05 shall apply when the clubhouse and/or leasing office is detached from the principal building(s).~~
4. *Detached Building – Agriculture.* Accessory buildings for agriculture purposes in the A/E, A/R and RE districts are permitted subject to the following:
- a. *Setback.* 30 feet, all sides
  - b. *Area.* 3,000 square feet maximum; 2,000 square feet RE
  - c. *Height.* 25', but 1' of additional height for each 2 feet of additional setback
  - d. *Number.* 1 per every 3 acres; up to 5 maximum
5. *Detached Building – Civic Uses and Open Space.* Accessory buildings for permitted institutional uses or public and common open spaces are permitted subject to the following:
- a. *Setback.* 30 feet, all sides
  - b. *Area.* 5,000 square feet maximum
  - c. *Height.* 25', but 1' of additional height for each 2 feet of additional setback
  - d. *Number.* 1 per every 3 acres
- F. **Location Criteria for Limited Building Types.** Buildings indicated as limited by location criteria in Table 5-2, Residential District Building Type and Development Standards (□) are intended to permit a mix of housing options within neighborhoods, specifically the R-1-B, R-2, and R-3 zoning districts. The location of these building types should be strategic based on patterns in the area and proximity to other neighborhood amenities. Unless otherwise located according to an approved subdivision plan, these types shall only be permitted according to the location criteria in Table 5-6 and Figure 5-4.



Table 5-6: Limited Residential Building Types – Location Criteria								
R-1-B	R-2	R-3	Building Types	[1] Corner	[2] End Grain	[3] Corridor	[4] Open Space	[5] Transition
<input type="checkbox"/>	Allowed unlimited	Follow Common Lot Ownership Pattern	Detached House - Compact	■	■		■	■
<input type="checkbox"/>	Allowed unlimited	Follow Common Lot Ownership Pattern	Duplex / Multi-unit House	■	■		■	■
<input type="checkbox"/>	Allowed unlimited	Allowed unlimited	Row House		■		■	■
Not allowed	<input type="checkbox"/>	Allowed unlimited	Small Apartment		■	■	■	■
Not allowed	<input type="checkbox"/>	<input type="checkbox"/>	Medium Apartment			■	■	■
Not allowed	<input type="checkbox"/>	<input type="checkbox"/>	Large Apartment			CUP	CUP	CUP
Not allowed	<input type="checkbox"/>		Senior Living				■	■
Not allowed	<input type="checkbox"/>		Live / Work					■
<input type="checkbox"/> All R Districts			Small Civic			■	■	■

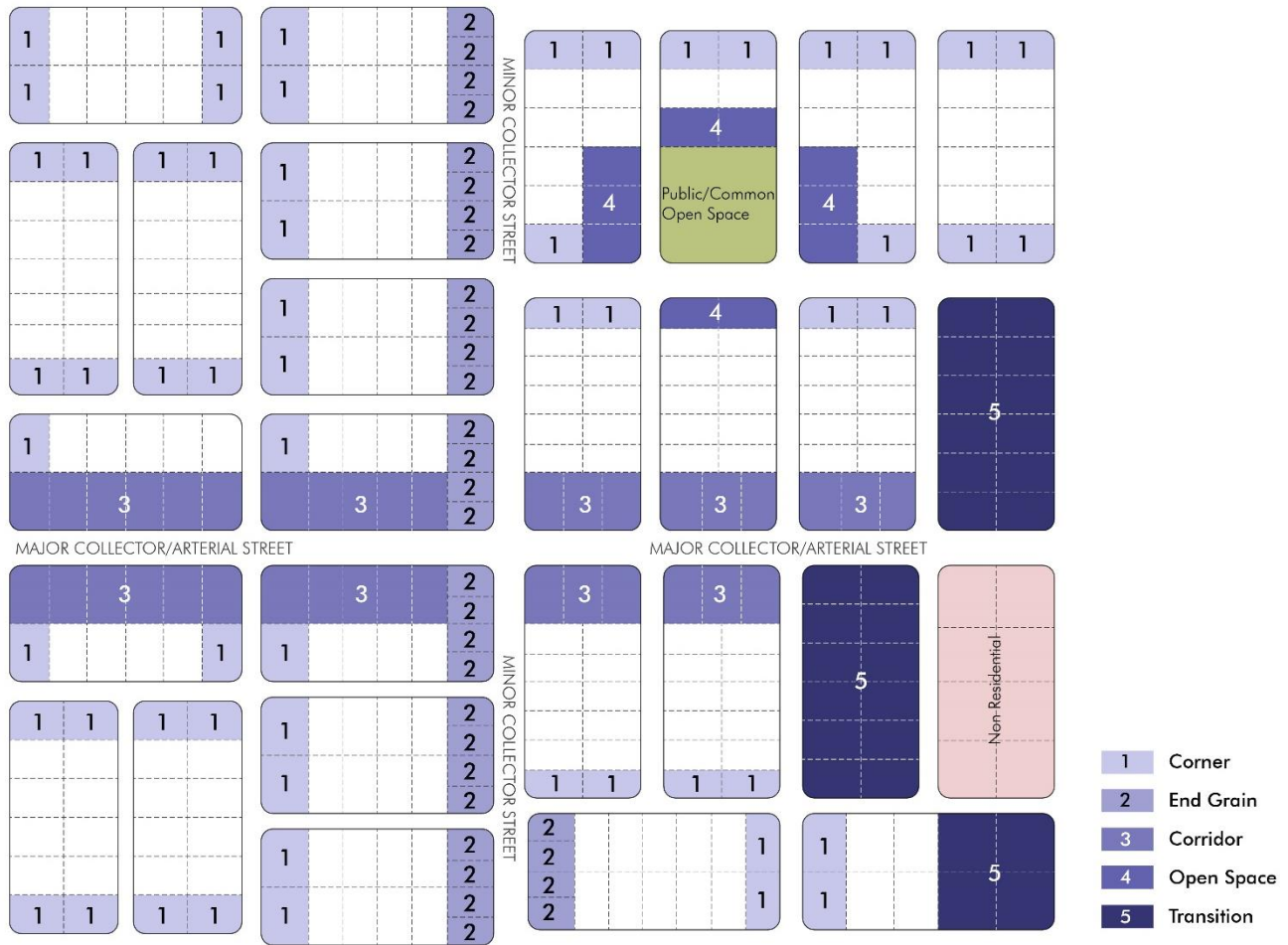
[1] Corner = Any corner lots

[2] End Grain = Lots oriented to the end grain or short side of a block on a collector street classification or higher

[3] Corridor = Lots fronting on a major collector or arterial street

[4] Open Space = Lots fronting directly on or on block faces opposite and fronting on public or common open space

[5] Transition = Blocks adjacent to a non-residential zoning district that creates a transition in building type, scale and intensity of uses



**Figure 5-4 Location Criteria for Limited Building Types**

The R-1-B, R-2, and R-3 zoning districts permit a variety of building types, some of which should be placed in strategic locations based on the street type, the relationship to open and civic spaces, and the context of the block and lot. This diagram illustrates the location criteria from Table 5-6 for how to mix a variety of small scale, multi-unit housing types into neighborhoods.

### 5.03 Lot Open Space Design

- A. **Design Objective.** A system of different types of open spaces shapes the neighborhood character and creates unique identities for different neighborhoods. The following design objectives shall be used to apply the open space standards in this section.
1. Promote the arrangement of neighborhoods, blocks and lots in a way that responds to the existing natural features.
  2. Ensure access to a variety of different types of open spaces including natural areas, recreation amenities and formal gathering spaces.
  3. Use open spaces to create gateways, focal points and transitions in coordination with the street network, block structure and lot arrangement.
  4. Consider how all unbuilt areas may serve as valuable neighborhood features, considering the aesthetic, ecological, recreation, or community serving potential of these spaces.

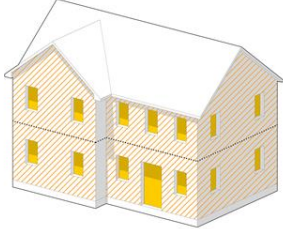
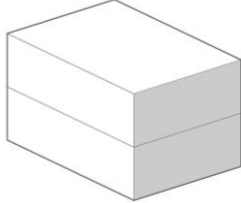
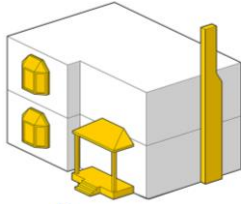
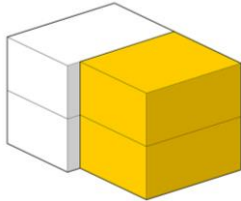
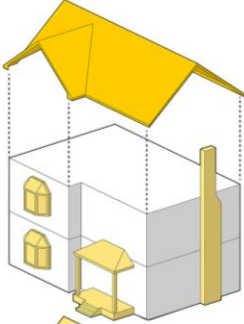


5. Ensure that all lots and buildings have access and proximity to useable open space, whether public, common or private, and whether neighborhood-scale, block-scale or building- and lot-scale spaces.
- B. **Required Site Open Space** Each building type shall provide the lot open space specified in Table 5-2, (Lot Open Space) within the lot or project. Lots platted as part of a subdivision plan may credit common open space towards this requirement, provided it meets the following standards:
1. The space is public or remains accessible to the public; or
  2. If private or common space, the lot applying the credit access to the space through ownership or other agreement, and the space is otherwise dedicated and reserved from future development.
  3. The space shall be on the same block or within 600 feet of the lot, and meet the design standards for one of the Open and Civic Space types in Section 3.02.
- C. **Lot and Building Open Space Design.** Lot open space required for each building type shall create a common or private amenity for the site and building. Buildings and open spaces on a lot shall be arranged to create usable outdoor spaces based on the following:
1. The requirement shall ensure intact, useable outdoor spaces for active recreation or leisure activities. For multi-unit projects, the cumulative per-unit spaces may need to be consolidated for the building or project to result in usable space.
  2. Spaces less than 15' wide in any direction or private extensions of the unit (such as decks, patios, balconies or other similar private outdoor spaces) can only count up to 25% of the requirement. Any space shall be at least 8' in any direction and at least 100 square feet to count towards this requirement.
  3. The remaining 75% shall be open yards or opens space types meeting the type and design standards of Section 3.02.
  4. Proper design and location of the open space may allow these areas to meet multiple requirements, including building setbacks, landscape requirements, buffers or screening.
- D. **Alternative Design.** For the design standards in this Section 5.03, if the full extent of the design standard cannot be met, the Director may approve an alternative design that equally or better meets the design objectives or enhances another design standard of this section.

## 5.04 Building Design

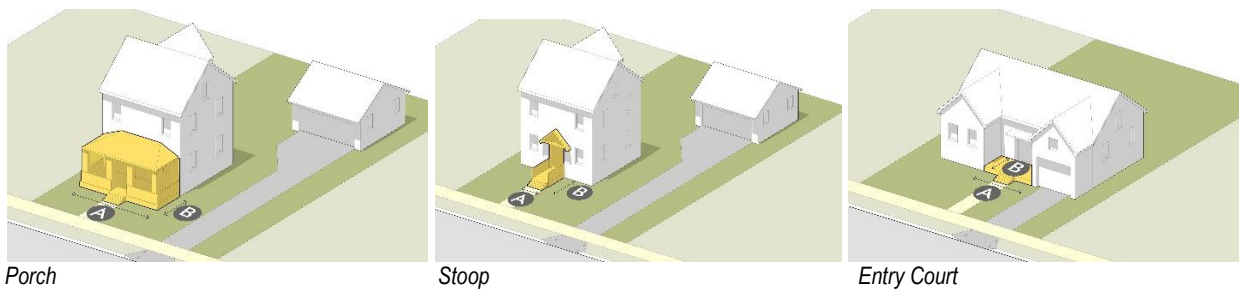
- A. **Design Objectives.** Building design refines the scale and form of buildings beyond basic height, setback and lot coverage standards. Design breaks down the building volume into smaller-scale masses, and it adds depth, texture and variation to surfaces, in a manner that improves the relationship of buildings to the lot, to adjacent lots and buildings, and to the streetscape. The following design objectives shall be used in applying the building design standards in this section.
1. Relate buildings to public realm and streetscape in a consistent manner and create a rhythm of mass to voids from facades along the block face.
  2. Arrange buildings in a way that creates meaningful outdoor spaces on the site, with building designs that define and activate these spaces.
  3. Blend a variety of building sizes and types and create compatible transitions between adjacent buildings of different scale by mimicking similar massing and proportions of adjacent development with step-backs and secondary masses.
  4. Break down larger masses with human scale design features, particularly on facades along streetscapes and active open spaces, or nearest adjacent lots.
  5. Encourage unique architectural expression, and promote the use of key details and design characteristics inherent in the chosen style for the building.
  6. Promote enduring investments with the application of durable, quality materials.

- B. **Building Design Standards.** Table 5-7, Building Design Standards provides standards for massing and facade design to meet the design objectives. Sub-sections following the table provide specific design strategies and techniques to be used in meeting these standards.

Table 5-7: Building Design Standards			
Design Detail	Building Type	Detached House (all), Duplex, and Multi-Unit House	Row House, Apartment (all), Live / Work
Minimum window and door openings per story (includes decorative trim, molding and casing)		Front – 20% 1 <sup>st</sup> story; 10% upper stories Side – 8% Street-side: 15% Rear: 10%	Front – 20% 1 <sup>st</sup> story; 10% upper stories Side – 8% Street-side: 15% Rear: 10%
Maximum wall plane, with no minimum modulation		600 s.f., or 35 linear feet	800 square feet, or 50 linear feet
Maximum wall plane, with at least 20% modulation		601 – 900 s.f., or 36 – 50 linear feet	901 – 1,200 square feet, or 51 – 70 linear feet
Maximum building elevation without minimum 4' off-set on at least 25% of facade		901 + s.f. or 51 + linear feet	1,201 + s.f. or 71+ linear feet
Maximum roof plane limits without offsets, dormers or gables		800 s.f. or 40 linear feet	1,000 s.f. or 50 linear feet

- C. **Front Entry Features.** Front entry features create a human-scale relationship of buildings to the street, provide opportunities for subtle variations in design between buildings along the streetscape, and can help create compatible relationships between buildings of different scale or size. The following entry features standards and design techniques shall be used where entry features are required by Frontage Types in Table 5-5, and are recommended on frontage types where they are optional to achieve the design objectives of this Section and to meet the standards of Table 5-7, Building Design Standards.

Table 5-8: Front Entry Features			
Design Element	Width	Depth	Details & Ornamentation
Porch	At least 50% of front facade or 20', whichever is less	8' - 12'	Decorative railing or wall 2.5' to 4' high along at least 50% of the perimeter. If not roofed, a canopy, pediment, transom windows, enlarged trim and molding or other similar accents accompany the door.
Stoop	8' – 20'	6' – 10'	Ornamental features accent the door, including decorative side railings, canopy, pediment, transom windows, enlarged trim and molding, or other similar accents that emphasize the door over other facade features.
Entry Court	12' +, but never more than 50% of facade	10' – 30'	Recessed entry within the building footprint. Decorative wall or railing, no higher than between 2.5' and 6' high along at least 50% of the opening.
General Design	<ul style="list-style-type: none"> <li>All entry features shall have a sidewalk of at least 4 feet wide directly connecting the entry feature to the public sidewalk or street</li> <li>All entry features shall be integrated into the overall building design including compatible materials, roof forms, and architectural style and details.</li> </ul>		

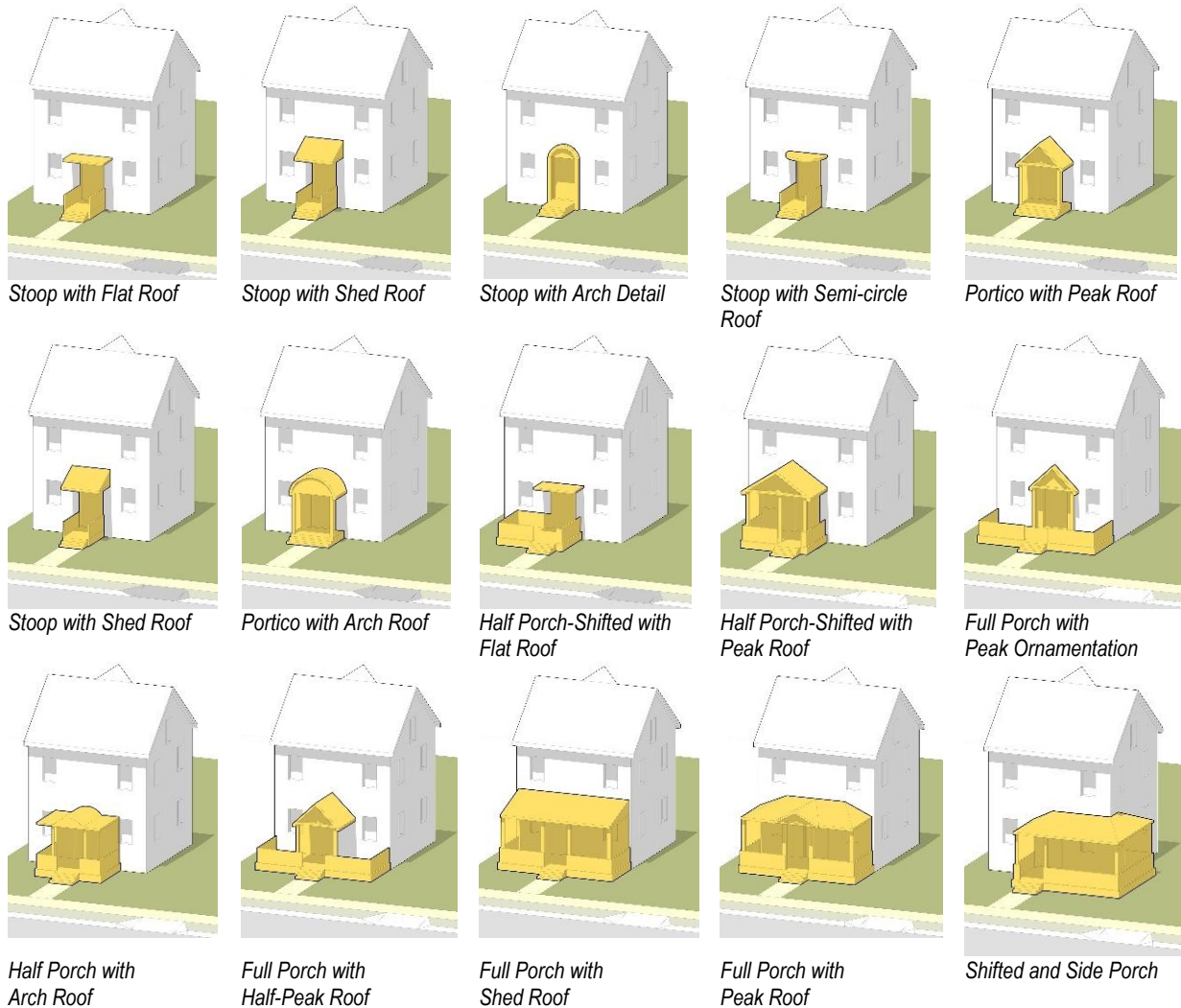


**Figure 5-5 Front Entry Features - Types**

The porch, stoop and entry court are three distinct types of entry features that create active, social spaces and human-scale details on the residential frontages. Spaces with a minimum width (A) and depth (B) specified in table 5-8 provide usable social spaces, activate the streetscape and frontage, and contribute to the massing and modulation required by the building design standards.

1. Variations in the front entry features should create diversity among adjacent buildings along a block face, so that the same or similar entry feature does not occur within two buildings on either side. Variations should include combinations of at least two of the following changes:
  - a. Different types: such as, porch, stoop, or entry court;

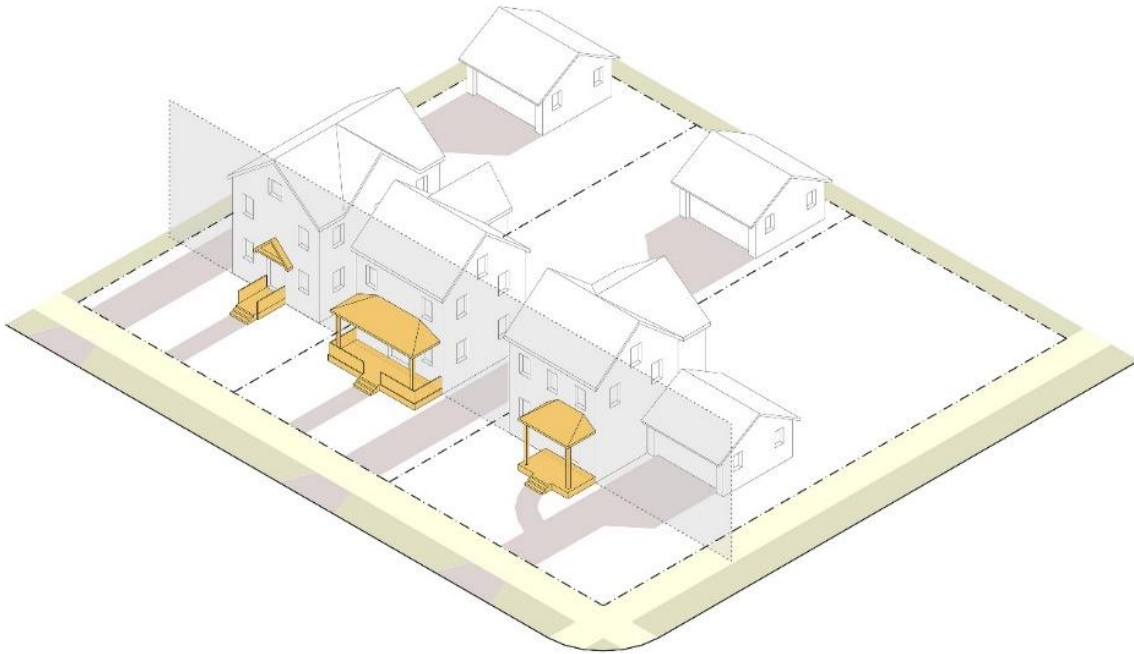
- b. Different roof styles: such as gable, hip, shed, flat, arched, or no roof;
- c. Different locations and extent: such as centered, shifted, wrapped and half or full; and/or
- d. Different ornamentation or architectural styles that lead to distinct qualities within a similar scale or pattern.



**Figure 5-6 Primary Entry Feature - Variations**

Options for primary entry features help avoid repetition building designs along a streetscape and subtle variations allow consistent, human-scale relationships between buildings and streetscapes. Various combinations of types, location and extent, and design options (far beyond those even in this illustration) lead to unending diversity in frontages within a consistent scale and pattern.

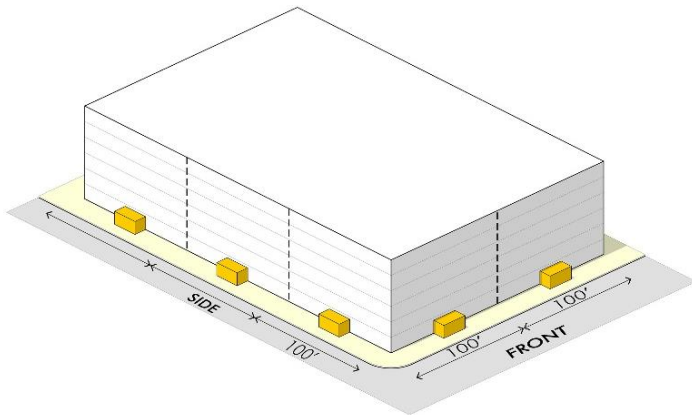
- 2. Entry features meeting these design requirement may encroach up to 10 feet in front of the required front building line, but never closer than 5 feet to a public or common property line, provided they are unenclosed on all sides that project into the setback (no windows, screens or full walls).



**Figure 5-7 Primary Entry Feature - Encroachments**

Front entry features meeting the standards of this section create social spaces that help activate streetscapes, and create a variety of human-scale details along blocks. These features may encroach into the front setback to improve the frontages along blocks.

3. Any building with more than 150 feet of front facade, or any side permitted greater than 200 feet and permitted within 20 feet of the street, shall have an 1 entry feature for every 100 linear feet of building frontage on the street.



**Figure 5-8 Primary Entry Feature - Large Buildings**

Front entry features should be more frequently located on larger buildings with wall planes in close proximity to the street. This breaks up the building massing and activates the streetscape.

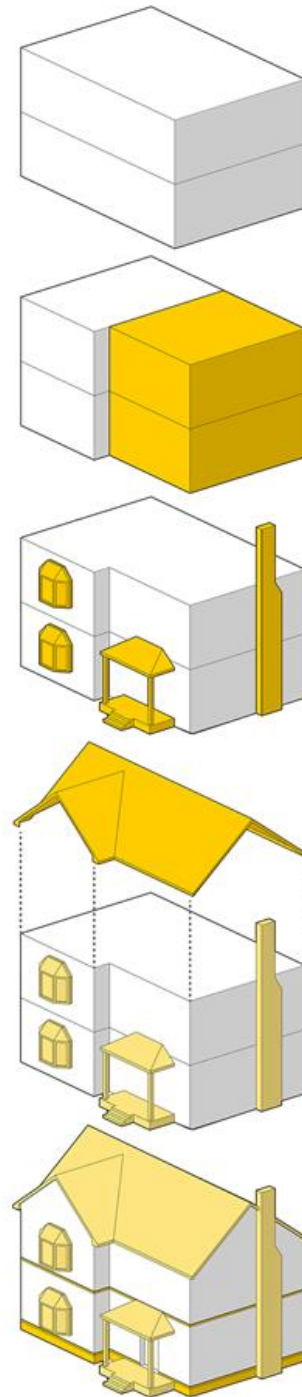
- D. **Massing & Modulation.** Massing and modulation refers to the use of form and materials to break facades into smaller components and to relate buildings to the surrounding spaces. The following techniques should be to achieve the design objectives of this section and to meet the standards of Table 5-7, Building Design Standards:



1. Step the height of the building mass, off-set secondary masses from main masses, and divide larger facades into smaller components with projections, recesses, and material changes and ornamentation.
2. Modulation of larger wall planes should occur with features that create at least 2' of projection or relief, such as bay windows, chimneys, balconies and other similar projections and recesses.
3. When elevations become large and out of scale with the building or site, off-sets of at least 4' should occur to create main masses and secondary masses or to differentiate stories.
4. Articulate larger roof planes by stepping the roof at least 2 feet, using different material or ornamental details on wall planes within gables, using dormers with windows, and using prominent overhangs of at least 3 feet with decorative trim. These elements should occur so that at least 25% of the roof plane is differentiated as a distinct mass.
5. Provide porches, balconies and covered entries, and windows that accompany off-sets or projections in the facade, and relate the building to meaningful and human-scale outdoor spaces.
6. Differentiate stories, roofs, or other masses and components of the facade with prominent trim materials and incorporation of material changes on different modules of the building.

E. **Windows & Doors.** The location, extent, pattern and proportions of windows and doors creates permeable facades that relate to and activate spaces. The following techniques should be used to achieve the Design Objectives of this section and the standards of Table 5-7, Building Design Standards:

1. Emphasize a hierarchy of doors with different levels of ornamentation and details, particularly where multi-unit buildings are designed to be compatible with adjacent detached houses.
2. Provide transparency with the location, pattern and proportions of windows and doors, and create relationships to surrounding public, common or social spaces.
3. Locate windows strategically in relation to privacy concerns in adjacent spaces and buildings, but maintain consistent exterior patterns and recall that



**Figure 5-9 Massing, Modulation, Windows and Doors**

*A variety of design techniques can be used to meet the standards of Table 5-7: Building Design Standards. These techniques break down the components of buildings to smaller and human-scale details, and help relate buildings to the streetscape and to adjacent property. These techniques are particularly important for larger buildings or where a variety of building types are permitted in close proximity.*

- window treatments are a better adaptable and user-controlled strategy than simply no windows at all.
4. Use windows and doors designed to create depth, texture and shadows on the facade - openings that have a deep recess (at least 3 inches); have projecting trim and casements (at least 1 inch off the facade and 4 inches wide); use multiple panes within openings; or have similar features, will break up facades and provide more visual interest.
  5. Incorporate visually significant windows and doors (size, orientation, and ornamentation) as points of emphasis at key locations on the facade.
- F. **Materials.** Building materials with texture and patterns create visual interest and signify quality construction and detailing. The following techniques should be used to achieve the Design Objectives of this section and the standards of Table 5-7, Building Design Standards:
1. Use natural materials such as painted or natural finish wood siding (horizontal lap, tongue –and-groove, board and batten or vertical), brick, stone, stucco, ceramic or terra cotta tile. Synthetic alternates to these natural materials may be used if manufacturer specifications and/or precedents for application demonstrate that it will perform equally or better than the principal materials in terms of maintenance, design and aesthetic goals.
  2. Coordinate changes in color and materials in association changes in massing and modulation of the building.
  3. Use changes in color or materials to differentiate the ground floor from upper floors and the main body of the building from the top or roof-structure, particularly on buildings 3 stories or more.
  4. In multi-building projects, use subtle variations in building materials and colors on different buildings, within a consistent palette of materials and colors.
- G. **Variations of Buildings.** All projects involving three or more buildings shall provide variations in the elevation from the two buildings on either side, and the three buildings on the opposite side, with at least two of the following:
1. Variations in the front entry features as indicated in 5.04.C.1;
  2. Variations in the facade massing and composition, including modulation, window types and placement, materials and material changes, details and ornamentation, or placement of garages in association with Frontage Type standards in Section 5.02.D, to the extent that the buildings have a distinct appearance;
  3. Variations of the roof forms considering the type of roof, orientation of gables, or use of dormers; or
  4. Variations of the model with distinctively different floor plans that lead to different massing. Mirror images of the same model and floor plan shall not count.
  5. In the case of multi-unit buildings:
    - a. For duplexes / multi-unit houses that are intended to mimic the scale and form of detached houses, a hierarchy of doors and entrances shall be used to create the appearance of a single building, and the variation shall apply between buildings.
    - b. For row houses and similar buildings that are clearly designed for multiple units, subtle variations in the materials and entry features that differentiate each unit shall also apply.
- H. **Exceptions.** The Director may approve exceptions to the building design standards where:
1. The requirement is not consistent with the particular architectural style of the building based on reputable resources documenting the style;
  2. The requirement would make the building less compatible with designs or characteristics of other buildings or sites in the area; or
  3. An alternative design equally or better meets the design objectives of this section.
  4. In any case, the deviation is the minimum necessary to address the circumstance and does not negatively impact other design standards applicable to the building or site.

## 5.05 Courtyard Pattern

- A. **Design Objective.** A courtyard pattern can integrate multi-building projects into the neighborhood pattern by connecting formal open space to the street frontage. It is an effective infill strategy or is appropriate on deeper lots and blocks. Residential buildings and lots may be designed to front on a courtyard based on the design standards in this section.
- B. **Applicability.** The courtyard pattern is appropriate where:
1. Courtyards are visible and designed as an extension of the public streetscape and open and civic space system for the neighborhood.
  2. Blocks and surrounding lots are deep, allowing a different configuration of buildable lots; or
  3. Other developed areas where existing lot patterns in the vicinity warrant use of this pattern to facilitate infill development and compatible building types.
- C. **Eligible Building Types.** The following building types are eligible for this pattern, subject to the limitations stated:
1. Small Apartments, up to 5 buildings or 36 units, whichever is less.
  2. Row Houses, up to 4 buildings or 24 units, whichever is less.
  3. Duplex/Multi-unit Houses and Detached Houses, up to 6 buildings.
- D. **Design Standards and Exceptions.**
1. The minimum lot size per building may be reduced up to 30%, provided the courtyard is owned in common by all lots or otherwise established as a shared-space amenity.
  2. The courtyard shall be designed according to the standards in Section 3.02 and have frontage on a public street.
  3. Lots may front on the courtyard, rather than along a street.
  4. The front setback may be reduced to 5 feet from the courtyard boundary.
  5. Any buildings fronting on the street, or the sides of any buildings adjacent to the street shall still meet requirements for public frontages and orientation standards in this section.
  6. Driveways, parking and garages may be shared among all buildings, and shall be designed and located so that the frontage-type standards in Section 5.02.D are met for both the project frontage along the streetscape and for each lot or building sites frontage along the courtyard.





**Figure 5-10 Courtyard Patterns**

The courtyard pattern allows for a different configuration of buildings in specific contexts. The pattern arranges buildings on smaller lots with a common frontage on the courtyard. The courtyard and the front corner buildings provide the streetscape frontage for the pattern, and vehicle access is shared and limited to more remote or discrete portions of the project.

## 5.06 Conservation Pattern

- A. **Design Objective.** Residential lots and buildings may be arranged around an open space system or areas that have the opportunity to preserve greater amounts of intact open and natural spaces or agricultural uses that are designed as focal point of the neighborhood design and community amenity.
- B. **Applicability.** The conservation pattern is appropriate in more remote areas, and specifically is eligible in the A/R, A/E, or RE zoning district. It requires a planned development application as outlined in Section 2.04.
- C. **Density Bonus.** The base density and open space required shall be based on a typical and practical layout according to the underlying zoning district (A/R, A/E or RE). The following density bonus may be granted based on the amount of additional intact open space to be preserved in the plan. The “bonus” units shall not require additional open space, other than the space specified in Table 5-9.

Table 5-9: Conservation Design Density Bonus	
Amount of Additional Open Space [Natural Area/Preserves, Park or Trail / Greenway] or Agricultural Preservation	Amount of Bonus Units Above Base Density
< 10%	0
10% to 19%	25%
20% to 29%	50%
30% to 39%	100%
39% to 49%	200%
>50%	TBD by Planning Commission based on plan

- D. **Lot Sizes & Building Types.** The resulting density based on the plan after the density bonus is applied may be allocated in the developed portion of the project with the following building types. No combination of these building types may be used to allow more units than authorized by the density bonus. All other standards applicable to each building type in Table 5-2 shall apply within the developed portion of the plan.
1. Detached house – rural, suburban, neighborhood or city lot
  2. Duplex / multi-unit house
  3. Row house
- E. **Open Space.** Open space shall meet the design criteria of Section 3.02 for Preserves, Park or Trail Corridor, or include prime farm land or other existing and productive agriculture lands designed to be a focal point and community amenity for the neighborhood. All lots shall have access to the public or common open space preserved as part of the plan within 1,000 feet, measured along pedestrian routes.



**Figure 5-11 Conservation Pattern**

The conservation pattern allows both a greater number of units and a greater concentration of those units in exchange for greater quantities and more coordination of larger open spaces such as Natural Preserves or Agriculture Preserves.

## 5.07 Manufactured and Small Format Housing District

- A. **Intent.** The intent of this section is to provide smaller-format manufactured, mobile or other small homes, a neighborhood or community that includes common neighborhood amenities and promotes development patterns that are compatible with the surrounding community.
- B. **Applicability.** Small format home communities are permitted in the Manufactured and Small Format Housing District – MH, and implemented as a planned development project according to Section 2.04. These standards shall not apply to: (1) mobile homes, trailers or similar temporary buildings used as an interim structure associated with an ongoing construction project under valid permits; (2) interim or temporary housing strategies to address emergencies; or (3) detached houses that are assembled off site and “manufactured,” provided they meet all other standards of the applicable zoning district.
- C. **Development Standards.**
1. *Project Size & Intensity:*
    - a. The minimum project area shall be at least 20 acres with a minimum frontage of 500 feet along an arterial street. Except, the Director may recommend a plan for as small as 3 acres and 100 feet of public street frontage if the plan demonstrates exceptional community design and layout for the common areas within the community, a high-quality and well-designed housing concept, and special attention to integrating and relating the project to surrounding areas.
    - b. The maximum project intensity shall be no more than a minimum of 2,000 square feet per dwelling unit, including any common areas and internal circulation systems supporting the community.
    - c. All structures, whether dwellings or accessory buildings, shall be setback at least 50 feet from any highway or arterial street and at least 30 feet from any other project boundary.
  2. *Uses.* In addition to any uses enabled for the MH district in Table 4-2, projects may include the following specific uses:
    - a. Dwelling units consisting of modular homes, mobile homes, or other similar small detached dwellings.
    - b. Accessory buildings and uses incidental to those listed above and which support the residential community, including offices, recreation buildings, storage areas, maintenance and utility facilities, or other community services.
  3. *Height.* The maximum structure height is 35 feet.
  4. *Home sites.* Except as otherwise modified through a development plan that better meets the intent and design objectives of this section, all home sites shall meet the following:
    - a. The minimum area for an individual home site shall be 1,000 square feet, and all home sites shall front on a public street or private internal access street, or front on common space with street access at the rear of the home site.
    - b. Dwellings shall have the following minimum setbacks from the lot or home site boundary:
      - (1) *Front.* 18 feet from street edge, except home sites fronting on courtyards or other civic space of the Common Area plan may have dwellings located at the front lot line.
      - (2) *Side.* 5 feet; 10 feet on corner lots.
      - (3) *Rear.* 10 feet, except home sites backing to buffers, common open space or alleys may have a 5-foot rear setback.
      - (4) *Other.* All dwellings shall have at least 12 feet between other dwellings, or at least 30 feet between the dwelling and accessory building, except sheds or accessory structures serving the home site.

- c. Each home site shall have a private patio, courtyard or similar outdoor amenity of at least 150 square feet. Any structure associated with this outside amenity may be located within 5 feet of the lot or home site boundary.
      - d. Each home site may have an accessory storage building up to 160 square feet, up to 8 feet tall. The accessory storage building shall be set back at least 50 feet from any public or internal street, or behind the dwelling unit. Accessory buildings shall be separated by at least 5 feet from any other structure.
    5. *Parking Standards:* Each home site shall have at least one on-site or on-street parking space, or alternatively, a parking space may be in common lots within 300 feet of dwelling units. The project as a whole shall include 1.5 spaces per each unit within the overall project to accommodate any overflow or visitor parking.
  - D. **Common Areas.** All common areas not dedicated as home sites according to the development standards in sub-section C, shall be designed as part of the public realm for the plan (See Section 2.04.B.3, Planned Development procedures, Subdivision Plan / Public Realm). This space shall be allocated to:
    1. Internal vehicle circulation for the community, laid out to provide connectivity and continuity through the community and organize the project into blocks and lots so that all home sites and lots are served by streets. There shall be at least two entrance points from public streets for each project.
    2. Open and Civic Space meeting one of the design types specified in Section 3.02 at a rate of at least 200 square feet per dwelling or 15% of the overall project, whichever is greater. All open and civic spaces shall be designed and located in a manner that ensures adequate accessibility for all units in the community.
    3. At least one of these spaces shall include a clubhouse, which is centrally located, for recreation and meeting functions, laundry facilities, or other common amenities. The clubhouse shall be at 2,500 square feet, or 10 square feet per dwelling unit, whichever is greater.
    4. Other internal circulation or open space such as walkways, landscape buffers or other site design amenities that improves the quality of the community and its relationship to surrounding areas. Pedestrian connections shall be accounted for on all streets or at greater intervals through a trail or path system.
    5. A storm shelter shall be provided which may be included with the clubhouse.
    6. A common storage and utility area shall be provided within the plan including at least 100 square feet per unit. This area may be used for storage of large equipment, recreational vehicles, maintenance or other utility functions for the community. This area shall be screened from the project and from surrounding property according to the buffer standards in Article 8.
  - E. **Building Design.**
    1. All dwellings shall have a front entry feature, such as a porch, stoop, or outside patio relating the home site to the lot frontage or other common open space upon which the dwelling is located.
    2. Parking spaces on a home site shall be located to the side or rear of the dwelling. Home sites may include a carport, provided it remains open and unenclosed on at least 75% of the perimeter, is no taller than the dwelling unit, is no larger than 480 square feet, but in no case larger than the dwelling unit.
    3. Any mobile home dwellings shall:
      - a. Be secured to the ground by tie downs and ground anchors in accordance with the applicable building code.
      - b. Be skirted within 14 days after placement in the community by enclosing the open area under the unit with a material that is compatible with the exterior finish of the mobile home and consistent with the quality of development in the community.

- c. Be blocked at a maximum of 10-foot centers around the perimeter, and this blocking shall provide 16 inches bearing upon the stand.
    - d. Be located on a hard surface pad with a minimum of 18-inch concrete ribbons or slabs capable of carrying the weight and of sufficient length to support all blocking points, with a proper surface between to control weeds.
- F. **Landscape and Parking Design.** The standards of Article 7 and 8 are generally applicable to MH district development plans, except as modified through a development plan based on the approval procedures and criteria in Section 2.04.
- G. **Utilities and Services.**
  - 1. A sanitary sewer system shall be provided in the plan, and all waste and sewer lines discharging from buildings and home sites shall be connected, and the entire system shall be connected to the City sewer system.
  - 2. All service lines within the MH District shall be underground.
  - 3. Each home site or lot shall be provided with at least a 3-inch sewer connection, trapped below frost line, with the inlet of the line to be not less than 1 inch above the surface of the ground. The sewer connection shall be provided with suitable fittings so that a water-tight connection and proper vent can be made between the units drain and the sewer connection. Connections shall be constructed to be airtight when closed and not linked to a unit, and shall be capped immediately after being disconnected from a unit to maintain them in an odor-free condition.
  - 4. The water supply shall be connected to all service buildings and all home sites. The entire system shall be connected to the City water system. All internal service lines shall be a minimum of 4.5 feet below finished grade. An individual water service connection, which is provided for the direct use by a home site, shall be constructed to prevent damage from placing housing units. Connections shall have individual valves below frost depth, with a valve box to grade.
  - 5. All plumbing shall comply with the Uniform Plumbing Code and health regulations of the City, of the applicable county, and of the state. Water lines shall not be installed within 10 feet of any sewer line.
  - 6. A water and sewer tap fee and plant investment fee must be paid for each home site or lot. The tap fees and plant investment fees shall be in accordance with the City ordinance at the date of application.
  - 7. The storage, collection and disposal of refuse shall be managed to avoid health hazards, rodent harborage, insect breeding areas, accident hazards, air pollution, or other conditions which endanger the health, safety or welfare. Refuse collection containers shall be set on concrete pads.
- H. **Subdivisions.** Each home site may be individually platted if:
  - 1. All lots shall have public utility access as provided in Article 3, including public easements for access to each home site and all other standards and criteria of the subdivision standards are met;
  - 2. All dwellings are on a permanent foundation; and
  - 3. There are covenants and restrictions and associations assuring that these provisions for the Development Standards, Common Areas, Building Design and Utilities and Services, as demonstrated on an approved plan, will be maintained through a management entity or common association.
- I. **Mobile Home Park Legally Operating Prior to January 1, 2020.** Buildings constructed in mobile home parks that were legally operating prior to January 1, 2020 shall meet the following standards:
  - 1. Home Sites.
    - a. The minimum home size shall be six hundred fifty (650) square feet.
    - b. The maximum home height shall be sixteen (16) feet.



- c. The minimum distance between homes shall be eighteen (18) feet.
  - d. The front of a home (entrance side) shall be a minimum of eighteen feet from the curb.
  - e. The side of a home shall be a minimum of four (4) feet from the curb.
  - f. A covered deck or patio shall be a minimum of ten (10) feet from the rear of the space or lot line.
  - g. Home shall not block access to the utility pedestal. The minimum distance between a home and a utility pedestal shall be four (4) feet.
2. Carports.
- a. One (1) carport shall be allowed per site, not to exceed six hundred (600) square feet in size.
  - b. Carports shall be allowed with a three-foot (3') front setback.
  - c. Carports shall be open on all sides, with the following exceptions:
    - i. Open-faced lattice is allowed on two (2) sides.
    - ii. A permanent locked storage unit may be built on one (1) side of the carport so long as the unit does not interfere with the parking of cars. The unit shall be built per Building Department regulations and shall not exceed one hundred (100) square feet in size.
  - d. Carports shall not exceed the height of the mobile home and must have a similar roof pitch.
3. Accessory buildings. All accessory buildings shall meet the current applicable City building codes in addition to the requirements herein.
- a. The minimum separation between an accessory building and a home shall be five (5) feet.
  - b. Storage buildings shall be setback from the curb fifty (50) feet. For shallow lots that are less than eighty (80) feet deep, the minimum setback for a storage building from the curb shall be thirty (30) feet.
  - c. Storage buildings shall not exceed seven (7) feet in height and one hundred (100) square feet in floor area.

## 5.08 Community Benefit Incentives

- A. **Design Objective.** Community Benefits Incentives have the following design objectives:
- 1. Ensure that housing for different stages of life are integrated into neighborhoods in a manner that provides the opportunity for aging populations to participate in activities of the broader community.
  - 2. Provide a wide variety of price points within neighborhoods such that entry-level and move-up housing options are available to meet housing needs, and neighborhoods are more resilient to changing demographic or economic conditions.
  - 3. Meet housing needs for populations earning below the median income.
  - 4. Disperse and diversify a variety of housing types, including community benefit housing, throughout the community and in some cases within neighborhoods.
- B. **Applicability.** This section offers guidance to meeting broader city-wide housing policies and achieving regional housing benchmarks. It is primarily guidance for potential incentives when projects achieve critical benchmarks when analyzing projects within their surrounding context, or for projects with significant capacity and critical mass of units that could meet them within the project.

C. **Accessibility, Diversity and Affordability Thresholds.** The following are thresholds for housing mixes that achieve the design objectives and provide a mix of accessible and affordable housing.

1. *Accessible Housing.* Within a neighborhood (or approximately ½-mile area), or within a specific project proposing accessible housing, at least 10% of total units should be accessible. Accessible units may be reduced to 5% of the total if at least 10% percent are visitable or constructed under a universal design standard. Accessible units shall include:
  - a. At least one external entrance at grade or accessible by wheelchair. Note front entry features meeting the design standards should integrate access ramps in subtle ways that meet the streetscape design objectives, and these strategies may be justifications for deviations to the frontage type and entry feature standards. Additionally side or rear at grade access, or access with lifts may be acceptable if it has the same convenience relative to the overall site layout.
  - b. The main floor has at least 1 bedroom and a laundry and bathroom.
  - c. The floor plan and unit design has all doorways at least 3 feet wide,
  - d. Fixtures and service areas with grab bars, light switches, thermostats and other environmental controls are placed in accessible locations.
  - e. Other features that are wheelchair compatible for routine daily living as may be recommended by the latest version of the American National Standards for buildings and facilities providing accessibility and usability for physically handicapped people.
  
2. *Diverse Housing.* Within a neighborhood (or approximately ½ mile area), or within a specific project proposing attainable housing, there should be a diversity of housing stock to meet different housing needs, different demographic preferences and different price points. Diverse housing should include:
  - a. At least 4 distinct housing types within the neighborhood. Each category should be at least 10% of the overall mix and no single type should be more than 60% of the overall mix.
  - b. At least 3 different price points, one of which is considered “attainable.” Unless specifically defined in an official report or study, attainable is generally housing that is available to households between 80% and 100% of the area median income, through financing or rent that is no more than 40% of that monthly income. At least 25% of the mix should be “attainable.”
  - c. Different types should be integrated into a neighborhood pattern so that all housing has access to the same level of amenity and quality of neighborhood design.
  
3. *Affordable Housing.* Within a neighborhood (or approximately ½-mile area), or within a specific project proposing affordable housing, at least 15% of total units should be affordable. Affordable units shall include:
  - a. Units meeting the parameters for household size, income levels and a maximum housing expenditure defined by the City Council.
  - b. The City Council may determine that this criteria is met by projects with a wide variety of price points and housing types in the same project or neighborhood, in a manner that adequately supports entry-level, market rate housing, and where no housing type comprises more than 30% of units in the entire project.
  - c. A statement shall be included with market research, applicable price points of units and housing types in relation to that research, and a strategy to ensure that

the units are developed in a manner to hit various price points and affordability thresholds shown in the data and market research.

- D. **Incentives.** Projects meeting these thresholds may receive the following incentives, in addition to any additional incentive defined by official policy or project-specific approval of the City Council.
1. A density bonus of at least 15% in units above what is allowed for the district or building type; with site plan review by the Planning Commission and City Council, this increase may be up to 25%.
  2. An increase in the allowed building height of up to 2 stories; however, additional setbacks or step-backs of upper stories may be required.
  3. Reduction in the open space requirements or fees by 20%; with site plan review by the Planning Commission and City Council, this may be reduced further up to 50%.
  4. When any of these incentives are used in combination, the project shall require Planning Commission and City Council review of the application.
  5. If incentives are granted for a mix of attainable housing, the City may require by contract or other restriction that assures for specific thresholds for accessible, attainable or affordable housing are met.
- E. **Accessibility Requirements.** Accessible housing units shall be provided for all residential developments containing duplexes, multi-unit houses, row houses, apartments or mixed-use residential buildings. The rate of accessible units shall be 1 accessible unit for every 7 units in the development. Accessible units shall meet the criteria of 5.08.C.1. Any phasing of construction shall not affect the required accessible housing ration.

## 5.09 Common Ownership Pattern

- A. **Design Objective.** A common ownership pattern allows multi-building projects with a variety of building types to be developed on one lot. It is an alternative to a traditional subdivision where each unit is located on an individual lot. A common ownership pattern development shall be designed similar to a traditional neighborhood but at the density of a multi-family district, and with at least one community amenity for on-site recreation and access easements for roadways. Parallel parking is preferred along roadways but other parking configurations may be allowed, subject to approval by the Director.
- B. **Applicability.** The common ownership pattern is appropriate in the R-2, R-3, MU-NC, and MU-CC zoning districts.
- C. **Eligible Building Types.** When developed in the common ownership pattern, the following building types are specifically permitted in the R-2, R-3, MU-NC, and MU-CC zone districts. The building types are subject to the locational criteria found in Articles 5 and 6 of this Code.
1. Detached Houses
  2. Duplex – Suburban
  3. Duplex/Multi-unit Houses
  4. Row Houses
- D. **Design Standards and Exceptions.**
1. The building types in Section 5.09 C. may be constructed within one common ownership pattern development and shall meet the building design standards in Section 5.04. A



clubhouse and/or leasing office is permitted in the common ownership pattern and shall meet the ~~building design standards in Section 6.05~~ standards in Section 4.03 K.

2. The minimum lot size for the common ownership pattern is five (5) acres. The minimum lot width for the common ownership pattern is two hundred (200) feet.
3. The minimum lot size and width per building type as stated in Table 5-2 shall not apply to common ownership pattern developments.
4. The lot open space per building type shall be increased by 50% to provide adequate on-site recreational amenities. At least 75% of the lot open space for the development shall be provided as a common amenity for the development. The amenity provided is in addition to the per unit parks and open space dedication requirements. The amenity shall take the form of at least one of the following:
  - a. Park with shade trees, seating, trash receptacles, dog waste disposal stations, drinking fountain, bike racks, signage, lighting, open turf, walking trails. Additional components may be required during the development review process, depending upon the size of the park;
  - b. Neighborhood pool;
  - c. Dog park;
  - d. Playground;
  - e. Basketball court;
  - f. Tennis court;
  - g. Sand volleyball;
  - h. Pickleball court;
  - i. Fitness area;
  - j. Aquatics spray pad;
  - k. Skate park;
  - l. Other amenity approved by the Director.
5. Buildings constructed using the common ownership pattern shall meet the following minimum setbacks rather than those specified in Table 5-2:
  - a. Front: Buildings shall meet either the Terrace or Neighborhood Yard frontage types and design standards from any public or private roadway, excluding alleys.
  - b. Side and Rear: Buildings shall be a minimum of ten (10) feet from a side or rear property line (site boundary).
  - c. Separation: The minimum separation between buildings shall be ten (10) feet.
6. Each unit in a common ownership pattern development may have a maximum of 200 square feet of accessory building area. Accessory buildings shall meet the setback standards in Section 5.09, except carports or garages may be located in a private roadway, but shall not create a visual barrier between the front of any unit and a public or private roadway, excluding alleys.
7. The standards in Article 7 apply to Common Ownership Pattern developments except the minimum parking required per unit shall be based on the parking required for multi-family units. Any leasing office or recreational areas provided shall provide parking based on the requirements in Article 7.

8. Subject to the provisions above, the standards defined in this Code shall apply as if each building were on an individual lot.



Article 11. Definitions & Terms

- Section 11.01 Descriptions of Uses
- Section 11.02 Glossary of Architecture & Design Terms.
- Section 11.03 Definitions

Section 11.01 Description of Uses

This section provides descriptions of uses of land and buildings associated with Table 4-2 Allowed Uses. It is organized by Categories and Types of uses, with some Types including more specific types. Where a proposed use is not generally listed or appears to meet the description of more than one use type, the Director shall make an interpretation on the most equivalent described use considering:

1. The similarity of the use in terms of scale, impact and operations to other described uses;
2. The typical building format and site design associated with the use from existing examples; and
3. The potential contribution of the use, in its typical format and design, to the intent of the zoning district.

Any uses that may not be interpreted as equivalent to a use in Table 4-2 is not anticipated by these regulations and may only be allowed by a Text Amendment.

A. Residential Dwelling

The Residential Dwelling category is the principal use of land and buildings for dwelling units. A dwelling unit is one or more joined rooms used by a family of single housekeeping unit for residential occupancy, including sleeping, bathroom(s) and eating facilities. The arrangement and extent of dwelling units depends on the zoning district, lot sizes and building types, arranged in the following types:

*Detached House.* A residential building designed for one primary dwelling unit in an urban neighborhood, suburban or rural setting. Variants of this type are based primarily on lot size and context, and the standards of the particular zoning district.

*Duplex / Multi-unit House.* A residential building designed to accommodate 2 to 4 primary dwelling units in an urban neighborhood or suburban setting. Duplex units that share a single common wall may be on a single lot, or it may be platted as separate lots along the common wall line subject to platting restrictions. All other Duplex or Multi-unit Houses shall be on a single lot. ~~Duplex / Multi-unit Houses shall have a scale, design and orientation of access and entrance features that maintains the appearance and form similar to a Detached House.~~

*Row House.* A multi-unit residential building designed for 3 to 8 dwelling units within an urban and sometimes suburban context. Row Houses abut one another sharing an adjoined party wall. These units are conjoined however, each unit has its own private entry. Units may be on a single lot subject to common ownership restrictions or platted on separate lots along the common wall subject to platting restrictions.



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~~*Row House.*—A multi-unit residential building designed for 3 to 8 dwelling units within an urban and sometimes suburban context. Row Houses abut one another sharing an adjoined party wall. These units are conjoined however, each unit has its own private entry. Units may be on a single lot subject to common ownership restrictions or platted on separate lots along the common wall subject to platting restrictions.~~

*Apartment (small, medium or large).* A multi-unit residential building designed on a small or moderate-sized lot in a compact walkable neighborhood or mixed-use setting. The building is accessed by a common lobby entrance at building frontage, is designed with a compatible scale and frontage to other residential building types, and arranged to integrate into the block structure of a neighborhood. Variants of this type are based primarily on building scale, lot size and context, and the standard of the particular zoning district. Variants include Small, Medium and Large Apartments.

*Apartment, Garden Apartment.* A grouping of small or medium apartment buildings in a common development in a suburban setting, including accessory uses and buildings to support the residential use of the property, and arranged around an internal system of streets/internal access, walkways and common open space.

*Mixed-use (apartment over commercial / service).* A residential use in a building designed primarily for street level retail, service or employment uses, and where dwelling units are accommodated on upper stories, or otherwise separated from the principal commercial function of the building.

*Live / Work.* A residential building type designed with a single dwelling unit where an additional component of the structure is designed for a small-scale business function run by the occupant and under single ownership and where the residential component is at least 400 square feet. Live / Work units can either be detached structures or attached with common party walls with other Live / Work units similar to the Row House configuration.

*Small Format or Manufactured Home Communities.* A parcel of land planned and designed for multiple home sites for the placement of manufactured, mobile or other small homes, and used for the principal dwelling of households for long-term residency. These communities include internal common areas, circulation systems and accessory uses and facilities to support the community. Dwellings may either be located on home sites designated within a larger project or on single lots owned through appropriate condominium procedures or platted under certain conditions.

*Senior Living - Independent.* A living facility or planned community that emphasizes social and recreational activities for mature adults or retired individuals. The facility may provide some level of supervision or support for daily living. The facility will typically provide security and may include other services such as meals, housekeeping, transportation and other support services where needed. Individual dwellings may contain kitchen facilities. This includes commonly used terms *retirement housing* and *retirement community*.

*Senior Living - Assisted.* State-licensed housing that provides twenty-four hour supervision and is designed and operated for elderly people who require some level of support for daily living. Such support may include meals, security and housekeeping and may include daily personal care, transportation and other support services where needed. Individual dwellings may contain kitchen facilities. This includes commonly used terms *congregate care facility* and *continuing care retirement community*.

*Senior Living - Nursing.* State-licensed facility that provides twenty-four hour supervision and is designed and operated for elderly people who require support for daily living. Medical support shall be provided by skilled nursing and medical staff. This includes commonly used terms *extended care facility*, *long-term care facility*, *nursing home* and *hospice*.

*Group Home – Assisted Living .* A residence in a residential building that is operated to provide supervision and other services for 4 to 8 individuals who are developmentally disabled (as defined in



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Section 31-23-303, C.R.S.), mentally ill or 60 years of age or older or persons with handicaps as defined by 42 U.S.C § 3601 and Section 24-34-103(4), C.R.S., and who are not related to the owner of the residence by blood, marriage or adoption. A foster care home with more than four foster children is also considered a group home. Except as specifically provided by this Code, a group home shall not house more than one individual per dwelling who is required to register as a sex offender under the provisions of Section 18-3-412.5, C.R.S.

*Group Home - Protective.* A residence in a residential building, typically licensed by the State, that is operated to provide supervision and other services for 4 to 8 individuals who are victims of abuse or violence, at-risk pregnant teens, the homeless or other displaced and neglected children or adults and who are not related to the owner of the residence by blood, marriage or adoption. Residents are provided with safe sanctuary at the facility for extended periods of time (typically more than 30 days) and receive counseling, legal assistance, financial aid or room and board for little or no compensation. Full-time staff members aid the residents in developing life skills necessary to enable residents to live independently. Except as specifically provided by this Code, a protective residence shall not house more than one individual per dwelling who is required to register as a sex offender under the provisions of Section 18-3-412.5, C.R.S. Also known as *protective residence* or *crisis house*.

*Group Home -Rehabilitation.* A residence in a residential building, typically licensed by the State, that is operated to provide supervision and other services for 4 to 8 individuals who are juvenile offenders, persons recovering from drug or alcohol addiction or inmates on release from a more restrictive custodial confinement and who are not related to the owner of the residence by blood, marriage or adoption. Residents live at the facility for extended periods of time (typically more than 30 days) and receive supervision, rehabilitation and counseling from full-time staff members living at the facility. Full-time staff members aid the residents in developing life skills necessary to enable residents to live independently and in readjusting to society. Rehabilitation residences shall be prohibited from locating any closer than 750 feet from any other *rehabilitation residence, group home facility* or *school* . Except as specifically provided by this Code, a *rehabilitation residence* shall not house more than one individual per dwelling who is required to register as a sex offender under the provisions of Section 18-3-412.5, C.R.S. Also known as *halfway house* or *inpatient residential*.

*Group Home - Emergency Shelter.* A facility in a residential or institutional building, which has as its primary function the provision of overnight sleeping accommodations for the homeless, victims of crime or natural disasters. Sleeping accommodations are typically provided in undivided sleeping spaces and are offered for little or no financial compensation. Accommodations are typically provided for overnight stays or for short-term (usually not more than 30 days) occupancy. Such facility may include accessory support services such as cafeterias, shower facilities and counseling. Also known as *homeless shelter, crisis shelter* or *mission* .

#### B. Public / Civic

The Public / Civic use category is the use of land and buildings to serve public or community interest by enhancing the daily cultural, social, or recreation needs for residents and neighborhoods. It can include public uses generally available to the public at large, community uses structured by voluntary affiliation, or private uses limited by property ownership or membership. It includes the following types:

*Assembly.* A civic or institutional use designed to serve the community for regular or periodic events, including worship, civic, recreation or entertainment, and accessory uses associated with organized activities, including child care, concession services, education, and recreation events.

*Assembly – Small (under 250 occupants).* A place of public assembly designed and located to serve immediately adjacent uses or be accessory to other uses and typically designed for less than 250 people. ~~Examples include small neighborhood association clubhouse or meeting room.~~



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Assembly – Neighborhood (251-750 occupants). Places of public assembly designed and located to serve community or civic needs for residents of nearby neighborhood(s) and typically designed for between 251 and 750 people. ~~Examples include a neighborhood association recreation center, meeting hall, or small religious facility.~~

Assembly – Community (751-1,500 occupants). Places of public assembly designed and located to serve community or civic needs of a broad vicinity and typically designed for 751 – 1,500 people. ~~Examples include a community/recreation center, small event hall or large religious facility.~~

Assembly – Regional / Convention Center (1,501+ occupants). Places of public assembly designed and located to serve community or civic needs of the city or region and typically designed for more than 1,500 people. ~~Examples include an auditorium, large event hall or major worship hall, or convention and conference center.~~

For the purposes of any performance standards or any separation criteria for particular uses, assembly uses that are “churches / places of worship” shall include a building primarily used for public religious worship and associated religious functions (education, fellowship, etc.) including synagogues and temples.

Library / Museum. A civic or institutional use provided resources and exhibits to support education, culture, and information exchange open to the public at large.

Public Safety / Services. A civic use that supports the community at large through public safety, recreation, leisure, or similar government functions. Examples include police and fire stations, post offices, public fleet/operation facilities, recreation amenities or similar government and quasi-government buildings and grounds,

~~or similar government and quasi-government buildings and grounds.~~

School. A civic or institutional use designed to provide structured, seasonal or year-round education opportunities for the community.

School – Small (less than 1 acre). A small public or private institution for primary, secondary, vocational/trade, or continuing education or other similar training of small groups of individuals, located on a property of less than 1 acres, that may occupy a building or lot not specifically designed for a civic or institutional uses and may be part of larger commercial or mixed-use development patterns.

School – Neighborhood. A small public or private institution typically for primary or secondary education and serving up to 600 students primarily targeted to serve neighborhoods within 1 mile. Special purpose schools that have a larger target area but are designed and scaled to operate similar to a neighborhood school may be included in this type. These types of schools are built or arranged on a property of 1-5 acres that integrate well into neighborhood patterns.

School – Community. A large public or private institution, typically for primary or secondary education and serving more than 600 students and targeted to the broad vicinity including neighborhoods beyond 1 mile. These types of schools arranged on a property of 5-15 acres, that cans serve as civic focal points for surrounding neighborhoods but break the neighborhood pattern.

School – Regional/Campus. A public or private institution, typically for secondary or post-secondary education, skills and trade instruction or job training targeted to the region. Examples include regional middle or high school complexes, colleges, universities, and vocational/technical schools. These types of schools are arranged on sites larger than 15 acres that interrupt

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surrounding development patterns and do not integrate well with surrounding development due to the size, scale and intensity of the use.

*Cemeteries and Columbarium.* Land or building used for the burial of the deceased and dedicated for interment purposes.

*Morgue.* A place for storage of human bodies prior to autopsy, burial or release to survivors.

*Transportation – Station (Bus, Commuter Rail, or Light Rail).* A public transportation facility designed for the transfer, pick-up and drop-off of passengers traveling by bus, commuter rail, or light rail with buildings or associated passenger convenience facilities located on a public grounds or a private lot, distinguished from public stops accommodated in the design of the right-of-way.

*Transportation – Airport, Heliport, or Helipad.* Any area of land or water designed for the landing and take-off of aircraft for business or commercial purposes, including all necessary facilities for passenger and cargo loading, maintenance and fueling facilities and housing of aircraft. This includes any area used by helicopters for landing and take-off, passenger and cargo loading.

*Transportation – Public Parking.* A parcel of land where the ~~principle~~principal use is to park vehicles whether on a fee basis operated by a public or private entity or whether to support an adjacent use or business located on a different lot. Parking may be in a surface lot or in a structure.

*Park and Open Space.* Any parcel or area of land or water essentially unimproved with any residential, commercial or industrial uses and dedicated or reserved for public and/or private use and enjoyment, including agricultural, recreational, education~~al~~; cultural, scenic or environmental purposes, and characterized by natural and landscape features. Types of open spaces are generally refined in Section 3.02 by context, design and function.

*Public Lands.* Any lands owned, controlled or managed by a public entity where the principal use is the act of managing the property for use, conservation of resources or study whether or not the lands are open for active use by the public.

*Power Plant.* A complex of structures, machinery and associated equipment for generating electric energy from another source of energy, such as nuclear reaction, coal or gas combustion or hydroelectric means.

*Public Utility Facilities.* A communications, electric, gas, cable, water, sewer or other utility pipe, conduit, transmission line, transformer, reducer, distribution apparatus or other unoccupied structure necessary for the furnishing of utility service.

*Public Utility Storage Yard and Service Station.* Utility substations, transmission and distribution facilities and/or fenced land used for outdoor storage of utility-related equipment.

*Wastewater Treatment Plant.* A Means the facility or group of units, including the collection system, used for treatment of wastewater from sewer systems and for the reduction and handling of liquids, solids and gases removed from such wastes.

*Water Treatment Plant.* A means the facility or facilities within the water works system that can alter the physical, chemical, or bacteriological quality of the water.

C. **Commercial**

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The Commercial use category is the use of land and buildings for entities engaged in sale of products or services, the limited production and distribution of products, or other administrative or support services to help businesses. It includes the following types of uses:

*Retail.* A commercial use primarily engaged in the sale, lease or rental of products to the general public with frequent interaction of patrons or consumers on premises. Retail uses are further refined by scale, intensity and format based on the following:

*Retail – Limited.* A small scale retail use under 1,500 square feet, including food trucks, sales kiosks or machines, and other temporary or permanent sales receptacles.

*Retail – Small.* A small scale retail use at least 1,500 but less than 4,000 square feet.

*Retail – General.* A retail use at least 4,000 but less than 10,000 square feet.

*Retail – Moderate.* A large-scale retail use at least 10,000 but less than 50,000 square feet.

*Retail – Large.* A large-scale retail use at least 50,000 but less than 100,000 square feet.

*Retail – Warehouse.* A large-scale retail use at least 100,000 square feet.

*Animal Care.* A commercial use that provides care and medical or non-medical services for domesticated animals that is further refined by the scale and intensity of the operations, as follows (for Non-domesticated animals, see Agriculture Uses):

*Animal Care - Limited.* A small office or shop providing animal care. The use typically involves less than 5,000 square feet of commercial area, all activities occur indoors (except routine daily pet care), and any overnight boarding is limited to that necessary for medical care or observation. Examples include a veterinary office, pet grooming or training, and small animal day cares.

*Animal Care – General.* A moderate sized facility or office providing care for domesticated animals. The use typically involves between 5,000 to 20,000 square feet of commercial space or involves routine outside activities where up to 50 animals may be outside for an hour or more. Examples include a veterinary clinic, animal shelters, and indoor commercial kennels.

*Animal Care – Large.* A large facility providing animal care for domesticated animals. The use typically involves more than 20,000 square feet of commercial space or significant outdoor activity including boarding kennels or play areas where more than 50 animals may ordinarily be kept. Examples include domestic animal hospitals, larger pet daycare facilities, and large commercial/outdoor kennels

*Day Care – Center.* A commercial use for the care of five or more children who are 18 years of age or younger and who are not related to the owner, operator or manager whether such facility is operated with or without compensation and with or without stated educational purposes. The term includes, but is not limited to, facilities commonly known as day care centers, school-age child care centers, before and after school programs, nursery schools, kindergartens, preschools, day camps, summer camps and centers for developmentally disabled children, and those facilities that give twenty-four hour care for children and includes those facilities for children under the age of 6 years with stated educational purposes operated in conjunction with a public, private or parochial college or a private or parochial school, except that the term shall not apply to any kindergarten maintained in connection with a public, private or parochial elementary school system of at least 6 grades or operated as a component of a school district's preschool program operated pursuant to Article 28 of Title 22, C.R.S. The term shall not include any facility licensed as a family child care home as an accessory use to a residence or a foster care home.

*Grocery.* A specific retail use selling food, produce, and household products for general household consumption. These uses often serve as a key anchor for neighborhood and community centers which



justifies slightly larger scale than other general retail uses, provided they can still fit into the development pattern and public-realm framework of the center. To accommodate this, Grocery is further refined by scale and format as follows:

*Grocery – Market (under 10K).* A small grocery offering limited selection of products or specialty foods or produce in a small scale format under 10,000 square feet. Examples include a corner store, butcher shop, produce market or similar store

*Grocery – Small (10K – 35K).* A small to mid-sized grocery offering moderate range of food and household products, and limited accessory services in a mid-sized building format, at least 10,000 square feet but less than 35,000 square feet. Examples include a neighborhood market or small-format grocery store.

*Grocery – General (35K – 90K).* A large grocery store offering a full range of food and household products and associated accessory services in a large-scale format. Examples include a large-format grocery or supermarket, or a similar function housed within a larger warehouse retail store.

*Grocery – Large (90K +).* A very large grocery store often offering a broader range of services or products in a warehouse-scaled building format of more than 90,000 square feet. Examples include wholesale clubs or similar “big box” grocery stores.

*Lodging.* A commercial use providing accommodations for temporary, short-term overnight occupancy, and accessory uses associated with typical guest services such as food service, recreation or similar accommodations to support overnight-guests. Lodging is refined to the following scales based on building type, format and intensity of use.

*Lodging, Bed and Breakfast.* A small residential building used for short-term lodging with one or more meals for compensation and shared living space between the primary occupants and patrons and includes at least 2 but no more than 5 rooms.

*Lodging, Inn.* A large residential building or small commercial building providing accommodations for short-term overnight occupancy for at least 6 but less than 30 rooms.

*Lodging, Hotel/Motel Small.* A commercial building providing accommodations for short-term overnight occupancy for at least 31 but less than 100 rooms.

*Lodging, Hotel/Motel Large.* A commercial building providing accommodations for short-term overnight occupancy for 101 or more rooms.

*Medical Care.* A commercial service use providing medical, dental, or physical health or wellness care to the public. This use type is further categorized by the following formats.

*Medical Care – Limited (Under 10K).* A medical care use offering routine outpatient services, that occupies less than 3,000 square feet of diagnostic or treatment area, includes no surgical or in-patient facilities, and operates in normal business hours. Examples include a small doctor or dentist office, eye-care center, or urgent care center that is accessory to a larger retail or pharmacy use.

*Medical Care – General (10K – 40K).* A medical care use offering routine outpatient services, that occupies between 10,000 and 40,000 square feet for diagnostic or treatment areas, includes no inpatient facilities, and operates in normal business hours. Examples include a larger doctor or dentist group practice, small clinic or analytical lab, or small outpatient urgent care or surgical center.

*Medical Care – Large (40K – 100K).* A medical care use offering a full range of services, that occupies between 40,001 and 100,000 square feet for diagnostic or treatment areas, and may include emergency care, surgical services or other inpatient treatment. The use may include accessory retail, food service, pharmacy or wellness/fitness uses. Examples include small hospital, remote surgical centers, or large clinic or analytical labs.

*Medical Care – Major (100K+, campus).* A medical care use a full range of services, that occupies more than 100,000 square feet or multiple buildings, and serves a greater region with a wide range of health care needs including emergency services, including a wide range of accessory office, lab, and retail uses related to patron and patient needs. Examples include a large hospital or regional medical center campus.

*Medical Care – Rehabilitating Clinic.* A medical care use offering specialty and targeted outpatient and inpatient services to those suffering from addictions.

*Office.* A commercial use focused on employment and engaged in the administrative, technical, or management aspect of business or professional services that typically do not have frequent or unscheduled on premise interaction with the public or clients. Office uses are further refined by the scale and format of buildings based on the following:

*Office – Small (under 10K).* An office use less than 10,000 square feet, within a small building or occupying a portion of a mixed-use building

*Office – General (10K – 50K).* An office use between 10,001 and 50,000 square feet, typically within one moderate-sized building

*Office – Large. (50K – 100K).* An office use between 50,001 and 100,000 square feet, typically within one large building.

*Office –Complex / Campus. (100K+).* An office use more than 100,000 square feet or involves multiple buildings in a campus pattern or complex.

*Outdoor Sales – Limited.* A specific retail use where a portion of business is associated with merchandise that can only be displayed permanently and year-round out-of-doors. Examples include a the garden center, equipment yard associated with a store. This does not include accessory outdoor sales and display areas which may be permitted as an accessory use to an otherwise permitted use or seasonal events that may be permitted through a temporary use permit.

*Outdoor Sales – General.* A specific retail use where the primary business is associated with merchandise that can only be displayed permanently and year-round out-of-doors. Examples include a small-scale nursery, a lumber yard, or a small machine or equipment sales.

*Outdoor Sales – Large.* A specific retail use where the primary business is associated with large-scale equipment and merchandise that can only be displayed permanently and year-round out of doors. Examples include a motor vehicle sales lot, equipment sales lot, boat or recreational vehicle sales lot, large nursery, large machine or farm implement sales yard.

*Recreation/Entertainment.* A commercial service use engaged in the business of providing daily or regularly scheduled activities for entertainment, leisure activities, training and instruction, or exercise, offered to the public through individual, membership, or group arrangements. This use type is further refined by the scale, format and intensity as follows:

*Recreation/Entertainment – Indoor, Limited.* Indoor recreation/entertainment that involves a building less than 10,000 square feet. Examples include a small bowling alley, fitness club, billiard hall, or dance or yoga studio.

*Recreation/Entertainment – Indoor, General.* Indoor recreation/entertainment use that involves a building between 10,001 square feet and 40,000. Examples include a large bowling alley, a small sports and recreation center, a small theater, large health club or fitness center, skating ring or shooting range.

*Recreation/Entertainment – Indoor Large.* Indoor recreation/entertainment use that involves a building more than 40,000 square feet. Examples include a large sports and recreation center, or theater complex.

*Recreation/Entertainment – Outdoor, Limited.* An outdoor recreation use that involves less than 2 acres of active outdoor recreation grounds. Examples include a small pickle ball center, or miniature golf.

*Recreation/Entertainment – Outdoor, General.* An outdoor recreation use that involves less than 2 and 5 acres of active outdoor recreation grounds. Examples include driving range, small / par 3 golf course, swimming pool, tennis center, batting cages, small band shell or amphitheater.

*Recreation/Entertainment – Outdoor, Large.* An outdoor recreation use that involves more than 5 acres of active outdoor recreation grounds. Examples include waterpark, drive-in theater, shooting range, racetrack, regulation golf course, sports and athletic complex.

*Recreation/Entertainment – Campground.* An outdoor recreation use providing overnight accommodations within a large open area for recreational purposes and may involve associated accessory buildings or facilities for parking RVs on a temporary basis.

**Restaurant.** A specific service and retail use engaged in the business of serving prepared food and/or beverages to the public for immediate consumption. Whether the use includes drive-through facilities is regulated by the accessory use provisions and site design standards for the particular district and street. Restaurants are further refined by scale, format and intensity based on the following:

*Restaurant – Small (under 3K).* A small scale restaurant under 3,000 square feet commercial, often associated with other uses, such as a cafe, lunch counter, walk-up window or similar small retail sales food outlet.

*Restaurant – General (3K – 5K).* A moderate scale restaurant between 3,001 and 5,000 square feet of commercial area and typically includes separate kitchen dining facility, accessory bar area.

*Restaurant – Large (5K+).* A large scale restaurant with over 5,000 square feet of commercial area, and typically includes separate kitchen dining facility, accessory bar and entertainment areas.

*Restaurant – Bar.* A restaurant where a significant portion of the business, in sales and in hours of operation, involves the sale of alcoholic liquors by the drink for consumption on premises, and food services is secondary or accessory. In districts where a Restaurant-Bar is allowed, it may be further limited by the comparable scale of Restaurants allowed in the district.

**Service.** A commercial use engaged in the business of providing personal or professional services to the public that may include frequent or unscheduled interaction with clients or customers on-premises. Examples include barbershop or beauty saloon, travel agency, small equipment repair, tailor, bank or



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personal financial services. Service uses are further refined by scale, intensity and format based on the following:

*Service – Small (under 3K).* A service use under 3,000 square feet, typically in line with other small scale uses in a multi-tenant commercial building or mixed-use building.

*Service – General (3K – 10K).* A service use between 3,000 square feet and 10,000 square feet, in a small free-standing building or part of a large mixed-use building

*Service – Large (10K +).* A service use more than 10,000 square feet, typically in a moderate-freestanding building or part of a large mixed-use building.

*Vehicle – Gas Station.* A specific retail use engaged in the sale of fuel to the general public, and may involve limited accessory sales of vehicle accessories and convenience goods. This use may be combined with vehicle service and repair uses but is subject to the service bay limitations below. Vehicle – Gas Station uses are further refined by the scale, format and intensity as follows.

*Vehicle - Gas Station, Small (1-8 pumps).* The use is limited to no more than 8 fueling stations, no more than 2 service islands, no more than 2 vehicle service bays and no more than 1,500 square feet of accessory retail or service areas. Examples include small, neighborhood service stations.

*Vehicle - Gas Station, General (9-16 pumps).* The use is limited to between 9 and 16 fueling stations, no more than 4 service islands, no more than 3 vehicle service bays and no more than 5,000 square feet of accessory retail or service areas. Examples include general stores and gas stations.

*Vehicle - Gas Station, Large (16 – 24 pumps)* –The use is limited to 16-24 fueling stations, 4 to 8 islands, no more than 4 vehicle service bays and no more than 5,000 square feet of accessory retail or service areas. Examples include a large convenience center and gas station.

*Vehicle – Gas Station, Truck Stop(24 or more pumps)* –The use contains more than 24 fueling stations, or any other gas station that exceeds the vehicle service bay or accessory retail and service areas of other categories. Examples include a truck stops and travel centers.

*Vehicle/Equipment Service and Repair.* A specific service use engaged in motor vehicle and mechanical equipment maintenance and repair services and accessory retail sale of supplies and accessories. Vehicle/Equipment Service and Repair is further refined by scale, format and intensity as follows:

*Vehicle/Equipment Service and Repair – Limited.* A vehicle/equipment service and repair use limited to no more than 3 vehicle service bays, all vehicles are under 1.5 tons G.V.W, where all work and storage of equipment and supplies occurs indoors, and where on-site or overnight storage of vehicles is limited and requires no special site accommodations other than ordinary parking areas. Examples include a small machine shop, mechanic, lubricant center, tire store, auto glass installation or audio or alarm installation.

*Vehicle/Equipment Service and Repair – General.* A vehicle/equipment service and repair use that involves 4 or more vehicle service bays, all vehicles are under 1.5 tons G.V.W, where all work and storage of equipment and supplies occurs indoors, but where on-site or overnight storage of vehicles may outdoor storage on the lot. Examples include large mechanic shop, lubricant center, tire store, non-accessory car wash, or an auto body shop.

*Vehicle/Equipment Service and Repair – Major.* A vehicle/equipment service and repair use engaged in the maintenance and repair of motor vehicles, recreational vehicles or boats, commercial vehicles or heavy equipment, and other services that may involve outside storage or



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work. Examples include auto repair shops, auto body and frame repair, automobile painting, transmission repair and engine overhaul. Does not include the storage or dismantling of wrecked motor vehicles or storage of junk.

**Pawnshop.** A specific service and retail business that offers loans to individuals who use their personal property as collateral and offers such property for retail sale to the public.

**Check Cashing Business.** A specific service business that, for compensation, engages in whole or in part in the business of cashing checks, warrants, drafts, money orders or other commercial instrument serving the same purpose. This also includes the business of deferred deposits whereby the check casher refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement. This does not include a federally chartered bank, savings and loan association, credit union, industrial loan company or primarily retail store that cashes checks or issues money orders for a minimum flat fee.

**Bail Bonds Business.** A specific service business where an agent or corporation pledges money or property in exchange for the appearance of a defendant in court or otherwise manages and tracks the appearance of defendants under these arrangements.

**Sexually Oriented Business.** A specific retail or entertainment business that includes adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult theater or nude model studio. The definition of *sexually oriented business* shall include any establishment which conducts as a principle use of the premises, or as a significant or substantial adjunct to another use of the premises, the sale, rental, display or other offering of material which is distinguished or characterized by its emphasis on depicting, describing or relating to specified sexual activities or specified anatomical areas as the primary or principle attraction to the premises. The definition of *adult entertainment* shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.

*Specified anatomical areas* includes any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola.
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

*Specified sexual activities* includes any of the following:

1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts.
2. Sex acts, normal or perverted, actual or simulated, including but not limited to intercourse, oral copulation, sodomy, sadomasochism or bestiality.
3. Masturbation, actual or simulated.
4. Human genitals in a state of sexual stimulation, arousal or tumescence.
5. Excretory functions as part of or in connection with any of the activities set forth in Subparagraphs 1. through 4. above.

[Marijuana Store. As defined in the Brighton Municipal Code Section 9-31-30.](#)

#### D. Industrial

The Industrial use category involves the use of land and buildings for businesses engaged in the production, processing, storage or distribution of ~~goods, which~~goods, which may have potential impacts beyond the site due to the types of activities, the physical needs of the site or facility, the types of materials used, or the delivery and access operations. Depending on the scale, intensity, and operations of these uses they may not be compatible with other uses or buildings, and may need special districts, more careful location criteria, and/or increased site design or operational limitations in order to be more generally applicable in the City.

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**Manufacturing – Limited / Artisan.** A small-scale Industrial use, manufacturing predominantly from previously prepared materials, of finished products or parts. The activities produce little or no byproducts such as smoke, odor, dust or noise discernible from outside of the building where deliveries and distribution are made by general consumer delivery services requiring no special large truck access, and where products are made available to the general public. Uses typically occupy buildings or spaces under 10,000 square feet of gross leasable area. Examples include artists' studios, small wood or metal shops, craft manufacturing, small bakery or micro-brewery, or other similar small-scale assembly of finished products.

**Manufacturing – Light.** An industrial use manufacturing predominantly from previously prepared materials of finished products or parts. The activities produce little or no byproducts such as smoke, odor, dust or noise are discernible from outside of the building, and where distribution and delivery needs occur through light to moderate commercial truck access. Examples include research labs or facilities, small equipment or commodity assembly, warehousing or wholesaling of consumer products, commercial bakery, non-retail laundry services, or similar businesses that provide products for support of other businesses.

**Manufacturing – General.** An industrial use manufacturing from previously prepared materials or some raw materials into other materials or finished products. The activities may produce byproducts such as noise, dust, smoke or odor, but are mitigated to limit impacts beyond the property boundary. Outside storage and activities may be necessary, and distribution and delivery needs involve frequent or large truck access. Examples include large scale manufacturing or fabrication plants, large equipment assembly, food production and manufacturing plants, metal fabrication plants, chemical laboratories or other similar high-intensity manufacturing or distribution operations.

**Manufacturing – Heavy.** An industrial use manufacturing or compounding processes with raw materials, including some which may be hazardous or noxious. The activities capable of producing significant byproducts such as noise, dust, smoke or odor beyond the building or site, or where hazardous materials may be stored, used or produced as a typical part of the business, and distribution involves heavy truck, freight and machinery access. Examples include chemical, wood or metal storage and production, pressing and dyeing plants, asphalt or cement production, animal processing, meat processing or slaughter, or similar heavy or hazardous manufacturing operations.

**Mineral Extraction.** The process of extracting metallic or nonmetallic mineral deposits from the earth and crushing, separating or otherwise processing the extracted mineral deposits into a useable form.

**Asphalt Concrete Mixing Plant.** A facility or equipment used in mixing the dry warm aggregate, padding and asphalt for homogeneous mixture at the required temperature, typically in association with a street, large parking area or other large-scale construction project, sometimes on a temporary or interim basis.

**Storage and Warehousing.** An industrial use engaged in the business of keeping and warehousing goods and products for interim or long-term periods or for distribution to other businesses and industries, including any logistic services related to this business such as labeling, bulk packaging, inventory control or light assembly. Storage and warehousing uses are refined further based on the scale, format and intensity as follows:

**Storage – Personal / Indoor.** A storage use for the public where individuals store personal property in units leased or rented on a periodic basis and where all units are accessed from within the principal building. Examples include indoor self-storage mini-warehouses.

**Storage – Personal / Outdoor.** A storage use for the public where individuals store personal property in units leased or rented on a periodic basis and where all storage is inside but individual units may be accessed directly from the outside. Examples include outdoor self-storage mini-warehouses.

*Storage – Commercial/Indoor.* A storage use for businesses or larger personal produce where all items are stored indoors. Examples include warehouses and long-term garages

*Storage – Outdoor / Minor.* A storage use for the public or other businesses where household or small-scale commercial products are located on an outdoor lot.

*Storage – Outdoor / Major.* A storage use for the public or other businesses where large-scale household items or machinery, commercial products, raw materials, or supplies are stored on an outdoor lot. Examples include boat or RV storage, towing service storage yard, building supply lots or similar industrial supply storage yards.

*Storage of Gasses or Liquefied Petroleum.* The use of grounds for storing tanks used for gasses or liquefied petroleum, often as a distribution point for further shipment or processing or re-use at other locations.

*Waste Processing - ~~General~~-General.* An area and/or structure that provides for disposal or recycling of waste material, including waste transfer station and recycling facility. This does not include junk yards, landfills or incinerators.

*Waste Processing - Landfill.* A public or private dump operated for the deposition of material such as garbage, refuse, sludge of sewage disposal plants and other discarded solid waste materials resulting from industrial, commercial and community activity, but shall not include agricultural wastes.

*Waste Processing - Junk yard.* A place where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, assembled or handled, including scrap processing or shredding.

## E. Agriculture

The Agriculture use category is for uses that maintain existing agriculture functions and food production, or which are promoting and maintaining Brighton's agricultural heritage.

*Agri-tourism.* The use of a commercial farm for special events, retail and restaurant activities or cultural promotion of agricultural heritage in typical agricultural structures or settings, and in association with maintaining and promoting the continued agricultural use and character of the property.

*Roadside Stands.* A small retail operation selling agriculture products produced on or near a site, typically involving a small kiosk, tent or truck with temporary facilities, or on sites in more rural contexts it may include permanent structures.

*Farmers Market.* The use of a commercial farm or other permitted non-residential use or open and civic space for the periodic sale of produce from farms and other accessory products. Farmers markets may also be permitted on any property through the Temporary Use provisions of this code.

*Farming – Small/Limited.* The primary use of land for small-scale production of field crops or horticulture for food, or raising small animals where limited accessory storage facilities and light machinery is necessary and the land area is typically under 20 acres.

*Farming – General.* The primary use of land for commercial production of field crops for food or raw materials in other agriculture operations; the raising or breeding of livestock, poultry, fish or other animals; or plant production such as nursery, orchard, vineyard. The land area is typically over 20 acres.

*Farming – Large / Industrial.* A large-scale farming and agricultural processing operation where heavy machinery, storage of large quantities of byproducts or intensive animal operations occur, such as feedlots



or the commercial feeding of offal or garbage to swine or to other animals, commercial production and sale of livestock, or other similar intensive operations.

*Fish Hatchery.* A facility for the breeding, raising, and harvesting fish, shellfish, and aquatic plants.

*Nursery – Greenhouse.* A commercial use to raise flowers, shrubs, trees and plants for sale. This may include an area for retail sales of such plant materials and related accessory items

*Nursery – Greenhouse, Small.* A nursery and greenhouse on 2 acres or less, where the commercial and retail component is integrated into other commercial uses, and the grounds or buildings for growing are a limited portion of the site.

*Nursery – Greenhouse, Large* A nursery and greenhouse on more than 2 acres, where the grounds or buildings for growing are a predominant portion of the site, and the retail or commercial operations are a minor component.

*Animal Care – Animal Hospital, Livestock.* A commercial use that provides care, and medical or non-medical services for domesticated animals that is further refined by the scale and intensity of the operations, as follows (for Non-domesticated animals, see Agriculture Uses):

*Grain Elevator.* An industrial facility used for storing and processing crops and similar agricultural products.

F. **Wireless Communication Facilities**

*Wireless Communication Facilities.* See Section 10.04.

## Section 11.02 Glossary of Architecture & Design Terms

This glossary of architecture and design terms explains concepts, strategies, and techniques that are used to affect building and site design.

A. **Architectural Style.**

When used generally, architectural style refers to a distinctive manner of expression, fashion or composition of building elements at a specific time.

When used specifically, architectural style refers to a prevalent or historical style that is documented with common or typical patterns in assembling building elements and form, and where variations within the style follow common rules of application for materials, massing or composition of the details. (i.e. Art Deco, Colonial Revival, Craftsman, Mid-Century Modern, Mission, Spanish Colonial Revival, Tudor Revival, Victorian, etc. See *Colorado's Historic Architecture & Engineering Guide*, [www.historycolorado.org/colorados-historic-architecture-engineering-guide](http://www.historycolorado.org/colorados-historic-architecture-engineering-guide) )

B. **Building Elements.** Buildings are made up of vertical elements, horizontal elements, materials, and details and ornamentation.

*Vertical elements.* Vertical building elements include walls (wall plane), arches, columns, foundations, windows, and doors. (See *composition* and *articulation* for the effect of window and door assemblies on vertical building elements.)

*Horizontal elements.* Horizontal building elements include floors, lintels, plinths, roofs (roof lines), reveals, cornices, facia, friezes, canopies, and awnings.

*Material.* The materials chosen for different elements of the building affect the following:

- *Appearance* – the interest and quality, typically determined by the solidity and texture of material, or the authenticity of material (i.e. natural or refined) and how materials are coordinated as a complete composition with primary, secondary and accent materials.
- *Texture (of materials)* – the depth at a very close scale perceived by a person and made visible by how light and shadows interact to make the depth visible to the eye. (See also *texture of composition*.)
- *Durability* – how long a material will last and how easy it is to maintain and keep its appearance.
- *Sustainability* – the impact of the material on the environment in terms of how it was produced, how long it will last as applied, whether it is abundant in the region, or combinations of all three.

*Details / Ornamentation.* Details and ornamentation are the degree of aesthetic enhancements that increase the complexity of a building composition, typically referred to when viewing the building or building element at a close range (“human scale”), and slow pace (i.e. walking / human interest). Details and ornamentation may include the following depending on the chosen architectural style or facade composition:

- *Arches* – a curved member used to span an opening and support loads above, typically used with more refined design qualities and details on the arch to add emphasis and ornamentation to the opening.
- *Awning* – a sloped projection made of non-rigid material stretched over a frame and extended over a window or door to provide protection from the elements.
- *Bay (window)* – a bump out in the facade typically associated with an element of the interior floor plan but located to provide balance and relief to the massing on the exterior facade and usually associated with a window.
- *Belt Course* – a continuous row or layer of stones, brick or other primary building material set in a wall and in line with changes in stories, changes in materials, or window sills to make a visually prominent horizontal line to break up a wall plane.
- *Bracket* – a projecting support placed under an eave or other projection with design qualities and details that add emphasis to the roof structure.
- *Canopy* - a flat projection over a window, door or projecting from the building over a walkway that gives protection from the elements.
- *Clerestory window* - a window high on a wall section above eye level and used to permit light or air into areas that otherwise do not have windows due to functional constraints of the building.
- *Column* - a supporting pillar, especially one consisting of design qualities and details that add emphasis and ornamentation to a portion of the facade or any roof structure or area it supports.
- *Cornice* – an ornamental topping projecting from the wall with design qualities and details that crowns a structure along the top near the roof.
- *Eaves* – an overhang of the roof structure, where larger eaves can increase the prominence of the roof as a “cap” to the building and protect portions of the facade (particularly windows) from the elements.
- *Entry Feature* – a structural component of the building or building footprint used to emphasize and add interest to the primary entry into the building, provide active social space protected from elements, and create transitions from public to private space.
- *Facia* – the exposed vertical edge of the roof often with design qualities and details that add emphasis and ornamentation to the roof structure.

- *Foundation* - the base upon which the entire structure sits, designed with stronger, heavier materials, and often includes details and ornamentation to emphasize a building's connection to the ground, a sense of permanence, and transition to the main wall plane for vertical articulation.
- *Frieze* - plain or decorative band or board located just below the storefront cornice or roofline.
- *Gable* - the triangular and vertical portion of a wall plane between intersecting roof pitches.
- *Lintel* - a horizontal beam, typically over a door, window or storefront to support the structure above it and add accent to the door, window, or storefront.
- *Parapet* - a vertical extension of the wall plane above the roof, typically used to hide a flat or low-sloped roof and the rooftop equipment, or function as a firewall for attached structures, and usually including ornamentation to provide a visually prominent “cap” to the building.
- *Pediment* – a gable or ornamental tablet or panel, typically triangular or arched, placed above a point of emphasis on a facade and often supported by columns or pilasters.
- *Plinth* – a base or platform to support a column or structure and distribute the weight, typically designed to add ornamentation and balance for the overall composition (similar to a foundation).
- *Pilaster* - a projecting vertical element on a wall plane used to give the appearance of a supporting column and used to articulate the extent of a wall plane or other component of a facade.
- *Quoin* - a decorative and structural element on an exterior corner typically presenting a different color, texture or size from masonry walls to finish, cap, or otherwise add prominence to the corner.
- *Transom* - a window above an opening (door or window) built on a horizontal crossbar that may provide light and/or swing open to add ventilation.

C. **Form.** Form refers to the outward three dimensional envelope of a building or space affected by the mass, shape, composition and articulation of building elements.

*Mass.* Mass is the volume (height x width x depth or height x building footprint) defined by a structure relative to its surroundings. Massing may be simple or complex and large or small.

*Shape.* Shape affects the massing and refers to the composition and complexity of surface planes (wall planes or roof planes).

*Composition.* Composition is how the different building elements or materials are coordinated to make up a shape or mass. Elements of composition may include the following depending on the chosen architectural style or facade composition:

- *Rhythm* – repetitive patterns within a building element, shape or mass.
- *Symmetry* – balance within a compositional element, shape or mass (or the reverse known as asymmetry). Masses can be asymmetrical while the elements or shapes within a mass are symmetrical, which creates order within the complexity of a building.
- *Focal points* – areas of emphasis of a building element – either due to size, location, or degree of ornamentation, or all of these.
- *Texture (of composition)* – how different building elements interact to break down the form at a very close scale (see materials). Refined texture presents many layers with lots of relief and interest or flat texture presents a single layer with little relief or interest.

*Articulation.* Articulation is clearly calling out a different portion of the composition, shape or mass with distinct treatment usually offset with trim and or material change and signifying a different pattern of composition within the building element. Articulation is often seen on first

story or upper stories with main masses and secondary or wing masses or at different units, storefronts or structural bays of attached buildings.

- *Vertical articulation* – breaking the mass down through different levels of height on the building, particularly for taller buildings. Vertical articulation typically includes the following facade compositions:
  - *Base*, which typically includes the foundation, the entire first story on larger buildings, or the first two stories on very tall buildings. Examples of bases include:
    - At least 24 inches of foundation (on buildings up to 2.5 stories), with reveal line or trim board between the main wall plane or body; OR
    - Heavy materials used on ground floor (on buildings 3 stories or more, or the first two stories for buildings 7 stories or more); OR
    - Distinct storefronts (mixed-use buildings) – arcades, gallery or lintel / frieze (i.e. vertical element above storefront) or other enhanced architectural detailing of the first story (non-retail or residential buildings), separating from the main wall plane or body.
  - *Body*, which is the main wall – the largest portion but least prominent in appearance and level of details.
  - *Visually prominent cap*, which can include the roof (or the wall plane of upper story(ies) on larger buildings), distinguished with vertical elements such as cornice and eaves (often projecting at least 2 feet) with brackets or molding accents; or on flat roofs a parapet with distinct ornamental and architectural detailing or a cornice.
  - Vertical articulation can also be affected by a step back in the massing typically a minimum of 5 feet from the story below and occurring on at least 50% of the horizontal length.
- *Horizontal articulation* – breaking the mass down through different bays or structural components along the length of the building, particularly for longer, larger footprint buildings. Horizontal articulation typically includes the following facade compositions:
  - Accenting structural bays with visible columns or pilasters (at least 10" to 2' projection from the wall plane).
  - Material change (other than the first story).
  - Offset of the facade by at least 3 feet on at least 50% of the height facade such as a bay window (projecting) or an internal court (recess).
  - Change of fenestration patterns (size, style, placement of windows and doors) – i.e. ganging windows in a vertical component with an organized change of materials or trim, or both.
  - Change of roof height of 3 feet or more
  - Voids in the mass typically at least 3 feet deep and 8 feet wide, occurring on at least 50% of the vertical height, and often to create usable space such as a balcony, patio or courtyard.

*Altering Form.* Techniques to alter the form of a building and affect the scale include:

- Main mass & wing or secondary masses;
- Step backs - usually larger differences (i.e. 5 feet +) at upper story(ies);
- Cantilever - usually a small distance (i.e. 1 to 4 feet) on a lower story,
- Off-set - a wall plane break in relation to interior floor plan or outside space, not to the level of a wing or secondary mass;
- Dormers - window and sub-roof within roof structure;
- Projections - bump out of an element of the facade composition such as a bay window, entry feature, or eaves.

D. **Scale.**

Scale refers to the perceived or relative size of a form in relation to something else – usually a person, a social space (courtyard, lot, streetscape, etc.), or another building. For example, “human scale” refers to how spaces or objects relate to and are experienced or perceived by people at a close range and a slow pace. Scale can be affected by mass, shape or composition of the form to make an otherwise larger form seem smaller or more relatable due to how the components are perceived.

E. **What is “4-sided design?”** 4-sided design is a term referencing that no matter what view you have of the building, the design is not interrupted and all parts are perceived as a coordinated part of a unified whole. Specifically:

- All sides exhibit the same quality, continuity, and durability of design including the same primary and secondary materials; although more important sides can reflect priority in the allocation of these materials.
- All sides that are visible from streets, public spaces or active portions of adjacent sites have a similar level trim, accent material, details, and ornamentation; although the extent and details may be different to reflect the greater importance of certain areas closest to the public realm or with greater visibility, and parts not exposed to the public may be designed for utility.

F. **What is “compatibility?”** Compatibility refers to the similarity of buildings and sites to adjacent properties or to predominant patterns and themes in an area. In general, the elements of compatibility will include combinations of the following:

- Similar proportions of building masses, particularly nearest the property lines and other areas adjacent to the building;
- Similar orientation of the building including relationship to streetscapes, shaping of open spaces, and other locations and arrangements of the building footprint;
- Similar window and door patterns, including location, size, and proportions;
- Similar roof lines (planes, pitches, profiles and details);
- Similar building materials, particularly primary building materials, or where materials differ they share common textures or color palates;
- A common architecture style, including the facade composition and materials; however, many styles can allow differences in design within the style.
- *Note:* Compatibility does not necessarily mean the same, but rather a sensitivity to the context, adjacencies, and character of the area. While not all of the above elements are necessary for compatibility, the greater the number that are similar, the greater the compatibility will be; significant departures from any one element should be compensated with either greater similarity of other elements or by similarity of more elements. Where things are not compatible, transitions should occur through space and landscape buffer designs. See also “good design” for when a situation may justify dissimilarity.

G. **What is “good design?”** Good design is a discretionary and qualitative term that collectively reflects balancing the following:

- *Quality* – the longevity of the investment that results from durability of materials, proper application and function of the building elements (i.e. “vernacular” or built for a specific purpose that serves the buildings durability), and the relative attractiveness likely to ensure maintenance and reinvestment by those left to care for the building.
- *Creativity* – the uniqueness of the design based on artistic interpretation or as a response to the context or constraints of the site; but balanced by the general rules of design and architectural style.
- *Aesthetic Appearance* – the relative attractiveness to a broad range of people based on the sensibilities and character of the community; based on the consistency of the design with the principles of the chosen architectural style; or based on the ability of the project



## ARTICLE 11 – DEFINITIONS & TERMS

### 11.02 GLOSSARY OF ARCHITECTURE & DESIGN TERMS

to stand out and reflect broad community values due to either (a) its important function or prominent location; or (b) introducing something exemplary and not ordinarily found in the community.

#### Section 11.03 Definitions

All terms used in these regulations shall have their commonly accepted meaning based upon the context of their use within this code. The following terms shall have the meaning given below, unless more specifically described, limited or qualified within the standards of this code.

*Abutting or adjoining* . To physically touch or border upon; or to share a common property line or border.

*Addition*. Any activity that expands the enclosed footprint or increases the square footage of an existing structure.

*Alley*. A minor right-of-way dedicated for public use or which provides public use for the purpose of vehicular traffic and which gives a secondary means of vehicular access to the back or side of properties that are otherwise abutting a street and which may be used for public utility purposes.

*All-weather surface*. An all-weather surface is a surface that will support the vehicle apparatus with a relative compaction of not less than ninety percent (90%) and shall permit all-weather driving capabilities. All-weather surfaces include, but are not limited to, concrete, asphalt and concrete or brick pavers.

*Alteration* – Any addition, removal, extension or change in the location of any exterior wall of a building, but which may exclude ordinary maintenance.

*Animal, pet or domesticated*. Dogs, cats, rodents, birds, reptiles, fish, potbellied pigs weighing less than 70 pounds and any other species of animal which is sold or retained as a household pet but does not include skunks, nonhuman primates and other species of wild, exotic or carnivorous animals that may be further restricted by the Brighton Municipal Code (BMC) or urban agriculture practices as further defined in Section 6-4-900 of the BMC.

*Applicant*. A developer, landowner or other person with a legal property or other interest, including heirs, successors and assigns, who have filed an application, license or permit with the City.

*Artificial Turf*. Material that is designed to mimic the appearance and functionality of well-maintained irrigated turf.

*Berm*. A mound of earth used in landscaping for screening, definition of space, noise attenuation or decoration.

*Bioswale*. A landscape feature constructed of natural, water-permeable materials intended to channel and direct the flow of stormwater runoff.

*Block*. A unit of land bounded by streets or by a combination of streets and public lands, railroad rights-of-way, alleys, waterways or any barrier to the continuity of development. The barriers creating the boundary of a block shall not be included in the calculation of block size or length. However any abutting developable property to the backs of platted lots shall be counted in the perimeter, in which cases the maximum block size shall be no more than 60% of the required block size to account for completion of the other half of the block when the abutting property develops.

*Block face*. The properties abutting on one side of a block.

**Building.** Any structure built for the shelter or enclosure of persons, animals, chattels or property of any kind and not including advertising sign boards or fences.

**Building, accessory.** A detached subordinate building located on the same lot (or a continuous lot in the same ownership) with the principal building, used for an accessory use. If an accessory building is attached to the principal building by a common wall, the accessory building shall be considered part of the main building. For the purposes of this Section, a *common wall* is defined as a minimum four-foot section of a wall that separates and/or connects adjacent rooms. A detached garage, carport, patio or storage building is included as an accessory building.

**Building, principal.** A building in which is conducted the main or principal use of the lot on which said building is situated.

**Caliper.** The diameter of a tree trunk measured 6 inches from the ground for trees up to 4 inches in caliper/diameter and 12 inches from the ground for trees 4 inches or larger in caliper/ diameter.

**Capital improvements program.** A proposed schedule of all future projects listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of funds, over and above the annual local government's operating expense, for the purchase, construction or replacement of the physical assets for the community are included.

**Carport.** Space for the housing or storage of motor vehicles and enclosed on not more than two sides.

**City core.** The area defined, described and mapped as the *City Core Planning Area* in the Comprehensive Plan, as amended from time to time.

**Clean fill.** Dirt, gravel, rock, concrete, brick or similar nonorganic materials.

**Common area.** Land within or related to a development, not individually available for sale or lease, that is designed and intended for the common use and enjoyment of residents, employees or visitors of the development and may include such complementary structures and improvements as are necessary and appropriate.

**Comprehensive Plan.** The Comprehensive Plan for the City of Brighton, which has been officially adopted to provide long-range development policies for the City and which includes, among other things, the plan for land use, circulation and public facilities. References to the Comprehensive Plan include any other plan, program or policy officially adopted or approved and implemented under the guidance of that plan.

**Condominium.** 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.

**Construction, new.** Structures for which the start of construction commenced on or after the effective date of this Code.

**Contiguous.** Next to, abutting or touching and having a boundary or portion that is coterminous. Contiguity is not broken by a road or alley, a public or private right-of-way or easement or a natural or artificial watercourse. Contiguity is broken by an interstate highway right-of-way.

**Critical facility.** A structure or related infrastructure, but not the land on which it is situated that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

**Cul-de-sac.** A local street having one end open to vehicular traffic and having one end closed and terminated by a turnaround.



*Dedication.* The conveyance or transfer of property (such as land for streets or parks) by an owner to the City of Brighton. Such conveyance is not complete until acceptance by the City.

*Designated Recreation Areas.* Areas of the landscape dedicated to active play where irrigated turf or artificial turf may be used as the playing surface. This may include athletic fields, golf courses, and other similar areas where irrigated turf is commonly used as the surface for outdoor activities.

*Detention facility.* A facility for the temporary storage of storm water runoff, constructed to receive and temporarily hold storm water for release at a controlled rate. Such devices may include graded depressions in the ground, parking lots with concave surfaces, rooftops or buried tanks or pipes.

*Development.* Any man-made change to improved or to nonprofit real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

*Easement.* Authorization by a property owner for the use by the public, a corporation, or persons, of any designated part of his or her property for specific purposes. An easement may be used for the following purposes, including but not limited to drainage, access, transportation, sanitary sewers, storm sewers, water mains, private utilities, trails, wetlands or any other public use. Structures, other than drainage structures (e.g., inlets and outlets) may not be placed within an easement.

*Enhanced drive aisle.* An element of site design and internal circulation intended to provide access for vehicles and pedestrians that serves to define a block structure in parking areas. It is designed to mimic the qualities of a streetscape due to its importance in the local network and urban design structure of the area. (also referred to as “Through Access Lane”)

*Escrow.* A deposit of cash with the local government in lieu of an amount required and still in force on a performance or maintenance bond. Such escrowed funds shall be deposited in a separate account.

*Explosives.* Materials or products which decompose by detonation when in sufficient concentration.

*Family.* An individual or 2 or more persons related by blood, marriage or legal adoption or a group of not more than 4 persons who are not related by blood, marriage or legal adoption, living together in a dwelling unit.

*Foster family care.* A home designated by courts, social services department or other competent authority for care and/or education of not more than 4 children under the age of 18 years unrelated to the foster parents by blood, adoption or marriage.

*Grade* (adjacent ground elevation). The lowest point of elevation of the graded surface of the ground, paving or sidewalk within an area with a twenty-foot radius measured from the base of the sign, in all directions.

*Group home administrator.* An individual with the authority and responsibility for the day-to-day management of a group home.

*Habitable floor.* Any floor usable for living purposes, which includes working, sleeping, eating, cooking, recreation or a combination thereof. A floor used only for storage purposes is not a *habitable floor*.

*Hardscape.* Impermeable ground surfaces such as asphalt, concrete, and modular paving.

*Hazard.* Whenever any portion, support structure or appurtenance of a sign is likely to fail or to become detached or dislodged or collapse.

*Hazard areas.* All areas that are or that may become hazardous due to environmental conditions. The hazards include, but are not limited to, the following: wildfire, avalanche, landslide, rock fall, mud flow and

debris fan, unstable or potentially unstable slopes, seismic effects, radioactivity, ground subsidence and expansive soil and rock.

*Hazardous materials.* Materials including but not limited to inorganic mineral acids of sulfur, fluorine, chlorine, phosphorous, selenium and arsenic and their common salts; lead, nickel and mercury and their inorganic salts or metallo-organic derivatives; coal, tar acids such as phenol and cresols and their salts and all radioactive materials and wastes.

*Homeowners' association.* 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.

*Housing, affordable.* Workforce housing with a base price that is set by the City, generally deed-restricted, affordable to families who earn no more than the Brighton average median income or those who earn 50% of the average median income for the Denver Metro Area and based on information from the Colorado Housing and Finance Authority or Housing and Urban Development.

*Impervious surface.* Any material which reduces and prevents absorption of storm water into previously undeveloped land.

*Improvements.* All facilities constructed or erected by an applicant within a subdivision to permit and facilitate the use of lots or blocks for a residential, commercial or industrial purpose.

*Irrigated Turf.* Grasses planted as a landscaping ground cover that may be mowed and maintained for use as a lawn area or play surface. Irrigated turf does not include ornamental grasses, grasses that are native to the local environment, grasses that do not generally require supplemental water, or inorganic substitutes commonly referred to as artificial turf.

*Landscape.* The permeable area of a site not covered by buildings, parking, outside storage, sidewalks and driveways. Landscape may include irrigated turf, native seed, planting beds including trees, shrubs, vines, ground covers, or flowers; natural features such as boulders, rock and wood mulch; and structural features including, but not limited to, screen walls, fences or benches.

*Lot.* A parcel of real property platted for development according to these regulations that can be held under separate ownership, or as otherwise recognized as real property legal for development under this code.

*Manufactured home.* A factory-built, structure that is manufactured and certified under the authority of 42 U.S.C. § 5401, the "National Manufactured Home Construction and Safety Standards Act of 1974," in compliance with Section 31-23-301, C.R.S., and is transportable in one or more sections and is built on a permanent foundation. A manufactured home is different than a mobile home. It is not constructed with a permanent hitch, nor does it have wheels or axles permanently attached to its body or frame. For flood plain management purposes, the term *manufactured home* also includes park trailers, travel trailers and other similar vehicles placed on a site for more than 180 consecutive days. For insurance purposes, the term *manufactured home* does not include park trailers, travel trailers and other similar vehicles. A manufactured home: (1) Is partially or entirely manufactured in a factory; (2) Is installed on an engineered permanent foundation; (3) Is certified pursuant to the "National Manufactured Construction and Safety Standards Act of 1974," 42 U.S.C. § 5401, et seq., as amended. Manufactured housing is sometimes referred to as a *modular home*.

*Mineral deposits of commercial quantity and quality.* A natural mineral deposit of limestone used for construction purposes, coal, gravel, sand and quarry aggregate for which extraction is or will be commercially feasible and regarding which it can be demonstrated, by geologic, mineralogical or other scientific data that such deposit has significant or strategic value to the City, County, State or Nation.

*Modular home.* A prefabricated living unit designed to become a permanent building, which meets the building standards of the latest adopted building codes of the City of Brighton. (See Manufactured home)  
*Parcel.* A contiguous area of land in the possession of, owned by or recorded as the property of the same person.

*Non-living Landscape Materials.* Non-living landscape materials are materials include bark mulch, wood chips, rock, stone, gravel, or cobble, but shall not include artificial turf.

*Performance bond.* Any form of security, including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the City Council.

*Recreational vehicle.* Means a vehicle which is: (1) Built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) Designed to be self-propelled or carried on or towable by a light duty truck or other vehicle; and (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

*Right-of-way, public.* All streets, roadways, bikeways, sidewalks, alleys and all other areas reserved for present or future use by the public, as matter of right, for the purpose of vehicular or pedestrian travel.

*Sight triangle.* A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

*Signs.* The following terms apply to the sign standards in Article 9.

*Abandoned sign.* A sign, including sign face and supporting structure, for which no legal owner can be found; which is unsafe, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or obsolescence and/or is not kept in good repair; or which contains no sign copy on all sign faces for a continuous period of 6 months.

*Alteration (sign).* A change in the size or shape of an existing sign. Copy or color change of an existing sign is not an alteration. Changing or replacing a sign face or panel is not an alteration.

*Animated (sign).* The use of movement or change of lighting to depict action or to create a special effect or scene.

*Awning sign.* A sign permanently affixed to a sheet of canvas or other material stretched on a frame and used to keep the sun or rain off a storefront, window, doorway, or deck.

*Banner sign.* A professionally produced temporary sign having characters, letters, illustrations or ornamentations applied to flexible material (e.g. vinyl, plastic, canvas, cloth, fabric or other lightweight non-rigid material) with only such material for a backing, which projects from, hangs from or is affixed to a building or structure. Banners include pennants, cable-hung banners and freestanding feather banners.

*Canopy sign.* A sign permanently affixed to a roofed shelter covering a sidewalk, driveway or other similar area which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground.

*Clearance (sign).* The distance from the bottom of a sign face elevated above grade and the grade below.

*Copy.* The wording, symbols, figures or images on a sign.

*Directional sign.* Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic with or without reference to, or inclusion of, the name of a product sold or service performed on the lot or in a building, structure or business enterprise occupying the same.

*Display sign.* A sign that is either 1) mounted on a building wall oriented to pedestrians, or 2) a monument sign oriented to occupants of a vehicle in a drive aisle.

*Electronic message center sign.* A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

*Feather banner sign.* A type of temporary sign consisting of cloth, bunting, canvas or similar fabric, attached to a single vertical support structure with distinctive color, words, patterns or symbolic logos for display. Also known as a flying banner or a wave banner sign.

*Flag.* A fabric device similar to and including national and state flags, designed to be attached to a flagpole.

*Flashing.* A pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated for the purpose of drawing attention to the sign.

*Freestanding sign.* Any sign supported by structures or supports that are placed on or anchored in the ground and are not attached to any building or structure.

*Grade (sign - adjacent ground elevation).* The lowest point of elevation of the graded surface of the ground, paving or sidewalk measured within a twenty-foot radius from the base of a freestanding sign.

*Handheld sign.* A temporary sign held, suspended or supported by an individual. Handheld signs do not include handheld signs utilized for traffic control or safety purposes. Also known as a human directional, sign spinner or sign twirler sign.

*Illuminated (sign).* An artificial source of light is used in order to make readable a sign's message, and is inclusive of signs that are lighted internally or externally, or are reflectorized, glowing or radiating.

*Incidental sign.* A small sign affixed to a building or structure, machine, equipment, fence, gate, wall, gasoline pump, public telephone, or utility cabinet.

*Inflatable sign.* A balloon, blimp or other inflated object used for attracting attention.

*Logo.* An emblem, letter, character, picture, trademark or symbol used to represent any firm, organization, entity or product.

*Marquee.* A permanently roofed structure attached to and supported by a building, which may extend over a public right-of-way.

*Marquee sign.* Any sign made a part of a marquee and designed to have changeable copy.

*Message hold time.* The time interval a static message must remain on the display before transitioning to another message.

*Monument sign.* A permanent freestanding sign supported by, or integrated into, a base or pedestal at least 75% of the sign width.

*Nonconforming sign.* A sign which was validly installed under laws or ordinances in effect at the time of its installation, but which is in conflict with the current provisions of this Code.

*Off-premise sign.* Any sign which directs attention to a business, activity, commodity, service, entertainment or communication which is not conducted, sold, or offered at the premises on which the sign is located, or which does not pertain to the premises upon which the sign is located.

*Parcel.* A contiguous area of land in the possession of, owned by or recorded as the property of the same person.

*Pennant.* A triangular, square or rectangular shaped flag attached in a string-type manner. Pennants do not contain any words, logos or emblems.

*Permanent sign.* Any sign constructed of durable materials and affixed, lettered, attached to or placed upon a fixed, non-movable, non-portable supporting structure.

*Pole sign.* A permanent freestanding sign supported by one or more poles or pylons.

*Portable sign.* A sign mounted on a moveable trailer or wheeled carrier.

*Projecting sign* means a sign which is attached perpendicular to the wall of a building or structure.

*Roof sign.* Any sign erected upon a roof, parapet or roof-mounted equipment structure or extending above a roof, parapet or roof-mounted equipment structure of a building or structure.

*Sidewalk sign.* A sign with two faces attached at the top and open at the bottom so that the structure forms a wedge and is self-supporting.

*Sign.* Any written copy, display, illustration, insignia or illumination which is displayed or placed in view of the general public, and shall include every detached sign and every sign attached to or forming a component part of any marquee, canopy, awning, pole, vehicle or other object, whether stationary or movable.

*Sign area.* The total area of all sign faces.

*Sign face.* An exterior display surface of a sign including nonstructural trim, yet exclusive of the supporting sign structure.

*Sign structure.* Any structure designed for the support of a sign.

*Site sign.* A temporary freestanding sign constructed of vinyl, plastic, wood or metal and designed or intended to be displayed for a limited period of time on a vacant lot or a lot under construction.

*Swing sign.* A temporary freestanding sign that is suspended from a horizontal support (a swing post) that is attached to a vertical support mounted in the ground. A swing sign may also include riders.

*Temporary sign.* Any sign based upon its materials, location and/or means of construction, e.g., light fabric, cardboard, wallboard, plywood, paper or other light materials, with or without a frame, intended or designed to be displayed for a limited period of time.

*Traffic control sign.* A sign erected in a public right-of way by an authorized governmental agency for the purposes of traffic regulation and safety.

*Transition duration.* The time interval it takes the display to change from one complete static message to another complete static message.

*Transition method.* A visual effect applied to a message to transition from one message to the next. Transition methods include:

- a. Dissolve – a frame effect accomplished by varying the light intensity or pattern, where the first frame gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second frame.
- b. Fade – a frame effect accomplished by varying the light intensity, where the first frame gradually reduces intensity to the point of not being legible (i.e. fading to black) and the subsequent frame gradually increases intensity to the point of legibility.

*Vehicle sign.* A sign that is printed, painted upon or attached to motor vehicles, including semi-truck trailers, used primarily for the delivery of products, passengers or services or for business purposes other than as a sign.

*Wall sign.* Any sign painted on or affixed to the wall of a building or structure, or any sign consisting of cut-out letters or devices affixed to a wall with no background defined on the wall in such a manner that the wall forms the background surface of the sign.

*Window sign.* Any sign which is applied or attached to either the interior or exterior of a window and intended to be viewed from outside the building or structure.

*Yard sign.* A temporary freestanding sign constructed of paper, vinyl, plastic, wood, metal or other comparable material, and designed or intended to be displayed for a limited period of time on a lot with one or more existing permanent structures.

*Solid wastes.* Material such as garbage, refuse, sludge of sewage disposal plants and other discarded solid waste materials, including solid wastes resulting from industrial, agricultural, commercial and community activity.

*Start of construction.* The date the permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The *actual start* means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the state of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footing, piers or foundations or the erection of temporary forms.

*Structure.* Anything constructed or erected, the use of which requires location on the ground or attachment to something having a permanent location on the ground, excepting mail boxes, ornamental light fixtures, flag and utility poles, railroad trackage and transmission or distribution facilities of public utilities.

*Structure, accessory.* A structure detached from and smaller than a principal building located on the same lot and customarily incidental and subordinate to the principal building or use. This includes detached residential garages.

*Structure, nonconforming.* A structure which was lawfully constructed prior to the effective date of this Code and which does not conform to the requirements of this Code.

*Structure, permanent.* A structure which is built of such materials and in such a way that it would commonly be expected to last and remain useful for a substantial period of time.



## ARTICLE 11 – DEFINITIONS & TERMS

### 11.03 DEFINITIONS

*Structure, temporary.* A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life or is built for a purpose that would commonly be expected to have a relatively short term.

*Substantial damage.* Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure just prior to when the damage occurred.

*Substantial improvement.* Any repair, reconstruction or improvement of a property, the cost of which equals or exceeds 50% of the fair market value of the property either before the improvement is started or, if the property has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alteration of any wall, ceiling, floor or other structural part of the building commences.

*Through access lane.* An element of site design and internal circulation intended to provide access for vehicles and pedestrians, serves to define a block structure in parking areas. It is designed to mimic the qualities of a streetscape due to its importance in the local network and urban design structure of the area. (also referred to as "Enhanced Drive Aisle")

*Toxic substances.* Any combination of pollutants, including disease-carrying agents, that, after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, can cause death or disease, mutations, deformities or malfunctions in such organisms or their offspring and that adversely affect the environment.

*Tract.* A parcel of real property platted and is not buildable due to either its size or its designation for a specific purpose in the subdivision, or both.

*Tree lawn.* The landscaped area between the back of the curb and the sidewalk.