

RESOLUTION NO.: 22-1

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRIGHTON, COLORADO RECOMMENDING TO THE CITY COUNCIL TO AMEND CERTAIN SECTIONS OF THE BRIGHTON MUNICIPAL CODE IN CHAPTER 17, LAND USE & DEVELOPMENT CODE, RELATED TO BUILDING TYPES, ACCESSORY STRUCTURES, COMMON OWNERSHIP COMMUNITIES, SITE DESIGN, SIGNS, AND CORRECTION OF ERRORS

WHEREAS, the *Brighton Municipal Code* contains certain provisions related to land use, zoning, design standards, and the process for application set forth in Chapter 17, also known as the *Land Use and Development Code* (the "LUDC"); and

WHEREAS, certain amendments to the LUDC are necessary to provide clarity around building types, adjust the accessory structure development standards to improve access to accessory structures, establish development standards for new common ownership communities, make specific adjustments to the site design criteria, adjust the sign code, and correct errors throughout Articles 5, 6, 7, 8, 9, and 11 of the LUDC; and

WHEREAS, in accordance with the public notice requirements of the LUDC, a notice of public hearing was published on the City's website for no less than fifteen (15) days prior to the Planning Commission public hearing; and

WHEREAS, at the public hearing, the Planning Commission received and considered all relevant evidence and testimony from City staff and other interested parties, including the public at large; and

WHEREAS, the Planning Commission has reviewed the proposed amendment to the *Brighton Municipal Code*, Chapter 17, *Land Use & Development Code*, and has found the amendment, as provided herein, is in the best interest of the public health, safety, and welfare.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Brighton, Colorado, as follows:

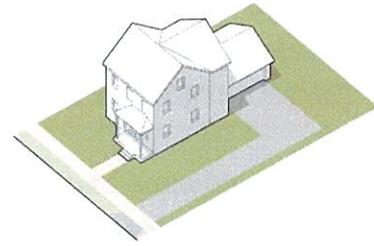
Section 1. That Table 5-1 be amended as follows:

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.

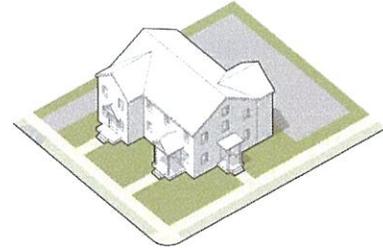
- Detached House – Rural
- Detached House – Suburban
- Detached House – Neighborhood
- Detached House – City Lot
- Detached House – Compact



Duplex/ Multi-unit House

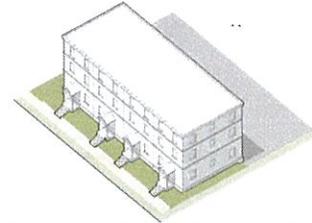
A residential building designed to accommodate two primary dwelling units in an urban neighborhood or suburban setting. Unit configurations include “up/down,” “side-by-side,” or “front/back.” Variants of this type are primarily based on context and the frontage design. Duplex – Suburban, typically has 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.

- Duplex – Suburban
- Duplex / Multi-unit House



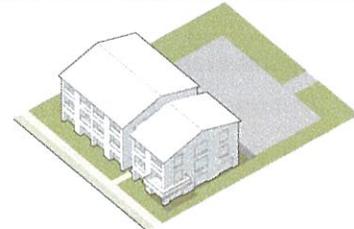
Row House

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.



Large Apartment

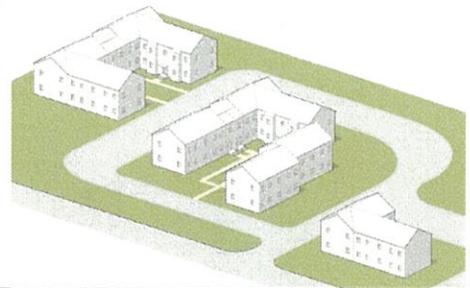
A large-scale, multi-unit residential building on a moderate- to large-sized lot in high-density areas, corridors or mixed-use areas. The building is accessed by a common lobby entrance at the building frontage. It is appropriate in limited contexts where greater density or intensity supports broader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



Table 5-1: Residential Building Types Descriptions

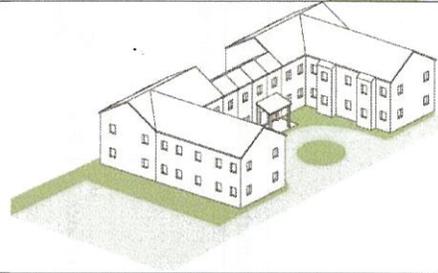
Garden Apartment

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.



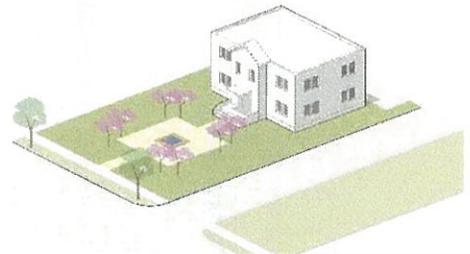
Senior Living

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.



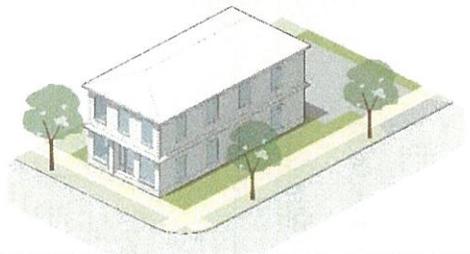
Civic

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.



Section 2. That Table 5-2 shall be amended as follows:

Zoning Districts		Building Types	Development Standards				Building Height	
			Lot Standards	Minimum Setbacks [3]				
			Size	Width [1]	Lot Open Space	Front		
						Interior Side		
						Corner Side [1]		
						Rear		
■	R R - 1 1 R R	Detached House – Rural	35 ac. A/R	300' +	80% of lot	20'	20'	35' / 2.5 stories
■	R A B R - 2 3	Detached House – Suburban	20K s.f. +	80' +	60% of lot	15'	30'	35' / 2.5 stories
■	R R - 1 1 R R	Detached House – Neighborhood	7K s.f. +	65' +	1,200 s.f./unit	7'	15'	35' / 2.5 stories
■	R R - 1 1 R R	Detached House – City Lot	5K s.f. +	40' +	800 s.f./unit	5'	10'	35' / 2.5 stories
■	R R - 1 1 R R	Detached House - Compact	3K s.f. +	25' +	400 s.f./unit	4'	8'	35' / 2.5 stories
■	R R - 1 1 R R	Duplex – Suburban	7K s.f. +; 2 units max	65' +	4,200 600 s.f./unit	7'	20'	35' / 2.5 stories
■	R R - 1 1 R R	Duplex / Multi-unit House	5K s.f. +; 2K s.f. per unit minimum 2 - 4 units	40' +	800 400 s.f./unit	5'	10'	35' / 2.5 stories
■	R R - 1 1 R R	Row House	1.5K – 4.5K s.f. per unit minimum 3 - 8 units	18'-36' per unit	200 s.f./unit	5' [2]	10'	45' / 3 stories
■	R R - 1 1 R R	Small Apartment	6K – 14K s.f. + 3 - 12 units	50' – 100'	200 s.f./unit	5' [2]	10'	45' / 3 stories
■	R R - 1 1 R R	Medium Apartment	10K – 20K s.f. + 13 – 40 units	80' – 200'	150 s.f./unit	5' [2]	10'	60' / 5 stories

			20K s.f. – 80K s.f. + 500 s.f. per unit	150' – 300'	150 s.f./unit	age	10' [2]	10'	20'	110' / 10 stories
◆ ◆	Large Apartment		5K s.f. +; 1K s.f. per unit minimum	100' +	300 s.f./unit	D	20'	25'	20'	45' / 3.5 stories
■	Garden Apartment		20K s.f. +	150' – 300'	150 s.f./unit	ig n	10' [2]	10'	20'	45' / 3 stories
■	Senior Living									
■	Accessory Buildings									
■	Live / Work									
□	Small Civic									

See Residential Accessory Buildings in Section 5.02.E

See Non-Residential Building Types in Table 6-2

See Non-Residential Building Types in Table 6-2

- 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.
- [2] Row Houses, Small, Medium Apartments shall have a 10' setback when abutting lots with a detached house; 20' for Large Apartments and Senior Living.
- [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.

A gray background on the above chart signifies a change that cannot be expressed through strikeout or bolding.

Section 3. That Section 5.02(C.) shall be amended as follows:

C. Dimension Exceptions

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.

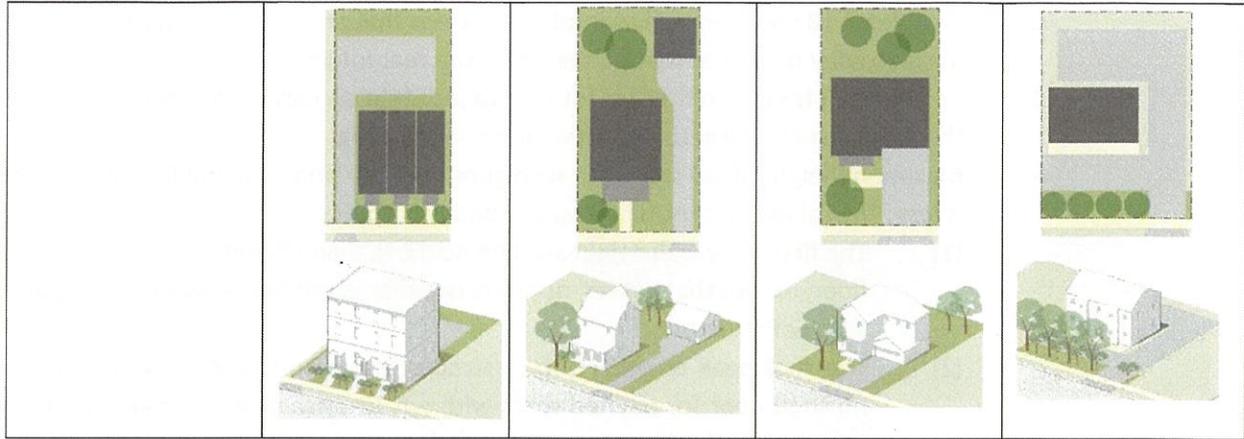
Section 4. That Table 5-4 shall be amended as follows:

Zoning District	Frontage Types			
	Terrace	Neighborhood Yard	Suburban Yard	Buffer
A/E, A/R, RE, R-3				▪
R1 R-1, R-1A R-1-A	▪	▪	▪	
R1-B R-1-B, R2 R-2	▪	▪		
Any civic or institutional or other permitted nonresidential building type	▪	▪		▪

Section 5. That Table 5-5 shall be amended as follows:

Table 5-5: Residential Frontage Types & Design Standards				
Frontage Element	Terrace	Neighborhood Yard	Suburban Yard	Buffer
Description/Design Objective	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 from the streetscape.
Front Building Line	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'+
Front Entry Feature	Required, See Section 5.04.D 5.04.C	Required, See Section 5.04.D 5.04.C	Optional Required, See Section 5.04.C	Optional Required, See Section 5.04.C
Driveway Width (w/in first 20') [1]	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
Garage Limitations	<ul style="list-style-type: none"> No more than 40% of the front elevation. If between 30% to 40% of front elevation - at least 12' behind the front building line. If less than 30% of the front elevation, at least 4' behind front elevation or 12' behind the front entry 		<ul style="list-style-type: none"> 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. At least even with or behind the front building line, or 30' from front lot line, whichever is less. 	

	feature, whichever is greater <ul style="list-style-type: none"> • Otherwise, side-loaded, rear-loaded, or detached garages shall be used. 		<ul style="list-style-type: none"> • 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. 	
Landscape (Between front lot line and front building line)	Allocation of space shall be: <ul style="list-style-type: none"> • 70% to 90% landscape; and • 10% to 30% hardscape. 	Allocation of space shall be: <ul style="list-style-type: none"> • 75% to 100% landscape; and • 0% to 25% hardscape. 	<ul style="list-style-type: none"> • 50% minimum landscape area 	<ul style="list-style-type: none"> • Type I: 6' minimum buffer on constrained sites or minor streets. • Type II: 15' minimum buffer generally. • Type III: 30' minimum buffer on sites over 2 acres or major streets.
	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).				
Description/Design Objective	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.



Section 6. That Section 5.02(E.) shall be amended as follows:

- E. Accessory Buildings – Residential. Accessory buildings shall be permitted in association with, and on the same lot as, a principal building ~~or use~~. **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, ~~or other~~ **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 ~~200~~ **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 ~~rear~~ **front** building line of the principal building; ~~and~~
 - c. ~~Be no closer than 3 feet from the rear or side property line.~~
 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; and**
 4. *Accessory Building - Residential.* In any residential district, accessory buildings over ~~200~~ **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** ~~apartment complexes in the R-3 district~~ may have 1 per principal building.
 - b. Located behind the front building line ~~and at least 60 feet from the front lot 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 ~~footprint size~~ **footprint size** of ~~400 800~~ square feet or ~~50 10%~~ of the ~~principal building footprint 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).**
5. *Detached Building – Agriculture.* Accessory buildings for agriculture purposes in the ~~A/G~~ **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
6. *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. ~~3,000~~ **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

Section 7. That Section 5.02(F.) shall be amended as follows:

- 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-1B~~ R-1-B, and 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.

Section 8. That Table 5-6 shall be amended as follows:

Table 5-6: Limited Residential Building Types – Location Criteria								
R-1B 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 Allowed unlimited	Follow Common Lot Ownership Pattern	Detached House – Compact	■	■		■	■
<input type="checkbox"/>	allowed Allowed unlimited	Follow Common Lot Ownership Pattern	Duplex / Multi-unit House	■	■		■	■
<input type="checkbox"/>	allowed Allowed unlimited	Allowed unlimited	Row House		■		■	■
not Not allowed	<input type="checkbox"/>	Allowed unlimited	Small Apartment		■	■	■	■
not Not allowed	<input type="checkbox"/>	<input type="checkbox"/>	Medium Apartment			■	■	■
not Not allowed	<input type="checkbox"/>	<input type="checkbox"/>	Large Apartment			CUP	CUP	CUP
Not allowed	<input type="checkbox"/>	<input type="checkbox"/>	Senior Living				■	■
not Not allowed	<input type="checkbox"/>		Live / Work					■

<input type="checkbox"/> a# 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						

A gray background on the above chart signifies a change that cannot be expressed through strikeout or bolding.

Section 9. That the description for Figure 5-4 shall be amended as follows:

Figure 5-4 Location Criteria for Limited Building Types

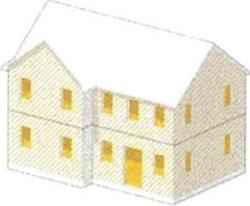
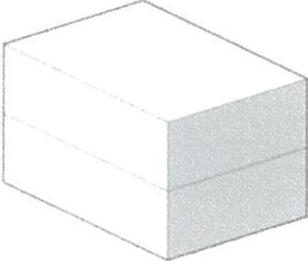
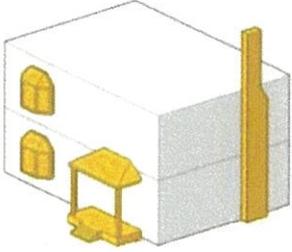
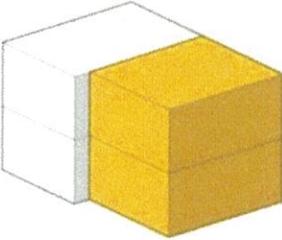
The ~~R-1B~~ **R-1-B**, and R-2, and **R-3** zoning districts permit a variety of building types, some of which should be placed in strategic locations based on the street type, the relationship to open and civic spaces, and the context of the block and lot. This diagram illustrates the location criteria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

Section 10. That Section 5.03(D.) shall be added as follows:

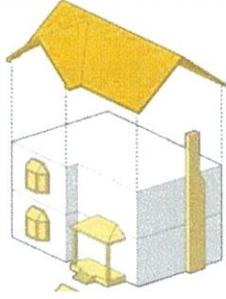
- D. Alternative Design.** For the design standards in this Section 5.03, if the full extent of the design standard cannot be met, the Director may approve an alternative design that equally or better meets the design objectives or enhances another design standard of this section.

Section 11. That Table 5-7 shall be modified as follows:

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 elevation story (includes decorative trim, molding and casing)		Front – 20% 1 st story; 10% upper stories Side – 8% Street-side: 15% Rear: 10%	Front – 20% 1 st 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 façade		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

Section 12. That Section 5.06 shall be modified as follows:

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 ~~AR, AE~~ **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 (~~AR, AE~~ **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.

Section 13. That Section 5.07(l.) shall be added as follows:

- 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.

Section 14. That Section 5.09 shall be added as follows:

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.

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.**

Section 15. That Table 6-1 shall be amended as follows:

Table 6-1: Non-residential Building Type Descriptions & Design Objectives

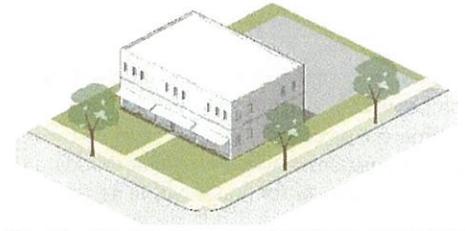
Small Commercial - Pad Site

A small building similar to a Small Commercial / Mixed-use - Storefront, but on a larger lot that includes more space for access, circulation, landscape and buffers. Careful planning and site design can allow a series of these buildings to improve relationships with streetscapes and be “liner buildings” for General Commercial or Large Commercial buildings, which may be set back from the public realm.



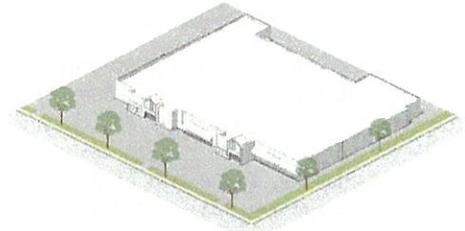
General Commercial

A building type designed to accommodate retail, commercial, service or office functions in a variety of formats and scales. Variations of this type are based on the scale and intensity of the use and subject to basic lot and setback standards of the zoning district.



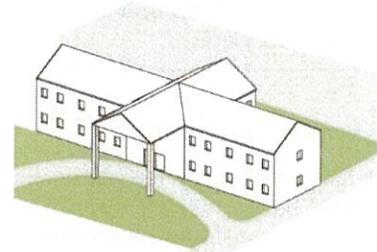
Large Commercial

A building type designed to accommodate large-scale retail, commercial, service or office functions usually in a larger center or complex, and subject to basic lot and setback standards of the zoning district. Site design, building orientation, and lot access standards are arranged to accommodate the patterns and circulation necessary for these large buildings and strategically locate these larger parcels and buildings within that pattern.



Lodging

A building designed for commercial lodging at a variety of scales. Variations of this type are based on the number of rooms provided and are subject to basic lot and setback standards of the zoning district.



General Industrial

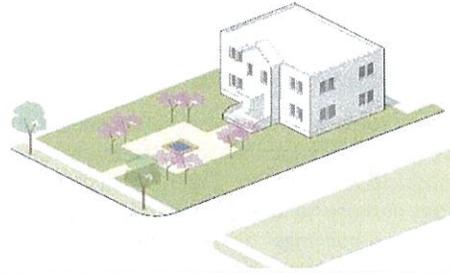
A building designed to accommodate light industrial or general industrial functions in a variety of formats, with a more utilitarian in design. Variations of this type are based on the scale and intensity of the activity, any specific functions for the intended use, and subject to basic lot and setback standards of the zoning district.



Table 6-1: Non-residential Building Type Descriptions & Design Objectives

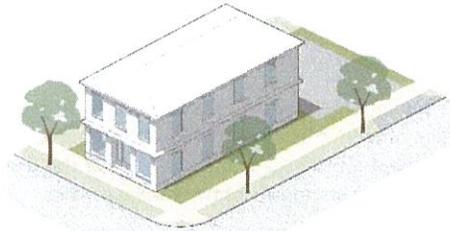
Civic

A building designed for a civic, institutional or public use, that emphasizes the public realm through building and open or civic space enhancements that create focal points. Variations include small civic buildings for integration into neighborhoods and mixed-use areas and prominent civic buildings often in more intense mixed-use centers, corridors or campus settings, with specific patterns and scale based on the functions for the intended use.



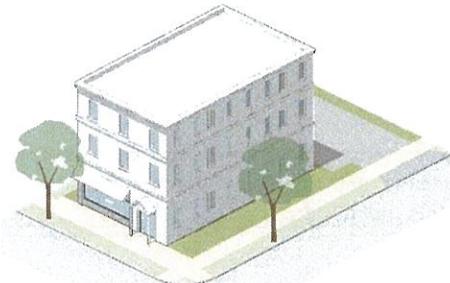
Live / Work

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



Small Commercial / Mixed-use - Storefront

A building designed to accommodate small retail, commercial, service, office or limited manufacturing functions and particularly for uses with frequent pedestrian interaction. This building may have an accessory residential component in the rear or on upper stories. The small footprint, small lot, and design of the frontage for pedestrian and customer engagement allows this building type to integrate well in walkable and mixed-use contexts. This building is typically 1 to 3 stories and groupings of this building form the most pedestrian-scaled blocks of compact walkable places.



Medium Commercial / Mixed-use

A moderate-scale building designed to accommodate street-level retail, commercial, service, office or limited manufacturing functions, and upper level residential, office or commercial uses that compliment other uses on the site or in the immediate area. This building is typically 3 to 4 stories and takes up no more than ¼ block to maintain the compact scale and finer-grained patterns of walkable places.



Large Commercial / Mixed-use

A large-scale building designed to accommodate street-level retail or commercial use with frequent pedestrian interaction and upper level residential, office or commercial uses that provides a concentration of activity to support other uses in the district. This building is typically 4 to 5 stories and takes up no more than ½ block but may be larger in particular contexts where greater density or intensity supports broader planning goals.



Section 16. That Table 6-2 shall be amended as follows:

Table 6-2: Non-residential District Building Type & Development Standards

Eligible Zoning Districts		Building Types	Development Standards									
			Lot Standards			Setbacks[4]				Building Height		
		Size	Width	Max. Coverage	Front [1]	Interior Side Min.	Corner Side Min.	Rear Min.				
		7K -40K s.f. minimum	75' +	50%	25' +	10'/15' res	25'	15' / 35' res	25' / 2 stories			
		40K s.f. -3 minimum	100' +	50%	25' +	10' / 15' res	25'	15' / 35' res	25' / 2 stories			
		3 ac. +	200' +	50%	25' +	10' / 25' res	50'	15' / 35' res	40' / 3 stories			
		40K s.f. minimum	100' +	50%	25' +	10' / 25' res	25'	15' / 35' res	50' / 4 stories			
		1 ac. +	125' +	50%	50' +	10' / 35' res	50'	15' / 35' res	50' / 1-1 75' / 1-2			
		5K s.f. -1 minimum	50' - 300'	50%	20' - 50'	25'	25'	25'	35' / 3 stories			
		1 -5 ac. minimum	150' +	50%	20' - 50'	25'	25'	25'	70' / 6 stories			
		2K -4.5K s.f. minimum	18' - 50'	80%	0' - 25'	5'	10'	20'	40' / 3 stories			
		2K-40K s.f. minimum	25' - 100'	90%	0' - 10'	5' / 0' if party wall	10' [2]	20' min. / 10' if alley	40' / 3 stories			
		10K -50K s.f. minimum; up to 1/4 block max	100' - 200'	90%	0' - 10'	10' / 0' if party wall	10' [2]	20' min. / 10' if alley	60' / 5 stories [3]			

		50K - 100K s.f. minimum; up to ½ block max	200 - 400'	0' - 10'	10' / 0' if party wall	10' [2]	20' min. / 10' if alley	60' / 5 stories [3]
<i>Large Commercial / Mixed-Use</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Accessory Buildings</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Row House</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Small Apartment</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Medium Apartment</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Large Apartment</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

See Section 6.02.D

See Residential Building Type & Development standards in Article 5

See Residential Building Type & Development standards in Article 5

See Residential Building Type & Development standards in Article 5

See Residential Building Type & Development standards in Article 5

Building types are subject to specific design and location standards in Section 6.02.E.

[1] Front setback requirements may be modified for a particular street or block, based on the Frontage Type Standards in Section 6.04.

[2] Corner side setbacks for mixed-use buildings may be 0' to 10' if at least the first 30' of the building from the corner is designed to meet the frontage design standards of the primary façade.

[3] Medium and Large commercial / mixed-use buildings may only exceed 5 stories / 60', and up to 10 stories / 110' through a planned district approval.

[4] Buildings that require a certificate of occupancy shall be setback at least 250' from an oil/gas facility, and 25 feet from a well that has been plugged and abandoned. Buildings that do not

require a certificate of

occupancy shall be setback 150 feet from a tank battery or oil/gas well (unless plugged and abandoned). Lots abutting residential zoning or uses ("res") require additional side and rear

setbacks.

[5] Setbacks for industrial buildings may be averaged for two sides provided no building is less than 5' from the property line, or is attached only where there is four-hour rated construction.

A gray background on the above chart signifies a change that cannot be expressed through strikeout or bolding.

Section 17. That Section 6.02(D.) shall be amended as follows:

- D. Accessory Buildings – Non-residential. Accessory buildings shall be permitted in association with and on the same lot as a principal building and are subject to the following additional limitations.
1. Generally. All accessory buildings shall be at least 10 feet from the principal building, ~~or other~~ **unless a lesser distance is specified by applicable building codes.**
 2. Small Sheds. Accessory buildings ~~200~~ **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 ~~rear~~ **front** building line of the principal building; ~~and~~
 - c. ~~Be no closer than 5 feet from the rear or side property line.~~
 3. Detached Building – Non-residential. In any non-residential district, a detached accessory building or roofed structure over ~~200~~ **120** square feet or over 12 feet tall shall meet the following standards:
 - a. No more than 1 per lot or 1 per each 10,000 square feet of lot, whichever is more, up to a maximum of 4.
 - b. Located at least 30 feet from the front lot line or behind the front building line of the principal building, whichever is greater, except that canopies for Vehicle Service – Gas Stations or other covered parking may be located in front of the front building line provided it is at least 30 feet from any lot line and no more than 20 feet tall.
 - c. Maximum height of 2 stories, up to 24 feet, but no higher than the principal building.
 - d. Maximum of 1,000 square feet or 50% of the principal building footprint, whichever is greater, except that canopies for Vehicle Service – Gas Stations may be sized according to the scale of the uses permitted in Section 4.02, Table 4-2, **and except that Public/Civic Uses listed in Section 4.02, Table 4-2 without a principal structure may be up to 5,000 square feet.**
 - e. Any portion of the building or structure potentially visible from the street or other public areas shall use materials, colors, scale and forms (roofs and massing), and details that are compatible with the principal structure, or otherwise be screened according to Article 8.
 - f. Any building or structure larger than this shall be treated as a second principal building and meet all lot and building design standards applicable to principal buildings.
 - g. **Accessory buildings shall not be located within an easement area.**
 4. ***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 from the front lot line or behind the front building line of the principal building, whichever is greater; 5 feet from the rear or side property line.**
- 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**

Section 18. That Section 6.02(E.) shall be amended as follows:

- E. Location Criteria for Limited Building Types. Buildings indicated as limited application in Table 6-2, Non-residential Building Standards, (□) shall only be permitted in the following locations within the applicable zoning districts, unless more specifically located through a planned district.
 - 1. In the C-O, C-1, C-2, C-3 and BP zoning districts, the limited building types should only be permitted to front on streets or through access drives that promote a high level of pedestrian activity based on the Pedestrian/Mixed-Use, Avenue and Boulevard street types. Additionally, in any area where the City has invested in or documented plans to invest in improved streetscapes, mixed-use building types and street-front or terrace frontage types may be required.
 - 2. In the DT, MU-NC, MU-CC, and MU-E/~~REC~~ **R/EC** zoning districts, the ~~limited general commercial~~ **non-residential** building types should only be used on secondary blocks or streets, through access drives, or similar locations that are otherwise removed from the walkable streets **or arterial streets**. In these circumstances, these buildings should be used for a key anchor or support uses that are important to the vitality of the district but cannot easily conform to more compact, walkable building formats. Alternatively, where these buildings are located on pedestrian-oriented streets, they should be buffered by liner buildings and smaller mixed-use or commercial buildings that better address the streetscape or hide large parking areas.
 - 3. The residential building types (row house and small, medium, and large apartments) should be located on blocks and streets that create transitions between the mixed-use or commercial areas and neighborhoods.

Section 19. That Section 6.03(D.) shall be added as follows:

- D. **Alternative Design.** For the design standards in this Section 6.03, 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.

Section 20. That Section 6.04(D.) shall be added as follows:

D. **Alternative Design.** For the design standards in this Section 6.04, 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.

Section 21. That Section 6.05(E.) shall be added as follows:

E. **Alternative Design.** For the design standards in this Section 6.05, 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.

Section 22. That Table 6-7 shall be amended as follows:

Table 6-7: Non-residential Building Materials

<i>Primary Materials</i> (50% to 90%)	<i>Secondary Materials</i> (20% to 40%)	<i>Accent Materials</i> (10% to 30)
Brick		
Stone		
Stucco	Any of the primary materials	
Slate	Architectural tiles	
Exterior Insulation and Finish System (EIFS) – water managed only	Glass	Any of the primary or secondary materials
Concrete Masonry Units (CMU) - colored and textured only	Color concrete	Precast stone
Horizontal wood lap siding (50% limit) [1]	Precast concrete	Wood trim
Architectural metals (prefinished non-corrugated) (50% limit) [1]	Corrugated metal (industrial or agriculture-tourism buildings only)	

* Prohibited materials include: Vinyl siding, concrete block (smooth-faced, painted, or stained), barrier-type EFIS, and wood shakes or rough sawn wood.
 [1] Civic building types and publicly owned buildings may use this material on up to 90% of the exterior

Section 23. That the title and description of Figure 6-5 shall be amended as follows:

Figure 6-5 Horizontal Vertical Articulation

*Defining buildings with a distinct structural bays creates a finer grain of buildings, both when viewed from a distance and when ~~experiences~~ **experienced** on the streetscape. This is particularly important for longer expanses of buildings and can help integrate larger buildings and lots within a pattern of smaller buildings and lots.*

Section 24. That Table 7-3 shall be amended as follows:

Table 7-3: Required Parking

Use Category / Specific Use	Minimum Parking Rate
Residential	
Accessory Dwelling	1 / unit
Dwellings (detached, attached , row house , manufactured)	2 / unit
Dwellings (attached , multiple; or mixed)	1.5 2 / unit (Studio / 1 bedroom) 2 2.5 / unit (2 bedroom) 1.75 2.75 / unit (3 bedroom) 2 3 / unit (4 + bedroom) Director may administratively approve 0.5 / unit for micro units (> 400 s.f.)
Senior Living (independent)	Same as Dwellings (detached , attached , multiple , row house , manufactured or mixed)
Senior Living (assisted or nursing)	1 / 4 beds + 1 per employee
Group Home (assisted)	Same as Dwellings (detached, attached , row house , manufactured)
Group Home (protective or rehabilitative)	1 / 1 bed + 1 per employee
Group Home (emergency shelter)	1 / 8 beds + 1 per employee
Public / Civic	
Assembly	1 / 3 seats
Public Safety / Services	1 / 400 s.f.
Library	1 / 600 s.f.
Museum	1 / 1,000 s.f.
School	2 / class (elementary or junior) 1 / 4 students + 1 / employee (senior or higher education) OR 1 / 4 seats of all auditorium or even space, whichever is greater

Table 7-3: Required Parking

Use Category / Specific Use	Minimum Parking Rate
Commercial	
Retail – Small (1.5K – 4K)	1 / 500 s.f.
Retail – General (4K – 10K)	1 / 300 s.f.
Retail – Medium (10K – 50K)	1 / 200 s.f.
Retail – Large (50K – 100K)	1 / 200 s.f.
Retail – Warehouse (100K+)	1 / 250 s.f.
Grocery Store	1 / 200 s.f.
Lodging - B&B	1 / guest room + 1 for operator or owner
Lodging - Hotel / Motel	1 / guest room + 0.5 / 100 s.f. of restaurant + 0.5 / 4 seats of meeting space
Medical Care	1 / 200 for all general office and service areas + 1 / bed (admittance permitted)
Office & Services	1 / 300 s.f. generally 1 / 200 s.f. for uses that have frequent customer visits (i.e. medical services, day care, bank, vehicle repair, personal services)
Restaurant, bar or night club	1 / 100 s.f.
Health and Fitness Center	1 / 100 s.f.
Recreation and Entertainment	1 / 200 s.f. generally 1 / 4 seats of fixed seating areas 1 / active patron station (i.e 4 per lane bowling; 4 per hole golf course; etc.) 1 / 100 s.f. for food and beverage service areas
Industrial	
Manufacturing	1 / 500 s.f. (artisan/limited or light) 1 / 750 (all others) Director may administratively approve 1 / 1000 s.f. or 1 / employee for any large format manufacturing operations where the s.f. of building or site does not reflect the scale of operations or parking needs
Warehousing	1 / 1,000 (up to 10,000 s.f.) 1 / 2,000 (10,001 s.f. to 50,000 s.f.) 1 / 5,000 (over 50,000 s.f.)
Agriculture	

Table 7-3: Required Parking

Use Category / Specific Use	Minimum Parking Rate
All uses	Use combination of residential, public/civic commercial and industrial rates based on type and general nature of agriculture activities.

Section 25. That the title of Figure 7-## shall be amended as follows:

Figure 7-##-3 Parking Dimensions

Section 26. That Table 8-1 shall be amended as follows:

Table 8-1: Plant Requirements

Site Element	Trees	Evergreen Trees	Shrubs
<i>Streetscape and Frontage:</i> The area between the front building line and the street, including any plantings required in the ROW, used to create a relationship between the site and the public realm.	1 large tree per 40' of lot frontage; OR 2 large trees per 40' if buildings setback more than 40'. Corner lots shall meet this requirement on street side lot lines at a rate of 50% of the Streetscape and Frontage requirement. Constrained right-of-way or streetscapes may substitute 1 ornamental tree per 25.'	n/a	n/a
<i>Foundation.</i> Areas along the building frontage used to provide accents and soften larger expanses of buildings.	1 ornamental tree per 30' of building frontage for buildings setback more than 20' from the front lot line.	Evergreen trees may be substituted for ornamental trees at a rate of 1 for 1 for up to 50% of the requirement.	8 shrubs per 30' of building frontages. 3 ornamental grasses may be substituted for each shrub up to 50% of the requirement. Seasonal planting beds or pots associated with the entrance may substitute for any building located closer

than 8' to the front lot line.

Side elevations on corner lots shall provide this standard on at least 25% of the building.

Any other elevation permitted to be within 30' of a public street or publicly accessible area shall meet this requirement on the entire facade.

Civic building types and publicly owned buildings may place foundation landscaping anywhere on the site.

Parking. Areas on the perimeter, or interior of parking where landscape is used to soften the appearance, mitigate heat gain and infiltrate stormwater.

1 large tree per 40' of parking perimeter; AND
1 large tree per 40 parking spaces (allocated to the perimeter, medians or islands). Ornamental trees may be substituted for large trees at a rate of 2 for 1 for up to 50% of the requirement

Evergreen trees may be substituted for large trees at a rate of 2 for 1, for up to 50% of the perimeter requirement that does not face a front lot line.

8 shrubs per 30' of perimeter. 3 ornamental grasses may be substituted for each shrub up to 50% of the requirement

Buffers. Areas of a site that require additional landscape to mitigate potential impacts on streetscape or adjacent property.

See Section 8.03.

Civic and Open Spaces. Areas of the site or area designed as part of a

See Section 3.02

broader system of formal and natural open spaces.

Other. All other unbuilt or unpaved areas of a site shall require ground cover, perennials, grasses, rock, mulch or other natural and permeable surfaces.

Irrigated turf in frontage areas shall be at least 400 square feet, but are limited to no more than 1,000 s.f. or 40% of the front yard, whichever is less. Landscape areas in the streetscape shall count for the purposes of limiting turf areas.

Up to 50% of any landscape area may consist of inorganic (non-living) decorative material such as river rock, colored pea gravel, boulders, pavers or similar natural material, provided it is designed and arranged in a way that can infiltrate runoff through associated planting areas.

Section 27. That Section 8.02(E.) shall be added as follows:

E. Alternative Design. For the design standards in this Section 8.02, 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.

Section 28. That Table 8-3 shall be amended as follows:

Zoning Adjacent to Development	Zoning of Proposed Development					
	C-3, I-1 & I-2	DT, BP, MU-CC & MU-R/EC	☹ C-O, C-1, C-2 & MU-NC	R-2, R-3 & MH	A/R, A/E, RE, R-1, R-1A R-1-A, & R-1B R-1-B	O, PL
A/R, A/E, RE, R-1, R-1A R-1-A, & R-1B R-1-B	Type III	Type III	Type II	Type II	Type II*	
R-2, R-3 & MH	Type III	Type III	Type II			
☹ C-O, C-1, C-2 & MU-NC	Type III	Type II				

DT, BP, MU-CC & MU-R/EC	Type II					
C-3, I-1 & I-2						
O, PL	Type III	Type III	Type II	Type II	Type II	
Other	<p>Parking areas within 50 feet of any public street or through access drive shall have a Type I buffer for lots under 50 spaces, and a Level Type II buffer for lots 50 spaces or more.</p> <p>Any lots that back to a collector or arterial street shall require a Type III buffer. (See Sections 3.01 and 3.02 for more effective and efficient ways to design blocks and lots in association with transitions in the street networks, streetscapes, and open and civic space system).</p> <p>Any lots adjacent to a highway or expressway shall require a Type III buffer, except that the width shall be increased to 100' for residential development and 50' for mixed-use, commercial, or industrial development.</p> <p>Agriculture uses that may use occasional heavy equipment or machinery should be buffered from residential uses with a Type III buffer. In cases where residences are proposed in proximity to existing agriculture or within agriculture preservation areas, the buffer shall be incorporated into the residential project design.</p> <p>Lots adjacent to unincorporated land or land annexed to another city shall base the buffer on the most similar Brighton zoning district to the adjacent land's current zoning as determined by the Director.</p>					
*Type II buffers are only required in the A/R, A/E, RE, R-1, R-1A R-1-A and R-1B R-1-B districts for permitted non-residential uses adjacent to residential lots.						

Section 29. That Section 8.03(E.) shall be added as follows:

- F. Alternative Design.** For the design standards in this Section 8.03, 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.

Section 30. That Table 8-6 shall be amended as follows:

- A.

Table 8-6: Residential Fences & Walls	
<i>Front</i>	<ul style="list-style-type: none"> ▪ 3' high if solid ▪ 4' high if at least 50% open

	<ul style="list-style-type: none"> ▪ Any front fencing on a collector street or higher shall be installed under Home Owner’s Association design standards to maintain uniform frontages on all lots.
<p><i>Side and Rear</i></p>	<ul style="list-style-type: none"> ▪ 6’ if behind the front building line. ▪ Meet the front fencing standards for all areas in front of the front building line, or within 3 feet of any sidewalk. ▪ When a property line is adjacent to a park, open space, trail, or landscape tract, fencing along the property line shall be open 3 rail fencing no more than 4’ high unless 1) the park, open space, trail, or landscape tract is at least 75’ wide and the fencing is owned and maintained by a homeowner’s association or special district, or 2) the fence is located a minimum of 15 feet from the sidewalk when the adjacent tract is located along a street. Welded wire mesh (either 2”x2” or 4”x4”) may be attached to the interior of the fence to enclose pets.
<p><i>A/E and A/R</i></p>	<ul style="list-style-type: none"> ▪ Fencing associated with an agriculture use the A/E and A/R districts may be up to 6’ high ▪ Barbed wire or electrified fencing shall only be used where necessary to protect agricultural operations and resources.
<p><i>Residential Perimeter</i></p> <p>Any fence more than 3’ high, less than 75% open, and within 50’ the right of way.</p>	<ul style="list-style-type: none"> ▪ Only allowed under ownership of the Home Owner Association, or City or other government entity. ▪ Requires low maintenance, high-quality, aesthetic design: <ul style="list-style-type: none"> ○ Metal, brick or treated wood ○ At least 3 rails ○ Masonry posts at least every 60’; 2’ x 2’ with sloped column cap ▪ No more than 60% of perimeter; remainder of 40% breaks include intersecting streets, common or public open space, pedestrian entryways, or private lot fences meeting the front or side street fence standards. ▪ No more than 400’ without a break (pedestrian or vehicle access or other similar opening). ▪ No more than 100’ without offsets in plane at least 40’ long <ul style="list-style-type: none"> ○ 8’ deep with landscape clusters; or ○ 4’ deep with fence that is at least 75% open

Section 31. That Section 9.02 B. be amended as follows:

B. Permit Procedures.

1. An application for a sign permit shall be submitted on a form provided by the City. No sign permit shall be issued for any permanent sign on private property without written consent of the property owner or the owners authorized agent.
2. The applicant may choose to apply for a single permit for multiple signs in a unified or coordinated development by filing a comprehensive sign plan in accordance with Section ~~9.06~~ 9.08.
3. Upon receipt of a complete application the Director shall review the permit for compliance with this Section and all applicable building code requirements, and approve, approve with conditions, or deny the application.
4. The Director shall have the right to inspect the proposed sign location prior to acting on the application, and shall also have the right to inspect the sign after construction to insure compliance with this Section and any conditions of approval.
5. A sign permit shall lapse and have no further effect unless a sign has been erected in compliance with the terms and conditions of the permit within 1 year after the date of the sign permit approval.
6. A denial of a sign permit by the Director may be appealed to the Board of Adjustment. All appeals to the Board of Adjustment shall be in accordance with the procedures provided in Article 2 of this Code.

Section 32. That Section 9.02 C. be amended as follows:

C. Permit Exempt Signs. The following signs are exempt from the sign permit requirements; however, exempt signs remain subject to the remaining provisions of this Article. Exempt signs shall otherwise be in conformance with all applicable requirements of this Section, and the construction and safety standards of the City. All signs not listed in this subsection require a sign permit. Unless otherwise specifically provided, exempt signs may not be illuminated. Exempt signs include:

1. Signs erected by the City or by any federal, State or county government agency, including traffic control signs.
2. Any public purpose/safety sign and any other notice or warning required by a valid and applicable federal, state or local law, regulation or resolution, provided that the sign does not exceed 4 square feet in area. These signs shall comply with the lighting requirements of this Article.
3. Signs displayed on motor vehicles which are being operated or stored in the normal course of a business, provided that the primary purpose of the vehicle is not for the display of signs and provided that they are parked or stored in areas appropriate to their use as vehicles.

- a. Signs on vehicles shall not project beyond the surface of the vehicle on which they are attached a distance in excess of 6 inches.
 - b. It shall be unlawful to place or store a vehicle with a sign on it in a manner that increases the permitted sign area or number of signs either on-site or off-site for a non-residential use.
- 4. Scoreboards located adjacent to athletic fields are exempt and may be lighted, provided that scoreboards comply with the lighting requirements of this Article.
- 5. Temporary decorations or displays, ~~if they are clearly incidental to, customarily, or commonly associated with any national, State, or local holiday or religious celebration.~~ Decorations or displays may be of any type, number, area, height, location, illumination or animation, provided that decorations or displays:
 - a. Are maintained and do not constitute a fire hazard; and
 - b. Do not ~~to~~ conflict with, interfere with or visually distract from traffic regulatory devices.
- 6. Signs being carried by a person (handheld sign). Handheld signs shall not exceed 20 square feet in area. No person shall place, maintain or otherwise utilize a handheld sign in a manner which obstructs or makes hazardous the free passage of pedestrians and motor vehicles on any street, sidewalk or public-right-of way.
- 7. Flags and pennants.
 - a. Flags or pennants that are affixed to permanent flagpoles or flagpoles that are mounted to buildings (either temporary or permanent).
 - 1. Flags, when fully extended, shall not encroach on the public right-of-way.
 - 2. For any single lot, up to 3 poles for flags or pennants may be erected in any zone district in accordance with the maximum height requirement for such zone district.
 - 3. Flagpoles must be placed outside of sight triangles and must be setback at a minimum of 3 feet from any property line.
 - b. Decorative flags or pennants or a combination, constituting an architectural feature which is integral to the design of a project. Each flag or pennant shall be secured to a building, structure, stable object or the ground.
 - c. Flags or pennants shall be counted as part of the allowable square footage for signs.
- 8. Yard signs, subject to the standards in Sections 9.04 and 9.07.
- 9. Swing signs, subject to the standards in Sections 9.04 and 9.07.
- 10. Site signs, subject to the standards in Sections 9.04 and 9.07.
- 11. Feather banners, subject to the standards in Sections 9.04 and 9.07.
- 12. Sidewalk signs, subject to the standards in Sections 9.04 and 9.07.
- 13. Tethered balloons attached or anchored to prevent dislocation, entanglement or encroachment onto adjacent properties or public streets, or undue hazard to motorists

or pedestrians. All other inflatable signs require a sign permit, and are subject to the standards in Section 9.07.

14. Directional signs not exceeding 2 square feet in size.
15. Window signs that are painted on, attached to or placed within 4 feet of the inside of a window, as long as they do not extend beyond the first story of the building on/in which they are located and are not animated, do not block any openings required for entrance or exit from the building, and do not cover over 25% of the total window area for the entire wall of the business.
 - a. In addition, any sign displayed on a window of or inside a residential building, and any sign inside a non-residential building that is not visible through a window.
 - b. Window signs must comply with the lighting requirements of this Article.
16. Incidental signs which do not exceed 2 square feet in sign area.
17. ~~Works of art, murals, a~~ Architectural features or permanent building decorations that are integral to the design of a building or provide an artistic accent, provided that they comply with building height limits and setback requirements applicable to the property on which they are located.
18. **Display Signs, subject to the standards in Section 9.04.**

Section 33. That Section 9.03 shall be amended as follows:

The following signs are prohibited, except as noted:

- A. All signs not expressly permitted under this Article or exempt from a sign permit in accordance with 9.02.C.
- B. Signs on vehicles, when the vehicle is placed in a location for the primary purpose of displaying signage. See Section 9.02.C. for circumstances where vehicle signs are permitted.
- C. Portable signs.
- D. ~~Signs attached to fences, retaining walls, trees or shrubs.~~ **Banners not firmly attached on at least all four corners and/or not stretched tightly to avoid movement in windy conditions.**
- E. Signs located on utility or light poles, benches (with the exception of bus bench signs permitted in Section 9.06) trash receptacles, other street furniture or any other form of public property or within any public right-of-way, unless explicitly permitted by this Section.
- F. Signs which produce audible noise or sounds.
- G. Signs which emit visible smoke, vapor, or odors.
- H. Signs that appear to or are designed to move, rotate, revolve, spin, swing, wave or make any other motion whatsoever; except for:
 1. Such signs that are less than 2 square feet per sign face;
 2. Temporary inflatable signs and tethered balloons in accordance with the requirements of this Article;
 3. Traditional barber poles; and

4. Electronic message center signs for which a permit has been issued in accordance with the requirements of this Article.
- I. Signs that are animated with lights or illuminations which flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color or use intermittent electrical pulsation, with the exception of electronic message signs meeting the requirements of this Section.
- J. Signs that have a fountain, chaser or strobe, including searchlights.
- K. Strings of light bulbs with a bulb greater than 0.25 inch used in connection with commercial premises for commercial purposes (excluding traditional holiday decorations).
- L. Any sign painted, erected and/or constructed upon, above or over the roof or parapet of any building, except for temporary inflatable signs and tethered balloons.
- M. Any sign other than traffic control signs, that is erected, constructed or maintained within, over or upon a public right-of-way, except sidewalk signs in conformance with Section 9.07, or other temporary signs otherwise granted permission for such location by the City or the Colorado Department of Transportation.
- N. Any sign that impedes pedestrian or vehicular movement, or is erected in a location that causes visual obstruction or interference with motor vehicle traffic or traffic-control devices, including any sign that obstructs clear vision in any direction from any street intersection or driveway.
 1. No sign greater than 30 inches in height may be permitted to locate within a vision triangle.
 2. Signs shall not interfere, visually or otherwise, with the effectiveness of any pedestrian sidewalk or way.
- O. Any sign that obstructs access to or impedes operation of any fire escape, downspout, window, door, stairway, ladder or opening intended to provide light, air, ingress or egress for any building or structure as may be required by law.
- P. Any sign or sign structure which is structurally unsafe, constitutes a hazard to safety or health by reason of inadequate maintenance, abandonment, dilapidation or obsolescence and/or is not kept in good repair.
- Q. Off-premises signs, except for 1) bus bench and bus shelter signs subject to Section 9.06, and 2) site signs subject to Section 9.07. An off-premises sign in existence at the time of the adoption of the initial ordinance may be maintained in use only so long as it is used in conjunction with the same business or activity with which it was associated and which was in existence on the date of adoption of the ordinance. Any off-premises sign which has been damaged or has not been maintained, or which is subject to any of the nonconforming limitations, shall be removed.

Section 34. That Table 9-1 shall be amended as follows:

Table 9-1: Standards for Residential Zoning Districts

<i>Sign Type</i>	<i>Maximum Number</i>	<i>Maximum Area</i>	<i>Maximum / Minimum Height</i>
<i>Monument Sign</i>	2 per entrance to single residential subdivision, multi-family housing complex or manufactured home park	32 s.f.	8' max.
	1 per non-residential use		
<i>Site Sign</i>	1 per street frontage	32 s.f.	8' max.
<i>Swing Sign</i>	Multiple, within maximum area limits	6 s.f. per sign.; 50 s.f. max. for all swing signs	4' max.
<i>Wall Sign</i>	1 per principal 1-family or 2-family dwelling unit	2 s.f.	No higher than the eave or parapet line
	1 per principal 3+-family building, per street frontage	32 s.f.	
	Multiple for non-residential uses, within maximum area limits	10% of the building elevation on which sign is mounted	
<i>Yard Sign</i>	Multiple, within max. area requirements	6 s.f. per sign; 50 s.f. max. for all yard signs	4' max.

Section 35. That Table 9-2 shall be amended as follows:

Table 9-2: Standards for Non-residential Zoning Districts

<i>Sign Type</i>	<i>Maximum Number</i>	<i>Maximum Area</i>	<i>Maximum/Minimum Height</i>
<i>Awning Sign</i>	Multiple, non-residential only, within max. area limits	0.5 s.f. per linear foot of awning; 32 s.f. max.	No higher than roof or parapet line; 8' minimum clearance
<i>Banners</i>	Multiple, non-residential only, within max. area limits	100 s.f. max for wall banner; 60 s.f. max for feather banner; 20 s.f. for fence/post banner	No higher than roof or parapet line for wall banner; 20' for feather banner
<i>Canopy Sign</i>	Multiple, non-residential only, within max. area limits	0.5 s.f. per linear foot of awning; 32 s.f. max.	No higher than roof or parapet line; 14' minimum clearance
<i>Display Sign</i>	1 per non-residential site	6 s.f. when oriented to pedestrians	No higher than the eave or parapet line
		32 s.f. when oriented to a vehicle in a drive aisle	See Table 9-3
<i>Inflatable Sign</i>	Multiple, non-residential only, within max. height limits	none	See Section 9.07
<i>Marquee Sign</i>	1 per non-residential building frontage	40 s.f. per sign face; maximum of 3 faces	No higher than roof or parapet line; 8' minimum clearance
<i>Monument Sign</i>	2 per entrance to single residential subdivision, multi-family housing complex or manufactured home park	32 s.f.	8' max.

	1 per street frontage of principal nonresidential building / access point	See Table 9-3	See Table 9-3
<i>Pole Sign</i>	1 per street frontage of principal nonresidential building / access point	See Table 9-3	See Table 9-3
<i>Projecting Sign</i>	1 per non-residential business frontage	6 s.f.	No higher than the wall (1-story) or bottom of second story window (2+ story); 8' minimum clearance
<i>Sidewalk Sign</i>	1 per business frontage	6 s.f.	3' max.
<i>Site Sign</i>	1 per street frontage	32 s.f.	8' max.
<i>Swing Sign</i>	Multiple, within maximum area limits	6 s.f. per sign.; 50 s.f. max. for all swing signs	4' max.
<i>Wall Sign</i>	1 per principal 1-family or 2-family dwelling unit	2 s.f.	No higher than the eave or parapet line
	1 per principal 3+-family building, per street frontage	32 s.f.	
	Multiple for non-residential uses, within maximum area limits	10% of the building elevation on which sign is mounted	
<i>Yard Sign</i>	Multiple, within max. area requirements	6 s.f. per sign; 50 s.f. max. for all yard signs	4' max.

Section 36. That Section 9.06 shall be amended as follows:

- A. Electronic Message Center.
 - 1. *General.*

- a. Electronic message copy shall only be permitted on monument signs, **display signs oriented to vehicles in a drive aisle, and incidental signs**. Electronic message copy on wall signs, window signs, pole signs or any other sign is not permitted.
 - b. Existing ~~monument~~ signage proposed for conversion to the use of an electronic message center shall conform to the sign standards in this subsection prior to issuance of a sign permit.
 - c. Non-conforming signs shall not be eligible for conversion to an electronic message center.
2. *Location.*
- a. **Monument signs with E-electronic message signs copy** shall only be permitted on properties or developments with a minimum of 200 lineal feet of street frontage. In instances where a property has more than 1 street frontage, only the street frontage that the sign shall be oriented to and set back from shall be utilized to determine the minimum lineal street frontage.
 - b. **Display signs with electronic message copy shall be located on the driver's window side of a drive-through lane.**
3. *Quantity, Area and Height.*
- a. A maximum of 1 monument sign with electronic message copy per property or development shall be permitted.
 - b. **A maximum of 1 display sign with electronic message copy per drive-through lane shall be permitted.**
 - c. The electronic message area portion of the sign shall not make up more than 50% of the sign face. If areas of the support base which are above grade utilize permanent, dimensional letters or symbols, these areas shall be counted as signage.
4. *Lighting.*
- a. The sign shall have automatic dimmer software or solar sensors to control brightness for nighttime viewing. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety or welfare.
 - b. Applications for sign permits containing an electronic display shall include the manufacturer's specifications and nit (candela per square meter) rating. The Director may place a maximum nit (candela per square meter) on the sign permit approval.
 - (1) In no instance shall a sign be approved with a maximum nit (candela per square meter) of more than 600 between sunset and sunrise as measured from the sign's face.
 - (2) Between sunrise and sunset, the maximum shall not exceed 5,000 nits (candelas per square meter) or 0.3 foot-candles over the ambient light, whichever is lower, as measured from the sign's face.
 - (3) In some instances, especially in sensitive areas (i.e., proximity to residential, parks, open space or other similar uses), the Director may place a maximum nit (candela per square meter) less than these maximums on the sign permit approval.

- c. Documentation shall be provided from the sign manufacturer which verifies compliance with auto dimming and brightness requirements.
 - d. City officials may enter the property and view the programmed specifications of the sign to determine compliance with this provision of this Section in accordance with Article 1-20, Right of Entry for Inspection, of the Brighton Municipal Code.
5. *Transitions*
- a. The electronic message center shall be limited to static messages, changed only through either dissolve or fade transitions, which may otherwise not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating or varying of light intensity.
 - b. The transition duration between messages shall not exceed 1 second.
 - c. The message hold time shall be a minimum of 20 seconds.

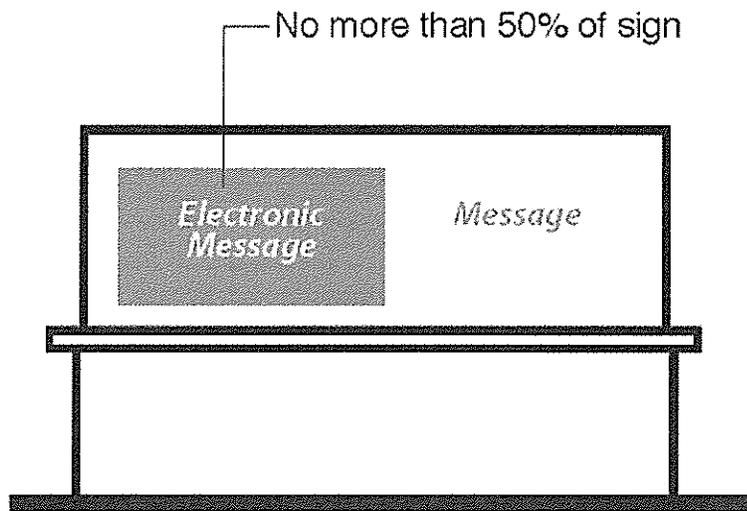


Figure 9-2 Electronic Message Center Detail

- B. *Awning Signs.*
- 1. *Location.*
 - a. An awning may include a printed or mounted sign. No sign mounted to an awning shall project beyond, above or below the face of an awning.
 - b. Awning signs shall be placed on a ground floor facade, except for businesses located above the ground level with direct exterior pedestrian access.
 - c. Awning signs shall be limited in the Downtown Zone District to a projection distance of 4 feet, but in no event shall such signs project beyond the curb line. In all other commercial and industrial zone districts, awning signs shall be limited to a projection of 6.5 feet from the building wall.

- d. All proposed awning signs shall submit a detailed structural analysis to ensure security to the awning, and of the awning to the wall of the structure
- 2. *Quantity, Area and Height.* Sign quantity and area shall comply with the requirements established in Section 9.03 04.
 - a. No structural element of an awning shall be located less than 8 feet above finished grade.
 - b. Awning signs shall not be higher than the wall from which the sign projects if attached to a single story building, or the height of the bottom of any second story window if attached to a multi-story building. No point on any awning sign shall project above the roof or parapet line of any building.
 - c. The area of an awning sign shall be included in the total sign area allowed for wall signs and may not exceed the total square footage allowed for a wall sign per building frontage.
- 3. *Lighting.* Awnings may be internally illuminated only.

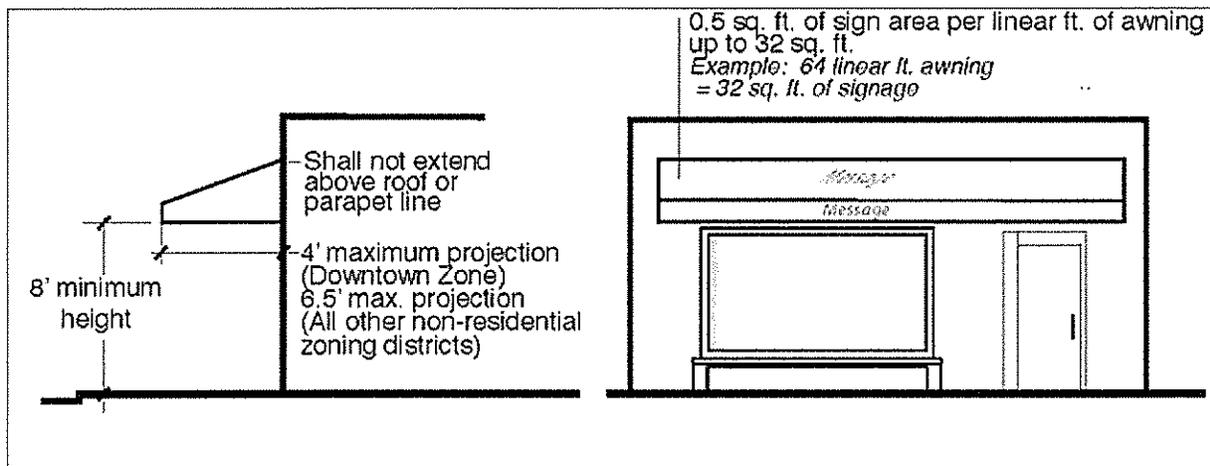


Figure 9-3 Awning Sign Detail

C. Bus Bench & Bus Shelter Signs.

- 1. *Location.*
 - a. No more than 2 bus benches may be placed at a given bus stop unless otherwise permitted by the City in agreement with RTD.
 - b. No permit will be issued for a bus bench at an RTD bus stop adjacent to any residentially zoned property without written consent of the owners of the adjacent property.
 - c. Bus benches must be placed at least 3 feet from the curb or edge of pavement if no curb exists. Benches may not interfere with the safe and efficient passage of pedestrians and specifically may not impede pedestrian access to or use of traffic control devices.

- d. Copy or graphics placed on bus benches shall display no fluorescent or other reflective color or material.
 - e. The bus bench company name and phone number must be on each bench.
 - f. The City shall have the right to remove any bus bench within the public right-of-way after giving 15 days' written notice to the bus bench owner of the removal. In cases where a bus bench creates a public safety hazard, the City may remove the bus bench without any written notice.
2. *Quantity, Area and Height.*
- a. Bus benches shall be no longer than 8 feet, no higher than 42 inches and no wider than 30 inches, and must weigh no less than 300 pounds.
 - b. The total square footage of signage on a bus shelter shall be limited to 48 square feet, with no individual sign larger than 24 square feet.
3. *Lighting.* Bus bench and bus shelter signs shall not be illuminated.

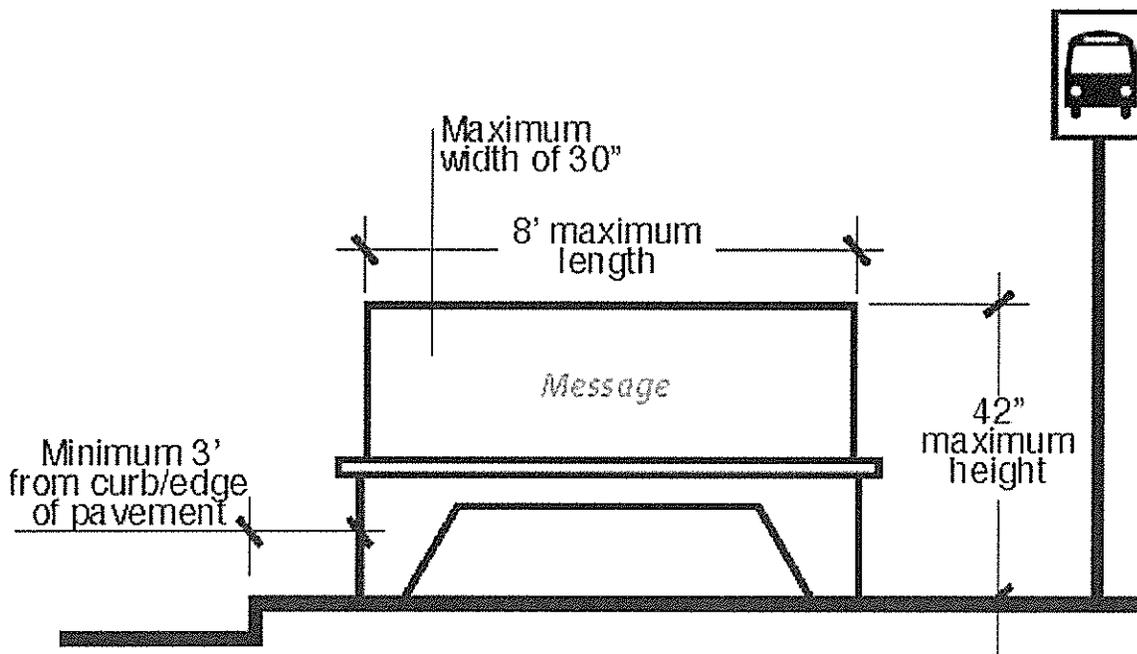
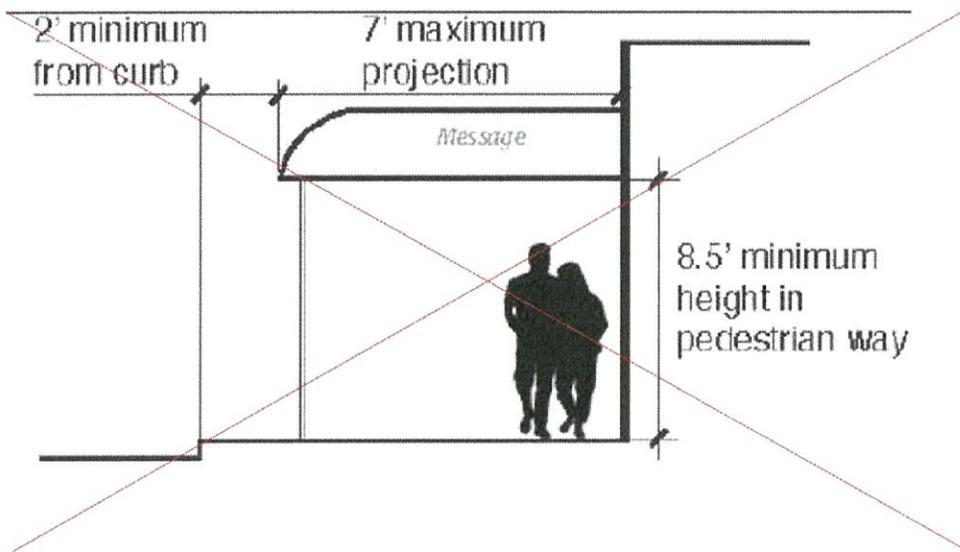


Figure 9-4 Bus Bench Sign Detail

- D. **Canopy Signs.**
- 1. **Location.**
 - a. Signs may be placed on canopies that front a street, parking lot or pedestrian way, or that are located in a driveway.
 - b. A canopy may include a printed or mounted sign.
 - c. No sign mounted to a canopy shall project beyond, above or below the face of a canopy.

2. *Quantity, Area and Height.* Sign quantity and area shall comply with the requirements established in Section 9.03 04.
- a. No structural element of a canopy sign shall be located less than 8 feet above finished grade in a pedestrian way, or less than 14 feet above finished grade in a vehicular way.
 - b. Canopies on which signs are printed or mounted shall not extend over a public right-of-way more than 7 feet from the face of a supporting building, and be no closer than 2 feet to a curb line.
 - c. No canopy, with or without signage, shall extend above the roof or parapet line of any building.
 - d. No canopy sign shall project above the top of the canopy upon which it is mounted. However, a sign may project horizontally from the face of a canopy the distance necessary to accommodate the letter thickness and required electrical equipment, but not more than 18 inches.
 - e. The area of a canopy sign shall be included in the total sign area allowed for wall signs and may not exceed the total square footage allowed for a wall sign per building frontage.
3. *Lighting.* Canopies may be internally illuminated only.



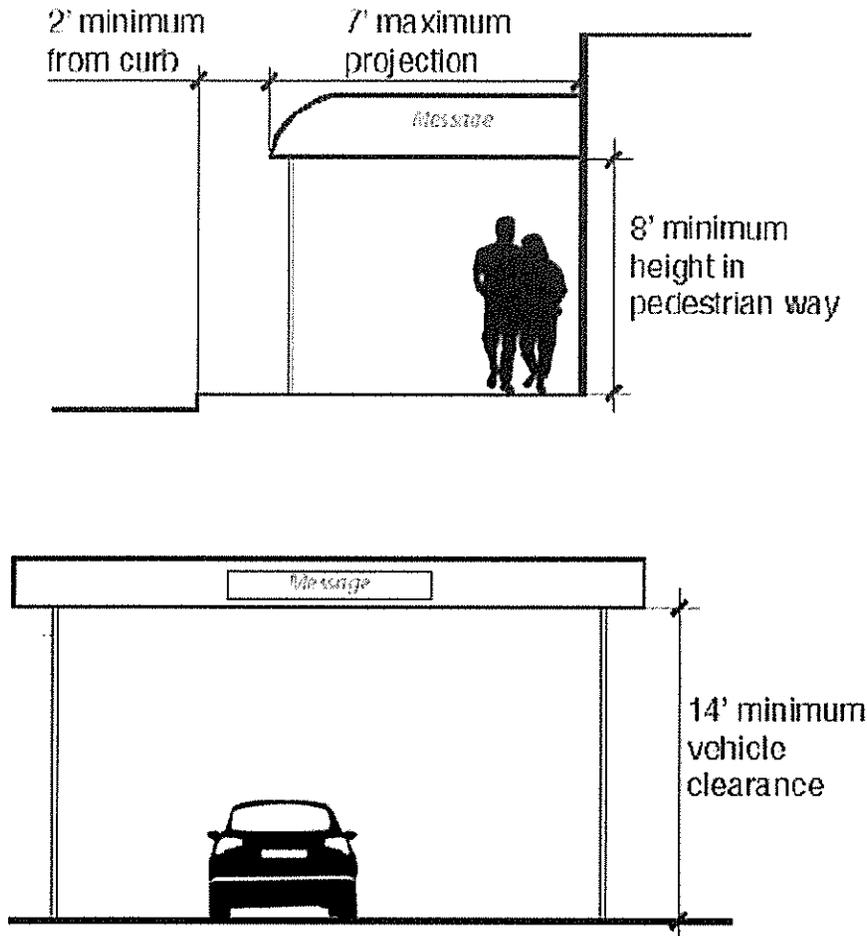


Figure 9-5 Canopy Sign Details

E. Display Signs.

1. Location.

- a. Signs oriented to pedestrians shall be mounted on a wall.
- b. Signs oriented to vehicles in a drive aisle shall be monument signs and shall not be designed to be read from the public right-of-way nor to attract attention to the site from the right-of-way.

2. Quantity, Area and Height.

- a. A maximum of one (1) display sign shall be permitted per site or per drive aisle.
- b. If mounted on a wall oriented to pedestrians, such signs shall not exceed six (6) square feet.
- c. If oriented to occupants of a vehicle in a drive aisle, such signs shall not exceed thirty-two (32) square feet.

3. Lighting.

- a. Such signs may be illuminated, subject to the lighting standards in Section 9.05.
- b. Display signs oriented to occupants of a vehicle in a drive aisle may also be electronic message center signs, subject to the standards in Section 9.06.

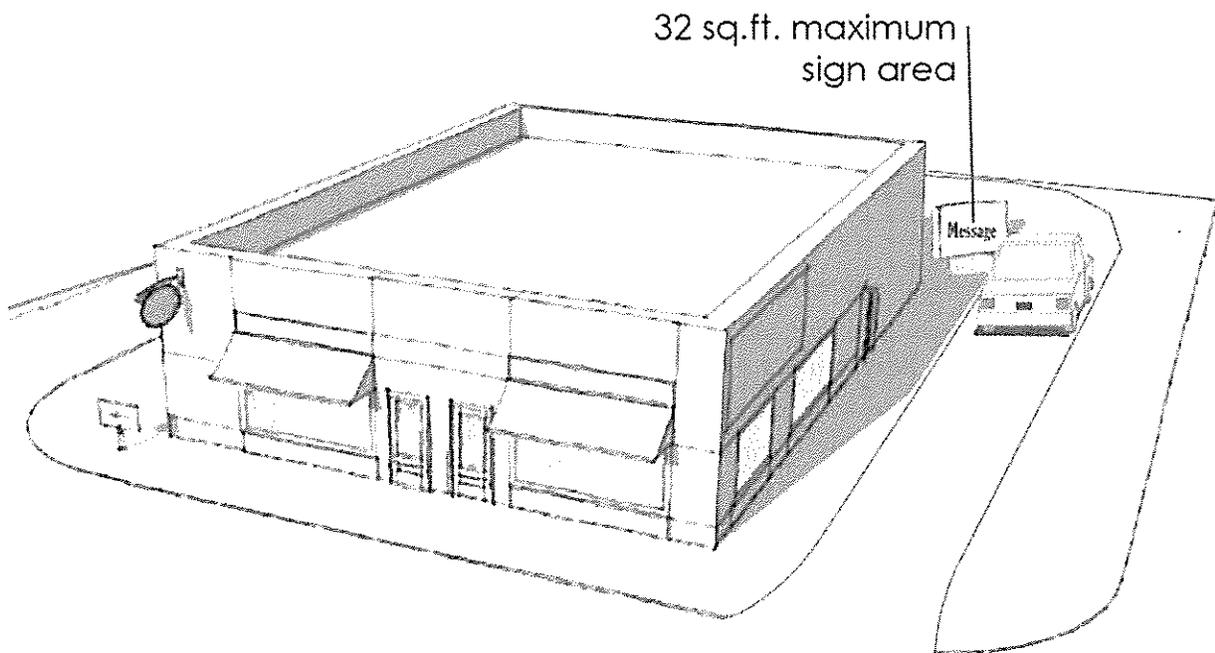
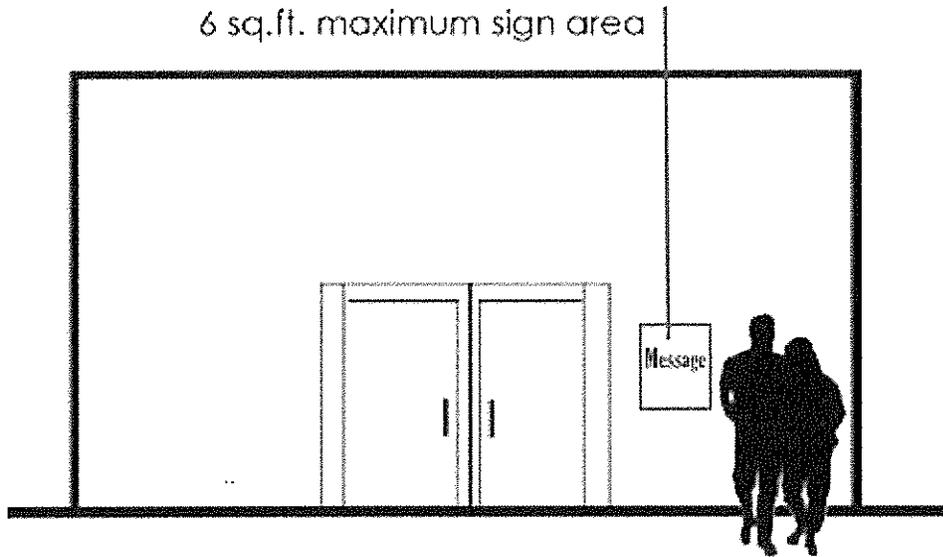


Figure 9-6 Display Sign Details

F. Marquee Signs.

1. Location.

- a. A marquee sign shall be placed on a ground floor façade of a building.
- b. Marquee signs shall be limited in the Downtown Zone District to a projection distance of 4 feet, but in no event shall such signs project beyond the curb line. In all other commercial and industrial zone districts, marquee signs shall be limited to a projection of 6.5 feet from the building wall.
- c. All proposed marquee signs shall submit a detailed structural analysis to ensure security to the wall of the structure.

2. Quantity, Area and Height. A marquee sign shall comply with the quantity, area and height requirements established Section 9.03 04.

- a. No structural element of a marquee sign shall be located less than 8 feet above finished grade.
- b. Marquee signs shall not be higher than the wall from which the sign projects. No point on any marquee sign shall project above the roof or parapet line of any building.
- c. The area of a marquee sign shall be included in the total sign area allowed for wall signs and may not exceed the total square footage allowed for a wall sign per building frontage.

3. Lighting. Marquee signs may be internally or externally illuminated

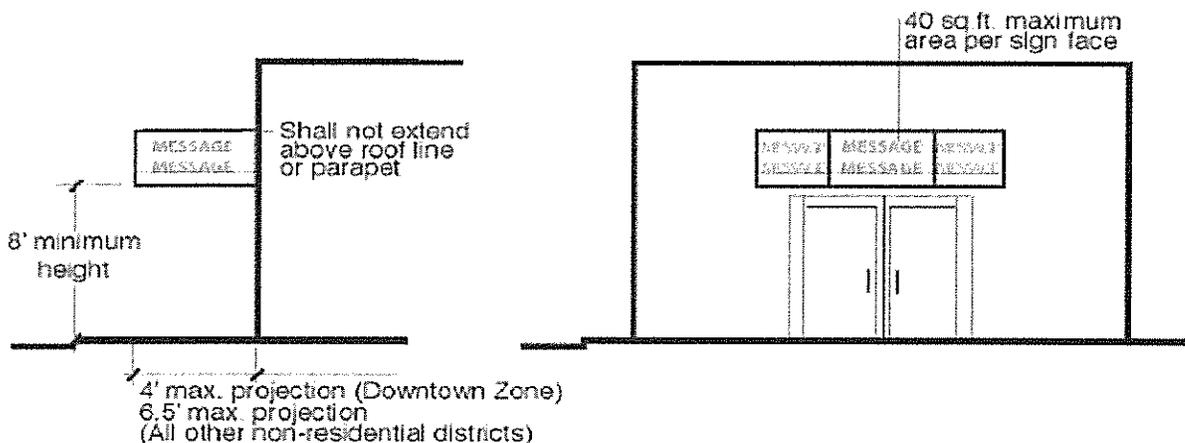


Figure 9-6 7 Marquee Sign Details

G. Monument Signs.

1. *Location.*
 - a. Monument signs shall be located on a street frontage, unless as otherwise shown on an approved PUD plan. A main entrance on a street frontage shall be defined as the ingress/ egress point off a collector street, a minor arterial or a major arterial as established by the Transportation Master Plan
 - b. A monument sign shall not obstruct any vehicle or pedestrian movement, and shall be setback according to Table 9-3.
2. *Quantity, Area and Height.* A monument sign shall comply with the quantity, area and height requirements established in Section 9.03 04.
 - a. Height and sign area exceptions for freeway-oriented monument signs:
 - (1) In Commercial and Industrial Zone Districts, all signs located within a 350-foot radius of the center of an interchange (except for Interstate 76 interchanges which have a five-hundred-foot radius) shall not exceed a maximum area of 100 square feet and a maximum height of 50 feet, but shall be allowed to locate on or near the property line.
 - (2) All other signs located along the freeway corridors shall not exceed a maximum area of 80 square feet and a maximum height 20 feet, but shall be allowed to locate on or near the property line.
3. *Lighting.* Monument signs may be internally or externally illuminated.

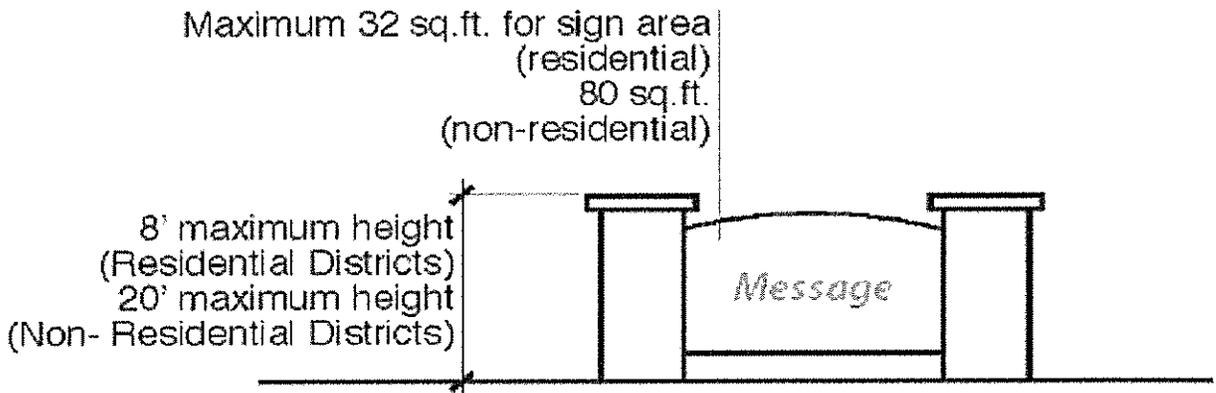


Figure 9-7 8 Monument Sign Details

H. Pole Signs.

1. *Location.*
 - a. Pole signs shall be located on a street frontage.
 - b. No portion of any pole sign shall encroach or project into the public right-of-way.

2. *Quantity, Area and Height.* A pole sign shall comply with the quantity, area and height requirements established in Section 9.03 04.
 - a. Height and sign area exceptions for freeway-oriented pole/freestanding signs:
 - (1) In Commercial and Industrial Zone Districts, all signs located within a 350-foot radius of the center of an interchange (except for Interstate 76 interchanges which have a five-hundred-foot radius) shall not exceed a maximum area of 100 square feet and a maximum height of 50 feet, but shall be allowed to locate on or near the property line.
 - (2) All other signs located along the freeway corridors shall not exceed a maximum area of 80 square feet and a maximum height of 20 feet, but shall be allowed to locate on or near the property line.
3. *Lighting.* Pole signs may be internally illuminated only.

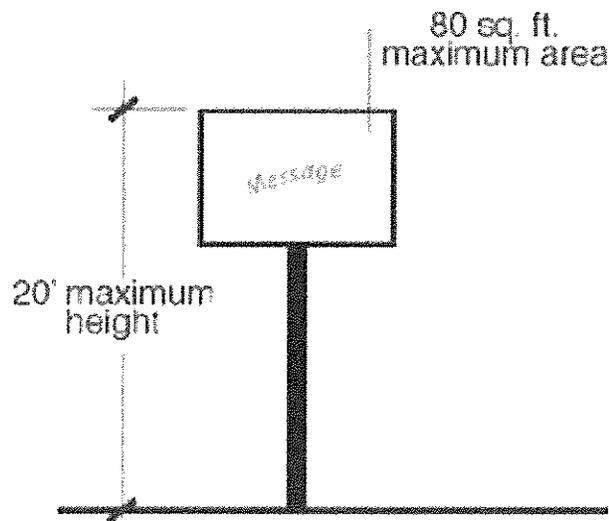


Figure 9-8 9 Pole Sign Details

- I. *Projecting Signs.*
 1. *Location.*
 - a. Projecting signs shall be placed on a ground floor facade, except for businesses located above the ground level with direct exterior pedestrian access.
 - b. The sign face of a projecting sign shall project at an approximate angle of 90 degrees.
 - c. Projecting signs shall be limited in the Downtown Zone District to a projection distance of 4 feet, but in no event shall such signs project beyond the curb line. In all other commercial and industrial zone districts, projecting signs shall be limited to a projection of 6.5 feet from the building wall.
 - d. All proposed projection signs shall submit a detailed structural analysis to ensure security to the wall of the structure.

2. *Quantity, Area and Height.* A projecting sign shall comply with the quantity, area and height requirements established in Section 9.03 04.
 - a. No structural element of a projecting sign shall be located less than 8 feet above finished grade.
 - b. Projecting signs shall not be higher than the wall from which the sign projects if attached to a single story building, or the height of the bottom of any second story window if attached to a multi-story building. No point on any projecting sign shall project above the roof or parapet line of any building.
3. *Lighting.* Projecting signs shall not be illuminated.

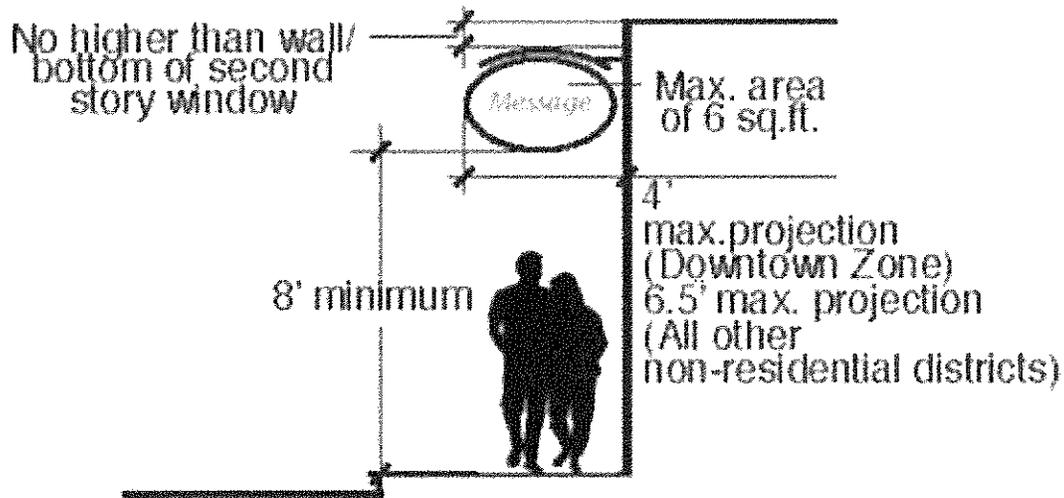


Figure 9-9 10 Projecting Sign Detail

J. Wall Signs.

1. *Location.* A wall sign shall not:
 - a. Obstruct any portion of a window, doorway or other architectural detail;
 - b. Extend above the eave or parapet line of any building; or
 - c. Project from the building wall more than required for construction purposes and in no case more than 18 inches.
2. *Quantity, Area and Height.* A wall sign shall comply with the quantity, area and height requirements established in 9.03 04.
 - a. Multiple wall signs are permitted as long as the total sign area does not exceed the allowance established in b. and c. below.
 - b. No wall sign shall exceed 10% of the wall face to which it is attached.
 - c. A wall sign or signs shall not be greater than 80% of the length of the tenant space or the length of the building frontage for single-tenant buildings. This is to assure

that the sign of one tenant is not so close to the sign of an adjacent tenant that the 2 signs would run into each other.

3. *Lighting.* Wall signs may be internally or externally illuminated.

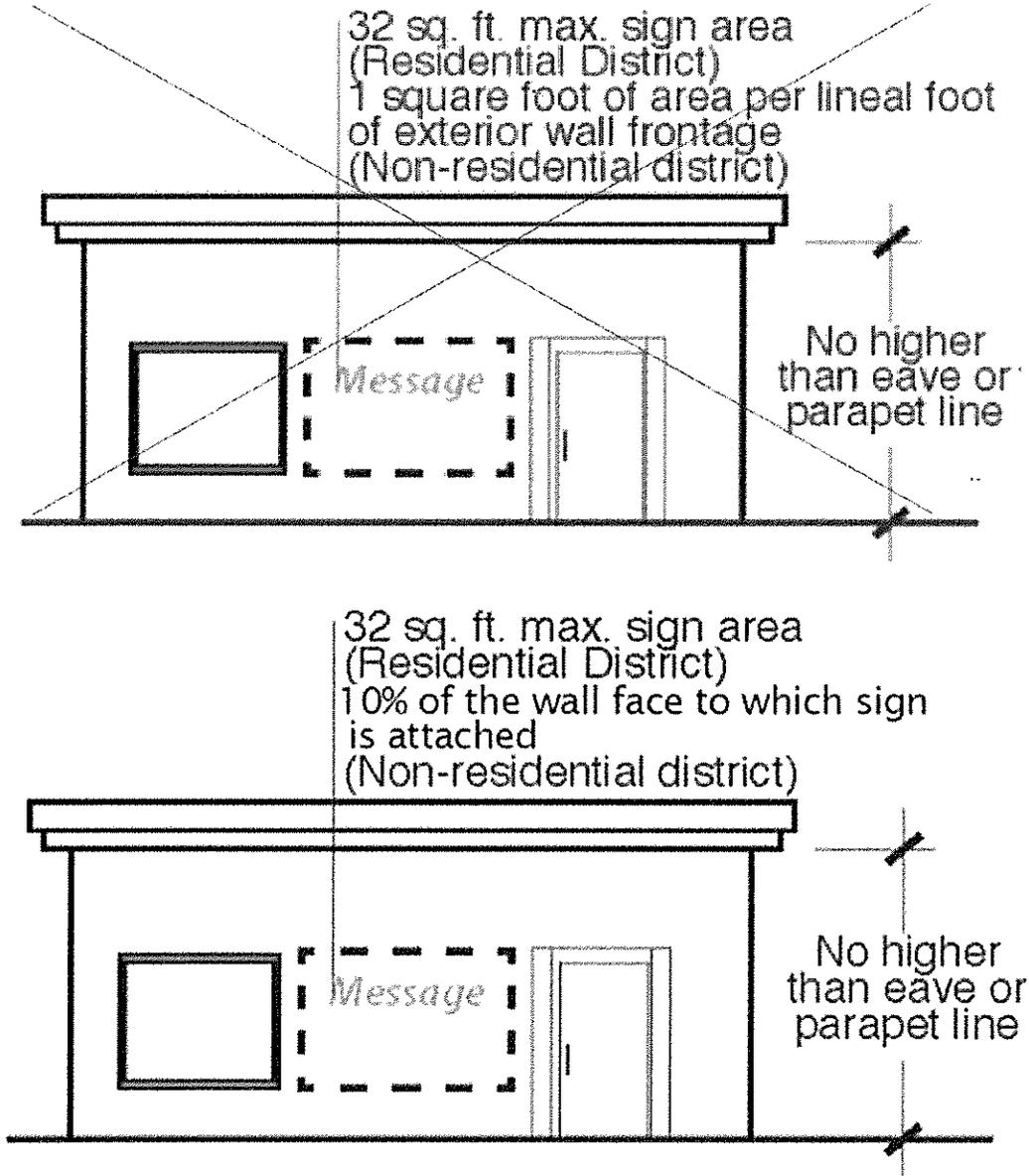


Figure 9-10 11 Wall Sign Detail

Section 37. That Section 9.07 shall be amended as follows:

- A. General. The following standards are applicable to all temporary signs:

1. *Owner consent.* All temporary signs must be located on private property and only with the consent of the property owner.
2. *Lighting.* No temporary sign shall be illuminated.
3. *Duration.* The purpose of temporary signs is to display messages for a temporary duration. Temporary signs shall not be used as a subterfuge to circumvent the regulations that apply to permanent signs or to add permanent signage in addition to that which is permitted by Section 9.03 04. Temporary signs shall be removed on or before 90 days after first being placed, unless otherwise specified in this subsection.

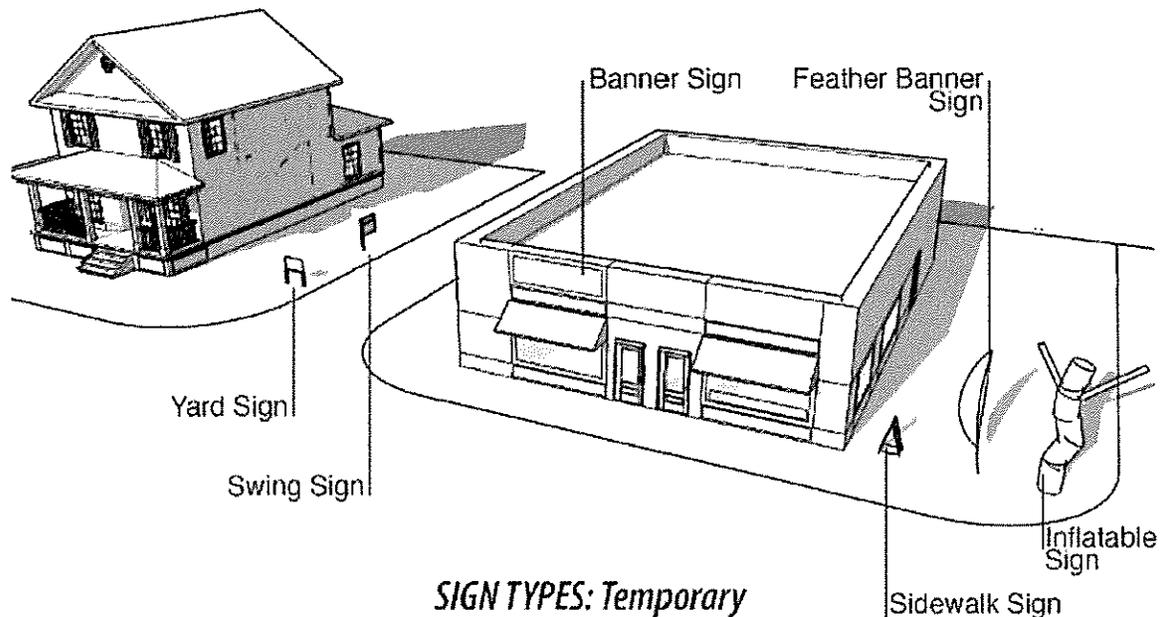


Figure 9-11 12 Temporary Sign Types

- B. Banners.
 1. *Location.*
 - a. Banners shall not be placed to obstruct any portion of a window, doorway or other architectural detail.
 - b. Feather Banners shall not obstruct any vehicle or pedestrian movement, and shall be setback a minimum of 5 feet from any property line.
 - c. Banners may be installed on a utility pole with the consent of the utility provider, provided that the banner is attached at the top and bottom by brackets that project no more than thirty (30) inches from the utility pole.

- d. Banners may be installed on fences or between two posts mounted in the ground, provided that the banner is firmly attached on at least all four corners and stretched tightly to avoid movement in windy conditions.
2. *Quantity, Area and Height.* Banners shall comply with the quantity, area and height requirements established in Section 9.03 04.
- a. Banners installed on utility poles in accordance with subsection a. above shall not exceed 24 inches in width and 48 inches in height.
 - b. Banners installed on fences or between two posts shall not exceed 20 square feet in size.

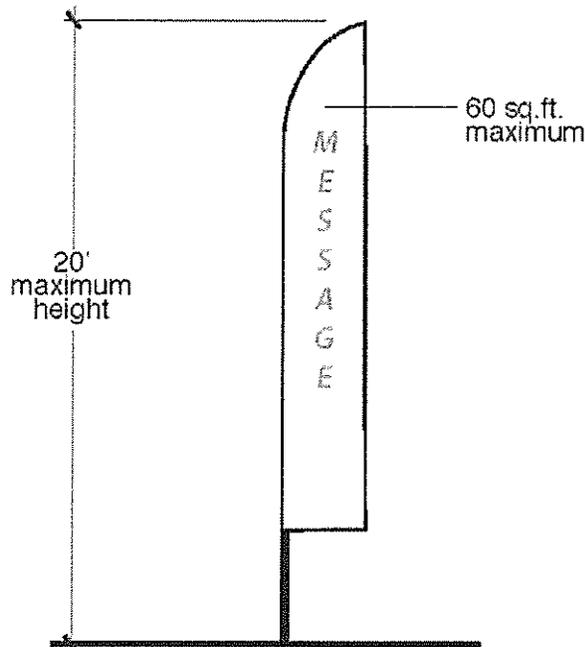
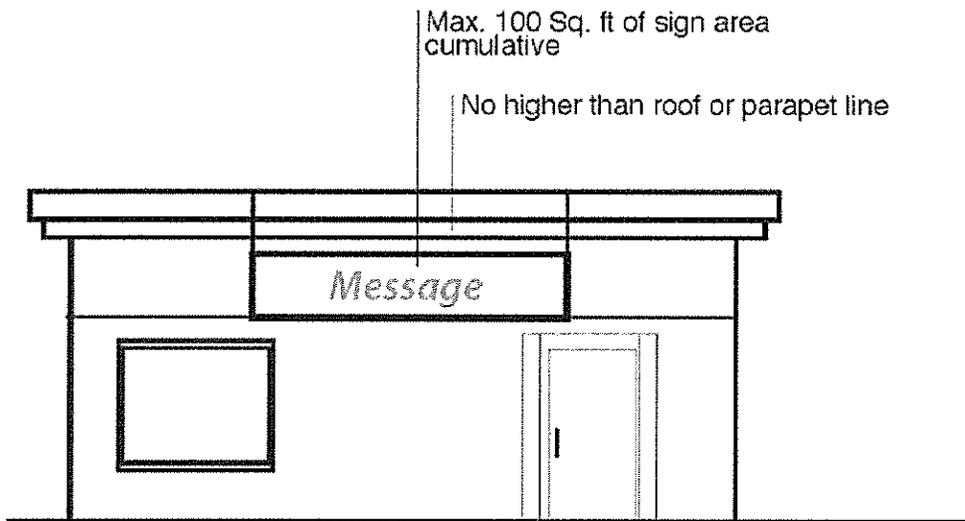


Figure 9-12 13 Banner Sign Details – Wall and Feather

C. Inflatable Signs.

1. *Location.*

- a. Inflatable signs must be secured to a building, structure, stable object or the ground and shall not extend beyond the boundaries of the lot or premises. Attaching balloons to tethers is permitted. Inflatable signs shall be attached or anchored so as to prevent dislocation, entanglement or encroachment onto adjacent properties or public streets, or undue hazard to motorists or pedestrians.

2. *Quantity, Area and Height.*

- a. Inflatable signs shall not exceed the maximum permitted building height for the zone district in which they are located.

3. *Duration.* Inflatable signs are permitted 1 time per year for up to 60 days, or 2 times per year for up to 30 days each time, or 4 times per year for up to 15 days each time.

D. Sidewalk Signs.

1. *Location.*

- a. Placement of a sidewalk sign must be within 1 foot of a building wall.
- b. A minimum of 4 feet of sidewalk width clearance shall be available for pedestrian use.
- c. Sidewalk signs shall be removed each day at close of business.

2. *Quantity, Area and Height.* A Sidewalk sign shall comply with the quantity, area and height requirements established in Section 9.03 04.

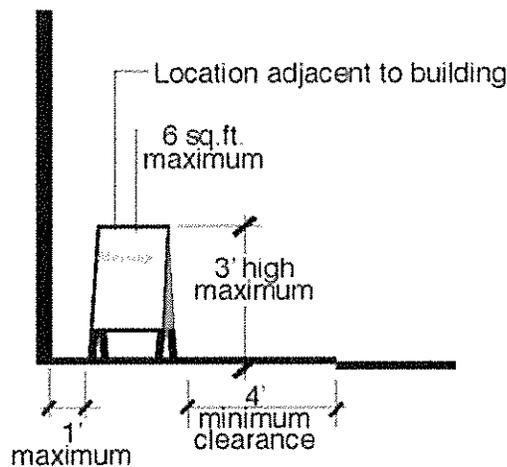


Figure 9-13 14 Sidewalk Sign Detail

E. Site Signs

1. Location.

a. Site signs are intended for vacant land parcels or lots under construction, and are not permitted on parcels with existing or built-out residential or non-residential uses.

b. Site signs shall be setback a minimum of 10 feet from any property line.

2. Quantity, Area and Height. A site sign shall comply with the quantity, area and height requirements established in Section 9.03 04.

3. Duration. Site signs shall be removed within 30 days after issuance of the final certificate of occupancy or final completion of construction, whichever occurs first.

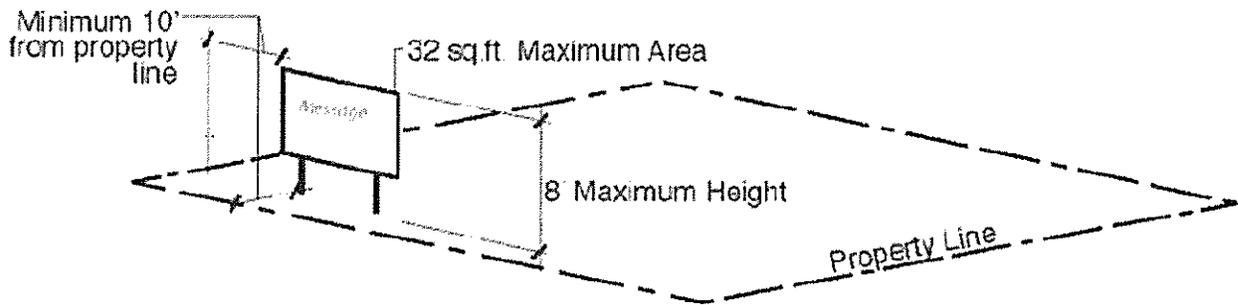
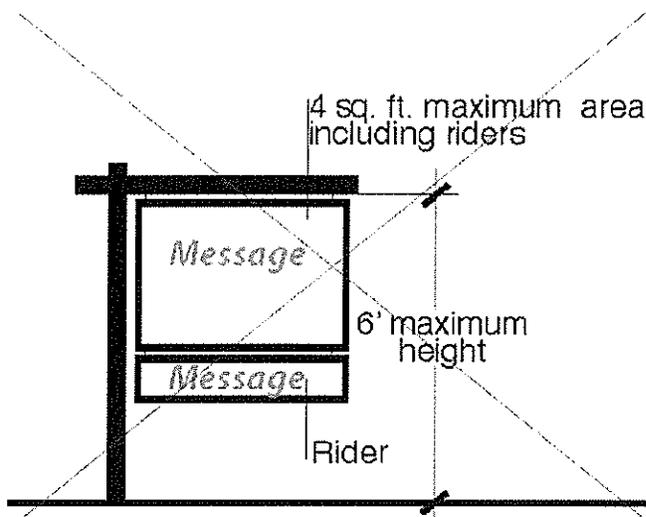


Figure 9-14 15 Site Sign Detail

F. Swing Signs.

1. Quantity, Area and Height. A swing sign shall comply with the quantity, area and height requirements established in Section 9.03 04.



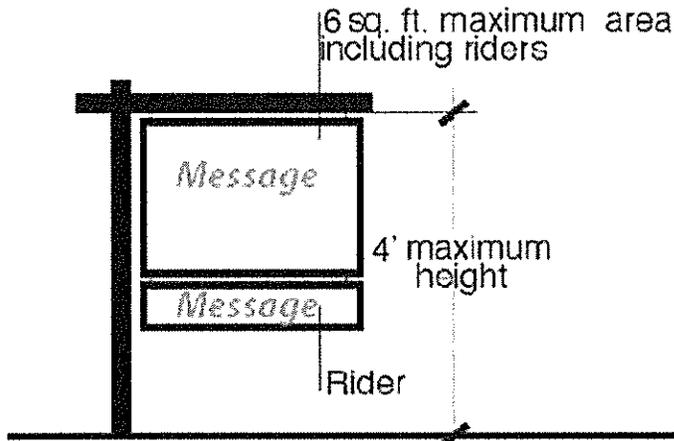


Figure 9-15 16 Swing Sign Detail

G. Yard Signs.

1. Location.

a. No yard signs shall be erected or placed in parks, alleys or in a street or other public right-of way or place.

2. Quantity, Area and Height. A yard sign shall comply with the quantity, area and height requirements established in Section 9.03 04.

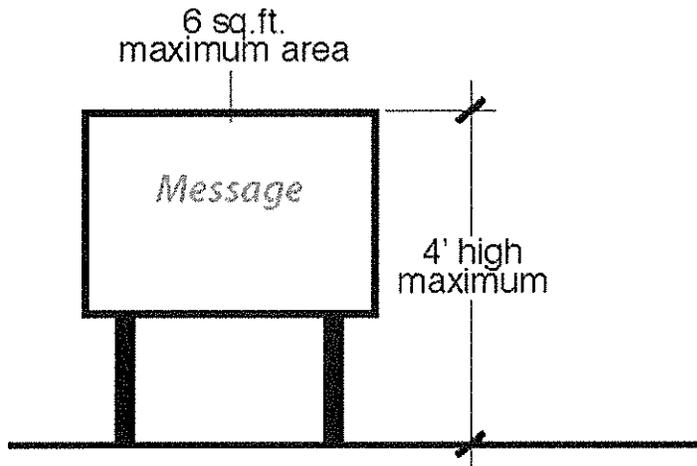


Figure 9-16 17 Yard Sign Detail

Section 38. That the definitions found under “Signs” in Section 11.03 shall be amended as follows:

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 (sign). 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 means the time interval a static message must remain on the display before transitioning to another message.~~

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.

~~*Mural.* A picture or graphic illustration applied directly to a wall of a building or structure that does not advertise or promote a particular business, service or product.~~

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.~~

***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 used to communicate a message or idea 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.

~~*Works of art.* A sculpture, painting, graphic or other type of art that does not advertise or promote a particular business, service or product.~~

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.

Section 39. All sections, subsections, and definitions of the LUDC not expressly amended or modified herein remain in full force and effect.

Section 40. Findings. The Planning Commission finds and determines that the proposed Code Amendment furthers the purposes of these regulations in Section 1.01.C.; that the proposed Code Amendment is in accordance with the Comprehensive Plan and has been considered for both its long-range effects, as well as immediate impacts; that the Amendment promotes the public safety, health and general welfare of the community in the City of Brighton; and that the Amendment improves the effectiveness and efficiency of administering the *Land Development Code*.

Section 41. Recommendation. The Planning Commission hereby recommends to City Council the approval of the Code Amendments related to building types, accessory structures, common ownership communities, site design, signs, and correction of errors.

Section 42. This Resolution is effective as of the date of its adoption.

RESOLVED this 27th day of October, 2022.

CITY OF BRIGHTON, COLORADO
PLANNING COMMISSION



CHRIS MASLANIK, Chairman

ATTEST:



KATE LESSER, Secretary

