



ARTICLE 4 – ZONING DISTRICTS & USES

4.01 ZONING DISTRICTS

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

District & Intent	Relationship to Comprehensive Plan
<p><b>R-2 – Mixed-Density Residential.</b> The R-2 district provides residential living (wide range of small-scale residential building types) in a compact, walkable neighborhood settings allowing a mix of housing options at strategic locations which transition to complimentary and supporting non-residential uses. A well-designed public realm provides the focal point to integrate a variety of building types with a consistent neighborhood character.</p>	<p>General application in moderate and high-density areas, as a complimentary component of walkable neighborhoods or the predominant residential component of downtown, mixed use areas, and transit-served nodes.</p>
<p><b>R-3 – Multiple Family Residential.</b> The R-3 district provides residential living in a moderate-density pattern in suburban neighborhoods located in areas that have transitions between lower-density neighborhoods or more intense non-residential uses and where a high level of accessibility, public amenity and support services are immediately available.</p>	<p>General application in high-density areas</p>
<p><b>MH – Manufactured and Small-Format Housing District.</b> The MH district provides residential living for <b>smaller-format</b> manufactured, mobile, or <b>other</b> small format <b>residences/homes</b> in a planned community that shares common amenities located in areas that have transitions between lower-density neighborhoods or more intense, non-residential uses, and where a high level of accessibility, public amenity and support services are immediately available. See Section 5.087, Manufactured and Small-Format Housing District.</p>	<p>Limited application on a project specific basis, considering context and design.</p>
<p><b>DT – Downtown.</b> The DT district provides a broad range of retail, entertainment and civic uses and supporting office, service, and residential uses in a compact and walkable format. This district preserves the historic “main street” scale and small town character of Brighton. It is the vibrant heart of the community with a high level of civic design, walkable urban patterns, and a concentration of diverse, small-scale uses.</p>	<p>General application for Downtown Brighton.</p>
<p><b>MU – Mixed Use.</b> The MU district provides a mix of retail, service, employment, entertainment and civic uses in a walkable setting. The district includes three variants based on scale and intensity of development:</p> <ul style="list-style-type: none"> <li>• MU-NC Neighborhood Center - intended for small-scale, neighborhood serving activity centers tightly integrated with and serving the daily needs of adjacent neighborhoods (typically under 10 acres);</li> <li>• MU-CC Community Center – providing daily, discretionary and entertainment in a format that is an active destination for broader community, and designed in a way that compliments higher-density neighborhoods (typically 10 to 30 acres); and</li> <li>• MU-E/REC - providing for regional shopping, employment, or institutional uses, arranging them as the heart of a multi-modal regional destination (typically larger than 30 acres).</li> </ul> <p>Each of these areas requires a high level of accessibility, public amenity and civic design to serve as the organizing element of a broad range of uses and building types.</p>	<p>MU-NC - General application for mixed use commercial, commercial, or any format where commercial uses support surrounding areas in a walkable context.</p> <p>MU – CC General application mixed use commercial in the Urban Centers, or the edges of downtown, or commercial areas along major arterials</p> <p>MU-RC – Limited application in association with the strategic location of large scale retail, instructional or employment uses.</p>
<p><b>C-O – Commercial Office.</b> The C-O district provides administrative, professional and limited personal services in a low or moderate intensity format that can be compatible with adjoining residential districts or low-intensity uses. It is generally located near residential neighborhoods an along minor arterial streets.</p>	<p>General allocation in commercial areas or as support uses on the edges of mixed use centers.</p>
<p><b>C-1 – Local Retail.</b> The C-1 district provides small-scale retail, service, civic and employment uses to support suburban or walkable neighborhoods. It is generally located near residential neighborhoods an along minor arterial streets.</p>	<p>General allocation in commercial areas, or as support uses on the edges of mixed use centers.</p>
<p><b>C-2 – Restricted Retail and Services.</b> The C-2 district provides a wider variety of small and moderate scale retail, service, civic and employment uses. It is centrally located and along arterial streets or intersections, and where transitions and buffers between lower-density residential and low-intensity uses are possible.</p>	<p>Limited application in commercial areas along corridors, and where mixed-use designations may not accommodate uses.</p>



4.03 Accessory Uses

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

- A. **Accessory Uses, Generally.** All principal uses shall include accessory uses subject to the following general standards:
  1. The use and any structure is clearly incidental and subordinate to an allowed use and customarily associated with the allowed use.
  2. The use is on the same lot as the principal use or otherwise clearly associated with an active principal use.
  3. The use is compatible with the general character of the area and comparable in scale and intensity to uses of other property in the vicinity.
  4. No use or structure may be constructed, maintained or conducted in a way that produces noise, vibration, noxious odor or material, any visible light, glare or other visible impacts that are harmful, damaging or disturbing to the adjacent property.
  5. Any structures or site design elements to support the use can be screened or located to minimize impact on adjacent property or are not significantly different from what is typical for other allowed uses in the district.
  6. There are no unusual traffic patterns or increases in operational activity that impact the use and design of streets and public spaces differently than other allowed uses.
  7. All uses and structures are conducted in a way that is consistent with the intent and objectives of all other design and development standards applicable to the property.

B. **Accessory Dwelling.**

1. ~~Residential. Accessory-A dwellings unit that is secondary to another dwelling unit on the same lot, known as an Accessory Dwelling Unit or ADU, is allowed as an shall-be accessory use to a primary residential use building on the lot (the "principal building") in zone districts where detached houses or duplexes are allowed. An ADU is not considered an accessory building as referenced in this code and is subject to the following additional standards:~~
  - ~~a. One accessory dwelling may be permitted ADU is allowed per lot, and an ADU is allowed only when associated with where the principal building is a detached house or duplex. (see Accessory Dwelling – Agricultural, Commercial, or Industrial for caretaker or watchman homes).~~
  - ~~b. ADUs shall provide an entrance and living, sleeping, cooking, eating, and sanitation facilities independent from those of the principal building. ADUs shall not be mobile homes, motor homes, park models, other recreational vehicles, or other temporary shelters.~~
  - ~~a.c. New and existing planned developments and planned unit developments that allow the construction of one or more single-unit detached dwellings shall not restrict ADUs more than this code restricts ADUs outside of a planned development or planned unit development or in any way that is prohibited by C.R.S. 29-35-403 as amended.~~
  - ~~b.d. Accessory dwelling units ADUs may be located (a) detached from the principal building, (b) within or attached to an detached accessory building or located within the principal building (such as an attic or basement apartment) above a detached garage, or (c) within or attached to the principal building. An ADU located entirely within the principal building, such as in an attic or basement, is known as an internal ADU.~~
  - ~~c.e. The accessory dwelling shall not exceed 50 percent of the living area of the principal dwelling or 1,200 square feet, whichever is less. An ADU shall not be subdivided, converted to a condominium, or otherwise severed in any way from~~

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~~the principal building property or ownership.~~

- ~~d.f. One additional parking space shall be provided on site, although this provision may be waived by the Director if the context and circumstances of each dwelling unit prove the space unnecessary. An ADU shall have an address assigned to it that differs from that of the principal building. Depending on the location of the ADU, the principal building address may change.~~
- ~~e.g. The property owner shall occupy either the principal or accessory dwelling as their permanent residence. The City may alternate ownership arrangements where a reputable property management agency controls the property and has provided assurances of on-going maintenance.~~
- ~~f.h. The accessory dwelling shall be designed to maintain the architectural design, style, appearance and character of the principal building, and whether within the principal building or in a detached structure, shall ensure that the accessory dwelling is clearly subordinate to the principal dwelling through the location of parking, access, building entrances and other design features that accommodate the dwelling.~~
- ~~g.i. The applicant shall demonstrate proofs responsible for verifying that of adequate utility services will be in place for both the ADU and the principal building and accessory unit. The property owner shall obtain the necessary approvals and be responsible for the installation of the utilities necessary to serve the ADU, including when increased service capacity is required.~~
- ~~h.j. A detached accessory structure ADUs shall meet all development and design standards for the lot in Article 5, Accessory Dwelling Unit (ADU) Design Standards.~~
- ~~i.k. Off-street parking specific to an ADU is not required unless all three of the following conditions apply, in which case one off-street parking space shall be provided on the lot: (a) there is no existing off-street parking space on the lot, (b) the lot is located in a zone district that requires one or more parking spaces for the principal building, and (c) the lot is located on a block where on-street parking is prohibited. Driveways serving ADUs shall meet all standards in Articles 5 and 7.~~

2. *Agricultural, Commercial, or Industrial.* ~~Accessory d~~wellings for a caretaker or watchman shall be accessory to a principal agricultural, commercial, or industrial use on the lot, are not Accessory Dwelling Units (ADUs), and are subject to the following additional standards:
  - a. The principal use must be a lawful conforming use.
  - b. The caretaker ~~or~~ watchman dwelling unit shall be for occupancy by the caretaker or watchman employed on the premises.
  - c. Only one (1) ~~accessory dwelling~~ caretaker/watchman dwelling unit shall be allowed in conjunction with a principal lawful use and ~~the accessory dwelling~~ shall be clearly ancillary to the primary business or use.
  - d. The caretaker ~~or~~ watchman dwelling unit may be ~~established within an existing detached single-family dwelling building~~ or within or attached to the principal non-residential building. If ~~established within an existing single-family dwelling a detached building~~, the accessory caretaker/watchman dwelling unit is in addition to the accessory buildings allowed in Section 6.02.
  - e. In addition to the parking required otherwise on site, one off-street parking space shall be provided for the exclusive use of the caretaker/watchman.
  - f. The applicant shall demonstrate proof of adequate utility services for both the principal use and accessory caretaker/watchman dwelling unit.
  - g. Proof of adequate access shall be provided.
  - h. No ~~such accessory caretaker/watchman~~ dwelling unit shall be deeded, sold, leased, or rented without conforming to the subdivision and zoning regulations.
  - i. Driveways shall meet all standards in Articles 6 and 7.



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- C. **Home Occupation.** Home occupations shall meet all of the following standards:
  1. The occupation shall be limited to residents of the dwelling and no non-resident employees. If the resident applicant is not the homeowner, the homeowner shall provide a notarized authorization with the permit application.
  2. No more than 25% of the floor area of any one floor of the dwelling unit shall be utilized for a home occupation except as may be required for state-licensed family child care homes.
  3. Any materials or equipment used in the home occupation shall be stored within an enclosed structure.
  4. No alteration of the exterior of the principal residential building or site shall be made which changes the residential character of the building or site.
  5. Signs shall be limited to 1 non-illuminated sign, no more than 2 square feet, and within at least 10 feet of the primary entrance.
  6. No traffic shall be generated by the home occupation that is abnormal to a residential neighborhood. Any deliveries shall be from vehicles 16 feet or less or rated 8,000 pound gross vehicle weight or less, except for limited larger vehicles at a frequency typical of the principal residential use.
  7. All activity shall be conducted with an enclosed living area or the garage, except as required for state-licensed family child care homes.
  8. No equipment, machinery or operation shall be used in such activities that is perceptible off the premises because of noise, smoke, odor, dust, radiation, electrical interference or vibration.
  9. No home occupation shall produce on a regular or repeated basis quantities or types of refuse not customarily associated with a normal residential use in that zone district.
  10. Only up to 10 customer or patron visits per day shall be permitted and limited to between the hours of 7 a.m. and 7 p.m. There is no restriction on the number of customers or patrons visiting at any given time, so long as the total number of visits per day does not exceed 10 and all other specific and general accessory use criteria are met. All parking necessary for the use shall be confined to the garage, driveway or street directly in front of the dwelling.
  11. The operation of any wholesale or retail business is prohibited unless it is conducted entirely by mail or sales are transacted no more than once per week (i.e. Tupperware party). Incidental sales of products associated with a services shall be permitted (e.g. instructional books sold in conjunction with music lessons).
  12. Any person operating a home occupation shall obtain a home occupation permit from the Community Development Department, and submit any other local, state or federal government or agency licenses necessary for the proposed business. The Director shall either issue the permit or notify the applicant in writing as to why the permit does not meet these standards. The Director may condition the permit on any specific conditions necessary to ensure these standards are met and maintained.
  13. Permits shall be valid for up to 1 year, may be revoked at any time for non-compliance with these standards or conditions, and shall be void if the applicant ceases engaging in the home occupation or does not reside on the premises for more than 60 days.
  14. Specific home occupation conditions:
    - a. Garage sales are limited to no more than 4 per year and 3 days per event.
    - b. ~~Family Child Care Homes shall receive all required a state licenses. Family child care homes are carried on within a residence for compensation, providing care and supervision for children who are away from their homes any part of the day. They may be operated between the hours of 6 a.m. and 7 p.m. These homes are divided into the following two categories:~~
      - (1) ~~Exempt: Family child care homes that qualify for a State of Colorado licensure exemption according to Section 26-6-103, C.R.S. Exempt family child care homes shall not require a home occupation permit.~~

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~~(2) *Small:* Family child care homes limited to the full or part time care of not more than 6 children at one time, including those of the operator under the age of 12, and not more than 2 additional children, for before and after school care. Small family child care homes are allowed permitted to the general accessory use standards~~

~~(3) *Large:* Family child care homes limited to the full or part time care of 7 to 12 children at one time, including those of the operator under the age of 12. Large family child care homes shall require a Conditional Use Permit subject to the procedures and criteria in Section 2.07.~~

**eb.** Firearms sales shall submit with their license a statement verifying the following:

- (1) No firearms, ammunition, or accessories shall be sold or offered for sale on the premises.
- (2) The exchange of firearms shall only be conducted at gun shows, pursuant to all applicable firearms laws and regulations.
- (3) No firearms, ammunition, parts or supplies related to the home occupation shall be kept on the premises, except those kept for the private use of the permit holder and unrelated to the business.
- (4) No repair, service or gunsmithing shall be conducted.
- (5) In the event that federal or state law prohibits the exchange of firearms merchandise outside of the dwelling in which the home occupation is conducted, any permit for firearms sales shall become void.

15. Prohibited home occupations. The following shall not be allowed as home occupations:

- a. Animal and pet-related services, including a veterinarian, grooming, kennel or animal daycare;
- b. Bed and breakfast or boarding or rooming house;
- c. Clinics, hospitals, or residential care services
- d. Cosmetology services (barber shop or beauty parlor)
- e. Repair services related to automobiles, motorcycles, large household appliances or other large-scale machinery;
- f. Restaurants;
- g. Dispatching of more than 1 vehicle to and from the residential premises (i.e. towing services, repair service, taxis, etc.)

D. **Urban Agriculture.** Urban agriculture is permitted as an accessory use in all residential districts except R-2 and R-3, and in the O district, subject to the provisions of Section 6-4-900 of the Brighton Municipal Code.

E. **Outdoor Storage, Non-residential.** Accessory outdoor storage may be permitted in the non-residential districts subject to the following standards:

1. In the CO, C-1, C-2, C-3, DT, MU-NC, MU-CC, MU-E/RC and I-1 districts, the storage area shall be located behind the front building line of the principal building.
2. The storage area shall be fully screened from residential property or public spaces according to the standards and design requirement of Section 8.03, and no materials shall be stacked higher than the screening.
3. The storage area shall be located on the most remote section of the site or building as possible, but no closer than 30 feet to any street or right-of-way in any in all cases.
4. Storage areas shall be limited to:
  - a. No more than 200 square feet in the CO, C-1 or DT, and MU-NC districts.
  - b. No more than 30% of the building footprint in the C-2, C-3, MU-CC and MU-E/RC district.
  - c. No more than 100% of the building footprint in the I-1 district.
5. The storage area shall be paved per the requirements for parking lots, except a stabilized dust-free surface may be used in the I-1 district.

1. Group homes shall meet all of the residential design standards applicable in the particular district, and any alterations to support the group living shall be done in a discrete way in accordance with those standards.
2. No group home shall be located less than 750 from another existing group home, except that the Director may waive the is requirement if separated by a restricted access highway, community scale park or other large open space or barrier.

**B. Manufactured Homes.** In any district where a detached house is permitted, a manufactured home shall be permitted subject to the same restrictions, setbacks, use, and residential design standards, ~~including exterior cladding requirements,~~ as any other dwelling unit of similar density and use ~~for the same zone district.~~ ~~Using engineering calculations or tests, following commonly accepted engineering practices, all components and subsystems of manufactured homes must perform to meet health, safety and functional requirements to the same extent as required for other dwelling units of similar density and use by the applicable building and fire codes adopted by the City. This distinguishes manufactured homes as a construction technique rather than a building type. Manufactured homes in zone districts other than the MH zone district shall are subject to the following additional standards, except where permitted as part of a Manufactured or Small-Format Housing Community in the MH district.~~

1. ~~Minimum size shall be 24 feet in width and 900 square feet of floor space on the main level above grade.~~
21. ~~Must bBe installed on an engineer-designed permanent foundation with drawings engineered and stamped by a state-licensed engineer with no tongue, axle, or wheels attached to the unit.~~
32. ~~Must have brick, wood or cosmetically equivalent exterior siding that is compatible with the surrounding neighborhood. Pictures, samples and/or detailed description of intended exterior siding must accompany the building permit application. Be subject to the residential design standards and review process as applicable for non-manufactured homes.~~
43. ~~Evidence must Have documentation of the home's HUD certification be supplied to the City with the building permit application that the manufacturer has met or exceeds all minimum UBC, UPC, UMC and NEC standards for residential construction as per the currently adopted Municipal Code.~~
5. ~~All manufactured homes shall have a gable roof with a minimum pitch of 4 inches of vertical rise for every 12 inches of horizontal run. These gabled roofs must be engineered and built to withstand a snow load of 30 pounds per square foot, and the entire home must be able to withstand wind shears of 85 miles per hour.~~

**C. Lodging – Bed & Breakfast.** In districts where lodging – bed & breakfast is a permitted or conditional use, it shall meet the following standards.

1. The use is in or within ¼ mile of the downtown or other mixed-use center, such that guests may experience the convenience of nearby retail, office, entertainment and recreation amenities;
2. The owner or the applicant shall occupy a residence on the site and must demonstrate a sufficient ability for site maintenance and property management;
3. Guests must pay based on a daily rental rate, and must limit their stay to no more than 14 days;
4. There shall be no more than 5 guest rooms;
5. Meals may only be served to guests. No cooking facilities are allowed in the guest rooms.
6. One off-street parking space shall be provided per guest room, however shall be sited to meet all frontage design and site design standards applicable in the district.



**ARTICLE 5 – NEIGHBORHOOD DESIGN STANDARDS**  
5.02 RESIDENTIAL BUILDING TYPES

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

Zoning Districts		Building Types	Development Standards												
			Lot Standards		Minimum Setbacks [3]		Building Height								
A/R	A/E	RE	R-1	R-1A	R-1B	R-2		R-3	Size	Width [1]	Lot Open Space	Front	Interior Side	Corner Side [1]	Rear
■								35 ac. A/R	300' +	80% of lot	20'	20'	20'	20'	35' / 2.5 stories
■	■							20K s.f. +	80' +	60% of lot	15'	30'	30'	25'	35' / 2.5 stories
			■	■	■	■	■	7K s.f. +	65' +	1,200 s.f./unit	7'	15'	15'	25' [4]	35' / 2.5 stories
			■	■	■	■	■	5K s.f. +	40' +	800 s.f./unit	5'	10'	10'	25' [4]	35' / 2.5 stories
				■	■	■	■	3K s.f. +	25' +	400 s.f./unit	4'	8'	8'	25' [4]	35' / 2.5 stories
					■	■	■	7K s.f. +, 2 units max	65' +	600 s.f./unit	7'	20'	20'	25'	35' / 2.5 stories
						■	■	5K s.f. +, 2K s.f. per unit minimum 2-4 units	40' +	400 s.f./unit	5'	10'	10'	25' [4]	35' / 2.5 stories
						■	■	1.5K s.f. per unit minimum 3-8 units	18-36 per unit	200 s.f./unit	5' [2]	10'	10'	15' [4]	45' / 3 stories
						■	■	6K - 14K s.f. 3-12 units	50' - 100'	200 s.f./unit	5' [2]	10'	10'	15'	45' / 3 stories
						□	□	10K - 20K s.f. 13-40 units	80' - 200'	150 s.f./unit	5' [2]	10'	10'	20'	60' / 5 stories
						◆	◆	20K s.f. - 80K s.f. 500 s.f. per unit	150' - 300'	150 s.f./unit	10' [2]	10'	10'	20'	110' / 10 stories
						■	■	5K s.f. + 1K s.f. per unit	100' +	300 s.f./unit	20'	25'	25'	20'	45' / 3.5 stories
						■	■	20K s.f. +	150' - 300'	150 s.f./unit	10' [2]	10'	10'	20'	45' / 3 stories
■	■	■	■	■	■	■	■	See Residential Accessory Buildings in Section 5.02.E							
■	■	■	■	■	■	■	■	See Accessory Dwelling Units in Section 5.04.H							
■	■	■	■	■	■	■	■	See Non-residential Building Types in Table 6-2							
□	□	□	□	□	□	□	□	See Non-residential Building Types in Table 6-2							

■ Building types allowed

□ Building types allowed subject to the location criteria in Section 5.02.F.



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### 5.02 RESIDENTIAL BUILDING TYPES

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



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### 5.02 RESIDENTIAL BUILDING TYPES

4. *Exceptions.* The Director may approve exceptions to the frontage type standards where:
  - a. The specific standard is not practical due to the context and location of the lot or other similar physical conditions beyond the specific building and site not created by the landowner; or
  - b. An alternative design equally or better meets the design objectives of this section; or
  - c. In instances of infill development where clear pattern of existing buildings and lots on the same block and opposite block face present a different arrangement in terms of the front building line, driveway access patterns, and extent and placement of garages.
  - d. In all cases the deviation is the minimum necessary to address the circumstance and does not negatively impact other design standards applicable to the building or site.
  
- E. **Accessory Buildings - Residential.** Accessory buildings shall be permitted in association with and on the same lot as a principal building. Accessory buildings do not include accessory dwelling units (ADUs) and shall not be used for residential occupancy. The different types of accessory buildings outlined in this Section are not mutually exclusive, and are subject to the following additional limitations.
  1. *Generally.* All accessory buildings shall be at least 10 feet from the principal building, unless a lesser distance is specified by applicable building codes. Accessory buildings shall be clearly incidental and subordinate to the principal building or use, in terms of scale, location and orientation.
  2. *Small Sheds.* Accessory buildings 4200 square feet or less, and less than 12 feet tall, shall be limited to:
    - a. 1 per lot or 1 per each 5,000 square feet of lot, whichever is more; up to a maximum of 3;
    - b. Be located behind the front building line of the principal building.
  3. *Open Structures.* Unenclosed structures such as pergolas and gazebos not attached to the principal structure, 4200 square feet or less, and less than 12 feet tall, shall be limited to:
    - a. 1 per lot or 1 per each 5,000 square feet of lot, whichever is more; up to a maximum of 3;
    - b. Be located behind the front building line of the principal building.
  4. *Accessory Building - Residential.* In any residential district, accessory buildings over 4200 square feet shall meet the following:
    - a. No more than 1 per lot, except that the small apartment, medium apartment, large apartment, and garden apartment building types may have 1 per principal building.
    - b. Located behind the front building line.
    - c. Be at least 10 feet from the rear lot line, except that an accessory garage accessed from an alley may be set back 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.



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- (2) The roof peak or other top of structure shall not exceed 24 feet above finished floor for pitched roofs with a 6:12 pitch or greater and no more than 16 feet for flat or shed roofs below a 6:12 pitch.
- f. Maximum size of 800 square feet or 10% of the lot area, whichever is greater, but no more than 1,600 square feet. However, the lot shall maintain the required lot open space standards regardless of the permitted principal and accessory building allowances.
- g. Be constructed with materials, architectural details and style, and roof forms that are compatible with the principal building as described in Section 11.02 Glossary of Architecture & Design Terms.
- h. Accessory buildings may be attached to the principal building by an open-roofed structure, an enclosed breezeway, or other manner that ensures it is clearly a secondary and subordinate mass from the principal building.
- i. Accessory buildings shall not be located within an easement area.

45. *Detached Building – Agriculture.* Accessory buildings for agriculture purposes in the A/E, A/R and RE districts are permitted subject to the following:

- a. *Setback.* 30 feet, all sides.
- b. *Area.* 3,000 square feet maximum; 2,000 square feet RE.
- c. *Height.* 25', but 1' of additional height for each 2 feet of additional setback.
- d. *Number.* 1 per every 3 acres; up to 5 maximum.

56. *Detached Building – Civic Uses and Open Space.* Accessory buildings for permitted institutional uses or public and common open spaces are permitted subject to the following:

- a. *Setback.* 30 feet, all sides.
- b. *Area.* 5,000 square feet maximum.
- c. *Height.* 25', but 1' of additional height for each 2 feet of additional setback.
- d. *Number.* 1 per every 3 acres.

F. **Location Criteria for Limited Building Types.** Buildings indicated as limited by location criteria in Table 5-2, Residential District Building Type and Development Standards (□) are intended to permit a mix of housing options within neighborhoods, specifically the R-1-B, R-2, and R-3 zoning districts. The location of these building types should be strategic based on patterns in the area and proximity to other neighborhood amenities. Unless otherwise located according to an approved subdivision plan, these types shall only be permitted according to the location criteria in Table 5-6 and Figure 5-4.



window treatments are a better adaptable and user-controlled strategy than simply no windows at all.

- 4. Use windows and doors designed to create depth, texture and shadows on the facade - openings that have a deep recess (at least 3 inches); have projecting trim and casements (at least 1 inch off the facade and 4 inches wide); use multiple panes within openings; or have similar features, will break up facades and provide more visual interest.
- 5. Incorporate visually significant windows and doors (size, orientation, and ornamentation) as points of emphasis at key locations on the facade.

F. **Materials.** Building materials with texture and patterns create visual interest and signify quality construction and detailing. The following techniques should be used to achieve the Design Objectives of this section and the standards of Table 5-7, Building Design Standards:

- 1. Use natural materials such as painted or natural finish wood siding (horizontal lap, tongue –and-groove, board and batten or vertical), brick, stone, stucco, ceramic or terra cotta tile. Synthetic alternates to these natural materials may be used if manufacturer specifications and/or precedents for application demonstrate that it will perform equally or better than the principal materials in terms of maintenance, design and aesthetic goals.
- 2. Coordinate changes in color and materials in association changes in massing and modulation of the building.
- 3. Use changes in color or materials to differentiate the ground floor from upper floors and the main body of the building from the top or roof-structure, particularly on buildings 3 stories or more.
- 4. In multi-building projects, use subtle variations in building materials and colors on different buildings, within a consistent palette of materials and colors.

G. **Variations of Buildings.** All projects involving three or more buildings shall provide variations in the elevation from the two buildings on either side, and the three buildings on the opposite side, with at least two of the following:

- 1. Variations in the front entry features as indicated in 5.04.C.1;
- 2. Variations in the facade massing and composition, including modulation, window types and placement, materials and material changes, details and ornamentation, or placement of garages in association with Frontage Type standards in Section 5.02.D, to the extent that the buildings have a distinct appearance;
- 3. Variations of the roof forms considering the type of roof, orientation of gables, or use of dormers; or
- 4. Variations of the model with distinctively different floor plans that lead to different massing. Mirror images of the same model and floor plan shall not count.
- 5. In the case of multi-unit buildings:
  - a. For duplexes / multi-unit houses that are intended to mimic the scale and form of detached houses, a hierarchy of doors and entrances shall be used to create the appearance of a single building, and the variation shall apply between buildings.
  - b. For row houses and similar buildings that are clearly designed for multiple units, subtle variations in the materials and entry features that differentiate each unit shall also apply.

H. **Accessory Dwelling Unit (ADU) Design Standards.**

- 1. General Requirements.
  - a. ADUs shall comply with the accessory dwelling uses Section 4.03.B.1 of this code and, except where specifically required herein, are not subject to Sections 5.03 Lot Open Space Design or Sections 5.04.A through G Building Design.
  - b. ADUs are not Accessory Buildings nor subject to the requirements specific to Accessory Buildings – Residential in Section 5.02.
  - c. Required building setbacks for ADUs shall be the same as those applicable to the principal building except as otherwise allowed herein.

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ARTICLE 5 – NEIGHBORHOOD DESIGN STANDARDS

5.04 BUILDING DESIGN

- d. An ADU shall be clearly subordinate to the principal building in terms of scale, location, and orientation.
- e. An ADU shall have its own exterior entrance, except an attached or internal ADU may share an exterior entrance with the principal building or an accessory building provided that each unit has a secure entry door at a common hallway and the common hallway leads directly to the exterior of the building.
- f. The exterior entrance leading into an ADU or into a common hallway serving an ADU shall have an entry that relates the ADU to its access point on the lot.
- g. Exterior stairways leading to an ADU entrance shall not exceed 1 story in height.
- h. ADUs shall not exceed 2 stories or 35 feet in height.
- i. ADUs shall be affixed to a permanent engineer-designed foundation.

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2. A Detached ADU shall:

- a. Be limited to an above-grade living floor area not exceeding the above-grade living floor area of the principal building and shall not exceed 1200 square feet;
- b. If served by an alley, be accessed from the alley (the Director may allow access to the ADU from the side street on corner lots); and
- c. Have a minimum setback to the rear lot line of 10 feet, except if the ADU is attached to or within a detached garage accessed from an alley, then the minimum setback to the rear lot line shall be 5 feet.

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3. An ADU Addition to or Alteration Within an Existing Principal Building shall:

- a. When an addition to the principal building, be limited to an above-grade living floor area not exceeding the above-grade living floor area of the principal building and shall not exceed 1200 square feet;
- b. When internal to the principal building such as within a basement, be limited to the spatial constraints of the principal building;
- c. Comply with Section 5.04 of this code;
- d. Without applying a higher standard than that in place for the principal building, be designed to maintain the architectural design, appearance, and character of the principal building, including similar massing, scale, and story height; and
- e. Not decrease the overall window and door opening area of the building.

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4. An ADU Addition to or Alteration Within an Existing Accessory Building shall comply with the requirements for a detached ADU, and the overall building shall not exceed 2 stories or 35 feet in height.

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5. An ADU Built Attached to or Within a New-Construction Principal Building shall comply with the requirements applicable to the building as a whole, including providing the lot open space required for the building type as specified in Section 5.03 and the building design standards as specified in Section 5.04 of this code, and shall be limited to an above-grade living floor area not exceeding the above-grade living floor area of the principal building.

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6. An ADU Built Attached to or Within a New-Construction Accessory Building shall comply with the requirements for a detached ADU, and the accessory building shall comply with the requirements applicable to accessory buildings, including Section 5.02.E. In instances of conflict, the less restrictive requirement shall apply, though in no case shall the overall building exceed 2 stories or 35 feet in height.

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I. Exceptions. The Director may approve exceptions to the building design standards where:

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- 1. The requirement is not consistent with the particular architectural style of the building based on reputable resources documenting the style;
- 2. The requirement would make the building less compatible with designs or characteristics of other buildings or sites in the area; or
- 3. An alternative design equally or better meets the design objectives of this section.
- 4. In any case, the deviation is the minimum necessary to address the circumstance and does not negatively impact other design standards applicable to the building or site.

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



Conventional Pattern



Conservation Pattern

**Figure 5-11 Conservation Pattern**

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

## 5.07 Manufactured and Small Format Housing District

- A. **Intent.** The intent of this section is to provide smaller-format sized detached housing that includes manufactured, mobile, or other small format homes, within a neighborhood or community that includes common neighborhood amenities and promotes development patterns that are compatible with the surrounding community area. Small format homes may be tiny homes as defined by Colorado Revised Statute, modular homes, or conventional site-built homes in an MH zone district and are generally less than 1200 square feet in floor area, although are not restricted by this code to any minimum or maximum size.
- B. **Applicability.** Manufactured and small format home communities are permitted in the Manufactured and Small Format Housing District – MH, and implemented as allowed as a



## ARTICLE 5 – NEIGHBORHOOD DESIGN STANDARDS

### 5.07 MANUFACTURED & SMALL FORMAT HOUSING DISTRICT

planned development project according to Section 2.04. These standards shall not apply to: (1) mobile homes, trailers, park models, recreational vehicles, or similar temporary buildings units used as an interim structure a temporary place of business associated with an permitted and ongoing active construction project under valid permits; (2) interim or temporary housing strategies to address emergencies shelters designated by a governmental authority's declaration of emergency; or (3) detached houses that are assembled off-site and "manufactured," provided they meet all other standards of the applicable zoning district manufactured homes located in zone districts other than MH (see Section 4.04.B), Mobile homes are allowed only where legally operating prior to January 1, 2020 and are not allowed in new MH zone district developments or in new planned developments.

#### C. Development Standards.

1. *Project Size & Intensity:*
  - a. The minimum project area shall be at least 20 acres with a minimum frontage of 500 feet along an arterial street. Except, the Director may recommend a plan for as small as 3 acres and 100 feet of public street frontage if the plan demonstrates exceptional community design and layout for the common areas within the community, a high-quality and well-designed housing concept, and special attention to integrating and relating the project to surrounding areas.
  - b. The maximum project intensity shall be no more than a minimum of 2,000 square feet per dwelling unit, including any common areas and internal circulation systems supporting the community.
  - c. All structures, whether dwellings or accessory buildings, shall be setback at least 50 feet from any highway or arterial street and at least 30 feet from any other project boundary.
2. *Uses.* In addition to any uses enabled for the MH district in Table 4-2, projects may include the following specific uses:
  - a. Detached dwelling units consisting of modular manufactured homes, mobile homes in place prior to January 1, 2020, or other similar small format homes detached dwellings.
  - b. Accessory buildings and uses incidental to those listed above and which support the residential community, including offices, recreation buildings, storage areas, maintenance and utility facilities, or other community services.
3. *Height.* The maximum structure height is 35 feet.
4. *Home Sites.* Except as otherwise modified through a development plan that better meets the intent and design objectives of this section, all home sites shall meet the following:
  - a. The minimum area for an individual home site shall be 1,000 square feet, and all home sites shall front on a public street or private internal access street, or front on common space with street access at the rear of the home site.
  - b. Dwellings shall have the following minimum setbacks from the lot or home site boundary:
    - (1) *Front.* 18 feet from street edge, except home sites fronting on courtyards or other civic space of the Common Area plan may have dwellings located at the front lot line.
    - (2) *Side.* 5 feet; 10 feet on corner lots.
    - (3) *Rear.* 10 feet, except home sites backing to buffers, common open space or alleys may have a 5-foot rear setback.
    - (4) *Other.* All dwellings shall have at least 12 feet between other dwellings, or at least 30 feet between the dwelling and accessory building, except sheds or accessory structures serving the home site.
  - c. Each home site shall have a private patio, courtyard or similar outdoor amenity of at least 150 square feet. Any structure associated with this outside amenity may be located within 5 feet of the lot or home site boundary.
  - d. Each home site may have an accessory storage building up to 160 square feet, up to 8 feet tall. The accessory storage building shall be set back at least 50 feet



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from any public or internal street, or behind the dwelling unit. Accessory buildings shall be separated by at least 5 feet from any other structure.

- 5. Parking Standards: Each home site shall have at least one on-site or on-street parking space, or alternatively, a parking space may be in common lots within 300 feet of each dwelling units. The project as a whole shall include 1.5 spaces per each dwelling unit within the overall project to accommodate any overflow or visitor parking. Parking spaces on a home site shall be located to the side or rear of the dwelling. Home sites may include a carport, provided it remains open and unenclosed on at least 75% of the perimeter, is no taller than the dwelling unit, is no larger than 480 square feet, and in no case larger than the dwelling unit.

D. Common Areas. All common areas not dedicated as home sites according to the development standards in sub-section C, shall be designed as part of the public realm for the plan (See Section 2.04.B.3. Planned Development procedures, Subdivision Plan / Public Realm). This space shall be allocated to:

- 1. Internal vehicle circulation for the community, laid out to provide connectivity and continuity through the community and organize the project into blocks and lots so that all home sites and lots are served by streets. There shall be at least two entrance points from public streets for each project.
2. Open and Civic Space meeting one of the design types specified in Section 3.02 at a rate of at least 200 square feet per dwelling or 15% of the overall project, whichever is greater. All open and civic spaces shall be designed and located in a manner that ensures adequate accessibility for all units in the community.
3. At least one of these spaces shall include a clubhouse, which is centrally located, for recreation and meeting functions, laundry facilities, or other common amenities. The clubhouse shall be at 2,500 square feet, or 10 square feet per dwelling unit, whichever is greater.
4. Other internal circulation or open space such as walkways, landscape buffers or other site design amenities that improves the quality of the community and its relationship to surrounding areas. Pedestrian connections shall be accounted for on all streets or at greater intervals through a trail or path system.
5. A storm shelter shall be provided which may be included with the clubhouse.
6. A common storage and utility area shall be provided within the plan including at least 100 square feet per unit. This area may be used for storage of large equipment, recreational vehicles, maintenance or other utility functions for the community. This area shall be screened from the project and from surrounding property according to the buffer standards in Article 8.

E. Building Design.

- 1. All dwellings shall:
a. Have a front primary entry feature element, such as a porch, stoop, or outside patio relating the home site to the lot frontage or other common open space upon which the dwelling is located.
2. Parking spaces on a home site shall be located to the side or rear of the dwelling. Home sites may include a carport, provided it remains open and unenclosed on at least 75% of the perimeter, is no taller than the dwelling unit, is no larger than 480 square feet, but in no case larger than the dwelling unit.
3. Any mobile home dwellings shall:
ab. Be secured to the ground by tie-downs and ground anchors in accordance with Bear on structural members or a permanent foundation and be secured to the ground according to an engineer's design that meets the requirements of the current applicable building codes.
bc. When not installed on a continuous foundation, bBe skirted within 14 days after placement in the community by enclosing the open area under the unit with a

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5.07 MANUFACTURED & SMALL FORMAT HOUSING DISTRICT

material that is compatible with the exterior finish of the mobile home and consistent with the quality of development in the community.

- c. Be blocked at a maximum of 10-foot centers around the perimeter, and this blocking shall provide 16 inches bearing upon the stand. Have documentation of the home's HUD certification.
d. Be located on a hardan improved surface designed to prevent vegetation growthpad with a minimum of 18-inch concrete ribbons or slabs capable of carrying the weight and of sufficient length to support all blocking points, with a proper surface between to control weeds.

2. Manufactured homes shall have documentation of the home's HUD certification.

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F. Landscape and Parking Design. The standards of Articles 7 and 8 are generally applicable to MH district developments plans, except as otherwise required in this Section 5.07 modified through a development plan based on the approval procedures and criteria in Section 2.04.

G. Utilities and Services.

- 1. A sanitary sewer system shall be provided in the plan, and all waste and sewer lines discharging from buildings and home sites shall be connected, and the entire system shall be connected to the City sewer system. Utilities shall be provided to each home and shall comply with the City code requirements.
2. All service lines within the MH District shall be underground. Impact fees applicable to detached homes shall apply to each home.
3. Each home site or lot shall be provided with at least a 3-inch sewer connection, trapped below frost line, with the inlet of the line to be not less than 1 inch above the surface of the ground. The sewer connection shall be provided with suitable fittings so that a water-tight connection and proper vent can be made between the units drain and the sewer connection. Connections shall be constructed to be airtight when closed and not linked to a unit, and shall be capped immediately after being disconnected from a unit to maintain them in an odor-free condition.
4. The water supply shall be connected to all service buildings and all home sites. The entire system shall be connected to the City water system. All internal service lines shall be a minimum of 4.5 feet below finished grade. An individual water service connection, which is provided for the direct use by a home site, shall be constructed to prevent damage from placing housing units. Connections shall have individual valves below frost depth, with a valve box to grade.
5. All plumbing shall comply with the Uniform Plumbing Code and health regulations of the City, of the applicable county, and of the state. Water lines shall not be installed within 10 feet of any sewer line.
6. A water and sewer tap fee and plant investment fee must be paid for each home site or lot. The tap fees and plant investment fees shall be in accordance with the City ordinance at the date of application.
7. The storage, collection, and disposal of refuse shall be managed to avoid health hazards, rodent harborage, insect breeding areas, accident hazards, air pollution, or other conditions which may endanger the health, safety, or welfare of the community. Refuse collection containers shall be set on concrete pads.

H. Subdivisions. Each home site may be individually platted if:

- 1. All lots shall have public utility access as provided in Article 3, including public easements for access to each home site, and all other standards and criteria of the subdivision standards are met;
2. All dwellings are unsecured to a permanent foundation; and
3. There are covenants, and restrictions, and associations assuring that these provisions for the Development Standards, Common Areas, Building Design, and Utilities and Services, as demonstrated on an approved plan, will be maintained through a management entity or common association.



## ARTICLE 5 – NEIGHBORHOOD DESIGN STANDARDS

### 5.07 MANUFACTURED & SMALL FORMAT HOUSING DISTRICT

- I. **Mobile or Manufactured Home Park Legally Operating Prior to January 1, 2020.** Buildings constructed in mobile or manufactured 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~~**fifteen (15)** feet, including covered decks or patios.
    - d. The front of a home (entrance side) shall be a minimum of ~~eighteen~~**(15)** 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 home site boundaryspace 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 according to current applicable codes and regulations and shall not exceed one hundred (100) square feet in size.
    - d. Carports shall not exceed the height of the ~~mobile~~-home and must have a similar roof pitch.
  3. Accessory buildings. All accessory buildings shall meet the current applicable City building codes in addition to the requirements herein.
    - a. The minimum separation between an accessory building and a home shall be five (5) feet.
    - b. Storage buildings shall be setback from the curb fifty (50) feet. For shallow lots that are less than eighty (80) feet deep, the minimum setback for a storage building from the curb shall be thirty (30) feet.
    - c. Storage buildings shall not exceed seven (7) feet in height and one hundred (100) square feet in floor area.

## 5.08 Community Benefit Incentives

- A. **Design Objective.** Community Benefits Incentives have the following design objectives:
1. Ensure that housing for different stages of life are integrated into neighborhoods in a manner that provides the opportunity for aging populations to participate in activities of the broader community.
  2. Provide a wide variety of price points within neighborhoods such that entry-level and move-up housing options are available to meet housing needs, and neighborhoods are more resilient to changing demographic or economic conditions.
  3. Meet housing needs for populations earning below the median income.

- C. **Exceptions and Alternatives.** The Director may consider or require exceptions or alternatives to these standards where:
1. The Director determines that the standards when applied to a particular project or street, will adversely impact the function of the transportation network in the vicinity of the site;
  2. A specific access management study or plan for a portion of the City or street segment has altered application of these standards; or
  3. The context of the project warrants a different access design when considering the functional class of the street, the streetscape design on the particular block, and existing and anticipated adjacent land uses.

Exceptions or alternatives shall be evaluated balancing the streetscape design objectives and traffic conditions of a particular street segment and may approved if the intent of this article is equally or better met by the alternative.

### 7.03 Required Parking

- A. **Vehicle Parking Rates.** Table 7-3: Required Parking provides minimum parking requirements and general categories apply to all similar uses not specifically listed. Where a use is not similar to a general use in the table or could meet more than one category, the Director shall determine the appropriate classification based on industry guides and the most similar use in terms of scale, format and operation. The following criteria shall be used in interpreting the table:

1. Employee rates shall consider maximum number of employees likely to be on-site at one time.
2. Square footage rates shall consider leasable floor area or active area dedicated to the particular use. Where this number is not easily or readily determined, 85% of gross floor area may be used.
3. A seating or capacity rate shall consider total number of seats based on industry standards for typical layouts of buildings or building codes.
4. Where uses or sites have components of different uses (i.e. hotel with a restaurant), each component shall be calculated under most applicable rate.

Table 7-3: Required Parking	
Use Category / Specific Use	Minimum Parking Rate
<b>Residential</b>	
Accessory Dwelling Unit (ADU)	40 / unit. See Section 4.03.B.1 for exceptions.
Dwellings ( <del>d</del> Detached, <del>a</del> ttachedDuplex/Multi-Unit, <del>r</del> ow <del>h</del> ouse, <del>m</del> anufactured)	2 / unit (See Section 5.07 for MH zone district parking requirements)
Dwellings ( <del>m</del> ultiple or <del>m</del> ixed <del>A</del> partment)	2 / unit (Studio / 1 bedroom)
	2.5 / unit (2 bedroom)
	2.75 / unit (3 bedroom)
	3 / unit (4 + bedroom)
Senior Living ( <del>i</del> ndependent)	Director may administratively approve 0.5 / unit for micro units ( $\geq$ 400 s.f.)
Senior Living ( <del>a</del> ssisted or <del>n</del> ursing)	Same as Dwellings ( <del>d</del> Detached, <del>a</del> ttachedDuplex/Multi-Unit, <del>r</del> ow <del>h</del> ouse, <del>m</del> anufactured)
	1 / 4 beds + 1 per employee
	<u>As required for the dwelling plus as required for the square footage area for commercial/occupational use</u>
Group Home ( <del>a</del> ssisted)	Same as Dwellings ( <del>d</del> Detached, <del>a</del> ttachedDuplex/Multi-Unit, <del>r</del> ow <del>h</del> ouse, <del>m</del> anufactured)
Group Home ( <del>p</del> rotective or <del>r</del> ehabilitative)	1 / 1 bed + 1 per employee

<b>Table 7-3: Required Parking</b>	
<b>Use Category / Specific Use</b>	<b>Minimum Parking Rate</b>
<i>Group Home (emergency shelter)</i>	1 / 8 beds + 1 per employee
<b>Public / Civic</b>	
<i>Assembly</i>	1 / 3 seats
<i>Public Safety / Services</i>	1 / 400 s.f.
<i>Library</i>	1 / 600 s.f.
<i>Museum</i>	1 / 1,000 s.f.
<i>School</i>	2 / class (elementary or junior) 1 / 4 students + 1 / employee (senior or higher education) OR 1 / 4 seats of all auditorium or event space, whichever is greater
<b>Commercial</b>	
<i>Retail – Small (1.5K – 4K)</i>	1 / 500 s.f.
<i>Retail – General (4K – 10K)</i>	1 / 300 s.f.
<i>Retail – Medium (10K – 50K)</i>	1 / 200 s.f.
<i>Retail – Large (50K – 100K)</i>	1 / 200 s.f.
<i>Retail – Warehouse (100K+)</i>	1 / 250 s.f.
<i>Grocery Store</i>	1 / 200 s.f.
<i>Lodging - B&amp;B</i>	1 / guest room + 1 for operator or owner
<i>Lodging - Hotel / Motel</i>	1 / guest room + 0.5 / 100 s.f. of restaurant + 0.5 / 4 seats of meeting space
<i>Medical Care</i>	1 / 200 for all general office and service areas + 1 / bed (admittance permitted)
<i>Office &amp; Services</i>	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)
<i>Restaurant, bar or night club</i>	1 / 100 s.f.
<i>Health and Fitness Center</i>	1 / 100 s.f.
<i>Recreation and Entertainment</i>	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
<b>Industrial</b>	
<i>Manufacturing</i>	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
<i>Warehousing</i>	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.)
<b>Agriculture</b>	
<i>.All uses</i>	Use combination of residential, public/civic commercial and industrial rates based on type and general nature of agriculture activities.

- B. **Maximum Parking.** No non-residential use shall provide more than 150% of the minimum required parking, including all eligible reductions in 7.03.C., without documented evidence of actual parking demand based on studies of similar uses in similar contexts. In addition, any parking permitted over 125% of the minimum shall require mitigating potential impacts of additional parking through one or more of the following strategies:



## Article 11. Definitions & Terms

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

### Section 11.01 Description of Uses

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

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

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

#### A. Residential Dwelling

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

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

*Duplex / Multi-unit House.* A residential building designed to accommodate 2 to 4 primary dwelling units in an urban neighborhood or suburban setting. Duplex units that share a single common wall may be on a single lot, or it may be platted as separate lots along the common wall line subject to platting restrictions. All other Duplex or Multi-unit Houses shall be on a single lot.

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



## ARTICLE 11 – DEFINITIONS & TERMS

### 11.01 DESCRIPTION OF USES

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

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

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

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

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

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

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

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

*Group Home – Assisted Living.* A residence in a residential building that is operated to provide supervision and other services for 4 to 8 individuals who are developmentally disabled (as defined in Section 31-23-303, C.R.S.), mentally ill or 60 years of age or older or persons with handicaps as defined by 42 U.S.C § 3601 and Section 24-34-103(4), C.R.S., and who are not related to the owner of the residence by blood, marriage or adoption. A foster care home with more than four foster children is also considered a group home. Except as specifically provided by this Code, a group home shall not house



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

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

*Accessory Dwelling Unit (ADU)*. An additional and subordinate dwelling unit located within, attached to, or detached from and on the same lot as a principal residential building.

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

*Affordable Housing*. A dwelling unit or units with a restricted sales price or rental rate and for which requirements for receiving fee reductions, subsidies, or other incentives are defined in the CityBrighton Municipal Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Dwelling Unit.* A structure with one or more joined rooms used by a family for residential occupancy that provides living, sleeping, cooking, eating, and sanitary facilities.

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

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

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

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

*Family.* One or more persons living in a single dwelling unit; also referred to as a household. An individual or 2 or more persons related by blood, marriage or legal adoption or a group of not more than 4 persons who are not related by blood, marriage or legal adoption, living together in a dwelling unit.

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

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

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

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

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

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



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**Hazard areas.** All areas that are or that may become hazardous due to environmental conditions. The hazards include, but are not limited to, the following: wildfire, avalanche, landslide, rock fall, mud flow and debris fan, unstable or potentially unstable slopes, seismic effects, radioactivity, ground subsidence and expansive soil and rock.

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

**Homeowners' association .** An association of homeowners within a residential area created to govern the area with powers including but not limited to: the setting and collection of expense assessments from the members of the association, the control and maintenance of common areas and the enforcement of protective covenants.

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

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

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

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

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

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

~~**Manufactured hHome.** A factory-built, structure that is moveable dwelling unit manufactured on a permanent chassis and certified under the authority of 42 U.S.C. § 5401, the U.S. Department of Housing and Urban Development's "National Manufactured Home Construction and Safety Standards Act, of 1974," in compliance with Section 31-23-301, C.R.S., and is A manufactured home may contain transportable in one or more sections, is not self-propelled, may have a permanent or removeable tongue and/or axle, and is may be attached to built on a permanent foundation. A manufactured home is different than neither a mobile home nor a modular home, nor is it a recreational vehicle. It is not constructed with a permanent hitch, nor does it have wheels or axles permanently attached to its body or frame. For flood plain management purposes, the term manufactured home also includes park trailers, travel trailers and other similar vehicles placed on a site for more than 180 consecutive days. For insurance purposes, the term manufactured home does not include park trailers, travel trailers and other similar vehicles. A manufactured home: (1) Is partially or entirely manufactured in a factory; (2) Is installed on an engineered permanent foundation; (3) Is certified pursuant to the "National Manufactured Construction and Safety Standards Act of 1974," 42 U.S.C. § 5401, et seq., as amended. Manufactured housing is sometimes referred to as a modular home~~



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

Mobile Home. A factory-built, moveable dwelling unit manufactured on a permanent chassis with permanent or removeable tongue and/or axle, not self-propelled, and manufactured prior to enactment of the U.S. Department of Housing and Urban Development's National Manufactured Home Construction and Safety Standards Act.

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Modular hHome. A partially or fully prefabricated livingdwelling unit designed to become a permanent building, which that is built according to and certified as complying with meets the building standards of the latest adopted building codes of the State of Colorado and/or the City of Brighton. (See Manufactured home)A modular home is neither a manufactured home nor a mobile home.

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

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

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

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

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

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

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

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

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

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

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

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

### Sec. 13-4-91. Accessory Dwelling Units (ADUs).

- (a) An accessory dwelling unit (ADU) may be serviced off the primary dwelling unit's water tap provided that: ~~the ADU is detached from the primary dwelling; any lot containing a primary dwelling unit and an ADU may not be subdivided; and~~ a professional engineer or licensed plumbing contractor has provided a stamped signed utility memo to the building department using standards found in the most recently adopted ~~International~~applicable ~~Plumbing C~~code, showing a calculation that the new ADU fixtures can be accommodated with the existing water tap.
- (b) If the calculation using the applicable plumbing code shows an increased demand that is greater than the existing tap and meter can handle, the applicant has the following options:
  - (1) Upsize the existing tap, service line, meter, and pay all associated fees under the single-family detached designation; or
  - (2) Install a new tap, service line, meter, and pay all associated fees under the single-family detached designation.
- (c) In the event an ADU requires increased demand as specified in Subsection (b) of this Section, the applicant shall pay the applicable fee-in-lieu amount.