

ORDINANCE NO. 2462
INTRODUCED BY: Padilla

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN AMENDMENT TO CERTAIN ARTICLES OF THE LAND USE AND DEVELOPMENT CODE RELATING TO PUBLIC LAND AND MISSING MIDDLE HOUSING

WHEREAS, the *Land Use & Development Code* (the "LUDC") contains certain provisions related to land use, zoning, design standards, and the process for applications; and

WHEREAS, in order to support the allowance and expansion of existing civic uses and to allow flexibility for the development of duplexes and multi-unit houses, certain amendments to the LUDC are necessary; and

WHEREAS, the Planning Commission conducted a public hearing on October 24, 2024, to review and consider the code amendments pursuant to the applicable criteria set forth in 2.10(B) of the LUDC, and provided a recommendation of approval to the City Council; and

WHEREAS, the City Council opened a public hearing on November 19, 2024, where it conducted its review and considered the proposed code amendments pursuant to the applicable provisions and criteria set forth in Section 2.10 (B) 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 City Council public hearing; and

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

WHEREAS, the City Council has reviewed the proposed amendments to the Land Use and Development Code and finds that these amendments are consistent with the objectives of the code, align with the policies of the Comprehensive Plan, promote the public health, safety, and welfare of Brighton residents, and enhance the efficiency of administering the Land Use and Development Code.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Brighton, Colorado, as follows:

Section 1. Table 4-2 is hereby amended as follows:

Table 4-2: Zoning Districts & Uses

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

Table 4-2: Zoning Districts & Uses

P Permitted subject to general district building and site design standards. C Conditional use, subject to discretionary review process in 2.07. blank use not allowed	Residential Districts									Mixed-use Districts				Commercial Districts					Industrial Districts		Special Purpose & Overlay Districts					
	A/R	AE	RE	R1	R1A	R1B	R2	R3	MH	DT	MU-NC	MU-CC	MU-REC	CO	C1	C2	C3	BP	I1	I2	S4CR	S4GW	ME	FC	PL	OPEN
Cemetery and Columbarium																									C	C
Morgue										C			P				C	C	P	P					P	
Transportation – Bus Station										C		C	P				P	P	P	P					P	
Transportation – Commuter Rail Station										P		C	P			C	P	P	P	P					P	C
Transportation – Light Rail Station										P		P	P	C	C	P	P	P	P	P					P	C
Transportation – Airport, heliport / helipad													C					C	C	C				C	C	C
Transportation – Public Parking										C	C	C	C	C	C	P	P	P	P	P			C	C	P	
Park and Open Space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public Lands	P	P											C										P	P	P	P
Power Plant													C						C	P					C	
Public Utility Facilities												C	C				C	C	P	P			C	C	P	
Public Utility Storage Yard / Service Station																		C	P	P			C	C	P	
Water and/or Wastewater Treatment Plant																		C	C	C					P	
Commercial Uses																										
Retail – Micro (under 1.5K)							C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P				
Retail – Small (1.5K – 4K)										P	P	P	P	C	P	P	P	P	P	P	P	P				
Retail – General (4K – 10K)										P	C	P	P		P	P	P		C		C	C				
Retail – Medium (10K – 50K)										C		C	P			P	P									
Retail – Large (50K – 100K)										C		C	P			C	P									
Retail – Warehouse (100K+)													P				P									
Animal Care - Limited										P	P	P	P		P	P	P	P	P	P		P	C	C	P	
Animal Care - General												C	P			P	P	P	P	P			C	C	P	
Animal Care – Large	C	C											C				C	C		C			C	C	C	
Day Care – Center										P	P	P	P	C	P	P	P	P			C	C			P	
Grocery – Market (under 10K)										P	P	P	P		P	P	P	P								
Grocery – Small (10K – 35K)										C	C	P	P		C	P	P	C								
Grocery – General (35K – 90K)												P	P			P	P	C								
Grocery – Large (90K +)													P				P									
Lodging – Bed & Breakfast (2-5 rooms)	C	C	C				C	C		P	P	P	P	P	P	P	P				P	P				
Lodging – Inn (6 -30 rooms)										P	P	P	P			P	P	P				P				
Lodging – Hotel / Motel Small (31-100 rooms)										P		P	P			P	P	P								

Table 4-2: Zoning Districts & Uses

P Permitted subject to general district building and site design standards. C Conditional use, subject to discretionary review process in 2.07. blank use not allowed	Residential Districts									Mixed-use Districts				Commercial Districts					Industrial Districts		Special Purpose & Overlay Districts					
	A/R	AE	RE	R1	R1A	R1B	R2	R3	MH	DT	MU-NC	MU-CC	MU-R/EC	CO	C1	C2	C3	BP	I1	I2	S4CR	S4GW	ME	FC	PL	OPEN
Lodging – Hotel / Motel Large (101+ rooms)										C			P				P	C								
Medical Care – Small (under 10K)										P	P	P	P	P	P	P	P	P	P		P	P			P	
Medical Care – General (10K – 40K)										C		C	P	C	C	P	P	P							P	
Medical Care – Large (40K-100K)												C	P				P	P							P	
Medical Care – Campus / Complex (100K+)													P				P	P							P	
Medical Care – Rehabilitation Clinic										C		C	C			C	C	C	C							
Office – Small (under 10 K)							C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P			P	
Office – General (10 – 50K)										P	C	P	P	C	C	P	P	P	P	P					P	
Office – Large (50-100K)										C		P	P			P	P	P							P	
Office – Complex/Campus (100K+)													P				P	P							P	
Outdoor Sales - Limited												C	P			C	P	C	P	P						
Outdoor Sales – General													P				P	C								
Outdoor Sales - Large													C				C		P	P						
Recreation and Entertainment – Indoor, Limited										P	P	P	P	P	P	P	P	P	P	P		P			P	
Recreation and Entertainment – Indoor, General										P		P	P			P	P		P	P					P	
Recreation and Entertainment – Indoor, Large										C			P				P		P	C					P	
Recreation and Entertainment – Outdoor, Limited										C	C	P	P		C	P	P	C	P	P			P	P	P	P
Recreation and Entertainment – Outdoor, General												C	P			C	P	C	P	P			C	C	C	C
Recreation and Entertainment – Outdoor, Large													C				C			C				C	C	C
Recreation and Entertainment – Campground	C	C											P										C	C	C	C
Restaurant – Small (under 3K)							C	C	C	P	P	P	P		P	P	P	P	P			P				
Restaurant – General (3K-5K)										P	P	P	P		C	P	P	C	P			P				
Restaurant – Large (5K+)										C		P	P			P	P									
Restaurant – Bar										C	C	P	P		C	C	C	C								
Service – Small (under 3K)							C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P			P	
Service – General (3K – 10K)										P		P	P			P	P	P	P						P	
Service – Large (10K +)										C		C	P				P								P	
Vehicle – Gas Station, Small (up to 8 pumps)										P	P	P	P		P	P	P	P	P	P		P				
Vehicle – Gas Station, General (up to 16 pumps)										C		C	P			P	P	P	P	P						

Table 4-2: Zoning Districts & Uses

[illegible]

Table 4-2: Zoning Districts & Uses

P Permitted subject to general district building and site design standards. C Conditional use, subject to discretionary review process in 2.07. blank use not allowed	Residential Districts									Mixed-use Districts				Commercial Districts					Industrial Districts		Special Purpose & Overlay Districts					
	A/R	AE	RE	R1	R1A	R1B	R2	R3	MH	DT	MU-NC	MU-CC	MU-REC	CO	C1	C2	C3	BP	I1	I2	S4CR	S4GW	ME	FC	PL	OPEN
Agri-tourism	P	P																							P	
Roadside Stands	P	P	P																				P	P	P	P
Farmers Market	P	P	P							P		P	P			P	P	P	P	P			P	P	P	P
Farming – Small/Limited	P	P	P																				P	P	P	
Farming - General	P	P	C																				C	C	P	
Farming – Large / Industrial	C	C																		C				C		
Fish Hatchery																			P	P			C	C	C	
Nursery – Greenhouse, Small	P	P								C		C	P			C	P		P	P						
Nursery – Greenhouse, Large	P	P										P					P		P	P						
Animal Care – Animal hospital, livestock	C	C																	P	P						
Grain Elevator	P	P																	P	P				C		
Wireless Communication Facility (See 10.04)																										
Roof and Wall Mounted WCF								C		C	P	P	P	P	P	P	P	P	P	P			P	P	P	P
Small Cell WCF & Alt. Tower Structure in ROW	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Alternative Tower Structure not within ROW								C		C	C	P	P	C	C	P	P	P	P	P			P	P	P	P
Tower												C	C			C	C	C	C	C			C	C	C	C

Section 2. Section 4.03(K) is hereby enacted as follows:

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

Section 3. Section 4.05(B) is hereby amended as follows:

1. *Intent.* The Open Space district is intended to preserve public and private open space. It ensures that a wide range of open and civic spaces are integrated into the development patterns of the City, appropriate to the context or inherent natural features of the area.
2. *Applicability.* The Open Space district is a special purpose district for areas designated on the official zoning map and typically applies to public, common or private lands designed to be used as open or civic space.
3. *Uses.* The Open Space district preserves open spaces and the uses designated in Table 4-2 shall control in the O district. Also note that all parks and open spaces are allowed in all districts, and it is not necessary to be in the O district to develop portions of the Open and Civic Space system.
4. *Development Standards.* The Open Space district is intended for development of public, common, private open, or civic spaces. Development should occur according to the design types specified in Section 3.02. The O district may include buildings or structures, only to the extent they support the essential function of the open spaces. In these cases, all buildings shall follow the non-residential building and design standards.

Section 4. Section 4.05(E) is hereby amended as follows:

1. *Intent.* The Public Lands district is intended to provide public and semi-public facilities and uses in convenient locations to serve the surrounding areas.
2. *Applicability.* The Public Lands district is a special purpose district for areas designated on the official zoning map.

3. *Uses.* The Public Lands district is specifically intended to promote necessary public services in close proximity to the lands, uses and buildings they support. Table 4-2 presents permitted uses, provided they are implemented with the applicable site and building design standards.

Section 5. Section 4.05(E)(4) is hereby removed.

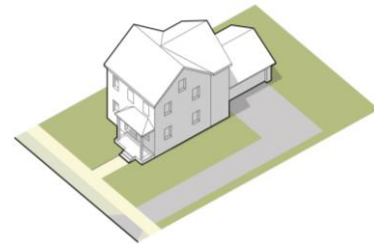
Section 6. Table 5-1 is hereby amended as follows:

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 multiple dwelling units in an urban neighborhood or suburban setting. Unit configurations for Duplex – Suburban or Duplex / Multi-unit House may include “up/down,” “side-by-side,” “front/back,” or variation based on context and frontage design. Homes may also be designed to have the scale and massing of a single detached house divided into multiple units.

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



Row House

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



Small Apartment

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

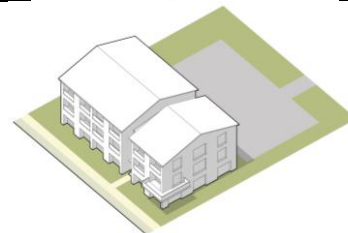
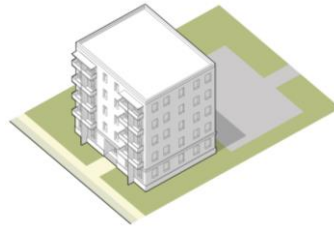


Table 5-1: Residential Building Types Descriptions

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.



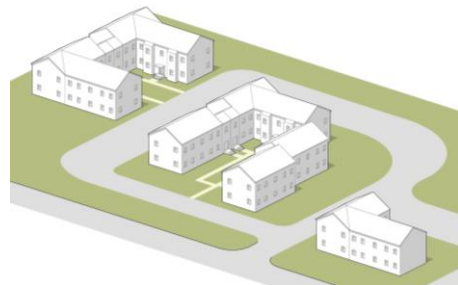
Large Apartment

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.



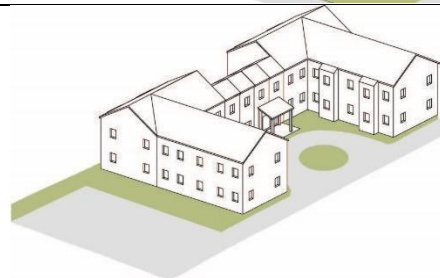
Garden Apartment

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 7. Section 5.02(E)(4)(j) is hereby removed.

Section 8. Section 5.09(D)(1) is hereby amended as follows:

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 standards in Section 4.03 K.

Section 9. The following description in Section 11.01 (A) is hereby amended as follows:

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.

Section 10. The following descriptions in Section 11.01 (B) are hereby amended as follows:

Assembly – Small (under 250 occupants). A place of public assembly designed and located to serve immediately adjacent uses or be accessory to other uses and typically designed for less than 250 people.

Assembly – Neighborhood (251-750 occupants). Places of public assembly designed and located to serve community or civic needs for residents of nearby neighborhood(s) and typically designed for between 251 and 750 people.

Assembly – Community (751-1,500 occupants). Places of public assembly designed and located to serve community or civic needs of a broad vicinity and typically designed for 751 – 1,500 people.

Assembly – Regional / Convention Center (1,501+ occupants). Places of public assembly designed and located to serve community or civic needs of the city or region and typically designed for more than 1,500 people.

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

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

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

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

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

Section 11. The following description is hereby enacted under Section 11.01(C):

Marijuana Store. As defined in the Brighton Municipal Code.

Section 12. The following description in Section 11.01(D) is hereby amended as follows:

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

Section 13. Findings. The City Council finds determines that the amendments set forth herein: (i) further the purpose of the LUDC; (ii) are in accordance with the Comprehensive Plan and have been considered for both their long-range effects and immediate impacts; (iii) promote the public safety, health, and general welfare of the community of the City of Brighton; and (iv) improve the effectiveness and efficiency of administering the LUDC.

Section 14. As provided in City Charter Section 5.9(A), this Ordinance, either as presented or as amended, shall be published in full as it was adopted after the initial reading. This Ordinance shall be in full force and effect five days after its final publication, as provided in City Charter Section 5.8.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED, THIS
19th DAY OF NOVEMBER 2024.

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY TITLE
ONLY ON THIS 17th DAY OF DECEMBER 2024.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

Published in the *Brighton Standard Blade*

First Publication: December 5, 2024

Final Publication: January 2, 2025

APPROVED AS TO FORM

YASMINA GIBBONS, Deputy City Attorney