Centennial

Land Development Code

Adopted April 19, 2010

CONTENTS

Article 1 Title, Purpose, Authority, Jurisdiction, Applicability, Pending Applications, Private Restrictions, Interpretation, and Severability 1
Division 1-1 Title, Purpose, Authority and Jurisdiction 1
Sec. 0-1-101 Title 1
Sec. 0-1-102 Purposes, Generally 1
Sec. 0-1-103 Authority 2
Sec. 0-1-104 Jurisdiction 2
Division 1-2 Transitional Provisions 2
Sec. 0-1-201 Group Homes 2
Sec. 0-1-202 Drive-In and Drive-Through Restaurants 2
Sec. 0-1-203 Convenience Stores and Gasoline Stations 3
Sec. 0-1-204 Vehicle Wash Facilities 4
Sec. 0-1-205 Self-Storage Facilities 4
Division 1-3 Applicability; Vested Rights; Effect on Private Restrictions 5
Sec. 0-1-301 Applicability 5
Sec. 0-1-302 Pending Applications 5
Sec. 0-1-303 Effect on Private Restrictions 5
Division 1-4 Interpretation and Severability 6
Sec. 0-1-401 Interpretation 6
Sec. 0-1-402 Severability 6
Article 2 Districts and Use Standards 9
Division 2-1 Purpose and Application of Article 9
Sec. 0-2-101 Purpose of Article 9
Sec. 0-2-102 Application of Article 10
Division 2-2 Establishment of Zoning Districts 12
Sec. 0-2-201 Zoning Districts Established 12
Sec. 0-2-202 Existing Planned Unit Developments 14
Sec. 0-2-203 Official Zoning Map 15
Sec. 0-2-204 Interpreting the Official Zoning Map 15
Sec. 0-2-205 Undesignated or Annexed Land 16

Division 2-3 Land Use 16
Sec. 0-2-301 Use Tables 16
Sec. 0-2-302 Residential, Home, and Institutional Uses 18
Sec. 0-2-303 Commercial, Recreation, and Amusement Uses 19
Sec. 0-2-304 Industrial, Agricultural, and Special Uses 20
Sec. 0-2-305 Wireless Telecommunications Facilities 20
Sec. 0-2-306 Temporary Uses 22
Sec. 0-2-307 Prohibited Uses in All Districts 22
Sec. 0-2-308 Unlisted Uses 22
Division 2-4 Limited and Conditional Use Standards 24
Sec. 0-2-401 Residential Limited and Conditional Use Standards 24
Sec. 0-2-402 Group Home Standards 26
Sec. 0-2-403 Residential Neighborhood Limited and Conditional Use Standards 30
Sec. 0-2-404 Home-Based Business Standards 31
Sec. 0-2-405 Family Child Care Homes 33
Sec. 0-2-406 Respite Care Homes 34
Sec. 0-2-407 Institutional Limited and Conditional Use Standards 35
Sec. 0-2-408 Commercial Uses 40
Sec. 0-2-409 Recreation and Amusement Uses 47
Sec. 0-2-410 Sexually Oriented Businesses 49
Sec. 0-2-411 Disposal 53
Sec. 0-2-412 Waste Transfer Stations and Recycling Centers 55
Sec. 0-2-413 Extraction 60
Sec. 0-2-414 Heavy Industry 62
Sec. 0-2-415 Light Industry 63
Sec. 0-2-416 Salvage and Composting 64
Sec. 0-2-417 Utilities 65
Sec. 0-2-418 Commercial Warehousing and Logistics 66
Sec. 0-2-419 Storage Yard 66
Sec. 0-2-420 Agriculture 67
Sec. 0-2-421 Airports 68
Sec. 0-2-422 Helistop 68

Sec. 0-2-423 Parking (Stand Alone Lot) and Multimodal Transit Facilities 69
Sec. 0-2-424 Self-Storage Facilities 70
Sec. 0-2-425 Wireless Telecommunications Facilities 72
Division 2-5 Temporary Uses 75
Sec. 0-2-501 Commercial Events 75
Sec. 0-2-502 Community and Neighborhood Events 77
Sec. 0-2-503 Temporary Construction, Storage, and Refuse Collection Uses 79
Article 3 Development Standards 83
Division 3-1 Purpose and Application of Article 83
Sec. 0-3-101 Purpose of Article 83
Sec. 0-3-102 Application of Article 84
Division 3-2 Calculation of Height and Bulk Requirements 86
Sec. 0-3-201 Lot Area 86
Sec. 0-3-202 Setbacks 86
Sec. 0-3-203 Lot Width 88
Sec. 0-3-204 Height 89
Sec. 0-3-205 Building Coverage and Building Coverage Ratio 91
Sec. 0-3-206 Open Space Ratio and Landscape Surface Ratio 92
Sec. 0-3-207 Density 92
Division 3-3 Neighborhood Conservation and Neighborhood Infill Development Standards 93
Sec. 0-3-301 General Standards for Single-Family Homes 93
Sec. 0-3-302 Alternative Setback Standards for Single-Family Homes 94
Sec. 0-3-303 General Standards for Attached Single-Family Homes 101
Sec. 0-3-304 Alternative Standards for Attached Single-Family Homes 102
Division 3-4 Residential Neighborhood Development Standards 106
Sec. 0-3-401 Residential Neighborhood Development Standards 106
Sec. 0-3-402 Lot Variability 107
Sec. 0-3-403 Mix of Housing Types 108
Sec. 0-3-404 Alternative Standards for Condominium and Alternative Land Ownership Patterns 109
Division 3-5 Housing Palette 109
Sec. 0-3-501 Single-Family and Single-Family Cluster 109

Sec. 0-3-502 Lot Line House 111
Sec 0-3-503 Patio House 112
Sec. 0-3-504 Duplex 114
Sec. 0-3-505 Townhouse and Weak Link Townhouse 115
Sec. 0-3-506 Roof Deck Townhouse and Duplex Townhouse 117
Sec. 0-3-507 Multiplex and Multifamily 118
Sec. 0-3-508 Cottages 119
Sec. 0-3-509 Manufactured Homes 120
Division 3-6 Supplemental Residential Development Standards 121
Sec. 0-3-601 Exceptions to Residential Setback Standards 121
Sec. 0-3-602 Fences, Garden Walls, and Hedges 124
Sec. 0-3-603 Accessory Buildings and Structures 126
Sec. 0-3-604 Decks, Balconies, Patios, and Porches 129
Sec. 0-3-605 Swimming Pools and Spas 130
Sec. 0-3-606 Satellite Dishes and Antennae 130
Sec. 0-3-607 Renewable Energy Systems 132
Sec. 0-3-608 Refuse Containers 134
Sec. 0-3-609 Motor Vehicle and Boat Parking and Storage 135
Sec. 0-3-610 Accessory Dwelling Units 136
Division 3-7 Nonresidential and Mixed-Use Development Standards 137
Sec. 0-3-701 Nonresidential and Mixed-Use Development Standards 137
Sec. 0-3-702 Required Setbacks for Nonresidential and Mixed-Use Development 138
Sec. 0-3-703 Nonresidential Scale Standards 140
Division 3-8 Supplemental Nonresidential and Mixed-Use Development Standards 141
Sec. 0-3-801 Exceptions to Setback Standards 141
Sec. 0-3-802 Fences, Garden Walls, and Hedges 144
Sec. 0-3-803 Accessory Buildings and Structures 145
Sec. 0-3-804 Renewable Energy Systems 147
Sec. 0-3-805 Outdoor Storage 149
Sec. 0-3-806 Outdoor Display of Merchandise 150
Sec. 0-3-807 Loading, Truck Access, and Solid Waste Collection 151
Sec. 0-3-808 Community Recycling Bins 153

Sec. 0-3-809 Vending and Reverse Vending Machines 154
Division 3-9 Airport Influence Area 154
Sec. 0-3-901 Purpose and Intent 154
Sec. 0-3-902 Airport Influence Areas Established 155
Sec. 0-3-903 Interference with Airport Operations Prohibited 156
Sec. 0-3-904 Airport Influence Area Restrictions 156
Sec. 0-3-905 Disclosure and Annotation Requirements 157
Sec. 0-3-906 Centennial Airport Restrictions 158
Sec. 0-3-907 Buckley Air Force Base 159
Sec. 0-3-908 Interpretation and Disclaimer 160
Article 4 Form and Design Standards 163
Division 4-1 Purpose and Application of Article 163
Sec. 0-4-101 Purpose of Article 163
Sec. 0-4-102 Application of Article 163
Division 4-2 Nonresidential Design Standards 163
Sec. 0-4-201 Purpose and Intent of Division 163
Sec. 0-4-202 Drive-In or Drive-Through Restaurants 164
Sec. 0-4-203 Convenience Stores and Gasoline Stations 165
Sec. 0-4-204 Vehicle Wash Facilities 169
Sec. 0-4-205 Self-Storage Facilities 172
Sec. 0-4-206 Nonresidential and Mixed-Use Buildings in Traditional Neighborhood Developments 173
Sec. 0-4-207 Nonresidential Design Standards 174
Division 4-3 Form Standards for UC District 178
Sec. 0-4-301 Purpose and Application of Division 178
Sec. 0-4-302 Subdistricts and Typologies 179
Sec. 0-4-303 General Project Design Requirements 180
Sec. 0-4-304 Center Subdistrict 183
Sec. 0-4-305 General Subdistrict 186
Sec. 0-4-306 Edge Subdistrict 189
Sec. 0-4-307 Building Types 191
Sec. 0-4-308 Frontage Types 201

Sec. 0-4-309 Parking Types 204
Sec. 0-4-310 Street Types 207
Article 5 Parking and Loading 217
Division 5-1 Purpose and Application of Article 217
Sec. 0-5-101 Purpose of Article 217
Sec. 0-5-102 Application of Article 217
Division 5-2 Parking and Loading Calculations 218
Sec. 0-5-201 Calculation of Required Parking Spaces 218
Sec. 0-5-202 Required Off-Street Parking and Loading Spaces 219
Sec. 0-5-203 Required Disabled Parking Spaces 226
Sec. 0-5-204 Special Studies 226
Sec. 0-5-205 Parking Credits and Reductions 227
Sec. 0-5-206 Shared Parking 228
Sec. 0-5-207 Bicycle Parking 230
Division 5-3 Parking and Loading Design 231
Sec. 0-5-301 Location of Parking Areas 231
Sec. 0-5-302 Parking Space and Module Standards 232
Sec. 0-5-303 Marking of Parking Spaces and Traffic Control Devices 234
Sec. 0-5-304 Circulation 235
Sec. 0-5-305 Off-Street Loading 235
Division 5-4 Use and Maintenance of Parking and Loading Areas 236
Sec. 0-5-401 Use of Parking and Loading Facilities 236
Sec. 0-5-402 Surfacing and Maintenance of Off-Street Parking Areas 237
Division 5-5 Truck Routing Plans 237
Sec. 0-5-501 Truck Routing Plans 237
Article 6 Signs and Lighting 239
Division 6-1 Purpose and Application of Article 239
Sec. 0-6-101 Purpose of Article and Authority for Article 239
Sec. 0-6-102 Application of Article 240
Division 6-2 Measurements and Calculations 242
Sec. 0-6-201 Measurements 242
Sec. 0-6-202 Calculations 244

Division 6-3 General Design and Maintenance Standards 245
Sec. 0-6-301 Prohibited Signs and Design Elements 245
Sec. 0-6-302 Prohibited Sign Locations 247
Sec. 0-6-303 Items of Information 249
Sec. 0-6-304 Illumination of Signs 249
Sec. 0-6-305 Message Centers 249
Sec. 0-6-306 Sign Maintenance 251
Division 6-4 Permanent Signs 252
Sec. 0-6-401 Attached Signs 252
Sec. 0-6-402 Detached Signs 254
Division 6-5 Temporary Signs 259
Sec. 0-6-501 General Standards for Freestanding Temporary Signs 259
Sec. 0-6-502 Prevention of Visual Clutter in Principal Corridors 261
Sec. 0-6-503 Standards for Attached Temporary Signs 261
Sec. 0-6-504 Duration of Temporary Signs 262
Division 6-6 Sign Design Program 264
Sec. 0-6-601 Sign Design Program Alternative 264
Sec. 0-6-602 Flexibility Criteria 265
Division 6-7 Exterior Lighting Standards 267
Sec. 0-6-701 Purpose and Applicability 267
Sec. 0-6-702 Illuminance 267
Sec. 0-6-703 Cut-Off Fixture Requirement 268
Sec. 0-6-704 Design Requirements 268
Sec. 0-6-705 Hours of Operation of Lighting Fixtures 268
Sec. 0-6-706 Prohibited Lighting 269
Sec. 0-6-707 Installation and Maintenance Standards 269
Article 7 Open Space, Floodplain Management, and Environmental Quality 271
Division 7-1 Purpose and Applicability of Article 271
Sec. 0-7-101 Purpose of Article 271
Sec. 0-7-102 Application of Article 271
Division 7-2 Use of Designated Open Space 271
Sec. 0-7-201 Use of Designated Open Space 271

Sec. 0-7-202 Use of Special Flood Hazard Area (SFHA), Flood Fringe and Floodways 272
Division 7-3 Floodplain Management and Flood Damage Prevention 275
Sec. 0-7-301 Findings of Fact, Purpose, Applicability, and Methods 275
Sec. 0-7-302 Definitions 277
Sec. 0-7-303 General Provisions 277
Sec. 0-7-304 Provisions for Flood Hazard Reduction (Standards) 279
Sec. 0-7-305 Interpretation of this Division; Disclaimer 284
Division 7-4 Environmental Quality 285
Sec. 0-7-401 Construction Noise 285
Sec. 0-7-402 Vibration 285
Sec. 0-7-403 Air Quality 286
Sec. 0-7-404 Water Quality and Quantity 286
Sec. 0-7-405 Glare 286
Article 8 Development Landscaping and Tree Protection 287
Division 8-1 Purpose and Application of Article 287
Sec. 0-8-101 Purpose of Article 287
Sec. 0-8-102 Application of Article 287
Division 8-2 Determination of Planting Requirements 289
Sec. 0-8-201 Plant Units 289
Sec. 0-8-202 Areas of Required Landscaping 290
Sec. 0-8-203 Selection of Plant Material 293
Sec. 0-8-204 Credit for Existing Trees 295
Division 8-3 Development Landscaping 295
Sec. 0-8-301 Groundcover 295
Sec. 0-8-302 Street Trees 296
Sec. 0-8-303 Landscape Surface and Common Open Space 297
Sec. 0-8-304 Private Lots 297
Sec. 0-8-305 Parking Lots 299
Sec. 0-8-306 Drive-In Lanes and Vehicle Stacking Areas 301
Division 8-4 Bufferyards 301
Sec. 0-8-401 Bufferyard Purpose and General Design Parameters 301
Sec. 0-8-402 Standard Bufferyards 302

Sec. 0-8-403 Bufferyard Model 302
Sec. 0-8-404 Constrained Bufferyards 303
Sec. 0-8-405 Parking Buffers 304
Sec. 0-8-406 District Boundary Bufferyards 304
Sec. 0-8-407 Open Field Bufferyards 306
Division 8-5 Natural Resource Protection Area Landscaping 307
Sec. 0-8-501 General Requirements 307
Sec. 0-8-502 Seed Mixes 307
Division 8-6 Tree Protection and Care 307
Sec. 0-8-601 Planting Locations 307
Sec. 0-8-602 Timing of Landscape Installation 307
Sec. 0-8-603 Tree Protection During Construction and Development 308
Sec. 0-8-604 Maintenance and Care of Trees 310
Division 8-7 Landscape Plans and Performance Guarantees 310
Sec. 0-8-701 Landscape Plan Required 310
Sec. 0-8-702 Contents of Landscape Plans 310
Sec. 0-8-703 Performance Guarantees 312
Article 9 Subdivision and Land Development Design 313
Division 9-1 Purpose and Application of Article 313
Sec. 0-9-101 Purpose of Article 313
Sec. 0-9-102 Application of Article 313
Division 9-2 Subdivision and Development Design Principles 315
Sec. 0-9-201 Urban Design Principles 315
Sec. 0-9-202 Lots 316
Sec. 0-9-203 Blocks 317
Sec. 0-9-204 Access 318
Sec. 0-9-205 Open Spaces 318
Division 9-3 Alternative Subdivision and Development Design Standards 319
Sec. 0-9-301 Establishment of Alternative Standards 319
Sec. 0-9-302 Development Quality 323
Sec. 0-9-303 Development Diversity 324
Sec. 0-9-304 Light, Air, and View 325

Sec. 0-9-305 Pedestrian Orientation 326
Division 9-4 Covenants, Conditions, and Restrictions 326
Sec. 0-9-401 Required Property Owners' Association 326
Sec. 0-9-402 Required Covenants, Conditions, and Restrictions 326
Sec. 0-9-403 Limited Review of Incorporation Documents and CCRs 327
Article 10 Dedications, Fees-In-Lieu, and Off-Site Improvements 329
Division 10-1 Purpose and Application of Article 329
Sec. 0-10-101 Purpose of Article 329
Sec. 0-10-102 Application of Article 329
Division 10-2 Adequacy of Regional Facilities 330
Sec. 0-10-201 Adequate Regional Improvements Required 330
Sec. 0-10-202 Traffic Studies 331
Division 10-3 Dedication of Land and Improvements; Fees in Lieu 332
Sec. 0-10-301 Calculation of Land Dedication Requirements 332
Sec. 0-10-302 Standards for Dedicated Land 333
Sec. 0-10-303 Fees-In-Lieu of Dedication 334
Sec. 0-10-304 Privately Owned Parks 335
Sec. 0-10-305 Dedications and Payments of Fees-in-Lieu 336
Division 10-4 Dedication of Subdivision Improvements 337
Sec. 0-10-401 Form of Dedication 337
Sec. 0-10-402 Traffic Control Devices 338
Article 11 Streets, Utilities, and Drainage 339
Division 11-1 Purpose and Application of Article 339
Sec. 0-11-101 Purpose of Article 339
Sec. 0-11-102 Application of Article 339
Division 11-2 Streets, Sidewalks, and Trails 339
Sec. 0-11-201 Street Design Objectives and Principles 339
Sec. 0-11-202 Functional Classifications 340
Sec. 0-11-203 Access and Connectivity 341
Sec. 0-11-204 Alleys 341
Sec. 0-11-205 Medians and Entrance Ways 341
Sec. 0-11-206 Sidewalks 342

Sec. 0-11-207 Bicycle Routes, Lanes, Paths, and Trails 342
Sec. 0-11-208 Sight Triangle Requirements 343
Sec. 0-11-209 Right-of-Way Maintenance 344
Division 11-3 Utilities 344
Sec. 0-11-301 Utility Connections Required 344
Sec. 0-11-302 Underground Utilities Required 345
Sec. 0-11-303 Water Supply 346
Sec. 0-11-304 Sanitary Sewers 346
Division 11-4 Standards Manuals 346
Sec. 0-11-401 Infrastructure Design Manual 346
Sec. 0-11-402 Stormwater Management Manual 347
Sec. 0-11-403 Grading, Erosion, and Sediment Control ("GESC") Manual 347
Article 12 Nonconformities 349
Division 12-1 Purpose and Application of Article 349
Sec. 0-12-101 Purpose of Article 349
Sec. 0-12-102 Application of Article 349
Division 12-2 Types and Classes of Nonconformities 350
Sec. 0-12-201 Nonconforming Uses 350
Sec. 0-12-202 Nonconforming Buildings 351
Sec. 0-12-203 Nonconforming Structures 352
Sec. 0-12-204 Nonconforming Landscaping 352
Sec. 0-12-205 Nonconforming Signs 352
Sec. 0-12-206 Nonconforming Parking 353
Sec. 0-12-207 Nonconforming Lots 353
Division 12-3 General Regulations 353
Sec. 0-12-301 Termination, Restoration, and Removal 353
Sec. 0-12-302 Changes of Use 354
Sec. 0-12-303 Repairs and Modifications 355
Sec. 0-12-304 Nonconforming Lots; Combination and Construction 356
Sec. 0-12-305 Nonconforming Buildings and Structures in Floodplains 357
Sec. 0-12-306 Nonconforming Parking 357
Sec. 0-12-307 Nonconformity with Airport Influence Area Restrictions 357

Sec. 0-12-308 Nonconformity Created by Public Action 357
Division 12-4 Compliance Thresholds 358
Sec. 0-12-401 Purpose 358
Sec. 0-12-402 Sliding Scale Compliance Requirements 358
Division 12-5 Conversion of Nonconformities 359
Sec. 0-12-501 Purpose 359
Sec. 0-12-502 Procedure 359
Sec. 0-12-503 Criteria for Approval 359
Sec. 0-12-504 Effect and Annotation 360
Article 13 Decision-Makers 361
Division 13-1 City Staff and Referral Agencies 361
Sec. 0-13-101 Director of Planning and Development 361
Sec. 0-13-102 Southeast Metro Stormwater Authority 362
Sec. 0-13-103 Floodplain Administrator 362
Sec. 0-13-104 Water and Sanitation Districts 364
Sec. 0-13-105 Fire Protection Districts 364
Sec. 0-13-106 Parks and Recreation Districts 364
Sec. 0-13-107 School Districts 364
Sec. 0-13-108 Special Metropolitan Districts 365
Sec. 0-13-109 Centennial Council of Neighborhoods and Neighborhood Associations 365
Division 13-2 Administrative Agencies and Officials 366
Sec. 0-13-201 City Council 366
Sec. 0-13-202 Planning and Zoning Commission 367
Article 14 Permits and Procedures 369
Division 14-1 Purpose and Application of Article 369
Sec. 0-14-101 Purpose of Article 369
Sec. 0-14-102 Application of Article 369
Division 14-2 Required Development Orders 370
Sec. 0-14-201 Development Orders Required 370
Sec. 0-14-202 Processing Fees 370
Sec. 0-14-203 Administrative Development Orders 370

Sec. 0-14-204 Public Hearing Development Orders 373
Sec. 0-14-205 Required Floodplain Determination (FP) 375
Sec. 0-14-206 Floodplain Development Permit 375
Sec. 0-14-207 Public Improvement Agreement 377
Division 14-3 Standardized Development Approval Procedures 378
Sec. 0-14-301 Generally 378
Sec. 0-14-302 Ex Parte Communications 380
Sec. 0-14-303 Pre-Submittal Meeting 380
Sec. 0-14-304 Threshold Review 381
Sec. 0-14-305 Community Meeting 382
Sec. 0-14-306 Application 383
Sec. 0-14-307 Completeness Review 384
Sec. 0-14-308 Stale Applications 384
Sec. 0-14-309 Administrative Review 385
Sec. 0-14-310 Referrals 386
Sec. 0-14-311 Public Notice 386
Sec. 0-14-312 Hearing Procedures 387
Sec. 0-14-313 Continuances and Withdrawal of Applications 388
Sec. 0-14-314 Successive Applications 389
Sec. 0-14-315 Recordation Procedure 389
Sec. 0-14-316 Inspection of Public Improvements 390
Division 14-4 Amendment of Development Orders 390
Sec. 0-14-401 Administrative Amendments 390
Sec. 0-14-402 Major Changes 394
Division 14-5 Administrative Processes 395
Sec. 0-14-501 Zoning Clearance; Fence Permits; and Sign Permits 395
Sec. 0-14-502 Grading, Erosion, and Sediment Control Permits 395
Sec. 0-14-503 Floodplain Development Permit 395
Sec. 0-14-504 Site Plans and Plats 395
Sec. 0-14-505 Temporary Use Certificate 397
Sec. 0-14-506 Certificates of Occupancy 397
Division 14-6 Public Hearing Processes 398

Sec. 0-14-601 Conditional Use and Temporary Conditional Use Procedures 398
Sec. 0-14-602 Site Plans 400
Sec. 0-14-603 Pattern Books 401
Sec. 0-14-604 Rezoning 402
Sec. 0-14-605 Amendments to this LDC 405
Sec. 0-14-606 Vested Property Rights. 405
Division 14-7 Subdivision Procedures 408
Sec. 0-14-701 Purpose of Subdivision Procedures 408
Sec. 0-14-702 Applicability of Subdivision Procedures 408
Sec. 0-14-703 Subdivisions 409
Sec. 0-14-704 Plat Expiration and Extension 412
Sec. 0-14-705 Address Plat 413
Sec. 0-14-706 Plat and Road Vacation 413
Sec. 0-14-707 Plat Correction 414
Division 14-8 Variances, Appeals and Interpretations 415
Sec. 0-14-801 Variances 415
Sec. 0-14-802 Appeals 417
Sec. 0-14-803 Airport Influence Area Variances 419
Sec. 0-14-804 Floodplain Variances 419
Sec. 0-14-805 Interpretations 421
Division 14-9 Miscellaneous Procedures 423
Sec. 0-14-901 Reasonable Accommodations for Persons with Disabilities 423
Sec. 0-14-902 Regulating Plans 424
Sec. 0-14-903 Modification and Termination of Planned Unit Developments 424
Article 15 Enforcement and Remedies 427
Division 15-1 Purpose and Application of Article 427
Sec. 0-15-101 Purpose of Article 427
Sec. 0-15-102 Application of Article 427
Division 15-2 Violations and Violation Abatement Fund 427
Sec. 0-15-201 Violations 427
Sec. 0-15-202 Violation Abatement Fund 428
Division 15-3 Enforcement 429

Sec. 0-15-301 Code Enforcement Procedures 429
Sec. 0-15-302 Immediate Orders, Permit Holds, and Judicial Remedies 429
Sec. 0-15-303 Special Enforcement Provisions 431
Article 16 Definitions 433
Division 16-1 Word Usage; Abbreviations; and Acronyms 433
Sec. 0-16-101 World Wide Web Links 433
Sec. 0-16-102 Word Usage 433
Sec. 0-16-103 Abbreviations and Acronyms 434
Division 16-2 General Definitions 435
1 to 9 435
A 435
B 438
C 439
D 445
E 446
F 447
G 449
H 450
I 452
J 453
K 453
L 453
M 455
N 456
O 458
P 459
Q 461
R 461
S 464
T 470
U 470
V 471

W 471
X 472
Y 472
Z 472
Appendix A Plant Lists 473
Approved Plant Lists 473
Prohibited Plant List 478
Appendix B Forms 481
Plan Exhibits 481
Sample Noise Disclosure Form 481
Appendix C Plans 483
Appendix D Pattern Books and Sign Design Programs 485
Appendix E Special Districts 487

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Article 1 Title, Purpose, Authority, Jurisdiction, Applicability, Pending Applications, Private Restrictions, Interpretation, and Severability

Division 1-1 Title, Purpose, Authority and Jurisdiction

Sec. 0-1-101 Title

The City of Centennial Zoning and Subdivision Regulations, codified in this Chapter, shall hereinafter be referred to as "the Centennial Land Development Code" or "LDC."

Sec. 0-1-102 Purposes, Generally

A. **Generally.** The regulations of this LDC shall be for the purpose of promoting the health, safety, convenience, order, prosperity and general welfare of the present and future inhabitants of the City of Centennial, Colorado, by using the City's home rule, constitutional, and statutory powers to:

1. Implement the City's adopted Comprehensive Plan and other adopted plans (including Sub-Area Plans), which reflect the shared values of the community with respect to the character, form, and function of its future development, and which promote planned and orderly development and redevelopment within the City;
2. Protect and enhance the character of the City by defining districts according to desired character traits; ensure adequate light and air; maintain open spaces; and implement design standards in appropriate locations;
3. Promote context-sensitive redevelopment and infill development;
4. Provide for a variety of housing opportunities for a diverse population;
5. Diversify and improve transportation options through enhancing multimodal transportation choices; balancing land uses; managing access; linking land use and transportation; and other appropriate measures;
6. Protect the City's tax base by enhancing business opportunities (particularly retail sales), and increasing property values through promoting quality building improvements, infill development, and redevelopment;
7. Protect the public treasury from unnecessary expenditures of resources due to, for example, unmitigated impacts of development; underutilization of existing infrastructure; or unnecessarily large lengths or widths of pavement that must be maintained by the City;
8. Promote public safety by securing safety from fire and other dangers through appropriate site design and adequate infrastructure;
9. Balance the basic human needs of a changing population with legitimate environmental concerns; protecting and conserving key natural resources, including water resources; and promoting sustainable development patterns and the use of renewable resources;

10. Enhance coordination with independent providers of public services (*e.g.*, fire protection, water, sewer, schools, recreation, and drainage) in the City; and
11. Provide for efficient and fair development approval procedures that respect property rights and ensure quality development.

B. **Specific Purposes.** Specific purposes of the various Chapters and Parts of this LDC may be expressed therein.

Sec. 0-1-103 Authority

A. **Home Rule Charter.** Pursuant to the Constitution of the State of Colorado, Article XX, *Home Rule Cities and Towns*, Section 6, *Home Rule for Cities and Towns*, the principal authority for this LDC is the Home Rule Charter of the City of Centennial, adopted June 10, 2008, as may be amended from time to time.

B. **Colorado Statutes.** The provisions of this LDC are also authorized by the Colorado Revised Statutes, including, but not limited to:

1. Title 31, *Powers and Functions of Cities and Towns*, Article 23, *Planning and Zoning*
2. Title 24, *Government - State*, Article 65.1, *Areas and Activities of State Interest*
3. Title 29, *Government - Local*, Article 20, *Local Government Regulation of Land Use*
4. Title 30, *Government - County*, Article 20, *Public Improvements*, Part 1, *Solid Wastes Disposal Sites and Facilities*.
5. Title 40, *Utilities*, Article 5, *New Construction - Extension*

Sec. 0-1-104 Jurisdiction

These regulations apply to all property within the corporate boundaries of the City of Centennial, Colorado.

Division 1-2 Transitional Provisions

Sec. 0-1-201 Group Homes

Group homes that existed on the effective date are not rendered nonconforming by the presence of other existing group homes. New group homes shall be spaced from existing group homes as required by this LDC.

Sec. 0-1-202 Drive-In and Drive-Through Restaurants

A. **Generally.** This Section sets out the transitional provisions that apply to drive-in and drive-through restaurants.

B. **Grandfathered Restaurants.** Section 0-4-202, *Drive-In or Drive-Through Restaurants* and Section 0-2-408, *Commercial Uses*, shall not apply to any lawfully established and existing Drive-In or Drive-Through Restaurant existing as of June 6, 2005 in a manner that would:

1. Cause such existing use to be declared a nonconforming use pursuant to Article 12, *Nonconformities*, due to failure to meet the location and siting requirements or minimum parcel size; or
2. Prevent or prohibit such existing use from expansion, enlargement, addition, removal, or relocation or other modification of any existing or any new structure on the lot of the existing Drive-In or Drive-Through Restaurant, provided that such expansion, enlargement, addition, removal, or relocation or other modification incorporates elements of the design requirements set forth in Section 0-4-202, *Drive-In or Drive-Through Restaurants* to evidence compliance with the intent of these regulations as determined by the City of Centennial.

C. **Vested Rights.** The location and siting requirements of Section 0-2-408, *Commercial Uses* shall not apply to preclude or limit the location of the following:

1. Any Fast Food Restaurant expressly described as an approved use in an annexation agreement approved by ordinance of the City of Centennial; or
2. Any Fast Food Restaurant for which a vested property right (within the meaning of Colorado law) was lawfully conferred or established provided that such right remains valid and effective.

Sec. 0-1-203 Convenience Stores and Gasoline Stations

A. **Generally.** This Section sets out the transitional provisions that apply to convenience stores and gasoline stations.

B. **Grandfathered Convenience Stores and Gasoline Stations.** Section 0-4-203, *Convenience Stores and Gasoline Stations*, and Section 0-2-408, *Commercial Uses*, shall not apply to any lawfully established and existing convenience store or gasoline station as of June 6, 2005 in a manner that would:

1. Cause such existing use to be declared a nonconforming use pursuant Article 12, *Nonconformities*, due to failure to meet the location and siting requirements or minimum parcel size; or
2. Prevent or prohibit such existing use from expansion, enlargement, addition, removal, or relocation or other modification of any existing or any new structure on the lot of the existing convenience store or gasoline station provided that such expansion, enlargement, addition, removal, or relocation or other modification incorporates elements of the design requirements set forth in Section 0-4-203, *Convenience Stores and Gasoline Stations*, to evidence compliance with the intent of these regulations as determined by the City of Centennial.

C. **Vested Rights.** The location and siting requirements of this Section 0-2-408, *Commercial Uses*, shall not apply to the following form(s) of development:

1. Any convenience store or gasoline station expressly described as an approved use in an annexation agreement approved by ordinance of the City of Centennial.

2. Any convenience store or gasoline station for which a vested property right (within the meaning of Colorado law) was lawfully conferred or established provided that such right remains valid and effective.

Sec. 0-1-204 Vehicle Wash Facilities

A. **Generally.** This Section sets out the transitional provisions that apply to vehicle wash facilities.

B. **Grandfathered Restaurants.** Section 0-4-204, *Vehicle Wash Facilities*, and Section 0-2-408, *Commercial Uses*, shall not apply to any lawfully established and existing Vehicle Wash Facility as of June 6, 2005 in a manner that would:

1. Cause such existing use to be declared a non-conforming use pursuant to Article 12, *Nonconformities*, due to failure to meet the location and siting requirements or minimum parcel size; or

2. Prevent or prohibit such existing use from expansion, enlargement, addition, removal, or relocation or other modification of any existing or any new structure on the lot of the existing vehicle wash facility provided that such expansion, enlargement, addition, removal, or relocation or other modification incorporates elements of the design requirements set forth in Section 0-4-204, *Vehicle Wash Facilities*, to evidence compliance with the intent of these regulations as determined by the City of Centennial.

C. **Vested Rights.** The location and siting requirements of Section 0-2-408, *Commercial Uses*, shall not apply to preclude or limit the location of the following:

1. Any vehicle wash facility expressly described as an approved use in an annexation agreement approved by ordinance of the City of Centennial.

2. Any vehicle wash facility for which a vested property right (within the meaning of Colorado law) was lawfully conferred or established provided that such right remains valid and effective.

Sec. 0-1-205 Self-Storage Facilities

A. **Generally.** This Section sets out the transitional provisions that apply to self-storage facilities.

B. **Grandfathered Self-Storage Facilities.** Section 0-4-205, *Self-Storage Facilities*, and Section 0-2-408, *Commercial Uses*, shall not apply to any lawfully established self-storage facility existing as of June 6, 2005 in a manner that would:

1. Cause such existing use to be declared a non-conforming use pursuant to Article 12, *Nonconformities*, due to failure to meet the location and siting requirements or minimum parcel size; or

2. Prevent or prohibit such existing use from expansion, enlargement, addition, removal, or relocation or other modification of any existing or any new structure on the lot of the existing Self-Storage Facility provided that such expansion, enlargement, addition, removal, or relocation or other modification incorporates elements of the design requirements set forth in Section 0-4-205, *Self-Storage Facilities*, to evidence compliance with the intent of these regulations as determined by the City of Centennial.

C. **Vested Rights.** The location and siting requirements of Section 0-2-408, *Commercial Uses*, shall not apply to, preclude, or limit the location of the following:

1. Any self-storage facility expressly described as an approved use in an annexation agreement approved by ordinance of the City of Centennial.
2. Any self-storage facility for which a vested property right (within the meaning of Colorado law) was lawfully conferred or established provided that such right remains valid and effective.

Division 1-3 Applicability; Vested Rights; Effect on Private Restrictions

Sec. 0-1-301 Applicability

A. **Generally.** No land shall be developed except in accordance with the applicable provisions of this LDC. All the following are considered "development" that is subject to the applicable requirements of this LDC:

1. *Use of Land.* The use of any building, structure, land, or water. This includes new uses, expansions, and material changes to the operational characteristics of existing uses.
2. *Clearing of Land.* Land clearing in anticipation of development for non-agricultural purposes.
3. *Other Disturbance or Alteration.* Any other disturbance of land, soil, vegetation, or waterways, including alteration of land for development or other purposes, but not including routine landscape maintenance, shall conform to the applicable standards contained in this LDC.
4. *Division or Subdivision.* Any division of land for land development, for sale, or for lease, whether by metes and bounds, subdivision, or other technique shall comply with all applicable requirements of this LDC.

B. **Applicability to Publicly Owned Property.** The provisions of this LDC are applicable not only to private persons, agencies, corporations and organizations, but also to all public agencies and organizations to the full extent that they may be enforceable under the United States Constitution and the Constitution and Statutes of the State of Colorado.

Sec. 0-1-302 Pending Applications

An application for approval of a site specific development plan, as well as the approval, conditional approval, or denial of approval of the plan shall be governed only by the duly adopted laws and regulations in effect at the time that a complete application is submitted. (see C.R.S. 24-68-102.5, *Applications - Approval by Local Government*).

Sec. 0-1-303 Effect on Private Restrictions

A. **No Duty to Search.** The City has no duty to search for the existence of private restrictions on property. In the review of applications pursuant to this LDC, the City will enforce only its own regulations.

B. **No Duty to Interpret.** The City will not interpret or apply private restrictions unless it is a party to them.

C. **No Duty to Enforce.** To the extent that the City is made aware of private restrictions:

1. If the private restrictions are more restrictive than this LDC, or if they involve subject matter that is not addressed by this LDC or other provisions of the Centennial Municipal Code, then the City will only enforce the provisions of this LDC or the Centennial Municipal Code. Enforcement of more restrictive provisions is at the discretion of the parties to the private restrictions (or any other party who has standing to bring suit under Colorado law).

2. If the private restrictions are less restrictive than this LDC or other provisions of the Centennial Municipal Code, then the City will enforce this LDC or the Centennial Municipal Code.

3. The City will not generally seek to enforce private restrictions. The City may become involved in the enforcement of existing private restrictions only if:

   a. The City determines that such enforcement is in the interest of the City as a whole; and

   b. The City has legal standing to enforce the existing private restriction.

Division 1-4 Interpretation and Severability

Sec. 0-1-401 Interpretation

A. **Generally.** The standards of this LDC are to be interpreted as minimum standards. This Code should be interpreted in light of the purposes stated herein.

B. **Signs; Substitution of Noncommercial Speech for Commercial Speech.** Notwithstanding anything contained in this LDC to the contrary, any sign erected pursuant to the provisions of this LDC or otherwise lawfully existing with a commercial message may, at the option of the owner, contain a noncommercial message in lieu of a commercial message. The noncommercial message may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages, or from one noncommercial message to another, as frequently as desired by the owner of the sign, provided that:

1. The sign is not a prohibited sign or sign-type, and

2. The size, height, setback and other dimensional criteria contained in this LDC have been satisfied, or the sign is legally nonconforming.

Sec. 0-1-402 Severability

A. **Generally.** If any division, section, paragraph, clause, provision, or portion of this LDC is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this LDC shall not be affected. If any application of this LDC to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

B. **Signs.** With respect to Article 6, *Signs and Lighting*, the following severability provisions shall apply:

1. *Severability Generally.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Article 6, *Signs and Lighting*, or any other provision of this LDC related to signage, is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Article 6, *Signs and Lighting*, or this LDC.

2. *Severability Where Less Speech Results.* Without diminishing or limiting in any way the declaration of severability set forth above in subsection B.1., above, or elsewhere in this Section, this LDC, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Article 6, *Signs and Lighting*, or any other provision of this LDC related to signage, is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of said Chapter or provision, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

3. *Severability of Provisions Pertaining to Prohibited Signs and Sign Elements.* Without diminishing or limiting in any way the declaration of severability set forth above, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Article 6, *Signs and Lighting*, or any other provision of this LDC related to signage, is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Article 6, *Signs and Lighting*, that pertains to prohibited signs or sign elements. It is the intent of the City Council to ensure that as many prohibited sign types and sign elements as may be constitutionally prohibited continue to be prohibited.

4. *Severability of Provisions if Adjudicated Stricken Due to a Content-Basis.* It is the intent of the City Council to regulate signage in a manner that implements the purposes of Article 6, *Signs and Lighting*, as expressed therein. The City finds that the purposes stated in Article 6, *Signs and Lighting*, are legitimate, substantial, and compelling public interests, that the regulation of signage provided by Article 6, *Signs and Lighting*. Article 6, *Signs and Lighting*, is unrelated to the suppression of free expression, and that the incidental restrictions on expression that may occur as a result of these regulations is no more than is essential to the furtherance of the public interests. However, if a court of competent jurisdiction finds any regulation therein to be based upon content and, further, declares such regulation unconstitutional, then it is the intent of the City Council that only that portion of the provision that is found to relate to content be severed from this LDC, and if it is not possible for the court to strike only the portion of the provision that is found to relate to content, then it is the intent of the City Council that all signs that would be subject to the stricken provision will instead be subject to the next surviving provision for a sign of like geometry and character that is more restrictive than the stricken provision in terms of sign area.

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Article 2 Districts and Use Standards

Division 2-1 Purpose and Application of Article

Sec. 0-2-101 Purpose of Article

A. **Generally.** The purpose of this Article is to establish the zoning districts; the permitted, limited, conditional, and prohibited uses in each zoning district; and the additional standards that apply to limited and conditional uses. This Article also provides standards for the approval or conduct of temporary land uses.

B. **Zoning Districts.** Zoning districts are established by Division 2-2, *Establishment of Zoning Districts*.

1. The zoning districts that are established by this Article are divided into six general categories, which are intended to:

   a. Guide new development according to the City's Comprehensive Plan and sub-area plans;

   b. Respect and reinforce the fabric of the City's stable, established neighborhoods;

   c. Facilitate redevelopment within the City's established neighborhoods that are transitioning to newer, generally larger housing forms;

   d. Provide opportunities for commercial and mixed-use development to serve City and regional residents; and

   e. Provide opportunities for development of employment centers.

2. The six general categories are:

   a. Agriculture;

   b. Residential (New and Recent Development);

   c. Residential (Established Neighborhoods);

   d. Commercial and Mixed-Use;

   e. Industry and Business; and

   f. Public, Institutional, and Open Space.

C. **Land Use.** The purpose of Division 2-3, *Land Use*, is to set out the uses of land that are permitted in each district in a simplified format. Uses are either permitted as-of-right ("permitted"), permitted subject to compliance with additional standards ("limited"), permitted subject to additional standards and public hearing ("conditional"), or prohibited (not allowed).

D. **Limited and Conditional Use Standards.** The purpose of Division 2-4, *Limited and Conditional Use Standards*, is to provide additional standards to ensure that uses that are listed in Division 2-3, *Land Use*, as "limited" or "conditional" are compatible with other uses in the district in which they are located.

E. **Temporary Uses.** The purpose of Division 2-5, *Temporary Uses*, is to set out standards for the location and conduct of temporary uses of land, in order to ensure that they do not become a nuisance or safety hazard, or diminish or change the character or function of the area in which they are located.

Sec. 0-2-102 Application of Article

A. **Establishment of Districts.**

1. *Generally.* Division 2-2, *Establishment of Zoning Districts*, establishes the zoning districts in which various uses of land and intensities of development are permitted, and incorporates the official zoning map into the LDC. It also provides rules for interpreting the official zoning map.

2. *Neighborhood Conservation*. The neighborhood conservation district is intended to preserve the integrity and character of existing neighborhoods. Unlike conventional zoning districts, in neighborhood conservation districts:

   a. All buildings and structures that were lawfully constructed before the effective date are conforming;

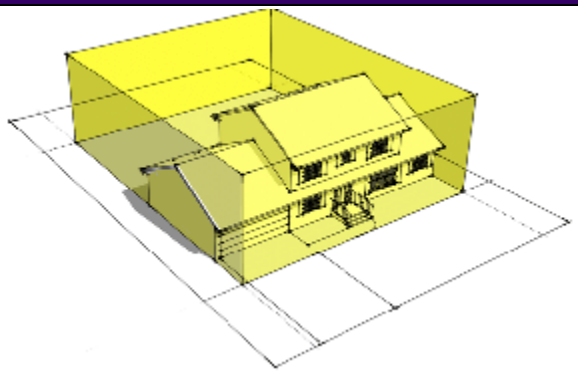
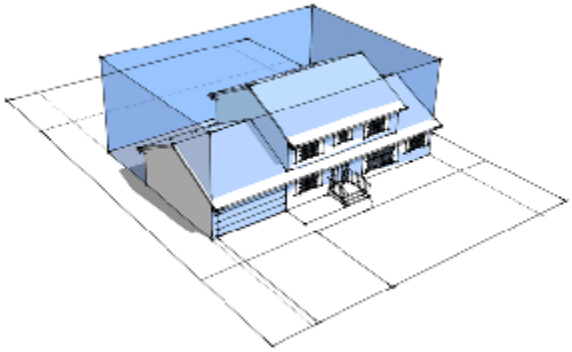
   b. Subdistricts are established based on the typical lot area and typical lot width in the neighborhood. The purpose of the subdistricts is to ensure that standards for building improvements and redevelopment are appropriate to the character of the neighborhood in which the standards are to be applied.

   c. Within the subdistricts:

      i. The minimum lot area and minimum lot width requirements are limitations on the subdivision of existing lots, and do not make the existing lots nonconforming, regardless of their size.

      ii. A maximum lot area is established in some neighborhood conservation subdistricts, in order to prevent the assembly of lots in a manner that would allow the development of buildings that are out of scale with the neighborhood.

      iii. Maximum building coverage is established in order to (in combination with height limitations) ensure that new development is compatible with existing development in terms of building mass, while also ensuring reasonable room for expansion of existing buildings or redevelopment. *See* Figure 0-2-102, *Building Cover Illustration*.

Figure 0-2-102 Building Cover Illustration	
	
EXAMPLE: SETBACKS AND HEIGHT ONLY Pictured above is a typical 2-story home on a 12,000 square foot lot. The footprint of the home is 2,100 square feet. The building cover is 17.5% (2,100 / 12,000). Assuming setbacks of 25 feet in the front and rear and 10 feet on the sides, this lot has 6,320 square feet of buildable area. If it is all occupied by building, the building cover would be 53% (6,320 / 12,000) (area pictured in yellow). This would allow a "monster home" to be built on this site. Click the image to view video. Video is for explanatory purposes only and is not an adopted part of this LDC.	**EXAMPLE: SETBACKS, HEIGHT, AND BUILDING COVERAGE** Pictured above is the same typical 2-story home on the same lot as the illustration at left. Assuming setbacks of 25 feet in the front and rear and 10 feet on the sides, this lot has 6,320 square feet of buildable area. If building cover is limited to 30%, then the potential for a "monster home" on the site is decreased, while there is room left for expansion or redevelopment (area pictured in blue). Within the buildable area, building is allowed anywhere, provided that building cover limits are not exceeded. Click the image to view video. Video is for explanatory purposes only and is not an adopted part of this LDC.

d. Setback standards apply in a different manner than in conventional zoning districts. In the neighborhood conservation districts, they apply:

i. To new homes that are built on vacant lots, or on lots where the existing building is torn down; and

ii. To determine how expansions to existing homes are approved, as follows:

a. Expansions that are set back in accordance with the setback standards are approved by the issuance of a building permit; and

b. Expansions of existing homes that are not set back in accordance with the setback standards are reviewed for compliance with alternative development standards before a building permit can be issued.

4. *Neighborhood Infill.* The neighborhood infill district is intended to allow increased floor area for redevelopment within established neighborhoods that are in transition. The district operates like a neighborhood conservation district, except that more building coverage is allowed in order to encourage redevelopment.

C. **Land Use.** Division 2-3, *Land Use*, sets out the uses that are allowed, allowed with additional review ("limited uses" and "conditional uses," see subsection C., below), and not allowed in each zoning district. It also lists uses that are not allowed anywhere in the City and provides a process for determining how a new or unlisted use should be considered.

D. **Limited and Conditional Uses.** Division 2-4, *Limited and Conditional Use Standards*, sets out additional standards for certain uses that, because of their operational characteristics, design issues, and potential to be nuisance, require additional standards to ensure their compatibility with other uses in the same district or on nearby properties in other districts. Limited and conditional uses are defined as follows:

3. *Limited Uses.* Limited uses are uses that have impacts that are different in kind or scale from permitted uses in the same district, which are mitigated by the specific standards contained in Division 2-4, *Limited and Conditional Use Standards*. Applications for approval of limited uses are decided by the Director, who applies these specific standards.

4. *Conditional Uses.* Conditional uses have a higher potential for impact than limited and permitted uses, and may or may not be permitted on a particular parcel. Applications for approval of conditional uses are decided by the Planning and Zoning Commission, which applies the standards in Division 2-4, *Limited and Conditional Use Standards*, and Section 0-14-601, *Conditional Use and Temporary Conditional Use Procedures*.

Temporary Uses. Division 2-5, *Temporary Uses*, sets out the standards for the approval and conduct of temporary land uses.

Division 2-2 Establishment of Zoning Districts

Sec. 0-2-201 Zoning Districts Established

EDITOR'S NOTE: NC_9 subdistrict (highlighted below) is added.

A. **Zoning Districts Established.** The City of Centennial is divided into the 13 zoning districts that are established by Table 0-2-201A, *Centennial Zoning Districts.*

Table 0-2-201A
Centennial Zoning Districts

District Classification	District Name	Abbreviation	District Purpose
Agriculture	Agriculture	AG	The purpose of the agriculture district is to continue to allow for existing agricultural uses, commercial nurseries, and homes on very large lots.
Residential (For New Development, Recent Development, and Redevelopment)	Suburban Residential	RS	The purpose of the suburban residential district is to provide for the development of single-family homes on suburban lots, and for the development of neighborhoods with multiple housing types and significant common open spaces.
	Auto-Urban Residential	RA	The purpose of the auto-urban residential district is to provide for the development of single-family homes on relatively narrow lots, and for the development of neighborhoods with multiple housing types and common open spaces. Residential development in the auto-urban residential district is more dense than in the suburban residential district.
	Urban Residential	RU	The purpose of the urban residential district is to provide for residential products with urban character, from detached single-family homes on narrow lots with alley access to mutifamily buildings.

Table 0-2-201A Centennial Zoning Districts			
District Classification	**District Name**	**Abbreviation**	**District Purpose**
Residential (For Protecting the Character of Established Neighborhoods)	Neighborhood Conservation	NC	The purpose of the neighborhood conservation district is to preserve the integrity of existing neighborhoods. In NC districts, subdivision is limited by the minimum lot size and width requirements, although the requirements do not make existing lots nonconforming. Special standards apply to facilitate the improvement of existing buildings in ways that are compatible with the neighborhood.
	Neighborhood Infill	NI	The neighborhood infill district operates the same way as the neighborhood conservation district, except that additional building coverage is allowed and anticipated.
Commercial and Mixed-Use	General Commercial	CG	The purpose of the general commercial district is to provide for commercial and mixed-use development along the City's commercial corridors.
	Activity Center	AC	The purpose of the activity center district is to provide for mixed-use activity centers. The activity center district anticipates a form of development that will be compatible with adjacent neighborhoods, with access and internal circulation that is pedestrian-friendly.
	Urban Center	UC	The purpose of the urban center district is to implement the Arapahoe Urban Center sub-area plan by providing for urban redevelopment in the Arapahoe Urban Center area, and to provide standards for other future transit influenced planning areas. The urban center district is regulated by form-based standards.
Industry and Business	Business Park	BP	The purpose of the business park district is to provide for the development of offices and enclosed light industrial uses in a campus-like setting. This environment may also include residential uses that are closely related to office, medical, and commercial use, such as live-work units, assisted living facilities, congregate care facilities, and nursing homes.
	Industrial	I	The purpose of the industrial district is to provide for a range of industrial uses, regulated by performance standards to mitigate their impacts on the community.
Public, Institutional, and Open Space	Education, Institutional, and Recreation	ED	The purpose of the education, institutional, and recreation district is to designate land for schools and institutions of comparable impact, and for the recreational facilities and open spaces that they provide.
	Public Open Space and Recreation	OSR	The purpose of the public open space and recreation district is to designate the publicly owned open space and recreation areas.

B. **Neighborhood Conservation Subdistricts.** The Neighborhood Conservation (NC) district is divided into seven subdistricts, as set out in Table 0-2-201B *Neighborhood Conservation Subdistricts.* All lots that existed as of the Effective Date of this LDC are conforming if they are located in any NC subdistrict, regardless of their lot area or lot width. The minimum lot size and minimum lot width that form the basis for the subdistricts are used to control further subdivision or combination. Development standards for the subdistricts are set out in Division 3-3, *Neighborhood Conservation and Neighborhood Infill Development Standards*.

Table 0-2-201B Neighborhood Conservation Subdistricts					
NC Subdistrict	Standards Applicable to New Lots (Subdivisions or Combinations)			Typical Neighborhood Characteristics	
	Minimum Lot Area	Maximum Lot Area	Minimum Lot Width	General Character	Predominant Building Type
NC_{2A}	2 acres	no maximum	200 ft.	Estate and Equestrian	Single-Family Detached
NC_{18}	18,000 sf.	no maximum	150 ft.	Suburban	Single-Family Detached
NC_{12}	12,000 sf.	18,000 sf. interior 43,560 sf. (1 acre) on corner or cul-de-sac	80 ft.	Suburban	Single-Family Detached
NC_{9}	9,000 sf.	15,000 sf. interior; 25,000 sf. corner; 43,560 sf. (1 acre) cul-de-sac	70 ft.	Auto-urban	Single-Family Detached
NC_{6}	6,000 sf.	12,000 sf. interior 18,000 sf. corner 43,560 sf. (1 acre) cul-de-sac	60 ft.	Auto-urban	Single-Family Detached
NC_{5}	5,000 sf.	10,000 sf. interior 15,000 sf. corner or cul-de-sac	50 ft.	Auto-urban	Single-Family Detached
NC_{SFA}	No minimum lot size or dimensions; existing density is allowed			Urban or Auto-Urban	Single-Family Attached

C. **Neighborhood Infill Subdistricts.** The Neighborhood Infill (NI) district is divided into two subdistricts, as set out in Table 0-2-201C, *Neighborhood Infill Subdistricts*. All lots that existed as of the Effective Date of this LDC are conforming if they are located in any NI subdistrict, regardless of their area or lot width. The minimum lot size and minimum lot width that form the basis for the subdistricts are used to control further subdivision or combination. Development standards for the subdistricts are set out in Division 3-3, *Neighborhood Conservation and Neighborhood Infill Development Standards*.

Table 0-2-201C Neighborhood Infill Subdistricts					
NI Subdistrict	Standards Applicable to New Lots (Subdivisions or Combinations)			Typical Neighborhood Characteristics	
	Minimum Lot Area	Maximum Lot Area	Minimum Lot Width	General Character	Predominant Building Type
NI_{18}	18,000 sf.	100,000 sf.	75 ft.	Suburban	Single-Family Detached
NI_{8}	8,000 sf.	43,560 sf. (1 acre)	80 ft.	Suburban	Single-Family Detached

Sec. 0-2-202 Existing Planned Unit Developments

A. **Generally.** Prior to the effective date, a large proportion of the development rights granted in Centennial were in the form of planned unit development approvals that were issued either by the City of Centennial or Arapahoe County. Such approvals shall remain effective as of the effective date of this LDC, regardless of the underlying zoning district assigned, except that a

zoning designation of Neighborhood Conservation ("NC") or Neighborhood Infill ("NI") shall extinguish any underlying planned unit development approval (but not private covenants, conditions, and restrictions or subdivision plats).

B. **Conversion of Planned Unit Developments to New Zoning Districts.** Planned unit developments that are not rezoned to NC or NI pursuant to subsection A., above, will be converted to the zoning districts set out in this LDC over a period of time, as provided in Section 0-14-903, *Modification and Termination of Planned Unit Developments*.

Sec. 0-2-203 Official Zoning Map

A. **Official Zoning Map Adopted.** Zoning districts are shown upon the map entitled "Official Zoning Map of the City of Centennial" (referred to hereinafter as "Zoning Map") which is attached hereto and made part of this Land Development Code ("LDC"). At least two copies of the Zoning Map are on file and available for inspection during regular business hours at the Centennial Civic Center.

B. **Force and Effect.** The Zoning Map and all notations, references, and other information shown on it are a part of this LDC and have the same force as the LDC.

C. **Status of Official Zoning Map.** The Zoning Map that is on file at the Centennial Civic Center shall control in the event of a conflict between the map that is on file and any other reproduction of said map.

D. **Effective Date.** The LDC may be adopted before the Official Zoning Map. In such case, the LDC will not become effective until the Official Zoning Map is adopted.

Sec. 0-2-204 Interpreting the Official Zoning Map

A. **Generally.** The precise location of any zoning district boundary line shown on the Zoning Map shall be defined by the rules of this Section.

B. **Rezoning Ordinance and Zoning Map.**

1. Rezoning ordinances shall be promptly reflected on the Zoning Map.
2. Conflicts between the district boundaries on the Zoning Map and the zoning for property provided by a duly enacted rezoning ordinance dated after the Effective Date could result from administrative error. In the event of such conflict, the duly enacted rezoning ordinance shall control, and the Zoning Map shall be promptly corrected.
3. In the event of a conflict between the district boundaries on the Zoning Map and the zoning for property provided by a duly enacted rezoning ordinance adopted before December 31, 2009, the Zoning Map shall control.

C. **Identifiable Features.** Where zoning district boundary lines appear to follow identifiable features, their location shall be determined by applying the rules of this subsection in order from 1. to 4.:

1. *Rights-of-Way.* Boundary lines shown as following, or approximately following, streets, alleys, railroad tracks, or utility lines shall be construed as following the centerline of the

right-of-way. Where streets or alleys on the ground differ from streets or alleys shown on the Zoning Map, the streets or alleys on the ground control.

2. *Property Lines.* Boundary lines shown as following, or approximately following, lot lines or other property lines shall be construed as following such lines.

3. *Watercourses.* Boundaries shown as following, or approximately following, the centerline of streams or other watercourses shall be construed as following the channel centerline. In the event of a natural change in the location of such streams or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.

4. *Parallel to Features.* Boundaries shown as separated from and parallel, or approximately parallel, to any of the features listed in paragraphs 1. through 3., above, shall be construed to be parallel to such features and at such distances as are shown on the Zoning Map.

D. **Un-subdivided Land or No Identifiable Feature.** On un-subdivided land, or where a district boundary follows no identifiable feature, the location of district boundaries shall be determined by applying the following rules in order from 1. to 3., until the boundaries are known:

1. *Legal Description.* The boundary shall be according to the legal description in the ordinance establishing the district boundaries.

2. *Text Dimensions.* The boundary shall be located by reference to dimensions shown in text on the Zoning Map, if any.

3. *Map Scale.* The boundary shall be located using the map scale appearing on the Zoning Map.

Sec. 0-2-205 Undesignated or Annexed Land

A. **Generally.** It is the intent of the City Council that all land within the City be zoned.

B. **Apparently Undesignated Land.** Therefore, for the purposes of ensuring that all land has a zoning designation, any land that is not assigned a zoning district on the Zoning Map is zoned Agriculture (AG).

C. **Zoning of Annexed Land.** The City does not have zoning districts that are comparable to the districts in Arapahoe County. Therefore, the City may process an application for an initial City zoning designation, or may designate a newly annexed property's zoning district upon its own initiative, in conjunction with annexation proceedings. Land that is not zoned otherwise by the City during the annexation process is zoned Agriculture (AG) upon annexation until affirmatively rezoned to another district.

Division 2-3 Land Use

Sec. 0-2-301 Use Tables

A. **Generally.**

1. Sections 0-2-302, *Residential, Home, and Institutional Uses*, through 0-2-304, *Industrial, Agricultural, and Special Uses*, contain tables that set out which residential, home,

institutional, commercial, amusement, recreation, industrial, agricultural, and special uses are permitted, limited, conditional, and prohibited in each zoning district. Section 0-2-306, *Temporary Uses*, sets out the same information for temporary uses.

2. The tables list uses in white and yellow rows, organized by category (orange rows). Zoning districts are arranged in columns. Where rows and columns intersect, a letter indicates if the use is permitted, limited, conditional, or prohibited in the district. The last column, "Additional Standards," refers to the section which provides the standards that apply to limited or conditional uses for districts in which the use is limited or conditional.

B. **Symbols.** All the tables use the following symbols:

1. "**P**" means that the use is ***Permitted***, subject to the standards that apply to all permitted uses. The use is approved by the Director.
2. **"T"** means that the use is ***Permitted***, but only as part of an approved Traditional Neighborhood Development ("TND"). The use is approved by the Director.
3. "**L**" means that the use is a ***Limited Use*** which is permitted as of right and approved by the Director, subject to:
   a. The standards for permitted uses that are set out in this LDC; and
   b. The applicable standards in Division 2-4, *Limited and Conditional Use Standards*, for that specific use.
4. "**T / L**" means that the use is a Limited Use which is permitted as part of an approved Traditional Neighborhood Development ("TND"), subject to the applicable limited use standards.
5. "**C**" means that the use is allowed as a ***Conditional Use***, which is approved by the Planning and Zoning Commission, subject to:
   a. The standards for permitted uses that are set out in this LDC;
   b. The applicable standards in Division 2-4, *Limited and Conditional Use Standards*, for that specific use; and
   c. The conditional use standards of Section 0-14-601, *Conditional Use and Temporary Conditional Use Procedures*, which apply to all conditional uses.
6. "**-**" means that the use is ***Prohibited*** in the specified zoning district.

Sec. 0-2-302 Residential, Home, and Institutional Uses

Table 0-2-302, *Residential, Home, and Institutional Uses*, sets out which residential, home, and institutional uses are allowed in each zoning district.

Table 0-2-302
Residential, Home, and Institutional Uses

P = Permitted Use; T = Permitted in Traditional Neighborhood Developments Only; L = Limited Use; C = Conditional Use; - = Prohibited Use

Land Use	Zoning District													Additional Standards
	AG	RS	RA	RU	NC	NI	CG	AC	UC	BP	I	ED	OSR	
Residential Uses														
Single-Family	P	P	P	P	P	P	L	L	L	-	-	-	-	Sec. 0-2-401
Single-Family Attached	-	-	P	P	L	L	-	L	L	-	-	-	-	
Multifamily	-	-	P	P	-	-	L	L	L	-	-	-	-	
Live-Work Unit	-	-	T	T	-	-	P	L	L	L	-	-	-	
Manufactured Home	P	L	L	L	L	L	-	-	-	-	-	-	-	
Group Home	L[1]	L[1]	L[1]	L[1]	L[1]	L[1]	-	-	-	-	-	-	-	Sec. 0-2-402
Residential and Predominately Residential Mixed-Use Neighborhoods														
Single-Family Cluster	P	P	-	-	-	-	-	-	-	-	-	-	-	NA
Mixed Housing Cluster	-	-	P	-	-	-	-	-	-	-	-	-	-	
Traditional Neighborhood Development	-	-	P	P	-	-	-	-	-	-	-	-	-	
Manufactured Home Park or Subdivision	-	-	L	-	-	-	-	-	-	-	-	-	-	Sec. 0-2-403
Continuing Care Neighborhood	-	P	P	P	-	-	-	-	-	-	-	-	-	NA
Home Uses														
Home-Based Business	L	L	L	L	L	L	L	L	L	-	-	-	-	Sec. 0-2-404
Family Child Care Homes	L	L	L	L	L	L	L	L	L	-	-	-	-	Sec. 0-2-405
Respite Care Homes	L	L	L	L	L	L	L	L	L	-	-	-	-	Sec. 0-2-406
Institutional Uses														
Assisted Living Facilities / Congregate Care	L	L	P	P	-	-	-	L	-	L	-	-	-	Sec. 0-2-407
Nursing Home	L	L	L	L	-	-	L	-	-	L	-	-	-	
Cemetery	C	-	-	-	C	-	-	-	-	-	-	-	C	
College / University / Vo-Tech	-	-	-	-	-	-	P	P	P	P	L	C	-	
Hospitals / Clinics / Medical Labs	-	-	-	-	-	-	P	L	L	P	-	-	-	
Institutional Residential	C	C	C	C	C	C	-	-	-	L	-	-	-	
Places of Public Assembly	L	L	L	L	C	C	P	P	P	P	-	L	-	
Private Club	L	L	L	L	L	L	P	P	P	P	-	-	-	
Police or Fire Stations	L	L	L	L	L	L	P	P	P	L	L	P	-	
Post Office	-	-	-	-	-	-	P	P	P	P	-	-	-	NA
Protective Care	-	-	-	-	-	-	-	-	-	-	C	-	-	Sec. 0-2-407

TABLE NOTE:
[1] Additional procedure applies to Type B Group Homes. *See* Sec. 0-2-402, *Group Home Standards*.

Sec. 0-2-303 Commercial, Recreation, and Amusement Uses

Table 0-2-303, *Commercial, Recreation, and Amusement Uses*, sets out which commercial, recreation, and amusement uses are allowed in each zoning district.

Table 0-2-303
Commercial, Recreation, and Amusement Uses

P = Permitted Use; T = Permitted in Traditional Neighborhood Developments Only; L = Limited Use; C = Conditional Use; - = Prohibited Use

Land Use	Zoning District													Additional Standards
	AG	RS	RA	RU	NC	NI	CG	AC	UC	BP	I	ED	OSR	
Commercial Uses														
Agricultural Support and Other Rural Services	P	-	-	-	-	-	-	-	-	-	-	-	-	NA
Alcoholic Beverage Sales	-	-	T	T	-	-	P	P	P	-	-	-	-	
Bed and Breakfast	P	-	T	T	-	-	P	P	-	-	-	-	-	
Commercial Lodging	-	-	-	-	-	-	P	P	P	P	-	-	-	
Commercial Retail	-	-	T	T	-	-	P[1]	P[1]	P[1]	L[1]	L[1]	-	-	Sec. 0-2-408
24-Hour Commercial Retail	-	-	-	-	-	-	C	C	C	C	C	-	-	
Heavy Retail	-	-	-	-	-	-	L	-	-	-	L	-	-	
Kennel	P	-	-	-	-	-	L	-	-	-	P	-	-	
Light Automobile Service / Gas Station	-	-	-	-	-	-	L	-	-	L	L	-	-	
Mixed-Use	-	-	T	T	-	-	L	P	P	-	-	-	-	
Office	-	-	T	T	-	-	P	P	P	P	L	-	-	
Restaurant; No Drive-In or Drive-Through	-	-	T	T	-	-	P	P	P	P	L	-	-	
Restaurant; Drive-In or Drive-Through	-	-	-	-	-	-	L	-	-	L	L	-	-	
24-Hour Restaurant, No Drive-In or Drive-Through	-	-	-	-	-	-	C	C	C	C	C	-	-	
24-Hour Restaurant, Drive-In or Drive-Through	-	-	-	-	-	-	C	-	-	C	C	-	-	
Services, Commercial and Personal	-	-	T	T	-	-	P	P	P	P	-	-	-	NA
Vehicle Sales, Rental, and Service	-	-	-	-	-	-	L	L	L	L	L	-	-	Sec. 0-2-408
Vehicle Wash	-	-	-	-	-	-	L	-	-	L	L	-	-	
Veterinarian (Dogs, Cats, Exotic Pets)	P	-	T	T	-	-	P	P	-	P	-	-	-	NA
Recreation and Amusement Uses														
Commercial Amusement, Indoor	-	-	T	T	-	-	P	P	P	P	L	-	-	Sec. 0-2-409
Commercial Amusement, Outdoor	-	-	-	-	-	-	L	-	-	C	-	-	L	
Recreation, Indoor	-	L	T / L	T / L	L	L	P	P	P	P	L	L	-	
Recreation, Outdoor	P	P	P	P	C	C	L	L	L	P	-	P	P	
Sexually Oriented Businesses	-	-	-	-	-	-	-	-	-	-	L	-	-	Sec. 0-2-410

TABLE NOTE:
[1] Convenience stores are a limited use ("L"). *See* Section 0-2-408, *Commercial Uses*, for standards.

Sec. 0-2-304 Industrial, Agricultural, and Special Uses

Table 0-2-304, *Industrial, Agricultural, and Special Uses*, sets out which industrial, agricultural, and special uses are allowed in each zoning district.

Table 0-2-304
Industrial, Agricultural, and Special Uses

P = Permitted Use; T = Permitted in Traditional Neighborhood Developments Only; L = Limited Use; C = Conditional Use; - = Prohibited Use

Land Use	Zoning District													Additional Standards
	AG	RS	RA	RU	NC	NI	CG	AC	UC	BP	I	ED	OSR	
Industrial Uses														
Disposal	-	-	-	-	-	-	-	-	-	-	C	-	-	Sec. 0-2-411
Waste Transfer Station or Recycling Center	-	-	-	-	-	-	-	-	-	-	C	-	-	Sec. 0-2-412
Extraction	C	-	-	-	-	-	-	-	-	-	C	-	-	Sec. 0-2-413
Heavy Industry	-	-	-	-	-	-	-	-	-	-	C	-	-	Sec. 0-2-414
Light Industry and Wholesale	-	-	-	-	-	-	-	-	-	L	P	-	-	Sec. 0-2-415
Salvage or Composting	-	-	-	-	-	-	-	-	-	L	L	-	-	Sec. 0-2-416
Utilities, Community	C	C	C	C	C	C	L	C	C	P	P	C	-	Sec. 0-2-417
Utilities, Neighborhood	L	L	L	L	L	L	L	L	L	P	P	L	L	Sec. 0-2-417
Commercial Warehousing and Logistics	-	-	-	-	-	-	-	-	-	L	P	-	-	Sec. 0-2-418
Storage Yard	-	-	-	-	-	-	-	-	-	-	L	-	-	Sec. 0-2-419
Agricultural Uses														
Agriculture	P	-	-	-	L	L	-	-	-	-	-	-	-	Sec. 0-2-420
Commercial Stables	P	-	-	-	-	-	-	-	-	-	-	-	-	NA
Nursery or Greenhouse (Wholesale or Retail)	P	-	-	-	-	-	P	-	-	-	P	-	-	
Veterinarian (Horses and Other Livestock)	P	-	-	-	-	-	-	-	-	-	P	-	-	
Special Uses														
Airports	-	-	-	-	-	-	-	-	-	-	C	-	-	Sec. 0-2-421
Helistop	C	-	-	-	-	-	C	-	-	L	L	-	-	Sec. 0-2-422
Parking (stand alone lot) and Multimodal Transit Facilities	-	-	T	T	-	-	P	L	L	P	P	-	-	Sec. 0-2-423
Self-Storage	-	-	-	-	-	-	L	-	-	L	L	-	-	Sec. 0-2-424

Sec. 0-2-305 Wireless Telecommunications Facilities

A. **Intent and Purpose.** It is the intent and purpose of this Section to establish a regulatory framework in which wireless telecommunications facilities may be constructed or located within the City of Centennial in consideration of the public health, safety and general welfare and without substantial adverse impacts to the visual integrity of the City, its neighborhoods, and its important view corridors. To achieve this objective, these regulations encourage the use of attached communications facilities or the application of stealth design where a new

freestanding facility is necessary. The use of non-stealth freestanding facilities shall only be considered when it is demonstrated that the carrier has reasonably explored the use of all other alternatives within the search area and determined that an attached or stealth freestanding communications facility is not feasible or appropriate. Accordingly, the City shall act on applications for the location of wireless telecommunications facilities within a reasonable period of time.

B. **Classification of Wireless Telecommunications Facilities.**

1. *Attached.* A wireless telecommunications facility is an "attached communications facility" if it is affixed to an existing structure (including buildings, water tanks, and communications towers) provided such structure conforms to all applicable regulations, including building and zoning regulations.

2. *Freestanding.* A wireless telecommunications facility that is not an attached communications facility and is defined as either a "stealth freestanding communications facility" or a "non-stealth freestanding communications facility," as follows:

   a. A stealth freestanding communications facility is a tower that has been designed to be architecturally compatible with the surrounding area and camouflages or conceals the presence of the tower and antennas. These structures would include, but are not limited to: artificial rocks and trees, freestanding clock towers and bell steeples, light poles, flagpoles, and artistic structures.

   b. A wireless telecommunications facility is a non-stealth freestanding communications facility if it is a lattice tower, monopole tower, guyed tower, or other freestanding facility that does not meet the definition of a stealth freestanding communications facility.

C. **Use Table.** Subject to the standards of this Section, the wireless telecommunications facility classifications that are permitted in each zoning district are set out in Table 0-2-305, *Wireless Telecommunication Facilities*.

Table 0-2-305
Wireless Telecommunication Facilities

P = Permitted Use; L = Limited Use; C = Conditional Use; - = Prohibited Use

Land Use	Zoning District													Additional Standards
	AG	RS	RA	RU	NC	NI	CG	AC	UC	BP	I	ED	OSR	
Attached Communications Facility	L	L	L	L	L	L	L	L	L	L	L	L	L	NA
Stealth Freestanding Communications Facility	L	L	L	L	L	L	L	L	L	L	L	L	L	Sec. 0-2-425
Non-Stealth Freestanding Communications Facility	C	-	-	-	-	-	C	-	-	C	C	C	-	

Sec. 0-2-306 Temporary Uses

Table 0-2-306, *Temporary Uses*, sets out which temporary uses are allowed in each zoning district.

Table 0-2-306
Temporary Uses

P = Permitted Use; T = Permitted in Traditional Neighborhood Developments Only;
L = Limited Use; C = Conditional Use; - = Prohibited Use

Land Use	Zoning District													Additional Standards
	AG	RS	RA	RU	NC	NI	CG	AC	UC	BP	I	ED	OSR	
Commercial Events														
Commercial Outdoor Sales Event	-	-	L	L	-	-	L	L	L	-	L	-	-	Sec. 0-2-501
Farm Stands	L	-	-	-	-	-	-	-	-	-	-	-	-	
Seasonal Sales	L	L	L	L	L	L	L	L	L	-	-	P	-	
Sidewalk Sales and Farmers' Markets	L	-	L	L	-	-	L	L	L	-	-	P	P	
Truckload Sales	-	-	-	-	-	-	C	-	-	-	-	-	-	
Community and Neighborhood Events														
Garage Sales	L	L	L	L	L	L	-	-	-	-	-	-	-	Sec. 0-2-502
Public Interest or Special Event	C	C	C	C	C	C	C	C	C	C	C	P	P	
Construction, Temporary Buildings, Storage, and Refuse Collection														
Asphalt or Concrete Plant	L	-	-	-	-	-	C	C	C	C	L	-	-	Sec. 0-2-503
Manufactured Buildings	L	L	L	L	-	-	L	L	L	L	L	L	-	
Temporary Construction Yard	L	L	L	L	L	L	L	L	L	L	L	L	L	
Model Homes and On-site Real Estate Sales Offices	L	L	L	L	-	-	L	L	L	L	L	-	-	
Portable Storage Units	L	L	L	L	L	L	L	L	L	L	L	L	L	
Temporary Dumpster	L	L	L	L	L	L	L	L	L	L	L	L	L	

Sec. 0-2-307 Prohibited Uses in All Districts

The following uses are prohibited in all zoning districts:

1. Intensive agriculture.
2. Disposal facilities involving radioactive materials or the burial of liquid hazardous wastes.
3. Sale of fireworks.
4. Outdoor shooting ranges.
5. Uses that are prohibited by either State or Federal law or have necessary operational characteristics that are prohibited by State or Federal law.

Sec. 0-2-308 Unlisted Uses

A. **Generally.** If a proposed use is not listed in Section 0-2-302, *Residential, Home, and Institutional Uses*; Section 0-2-303, *Commercial, Recreation, and Amusement Uses*; Section 0-2-304, *Industrial, Agricultural, and Special Uses*; Section 0-2-306, *Temporary Uses*; or Section 0-2-

307, *Prohibited Uses in All Districts* then the Director shall decide whether the proposed use is either functionally comparable to, or a subcategory of, a permitted, limited, conditional, or prohibited use. The Director shall apply the following criteria to decide how the use will be regulated by this LDC:

1. A proposed use is a subcategory of a permitted, limited, or conditional use if:
   a. Its North American Industrial Classification System (NAICS) code is a subset of an NAICS code for a permitted, limited, or conditional use; and
   b. With regard to each of the decision criteria enumerated in subsection B., the proposed use's impacts are not materially greater than the permitted, limited, or conditional use with the more general NAICS code.
2. A proposed use is functionally comparable to a permitted, limited, or conditional use if it is reasonably comparable to the permitted, limited, or conditional use, and with regard to each of the decision criteria enumerated in subsection B., the proposed use has no greater impacts than the permitted, limited, or conditional use with which it is functionally comparable.

B. **Decision Criteria.** The following decision criteria shall be evaluated when the Director decides whether a proposed use is a subcategory of, or is functionally comparable to, a permitted, limited, or conditional use:

1. Parking demand;
2. Average daily and peak hour trip generation (cars and tucks);
3. Impervious surface;
4. Noise;
5. Lighting;
6. Dust;
7. Odors;
8. Potentially hazardous conditions, such as projectiles leaving the site;
9. Use and storage of hazardous materials;
10. Character of buildings and structures;
11. Character of operation; and
12. Hours of operation.

C. **Effect of Determination.**

1. If the Director approves an application for a decision pursuant to this Section, then the use is allowed as a permitted, limited, or conditional use, with the same restrictions as the use to which it was compared for the purposes of the favorable decision.
2. If the Director determines that a proposed use is not a subcategory of, or functionally comparable to, a permitted, limited, or conditional use, then the proposed use is a prohibited use.

Division 2-4 Limited and Conditional Use Standards

Sec. 0-2-401 Residential Limited and Conditional Use Standards

A. **Generally.** The standards of Table 0-2-401, *Residential Limited and Conditional Use Standards*, apply to residential uses that are specified in Table 0-2-302, *Residential, Home, and Institutional Uses*, as "L" or "C." These standards are applied in addition to the other applicable standards of this LDC.

B. **How to Use Table 0-2-401, Residential Limited and Conditional Use Standards.** The columns in Table 0-2-401, *Residential Limited and Conditional Use Standards* establish the standards that apply to each of the limited and conditional residential uses. They are interpreted as follows:

1. *Use*. The first column, use, lists the residential use that is a limited or conditional use in the districts listed in the second column.
2. *District*. The second column, district, lists the district in which the standards of the corresponding row apply.
3. *Location / Building Type*. The third column, location/building type, specifies the location for such uses, including limiting them to existing lots with buildings, or to the upper stories of mixed use buildings. Where the condition is an existing building, improvements and reconstruction are permitted, but no new units are allowed.
4. *Minimum Land Area*. The fourth column, minimum land area, specifies the minimum area of the lot or parcel proposed for development upon which the use is proposed to be located.
5. *Maximum Land Area*. The fifth column, maximum land area, specifies the maximum area of the lot or parcel proposed for development upon which the use is proposed to be located.
6. *Access Type*. The sixth column, access type, specifies the classification of street from which access to the use must be provided. The existing access to an existing use is allowed in all cases, but if the access that is specified in this column is different, access shall be reconfigured (if and when practicable) when the parcel is substantially improved or redeveloped for the limited or conditional use.

Table 0-2-401
Residential Limited and Conditional Use Standards

Use	District	Location / Building Type / Design	Minimum Land Area	Maximum Land Area or Floor Area	Access Type
Single-Family Detached	CG AC UC	Use permitted on existing single-family lot that is developed with an existing single-family home	Existing Lot	Existing Lot	Alley or Local Street

Table 0-2-401 Residential Limited and Conditional Use Standards					
Use	**District**	**Location / Building Type / Design**	**Minimum Land Area**	**Maximum Land Area or Floor Area**	**Access Type**
Single-Family Attached	NC **SFA**	Use permitted within district at the same density that existed on the effective date of this UDC	-	-	Alley or Local Street, if access is provided to individual units; Local Street or Collector if access is provided to parking lot
	NC All Others NI	Existing attached single-family buildings only; redevelopment to Single-Family Attached is allowed with same footprint; height; and density; alternative standards apply to redevelopment with larger footprint. *See* Article 3, *Development Standards*	Existing Lot or Lots	Existing Lot or Lots	Local Street
	AC	Townhouse types only	-	If developed, this housing type shall be used to contribute to the diversity and aesthetic quality of the district (*e.g.*, screening parking structures or providing a rich mix of housing types, or to provide a transition between commercial uses and existing residential) and shall not be used as the predominate building type; footprint of residential uses shall not occupy more than 20 percent of the parcel proposed for development	Alley, if access is provided to individual units; any type of street if access is provided to parking lot or parking structure
	UC	Townhouse types only	-	If developed, this housing type shall be used to contribute to the diversity and aesthetic quality of the district (e.g., screening parking structures or providing a rich mix of housing types) and shall not be used as the predominate building type; residential uses, including single-family attached, shall not occupy more than 20 percent of the floor area of any development	Alley, if access is provided to individual units; any type of street if access is provided to parking lot or parking structure
Multifamily	CG	Allowed only on upper floors of mixed-use buildings	-	-	-
	AC	Allowed on upper floors of mixed-use buildings or in freestanding multifamily buildings with urban character	-	Footprint of residential uses shall not occupy more than 20 percent of the parcel proposed for development	-
	UC	Allowed on upper floors of mixed-use buildings or in freestanding multifamily buildings	-	Residential uses shall not occupy more than 20 percent of the floor area of any development	-

Table 0-2-401 Residential Limited and Conditional Use Standards					
Use	**District**	**Location / Building Type / Design**	**Minimum Land Area**	**Maximum Land Area or Floor Area**	**Access Type**
Live-Work	BP	-	Sufficient land area to develop not less than 10 live-work units	-	Alley or Local Street, if access is provided to individual units; Local Street or Collector if access is provided to parking lot
	UC	-	-	Residential uses shall not occupy more than 20 percent of the floor area of any development	Alley, if access is provided to individual units; any type of street if access is provided to parking lot or parking structure
	AC	-	-	Footprint of residential uses shall not occupy more than 20 percent of the parcel proposed for development	Alley, if access is provided to individual units; any type of street if access is provided to parking lot or parking structure
Manufactured Homes; less than 24 feet in width or 36 feet in length, or do not meet specifications of CRS 31-23-301(5)(b)(I), outside of manufactured home park or subdivision	RS RA RU	Minimum roof pitch of 5:12; must be installed on a permanent foundation.	Conforming lot	-	Alley or Local Street
	NC NI	Minimum roof pitch of 5:12; must be installed on a permanent foundation.	Conforming lot	As established by NC subdistrict	Alley or Local Street
Manufactured Homes; 24 feet or more in width and 36 feet or more in length, and meet specifications of CRS 31-23-301(5)(b)(I), outside of manufactured home park or subdivision	RS RA RU	Must meet or exceed, on an equivalent performance engineering basis, the standards of the building code.	Conforming lot	-	Alley or Local Street
	NC NI	Must meet or exceed, on an equivalent performance engineering basis, the standards of the building code.	Conforming lot	As established by NC subdistrict	

Sec. 0-2-402 Group Home Standards

A. **Findings.** The City Council finds and determines that the policy of the City is to:

1. Provide handicapped persons who are protected under federal and state fair housing legislation equal opportunities to live within all residential zone districts within the City;

2. Disperse the location of group homes throughout the City through reasonable separation requirements;
3. Comply with the principles, policies and regulations of federal and state fair housing legislation; and
4. Support and enhance the viability and quality of neighborhoods and residential communities for the benefit of all City residents.

B. **Intent.** The intent of these Regulations is to enable Type A group homes to locate in residential communities and to increase opportunities for integration of these homes in residential neighborhoods. For classes or groups of individuals not protected under federal and state fair housing legislation or for Type A group homes exceeding the occupant limit specified in subsection D.2., below, these Regulations are intended to provide a review process whereby the intended use of a group home is evaluated to determine its compatibility with the surrounding land uses and its conformance with applicable criteria of approval as more fully set forth herein.

C. **Requirements for All Group Homes.** Unless otherwise expressly stated, a Type A or Type B group home must meet the following minimum requirements:

1. *Licensing*. The applicant is or will be licensed by the State of Colorado to operate the facility, or is not required to be licensed.
2. *Separation*. No group home may be located within seven hundred fifty feet (750 ft.) of any other group home of the same type (*e.g.*, home for the developmentally disabled spaced from home for the developmentally disabled), as measured by a straight line from the closest point of property line to property line.
3. *Building, Fire and Safety Codes*. The proposed occupancy of the group home complies with, or will comply, with the requirements of the currently adopted building, fire and safety codes of the City as well as all applicable requirements of the zone district or planned unit development.
4. *Threats to Public Safety*. As authorized by 42 U.S.C. § 3604(f)(9), no group home shall provide housing to any individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical danger to the property of others.

D. **Type A Group Homes.**

1. Type A group homes shall be deemed a principal permitted use in all residential zone districts subject to the provisions of this Part 1-4300.
2. If an applicant for a Type A group home seeks to house more than eight (8) individuals (excluding support personnel), or is denied a reasonable accommodation to increase the number of occupants within the group home pursuant to subsection F., below, it may seek approval for a Type B group home permit in conformance with subsection E., below.

E. **Type B Group Homes.**

1. *Generally*. In addition to the general requirements for all group homes specified in subsection C., above, a Type B group home shall not locate or operate within the City unless

it has received approval by the City in the form of a written permit in conformance with this subsection.

2. *Purpose*. The Type B group home review and approval procedure provides a discretionary approval process for group homes with potentially widely varying operating characteristics. The procedure encourages public review, agency referral, and evaluation of a Type B group home's operating characteristics and site development features and is intended to ensure that a proposed group home will not have a significant adverse impact on surrounding uses and neighborhoods within the City.

3. *Pre-Submittal Meeting*. An applicant of a Type B group home shall schedule and attend a pre-submittal meeting with appropriate City staff before filing a group home permit application. The purpose of the pre-submittal meeting is to inform the applicant of applicable procedures, submittal requirements and other pertinent matters to assist the applicant in completing an application. Staff opinions offered during a pre-submittal meeting are informational only and do not represent a commitment on behalf of the City regarding the acceptability of the application.

4. *Application Filing.*

   a. Applications for a Type B group home shall be submitted on forms provided by the Director in such numbers as required by the Department.

   b. At a minimum, the application must include the following information:

      i. Letter of Intent fully describing the intended use and character of the group home;

      ii. Name of property owner;

      iii. Property address and legal description;

      iv. Evidence of title;

      v. Letter of authorization from property owner if property owner is not the applicant;

      vi. Site plan including the following information:

         a. Legal Description of property;

         b. Location and dimension of existing and proposed structures, gross floor area, square footage of habitable space; and locations of entrances;

         c. Provision for parking;

         d. Graphic description of any proposed physical alterations or additions to the property and/or structures located thereon.

   c. An application shall be considered substantially complete if it is submitted in the required form, including all required submittal information and all items or exhibits specified in this subsection E.4., or requested by the Director during a pre-submittal meeting, and is accompanied by the applicable application fee. Any application that is not accompanied by the required fees shall be deemed incomplete.

d. If the Director determines that the application is incomplete, the appropriate Department staff shall notify the applicant of that fact and specify the specific ways in which the application is deficient. No further processing of the incomplete application shall occur until the deficiencies are corrected.

5. *Referral Agencies*. A Type B group home permit shall be referred in accordance with the requirements of this LDC.

6. *Public Hearing Notice*. Notice of Planning and Zoning Commission and City Council public hearings shall be mailed, and posted in accordance with this LDC.

7. *Burden of Proof*. The burden of demonstrating that a Type B group home permit application complies with applicable review and approval criteria set forth in this Section is on the applicant. The burden shall not be on the City or other parties to show that the criteria have not been met.

8. *Planning and Zoning Commission Review*. Upon acceptance of a complete application and satisfaction of the referral process, the application shall be forwarded to the Planning and Zoning Commission. The Planning and Zoning Commission shall hold a public hearing on the application, and within sixty (60) days from the date of receipt of a complete application, make a recommendation to the City Council based on the approval criteria specified in subsection E.10., below.

9. *City Council Review and Decision*. After receiving the recommendation of the Planning and Zoning Commission, the City Council shall consider the group home permit application at a public hearing and at the close of the public hearing, the City Council shall act to approve, approve with conditions, or deny the proposed group home permit application based on the approval criteria specified in subsection E.10., below.

10. *Approval Criteria*. A Type B group home permit application may be approved only if the City Council finds that all of the following criteria have been met:

    a. The applicant is or will be licensed by the State of Colorado or other applicable licensing agency to operate the facility, or is not required to be licensed.

    b. The proposed occupancy of the group home complies, or will comply, with the requirements of the currently adopted building, fire and safety codes of the City.

    c. The individuals intended to reside within the group home would not constitute a direct threat to the health or safety of other individuals or would not result in substantial physical danger to the property of others.

    d. The proposed group home is compatible with the character of the surrounding uses and the general architectural designs found in the surrounding neighborhood.

    e. The residents of the group home will not require ongoing or daily medical or psychiatric treatment normally associated with a hospital or medical clinic.

    f. The group home will not contain more than twelve residents, including resident supervisory personnel.

    g. The structure in which the group home operates provides a reasonable allocation of square footage of habitable space consistent with the surrounding residential uses.

h. There is an adequate amount of on and off-street parking to accommodate the use and needs of the group home and the number of vehicles used by its occupants.

11. *Effect of Permit Approval*. A Type B group home permit is issued to a specific operator or organization and shall not be transferable to another individual or party for the same location.

12. *Permit Duration and Renewal*. A Type B group home Permit may be granted for the term of the group home's license, or for such shorter period as the City Council shall find appropriate and reasonable under the circumstances of a particular application, but in no event for a period greater than two years. At the expiration of its term, a Type B Group Home permit shall automatically renew under the same conditions, including duration, as the original approval, unless any City department or group home's licensing agency has received written complaints concerning the operation of the group home during the term of the permit. If any such complaint has been received, the application for renewal must be heard by the Planning and Zoning Commission and City Council under the same requirements for a new Type B Group Home permit application.

F. **Reasonable Accommodations.** Reasonable accommodations may be available pursuant to Section 0-14-901, *Reasonable Accommodations for Persons with Disabilities*.

Sec. 0-2-403 Residential Neighborhood Limited and Conditional Use Standards

A. **Generally.** The standards of this Section apply to residential and predominately residential mixed-use neighborhoods that are specified in Table 0-2-302, *Residential, Home, and Institutional Uses*, as "L." These standards are applied in addition to the other applicable standards of this LDC.

B. **Manufactured Home Park or Subdivision.** Manufactured home parks and subdivisions shall meet the following standards:

1. *Minimum Area of Parcel Proposed for Development.* The minimum area of a manufactured home park or subdivision is five acres.

2. *Maximum Extent of Manufactured Home Park or Subdivision.* The maximum extent of a manufactured home park or subdivision is 15 acres.

3. *Access.* Lots shall be configured so that all manufactured homes have direct access to an internal street.

4. *Utilities.* All units shall be served with sanitary sewer, water, and electrical power. Such lines shall be placed underground.

5. *Buffer and Landscaping Requirements.*

a. All manufactured home parks and subdivisions shall provide a 35 percent opacity bufferyard along all borders with other uses (including other forms of residential development), unless a more opaque bufferyard is required by Article 8, *Development Landscaping and Tree Protection*.

b. All bufferyards shall include a continuous six-foot tall masonry wall, perforated at points of pedestrian and vehicular access.

c. Landscaping shall be installed in a manner that does not prevent the transport of manufactured homes to or from each lot.

6. *Accessory Uses.* Laundry and maintenance buildings are permitted as an accessory use.

7. *Required Annotations.* Manufactured home park site plans and manufactured home subdivision plats shall include:

a. Notes stating that:

i. Only single-wide, double-wide, or triple-wide manufactured homes are allowed;

ii. Double-wide manufactured homes shall not be installed on single-wide lots; and

iii. Triple-wide manufactured homes shall not be installed on single-wide or double-wide lots; and

b. Annotation on each lot showing the maximum size class (e.g., single-wide, double-wide, or triple-wide) of the manufactured home that may be installed on the lot.

Sec. 0-2-404 Home-Based Business Standards

(RESERVED)

EDITOR'S NOTE: THE FOLLOWING TEXT IS INCLUDED FOR REFERENCE ONLY. THIS SECTION HAS BEEN IDENTIFIED AS AN ITEM FOR FURTHER STUDY IN 2010. AS SUCH, IT IS NOT PART OF THE LDC UNTIL APPROVED BY THE CITY COUNCIL.

A. **Generally.**

1. A home-based business is any business, occupation or activity conducted for financial gain from within a residential structure where such use is incidental and accessory to the use of the structure as a residence by the person engaged in the home-based business. It is the policy of the City to encourage the use of the home for business purposes that do not negatively affect the character and quality of life in the City's neighborhoods. This Section sets out the standards for the physical features, building character, and operations of home-based businesses to ensure that the uses are compatible with the surrounding neighborhood.

2. The standards of this Section apply to home-based businesses that are specified in Table 0-2-302, *Residential, Home, and Institutional Uses*, as "L." These standards are applied in addition to the other applicable standards of this LDC.

B. **General Prohibitions.** The general prohibitions of this subsection are to be applied in two steps. First, home-based businesses that are described in subsection B.1. are not allowed. Second, if a home-based business is not listed in subsection B.1., it is allowed if it conforms to all of the requirements of subsection B.2. and B.3.

1. *Prohibited Home-Based Businesses*. The following businesses tend to create a disproportionate impact on residential neighborhoods and tend to create difficulties for code enforcement. Consequently, they are prohibited as home-based businesses:

a. Animal breeding operations;

b. Apiaries, except as provided in Sec. 0-2-420, *Agriculture*;

c. Butchers;

d. Car wash, other vehicle wash, or detailing;

e. Dry cleaners;

f. Funeral homes and mortuaries;

g. Heavy industry (includes auto salvage);

h. Kennels;

i. Landscape or contracting businesses that involve:

   i. Outside storage or outside staging of, or repair to, equipment; or

   ii. More than one employee reporting to the home.

j. Large appliance repair;

k. Light automobile service / gas station (including manufacture and sales of biofuels);

l. Medical or dental offices (except counseling);

m. Overnight accommodations;

n. Personal services that are provided to more than one client at a time;

o. Recycling and disposal facilities;

p. Restaurants;

q. Retail sales (including pawn shops) except if the retail sales:

   i. Are incidental to the provision of personal or professional services; or

   ii. Do not involve customer visits to the premises (e.g., on-line or telephone sales with parcel deliveries, or brokering); or

   iii. Occur at invitation-only events held indoors, not more than one time per month.

r. Vehicle sales, rental, and service where vehicles are stored or serviced on-site;

s. Sexually-oriented businesses;

t. Veterinary clinics; and

u. Wholesale business, storage or warehousing

2. *Physical Features and Building Character*. The following are not allowed:

   a. The posting or installation of signs to advertise the business.

   b. Modifications to the principal building that alter its residential character.

   c. Construction of accessory structures that alter the residential character of the lot.

   d. New, separate entrances to the building that provide access only to the area used for the business.

e. Outdoor storage.

f. Outdoor displays.

3. *Business Operations*. The following are not allowed:

a. Pick-up or delivery of products or machinery by commercial vehicles or heavy trucks other than parcel pick-up and delivery services.

b. Storage of hazardous materials in amounts that are greater than typically stored for home use.

c. Storage of motor fuels in amounts that are greater than typically stored for home use. Storage of more than five gallons of gasoline or diesel fuel on site, or storage of more than 15 gallons of biodiesel on site, shall be presumed to be in violation of this requirement if related to a home-based business.

d. Odors that are perceptible from outside of the building in which the home-based business is conducted.

e. Parking of commercial vehicles or trailers, except as provided in Section 0-3-609, *Motor Vehicle and Boat Parking and Storage*.

f. More than one employee at the home who does not reside in the home.

g. Parking for more than one employee who does not reside in the home.

h. Professional services, instruction, or counseling to more than four people at one time.

C. **Registration of Home-Based Businesses.** Home-based businesses shall be registered with the City. The licensee shall describe the nature of the home-based business and certify that it will comply with all of the standards of this Section.

D. **Covenants, Conditions, and Restrictions.** This section does not override covenants, conditions, and restrictions that may prohibit the business use of the home. However, the City will not research or enforce private covenants. *See* Section 0-1-303, *Effect on Private Restrictions*.

Sec. 0-2-405 Family Child Care Homes

A. **Generally.** Family child care homes are permitted pursuant to the standards of this Section in the districts where the use is specified in Section 0-2-302, *Residential, Home, and Institutional Uses*, as "L." These standards are applied in addition to the other applicable standards of this LDC.

B. **Licensing.** Family child care homes shall be licensed in accordance with the applicable rules promulgated by the State Department of Human Services.

C. **Maximum Capacity.** Generally, the maximum capacity of a family child care home is six children. An additional two children may be served during school hours. The provider's children who do not attend school on a full-day schedule are counted in these totals.

D. **Physical Features and Building Character.** The following are not allowed:

1. The posting or installation of signs to advertise the business.

2. Modifications to the principal building that alter its residential character.
3. Construction of accessory structures that alter the residential character of the lot.
4. New, separate entrances to the building that are visible from the street that provide access only to the area used for the business.
5. Outdoor displays.

E. **Business Operations.** The following are not allowed:

1. Parking of commercial vehicles outside of enclosed garages (*see* Section 0-3-609, *Motor Vehicle and Boat Parking and Storage*).
2. More than one employee at the home who does not reside in the home.

F. **Registration of Businesses.** Family child care homes shall be registered with the City. The licensee shall describe the nature of the business and certify that it will comply with all of the standards of this Section.

G. **Covenants, Conditions, and Restrictions.** This section does not override covenants, conditions, and restrictions that may prohibit the use of the home for family child care. However, the City will not research or enforce private covenants. *See* Section 0-1-303, *Effect on Private Restrictions*.

Sec. 0-2-406 Respite Care Homes

A. **Generally.** Respite care homes are permitted pursuant to the standards of this Section in the districts where the use is specified in Table 0-2-302, *Residential, Home, and Institutional Uses*, as "L." These standards are applied in addition to the other applicable standards of this LDC.

B. **Licensing.** Respite care homes shall be licensed in accordance with any applicable rules which may be promulgated by the State of Colorado from time to time, and those who provide care shall be licensed as the State of Colorado may require from time to time.

C. **Maximum Capacity.** Respite care homes may provide services to not more than four people simultaneously.

D. **Physical Features and Building Character.** Respite care homes shall not involve any of the following:

1. The posting or installation of signs to advertise the business.
2. Modifications to the principal building that alter its residential character (modifications to provide access according to Americans with Disabilities Act guidelines are allowed).
3. Construction of accessory structures that alter the residential character of the lot.
4. New, separate entrances to the building that provide access only to the area used for the business.

E. **Threats to Public Safety.** No respite care home shall provide services to any individual whose tenancy would constitute a direct threat to the health or safety of other individuals, or whose tenancy would result in substantial physical danger to the property of others.

F. **Registration of Businesses.** Respite care homes shall be registered with the City Licensing Department. The licensee shall describe the nature of the business and certify that it will comply with all of the standards of this Section.

G. **Covenants, Conditions, and Restrictions.** This section does not override covenants, conditions, and restrictions that may prohibit the business use of the home. However, the City will not research or enforce private covenants. *See* Section 0-1-303, *Effect on Private Restrictions*.

Sec. 0-2-407 Institutional Limited and Conditional Use Standards

A. **Generally.** The standards of Table 0-2-407, *Institutional Limited and Conditional Use Standards*, and the balance of this Section apply to institutional uses that are specified in Table 0-2-302, *Residential, Home, and Institutional Uses*, as "L" or "C." These standards are applied in addition to the other applicable standards of this LDC.

B. **How to Use Table 0-2-407, *Institutional Limited and Conditional Use Standards*.** The columns in Table 0-2-407, *Institutional Limited and Conditional Use Standards* establish the standards that apply to each of the limited and conditional institutional uses. They are interpreted as follows:

1. *Use*. The first column, use, lists the institutional use to which the standards specified in the same row apply.
2. *District*. The second column, district, lists the district in which the standards specified in the same row apply.
3. *Street Frontage*. The third column, street frontage, specifies the classification of street that must provide access to the use.
4. *Minimum Land Area*. The fourth column, minimum land area, specifies the minimum area of the lot or parcel proposed for development upon which the use is proposed to be located.
5. *Use, Scale, and Design Limitations*. The fifth column, use, scale, and design limitations, specifies any limitations on the operation of the use and/or the maximum floor area of the use and/or the physical design of the use.
6. *Spacing from Different Use*. The sixth column, spacing from different use, specifies the shortest distance from parcel line to parcel line that is required between the limited or conditional use and specified other uses.
7. *Buffering and Screening*. The seventh column, buffering, specifies additional buffering that must be provided around the use.
8. A dash "-" in a table cell means that the requirement of the column does not apply to the use indicated in the row.

Table 0-2-407
Institutional Limited and Conditional Use Standards

Use	District	Street Frontage	Minimum Land Area	Use, Scale, and Design Limitations	Spacing from Different Use	Buffering and Screening
Assisted Living Facilities / Congregate Care	AG	-	-	Floor area ratio (FAR) shall not exceed 0.05; Building shall be residential in character	-	-
	RS	Collector or Arterial	-	Building shall be residential in character	-	If the use is larger than 5,000 square feet in floor area, 30% opacity along single-family residential lot lines
	AC	-	-	Ambulatory residents only	-	-
	BP	-	-	Facilities must be a part of a hospital or educational campus	-	-
Nursing Home	AG	-	-	Floor area ratio (FAR) shall not exceed 0.05; Building shall be residential in character	-	-
	RS	Collector or Arterial	-	-	-	If the use is larger than 5,000 square feet in floor area, 30% opacity along single-family residential lot lines
	RA	Collector or Arterial	-	-	-	If the use is larger than 5,000 square feet in floor area, 20% opacity along single-family residential lot lines
	CG	Not allowed on property that fronts on Arapahoe Road between I-25 and Parker Road; or on property that fronts on Parker Road	-	-	-	-
	BP	-	-	Facilities must be a part of a hospital or educational campus	-	-

Table 0-2-407 Institutional Limited and Conditional Use Standards						
Use	**District**	**Street Frontage**	**Minimum Land Area**	**Use, Scale, and Design Limitations**	**Spacing from Different Use**	**Buffering and Screening**
Cemetery	AG	-	-	See Subsection C, below	30 ft. between graves and structures and residential lot lines	50% opacity along residential lot lines
	NC	-	-	Co-located with Place of Public Assembly; Limited to 33% of Lot Area; also see Subsection C, below	30 ft. between graves and structures and residential lot lines	50% opacity along residential lot lines; including an ornamental fence that is between 5 and 6 feet in height
	OSR	-	-	Publicly owned cemeteries only; also see Subsection C, below	30 ft. between graves and structures and residential lot lines	50% opacity along residential lot lines
College / University / Vo-Tech	I	-	-	Limited to Vo-Tech facilities	-	-
	ED	-	-	Limited to re-use of existing buildings; traffic study required to ensure that traffic impacts are not materially greater than former use of existing buildings	-	-
Hospitals / Clinics / Medical Labs	AC UC	-	-	No inpatient facilities and no biohazardous waste incineration; no ground-floor locations on streets that are designed primarily for retail uses	-	-
Institutional Residential	AG	-	-	Floor area ratio (FAR) shall not exceed 0.05; Building shall be residential in character	-	-
	RS	Collector or Arterial	-	-	-	If the use is larger than 5,000 square feet in floor area, 30% opacity along single-family residential lot lines
	AC UC	-	-	Ambulatory residents only	-	-
	BP	-	-	Facilities must be a part of a hospital or educational campus	-	-

Table 0-2-407
Institutional Limited and Conditional Use Standards

Use	District	Street Frontage	Minimum Land Area	Use, Scale, and Design Limitations	Spacing from Different Use	Buffering and Screening
Place of Public Assembly	AG	-	10 acres	Floor area ratio (FAR) shall not exceed 0.05	-	15% opacity buffer within 100 feet of building used as place of public assembly
	RS	Collector or Arterial	1 acre	-	-	If the use is larger than 5,000 square feet in floor area, 50% opacity along single-family residential lot lines
	RA	Collector or Arterial	25,000 sf. (no minimum in TND)	-	-	If the use is larger than 5,000 square feet in floor area, 30% opacity along single-family residential lot lines. No buffer required if approved as part of TND
	RU	Collector or Arterial	20,000 sf. (no minimum in TND)	-	-	If the use is larger than 5,000 square feet in floor area, 15% opacity along single-family residential lot lines No buffer required if approved as part of TND
	NC NI	-	Existing lot used as a place of public assembly	Floor area ratio (FAR) shall not exceed 0.25; remote parking is not allowed; land area shall not exceed 150% of land area used by the place of public assembly as of the Effective Date	-	Parking lot buffer required (see Section 0-8-405, *Parking Buffers*)
	ED	-	-	Limited to re-use of existing buildings; traffic study required to ensure that traffic impacts are not materially greater than former use of existing buildings	-	-
Private Club	AG	-	10 acres	Floor area ratio (FAR) shall not exceed 0.05	-	15% opacity buffer within 100 feet of building used as place of public assembly
	RS RA RU	-	3 times the area of the average residential lot in the development in which the use is located	-	-	If the use is larger than 5,000 square feet in floor area, 15% opacity along single-family residential lot lines No buffer required if approved as part of TND
	NC	-	Existing lot used as a private club	Floor area ratio (FAR) shall not exceed 0.25; remote parking is not allowed; land area shall not exceed 150% of land area used by the private club as of the Effective Date	-	Parking lot buffer required (see Section 0-8-405, *Parking Buffers*)

Table 0-2-407 Institutional Limited and Conditional Use Standards						
Use	**District**	**Street Frontage**	**Minimum Land Area**	**Use, Scale, and Design Limitations**	**Spacing from Different Use**	**Buffering and Screening**
Police or Fire Station	AG	Collector or Arterial	-	-	-	-
	RS RA RU	Collector or Arterial	-	-	-	30% opacity buffer around fleet storage areas
	NC NI	Collector or Arterial	Existing lot used as a police or fire station	-	-	30% opacity buffer around fleet storage areas
	AC UC	-	-	Generally, police and fire stations shall not be located on streets that are designed primarily for retail uses, except that police substations may be located on such streets. Station shall not be located in a manner that requires emergency vehicles to traverse pedestrian-oriented streets within the district to serve areas outside of the district	-	-
Protective Care	I	-	20 acres	Open space ratio (OSR) shall be 0.90 or greater; principal building shall be set back 125 feet from all lot lines	1,000 feet from parks and schools	85% opacity buffer along all lot lines and frontages

C. **Additional Requirements for Cemeteries.** The following additional requirements apply to all cemeteries:

1. The land that is put to cemetery use shall be dedicated for cemetery use in perpetuity with an appropriate recorded legal document.
2. All cemeteries that are not owned by a public entity with taxing authority shall be endowment care cemeteries.
3. Documentation shall be provided to the City at the time of application that demonstrates:
   a. The necessity for the services the applicant seeks to provide, considering present or future public need and convenience, the capacity of existing facilities and their distribution in the region;
   b. The applicant's fitness and ability to perform proposed services; and
   c. Compliance with Title 12, *Professions and Occupations*, Article 12, *Cemeteries*, Colorado Revised Statutes.

D. **Additional Requirements for Institutional Residential.** The following additional requirements apply to all institutional residential uses:

1. The applicant is or will be licensed by the State of Colorado or other applicable licensing agency to operate the facility, or is not required to be licensed.
2. The proposed occupancy of the facility complies with, or will comply with, the requirements of the currently adopted building, fire and safety codes of the City.
3. The individuals intended to reside within the facility would not constitute a direct threat to the health or safety of other individuals or would not result in substantial physical danger to the property of others.
4. The proposed facility is compatible with the character of the surrounding uses and the general architectural designs found in the surrounding neighborhood.
5. The residents of the facility will not require ongoing or daily medical or psychiatric treatment normally associated with a hospital or medical clinic.
6. The structure in which the facility operates provides a reasonable allocation of square footage of habitable space consistent with the surrounding residential uses.
7. There is adequate on and off-street parking to accommodate the use and needs of the facility and the number of vehicles used by its occupants.

Sec. 0-2-408 Commercial Uses

A. **Generally.** The standards of this Section apply to commercial uses that are specified in Table 0-2-303, *Commercial, Recreation, and Amusement Uses,* as "L" or "C." These standards are applied in addition to the other applicable standards of this LDC.

B. **Commercial Retail.**

1. Commercial retail is permitted in the BP and I districts if it is demonstrated that:
   a. The commercial retail use is subordinate to an institutional, office, light industrial, or industrial use in the same building, building complex, or campus, and is principally intended to serve the needs of the employees of the building, building complex, or campus (*e.g.*, hospital gift shop, professional plumbing or electrical supply store , etc.); or
   b. The commercial retail use principally sells items that are manufactured on-site (*e.g.*, furniture maker selling furniture at the factory); or
   c. The commercial retail use is incidental and accessory to another permitted use (*e.g.*, personal care products sold at a salon, hospital pharmacy, etc.).
2. 24-hour commercial retail is permitted where indicated in Table 0-2-302, *Commercial, Recreation, and Amusement Uses*, as a "C," if it is demonstrated that, in addition to the other applicable standards of this Section, lights are dimmed at 11:00 PM and the standards of Section 0-14-601C., *Conditional Use and Temporary Conditional Use Procedures*, are met. The evaluation of subsection C.9., of Section 0-14-601 shall include an evaluation of lighting, noise, and deliveries in addition to other potential disruptive impacts.

C. **Heavy Retail.** Heavy retail in the CG and I districts is subject to the requirements of Table 0-2-408, *Spacing and Area Requirements for Selected Commercial Uses*, and the following requirements:

1. *Industrial District*.

   a. Heavy retail is permitted in the Industrial district if it is demonstrated that the use involves the sale of a single category of merchandise and is characterized by one or more of the following:

      i. Outdoor displays that are larger in area than the footprint of the principal building;

      ii. The lease or sale of goods or equipment to businesses that are permitted in the Industrial district; or

      iii. The sale of goods that are manufactured on-site.

   b. The following heavy retail uses are examples of the types of heavy retail that are permitted in the industrial district:

      i. Permanent retail operations that are located outside of enclosed buildings;

      ii. Lumber and other building materials;

      iii. Lawn, garden equipment, and related supplies stores;

      iv. Heavy truck or recreational vehicle leasing or sales;

      v. Manufactured home sales; and

      vi. Industrial or construction equipment leasing or sales.

   c. The following types of heavy retail are not allowed in the Industrial district: warehouse clubs, super stores, and home centers.

2. *General Commercial District*.

   a. Required Access: The premises shall abut and draw access from an arterial or collector street.

   b. The following types of heavy retail are not allowed in the General Commercial District: heavy truck or recreational vehicle leasing or sales; manufactured home sales; industrial equipment leasing or sales; and lumber and other building materials sales if the outdoor storage or display area is larger than 30 percent of the footprint of the principal building.

D. **Kennel.** Kennels are permitted in the CG district if it is demonstrated that:

1. For kennels that are more than 300 feet from property that is zoned or used for residential purposes:

   a. There are no outdoor dog runs on parcels that are less than one acre in area.

   b. Dog runs will be used only during daylight hours.

   c. Fences that enclose dog runs are not higher than six feet.

2. For kennels that are within 300 feet of property that is zoned or used for residential purposes:
   a. There are no outdoor dog runs; and
   b. The building is soundproofed such that no noise generated by the use is perceptible from the property line.

E. **Light Automobile Service / Gas Station.** Light Automobile Service / Gas Station uses in the CG, BP, and I districts are subject to the requirements of Table 0-2-408, *Spacing and Area Requirements for Selected Commercial Uses*, and the design standards set out in Section 0-4-203, *Convenience Stores and Gas Stations*.

F. **Mixed Use.** Mixed Use is permitted in the CG district if it is demonstrated that:

1. If the development includes residential uses:
   a. The residential uses are located above nonresidential uses in the same building;
   b. If there are more than five dwelling units in the development, shared recreational amenities and/or landscaped outdoor area is provided for the use of the residents, as follows:
      i. 6 to 50 units: 100 sf. per unit.
      ii. 51 to 100 units: 5,000 sf., plus 50 sf. per unit in excess of 50 units.
      iii. More than 100 units: 7,500 sf., plus 25 sf. per unit in excess of 100 units, but not less than three percent of the residential floor area.
2. If the development includes uses that are indicated as "limited" or "conditional," the applicable limited or conditional use standards are met.

G. **Office.** Office is permitted in the I district if it is associated with the conduct or administration of another use that is permitted in the district.

H. **Restaurant, No Drive-In or Drive-Through.**

1. Restaurant, No Drive-In or Drive-Through is permitted in the I district if it is demonstrated that the restaurant is intended to serve employees within the I zoning district or an adjacent BP zoning district, and does not have signage that is visible from Arapahoe Road, Jordan Road, Yosemite Street, Broncos Parkway, Parker Road; or Peoria Street.
2. *24-Hour Restaurants without Drive-In or Drive-Through*. 24-hour restaurants without drive-in or drive-through facilities are permitted where indicated in Table 0-2-302, *Commercial, Recreation, and Amusement Uses*, as a "C," if it is demonstrated that, in addition to other applicable standards of this Section, the lights are dimmed at 11:00 PM and the standards of Section 0-14-601C., *Conditional Use and Temporary Conditional Use Procedures*, are met. The evaluation of subsection C.9., of Section 0-14-601 shall include an evaluation of lighting, noise, and deliveries in addition to other potential disruptive impacts.

I. **Restaurant, Drive-In or Drive-Through.**

1. *General Commercial and Business Park Districts*. Restaurant, Drive-In or Drive-Through uses are permitted in the CG and BP districts, subject to:

a. The requirements of Table 0-2-408, *Spacing and Area Requirements for Selected Commercial Uses* or the alternative standards of subsection L of this Section; and

b. The design standards set out in Section 0-4-202, *Drive-In and Drive-Through Restaurants*.

2. *Industrial Districts*. Restaurant, Drive-In or Drive-Through is permitted in the I district, provided that:

a. Compliance with the requirements of Table 0-2-408, *Spacing and Area Requirements for Selected Commercial Uses* and the design standards set out in Section 0-4-202, *Drive-In and Drive-Through Restaurants* is demonstrated; and

b. The restaurant is intended to serve employees within the I zoning district or an adjacent BP zoning district, and does not have signage that is visible from Arapahoe Road, Broncos Parkway, Parker Road, Peoria Street, or Jordan Road.

3. *24-Hour Restaurants with Drive-In or Drive-Through*. 24-hour restaurants with drive-in or drive-through facilities are permitted where indicated in Table 0-2-302, *Commercial, Recreation, and Amusement Uses*, as a "C," if it is demonstrated that, in addition to other applicable standards of this Section, the lights are dimmed at 11:00 PM and the standards of Section 0-14-601C., *Conditional Use and Temporary Conditional Use Procedures*, are met. The evaluation of subsection C.9., of Section 0-14-601 shall include an evaluation of lighting, noise, and deliveries in addition to other potential disruptive impacts.

J. **Vehicle Sales, Rental, and Service.**

1. *General Commercial*. Vehicle Sales, Rental, and Service uses in the CG district are subject to the requirements of Table 0-2-408, *Spacing and Area Requirements for Selected Commercial Uses*, and the design standards set out in Section 0-4-207, *Nonresidential Design Standards*. Associated vehicle wash and service facilities shall comply with the limited or conditional use requirements for vehicle wash or light automobile service, as applicable.

2. *Activity Center and Urban Center.* Vehicle Sales, Rental, and Service uses are permitted if it is demonstrated that:

a. The use is limited to vehicle rental;

b. Not more than 15 vehicles are stored in surface parking areas (additional vehicles shall be stored in parking structures);

c. Vehicles are not washed or serviced on-site (interior cleaning is permitted); and

d. Parking spaces that are used for storage of rental vehicles are not counted toward the number of required parking spaces.

3. *Business Park*. Vehicle Sales, Rental, and Service uses are permitted if all of the following are demonstrated:

a. Vehicles that are available for sale or rent are kept within an enclosed building or within a parking structure located behind the principal building.

b. If a parking structure is used, it is screened from abutting property and public rights-of-way by a 20 percent opacity bufferyard installed next to the parking structure,

except at points of access and along areas that are screened by the principal building. The buffer opacity requirement may be combined with the required opacity of a district boundary bufferyard where the parking structure is located within 15 feet of the boundary of the required bufferyard (*i.e.*, if a 30 percent district boundary bufferyard is required and a side of the parking structure is located within 15 feet of the bufferyard, the bufferyard opacity may be increased to 50 percent along the side of the parking structure instead of providing two separate bufferyards).

c. Associated vehicle wash and service facilities comply with the limited or conditional use requirements for vehicle wash or light automobile service, as applicable.

d. Parking spaces that are used for storage of rental vehicles are not counted toward the number of required parking spaces.

4. *Industrial*. Vehicle Sales, Rental, and Service uses are permitted if it is demonstrated that:

a. The use is limited to one ore more of the following:

i. The sale of vehicles that are manufactured or rebuilt in the district;

ii. The service of vehicles (which are allowed to be combined with related service uses that are industrial in character);

iii. The rental of light trucks for business use; or

iv. Vehicle rental (which may include associated service facilities for maintenance of the fleet) that is associated with and located within 1/2 mile of the Centennial Airport.

b. Associated vehicle wash and service facilities comply with the limited or conditional use requirements for vehicle wash or light automobile service, as applicable.

K. **Vehicle Wash.** Vehicle Wash uses in the CG, BP, and I districts are subject to the requirements of Table 0-2-408, *Spacing and Area Requirements for Selected Commercial Uses*, and the design standards set out in Section 0-4-204, *Vehicle Wash Facilities***.**

L. **Spacing and Area Requirements for Selected Commercial Uses.**

1. *General Spacing and Area Requirements*. The spacing and parcel area requirements for commercial uses that are specified in Table 0-2-408, *Spacing and Area Requirements for Selected Commercial Uses* shall be as set out in the table, unless the alternative standards of subsection L2 or L3 of this Section and the applicable design standards of Division 4-2, *Nonresidential Design Standards* are met.

Table 0-2-408 Spacing and Area Requirements for Selected Commercial Uses					
	Vehicle Sales, Rental, and Service	**Convenience Stores; Light Automobile Stations / Gas Stations**	**Restaurant, Drive-In or Drive-Through**	**Vehicle Wash**	**Heavy Retail**
Required Spacing from Rights of Way					
Arapahoe Road ROW	1,500 feet	300 feet	300 feet	300 feet	-
Parker Road ROW	1,500 feet	300 feet	300 feet	300 feet	-
Broncos Parkway ROW	1,500 feet	300 feet	300 feet	300 feet	-
Jordan Road ROW (South of Hinsdale Drive)	1,500 feet	-	-	-	-
Required Spacing from Intersections					
Briarwood Avenue and Jordan Road	-	500 feet	500 feet	500 feet	-
Parker Road and Broncos Parkway	-	500 feet	500 feet	500 feet	-
Jordan Road and Broncos Parkway	-	500 feet	-	-	-
Easter Avenue and Havana Street	1,500 feet	500 feet	500 feet	500 feet	-
Easter Avenue and Peoria Street	-	500 feet	500 feet	500 feet	-
Potomac Street and Briarwood Avenue	-	-	500 feet	-	-
Other Spacing Requirements					
Spacing from Same Use	-	1,000 feet	-	1,000 feet	-
Spacing from Residential Use	-	300 feet	300 feet	300 feet	300 feet
Minimum and Maximum Parcel Size					
Minimum Area of Parcel Proposed for Development	5 acres[1]	1/2 acre	-	-	2 acres
[1] Minimum area does not apply to uses that are wholly enclosed within buildings or to car sharing.					

2. *Alternative Standards for Commercial Uses.* The spacing requirements of Table 0-2-408, *Spacing and Area Requirements for Selected Commercial Uses*, may be waived if it is demonstrated that the use is integrated into a unified, master-planned commercial development that:

   a. Contains at least 50,000 square feet of new and fully enclosed floor area designed, intended, and suitable for commercial retail use;

   b. Includes four or more separate commercial retail uses that are not a vehicle wash, convenience store, light automobile service / gas station, or drive-through restaurants;

   c. Is designed and constructed so that all structures within the development are planned, integrated, compatible, and coordinated using the same or substantially identical:

      i. Exterior building materials and colors;

      ii. Architectural features and style; and

      iii. Lighting and lighting fixtures; and

d. Will be permanently maintained in a planned, integrated, compatible, and coordinated manner as required by subsection L.2.c., above, through the imposition of covenants, conditions, or restrictions running with the property; and

e. Demonstrates compliance with applicable design standards set out in Division 4-2, *Nonresidential Design Standards*; and

f. Phases the construction of the self-storage facility either:

i. Following issuance of a certificate of occupancy for all other proposed structures within the development; or

ii. At a time or phase of development identified in a written subdivision improvement agreement (prior to the effective date), public improvement agreement, or development agreement approved by the developer and the City.

3. *Alternative Standards for Restaurant, Drive-in or Drive-Through*. In the area between I-25 and Jordan Road, the spacing requirements of Table 0-2-408, *Spacing and Area Requirements for Selected Commercial Uses* may be waived for restaurants, drive-in or drive-through if it is demonstrated that:

a. The use is an expansion of an existing development of a drive-in or drive-through restaurant site or a redevelopment (or partial redevelopment) of a vehicle sales, rental or service use;

b. The drive-in or drive-through restaurants comply with the design standards of Section 0-4-202, *Drive-In or Drive-Through Restaurant Design;*

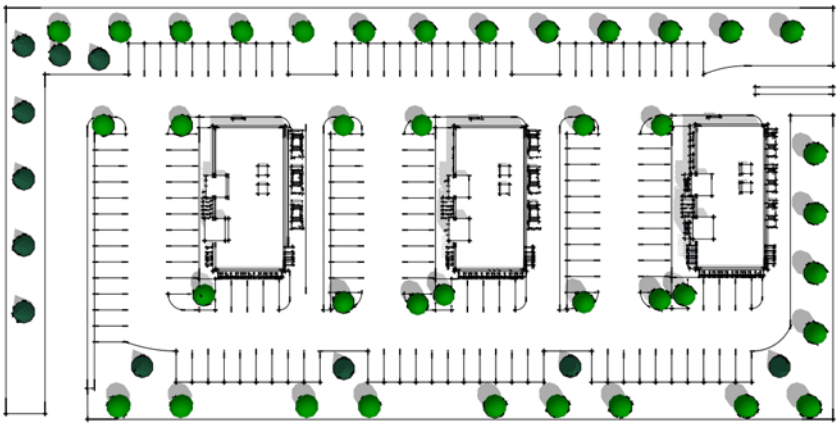
c. A 20 percent opacity bufferyard is provided along parcel lines that border Arapahoe Road and Broncos Parkway;

d. The parcel proposed for development provides pads for at least three drive-in or drive-through restaurants which are interconnected such that parking areas and circulation aisles are shared among the restaurants; and

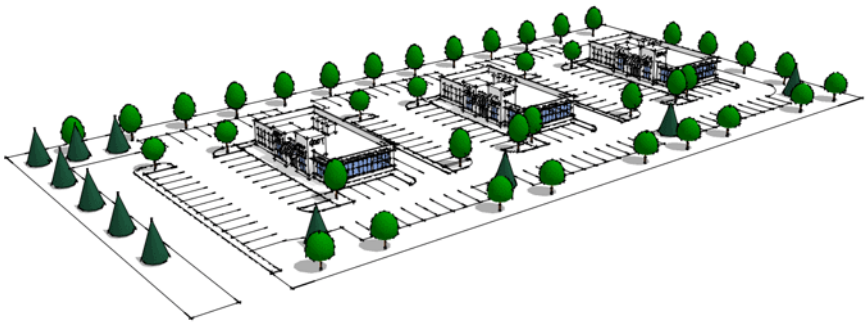
e. Drive through facilities are arranged so that they do not impede vehicular circulation among the restaurants and at points of ingress and egress to the parcel. *See* Figure 0-2-408, *Illustrative Drive-Through Cluster*.

Figure 0-2-408
Illustrative Drive-Through Cluster

Illustrative Drive-Through Cluster Plan View (access to arterial at the bottom of the illustration, access to a local or collector street at right; drive-through facilities on the right side of each restaurant, facilitating clockwise traffic movements, and directing such facilities from away from the arterial).



Illustrative Drive-Through Cluster Bird's Eye View



Sec. 0-2-409 Recreation and Amusement Uses

A. **Generally.** The standards of this Section apply to recreation and amusement uses that are specified in Table 0-2-303, *Commercial, Recreation, and Amusement Uses*, as "L" or "C," except sexually-oriented businesses, which are regulated by Section 0-2-410, *Sexually-Oriented Businesses*. These standards are applied in addition to the other applicable standards of this LDC.

B. **Commercial Amusement, Indoor.** Indoor commercial amusement is permitted as a use of existing buildings in the I district if it is demonstrated that:

1. The use is separated from heavy industrial uses by at least 600 feet; and
2. There are no parcels within 600 feet that are zoned I and have the potential for heavy industrial use because:
   a. The parcels are developed with buildings or structures that are designed for heavy industrial use; or

b. The property is vacant and:

i. Not the subject of an approved development plan that precludes heavy industrial use;

ii. Located more than 300 feet from land that is used or zoned for residential purposes; or

iii. The property is approved for heavy industrial use.

C. **Commercial Amusement, Outdoor.**

1. *CG District.* Outdoor commercial amusement is permitted in the CG district if it is demonstrated that the use is located at least 600 feet from property that is used or zoned for residential purposes. Outdoor commercial amusement shall be surrounded by a bufferyard that is a minimum of 40 percent opacity (if Article 8, *Development Landscaping and Tree Protection*, requires a more opaque bufferyard, the more opaque bufferyard shall be used).

2. *BP District.* Outdoor commercial amusement is permitted in the BP district if it is demonstrated that:

a. The use will be open only within the hours of 4:30 PM and 10:00 PM weekdays, and 6:00 AM and 10:00 PM on weekends, and that setup and takedown activities for events that take place outside of these time periods will not interfere with the use of nearby properties for uses that are existing or permitted in the district; and

b. The use is located at least 600 feet from property that is used or zoned for residential purposes.

3. *OSR District*. Outdoor commercial amusement is permitted in the OSR district if it is demonstrated that:

a. The use is limited to an amphitheater; and

b. The use is located between I-25 and Parker Road.

D. **Recreation, Indoor.**

1. *RS, RA, and RU Districts.* Indoor recreation is permitted in the RS, RA, and RU districts, if it is demonstrated that:

a. Access to the use is limited to residents of the development or neighborhood in which it is located and their invitees; and

b. The principal building is located at least 100 feet from any residential building, or the use is closed between the hours of 9:30 PM and 7:30 AM.

2. *NC and NI Districts.* Indoor recreation is permitted in the NC and NI districts if it is demonstrated that:

a. The indoor recreation use is an existing use or an adaptive re-use of a place of public assembly; and

b. Access to the use is limited to residents of the development or neighborhood in which it is located and their invitees, unless the existing use is open to the public at large as of the effective date.

3. *I District.* Indoor recreation is permitted as a use of existing buildings in the I district if it is demonstrated that:

a. The use is separated from heavy industrial uses by at least 600 feet; and

b. There are no parcels within 600 feet that are zoned I and have the potential for heavy industrial use because:

i. The parcels are developed with buildings or structures that are designed for heavy industrial use; or

ii. The property is vacant and:

a. Not the subject of an approved development plan that precludes heavy industrial use;

b. Located more than 300 feet from land that is used or zoned for residential purposes; or

c. The property is approved for heavy industrial use.

4. *ED District.* Indoor recreation is permitted as a use of existing buildings in the ED district.

E. **Recreation, Outdoor.**

1. *NC and NI District.* New outdoor recreation facilities shall be subject to conditional use standards set out in Section 0-14-601, *Conditional Use and Temporary Conditional Use Procedures*.

2. *CG District.* Outdoor recreation is permitted in the CG District as an amenity for other permitted uses on the same parcel proposed for development.

3. *AC and UC District.* Outdoor recreation facilities are limited to urban amenities, such as greens, squares, plazas, tot lots, interactive fountains, sculpture gardens, and comparable facilities. Tennis courts and swimming pools shall be limited to use by residents of the district. Ballfields are not allowed.

Sec. 0-2-410 Sexually Oriented Businesses

A. **Generally.** The standards of this Section apply to sexually oriented business uses that are specified in Table 0-2-303, *Commercial, Recreation, and Amusement Uses*, as "L." These standards are applied in addition to the other applicable standards of this LDC.

B. **Findings and Intent.**

1. *Findings.* Based on evidence concerning the adverse secondary effects of sexually oriented businesses on the community presented in land use studies made available to the City Council and on findings incorporated in the cases of the *City of Littleton v. Z.J. Gifts*, 541 U.S. 774 (2004), *City of Erie v. Pap's A.M.*, 120 S. Ct. 1382 (2000), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990), *City of Renton v.*

Playtime Theatres, Inc., 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *Essence, Inc. v. City of Federal Heights*, 285 F.3d 1272 (10th Cir. 2002), *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F. 3d 683 (10th Cir. 1998), *O'Connor v. City and County of Denver*, 894 F. 2d 1210 (10th Cir. 1990), *City of Colorado Springs v. 2354 Inc.*, 896 P.2d 272 (Colo. 1995), *7250 Corp. v. Board of County Commissioners for Adams County*, 799 P. 2d 917 (Colo. 1990), and *Marco Lounge, Inc. v. City of Federal Heights*, 625 P.2d 982 (Colo. 1981), and on studies in other communities including, but not limited, to Adams County, Colorado; Dallas, Texas; Denver, Colorado; Garden Grove, California; Whittier, California; Indianapolis, Indiana; St. Paul, Minnesota; Los Angeles, California; Islip, New York; Ellicottville, New York; Las Vegas, Nevada; Rome City, Georgia; Houston, Texas; New York, New York; Oklahoma City, Oklahoma; Phoenix, Arizona; and Tucson, Arizona; and a study prepared by the American Center for Law and Justice dated March 1996; the Centennial City Council finds:

a. There are a substantial number of sexually oriented businesses in the Denver metropolitan area and these uses require special supervision from public safety agencies and municipal regulation in order to protect the health, safety and welfare of the patrons of such businesses as well as the citizenry;

b. Regulation of sexually oriented businesses furthers substantial governmental interests and is necessary because, in the absence of such regulation, significant criminal activity, including prostitution, narcotics and liquor law violations, has historically and regularly occurred;

c. Sexually oriented businesses are frequently used for unlawful and unhealthful sexual activities, including prostitution and sexual liaisons of a casual nature;

d. The concern over sexually transmitted diseases, including HIV, is a legitimate health concern of the City which demands reasonable regulation of sexually oriented businesses in order to protect the health and well-being of the citizens;

e. Sexually oriented businesses have a deleterious effect on both neighboring businesses and surrounding residential areas causing an increase in crime and a decrease in property values;

f. Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are often uncontrolled by the operators of the establishments;

g. Some people frequent certain adult theaters, adult arcades and other sexually oriented businesses to engage in sex within the premises of such sexually oriented businesses;

h. Sexually oriented businesses have serious objectionable characteristics, particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent area;

i. City Council recognizes the possible harmful impact on children and minors exposed to the effects of adult businesses that includes those encountered when children walk through or visit in the immediate neighborhood of such businesses;

j. The City wishes to minimize and control adverse effects and thereby protect the health, safety and welfare of the citizens; preserve the quality of life; preserve the

property values and character of surrounding neighborhoods; deter the spread of urban blight and protect the citizens from increased crime; and

k. It is not the intent of the ordinance codified in this Section to suppress any speech protected by the First Amendment, but to enact content-neutral regulations that address the secondary effects of sexually oriented businesses.

2. *Intent.* The intent of this Section is to set reasonable and uniform regulations to prevent the deleterious location and siting of sexually oriented business. These Regulations impose restrictions no greater than necessary to further the City's interest in preventing negative secondary effects attributable to sexually oriented businesses. This Section is to be construed as a regulation of time, place, and manner of the location of these businesses, consistent with the United States and Colorado Constitutions. The provisions of this Section have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this Section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment. It is also not the intent of this Section to condone or legitimize the distribution of obscene material or material not protected by the First Amendment.

C. **Location and Siting Requirements.**

1. It is unlawful to operate or cause to be operated a sexually oriented business in any location except as provided in this LDC, as amended from time to time and subject to licensing approval by the City in conformance with Title 6, *Business Licenses and Regulations*, Article 5, *Sexually Oriented Business Licenses*, of the Centennial Municipal Code.

2. Sexually oriented businesses shall be permitted only upon properties zoned Industrial ("I") within the boundaries of the City of Centennial lying between Interstate 25 on the west; Havana Street on the east; Costilla Avenue on the south; and Arapahoe Road on the north. Sexually oriented businesses shall be prohibited on properties zoned under a planned unit development preliminary development plan that expressly or implicitly allows for Industrial uses or uses that are permitted under I-1 or I-2 districts before the Effective Date.

3. No sexually oriented business shall be located within 1,000 feet of the following:

a. A school;

b. A boundary of any residential district or residentially zoned property;

c. A dwelling unit (single-family, single-family attached, or multifamily);

d. A publicly designated park owned or controlled by a municipality or special district that is available for use by the general public;

e. A state-licensed child care center located in the City of Centennial;

f. A church exceeding a total of 10,000 square feet that routinely and regularly schedules and conducts or provides related activities including, but not limited to, child care and other youth activities, educational classes, concerts, theater or other similar community events, on days of each week other than Sunday; or

g. Another sexually oriented business.

4. It is unlawful to cause or permit the operation or maintenance of more than one sexually oriented business in the same building, structure, lot, parcel, or portion thereof regardless of whether such businesses would be owned or operated by the same owner or lessee.

5. For purposes of this Section, distance requirements between structures and uses specified in this Section shall be measured in accordance with the following:

   a. When a proposed or existing use is housed in a structure or building, the required distance is measured to the closest exterior wall of the structure or building.

   b. When a proposed or existing use is housed within a building also occupied by other uses, such as within a multi-tenant shopping center, the required distance is measured from the closest portion of the building devoted to the proposed or existing use in question.

   c. When a proposed or existing use or activity is not housed in a structure or building (e.g., a park) or such use is a school, the required distance is measured to the closest lot or property line of the lot or parcel containing the use, activity, or school.

   d. The required distance to a residential district or to a residentially zoned property is measured to the closest zoning district boundary, as shown on the official zoning map, or to the closest lot or property line of the specifically zoned property.

   e. The required minimum distance is measured wherever the distance shall be the shortest between the proposed use or activity and existing use or activity, without regard to intervening structures or streets. Except as provided in subsection C.3.e., above, the presence of a city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

6. A sexually oriented business lawfully operating is not rendered in violation of this subsection by the subsequent location of a school, child care center, dwelling unit (single or multiple), park, or residential zoning district within 1,000 feet of the sexually oriented business.

D. **Location and Siting Requirement Exceptions.** The location and siting requirements of subsection C., above, shall not apply to the following:

1. Any sexually oriented business expressly described as an approved use in an annexation agreement approved by ordinance of the City of Centennial.

2. Any sexually oriented business for which a vested property right (within the meaning of Colorado law) was lawfully conferred or established provided that such right remains valid and effective.

E. **Exterior.**

1. It shall be unlawful for the owner or operator of a sexually oriented business to allow exterior portions of the sexually oriented business to be painted any color other than shades of brown, beige, tan or grey. Substitutes may be proposed by the owner or operator which may be accepted by the City upon a determination by the City that such substitute

color is compatible with and similar to other neighboring buildings' colors; provided however, the use of high intensity colors, primary colors, metallic colors, black or fluorescent colors is prohibited. This provision shall not apply to any sexually oriented business if the following conditions are met:

a. The sexually oriented business is a part of a commercial or industrial multi-unit center; and

b. The exterior portions of each individual unit in the commercial or industrial multi-unit center, including the exterior portions of the sexually oriented business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.

2. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the exterior of the building.

Sec. 0-2-411 Disposal

A. **Generally.** Disposal is allowed as a conditional use in the I district, subject to the requirements of this Section, Section 0-14-601, *Conditional Use and Temporary Conditional Use Procedures*, and other applicable sections of this LDC. In addition, no disposal sites shall be developed or operated without a certificate of designation, as required by Title 30, Article 20, Part 1, *Solid Wastes Disposal Sites and Facilities, Colorado Revised Statutes* or Title 25, Article 15, Part 2, *Hazardous Waste Disposal Sites*, *Colorado Revised Statutes*, as applicable.

B. **State Review.**

1. Applications for approval of a disposal facility shall be reviewed by the DPHE pursuant to Title 30, Article 20, Part 1, *Solid Wastes Disposal Sites and Facilities, Colorado Revised Statutes*.

2. The report and recommendation of DPHE are required prior to the processing of the application by the City.

3. In addition to the application of the standards of this LDC, no disposal site shall be approved without a recommendation of approval by DPHE.

4. Technical conditions of approval made by DPHE shall be incorporated into the certificate of designation.

C. **Health Department Review.** Applications for approval of a disposal facility shall be reviewed by the Tri-County Health Department. The Tri-County Health Department's comments shall be considered in the evaluation of the certificate of designation.

D. **General Evaluation Criteria.** No certificate of designation shall be issued unless the facility has a recommendation of approval by the Colorado Department of Public Health and Environment ("DPHE") and the City Council finds that:

1. There is no exclusive site for solid waste disposal (pursuant to Section 30-20-107, *Colorado Revised Statutes*) with capacity to serve the City's needs;

2. There is a demonstrated need for the facility to serve the residents and businesses of the City of Centennial;
3. The facility conforms to the Comprehensive Plan;
4. The facility complies with all technical rules promulgated by DPHE;
5. The financial assurances provided pursuant to Section 30-20-104.5, *Colorado Revised Statutes* are adequate to serve their purposes; and
6. The disposal facility would create a net public benefit to the region and the residents and property owners of the City of Centennial, taking into account:
    a. The effect that the solid wastes disposal site and facility will have on the surrounding property, taking into consideration the types of processing to be used, surrounding property uses and values, and wind and climatic conditions;
    b. The convenience and accessibility of the solid wastes disposal site and facility to potential users;
    c. The ability of the applicant to comply with the health standards and operating procedures provided for in Title 30, Article 20, Part 1, *Solid Wastes Disposal Sites and Facilities, Colorado Revised Statutes* and such rules and regulations as may be prescribed by the department; and
    d. Recommendations by local health departments within five miles of the facility.

E. **Hazardous Waste Disposal Evaluation Criteria.** No certificate of designation shall be issued unless the City Council finds all of the following:

1. DPHE has made a recommendation of approval pursuant to Section 25-15-202(4)(c)(III), *Colorado Revised Statutes.*
2. The site would not pose a significant threat to the safety of the public, taking into consideration:
    a. The density of population areas neighboring the site;
    b. The density of population areas adjacent to the portion of the delivery roads within a fifty-mile radius of the site; and
    c. The risk of accidents during the transportation of waste to or at the site.
3. The applicant has demonstrated a need for the facility by Colorado hazardous waste generators.
4. The applicant has documented its financial ability to operate the proposed site.
5. The applicant, taking into account its prior performance record, if any, in the treatment, storage, or disposal of hazardous waste, has documented sufficient reliability, expertise, and competency to operate and manage the proposed facility.
6. The site conforms to officially adopted land use plans, policies, regulations, and resolutions.

F. **Performance Criteria.** Disposal facilities that meet the criteria of subsection D. or E., above, as applicable, shall be designed and located as follows:

1. The facility shall be spaced at least 1/4 mile from Arapahoe Road, and shall be located between I-25 and Parker Road;
2. The facility shall be surrounded by an 80 percent opacity bufferyard that includes a six-foot tall masonry wall and is composed of not less than 50 percent Type A or B plant units; and
3. The facility shall be accessed by a collector street, and trucks shall be routed to avoid local streets (except on collection routes).

G. **Truck Routing Plan.** A truck routing plan is required according to the standards of Section 0-5-501, *Truck Routing Plans.*

H. **Violation Abatement Fund.** The applicant shall create a violation abatement fund as set out in Section 0-15-202, *Violation Abatement Fund*.

Sec. 0-2-412 Waste Transfer Stations and Recycling Centers

A. **Generally.** Waste transfer stations and recycling centers are allowed as a conditional use in the I district, subject to the requirements of this Section, Section 0-14-601, *Conditional Use and Temporary Conditional Use Procedures*, and other applicable provisions of this LDC.

B. **State Review.** The City shall request a technical review of the site and facility documents and operation plan from the DPHE pursuant to 6 CCR 1007-2 § 7.1 for all applications for approval of a waste transfer station.

C. **Location Requirements.**

1. No waste transfer station or recycling center shall be located in any of the following areas:
   a. Within 1,500 feet of the platted right-of-way of Arapahoe Road, Briarwood Avenue, Parker Road, Broncos Parkway, Easter Avenue (between I-25 and South Potomac Street), or Jordan Road (south of Hinsdale Drive).
   b. Closer than 1,760 feet to the following intersections, as measured by a straight line from the center point of the intersection:
      i. Arapahoe Road and any of the following streets: Yosemite Street, Havana Street, Lima Street, Peoria Street, Revere Parkway, Potomac Street, or Jordan Road;
      ii. Parker Road and Broncos Parkway;
      iii. Jordan Road and Broncos Parkway;
      iv. Broncos Parkway and Potomac Street; and
      v. Potomac Street and Briarwood Avenue.
2. Waste transfer stations and recycling centers shall be located so that truck traffic generated by the station can access an arterial street without need for travel upon a public street within or adjacent to any residentially zoned area or along thoroughfares adjacent to any public park or public recreational area or recreational facility.

D. **Mitigation of Hazards to Aircraft.** Waste transfer stations handling putrescible wastes within 10,000 feet of any airport runway end used by turbojet aircraft or within 5,000 feet of any

airport runway end used only by piston-type aircraft shall be designed and operated in a manner that will not result in hazards (including bird strike hazards) to aircraft.

E. **Protection of Water Resources and Public Health.**

1. Waste transfer stations and recycling centers shall be located, designed, or operated outside of the special flood hazard area and cannot result in washout of waste or otherwise pose a hazard to human health, wildlife, or contamination of land or water resources.
2. New waste transfer stations or recycling centers and expansions of such stations or centers shall not be located within or encroach into any floodway, 100-year floodplain, or wetland.

F. **Setbacks.** No building or area in which the unloading, storage, processing, or transfer of waste or recyclable materials takes place shall be located within:

1. 50 feet of the lot line on which the waste transfer station is located; or
2. 200 feet of:
   a. A lot line of a residentially zoned property;
   b. Any non-residential structure located on property not owned or leased by the owner of the waste transfer station;
   c. Any wetland;
   d. Any water well;
   e. Any natural or artificial pond (including detention or retention pond or facility); natural stream, water way, or water course, or
   f. An artificial drainage way or canal.

G. **Minimum Area of Parcel Proposed for Development.** The minimum area of a parcel proposed for development as a waste transfer station or recycling center is four acres.

H. **Design Requirements.**

1. *Generally*.
   a. For waste transfer stations, the site shall be designed such that all activities associated with waste transfer, such as tipping, sorting, storage, compaction, transfer, reloading, and related activities shall be conducted in a fully enclosed building. No outdoor storage of materials or equipment shall be permitted. Appropriate enclosed office/and plumbed employee restroom facilities shall be provided on-site.
   b. For recycling centers, all materials shall be stored in enclosed bins or other appropriate containers that are weather resistant, rust-proof, and secured at the end of business each day.
   c. Adequate snow storage areas shall be provided within the waste transfer station. Snow storage areas shall be made accessible and available at all times for exclusive use for snow storage from October 1 to April 30.
2. *On-Site Parking and Roads*.

a. The facility shall be designed with sufficient off-street parking and stacking areas to accommodate all employees, visitors, and trucks. Public streets shall not be utilized at any time for parking, stacking, or storage of employee vehicles, visitor vehicles, or trucks.

b. The facility shall be designed with sufficient drive aisles and parking areas to avoid potential conflicts between facility operations by trucks and passenger vehicles (e.g., for household waste or recyclable material drop-off), and the use of emergency access easements and fire lanes.

c. The road surface design shall be suitable for heavy vehicles and the road base shall be capable of withstanding all expected loads.

d. On-site roads shall be passable by loaded collection and transfer vehicles in all weather conditions.

e. The road system shall be designed to eliminate the need for the backing of truck traffic.

3. *Unloading and Loading Areas*.

a. The unloading area shall be adequate in size and design to facilitate efficient unloading from the collection vehicles and the unobstructed movement of vehicles.

b. The unloading and loading pavement areas shall be constructed of concrete or asphalt paving material and equipped with adequate drainage structures and systems.

c. Processing, tipping, sorting, storage, and compaction areas shall be located within an enclosed building.

d. Provisions shall be made for weighing or measuring all solid waste transferred to the facility.

e. Sufficient internal storage areas shall be provided for incoming solid waste.

4. *Fencing and Aesthetics*.

a. Waste transfer station and recycling center design shall include an eight foot perimeter fence interrupted only by necessary access and maintenance gates. Fencing shall be constructed of brick, block, stone, or other materials with similar aesthetic and quality characteristics. The use of brick and stone in combination with wood may be permitted where such material use is found by the City as consistent and compatible with other fencing and building materials used within the immediate area. Use of split-face style cinder block shall be permitted if a neutral earth-tone color (no un-textured, common gray cinder block will be permitted).

b. Gates shall be designed in a manner to balance the aesthetic compatibility of the station fencing materials with station security. Colored metal or wrought iron gates designed to substantially reduce public views into the station are encouraged. Use of chain link materials for gates is prohibited.

c. Facility layout, building materials, and building design shall, to the greatest extent possible, be planned to present an aesthetically attractive appearance from off-site

locations when viewed through gated openings that will remain open during daylight or business hours.

d. The use of chain link or barbed wire within the station shall be limited to areas not visible from any public right-of-way.

e. The facility shall be surrounded by an 80 percent opacity bufferyard that includes a six-foot tall masonry wall and is composed of not less than 50 percent Type A or B plant units. The Director shall be authorized to waive landscaping requirements for areas within the perimeter fencing of the waste transfer station in the event that the Director finds that the waste transfer station integrates landscape buffer areas and significant landscaping amenities along the exterior of the perimeter fencing.

5. *Waste Liquid Collection and Disposal*.

a. All waste transfer stations shall be designed and constructed to include a collection and disposal system that will prevent liquids contained in waste materials and generated by normal operations such as wash-out and cleaning of equipment, trucks, and floors ("waste liquids"), from contaminating the soil, surface water, or ground water.

b. Tipping, loading, and unloading areas shall be constructed of impervious material and equipped with drains connected to either:

i. A sanitary sewer system if permitted by the sanitation district or service provider; or

ii. A corrosion-resistant holding tank. Alternate designs may be used with prior written approval of the City if the applicant can show that the alternate design will prevent waste liquids from contaminating the soil, surface water, and ground water.

I. **Operational Requirements.**

1. *Waste Acceptance*. Only household waste, commercial, and industrial waste and recyclable materials shall be accepted at any waste transfer station. Only recyclable materials shall be collected at a recycling center. Unless otherwise collected in accordance with a plan approved by the City, no wastes classified as hazardous in accordance with C.R.S. 25-15-101 *et seq*. shall be knowingly accepted. The operator shall employ a plan for proper identification, control, and disposal of hazardous wastes received by the waste transfer station. No asbestos waste shall be knowingly accepted at a transfer station facility. The operator shall employ a plan for proper identification, control, and disposal of hazardous and asbestos wastes.

2. *All Functions to be Enclosed*. All activities associated with processing, such as tipping, sorting, storage, compaction, transfer, reloading, and related activities shall be conducted in a fully enclosed building.

3. *Storage*. Adequate storage space for all waste shall be available at the transfer station in a fully enclosed building. No external storage of wastes or storage shall be permitted. Solid wastes shall not remain at the transfer station for more than 72 hours. Any solid waste that is to be kept overnight at the station shall be stored in an impervious enclosed structure.

4. *Overnight Truck Parking*. Trucks or vehicles shall not be parked or stored overnight at the waste transfer station unless screened in a manner that will substantially prevent view of stored vehicles from public rights-of-way. Any vehicle maintenance services shall be a secondary and subordinate use of the site and shall be limited to maintenance of vehicles associated with trash delivery and transfer at the waste transfer station. Junked or inoperable vehicles shall not be stored at the waste transfer station.

5. *Emergency Access Required*. Emergency access easements and fire lanes shall be maintained at all times in an unobstructed and fully accessible condition.

6. *Supervision of Facility*. The waste transfer station or recycling center shall have an on-site operator on duty at all times the facility is open. Such operator shall be licensed and/or certified if licensure or certification is required by state law. Suitable security measures and signage shall be provided to limit unauthorized persons from access to the facility when the station is closed.

7. *Control of Litter, Insects, Odors, and Vectors*. The operation of the waste transfer station or recycling center and the storage and handling of all solid waste shall be practiced so as to prevent the attraction, harborage or breeding of wildlife or insects, rodents, and other vectors (e.g., flies, maggots, roaches, rats, mice, and similar vermin) and to eliminate conditions which cause or may potentially cause:

    a. Harm to the public health and the environment;

    b. Congregation of birds;

    c. Safety hazards to individuals and surrounding property; and

    d. Excessive odor problems, unsightliness, and other nuisances.

8. *Facility Maintenance*.

    a. Waste transfer stations and recycling centers shall be maintained in a neat and orderly appearance at all times through the control of uncontained waste, trash, and litter. Operators shall cause periodic policing not less than once every day (or more often as needed) of the entire waste transfer station or recycling center site. Operators shall also cause periodic off-site policing and clean-up of waste, trash, and litter along all truck routes described in the Truck Routing Plan within 1,760 feet of the station not less than three times per week (or more often if needed) to ensure a neat and orderly appearance of the public rights-of-way.

    b. Sanitary conditions shall be maintained through the periodic wash-down or other appropriate cleaning method of the transfer station and transfer vehicles. Frequency of cleaning shall be sufficient to prevent odors and other nuisance conditions from developing. All residuals shall be properly disposed of following cleaning operations.

9. *Other Operational Requirements and Prohibitions*.

    a. No liquids, other than those used to disinfect, to suppress dust, or to absorb or cover odors from the solid waste, shall be added to the solid waste.

    b. Open burning is prohibited on any waste transfer station site.

c. Scavenging is prohibited at any waste transfer station or recycling center.

J. **Operations Plan Requirements.** The Operations Plan shall describe all activities to be conducted at the waste transfer station and describe programs and requirements to be imposed to ensure compliance with the provisions of this Section. The Operations Plan shall be maintained and be made readily available for reference and inspection at the waste transfer station or recycling center and shall be updated and re-approved by the City of Centennial as necessary to reflect changes in operations. The Operations Plan shall, at a minimum, describe:

1. How the requirements of this Section will be satisfied;
2. The schedule of operation including the days and hours that the facility will be open;
3. Personnel required and their training and responsibilities;
4. A description of measures that will be taken to identify and control undesirable wastes received that could either contaminate other wastes or pose unusual health hazards and risks to employees, such as infectious medical waste and hazardous wastes;
5. Equipment provided at the facility and its operation;
6. Site access control method;
7. A description of potential safety hazards and the safety equipment and protective gear to be available on site, including but, not limited to, showers, eye wash stations, fire extinguishers, hoses, hard hats, safety goggles, respirators, hearing protection devices, and personal hygiene facilities;
8. Fire fighting procedures, including availability of water for fire fighting;
9. A contingency plan outlining the corrective or remedial measures that will be taken if unapproved wastes are delivered to the facility and in the event of odors, surface or ground water contamination, spills, equipment breakdown, and other undesirable conditions such as fires, dust, noise, and vectors;
10. A truck routing plan according to the requirements of Section 0-5-501, *Truck Routing Plans*, which shall also describe the process and procedures associated with the delivery and hauling of all wastes processed at the waste transfer station or recycling center; and
11. Other information as required by the City of Centennial that is appropriate to the facility operating plan.

K. **Violation Abatement Fund.** The applicant shall create a violation abatement fund as set out in Section 0-15-202, *Violation Abatement Fund*.

Sec. 0-2-413 Extraction

A. **Generally.** Extraction is permitted in the AG or I district in accordance with a Master Plan for Extraction prepared by the Planning and Zoning Commission, pursuant to Section 34-1-304, *Master Plan for Extraction*, *Colorado Revised Statutes*, and the conditional use standards of Section 0-14-601, *Conditional Use and Temporary Conditional Use Procedures*. As of the Effective Date, there are no known commercially valuable mineral deposits in the City of Centennial, and thus no Master Plan for Extraction has been adopted. If commercially valuable mineral deposits

are discovered in Centennial, it is the intent of the City Council to develop a Master Plan for Extraction, and hold applications for extraction in abeyance until the plan is adopted.

B. **Master Plan for Minerals Extraction.** If a Master Plan for Extraction has not yet been adopted by the City of Centennial at the time of application for a conditional use approval for any extraction use, such application shall be held in abeyance for a period of up to 12 months, during which the master plan will be developed. The Master Plan for Extraction shall take into account:

1. Any system adopted by the Colorado geological survey grading commercial mineral deposits according to such factors as magnitude of the deposit and time of availability for and feasibility of extraction of a deposit;
2. The potential for effective multiple sequential use which would result in the optimum benefit to the landowner, neighboring residents, and the community as a whole;
3. The development or preservation of land to enhance development of physically attractive surroundings compatible with the surrounding area;
4. The quality of life of the residents in and around areas which contain commercial mineral deposits;
5. The Comprehensive Plan and sub-area plans;
6. Maximization of extraction of commercial mineral deposits;
7. The ability to reclaim the area pursuant to the provisions of the *Colorado Mined Land Reclamation Act*, Section 34-32-101, *et seq., Colorado Revised Statutes*; and
8. The ability to reclaim an area owned by the City or other governmental authority, pursuant to an adopted plan, to be used for public purposes by the City or governmental authority consistent with such proposed use.

C. **Oil and Gas.** In addition to statutory requirements, all of the following standards shall be included in any Master Plan for Extraction that addresses oil and gas uses:

1. Oil and gas operations shall be conducted in a manner that minimizes intrusion upon, and damage to, the surface of the land, pursuant to Section 34-60-127, *Reasonable Accommodation*, *Colorado Revised Statutes*.
2. Oil and gas operations shall be conducted in accordance with rules promulgated by the Colorado Oil and Gas Conservation Commission, including, where applicable, rules for habitat stewardship.

D. **Performance Standards.** Extraction operations (oil and gas and mineral) shall be:

1. Buffered from adjacent land uses and public rights-of-way by an 80 percent opacity bufferyard composed of any combination of plant units A and B; and
2. Secured from trespass with a fence or wall located along the interior boundary of the bufferyard. The wall or fence counts towards the opacity of the bufferyard.

E. **Truck Routing Plan.** A truck routing plan is required according to the standards of Section 0-5-501, *Truck Routing Plans.*

Sec. 0-2-414 Heavy Industry

A. **Generally.** Heavy industry is permitted in the I district, subject to the standards of this Section and Section 0-14-601, *Conditional Use and Temporary Conditional Use Procedures*, and other applicable provisions of this LDC. It is the intent of the City Council to ensure that heavy industries are sited in locations where their impacts on residential neighborhoods and environmental resources (including floodplains) are minimized.

B. **Performance Criteria for Heavy Industries.** In addition to the performance standards required of all uses by Division 7-4, *Environmental Quality*, heavy industries shall not be of types that dispose of hazardous wastes on-site.

C. **Outdoor Storage.** Outdoor storage areas shall comply with the standards of Section 0-2-419, *Storage Yards*.

D. **Major Electrical or Natural Gas Facilities.**

1. *Threshold Criteria*. Major electrical or natural gas facilities, except those which qualify as community or neighborhood utilities, shall be evaluated to determine the balance of the interest of the City of Centennial with the statewide interest in the location, construction, or improvement of major electrical or natural gas facilities. The City Council shall decide the application based on whether the balance of the following factors weighs in favor of locating the facility in Centennial:

   a. The demonstrated need for the facility;

   b. The extent to which the proposed facility is consistent with the City of Centennial Comprehensive Plan and applicable sub-area plans;

   c. Whether the proposed facility would exacerbate a natural hazard;

   d. How the facility will comply with applicable utility engineering standards, including supply adequacy, system reliability, and public safety standards;

   e. The relative merit of any reasonably available and economically feasible alternatives proposed by the public utility, the power authority, or the City;

   f. The impact that the City's action would have on the customers of the public utility or power authority who reside within and without the boundaries of the jurisdiction of the City;

   g. The impact the proposed facility would have on residents within the City's jurisdiction including, in the case of a right-of-way in which facilities have been placed underground, whether residents have already paid to place such facilities underground; and

   h. The safety of residents within and without the boundaries of the City.

2. *Performance Criteria*. Major electrical or natural gas facilities that involve combustible materials and that are found acceptable to the City Council according to the criteria of subsection C.1., above, shall be designed and located as follows:

   a. The facility shall be spaced at least 1/4 mile from Arapahoe Road, and shall be located between I-25 and Parker Road;

b. The facility shall be surrounded by an 80 percent opacity bufferyard; and

c. The facility shall be accessed by a collector street, and trucks shall be routed to avoid local streets.

E. **Truck Routing Plan.** A truck routing plan may be required according to the standards of Section 0-5-501, *Truck Routing Plans.*

Sec. 0-2-415 Light Industry

A. **Generally.** The standards of this Section apply to light industrial uses in the BP district. These standards are applied in addition to the other applicable standards of this LDC.

B. **Performance Standards for Light Industry.** Light industry is permitted in the BP district if it is demonstrated that:

1. Related truck traffic is mitigated in one of the following ways:

   a. Pick-ups or deliveries by semi-trailer trucks occur not more than once per day; or

   b. All of the following:

      i. The use is spaced at least 500 feet from property that is zoned or used for residential purposes;

      ii. A truck routing plan developed according to the standards of Section 0-5-501, *Truck Routing Plans.*, which shall be approved with the application for limited use approval, shows that the trucks will not traverse local or collector streets in residential neighborhoods; and

      iii. Loading, unloading, stacking, standing, and parking areas for trucks are set back at least 400 feet from office buildings on property that is not controlled by the applicant, are located behind the principal building, and are buffered by a 30 percent opacity bufferyard. The perimeter bufferyard is not required if a required district bufferyard or other required bufferyard is already more opaque than 30 percent.

2. Outside storage areas, if any:

   a. Do not exceed the inside floor area of the use;

   b. Are not used for storage of solid or liquid waste, inoperable machinery or vehicles, or materials that generate dust or attract pests;

   c. Are enclosed by a 20 percent opacity bufferyard that includes a six-foot tall fence or wall; and

   d. Access to outdoor storage areas are designed to minimize ground level views into the storage areas from abutting property and rights-of-way; and

3. The use will not interfere with the use of adjoining property for professional office, research and development, or hospital purposes due to noise, dust, vibration, glare, electromagnetic interference, or odors, if the abutting property is vacant, approved, or in use for one or more of these purposes.

Sec. 0-2-416 Salvage and Composting

A. **Generally.** Recycling and salvage activities are permitted as a limited use in the BP and I districts, subject to the requirements of this Section, and the other applicable standards of this LDC.

B. **Automotive Salvage.** Automotive salvage yards shall be:

1. Surrounded by an 80 percent opacity bufferyard pursuant to Division 8-4, *Bufferyards*;
2. Configured so that inoperable vehicles and other junk are not visible from public rights-of-way; and
3. Spaced from other districts as follows:
   a. From residential or mixed-use zoning districts: 2,640 feet; and
   b. From commercial zoning districts: 1,320 feet.

C. **Composting Facility.** Composting facilities shall be:

1. Located in enclosed buildings with odor control systems;
2. Set back at least 200 feet from all property lines;
3. Surrounded by a 50 percent opacity bufferyard pursuant to Division 8-4, *Bufferyards*;
4. Located on a site that is a minimum of five acres in size; and
5. Spaced from other districts as follows:
   a. From residential or mixed-use zoning districts:
      i. 2,640 feet to districts located to the East and South;
      ii. 2,000 feet to districts located to the West and North.
   b. From GC zoning districts: 1,320 feet.

D. **Hazardous Waste or Hazardous Materials.** No hazardous waste or hazardous materials shall be accepted or deposited at any salvage or composting facility, except as incidental to the salvage operation. Salvage operations shall be conducted to remove hazardous wastes and materials and dispose of them according to state and federal requirements.

E. **Mitigation of Hazards to Aircraft.** Composting facilities that are located within 10,000 feet of any airport runway end used by turbojet aircraft or within 5,000 feet of any airport runway end used only by piston-type aircraft shall be designed and operated in a manner that will not result in bird hazard to aircraft.

F. **Truck Routing Plan.** A truck routing plan is required according to the standards of Section 0-5-501, *Truck Routing Plans.*

G. **Violation Abatement Fund.** The applicant shall create a violation abatement fund as set out in Section 0-15-202, *Violation Abatement Fund*.

Sec. 0-2-417 Utilities

A. **Generally.** The standards of this Section apply to community and neighborhood utility facilities in all districts except BP and I. The standards of Section 0-14-601, *Conditional Use and Temporary Conditional Use Procedures*, also apply if the use is listed as "C" in Table 0-2-304, *Industrial, Agricultural, and Special Uses*. These standards are applied in addition to the other applicable standards of this LDC.

B. **Certificates of Convenience and Necessity.** No utility facility, plant, or system that requires a certificate of convenience and necessity from the Colorado Public Utilities Commission shall be approved unless such certificate is granted.

C. **Major Electrical or Natural Gas Facilities.** Community and neighborhood utilities which also qualify as major electrical or natural gas facilities shall be evaluated to determine the balance of the interest of the City of Centennial with the statewide interest in the location, construction, or improvement of major electrical or natural gas facilities. The City Council shall decide the application based on whether the balance of the following factors weighs in favor of locating the facility in Centennial:

1. The demonstrated need for the facility;
2. The extent to which the proposed facility is consistent with the City of Centennial Comprehensive Plan and applicable sub-area plans;
3. Whether the proposed facility would exacerbate a natural hazard;
4. How the facility will comply with applicable utility engineering standards, including supply adequacy, system reliability, and public safety standards;
5. The relative merit of any reasonably available and economically feasible alternatives proposed by the public utility, the power authority, or the City;
6. The impact that the City's action would have on the customers of the public utility or power authority who reside within and without the boundaries of the jurisdiction of the City;
7. The impact the proposed facility would have on residents within the City's jurisdiction including, in the case of a right-of-way in which facilities have been placed underground, whether residents have already paid to place such facilities underground; and
8. The safety of residents within and without the boundaries of the City.

D. **Utility Lines.** Utility lines, except electrical distribution lines, shall be installed underground.

E. **Community and Neighborhood Utilities.**

1. *Agricultural and Residential Districts*. In the AG, RS, RA, RU, NC, and NI districts, any above-ground structure that occupies a footprint of greater than 100 square feet shall be screened from view by a 60 percent opacity bufferyard that includes a fence that is not less than six feet in height nor more than eight feet in height.
2. *General Commercial and Education, Institutional, and Recreation Districts*. In the CG and ED districts, any above-ground structure shall be screened from view by a 40 percent opacity

bufferyard that includes a fence that is not less than six feet in height nor more than eight feet in height.

3. *Activity Center and Urban Center Districts*. In the AC, and UC districts, above-ground structures shall be designed to fit into the urban or auto-urban environment, as applicable, in that:

   a. Masonry walls, rather than fences, shall be used to screen the facility; and

   b. The street faces shall be improved to provide an expansion of the sidewalk areas with landscaping and seating to make the utility a useful part of the streetscape.

4. *Small Structure Standards in All Districts*. Structures that are less than 10 feet in height and less than 50 square feet in footprint are exempt from the standards set out in subsections E.1., E.2., and E.3., above. Instead, such structures shall be:

   a. Surrounded by an evergreen hedge that will grow to a height of not less than four feet two years after planting; or

   b. Enclosed in an accessory building that meets the requirements for accessory buildings for the primary use of the parcel proposed for development in the applicable zoning district; or

   c. If located behind the front building line, screened by a wing wall or fence or topography to a degree that is comparable to that which would be achieved through compliance with subsection E.4., above.

5. *Exemptions*. The standards of this Subsection do not apply to:

   a. Telecommunication towers, which are subject to Section 0-2-305, *Wireless Telecommunications Facilities*, and Section 0-2-425, *Wireless Telecommunications Facilities* (as applicable).

   b. Utility distribution lines, which are permitted subject to the requirements of Subsection C., above.

   c. Advanced ecologically engineered wastewater treatment systems.

Sec. 0-2-418 Commercial Warehousing and Logistics

A. **Generally.** Commercial warehousing and logistics is permitted in the BP district subject to the standards of this Section and the other applicable standards of this LDC.

B. **Location.** The commercial warehousing and logistics facility shall be located such that trucks have direct access to a collector or arterial street, or to a local street that is only used for warehousing and logistics purposes.

C. **Truck Routing Plan.** A truck routing plan is required according to the standards of Section 0-5-501, *Truck Routing Plans.*

Sec. 0-2-419 Storage Yard

A. **Generally.** Storage yards are permitted in the I district subject to the standards of this Section and the other applicable standards of this LDC.

B. **Location.** Storage yards shall not be located on parcels that abut Arapahoe Road, Yosemite Street, Parker Road, Smoky Hill Road, or Jordan Road.

C. **Fencing.** Storage yards shall be enclosed by a 10 percent opacity bufferyard that includes a fence to provide security.

D. **Materials.**

1. Liquids, gels, and pastes (e.g., paints, sealers, etc.) shall be stored only in enclosed buildings.
2. Storage of explosives is not allowed.
3. Storage of more than 10 gallons of motor fuel is not allowed.

E. **Disposal Prohibited.** Storage yards shall not be used to dispose of inoperable machines or wastes. Temporary storage of construction wastes generated by the contractor who operates the storage yard is permitted, provided that:

1. The materials are not stored for more than 48 hours;
2. The materials do not generate dust;
3. The materials do not contain hazardous materials such as lead or asbestos; and
4. The materials are of types that will not become wind-blown debris.

F. **Property Maintenance.** Storage yards shall be maintained in an orderly manner.

Sec. 0-2-420 Agriculture

EDITOR'S NOTE: HIGHLIGHTED PROVISIONS ARE INCLUDED FOR REFERENCE ONLY. THEY HAVE BEEN IDENTIFIED AS ITEMS FOR FURTHER STUDY (AND ITEMS B.2. AND B.3. ARE ADDED SINCE THE LAST DRAFT). AS SUCH, THEY ARE NOT PART OF THE LDC UNTIL APPROVED BY THE CITY COUNCIL. HIGHLIGHTING WILL BE REMOVED IF AND WHEN THE PROVISIONS ARE MADE EFFECTIVE.

A. **Generally.** Agriculture is permitted in the NC and NI districts subject to the standards of this Section and the other applicable standards of this LDC.

B. **Limitation on Agriculture in NC and NI Districts.**

1. Except as provided in subsection C., agriculture in the NC and NI districts shall not include the raising of animals for food or food products that are offered for sale.
2. The raising of animals for food or food products for consumption by the occupant of the lot is allowed only in the NC_{2A} district, and is limited to no more than 0.2 animal equivalent units are permitted per acre. Roosters are not allowed.
3. The keeping of horses is limited to one horse per 1.25 acres.

C. **Limitation on Apiaries in NC and NI Districts.**

1. Apiaries are permitted in the NC and NI zoning districts as a limited use, provided that:
   a. The minimum lot size is 4 acres;

b. No more than one apiary is placed par acre; and

c. The apiaries are set back at least 200 feet from all property lines.

2. Apiaries are permitted in the NC and NI zoning districts as a conditional use, provided that:

a. The minimum lot size is 12,500 feet;

b. The applicant demonstrates that the apiaries will be limited in size and located such that the density of bees that will frequent adjacent and nearby properties will not interfere with the use of those properties in terms of risks of bee stings and noise from flying bees.

Sec. 0-2-421 Airports

A. **Generally.** Airports are permitted in the I district, subject to the standards of this Section and other applicable provisions of this LDC.

B. **Location.** The airport use is allowed only in the location of the existing Centennial Airport, and in adjacent areas into which the airport may expand. No other facilities for take-off and landing of fixed-wing aircraft are permitted in the City.

C. **Master Plan and Activity Forecast**. The airport shall provide a master plan for its physical expansion and a forecast of aviation activity. The master plan and activity forecast may be approved if it is demonstrated that:

1. The proposal is designed to minimize the impact on existing residential uses by:

a. Minimizing the number of existing residences that are brought within the 55 DNL noise zone; and

b. Ensuring that residential uses do not come within the 65 DNL noise zone unless they are subject to an avigation easement that allows inclusion in this zone; and

2. The proposal does not materially interfere with the development of nearby property in the City of Centennial for commercial or industrial use due to the location of the safety zones, unless the property is owned by the airport.

D. **Compliance with Federal Standards.** The airport shall demonstrate compliance with all other federal regulations applicable to airport expansion or reconfiguration.

Sec. 0-2-422 Helistop

A. **Generally.** Helistops are permitted in districts where they are specified in Table 0-2-304, *Industrial, Agricultural, and Special Uses*, as “L” or “C," subject to the standards of this Section and other applicable provisions of this LDC.

B. **Location.** The applicant shall demonstrate that the helistop is designed, located, and will be operated such that:

1. No residential uses are located within an area that will experience helistop noise at levels above 55 DNL; and

2. No office uses are located within areas that will experience helistop noise at levels above 60 DNL, unless the office uses are on the same property as the helistop.

C. **Exemption from Location Requirements.** In the interest of public safety, police stations, fire stations, hospitals, and trauma centers uses may be developed with an accessory helistop.

D. **Existing Airports.** No helistop shall be located or operated in a manner that would interfere with the aviation operations of an existing airport.

E. **Compliance with Federal Regulations.** The applicant for a helistop shall demonstrate compliance with all federal regulations pertaining to heliport development.

Sec. 0-2-423 Parking (Stand Alone Lot) and Multimodal Transit Facilities

A. **Generally.** Parking (Stand Alone Lot) and Transit Facilities are permitted in districts where they are specified in Table 0-2-304, *Industrial, Agricultural, and Special Uses*, as "L," subject to the standards of this Section and other applicable provisions of this LDC.

B. **Parking Lots.**

1. *Design*. Parking lots shall be designed in accordance with the requirements of Article 5, *Parking and Loading*.

2. *Surfacing*. Parking lots shall have asphalt or concrete paving for all surfaces used for vehicle parking. Alternative paving materials (such as grass pavers) may be used if it is demonstrated that:

   a. The volume of demand for the parking lot will be commensurate with the durability of the materials;

   b. Irrigation, if needed to maintain the materials, will be available;

   c. The materials will not generate windblown dust or allow gravel or debris to be scattered onto adjacent streets (*e.g.*, gravel parking areas are prohibited); and

   d. The materials will provide an environmental benefit that is more favorable than could be provided with asphalt or concrete in terms of:

      i. Microclimate; or

      ii. Stormwater runoff velocities, volumes, or water quality.

C. **Multimodal Transit Facilities.**

1. *Operations Plan and Parking Study Required*. Operators of multimodal transit facilities shall provide the City with:

   a. An operations plan that shows proposed transit services, including routes and headways; and

   b. A study that estimates the demand for the multimodal facility, including the number of parking spaces needed to meet that demand based on the assumed number of passengers per private vehicle and the number of parking spaces that are needed to provide buffer spaces to ensure adequate circulation during times of peak use.

2. *Parking Lot Design.* Parking lots shall be designed in accordance with the requirements of Article 5, *Parking and Loading*. Structured parking is permitted if:
   a. In relation to streets that serve as boundaries for the zoning district, the parking structure is either:
      i. Wrapped by liner buildings; or
      ii. Buffered from streets with a 20 percent opacity bufferyard; and
   b. In relation to streets within the zoning district, access to the parking structure is not provided on streets where pedestrian activity is focused.
3. *Covered Waiting Areas*. Multimodal transit facilities shall provide covered waiting areas for passengers.
4. *Facility Design*. In the AC and UC districts, the facility shall be designed as an integrated part of the development within the district, such that:
   a. There are efficient pedestrian connections to other uses in the district;
   b. Parking that is related to the facility does not disrupt the pattern of development within the district by creating a disproportionate expanse of pavement compared to other parking areas within the district; and
   c. Buses are not routed through residential neighborhoods in order to enter or leave the facility.

Sec. 0-2-424 Self-Storage Facilities

A. **Generally.** Self-storage is permitted in districts where they are specified in Table 0-2-304, *Industrial, Agricultural, and Special Uses*, as "L," subject to the standards of this Section and other applicable provisions of this LDC.

B. **Required Spacing.**
   1. *General Spacing Standards*. Self-storage shall be spaced from rights-of-way, intersections, other self-storage facilities, and residential uses at least the following distances:
      a. From the right of way of Arapahoe Road, Parker Road, and Broncos Parkway: 300 feet
      b. From the intersections of Briarwood Avenue and Jordan Road; Parker Road and Broncos Parkway; Easter Avenue and Havana Street; Easter Avenue and Peoria Street; or Potomac Street and Briarwood Avenue: 500 feet
      c. From other self-storage units: 1,000 feet
      d. From residential uses: 300 feet
   2. *Alternative Standards.* The spacing requirements of subsection B.1., above, may be waived if it is demonstrated that the use is integrated into a unified, master-planned commercial development that:
      a. Contains at least 50,000 square feet of new and fully enclosed floor area designed, intended, and suitable for commercial retail use;

b. Includes four or more separate commercial retail uses that are not a vehicle wash, convenience store, light automobile service / gas station, or drive-through restaurants;

c. Is designed and constructed so that all structures within the development are planned, integrated, compatible, and coordinated using the same or substantially identical:

i. Exterior building materials and colors;

ii. Architectural features and style; and

iii. Lighting and lighting fixtures;

d. Will be permanently maintained in a planned, integrated, compatible, and coordinated manner as required by subsection B.2.c., above through the imposition of covenants, conditions, or restrictions running with the property;

e. Demonstrates compliance with applicable design standards set out in Division 4-2, *Nonresidential Design Standards*; and

f. Phases the construction of the self-storage facility either:

i. Following issuance of a certificate of occupancy for all other proposed structures within the development; or

ii. At a time or phase of development identified in a written subdivision improvement agreement (prior to the effective date), public improvement agreement, or development agreement approved by the developer and the City.

C. **Maximum Parcel Size.** Parcels proposed for development with self-storage facilities shall not exceed 5 acres in area.

D. **Operational Requirements.** Self-storage facilities shall be operated as provided in this subsection. The operator/owner of a self-storage facility shall include all of these requirements in all lease or purchase and sale agreements with tenants.

1. Climate controlled self-storage facilities are permitted. In no event, however, shall a self-storage facility be refrigerated (maintained at a temperature below 55 degrees Fahrenheit for more than one hour per day).

2. No unit within a self-storage facility shall contain electrical outlets for use by the tenant.

3. The self-storage facility shall have a security system that requires the use of cards, keypads, keys or similar security devices that limit access to tenants and to fire, police, and emergency service officials.

4. Self-storage units shall be used solely for the purpose of storage of goods and possessions and shall not be used for conducting or operating a business, hobby, or any type of activity not related to the storage of personal property.

5. No self-storage unit shall be used for the storage of explosives, ammunition, hazardous, or flammable materials.

6. No outdoor storage is permitted on the site of the self-storage facility.

E. **Design Standards.** Self-storage facilities shall be designed in accordance with the requirements of Section 0-4-205, *Self-Storage Facilities*.

Sec. 0-2-425 Wireless Telecommunications Facilities

A. **Generally.** The standards of this Section apply to wireless telecommunications facilities that are specified in Section 0-2-305, *Wireless Telecommunications Facilities*, as "L" or "C." These standards are applied in addition to the other applicable standards of the LDC.

B. **Stealth Freestanding Communications Facility.**

1. *AG, RS, RA, RU, NC, and NI Districts*. Stealth freestanding communications facilities are permitted in the AG, RS, RA, RU, NC, and NI districts if it is demonstrated that the principal use of the property is either a multifamily or institutional use.

2. *OSR District*. Stealth freestanding communication facilities are permitted in the OSR district if it is demonstrated that the facility and any ground based equipment is restricted to parking lots and areas where there is existing legal access and electric power.

C. **Non-Stealth Freestanding Communications Facility.** Non-stealth freestanding communications facilities are permitted in the AG, CG, BP, I, and ED districts if it is demonstrated that the carrier has reasonably explored the use of attached communications facilities within a one mile radius of the proposed site and determined that said facilities are not feasible or appropriate, and justification of the need for the proposed freestanding facility and the height of the facility is provided.

D. **Attached Communications Facility.** Attached communication facilities shall only be permitted on commercial, industrial, agricultural, multifamily, and institutional buildings.

E. **Design and Landscaping Standards.** The following design and landscaping standards apply to all wireless telecommunications facilities.

1. *Requirements for All Facilities.*

a. Facilities shall be located and designed to be compatible and blend in with surrounding buildings and existing or planned uses in the area. This may be accomplished through the use of compatible architectural elements such as materials, color, texture, scale and character.

b. All ground based equipment must be screened by a solid fence or screen wall six feet in height and surrounded by a 30 percent opacity bufferyard around the perimeter of the lease area pursuant to Division 8-4, *Bufferyards*. This requirement shall be waived in areas where buildings or other structures provide the same or better screening effect. Existing landscaping adjacent to the perimeter of the lease area may be applied towards the minimum planting requirements provided that the plant material meets the requirements of Section 0-8-203, *Selection of Plant Material*. Reductions in parking may be permitted, provided that the minimum parking requirements per Section 0-5-202, *Required Off-Street Parking and Loading Spaces*, are met.

c. All ground based equipment shall meet the setbacks applicable to principal structures in the zoning district, unless an alternative setback is established for a stealth freestanding facility per this Section.

2. *Additional Requirements for Attached Facilities.*

   a. For façade or roof mounted facilities, facilities shall be placed on or within a building or structure, such as on the side of a building or parapet wall, architectural tower or cupola, in an architecturally sensitive manner. Rooftop antennas shall either be:

      i. Mounted to a penthouse;

      ii. Set back such that they are not visible from ground level on adjacent rights-of-way or residential properties at a distance of 100 feet or less; or

      iii. Reasonably screened from ground level view that are compatible with the existing building or structure.

   b. Where possible, attached facilities shall be disguised as an architectural feature or design element of a building, provided that the feature is compatible in terms of architectural style, height, mass, scale, and color and reasonably screens the facility from ground level view.

   c. Roof mounted facilities (the antenna, together with antenna support structures and screening) shall not project more than 10 feet higher than the roof line of a building.

   d. Façade mounted facilities (antenna mounted on the side of a building) may not extend above the parapet wall, or, in the case of a pitched roof, above the fascia.

3. *Additional Requirements for Freestanding Facilities.*

   a. Freestanding facilities shall not exceed the maximum height allowed in the zoning district, except for the AG, NC, NI, RS, RA, RU, ED, and OSR zoning districts where the maximum facility height shall be 35 feet, unless a conditional use is obtained, subject to conditional use standards set out in Section 0-14-601, *Conditional Use and Temporary Conditional Use Procedures*.

   b. The legal description of the parcel on which a freestanding facility is proposed shall be a whole platted lot or tract in accord with Division 14-7, *Subdivision Procedures.*

   c. The minimum setback from the property line shall be:

      i. The facility height, when the facility is within 250 feet of an existing residential structure;

      ii. The setback applicable to principal structures in the zoning district; or

      iii. An alternative setback, approved by the Director, for stealth freestanding facilities where the facility replaces or proposes an accessory structure to an established principal use, to include, but not limited to, signs, light poles, and flagpoles, where it is evidenced that the siting and location of the stealth freestanding facility with the alternative setback substantially camouflages or conceals the presence of the tower and antennas and has less visual impact than would be achieved by applying the principal structure setback.

F. **Submittal Requirements.** All of the following documentation shall be provided for all proposed wireless telecommunications facilities:

1. *Project Statement.* A project statement identifying the proposed facility and the telecommunication service to be provided by the proposed facility. The project statement must indicate the facility's capacity for co-location, which is encouraged where co-location will have less visual impact on the surrounding area than another facility.
2. *Proof of Ownership or Lease Rights.* The applicant shall demonstrate that the carrier owns or has lease rights to the subject site.
3. *Photo Simulations.* A photo simulation which illustrates "before" and "after" what the building and/or site will look like once the facility and any ground based equipment have been installed. The photos should be taken from the adjoining public street and from any adjacent residential property from which the antennas and equipment will be visible.
4. *Elevation Drawings.* Elevation drawings of the facility and any ground based equipment. The drawings should indicate the appearance, color, and material proposed for the facility and any ground based equipment.
5. *Plan.* A site or rooftop plan which indicates the location and height of all existing and proposed telecommunications facilities, including freestanding facilities, antenna, and ground based equipment. Proposals that include freestanding facilities or ground based equipment shall show all existing and proposed buildings, parking, landscaping, and fencing on the site.

G. **Other Provisions.** The following additional provisions apply to all wireless telecommunications facilities.

1. *Signs.* The use of any portion of a wireless telecommunications facility for signs, with the exception of safety, identification, and notification information as may be required by the FCC or other governmental authority, is prohibited.
2. *Lighting.* Security lighting may be provided to the extent that it does not substantially affect surrounding properties in an adverse manner. Artificial lighting mounted on freestanding facilities shall be limited to mandatory safety lighting required by Federal aviation authorities or other authorities with jurisdiction over communication structures.
3. *Use of the Public Right-of-Way.* Facilities are permitted within the public right-of-way, subject to the execution of a lease agreement with the City and adherence to all of the following standards:
   a. Co-location of facilities on an existing traffic light pole, street light standard, or other vertical infrastructure is encouraged. These facilities may be permitted provided that:
      i. The owner of the vertical infrastructure approves the use; and
      ii. The facility does not exceed the height of the existing infrastructure on which it is mounted by more than eight feet unless a conditional use is obtained subject to conditional use standards set out in Section 0-13-601, *Conditional Use Procedures.*
   b. Where a freestanding facility is required, stealth freestanding communications facility may be permitted, provided that:
      i. The facility resembles other vertical infrastructure along the same streetscape or utilizes a stealth design to integrate the facility into the surrounding area; and

ii. The facility does not exceed the height of other vertical infrastructure in the same streetscape by more than eight feet.

c. All ground based equipment shall be screened by a solid fence or screen wall six feet in height and surrounded by a 30 percent opacity bufferyard around the perimeter of the lease area pursuant to Division 9-4, *Bufferyards,* or installed in an underground or partially underground, where permitted by topography, equipment vault unless a conditional use is obtained subject to conditional use standards set out in Section 0-14-601, *Conditional Use and Temporary Conditional Use Procedures*.

d. Non-stealth freestanding communications facilities and facilities that exceed the height of other vertical infrastructure in the same streetscape may only be permitted if a conditional use is obtained subject to conditional use standards set out in Section 0-14-601, *Conditional Use and Temporary Conditional Use Procedures*.

4. *Abandonment.* Abandoned or unused communications facilities shall be removed within 180 days from the date of ceasing operations. A copy of the notice to the Federal Communications Commission ("FCC") of intent to cease operations of subject facility shall be submitted to the City of Centennial. If the lot or parcel for the facility is leased, a copy of the relevant portions of a signed lease which requires the removal of the communications facility upon cessation of operations at the site shall be submitted at the time of application.

5. *Radio Frequency Emissions.* The following radio frequency emissions standards shall apply to all wireless telecommunications facility installations:

a. Federal law gives the FCC exclusive jurisdiction over the regulation of radio frequency ("RF") emissions, and wireless communications facilities that do not exceed the FCC standards shall not be conditioned nor denied on the basis of RF impact.

b. In order to provide information to its citizens, the City may request copies of FCC information concerning wireless telecommunications facilities and RF emissions standards.

Division 2-5 Temporary Uses

Sec. 0-2-501 Commercial Events

A. **Generally.** Commercial events include commercial outdoor sales events; farm stands; seasonal sales; sidewalk sales and farmers' markets; and truckload sales. In districts where these uses are indicated as "L" or "C" in Table 0-2-306, *Temporary Uses*, the standards of this Section apply.

B. **Restrictions.**

1. Commercial outdoor sales events and sidewalk sales are allowed only as accessories to commercial retail uses.

2. Seasonal sales are allowed only as accessories to nonresidential uses.

3. Farmers' markets are allowed only on:

a. Parcels used for commercial retail; or

b. On public squares or plazas in mixed-use developments, provided that the square or plaza is hardscaped in areas that will be used for booths and pedestrian traffic.

C. **Location.**

1. All temporary commercial events shall be set back at least 10 feet from public rights-of-way and 25 feet from lots or parcels used for residential purposes.

2. Commercial outdoor sales events are allowed only in areas that are designated on an approved site plan for outdoor sales.

3. Seasonal sales and farm stands may be located on hardscape or turf areas. All other commercial events shall be located on hardscape areas.

D. **Access, Circulation, and Parking.**

1. The commercial event shall have adequate sight distances for safe vehicular ingress and egress. It shall be served by adequate deceleration or turn lanes, or shall provide for police control to move traffic in and out of the use. The adjacent street shall have adequate capacity to handle the anticipated additional flow of traffic.

2. The commercial event shall not obstruct safe on-site vehicular and pedestrian circulation, nor obstruct access by emergency service providers.

3. The applicant shall demonstrate that sufficient on-site parking is available for the event and the permanent use of the parcel on which commercial event is held.

4. On-site grass parking areas are allowed only for farm stand events, but only if:

a. The event ends not later than 8:00 PM each day;

b. The parking area is located at least 30 feet from abutting residential property lines and 10 feet from public rights-of-way; and

c. Access to the grass parking area is not taken directly from collector or arterial streets.

E. **Public Convenience and Litter Control.** If appropriate to the type of commercial event, adequate on-site restroom facilities may be required to serve the expected attendance at the event. Adequate waste containers shall be required and a written guarantee shall be required that all litter generated by the event shall be removed at no expense to the City. This shall include adjoining public rights-of-way.

F. **Frequency and Duration.** The maximum frequency and maximum duration of temporary commercial events is set out in Table 0-2-501, *Frequency and Duration of Commercial Events*. E/Y refers to the maximum number of events that are allowed per calendar year. D/Y refers to the maximum number of days per year that each type of temporary commercial event may be held. For example, if E/Y is 2 and D/Y is 60, not more than 2 events are allowed per year, totaling not more than 60 days (e.g., two 30-day events, or one 60-day event, or one 20-day event and one 40-day event, etc.).

Table 0-2-501 Frequency and Duration of Commercial Events																		
Zoning District	AG		RS		RA		RU		NC NI		CG		AC		UC		I	
Maximum -(E/Y = events / yr.; D/Y = total days / yr.)	E/Y	D/Y	E/Y	D/Y	E/Y	D/Y	E/Y	D/Y	E/Y	D/Y	E/Y	D/Y	E/Y	D/Y	E/Y	D/Y	E/Y	D/Y
Commercial Outdoor Sales Event	-	-	-	-	3	10	3	10	-	-	3	10	2	6	2	6	3	10
Farm Stands	NA	150	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Seasonal Sales	2	60	2	60	2	60	2	60	2	60	3	100	2	45	2	45	-	-
Sidewalk Sales and Farmers' Markets	15	30	-	-	26	52	26	52	-	-	30	60	30	60	30	60	-	-
Truckload Sales	-	-	-	-	-	-	-	-	-	-	2	6	-	-	-	-	-	-

G. **Conditions of Approval.** Additional conditions may be imposed if deemed necessary to ensure land use compatibility or minimize potential adverse impacts on neighboring properties, public streets, or the City. These may include, but are not limited to, the following:

1. Modification or restrictions on hours of operation or duration of the event.
2. Posting of a performance bond to ensure clean up and removal of signage.
3. Arrangements satisfactory to the City for the provision of special or extraordinary services or equipment, such as traffic control or security personnel, or equipment that is needed to ensure safe operation of the use or event. This may also include liability insurance.
4. The City may refuse to issue a permit if the event is too large to be safe for the site, neighborhood, street, or other infrastructure, or may place limits on attendance to ensure it can be properly managed.

Sec. 0-2-502 Community and Neighborhood Events

A. **Generally.** Community and neighborhood events include garage sales and public interest or special events. In districts where these uses are indicated as "L" or "C" in Table 0-2-306, *Temporary Uses*, the standards of this Section apply. Individual garage sales do not require a permit, but shall comply with the standards of this Section. Permitted uses of public parks (*e.g.*, reserved facilities) are not regulated by this Section.

B. **Restrictions.** Generally, public interest or special events shall not be held on lots that are used for single-family detached or single-family attached residential purposes. However, with the consent of the property owners, neighborhood garage sales and block parties may include lots used for single-family detached or single-family attached purposes.

C. **Location.**

1. *Garage Sales.* Merchandise, structures, and displays associated with garage sales shall not be placed in public rights-of-way, including sidewalks.
2. *Public Interest or Special Events*. The location of public interest or special events shall be indicated on the temporary use permit.

D. **Access, Circulation, and Parking.** The following standards apply to public interest or special events, but not to individual garage sales:

1. The event shall have adequate sight distances for safe vehicular ingress and egress. It shall be served by adequate deceleration or turn lanes, or shall provide for police control to move traffic in and out of the event. The adjacent street shall have adequate capacity to handle the anticipated additional flow of traffic.
2. For events on public streets, a parking and traffic circulation plan shall be provided that demonstrates:
   a. How traffic that is not related to the event will be alerted and routed around the event;
   b. How property owners will access their property, or written consent of property owners whose access will be limited during the event;
   c. Where vehicles related to the conduct of the event will be parked;
   d. Where vehicles of guests of the event will be parked, and how many spaces will be provided; and
   e. The location of remote parking facilities, if used, and the operational plan for transporting people from the remote parking to the event if the parking is located more than 750 feet from the boundary of the event.
3. The event shall not obstruct safe vehicular and pedestrian circulation, nor obstruct access by emergency service providers.
4. On-site grass parking areas are allowed only if:
   a. The on-site grass parking areas are supervised by parking attendants;
   b. The on-site grass parking will be used for not more than two consecutive days;
   c. The parking area is located at least 30 feet from abutting residential property lines and 10 feet from public rights-of-way;
   d. Access to the grass parking area is not taken directly from collector or arterial streets; and
   e. Damage to grass parking areas is repaired and adjacent streets cleaned within one week of the event.

E. **Public Convenience and Litter Control.** If appropriate to the type of public interest or special event, adequate on-site restroom facilities may be required to serve the expected attendance at the event. Adequate waste containers shall be required and a written guarantee shall be required that all litter generated by the event shall be removed at no expense to the City. This shall include adjoining public rights-of-way.

F. **Frequency and Duration.** The maximum frequency and maximum duration of community and neighborhood events is set out in Table 0-2-502, *Frequency and Duration of Community and Neighborhood Events*. E/Y refers to the maximum number of events that are allowed per calendar year. D/Y refers to the maximum number of days per year that each type of temporary commercial event may be held. For example, if E/Y is 3 and D/Y is 9, not more than 3 events are

allowed per year, totaling not more than 9 days (e.g., three 3-day events, or one 9-day event, or two 1-day events and one 7-day event, etc.).

Table 0-2-502
Frequency and Duration of Community and Neighborhood Events

Zoning District	AG		RS		RA	RU	NC	NI	CG		AC		UC		BP	I
Maximum - (E/Y = events / yr.; D/Y = total days / yr.)	E/Y	D/Y	E/Y	D/Y	E/Y	D/Y	E/Y	D/Y	E/Y	D/Y	E/Y	D/Y	E/Y	D/Y	E/Y	D/Y
Garage Sales	3	9	3	9	3	9	3	9	-	-	-	-	-	-	-	-
Public Interest or Special Event on Residential Lots or Public Rights-of-Way	2	2	2	2	2	2	2	2	-	-	-	-	-	-	-	-
Public Interest or Special Event on Nonresidential or Mixed-Use Property	2	5	2	5	2	5	2	5	4	8	24	50	24	50	4	8

G. **Signs and Lighting.** Signs and lighting shall comply with the requirements of Article 6, *Signs and Lighting*.

H. **Conditions of Approval.** Additional conditions may be imposed if deemed necessary to ensure land use compatibility or minimize potential adverse impacts on neighboring properties, public streets, natural resources, or the City. These may include, but are not limited to, the following:

1. Modification or restrictions on hours of operation or duration of the event.
2. Posting of a performance bond to ensure clean up and removal of signage.
3. Arrangements satisfactory to the City for the provision of special or extraordinary services or equipment, such as traffic control or security personnel, or equipment that is needed to ensure safe operation of the use or event. This may also include liability insurance.
4. The City may refuse to issue a permit if the event is too large to be safe for the site, neighborhood, street, or other infrastructure, or may place limits on attendance to ensure it can be properly managed.

Sec. 0-2-503 Temporary Construction, Storage, and Refuse Collection Uses

A. **Generally.** Temporary construction and storage uses include temporary asphalt or concrete plants; manufactured buildings; model homes and on-site real estate sales offices; and portable storage units. In districts where these uses are indicated as "L" or "C" in Table 0-2-306, *Temporary Uses*, the standards of this Section apply.

B. **Location and Operations.** The location, hours of use, operational limitations, and duration of temporary construction and storage uses are set out in Table 0-2-503, *Temporary Construction, Storage, and Refuse Collection Uses*.

Table 0-2-503 Temporary Construction, Storage, and Refuse Collection Uses				
Temporary Use	**Location of Use**	**Hours of Use**	**Operational Limitations**	**Duration of Use**
Concrete, Mortar and Asphalt Batching Operations	Not less than 500 feet from any property in a residential district that is used for residential purposes	8:00 AM to 8:00 PM if any one land use within a distance of 1,000 feet is residential; or 6:00 AM to 10:00 PM in all other locations	The facility shall be used only for a project within or immediately adjoining the City of Centennial	Established by approval to coincide with the use of the facility for a specified construction project
Manufactured Buildings	On lot or parcel proposed for development, set back at least 10 feet from all property lines	On construction sites, active use shall be limited to 7:00 AM to 10:00 PM; unrestricted if located at least 300 feet from parcels or lots used for residential purposes	May be used by construction superintendent, construction workers, contractors, and other personnel on a construction team; a security office; or as temporary office or classroom space for public schools. May not be used as a residence	Construction-related facilities to be removed prior to certificate of occupancy for last building; other facilities: 2 years from date of permit
Temporary Construction Yard	Within 1/2 mile of the construction to which the construction yard relates	8:00 AM to 8:00 PM if any one land use within a distance of 1,000 feet is residential; or 6:00 AM to 10:00 PM in all other locations	The facility shall be used only for a construction site in the City of Centennial or an infrastructure project that is wholly or partially located in the City of Centennial	Established by approval; to coincide with the use of the facility for a specified construction project
Model Homes and On-Site Real Estate Offices	On lot or parcel proposed for development	-	Sales limited to units located on the lot or parcel proposed for development; sales offices within model homes shall meet applicable building code criteria	On-site real estate offices shall be removed upon completion of model home or suitable permanent floor area on-site; must be removed by issuance of last certificate of occupancy for development
Portable Storage Units	On parcel or lot served by portable storage unit. No encroachment onto lawn areas or sidewalks is permitted. On nonresidential parcels, must be located behind principal building	-	-	Three days if located in residential driveway; one year if located behind principal building and screened from view from public rights-of-way
Temporary Dumpsters	On parcel or lot using dumpster, set back at least 1 ft. from the property line on a hard surface. In nonresidential and mixed-use districts, dumpsters shall be located behind buildings (where possible) and shall not obstruct required parking areas	-	Refuse shall be contained within the dumpster, and shall be secured if necessary to prevent it from being removed from the dumpster by wind or wildlife	If used for construction or renovation, may remain in place for 1 week after the permit is closed. If used for other purposes, 10 days

C. **Sanitary Facilities.** Restroom facilities shall be provided for operators of concrete, mortar, and asphalt batching operations and for users of manufactured buildings (except when used exclusively for storage), model homes, and on-site real estate offices.

D. **Additional Standards Applicable to Concrete, Mortar, and Asphalt Batching Operations.** The City Engineer shall review all applications for concrete, mortar, and asphalt batching operations for compliance with the following standards and shall make a recommendation to

the Director. Where this use is indicated as a conditional use in Table 0-2-306, *Temporary Uses*, the Director shall refer the City Engineer's recommendation to the Planning and Zoning Commission with the staff report and recommendation on the application.

1. *Surety*. The applicant shall provide a written agreement and advanced surety in the amount of 125 percent of the estimated site restoration cost to ensure complete site restoration upon the facility's dismantling or revocation of the permit, plus the estimated road restoration/replacement costs along anticipated principal truck routes. This amount shall be approved by the City Engineer or designated appointee.
2. *Access*. If deemed necessary by the City Engineer, the property access shall be controlled by special traffic markings and/or signalization at the applicant's expense. Instances warranting such traffic improvements may include locations at busy intersections or other areas where interference with primary traffic from trucks would be extensive.
3. *Power and Lighting*. The City Engineer shall approve all electric and lighting facilities.
4. *Noise*. Maximum noise levels shall be complied with in accordance with Article 7, *Open Space, Floodplain Management, and Environmental Quality*.

E. **Extension of Approvals.** Approvals may be extended upon demonstration of good cause, appropriate maintenance, extension of any surety, and diligent pursuit of the purposes for which the temporary construction or storage uses were established. All applications for renewal of a temporary use permit issued pursuant to this Section shall be submitted to the Director at least ten working days before the expiration date of the permit.

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Article 3 Development Standards

Division 3-1 Purpose and Application of Article

Sec. 0-3-101 Purpose of Article

A. **Generally.** Article 2, *Districts and Use Standards*, set out which uses are allowed in each district. The purpose of this Article is to:

1. Set out how much development is allowed on parcels proposed for development in each district, in order to:

   a. Protect and enhance the character of the City by regulating the size and bulk of buildings; and

   b. Maintain the integrity of the City's infrastructure and flood control systems by regulating the density and intensity of development and the amount of land that buildings and impervious surfaces may cover.

2. Establish the minimum area and dimensions for lots of various types (for new subdivisions);

3. Establish the minimum distances that buildings and structures must be set back from property lines or other buildings or structures;

4. Establish the maximum height of buildings and structures; and

5. Provide "supplemental standards" which apply to construction of structures or placement of appurtenances that are typically associated with various types of permitted development (*e.g.*, fences, walls, dumpsters, etc.).

B. **Measurements and Calculations.** The purpose of Division 3-2, *Calculation of Height and Bulk Requirements*, is to ensure that all of the measurements and calculations required by this LDC are clear and consistent. The Division provides the methodologies for calculating lot area, lot width, setbacks, height, building coverage, open space ratio, landscape surface ratio, and density.

C. **Neighborhood Conservation and Neighborhood Infill Development Standards.** The purpose of Division 3-3, *Neighborhood Conservation and Neighborhood Infill Development Standards*, is to:

1. Establish general development standards for residential lots in the NC and NI districts, which apply to development of vacant lots, redevelopment of existing buildings, or expansion of existing buildings; and

2. Establish alternative development standards for residential lots in the NC and NI districts, which apply to expansion or reconfiguration of existing buildings when the expansion or reconfiguration does not comply with the general standards.

D. **Residential Neighborhood Development Standards.** The purpose of Division 3-4, *Residential Neighborhood Development Standards*, is to establish the parameters for development of new residential neighborhoods. The standards are intended to ensure that the desired character of

the zoning district is maintained, but also to ensure that applicants have the flexibility to design neighborhoods with multiple housing types.

E. **Housing Palette.** The purpose of Division 3-5, *Housing Palette*, is to set out the types of dwelling units that may be developed in each residential neighborhood type described in Division 3-4, *Residential Neighborhood Development Standards*, and to establish lot and building standards (and in some cases, other applicable standards) for each type of dwelling unit.

F. **Supplemental Residential Development Standards.** The purpose of Division 3-6, *Supplemental Residential Development Standards*, is to establish standards for the construction of structures and the placement of appurtenances that are typically associated with residential uses and buildings.

G. **Nonresidential and Mixed-Use Development Standards.** The purpose of Division 3-7, *Nonresidential and Mixed-Use Development Standards*, is to establish lot, setback, height, and scale standards for nonresidential and mixed-use development.

H. **Supplemental Nonresidential Development Standards.** The purpose of Division 3-8, *Supplemental Nonresidential and Mixed-Use Development Standards*, is to establish standards for the construction of structures and the placement of appurtenances that are typically associated with nonresidential and mixed-uses and nonresidential and mixed-use buildings.

I. **Airport Influence Area.** The purpose of Division 3-9, *Airport Influence Area*, is to regulate development within the airport influence areas around the Centennial Airport and Buckley Air Force Base to ensure that:

1. The uses and structures are compatible with expected noise levels;
2. City residents are protected from potential dangers of aviation operations near the airports; and
3. The safety of aviation operations is not compromised by development near the airports.

Sec. 0-3-102 Application of Article

A. **Measurements and Calculations.** The measurements and calculations of Division 3-2, *Calculation of Height and Bulk Requirements*, shall be used wherever they are specified in this LDC.

B. **Neighborhood Conservation and Neighborhood Infill Development Standards.** The standards set out in Division 3-3, *Neighborhood Conservation and Neighborhood Infill Development Standards*, apply to building expansions, development, and redevelopment of single-family homes (detached and attached, as applicable) in NC and NI districts. The supplemental standards of Division 3-6, *Supplemental Residential Development Standards*, also apply to homes within NC and NI districts.

C. **Residential Neighborhood Development Standards.** The standards set out in Division 3-4, *Residential Neighborhood Development Standards*, apply to the development of new residential neighborhoods. The minimum open space, maximum density, and minimum area of the parcel proposed for development as a new neighborhood are established in Section 0-3-401, *Residential Neighborhood Development Standards*.

D. **Housing Palette.** When applied to a parcel proposed for development, the standards of Division 3-4, *Residential Neighborhood Development Standards*, will determine the number of dwelling units that may be constructed and how much land is available for development. The types of dwelling units that may be developed in each residential neighborhood type and the lot and building standards (and in some cases, other applicable standards) for each type of dwelling unit are set out in Division 3-5, *Housing Palette*. The housing palette should not be construed to limit development to less than the allowed density, nor should it be construed to allow greater density than is permitted by Division 3-4, *Residential Neighborhood Development Standards*.

E. **Supplemental Residential Standards.** Within residential zoning districts, Division 3-6, *Supplemental Residential Development Standards*, sets out the standards for:

1. Structures that are commonly associated with residential development, such as fences, garden walls, accessory buildings (e.g., detached garages and storage sheds), decks, balconies, swimming pools, amateur radio antennae, photovoltaic arrays (solar panels), solar water heaters, small wind energy conversion systems (household-scale windmills); and

2. Certain uses and activities in residential neighborhoods, such as parking of commercial vehicles and recreational vehicles, and garbage containers.

F. **Nonresidential and Mixed-Use Development Standards.** The standards set out in Division 3-7, *Nonresidential and Mixed-Use Development Standards*, apply to nonresidential and mixed-use development. The minimum landscape surface ratio, minimum area of parcels proposed for development, minimum street frontage, and maximum building height for nonresidential and mixed-use buildings in each zoning district are set out in Section 0-3-701, *Nonresidential and Mixed-Use Development Standards*. Required setbacks and additional setbacks from residential zoning districts are set out in Section 0-3-702, *Required Setbacks for Nonresidential and Mixed-Use Development*. Section 0-3-703, *Nonresidential Scale Standards*, sets out standards that limit the scale of nonresidential buildings in certain contexts, to ensure their compatibility with nearby development. These standards supersede other standards with regard to building scale.

G. **Supplemental Nonresidential and Mixed-Use Development Standards.** Within nonresidential and mixed-use zoning districts, Division 3-8, *Supplemental Nonresidential and Mixed-Use Development Standards*, sets out standards for structures, accessory uses, and activities that are common to nonresidential and mixed-use districts.

H. **Airport Influence Area.** The regulations of Division 3-9, *Airport Influence Area*, apply to development that is within the noise impact zones of the Centennial Airport and the Buckley Air Force Base. These regulations restrict uses that would:

1. Interfere with airport operations;

2. Be incompatible with airport noise; or

3. Concentrate people in areas that may be at increased risk of aviation-related accidents.

Division 3-2 Calculation of Height and Bulk Requirements

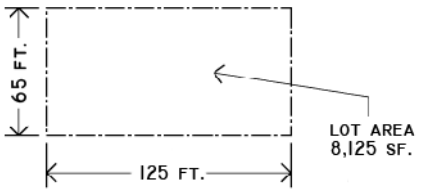
Sec. 0-3-201 Lot Area

Lot area is the area within the lot lines. *See* Figure 0-3-201, *Illustrative Lot Area Calculation*.

Figure 0-3-201
Illustrative Lot Area Calculation

EXAMPLE
The example at right is a rectangular lot.
Since the area of a rectangle is equal to its length times its width, the lot area is:

65 feet Wide
TIMES
125 feet Deep
EQUALS
8,125 square feet Lot Area

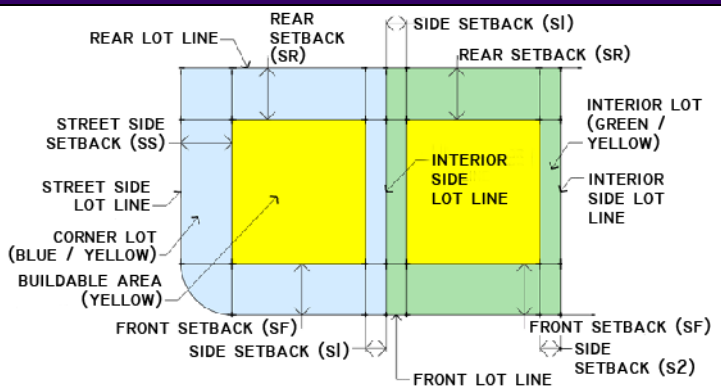


Sec. 0-3-202 Setbacks

A. **Standard Lots.** Setbacks are measured from lot lines towards the center of the lot, as follows:

1. Front setbacks (abbreviated "SF") are measured from the front lot line. The front lot line is the lot line that abuts the right-of-way from which the lot takes its address. For corner lots with standard curb radii, the front setback is not measured from the curved portion of the lot (however, a portion of this area is included in the required sight triangle, see Section 0-11-208, *Sight Triangle Requirements*.
2. Rear setbacks (abbreviated "SR") are measured from the rear lot line. The rear lot line is the lot line that is opposite from the front lot line.
3. Side setbacks (abbreviated "S1" and "S2") are measured from side lot lines. Side lot lines are lot lines that intersect with front lot lines.
4. Street side setbacks (abbreviated "SS") are measured from street side lot lines.

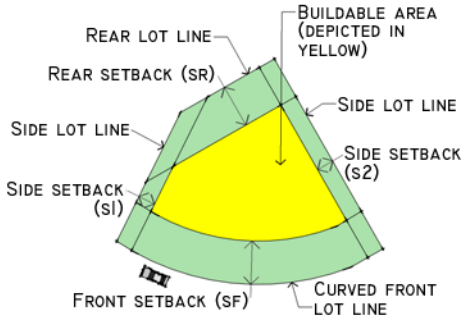
Figure 0-3-202A
Setbacks on Standard Lots



B. **Odd-Shaped Lots.** Setbacks are measured from lot lines towards the center of the lot, as follows, and as depicted in Figure 0-3-202, *Setbacks on Odd-Shaped Lots*:

1. Generally, setbacks are measured as set out in subsection A., above.
2. Where lot lines are curvilinear, setbacks shall be measured as offsets from the curvilinear lot line.
3. Where there are multiple rear lot lines, the rear setback is measured as offsets from the multiple rear lot lines.
4. Where there is no rear lot line, the rear setback shall be measured as a radial distance from the intersection of side lot lines at the rear of the lot.
5. Where the front lot line is an arc, the street side setback area is defined as the area behind the front building line along the arc of the street.

Figure 0-3-202B
Setbacks on Odd-Shaped Lots



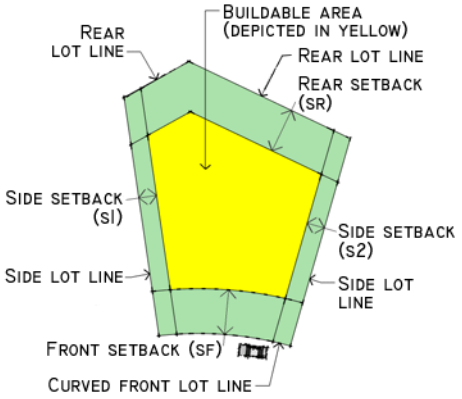
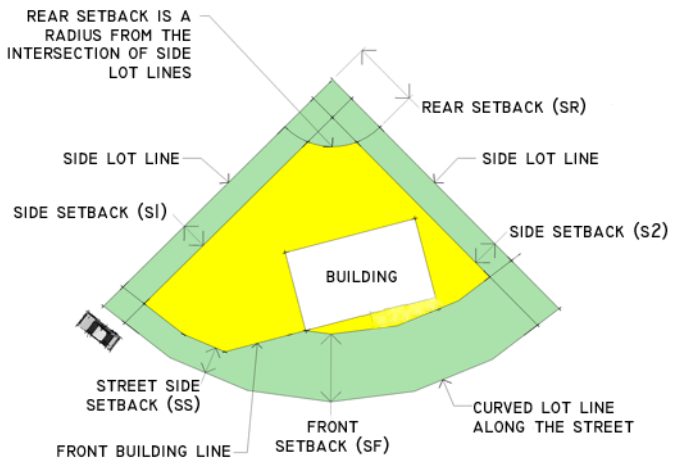


Figure 0-3-202B
Setbacks on Odd-Shaped Lots

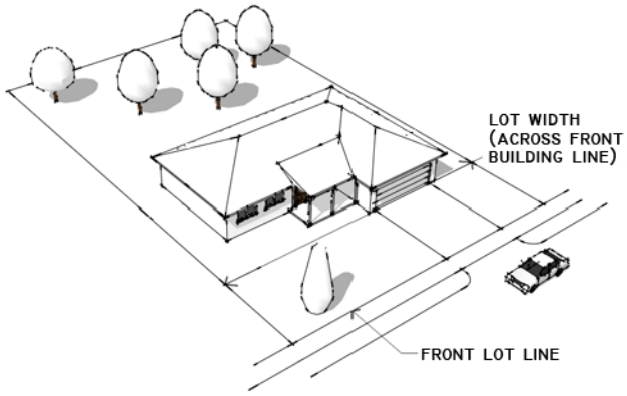


Sec. 0-3-203 Lot Width

A. **Generally.** Lot width is the distance from one side lot line to the opposite side lot line at the front setback line. *See* Figure 0-3-203A, *Measurement of Lot Width; Standard Lots.*

Figure 0-3-203A
Measurement of Lot Width; Standard Lots

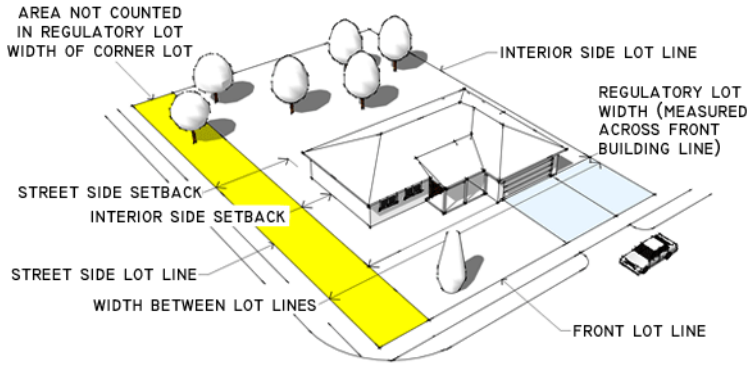
Measurement of Lot Width for Standard Lots (below)



B. **Corner Lots.** Lot width (for regulatory purposes) is the distance from the interior side lot line to the street side lot line, measured at the front building line, minus the difference between the required street side setback and the required interior side setback. In simplified terms, regulatory lot width = actual lot width - street side setback + interior side setback. *See* Figure 0-3-203B, *Measurement of Lot Width; Corner Lots.*

Figure 0-3-203B
Measurement of Lot Width; Corner Lots

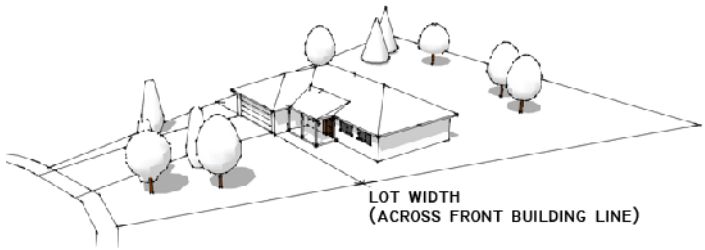
Example: If the width between lot lines is 100 feet, the required interior side setback is 5 feet, and the required street side setback is 20 feet, then the regulatory lot width is 100-20+5=85 feet. (see below)[1]



[1] Setbacks are measured as provided in Section 0-2-202, *Setbacks*. In this illustration, the required **interior side setback** is shown measured from the home toward the lot line (instead of vice versa) in order to simplify the illustration of how the difference between the required street side setback and the required interior side setback affect the calculation.

C. **Irregular Lots.** Lot width is the distance from one side lot line to the opposite side lot line at the front building line. *See* Figure 0-3-203C, *Measurement of Lot Width; Irregular Lots*. Generally, the front building line is the front setback line. However, an alternative front building line may be established on the plat of a subdivision that is more distant than the front setback line from the front lot line. Lot width must be maintained to a depth that is sufficient to accommodate a reasonable building in the context of adjacent and nearby lots.

Figure 0-3-203C
Measurement of Lot Width; Irregular Lots



Sec. 0-3-204 Height

A. **Building Height.** Building height is measured from the average existing grade across the front building line ("point of measurement"), measured at major corners of the building, to:

1. The highest midpoint of sloped roof systems; or
2. The top of the highest parapet of flat roof systems.

Figure 0-3-204
Measurement of Building Height

Illustration of Building Height Measurement for Sloped Roof Systems

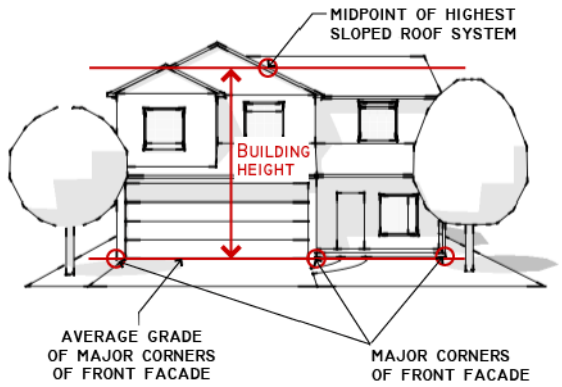
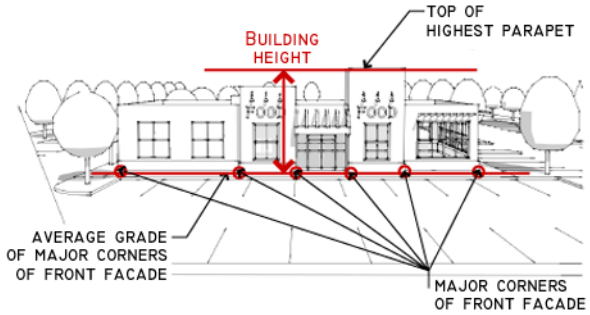
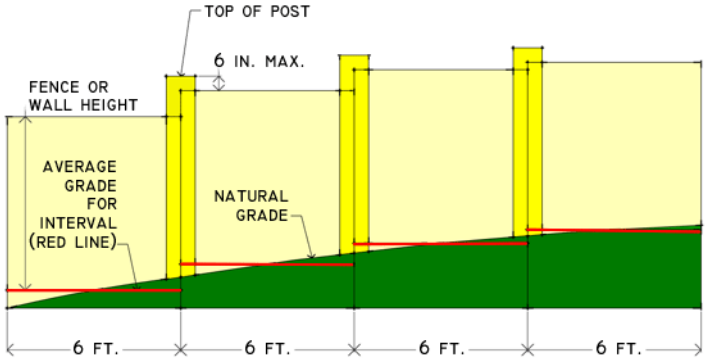


Illustration of Building Height Measurement for Flat Roof Systems



B. **Fences and Garden Walls.** The height of fences and garden walls is calculated by measuring the vertical distance from the average finished grade on the outside of the enclosed area (or the side closest to the property line if the fence does not enclose anything) to the top of the fence, at six-foot intervals as appropriate to topography. Fence posts may exceed the height of the highest connected portion of the fence by up to six inches.

Figure 0-3-204
Fence Height Measurement



C. **Other Structures.** Structure height is calculated by measuring the vertical distance from the average finished grade around the base of the structure to the highest point on the structure. This measurement applies to:

1. Structures without roofs; and
2. Amateur radio antennae, whether mounted on a roof, the ground, or another structure.

D. **Specialized Structures and Building Appurtenances.**

1. Specialized structures and building appurtenances are counted in the calculation of building height, unless all of the following apply:
   a. They project not more than:
      i. 15 feet above the highest point on the building for buildings that are two stories in height or higher; or
      ii. 10 feet above the highest point on the building for buildings that are less than two stories in height; and
   b. The projections above maximum building height occupy not more than:
      i. For single-family residential buildings, five percent of the horizontal plane that is covered by the roof; or
      ii. For nonresidential, multifamily, and mixed-use buildings, 10 percent of the horizontal plane that is covered by the roof; and
   c. They are not used for human habitation, commercial, or industrial purposes, except as incidental to the operation of the building.
2. For the purposes of this subsection, "specialized structures and building appurtenances" means:
   a. Roof structures for the housing of elevators, stairways, tanks, HVAC systems, or similar equipment required to operate and maintain the building;
   b. Architectural towers, steeples, flagpoles, ventilating fans, chimneys, smokestacks;
   c. Skylights, photovoltaic (solar-electric) panels, and solar water heaters; and
   d. Building mounted small wind energy conversion systems.
3. Satellite dishes and antennae are regulated by Section 0-3-606, *Satellite Dishes and Antennae*, and not this Section.

Sec. 0-3-205 Building Coverage and Building Coverage Ratio

A. **Building Coverage.** Building coverage is the total of indoor floor areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings. It does not include such appurtenances as open porches, terraces, decks, driveways, and steps. All dimensions are measured between the exterior faces of building walls.

B. **Building Coverage Ratio.** Building coverage ratio is the percentage of the lot area that is covered by buildings (see subsection A., building coverage, for what qualifies as the lot area that is covered by buildings). *See* Figure 0-3-205, *Building Coverage Ratio Illustration*.

Figure 0-3-205
Building Coverage Illustration

EXAMPLE: Pictured below at left is a home with a detached garage on a 10,800 square foot lot (90 ft. x 120 ft.). At right, pictured in red, are the parts of the home that count as building coverage. The floorplate of the home is 35 ft. x 40 ft. (1,400 sf.) and the garage is 24 ft. x 23 ft. (552 sf.), for a total building coverage of 1,952 sf. (shown in red in the illustration below at right). The open front porch and steps are not counted (its footprint is shown in white).
The building coverage ratio is:
1,952 sf.
DIVIDED BY
10,800 sf., which
EQUALS
18%

Sec. 0-3-206 Open Space Ratio and Landscape Surface Ratio

A. **Generally.** Open space ratio and landscape surface ratio are used to ensure that a certain percentage of a parcel proposed for development is landscaped.

B. **Open Space Ratio.** Open space ratio ("OSR") is the area of designated open space, inclusive of bufferyards, natural resource protection areas, and other commonly owned open space (but not inclusive of individually owned yards) in a residential development divided by the total area of the parcel proposed for residential development. If the combination of individual open space requirements (*e.g.*, protection of natural resources and provision of bufferyards) requires less open space than the OSR, then the OSR applies. If it requires more than the OSR, the greater requirement applies.

C. **Landscape Surface Ratio.** Landscape surface ratio ("LSR") is the area of designated landscaping and open space area on a nonresidential or mixed-use parcel proposed for development divided by the area of the parcel proposed for development. LSR includes bufferyards, parking lot landscaping, foundation plantings, and natural resource protection areas. If the combination of individual landscaping and open space requirements (*e.g.*, protection of natural resources, provision of bufferyards, parking lot landscaping) requires less landscaped or open space area than the LSR, then the LSR applies, and more landscaping is required. If the application of other landscaping standards requires more than the LSR, the greater requirement applies.

Sec. 0-3-207 Density

EDITOR'S NOTE: HIGHLIGHTED PROVISIONS ARE INCLUDED FOR REFERENCE ONLY. THEY HAVE BEEN IDENTIFIED AS ITEMS FOR FURTHER STUDY. AS SUCH, THEY ARE NOT PART OF THE LDC

UNTIL APPROVED BY THE CITY COUNCIL. HIGHLIGHTING WILL BE REMOVED IF AND WHEN THE PROVISIONS ARE MADE EFFECTIVE.

A. **Generally.** Density is measured as the number of dwelling units per acre of a parcel proposed for development.

B. **Accessory Dwelling Units.** Accessory dwelling units are not counted in the measurement of density.

C. **Continuing Care Neighborhoods.** The density of continuing care neighborhoods is measured as the number of dwelling units per acre of a parcel proposed for development, with the number of dwelling units counted as the number of dwelling units for independent, ambulatory residents; plus one-half of the number of beds for ambulatory residents who live in congregate facilities; plus one-fourth of the number of beds for residents receiving nursing care.

Division 3-3 Neighborhood Conservation and Neighborhood Infill Development Standards

Sec. 0-3-301 General Standards for Single-Family Homes

A. **Generally.** This Section sets out the standards for redevelopment, new development, and expansion of existing single-family homes in single-family NC and NI districts. If a building or building expansion beyond the existing foundation is proposed in the NC_5, NC_6, NC_9, NC_{12}, or NI district, and it does not comply with one or more of the setback standards of Table 0-3-301, *Single-Family Lot and Building Standards*, then the corresponding setback standards of Section 0-3-302, *Alternative Setback Standards for Single-Family Homes*, are applied instead of the standards of this Section. For side setbacks, if a proposed expansion would be set back less than a minimum side setback and / or would make the entire building set back less than the total side setback, then the alternative development standards for the side setback where the expansion is proposed applies.

B. **Standards.** The lot and building standards for single-family homes in each neighborhood conservation subdistrict are set out in Table 0-3-301, *Single-Family Lot and Building Standards*. The lot width and setbacks set out in the table are illustrated in Figure 0-3-301, *Single-Family Lot and Building Standards*, and measured as set out in Section 0-3-201, *Lot Area*; Section 0-3-203, *Lot Width*; Section 0-3-202, *Setbacks*; Section 0-3-204, *Height*; and Section 0-3-205, *Building Coverage and Building Coverage Ratio*.

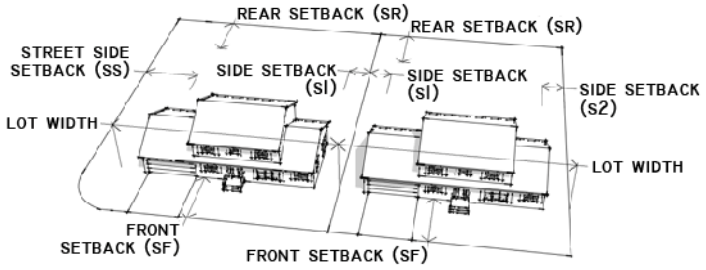
Table 0-3-301
Single-Family Lot and Building Standards

Zoning District / Subdistrict	Minimum						Maximum		
	Lot Area and Width	Front Setback (SF)	Street Side Setback (SS)	Side Setback (S1 or S2)	Total Side Setback (S1 + S2)	Rear Setback (SR)	Lot Area	Height	Building Coverage Ratio
NC									
2A	*See* Table 0-2-201B	50 ft.	50 ft.	25 ft.	80 ft.	25 ft.	*See* Table 0-2-201B	35 ft.	8%

Table 0-3-301
Single-Family Lot and Building Standards

Zoning District / Subdistrict	Minimum						Maximum		
	Lot Area and Width	Front Setback (SF)	Street Side Setback (SS)	Side Setback (S1 or S2)	Total Side Setback (S1 + S2)	Rear Setback (SR)	Lot Area	Height	Building Coverage Ratio
18	*See* Table 0-2-201B	25 ft.	25 ft.	20 ft.	50 ft.	25 ft.	*See* Table 0-2-201B	30 ft.	20%
12	*See* Table 0-2-201B	25 ft.	15 ft.	8 ft.	20 ft.	20 ft.	*See* Table 0-2-201B	30 ft.	25%
9	*See* Table 0-2-201B	20 ft.	10 ft.	5 ft.	16 ft.	20 ft.	*See* Table 0-2-201B	30 ft.	30%
6	*See* Table 0-2-201B	20 ft.	10 ft.	5 ft.	12 ft.	20 ft.	*See* Table 0-2-201B	30 ft.	37%
5	*See* Table 0-2-201B	15 ft.	10 ft.	5 ft.	10 ft.	15 ft.	*See* Table 0-2-201B	30 ft.	42%
NI									
12	*See* Table 0-2-201C	25 ft.	20 ft.	8 ft.	20 ft.	20 ft.	*See* Table 0-2-201C	35 ft.	45%
8	*See* Table 0-2-201C	25 ft.	20 ft.	8 ft.	20 ft.	20 ft.	*See* Table 0-2-201C	35 ft.	40%

Figure 0-3-301
Single-Family Detached Lot Widths and Setbacks



Sec. 0-3-302 Alternative Setback Standards for Single-Family Homes

A. **Generally.** In NC and NI districts, rigid adherence to standardized building setback distances is often not practical. This Section provides an alternative set of standards for development, redevelopment, and expansion of existing buildings (as indicated below) within these three subdistricts when the new construction would encroach into the setbacks that are established by Section 0-3-301, *General Standards for Single-Family Homes*.

B. **Alternative Building Setback Standards; All Setbacks.** Alternative setbacks shall be applied only if it is demonstrated that the standards of the applicable subsection of this Section are met, and:

1. The proposed construction does not interfere with planned expansion of right-of-way, and if right-of-way expansion is planned, the encroachment is evaluated as if the right-of-way has been expanded;
2. The proposed construction does not result in interference with a utility easement;
3. Drainage onto abutting properties or rights-of-way is not significantly altered, and drainage patterns are not substantially changed, when compared to the condition before the proposed development;
4. The proposed construction does not result in a nonconformity with respect to the building code on either the lot proposed for development or abutting properties;
5. If the parcel that abuts the improvement is used for residential purposes, the proposed construction is built to building code standards (*e.g.*, fire ratings) that would allow construction of the abutting lot to be built to the same standard along the same setback line;
6. The proposed construction conforms to building coverage limitations; and
7. The proposed construction does not reduce the area provided for parking to fewer spaces than are required by Section 0-5-202, *Required Off-Street Parking and Loading Spaces*.

C. **Alternative Building Setback Standards; Front Setbacks.**

1. *New Development; Redevelopment; and Building Expansion*. For new development, redevelopment, or building expansion, front setbacks may be reduced from the standards set out in Table 0-3-301, *Single-Family Lot and Building Standards*, if it is demonstrated that:
   a. The proposed front building setback is equal to not more than 10 percent less than the average actual setback of the other homes on the same side of the same block; and
   b. The proposed front setback for an attached or detached garage is equal to the average actual front setback to an attached or detached garage on the same side of the same block.
2. *Building Expansion Only*. For building expansion only, front setbacks may be reduced from the standards set out in Table 0-3-301, *Single-Family Lot and Building Standards*, if compliance with any of the following options is demonstrated (the options are illustrated in Figure 0-3-302A, *Alternative Development Standards for Front Setbacks*:
   a. Option #1. The reduction is 10 percent or less of the required front setback, and the encroachment will not reduce the depth of a driveway to:
      i. Less than 20 feet in length to the edge of the sidewalk; or
      ii. Less than 22 feet in length to the edge of pavement if no sidewalk is either provided or planned.
   b. Option #2. The reduction is more than 10 percent of the required front setback, but less than 25 percent of the required front setback, and:
      i. No garage doors that face the street are located in the reduced setback area;

ii. The improvement is not more than 18 feet in height (measured as provided in Section 0-3-204, *Height*);

iii. The proposed construction does not involve the destruction of a healthy, mature tree; and

iv. If the encroachment is more than 10 feet wide (measured parallel to the front building line), then it is screened from view from the public right-of-way by a canopy tree or evergreen tree.

c. Option #3. The existing building encroaches upon the setback as of the effective date, and:

i. The proposed construction does not involve the destruction of a healthy, mature tree;

ii. The proposed construction will not reduce the depth of a driveway to:

a. Less than 20 feet in length to the edge of the sidewalk; or

b. Less than 22 feet in length to the edge of pavement if no sidewalk is either provided or planned; and

iii. The proposed construction will be set back not less than 90 percent of the setback of the existing building; and

d. Option #4. The reduction is more than 10 percent of the required front setback, but less than 50 percent of the required front setback, and the subdivision is designed so that the building fronts on an open space tract (also called a "mew") or other permanent open space that is not less than 50 feet wide.

Figure 0-3-302A
Alternative Development Standards for Front Setbacks

Option #1 (below)

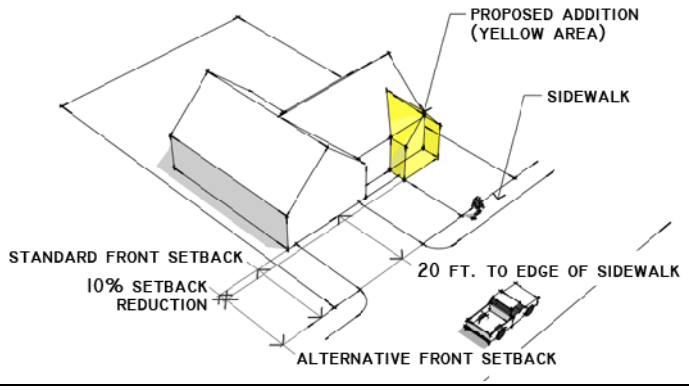
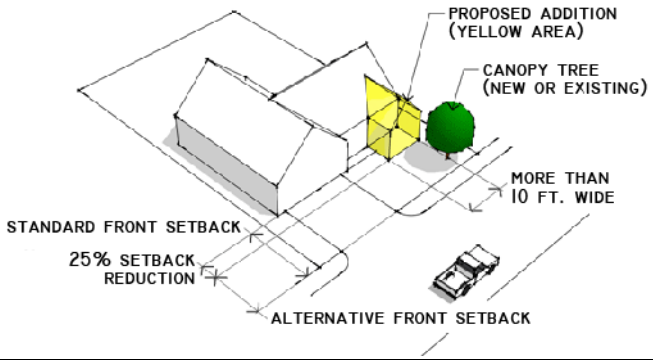
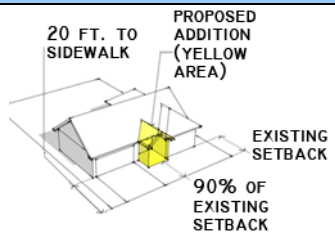


Figure 0-3-302A
Alternative Development Standards for Front Setbacks

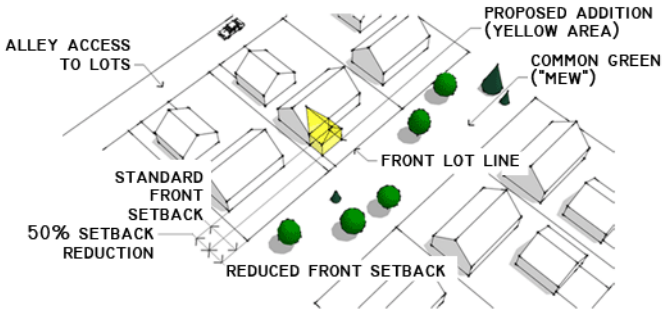
Option #2 (below) - Note that the canopy tree is provided because the improvement is more than 10 feet wide.



Option #3 (below)



Option #4 (below)



D. **Alternative Building Setback Standards; Interior Side Setbacks.**

1. *New Development; Redevelopment; and Building Expansion.* For new development, redevelopment, or building expansion, side setbacks may be reduced from the standards set out in Table 0-3-301, *Single-Family Lot and Building Standards*, if it is demonstrated that the proposed side building setback is equal to not more than the average actual side building setback of the other homes on the same side of the same block.

2. *Building Expansion Only*. For building expansion only, side setbacks may be reduced from the standards set out in Table 0-3-301, *Single-Family Lot and Building Standards*, up to 40

percent if it is demonstrated that the proposed construction meets all of the following standards:

a. Limit of Encroachment

i. If the lot that abuts the proposed building expansion is used for residential purposes, then:

a. The building expansion is screened from view from the public street by at least one evergreen tree per story of the building expansion, unless it encroaches into the required side setback less than one foot closer to the lot line than the existing building;

b. Building expansions that are 12 feet in height (measured from the average grade across the side of the proposed construction facing the abutting lot) or less are set back at least 42 inches from the side lot line (see, *e.g.*, Figure 0-3-302B, *Limit of Encroachment, One-Story Addition*); and

c. Building expansions that are more than 12 feet in height (measured from the average grade across the side of the proposed construction facing the abutting lot) are set back at least five feet from the side lot line (see, *e.g.*, Figure 0-3-302B, *Limit of Encroachment, Two-Story Addition*).

ii. If the lot that abuts the proposed building expansion is used for nonresidential purposes or permanent open space that is at least 20 feet in width, then the building expansion is set back at least 42 inches from the side lot line.

Figure 0-3-302B
Limit of Encroachment

One-Story Addition

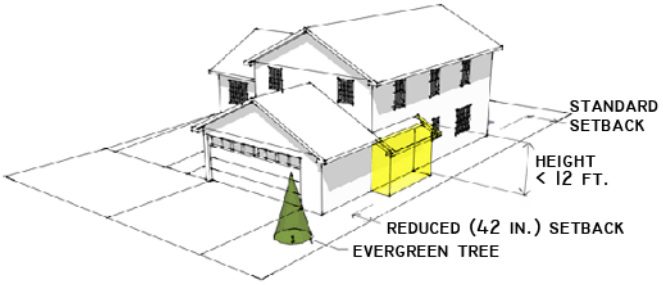
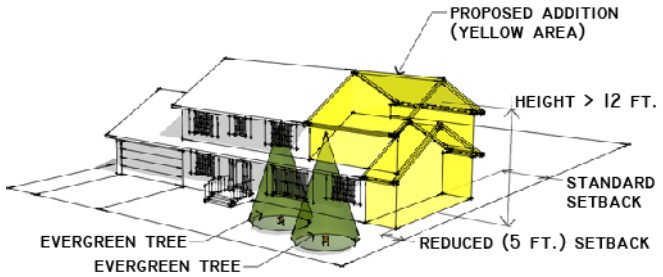


Figure 0-3-302B
Limit of Encroachment

Two-Story Addition



b. Horizontal Dimension. The building expansion, combined with the existing building, creates a horizontal dimension of not more than 50 feet without an offset in the building wall of at least two feet.

c. Windows. The building expansion does not include a window that is located directly across from another window on a residential building that is closer than 20 feet away, unless:

i. The window is on the first floor and an opaque fence is installed between the two buildings to a height of six feet; or

ii. The window is not operational and is made of glass block or frosted glass.

F. **Alternative Building Setback Standards; Street Side Setbacks.**

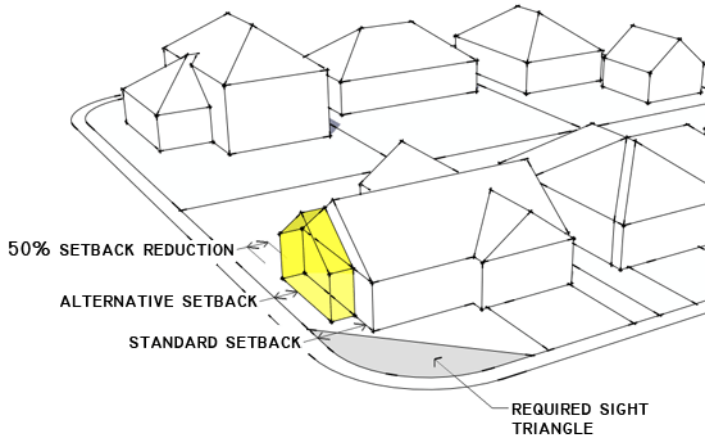
1. *Building Expansion Only; Corners on Double-Loaded Blocks.* For building expansions only, on corner lots of double-loaded blocks, street side setbacks may be reduced up to 50 percent if it is demonstrated that:

b. The building expansion does not encroach on required sight triangles or sight distances;

c. The portion of the building expansion that encroaches on the street side setback is not more than 15 percent of the floor area of the home; and

d. No horizontal dimension of the part of the building expansion that encroaches upon the street side setback runs for more than 30 feet unless there is a material offset of at least two feet to break up the apparent mass of the building wall. *See* Figure 0-3-302C, *Alternative Street Side Setbacks; Corners on Double-Loaded Blocks*.

Figure 0-3-302C
Alternative Street Side Setbacks; Corners on Double-Loaded Blocks



2. *Building Expansion Only; Other Corners.* For building expansions only, on corners which are not located on double-loaded blocks, the alternative front setback standards of subsection C.2.a., C.2.b., and C.2.c., above may be applied to reduce the street side setback, provided that the expanded area of the building does not interfere with required sight triangles.

G. **Alternative Building Setback Standards; Rear Setbacks.**

2. Rear setbacks may be reduced on any lot if it is demonstrated that the proposed rear building setback is equal to not more than 10 percent less than the average actual setback of the other homes on the same side of the same block.

3. Rear setbacks may be reduced on lots with rear lot lines that abut permanent open space, through lots with fences or walls that screen rear yards from arterials and collectors, according to the following standards:

   a. For construction, or portions of construction, that is 12 feet or less in height (measured from the average grade across the side of the proposed construction facing the rear lot line), the rear setback may be reduced by up to 50 percent if it is demonstrated that:

      i. The proposed construction will not create the appearance of a monolithic building by substantially reducing the articulation of the building as viewed from abutting property, open space, or public rights-of-way; or

      ii. The proposed construction is located behind an opaque fence or garden wall that is at least five feet in height, and one evergreen or canopy tree is planted in the rear yard for each 12 feet of width of the encroaching portion of the proposed construction.

   b. For construction, or portions of construction, that is more than 12 feet in height (measured from the average grade across the side of the proposed construction facing the rear lot line), the rear setback may be reduced up to 30 percent if it is demonstrated that:

i. The standards of subsection F.1.a., above, are met; and

ii. The building does not have a three-story expression (*e.g.*, two stories above a walk-out basement.

4. Rear setbacks may be reduced on lots with rear lot lines that abut alleys according to the following standards:

a. At least 500 square feet of landscaped area is provided in the rear yard; and

b. For attached garages, the rear setback may be reduced to 18 feet in the NC_6 and NC_{12} subdistricts if the garage door faces the alley, and to five feet in the NC_5, NC_6, and NC_{12} subdistricts if the garage door is perpendicular to the alley.

Sec. 0-3-303 General Standards for Attached Single-Family Homes

A. **Generally.** This Section sets out the standards for redevelopment, new development, and expansion of existing attached single-family homes in attached single-family NC districts.

B. **Standards.** The standards of this subsection apply to new development and redevelopment within the NC_{SFA} District. Expansion of existing buildings is regulated by Section 0-3-304, *Alternative Standards for Attached Single-Family Homes*.

1. *Lot and Building Standards.* The lot and building standards for single-family homes in each neighborhood conservation subdistrict are set out in Table 0-3-303, *Attached Single-Family Lot and Building Standards*. The lot width and setbacks set out in the table measured as set out in Section 0-3-201, *Lot Area*; Section 0-3-203, *Lot Width*; Section 0-3-202, *Setbacks*; Section 0-3-204, *Height*; and Section 0-3-205, *Building Coverage and Building Coverage Ratio*.

Table 0-3-303
Attached Single-Family Lot and Building Standards

Zoning District	Minimum						Maximum	
	Lot Area and Width	Front Setback (SF)	Street Side Setback (SS)	Side Setback (S1 or S2)	Total Side Setback (S1 + S2)	Rear Setback (SR)	Height	Building Coverage Ratio
NC SFA	*See* Table 0-2-201B.	5 ft. if parking is rear-accessed or shared parking lot; 20 ft. if parking is front-accessed	10 ft.	0 ft.	0 ft. if attached on both sides;6 ft. where buildings are separated	20 ft. if parking is rear-accessed;10 ft. if parking is front-accessed or shared parking lot	35 ft.	70%

2. *Condominiums and Common Maintenance Communities.* Where buildings are part of a common maintenance community in which either common open space separates buildings and/or separates lot lines from streets, or all land is owned by a condominium association:

a. The separation between buildings shall be at least two times the corresponding setback from Table 0-3-303, *Attached Single-Family Lot and Building Standards*..

b. Setbacks in relation to the street shall be measured as:

i. The shortest distance from the front elevation of the building to:

a. The back of the sidewalk; or

b. If no sidewalk is present, the back of the curb; or

c. If no sidewalk or curb is present, the edge of pavement; but

ii. Any such measurement shall not permit buildings to be constructed in public rights-of-way.

c. The front setback of buildings that face parking lots or internal drives shall be measured as if the parking lot or internal drive pavement is a street.

d. Building coverage ratio may be measured by dividing the total of all building footprints in the development by the total land area of the development.

3. *Bufferyards.* New development and redevelopment within the NC_{SFA} District shall be configured to provide the bufferyards required by Section 0-8-406, *District Boundary Bufferyards* if the abutting zoning district is not NC_{SFA}.

4. *Reconstruction.* Notwithstanding the standards of this Subsection, any attached single-family building in an NC_{SFA} District may be reconstructed to its original configuration and height.

Sec. 0-3-304 Alternative Standards for Attached Single-Family Homes

A. **Generally.** The standards of this Section apply to the expansion of existing attached single-family home buildings in the NC_{SFA} District beyond the extent of their original foundations or existing building height. Standards for new development, redevelopment, and reconstruction of buildings are provided in Section 0-3-303, *General Standards for Attached Single-Family Homes*.

B. **Alternative Standards for Building Height.** Building height shall not be increased to more than the greater of:

1. 10 percent more than the existing height of the building; or

2. 35 feet.

C. **Alternative Building Setback Standards; All Setbacks.** Alternative development standards shall be applied only if it is demonstrated that the standards of the applicable subsection of this Section are met, and:

1. The proposed construction does not interfere with planned expansion of right-of-way, and if right-of-way expansion is planned, the encroachment is evaluated as if the right-of-way has been expanded;

2. The proposed construction does not result in interference with a utility easement;

3. Drainage onto abutting properties, attached or neighboring dwelling units, or rights-of-way is not significantly altered, and drainage patterns are not substantially changed, when compared to the condition before the proposed development;

4. The proposed construction does not result in a nonconformity with respect to the building code on either the lot proposed for development, abutting properties, or nearby buildings;

5. If the parcel that abuts the improvement is used for residential purposes, the proposed construction is built to building code standards (*e.g.*, fire ratings) that would allow construction of the abutting lot (or closest building to the improvement) to be built to the same standard with the same distance of encroachment;
6. The proposed construction does not substantially increase any existing degree of obstruction of the solar access of abutting property, neighboring buildings, or other attached units that are not owned by the applicant;
7. The proposed construction conforms to building coverage limitations set out in Section 0-3-303, *General Standards for Attached Single-Family Homes*; and
8. The proposed construction does not reduce the area provided for parking to fewer spaces than are required by Division 5-2, *Parking and Loading Calculations*.

D. **Alternative Building Setback Standards; Front Setbacks.** Front setbacks may be reduced from the standards set out in Table 0-3-303, *Attached Single-Family Lot and Building Standards*, if compliance with all of the requirements of subsection C., above, and any of the following options is demonstrated:

1. *Option 1*. If the existing building does not encroach into the required setback, but the proposed improvement does:
   a. The proposed construction does not involve the destruction of a healthy, mature tree; and
   b. The encroachment will not reduce the depth of a driveway to:
      i. Less than 20 feet in length to the edge of the sidewalk; or
      ii. Less than 22 feet in length to the edge of pavement if no sidewalk is either provided or planned; and
   c. If the encroachment is more than 10 feet wide (measured parallel to the front building line), then it is screened from view from the public right-of-way by a canopy tree or evergreen tree; or
2. *Option 2*. If the existing building encroaches upon the required setback as of the effective date, and:
   a. The proposed construction does not involve the destruction of a healthy, mature tree;
   b. The proposed construction will not reduce the depth of a driveway to:
      i. Less than 20 feet in length to the edge of the sidewalk; or
      ii. Less than 22 feet in length to the edge of pavement if no sidewalk is either provided or planned; and
   c. The proposed construction will be set back not less than 85 percent of the setback of the existing building; and
   d. The proposed construction will not create the appearance of a monolithic building frontage by substantially reducing the articulation of the building as viewed from the street; or

3. *Option 3*. If the existing building fronts on a mew or other permanent open space that is not less than 50 feet wide, the front setback may be reduced by up to 25 percent.

E. **Alternative Building Setback Standards; Interior Side Setbacks.** Interior side setbacks may be reduced from the standards set out in Table 0-3-303, *Attached Single-Family Lot and Building Standards*, if compliance with all of the requirements of subsection C., above, and any of the following options is demonstrated:

1. *Option 1*. The proposed interior side setback is equal to not more than the average actual side building setback of comparable attached single-family residential buildings in the same development on the same block ; or

2. *Option 2*. The proposed interior side setback is not less than 60 percent of the required interior side setback, or three feet, whichever is a larger setback, and:

   a. Limit of Encroachment.

      i. If the lot that abuts the proposed building expansion is used for residential purposes and is not in the same development as the lot proposed for development, then:

         a. Building expansions that are 12 feet in height (measured from the average grade across the side of the proposed construction facing the abutting lot) or less are set back at least 42 inches from the side lot line; and

         b. Building expansions that are more than 12 feet in height (measured from the average grade across the side of the proposed construction facing the abutting lot) are set back at least five feet from the side lot line.

      ii. If the lot that abuts the proposed building expansion is used for nonresidential purposes or permanent open space that is at least 20 feet in width, then the building expansion is set back at least 42 inches from the side lot line.

   b. Horizontal Dimension. The building expansion, combined with the existing building, creates a horizontal dimension of not more than 50 feet without an offset in the building wall of at least three feet.

   c. Windows. The building expansion does not include a window that is located directly across from another window on a residential building that is closer than 20 feet away, unless:

      i. The window is on the first floor and an opaque fence is installed between the two buildings to a height of six feet; or

      ii. The window is not operational and is made of glass block or frosted glass.

F. **Alternative Building Setback Standards; Rear Setbacks.** Rear setbacks may be reduced from the standards set out in Table 0-3-303, *Attached Single-Family Lot and Building Standards*, if compliance with all of the requirements of subsection C., above, and any of the following options is demonstrated:

1. *Option 1*. Rear setbacks may be reduced on any lot if it is demonstrated that the proposed rear building setback is equal to not more than 10 percent less than the average actual

setback of the other attached single-family homes that are located in the same development within 150 feet of the building proposed for expansion; or

2. *Option 2*. Rear setbacks may be reduced on lots with rear lot lines that abut permanent open space, and on through lots with fences or walls that screen rear yards from arterials and collectors, according to the following standards:

   a. For construction, or portions of construction, that is 12 feet or less in height (measured from the average grade across the side of the proposed construction facing the rear lot line), the rear setback may be reduced by up to 50 percent if it is demonstrated that there is at least 100 square feet of ground-level landscaped area behind the building with no dimension less than 8 feet, and:

      i. The proposed construction will not create the appearance of a monolithic building by substantially reducing the articulation of the building as viewed from abutting property, open space, or public rights-of-way; or

      ii. The proposed construction is located behind an opaque fence or garden wall that is at least five feet in height, and one evergreen or canopy tree is planted (or retained) in the rear yard for each 12 feet of width of the encroaching portion of the proposed construction; or

   b. For construction, or portions of construction, that is more than 12 feet in height (measured from the average grade across the side of the proposed construction facing the rear lot line), the rear setback may be reduced up to 30 percent if it is demonstrated that the standards of subsection G.2.a., above, are met, and:

      i. The building will not have a three-story expression (*e.g.*, two stories above a walk-out basement) as a result of the proposed construction; or

      ii. A building that has an existing three-story expression will be modified in a way that mitigates the appearance of the three-story mass by substantially articulating the back wall of the building when compared to its existing condition; or

3. *Option 3*. Rear setbacks may be reduced on lots with rear lot lines that abut alleys if it is demonstrated that:

   a. The reduction of the rear setback would not reduce the available turning radius from the alley to the garage on the lot proposed for development or any other lot to less than 25 feet; and

   b. The proposed setback does not interfere with the safe use of the alley by blocking sight lines between garages and the paved area of the alley; and

   c. There is at least 100 square feet of ground-level landscaped area being the building with no dimension less than 8 feet.

Division 3-4 Residential Neighborhood Development Standards

Sec. 0-3-401 Residential Neighborhood Development Standards

A. **Generally.** The standards that are applicable to the development of residential and predominately residential mixed-use neighborhoods are provided in Table 0-3-401, *Residential Neighborhood Development Standards*. These standards apply to subdivisions or resubdivisions of property that create at least three buildable lots, or to developments with at least three dwelling units on a single parcel proposed for development. Once the number of dwelling units is determined, the specifications for individual lots shall comply with the requirements of Division 3-5, *Housing Palette*, for the type of housing that will be developed.

B. **How to Use Table 0-3-401, *Residential Development Standards*.** The columns in Table 0-3-401, *Residential Development Standards* establish the open space, density, utility, and minimum parcel sizes that apply to each of the residential development types. They are interpreted as follows:

1. The first column, *District and Residential Neighborhood Type*, reflects the zoning districts (shaded in orange) and the residential uses permitted in the district.
2. The second column, *Min. OSR*, sets out the minimum open space ratio for the residential neighborhood type.
3. The third column, *Maximum Density*, contains the maximum density for the neighborhood type.
4. The fourth column, *Minimum Area of Parcel Proposed for Development*, indicates the area of land that is required for the development of the neighborhood type indicated in the first column.

Table 0-3-401
Residential Neighborhood Development Standards

District and Residential Neighborhood Type	Min. OSR	Max. Density	Min. Area of Parcel Proposed for Development
AG			
Single-Family	NA	0.5 u/a	NA
Single-Family Cluster	40%	0.6 u/a	5 ac.
RS			
Single-Family	10%	2.6 u/a	5 ac.
Single-Family Cluster	25%	2.7 u/a	5 ac.
Continuing Care Neighborhood	30%	5 u/a	10 ac.
RA			
Single-Family	10%	4.4 u/a	2 ac.
Single-Family Attached	15%	6.9 u/a	2 ac.
Multifamily	20%	19 u/a	10 ac.
Mixed-Housing Cluster	20%	6.5 u/a	20 ac.
Traditional Neighborhood Development	10%	10 u/a	10 ac.
Manufactured Home Park or Subdivision	30%	5.2 u/a	10 ac.

Table 0-3-401 Residential Neighborhood Development Standards			
District and Residential Neighborhood Type	**Min. OSR**	**Max. Density**	**Min. Area of Parcel Proposed for Development**
Continuing Care Neighborhood	15%	12 u/a	10 ac.
RU			
Single-Family	10%	4.9 u/a	1 ac.
Single-Family Attached	10%	11.6 u/a	1 ac.
Multifamily	10%	30 u/a	3 ac.
Traditional Neighborhood Development	10%	20 u/a	10 ac.
Continuing Care Neighborhood	10%	20 u/a	8 ac.

C. **Waiver of Open Space Requirements.** The minimum open space requirements may be waived by the decision-maker if all of the following are demonstrated:

1. The proposed development has fewer than 20 dwelling units and is not a single-family cluster;
2. The drainage plan shows how drainage will be conveyed within the right-of-way to an off-site stormwater treatment facility;
3. Bufferyards are identified on the plat as landscape easements that must be maintained by either a homeowners' association or the lot owner subject to the easement; and
4. Covenants, conditions, and restrictions require the ongoing maintenance of the easements by the property owners' association. The documents shall provide that this maintenance requirement is enforceable by the City and shall not be amended without the consent of the City Manager.

Sec. 0-3-402 Lot Variability

A. **Generally.**

1. Lot variability reduces monotony by varying the size of building lots. It also allows greater flexibility in subdivision design. It is optional in all residential subdivisions.
2. If lot variability is not used, then the standards for the "Average" lot that are set out in Division 3-5, *Housing Palette*, shall be applied.

B. **Calculating the Required Number of Lots of Each Lot Size Group.** In the tables of Division 3-5, *Housing Palette*, that allow for variable lot sizes, the column titled "Percent of [housing type] Lots in Lot Size Group," indicates the minimum proportion of each size of lot that must be provided if lot averaging is used. The minimum number of small and average lots shall be rounded up to the nearest whole number. The large lot category is always listed as "remainder," because after the minimum proportions for small and average lots are met, the remainder of the lots may be large lots. For example, if the requirement for 25 percent small lots, 50 percent average lots, and remainder large lots are applied to a 100-lot subdivision, at least 25 lots must be "small," at least 50 lots must be "average," and not more than 25 lots can be "large."

C. **Method of Averaging.** Figure 0-3-402, *Illustration of Variable Lots*, shows how lot size groups are determined based on variable lot width and relatively constant lot depth.

1. Lots are classified in each group as follows:

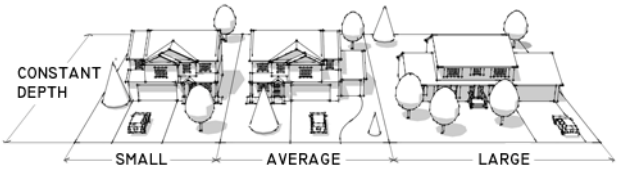
   a. Small lots have a regulatory lot width that is equal to or greater than the minimum regulatory lot width for small lots, but less than the minimum regulatory lot width for average lots.

   b. Average lots have a regulatory lot width that is equal to or greater than the minimum regulatory lot width for average lots, but less than the minimum regulatory lot width for large lots.

   c. Large lots have a regulatory lot width that is equal to or greater than the minimum regulatory lot width for large lots.

2. Minimum lot areas are provided for each lot size group. However, since some parcel shapes or designs may not allow for uniform lot depths, there is no maximum lot area for each lot size group.

Figure 0-3-402
Illustration of Variable Lots



D. **Layout of Variable Lots.**

1. Lots in each of the three lot size groups shall be mixed on each block or cul-de-sac so that they are spread evenly through the development.

2. Where multiple housing types are used:

   a. The housing types may be separated, but the variable lots for each lot size group shall be distributed as provided in subsection D.1., above; or

   b. The housing types may be mixed, and the variability of lot sizes that is created by the mix shall count towards the requirements of this Section, provided that the plan does not concentrate the small lots.

Sec. 0-3-403 Mix of Housing Types

A. **Generally.** All mixed housing clusters and traditional neighborhood developments shall include a mix of housing types, which may include any type of housing set out in Division 3-5, *Housing Palette*.

B. **Dwelling Unit Mix Requirements.** Table 0-3-403, *Mix of Housing Types*, indicates the number of dwelling unit types that are required for developments of various sizes and minimum and maximum percentages. In calculating the number of units, normal rounding is permitted.

Table 0-3-403 Mix of Housing Types			
Project Size	**Minimum Number of Types**	**Maximum Percentage Any Type**	**Minimum Percentage Any Type[1]**
Less than 40	1	100	20
40 - 89	2	75	25
90-149	3	55	20
150- 220	4	50	12
More than 220	5	30	10
[1] This requirement applies even if more than the minimum number of housing types are provided.			

C. **Phasing.** When a development is to be phased, the maximum residential development capacity of the entire site shall be used for calculating the required mix. When a parcel proposed for development is to be subdivided and developed over time, the City may impose a mix based on the original parcel size to ensure an adequate mix of housing types.

Sec. 0-3-404 Alternative Standards for Condominium and Alternative Land Ownership Patterns

A. **Generally.** The standards of Division 3-5, *Housing Palette*, with respect to lot area, lot width, and setbacks relate to the development of residential buildings on conventional lots that are intended to be owned in fee-simple by the owners of the buildings. However, the standards are not intended to preclude other ownership types, such as condominiums (in which the land is owned in common by the owners of the condominium units), or common maintenance communities (in which fee simple ownership is limited to the land under the building, and, in some cases, a small area around it). The alternative standards of this Section are intended to allow such alternative ownership scenarios, provided that the development could be approved pursuant to this LDC using conventional fee-simple ownership arrangements.

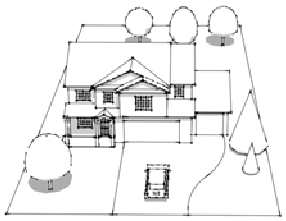
B. **Demonstration of Compliance Required.** The proposed pattern of development will be permitted if it is demonstrated that it would comply with the density, open space, and applicable setback requirements of this LDC if it were platted with lots that meet the minimum requirements of Division 3-5, *Housing Palette*, for each of the proposed housing types.

Division 3-5 Housing Palette

Sec. 0-3-501 Single-Family and Single-Family Cluster

A. **Generally.** Single-family detached buildings are residences for one family that are typically located on a privately-owned lot, with private yards on each side of the unit. Single-family detached units could also be located on condominium-owned property, surrounded by limited common elements for use by residents of the single-family home, which would serve the same purpose as a private yard. *See* Figure 0-3-501, *Illustrative Single-Family Detached Unit*. Single-family cluster lots are smaller lots that are located in single-family cluster subdivisions that compensate for smaller lot size by providing larger areas of common open space. *See* Section 0-3-401, *Residential Neighborhood Development Standards*.

Figure 0-3-501
Illustrative Single-Family Detached Unit



B. **Standards.** The lot and building standards for single-family detached units are set out in Table 0-3-501A, *Single-Family and Single-Family Cluster Lot and Building Standards*. Subdivisions that include more than 40 single-family lots shall use lot averaging as specified in Section 0-3-402, *Lot Variability*, and subsection C., below, and not the lot area and lot width requirements of Table 0-3-501A. However, the setback requirements of the table shall be used for single-family development in the districts specified, unless modified by a pattern book. *See* Division 9-3, *Alternative Subdivision and Development Design Standards*.

Table 0-3-501A
Single-Family and Single-Family Cluster Lot and Building Standards

Zoning District and Development Type	Minimum						Maximum	
	Lot Area (sf.)	Regulatory Lot Width[1] (ft.)	Front Setback (ft.)	Interior Lot Side Setback Single / Total (ft.)	Street Side Setback (ft.)	Rear Setback (ft.)	Height (ft.)	Building Coverage Ratio (%)
AG								
Single Family Detached	75,000	190	75	20 / 50	20	75	30	15%
Single Family Cluster	35,000	130	50	15 / 40	20	60	30	15%
RS								
Single Family Detached	9,000	70	30	10 / 20	20	30	30	35%
Single Family Cluster	6,000	60	20	5 / 12	20	20	30	40%
RA								
Single Family Detached	5,000	50	20	5 / 12	15	20	30	40%
RU								
Single Family	4,000	40	10	5 / 10	15	20	30	50%

TABLE NOTE:
[1] May be different from actual lot width. *See* Section 0-3-203, *Lot Width.*

C. **Variable Lots.** Where variable lots are required (see Section 0-3-402, *Lot Variability*, for requirements), the width of lots shall be divided into three lot size groups, based on how the lot widths compare to the required minimum lot width set out in Table 0-3-501A, *Single-Family and Single-Family Cluster Lot and Building Standards*. The lot area of lots in the small and average lot size groups may be smaller than the minimum lot area specified in the table, due to their narrower lot width and constant depth across all groups of lots (see Figure 0-3-402,

Illustration of Variable Lots). Table 0-3-501B, *Lot Variability: Single-Family Detached*, sets out the lot size groups, regulatory lot width, minimum lot depth, and minimum percentage for each lot group for single-family detached and single-family cluster neighborhoods.

Table 0-3-501B
Lot Variability; Single-Family Detached

Lot Size Group	Regulatory Lot Width	Minimum Lot Depth	Minimum Percent of Single Family Detached Lots in Lot Group
Small	85% to 95% of Minimum Lot Width in Table 0-3-501A for district and development type	Minimum Lot Area in Table 0-3-501A divided by Minimum Lot Width in Table 0-3-501A for district and development type	25%
Average	95% to 105% of Minimum Lot Width in Table 0-3-501A for district and development type		50%
Large	>105% of Minimum Lot Width in Table 0-3-501A fpr district and development type		Remainder

Sec. 0-3-502 Lot Line House

A. **Generally.** The lot line house is a single-family detached housing type that differs from the typical single-family unit in that it is situated on the lot so that one side building wall is located on a side lot line, and the other side is designed to have a large private yard behind the street facade. *See* Figure 0-3-502A, *Illustrative Lot Line House,* and Figure 0-3-502B, *Lot Line House Side Yards*.

Figure 0-3-502A
Illustrative Lot-Line House

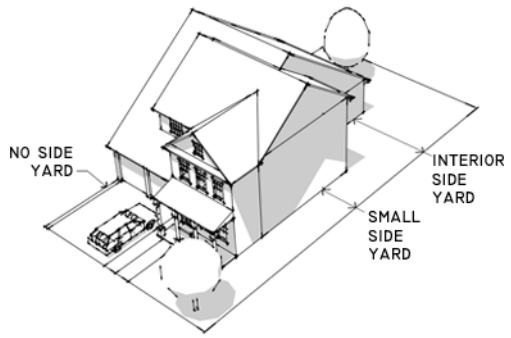
B. **Standards.** Table 0-3-502, *Lot Line House Lot and Building Standards*, sets out the lot requirements for lot line houses. The following additional standards also apply to lot line houses:

1. The interior side setback shall provide for a usable combined side and rear yard; and
2. No windows shall be permitted on the zero lot line side of the house unless:
   a. It opens into an enclosed light court; or
   b. It is framed at a minimum of six foot four inches above the room floor so as to not provide a line of sight into the neighboring yard; or
   c. It is composed of glass block or frosted glass and is inoperable.

Table 0-3-502 Lot-Line House Lot and Building Standards			
Development Type	Lot Line House		
Lot Size Group	Small	Average	Large
Percent of Lot-Line House Lots In Lot Size Group	25%	50%	Remainder
Minimum Lot Area (sf.)	5,000	6,000	7,000
Minimum Regulatory Lot Width (ft.)	50	60	70
Front Setback (House / Garage) (ft.)	15 / 20		
Side Setback (Street Side for Corner Lots / Small Side / Interior Side) (ft.)	10 / 10 / 25[1]		
Rear Setback (ft.)	20		
Maximum Height (ft.)	30		
Maximum Building Coverage Ratio (%)	67%	70%	70%

TABLE NOTE:
[1] The lot-line house is set on one property line with a zero setback, and the building is intended to be roughly L-shaped. The street side setback is the setback that is required on the street side of corner lots. The small side setback is a small side yard along the side of the building towards the front of the lot, which may extend for up to 40 percent of the depth of the lot. The interior side setback creates a larger side yard on the back side of the building, which is useable outdoor space for the residents. *See* Figure 0-3-502, *Lot-Line House Side Yards*.

Figure 0-3-502B
Lot-Line House Side Yards



Sec 0-3-503 Patio House

A. **Generally.** A patio house is a single-family detached unit, or a single-family attached unit (in a duplex-like configuration), which is typically situated on a reduced-size lot that orients outdoor activity within rear or side yard patio areas for better use of the site for outdoor living space. Only the rear yard is fenced on the patio house, preserving a narrow side yard that is visible from the street. Vehicular access to patio houses is provided from alleys. *See* Figure 0-3-503A, *Illustrative Patio House*.

Figure 0-3-503A
Illustrative Patio House

B. **Standards.** Table 0-3-503, *Patio House Lot and Building Standards*, sets out the lot requirements for patio houses. The following additional standards also apply to patio houses:

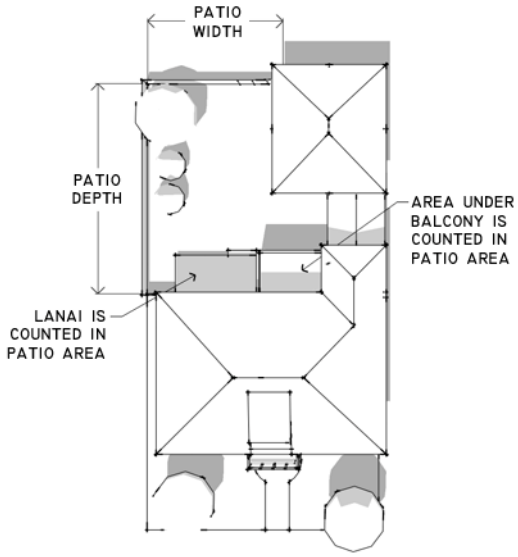
1. The interior side setback shall provide for a usable combined side and rear yard; and
2. If the house is configured as a zero lot line or attached unit, no window shall be permitted on the zero lot line or attached side of the house unless:
   a. It opens into an enclosed light court; or
   b. It is framed at a minimum of six foot four inches above the room floor so as to not provide a line of sight into the neighboring yard; or
   c. It is composed of glass block or frosted glass and is inoperable.

Table 0-3-503
Patio House Lot and Building Standards

Development Type	Patio House		
Lot Size Group	Small	Average	Large
Percent of Patio House Lots In Lot Size Group	25	50	Remainder
Minimum Lot Area (sf.)	3,960	4,500	5,040
Minimum Regulatory Lot Width (ft.)	44	50	56
Minimum Front Setback (ft.)	10		
Minimum Side Setback (total) (ft.) / Minimum Building Spacing (ft.)	10 / 10		
Minimum Patio Area[1] (sf.)	930	1,000	1,000
Minimum Patio Width[1] (ft.)	20	20	22
Rear Setback (House / Garage) (ft.)	10 / 0[2]		
Maximum Height (ft.)	30		
Maximum Building Coverage Ratio (%)	50%	48%	48%

TABLE NOTES:
[1] The patio area is a rectangle having minimum area and width that is a basic yard, but does not count all the yard area. This ensures a useable principal outdoor space. *See* Figure 0-3-503B, *Patio Dimensions*.
[2] A greater setback may be required in order to ensure safe passage along the alley.

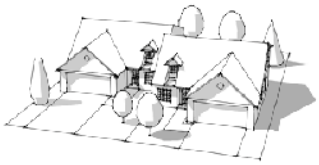
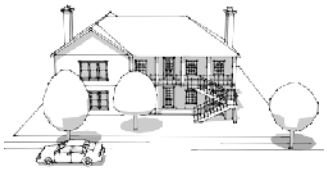
Figure 0-3-503B
Patio Dimensions



Sec. 0-3-504 Duplex

A. **Generally.** Duplexes are a single-family attached unit type that includes two units that are attached along a common wall or separated by a floor that is not penetrated for the purpose of interior access between the two units. The standard duplex has side-by-side units with a common wall (the units may be divided into separate lots along the common lot line for individual fee-simple ownership). The units in the over-under duplex are located on different floors (the units may be accessed via separate outside entrances or through a common foyer area). See Figure 0-3-504, *Illustrative Duplex Houses*. Vehicular access to duplex homes in either style may be from the street or from an alley.

Figure 0-3-504
Illustrative Duplex Houses

Standard Duplex	Over-Under Duplex
	

B. **Standards.** Table 0-3-504, *Duplex House Lot and Building Standards*, sets out the lot requirements for duplex houses.

Table 0-3-504 Duplex House Lot and Building Standards					
Development Type	Standard Duplex			Over-Under Duplex Alley Access to Garage	Over-Under Duplex Street Access to Garage
Lot Size Group	Small	Average	Large	NA	NA
Percent of Duplex Lots (by Type of Duplex) in Lot Size Group	25%	50%	Remainder	NA	NA
Minimum Lot Area per Building (sf.)	Any combination of two permitted lot sizes (see below)			7,500	8,000
Minimum Lot Area per Dwelling Unit (sf.)	3,780	4,050	4,320	NA	NA
Minimum Regulatory Lot Width (ft.)	42[1]	45[1]	48[1]	75	80
Front Setback, Street Access to Garage (ft.)	20			NA	20
Front Setback, Alley Access to Garage (ft.)	10			10	NA
Side Setback (Single / Total)[2] (ft.)	5 / 10			5 / 15	5 / 15
Rear Setback, Street Access to Garage (ft.)	20			NA	25
Rear Setback, Alley Access to Garage (ft.)	0			25	NA
Maximum Height (ft.)	30			30	30
Maximum Building Coverage Ratio (%)	47%[3]	47%[3]	47%[3]	44%	40%

TABLE NOTES:
[1] Per dwelling unit
[2] The first number is the minimum side setback. The second number is the sum of the two side setbacks. For example, 8 / 22 means that if one side setback is 8 feet, the other must be 14 feet (8 + 14 = 22). Side yards are applied to buildings, not individual units within the building.
[3] For standard duplexes with units on individual lots, the maximum building coverage is measured as the area of the footprint of each unit, divided by the area of the lot upon which the unit is constructed.

Sec. 0-3-505 Townhouse and Weak Link Townhouse

A. **Generally.** Townhouses and weak link townhouses are both single-family attached dwelling unit types, which are characterized by row arrangements with common side walls. The weak-link townhouse has both a one-story and two-story portion of each unit and is, thus, wider than the traditional townhouse. Vehicular access to townhouses shall be provided by alleys or parking courts behind buildings Vehicular access to weak-link townhouses may be provided from the street or from alleys. See Figure 0-3-505, *Illustrative Townhouses and Weak Link Townhouses.*

Figure 0-3-505 Illustrative Townhouses and Weak Link Townhouses
Townhouse

Figure 0-3-505
Illustrative Townhouses and Weak Link Townhouses

Weak Link Townhouse

B. **Standards.** Table 0-3-505, *Townhouse and Weak Link Townhouse Lot and Building Standards*, sets out the lot requirements for townhouses and weak link townhouses. The following additional standards also apply to townhouse and weak link townhouse development:

1. Townhouses shall be arranged in rows of four to eight attached townhouses. Fewer than four townhouses may be permitted in a townhouse row if:
   a. The average number of units per townhouse row in the development is four or more; and
   b. The smaller rows are necessary for an efficient layout of the parcel proposed for development.
2. The one-story portion of weak link townhouses shall constitute at least 20 percent of the front facade of each townhouse unit.

Table 0-3-505
Townhouse and Weak Link Townhouse Lot and Building Standards

Development Type	Townhouse			Weak Link Townhouse		
Lot Size Group	Small	Average	Large	Small	Average	Large
Percent of Townhouse Lots (by Type of Townhouse) in Lot Size Group	25	50	Remainder	25	50	Remainder
Minimum Lot Area per Dwelling Unit, Street Access to Garage (ft.)	NA	NA	NA	3,600	3,870	4,230
Minimum Lot Area per Dwelling Unit, Alley Access to Garage (ft.)	2,000	2,400	2,600	2,970	3,240	3,510
Min. Regulatory Lot Width per Dwelling Unit, Street Access to Garage (ft.)	NA	NA	NA	40	43	47
Min. Regulatory Lot Width per Dwelling Unit, Alley Access to Garage (ft.)	20	24	26	33	36	39
Minimum Front Setback (building / garage) (ft.)	10 / NA			10 / 20		
Minimum Building Separation[1] (ft.)	10			10		
Minimum Rear Setback[2] (ft.)	20			20		
Maximum Building Height (ft.)	35			30		
Maximum Building Coverage Ratio, Street Access to Garage (%)	NA			62%		
Maximum Building Coverage Ratio, Alley Access to Garage (%)	67%			52%		

TABLE NOTES:
[1] The building separation may be designated as common open space if it is linked to other common elements.
[2] An alley or parking court loaded garage may extend into the rear setback up to the rear lot line, provided the maximum building coverage is not exceeded. The City may require additional setback as necessary to ensure safe passage along the alley.

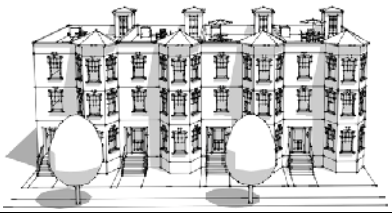
Sec. 0-3-506 Roof Deck Townhouse and Duplex Townhouse

A. Ge**nerally.** Roof deck townhouses are townhouses that are designed with rooftop decks that provide outdoor space for the residents of the townhouse. Duplex townhouses are townhouse buildings that contain two dwelling units, one above the other. For both types of townhouses, garage access is taken from an alley or parking court. *See* Figure 0-3-506, *Illustrative Roof Deck and Duplex Townhouses*.

B. **Location.** Roof deck townhouses and duplex townhouses are only permitted in the UC or RU district, or in a traditional neighborhood development with an approved pattern book that includes the housing type.

Figure 0-3-506
Illustrative Roof Deck and Duplex Townhouses

Roof Deck Townhouses (4 townhouses)



Duplex Townhouses (4 duplex townhouses / 8 units)

C. **Standards.**

1. Table 0-3-506, *Roof Deck Townhouse and Duplex Townhouse Lot and Building Standards*, sets out the lot requirements for roof deck townhouses and duplex townhouses.

2. Townhouse buildings shall be arranged in attached rows of four to eight townhouses (for duplex townhouse buildings, this means eight to 16 dwelling units). Fewer than four townhouses may be permitted in a row if:

   a. The average number of attached townhouses per row in the development is four or more; and

   b. The smaller rows are necessary for an efficient layout of the parcel proposed for development.

Table 0-3-506
Roof Deck Townhouse and Duplex Townhouses Lot and Building Standards

Development Type	Roof Deck Townhouse			Duplex Townhouse		
Lot Size Group	Small	Average	Large	Small	Average	Large
Percent of Townhouse Lots (by Type of Townhouse) In Lot Size Group	25	50	Remainder	25	50	Remainder

Table 0-3-506 Roof Deck Townhouse and Duplex Townhouses Lot and Building Standards						
Development Type	Roof Deck Townhouse			Duplex Townhouse		
Minimum Lot Area[1] (sf.)	1,800	2,000	2,180	2,520	2,800	3,080
Minimum Regulatory Lot Width[1] (ft.)	20	22	24	36	40	44
Minimum Front Setback (ft.)	10			10		
Min. Building Separation[2] (ft.)	15			20		
Minimum Rear Setback (ft.)	20			20		
Maximum Height (ft.)	35			45		
Maximum Building Coverage Ratio (%)	64%			60%		

TABLE NOTES:
[1] Measured per townhouse. Two dwelling units in a duplex townhouse arrangement are considered a single townhouse for this purpose.
[2] The building separation may be designated as common open space if it is linked to other common elements.

Sec. 0-3-507 Multiplex and Multifamily

A. **Generally.** Multiplex and multifamily are both multiple family building types. The multiplex has many attributes of a townhouse, except that the buildings are constructed to look like large single-family homes, and the units are not necessarily separated by a wall that extends from the foundation to the roof. The multifamily housing type is typically in the form of apartments or condominiums of two to five stories. Multifamily may also be located in the upper floors of mixed-use buildings, but those buildings are subject to the standards for nonresidential and mixed use buildings in Division 3-7, *Nonresidential and Mixed-Use Development Standards*, and not the standards of this Section. Vehicular access to multiplexes is provided by alleys or parking courts. Vehicular access to multifamily is provided by parking lots or parking structures. *See* Figure 0-3-507, *Illustrative Multiplex and Multi-Family.*

B. **Location.**

1. Multiplexes are a permitted housing type in all mixed-housing clusters, traditional neighborhood development, and continuing care neighborhoods.

2. Multifamily is permitted only in the RU district, continuing care neighborhoods, or traditional neighborhood developments with an approved pattern book that includes the multifamily housing type.

Figure 0-3-507
Illustrative Multiplex and Multi-Family

Multiplex (side view with two of three entrances shown)

Figure 0-3-507 Illustrative Multiplex and Multi-Family
Multifamily

C. **Standards.** Table 0-3-507, *Multiplex and Multifamily Lot and Building Standards*, sets out the lot requirements for multiplex and multifamily development.

Table 0-3-507 Multiplex and Multi-Family Lot and Building Standards		
Development Type	Multiplex	Multifamily
Minimum Area of Parcel Proposed for Development, per Building (sf.)	8,000	22,500
Minimum Area of Parcel Proposed for Development, per Dwelling Unit (sf.)	2,000	1,800
Minimum Regulatory Lot Width per Building (ft.)	80	100[1]
Minimum Front Setback (ft.)	18	30[2]
Minimum Rear Setback (ft.)	20	30
Minimum Building Separation (between buildings within the parcel proposed for development) / Side Setback (between buildings and property lines of parcel proposed for development) (ft.)	15 / 10	20 / 20
Parking Setback from Side Lot Lines (ft.)	2.5	8
Parking Setback from Rear Lot Line (ft.)	NA	8
Maximum Height (ft.)	30	45
Maximum Building Coverage Ratio (%)	50%	25%
Maximum Number of First Floor Units per Building	3	8
TABLE NOTES: [1] Along arterials, access management standards may require a wider regulatory lot width. [2] Setback from public street right-of-way. Where private internal circulation is used, the setback may be reduced to 12 feet.		

Sec. 0-3-508 Cottages

A. **Generally.** The cottage housing type consists of small single-family detached residences that have a floor area on the first floor that is less than 1,000 square feet. Cottages are typically arranged in a cluster around a green space. Vehicular access is provided by a shared parking lot. *See* Figure 0-3-508., *Cottages*.

B. **Location.** Cottages are permitted in mixed-housing clusters, traditional neighborhood developments, and continuing care neighborhoods.

Figure 0-3-508
Illustrative Cottages

C. **Standards.** The lot and building standards for cottages are set out in Table 0-3-508, *Cottage Lot and Building Standards*. Cottage clusters may be used for co-housing arrangements. Therefore, a common building with kitchen and meeting facilities (but no bedrooms) is permitted as an accessory building to a cottage cluster.

Table 0-3-508
Cottage Lot and Building Standards

Minimum Parcel Area Per Unit (sf.)	4,250
Minimum Building Spacing (ft.)	10
Front and Side Street Setback for Cottage Cluster (ft.)	15
Side and Rear Setback for Cottage Cluster (ft.)	10
Parking Setback for Cottage Cluster (ft.)	10
Minimum Open Space Ratio for Cottage Cluster (%)	35%
Maximum First Floor Floor Area (sf.)	1,000
Maximum Building Height (ft.)	28

Sec. 0-3-509 Manufactured Homes

A. **Generally.** Manufactured homes are homes that are transportable in one or more sections, that are built on a permanent chassis and designed for use with or without a permanent foundation when connected to the required utilities (a permanent foundation is required in Centennial). Manufactured homes are built to standards promulgated by the United States Department of Housing and Urban Development. They are generally manufactured in single-wide (one section), double-wide (two sections), or triple-wide (three sections) configurations. *See* Figure 0-3-509, *Illustrative Manufactured Homes.* Vehicular access to manufactured homes is provided from streets.

B. **Location.** Manufactured homes are allowed in manufactured home parks and manufactured home subdivisions. Where they are allowed as an individual "residential use" by Section 0-2-302, *Residential, Home, and Institutional Uses*, manufactured homes are subject to the standards applied to single-family detached homes in Section 0-3-501, *Single-Family and Single-Family Cluster*.

Figure 0-3-509
Illustrative Manufactured Homes

C. **Standards.** The lot and building standards for manufactured homes are set out in Table 0-3-509, *Manufactured Home Lot and Building Standards*. There is no required mix of lot types, but each lot shall be designated with a lot type annotation on the site plan and plat, as required by Section 0-2-403, *Residential Neighborhood Limited and Conditional Use Standards*.

Table 0-3-509
Manufactured Home Lot and Building Standards

Development Type	Manufactured Home		
Lot Size Group	Single-Wide	Double-Wide	Triple-Wide
Minimum Lot Area (sf.)	4,500	5,500	6,500
Minimum Regulatory Lot Width (ft.)	45	55	65
Minimum Front Setback (ft.)	15		25
Minimum Side Setback (single / total) (ft.)	6 / 20		
Minimum Rear Setback (ft.)	10		20
Maximum Height (ft.)	25		

Division 3-6 Supplemental Residential Development Standards

Sec. 0-3-601 Exceptions to Residential Setback Standards

A. **Generally.** Table 0-3-601, *Permitted Projections into Required Setbacks*, sets out projections that may be located within required setback areas (between the required setback lines and the lot lines). These exceptions shall not be interpreted to allow obstruction of a required sight triangle or sight distance.

B. **Interpretation of Table 0-3-601, Permitted Projections into Required Setbacks.**

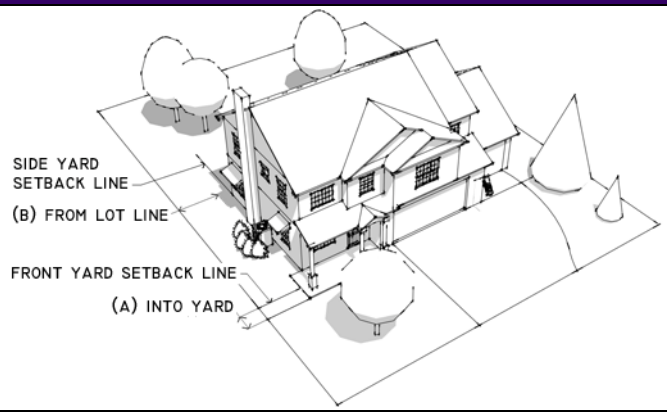
1. Measurements in the table are taken from the applicable setback line (A); from the lot line (B); or into the right-of-way (C). *See* Figure 0-3-601, *Measurement of Encroachments*.
2. If a measurement is indicated for "(A) From Setback Line Toward Lot Line" and "(B) From Lot Line Toward Lot Interior," then the measurement that results in the larger distance from the lot line to the encroachment controls.
3. If a measurement is indicated for "(A) From Setback Line Toward Lot Line" and "(C) Into Right-of-Way," then the measurement that allows the smallest encroachment into the right-of-way controls.

Table 0-3-601 Permitted Projections into Required Setbacks			
Location / Structure or Projection	Permitted Encroachments		
	(A) From Setback Line Toward Lot Line[1]	(B) From Lot Line Toward Lot Interior[1]	(C) Into Right-of-Way[2]
All Setbacks			
Awnings and structurally supported canopies without supports that extend to ground	NA[3]	Generally: 2 ft.	6 ft.
Steps, 4 feet or less above the point of measurement for the building, which are necessary for access to the building	5 ft.	NA	Not Allowed
Chimneys	2 ft.	NA	Not Allowed
Arbors and trellises	NA	3 ft.	Not Allowed
Flagpoles	NA	2 ft.	Not Allowed
Fences, garden walls, and hedges	NA	*See* Section 0-3-602	Not Allowed
Front Setback			
First floor bay windows	3 ft.	NA	Not Allowed
Overhanging eaves and gutters	2.5 ft.	NA	Not Allowed
Patios	10 ft., subject to Section 0-3-604	2.5 ft.	Not Allowed
Open porch, 40 square feet or less of floor area encroaching beyond front setback line	4 ft., subject to Section 0-3-604	2.5 ft.	Not Allowed
Balconies	Generally: 4 ft; UC and AC Districts: 6 ft.; All balconies are subject to Section 0-3-604	NA	3 ft.
Side Setback			
Overhanging eaves and gutters	2 ft.	1 ft.	Not Allowed
Air conditioning units	3 ft. without screening; up to 6 ft., if screened from view by a garden wall or hedge that is one foot taller than the equipment	2.5 ft., see previous cell for screening requirements	Not Allowed
Driveways	NA	2 ft., unless shared	Permitted perpendicular connections only
Decks, less than four feet above grade	NA	3 ft., subject to Section 0-3-604; but 0 ft. if the adjacent lot is permanent open space	Not Allowed
Rear Setback			
Overhanging eaves and gutters	2.5 ft.	1 ft.	Not Allowed
Paved off-street parking spaces	NA	3 ft., unless parking on driveway	Not Allowed
Rear-load garage	NA	0 ft., or as required by Director for safe passage along alley	Not Allowed
Side-load garage	NA	5 ft.	Not Allowed
One-story bay windows	3 ft.	8 ft.	Not Allowed

Table 0-3-601 Permitted Projections into Required Setbacks			
Location / Structure or Projection	Permitted Encroachments		
	(A) From Setback Line Toward Lot Line[1]	(B) From Lot Line Toward Lot Interior[1]	(C) Into Right-of-Way[2]
Air Conditioning Units	3 ft. without screening; up to 6 ft., if screened from view by a garden wall or hedge that is one foot taller than the equipment	5 ft., see previous cell for screening requirements	Not Allowed
Decks, less than four feet above grade	NA	3 ft., subject to Section 0-3-604	Not Allowed
Decks, four feet or more above grade; balconies	12 ft.	5 ft., subject to Section 0-3-604	Not Allowed

TABLE NOTES:
[1] Encroachments shall not cross into utility easements or onto abutting property that is not owned by the applicant. See Subsection C. of this Section.
[2] Encroachments and structures listed in this column are subject to and conditioned upon compliance with subsection D. of this Section.
[3] NA means "not applicable," in that the limits from the other columns are sufficient to control the location of the encroachment.

Figure 0-3-601
Measurement of Encroachments



C. **Encroachments Onto Other Abutting Properties or Easements.** No projection shall cross:

1. Into separately owned property, unless a recorded document provides for access to and maintenance of the projection; or
2. Into utility easements, unless the design of the improvement and a recorded agreement allows access to the utility and allows the utility provider or the City to efficiently remove the encroachment at the property owner's expense.

D. **Right-of-Way Encroachments.** Encroachment into the public right-of-way is generally not allowed, but may be permitted if it is demonstrated that the encroachment:

1. Is attached to a building that is located in a UC district, AC district, or a mixed-use building located in traditional neighborhood development;
2. Does not encroach on arterial rights-of-way;

3. Is constructed and situated in a manner that does not obstruct pedestrian or vehicular traffic or constitute a safety hazard (*e.g.*, by blocking a sight triangle or line of sight in the right-of-way);
4. Is subject to a revocable license to encroach upon the public right-of-way. This license is granted in the sole discretion of the City Manager, or owner of the right-of-way; and
5. Is, regardless of the permitted encroachment distance specified in Table 0-3-601, *Permitted Projections Into Required Setbacks*, limited to not closer than the lesser encroachment of:
   a. Two feet to the back of the street curb; or
   b. The inside edge of a tree lawn; or
   c. A distance necessary for the growth of planned or existing street trees.

Sec. 0-3-602 Fences, Garden Walls, and Hedges

EDITOR'S NOTE: HIGHLIGHTED PROVISIONS AND RELATED ILLUSTRATIONS ARE INCLUDED FOR REFERENCE ONLY. THEY HAVE BEEN IDENTIFIED AS ITEMS FOR FURTHER STUDY. AS SUCH, THEY ARE NOT PART OF THE LDC UNTIL APPROVED BY THE CITY COUNCIL. HIGHLIGHTING WILL BE REMOVED IF AND WHEN THE PROVISIONS ARE MADE EFFECTIVE.

A. **Generally.** The requirements of this Section apply to fences, garden walls, and hedges on residential property.

B. **Height and Setbacks for Fences and Garden Walls.** The maximum height and minimum setbacks for fences and garden walls are set out in Table 0-3-602, *Maximum Height and Minimum Setbacks for Fences and Garden Walls*.

Table 0-3-602
Maximum Height and Minimum Setbacks for Fences and Garden Walls

Location	Front Yard	Interior Side Yard	Street Side Yard	Rear Yard, No Abutting Alley	Rear Yard, Abutting Alley	Rear Yard, Abutting Arterial or Collector	Interior Side or Rear Yard Abutting CG, BP, I, AC, or UC District
Maximum Height	4 ft.	6 ft.	6 ft.	6 ft.	4 ft.	6 ft.	8 ft.
Minimum Setback from Property Line	0 ft., but at least 6 in. from sidewalk, if present; 5 ft. from streets, if no sidewalk; Not allowed in required sight triangles at street intersections or in the public right-of-way	0 ft.	0 ft., but at least 6 in. from sidewalk, if present; 5 ft. from streets, if no sidewalk; Not allowed in required sight triangles at street intersections or in the public right-of-way	0 ft.	0 ft., or as required by Director for safe passage along alley; Not allowed in required sight triangles at street intersections or in the public right-of-way	0 ft.; Not allowed in required sight triangles at street intersections or in the public right-of-way	As set out in applicable previous column of this table

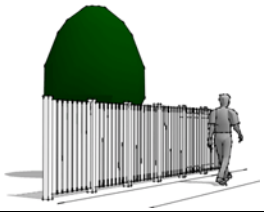
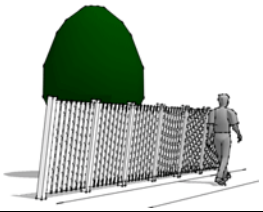
C. **Fence and Garden Wall Design.**

1. Materials used for fences and garden walls shall be durable, and of a character commonly used in residential applications, including:
   a. Wood, provided that it will be durable because it is: a weather resistant species, split rail design, wood that is treated with U.S. Environmental Protection Agency approved preservatives, or finished (painted or stained and sealed);
   b. Ornamental wrought iron or powder-coated aluminum;
   c. Vinyl;
   d. Composite materials; or
   e. Masonry (brick, finished concrete, split face concrete masonry units, or stone).
2. Chain link fences are permitted only in interior side yards and rear yards that are not also street yards.
3. Barbed wire cradles facing inward toward the property may be placed on top of fences enclosing neighborhood or regional utility buildings or wherever the Director finds that such are necessary to address a demonstrated security interest.
4. Welded wire, agricultural fencing, and chicken wire fences are allowed only in the AG district and in NC districts on lots where such fences exist on the effective date; or on the inside of split rail fencing in interior side, street side, and / or rear yards, provided that it does not exceed the height of the fence.
5. The following materials are not allowed as fence or garden wall components: scrap lumber, plywood, tree branches, tree trunks, sheet metal, plastic or fiberglass sheets, barbed wire (except as provided in subsection C.3., above), spikes, nails, or other comparable sharp points.

D. **Orientation.**

1. Fences shall be installed and maintained perpendicular to level. *See* Figure 0-3-602A, *Fence Level*.

Figure 0-3-602A
Fence Level

Allowed	Not Allowed
	

2. The finished side of all fences shall face out toward adjacent rights-of-way. *See* Figure 0-3-602B, *Fence Orientation*.

Figure 0-3-602B Fence Orientation	
Allowed Configuration (finished side facing out)[1]	**Not Allowed (finished side facing in towards applicant's property)[1]**

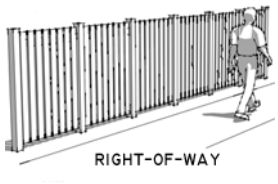
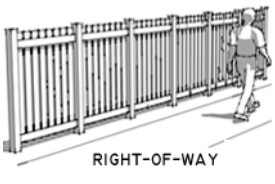

	

TABLE NOTE: [1] The applicant's property is on the side of the fence opposite from the right-of-way.	

F. **Fence Opacity.** Fences that are installed in front yards shall be not more than 50 percent opaque.

G. **Hedges.** Hedges shall be planted and maintained so that they do not extend over public rights-of-way or interfere with required sight triangles. Hedges in front yards shall not exceed four feet in height.

H. **Exceptions.** Fences, walls, or hedges, which are specifically required pursuant to Article 8, *Development Landscaping and Tree Protection*, shall conform to the requirements of that Article.

Sec. 0-3-603 Accessory Buildings and Structures

EDITOR'S NOTE: HIGHLIGHTED PROVISIONS ARE INCLUDED FOR REFERENCE ONLY. THEY HAVE BEEN IDENTIFIED AS ITEMS FOR FURTHER STUDY. AS SUCH, THEY ARE NOT PART OF THE LDC UNTIL APPROVED BY THE CITY COUNCIL. HIGHLIGHTING WILL BE REMOVED IF AND WHEN THE PROVISIONS ARE MADE EFFECTIVE.

A. **Generally.** The standards of this Section apply to accessory buildings and structures. Accessory buildings are counted in the calculation of building coverage.

B. **Timing of Construction.** No accessory building or structure shall be constructed unless the principal building has already been constructed or is under construction simultaneously with the accessory building.

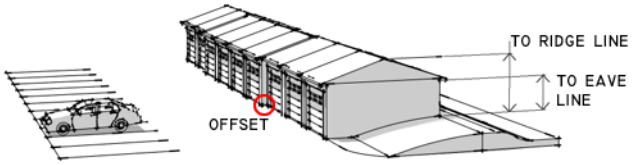
C. **Attached Accessory Buildings.** Accessory buildings that are structurally attached to a principal building shall conform to all standards that are applicable to the principal building. Covered (but otherwise unenclosed) walkways shall not be considered attachments for the purposes of this subsection.

D. **Detached Garages.** Detached garages may be single-story buildings or two-story buildings that include second floor workshop / storage space or an accessory dwelling unit. Detached garages are subject to the following standards:

1. *Access*. Access to detached garages shall be not less than 12 feet wide, and shall be set back as provided in Section 0-3-601, *Exceptions to Residential Setback Standards*.

2. *Single-Story Detached Garages*. Single-story detached garages may be constructed within building envelopes or in rear yards, provided that the garages are either:
   a. Set back five feet from side and rear property lines and not encroaching into utility easements; or
   b. Set back according to lesser setback standards for garages, if they are specifically provided in Division 3-5, *Housing Palette*, for the type of housing with which the garage is associated.
3. *Single-Story Detached Garages as Perimeter Walls*. Single-story detached garages may be constructed as perimeter walls of single-family attached and multifamily developments, provided that:
   a. The topography is such that height to the peak of the garage roof, measured from the finished grade at the outside building line of the garage is:
      i. 6 feet to the eave line; and
      ii. Not more than 10 feet to the highest point on the ridge line of the roof (see Figure 0-3-603A, *Perimeter Garage Walls*); and
   b. The perimeter wall is offset at least one foot for every 50 feet in length (see Figure 0-3-603A, *Perimeter Garage Walls*); and
   c. If the outside walls of the garages are used as part of a required bufferyard, they are installed on the inside boundary of the bufferyard.

Figure 0-3-603A
Perimeter Garage Walls



4. *Two-Story Detached Garages*. Two-story detached garage buildings may be constructed as an accessory building to single-family detached houses if they are located within the building envelope.
5. *Configuration of Detached Carports and Garages; Single-Family Attached and Multifamily*. Detached carports and garages that serve attached single-family dwellings or multifamily dwellings shall neither:
   a. Be located closer than 20 feet to a building setback line on an adjacent lot that is not used for attached single-family dwellings or multifamily dwellings of the same type; nor
   b. Interfere with building ventilation.

F. **Other Detached Accessory Buildings or Structures (Except Sheds that are 120 Square Feet or Smaller and Less than 10 feet in Height to Peak of Roof).**

1. *Height.* Height shall not exceed one story or 17 feet, whichever is lower.
2. *Footprint.* No detached accessory building or buildings shall cover an area that is larger than that covered by the principal building, nor cover more than 25 percent of the required rear yard or 600 square feet, whichever is less, except that:
   a. In the RS, NC_{2A}, NC_{18}, and NI_{18} districts, no detached accessory building or buildings shall cover an area that is larger than 50 percent of the footprint of the principal building.
   b. In the AG district, accessory buildings and structures are permitted as needed to support agricultural uses. Nonagricultural accessory buildings shall conform to the requirements of the RS district, set out in subsection F.2.a., above.
3. *Setbacks*.
   a. Front: Behind principal building.
   b. Street Side: Equal to the street side setback required for the principal building.
   c. Interior Side: 5 feet
   d. Rear: 5 feet
4. *Building Spacing on Same Lot*. Buildings on the same lot shall be spaced at least six feet apart.
5. *Easements*. Accessory structures shall not be located within access or utility easements unless the easement expressly allows the encroachment. A copy of the easement shall be provided to the Director prior to the issuance of permits or clearances for such structures.
6. *Compatibility*. Accessory buildings shall be designed to be compatible with the principal building in terms of:
   a. Color, which shall be the same as the principal building or which shall compliment the principal building;
   b. Materials, which shall be the same as those used on the principal building, and in the case of siding or brick, shall be installed with the same patterns as on the principal building;
   c. Roof pitch, which shall be the same as the principal building;
   d. Roof materials and color, which shall be the same as the principal building; and
   e. Fenestration, if windows are provided, they should be of a type and aspect ratio that is similar to those on the principal building.

G. **Sheds that are 120 Square Feet or Smaller and Not More Than 10 feet in Height to Peak of Roof.** Sheds that are 120 square feet or less in floor area and not more than 10 feet in height to the peak of the roof may be located anywhere in a side or rear yard, provided that:

1. If they are located closer than two feet to a side or rear lot line, the area between the shed and the lot line is:
   a. The location of an opaque wall or fence that is at least five feet in height; or

b. Planted with shrubs that will grow to form a hedge with a height of at least three feet within not more than 18 months of planting; and

2. They are not located in a utility easement unless the property owner provides written permission from the easement holder;

3. They do not create nonconformities with respect to the building code on adjacent properties; and

4. They do not alter or block the flow of stormwater drainage.

H. **Residential Occupancy.** Residential occupancy of accessory buildings that are not constructed and approved for residential use is prohibited.

Sec. 0-3-604 Decks, Balconies, Patios, and Porches

A. **Decks and Balconies.**

1. Decks and balconies shall be set back as required by Section 0-3-601, *Exceptions to Residential Setback Standards*.

2. No deck shall have a surface that is elevated higher than the level of the second floor of the principal building. Balconies may be located above the second floor.

3. Balconies and decks that are accessed from upper floors shall not be located on the sides of buildings if:

a. The outer edge of the balcony or deck is closer than 15 feet to a side lot line; and

b. The balcony would enhance a direct view into the back yard of single-family detached or single-family attached lot that abuts the lot proposed for development along the side lot line.

B. **Patios.**

1. Patios shall be set back as required by Section 0-3-601, *Exceptions to Residential Setback Standards*.

2. Patios may occupy 60 percent of the rear yard, provided that they are designed so that they will not cause additional stormwater runoff onto adjacent properties compared to the conditions that existed prior to the development of the patio.

C. **Enclosed Porches.** Enclosed porches are subject to the same requirements as the building to which they are attached.

D. **Open Porches.** An open porch may encroach into a front yard as provided in Section 0-3-601, *Exceptions to Residential Setback Standards*. Additional encroachment is allowed in NC or NI districts if it is demonstrated that:

1. The open porch will have at least the same front setback as the average front setback of similar existing open porches on the same street on the same side of the block; and

2. The open porch is designed so that it will not cause additional stormwater runoff onto adjacent properties compared to the conditions that existed prior to the development of the porch.

Sec. 0-3-605 Swimming Pools and Spas

A. **Generally.** The standards of this Section apply to swimming pools and spas.

B. **Timing of Construction.** No residential swimming pool or spa shall be constructed unless:

1. The principal building has already been constructed, or is under construction simultaneously; or
2. The structure is an amenity that is provided for the development as a whole, and the development phasing plan allows its construction before the construction of dwelling units.

C. **Setbacks.**

1. *Pools and Spas.* Setbacks shall be measured from the outside walls of the pool or spa and shall be provided as set out in Table 0-3-605, *Swimming Pool and Spa Setbacks*.

Table 0-3-605
Swimming Pool and Spa Setbacks

Setback or Spacing	On-Lot Swimming Pool	Community Swimming Pool[1]
Front Setback[2]	Behind principal building	Behind pool house building
Side Setback[2]	10 feet	3 feet clearance to fence enclosure
Rear Setback[2]	10 feet	3 feet clearance to fence enclosure
Building Spacing	5 feet	10 feet

TABLE NOTES:
[1] Owned by Property Owners' Association for benefit of owners, or amenity to multifamily rental development.
[2] No pool shall be located closer than 2 feet to a utility easement or 10 feet to an overhanging utility line.

2. *Portable Spas*. Portable spas are not subject to the setback requirements of this subsection.

E. **Access Restrictions.** Swimming pools and associated deck area shall be completely enclosed by walls or fencing not less than five feet high. The pool fence shall be set back from lot lines along the front and street sides of the lot as is required for the principal building.

Sec. 0-3-606 Satellite Dishes and Antennae

A. **Generally.** The standards of this Section apply to satellite dishes and antennae that are typically associated with residential uses. They are not applicable to facilities that are used for commercial purposes or the provision of personal wireless telecommunications services to people who do not reside on the lot on which the dish or antenna is located.

B. **TV Antennae, DTV Antennae, Wireless Cable Antennae, and Satellite Dishes.**

1. The following are permitted if they are attached to a building or mounted on a mast that extends not more than 12 feet above the highest peak of the roof:
   a. TV antennae;
   b. DTV antennae;
   c. Wireless cable antennae; and
   d. Satellite dishes that are one meter or less in diameter.

2. All cabling must be run internally when feasible, securely attached, and as inconspicuous as practicable.
3. Masts that are greater than 12 feet above the peak of the roof are permitted if it is demonstrated that:
   a. An adequate signal cannot be obtained at a lower height;
   b. The mast and antenna are lower than overhead power lines, or set back from overhead power lines such that a collapse of the mast will not result in contact with the lines; and
   c. The mast and antenna are designed to withstand a 90 mile per hour sustained wind load.
4. Satellite dishes that are more than one meter in diameter are permitted if:
   a. They are located on the ground in the rear yard and not visible from ground-level views from public rights-of-way or abutting properties; or
   b. If the dish cannot be located in the rear yard, it is located on the ground within the permitted building envelope on the side of the building and the dish or antenna is fully screened from view from public rights-of-way with:
      i. a masonry wall; or
      ii. an evergreen hedge or shrub and understory trees.

C. **Amateur Radio Antennae.** Amateur radio antennae are permitted if the following standards are met:

1. Height, setbacks, and screening for the antenna structure shall be as provided in Table 0-3-606, *Amateur Radio Antennae*.

Table 0-3-606
Amateur Radio Antennae

Lot Area and Zoning District	Maximum Height	Minimum Front and Street Side Setback	Minimum Side and Rear Setback	Required Screening
Lot area greater than 2 acres in the AG, RS, and NC_{2A} Districts	More than 75 ft., up to 120 ft.[1]	100 ft.; or, alternatively, 20 ft. behind back wall of principal building	Greater of required building setback or 70 ft.	Continuous evergreen hedge around sides of base that face lot lines; 2 understory trees, located to maximize interruption of views from adjacent property and public rights-of-way. Existing vegetation that provides comparable screening may be substituted for this requirement.
Lot area greater than 12,000 sf. in the AG or any residential district	40 ft. to 75 ft.	75 ft.; or alternatively, 15 ft. behind back wall of principal building	Greater of required building setback or 25 ft.	
All lots in the AG or any residential district	Less than 40 ft.	Same as required for principal building.		None.

TABLE NOTE:
[1] Antennae that are taller than 75 feet are not allowed on lots that are less than two acres in area. The maximum permitted height is 120 ft.

2. Support structures that are not attached to the antenna structure shall be treated as accessory structures for the purposes of height, setbacks, and screening.

Sec. 0-3-607 Renewable Energy Systems

A. **Generally.** Renewable energy systems include photovoltaic arrays (solar electric panels), small wind energy conversion systems, and geothermal heating and cooling systems. They do not include the manufacture of renewable combustible fuels (*e.g.*, ethanol or biodiesel).

B. **Interconnect Agreements Required.** If a photovoltaic array or small wind energy conversion system is to be interconnected to the electric utility grid, proof of an executed interconnect agreement shall be provided before the system is interconnected. Systems approved pursuant to this Section shall not generate power as a commercial enterprise as defined by the Public Utilities Commission.

C. **Photovoltaic Arrays.** Photovoltaic arrays convert sunlight into electricity. The following standards apply to photovoltaic arrays:

1. *Roof-Mounts*. Photovoltaic arrays may be roof-mounted on principal and accessory buildings in all districts.

2. *Ground-Mounts*. Ground or structure-mounted photovoltaic arrays (not mounted on buildings) shall be set back as if they were detached accessory buildings if the highest point on the panels is more than six feet above grade.

3. *Carports and Covered Walkways*. Carports and walkways in multifamily developments may be covered with photovoltaic arrays regardless of their location on the parcel proposed for development.

D. **Small Wind Energy Conversion Systems.** Wind energy conversion systems are turbines that convert wind energy into electricity. Small wind energy conversion systems are rated for not more than 20kW of generation capacity. The following standards apply to small wind energy conversion systems:

1. *Setbacks.*

a. Towers that are located on single-family detached, duplex, and multiplex development shall be located behind principal buildings (either in the rear yard or in the building envelope) and set back from the building envelopes of abutting properties one foot for each foot in height. See Figure 0-3-607, *Small Wind Turbine Setbacks*.

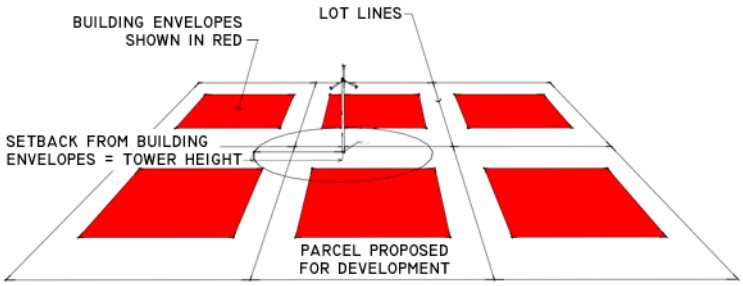
b. Towers that are located in other types of residential development may be located as set out in subsection D.1.a., above, or in common open space areas if it is demonstrated that:

i. They are set back at least 100 feet from rights-of-way and residential property lines that are not within the development; or

ii. Screened from view from outside the development by buildings, topography, and / or landscaping.

Figure 0-3-607
Small Wind Turbine Setbacks

In the example below, the tower is set back from the building envelopes of abutting lots. The tower is located in the rear yard of the parcel proposed for development (the applicant's property) and does not have to be set back from its building envelope.



2. *Turbine Blade Clearance.* The vertical clearance of the blades of tower-mounted horizontal axis turbines shall be not less than 15 feet when the blades are at their lowest point.
3. *Access.* Climbing access shall be limited by either:
   a. A six-foot tall fence around the base of the tower with a locking gate; or
   b. A design that does not allow for tower climbing at heights lower than 12 feet.
4. *Noise*. Documentation provided by the manufacturer shall demonstrate that noise will not exceed 50 dBA at any property line at peak generation, based on the proposed location of the turbine.
5. *Reflections and Shadows*. Turbine blades shall be coated to minimize reflection. Turbines shall be installed in locations that will prevent flickering shadows from being cast into the windows of buildings on nearby properties.
6. *Tower Height and Screening*. The maximum height of towers and the required screening for tall towers is set out in Table 0-3-607, *Maximum Height of Small Wind Energy Conversion Systems*. Tower height shall be measured as follows:
   a. For horizontal axis systems, to the highest point on the rotor blade at its highest point of rotation.
   b. For vertical axis systems, to the highest point of the tower or turbine, whichever is higher.

Table 0-3-607
Maximum Height of Small Wind Energy Conversion Systems

Lot Area and Zoning District	Maximum Height	Required Screening
Lot area greater than 2 acres in the AG, RS, and NC_{2A} Districts	120 ft.	Continuous evergreen hedge around sides of base that face lot lines. Existing vegetation, fencing, or garden walls that provide comparable screening may be substituted for this requirement.
Lot area greater than 12,000 sf. in the AG or any residential district	75 ft.	
All lots in the AG or any residential district	40 ft.	None.

Table 0-3-607 Maximum Height of Small Wind Energy Conversion Systems		
Lot Area and Zoning District	**Maximum Height**	**Required Screening**
Airport influence areas (*See* Division 3-9, *Airport Influence Areas*)	Subject to airport review, height may be limited to less than allowed by other rows of this table, as required for safe operation of airport.	As set out in other rows of this Table, depending upon tower height.

7. *Durability Requirements*. Small wind energy conversion systems that become inoperable shall be repaired or removed within 45 days .

F. **Geothermal Heating and Cooling Systems.** Geothermal heating and cooling systems are systems that use buried pipes to exchange heat with the ground, cooling buildings in the summer and warming them in the winter. Closed loop systems (horizontal loop systems and vertical loop systems) are permitted, provided that the loops are set back two feet from property lines. Lake loop systems are permitted if the water body is entirely within the property lines of the parcel proposed for development. Open loop systems are not permitted.

Sec. 0-3-608 Refuse Containers

(RESERVED)

EDITOR'S NOTE: THE FOLLOWING TEXT IS INCLUDED FOR REFERENCE ONLY. THIS SECTION HAS BEEN IDENTIFIED AS AN ITEM FOR FURTHER STUDY IN 2010. AS SUCH, IT IS NOT PART OF THE LDC UNTIL APPROVED BY THE CITY COUNCIL.

A. **Individual Garbage Containers.** Except within 24 hours of garbage collection, garbage containers shall not be stored outside unless they are located:

1. Within carports;
2. In interior side yards, behind the front building line; or
3. In rear yards.

B. **Centralized Solid Waste Facilities.** Centralized solid waste facilities may be provided for attached residential or multifamily residential uses through the use of dumpsters or common garbage bins located in common areas if it is demonstrated that:

1. The facilities are located no more than 200 feet (walking distance) from the individual residential units that they are intended to serve;
2. Access to the facilities is configured to meet the requirements of the refuse service provider;
3. The areas where dumpsters and/or garbage bins are stored are fully enclosed by an opaque wall constructed of brick, stone, or stucco-finished concrete block, and/or earthen berms, to a height of one foot above the top of the dumpster;
4. The enclosures have:

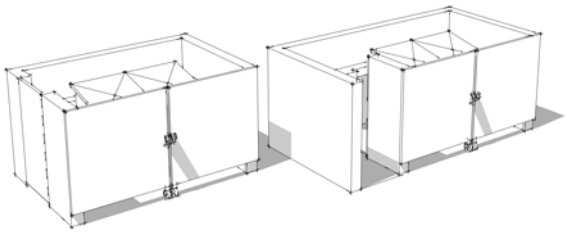
a. Service gates which remain closed at all times except when the dumpster or garbage bins are being serviced; and

b. Separate pedestrian access gates or a pedestrian access opening that screens the dumpster from view. *See* Figure 0-3-608, *Illustrative Trash Enclosures*; and

5. The facilities are located in a side or rear yard of the parcel proposed for development, unless it is not possible to provide service access in such locations; and

6. If an enclosure must be located in a front yard to meet the requirements of the refuse service provider, it shall be designed and constructed to be consistent and compatible with principal building in terms of materials and architecture.

Figure 0-3-608
Illustrative Trash Enclosures



Sec. 0-3-609 Motor Vehicle and Boat Parking and Storage

(RESERVED)

EDITOR'S NOTE: THE FOLLOWING TEXT IS INCLUDED FOR REFERENCE ONLY. THIS SECTION HAS BEEN IDENTIFIED AS AN ITEM FOR FURTHER STUDY IN 2010. AS SUCH, IT IS NOT PART OF THE LDC UNTIL APPROVED BY THE CITY COUNCIL.

A. **Generally.** This section applies to the parking and storage of motor vehicles and boats, except operable cars, light trucks, and motorcycles (which are regulated by Article 5, *Parking and Loading*), on residential property.

B. **Recreational Vehicles.**

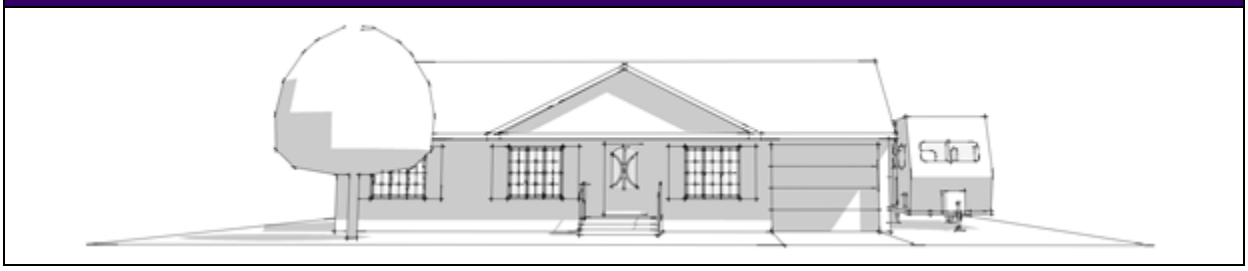
1. Recreational vehicles, boats, trailers, and personal watercraft shall not be stored overnight on residential property for a period of more than 14 continuous days unless they are located:

a. Within carports or garage enclosures;

b. In an interior side yard behind the front building line(see Figure 0-3-609, *Illustrative RV Screening*); or

c. In a rear yard.

Figure 0-3-609
Illustrative RV Screening



C. **Commercial Vehicles.** Generally, Commercial vehicles shall not be parked overnight on residential property unless they are located within carports or garage enclosures. However, one commercial vehicle is allowed in a driveway, provided that it is a van (with or without equipment racks), pickup truck (with or without equipment racks, and including 6-wheeled pickup trucks), or flatbed truck.

Sec. 0-3-610 Accessory Dwelling Units

(RESERVED)

EDITOR'S NOTE: THE FOLLOWING TEXT IS INCLUDED FOR REFERENCE ONLY. THIS SECTION HAS BEEN IDENTIFIED AS AN ITEM FOR FURTHER STUDY IN 2010. AS SUCH, IT IS NOT PART OF THE LDC UNTIL APPROVED BY THE CITY COUNCIL.

A. **Generally.** Accessory dwelling units are allowed on single-family detached residential lots in all residential districts as provided in this Section. Only one accessory dwelling unit is permitted per lot.

B. **Configuration.** Accessory dwelling units may be constructed in detached buildings, above detached garages, or within the principal building. Detached buildings and detached garages shall meet the applicable requirements of Section 0-3-603, *Accessory Buildings and Structures*.

C. **No Conversion of Garages or Carports.**

1. Garages and carports shall not be converted into accessory dwelling units, unless:

   a. If a one car garage or carport is converted, at least one replacement garage or carport space is provided elsewhere on the lot; or

   b. If a two or more car garage or carport is converted, at least two replacement garage or carport spaces are provided elsewhere on the lot.

2. Garage parking spaces shall not be replaced with carport parking spaces.

D. **Architectural Requirements.**

1. Accessory dwelling units shall be complimentary to the principal building, in that they shall use comparable materials, windows, and roof pitch. If siding is used, it shall run in the same direction as the siding on the principal building.

2. No more than one entrance to the principal building shall be located on its front facade.

E. **Scale Limitations.** No accessory dwelling unit shall contain more than one bedroom and one bathroom, nor shall it occupy or contain more than one-third of the floor area of the principal building.

F. **Parking.** Accessory dwelling units shall require one additional parking space, unless the lot width is greater than 60 feet and on-street parking is allowed in front of the lot where the accessory dwelling unit is proposed to be located.

Division 3-7 Nonresidential and Mixed-Use Development Standards

Sec. 0-3-701 Nonresidential and Mixed-Use Development Standards

A. **Generally.** The standards that are applicable to nonresidential and mixed-use development are provided in Table 0-3-701, *Nonresidential and Mixed Use Standards*. The table includes provisions for minimum landscape surface ratio ("LSR"), maximum building height, minimum lot area and minimum street frontage. Where Division 2-4, *Limited and Conditional Use Standards*, sets out standards for the LSR, height, lot area, and/or frontage of a proposed use, the standards that are specified in Division 2-4 supersede the standards of this Section.

B. **Standards.** The LSR, minimum area of parcels proposed for development, minimum street frontage, and maximum building height shall be as set out in Table 0-3-701, *Nonresidential and Mixed-Use Development Standards*.

Table 0-3-701
Nonresidential and Mixed-Use Development Standards

District	AG	RS	RA	RU	CG	AC	UC	BP	I	ED	OSR
Minimum LSR (%)	60	35	20	15	15	10	See Division 4-3	25	15	50	80
Minimum Area of Parcel Proposed for Development	5 ac.	50,000 sf.	20,000 sf.	10,000 sf.	2 ac.	NA		1 ac.	2 ac.	NA	NA
Minimum Street Frontage (ft.)	200	150	100	75	200	NA		125	200	NA	NA
Maximum Building Height (ft.)	30	30	30	30	50	50		50	50	30	20

C. **Subdivision of Commercial Developments.**

1. The minimum street frontage and minimum area of parcels proposed for nonresidential and mixed-use development may be waived in the CG, AC, UC, and BP districts with respect to the creation of individual lots within a commercial development if it is demonstrated that:

   a. The area of the principal parcel from which the lot is subdivided complies with the requirements of Table 0-3-701, *Nonresidential and Mixed-Use Development Standards*, before subdivision;

   b. Appropriate easements are recorded to provide for:

      i. Cross-access between the new lot and the principal parcel; and

      ii. Shared parking between the new lot and the principal parcel, if necessary to comply with the parking requirements of Article 5, *Parking and Loading*; and

c. Appropriate covenants are recorded that provide for the required LSR to be maintained in proportion to the principal parcel area before the subdivision, designating the landscaped areas, and providing for their maintenance.

2. For the purposes of the setback requirements of Section 0-3-702, *Nonresidential Setbacks*, lots created pursuant to this subsection C. shall be considered part of the principal parcel. However, buildings shall be spaced at least 20 feet apart.

3. Lots created pursuant to this subsection are not necessarily entitled to individual access to abutting streets. However, individual access may be provided if it complies with the standards set out in the *Infrastructure Design Manual*.

4. Lots created pursuant to this subsection are not required to be buffered from principal parcels unless they are in different zoning districts.

Sec. 0-3-702 Required Setbacks for Nonresidential and Mixed-Use Development

A. **Generally.** The standards of this section apply to nonresidential and vertically mixed-use buildings. If Division 8-4, *Bufferyards*, requires a bufferyard that is wider than the setback that is required by this Section, then the width of the setback shall be at least the width of the required bufferyard.

B. **Principal Buildings.**

1. *Generally*. The required setbacks for principal buildings and parking lots are set out in Table 0-3-702, *Required Setbacks: Principal Buildings and Parking Lots*.

2. *Residential District Setbacks*. Residential district setbacks (set out in the last column of Table 0-3-702, *Required Setbacks: Principal Buildings and Parking Lots*, apply to buildings or outdoor uses (except parking) on parcels that abut property that is located in an RS, RA, RU, NC, or NI district. If the residential district setback is indicated as "NA," then there are no special setback requirements in relation to abutting residential property (*i.e.*, the other columns of the table control).

Table 0-3-702
Required Setbacks: Principal Buildings and Parking Lots

District	Subdistrict (NC/NI)	Front Setback (ft.)	Interior Side Setback (ft.)	Street Side Setback (ft.)	Rear Setback (ft.)	Residential District Setback (ft.)
AG	-	50	25	50	50	NA
RS	-	25	20	25	25	NA
RA	-	25	10	15	25	NA
RU	-	5	5	10	20	NA
NC	2A	50	25	50	25	NA
NC	18, 12, 6, 5	25	10	15	25	NA
NC	SFA	5	5	10	20	NA
NI	12, 8	25	10	15	25	NA

Table 0-3-702 Required Setbacks: Principal Buildings and Parking Lots						
District	Subdistrict (NC/NI)	Front Setback (ft.)	Interior Side Setback (ft.)	Street Side Setback (ft.)	Rear Setback (ft.)	Residential District Setback (ft.)
CG	-	25	10	25	25	50
AC	-	See Subsection C., below				
UC	-	See Division 4-3, *Form Standards for UC District*				
BP	-	25	10	25	10	50
I	-	25	10	25	25	50
ED	-	25	25	25	25	NA
OSR	-	1 foot per foot of building height.				15

C. **Perimeter Setbacks in the Activity Center District.** The AC district is intended to be applied to property under unified or coordinated control, which will be developed or redeveloped as a single unit. Such development will implement a Sub-Area Plan, which will call for a particular form of development. As such, for the purposes of application of this LDC, setbacks are established for the perimeter of the parcel proposed for development (and not individual lots within an AC district, unless they are located at the perimeter) as follows:

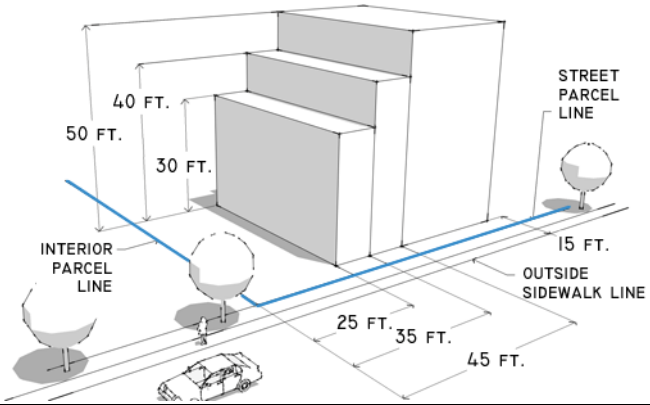
1. Along existing Arterial or Collector streets: setbacks shall be sufficient to ensure that a 15-foot wide attached sidewalk is provided, as follows:

   a. If the existing sidewalk can be expanded to 15 feet in width within the right-of-way, then no street setback is required.

   b. If the existing sidewalk cannot be expanded to 15 feet in width within the right-of-way, then the setback shall be 15 feet minus the distance between the property line and the edge of the sidewalk. *See* Figure 0-3-702, *AC District Perimeter Setbacks*.

2. Along other parcel boundaries that abut or are across a local street from residential uses: 25 feet, plus one foot for each foot of building height above 30 feet. *See* Figure 0-3-702, *AC District Perimeter Setbacks Along Residential Boundaries*.

Figure 0-3-702
AC District Perimeter Setbacks Along Residential Boundaries



Sec. 0-3-703 Nonresidential Scale Standards

A. **Generally.** The purpose of the nonresidential scale standards is to ensure that nonresidential buildings that are constructed within residential zoning districts are scaled such that they do not disrupt the fabric of residential neighborhoods. These standards apply only in the RS, RA, RU, NC, and NI zoning districts.

B. **Building Scale.** The floor area of nonresidential buildings shall be limited based on the type of street from which primary access is taken, as provided in Table 0-3-703, *Building Scale*. These standards do not apply to public schools.

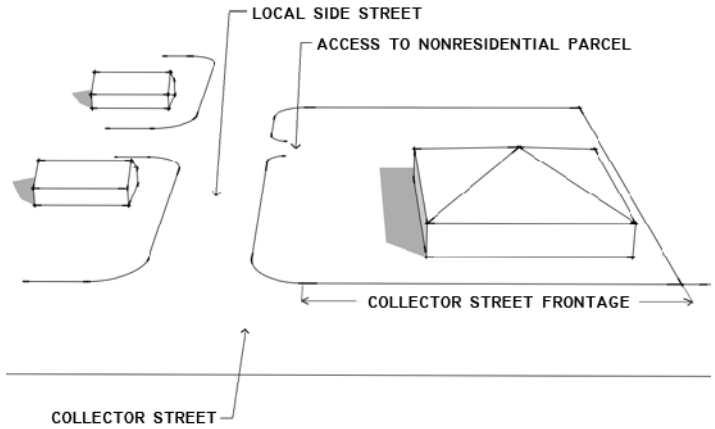
Table 0-3-703
Nonresidential Building Scale

Classification of Street from which Access is Taken	Maximum Nonresidential Floor Area
Arterial	No Maximum
Collector	10,000 sf.
Local	5,000 sf.

C. **Side Street Access.** Even if a parcel proposed for development is accessed by a local street, standards applicable to collector or arterial streets may be applied if:

1. The parcel proposed for development abuts an arterial or collector street;
2. The access is provided from the first turnout from (or is aligned with the first intersecting street of) a local side street that intersects with the arterial or collector street; and
3. No residential front yards are located across the local street in the area between the access to the nonresidential parcel and the arterial or collector street. *See* Figure 0-3-703, *Side Street Access*.

Figure 0-3-703
Side Street Access



Division 3-8 Supplemental Nonresidential and Mixed-Use Development Standards

Sec. 0-3-801 Exceptions to Setback Standards

A. **Generally.** Table 0-3-801, *Permitted Projections into Required Nonresidential and Mixed-Use Setbacks*, sets out projections that may be located outside of required setbacks (between the setback lines and the lot lines).

B. **Interpretation of Table 0-3-801, Permitted Projections into Required Nonresidential and Mixed-Use Setbacks.**

1. Measurements in the table are taken from the applicable setback line (A); from the lot line (B); or into the right-of-way (C). *See* Figure 0-3-801, *Illustrative Measurement of Nonresidential Encroachments*.

2. If a measurement is indicated for "(A) From Setback Line Toward Lot Line" and "(B) From Lot Line Toward Lot Interior," then the measurement that results in the larger distance from the lot line to the encroachment controls.

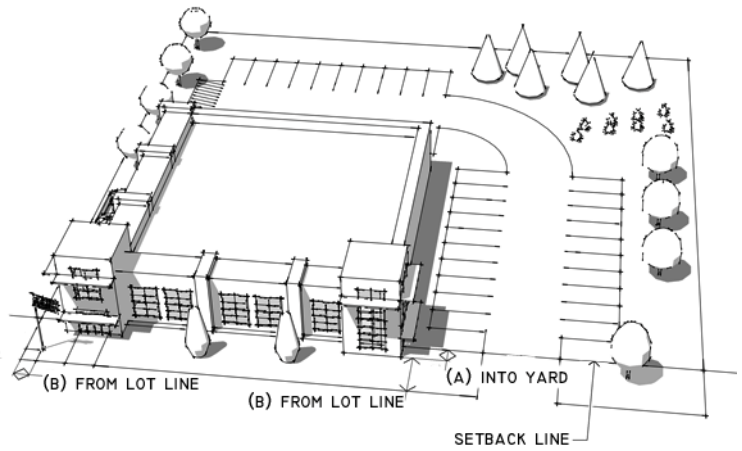
3. If a measurement is indicated for "(A) From Setback Line Toward Lot Line" and "(C) Into Right-of-Way," then the measurement that allows the smallest encroachment into the right-of-way controls.

Table 0-3-801 Permitted Projections into Required Nonresidential and Mixed-Use Setbacks			
	Permitted Encroachments		
Location / Projection	(A) From Setback Line Toward Lot Line	(B) From Lot Line Toward Lot Interior	(C) Into Right-of-Way[1]
All Setbacks			
Awnings and canopies without supports that extend to ground, not less than 8 feet above sidewalk, and no interference with traffic flow	8 ft.	2 ft.	8 ft., subject to subsection C., below
Steps, 4 feet or less above grade, which are necessary for access to a permitted building	5 ft.	0 ft.	Not Allowed
Chimneys	2 ft.	1 ft.	Not Allowed
Arbors and trellises	NA[2]	3 ft.	Not Allowed
Flagpoles	NA	5 ft.	Not Allowed
Fences, garden walls, and hedges	NA	*See* Section 0-3-802	Not Allowed
Driveways, except at points of access	NA	10 ft.	Not Allowed
Off-street surface parking spaces	NA	10 ft., or width of bufferyard, whichever is greater	Not Allowed
Front Setbacks			
Overhanging eaves and gutters	2.5 ft.	0 ft.	1 ft., subject to subsection C., below
Patios; Decks that are less than 3 feet above grade	10 ft.	5 ft., or width of bufferyard, whichever is greater	Not Allowed
Enclosed vestibule, 150 square feet or less in floor area encroaching	5 ft.	3 ft.	Not Allowed
Side Setbacks			
Overhanging eaves and gutters	2.5 ft.	1 ft.	1 ft., subject to subsection C., below
Air conditioning units	5 ft., if screened from view by a garden wall or hedge that is one foot taller than the equipment	2.5 ft., if screened from view by a garden wall or hedge that is one foot taller than the equipment	Not Allowed
Patios; Decks, less than 3 feet above grade	NA	3 ft.; but 0 ft. if the adjacent lot or parcel is permanent open space	Not Allowed
Decks, 3 feet or more above grade	6 ft.	6 ft.; but 0 ft. if the adjacent lot or parcel is permanent open space	Not Allowed
Rear Setbacks			
Overhanging eaves and gutters	2.5 ft.	1 ft.	1 ft., subject to subsection C., below
Air Conditioning Units	5 ft., if screened from view by a garden wall or hedge that is one foot taller than the equipment	5 ft., if screened from view by a garden wall or hedge that is one foot taller than the equipment	Not Allowed
Patios; Decks, less than 3 feet above grade	NA	3 ft.	Not Allowed

Table 0-3-801 Permitted Projections into Required Nonresidential and Mixed-Use Setbacks			
	Permitted Encroachments		
Location / Projection	(A) From Setback Line Toward Lot Line	(B) From Lot Line Toward Lot Interior	(C) Into Right-of-Way[1]
Decks, 3 feet or more above grade	12 ft.	10 ft.	Not Allowed

TABLE NOTES:
[1] Encroachments and structures listed in this column are subject to and conditioned upon compliance with subsection C. of this Section. If compliance is not demonstrated, then the standards for (B) From Lot Line shall be applied.
[2] NA means "not applicable," in that the limits from the other columns are sufficient to control the location of the encroachment.

Figure 0-3-801
Illustrative Measurement of Nonresidential Encroachments



C. **Right-of-Way Encroachments.** Encroachment into the public right-of-way is generally not allowed, but may be permitted if it is demonstrated that the encroachment:

1. Is attached to a building that is located in a UC district, AC district, or a mixed-use building located in traditional neighborhood development;
2. Is, regardless of the permitted encroachment distance specified in Table 0-3-801, *Permitted Projections into Required Nonresidential and Mixed-Use Setbacks*, limited to not closer than two feet to the back of the street curb or the inside edge of a tree lawn, whichever is less of an encroachment;
3. Does not encroach on arterial rights-of-way;
4. Is constructed and situated in a manner that does not obstruct pedestrian or vehicular traffic or constitute a safety hazard; and
5. Is subject to a revocable license to encroach upon the public right-of-way.

D. **Other Limitations.** No projection shall encroach into:

1. Separately owned property, unless a recorded document provides for access to and maintenance of the projection; or

2. Utility easements, unless the design of the improvement and a recorded agreement allows access to the utility and allows the utility provider or the City to efficiently remove the encroachment at the property owner's expense.

Sec. 0-3-802 Fences, Garden Walls, and Hedges

A. **Generally.** This section sets out the standards for fences, garden walls, and hedges on nonresidential and mixed-use parcels proposed for development. In some instances, these standards may be superseded by the requirements of Division 8-4, *Bufferyards*, or other applicable bufferyard requirement (*e.g.*, a limited or conditional use standard), which may require a fence or wall that is taller than the maximum height allowed by this Section.

B. **Height.** No fence or garden wall on a parcel used for nonresidential or mixed-use purposes shall exceed the height set out in Table 0-3-802A, *Maximum Height of Fences and Garden Walls*.

Table 0-3-802A
Maximum Height of Fences and Garden Walls

Zoning District	Maximum Height In:					
	All Street Yards	Side Yards	Rear Yard, No Abutting Alley	Rear Yard, Abutting Alley	Rear Yard, Abutting Arterial	Lot Lines Abutting Residential Districts
AG, RS, RA, RU, NC, NI	4 ft.	6 ft.	6 ft.	6 ft.	6 ft.	8 ft.
CG, AC, UC, ED, OSR	3 ft.	4 ft.	8 ft.	4 ft.	6 ft.	8 ft.
BP	4 ft.	4 ft.	8 ft.	4 ft.	6 ft.	8 ft.
I	6 ft.	8 ft.	8 ft.	6 ft.	6 ft.	8 ft.

C. **Setbacks.** Fences and garden walls on parcels used for nonresidential or mixed-use purposes shall be set back as set out in Table 0-3-802B, *Minimum Setbacks for Fences and Garden Walls*. Fences and garden walls shall not obstruct required sight triangles.

Table 0-3-802B
Minimum Setback for Fences and Garden Walls

Zoning District	Minimum Setback In:		
	All Street Yards	Side and Rear Yards	Lot Lines Abutting Residential Districts
AG, RS, RA, RU, NC, NI	As required for residential uses. *See* Sec. 0-3-602, *Fences, Garden Walls, and Hedges*.		
CG, AC, UC, BP, I	0 ft. from property line, but at least 3 ft. from inside edge of sidewalk, if present	0 ft.	Greater of four feet or 50% of width of required bufferyard
ED, OSR	0 ft. from property line, but at least 2 ft. from inside edge of sidewalk, if present	0 ft.	0 ft.

D. **Fence Design.** Where used, fences shall be designed as follows:

1. Open picket fences that are located in front yards or street side yards shall be designed such that 40 percent of the face of the fence is transparent.
2. Fences in street yards of AC and UC districts shall be composed of ornamental metal (wrought iron, powder coated aluminum, or comparable quality material), or a combination of masonry (*e.g.*, posts or foundation support) and metal. Such fences shall be more than 75 percent transparent.
3. Fences in the OSR district shall be post and rail construction, except where another design is necessary for demonstrated security purposes.

E. **Orientation.** The finished side of all fences shall face out toward neighboring property or adjacent rights-of-way.

F. **Materials.**

1. Materials shall be durable, high-quality materials used for commercial application, including: weather resistant wood species, split rail, wood treated with U.S. Environmental Protection Agency approved preservatives, painted wood, composite materials, ornamental wrought iron or powder-coated aluminum, brick, and stone.
2. Chain link fences are permitted , if:
   a. In the AG, CG, or BP districts, the chain link is only used in side and rear yards that are not also street yards, is coated with vinyl or other durable non-metallic coating, and either:
      i. The lot line closest to the fence is not also a residential district boundary; or
      ii. The fence is part of a landscaped bufferyard that includes a hedge and / or berm between the fence and the lot line that obscures the fence, and the fence is colored to blend in with the vegetation.
   b. In the I district, the chain link fence is not visible from another zoning district. If chain link is used in the I district, slats shall not be installed on chain link fences that are located in front yards.
3. The following are prohibited fencing materials:
   a. Scrap lumber, plywood, sheet metal, plastic, or fiberglass sheets;
   b. Barbed wire, spikes, nails, or other sharp point or instrument on the top or sides of fences;
   c. Welded wire, agricultural fencing, and chicken wire fences are not permitted.
4. Barbed wire cradles facing inward toward the property may be placed on top of fences enclosing public utility buildings, industrial properties, or wherever the Director finds that such are necessary to address a demonstrated security interest.

Sec. 0-3-803 Accessory Buildings and Structures

A. **Generally.** The standards of this Section apply generally to accessory buildings and accessory structures on nonresidential and mixed-use parcels. However, if an accessory structure is

specifically regulated by another section of this Division (*e.g.*, small wind energy conversion systems), then the requirements of this section do not apply.

B. **No Residential Use.** Buildings that are accessory to nonresidential and mixed-use buildings shall not be used for residential purposes.

C. **Maximum Floor Area.** The maximum floor area of accessory buildings and the maximum footprint of accessory structures is set out in Table 0-3-803A, *Maximum Floor Area of Accessory Buildings / Footprint of Accessory Structures*.

Table 0-3-803A
Maximum Floor Area of Accessory Buildings / Footprint of Accessory Structures

District	Maximum Floor Area of Accessory Buildings is the Lesser of:	
	Percentage of Lot Area	Square Feet
RS RA RU NC NI CG AC UC ED OSR	10%	1,000
BP	10%	2,000
I	15%	NA

D. **Required Setbacks.** Accessory buildings and accessory structures that are larger than 120 square feet in floor area (or footprint, for structures), or more than 10 feet in height, or both, shall be set back from property lines according to the requirements that are applicable to the principal building. The required setbacks for nonresidential accessory buildings and accessory structures that are 120 square feet or less in floor area (or footprint) and 10 feet or less in height are set out in Table 0-3-803B, *Required Setbacks: Nonresidential and Mixed-Use Accessory Buildings and Structures (Buildings that are 120 sf. or Less in Floor Area and Not More than 10 ft. in Height)*.

Table 0-3-803B
Required Setbacks: Nonresidential and Mixed-Use Accessory Buildings and Structures (Buildings that are 120 sf. or Less in Floor Area and Not More than 10 ft. in Height)

District	Subdistrict (NC/NI)	Front Setback (ft.)	Interior Side Setback (ft.)	Street Side Setback (ft.)	Rear Setback (ft.)
AG	-	Front building line of principal building	5	10	5
RS RA RU	-		5	Side building line of principal building	5
NC	18, 12, 6, 5, SFA		5		5
NC	2A		20		20
NI	12, 8		5		5
CG AC	-		5		5
UC	-	See Division 4-3, *Form Standards for UC District*			
BP	-	Same as principal building	5	Side building line of principal building	5

Table 0-3-803B Required Setbacks: Nonresidential and Mixed-Use Accessory Buildings and Structures (Buildings that are 120 sf. or Less in Floor Area and Not More than 10 ft. in Height)					
District	Subdistrict (NC/NI)	Front Setback (ft.)	Interior Side Setback (ft.)	Street Side Setback (ft.)	Rear Setback (ft.)
I	-	15	5	15	5
ED OSR	-	Same as principal building	Same as principal building	Same as principal building	Same as principal building

Sec. 0-3-804 Renewable Energy Systems

A. **Generally.** Renewable energy systems include photovoltaic arrays (solar electric panels), small wind energy conversion systems, and geothermal heating and cooling systems. They do not include the manufacture of renewable combustible fuels (*e.g.*, ethanol or biodiesel).

B. **Interconnect Agreements Required.** If a photovoltaic array or small wind energy converstion system is to be interconnected to the electric utility grid, proof of an executed interconnect agreement shall be provided before the system is interconnected.

C. **Photovoltaic Arrays.** Photovoltaic arrays convert sunlight into electricity. The following standards apply to photovoltaic arrays:

1. *Roof-Mounts*. Photovoltaic arrays may be roof-mounted on principal and accessory buildings and accessory structures in all districts.
2. *Ground-Mounts*. Ground-mounted photovoltaic arrays shall be considered accessory structures for the purposes of determining required setbacks.
3. *Carports and Covered Walkways*. Carports and walkways may be covered with photovoltaic arrays regardless of their location on the parcel proposed for development.

D. **Small Wind Energy Conversion Systems.** Wind energy conversion systems are turbines that convert wind energy into electricity. In nonresidential and mixed-use developments in nonresidential and mixed-use zoning districts, small wind energy conversion systems are those that are rated for not more than 100kW of combined generation capacity. In residential zoning districts, nonresidential and mixed-use small wind energy conversion systems shall comply with all of the requirements of Section 0-3-607, *Renewable Energy Systems*, and not this Section. The following standards apply to small wind energy conversion systems for nonresidential and mixed-use development in nonresidential and mixed-use zoning districts:

1. *Setbacks.* Towers shall be set back from property lines one foot for every foot in height. Towers that are more than 100 feet in height shall be set back from residential properties 1.5 feet for each foot in height.
2. *Turbine Blade Clearance.* The vertical clearance of the blades of tower-mounted horizontal axis turbines shall be not less than 15 feet when the blades are at their lowest point.
3. *Access.* Climbing access shall be limited by either:
   a. A six-foot tall fence around the base of the tower with a locking gate; or
   b. A design that does not allow for tower climbing at heights lower than 12 feet.

4. *Noise*. Documentation provided by the manufacturer shall demonstrate that noise will not exceed 50 dBA at any property line at peak generation, based on the proposed location of the turbine. For mixed-use development, the applicant shall demonstrate that either:

   a. The noise levels at operable windows of residences do not exceed 50 dBA as a result of the turbine; or

   b. The residences are constructed to mitigate the noise to a level that does not exceed 50dBA.

5. *Reflections and Shadows*. Turbine blades shall be coated to minimize reflection. Turbines shall be installed in locations that will prevent flickering shadows from being cast into the windows of buildings on nearby properties.

6. *Tower Height and Screening*. The maximum height of towers and the required screening for tall towers is set out in Table 0-3-804, *Maximum Height of Small Wind Energy Conversion Systems*. Tower height shall be measured as follows:

   a. For horizontal axis systems, to the highest point on the rotor blade at its highest point of rotation.

   b. For vertical axis systems, to the highest point of the tower or turbine, whichever is higher.

Table 0-3-804
Maximum Height of Small Wind Energy Conversion Systems

Location	Height	Required Screening
BP and I districts between I-25 and Parker Road, ED districts	Up to 150 feet	Base of towers that are taller than 80 feet shall be screened by a continuous hedge and three understory trees; comparable screening provided by buildings, garden walls, or other permanent structures may be substituted for this requirement.
BP and I districts east of Parker Road and West of I-25, CG districts	Up to 120 feet	
All other districts	Less than 50 feet	No screening required
Airport influence areas (*See* Division 3-9, *Airport Influence Areas*)	Subject to airport review, height may be limited to less than allowed by other rows of this table, as required for safe operation of airport.	As set out in other rows of this Table, depending upon tower height.

7. *Durability Requirements*. Small wind energy conversion systems that become inoperable shall be repaired or removed within 45 days.

F. **Geothermal Heating and Cooling Systems.** Geothermal heating and cooling systems are systems that use buried pipes to exchange heat with the ground, cooling buildings in the summer and warming them in the winter. Closed loop systems (horizontal loop systems and vertical loop systems) are permitted, provided that the loops are set back two feet from property lines. Lake loop systems are permitted if the water body is entirely within the property lines of the parcel proposed for development. Open loop systems are not permitted.

Sec. 0-3-805 Outdoor Storage

A. **Generally.** Outdoor storage is permitted as an accessory use to buildings in the AG, CG, BP, and I districts, subject to the standards of this Section. Outdoor storage refers to the outside storage of materials or equipment used in production or other course of business, and does not refer to the outdoor display of merchandise (which is subject to Section 0-3-806, *Outdoor Display of Merchandise*). Outdoor storage areas that exceed the area limitations of this Section are storage yards, which are industrial uses. *See* Section 0-2-304, *Industrial, Agricultural, and Special Uses*.

B. **Applicability.** Where limited or conditional use standards apply to outdoor storage, the limited or conditional use standards shall apply instead of the standards of this Section. Outdoor storage is prohibited if it is not allowed by the standards of this Section or the limited or conditional use standards applicable to the proposed use.

C. **Prohibitions.** Outdoor storage areas shall not be used to dispose of inoperable machines or wastes, store or dispose of hazardous materials, or store or dispose of materials that will create windblown dust or debris or storm water contaminants.

D. **Standards by Zoning District.**

1. *AG District*. Outdoor storage areas for agricultural equipment or materials shall be set back 100 feet from public rights-of-way and properties that have different zoning; or surrounded by an opaque fence that completely screens stored equipment or materials from ground-level views.

2. *CG and BP Districts*. Outdoor storage areas are permitted if it is demonstrated that the outdoor storage area:

   a. Is not larger than 10 percent of the floor area of the principal building; and

   b. Is screened in one of the following ways:

      i. Enclosed by a wall that is designed into the principal building's facade and composed of the same materials as the principal building; or

      ii. Located behind the principal building in relation to the closest public right-of-way and enclosed by a wall or opaque fence of sufficient height to completely screen the stored materials from public view. The wall or fence shall be landscaped with a continuous hedge around the periphery, except at points of access. The location of outdoor storage areas may be limited by the application of the fence height and setback standards of Section 0-3-802, *Fences, Garden Walls, and Hedges*, if the fence heights that are allowed in yard areas are not sufficient to completely screen the stored materials from view.

3. *I District*. Outdoor storage areas are permitted if it is demonstrated that the outdoor storage areas are:

   a. Located in the buildable area, rear yard, and / or side yard; and

   b. Screened in one of the following ways:

      i. Views from public rights-of-way are completely blocked by the principal building; or

ii. The area is enclosed by a wall or opaque fence of sufficient height to completely screen the stored materials from public view.

Sec. 0-3-806 Outdoor Display of Merchandise

A. **Generally.** This Section sets out the standards that are applicable to permanent outdoor merchandise display areas. Temporary outdoor sales are regulated by Section 0-2-501, *Commercial Events*. Outdoor storage of items other than merchandise is regulated by Section 0-3-805, *Outdoor Storage*.

B. **Display Areas that are Attached to Principal Buildings.** Outdoor display areas that are attached to a principal building are permitted if it is demonstrated that the display areas are:

1. Adjacent to a wall of a principal structure, and configured as a walled or decoratively fenced area;
2. Within the buildable area of the site;
3. Not located in areas that are required or used for parking or vehicular circulation; and
4. Not larger than the area set out in Table 0-3-806, *Area of Outdoor Display of Merchandise*.

Table 0-3-806
Area of Outdoor Display of Merchandise

Use	Maximum Outdoor Display Area
Commercial Retail	15% of floor area of principal building
Heavy Retail - Home Centers Warehouse Clubs, and Superstores	33% of floor area of principal building
Heavy Retail - All Others	35% of lot area
Nurseries and Greenhouses	Area within Building Envelope

C. **Sidewalk Displays.** Displays are permitted on sidewalks that abut the principal building if it is demonstrated that:

1. Merchandise is displayed to a height of eight feet or less;
2. There is at least five feet of clear width on the sidewalk for use by pedestrian traffic; and
3. All sidewalk merchandise displays are within 40 feet of an entrance to the principal use, or located in the area defined by the forward projection of the side walls of the use, whichever is a smaller display area.

D. **Vehicle Sales, Rental, and Service.** Where outdoor display of vehicles is allowed, vehicles may only be displayed on paved areas of the parcel proposed for development.

E. **Other Displays.** Heavy retail (except home centers, warehouse clubs, and superstores), nurseries, and greenhouses, may display merchandise outside within the building envelope of the lot. Display areas shall be indicated on the site plan and shall not interfere with parking and vehicular circulation areas.

Sec. 0-3-807 Loading, Truck Access, and Solid Waste Collection

A. **Generally.** Loading areas, truck access, and solid waste collection for nonresidential and mixed-uses shall be designed according to the standards of this Section.

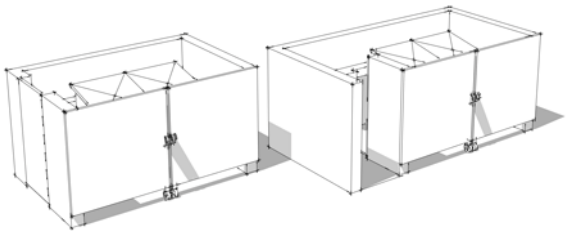
B. **Loading and Truck Access.** Except as provided in subsections D. or E., loading and truck access facilities shall be:

1. Located behind principal buildings; and
2. Screened from view from public rights-of-way by building walls, fences, landscaping, or topography (including berms).

C. **Solid Waste Collection Facilities.** Dumpsters or garbage bins may be provided for solid waste collection if it is demonstrated that they are located in trash rooms with bay door service access or:

1. The facilities are located:
   a. No more than 300 feet from all individual commercial uses that they are intended to serve;
   b. On the same lot as the property they serve, unless otherwise authorized during site plan approval upon written proof of an agreement with an adjacent property owner and demonstration that the facilities will have the capacity to serve both properties; and
   c. Behind a principal building or in a side or rear yard, unless it is not possible to provide service access in such locations; and
2. Access to the facilities is configured to meet the requirements of the refuse service provider;
3. The areas where dumpsters and/or garbage bins are stored are fully enclosed by:
   a. An opaque wall that is one foot taller than the refuse container and constructed of the same building materials as the principal building walls (if the building walls are painted, the enclosure shall be painted the same or complimentary color); or
   b. Earthen berms improved with ground cover that are one foot taller than the refuse container and held in place with a retaining wall; and
4. The enclosures have pedestrian access gates or openings that are configured to conceal the dumpster from view;
5. The enclosures have truck access gates which remain closed at all times except when the dumpster or garbage bins are being serviced; and
6. The enclosures are located so that stormwater flows are routed around the enclosure and not through the enclosure.

Figure 0-3-807A
Trash Enclosures



D. **Service Areas Adjacent to District Boundaries.**

1. Generally, if loading, truck access, or solid waste collection facilities are located between a principal building and property that is used or zoned for residential purposes, or between a principal building and a right-of-way (*e.g.*, on a through lot), then the following additional standards apply:

   a. The loading, truck access, or waste storage area is 100 percent screened by a bufferyard that is at least 10 percent more opaque than required by the district boundary (see Division 8-4, *Bufferyards*) and contains at least a six-foot tall berm or low maintenance, durable solid fence or wall; or

   b. The loading, truck access, or waste storage area is located under roof as indicated in Figure 0-3-807B, *Roof Enclosure*. If this option is used, the buffer along the length of the loading shed may be reduced by 10 percent opacity.

2. Notwithstanding subsection D.1., above, loading, truck access, or solid waste collection facilities that are located between a principal building and property that is used or zoned for residential purposes shall be enclosed as illustrated in Figure 0-3-807B, *Roof Enclosure*, and shall be landscaped along the length of the enclosure pursuant to the district boundary bufferyard requirement set out in Section 0-8-406, District Boundary Bufferyards, if all of the following conditions are met:

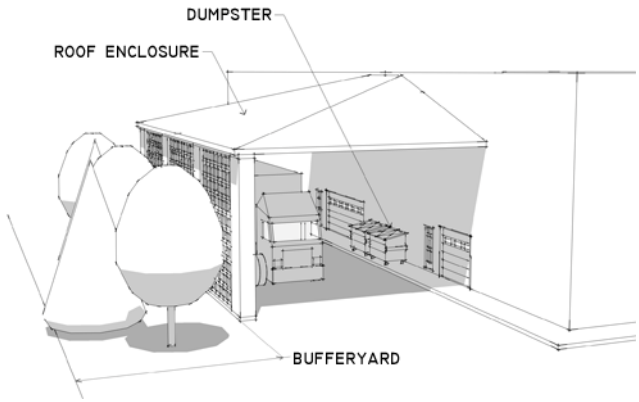
   a. One side of the boundary is zoned BP or CG and the other side is zoned NC or NI;

   b. The parcel proposed for development fronts on Dry Creek Road; and

   c. The parcel proposed for development is at least 1,000 feet deep (measured from the front lot line to the rear lot line).

3. Subdivision of parcels that meet the criteria of subsection D.2., above, as of November 1, 2009 shall not be used to circumvent the enclosure and landscaping requirements of subsection D.2.

Figure 0-3-807B
Roof Enclosure



E. **Front Loading in the I District.** In the I district, truck loading may be in the front yard of the building if it is demonstrated that:

1. The frontage street is not an arterial; and
2. The property on the other side of the street is also zoned I.

F. **Loading in UC and AC Districts.** In the UC and AC districts:

1. Uses that are less than 5,000 square feet in area may use over-the-curb loading from local streets or alleys, provided that the loading occurs during off-peak hours and semi-trailer trucks are not used.
2. Where over-the-curb loading is not used:
   a. Loading areas shall be provided in alleys or service courts that are configured so that their use does not interfere with areas intended for primary pedestrian circulation; or
   b. Where the design does not allow for alley or service court loading, loading areas shall be accessed using bay doors that are integrated into the buildings and designed to appear as building walls. If this option is selected:
      i. Not more than 25 feet of bay door width shall be located on any building wall;
      ii. The bay doors shall be accessed across sidewalks with mountable curbs; and
      iii. The bay doors shall remain closed during hours of peak pedestrian use of the abutting sidewalk.

Sec. 0-3-808 Community Recycling Bins

A. **Generally.** The purpose of this Section is to provide for small-scale collection of recyclable materials by permitting community recycling bins as accessory uses to nonresidential and mixed-use development.

B. **Location.** Community recycling bins may be located:

1. In loading or service areas;

2. In dumpster enclosures; and
3. In parking lots, provided that:
   a. They are installed in a manner that prevents unintended movement;
   b. They do not obstruct parking spaces or circulation areas;
   c. They are not located closer than 30 feet to a primary building entrance; and
   d. They are located not less than 30 feet from property lines that abut streets or screened from view from abutting property by an opaque wall or fence.

C. **Construction.** Community recycling bins shall be constructed and maintained with durable waterproof and rustproof material.

D. **Instructions and Contact Information.** Community recycling bins shall be clearly marked to identify the type of material to be deposited and the identity and phone number of operator.

E. **Maintenance.** Community recycling bins shall be maintained in a clean, litter-free condition.

Sec. 0-3-809 Vending and Reverse Vending Machines

A. **Generally.** Generally, vending machines and reverse vending machines on nonresidential and mixed-use parcels shall be located inside of buildings.

B. **Exceptions.** Vending machines and reverse vending machines may be provided outside at transit facilities and outdoor recreation facilities, provided that they:

1. Are located in a structure that provides cover from rain and snow;
2. Are set back 30 feet from property lines; and
3. If internally illuminated, either do not face residential property or are screened from view from residential property by fences, walls, topography, or landscaping.

Division 3-9 Airport Influence Area

Sec. 0-3-901 Purpose and Intent

A. **Purpose.** The Airport Influence Area District is hereby established as an overlay district that includes within its boundaries each Airport Influence Area recognized by the City Council. Each Airport Influence Area is further divided up into restricted areas. Property within an Airport Influence Area is subject to the regulations of the underlying district and this Code as well as the additional regulations of this district. Development within a restricted area may require a 1041 permit in addition to compliance with other applicable City regulations.

B. **Intent.**

1. These regulations are intended to provide for specific areas within the City of Centennial which recognize benefits and potentially adverse impacts which may occur within certain distances from a public, military or private airport facility, and to provide regulations that minimize these impacts as well as protect aircraft operations.

2. These regulations recognize the efforts of other agencies (Arapahoe County Public Airport Authority, U.S. Department of Defense, Adams County Front Range Airport Authority, Denver International Airport, and Federal Aviation Administration), and show the City of Centennial's willingness to cooperate with these agencies in the administration of these regulations.

3. These regulations are intended to minimize exposure of residential and other noise sensitive land uses from uncontrollable aircraft noise and high numbers of aircraft overflights; to minimize risks to public safety from potential aircraft accidents; to discourage traffic congestion within these areas by regulating land use densities; and to restrict incompatible land uses within an approved Airport Influence Area.

Sec. 0-3-902 Airport Influence Areas Established

A. **Generally.** The boundary of any officially recognized "Airport Influence Area" and any noise contour or restricted zone shall be as the same appears on the Zoning Map and/or other updated documents recognized by resolution of the City Council. For purposes of these regulations, the Airport Influence Area of Denver International Airport shall be the outside boundary of the 55 Ldn contour for that airport.

B. **Restricted Areas.** These regulations shall recognize the restricted areas of each of the following airports as depicted and described in the following documents as may be further updated by resolution of the City Council from time to time hereafter, and to implement selected recommendations as minimum requirements for development within the respective Airport Influence Areas, in order to promote compatible land uses and densities within areas affected by airport operations:

1. Centennial Airport: The March 1998 "Centennial Airport Land Use Guidelines" prepared by the Arapahoe County Public Airport Authority, the April 2002 "Centennial Airport FAR Part 150 Noise Exposure and Land Use Compatibility Study Program" prepared by Bernard Dunkelberg and Company, BCS International and Urban Environment Associates, and specifically Figure C15 Existing 1999 Noise Exposure Map ("1999 Noise Exposure Map") from the April 4, 2002 Centennial Airport FAR Part 150 Noise Exposure and Land Use Compatibility Study Program. The 1999 Noise Exposure Map shall be used to define noise contours for applying noise contour regulations pertaining to Centennial Airport. (Ord. 2002-28)

2. Buckley Air Force Base: The June 1998 "Air Installation Compatible Use Zone Study at Buckley Air National Guard Base" study.

C. **Boundaries.** The boundaries of the Airport Influence Area District and each restricted area are based in part upon predictions of day to day noise levels perceptible at ground level. These predictions are based upon acoustical modeling techniques that are accepted as accurate and reliable by the Federal Aviation Administration and by hundreds of airport operators and municipalities nationwide, but are difficult for property owners to test or confirm. The City Council has determined that the noise contours relied upon in part as the basis for the Airport Influence Area regulations are accurate and reliable for the purposes of land use planning. The City Council has also determined that, based upon the usage patterns of each airport, that the contours and the restrictions associated therewith reflect sound land planning principles and

are justified based upon the current airport traffic regardless of whether the noise predictions are accurate. The boundaries of the Airport Influence Areas and each restricted area shall be reviewed and amended when appropriate, either in conjunction with adoption of updated information by the respective airports or based upon other credible information and studies.

D. **Mapping of Noise Contours.** The Planning and Development Department shall maintain maps of the vicinity of each airport depicting each restricted area within and around such airport that is subject to regulation within the Airport Influence Area District.

Sec. 0-3-903 Interference with Airport Operations Prohibited

No use may be made of land within an Airport Influence Area that creates electrical interference with radio communication between an Air Traffic Control ("ATC") facility and an aircraft; or to make it difficult for pilots to distinguish between airport lights and other lights; or to cause glare in the eyes of pilots using the airport; or to impair visibility in the vicinity of the airport; or to otherwise endanger the landing, taking off, or maneuvering of aircraft at an airport or in the vicinity of an airport.

Sec. 0-3-904 Airport Influence Area Restrictions

A. **Generally.** The regulations of this Section apply to all Airport Influence Areas.

B. **Avigation Easement Required.** All development approvals within Airport Influence Areas, except for building permits on unplatted land in the AG zoning district, shall be conditioned upon the grant of an avigation easement over the parcel proposed for development. The easement shall:

1. Be in a form approved by the City Council;
2. Permit flight operations above the parcel proposed for development;
3. Release the aircraft operator, the airport owner and operators, and the City from liability or responsibility for the effects of their flight operations;
4. Run with the land with a perpetual term, and may be released by the City Manager only upon the permanent cessation of operations of the airport which gives rise to the Airport Influence Area that affects the parcel proposed for development;
5. Include language stating that, where applicable, noise mitigation construction techniques are required to mitigate the noise to which the property is exposed; and
6. Be recorded in the office of the County Clerk and Recorder.

C. **Compliance with Federal Regulations.** All features of property within an Airport Influence Area shall comply with the requirements of 14 C.F.R. Part 77 ("FAR Part 77"). The City shall require a study establishing compliance at time of rezoning request, and may also require a similar study at the time of application for development approval. The City's standard note requiring compliance with FAR Part 77 criteria shall be required on all recorded development approvals. Where structures are permitted, the maximum height must comply with the minimum requirements of FAR Part 77 in effect at the time of permit issuance. The City Council may require additional height restrictions be placed on any proposal within the Airport Influence Area District consistent with sound planning principles.

D. **Construction Requirements.** Buildings that are required to be constructed in accordance with City noise mitigation construction techniques shall comply with applicable building code requirements for noise mitigation construction, and shall include a central air conditioning and ventilation system, sufficient to enable occupancy of the building without the need for ventilation from open windows or doors.

E. **Requirements Within Noise Contour Zones.**

1. *65 DNL Noise Zone.* Property shall not be zoned, platted or approved to allow residential or other noise sensitive uses, and building permits shall not be issued for residential or other noise sensitive development. The 65 Ldn Noise Zone for the Centennial Airport shall be that area between the 65 and 70 Ldn lines shown on Figure C15, *Existing 1999 Noise Exposure Map*, in the April 4, 2002 Centennial Airport FAR Part 150 Noise Exposure and Land Use Compatibility Study Program.

2. *60 DNL Noise Zone.* Property shall not be zoned, platted or approved to allow residential uses, and building permits shall not be issued for residential development. All other noise sensitive uses may be permitted when constructed in compliance with City noise mitigation construction requirements to achieve an expected interior noise level of no greater than 45 Ldn in this exposure area. The 60 Ldn Noise Zone for the Centennial Airport shall be that area between the 60 and 65 Ldn lines shown on Figure C15, *Existing 1999 Noise Exposure Map*, in the April 4, 2002 Centennial Airport FAR Part 150 Noise Exposure and Land Use Compatibility Study Program.

3. *55 DNL Noise Zone.* Rezoning property to permit residential uses, educational or childcare uses, or to change development standards to accommodate such uses, is discouraged. Structures accommodating residential, educational or child care uses shall comply with City noise mitigation construction requirements, to achieve an expected interior noise level of 45 Ldn in this exposure area. The 55 Ldn Noise Zone for the Centennial airport shall be that area between the 55 and 60 Ldn lines shown on Figure C15, *Existing 1999 Noise Exposure Map*, in the April 4, 2002 Centennial Airport FAR Part 150 Noise Exposure and Land Use Compatibility Study Program.

Sec. 0-3-905 Disclosure and Annotation Requirements

A. **Generally.** The requirements of this Section apply in all cases where noise mitigation construction is required by the Airport Influence Area regulations of this Division.

B. **Required Annotations on Applications for Development Approval.** Applications for development approval within an Airport Influence Area shall depict the boundaries of the Airport Influence Area and all restricted areas on or in the vicinity of the parcel proposed for development.

C. **Required Annotations on Development Approvals.**

1. *Generally*. A specific note indicating the reception number of the avigation easement required by Section 0-3-904, *Airport Influence Area Restrictions*, shall be required on all development approvals which are processed by the Planning and Development Department.

2. *Site Plans and Plats.* A note in a form approved by the City Attorney shall be included on each site plan and each plat that is subject to this Section, which discloses the existence of the noise mitigation construction technique requirement and states the applicant's and the applicant's successors in interest consent to the requirements and to the City's enforcement of the requirements. A sample form of this disclosure is provided in Appendix B, *Forms*.

3. *Additional Requirements*. The City may also require any of the following annotations or disclosures on site plans or plats:

   a. Excerpts of the regulations of this Division (transcribed or summarized);

   b. Noise disclosure text; or

   c. Other notes that are intended to ensure full and adequate disclosure of the hazards and the development conditions applicable to the parcel proposed for development.

D. **Additional Required Disclosures.**

1. For all residential dwelling units to be constructed within an Airport Influence Area, the applicant shall disclose in writing to all prospective purchasers, on a form approved by the City Council for the applicable airport, that the real estate is located within an area that will be impacted by low-flying aircraft and aircraft noise. The notices shall include language stating that, where applicable, noise mitigation construction techniques are required to mitigate the noise to which the property is exposed.

2. Such notification will be accomplished by inclusion of the information in all sales contracts and brochures, conspicuous display in the sales offices, inclusion in the homeowners association documents, and by inclusion on all site plans and plats, as set out in subsection C., above.

Sec. 0-3-906 Centennial Airport Restrictions

A. **Generally.** In addition to the general requirements of this Division, the regulations of this Section apply to the Centennial Airport Influence Area. Regulations that apply to "the runway" apply equally to all runways.

B. **Approach Zone.** No structures shall be permitted in the area 200 feet wide by 2,500 feet long along the runway centerline extended (measured from the clear zone/approach zone boundary). Additionally, in the approach zone, property shall not be zoned, approved or platted to allow residential or other noise sensitive uses, and building permits shall not be issued for residential or other noise sensitive uses.

C. **Buffer Zone.** Zoning of property located in the buffer zone to allow residential or other noise sensitive uses shall be discouraged. However, on a case by case basis the City Council may allow residential uses if:

1. The property is located outside the 55 DNL noise contour;

2. Residential structures are constructed in compliance with City noise mitigation construction requirements (see Section 0-3-904, *Airport Influence Area Regulations*) to

achieve an expected interior noise level of no greater than 45 DNL in the exposure area; and

3. The conditions of this subsection are outlined in a Development Agreement entered into by the applicant and the City.

D. **Restricted Development Area.** Property shall not be zoned, approved or platted to allow residential or other noise sensitive uses, and building permits shall not be issued for residential or other noise sensitive uses, except that day care uses within office buildings may be permitted when constructed in accordance with the City's noise mitigation construction requirements and when sited within the building in a manner that mitigates the risk of injury from potential airplane crashes.

E. **Runway Protection Zone.** The runway protection zone is contained within the airport property boundaries. If this property is located within the corporate boundaries of the City of Centennial, no non-aeronautical structures will be permitted in the runway protection zone.

Sec. 0-3-907 Buckley Air Force Base

A. **Generally.** In addition to the general requirements of this Division, the regulations of this Section apply to the Buckley Air Force Base Airport Influence Area, if and when the influence area extends into the corporate boundaries of the City of Centennial.

B. **Accident Potential Zone ("APZ") I.**

1. Property shall not be zoned, approved or platted to accommodate residential or other noise sensitive land uses, and building permits shall not be issued for residential or other noise sensitive development.

2. The following types of development are prohibited:

   a. "High people density" structures and uses, such as shopping malls, theaters, churches, schools, restaurants, office parks, and offices, and development with comparably dense concentrations of people on a regular basis;

   b. Uses which concentrate people unable to respond to emergency situations, such as the elderly or disabled; and

   c. Utilities and services that are required for the area-wide population, where disruption would have an adverse impact.

3. The following types of development are encouraged, and should serve as the basis for zoning decisions:

   a. Industrial/manufacturing;

   b. Transportation;

   c. Communication;

   d. Wholesale trade;

   e. Open space;

   f. Outdoor recreation; and

g. Agriculture.

4. Building coverage in APZ I is limited to the lesser of:

   a. 20 percent; or

   b. The requirement of the applicable zoning district.

5. A 250 foot-wide clear path (no structures allowed) is required on either side of the runway centerline, extended through and within the entire zone.

6. Buildings in APZ I shall be located toward the edges of the zone wherever feasible and not in conflict with the other requirements of this subsection.

C. **Accident Potential Zone (APZ) II.**

1. New residential development is discouraged. Where new residential development is permitted, density shall not exceed one dwelling unit per 2.5 acres.

2. The following types of development are prohibited:

   a. "High people density" structures and uses, such as shopping malls, theaters, churches, schools, restaurants, office parks, and offices, and development with comparably dense concentrations of people on a regular basis; and

   b. Uses which concentrate people unable to respond to emergency situations, such as the elderly or disabled.

3. Permitted non-residential uses shall be located toward the edges of APZ II.

4. Building coverage in APZ II is limited to the lesser of:

   a. 25 percent; or

   b. The requirement of the applicable zoning district.

D. **Traffic Pattern Area.**

1. Property shall not be zoned, approved or platted to accommodate residential or other noise sensitive land uses, and building permits shall not be issued for residential or other noise sensitive development.

2. Building coverage in the Traffic Pattern Area is limited to the lesser of:

   a. 25 percent; or

   b. The requirement of the applicable zoning district.

Sec. 0-3-908 Interpretation and Disclaimer

A. **Lots Within More Than One Restricted Area.** In the event a legal lot is located within more than one restricted area, the entire lot shall be subject to the restrictions of the restricted area which most restricts development of the lot. This provision shall not be applied to prevent or discourage subdivision of a parcel or lot to minimize encroachment into restricted areas or to prevent straddling the boundary between restricted areas.

B. **Protection.** The degree of protection provided by this Division is considered reasonable for regulatory purposes and is based on planning, engineering and scientific methods of study, and in coordination with aviation and defense agencies. This Division does not imply that areas outside of the Airport Influence Area will be totally free from aircraft hazards, and, therefore, shall not create a liability on the part of the City of Centennial, or any of its officers or employees, for any damages resulting from reliance on this Division.

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Article 4 Form and Design Standards

Division 4-1 Purpose and Application of Article

Sec. 0-4-101 Purpose of Article

The purpose of this Article is to provide design standards to improve the character and quality of nonresidential and mixed-use development in Centennial, particularly (but not exclusively) within the City's highly visible commercial corridors.

Sec. 0-4-102 Application of Article

A. **Generally.** In general, the standards of this Article apply in conjunction with the other standards of this LDC. Parcels proposed for development may also be subject to sub-area plans, which may set out design objectives for the area in which the parcel is located. Design objectives of sub-area plans shall guide the application of this article in areas where sub-area plans exist, but this Article shall supersede sub-area plans in the event of direct conflict.

B. **Nonresidential Design Standards.** Division 4-2, *Nonresidential Design Standards*, establishes the standards for development of:

1. Drive-through restaurants;
2. Light automobile service stations / gasoline stations;
3. Vehicle wash facilities;
4. Self-storage facilities;
5. Nonresidential and mixed-use buildings in Traditional Neighborhood Developments ("TNDs"); and
6. Nonresidential and mixed-use buildings, generally.

C. **Form-Based Code Standards.** Division 4-3, *Form Standards for UC District*, establishes the criteria for the form of development in Subdistrict 4 of the Arapahoe Urban Center Sub-Area Plan. These standards are implemented through the approval of a regulating plan.

Division 4-2 Nonresidential Design Standards

Sec. 0-4-201 Purpose and Intent of Division

A. **Purpose.** The purpose of this Division is to protect and enhance the character and quality of development in the City of Centennial and to ensure that its commercial corridors are not dominated by uses that, collectively, tend to detract from the character and function of major street corridors.

B. **Intent.** When combined with the spacing standards of Section 0-2-408, *Commercial Uses*, and other applicable limited and conditional use standards of Division 2-4, *Limited and Conditional Use Standards*, the regulations in this Division are intended to allow reasonable opportunities for drive-in or drive-through restaurants, convenience stores and light automobile service /

gasoline stations, vehicle wash facilities, self-storage facilities, and to reduce the negative impacts such uses may create. This Division also establishes design standards for nonresidential and mixed-use buildings in the neighborhood center subdistrict of Traditional Neighborhood Developments ("TNDs"), and nonresidential and mixed-use buildings in other areas of the City.

Sec. 0-4-202 Drive-In or Drive-Through Restaurants

A. **Design Requirements.** The following requirements shall be met for all new or redeveloped drive-in or drive-through restaurants.

B. **Access, Circulation and On-Site Parking.**

1. Access points and driveways shall be planned and shared among abutting properties to the greatest extent possible, and appropriate access easements shall be recorded.
2. Sidewalks to accommodate pedestrian activity shall be provided. Pedestrian access shall be provided from the perimeter of the parcel proposed for development to the principal buildings. Sidewalks along the front façade and the sides of all principal buildings with public entrances shall be no less than seven feet in width.
3. Customer / employee parking shall be separated from driving activities and customer parking shall be located in the area with the highest accessibility to dining or sales areas.

C. **Setback from Rights-of-Way.** Principal buildings shall be set back at least 40 feet from rights-of-way. This requirement supersedes any conflicting setbacks of the underlying district regulations. All other setbacks of the underlying zoning district are unaffected by this requirement.

D. **Architectural Design.**

1. Drive-in and drive-through restaurants shall maintain a consistent style and architectural theme. Architectural design, building materials, colors, forms, roof style and detailing should all work together to express a harmonious and consistent design.
2. 360-degree architectural treatment is required. Building design shall incorporate variation in building height, building mass, roof forms and changes in wall planes so as to avoid large expanses of flat, uninterrupted building walls.
3. Building elements shall not function as signage. Incorporation of franchise or business design elements unique or symbolic of a particular business shall be secondary to the overall architectural design.
4. Drive-in displays, ordering areas and parking canopies are permitted, but shall not serve as the singularly dominant feature on the site or as a sign or an attention-getting device.
5. Site furnishings shall be provided, including: bicycle racks, outdoor eating areas, trash receptacles, and benches. The style of the site furniture shall complement the overall design of the principal building and be of high quality.

E. **Lighting Requirements.** In addition to general lighting requirements specified in Division 6-7, *Exterior Lighting Standards*, the following specific lighting requirements apply:

1. Lighting for drive-in and drive-through restaurants shall be adequate only to facilitate the activities taking place in such locations and shall not be used to attract attention to the business.
2. The maximum level of illumination shall not exceed 20 foot candles anywhere on the site;
3. Where a drive-in or drive-through restaurant abuts property zoned or used for residential purposes, lights illuminating drive-in lanes, vehicle stacking areas, or the order / pick-up windows shall be shielded from residences and extinguished at the close of business.

F. **Landscaping / Hardscaping.**

1. *Landscaping*. All landscaping shall comply with Article 8, *Development Landscaping and Tree Protection*, which shall be minimum requirements. Additional landscaping may be required by the City to achieve the following purposes:
   a. To buffer or enhance views;
   b. To create or enhance entryways and public street appearance; and / or
   c. To enhance the overall appearance of the drive-in or drive-through restaurant.
2. *Hardscaping*. Large expanses of concrete or asphalt are not permitted. The amount of unrelieved uninterrupted asphalt or pavement area shall be limited through the use of landscaping, contrasting colors and banding or pathways of alternative paving material. Points of vehicle and pedestrian conflict shall be clearly defined with textured and colored pavement or brick pavers or in another appropriate manner as determined by the City.

G. **Operational Requirements.**

1. *Trash Receptacles*. Trash receptacles shall be emptied on a regular basis so as to maintain a clean and orderly appearance.
2. *Ordering Systems / Speakers*. Drive-through ordering systems / speakers shall only be utilized for the purpose of communications between employees and customers and shall not negatively impact adjacent residential uses. Such systems shall be designed to direct the sound away from adjacent residential properties. No speaker shall be operated within 100 feet from an adjacent residentially zoned or used property.

Sec. 0-4-203 Convenience Stores and Gasoline Stations

A. **Generally.** The standards of this Section apply to all convenience stores and light automobile service / gasoline stations in the City of Centennial. Limited or conditional use standards may also apply. See Section 0-2-303, *Commercial, Recreation, and Amusement Uses*, and Division 2-4, *Limited and Conditional Use Standards.*

B. **Outdoor Displays.** Outdoor display, storage, or sale of merchandise, vehicles, trailers or other equipment on a permanent, temporary or seasonal basis shall not be permitted, except that items such as propane tanks and other merchandise not permitted to be stored inside may be located outside of the convenience stores or principal building of the light automobile service / gasoline station, if it does not include a convenience store. Soda, water and other vending machines shall be placed within a building.

C. **Pump Islands and Fuel Dispensers.** Fuel pump islands associated with gasoline stations shall contain no more than two fuel dispensers per island.

1. A gasoline station or convenience store with fuel sales may have a maximum of two fuel pump islands (four fuel dispensers) on a minimum one-half acre lot.
2. One fuel pump island, or two fuel dispensers, may be added for each additional 2,000 square feet of lot area, provided that the total number of fuel pump islands shall not exceed four per lot, and the total number of fuel dispensers shall not exceed 8 per lot.

D. **Access, Circulation and On-Site Parking.**

1. A convenience store or light automobile service / gasoline station shall be designed with sufficient drive aisles and parking areas to avoid potential conflicts between loading and unloading, trash collection and other facility operations, use of emergency access easements and fire lanes, and pedestrian access. On-site circulation shall be adequate to allow vehicles to stack in a line for fuel dispensing services without using or obstructing any portion of an adjacent sidewalk or right-of-way.
2. To the greatest extent possible, access points and driveways must be planned and shared between adjacent properties and access easements must be noted on the site plan. Convenience store and light automobile service / gasoline station designs that fail to provide or accommodate cross access to adjacent commercial or industrial parcels are discouraged.
3. Sidewalks to accommodate pedestrian activity shall be provided. Pedestrian access must be provided from the perimeter of the property to the convenience store or light automobile service / gasoline station. Sidewalks in front of, or directly adjacent to the principal building must be no less than seven feet in width.

E. **Building and Equipment Setbacks and Spacing.** The following setbacks and spacing requirements shall supersede the corresponding setbacks of the applicable zoning district.

1. *Setbacks*.
   a. Principal building, front and street side setbacks: 40 feet
   b. Fuel dispensers, fuel pump islands, detached canopies, compressed air connections, and similar equipment, front and street side setbacks: 20 feet
2. *Spacing*. Fuel dispensers shall be set back a minimum of 20 feet from any other fuel dispenser located on a parallel pump island, as well as from the primary building and any building containing an accessory or secondary use. Such distance shall be measured from pump island to parallel pump island and from pump island to the curb surrounding the building or to the building itself, whichever is closer.
3. *Application to approved PDP or FDP*. In the event the requirements of this subsection conflict with the requirements contained in any approved preliminary development plan or final development plan or other requirement adopted by the City of Centennial, the most restrictive setback requirements shall apply.

F. **Architectural Design.**

1. A convenience store or gasoline station must maintain a consistent style and architectural theme. Architectural design, building materials, colors, forms, roof style and detailing should all work together to express a harmonious and consistent design. This requirement includes fuel pump canopies, cashier booths, car wash and other accessory structures.
2. 360-degree architectural treatment is required. Building design must incorporate variation in building height, building mass, roof, entrance forms, and changes in wall planes so as to avoid large expanses of flat, uninterrupted building walls.
3. Building elements shall not function as signage. Incorporation of franchise or business design elements unique or symbolic of a particular business shall be secondary to the overall architectural design. Bold, brash, intense, fluorescent or metallic accent colors shall be used in limited application such as in signage.
4. Fuel pump canopies shall not serve as the dominant feature on the site or as a sign or an attention-getting device. Signs installed on canopies are fascia signs for the purposes of Article 6, *Signs and Lighting*.
5. A canopy over fuel pumps may be erected subject to the following standards:
   a. The canopy may be either attached or detached from the principal building.
   b. The clearance of the canopy (from the surface of the ground to the underside of the canopy at its lowest point) shall not exceed 18 feet.
   c. The canopy structure shall comply with all minimum building setback standards applicable to the principal structure.
   d. The canopy structure shall not be enclosed.
   e. The canopy shall utilize the same architectural and design treatment, including materials and colors, as the principal building.
   f. A maximum of 25 percent of each canopy façade area visible from a public street may be internally illuminated. No portion of any canopy façade area may be externally illuminated. Each side of a fuel pump canopy shall be considered a separate façade area.
   g. Intercom or speaker systems shall only be utilized for the purpose of communications between employees and customers and shall not negatively impact adjacent residential uses. Such systems shall be designed to direct the sound away from adjacent residential properties.

G. **Lighting Requirements.** In addition to general lighting requirements specified in Division 6-7, *Exterior Lighting Standards*, the following specific lighting requirements shall apply to convenience stores and gasoline stations:

1. Lighting levels for canopies shall be adequate only to facilitate the activities taking place in such locations and shall not be used to attract attention to the business. Under canopy lighting shall be designed to provide an average level of illumination not to exceed 20 foot

candles with a maximum foot-candle reading beneath the canopy not exceeding 30 foot-candles.

2. Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and are shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85 degrees from vertical.

3. Lights shall not be mounted on the top or sides of a canopy; however, the sides (banding) of a canopy may be internally illuminated.

H. **Landscaping / Hardscaping and Site Furnishings.**

1. *Landscaping*. All landscaping shall comply with Article 8, *Developemnt Landscaping and Tree Protection*, which shall be minimum requirements. Additional landscaping may be required by the City to achieve the following purposes:

   a. To buffer or enhance views;

   b. To create or enhance entryways and public street appearance; and / or

   c. To enhance the overall appearance of the convenience store or light automobile service / gas station.

2. *Hardscaping*. Large expanses of concrete or asphalt shall not be permitted. The amount of unrelieved uninterrupted asphalt or pavement area must be limited through the use of landscaping, contrasting colors and banding or pathways of alternative paving material. Points of vehicle and pedestrian conflict must be clearly defined with textured and colored pavement or brick pavers or in an appropriate manner as determined by the City.

3. *Site Furnishings*. Site furniture is required to be incorporated in the design of the convenience store or light automobile service / gasoline station. This includes bicycle racks (as required by Article 5, *Parking and Loading*), and trash receptacles and benches (at least one of each per frontage). The style of the site furniture must complement the overall design of the principal building, and the site furniture shall be made of of high quality, low-maintenance durable materials.

I. **Vehicle Wash Facility as Accessory Use.**

1. *Generally*. A single-bay vehicle wash facility is allowed as an accessory use to a permitted convenience store or light automobile service / gasoline station, subject to any use restrictions imposed by a governing preliminary development plan or applicable zone district, and subject to the design standards contained in Section 0-4-204, *Vehicle Wash Facilities*, and any applicable limited or conditional use standard

2. *Water Recycling and Wastewater*.

   a. All vehicle wash facilities accessory to a convenience store or gasoline station that obtained a certificate of occupancy or a temporary certificate of occupancy after June 6, 2005 shall be required to be equipped with, and shall maintain in operation, a water recycling system that will recycle not less than 50 percent of the water being used by such vehicle wash installation.

b. An applicant for a convenience store or light automobile service / gasoline station with an accessory vehicle wash facility proposed for construction after June 6, 2005, shall submit its site plan or final development plan (as applicable) for review to the applicable water and wastewater providers to ensure appropriate and safe provision, use and discharge of water into the wastewater system and shall provide the City with evidence of its submittal to and response by the applicable water and wastewater providers.

3. *Existing Facilities.* Any operator of a vehicle wash facility that has obtained a certificate of occupancy or a temporary certificate of occupancy prior to June 6, 2005 shall be required to install, and maintain in operation, a water recycling system that will recycle not less than 50 percent of the water as a condition of any permit granted by the City of Centennial or any water service district within the City of Centennial to:

   a. Enlarge the water tap, meter, or service line in any such vehicle wash facility; or

   b. Demolish, destroy or remove and then replace more than 50 percent of the gross square footage of the floor area of the vehicle wash facility building as it exists on June 6, 2005, except for the purpose of repairing or replacing under floor heating equipment or water recycling equipment; or

   c. Expand the gross square footage of the floor area of the vehicle wash facility building by more than 50 percent of the square footage of the vehicle wash facility building as it existed on June 5, 2005.

J. **Operational Requirements.**

1. Trash receptacles shall be emptied on a regular basis so as to maintain a clean and orderly appearance.

2. The performance of all minor automotive repair work associated with a light automobile service / gasoline station shall be wholly performed within an enclosed building or structure.

3. No exterior parking or storage of vehicles prior to, during, or following repair work shall be permitted on the site unless spaces for parking or storage of such vehicles are clearly illustrated on an approved site plan or final development plan (as applicable), and are limited to no more than three (3) spaces.

4. All vehicle parts, dismantled vehicles, and similar materials and all discarded materials such as tires, cans, and drums shall be stored within an enclosed building or totally screened from public view by a solid, opaque fence or wall.

5. Where a convenience store or light automobile service / gasoline station abuts property zoned or used for residential purposes, lights illuminating the fuel pumps, canopies or other areas of the site shall be extinguished at the close of business.

Sec. 0-4-204 Vehicle Wash Facilities

A. **Generally.** The following requirements shall be met for any new vehicle wash facilities located in the City of Centennial.

B. **Configuration of Wash Bays.** To the extent practicable, wash bays shall be sited parallel to the adjacent street in such a way as to use the frontage efficiently and be oriented away from any abutting residentially zoned or used property.

C. **Access, Circulation and On-Site Parking.**

1. Access points and driveways shall be planned and shared between properties to the greatest extent possible, and access easements shall be noted on the site plan or final development plan, as applicable.
2. Sidewalks to accommodate pedestrian activity shall be provided. Pedestrian access shall be provided from the perimeter of the property to the vehicle wash facility. Sidewalks in front of, or directly adjacent to a vehicle wash facility shall be no less than seven feet in width.
3. The circulation system shall provide continuous traffic flow with efficient, non-conflicting movement throughout the site. Conflicts between major pedestrian movement and vehicular circulation shall be minimized.
4. There shall be a minimum distance of 50 feet between any two curb cuts used for entrances and/or exits to a vehicle wash facility.
5. If accessory vacuuming facilities are provided, a minimum of one parking space for each vehicle capable of being serviced at any one time at such vacuum facility shall be provided. Parking spaces for accessory vacuuming facilities shall not interfere with circulation or entrance or exit drives.
6. In addition to parking requirements for employees and wash bays set forth in Division 5-2, *Parking and Loading Calculations*, each car wash bay of a vehicle wash facility shall have the following vehicle stacking capacity for vehicles waiting to be serviced:
   a. Three stacking spaces for each bay in a self service vehicle wash facility; and
   b. Six stacking spaces for each in-bay or conveyor vehicle wash facility.
7. Bay access shall be oriented and / or screen walls provided to prevent headlights from shining into residential development.

D. **Building and Equipment Setbacks.** The following setbacks and equipment location requirements shall supersede the corresponding requirements of other sections of this LDC:

1. *Setbacks*.
   a. Principal building, front and side street setbacks: 40 feet
   b. Accessory equipment (*e.g.*, vacuum facilities), front and side street setbacks: 20 feet
2. *Location of Equipment*. If the parcel abuts residential development, equipment that is not housed in a building shall be located on the side of the facility that is furthest from residential development.
3. *Relationship to Approved Development Plans*. In the event that the requirements of this subsection conflict with corresponding requirements contained in any approved preliminary development plan, final development plan, or other requirement adopted by the City of Centennial, the most restrictive setback requirements shall apply.

E. **Architectural Design.**

1. A vehicle wash facility must maintain a consistent style and architectural theme. Architectural design, building materials, colors, forms, roof style and detailing should all work together to express a harmonious and consistent design.
2. 360-degree architectural treatment is required. Building design must incorporate variation in building height, building mass, roof forms and changes in wall planes so as to avoid large expanses of flat, uninterrupted building walls.
3. Building elements shall not function as signage. Incorporation of franchise or business design elements unique or symbolic of a particular business shall be secondary to the overall architectural design. Bold, brash, intense, fluorescent or metallic accent colors shall be used in limited application such as in signage.

F. **Lighting Requirements.** The lighting requirements are set out in Division 6-7, *Exterior Lighting Standards*. In addition to those standards, lighting of vehicle wash facilities shall be designed only to facilitate the activities taking place in such locations and shall not be used to attract attention to the business.

G. **Site Furnishings.** Site furniture is required to be incorporated in the design of the vehicle wash facility. This includes bicycle racks (as required by Article 5, *Parking and Loading*), and trash receptacles and benches (at least one of each per frontage). The style of the site furniture must complement the overall design of the principal building, and the site furniture shall be made of high quality, low-maintenance durable materials.

H. **Water Recycling Requirements.** The following water recycling requirements apply to all full-service or conveyor-based vehicle wast facilities. They do not apply to self-service facilities (e.g., facilities in which the customer washes the vehicle with a pressurized wash wand).

1. All vehicle wash facilities that obtained a certificate of occupancy or a temporary certificate of occupancy after June 6, 2005 shall be required to be equipped with, and shall maintain in operation, a water recycling system that will recycle not less than 50 percent of the water being used by such car wash installation.
2. Any operator of a vehicle wash facility that has obtained a certificate of occupancy or a temporary certificate of occupancy prior to June 6, 2005 shall be required to install, and maintain in operation, a water recycling system that will recycle not less than 50 percent of the water as a condition of any permit granted by the City of Centennial or any water service district within the City of Centennial to:
   a. Enlarge the water tap, meter, or service line in any such vehicle wash facility; or
   b. Demolish, destroy or remove and then replace more than 50 percent of the gross square footage of the floor area of the vehicle wash facility building as it existed on June 6, 2005, except for the purpose of replacing or repairing under floor heating equipment or water recycling equipment; or
   c. Expand the gross square footage of the floor area of the vehicle wash facility building by more than 50 percent of the square footage of the vehicle wash facility building as it existed on June 5, 2005.

3. An applicant for a vehicle wash facility proposed for construction after June 6, 2005, shall submit its site plan or final development plan (as applicable) for review to the applicable water and wastewater provider(s) to insure appropriate and safe provision, use and discharge of water and shall provide the City with evidence of its submittal to and response by the applicable water and wastewater providers.

Sec. 0-4-205 Self-Storage Facilities

A. **Site Screening.** A self-storage facility shall be completely enclosed with a brick or other masonry perimeter wall of no less than six feet in height. Additional or alternative buffering such as increased wall height, berming or intensive landscaping may be required by the City to achieve the following purposes:

1. To buffer or enhance views; create or enhance entry ways and public street appearance; and/or enhance the overall appearance of a self-storage facility.
2. No individual self-storage unit, loading area or other service area shall be visible from any public right of way except through openings serving as gates within fencing or where topographic conditions such as elevated rights-of-way will permit visibility over the perimeter wall.
3. Gates and fencing shall be designed in a manner to balance the aesthetic compatibility of the self-storage facility with the need for security. Colored metal or wrought iron gates designed to enhance the appearance of the facility are encouraged.
4. The use of chain link or barbed wire within the self-storage facility is prohibited.

B. **Building Setbacks.**

1. Front and side street setbacks shall be 40 feet. These requirements supersede the corresponding requirements of the applicable zoning district.
2. In the event that this subsection conflicts with a corresponding requirement contained in any approved preliminary development plan or final development plan or other requirement adopted by the City of Centennial, the greater setback requirements shall apply.

C. **Required Facilities.**

1. Restroom facilities shall be provided on-site suitable for employee and visitor use.
2. Trash dumpsters shall be provided within the self-storage facility site, designed according to the requirements of Section 0-3-807, *Loading, Truck Access, and Solid Waste Collection*.

D. **Access, Circulation and On-Site Parking.**

1. The circulation system shall provide continuous traffic flow with efficient, non-conflicting movement throughout the site.
2. Ingress and egress for a self-storage facility shall provide for a hard surface of a minimum of 15 foot width, with a radius of fifty feet at all cul-de-sacs or turnarounds for fire and other safety vehicles.

3. Required parking spaces shall be evenly distributed throughout the site. However, parking areas shall not be located in any loading area of individual self-storage units.

E. **Snow Storage.** Adequate snow storage areas shall be provided within the property of the self-storage facility. Snow storage areas shall be made accessible and available at all times for the exclusive use of snow storage from October 1 to April 30.

F. **Architectural Design.**

1. The architectural design of a self-storage facility shall be harmonious with the character of the surrounding neighborhood and shall integrate neutral colors and tones as the predominate color palate.
2. Flat roofs are prohibited. All roofs shall be pitched and sloped to create visual interest. Use of varying roof pitches and slopes is encouraged and, where a self-storage facility is located within 1,000 feet of a residential zoning district, roof pitches and slopes are encouraged to mimic the pitches and slopes of the residential structures.
3. At least 60 percent of the exterior façade of a self-storage facility shall consist of masonry. Masonry shall include brick, stone or integrally tinted, textured masonry block.
4. Building elements shall not function as signage. Incorporation of franchise or business design elements unique or symbolic of a particular business shall be secondary to the overall architectural design. Bold, brash, intense, fluorescent or metallic accent colors shall be permitted in signage.
5. The use of intense, reflective, fluorescent, or metallic colors on storage unit doors, fencing, roofing, or walls is prohibited. Intense colors include but are not be limited to yellow, orange, and red.

G. **Lighting Requirements.** The lighting requirements are set out in Division 6-7, *Exterior Lighting Standards*. In addition to those standards, lighting for self-storage facilities shall be designed to be adequate only to facilitate the activities taking place in such locations, and shall not be used to attract attention to the business.

Sec. 0-4-206 Nonresidential and Mixed-Use Buildings in Traditional Neighborhood Developments

A. **Generally.** Commercial and mixed-use buildings in the neighborhood center subdistrict of a traditional neighborhood development ("TND") shall conform to the design standards of this Section.

B. **360-Degree Architecture.** The architectural features, materials, and articulation of the front façade shall be continued on all sides that are visible from a public street.

C. **Transparency.**

1. Not less than 50 percent of the ground level front façade shall be transparent, including window or door openings that allow views into and out of the interior of the building.
2. Not less than 30 percent nor more than 50 percent of the façade of upper stories shall be transparent.

D. **Massing.** Buildings with a front façade greater than 80 feet in width shall be designed to appear as a group of attached buildings or otherwise given interest while maintaining a harmonious façade. The following treatments shall be used:

1. The façade shall have a rhythm created by vertical elements with a 20 to 30 foot on-center spacing.
2. The floors of buildings shall be aligned within one foot unless the slope conditions on the site require greater differences. The buildings should articulate the floor levels with horizontal bands of different materials, offsets and shadow lines, changes in the architectural treatment of windows, or changes in material or color, balconies or railings.
3. Minor setback offsets shall be used to make sections of the building appear as individual buildings. The minimum offset is one foot and the maximum is three feet, unless there is sidewalk dining at the point of offset, in which case, the maximum is 20 feet.
4. Vertical articulation through a change in the number of floors and / or variations in roof or parapet height or design.

E. **Blank Walls.** All exterior building elevations that face public streets, customer parking areas, or areas of residential use shall be designed so that there are no areas of blank wall that are more than 20 feet in horizontal or vertical direction. This requirement can be met by window openings, articulation of the building, porches or balconies, material and color variations, decorative cornices, murals, score lines, and signs.

F. **Corporate Architecture.** Logo buildings and logo building elements are prohibited.

G. **Mechanical Equipment.** Rooftop mechanical equipment (e.g., HVAC systems) mounted on a flat roof shall be screened with materials and colors that surround the equipment, and that are consistent with the design of the building. In addition, mechanical equipment shall be screened from all ground level views from adjacent property and rights-of-way by:

1. Parapet walls; or
2. Hedges installed on a green roof system, provided that the mechanical equipment is set back at least 25 feet from all exterior building walls; or
3. Sloped roof systems or other architectural elements that conceal the flat roof area where the equipment is mounted.

Sec. 0-4-207 Nonresidential Design Standards

A. **Applicability.** This Section shall apply to all nonresidential new construction that requires a building permit; and to expansions or enlargements equal to 50 percent or more of existing floor area in a single nonresidential building, or addition of new floors, including any cumulative expansions or enlargements that meet this threshold based on the floor area in place as of August 6, 2007.

B. **Exemptions.** The following are exempt from the requirements of this Section:

1. Routine maintenance and repair;
2. Interior remodeling of existing buildings;

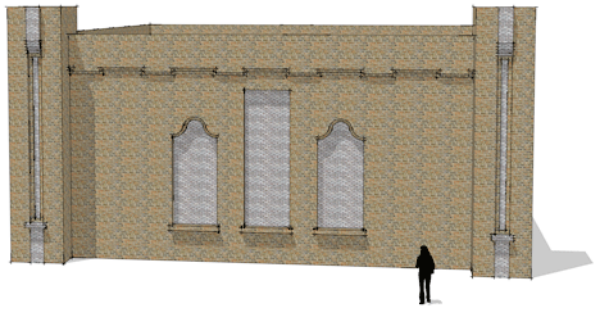
3. Projects within an area covered by an approved final development plan ("FDP") or master development plan ("MDP"), so long as no amendment (other than an administrative amendment) to that plan is necessary; and

4. Projects for which a complete development application has been submitted prior to August 6, 2007.

C. **Building Design.**

1. *Four-sided Design.* Each building shall incorporate a similar level of architectural detailing on all sides subject to public view or adjacent properties, not including properties across alleys (See Figure 0-4-207A, *Illustrative Building Articulation Along Rear Façade*). Blank walls void of architectural details or other variation are prohibited. Four-sided design shall be achieved by meeting the Horizontal Articulation and Vertical Articulation requirements in subsections C.2 and C.3., below.

Figure 0-4-207A
Illustrative Building Articulation Along Rear Façade



2. *Horizontal Articulation*. A single, large, dominant building mass shall be avoided. Buildings shall be designed to reduce apparent mass by dividing façades into a series of smaller components. No individual component shall have a horizontal length of more than 60 feet (*See* Figure 0-4-207B, *Illustrative Articulation*). Components shall be distinguished from one another through two or more of the following:

   a. Variations in roof form or variations in roof height of two feet or more;

   b. Changes in wall plane of one foot or more;

   c. Variations in the arrangement of windows;

   d. Recognizable changes in texture, material, or surface colors; or on the façade facing the principal street:

      i. At least 40 percent of the ground floor wall area between two and ten feet above grade shall consist of glazing (See Figure 0-4-207C, *Illustrative Glazing*); and

      ii. At least 25 percent of each upper floor wall area between three and eight feet above that story's finished floor level, shall consist of glazing (See Figure 0-4-207C, *Illustrative Glazing*).

Figure 0-4-207B
Illustrative Articulation

Figure 0-4-207C
Illustrative Glazing

3. *Vertical Articulation*. Buildings shall be designed to reduce apparent mass by including a clearly identifiable base, body, and top, with horizontal elements separating these components. The component described as the body must constitute a minimum of 50 percent of the total building height. *See* Figure 0-4-207B, *Illustrative Articulation*.

4. *Entrances*. Buildings shall feature visually prominent entrances on the façade facing the principal street. A combination of at least two or more of the following techniques shall be used:

   a. Canopy, portico, archway, arcade, or similar projection that provides architectural interest and protection for pedestrians;

   b. Prominent tower, dome or spire;

   c. Peaked roof;

   d. Projecting or recessed entry;

   e. Outdoor features, such as seat walls, landscaping with seasonal color, or permanent landscape planters with integrated benches; or

   f. Other comparable techniques.

5. *Exterior Building Wall Materials*. The following materials are prohibited for use on exterior building walls:

   a. Untextured tilt-up concrete panels;

b. Corrugated metal; and

c. Mirrored or reflective glass, except in limited decorative ways comprising no more than 25 percent of the exterior building walls.

6. *Glazing*.

a. Glazing must be maintained without interior or exterior obstructions that limit visibility, including, but not limited to, window signs, interior shelving, or window coverings (excluding window shades or blinds) during hours of business operation.

b. If a single-story building has a façade taller than 20 feet, the façade area above 15 feet shall include glazing to suggest the presence of upper floors as follows:

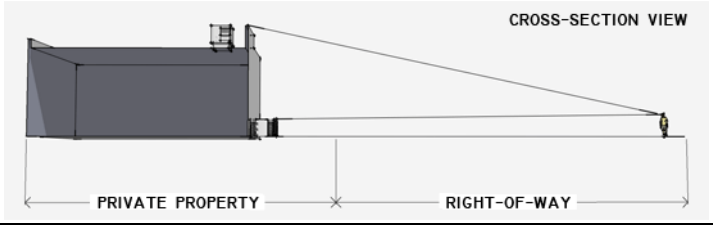
i. The area of the façade above 15 feet shall be divided into horizontal sections of 10 to 14 feet in height; and

ii. At least 25 percent of the area between 3 and 8 feet from the bottom of each horizontal section shall be glazed. *See* Figure 0-4-207C, *Illustrative Glazing* (above FFL).

E. **Pedestrian Amenities.** Ground-floor façades that face public streets or other public areas (*e.g.*, outdoor gathering spaces, parks or open space, parking areas) shall incorporate pedestrian-oriented design features along no less than 60 percent of their horizontal length. Pedestrian-oriented design features include shaded sidewalks, arcades, entryways, and awnings. Display windows that meet the transparency (glazing) requirements of subsection C., above may be used to meet this requirement.

F. **Mechanical Equipment Screening.** All rooftop and grade-level mechanical equipment shall be screened from grade-level view. Soft water tanks, gas meters, venting, heating and air conditioning units, and electrical meters shall also be screened from public view. Screening shall be part of the articulation of the building and integrated into the building design. All vents greater than eight inches in diameter shall also be screened. Screens shall be at least as high as the equipment they hide, and shall be of a color and material matching or compatible with the dominant colors and materials found on the façades of the primary building. *See* Figure 0-4-207D, *Equipment Screening*.

Figure 0-4-207D
Equipment Screening



D. **Pedestrian and Bicycle Connections.**

1. *Generally*. All development shall provide a network of on-site pedestrian walkways to and between the following areas:

a. Public entrances to each building on the site, including pad site buildings;

b. Parking areas;

c. Sidewalks or walkways on adjacent properties that extend to the boundaries shared with the subject development;

d. Adjacent public transit station areas, transit stops, park and ride facilities, or other transit facilities. For example, sidewalks adjacent to a public street shall be connected to all publicly used entrances, all off-street parking areas, all sidewalks or walkways on adjacent properties that extend to the boundaries shared with the subject development, and any transit-related facilities as described above.

2. *Bicycle Access*. Bicycle access from the development site shall be provided to any existing or designated sidewalks, bike paths, or bike lanes located adjacent to the development.

3. *Connections*. Connections shall be made at points necessary to provide direct pedestrian and bicycle travel from the development to major pedestrian destinations located within the adjacent neighborhood(s). In order to provide direct pedestrian connections to these adjacent destinations, the City may require additional sidewalks, walkways, or bike paths not associated with a street, or the extension of a sidewalk from the end of a cul-de-sac to another street or walkway. Major pedestrian destinations include, but are not limited to, residential subdivisions, schools, parks, open space, recreational facilities, neighborhood shopping, employment, recreation or community centers, public or civic uses, and institutional uses such as religious assembly.

4. *Identification*. Pedestrian walkways and crosswalks shall be identified through the use of one or more of the following methods:

a. Changing paving material, patterns, or paving color;

b. Changing paving height;

c. Decorative bollards;

d. Painted crosswalks; or

e. Raised median walkways with landscaped buffers.

Division 4-3 Form Standards for UC District

Sec. 0-4-301 Purpose and Application of Division

A. **Purpose.** The development standards of this Division are intended to shape redevelopment in the Urban Center ("UC") district, to promote the creation of an economically vital, pedestrian-oriented, mixed-use district. These graphically-oriented, form-based standards describe required development patterns, building forms, parking types, and street types. The standards are organized as a set of interconnected sections that each focus on regulating a different aspect of the desired physical environment. On the Effective Date, the UC district is intended to be applied to the Arapahoe Urban Center Subdistrict 4 ("AUC-4"), which is identified in the Arapahoe Urban Center Sub-Area Plan. However, other areas could be rezoned to UC based on the criteria set out in Section 0-14-604, *Rezoning*.

B. **Application of Division.** This Division sets out standards for the form of development. These standards are applied within three subdistricts within the UC District: center, general, and edge. The applicant maps the subdistricts for a proposed development during the development of a regulating plan, according to the locational standards for each subdistrict. The regulating plan then controls the development of projects in the district (*see* Section 0-14-902, *Regulating Plans*). The physical form of development within the district and subdistricts is regulated as follows:

1. Section 0-4-302, *Subdistricts and Typologies*, provides a table which shows which building types, frontage types, and parking types are allowed in each subdistrict.
2. Section 0-4-303, *General Project Design Requirements*, sets out the parameters for project design, including street layouts, block dimensions, and public open spaces.
3. Section 0-4-304, *Center Subdistrict*, Section 0-4-305, *General Subdistrict*, and Section 0-4-306, *Edge Subdistrict*, set out more specific development standards for each subdistrict.
4. Section 0-4-307, *Building Types*, describes the types of buildings that are allowed within the UC district.
5. Section 0-4-308, *Frontage Types*, describes the allowable transitions between the private and public space.
6. Section 0-4-309, *Parking Types*, defines a range of appropriate off-street parking options.
7. Section 0-4-310, *Street Types*, defines and regulate streets and streetscapes.

Sec. 0-4-302 Subdistricts and Typologies

A. **Generally.** The subdistrict standards regulate the aspects of a building that affect the public realm. The standards vary according to the subdistrict applied to each parcel by the regulating plan (*see* Section 0-14-902, *Regulating Plans*). The urban standards regulate allowed building types, building placement, and building profile; allowed frontage types, allowed parking types, and off-street parking placement.

B. **Building, Frontage, and Parking Types.** Table 0-4-302, *Frontage, Building, and Parking Types*, sets out the permitted building types, frontage types, and parking types by subdistrict.

Table 0-4-302
Frontage, Building, and Parking Types

	Center	General	Edge
Building Types (see Section 0-4-307, *Building Types*)			
Townhouse	--	permitted	permitted
Live/Work Townhouse	--	permitted	permitted
Commercial Building	--	--	permitted
Low-Rise Mixed-Use	--	--	permitted
Mid-Rise Mixed-Use	--	permitted	--
Liner Building	permitted	permitted	--
Pedestal Building	permitted	--	--
Object Building	permitted	permitted	permitted

Table 0-4-302 Frontage, Building, and Parking Types			
	Center	**General**	**Edge**
Frontage Types (see Section 0-4-308, *Frontage Types*)			
Streetyard	--	--	permitted
Dooryard	--	--	permitted
Stoop	--	permitted	permitted
Forecourt	permitted	permitted	--
Shopfront	permitted	permitted	--
Gallery	permitted	--	--
Parking Types			
Surface Lot	--	permitted	permitted
Tuck-Under	permitted	permitted	permitted
Mid-Block Structure	permitted	permitted	--
Lined Structure	permitted	permitted	--
Integrated Structure	permitted	permitted	--
Subterranean Structure	permitted	permitted	permitted

Sec. 0-4-303 General Project Design Requirements

A. **Delineation of Development Blocks and Street Network.** The regulating plan shall delineate property lines defining development blocks, building lots within blocks, and a network of street rights-of-way. The development blocks and street network shall be designed to comply with the standards of this Section.

B. **Block Dimensions.**

1. To promote walkability, typical perimeter block dimensions shall not exceed 1,600 linear feet as measured along the inner edges of street rights-of-way.
2. Perimeter block dimensions up to 3,000 linear feet may be permitted for blocks that contain mid-block parking structures or attached public spaces (outdoor public spaces along the perimeter of a block of at least 10,000 square feet and designed for public use).
3. Block dimensions greater than 3,000 linear feet may be permitted only where blocks contain valuable natural features that should not be crossed by a street.

C. **Street Network.**

1. Large-scale development shall be organized by a fine-grained network of publicly accessible, pedestrian-friendly streets.
2. Streets may be designed to form a rectangular grid, an irregular pattern of curved streets, or combinations thereof so long as street network responds to topography, capitalizes on mountain views, and avoids impacts on sensitive resources.
3. The extension of existing public streets is encouraged to distribute traffic and improve access, however, discontinuous streets may be permitted to minimize the potential for cut-through traffic on residential streets within or adjacent to the subdistrict.

4. Street stubs shall be provided for connections to future development on adjacent vacant or underutilized sites.
5. Dead end streets are prohibited and cul-de-sacs are only allowed where environmental or site constraints such as highways, sensitive natural features, or unusual topography permit no practical alternatives.
6. All streets must be publicly dedicated; private streets and closed or gated streets are prohibited.

D. **Assignment of Street Function and Type.** The regulating plan shall designate street functions and types for the entire network of interconnected streets.

1. *Street Function.* Street function shall be designated on the regulating plan as "primary street" or "secondary street."
   a. Primary streets are streets that are intended to carry high volumes of pedestrian traffic. They are lined by public spaces or buildings with active ground floor uses and high quality building frontages.
   b. Secondary streets are streets that are intended to provide access to parking, service areas, and alleys.
2. *Street Types*.
   a. Street types shall be designated on the regulating plan as defined under Section 0-4-310, *Street Types*.
   b. Street types shall be assigned according to designated street function and desired frontage condition.

E. **Designation of Subdistricts.** The regulating plan shall delineate the boundaries of subdistricts as defined in Section 0-4-304, *Center Subdistrict*, Section 0-4-305, *General Subdistrict*, and Section 0-4-306, *Edge Subdistrict.* Subdistrict designations shall comply with the following standards:

1. To ensure similar types and intensities of development face across streets, boundaries between subdistricts shall occur in mid-block locations along rear alleys or rear property lines.
2. Subdistricts allowing the highest intensities of use generally should be located in the center of a district, along major streets, and in close proximity to transit stations.
3. Subdistricts allowing the lowest intensity of development should be located at the edge of a district to ensure effective transitions to existing and planned low intensity development.
4. Where subdistricts abut an existing or planned residential neighborhood, a transition zone should be defined to ensure sufficient setbacks and buffers are provided.

F. **Designation of Public Spaces.** The regulating plan shall indicate areas where accessible public spaces will be provided. Public space locations shall comply with the following standards:

1. For every 10 acres of area subject to development under these standards (including areas in development blocks and street rights-of-way), at least one acre shall be dedicated and improved for use as a public space.
2. Public spaces in the Core and General subdistricts must be designed as public squares or plazas with the following characteristics:
   a. At least one public square or plaza shall be at least 20,000 square feet in area;
   b. The shape of the square or plaza is square or rectangular in form; however, trapezoidal or other irregular forms may be permitted to respond to topography, capitalize on views, or resolve irregular block or street geometries;
   c. Paved areas are provided for public gathering, and
   d. Frontage is provided on at least two streets.
3. Public spaces in the Edge subdistrict must be designed as public squares, plazas, or neighborhood park with the following characteristics:
   a. Each shall be at least 5,000 square feet in area;
   b. The shape of the square, plaza, or park is square or rectangular in form, however, trapezoidal or other irregular forms may be permitted to respond to topography, capitalize on views, or resolve irregular block or street patterns; and
   c. Frontage is provided on at least one street.

G. **Required Ground Floor Retail.** The regulating plan shall indicate block frontages along primary streets where active, ground floor retail uses shall be required. Required ground floor retail shall be provided consistent with the following standards:

1. For block frontages designated for required ground floor retail, the shopfront or gallery frontage types, as defined under Section 0-4-308, *Frontage Types*, are required.
2. Individual retail uses along block frontages designated for required ground floor retail shall be limited to no more than 60 consecutive linear feet of frontage, shall have primary entries directly onto public sidewalks, and shall occupy building space to a depth of not less than 20 feet from the building facade.

H. **Identification of Special Requirements and Overlays.** The regulating plan shall identify the location of sites that are particularly prominent or otherwise significant and require additional design considerations. The following special requirements and overlays are permitted in the District:

1. *Terminated Vistas.* Terminated vistas are locations at the end of a street, pedestrian way, or public space where a focal point is created at the end of a framed view or sight line. Designated building locations shall require special architectural treatment centered on the terminated vista to draw a viewer or pedestrian toward it. Techniques may include pronounced roof or wall elements, additional building height, or elements applied to the building facade.
2. *Corner Emphasis.* Building corners that frame an important intersection, public space, or gateway shall be designated as corner emphasis locations. Corners shall be emphasized

through architectural means that address both frontages. Corner emphasis techniques may include taller building volumes at the corner, projecting building elements, chamfered corners, and applied building elements that wrap the corner.

Sec. 0-4-304 Center Subdistrict

A. **Purpose.** The Center subdistrict is intended for high intensity mixed-use development with an employment focus. Tall buildings provide an iconic gateway to the City and buffer development within the UC district from the interstate. Buildings with mostly continuous ground-floor storefronts define public streets and open spaces and directly abut wide, active sidewalks.

B. **Location.** On the effective date, the UC district is intended to be applied to the Arapahoe Urban Center subdistrict 4 ("AUC-4"), which is identified in the Arapahoe Urban Center Sub-Area Plan. If other areas are rezoned to UC, the City Council shall determine the permissible locations for the Center subdistrict within the rezoned area.

1. *AUC-4*. The Center subdistrict shall be applied from the AUC-4 boundary along Interstate 25, extending westward approximately 300 to 350 feet toward South Yosemite Street. However, this subdistrict may not be applied within 100 feet of the South Yosemite Street right-of-way.

C. **Building Types.** Building types in the Center subdistrict shall be limited as provided in Table 0-4-302, *Frontage, Building, and Parking Types*.

D. **Building Placement.** Buildings shall comply with the following building placement requirements as generally shown in Figure 0-4-304A, *Building Placement*. Setbacks, if required, are measured from applicable property lines shown on the approved regulating plan.

1. *Primary Street Property Line (Line A)*. Buildings shall be built to the primary street property line with no setback, except as allowed for Forecourt frontages defined under Section 0-4-308, *Frontage Types*.

2. *Secondary Street Property (Line B)*. Buildings shall be built to the secondary street property line with no setback.

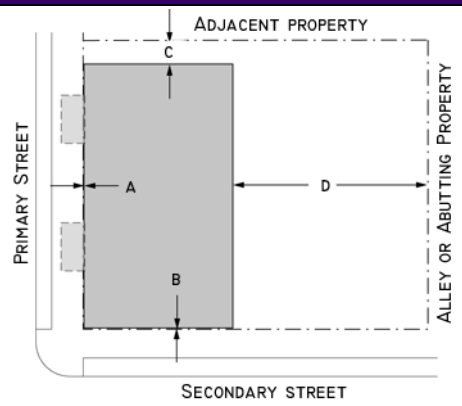
3. *Adjacent Property (Line C)*. If adjacent buildings are attached, buildings shall be built to side property line with no setback. If adjacent buildings are detached, buildings shall be set back not less than 10 feet, but not more than 15 feet, from the property line, except to form courtyards for outdoor dining or other public assembly.

4. *Rear Property (Line D)*. Buildings shall be set back from rear property lines as follows:

   a. No setback is required for lots that abut alleys; and

   b. A 20-foot minimum setback is required from abutting property.

Figure 0-4-304A
Building Placement



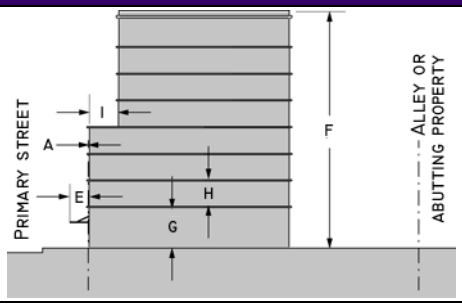
E. **Continuous Frontage along Primary Streets.** Along primary streets, buildings shall occupy a minimum of 90 percent of the block or lot width along the required setback or build-to line. Forecourts and minor setbacks for facade articulation as defined in Section 0-4-308, *Frontage Types*, may be counted as meeting the continuous frontage requirement.

F. **Frontage Types.** Frontage types shall be limited as provided in Table 0-4-302, *Frontage, Building, and Parking Types*.

G. **Projections.** Along primary and secondary streets, the following building elements may project beyond facades into rights-of-way or required setbacks (*see* Figure 0-4-304B, *Projections and Height Limits*, measurement E)*:*

1. Galleries may project beyond facades to within 30 inches of the curb face.
2. Canopies and awnings may project beyond the building facade not more than 10 feet.
3. Balconies on upper floors may project beyond facades not more than 6 feet.
4. Bay windows, eaves, and cantilevered rooms on upper floors may project beyond facades not more than two feet.

Figure 0-4-304B
Projections and Height Limits



H. **Height Limits.** The height of buildings shall comply with the following requirements, as shown in Figure 0-4-304B, *Projections and Height Limits*. The City may permit additional height in

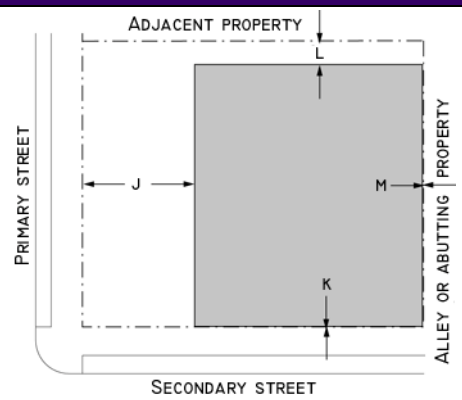
accordance with the AUC Sub-Area Plan for projects found to provide extraordinary public benefit.

1. *Building Height (Line F)*. 7 stories minimum, 15 stories maximum, except liner buildings, which shall be three stories minimum or tall enough to screen parking structures from public view.
2. *Ground Floor Clear Ceiling Height (Line G).* 16 feet minimum.
3. *Upper-story Floor-to-Floor Height (Line H).* 14 feet maximum.
4. *Facade Step-Back (Line I)*. Above the fourth story, all façades facing a primary or secondary street shall step back a minimum of 15 feet.

I. **Fences and Walls.** Fences and walls shall not be permitted within required setbacks, except as permitted by the applicable frontage type. Privacy fences and walls up to 6 feet in height may be constructed to enclose rear yards and shall be placed at minimum 5 feet behind any facade. Fences and walls shall be compatible with the building's architecture and materials.

J. **Parking Types.** Off-street parking that is located within the Center subdistrict shall be of a parking type that is allowed by Table 0-4-302, *Frontage, Building, and Parking Types.*

Figure 0-4-304C
Parking Placement



K. **Parking Placement.** Off-street parking shall comply with the following requirements as generally shown in Figure 0-4-304C, *Parking Placement*. Setbacks are measured from applicable property lines shown on the approved regulating plan.

1. *Primary Street Property (Line J)*. Above-ground parking structures shall be set back 30 feet minimum from primary street property lines. No setbacks are required for subterranean parking.
2. *Secondary Street Property (Line K)*. Above ground parking structures shall be set back 10 feet minimum from secondary street property lines.
3. *Side Property (Line L).* If parking structures are shared with adjacent property, no setbacks from side property lines are required. If parking structures are detached, a 10 feet

minimum, 15 feet maximum setback from side property line is required. No setbacks are required for subterranean parking.

4. *Rear Property (Line M).* Parking structures may be built to rear property lines with no setback from abutting alley or shall be set back 20 feet minimum from abutting lot. No setbacks are required for subterranean parking.

Sec. 0-4-305 General Subdistrict

A. **Purpose.** The General subdistrict is intended for medium intensity mixed-use development with a wide range of uses that provide a vibrant 24-hour pedestrian environment. Mid-sized buildings provide a transition from the taller buildings permitted in the Center subdistrict to the shorter buildings permitted in the Edge subdistrict. The General subdistrict is organized around a civic green or plaza.

B. **Location.** On the effective date, the UC district is intended to be applied to the Arapahoe Urban Center subdistrict 4 ("AUC-4"), which is identified in the Arapahoe Urban Center Sub-Area Plan. If other areas are rezoned to UC, the City Council shall determine the permissible locations for the Center subdistrict within the rezoned area.

1. *AUC-4*. The General subdistrict shall be applied in the center of the AUC-4 in a general area 100 feet east of South Yosemite Street, extending from Arapahoe Road to approximately 100 feet north of the intersection of South Yosemite Street and South Yosemite Court as the intersection existed on the Effective Date.

C. **Building Types.** Building types in the General subdistrict shall be limited as provided in Table 0-4-302, *Frontage, Building, and Parking Types*.

D. **Building Placement.** Buildings shall comply with the following building placement requirements as generally shown in Figure 0-4-305A, *Building Placement*. Setbacks, if required, are measured from applicable property lines shown on the approved regulating plan.

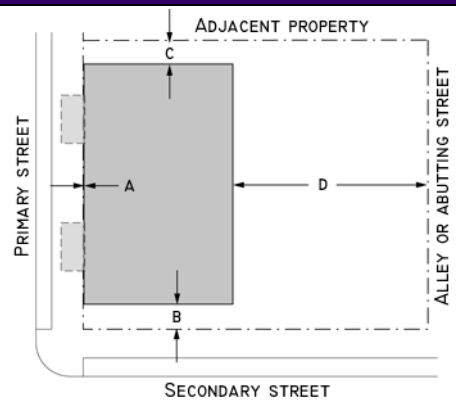
1. *Primary Street Property (Line A).* Buildings shall be built to the primary street property line with no setback with the following exceptions: buildings with ground floor residential uses may be set back 10 feet maximum from the property line and greater setbacks may be allowed for Forecourt frontages as defined under Section 0-4-308, *Frontage Types*.

2. *Secondary Street Property (Line B)*. Buildings may be built to the secondary street property line with no setback or may be set back 10 feet maximum from the property line.

3. *Side Property (Line C)*. If adjacent buildings are attached, buildings shall be built to side property lines with no setback. If adjacent buildings are detached, buildings shall be set back 10 feet minimum, 15 feet maximum from the property line.

4. *Rear Property (Line D)*. Buildings may be built to rear property lines with no setback from abutting alley or shall be set back 20 feet minimum from abutting lot.

Figure 0-4-305A
Building Placement



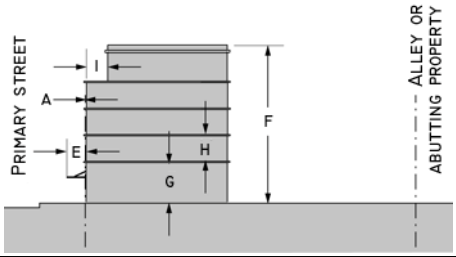
E. **Continuous Frontage along Primary Streets.** Along primary streets, buildings shall occupy a minimum of 80 percent of the block or lot width along the required setback or build-to line.

F. **Frontage Types.** Frontage types shall be limited as provided in Table 0-4-302, *Frontage, Building, and Parking Types*.

G. **Projections.** Along primary and secondary streets, the following building elements may project beyond façades into rights-of-way or required setbacks (*see* Figure 0-4-305B, *Projections and Height Limits*, measurement E)*:*

1. Canopies and Awnings may project beyond the building facade not more than 10 feet.
2. Balconies on upper floors may project beyond facades not more than 6 feet.
3. Bay Windows, Eaves, and Cantilevered Rooms on upper floors may project beyond facades not more than two feet.

Figure 0-4-305B
Projections and Height Limits



H. **Height Limit.** The heights of buildings comply with the following requirements, as shown in Figure 0-4-305B, *Projections and Height Limits*. The City may permit one additional story at prominent corners and terminated vistas as designated on the regulating plan.

1. *Building Height (Line F)*. 3 stories minimum; 6 stories maximum.
2. *Ground Floor Ceiling Height (Line G)*. 16 feet minimum.

3. *Upper-Story Floor-to-Floor Height (Line H)*. 14 feet maximum.
4. *Facade Step Back (Line I)*. Above the fourth story, all façades facing a primary or secondary street shall step back at minimum 8 feet.

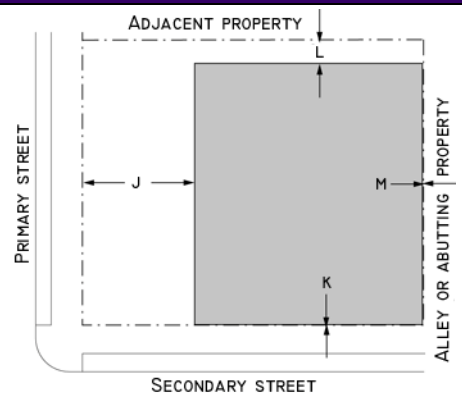
I. **Fences and Walls.** Fences and walls shall not be permitted within required setbacks, except as permitted by the applicable frontage type. Privacy fences and walls up to 72 inches in height may be constructed to enclose rear yards and shall be placed at minimum 5 feet behind any façade. Fences and walls shall be compatible with the building's architecture and material.

J. **Parking Types.** Off-street parking that is located within the Center subdistrict shall be of a parking type that is allowed by Table 0-4-302, *Frontage, Building, and Parking Types*.

K. **Parking Placement.** Off-street parking shall comply with the following requirements as generally shown in Figure 0-4-305C, *Parking Placement.* Setbacks are measured from applicable property lines shown on the approved regulating plan.

1. *Primary Street Property (Line J).* Surface and above ground parking lots and structures shall be set back 30 feet minimum from primary street property lines. No setbacks are required for subterranean parking.
2. *Secondary Street Property (Line K)*. Surface and above ground parking lots and structures shall be set back 10 feet minimum from secondary street property lines.
3. *Side Property (Line L)*. If parking structures or lots are shared with adjacent property, no setbacks from side property lines are required. If parking structures and lots are detached, a 10 feet minimum, 15 feet maximum setback from side property line is required. No setbacks are required for subterranean parking.
4. *Rear Property (Line M).* Parking structures and lots may be built to rear property lines with no setback from abutting alley or shall be set back 20 feet minimum from abutting lot. No setbacks are required for subterranean parking.

Figure 0-4-305C
Parking Placement



Sec. 0-4-306 Edge Subdistrict

A. **Purpose.** The Edge subdistrict is intended for lower intensity mixed-use development that provides an attractive street edge along South Yosemite Street and provides an effective transition to the adjacent single-family neighborhood.

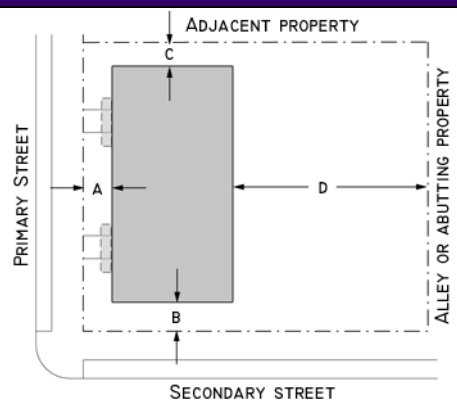
B. **Location.** The Edge subdistrict shall be applied along South Yosemite Street and between South Yosemite and the Walnut Hills subdivision.

C. **Building Types.** Building types in the Edge subdistrict shall be limited as provided in Table 0-4-302, *Frontage, Building, and Parking Types*.

D. **Building Placement.** Buildings shall comply with the following building placement requirements as generally shown in Figure 0-4-306A, *Building Placement.* If required, setbacks are measured from applicable property lines shown on the approved regulating plan.

1. *Primary Street Property (Line A)*. Buildings shall be set back 5 feet minimum, 20 feet maximum from the primary street property line.
2. *Secondary Street Property (Line B)*. Buildings shall be set back 10 feet minimum, 20 feet maximum from the secondary street property line.
3. *Side Property (Line C)*. Buildings may be built to the side property line with no setback or may be set back 10 feet minimum, 20 feet maximum from the property line.
4. *Rear Property (Line D)*. Buildings may be built to rear property lines with no setback from abutting alley or shall be set back 20 feet minimum from abutting lot. Buildings on the south and west side of South Yosemite Street shall be set back 80 feet minimum from the rear property lines of lots in the Walnut Hills subdivision.

Figure 0-4-306A
Building Placement



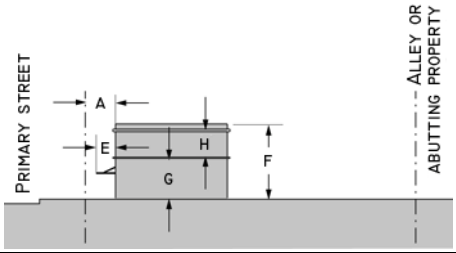
E. **Continuous Frontage along Primary Streets.** Along primary streets, buildings shall occupy a minimum of 60 percent of the block or lot width along the required setback or build-to line.

F. **Frontage Types.** Frontage types shall be limited as provided in Table 0-4-302, *Frontage, Building, and Parking Types*.

G. **Projections.** Along primary and secondary streets, the following building elements may project beyond façades into rights-of-way or required setbacks (*see* Figure 0-4-306B, *Projections and Height Limits*, measurement E):

1. Canopies and Awnings may project beyond the façade up to 10 feet maximum.
2. Stoops and Balconies may project beyond the façade up to 6 feet maximum.
3. Bay Windows, Eaves, and Cantilevered Rooms on upper floors may project beyond the façade up to two feet maximum.

Figure 0-4-306B
Projections and Height Limits



H. **Height Limit.** The height of buildings shall comply with the following requirements, as shown in Figure 0-4-306B, *Projections and Height Limits*. The City may permit one additional story at prominent corners and terminated vistas as designated on an approved regulating plan.

1. *Building Height (Line F)*. 2 stories minimum; 3 stories maximum.
2. *Ground Floor Ceiling Height (Line G)*. 16 feet minimum.
3. *Upper-Story Floor-to-Floor Height (Line H)*. 12 feet maximum.

I. **Fences and Walls.**

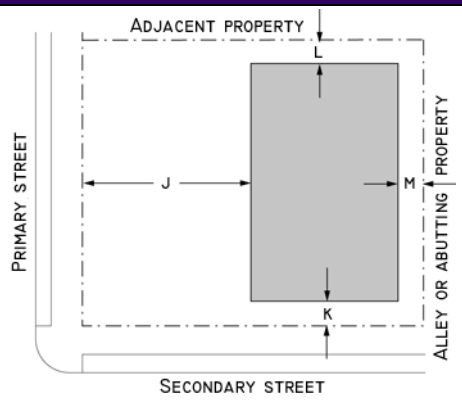
1. Fences and walls shall not be permitted within required setbacks, except as permitted by the applicable frontage type. Privacy fences and walls up to 6 feet in height may be constructed to enclose rear yards and shall be placed at minimum 5 feet behind any façade. Fences and walls shall be compatible with the building's architecture and material.
2. In the AUC-4 area, an 8 foot high masonry privacy wall shall be constructed along property lines of the lots in the Walnut Hills subdivision.
3. Surface materials and finishes of fences and walls shall be compatible with the associated building's design; however, the wall between AUC-4 and Walnut Hills shall be unified in design.

J. **Parking Types.** Off-street parking that is located within the Edge subdistrict shall be of a parking type that is allowed by Table 0-4-302, *Frontage, Building, and Parking Types*.

K. **Parking Placement.** Off-street parking shall comply with the following requirements as generally shown in Figure 0-4-306C, *Parking Placement*. Setbacks are measured from applicable property lines shown on the approved regulating plan.

1. *Primary Street Property (Line J)*. Surface and above ground parking lots and structures shall be set back 50 feet minimum from primary street property lines. No setbacks are required for subterranean parking.
2. *Secondary Street Property (Line K)*. Surface and above ground parking lots and structures shall be set back 10 feet minimum from secondary street property lines.
3. *Side Property (Line L)*. If parking structures or lots are shared with adjacent property, no setbacks from side property lines are required. If parking structures and lots are detached, a 10 feet minimum, 15 feet maximum setback from side property line is required. No setbacks are required for subterranean parking.
4. *Rear Property (Line M)*. Parking structures and lots may be built to rear property lines with no setback from abutting alley or shall be set back 20 feet minimum from abutting lot. No setbacks are required for subterranean parking.

Figure 0-4-306C
Parking Placement



Sec. 0-4-307 Building Types

A. **Generally.** The Building Type Standards provide requirements for each building type allowed in the subdistricts. The standards regulate building size and massing, frontage, pedestrian access, vehicle access and parking, and open space. The images are intended to illustrate typical conditions.

B. **Pedestal Building.**

Figure 0-4-307A
Illustrative Pedestal Building

1. *Description*. A Pedestal Building is a tall urban building that is limited to the Center subdistrict. The Pedestal Building is a mixed-use building designed for occupancy by a minimum of two different uses that may be vertically or horizontally separated. Uses generating visitor or customer traffic (such as retail, restaurants, personal services) shall be located on the ground floor facing the sidewalk, whereas uses generating limited pedestrian activity (such as office or residential) shall be located on upper floors or behind street fronting commercial uses.
2. *Building Size and Massing*.
   a. Buildings shall be composed of seven to fifteen stories. Above the fourth story, all façades facing a primary street shall step back at minimum 15 feet.
   b. Buildings on corner lots shall be designed with two façades of equal architectural expression.
   c. Façades shall be composed of increments of 25 feet or less. Increments may be created through projecting or recessing wall surfaces, changes in roofline and/or placement of piers and pilasters.
   d. Façades shall not exceed 50 feet without a vertical break from the base of the building to the roof line of at least 18 inches in width and depth, giving the building an appearance of multiple attached buildings.
3. *Primary Pedestrian Access*.
   a. Entrances to ground floor commercial space shall be located within the façade and accessed directly from the street right-of-way, with access from primary streets having priority over secondary streets, through an allowed Frontage Type.
   b. Entrances to upper story commercial space or dwelling units shall be through a street level lobby and/or corridors accessed directly from the street. Alternative entrances may be from structured or subterranean parking.

4. *Vehicle Access, Parking, and Services*.
   a. Vehicular access shall be provided through an alley, where available. Where an alley is not present, vehicle access may be provided directly from a secondary street.
   b. Parking may be provided in a garage located within the building, a subterranean garage, a separate parking structure, or a combination of any of the above.
   c. All parking entrances shall be located to the side or rear of the lot.
   d. Services, including all "dry" utility access, above-ground equipment, and trash containers, shall be located on the alley, where present, or along a secondary street. If located at a public street all equipment shall be screened from public view through landscaping and/or architectural elements.

D. **Mid-Rise Mixed-Use Building.**

Figure 0-4-307B
Illustrative Mid-Rise Mixed-Use Building

1. *Description*. Mid-Rise Mixed-Use Buildings are designed for occupancy by a minimum of two different uses that may be vertically or horizontally separated. Uses generating visitor or customer traffic (such as retail, restaurants, personal services) shall be located on the ground floor facing the sidewalk, whereas uses generating limited pedestrian activity (such as office or residential) shall be located on upper floors or behind street fronting commercial uses.
2. *Building Size and Massing*.
   a. Buildings shall be composed of three to six stories. Above the fourth story, all façades facing a primary or secondary street shall step back at minimum 8 feet.
   b. Buildings on corner lots shall be designed with two façades of equal architectural expression.
   c. Façades shall be composed of increments of 25 feet or less. Increments may be created through projecting or recessing wall surfaces, changes in roofline and/or placement of piers and pilasters.
   d. Façades shall not exceed 60 feet without a vertical break from the base of the building to the roof line of at least 18 inches in width and depth, giving the building an appearance of multiple attached buildings.

3. *Primary Pedestrian Access*.

   a. Entrances to ground floor commercial space shall be located within the façade and accessed directly from a street right-of-way, with access from primary streets having priority over secondary streets, through an allowed Frontage Type.

   b. Entrances to upper story commercial space or dwelling units shall be through a street level lobby and/or corridors accessed directly from the street. Alternative entrances may be from structured or subterranean parking.

4. *Vehicle Access, Parking and Services*.

   a. Vehicular access shall be provided through an alley, where available. Where an alley is not present, vehicle access may be provided through a driveway a maximum of 20 feet wide, and with two-foot minimum planters on each side.

   b. Parking may be provided in a surface lot, subterranean garage, parking structure, tucked-under, or a combination thereof.

   c. Where present, entrances to subterranean or structured parking shall be located to the side or rear of the lot.

   d. Where present, parking structures shall be separated from the Mid-Rise Mixed-Use Building by at minimum forty feet. This space may contain an alley or driveway.

   e. Services, including all "dry" utility access, above-ground equipment, and trash containers, shall be located on the alley, where present, or at the rear of the building.

D. **Low-Rise Mixed-Use Building.**

Figure 0-4-307C
Illustrative Low-Rise Mixed-Use Building

1. *Description*. Low-Rise Mixed-Use Buildings are designed for occupancy by a minimum of two different uses that may be vertically or horizontally separated. Uses generating visitor or customer traffic (such as retail, restaurants, personal services) shall be located on the ground floor and oriented toward public street right-of-way, whereas uses generating limited pedestrian activity (such as office or residential) shall be located on upper floors or on the ground floor and oriented toward secondary streets.

2. *Building Size and Massing*.

   a. Buildings shall be composed of two to three stories.

b. Buildings on corner lots shall be designed with two façades of equal architectural expression.

c. Façades shall be composed of increments of 25 feet or less. Increments may be created through projecting or recessing wall surfaces, changes in roofline, and/or placement of piers and pilasters.

d. Façades shall not exceed 60 feet without a vertical break from the base of the building to the roof line of at least 18 inches in width and depth, giving the building an appearance of multiple attached buildings.

3. *Primary Pedestrian Access*.

a. Entrances to ground floor commercial space shall be located within the façade and accessed directly from a street right-of-way, with access from primary streets having priority over secondary streets, through an allowed Frontage Type.

b. Entrances to upper story commercial space or dwelling units shall be through a ground level lobby accessed directly from street right-of-way. Alternative entrances may be from structured or subterranean parking.

4. *Vehicle Access, Parking, and Services*.

a. Vehicular access shall be provided through an alley, where available. Where an alley is not present, vehicle access may be provided through a driveway a maximum of 20 feet wide, and with two-foot minimum landscape strips on each side.

b. Parking may be provided in a surface lot, subterranean garage, tucked-under, or a combination thereof.

c. Where present, entrances to subterranean parking shall be located to the side or rear of the lot.

d. Services, including all "dry" utility access, above-ground equipment, and trash containers, shall be located on the alley, where present, or at the rear of the building.

E. **Commercial Building.**

Figure 0-4-307D
Illustrative Commercial Building

1. *Description*. A Commercial Building is designed for occupancy by commercial uses such as retail, restaurant, personal service or office uses. A Commercial Building may be occupied

by a single user or may be subdivided into multiple smaller commercial units, each with a separate entrance.

2. *Building Size and Massing*.

   a. Buildings shall be composed of one to three stories.

   b. Buildings on corner lots shall be designed with two façades of equal architectural expression.

   c. Façades shall be composed of increments of 25 feet or less. Increments may be created through projecting or recessing wall surfaces, changes in roofline and/or placement of piers and pilasters.

3. *Primary Pedestrian Access*.

   a. Entrances to ground floor commercial space shall be located within the façade and accessed directly from a street right-of-way, with access from primary streets having priority over secondary streets, through an allowed frontage type.

   b. Entrances to upper story commercial space shall be through individual entrances or a ground level lobby accessed directly from street right-of-way. Alternative entrances may be from structured or subterranean parking.

4. *Vehicle Access, Parking, and Services*.

   a. Vehicular access shall be provided through an alley, where available. Where an alley is not present, vehicle access may be provided through a driveway a maximum of 20 feet wide, and with two-foot minimum planters on each side.

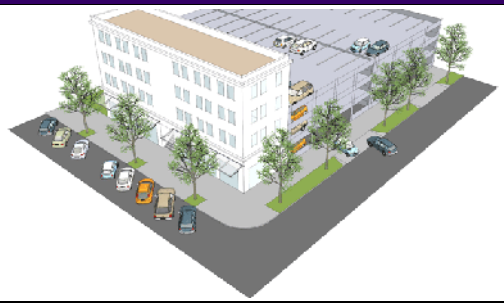
   b. Parking may be provided in a surface lot, subterranean garage, tucked-under, or a combination thereof.

   c. Where present, entrances to subterranean parking shall be located to the side or rear of the lot.

   d. Services, including all "dry" utility access, above-ground equipment, and trash containers, shall be located on the alley, where present, or at the rear of the building.

G. **Liner Building.**

Figure 0-4-307E
Illustrative Liner Building



1. *Description.* A Liner Building is designed and placed in a manner that hides a parking structure from public view. Liner buildings are shallow and oriented toward the street with no or minimal openings to the rear. The parking structure in the rear may be attached to the Liner Building, or slightly detached as required for fire separation. The Liner Building is a variation of a Mixed-Use Building with occupancy by a minimum of two different uses; uses generating visitor or customer traffic (such as retail, restaurants, personal services) shall be located on the ground floor facing the sidewalk, whereas uses generating limited pedestrian activity (such as office or residential) shall be located on upper floors.
2. *Building Size and Massing*.
    a. Buildings shall be composed of three to six stories. The building height shall be equal or greater than the height of the parking structure behind the building. Above the fourth story, all façades facing a primary streets shall step back at minimum 8 feet.
    b. Buildings on corner lots shall be designed with two façades of equal architectural expression.
    c. Façades shall be composed of increments of 25 feet or less. Increments may be created through projecting or recessing wall surfaces, changes in roofline and/or placement of piers and pilasters.
    d. Façades shall not exceed 60 feet without a vertical break from the base of the building to the roof line of at least 18 inches in width and depth, giving the building an appearance of multiple attached buildings.
3. *Primary Pedestrian Access*.
    a. Entrances to ground floor commercial space shall be located within the façade and accessed directly from the street right-of-way, with access from primary streets having priority over secondary streets, through an allowed Frontage Type.
    b. Entrances to upper story commercial space or dwelling units shall be through a street level lobby and/or corridors accessed directly from the street. Alternative entrances may be from structured or subterranean parking.
4. *Vehicle Access, Parking and Services*.
    a. Vehicular access to the parking structure shall be provided through an alley, where available, or directly from a secondary street. Direct access from a primary street shall not be permitted.
    b. Parking may be provided in a parking structure, subterranean garage, or a combination of the above.
    c. Entrances to subterranean or structured parking shall be located to the side or rear of the lot.
    d. Services, including all "dry" utility access, above-ground equipment, and trash containers, shall be located on the alley, where present, or along a secondary street. If located at a public street all equipment shall be screened from public view through landscaping and/or architectural elements.

F. **Live-Work Townhouses.**

Figure 0-4-307F
Illustrative Live-Work Townhouses

1. *Description.* The Live-Work Townhouse is a variation of the Townhouse designed to be occupied by a single dwelling unit and a single ground-floor commercial or flex space. The garage is attached or tucked-under and accessed from a rear alley.
2. *Building Size and Massing.*
   a. Buildings shall be composed of two, two and a half, or three stories, as determined by the applicable subdistrict.
   b. Façades shall have an identifiable base, middle and top.
   c. Groups of Live-Work Townhouses may consist of three to ten units.
   d. Buildings on corner lots shall be designed with two façades of equal architectural expression.
   e. Façades of individual Live-Work Townhouse units exceeding 25 feet in width shall be designed to provide at least one vertical break created through projecting or recessing wall surfaces, changes in the roofline, and/or placement of piers, pilasters or chimneys.
3. *Primary Pedestrian Access.*
   a. Entrances to ground floor commercial or flex space shall be located within the façade and accessed directly from a street right-of-way, with access from primary streets having priority over secondary streets, through an allowed Frontage Type.
   b. Entrances to each dwelling unit shall be provided through a separate street level entrance or through a foyer shared with the commercial space.
4. *Vehicle access, Parking, and Services.*
   a. Vehicular access shall be provided through an alley.
   b. Parking shall be provided in an attached or tucked-under garage located at the rear of the unit.
   c. Services, including all "dry" utility access, above-ground equipment, and trash containers, shall be located on the alley.

H. Townhouse.

Figure 0-4-307G
Illustrative Townhouses

1. *Description.* The Townhouse is a single-family unit on a narrow lot and shares common walls with one or two of the adjacent units. The garage is attached or tucked-under and accessed from a rear alley.
2. *Building Size and Massing.*
   a. Buildings shall be composed of two, two and a half, or three stories, as determined by the applicable subdistrict.
   b. Groups of Townhouses may consist of three to seven attached units.
   c. Buildings on corner lots shall be designed with two façades of equal architectural expression.
   d. Façades of individual Townhouse units exceeding 25 feet in width shall be designed to provide at least one vertical break created through projecting or recessing wall surfaces, changes in the roofline, and / or placement of piers, pilasters or chimneys.
   e. First story finished floor elevations shall be between 18 and 30 inches above the grade of adjacent sidewalks.
3. *Primary Pedestrian Access.* Entrances to each dwelling unit shall be located within the façade and accessed directly from a street right-of-way, with access from primary streets having priority over secondary streets, through an allowed Frontage Type.
4. *Vehicle Access, Parking, and Services.* Vehicular access shall be provided through an alley. Parking shall be provided in an attached or tucked-under garage located at the rear of the unit. Services, including all "dry" utility access, above-ground equipment, and trash containers, shall be located on the alley.

H. **Object Building.**

Figure 0-4-307H
Illustrative Object Building

1. *Description*. Object Buildings are designed for occupancy by public or commercial uses that provide important services to the community. An Object Building contributes significantly to the quality of a place and often is the focal point of a public open space, terminates a vista, or is placed at an otherwise prominent location. For that reason, the architectural quality of an Object Building shall exceed the quality of the surrounding buildings.
2. *Building Size and Massing*.
   a. Buildings may be designed as free standing object buildings or integrated into the urban fabric, as deemed appropriate.
   b. Object Buildings located in a public open space shall be composed of one or two stories and shall be designed with four façades of architectural quality.
   c. Object Buildings that are integrated into the urban fabric shall be consistent with the number of stories allowed or required by the height standards of the applicable subdistrict. Buildings on corner lots shall be designed with two façades of equal architectural expression.
3. *Primary Pedestrian Access*.
   a. The main entrance shall be located within the façade and accessed directly from the street right-of-way, with access from primary streets having priority over secondary streets, through an allowed Frontage Type.
   b. Pedestrian access shall be provided from at least two sides of an Object Building.
4. *Vehicle Access, Parking, and Services*.
   a. For freestanding Object Buildings in a public space:
      i. Vehicular access shall be limited to service and emergency vehicle access, provided through pedestrian walkways of sufficient width and construction.
      ii. Parking shall be provided on-street around the public space. Shared off-street parking may be provided remotely in a lot or structure.

iii. Services, including all "dry" utility access, above-ground equipment, and trash containers, shall be sufficiently screened from public view through architecture and/or landscaping.

b. For Object Buildings integrated into the urban fabric:

i. Vehicular access shall be provided through an alley, where available.

ii. Where an alley is not present, vehicle access may be provided through a driveway a maximum of 20 feet wide, and with two-foot minimum planters on each side.

iii. Parking may be provided in a garage, subterranean garage, parking structure, carport, uncovered, or a combination of any of the above.

iv. Where present, entrances to subterranean or structured parking shall be located to the side or rear of the lot.

v. Services, including all "dry" utility access, above-ground equipment, and trash containers, shall be located on the alley.

Sec. 0-4-308 Frontage Types

A. **Generally.** A building's frontage condition—the design treatment of ground floor building façade, the configuration of façade projections, and the disposition of improvements within required setbacks—strongly influences the quality and character of public streets and spaces. The standards below describe the design characteristics for permitted frontage types. The images are intended to illustrate typical conditions.

B. **Shopfront.** The shopfront frontage, permitted in the Center and General subdistricts, is the primary frontage type for buildings with ground floor retail uses. The shopfront frontage provides ground floor storefronts with large transparent windows and multiple building entries. For shopfront frontages, the ground floor façade of the building shall be no less than 70 percent glazed in clear glass and provided with an awning or canopy overlapping the sidewalk. The Shopfront façade shall be built to the property line, although partially recessed storefronts and recessed entrances are permitted. Lobby entrances and entries to individual ground floor spaces shall open directly onto public sidewalks. Thresholds at building entries shall match grade of adjacent sidewalks. *See* Figure 0-4-308A, *Illustrative Shopfront Frontage*.

Figure 0-4-308A
Illustrative Shopfront Frontage

C. **Gallery.** The gallery frontage, permitted in the Center subdistrict, is created by attaching a colonnade to a building façade built to the property line. Gallery frontages shall meet the storefront and façade design standards for shopfront frontages. Galleries typically contain ground-floor storefronts, making this frontage type ideal for retail use. Galleries may be two-story structures, providing a balcony for upper-story uses. The Gallery projects beyond the building façade into the public right-of-way and provides a covered or partially covered sidewalk alongside the façade. The Gallery frontage shall provide a minimum 8 feet of clear space between the façade and the inside of the posts or columns (walls are not allowed), and a minimum clear height of 10 feet. The space between the face of the curb and the outside face of the posts or columns shall be between 24 and 30 inches to provide sufficient room for overhanging bumpers but to discourage walking along the outside of the Gallery. *See* Figure 0-4-308B, *Illustrative Gallery Frontage*.

Figure 0-4-308B
Illustrative Gallery Frontage

D. **Forecourt.** The forecourt frontage, permitted in the Center and General subdistricts, is created by setting back a portion of the building façade, typically the middle, to create an entry square that is surrounded by building façades on three sides. Forecourts shall be at minimum 15 feet in depth and width, however, the width of a Forecourt shall not exceed one-third of the overall façade width, and the depth shall be equal to or less than the width. Forecourts may provide access to a central lobby of a larger building or may provide access to multiple users through individual entrances. Forecourt frontages shall meet the storefront and façade design standards for shopfront frontages. Forecourts may be hardscaped or landscaped, or a combination thereof, and may be elevated above the sidewalk level a maximum of 24 inches to maintain visual connectivity between the Forecourt and the public sidewalk. If elevated, steps and/or ramps shall be provided to connect the Forecourt with the adjacent sidewalk. Landscaping shall not be used to separate the Forecourt from the public sidewalk. *See* Figure 0-4-308C, *Illustrative Forecourt Frontage*.

Figure 0-4-308C
Illustrative Forecourt Frontage

E. **Dooryard.** The dooryard frontage, permitted in the Edge subdistrict, is an elevated garden or terrace within the required setback that is surrounded with low garden walls at the property lines. Garden walls shall be limited to 24 inches in height to maintain the visual connectivity between the Dooryard and the adjacent streetscapes, and the garden wall's design and materials should be compatible with the building's architecture. Steps and/or ramps shall be provided to connect the Dooryard with the adjacent sidewalk. The building's entrance shall be accessed directly from the Dooryard. If the building's ground floor use is residential, Dooryards are typically landscaped to provide additional buffer and privacy. If the ground floor use is commercial, Dooryards are typically hardscaped to provide outside seating or merchandise display areas. To create a visually continuous space along adjacent streetscapes, Dooryards shall not be fenced and landscaping shall be limited to grasses, groundcovers, shrubs up to 42 inches in height at maturity, and trees with sufficiently transparent canopies that permit views of the building façade. *See* Figure 0-4-308D, *Illustrative Dooryard Frontage*.

Figure 0-4-308D
Illustrative Dooryard Frontage

F. **Stoop.** The stoop frontage, permitted in the General and Edge subdistricts, is created with exterior stairs and landings that project beyond façades into required setbacks and provide connections between building entries and adjacent sidewalks. The exterior stair of a Stoop may be perpendicular or parallel to the sidewalk, but must leave at least 42 inches of clear sidewalk for pedestrian traffic. A Stoop's landing may be covered or uncovered. Stoops shall be raised above grade a minimum of 18 inches and a maximum of 36 inches to provide privacy for ground floor residences. A Stoop's landing shall be 4 feet minimum, 6 feet maximum in width and project beyond the building façade 4 feet minimum, 6 feet maximum. Landscaping on either side of the Stoop may be at grade or elevated, and may be demarcated by a garden wall

that shall not exceed 24 inches in height. Plants may include grasses, vines, and shrubs up to 42 inches in height at maturity. *See* Figure 0-4-308E, *Illustrative Stoop Frontage*.

Figure 0-4-308E
Illustrative Stoop Frontage

G. **Streetyard.** The streetyard frontage, permitted in the Edge subdistrict, is the frontage type that allows covered entries or stoops to project beyond façades into required setbacks. To create a visually continuous space along adjacent streetscapes, streetyards shall not be fenced, shall match the grade of adjacent sidewalks, and shall be designed with lawn, ground cover, low shrubs limited to 42 inches in height at maturity, and paved areas connecting public sidewalks to building entries. Streetyard design elements must leave at least 42 inches of clear sidewalk for pedestrian traffic. *See* Figure 0-4-308F, *Illustrative Streetyard Frontage*.

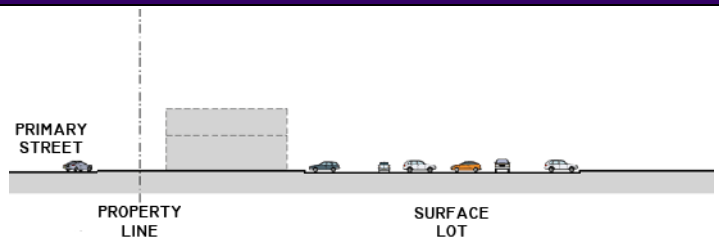
Figure 0-4-308F
Illustrative Streetyard Frontage

Sec. 0-4-309 Parking Types

A. **Generally.** The parking type standards describe the off-street parking options allowed in each subdistrict and determine their basic design requirements. Additional requirements are set forth in the subdistrict standards above. The images are intended to illustrate typical conditions. The actual design and configuration of a parking facility may vary.

B. **Surface Lot.** Surface lots provide uncovered, at-grade parking spaces. Surface lots shall be located behind the building in compliance with the subdistrict standards and shall be accessed from a rear alley or from a Secondary Street where no alley is present. Where a surface lot abuts a secondary street or alley, a landscape screen of at least 6 feet shall be located between the lot and the street or alley. In addition, one tree for every 8 parking spaces shall be provided within the surface lot.

Figure 0-4-309A
Surface Lot

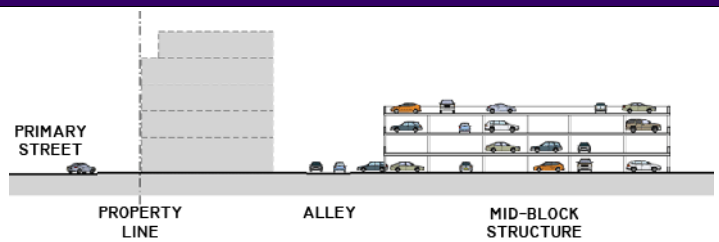


C. **Tuck-Under Parking.** Tuck-under parking provides covered and/or enclosed parking spaces located at the rear of a building in compliance with the subdistrict standards. Access to tuck-under parking shall be provided by a drive aisle in a parking lot or alley. Tuck-under parking may be combined with other parking types and works particularly well on properties that slope away from the street right-of-way.

Figure 0-4-309B
Tuck-Under Parking

D. **Mid-Block Structure.** Mid-block structures are freestanding parking structures located in the center of a larger block. Access to mid-block structures shall be provided from a rear alley or from a secondary street where no alley is present. Mid-block structures shall be set back from adjacent buildings by at least 40 feet to provide sufficient light and privacy for commercial or residential uses facing the block interior. This setback may accommodate an alley and/or rear yards.

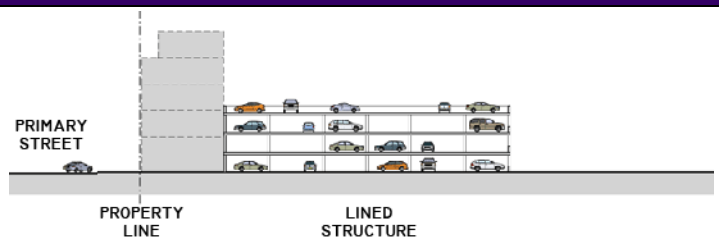
Figure 0-4-309C
Mid-Block Structure



E. **Lined Structure.** Lined structures are parking structures located behind shallow liner buildings that are oriented solely toward the street. Lined structures may be directly attached to the liner building (and may provide direct access into the building on each floor) or detached

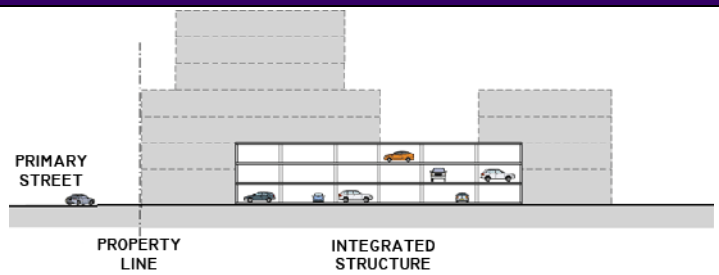
by a minimal fire separation distance. Lined structures shall be limited in height to equal or less than the height of the liner building. Access to lined structures shall be provided from a rear alley or from a secondary street where no alley is present.

Figure 0-4-309D
Lined Structure



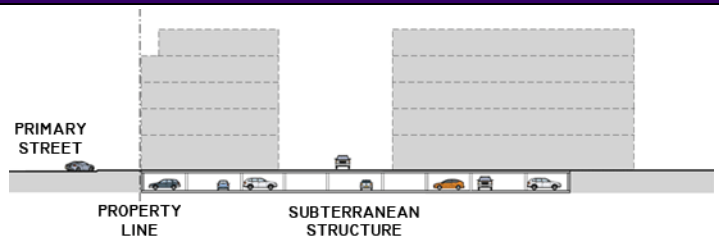
F. **Integrated Structure.** Integrated structures are parking structures located within an occupied building. Integrated structures may be fully or partially integrated in compliance with the subdistrict standards. Access to an integrated structure shall be provided directly from a secondary street or an alley, where present. Integrated structures may provide direct access into the building on each floor.

Figure 0-4-309E
Integrated Structure



G. **Subterranean Structure.** Subterranean structures are parking structures located below grade in compliance with the subdistrict standards. Access to a subterranean structure shall be provided by ramps accessible directly from a secondary street or an alley, and may be secured by bay doors. Subterranean structures may be combined with other above-ground parking types.

Figure 0-4-309F
Subterranean Structure

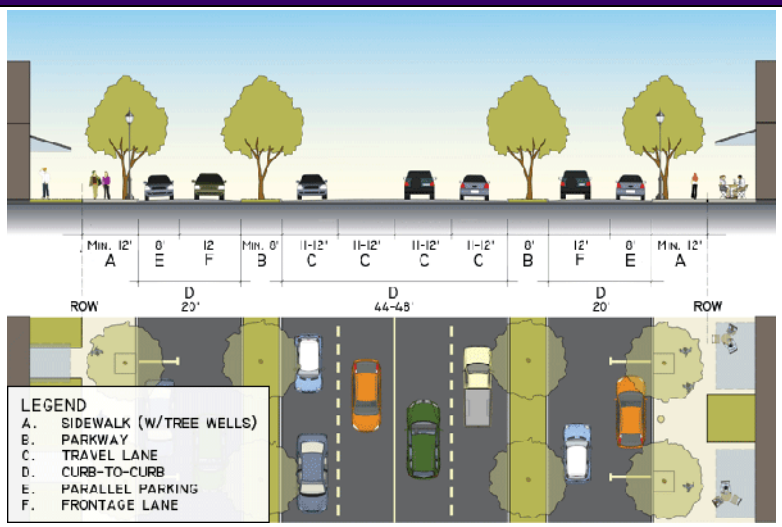


Sec. 0-4-310 Street Types

A. **Generally.** This section provides standards for the street types that may be located in the AUC-4. Illustrations in this section show a cross-section and plan view for each street type. Unless otherwise stated, dimensions are the maximums permitted. Development outside the right-of-way is shown as a typical condition and may vary.

B. **Boulevard.** Boulevards are intended to provide high traffic capacity at moderate speeds. Frontage lanes for local access and on-street parking on one or both sides are separated from the through lanes by planted parkways. The frontage lanes allow the boulevard to function as a primary street lined with retail uses supported by the on-street parking. Boulevards may also be configured as secondary streets where the frontage lanes primarily provide local access to perpendicular primary streets. *See* Figure 0-4-310A, *Boulevard*.

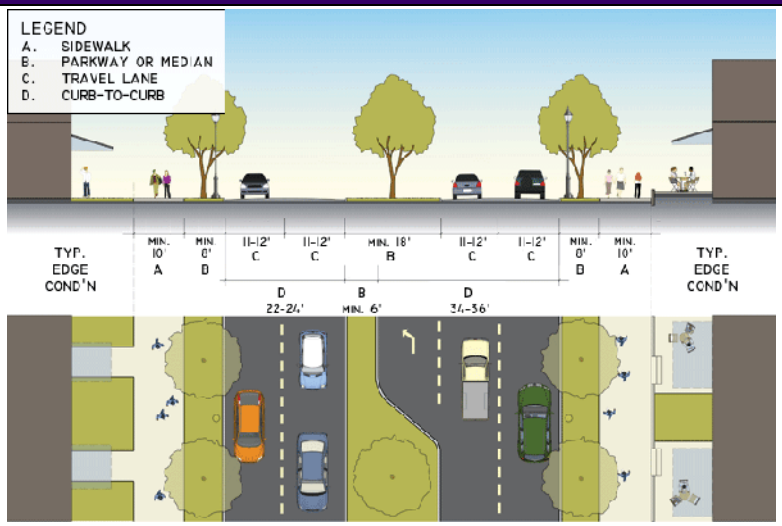
Figure 0-4-310A
Boulevard



C. **Avenue.** Avenues are streets that feature a landscaped center median separating the travel lanes. An alternative to the center turn lane, the center median combines access control with the opportunity to integrate attractive landscaping into the streetscape. If sufficiently wide, the median can also provide pedestrian refuges at crosswalks. Avenues may serve as through streets or local streets, depending on their configuration. Avenues 1 and 2 below are designed to serve as through streets, while Avenues 3 and 4 are designed to serve local traffic only.

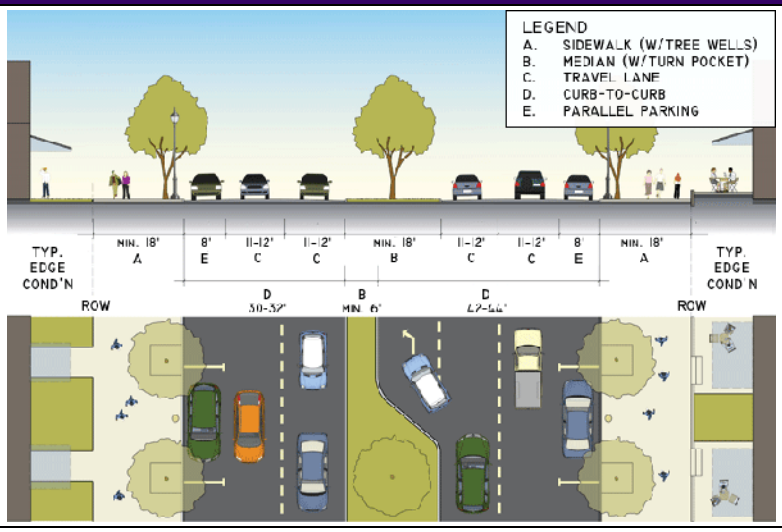
1. *Avenue 1.* Avenue 1 is designed as a multi-lane street, primarily intended to provide a high-capacity roadway for traffic traversing the AUC-4. Pedestrians are accommodated on curb-separated sidewalks, buffered from moving traffic by a landscaped parkway with street trees. Avenue 1 may be applied to primary or secondary streets, or may change its character as the context changes. This street type does not lend itself to adjacent retail uses due to the lack of on-street parking. *See* Figure 0-4-310B, *Avenue 1.*

Figure 0-4-310B
Avenue 1



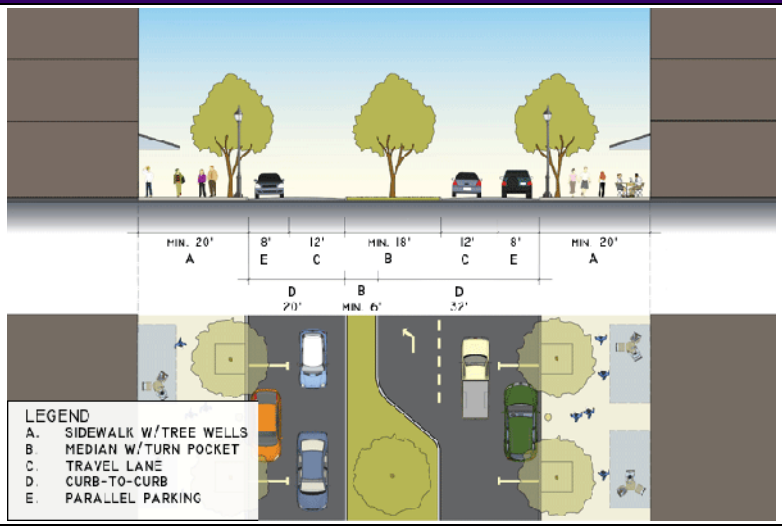
2. *Avenue 2.* Avenue 2 is designed as a multi-lane through street similar to Avenue 1. While it is intended as a high-capacity roadway for traffic traversing the AUC-4, it also provides on-street parking that helps support commercial uses fronting the street. Pedestrians are accommodated on wide sidewalks with street trees planted in tree wells. Avenue 2 is designed as a primary street. As the character of the context changes the street could transition to a secondary street with an Avenue 1 cross-section. *See* Figure 0-4-310C, *Avenue 2.*

Figure 0-4-310C
Avenue 2



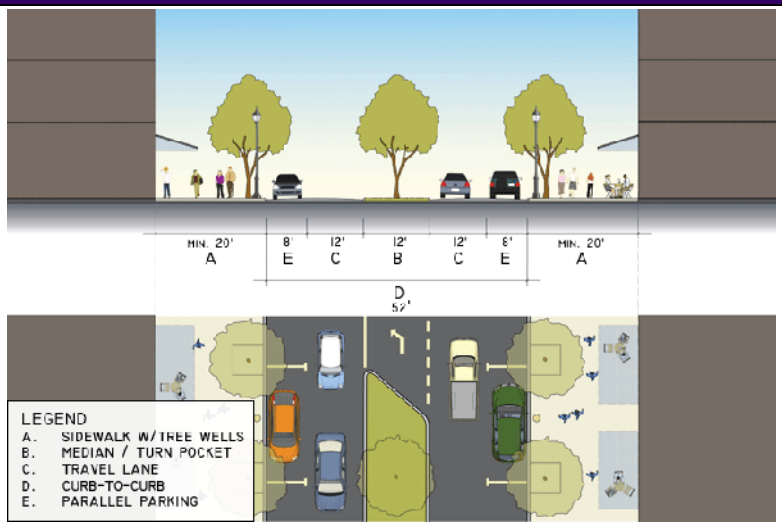
3. *Avenue 3.* Avenue 3 is a primary street intended to foster a pedestrian-oriented environment with active ground-floor retail and restaurant uses. Avenue 3 serves slow-moving local traffic accessing businesses and residences within the AUC-4 and provides on-street parking. A wide landscaped center median provides the opportunity for attractive landscaping and public art, and allows for pedestrian refuges at crosswalks. Wide sidewalks accommodate street trees, street furniture, and outdoor seating. Avenue 3 is lined with façades and entrances that activate the street. *See* Figure 0-4-310D, *Avenue 3.*

Figure 0-4-310D
Avenue 3



4. *Avenue 4.* Similar to Avenue 3, Avenue 4 is a primary street intended to foster a pedestrian-oriented environment with active ground-floor retail and restaurant uses. Avenue 4 serves slow-moving local traffic accessing businesses and residences within the district and provides on-street parking. The center lane is designed to alternatively provide left turn pockets or a landscaped median. Wide sidewalks accommodate street trees, street furniture, and outdoor seating. Avenue 4 is lined with façades and entrances that activate the street. *See* Figure 0-4-310E, *Avenue 4.*

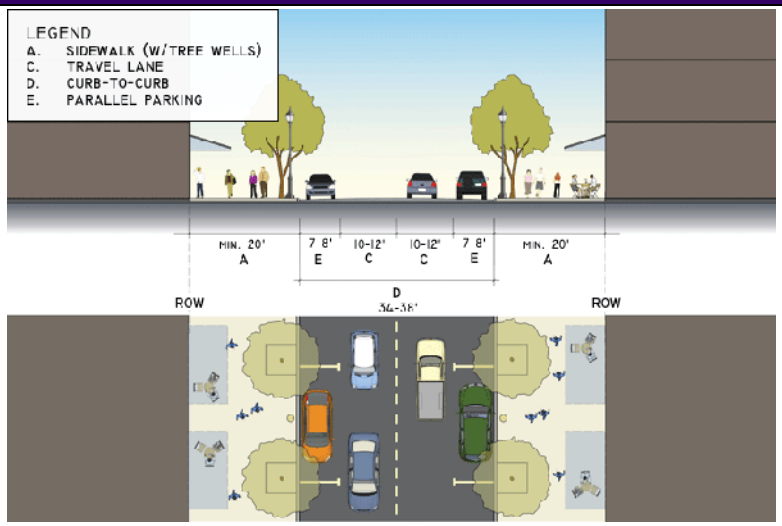
Figure 0-4-310E
Avenue 4



D. **Commercial Street.** Commercial streets are primarily intended to foster a pedestrian-oriented environment with active ground-floor retail and restaurant uses. Commercial streets are primary streets lined with entrances and are designed with on-street parking and wide sidewalks with street trees, street furniture, and outdoor seating. In order to support viable retail, on-street parking is an integral element of commercial streets. Commercial streets serve slow-moving local traffic accessing businesses and residences within the AUC-4. Two variations of the type are described below.

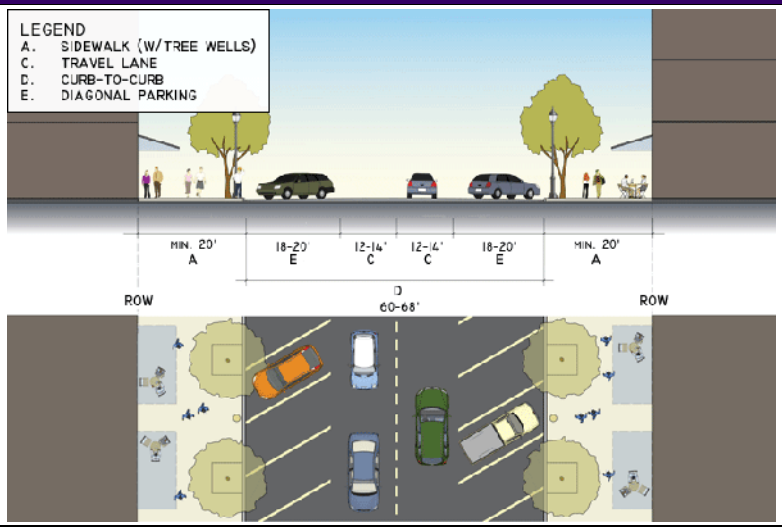
1. *Commercial Street 1.* Commercial Street 1 provides parallel on-street parking. *See* Figure 0-4-310F, *Commercial Street 1.*

Figure 0-4-310F
Commercial Street 1



2. *Commercial Street 2.* Commercial Street 2 provides diagonal, on-street parking. This variation allows for a significant amount of parking in front of adjacent retail and restaurant uses without compromising the quality of the streetscape. *See* Figure 0-4-310G, *Commercial Street 2.*

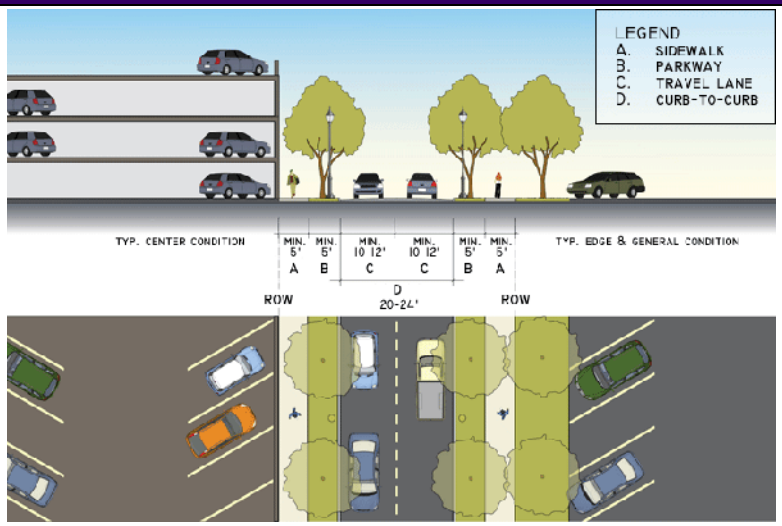
Figure 0-4-310G
Commercial Street 2



E. **Commercial Lane.** Commercial lanes are intended to provide secondary vehicular and pedestrian circulation. While pedestrians are accommodated, the primary purpose of commercial lanes is local, vehicular access to parking areas on individual properties. Commercial lanes are secondary streets and have less stringent frontage requirements than commercial streets. The side or rear elevations of buildings as well as parking structures and lots may be exposed to commercial lanes. On-street parking may be accommodated on commercial lanes, but is not required. The following are acceptable variations of the commercial lane.

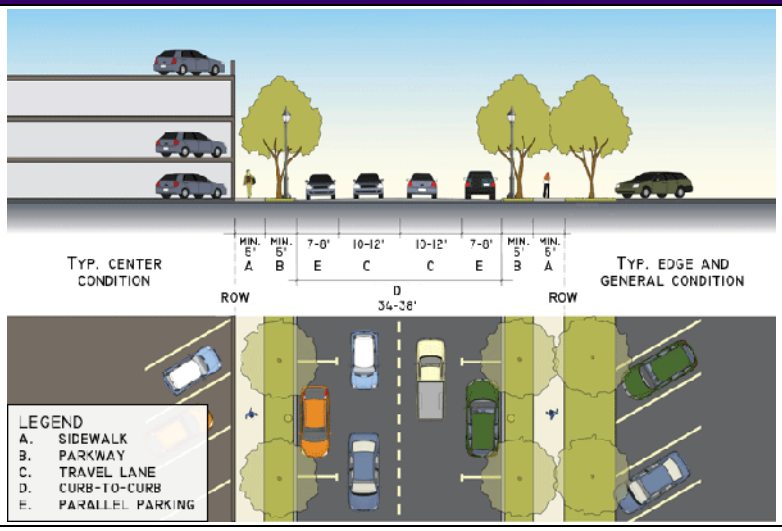
1. *Commercial Lane 1.* Commercial Lane 1 is a variation of the commercial lane without on-street parking. The primary purpose of this street is secondary circulation and access. *See* Figure 0-4-310H, *Commercial Lane 1*

Figure 0-4-310H
Commercial Lane 1



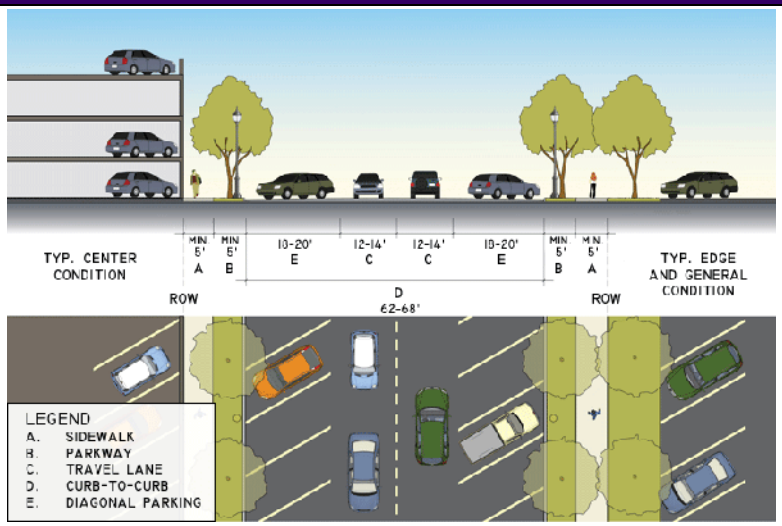
2. *Commercial Lane 2.* Commercial Lane 2 is a variation of the commercial lane with parallel, on-street parking. This street provides secondary circulation and access as well as additional street parking. *See* Figure 0-4-310I, *Commercial Lane 2*

Figure 0-4-310I
Commercial Lane 2



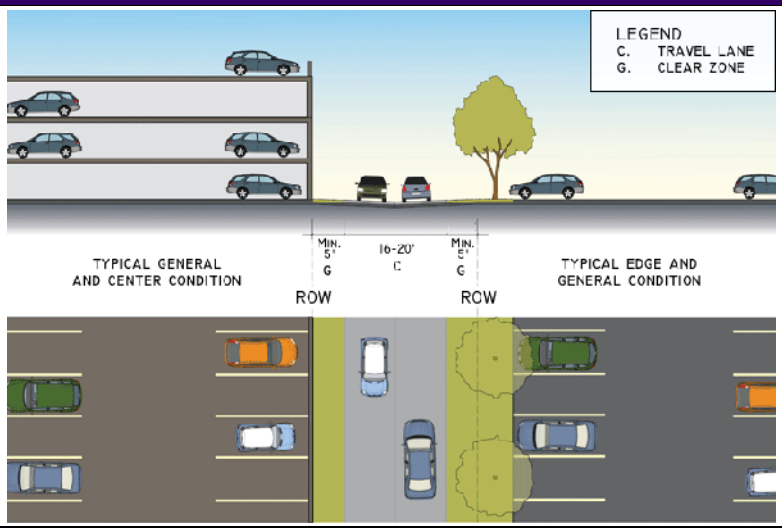
3. *Commercial Lane 3.* Commercial Lane 3 is a variation of the commercial lane with diagonal, on-street parking. This street provides secondary circulation and access in addition to a significant amount of on-street parking. This configuration achieves parking yields similar to an off-street parking lot while maintaining the integrity and walkability of the urban street grid. *See* Figure 0-4-310J, *Commercial Lane 3.*

Figure 0-4-310J
Commercial Lane 3



F. **Alley.** Alleys are primarily intended to provide mid-block vehicular access to parking areas on individual properties. Alleys may be located within public rights-of-way or on access easements within private parcels. Parking structures and lots shall be accessed directly from an alley where present. Parking within the alley right-of-way or easement is prohibited. Alleys are designed with a two-way, paved travel lane. A clear zone of at least 5 feet shall be provided on both sides of the travel lane to accommodate sufficient vehicle back-out space. The clear zones shall be free of vertical obstructions and may consist of groundcover or enhanced pavement. *See* Figure 0-4-310K, *Alley*.

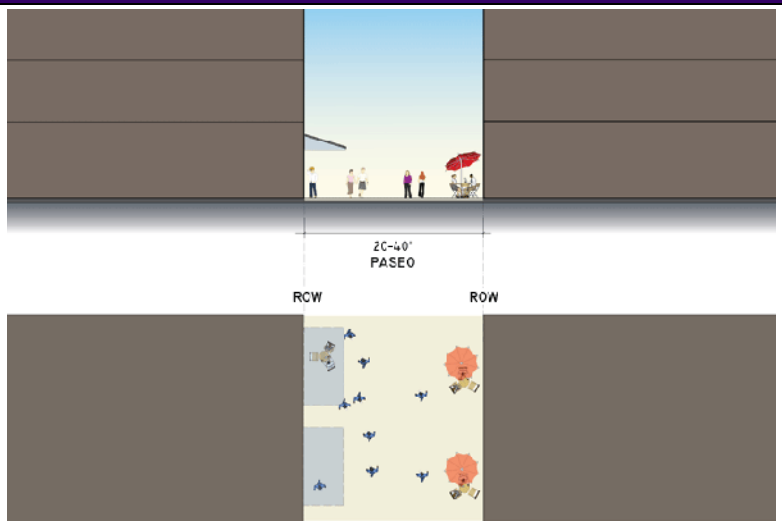
Figure 0-4-310K
Alley



G. **Paseo.** Paseos are mid-block pedestrian connections that occur within large blocks and provide a finer-grained pedestrian network. Paseos also provide pedestrian access to parking areas behind the buildings. The following types are acceptable variations of the paseo.

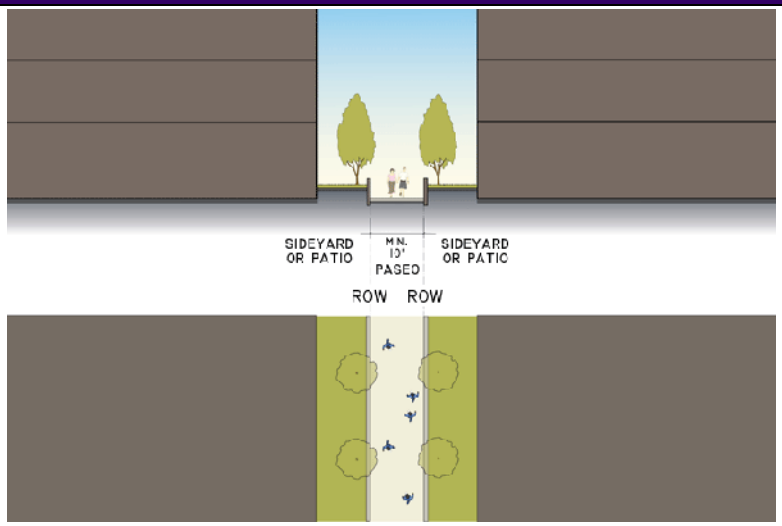
1. *Paseo 1.* Paseo 1 is intended primarily for locations with gound-floor retail or restaurant uses. Frontages shall wrap the corner and shall provide openings at the paseo side. Awnings, trees, outdoor seating, and other furnishings may project into the paseo. However, a pedestrian throughway of at least 10 feet clear of any obstructions shall be maintained. *See* Figure 0-4-310L, *Paseo 1.*

Figure 0-4-310L
Paseo 1



2. *Paseo 2.* Paseo 2 is intended primarily for locations with ground-floor office or residential uses. Sideyards and/or patios for ground floor uses shall be provided on both sides of the paseo, separated by low landscape walls. The sideyard or patio areas may be raised above the paseo grade up to three feet to provide privacy for ground-floor uses. *See* Figure 0-4-310M, *Paseo 2.*

Figure 0-4-310M
Paseo 2



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Article 5 Parking and Loading

Division 5-1 Purpose and Application of Article

Sec. 0-5-101 Purpose of Article

A. **Generally.** The purpose of this Article is to ensure that:

1. Adequate off-street motor vehicle and bicycle parking is provided for uses that are permitted by this LDC;
2. Sufficient motor vehicle parking is provided in nonresidential areas that are near residential neighborhoods, so that the character and quality of life in the residential neighborhoods are protected from overflow parking;
3. The sharing of off-street parking spaces among uses that have different peak parking demands allows for a reduction in the number of parking spaces that are required to serve mixed-use development;
4. Adequate loading areas and (where appropriate) stacking areas are provided that do not interfere with the function of other vehicular use areas; and
5. Vehicular use areas are designed and lighted to promote public safety without creating undue light pollution and glare.

B. **Parking Reductions.** In addition to parking requirements that provide for convenience, neighborhood protection, and mobility, this Article provides several ways to reduce the number of parking spaces that are required for development in order to promote the effcient use of land, and reduce the expanse of paved areas.

C. **Residents and Visitors with Disabilities**. It is also the purpose of this Article to provide parking and accessible routes for disabled individuals in accordance with the Americans with Disabilities Act Accessibility Guidelines, as may be amended from time to time.

Sec. 0-5-102 Application of Article

A. **Generally.** This Section describes how the sections of Article 5, *Parking and Loading*, are applied, and how they relate to other provisions of this LDC.

B. **Number of Required Parking and Loading Spaces.** The number of parking and loading spaces that must be provided for a proposed development is calculated as provided in Division 5-2, *Parking and Loading Calculations*. Section 0-5-201, *Calculation of Required Parking Spaces*, establishes the methodology for calculating the number of required parking spaces, including measurement of independent variables and application of available credits and reductions that are allowed by Section 0-5-205, *Parking Credits and Reductions*, and Section 0-5-206, *Shared Parking*.

C. **Bicycle Parking.** Bicycle parking is required as set out in Section 0-5-207, *Bicycle Parking*.

D. **Stacking Spaces.** Stacking for drive-through uses, deceleration lanes, and parking lot ingress areas is required according to the standards in the *Infrastructure Design Manual*.

E. **Design of Parking and Loading Areas.** The size and configuration of parking and loading spaces shall be as set out in Division 5-3, *Parking and Loading Design* and the *Infrastructure Design Manual.* Parking and loading areas may also be subject to supplemental nonresidential and mixed-use standards in Division 3-8, *Supplemental Nonresidential and Mixed-Use Development Standards*.

F. **Surfacing, Use, and Maintenance of Parking and Loading Areas.** Standards for the surfacing, use, and maintenance of parking and loading areas are set out in Division 5-4, *Use and Maintenance of Parking Areas*. Additional design standards are set out in Division 3-8, *Supplemental Nonresidential and Mixed-Use Development Standards*. Standards that apply to temporary uses in parking and loading areas are set out in Article 2, *Districts and Use Standards*.

G. **Truck Routing.** Some uses that involve heavy truck traffic require a truck routing plan as part of the application for development approval. The standards for such plans are set out in Division 5-5, *Truck Routing Plans*.

Division 5-2 Parking and Loading Calculations

Sec. 0-5-201 Calculation of Required Parking Spaces

A. **Generally.** The standards of this Section are used to calculate how many parking spaces are required to serve a proposed development.

B. **Calculations.** The number of parking spaces that are required for a development relates to one or more independent variables, such as floor area, seating capacity, projected full time equivalent employees, number and type of dwelling units, and so forth.

1. *Measurements*. The independent variables shall be measured as follows:

   a. Floor Area: Where the number of parking spaces in Section 0-5-202, *Required Parking and Loading Spaces*, is calculated based on the floor area of the use, or floor area put to a specified aspect of the use, the measurement of floor area shall not include restrooms, utility rooms (electrical and phone rooms, trash rooms, and custodial closets), elevator cores, and areas of commercial and institutional uses that are designed and used exclusively for incidental storage.

   b. Seats: One seat is equal to:

      i. One fixed seat;

      ii. Two linear feet of bench seating; or

      iii. 15 square feet of floor area used for temporary seating.

   c. Capacity:

      i. Seating capacity shall be measured pursuant to the requirements of the applicable fire code.

      ii. Number of beds shall be measured by the design capacity of an institutional residential or nursing home use.

d. Employees:

i. "Employees on Maximum Shift" refers to the largest projected number of employees that will be present at the use at one time during normal business operations.

ii. "FTEs" refers to the total number of full-time equivalent employees who are projected to work at the use.

2. *Calculations*. The number of required parking spaces is calculated according to the formulae set out in Section 0-5-202, *Required Parking and Loading Spaces*, and then adjusted as follows:

a. First, according to the standards of Section 0-5-205, *Parking Credits and Reductions*, if applicable; and

b. Second, according to the standards of Section 0-5-206, *Shared Parking*, if applicable.

3. *Rounding*. If the final calculation of the number of required parking spaces includes a fractional space, the number of required parking spaces is rounded up to the nearest whole number, regardless of the fraction.

C. **Multiple Nonresidential Uses.** If several nonresidential uses occupy a single parcel or building, the off-street parking and loading requirements shall be the cumulative total for all uses, unless:

1. The uses are of different categories, such that the standards of Section 0-5-206, *Shared Parking*, apply; or

2. The uses are in a center with multiple retail, service, or restaurant tenants, which shall be classified cumulatively as "shopping center" for the purposes of parking requirements. *See* Section 0-5-202, *Required Parking and Loading Spaces*, subsection C.

Sec. 0-5-202 Required Off-Street Parking and Loading Spaces

A. **Residential Uses.** Required off-street parking and loading for residential uses are set out in Table 0-5-202A, *Residential Parking and Loading Requirements*. Parking requirements for residential and predominately residential neighborhood types (*see* Section 0-2-302, *Residential, Home, and Institutional Uses*) are based on the individual uses in the neighborhood. There are no additional parking requirements for home uses unless specified in Division 2-4, *Limited and Conditional Use Standards*, for the home use that is proposed.

Table 0-5-202A
Residential Parking and Loading Requirements

Use	Required Off-Street Parking Spaces	Required Loading Spaces
Single-Family, Manufactured Home, and Group Home	2 spaces per dwelling unit	NA
Single-Family Attached and Manufactured Homes in a Manufactured Home Park or Subdivision	2 spaces per dwelling unit + 1 guest space per 4 dwelling units	NA

Table 0-5-202A Residential Parking and Loading Requirements		
Use	**Required Off-Street Parking Spaces**	**Required Loading Spaces**
Multiplex and Multifamily	1.5 spaces per studio or 1 bedroom dwelling unit + 2 spaces per 2 or 3 bedroom dwelling unit + 2.5 spaces per 4 bedroom dwelling unit + 1 guest space per 4 dwelling units	1 space per 30 dwelling units in a vertically mixed-use building; not required in other configurations
Live-Work Units	3 spaces per dwelling unit	NA
Any housing type used to provide independent living arrangements in a continuing care neighborhood	1 space per dwelling unit + 1 guest space per 3 dwelling units	NA

B. **Institutional Uses.** Required parking and loading for institutional uses are set out in Table 0-5-202B, *Institutional Parking and Loading Requirements*.

Table 0-5-202B Institutional Parking and Loading Requirements		
Use	**Required Off-Street Parking Spaces**	**Required Loading Spaces**
Assisted Living Facilities / Congregate Care: **Assisted Living Facilities**	1 space per 3 dwelling units; or If not configured as dwelling units, 1 space per 3 bedrooms	1 space per building with common dining facilities
Assisted Living Facilities / Congregate Care: **Congregate Care**	1 space per 2 dwelling units; or If not configured as dwelling units, 1 space per 2 bedrooms	1 space per building with common dining facilities
Nursing Home	1 space per 2 beds	2 spaces
Cemetery	Greater of: The sum of 1 space per 100 sf. of indoor assembly space + 3 spaces per 1,000 sf. of office floor area; or 20 spaces per acre of grave sites	1 space
College / University / Vo-Tech	1 space per FTE + 1 space per 50 sf. of classroom floor area	1 space per building with a floor area of 50,000 sf. or greater
Hospital	The greater of: 15 spaces per 2 beds; or 1 space per 2 FTEs + 2 spaces per bed + 5 spaces for loading and unloading	1 space per 40,000 sf. of floor area
Clinic	1 space per 200 sf. of floor area	1 space
Medical Laboratory	1 space per 250 sf. of floor area	1 space
Institutional Residential	3 spaces per bedroom + 1 space per employee on maximum shift	1 space per 20 bedrooms
Place of Public Assembly: **Generally** (not specified below)	1 space per three seats in main auditorium; or, if there is no main auditorium, 1 space per 100 square feet of floor area used for public assembly within the building	1 space per 40,000 sf. of floor area
Place of Public Assembly: **Day Care Center**	1 space per FTE + 1 space per 1st 24 students + 1 space per 12 students thereafter	NA
Place of Public Assembly: **Preschool**	1 space per FTE + 1 space per 5 students + 5 spaces for loading and unloading	NA

Table 0-5-202B Institutional Parking and Loading Requirements		
Use	**Required Off-Street Parking Spaces**	**Required Loading Spaces**
Place of Public Assembly: **Elementary School**	1 space per FTE + 1 space per 5 seats in auditorium or assembly area	1 space per 40,000 sf. of floor area
Place of Public Assembly: **Middle School**	The greater of: 1 space per 10 students; or 1 space per 5 seats in auditorium or assembly area	1 space per 40,000 sf. of floor area
Place of Public Assembly: **High School**	Special Study (see Sec. 0-5-204, *Special Studies*)	Special Study (see Sec. 0-5-204, *Special Studies*)
Place of Public Assembly: **Library or Museum**	1 space per 300 sf. of floor area	1 space per 75,000 sf. of floor area
Private Club Without Food Service	1 space per 125 sf. of floor area	1 space
Private Club With Food Service	1 space per 125 sf. of floor area not used for dining + 1 space per 75 sf. of floor area used for food service (including dining areas and food preparation areas)	1 space
Police Station	1 space per 250 sf. of floor area	NA if building is less than 40,000 sf. of floor area; 1 space per 60,000 sf. of floor area if use is larger than 40,000 sf.
Fire Station	4 spaces per emergency vehicle bay + 1 space per 100 sf. of public meeting area	NA
Post Office	1 space per 300 sf. of floor area + 1 space for each stored postal vehicle	1 space per 20,000 sf. of floor area
Protective Care: **Generally** (not listed below)	2 spaces per 1,000 sf. of floor area	1 space per 30 beds
Protective Care: **Jail or Prison**	2 spaces per 1,000 sf. of floor area	1 space per 30 beds
Protective Care: **Work Release**	3 spaces per 1,000 sf. of floor area	1 space
Protective Care: **Psychiatric Hospital**	3 spaces per 1,000 sf. of floor area	1 space per 30 beds

C. **Commercial Uses.** Required parking and loading for commercial uses are set out in Table 0-5-202C, *Commercial Parking and Loading Requirements*.

Table 0-5-202C Commercial Parking and Loading Requirements		
Use	**Required Off-Street Parking Spaces**	**Required Loading Spaces**
Agricultural Support and Other Rural Services	3 spaces per 1,000 sf. of floor area	1 space
Alcoholic Beverage Sales: **Bar**	1 space per 50 sf. of floor area	1 space
Alcoholic Beverage Sales: **Package Sales**	3 spaces per 1,000 sf. of floor area	1 space per 20,000 sf. of floor area
Bed and Breakfast	1 space per guest room	NA
Commercial Lodging: **Generally** (not listed below)	1 space per guest room + 1 space per employee on maximum shift + 1/2 of required parking for accessory retail, restaurant, and alcoholic beverage sales uses	1 space per 20,000 sf. of floor area

Table 0-5-202C Commercial Parking and Loading Requirements		
Use	**Required Off-Street Parking Spaces**	**Required Loading Spaces**
Commercial Lodging: **Convention Center Hotel**	1.2 spaces per guest room + 1 space per 100 sf. of meeting area + 1/2 of required parking for accessory retail, restaurant, and alcoholic beverage sales uses	1 space per 20,000 sf. of floor area
Commercial Retail: **Generally** (not listed below)	1 space per 250 sf. of floor area	1 space per 25,000 sf. of floor area
Commercial Retail: **Food or Electronics**	1 space per 250 sf. of floor area	1 space per 15,000 sf. of floor area
Heavy Retail: **Generally** (not specified below)	1 space per 300 sf. of sales area + 1 space per 1,000 sf. of warehouse area + 1 space per employee on maximum shift	1 space per 10,000 sf. of floor area
Heavy Retail: **Lumberyard, Home Center**	1 space per 250 sf. of floor area in principal sales building	1 space per 10,000 sf. of floor area
Kennel	1 space per 400 sf. of floor area	1 space if use is larger than 10,000 sf.
Light Automobile Service / Gas Station	1 space per employee on maximum shift + 3 spaces per service bay or fueling stall	1 space
Office: **General and Professional**	3 spaces per 1,000 sf. of floor area + 1 space per company vehicle stored on-site	1 space per 33,000 sf. of floor area
Office: **Financial Institution**	1 space per 250 sf. of floor area	1 space per 33,000 sf. of floor area
Office: **Call Center**	7 spaces per 1,000 sf. of floor area	1 space per 33,000 sf. of floor area
Office: **Medical Office**	1 space per 250 sf. of floor area	1 space per 33,000 sf. of floor area
Restaurant: **No Drive-In or Drive-Through**	The greater of: 2 spaces per 3 seats; or 1 space per 40 sf. of floor area	1 space
Restaurant: **Drive-In or Drive-Through**	1 space per 66 sf. of floor area	1 space
Services: **Commercial and Personal, Generally** (not listed below)	3 spaces per 1,000 sf. of floor area	1 space if use is larger than 10,000 sf.
Services: **Commercial and Personal, Beauty Parlor, Barber Shop, or Nail Salon**	3 spaces per operator + 1 space per employee on maximum shift	NA
Shopping Center	1 space per 200 sf. of floor area	1 space for each use larger than 25,000 sf.; service entrances required for all tenants unless over-the-curb loading is approved (UC and AC districts only, *see* Section 0-3-807, *Loading, Truck Access, and Solid Waste Collection*)
Vehicle Sales, Rental, and Service: **Vehicle Sales**	1 space per 1,000 sf. of vehicle display area + 1 space per employee on maximum shift	1 space per showroom + 1 space per service building
Vehicle Sales, Rental, and Service: **Vehicle Rental**	1 space per employee on maximum shift + 1 space per 5 rental vehicles stored on site + 1 space per rental vehicle stored on-site	NA
Vehicle Sales, Rental, and Service: **Vehicle Service**	5 spaces per service bay	1 space per building
Vehicle Wash	1 space per employee on maximum shift + 2 spaces per bay or stall	1 space
Veterinarian (Dogs, Cats, Exotic Pets)	1 space per 400 sf. of floor area	NA

D. **Recreation and Amusement Uses.** Required parking and loading for recreation and amusement uses are set out in Table 0-5-202D, *Recreation and Amusement Parking and Loading Requirements*.

Table 0-5-202D Recreation and Amusement Parking and Loading Requirements		
Use	**Required Off-Street Parking Spaces**	**Required Loading Spaces**
Indoor Commercial Amusement: **Generally** (not specified below)	6 spaces per 1,000 sf. of floor area	1 space
Indoor Commercial Amusement: **Bowling Alley**	5 spaces per lane	1 space
Indoor Commercial Amusement: **Pool Rooms**	7 spaces per 1,000 sf. of floor area + 3 spaces per pool table	1 space
Indoor Commercial Amusement: **Indoor Arenas, Movie Theaters**	1 space per 3 seats + 1 space per employee on maximum shift	1 space
Indoor Commercial Amusement: **Skating Rinks, Indoor Playgrounds**	1 space per 250 sf. of floor area	1 space
Outdoor Commercial Amusement: **Generally** (not specified below)	Special Study (see Sec. 0-5-204, *Special Studies*)	Special Study (see Sec. 0-5-204, *Special Studies*)
Outdoor Commercial Amusement: **Outdoor Arenas**	1 space per 3 seats	1 space per 2 acres of arena
Outdoor Commercial Amusement: **Amusement Parks**	Special Study (see Sec. 0-5-204, *Special Studies*)	Special Study (see Sec. 0-5-204, *Special Studies*)
Indoor Recreation	1 space per 2 persons of design capacity	1 space if use is larger than 10,000 sf.
Outdoor Recreation: **Active Recreation** (all active recreation not specified below)	12 spaces per acre	NA
Outdoor Recreation: **Day Camp**	1 space per FTE + 1 space per 3 clients	1 space per bus
Outdoor Recreation: **Golf Course**	2 spaces per hole + 1 space per employee on maximum shift	1 space
Outdoor Recreation: **Driving Range or Miniature Golf**	3 spaces per platform or hole + 1 space per employee on maximum shift	1 space
Outdoor Recreation: **Playgrounds**	12 spaces per acre	NA
Outdoor Recreation: **Swimming Pool**	1 space per 100 sf. of swimming pool (surface of water)	NA
Outdoor Recreation: **Tennis Courts**	Greater of: 7 spaces per 2 courts; or 2 spaces per court + 1 space per employee on maximum shift	NA
Outdoor Recreation: **Athletic Fields**	1 space per 4 seats of spectator seating + 30 spaces per athletic field	NA
Outdoor Recreation: **Passive Recreation**	5 spaces per acre	NA
Sexually-Oriented Businesses Without Food Service	Greater of: 4 spaces per 5 seats; or 1 space per 250 sf. of floor area	1 space
Sexually-Oriented Businesses With Food Service	1 space per 50 sf. of floor area	2 spaces

E. **Industrial Uses.** Required parking and loading for industrial uses are set out in Table 0-5-202E, *Industrial Use Parking and Loading Requirements*.

Table 0-5-202E Industrial Use Parking and Loading Requirements		
Use	**Required Off-Street Parking Spaces**	**Required Loading Spaces**
Disposal	5 spaces per 4 disposal vehicles	1 space per disposal vehicle
Waste Transfer Stations	5 spaces per 4 disposal vehicles	1 space per disposal vehicle
Extraction	1 space per employee on maximum shift	1 space per extraction vehicle
Heavy Industry	Special Study (see Sec. 0-5-204, *Special Studies*)	Special Study (see Sec. 0-5-204, *Special Studies*)
Light Industry and Wholesale: **Manufacturing, Processing, or Assembly**	Greater of: 1.5 spaces per 1,000 sf.of floor area; or 1 space per employee on maximum shift	Greater of: 1 space per 20,000 sf. of floor area; or 1 space per loading bay
Light Industry and Wholesale: **Laboratories, Research and Development, Testing**	Greater of: 1 space per 300 sf. of floor area; or 1 space per employee on maximum shift	Greater of: 1 space per 20,000 sf. of floor area; or 1 space per loading bay
Light Industry and Wholesale: **Wholesale**	1 space per 400 sf. of retail, wholesale, and office area + 1 space per 1,000 sf. of other floor area + 1 space per loading dock	Greater of: 1 space per 20,000 sf. of floor area; or 1 space per loading bay
Salvage or Composting	Special Study (see Sec. 0-5-204, *Special Studies*)	Special Study (see Sec. 0-5-204, *Special Studies*)
Utilities, Community	Special Study (see Sec. 0-5-204, *Special Studies*)	Special Study (see Sec. 0-5-204, *Special Studies*)
Utilities, Neighborhood	1 space (may be grass pavers)	NA
Commercial Warehousing and Logistics	1 space per 400 sf. of retail, wholesale, and office area + 1 space per 1,000 sf. of other floor area + 1 space per loading dock	Greater of: 1 space per 20,000 sf. of floor area; or 1 space per loading bay
Storage Yard	5 spaces per acre	1 space per acre

F. **Agricultural Uses.** Required parking and loading for agricultural uses are set out in Table 0-5-202F, *Agricultural Use Parking and Loading Requirements*.

Table 0-5-202F Agricultural Use Parking and Loading Requirements		
Use	**Required Off-Street Parking Spaces**	**Required Loading Spaces**
Agriculture	2 spaces per dwelling unit used as a farm residence	NA
Commercial Stables	3 spaces per 1,000 sf. of office floor area + 1 space per 3 stalls	1 space per 20 stalls
Nursery or Greenhouse: **Wholesale Only**	3 spaces per 1,000 sf. of office or sales floor area + 10 spaces per acre of outdoor nursery area	2 spaces per 5 acres
Nursery or Greenhouse: **Retail**	1 space per 250 sf. of enclosed floor area + 15 spaces per acre of outdoor nursery area	3 spaces per 5 acres
Veterinarian, Horses and Other Livestock	3 spaces per 1,000 sf. of floor area	1 space

G. **Special Uses.** Required parking and loading for special uses are set out in Table 0-5-202G, *Special Use Parking and Loading Requirements*.

Table 0-5-202G Special Use Parking and Loading Requirements		
Use	**Required Off-Street Parking Spaces**	**Required Loading Spaces**
Airports	Special Study (see Sec. 0-5-204, *Special Studies*)	Special Study (see Sec. 0-5-204, *Special Studies*)
Helistop	2 spaces	NA
Parking and Multimodal Transit Facilities: **Stand Alone Parking Lot**	NA	NA
Parking and Multimodal Transit Facilities: **Multimodal Transit Facilities**	Special Study (see Sec. 0-5-204, *Special Studies*)	Special Study (see Sec. 0-5-204, *Special Studies*)
Self-Storage	1 space per 25 storage units + 1 space per employee on maximum shift + 1 space per bedroom of any on-site caretaker residence	NA

H. **Wireless Telecommunication Facilities.** Required parking and loading for wireless telecommunication facilities are set out in Table 0-5-202H, *Wireless Telecommunication Facilities Parking and Loading Requirements*.

Table 0-5-202H Wireless Telecommunication Facilities Parking and Loading Requirements		
Use	**Required Off-Street Parking Spaces**	**Required Loading Spaces**
Attached Communications Facility	NA	NA
Freestanding Communications Facility, Any Type	1 spaces + 1 space per tower (all spaces may be grass pavers)	NA

I. **Temporary Uses.** Required parking and loading for temporary uses are set out in Table 0-5-202I, *Temporary Use Parking and Loading Requirements*.

Table 0-5-202I Temporary Use Parking and Loading Requirements		
Use	**Required Off-Street Parking Spaces**	**Required Loading Spaces**
Commercial Outdoor Sales Event	NA	NA
Farm Stand	8 spaces	NA
Seasonal Sales	15 spaces	1 space
Sidewalk Sales and Farmers' Markets AC District, UC District, or TND Development	NA	NA
Sidewalk Sales and Farmers' Markets All Other Districts Where Permitted	1 space per 125 sf. of area within booths	1 space per 4 booths
Truckload Sales	8 spaces per truck	1 space per truck (for trucks used in truckload sale)
Garage Sales	NA	NA
Public Interest or Special Event	1 space per 3 anticipated attendees	1 space per truck
Asphalt or Concrete Plant	Special Study (see Sec. 0-5-204, *Special Studies*)	Special Study (see Sec. 0-5-204, *Special Studies*)
Manufactured Buildings	1 space per 200 sf of floor area	NA
Model Homes and On-site Real Estate Sales Offices	4 spaces per model home + 1 space per employee on maximum shift	NA

Table 0-5-202I Temporary Use Parking and Loading Requirements		
Use	**Required Off-Street Parking Spaces**	**Required Loading Spaces**
Portable Storage Units	NA	NA

Sec. 0-5-203 Required Disabled Parking Spaces

Disabled parking shall be provided as set out in Table 0-5-203, *Disabled Parking Requirements*, or as required by the Americans with Disabilities Act, whichever requires more disabled parking. Disabled parking is included in the total number of required parking spaces.

Table 0-5-203 Disabled Parking Requirements		
Number of Required Parking Spaces	**Number of Disabled Spaces**	**Number of Disabled Spaces that Must be Van Accessible**
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
501 to 1,000	2 percent of total	1 out of 8 disabled parking spaces, rounded up
1,001 and over	20, plus 1 for each 100 over 1,000	1 out of 8 disabled parking spaces, rounded up

Sec. 0-5-204 Special Studies

A. **Generally.** Some of the uses that are listed in the tables set out in Section 0-5-202, *Required Parking and Loading Spaces*, have nonlinear or widely varying parking demand characteristics. Accordingly, their parking requirements are listed in the table as "special study." Required parking for these uses shall be established by special study according to the standards of this Section.

B. **Requirements.**

1. The special study shall be conducted by a qualified transportation planner or traffic engineer at the applicant's expense. The Director shall maintain a list of qualifications and / or certifications that are acceptable to the City for this purpose.

2. The special study shall provide:

   a. A peak parking analysis of at least five comparable uses.

   b. Documentation regarding the comparability of the referenced uses, including: name, function, location, floor area, parking availability, access to transportation network (including vehicular, bicycle, pedestrian, and transit), use restrictions, and other factors that could affect the parking demand.

C. **Approval of Special Study.**

1. The City may rely upon the special study or may request one round of additional information or analysis, including, but not limited to: alternative or new data points, or consideration of additional or alternative factors related to comparability or peak demand, as supported by sound engineering principles.

2. As a condition of approval of a special study, the City may require that land be reserved or land-banked for additional parking if there is a demonstrably high probability the use could change, resulting in a higher demand for parking.

Sec. 0-5-205 Parking Credits and Reductions

A. **Generally.** This section sets out credits and permissible reductions in the number of off-street parking spaces that must be provided. Based on the provision of alternative parking or transportation demand management programs that tend to reduce the demand for parking spaces.

B. **On-Street and Public Lot Parking.** In the UC and AC districts, and in approved traditional neighborhood developments ("TNDs"), on-street parking and parking in public lots may be credited to particular uses in accordance with the formula: Parking Credit = (Sa x P), where Sa = the area of the applicant's parcel divided by the area of the contiguous zoning district or TND, and P = the total parking that is available on-street and in public lots in the district or TND.

C. **Car Share Programs.** For each parking space allocated to a car share program, two parking spaces may be subtracted from the number of parking spaces required by this Division. Car share parking spaces shall be posted as reserved for the car share program. Documentation shall be provided that demonstrates the commitment of the car share program operator to provide vehicles at the site.

D. **Reduction of Parking Requirements by Provision of Bicycle Amenities.** The Director may authorize up to a five percent reduction in the number of required off-street parking spaces for development that provides amenities or incentives for bicyclists that are in addition to the provision of outdoor bicycle parking spaces. Examples of accommodations that would qualify for the credit include:

1. Enclosed bicycle lockers;

2. Employee shower facilities, lockers, and dressing areas; or

3. Meaningful financial incentives for employees to bicycle to work.

E. **Reduction of Parking Requirements by Provision of Shuttle Connections to Light Rail Transit.**

1. For office or hospital uses in the UC, AC, or BP districts, the Director may authorize up to a ten percent reduction in the number of required off-street parking spaces for development that provides regular shuttle transit to light rail stations, as follows:

   a. A five percent reduction is allowed for peak-hour shuttle service to the light rail station; and

b. If peak-hour shuttle service is provided, an additional five percent reduction is allowed for applicants who provide pre-paid transit fares or other suitable financial incentives for their employees as an incentive to use transit for journey to work trips.

2. Shuttle services that are provided in order to utilize the off-street parking reductions allowed by this subsection shall have a designated loading and unloading area with reasonable access to the principal building.

Sec. 0-5-206 Shared Parking

A. **Generally.** The City Council recognizes that uses may have different hours of operation and peak parking demand hours. The City desires to encourage the sharing of parking for its potential to reduce impervious surfaces and / or enhance the efficiency of land use. Thus, where a mix of uses creates synergy with respect to the utilization of parking spaces due to differences in peak use, the City may reduce the required number of spaces according to the provisions of this Section.

B. **Shared Parking Table.** Shared parking allows a reduction in the total number of required parking spaces when a parcel is occupied by two or more uses which typically do not experience peak parking demands at the same time. When any land or building is used for two or more uses that are listed below, the minimum total number of required parking spaces may be determined by the following procedures:

1. Multiply the minimum required parking for each individual use, excluding spaces reserved for use by specified individuals or classes of individuals (except car share programs), by the appropriate percentage listed in Table 0-5-206, *Shared Parking Table*, for each of the designated time periods.

2. Calculate a sum for all uses for each of the five time periods (columns). The minimum parking requirement is the highest of these sums. Figure 0-5-206, *Illustrative Shared Parking Credit Calculation*, provides an example of how to use Table 0-5-206, *Shared Parking Table* to calculate required parking.

Table 0-5-206
Shared Parking Table

Use	Weekday			Weekend	
	Night (12 AM to 6 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)
Residential	100%	60%	90%	80%	90%
Office	5%	100%	10%	10%	5%
Retail / Commercial	5%	70%	90%	100%	70%
Commercial Lodging	80%	80%	100%	50%	100%
Restaurant	10%	50%	100%	50%	100%
Entertainment	10%	40%	100%	80%	100%
All Others	100%	100%	100%	100%	100%

Figure 0-5-206 Illustrative Shared Parking Credit Calculation					
EXAMPLE: A mixed-use building has 50 2-bedroom residences, 50,000 square feet of office space, and 50,000 square feet of retail space. Separately, these uses would require 450 parking spaces ((50 sp. x 2 sp. / unit) + (50,000 sf. x (1 sp. / 250 sf.)) + (50,000 sf. x (3 sp. / 1,000 sf.)) = 450). However, combined, they could share 350 parking spaces.					
	Weekday			**Weekend**	
Use	**Night (12 AM to 6 AM)**	**Day (6 AM to 6 PM)**	**Evening (6 PM to 12 AM)**	**Day (6 AM to 6 PM)**	**Evening (6 PM to 12 AM)**
Residential *100 spaces*	100% x 100 = 100	60% x 100 = 60	90% x 100 = 90	80% x 100 = 80	90% x 100 = 90
Office *150 spaces*	5% x 150 = 8	100% x 150 = 150	10% x 150 = 15	10% x 150 = 15	5% x 150 = 8
Retail / Commercial *200 spaces*	5% x 200 = 10	70% x 200 = 140	90% x 200 = 180	100% x 200 = 200	70% x 200 =140
Commercial Lodging	80% x 0 = 0	80% x 0 = 0	100% x 0 = 0	50% x 0 = 0	100% x 0 = 0
Restaurant	10% x 0 = 0	50% x 0 = 0	100% x 0 = 0	50% x 0 = 0	100% x 0 = 0
Entertainment	10% x 0 = 0	40% x 0 = 0	100% x 0 = 0	80% x 0 = 0	100% x 0 = 0
All Others	100% x 0 = 0	100% x 0 = 0	100% x 0 = 0	100% x 0 = 0	100% x 0 = 0
COLUMN TOTALS	**118**	**350[1]**	**285**	**295**	**238**
TABLE NOTE: [1] The largest number, 350, is the number of parking spaces that are required. This example is a 22 percent reduction compared to individual calculations.					

3. In general, the maximum reduction allowed by Table 0-5-206, *Shared Parking Table*, shall be 25 percent. However, a greater reduction is permitted, provided that:

   a. Sufficient land is set aside for each parking space in excess of the 25 percent reduction that is not constructed, so that the spaces may be constructed at a later date should the City Engineer determine that they are necessary; and

   b. The property owner executes and records a document that guarantees that the spaces will be constructed upon written order of the City Engineer.

C. **Special Shared Parking Study.**

1. In the alternative to the methodology in Table 0-5-206, *Shared Parking Table*, an applicant may submit a special study to demonstrate that the parking required to serve mixed uses is less than the cumulative parking requirements for each individual use. The special study shall be conducted by a qualified transportation planner or traffic engineer at the applicant's expense (the Director shall maintain a list of qualifications and / or certifications that are acceptable to the City for this purpose), and shall:

   a. Review peak parking demand periods for the proposed uses during a 24-hour weekday and each weekend day, and shall propose a required number of parking spaces based on the combined peak hour demand for parking.

   b. Provide data on the following:

      i. The sensitivity of the proposed uses to change. For example, a center with no restaurant could have significant changes in parking if a restaurant was added.

ii. Similar mixes of uses in other areas of the community.

iii. Degree of variability of parking for individual uses (average, range, and standard deviation).

2. The City may require a reserved open area if it believes that the risk of parking needs changing over time so warrants. Once the project is occupied and well established, if there is a surplus of parking, the applicant may petition for additional development capacity and parking using the reserved area.

D. **Shared Parking Among Lots Under Different Ownership.** When a shared parking reduction is to be applied to uses on several lots under different ownership, the following shall be provided:

1. A plan that provides for interconnected lots;
2. Recorded easements that provide, at a minimum, for:
   a. Cross-access among the parking areas and connections to permit parking by the different uses anywhere in the connected properties;
   b. Allocation of maintenance responsibilities;
   c. A pedestrian circulation system that connects uses and parking areas, making it easy and convenient to move between uses; and
   d. A right of enforcement by the City.

Sec. 0-5-207 Bicycle Parking

A. **Applicability.** Bicycle parking shall be required pursuant to this Section for:

1. All parcels proposed for development that have parking lots with 15 or more parking spaces; and
2. All recreation areas within residential and mixed-use development.

B. **Number of Bicycle Parking Spaces.**

1. *Surface Parking Lots*. One bicycle parking space per 15 parking spaces.
2. *Structured Parking Lots*.
   a. Minimum number of bicycle parking spaces: 5
   b. Structures with more than 75 parking spaces: 1 bicycle parking space per 15 parking spaces.
3. *Recreation Areas*. The minimum number of bicycle parking spaces for recreation areas is the greater of the requirement set out in subsection B.1., above, or:
   a. Per playground or play field or community swimming pool: 6 bicycle parking spaces
   b. Per tennis court: 1 bicycle parking space
4. *Residential Uses*. Bicycle racks are not required for bicycle parking associated with single-family detached, single-family attached, and multiplex residential uses. Required bicycle

parking for such residential uses may be provided in garages, storage rooms and other secure resident accessible areas.

C. **Bicycle Parking Design Standards.** Bicycle parking shall be designed as:

1. Bicycle lockers; or
2. Bicycle racks with the following characteristics:
   a. The bicycle frame and one wheel can be locked to the rack with a high security, U-shaped lock with both wheels left on the bicycle (designs that only allow one locking point at the wheel are prohibited);
   b. A bicycle that is six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheel components; and
   c. The racks are securely anchored to a hard surface. S*ee* Figure 0-5-207, *Illustrative Permitted Bicycle Parking Systems*.

Figure 0-5-207
Illustrative Permitted Bicycle Parking Systems

D. **Bicycle Parking Location Standards.**

1. Short-term bicycle parking must be located within 50 feet of the principal building entrance, at the same grade as the sidewalk or accessible route.
2. An aisle at least five feet wide shall be provided behind all required bicycle parking to allow room for bicycle maneuvering. Bicycle parking and maneuvering areas may be accessed across sidewalks, but shall not encroach upon required sidewalk areas.
3. If required bicycle parking is not visible from the street or principal building entrance, a sign shall be posted at the principal building entrance indicating the location of the bicycle parking.

E. **Bicycle Parking Maintenance Standards.** The property owner or property owners' association shall maintain bicycle parking. Damaged, rusted, or missing racks shall be repaired or replaced, as appropriate, in order to create a secure parking facility for bicycles in accordance with this Section.

Division 5-3 Parking and Loading Design

Sec. 0-5-301 Location of Parking Areas

A. **General Location.** All private off-street parking areas created for the use of a building or other use of land shall be placed on the same lot and within the same zoning district as the building

or use that they are intended to serve. Public parking facilities are permitted to function and be located independently of land uses that they may serve.

B. **Multi-Family.** Unless specifically allowed, parking areas for multi-family housing shall not be located in the front setback. In those instances where parking is allowed in the front setback, a 20 percent opacity bufferyard is required.

Sec. 0-5-302 Parking Space and Module Standards

A. **Standard Parking Space Dimensions.** Parking spaces shall have the dimensions set out in Table 0-5-302A, *Parking Dimensions*. The dimensions that are set out in the table are illustrated in Figure 0-5-302A, *Parking Module Standards; One Row* and Figure 0-5-302B, *Parking Module Standards; Two Rows*.

Table 0-5-302A
Parking Dimensions

Measurement	Parking Space Angle (Degrees)			
	0 / Parallel Parking	45	60	90
Stall Width	8 ft.	9 ft.	9 ft.	9 ft.
Stall Length	20 ft.	18 ft.	19 ft.	19 ft.

B. **Disabled Parking Space Dimensions, Design, and Location.** Disabled parking spaces shall be 12 feet wide. Paired spaces shall share a five foot wide access aisle to an accessible route to the principal use. The design and location of disabled parking spaces shall be as required by the Americans with Disabilities Act.

C. **Vertical Clearance.** A vertical clearance of not less than eight feet shall be provided over all parking spaces. Additional clearance shall be provided for larger vans, sport utility vehicles, and light trucks that require such clearance if parking demand from such vehicles is anticipated. All parking garage entrances shall include an overhead bar to alert oversized vehicles regarding clearance.

D. **Parking Module Dimensions.** Parking modules (the combination of parking spaces and the access aisle) shall be dimensioned as shown in Table 0-5-302B, *Parking Module Dimensions*. The dimensions that are set out in the table are illustrated in Figure 0-5-302A, *Parking Module Standards; One Row* and Figure 0-5-302B, *Parking Module Standards; Two Rows*. The interlock reduction applies to each side of parking rows that interlock with other rows, as illustrated in Figure 0-5-302C, *Interlock Reduction*.

Table 0-5-302B
Parking Module Dimensions

Measurement	Parking Space Angle (Degrees)			
	0 / Parallel Parking	45	60	90
One Row of Parking, One-Way Aisle				
Parking stall row depth (ft.)	8	19.5	20.8	19
Driving aisle width (ft.)	12	16	20	22

Table 0-5-302B Parking Module Dimensions				
	Parking Space Angle (Degrees)			
Measurement	**0 / Parallel Parking**	**45**	**60**	**90**
Minimum width of module (row & aisle) (ft.)	20	35.5	40.8	41
Interlock reduction (per overlapping parking stall row, *see* Figure 0-5-302C, *Interlock Reductions*) (ft.)	0	3.2	2.25	0
Two Rows of Parking, One-Way Aisle				
Parking stall row depth (total for both rows) (ft.)	16	38.9	41.5	38
Driving aisle width (ft.)	12	16	20	22
Minimum width of module (rows & aisle) (ft.)	28	54.9	61.5	60
Interlock reduction (per overlapping parking stall row) (ft.)	0	3.2	2.25	0
One Row of Parking, Two-Way Aisle				
Parking stall row depth (ft.)	8	19.5	20.8	19
Driving aisle width (ft.)	20	20	22	24
Minimum width of module (row & aisle) (ft.)	28	39.5	42.8	43
Interlock reduction (per overlapping parking stall row) (ft.)	0	3.2	2.25	0
Two Rows of Parking, Two-Way Aisle				
Parking stall row depth (total for both rows) (ft.)	16	38.9	41.5	38
Driving aisle width (ft.)	20	20	22	24
Minimum width of module (rows & aisle) (ft.)	36	58.9	63.5	62
Interlock reduction (per overlapping parking stall row) (ft.)	0	3.2	2.25	0

Figure 0-5-302A
Parking Module Standards; One Row

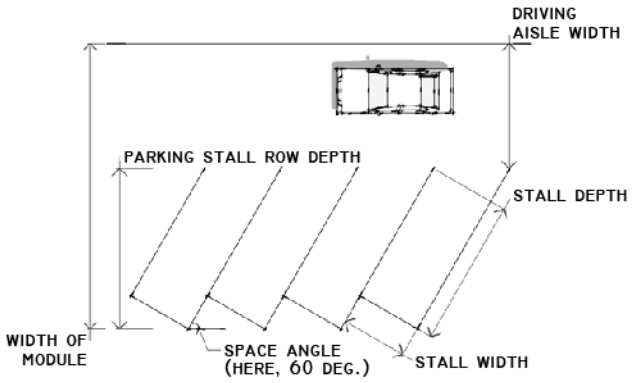


Figure 0-5-302B
Parking Module Standards; Two Rows

Note that the parking stall row depth in Table 0-5-302, *Parking Module Dimensions*, is the total depth of both rows of parking. Therefore one row is shown as "Half Parking Stall Row Depth" in the illustration.

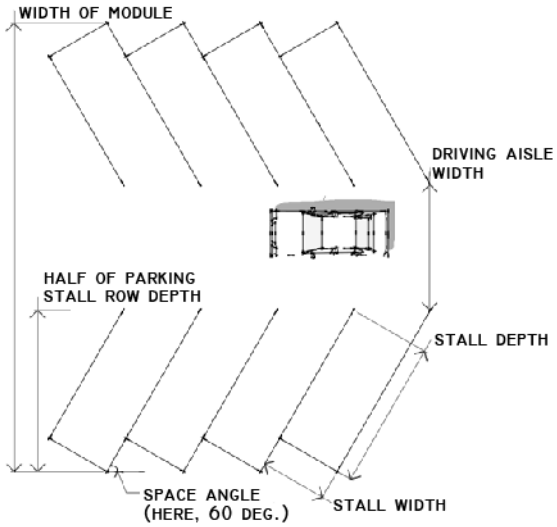
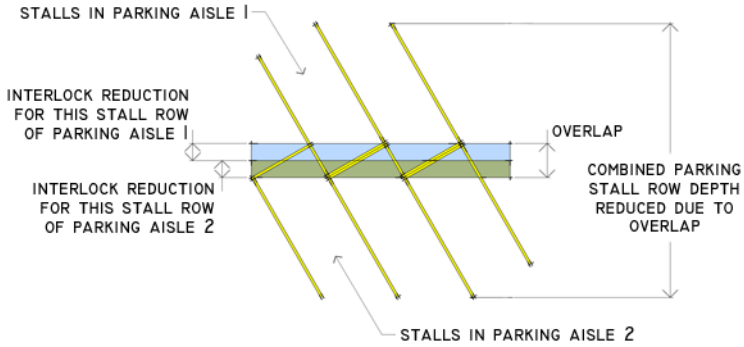


Figure 0-5-302C
Interlock Reductions

The interlock reduction is available on any side of an angled parking row that interlocks with another angled parking row.



Sec. 0-5-303 Marking of Parking Spaces and Traffic Control Devices

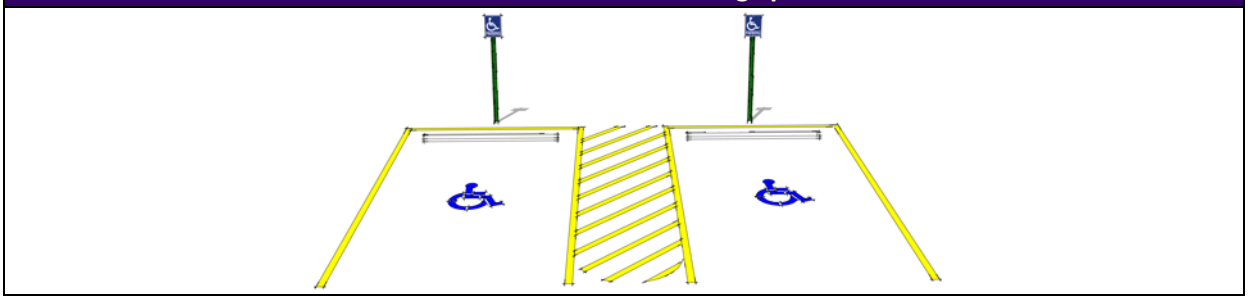
A. **Generally.** All parking spaces shall be marked and maintained on the pavement and any directional markings / signs shall be installed and maintained as required by the approved parking plan.

B. **Disabled Parking Spaces.** As required by the *Americans with Disabilities Act Accessibility Guidelines* ("ADAAG"), each disabled parking space shall be marked with a free-standing or wall mounted sign using the standard uniform words and / or symbols that signify the space as parking for the disabled only. In addition, the disabled symbol shall be painted on the pavement within the parking space. *See* Figure 0-5-303, *Illustrative Disabled Parking Spaces*. This

requirement shall automatically change to conform to amendments to ADAAG after the effective date.

C. **Traffic Control Devices**. All traffic control devices (signs, marking and signals) shall conform to the *Manual on Uniform Traffic Control Devices*, latest edition.

Figure 0-5-303
Illustrative Disabled Parking Spaces



Sec. 0-5-304 Circulation

Circulation systems within parcels proposed for development shall provide for continuous traffic flow with efficient, non-conflicting movement throughout the site. Conflicts between areas of significant pedestrian movement and vehicular circulation shall be minimized.

Sec. 0-5-305 Off-Street Loading

A. **Generally.** All uses shall provide off-street loading as required by Section 0-5-202, *Required Parking and Loading Spaces*. Loading spaces shall be configured as provided in this Section. Design of off-street loading spaces is regulated by Section 0-3-807, *Loading, Truck Access, and Solid Waste Collection*.

B. **Dimensions.**

1. Minimum width of loading bay (side to side): 12 feet.
2. Minimum length of loading bay (front to back):
   a. For semi-trailers: 60 feet.
   b. All other loading spaces: 25 feet.
3. Minimum vertical clearance: 14 feet.

C. **Use of Rights-of-Way.** Where off-street loading areas are required, at no time shall any part of a truck or van be allowed to extend into a public right-of-way while the truck or van is being loaded or unloaded.

D. **Maneuvering Space.** Adequate off-street truck maneuvering space shall be provided on-site (and not within any public street right-of-way or other public land) so that trucks can maneuver to the docking area.

E. **Location.** All loading areas are required to be located on the same lot as the building or lot served by the loading area. Loading areas shall be located such that no part of a truck extends into right-of-way or interferes with parking access while it is loading or unloading.

F. **Fire Exit or Emergency Access.** Off-street loading facilities shall be designed so as not to interfere with any fire exits or emergency access facilities to either a building or site.

Division 5-4 Use and Maintenance of Parking and Loading Areas

Sec. 0-5-401 Use of Parking and Loading Facilities

A. **Generally.** Required off-street parking spaces shall be available for operable passenger automobiles of the residents, customers, patrons, and employees of the use to which they relate.

B. **Storage.**

1. *Parking Spaces and Aisles*. Storing materials, boats, campers, recreational vehicles, or inoperable vehicles, or overnight parking trucks or trailers is prohibited in parking areas of multifamily, nonresidential, and mixed-use developments, unless:

   a. The outdoor storage use is permitted in the applicable zoning district and approved for the subject property;

   b. The areas that are set aside for such parking are not counted towards the parking requirements for the use; and

   c. The areas that are set aside for such parking comply with the requirements for outdoor storage (*e.g.*, buffering or screening of outdoor storage areas).

2. *Loading Spaces*. The long-term storage of trailers in loading spaces is prohibited. Such spaces shall be available for routine use by delivery vehicles.

C. **Prohibited Use of Parking Areas.**

1. No designated off-street parking facilities shall be used for the repair, display, service, or sales of any good or service unless expressly and specifically approved by the City. However, this paragraph does not apply to single-family detached and single-family attached driveways when they are used for garage sales or for minor repairs to vehicles owned by the resident of the property.

2. No area required by the City for the use of private off-street parking shall be used by any party as a commercial parking lot.

D. **Blocking of Access Prohibited.**

1. Blocking loading spaces or parking spaces is prohibited.

2. Loading spaces or parking spaces shall not be designed or located in a manner that blocks access to other loading spaces, parking spaces, driving aisles, fire lanes, ingress or egress points, or building entrances.

3. Parking, loading, and access areas shall be kept free of permanent or movable structures which block access, of any type (e.g., trash receptacles or compactors).
4. Parking within or otherwise obstructing a driveway approach or across public sidewalks is prohibited.

Sec. 0-5-402 Surfacing and Maintenance of Off-Street Parking Areas

A. **Surfacing.** Off-street parking areas shall be surfaced as follows:

1. In general, off-street parking areas shall be graded and surfaced with concrete, bituminous asphalt or other material approved by the City Engineer. The surfacing material shall protect against potholes, erosion, and dust, according to the City's *Infrastructure Design Manual*.
2. The City Engineer may permit less durable surfaces (such as grass pavers, crushed stone, or gravel) for off-street parking facilities that serve athletic fields, public or private parks, low-turnover uses, and overflow parking needs, provided that:
   a. The perimeter of such parking areas is defined by bricks, stones, railroad ties, or other similar devices; and
   b. Surfaces with loose materials are set back at least 25 feet from the edge of pavement of the connecting public street.

B. **Maintenance.** Off-street parking surfaces shall be kept in good condition and parking space lines or markings shall be kept clearly visible and distinct.

Division 5-5 Truck Routing Plans

Sec. 0-5-501 Truck Routing Plans

A. **Generally.** Uses that are either specifically identified in Division 2-4, *Limited and Conditional Use Standards*, or are identified by the Director as involving the use of semi-trailers, dump trucks, trash hauling trucks, or comparable heavy trucks at a frequency of more than ten truck trips per week shall provide a truck routing plan to the City along with other required application materials.

B. **Contents of Truck Routing Plan.** The truck routing plan shall include, at a minimum:

1. The type or class of vehicles that will be used by the proposed land use;
2. The anticipated frequency of delivery and departures of trucks;
3. The hours of truck traffic;
4. A map illustrating the route(s), from an interstate or other regional arterial, of all trucks used by the proposed land use. Such map shall be prepared at a scale of one inch equals 250 feet or other scale approved by the Director; and
5. A map illustrating the routing and flow of trucks within the parcel proposed for development. Such map shall be prepared at a scale of not greater than one inch equals 50 feet or other scale approved by the Director.

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Article 6 Signs and Lighting

Division 6-1 Purpose and Application of Article

Sec. 0-6-101 Purpose of Article and Authority for Article

A. **Generally.** The purpose of this Article is to set out regulations for the erection and maintenance of signs while preserving the right of free speech and expression.

B. **Objectives.** The objective of the regulations of this Article is to provide a balanced and fair legal framework for design, construction, and placement of signs that:

1. Promotes the safety of persons and property by ensuring that signs do not create a hazard by:
   a. Collapsing, catching fire, or otherwise decaying;
   b. Confusing or distracting motorists; or
   c. Impairing drivers' ability to see pedestrians, obstacles or other vehicles, or to read traffic signs; and
2. Promotes the efficient communication of messages, and ensures that persons exposed to signs:
   a. Are not overwhelmed by the number of messages presented; and
   b. Are able to exercise freedom of choice to observe or ignore said messages according to the observer's purpose; and
3. Protects the public welfare and enhances the appearance and economic value of the landscape by protecting scenic views and avoiding sign clutter that can compromise the character, quality, and viability of commercial corridors;
4. Ensures that signs are compatible with their surroundings, and prevents the construction of signs that are a nuisance to occupants of adjacent and contiguous property due to brightness, reflectivity, bulk, or height;
5. Promotes the use of signs that are aesthetically pleasing, of appropriate scale, and integrated with the built environment, in order to meet the City's Comprehensive Planning objectives related to the quality and character of development;
6. Enhances property values and business opportunities;
7. Assists in wayfinding; and
8. Provides fair and consistent permitting and enforcement.

C. **Authority**. The City Council finds that:

1. The City has the authority to regulate signs under the United States Constitution, the Constitution of the State of Colorado, and the Home Rule Charter of the City of Centennial;
2. This Article advances important and substantial governmental interests;

3. The regulations set out in this Article are unrelated to the suppression of constitutionally-protected free expression and do not involve the content of protected messages which may be displayed on signs, nor do they involve the viewpoint of individual speakers;
4. The incidental restriction on the freedom of speech is no greater than is essential to the furtherance of the interests protected by this Article; and
5. Certain types of speech are not protected by the First Amendment due to the harm that they cause to individuals or the community, and speech that is harmful to minors may be prohibited in places that are accessible to minors.

D. **General Findings of Fact**. The City Council finds that:

1. The ability to display signs of reasonable size and dimensions is vital to the health and sustainability of many businesses, and the display of signs with noncommercial messages is a traditional component of the freedom of speech, but the constitutional guarantee of free speech may be limited by appropriate and constrained regulation that is unrelated to the expression itself;
2. The City has an important and substantial interest in preventing sign clutter (which is the proliferation of signs of increasing size and dimensions as a result of competition among property owners for the attention of passing motorists), because sign clutter degrades the character of the community, makes the community a less attractive place for commerce and private investment, and dilutes or obscures messages displayed along the City's streets by creating visual confusion and aesthetic blight;
3. Sign clutter can be prevented by regulations that balance the legitimate needs of individual property owners to convey their commercial and noncommercial messages against the comparable needs of adjacent and nearby property owners and the interest of the community as a whole in providing for a high quality community character;
4. Temporary signs that are not constructed of weather-resistant materials are often damaged or destroyed by wind, rain, and sun, and after such damage or destruction, degrade the aesthetics of the City's streets if they are not removed;
5. The City has an important and substantial interest in keeping its rights-of-way clear of obstructions and litter;
6. The City has an important and substantial interest in protecting the health of its tree canopy, which contributes to the character and value of the community; and
7. The uncontrolled use of off-premises outdoor advertising signs and their location, density, size, shape, motion, illumination and demand for attention can be injurious to the purposes of this Article, and destructive to community character and property values, and that, as such, restrictions on the display of off-premises commercial messages are necessary and desirable.

Sec. 0-6-102 Application of Article

A. **Generally.** Hereinafter, all construction, relocation, enlargement, alteration, and modification of signs within the City shall conform to the requirements of this Article, all State and Federal regulations concerning signs and advertising, and applicable building codes. Generally, signs

are approved by issuance of a sign permit. However, there are some signs that do not require a permit. These signs are listed in subsection C., below.

B. **Signs Requiring a Permit**. A sign permit shall be required for all permitted signs exceeding six square feet in area, unless otherwise exempted by subsection C., below. In addition, a sign permit shall be required at any time the sign area is increased, if the increase is allowable within the zone district in which the sign is located. This subsection shall not be interpreted so as to grant permission for prohibited signs with sign areas less than six square feet.

C. **Signs that Do Not Require a Sign Permit**. The following signs do not require a sign permit, but may require a building permit or other related permit (if subject to building or electrical codes). Temporary signs that do not require permits shall still comply with the standards of Division 6-5, *Temporary Signs*, and Division 6-3, *General Design and Maintenance Standards,* or the applicable standards of this subsection.

1. *Official and Legal Notice.* Official and legal notice signs that are issued by any court, public body, person, or officer in performance of a public duty, or in giving any legal notice, including signs that are required to be posted to give notice of pending action pursuant to this LDC.

2. *Signs with De Minimus Area*. Signs that are affixed to a building or structure (even if wall signs are not permitted in the district or for the use), which do not exceed one square foot in sign area, provided that only one such sign is present on each elevation that is visible from public rights-of-way or neighboring property; and signs that are less than three-fourths of a square foot in area that are affixed to machines, equipment, fences, gates, walls, gasoline pumps, public telephones, or utility cabinets.

3. *Flags*. Flags that are not larger than 30 square feet in area that are affixed to permanent flagpoles or flagpoles that are mounted to buildings (either temporary or permanent).

4. *Decorative Signs*. Clearly incidental, customary and commonly associated with a holiday, provided that such signs shall be displayed for a period of not more than 60 consecutive days nor more than 60 total days in any one year.

5. *Carried Signs.* Signs that are being carried by people (however, such signs are not exempt if they are set down or propped on objects);

6. *Bumper Stickers*. Bumper stickers on vehicles;

7. *Interior Signs*. Signs that are not visible from residential lots, abutting property or public rights of way;

8. *Traffic Control Signs*. Traffic control signs and other signs related to public safety that the City or another jurisdiction installs or requires a developer to install;

9. *Holiday Decorations*. Holiday decorations that are displayed for not more than two months per year.

D. **Exemption for Addressing**. The City Council finds that the posting of the addresses of buildings in locations that are visible from the street is necessary for the effective delivery of public safety services, including E-911. The efficient and timely delivery of emergency services

is a compelling governmental interest. Accordingly, the City requires that street addresses shall be posted as follows:

1. *Nonresidential and Mixed-Use Districts*. In nonresidential districts, street addresses shall be posted at:
   a. All primary building entrances; and
   b. On detached signage if the address on the building is not visible from the street.
2. *Residential Districts*. In residential districts, street addresses shall be posted:
   a. On the facade of the building that faces the street from which the address is taken; and
   b. On the mailbox or mailbox support, if the mailbox is detached from the building.
3. *Exclusion from Sign Area Calculation*. Because address signs are required, numbers and letters used for addressing are not included in the calculation of sign area if they are not more than 14 inches in height.

E. **Signs Permitted Before Effective Date**. If a permit for a sign has been issued in accordance with all City ordinances in effect prior to the effective date of this Article, and provided that construction is begun within six months of the effective date of this Article and diligently pursued to completion, said sign may be completed in accordance with the approved plans on the basis of which the permit has been issued, subject thereafter, if applicable, to the provisions of this LDC regarding nonconforming signs.

F. **Relationship to Other Regulations**. These Regulations recognize other regulations pertaining to signage (*i.e.*, State of Colorado, Department of Highways, "Rules and Regulations Pertaining to Outdoor Advertising," effective January 1, 1984, and as may be amended). Where any provision of this Article cover the same subject matter as other regulations, the more restrictive regulation shall apply.

Division 6-2 Measurements and Calculations

Sec. 0-6-201 Measurements

A. **Generally.** The regulations of this Article shall be applied using the measurements set out in this Section.

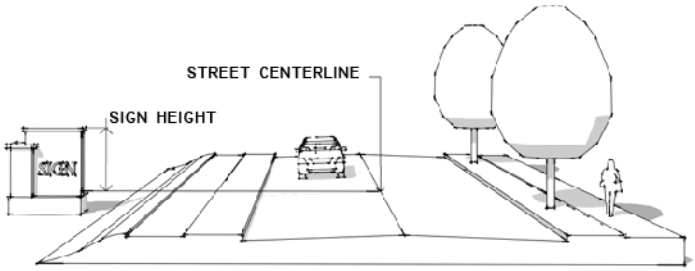
B. **Sign Clearance**. Sign clearance is the distance between the bottom of a sign face or structural element that is not affixed to the ground and the nearest point on the surface under it. *See* Figure 0-6-201A, *Measurement of Sign Clearance*.

Figure 0-6-201A
Measurement of Sign Clearance

C. **Sign Height**. For detached signs (temporary and permanent), sign height is:

1. Where the natural grade of the ground where the sign is to be located is lower than the street centerline, the vertical distance to the top of the sign face or sign structure, whichever is higher, measured from the elevation of the centerline of the adjacent street. *See* Figure 0-6-201B, *Measurement of Sign Height, Sign Base Lower than Street Centerline*.

Figure 0-6-201B
Measurement of Sign Height, Sign Base Lower than Street Centerline



2. Where the natural grade of the ground where the sign is to be located is higher than the street centerline, the vertical distance to the top of the sign face or sign structure, whichever is higher, measured from the elevation of the average grade around the base of the sign.

E. **Items of Information**. An item of information is a word, logo, abbreviation, symbol, geometric shape, image, or number with 10 or fewer digits (punctuation of numbers does not increase the number of items of information). *See* Figure 0-6-201C, *Items of Information*.

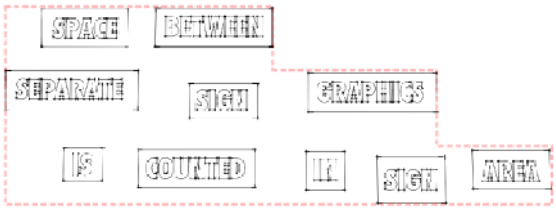
Figure 0-6-201C Items of Information
The sign below has 7 items of information: 4 words + one 10-digit number (with punctuation) + 2 symbols

Sec. 0-6-202 Calculations

A. **Generally.** The calculations required by the regulations of this Article shall be according to the methodologies of this Section.

B. **Sign Area**.

1. *Generally*. Sign area is calculated as the area within a continuous perimeter with up to eight straight sides that encloses the limits of text and graphics of a sign, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign's message from the background against which it is placed. The area excludes the structure upon which the sign is placed (unless the structure is an integral part of the display or used to differentiate it), but includes any open space contained within the outer limits of the display face of a sign, or between any component, panel, strip, or figure of any kind composing the display face, whether this open space is enclosed by a frame or border or not. *See* Figure 0-6-202A, *Sign Area, Generally*.

Figure 0-6-202A Sign Area, Generally
The sign area of the illustrative monument sign below is calculated as the area within the smallest eight-sided polygon that encloses all fo the text and graphics and framing of the message and graphics of the sign.
The sign area of the illustrative collection of wall signs below is measured as the area within the smallest eight-sided polygon that encloses all of the text and graphics and framing that differentiates them from the wall.


2. *Double-Faced Signs.* For projecting, suspended, or other double-faced signs:

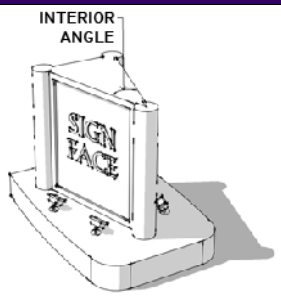
a. Only one display face is measured if the sign faces are parallel or form an interior angle of less than 45 degrees, provided that the signs are mounted on the same structure. If the faces are of unequal area, then sign area is equal to the area of the larger face.

b. Both display faces are measured if:

i. The interior angle is greater than 45 degrees; or

ii. The sign faces are mounted on different structures.

Figure 0-6-202B
Double-Faced Signs



C. **Signable Area**. Signable area is calculated as follows:

1. *Wall Signs*. A two-dimensional area on the facade of a building that describes the largest square, rectangle, or parallelogram which is free of architectural details.

2. *Window Signs*. The area of glass within a window frame.

3. *Other Signs*. The area of the face of the sign which is designed to be used for text and graphics (the signable area does not include the sign's supporting frame or structure, if any, provided that such frame or structure is not designed to display text or graphics).

D. **Signable Area Ratio**. Signable area ratio is the sign area divided by the signable area. It is expressed as a percentage.

E. **Relationship Between Maximum Sign Area and Maximum Signable Area Ratio.** Where both a maximum sign area and a maximum signable area ratio are set out, the standard that results in the least sign area applies.

Division 6-3 General Design and Maintenance Standards

Sec. 0-6-301 Prohibited Signs and Design Elements

A. **Generally.** This section identifies signs and sign elements that are not allowed anywhere in the City.

B. **Prohibited Signs.**

1. The following signs are prohibited in all areas of the City:

a. Signs with more than two sign faces.

b. Signs that are a traffic hazard because they simulate or imitate (in size, color, lettering, or design) any traffic sign or signal.

c. Animated or moving signs that are visible from public rights-of-way, including any moving, swinging, rotating, flashing, blinking, scintillating, fluctuating, or otherwise animated light (except as allowed in Section 0-6-305, *Message Centers*).

d. Vehicle signs.

e. Portable Signs, except as specifically permitted in Division 6-5, *Temporary Signs*.

2. Other signs may be prohibited in certain districts. See Division 6-4, *Permanent Signs*, and Division 6-5, *Temporary Signs*, for requirements.

C. **Prohibited Design Elements.**

1. The following elements shall not be used as an element of signs or sign structures, whether temporary or permanent:

a. Sound, smoke, or odor emitters.

b. Awnings that are back lit and / or made of plastic.

c. Stacked products (*e.g.*, tires, soft drink cases, bagged soil or mulch).

d. Unfinished wood support structures, except that stake signs may use unfinished stakes.

2. The following elements shall not be used as an element of signs or sign structures, whether temporary or permanent, which are visible from public rights-of-way:

a. Flags, banners, or comparable elements that are designed to move in the wind, but only when such elements are attached to another sign type (e.g., flags may be attached to flagpoles, but may not be attached to monument signs).

b. Spinning or moving parts.

c. Bare light bulbs, except on holiday displays which are exempted from regulation by Section 0-6-102, *Application of Article*.

d. Flashing lights, except on holiday displays which are exempted from regulation by Section 0-6-102, *Application of Article*.

e. Motor vehicles, unless:

i. The vehicles are functional, used as motor vehicles, and have current registration and tags;

ii. The display of signage is incidental to the motor vehicle use; and

iii. The motor vehicle is properly parked in a marked parking space or is parked behind the principal building.

f. Semi trailers, shipping containers, or portable storage units, unless:

i. The trailers, containers, or portable storage units are functional, used for their primary storage purpose, and, if subject to registration, have current registration and tags;

ii. The display of signage is incidental to the use for temporary storage, pick-up, or delivery; and

iii. The semi trailer is parked in a designated loading area or on a construction site at which it is being used for deliveries or storage.

D. **Prohibited Content.**

1. The following content is prohibited without reference to the viewpoint of the individual speaker:

   a. Text or graphics of an indecent or immoral nature and harmful to minors;

   b. Text or graphics that advertise unlawful activity;

   c. Text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats; or

   d. Text or graphics that present a clear and present danger due to their potential confusion with traffic control signs or signs that provide public safety information (for example, signs that use the words "Stop," "Yield," "Caution," or "Danger," or comparable words, phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist).

2. The narrow classifications of content that are prohibited by this subsection are either not protected by the United States or Colorado Constitutions, or are offered limited protection that is outweighed by the substantial governmental interests in protecting the public safety and welfare. It is the intent of the City Council that each paragraph of this subsection (e.g., subsection D.1.a., D.1.b., D.1.c., or D.1.d.) be individually severable in the event that a court of competent jurisdiction were to hold one or more of them to be inconsistent with the United States or Colorado Constitutions.

Sec. 0-6-302 Prohibited Sign Locations

A. **Generally**. Attached signs shall be installed on signable areas of buildings, as defined by Section 0-6-201, *Measurements*. Detached signs shall be set back as required by Section 0-6-402, *Detached Signs*. Signs that are in violation of this Section are subject to immediate removal.

B. **Prohibited Obstructions**. In no event shall a sign, whether temporary or permanent, obstruct:

1. Building ingress or egress, including doors, egress windows, and fire escapes.

2. Features of the building or site that are necessary for public safety, including standpipes and fire hydrants.

3. Sight triangles that are required by Section 0-11-208, *Sight Triangle Requirements*.

4. Sight distances that are required by the *Infrastructure Design Manual*.

C. **Prohibited Mounts**. No sign, whether temporary or permanent, shall be posted, installed, or mounted on any of the following locations:

1. On trees.
2. On utility poles or light poles, unless:
   a. The sign is a banner that is not more than 24 inches in width and 48 inches in height;
   b. The banner is attached at the top and bottom to brackets that project not more than 30 inches from the light pole;
   c. There is at least eight feet of sign clearance;
   d. If the pole is owned or maintained by a utility company, the utility company has granted permission for the brackets to be mounted on the pole; and
   e. The utility pole or light pole is on the property of the person or entity that posts the banner.
3. On utility cabinets, except signs posted by the utility that are necessary for public safety or identification of the facility by the utility provider.

D. **Prohibited Locations.** In addition to the setback requirements of this Article, and the other restrictions of this Section, no sign shall be located in any of the following locations:

1. In or over public rights-of-way (which, in addition to streets, may include other elements, such as sidewalks, parkways, retaining walls, utility poles, traffic control devices, medians, and center islands that are within the public right-of-way), except:
   a. Traffic control signs installed by a governmental entity or which are required to be installed by a governmental entity (*e.g.*, permanent traffic control devices such as stop, yield, and speed limit signs, as well as temporary signs related to street construction or repair);
   b. Signs posted by governmental entities that support emergency management, such as wayfinding to disaster relief locations;
   c. Banners posted by the City on utility or light poles according to the standards of subsection C.2., above;
   d. Signs constructed by the City that implement an adopted community identity program; and
   e. Signs affixed to transit shelters and bus benches as authorized by the provider of the shelter or bench and in accordance with the requirements of this Article.
2. In locations that have less horizontal or vertical clearance from authorized communication or energized electrical power lines than that prescribed by the laws of the State of Colorado and the regulations duly promulgated by agencies thereof.
3. Within easements for overhead utilities (placement in other utility easement areas is allowed only if approved by the utility service provider and if the other applicable requirements of this LDC are met).

Sec. 0-6-303 Items of Information

No sign face shall contain more than 20 items of information. Items of information are measured as provided in Section 0-6-201, *Measurements*.

Sec. 0-6-304 Illumination of Signs

A. **Generally.** Signs shall be internally illuminated or, if external illumination is used, the source of illumination shall be shielded.

B. **Hours of Illumination.** Signs shall be turned off each day by the later of 10:00 PM or upon closing of the associated land use (signs may be turned back on at 5:00 AM).

C. **Sign Illumination.** Signs shall not exceed the following illumination levels:

Table 0-6-304
Maximum Sign Illumination Standards

Type of Illumination	Distance from Sign to RS, RA, RU, NC, or NI District			Not Visible from RS, RA, RU, NC, or NI District
	Less than 200 ft.	200 ft. to 500 ft.	More than 500 ft.	
Direct, Internal or Backlit	90 foot-lamberts	150 foot-lamberts	250 foot-lamberts	250 foot-lamberts
Indirect or Reflected	10 foot-candles	25 foot-candles	50 foot-candles	50 foot-candles

Sec. 0-6-305 Message Centers

A. **Generally.** Manual and electronic message centers may be used in detached signs and marquee signs to a limited degree, pursuant to the applicable standards of this Section.

B. **Electronic Message Centers**. Electronic message centers may be incorporated into signage as follows:

1. *Design Requirements.*

   a. Electronic message centers are only permitted on monument signs or marquee signs which enclose the electronic message center component on all sides with a finish of brick, stone, stucco, powder coated (or comparably finished) metal, or the surface of the sign face. The enclosure shall extend not less than six inches from the electronic message center in all directions.

   b. Electronic message centers shall make up not more than 50 percent of the sign area of a monument sign or 75 percent of the sign area of a marquee sign. The balance of the sign area shall utilize permanent, dimensional letters or symbols.

   c. No sign structure that includes a cabinet, box, or manual changeable copy sign may also include an electronic message center. See Figure 0-6-305A, *Electronic Message Center Design Requirements*.

2. *Operational Requirements*. Electronic message centers:

   a. Shall contain static messages only;

b. Shall display messages for a period of not less than five seconds (multiple electronic message centers, if used on the same sign, shall be synchronized to change messages at the same time);

c. Shall not use transitions or frame effects between messages;

d. Shall include an automatic dimmer that reduces the brightness of the sign in low light conditions (*e.g.*, heavy cloud cover, rain, or snow; sunset; and evening hours), so that it does not cause glare or interfere with the use and enjoyment of residential property; and

e. Shall be turned off each day by the later of 10:00 PM or upon closing of the associated land use (signs may be turned back on at 5:00 AM). *See* Figure 0-6-305B, *Illustrative Electronic Message Center Operations*.

Figure 0-6-305A
Electronic Message Center Design Requirements

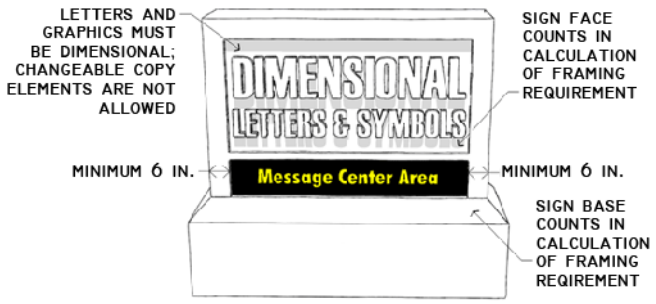
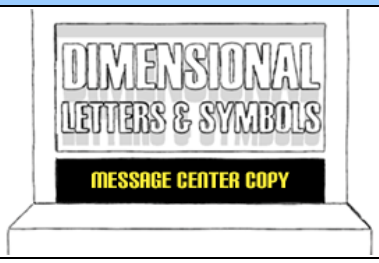


Figure 0-6-305B
Illustrative Electronic Message Center Operations

Note: This figure is animated in the version of the LDC that is published electronically. The animation shows the requirements of subsection B.2. at five second intervals.



C. **Manual Changeable Copy Message Centers**. Manual changeable copy signs may be incorporated into signage as follows:

1. Manual changeable copy message centers are only permitted on monument signs or marquee signs which enclose the message center component on all sides with a finish of brick, stone, stucco, powder coated or comparably finished metal, or sign face that extends not less than six inches from the message center in all directions. Gaps between the message center and the finish are permitted to accommodate locks and hinges for a cover

for the changeable copy area, but only to the extent necessary for such locks and hinges to operate.

2. Manual changeable copy message centers, including their frames, shall make up not more than 50 percent of the sign area. The balance of the sign area shall utilize permanently affixed letters or symbols. See Figure 0-6-305C, *Manual Changeable Copy Centers*.

3. Manual changeable copy message centers shall not be internally lit unless:

   a. They use opaque inserts with translucent letters, numbers, or symbols (*see* Figure 0-6-305D, *Changeable Copy Inserts*);

   b. Blank opaque inserts that are the same color as the opaque portions of the letters, numbers, and symbols are used over all areas of the sign where copy is not present; and

   c. The opaque portion of the letters, numbers, and symbols is the same color.

Figure 0-6-305C
Manual Changeable Copy Centers

The manual changeable copy message center (outlined in dashed blue line) may occupy not more than 50 percent of the sign area (outlined in dashed red line).

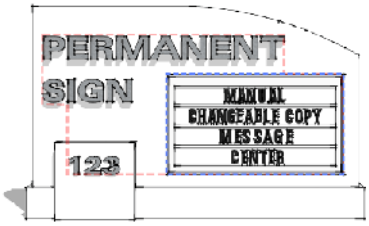


Figure 0-6-305D
Changeable Copy Inserts

Changeable copy message centers may be internally lit if they use opaque inserts with translucent letters, numbers, or symbols (see A below), but shall not be internally lit if they use clear or translucent inserts with opaque or translucent letters, numbers, or symbols (see B below).

Sec. 0-6-306 Sign Maintenance

A. **Generally**. Signs and sign structures of all types (attached, detached, and temporary) shall be maintained as provided in this Section.

B. **Message.** Signs shall display messages. Signs that do not display a message for a period of more than 30 days are abandoned. See Section 0-12-301, *Termination, Restoration, and Removal*.

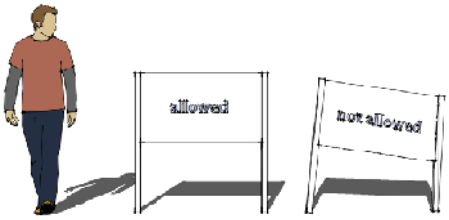
C. **Paint and Finishes**. Paint and other finishes shall be maintained in good condition. Peeling finishes shall be repaired. Signs with running colors shall be repainted, repaired, or removed if the running colors were not a part of the original design.

D. **Mineral Deposits and Stains**. Mineral deposits and stains shall be promptly removed.

E. **Corrosion and Rust**. Permanent signs and sign structures shall be finished and maintained to prevent corrosion and rust. A patina on copper elements is not considered rust.

F. **Level Position**. Signs that are designed to be level, whether temporary or permanent, shall be installed and maintained in a level position. See Figure 0-6-306, *Level Position*.

Figure 0-6-306
level Position



Division 6-4 Permanent Signs

Sec. 0-6-401 Attached Signs

A. **Generally.** There are many forms of attached signs. This section sets out which forms of attached signs are allowed in each zoning district and the standards that apply to them. Attached signs that are not listed in a table are not allowed as-of-right in any of the districts set out in the Table.

B. **Residential and Agriculture Districts.**

1. The standards of Table 0-6-401A, *Permissible Attached Sign Types in Residential and Agriculture Districts*, apply to multifamily and nonresidential uses in the districts that are set out in the table.

2. Attached signs are not allowed for home occupations, except for required address signs.

Table 0-6-401A
Permissible Attached Sign Types in Residential and Agriculture Districts

District	AG	RA	RU	RS	NC	NI
Wall Sign	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**
Number of Signs Allowed	1 per facade	1 per building	1 per building	1 per building		
Maximum Sign Area	35 sf	35 sf	30 sf	25 sf		
Maximum Signable Area Ratio	50%	60%	60%	40%		
Other Limitations	Not allowed if fascia or parapet sign is used.			--		
Fascia Sign or Parapet Sign	**Allowed**	**Allowed**	**Allowed**	**Not Allowed**	**Not Allowed**	**Not Allowed**
Number of Signs Allowed	1 per facade	1 per building	1 per building	-	--	--
Maximum Sign Area	20 sf	35 sf	35 sf	--	--	--
Maximum Signable Area Ratio	75%	60%	60%	--	--	--
Other Limitations	. In cases where a tenant has two structures, one of which is accessory, whether attached or not, only one			--	--	--

	of the structures will be permitted fascia signage when both face the same adjacent public right-of-way.			

C. **Nonresidential Districts**. The standards of Table 0-6-401B, *Permissible Attached Sign Types in Nonresidential / Mixed-Use Districts*, apply in the districts that are set out in the table.

Table 0-6-401B
Permissible Attached Sign Types in Nonresidential / Mixed-Use Districts

District	CG	AC	UC	BP	I	ED	OSR
Wall Sign	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**
Number of Signs Allowed	1 per facade	1 per facade	1 per facade	1 per facade	1 per facade	1 per facade	1 per facade
Maximum Sign Area	Aggregate (total) sign area of 1 sf per linear ft of facade width	Aggregate (total) sign area of 0.5 sf per linear ft of facade width	Aggregate (total) sign area of 1 sf per linear ft of facade width	Aggregate (total) sign area of 0.5 sf per linear ft of facade width	Aggregate (total) sign area of 0.5 sf per linear ft of facade width	Aggregate (total) sign area of 0.5 sf per linear ft of facade width	Aggregate (total) sign area of 0.5 sf per linear ft of facade width
Maximum Signable Area Ratio	85%	50%	85%	50%	50%	50%	50%
Fascia Sign or Parapet Sign	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**
Number of Signs Allowed	1 per primary building entrance						
Maximum Sign Area	35 sf	35 sf	50 sf	40 sf	50 sf	35 sf	35 sf
Maximum Signable Area Ratio	20%	20%	20%	20%	20%	20%	20%
Other Limitations	No fascia sign shall exceed 200 square feet. In cases where a tenant has two structures, one of which is accessory, whether attached or not, only one of the structures will be permitted fascia signage when both face the same adjacent public right-of-way.						
Other Allowances	If a building is located on a through lot and is set back from the rear right-of-way less than 30 feet, then one additional sign per primary building entrance is permitted for display on the rear facade of the building, provided that no facade includes more signs than the total number of primary building entrances.						
Window Sign	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**
Minimum Window Transparency	50%	80%	50%	80%	50%	80%	80%
Other Limitations	-	See neon signs, below		-	-	-	-
Awning Sign	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**
Number of Signs Allowed	1 per awning						
Maximum Sign Area	5 sf						
Maximum Signable Area Ratio	90% of valence for copy and graphics on valence; 50% of other areas for copy and graphics on other areas						
Marquee Sign	**Not Allowed**	**Allowed**	**Allowed**	**Not Allowed**	**Not Allowed**	**Not Allowed**	**Not Allowed**
Number of Signs Allowed	-	1 per building		-			
Maximum Sign Area	-	20 sf per face, up to 3 faces		-			
Other Limitations	-	Not allowed on facades that face residential uses in a different zoning district; not allowed on buildings that are less than 12,000 sf. of floor area; counts as a fascia or parapet sign		-			
Blade Sign or Shingle	**Not Allowed**	**Allowed**	**Allowed**	**Not Allowed**	**Not Allowed**	**Not Allowed**	**Not Allowed**
Number of Signs Allowed	-	1 per primary building entrance		-			
Maximum Sign Area	-	8 sf.		-			
Minimum Clearance	-	8 ft.		-			

Table 0-6-401B Permissible Attached Sign Types in Nonresidential / Mixed-Use Districts							
District	**CG**	**AC**	**UC**	**BP**	**I**	**ED**	**OSR**
Maximum Height	-	12 ft.		-			
Other Limitations	-	Allowed under awnings or arcades on front facades only		-			
Neon Sign	**Not Allowed**	**Allowed**	**Allowed**	**Not Allowed**	**Not Allowed**	**Not Allowed**	**Not Allowed**
Number of Signs Allowed	-	1 per window		-			
Maximum Sign Area	-	6 sf		-			
Other Limitations	-	Sign area of neon sign hung in window counts as opaque in measurement of window transparency; Neon signs must be turned off when the use closes each day		-			
Roof Sign	**Not Allowed**	**Allowed**	**Allowed**	**Not Allowed**	**Not Allowed**	**Not Allowed**	**Not Allowed**
Number of Signs Allowed	-	1 per building		-			
Maximum Sign Area	-	0.6 sf per linear ft. of facade width		-			
Other Limitations	-	Allowed only on buildings that meet all of the following criteria: (1) the building existed as of the effective date; (2) the fascia is less than 1 ft. wide; (3) there is less than 25 sf. of signable area; (4) the sign is mounted on a sloped roof system; (5) the sign does not extend higher than two feet below the peak of the roof; and (6) the sign is not illuminated. Shall not be located on building elevations adjacent to residential zoned property; Shall not be visible from residences located within one-half mile of the building.		-			

Sec. 0-6-402 Detached Signs

A. **Generally**. There are many forms of detached signs. This section sets out which forms of detached signs are allowed in each zoning district, and the size and height standards that apply to them.

B. **Required Setbacks.** All detached signs shall be set back at least 10 feet from all property lines. This standard may be waived if:

1. The sign is proposed to be affixed to an existing retaining wall that is closer than 10 feet to the property line (but not across it); or
2. The waiver would lower the elevation of the base of the sign by more than three feet and:
   a. The sign will be set back at least one foot from any sidewalk;

b. The sign will not encroach on any utility easement;

c. The sign will not obstruct a required sight distance (see *Infrastructure Design Manual*); and

d. There is at least five feet of landscaped parkway between the edge of pavement and the property line; or

3. The sign is a bus stop or transit shelter sign.

Table 0-6-402A
Permissible Detached Sign Types, Agricultural and Residential Districts

District	**AG**	**RS**	**RA**	**RU**	**NC**	**NI**
Monument Sign, Residential	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**
Maximum Number of Signs	2 signs per subdivision or development access, located on commonly owned open space					
Maximum Sign Area	32 sf.					
Maximum Sign Height	5 ft. or anywhere on retaining wall, if present					
Maximum Signable Area Ratio	60%					
Monument Sign, Nonresidential	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**
Maximum Number of Signs	1 sign per nonresidential parcel					
Maximum Sign Area	32 sf.	12 sf.				
Maximum Sign Height	6 ft.	4 ft.				
Maximum Signable Area Ratio	60%					
Kiosk Sign	**Not Allowed**	**Not Allowed**	**TND Only**	**TND Only**	**Not Allowed**	**Not Allowed**
Sign Location and Spacing	-		In Neighborhood Center Subdistricts only; set back at least 10 feet from vehicular use areas; and spaced 150 feet apart unless there is no line of sight between the signs		-	
Maximum Sign Area	-		9 sf.		-	
Maximum Sign Height	-		6 ft.		-	
Bus Stop and Transit Shelter Bench Signs	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**
Number of Signs Allowed	Signs may be incorporated into transit shelter designs.					
Maximum Sign Area	Signs shall be integrated into the transit shelter or its benches. Transit shelters and benches shall be sized according to their principal function, and not for the display of signage.					

Table 0-6-402B Permissible Detached Sign Types, Nonresidential and Mixed-Use Districts							
District	**AC**	**UC**	**CG**	**BP**	**I**	**ED**	**OSR**
Monument Sign, Residential	**Not Allowed**	**Not Allowed**	**Not Allowed**	**Allowed**	**Not Allowed**	**Not Allowed**	**Not Allowed**
Maximum Number of Signs	-			1 per parcel proposed for residential development	-		
Maximum Sign Area	-			20 sf.	-		
Maximum Sign Height	-			6 ft.	-		
Maximum Signable Area Ratio	-			70%	-		
Monument Sign, Nonresidential	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**
Maximum Number of Signs	2 signs per ingress or egress to district		1 per street frontage +1 per ingress or egress				
Maximum Sign Area	48 sf.		One sign per frontage up to 48 sf.All others up to 10 sf.				
Maximum Sign Height	10 ft.		One sign per frontage up to 10 ft.All others up to 5 ft.				
Maximum Signable Area Ratio	70%		80%				
Kiosk Sign	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Not Allowed**	**Allowed**	**Allowed**
Sign Location and Spacing	Set back 10 feet from any vehicular use area; within two feet of a sidewalk; and spaced 150 feet apart unless there is no line of sight between signs				-	Spaced at least 300 feet apart, and set back at least 10 feet from vehicular use areas	
Maximum Sign Area	12 sf.	12 sf.	12 sf.	12 sf.	-	4 sf.	4 sf.
Maximum Sign Height	7 ft.	7 ft.	8 ft.	7 ft.	-	3 ft.	3 ft.
Bus Stop and Transit Shelter Bench Signs	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**
Number of Signs Allowed	Signs may be incorporated into transit shelter designs.						
Maximum Sign Area	Signs shall be integrated into the transit shelter or its benches. Transit shelters and benches shall be sized according to their principal function, and not for the display of signage.						

C. **Exceptions and Special Provisions.**

1. *Residential Model Homes.* In addition to the signage that is permitted by Table 0-6-402A, *Permissible Detached Sign Types, Residential Districts*, and Table 0-6-402B, *Permissible Detached Sign Types, Nonresidential and Mixed-Use Districts*, **o**ne monument sign is permitted per model home within an approved subdivision; provided that the surface area of the sign does not exceed 16 square feet, and the height does not exceed five feet. Such signage shall not be required to meet minimum setback requirements of the zone district in which it is located with respect to minor streets that are internal to the subdivision, but shall not obstruct sight triangles.

2. *Signs for Full Service Hospitals.* One monument sign located immediately adjacent to each public street frontage, but not to exceed four signs, is allowed. Each sign may be up to 16

feet in height, up to 150 square feet in sign area, and may contain up to 30 items of information. For the purposes of this regulation, a full service hospital (including a medical center) is a hospital that provides overnight and extended in-patient care and 24-hour emergency room services.

3. *Freeway Oriented Commercial Retail and Mixed Use Developments.*

   a. The City Council finds that large retail developments that are adjacent to I-25 have unique needs for communicating their messages due to the high rate of speed of Interstate highway traffic, and the elevation of the Interstate compared to abutting properties. The regulations of subsection B.3.b., below apply to development that meets all of the following criteria:

      i. Unified commercial retail developments of more than 100,000 square feet of floor area, or mixed-used developments that contain more than 70,000 square feet of commercial retail floor area and more than 250,000 square feet of total floor area;

      ii. A minimum area of the parcel proposed for development of 10 acres; and

      iii. The parcel proposed for development directly abuts the I-25 right-of-way.

   b. Development that meets all of the criteria of subsection B.3.a., above, may display a monument sign that is subject to the following standards:

      i. Maximum sign height: 32 feet.

      ii. Alternative points of measurement: The point of measurement for sign height is either the centerline of I-25 or the top of the light rail line, whichever is higher.

      iii. Maximum sign area: 150 square feet.

      iv. Setbacks and location: The sign shall be located in the yard that abuts I-25, and shall be set back at least 10 feet from all property lines.

      v. Minimum spacing from other freeway oriented signs: 300 feet.

      vi. The sign must be compatible with surrounding architecture in general appearance and materials.

      vii. The sign shall also include landscaping in the form of shrubs, decorative grasses, perennials, or other ornamental materials around the base of the structure that are maintained by a subsurface irrigation system.

      viii. The sign permitted by this subsection is in addition to the signs that are permitted by Table 0-6-402B, *Permissible Detached Sign Types, Nonresidential and Mixed-Use Districts*.

4. *Off-Premises Signage for Large Commercial Retail and Mixed-Use Development.*

   a. The City Council finds that large retail developments that are not located on property with frontage on a major arterial have unique needs for communicating their messages due to decreased visibility and the high volumes of traffic that seek the use. The regulations of subsection B.4.b., below, apply to development that meets all of the following criteria:

i. Unified commercial retail developments of more than 100,000 square feet of floor area;

ii. A minimum area of the parcel proposed for development of 10 acres; and

iii. A location without frontage on a major arterial, but not more than 3/4 mile distant from a major arterial.

b. Development that meets all of the criteria of subsection B.4.a., above, may display up to two off-premises monument signs, provided that each sign meets all of the following criteria:

i. The sign must be located within 3/4 mile from the parcel proposed for development;

ii. The sign must be located along a major arterial street;

iii. The minimum distance between off-premises signs permitted by this Section is at least 300 feet;

iv. The sign must be compatible with surrounding architecture in general appearance and materials;

v. The sign shall also include landscaping in the form of shrubs, decorative grasses, perennials, or other ornamental materials around the base of the structure that are maintained by a subsurface irrigation system; and

vi. The sign permitted by this subsection is in addition to the on-premises signs that are permitted by Table 0-6-402B, *Permissible Detached Sign Types, Nonresidential and Mixed-Use Districts*.

D. **Billboards.** Billboards, because of their size, design, visual impact along public roadways and potential interference with public safety, are permitted only in CG and I districts, and are subject to conditional use approval and the following standards:

1. *Location*. Billboards may be located only on property that abuts the right-of-way of I-25 or a State Highway;

2. *Permits from Other Jurisdictions*. No permit from the City of Centennial will be issued unless it is demonstrated that other entities with jurisdiction to issue billboard permits (*e.g.*, CDOT) have issued the required permits.

3. *Maximum Height.* No billboard shall exceed 35 feet in height.

4. *Maximum Sign Area*. 300 square feet.

5. *Orientation of Sign Faces*. If two sign faces are located on the same structure, the sign faces shall be parallel to each other.

6. *Visibility*. Billboards shall not impair traffic visibility.

7. *Billboard Separation Requirement.*

a. No billboard shall be located less than 500 feet from any other billboard.

b. No billboard shall be located less than 500 feet from any residentially zoned property in any jurisdiction, measured in a straight line in any direction from the nearest point on the sign structure to the residential zone boundary.

Division 6-5 Temporary Signs

(RESERVED)

EDITOR'S NOTE: THE TEXT OF THIS DIVISION IS INCLUDED FOR REFERENCE ONLY. THIS DIVISION HAS BEEN IDENTIFIED AS AN ITEM FOR FURTHER STUDY IN 2010. AS SUCH, IT IS NOT PART OF THE LDC UNTIL APPROVED BY THE CITY COUNCIL.

Sec. 0-6-501 General Standards for Freestanding Temporary Signs

A. **Generally**. There are many forms of temporary signs. This section sets out which forms of temporary signs are allowed in each zoning district, and the size and height standards that apply to them. Sign types that are not listed in Table 0-6-501A, *Permissible Freestanding Temporary Sign Types, Agricultural and Residential Zoning Districts*, or Table 0-6-501B, *Permissible Freestanding Temporary Sign Types, Nonresidential and Mixed-Use Zoning Districts*, are not permitted as freestanding signs.

B. **Setbacks.** All temporary signs shall be set back at least five feet from all property lines, except as provided in Section 0-6-502, *Prevention of Visual Clutter in Principal Corridors*. Temporary signs that are not visible from public rights-of-way or abutting property are not restricted by this Section.

Table0-6-501A
Permissible Freestanding Temporary Sign Types, Agricultural and Residential Zoning Districts

District	AG	RS	RA	RU	NC	NI
Yard Sign	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**
Number of Signs Allowed	No maximum; provided minimum size and height restrictions met					
Maximum Sign Area (per sign / total)	6 sf. / 36 sf.	6 sf. / 24 sf.				
Maximum Sign Height	5 ft.	4 ft.				
Swing Sign	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**
Number of Signs Allowed	1 per frontage	1 per lot				
Maximum Sign Area	5 sf. (including up to 2 riders)					
Maximum Sign Height	6 ft.					
Sidewalk Sign	**Not Allowed**	**Not Allowed**	**Not Allowed**	**Not Allowed**	**Not Allowed**	**Not Allowed**
Number of Signs Allowed	-					
Maximum Sign Area (per sign / total)	-					
Other Requirements	-					
Site Sign	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Not Allowed**	**Not Allowed**
Number of Signs Allowed	1 per frontage				-	
Maximum Sign Area	12 sf.				-	
Maximum Sign Height	5 ft.				-	
Other Requirements	Not allowed on parcels with existing residential uses				-	

Table0-6-501B Permissible Freestanding Temporary Sign Types, Nonresidential and Mixed-Use Zoning Districts							
District	**CG**	**AC**	**UC**	**BP**	**I**	**ED**	**OSR**
Yard Sign	**Not Allowed**	**Not Allowed**	**Not Allowed**	**Not Allowed**	**Not Allowed**	**Allowed**	**Allowed**
Number of Signs Allowed	-					2 per ingress / egress to the parcel proposed for development	
Maximum Sign Area (per sign / total)	-					6 sf. / 6 sf. x the number of signs allowed based on ingress and egress points	
Maximum Sign Height	-					4 ft.	
Swing Sign	**Not Allowed**	**Not Allowed**	**Not Allowed**	**Not Allowed**	**Not Allowed**	**Not Allowed**	**Not Allowed**
Number of Signs Allowed	-						
Maximum Sign Area	-						
Maximum Sign Height	-						
Sidewalk Sign	**Not Allowed**	**Allowed**	**Allowed**	**Not Allowed**	**Not Allowed**	**Not Allowed**	**Not Allowed**
Number of Signs Allowed	-	1 per ground floor tenant bay		-			
Maximum Sign Area (per sign / total)	-	8 sf.		-			
Other Requirements	-	Must leave at least 4 feet of sidewalk width for pedestrian use; must be located outside of principal pedestrian travel path; not allowed on sidewalks in arterial or collector rights-of-way		-			
Site Sign	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**
Number of Signs Allowed	1 per frontage						
Maximum Sign Area	16 sf.						
Maximum Sign Height	8 ft.						
Other Requirements	NA						

C. **Exceptions and Special Provisions.**

1. *Off Premise Directional Signs*. The City Council finds that due to the configuration of streets and the patterns of traffic in the City of Centennial, there is a need to enhance wayfinding to emergency services and real estate developments. As such, temporary off-premises wayfinding signage is permitted for a period of not more than one year if it meets the criteria of Table 0-6-501A, *Permissible Freestanding Temporary Sign Types, Agricultural and Residential Zoning Districts*, or Table 0-6-501B, *Permissible Freestanding Temporary Sign Types, Nonresidential and Mixed-Use Zoning Districts*, and it is demonstrated that:

a. The signs are located on private property with permission of the landowner;

b. The signs are located along an arterial frontage;

c. The signs are located in compliance with Section 0-6-502, *Prevention of Visual Clutter in Principal Corridors*; and

d. The signs are separated by a distance of at least 300 feet.

Sec. 0-6-502 Prevention of Visual Clutter in Principal Corridors

A. **Generally.** The City Council finds that the proliferation of temporary signage along the principal corridors of the City causes visual clutter that is detrimental to the character of the community, and tends to be distracting to motorists. The City Council also finds that the application of this Section does not restrict the ample alternative ways that residents and business owners may communicate their messages.

B. **Corridor Setback Requirement.**

1. No temporary sign shall be placed within the right-of-way (as provided in Section 0-6-302, *Prohibited Sign Locations*), or within 30 feet of the edge of pavement (whichever creates a greater setback from the edge of pavement), along the following street corridors: E. Orchard Road; E. Arapahoe Road; E. Dry Creek Road; E. County Line Road; S. Broadway; S. University Boulevard; S. Colorado Boulevard; S. Holly Street; S. Quebec Street; S. Yosemite Street; S. Havana Street; S. Dayton Street; S. Peoria Street; E. Easter Avenue (East of S. Havana Street); S. Clinton Street; S. Potomac Street; S. Jordan Road; S. Parker Road; E. Smoky Hill Road; S. Himalaya Street; E. Broncos Parkway; S. Chester Street; S. Fraser Street; S. Buckley Road; S. Tower Road; S. Liverpool Street; S. Picadilly Street; and S. Reservoir Road.

2. The setback requirement of this Section shall not apply in the following circumstances:

   a. To the front yard of any lot that is used or zoned for single-family residential purposes, when the front lot line is the edge of the right-of-way of a corridor subject to the requirements of this Section.

   b. Where an intervening private fence, wall, or other structure clearly delineates the boundary of private property outside of the prescribed public right-of-way, in which case the required setback shall include only the area up to and including the outside surface of such private fence, wall, or other structure.

Sec. 0-6-503 Standards for Attached Temporary Signs

A. **Generally.** Attached temporary signs are permitted subject to the standards of this Section, for a duration as set out in Section 0-6-504, *Duration of Temporary Signs*.

B. **Banners.** Banners are permitted in the CG, AC, UC, BP, ED, and OSR districts, provided that:

1. There is only one banner per principal building;

2. The banner is attached to the principal building, and complies with the standards of Division 0-6-302, *Prohibited Sign Locations*.

3. The sign area on the banner is not larger than the sign area allowed for a wall sign on the building upon which the banner is attached.

C. **Sock Signs and Temporary Wall or Fascia Signs.** Sock signs are permitted in CG, AC, UC, BP, and I districts, and may be installed upon issuance of a building permit for a permanent sign, and may remain in place for not more than 30 days. Such signs shall have a sign area that is not more than 15 percent larger than that which is permitted for the permanent sign for which the permit application was filed.

D. **Window Signs.** Temporary window signs are allowed in all locations where permanent window signs are allowed, provided that the transparency standards of Section 0-6-401, *Attached Signs*, are met.

Sec. 0-6-504 Duration of Temporary Signs

A. **Generally.** The purpose of temporary signs is to display messages for a temporary duration. Temporary signs shall not be used as a subterfuge to circumvent the regulations that apply to permanent signs or to add permanent signage to a parcel proposed for development in addition to that which is permitted by Division 6-4, *Permanent Signs*.

B. **Duration of Display.**

1. In general, temporary signs shall be removed as of the eariler of the date that:

   a. A commercial message is obsolete and has become misleading or off-premises (*e.g.*, a "for lease" or "for sale" sign in front of a building that is fully occupied);

   b. The sign falls into disrepair (see Section 0-6-306, *Sign Maintenance*); or

   c. The number of days set out in Table 0-6-504A, *Duration of Detached Temporary Signs*, or Table 0-6-504B, *Duration of Attached Temporary Signs*, expires.

Table 0-6-504A
Duration of Detached Temporary Signs

District	AG	RS	RA	RU	NC	NI	CG	AC	UC	BP	I	ED	OSR
Yard Sign													
Paper or cardboard sign face	Signs must be removed within 24 hours of placement; signs may be placed not more than 90 days per year						-					Must be removed within 24 hours of placement; signs may be placed not more than 14 days per year	
Laminated paper; plastic lined polyethelene bags and comparable materials	Signs may be placed for not more than 90 days per year						-					Signs may be placed for not more than 90 days per year	
Wood, corrugated plastic, metal, or vinyl sign face	Signs may be placed for not more than 120 days per year						-					Signs may be posted for not more than 120 days per year	

Table 0-6-504A Duration of Detached Temporary Signs				
Swing Sign				
Wood, corrugated plastic, or metal sign face and finished wood or metal structure	Signs may be placed for not more than 9 months per year		-	
Sidewalk Sign				
All sidewalk signs	-		Must be removed from sidewalk at close of business	-
Site Sign				
Corrugated plastic sign face	Signs may be placed for not more than 6 months per year	-	Signs may be placed for not more than 6 months per year	
Plywood sign face	Signs may be placed for not more than 10 months per year	-	Signs may be placed for not more than 10 months per year	
Metal; Plywood with bonded aluminum sign face	Signs may be placed for not more than 14 months per 2 year period	-	Signs may be placed for not more than 16 months per 2 year period	

Table 0-6-504B Duration of Attached Temporary Signs													
District	AG	RS	RA	RU	NC	NI	CG	AC	UC	BP	I	ED	OSR
Banners													
Cloth, canvas, or comparable material	-						Signs must be removed within 14 days of placement; signs may be placed not more than 30 days per year					Must be removed within 24 hours of placement; signs may be placed not more than 14 days per year	
Vinyl or comparable material	-						Signs may be placed not more than 30 days per year					Signs may be placed not more than 90 days per year	
Sock Signs													
Vinyl or comparable material	-						Signs may be placed after sign permit for permanent sign is issued, and for a period of not more than 30 days thereafter					-	
Temporary Wall or Fascia Signs													
All materials	-						Signs may be placed after sign permit for permanent sign is issued, and for a period of not more than 30 days thereafter						
Window Signs													
Inside window (all materials)	-						Not Limited						
Outside window (all materials)	-						Signs must be removed not more than 15 days after placement						

2. For signs posted in accordance with Section 0-14-311, *Public Notice*, the sign shall be removed within five days after the date of the noticed hearing or event.

D. **Administrative Interpretations.** The City Council finds that materials technology is a rapidly evolving field of study, and that materials for signage that are not listed in Table 0-6-504A, *Duration of Detached Temporary Signs* or Table 0-6-504B, *Duration of Attached Temporary Sign Types*, may be introduced into the market. When an unlisted material is proposed, the Director shall determine to which class of materials the new material is comparable, based on the new material's appearance, durability, and colorfastness. No sign displays shall be longer in duration than the longest permitted display in Table 0-6-504A, *Duration of Detached Temporary Signs* or Table 0-6-504B, *Duration of Attached Temporary Sign Types* regardless of the material.

Division 6-6 Sign Design Program

Sec. 0-6-601 Sign Design Program Alternative

A. **Generally**.

1. *Purpose.* The requirements of Division 6-1 to Division 6-5 ensure that signs that meet certain minimum standards that are consistent with the character and quality of development in Centennial may be quickly approved and displayed. For some development, alternative standards may contribute to the aesthetic qualities of the development. Approval of a sign design program pursuant to the standards of this Division allows for unified presentation of signage throughout a parcel proposed for development, flexibility to provide for unique environments, and pre-approval of designs and design elements to make subsequent applications for sign permits more efficient. To this end, a sign design program alternative is created.

2. *Approval Criteria.* The Planning and Zoning Commission may approve a sign design program if it results in a substantially improved, comprehensive, and unified proposal compared to what is allowed through strict compliance with the sign regulations of this Article. The Director shall review all sign types (*e.g.*, freestanding, attached, window, etc.) for the parcel proposed for development, to determine the degree of compliance with this Article, and shall report to the Planning and Zoning Commission with regard to the degree of deviation from these standards that is sought by the applicant. The degree of deviation sought by the applicant shall be measured against the degree of compliance with the standards of this Division.

3. *Conditions of Approval*. The Planning and Zoning Commission may impose reasonable conditions on the sign design program that are not related to the content of the signs or the viewpoints of the sign users, in order to ensure continuing compliance with the standards of this Division and approved sign design programs.

B. **Contents of Sign Design Program.** A sign design program shall set forth a master plan for signage for an entire parcel proposed for development. For example, shopping center sign design programs shall include all tenants and lots; and office or industrial parks shall include all types of signs for wayfinding and tenants or uses within the development. Sign design programs shall set out:

1. Sign dimensions and approximate locations;

2. Materials and colors;
3. Proposed illumination, including illumination levels;
4. Maximum numbers of items of information per sign face;
5. A design theme with illustrative examples of each sign type and the proposed general locations of each sign type; and
6. A demonstration that the sign design program will improve the aesthetics of the development and will not have an adverse impact on the use, enjoyment, or value of property in adjacent or nearby residential districts.

C. **Effect of Approval.** Upon approval of a sign design program, issuance of a sign permit shall be based on compliance with the standards set out in the sign design program for the parcel proposed for development.

Sec. 0-6-602 Flexibility Criteria

A. **Generally.** Signage which is proposed as part of a sign design program may deviate from the standards of this Article in terms of the types and numbers of signs allowed, the maximum sign area, the maximum signable area ratio, and materials and illumination standards (including electronic message centers), subject to compliance with a sign design program that is approved according to the flexibility criteria set out in this Section.

B. **Prohibited Signs and Sign Elements.** Prohibited signs and sign elements are not eligible for inclusion in a sign design program unless specifically indicated in this Article.

C. **Modification of Sign Setbacks.** Setbacks for detached signs may deviate from the requirements of this Article if it is demonstrated that there is no impact on public safety or utility easements, and all other requirements for approval of a sign design program are met.

D. **Architectural Theme.**

1. All signs shall be architecturally integrated into or complimentary to the design of the buildings and character of the site, and shall use similar and coordinated design features, materials, and colors. The sign design program shall establish an integrated architectural vocabulary and cohesive theme for the parcel proposed for development.
2. The design, character, location, and/or materials of all freestanding and attached signs proposed in a sign design program shall be demonstrably more attractive than signs otherwise permitted on the parcel proposed for development under the minimum standards of this Article.

E. **Lighting.** Lighting standards shall not deviate from the standards of this Article, except as part of a sign design program for a parcel proposed for development in a UC or AC district, in locations where the lighting:

1. Cannot be seen from outside of the parcel proposed for development;
2. Does not create a sky glow under normal conditions; and
3. Does not shine into windows of residential units located within the district.

F. **Height, Area, Number and Location of signs.**

1. The height, area, number and location of signs permitted through the sign design program shall be determined by the Planning and Zoning Commission based on the following criteria:

   a. The overall size of the parcel proposed for development and the scale of the use or uses located or anticipated to be located there (larger land areas and scales of use tend to favor larger signs and / or more signs);

   b. Relationship between the building setback and sign location (additional signage may be appropriate for buildings with less visibility, particularly where buffering is providing an aesthetic and / or environmental benefit to the City);

   c. Frontage (larger frontages may justify more or larger signs, particularly if the size of the frontage tends to prevent sign clutter from multiple adjacent parcels);

   d. Access and visibility to the site;

   e. Intended traffic circulation pattern and the need for wayfinding;

   f. Hierarchy of signage;

   g. Relationship between the site and adjacent uses;

   h. The desired function of the site (*e.g.*, an urban center or activity center would tend to include signage that is more urban and more dynamic in character than a strip shopping center); and

   i. Consistency with the objectives and design policies of the Comprehensive Plan and any applicable sub-area plans.

2. Additionally, the maximum permitted sign area shall be based on the following formula when evaluated against the above criteria:

   a. The maximum area permitted for attached signage shall range from one percent up to a maximum of six percent of the building facade to which the sign is to be attached.

   b. The maximum total permitted area of all freestanding signs on a parcel proposed for development shall not exceed 10 percent more than the total sign area that would otherwise be permitted by Section 0-6-402, *Detached Signs*.

G. **Community Character.** The signage proposed in a sign design program shall not have an adverse impact on the community character of the district in which the parcel proposed for development is located, or of the City of Centennial.

H. **Property Values.** The signage proposed in a sign design program will not have an adverse impact on the value of property in the immediate vicinity of the parcel proposed for development.

I. **Elimination of Nonconforming Signs.** If there are existing signs on-site, they shall be brought into conformance with the standards of the approved sign design program.

Division 6-7 Exterior Lighting Standards

Sec. 0-6-701 Purpose and Applicability

A. **Purpose.** The purpose of this Division is to prevent the trespass of artificial light into rights-of-way and residential properties in ways that constitute a hazard to public safety or an interference with the residential value of private property.

B. **Applicability.** The standards of this Section apply to all property in the City of Centennial, except as provided in subsection C.

C. **Exemptions.** The following types of lighting are exempt from the requirements of this Division:

1. Temporary decorative seasonal lighting provided that individual lamps have a light output of 200 lumens or less.
2. Soffit or wall-mounted luminaries that are permanently attached to residential dwellings, not to exceed the height of the eave.
3. Temporary lighting for emergency or nighttime work and construction.
4. Temporary lighting for theatrical, television, and performance areas, or for special events authorized through a permit.
5. Lighting for outdoor recreational uses such as ball diamonds, playing fields, tennis courts, and similar uses, provided that such uses comply with the following standards:
   a. Maximum permitted light post height is 80 feet;
   b. Fixtures are cut-off type to minimize light spillage and sky glow; and
   c. Limits on hours of illumination require that exterior lighting shall be extinguished no later than 11:00 PM.

Sec. 0-6-702 Illuminance

A. **Off-Site Illuminance.** Illuminance levels on horizontal or vertical planes resulting from on-site light sources shall not exceed the following:

1. At the property line: 0.5 foot-candles
2. 20 feet beyond the property line (adjacent to residential development): 0.2 foot-candles

B. **On-Site Illuminance.**

1. Parking lots and other background spaces shall be illuminated as unobtrusively as possible while meeting the functional needs of circulation and safety. The average level of illumination within parking lots shall not exceed 15 foot candles.
2. Foreground spaces, such as building entrances and outside seating areas, shall utilize local lighting that defines the space without glare.
3. Pedestrian-level, bollard lighting not exceeding three feet in height, ground-mounted lighting, or other low, glare-control fixtures mounted on building landscape walls shall be used to light pedestrian sidewalks and walkways. Pedestrian areas shall be illuminated to a

minimum of one foot candle. Pedestrian lighting required by this section shall meet all lighting standards contained elsewhere in this Division.

Sec. 0-6-703 Cut-Off Fixture Requirement

A. **Generally.** All lighting shall be shielded such that the source of illumination (bulb or direct lamp image) is not visible from the property line, thereby reducing glare and interference with boundary streets and adjacent properties. No lamp shall extend past the housing of a light fixture.

B. **Cut-off Requirements.**

1. Except as otherwise allowed for in this Division, all lighting (including, but not limited to street, parking lot, security, walkway and building) shall conform with the Illuminating Engineering Society of North America ("IES") criteria for full cut-off fixtures, which is 100 percent of light output below 90 degrees, and 90 percent of light output below 80 degrees from a vertical line through the fixture.
2. Lighting fixtures that illuminate landscape plantings, pedestrian walkways, signage, or product display areas shall also conform to the full cut-off fixture requirement.
3. All lighting fixtures that are mounted within 15 feet of a residential property line or public right-of-way boundary shall be classified as IES Type III or Type F (asymmetric forward throw). These fixtures shall be fitted with a “house side shielding” reflector on the side facing the residential property line or public right-of-way.
4. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.
5. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the primary building roofline.

Sec. 0-6-704 Design Requirements

The style, color and design of lighting fixtures shall be compatible with the overall design concept and use of materials for the principal building, site and area of the lighting plan.

Sec. 0-6-705 Hours of Operation of Lighting Fixtures

A. **Generally.** Through the review of a development proposal, (or building permit when applicable) the hours of operation may be restricted based upon but not limited to: location to residential development, topography, proposed use of the property, security, and traffic interference.

B. **Operation of Floodlights.** Floodlights shall not be used to light any portion of a building facade between the hours of 10:00 PM and 6:00 AM, except in the UC or AC district in locations and configurations that:

1. Are not visible from residential uses in other districts; and
2. Do not shine light into windows of residential uses within the site.

Sec. 0-6-706 Prohibited Lighting

A. **Generally.** No outdoor lighting may be used in any manner that is likely to interfere with the safe movement of motor vehicles on public thoroughfares.

B. **Prohibitions.** The following are prohibited:

1. Any fixed light not designed for roadway illumination that produces incident or reflected light that could impair the operator of a motor vehicle;
2. The installation, use or maintenance of beacons or searchlights;
3. Lights that are mounted on the ground or poles for the purpose of illuminating a building facade, except in the CG, AC, and UC districts where not visible from other districts or public rights-of-way; and
4. Exposed strip lighting used to illuminate building facades or outline buildings, or neon tubing, or flickering or flashing lights installed in like fashion, except for temporary decorative seasonal lighting.

Sec. 0-6-707 Installation and Maintenance Standards

A. **Generally.** The operation and maintenance cost of the exterior lighting system is the responsibility of the property owner.

B. **Maintenance Requirements.** Exterior lighting systems shall be maintained in good working order. Maintenance shall include replacement of bulbs and light fixtures that are not working, and regular cleaning of light fixtures as needed.

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Adopted 4.19.2010

Article 7 Open Space, Floodplain Management, and Environmental Quality

Division 7-1 Purpose and Applicability of Article

Sec. 0-7-101 Purpose of Article

The purpose of this Article is to establish standards for the use of protected open spaces, the management of the City's floodplains and floodways (including the prevention of flood damage), and for the environmental impacts of the City's land uses (*e.g.*, noise, vibration, air quality, water quality, and glare), in order to ensure that the City continues to provide a desirable environment for residences, recreation, education, culture, commerce, and industry.

Sec. 0-7-102 Application of Article

A. **Uses in Open Space.** The standards of Article 3, *Development Standards*, or Division 2-4, *Limited and Conditional Use Standards*, may require identification of land areas on a parcel proposed for development that will be set aside as permanent open space. It is the intent of the City Council that such areas be available for multiple uses that are consistent with their open space designations and resource management objectives. Division 7-2, *Use of Designated Open Space*, establishes the uses that are permitted in designated open space and the standards that apply to those uses.

B. **Floodplain Management and Flood Damage Prevention.** Division 7-3, *Floodplain Management and Flood Damage Prevention*, sets out the technical standards for development within areas of special flood hazard within the City.

C. **Environmental Quality.** Division 7-4, *Environmental Quality*, sets out the standards for hours of construction noise, ground vibration, emissions of air pollutants, discharge of water pollutants, and creation of glare. In some cases these provisions are cross-references to standards that are enforced by other levels of government. Such references do not waive requirements for compliance with any other applicable state or federal standards that are not listed.

Division 7-2 Use of Designated Open Space

Sec. 0-7-201 Use of Designated Open Space

EDITOR'S NOTE: HIGHLIGHTED PROVISIONS ARE INCLUDED FOR REFERENCE ONLY. THEY HAVE BEEN IDENTIFIED AS ITEMS FOR FURTHER STUDY. AS SUCH, THEY ARE NOT PART OF THE LDC UNTIL APPROVED BY THE CITY COUNCIL. HIGHLIGHTING WILL BE REMOVED IF AND WHEN THE PROVISIONS ARE MADE EFFECTIVE.

A. **General.** This Section lists the uses that are allowed in the designated open spaces that are required elsewhere in this LDC. If the use is located within a floodplain or floodway, then the standards of Section 0-7-202, *Use of Special Flood Hazard Area (SFHA), Flood Fringe and*

Floodways, also applies. These standards do not apply to open spaces that are owned by public entities, including the City of Centennial.

B. **Agricultural Uses.**

1. *Apiaries*. Apiaries are allowed in open space areas, provided that the hives are set back at least 250 feet from the boundaries of the open space parcel and from recreation uses in the open space parcel.

2. *Agriculture and Nursery*. Where agricultural and outdoor nursery uses are allowed by Section 0-2-304, *Industrial, Agricultural, and Special Uses*, the area of land put to agricultural and outdoor nursery uses is counted as open space. In other districts, noncommercial production of crops (*e.g.*, orchards or garden plots that are an amenity to development) is allowed in designated open space areas.

C. **Recreation Uses.**

1. Ball fields, golf courses, nature areas, picnic areas, play courts, and trails are allowed in designated open space areas.

2. Nature centers are allowed in designated open space areas, provided that associated buildings and parking occupy not more than 20 percent of the designated open space.

3. Pools are allowed in designated open space areas, provided that if a pool house is present, it is less than 1,500 square feet in floor area.

D. **Public Facilities.**

1. Advanced ecologically engineered wastewater treatment systems.

2. Stormwater management facilities and utility lines are allowed in designated open space areas.

3. Renewable energy generation facilities that comply with Section 0-3-607, *Renewable Energy Systems*, or Section 0-3-804, *Renewable Energy Systems*, as applicable, are allowed in designated open space areas that are not floodplains.

E. **Temporary Uses.** Public interest or special events are allowed in designated open space areas, subject to the requirements of Section 0-2-502, *Community and Neighborhood Events*.

Sec. 0-7-202 Use of Special Flood Hazard Area (SFHA), Flood Fringe and Floodways

EDITOR'S NOTE: HIGHLIGHTED PROVISIONS ARE INCLUDED FOR REFERENCE ONLY. THEY HAVE BEEN IDENTIFIED AS ITEMS FOR FURTHER STUDY. AS SUCH, THEY ARE NOT PART OF THE LDC UNTIL APPROVED BY THE CITY COUNCIL. HIGHLIGHTING WILL BE REMOVED IF AND WHEN THE PROVISIONS ARE MADE EFFECTIVE.

A. **Generally.**

1. This Section sets out the permitted uses and restrictions of land that is within the special flood hazard area (SFHA), flood fringe or floodway, and performance standards for the construction and operation of the uses. If the land within the SFHA, flood fringe or

floodway is also designated open space, then the Standards of Section 0-7-201, *Use of Designated Open Space*, also apply.

2. Floodplain must be preserved for the primary function of conveying unobstructed floodwaters. Land within the floodplain may be used for other purposes so long as the primary conveyance and storage function of the floodplain is preserved, the use is not a detriment to water quality, and the use is consistent with the LDC.

B. **Permitted Uses of SFHAs.** The City has determined that the following uses and improvements may be considered within a SFHA if it is determined that the proposed use or improvement is in conformance with the floodplain management regulations and floodplain management goals. It must be demonstrated that none of the conditions in subsection D., below, will occur as a result of the proposed use or improvement.

1. *Agricultural Uses.* The following agricultural uses are allowed in the SFHA:

   a. Agriculture (including crop production, livestock grazing, and fish hatcheries) and nursery, where allowed in the applicable zoning district.

   b. Apiaries, where allowed in the applicable zoning district, provided that the apiaries are elevated at least two feet above the base flood elevation and anchored to resist movement in the event of a base flood.

   c. Noncommercial production of crops (*e.g.*, orchards or garden plots that are an amenity to development)

2. *Recreation Uses.* The following recreation uses are allowed in the SFHA:

   a. Nature areas, picnic areas, and trails.

   b. Ball fields.

   c. Golf courses, provided that:

      i. The applicant provides a management plan that demonstrates that downstream water quality will not be adversely affected by fertilizers and pesticides associated with the use;

      ii. Tees and greens are elevated above base flood elevation, and no fill is used to raise tees or greens, except in areas where the fill causes no rise in the floodway; and

      iii. Pedestrian or golf cart trails and bridges that are designed to pass the 10-year flood event with freeboard as per requirements of the *Stormwater Management Manual*.

   d. Play courts / Playground Equipment.

   e. Recreational camps.

   f. Trails and Paths open to the general public.

3. *Public Facilities.* The following public facilities are allowed in the floodplain.

   a. Works for watershed protection and similar uses.

   b. Detention and water quality facilities associated with approved master drainage plans.

c. Local streets only if the street depth criteria in the *Stormwater Management Manual* and *Infrastructure Design Manual* are not exceeded and alternative access outside of the SFHA is available.

d. Underground utilities as long as adequate cover exists to protect the utilities.

e. Parking for active park and public facilities.

4. Landscaping. Landscaping in conformance with the uses allowed in Section 0-7-304, *Provisions for Flood Hazard Reduction (Standards)*

C. **Non-Permitted Uses of the SFHA.**

1. *Use Factors*. In general any use that has potential for the following to occur is prohibited in the SFHA:

a. Obstruction of the flood water flow so that the SFHA is altered in elevation in excess of the allowable criteria (unless approved through a floodplain modification study).

b. Reduction in the carrying capacity of the channel (unless approved through a floodplain modification study).

c. Potential for material, equipment, or facilities to become dislodged or displaced and to be deposited downstream causing culvert or bridge blockage, channel degradation, or damages to other properties.

d. Potential for negatively impacting water quality.

2. *Prohibited Uses*. The City has determined that the following uses are prohibited within the SFHA:

a. All structures including residential, non-residential, recreational or temporary.

b. Substantial improvement to existing structure(s).

c. Additions to or placement of manufactured homes.

d. Fencing, including solid or perforated wood, split rail, chain link, stone, brick and/or other materials.

e. Landscaping walls or structural walls that extend or flatten land and that encroach into the floodway or flood fringe.

f. Permanent toilet facilities.

g. Structures, ponds, or appurtenances related to water and wastewater treatment facilities.

h. Parking lots not associated with an approved SFHA use.

i. Detention or water quality ponds not part of a regional or approved drainage master plan.

3. *Storage of Materials*. Storage of hazardous or floatable materials in the SFHA, flood fringe and floodway is prohibited. These materials represent a significant potential public health, environmental or safety risk. Floatable materials can also become lodged in culverts,

bridges and channels resulting in increased damages resulting from increased flood depths or diversion of flood waters.

a. Temporary storage of construction-related vehicles and materials may be permitted, depending upon location and type of material storage, as long as the material can be relocated in accordance with an emergency action plan that has been approved by the Floodplain Administrator.

D. **Performance Standards for Use of SFHAs, Flood Fringe, and Floodways.**

1. No SFHA use shall adversely affect the efficiency of or unduly restrict the capacity of the channels or floodways of any tributaries to the mainstream, drainage ditches, or any other drainage facilities or systems.

2. No structure (temporary or permanent), fill, (including fill for roads and levees), deposits, obstruction, storage of materials, or other SFHA uses which, acting alone or in combination with existing or future SFHA uses, shall be permitted that adversely affect the efficiency or the capacity of the floodway, or which increases flood heights or adversely affects the storage capacity of the SFHA based on the assumption of an equal degree of encroachment extending for a significant reach on both sides of the stream.

3. Impervious surfaces in the SFHA shall be minimized. Proposed impervious surfaces in the floodplain are subject to approval by the City Engineer with respect to generated storm water runoff.

4. All uses of the SFHA shall comply with applicable floodplain management regulations contained in Division 7-3, *Floodplain Management and Flood Damage Prevention*, as may be amended from time to time and the City of Centennial *Stormwater Management Manual*.

5. No fill is allowed within the flood fringe.

E. **Uses Not Listed.** Uses not specifically listed above may be permitted if, in the opinion of the Director, they are similar in character to permitted uses in this district, and are in conformance with the intent of this district. Uses not specifically prohibited in this section should not be construed as allowed by exclusion. However, since floodplains are subject to periodic inundation and are therefore unsuitable for human habitation, no new structure in the SFHA shall be used for human habitation.

Division 7-3 Floodplain Management and Flood Damage Prevention

EDITOR'S NOTE: THIS DIVISION IS SUBJECT TO FURTHER REVIEW BY FEDERAL, STATE, AND REGIONAL AGENCIES. THE ENGINEERING DIVISION WILL TAKE THE LEAD IN ENSURING THAT THIS REVIEW IS COMPLETED.

Sec. 0-7-301 Findings of Fact, Purpose, Applicability, and Methods

A. **Findings of Fact.**

1. The flood hazard areas of the City are subject to periodic water inundation that can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief,

and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

2. The flood losses are caused by the cumulative effect of obstructions in special flood hazard areas which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

B. **Statement of Purpose.** It is the purpose of this Division 7-3, *Floodplain Management and Flood Damage Prevention*, to promote the public health, safety, and general welfare, and to lessen public and private losses due to flood conditions to specific areas by provisions designed:

1. To protect human life and health;
2. To reduce expenditure of public money for costly flood control projects;
3. To reduce the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To reduce prolonged business interruptions;
5. To reduce damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in special flood hazard areas;
6. To help maintain a stable tax base by providing for the sound use and development of special flood hazard areas so as to reduce future flood blight areas;
7. To provide a means to respond to requests from potential developers for information supporting a decision regarding whether property is in a special flood hazard area;
8. To ensure that potential buyers are notified that property is in a special flood hazard area; and
9. To provide that those who occupy the special flood hazard areas assume responsibility for their actions.

C. **Applicability.**

1. These Regulations shall apply uniformly to all special flood hazard areas within the jurisdiction of the City of Centennial. No structure or land shall hereafter be constructed, located, extended, have fill placed upon, converted or materially altered without full compliance with the terms of this Division and other applicable regulations regarding floodplain management and flood damage prevention.
2. This Division is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Division and another ordinance, easement, covenant, or deed restriction that are enforceable by the City conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

D. **Methods of Reducing Flood Losses.** In order to accomplish its purposes, this Division, in conjunction with Division 7-2, *Uses of Designated Open Space*, Section 0-11-402, *Stormwater Management Manual*, the required floodplain review procedures in Section 0-14-205, *Required Floodplain Determination*, and the required review and permit procedures in Section 0-14-206, *Floodplain Development Permit*, includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to flood water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that development vulnerable to floods, including facilities which serve such development, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage;
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas; and
6. Preventing all new construction or installation of residential or non-residential structures, and preventing all substantial improvement to all existing legal nonconforming structures or facilities, in any special flood hazard area.
7. Restricts encroachments, including fill, new construction, substantial improvements, and other development in any floodway unless a technical evaluation demonstrates that the encroachments will not result in an increase (no rise) in flood levels during the occurrence of the base flood, pursuant to Section 0-7-304, *Provisions for Flood Hazard Reduction (Standards)*, subsection D.
8. Require a minimum clearance, or freeboard, be provided between the 100-year base flood elevation and structures and other applicable facilities which may be impacted by the base flood. Freeboard is required to allow for uncertainty in the floodplain modeling, changes to the drainageway (i.e. increased invert due to sedimentation), and to provide an additional factor of safety for structures and facilities which would result in damages or hazards during inundation.
9. In some cases, consideration should be given to providing protection from flooding events that are produced by storm events in excess of the 100-year storm event. Consideration should be given to a higher level of protection for critical facilities and access routes that are critical for the protection of public health, safety, and welfare, or where flooding in excess of the 100-year storm event could result in loss of life, significant damage to utilities and infrastructure, or result in hazardous materials being transported in flood waters. In general, placement of critical facilities within the 500-year floodplain is discouraged.

Sec. 0-7-302 Definitions

Definitions provided for terms in this Division are found in Division 16-2, *General Definitions*

Sec. 0-7-303 General Provisions

A. **Lands to which this Section Applies.** This Section shall apply to all special flood hazard areas within the jurisdiction of the City.

B. **Basis for Establishment of Special Flood Hazard Areas.**

1. The special flood hazard areas identified by the Federal Emergency Management Agency in its "Flood Insurance Rate Map (FIRM)" and "Flood Insurance Study (FIS)" dated August 15, 1995, is adopted by reference and declared to be a part of this LDC.
2. The FIRM and FIS are on file at the Centennial Civic Center, 13133 East Arapahoe Road, Centennial, Colorado 80112 and at the Southeast Metro Stormwater Authority, 76 Inverness Drive East, Suite A, Englewood, Colorado 80112.
3. The Flood Hazard Area Delineation ("FHAD") studies produced by the Urban Drainage and Flood Control District ("UDFCD"), as may be amended and updated from time to time, are adopted by reference and are declared to be a part of these regulations. Also, the Floodplain Administrator shall notify adjacent communities, the District, and the Colorado Water Conservation Board prior to any alteration or relocation of a water course and must submit evidence of such notification to the Federal Emergency Management Agency ("FEMA").
4. The Colorado Water Conservation Board ("CWCB") is the State Coordinating Agency of the National Flood Insurance Program. The Flood Protection Program of the CWCB assists in the prevention review and approval of all reports and maps that are normally used by local governments for regulatory, floodplain administration, and insurance purposes. Technical information used for regulation of flood prone areas must be designated and approved by the CWCB before the information is used for floodplain management purposes.
5. Other sources, such as CLOMRs, LOMRs, drainage studies, and master development plans, as deemed appropriate by the Floodplain Administrator.

C. **Compliance.** No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of Article 7, *Open Space, Floodplain Management, and Environmental Quality*, and other applicable regulations.

D. **Abrogation and Greater Restrictions**. Article 7, *Open Space, Floodplain Management, and Environmental Quality*, is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where Article 7, *Open Space, Floodplain Management, and Environmental Quality*, and another Section, easement, covenant, or deed restriction enforceable by the City conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. **Interpretation of this Division; Disclaimer**

1. In the interpretation and application of this Division, all provisions shall be:
   a. Considered as minimum requirements;
   b. Liberally construed in favor of the governing body; and
   c. Deemed neither to limit nor repeal any other powers granted under State Statutes.
2. The degree of flood protection required by this LDC is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasion. Flood heights may be increased by man-made or natural causes. This LDC does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This LDC

shall not create liability on the part of the City, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this LDC or any administrative decision lawfully made thereunder.

Sec. 0-7-304 Provisions for Flood Hazard Reduction (Standards)

A. **Generally.** In all special flood hazard areas ("SFHA") the standards of this Section are required.

B. **Proposed Structures in the SFHA.**

1. *New Construction.* Prevent all new construction or installation of residential or non-residential structures, and preventing substantial improvement to all existing legal nonconforming structures or facilities, in any special flood hazard area. This also applies to manufactured homes and recreational vehicles.

2. *Other Development.* All other development in SFHAs shall be prohibited unless shown to the satisfaction of the Floodplain Administrator that:

   a. The proposed development does not adversely affect the efficiency of, or unduly restrict the capacity of, the channels or floodways of any tributaries to the mainstream, drainage ditches, or any other drainage facilities or systems; or

   b. That no structure (temporary or permanent), fill (including fill for roads and levees), deposits, obstruction, storage of materials, or other floodplain uses which, acting alone or in combination with existing or future floodplain uses, adversely affects the efficiency or the capacity of the floodway, or increases flood heights or adversely affects the storage capacity of the floodplains based on the assumption of an equal degree of encroachment extending for a significant reach on both sides of the stream.

   c. Flood control or stream stability projects are allowed with studies and map revisions as provided for in Section 0-14-206, *Floodplain Development Permit*, and in Section 0-14-804, *Floodplain Variances*.

   d. Encroachment into the 100-year floodplain through flood fringe filling is strongly discouraged and is only considered on a case-by-case basis, using the criteria in Section 0-14-804, *Floodplain Variances*.

3. *Conditions of Approval of Floodplain Development Permit.* The Floodplain Administrator may impose conditions of approval of Floodplain Development Permits in order to achieve compliance with the provision for flood hazard reduction standards, which conditions may include modification of proposed systems and facilities and imposition of operational controls and limitations on periods and conditions of use and operation. Additionally, a map revision process may be required prior to permit approval.

4. *Manufactured Homes.* New construction or installation, or substantial improvements to manufactured homes shall not be permitted in the special flood hazard areas.

C. **Existing Structures in the SFHA.**

1. *Minor Non-Substantial Improvements.* The construction standards contained in this part shall apply only to minor remodeling of structures legally existing as nonconforming uses

as of the date of the enactment of these floodplain regulations, and to other nonstructural development as permitted by the Floodplain Administrator.

2. *Use of Special Flood Hazard Areas.* All uses of property in SFHAs shall comply with applicable floodplain regulations contained in this LDC. It is the intent of the City that no permanent structures be located or substantially improved in SFHAs, and that all such existing legal nonconforming uses cease upon obsolescence of existing nonconforming structures.

3. *Substantial Improvements.* No substantial improvements to any type of structure are allowed in the SFHA.

4. *Non-Substantial Improvements.* All non-substantial improvements to existing structures in SFHAs must adhere to the following:

   a. Residential Construction. New construction and substantial improvement of any residential structure in the SFHA shall have the lowest floor elevated to or above the minimum freeboard requirement in Section 0-7-301, *Findings of Fact, Purpose, Applicability, and Methods*, subsection D, *Methods of Reducing Flood Losses* or highest adjacent grade plus depth in shallow flooding areas (AO and AH Zones). A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of Section 0-14-206, *Floodplain Development Permit*, has been satisfied.

   b. Nonresidential Construction. New allowed construction and non-substantial improvement of any commercial, industrial or other nonresidential structure shall either:

      i. Have the lowest floor (including basement) elevated to or above freeboard elevation in the SFHA and highest adjacent grade plus depth in shallow flooding areas; or

      ii. Together with attendant utility and sanitary facilities, shall:

         a. Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

         b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

         c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this Section. The Floodplain Administrator shall keep records of these certifications pursuant to Section 0-13-103, *Floodplain Administrator*.

         d. In shallow flooding areas (Zone AH or AO) have adequate drainage paths around the structure to guide flood waters around and away from the structure.

   c. Construction Materials and Methods.

i. All non-substantial improvements shall be constructed with materials and utility equipment that are resistant to flood damage.

ii. All non-substantial improvements shall be constructed using methods and practices that minimize flood damage.

iii. All non-substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating with the components during conditions of flooding.

d. Openings in Enclosures below the Lowest Floor. For all non-substantial improvements, fully enclosed areas below the lowest flood that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

ii. The bottom of all openings shall be no higher than one foot above grade;

iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

5. *Anchoring.*

a. All new allowed construction and non-substantial improvements shall be:

i. Anchored to prevent flotation, collapse or lateral movement of the improvement; and

ii. Capable of resisting the hydrostatic and hydrodynamic loads, including the effects of buoyancy.

b. Any non-substantial improvements to manufactured homes must be elevated to the freeboard requirement and anchored to resist flotation, collapse or lateral movement and be capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to any applicable State and/or local anchoring requirements for resisting wind forces. Specific requirements that shall be met:

i. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty feet long requiring one additional tie per side;

ii. Frame ties be provided at each corner of the home, with five additional ties per side at intermediate points, with manufactured homes less than fifty feet long requiring four additional ties per side;

iii. All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and

iv. Any additions to the manufactured home shall be similarly anchored.

D. **Freeboard.** A minimum clearance, or freeboard shall, be provided between the SFHA or shallow flooding area and structures and other applicable facilities which may be impacted by the base flood. Freeboard is required to allow uncertainty in the floodplain modeling, changes to drainageway (*i.e.*, increased invert due to sedimentation), and to provide an additional factor of safety for structures and facilities which would result in damages or hazards during inundation.

1. The City requires a minimum two feet of freeboard between the 100 year water surface elevation and the lowest finished floor elevation (including basement level) of all structures in the SFHA.
2. For facilities which are not structures (typically not requiring a building permit) such as roadways, utility cabinets, parks and trail improvements, a minimum of one foot of freeboard is acceptable.
3. Shallow flooding areas (AO and AH Zones) shall have the lowest floor (including basement level) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at lease two feet if no depth is specified on the FIRM).

E. **Utilities.**

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

F. **Floodways**. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, construction shall adhere to the following provisions:

1. Prohibit encroachments, including fill, new construction, and other development unless certification by a registered professional engineer is provided demonstrating that encroachment shall not result in any increase in flood levels (no rise) during the occurrence of the base flood, or otherwise alter the floodway in a manner which will constrict the channel or increase erosion potential unless 44 CFR Part 65, Section 12 requirements are met.
2. If the requirements of above are satisfied, all new construction shall comply with all applicable flood hazard reduction provisions of this Section.

3. For all special flood hazard areas that do not have a regulatory floodway designated, no encroachment may increase the base flood level more than one half foot, unless 44 CFR Part 65, Section 12 requirements are met, until a regulatory floodway is designated.

G. **Flood Fringe Encroachment (Filling).** In some cases, it can be demonstrated that encroachment of the flood fringe has little or no impact on the base flood elevations at a specific location, because the filling is occurring in a backwater or ineffective flow area. Encroachment in the flood fringe is strongly discouraged, and will only be considered on a case-by-case basis. When considering requests involving flood fringe encroachment, the Floodplain Administrator shall consider, at a minimum, the following:

1. *Impacts to Adjacent Properties.* If the encroachment creates a rise in the Base Flood Elevation on properties other than that of the applicant, the applicant will be required to obtain floodplain easements for the additional floodplain property.

2. *Channel Hydraulics and Design.* If the encroachment creates a significantly narrow channel, with steep side slopes and undesirable velocities, the City may require mitigating channel improvements, or not support the floodplain filling.

3. *Channel Aesthetics and Land Use.* If the encroachment significantly impacts the aesthetics of the natural drainageway, and the resulting channel improvements create a drainageway that is not deemed compatible with the surrounding land uses, the City may not support the flood fringe encroachment.

4. *Cumulative Effect.* The one-half foot floodway filling restriction is cumulative, and therefore all proposals considering filling in the fringe, must consider the total cumulative impact, based on historical and future filling on both sides of the drainageway.

5. *Floodplain Modification Study.* When flood fringe encroachment is allowed, a floodplain modification study consistent with the scope of work shall be provided.

H. **Subdivision Proposals**. The following shall apply to all subdivision proposals in or adjacent to special flood hazard areas.

1. *Minimize Flood Damage.* All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with the need to minimize flood damage.

2. *Floodplain Development Permit.* All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirement of Section 0-14-206, *Floodplain Development Permit.*

3. *Protection of Utilities.* All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

4. *Drainage.* All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

5. *Freeboard Required.* All subdivision proposals will be subject to the freeboard requirement for lots that are adjacent to the special flood hazard area.

6. *Base Flood.* The applicant shall be responsible for generating any base flood elevation data and survey data requested by the Floodplain Administrator relating to the site and proposed development. In cases where there is conflicting base flood elevation data, the data which is most protective of flood hazard areas and which restricts development will be used.

7. *Special Flood Hazard Areas.* Designated SFHA boundaries must be considered in subdivision layout, where applicable. When the SFHA boundary accurately represents the proposed floodplain limits, lots can be platted as discussed in the previous sections. There are many cases, however, where the SFHA is much wider than the actual or proposed floodplain. This situation frequently arises in locations where SFHA was delineated using approximate methods or where improvements are proposed to confine the floodplain. In this case, platted lots must be outside of the SFHA and the actual floodplain, whichever is more restrictive.

8. *Actual or Proposed Floodplain.* Alternatively, subdivision layout can be based on the actual or proposed floodplain, with other considerations outlined in this Section and the lots that are affected by the FEMA SFHA will be restricted on the plat. The restriction will not allow Building Permits to be issued for these lots until a Letter of Map Revision ("LOMR") has been issued by FEMA and the LOMR appeal period has expired. An approved Conditional Letter of Map Revision (CLOMR) will be required prior to acceptance of the final plat, to ensure that FEMA will issue a LOMR after improvements are constructed. The developer will be required to provide a FEMA LOMR that specifically identifies all affected lots outside of the SFHA prior to building permit approval for those lots.

9. *Lots Adjacent to SFHAs.* When subdivision layout proposes lots outside of, but adjacent to a SFHAs, the City will require that the developer provide a Letter of Map Amendment ("LOMA") or LOMR that identifies the platted lots outside of the SFHA prior to building permit approval. Building permits on the affected lots will be restricted as described above, until the LOMA or LOMR is provided.

I. **Recreational Vehicles**. Recreational vehicles shall either be located in special flood hazard areas for fewer than 180 consecutive days or be fully licensed and ready for highway use.

Sec. 0-7-305 Interpretation of this Division; Disclaimer

A. **Interpretation.** In the interpretation and application of this Division, all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit nor repeal any other powers granted under State Statutes.

B. **Warning and Disclaimer of Liability.** The degree of flood protection required by this LDC is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasion. Flood heights may be increased by man-made or natural causes. This LDC does not imply that land outside the

special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This LDC shall not create liability on the part of the City, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this LDC or any administrative decision lawfully made thereunder.

Division 7-4 Environmental Quality

Sec. 0-7-401 Construction Noise

In order to control noise levels, construction activities within 300 feet of residential uses shall not take place between the hours of 7:00 PM and 7:00 AM. The Director may authorize construction activities during the hours of 7:00 PM to 7:00 AM for good cause shown, including, but not limited to, minimizing peak hour traffic disruptions and performing emergency repairs.

Sec. 0-7-402 Vibration

A. **Generally.** Ground vibration can be a nuisance to abutting property, regardless of whether it is perceptible to people without instruments. The performance standards of this Section are intended to limit the negative effects of ground vibration in the City.

B. **Measurement.** For the purposes of this Section, vibration is measured as "vibration decibels," or VdB, which are calculated as: VdB = 20 x $\log_{10}$(v / (1 x 10^{-6} in./sec.)), where "v" is the rms velocity amplitude, calculated as the average of the squared amplitude of the vibration, measured in inches per second.

C. **Standards.** The standards of Table 0-7-402, *Vibration Standards*, shall be met at the property line, except as provided in subsection E., below.

Table 0-7-402
Vibration Standards

Maximum Continuous Ground Vibration by Adjoining Zoning (VdB)													Maximum Impact Vibration(10 or fewer events per day)(VdB)
AG	RS	RA	RU	NC	NI	AC	UC	OSR	ED	CG	BP	I	
55										60		65	70

D. **Off-Site Boundaries.** Where the lot or parcel proposed for development is located near a different zoning district, but does not include a property line that is also a district boundary line, the standards of this Section shall be met at the district boundary line in accordance with subsection C, above, as well.

E. **Exceptions.** The following are excepted from these standards:

1. Vibrations emanating from construction activities between the hours of 7:00 AM and 7:00 PM that are temporary in nature, and necessary for the construction activity.
2. Transient vibrations of moving vehicles, such as trucks and automobiles or trains.
3. Extraction activities may be granted limited exceptions to impact vibration standards during the conditional use approval process, and those conditions shall be controlling.

F. **Measurement.** An operator trained to measure vibrations shall make all such measurements and shall submit and certify them to the City.

Sec. 0-7-403 Air Quality

A. **Generally.** Air quality shall be maintained according to state and federal standards. Demonstrations of compliance shall be provided as required by this Section.

B. **Emissions.** Applicants for approval of uses that will emit air pollutants that are subject to regulation pursuant to the federal *Clean Air Act* and the *Colorado Air Pollution Prevention and Control Act* (Section 25-7-101, *et seq.*, *Colorado Revised Statutes*), shall demonstrate compliance with those laws.

C. **Control of Wind Blown Dust.** Land owners shall control wind blown dust as required by Section 35-72-102, *Colorado Revised Statutes*, *Duty of Landowner - Liability for Damage*.

Sec. 0-7-404 Water Quality and Quantity

A. **Stormwater Management.** Measures to protect water quality and to manage the quantity and velocity of stormwater runoff shall be implemented pursuant to the standards set out in the *City of Centennial Stormwater Management Manual*. *See* Section 0-11-402, *Stormwater Management Manual*.

B. **Grading, Erosion, and Sediment Control.** Measures to protect water quality during construction and for land disturbance activities shall be implemented pursuant to the standards set out in the City of Centennial *Grading, Erosion and Sediment Control Manual*. *See* Section 0-11-403, *Grading, Erosion and Sediment Control Manual.*

Sec. 0-7-405 Glare

A. **Glare from Use.** Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines.

B. **Glare from Buildings and Structures.** Buildings and structures (including signs) shall be designed and oriented to avoid glare that materially interferes with the safe operation of streets for motor vehicles and bicycles.

Adopted 4.19.2010

Article 8 Development Landscaping and Tree Protection

(RESERVED)

EDITOR'S NOTE: THE TEXT OF THIS ARTICLE IS INCLUDED FOR REFERENCE ONLY. THIS ARTICLE HAS BEEN IDENTIFIED AS AN ITEM FOR FURTHER STUDY IN 2010. AS SUCH, IT IS NOT PART OF THE LDC UNTIL APPROVED BY THE CITY COUNCIL.

Division 8-1 Purpose and Application of Article

Sec. 0-8-101 Purpose of Article

A. **Purpose.** The purpose of this Article is to establish landscaping standards that protect and preserve the appearance and character of the City, improve the compatibility of abutting uses, protect the ecological and recreational value of the City's natural heritage, and conserve scarce water resources by promoting the planting of native and drought-resistant trees and shrubs. To these ends, this Article provides standards for planting, maintenance, and removal of trees and other landscaping.

B. **Intent.** In establishing these standards, it is the City Council's intent to encourage the preservation of trees and their value to the community, increase the compatibility of adjacent uses, and to minimize the effects on the surrounding environment due to noise, dust, debris, artificial light intrusions, and other impacts of an adjoining or nearby use.

Sec. 0-8-102 Application of Article

A. **Applicability.**

1. *Generally*. The landscaping requirements of this Article apply to all development, except:

   a. The development of single-family or two-family dwelling units on platted lots;

   b. The expansion of single-family or two-family dwelling units on platted lots;

   c. Development which does not expand the footprint of an existing building; and

   d. Development which expands the footprint of an existing building by not more than 10 percent or 2,500 square feet, whichever is less.

2. *Building Expansions*. Improvements that are not listed as exceptions in subsection A.1., above that are located on sites that do not comply with the requirements of this Article are regulated by the schedule of compliance thresholds in Division 12-4, *Compliance Thresholds*.

B. **Relationship to Other Articles.**

1. Division 3-4 *Residential Neighborhood Development Standards* and Division 3-7, *Nonresidential and Mixed-Use Development Standards,* establish an open space ratio (for residential development) or landscape surface ratio (for nonresidential and mixed-use development). *See Section* 0-3-206*, Open Space Ratio and Landscape Surface Ratio, for calculations.* This Article sets out the rules for how the required open spaces and landscape surfaces must be allocated, configured, and planted. If the application of the requirements

of this Article result in more open space or landscape surface than is required by Article 3, *Development Standards*, then the requirements of this Article shall control. However, relief may be available pursuant to Section 0-8-403, *Bufferyard Model* or Section 0-8-404, *Constrained Bufferyards*.

2. Article 7, *Open Space, Floodplain Management, and Environmental Quality*, sets out requirements for preservation and protection of certain natural resource areas. Division 8-5, *Natural Resource Protection Area Landscaping*, sets out the rules for restoration and landscaping of preserved natural areas.

C. **Calculation of Planting Requirements.** Division 8-2, *Determination of Planting Requirements*, sets out how the planting requirements of this Article are calculated, and the size and quality of plant material that must be used to satisfy those requirements. It also allows for credit for preservation of existing trees.

D. **Development Landscaping.** Division 8-3, *Development Landscaping*, sets out the planting requirements for groundcovers, street trees, landscape surfaces and common open spaces that are not allocated to other purposes (*e.g.*, parking lot landscaping or bufferyards), private lots, and parking lots.

E. **Bufferyards.** Division 8-4, *Bufferyards*, sets out the rules for bufferyard design and the requirements for parking buffers and district boundary buffers.

F. **Natural Resource Protection Area Landscaping.** Division 8-5, *Natural Resource Protection Area Landscaping*, sets out the rules for restoration and landscaping of natural areas that are preserved on-site according to the requirements of Article 7, *Open Space, Floodplain Management, and Environmental Quality*.

G. **Tree Protection and Care.** Division 8-6, *Tree Protection and Care*, sets out the rules for protecting trees in terms of:

1. Where trees can be planted in relation to utilities and sight distance triangles;
2. When new trees that are required by this Article can be planted;
3. How existing trees that are preserved for landscaping credit must be protected during construction and development; and
4. Who is responsible for maintenance of street trees and trees in common open space or landscape areas.

H. **Landscape Plans and Performance Guarantees.** Division 8-7, *Landscape Plans and Performance Guarantees*, establishes a requirement for submittal of a landscape plan along with specified applications for development approval, and specifies what information must be included in the landscape plan. It also requires developers to provide a performance guarantee to ensure the survival of landscaping for a period of time after it is installed.

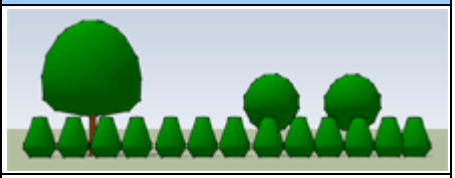
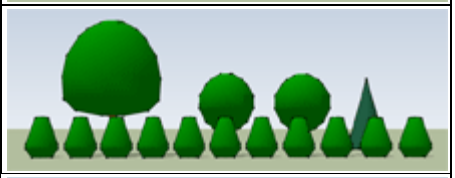
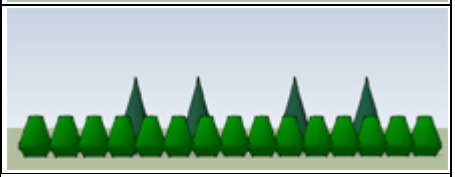
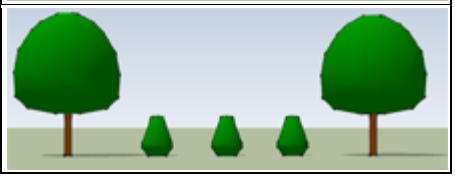
Division 8-2 Determination of Planting Requirements

Sec. 0-8-201 Plant Units

A. **Generally.** The Plant Unit is a combination of plant material that provides a predictable volume of vegetation (at maturity) at multiple elevations, while providing flexibility to the landscape designer with respect to the choice of plantings. In terms of volume, any plant unit is interchangeable with any other plant unit. However, certain plant units are preferable for specialized application, such as in parking lots or under utility lines.

B. **Plant Unit Descriptions.** The required plant material for each of five interchangeable plant units are set out in Table 0-8-201, *Plant Unit Descriptions*. The illustration is intended to show the relative volume at planting, but is not intended to suggest that any particular form or arrangement of the plant materials is required by a particular plant unit type.

Table 0-8-201
Plant Unit Descriptions

Plant Unit	Preferred Application	Required Trees			Required Shrubs	Illustration
		Large	Small	Evergreens		
Standard Unit	General	1	2	0	13	
Alternative A	General	1	2	1	11	
Alternative B	Year-round screening, but not along immediate West and South edges of streets	0	2	3	7	
Alternative C	Year-round screening, but not along immediate West and South edges of streets	0	0	4	15	
Alternative D	Parking buffers	2	0	0	3	

C. **Fractional Plant Units.** Fractional Plant Units shall be rounded to the nearest five hundredths (*e.g.*, if the calculated Plant Unit requirement is 1.63, it is rounded up to 1.65). The planting requirements of a fractional Plant Unit are calculated by multiplying the fraction by the

required number of each type of plant in the Plant Unit, with the product rounded off using standard rounding. For example, 0.3 Plant Units, using the Standard Plant Unit as a base, would require 0 large trees (0.3 x 1 = 0.3, rounded down to zero), 1 small tree (0.3 x 2 = 0.6, rounded up to 1), 0 evergreens, and 4 shrubs (0.3 x 13 = 3.9, rouded up to 4). However, a fractional Plant Unit of 0.10 or less shall be interpreted as a requirement for one shrub regardless of the Plant Unit being used.

Sec. 0-8-202 Areas of Required Landscaping

A. **Generally.** There are six general areas of a parcel proposed for development in which landscaping may be required. The way in which the landscaping requirements for each of these areas are expressed is set out in Table 0-8-202, *Planting Units of Measurement by Landscape Area*.

B. **Identification of Landscape Areas on Nonresidential, Multifamily, and Mixed-Use Parcels.** Landscaped areas on nonresidential, multifamily, and mixed-use parcels and adjacent rights-of-way are identified as follows:

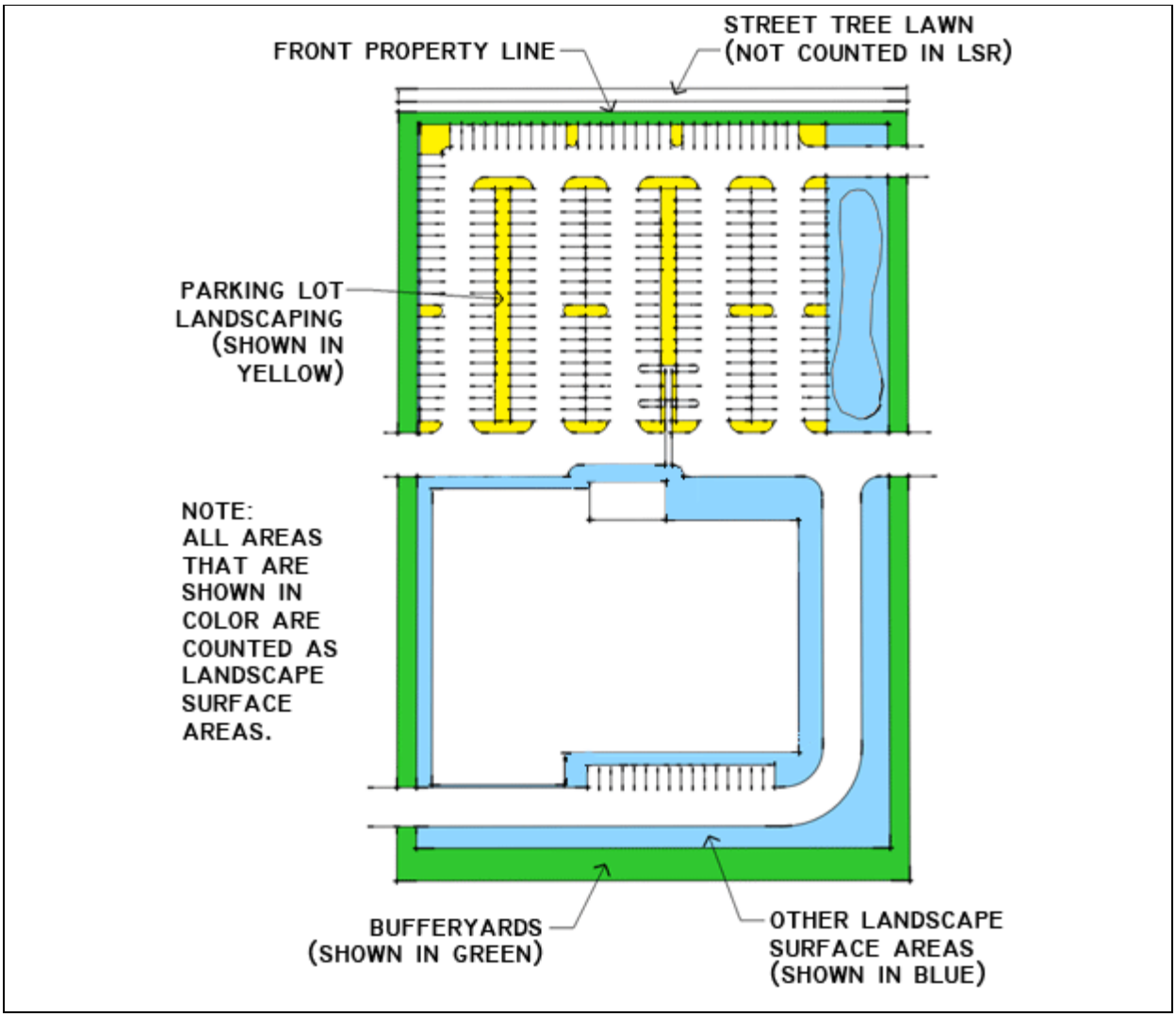
1. Street tree lawns are areas along the right-of-way where street trees may be planted. This landscape area may or may not be applicable to a parcel proposed for development. See Section 0-8-302, *Street Trees*.

2. Parking lot landscape areas are those areas within the public surface parking lots that must be landscaped. Parking areas are delineated to include access aisles and parking spaces, and any corners that are necessary to give the parking area a regular shape. Parking lots in screened service areas are not required to be landscaped.

3. Bufferyards are areas around the perimeter of the parcel proposed for development where landscaping is required to buffer the development from neighboring properties and rights-of-way.

4. Landscape surface areas include parking lot landscape areas, bufferyards, and open drainage facilities, and any additional area that is necessary to bring the parcel proposed for development into compliance with the landscape surface ratio requirement. See Figure 0-8-202A, *Illustrative Nonresidential Landscape Areas*.

Figure 0-8-202A
Illustrative Nonresidential Landscape Areas



C. **Identification of Landscape Areas on Residential Parcels.** Landscaped areas in single-family detached and single-family attached developments are identified as follows:

1. Street tree lawns are areas along the right-of-way where street trees may be planted. This landscape area may or may not be applicable to a parcel proposed for development. See Section 0-8-302, *Street Trees*. Street tree lawns are counted as landscape areas if they are created along new streets that were formerly part of the parcel proposed for development.

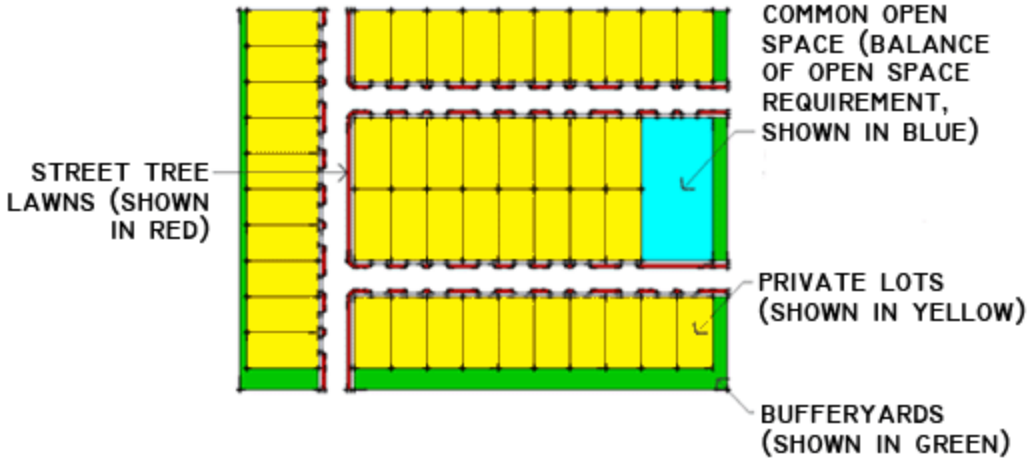
2. Parking lot landscape areas are those areas within the surface parking lots that must be landscaped. Parking areas are delineated to include access aisles and parking spaces, and any corners that are necessary to give the parking area a regular shape.

3. Bufferyards are areas around the perimeter of the parcel proposed for development where landscaping is required to buffer the development from neighboring properties and rights-of-way.

4. Common open space landscape areas include parking lot landscape areas, bufferyards, and open drainage facilities, and any additional area that is necessary to bring the parcel proposed for development into compliance with the common open space ratio requirement. See Figure 0-8-202B, *Illustrative Residential Landscape Areas*.

5. Private lots landscape areas are the yards on lots that are intended for individual ownership, or, in the case of common maintenance communities or condominiums, areas around dwelling units that would be located within private lots if the subdivision were platted for conventional fee-simple ownership. See Figure 0-8-202B, *Illustrative Residential Landscape Areas*.

Figure 0-8-202B
Illustrative Residential Landscape Areas



D. **Units of Measurement for Planting Landscape Areas.** The planting requirements of this Article are applied to the various landscape areas of a parcel proposed for development and abutting rights-of-way, as set out in Table 0-8-202, *Planting Units of Measurement by Landscape Area*.

Table 0-8-202
Planting Units of Measurement by Landscape Area

Landscape Area	Nonresidential, Mixed-Use, and Multifamily Residential	Single Family Detached Residential and Single Family Attached Residential
Rights-of-Way		
Street Trees	Large trees per 100 linear feet of street frontage, excluding intersections and points of access	Large trees per 100 linear feet of street frontage, excluding intersections and points of access
Open Spaces Not Counted As Other Landscaped Areas		
Landscape Surface	Plant units per 1,000 sf. of required landscape surface area	NA

Table 0-8-202 Planting Units of Measurement by Landscape Area		
Landscape Area	**Nonresidential, Mixed-Use, and Multifamily Residential**	**Single Family Detached Residential and Single Family Attached Residential**
Common Open Space	NA	Plant units per 1,000 sf. of common open space
Other Landscape Areas		
Private Lots	Large trees per 2,500 sf. of lot area	Large trees per 2,500 sf. of lot area; and small trees per 2,500 sf. of lot area
Parking Lots	Large trees per number of parking spaces	Large trees per number of parking spaces
Bufferyards	Plant units per 100 linear feet of bufferyard	Plant units per 100 linear feet of bufferyard

Sec. 0-8-203 Selection of Plant Material

A. **Generally.** Plant material that is used to demonstrate compliance with this Article shall be selected as provided in this Section.

B. **Approved Plant List.** A list of approved plants is set out in Appendix A. The list separates plants into Large Trees, Small Trees, Evergreen Trees, and Shrubs, and classifies each according to whether or not the species counts towards the Xeric planting requirements of subsection E., below. The Director is delegated the authority to modify the approved plant list according to the following criteria:

1. Plants may be added to the list if the Director finds a preponderance of credible evidence that the species:

   a. Is not on any of the following lists:

      i. The United States Department of Agriculture's Invasive and Noxious Weeds list for the State of Colorado;

      ii. The Colorado Noxious Weed List, promulgated by the Colorado Department of Agriculture; or

      iii. The City of Centennial prohibited plant list; and

   b. Is either native to the region or not invasive; and

   c. Is either on the Plant Select® list or has one or more of the following characteristics:

      i. Drought-tolerance (low or medium water consumption);

ii. Fire resistance;

iii. Produces a food crop; or

iv. Provides habitat for native wildlife or migratory birds.

2. Plants may be annotated as limited to locations that are more than 10 feet from street rights-of-way if the Director finds that the trees are already present in such numbers along City rights-of-way that further installation of the species would likely violate subsection D.3., below.

3. Plants may be removed from the list if the species is on any of the lists identified in subsection B.1.a., above.

C. **Prohibited Plant List.** A list of prohibited plants is set out in Appendix A. The Director is delegated the authority to add species to the prohibited plant list to make it consistent with the lists identified in subsection B.1.a., above.

D. **Required Biodiversity.** Diversity of the genera and species of trees and shrubs is required in order to prevent monocultures which could result in large-scale losses in the event of disease or blight. Therefore:

1. Within each category of required landscaping (*i.e.*, large trees, small trees, and shrubs):

a. Not more than 40 percent shall be of any one genera; and

b. Not more than 20 percent shall be of any one species.

2. Each street block shall have at least three genera of street trees. For the purpose of this paragraph only, street trees shall include all trees that are planted within 10 feet of the public street right-of-way.

3. Not more than 40 percent of the street trees in the City shall be of the same genus.

E. **Required Xeric Plantings.** At least 50 percent of each category of plants (i.e., large trees, small trees, evergreen trees, and shrubs) that are used to meet the landscaping requirements of this Article shall be listed as Xeric on the approved plant list.

F. **Minimum Size of Plants at Installation.** Plant material shall be installed in the following minimum sizes:

Table 0-8-203
Minimum Size of Plants at Installation

Type of Plant	Distance from Public Right-of-Way	
	10 feet or less, or in tree lawns or medians	More than 10 feet
Large Tree	2 inch caliper	2 inch caliper
Small Tree	1.5 inch caliper	1.5 inch caliper
Evergreen Tree	8 feet in height	6 feet in height
Shrub	5 gallon container	5 gallon container

G. **Quality of New Plantings.**

1. All landscape material shall be in compliance with the standards of the American Association of Nurserymen, except that the minimum root ball diameter of balled and

burlap trees shall be according to the *Rules and Regulations of the Colorado Nursery Act*, promulgated by the Colorado Department of Agriculture.

2. Single trunk species with co-dominant trunks (multiple trunks of equal size) shall not be used. Single trunk trees shall have one trunk to the top, and all branches shall be less than half of the diameter of the adjacent trunk.

3. All plant material shall have a habit of growth that is normal for the species and shall be of sound health, vigorous growth, and free from insect pests, diseases and injuries.

Sec. 0-8-204 Credit for Existing Trees

A. **Generally.** Existing trees that are protected according to Section 0-8-603, *Tree Protection During Construction and Development*, count towards the planting requirements of this Article, provided that:

1. They are either:

   a. On the approved plant list; or

   b. Established for at least 5 years and not on the prohibited plant list; and

2. They are not:

   a. Overmature;

   b. Diseased;

   c. Poor in form; or

   d. Leaning heavily over buildings.

B. **Credit for Preservation of Trees.** It is the policy of the City to promote the preservation of its healthy mature tree canopy. Healthy, mature trees that are preserved on-site shall count as more than one tree for the purposes of landscaping requirements, as set out in Table 0-8-204, *Credit for Preservation of Trees*.

Table 0-8-204
Credit for Preservation of Trees

Preserved Healthy Tree Unit of Measurement (use whichever one produces the most credit)			Credit
Diameter at Breast Height	Tree Height	Years Established	
At least 2 inches, but less than 4 inches	At least 10 ft., but less than 15 ft.	Any	1 tree
At least 4 inches, but less than 8 inches	At least 15 ft., but less than 24 ft.	5	2 trees
At least 8 inches, but less than 12 inches	At least 24 ft., but less than 32 ft.	10	3 trees
At least 12 inches, but less than 16 inches	At least 32 ft., but less than 40 ft.	15	4 trees
16 inches or more	40 ft. or more	20 years or more	5 trees

Division 8-3 Development Landscaping

Sec. 0-8-301 Groundcover

In order to prevent erosion and wind-blown dust, pervious areas shall be planted or covered with trees, shrubs, groundcovers, (which may include sod), mulch (organic or inorganic), or garden

plants. Pervious areas may be mulched with stone or organic material, however, materials that float shall be contained by edging or topography.

Sec. 0-8-302 Street Trees

A. **Generally.** Street trees shall be platted and planted according to the standards of subsection B., below in the following circumstances:

1. Along both sides of all new street rights-of-way (except alleys) in the Urban Center and Activity Center districts;
2. Along both sides of new streets in other districts where there is sufficient width to accommodate the street tree lawn; and
3. Along existing rights of way where a street tree lawn is present and the entity responsible for the right-of-way authorizes the improvement.

B. **Street Tree Requirements.** Street trees shall be provided in street tree lawns or tree grates in sidewalks as follows:

1. Along new streets that are created on a parcel proposed for development;
2. In medians that are created on a parcel proposed for development;
3. In medians that are constructed near a parcel proposed for development in order to manage the traffic impacts of the development, provided that the medians:
   a. Are of sufficient width to accommodate the root system;
   b. Are maintained by the property owners' association of the development that provides the median; and
   c. The installation of street trees in the median would not be detrimental to public safety; and
4. In existing street tree lawns that abut proposed new development in any district if the street tree lawns are not already planted according to the requirements of subsection C., below, provided that the jurisdiction that controls the street consents to such planting.

C. **Spacing.**

1. *Generally*. Street trees shall be spaced at least 25, but not more than 50, feet on center in street tree lawns, but shall not be installed in locations that interfere with required sight triangles. Special plantings may be clustered if a registered landscape architect certifies that the cluster arrangement will not negatively affect the continuing health of the clustered trees.
2. *Wide street tree lawns and medians*.
   a. If the street tree lawn is greater than 20 feet in width, and topography permits, then large trees shall be installed in two rows, with trees staggered, each row spaced 50 feet on-center; or
   b. If a median is 18 feet or more in width, then it shall be planted with large trees, spaced 50 feet on-center.

D. **Tree Selection.** All trees planted within parkways shall be large trees with single-stemmed trunks, branched no lower than six feet above the ground (for visibility purposes), except that ornamental trees may be used if large trees would conflict with existing overhead power lines. Ornamental trees shall be selected which will fit within the street tree lawn without interfering with the street or sidewalk right-of-way, and which will avoid undue amounts of tree litter on the sidewalk and street.

Sec. 0-8-303 Landscape Surface and Common Open Space

A. **Generally.** The standards of this Section apply to required landscape surfaces and common open spaces which are not also designated as:

1. Private lots;
2. Parking lot landscaping areas;
3. Bufferyards;
4. Stormwater detention facilities;
5. Open water;
6. Stream channels or drainages;
7. Natural resource protection areas; or
8. Play fields and other active recreation areas that must be clear of trees.

B. **Planting Requirements.** Required landscape surfaces and common open spaces shall be planted as required by Table 0-8-303, *Planting Requirements*. Landscaping requirements for common open space and landscape surfaces are not applied in Agriculture (AG), Neighborhood Conservation (NC), Neighborhood Infill (NI), Urban Center (UC), and Open Space and Recreation (OSR) districts.

Table 0-8-303
Planting Requirements

Planting Requirement	Zoning District												
	AG	RS	RA	RU	NC	NI	CG	AC	UC	BP	I	ED	OSR
Number of Plant Units Per 1,000 sf. of Required Landscape Surface or Common Open Space	-	1.50	1.00	0.50	-	-	0.50	0.25	-	1.25	1.00	1.00	-

Sec. 0-8-304 Private Lots

A. **Generally.** The standards of this Section are applied during the development review and approval process, as follows:

1. Lots that are created by subdivision after the effective date; and
2. Existing lots that are redeveloped after the effective date.

B. **Planting Requirements.**

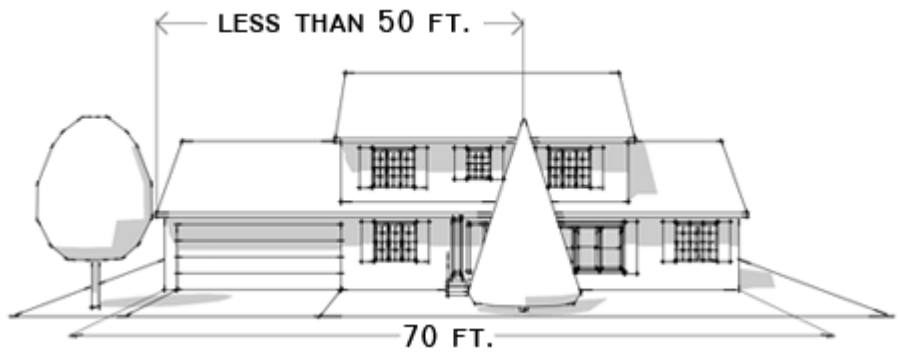
1. *RS and RA Districts.* 1 large tree or evergreen tree and 1 small tree per 5,000 sf. of lot area, applying standard rounding techniques to the outcome of the calculation.
2. *RU District.* 1 small tree or evergreen tree per 2,500 sf. of lot area, applying standard rounding techniques to the outcome of the calculation.

C. **Distribution of Plant Material.**

1. *Generally*. Generally, required plants may be installed in any location on the lot. However, trees shall be planted in locations that provide adequate room for healthy growth and stability.
2. *Front Yards*. In the RS, RA, RU, NC, and NI Districts, front yards shall be planted with at least the number of trees that are specified in paragraphs a., b., and / or c., below, as appropriate. These front yard plantings count toward the general private lot planting requirements set out in subsection B., above.
   a. Lots that are developed or redeveloped with single-family homes or duplexes with garage doors that face the street shall be planted with at least two trees in the front yard.
   b. Lots that are developed or redeveloped with buildings that have garage doors that are angled from the street at least 45 degrees shall be planted with at least two large trees or evergreen trees (one tree on each side of the driveway), and one small tree.
   c. Lots that are developed or redeveloped with buildings that are more than 60 feet wide or two stories tall shall be landscaped with large trees or evergreen that are arranged to break up the appearance of building mass, so that the building is perceived to be divided into widths of no greater than 50 feet when viewed from street-level vantage points along public street rights-of-way. Trees planted in accordance with subsections C.2.a. and C.2.b., above may be applied to this requirement.

Figure 0-8-304A
Distribution of Plant Material

Front Yard Landscaping Distribution Standard C.2.a.	Front Yard Landscaping Distribution Standard C.2.b.
Front Yard Landscaping Distribution Standard C.2.c.	

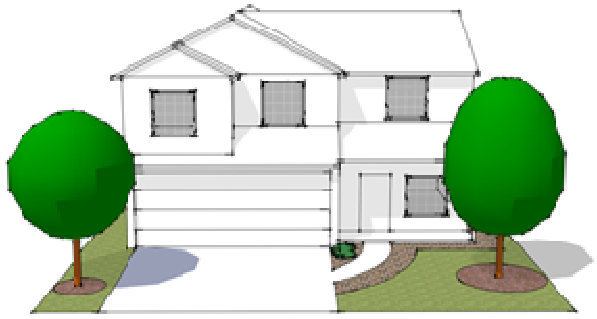


D. **Mulch and Rock.** Mulch and rock may be used to enhance the landscape, but bare rock or mulch areas shall not be the dominant visual element of front yards. Accordingly, no area of mulch or rock that occupies more than 10 percent of a front or street side yard is permitted unless it is planted as follows (fractions that result from the following calculations shall be dropped):

1. Groundcovers that will cover at least 50 percent of the area of mulch or rock within two years of planting; or
2. At least one tree per 125 square feet of area of mulch or rock; or
3. At least one shrub per 25 square feet of area of mulch or rock.

Figure 0-8-304B
Mulch and Rock

In the illustration below, the front yard is 1,000 sf. in area. Mulch and rock occupy 280 sf. (more than 10 percent of the yard). As such, two trees and one shrub are planted in the mulch / rock areas. (125 sf. per tree, plus 25 sf. for shrub, 5 extra sf. dropped as fraction).



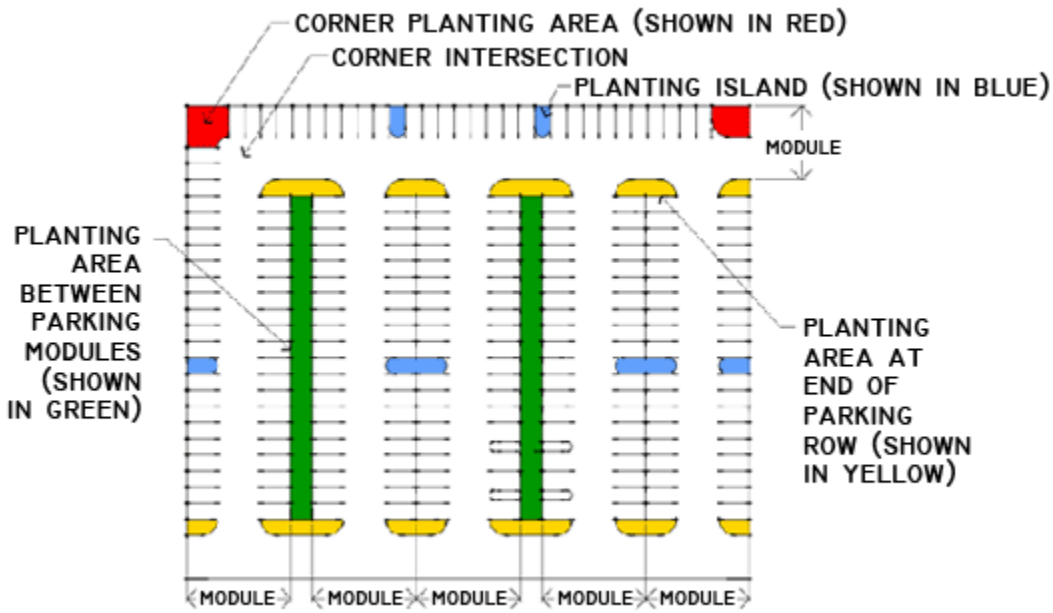
Sec. 0-8-305 Parking Lots

A. **Generally.** Parking lot landscaping is required in any parking lot that contains more than 10 parking spaces. Parking lot landscaping shall be installed in landscape islands and in corners of parking lots that cannot be used for parking spaces due do geometric constraints. Such corners shall be delineated by the extension of the back line of the parking spaces that define the corner. *See* Figure 0-8-305, *Parking Lot Planting Areas.*

B. **Planting Areas.** Planting areas shall be arranged within parking lots as follows:

1. A planting area shall be installed at each end of a parking row that intersects with an aisle, except on the outside of corners (which are corner planting areas). *See* Figure 0-8-305, *Parking Lot Planting Areas*.
2. A planting area shall be installed at each corner of the parking lot. *See* Figure 0-8-305, *Parking Lot Planting Areas*.
3. A planting area shall be provided between parking modules for each two parking modules that are arranged parallel to each other. For the purpose of this calculation, practions shall be rounded down. *See* Figure 0-8-305, *Parking Lot Planting Areas*.
4. Planting islands shall be provided as necessary to meet the planting requirements of subsection D. within the overall planting area that is required by multiplying the total number of required large trees (calculated as set out in subsection D., below) by the area per tree required by subsection C., below. *See* Figure 0-8-305, *Parking Lot Planting Areas*.

Figure 0-8-305
Parking Lot Planting Areas



C. **Planting Area per Tree.** Each required tree shall be installed in a permeable area that is:

1. Not less than 125 square feet; and
2. Not less than 9 feet in any horizontal direction.

D. **Planting Requirements.** Large trees shall be installed as required by Table 0-8-305, *Planting Requirements*. Such trees shall be distributed around the parking lot so that each planting area includes at least one tree.

Table 0-8-305 Planting Requirements													
	Zoning District												
Planting Requirement	AG	RS	RA	RU	NC	NI	CG	AC	UC	BP	I	ED	OSR
Number of surface parking spaces per large tree	8	6	6	6	6	6	6	6	8	6	10	8	6

Sec. 0-8-306 Drive-In Lanes and Vehicle Stacking Areas

Drive-in lanes and vehicle stacking areas that are adjacent to public streets or sidewalks shall be separated from such streets or sidewalks by walls or hedges that are at least three feet in height. These structures or landscape elements may be incorporated into and counted as part of required, co-located bufferyards.

Division 8-4 Bufferyards

Sec. 0-8-401 Bufferyard Purpose and General Design Parameters

A. **Purposes of Bufferyards.** Bufferyards are used to screen development from streets and adjacent properties, to enhance the streetscape, to improve compatibility of adjacent uses, and to protect natural resources from impacts of nearby development.

B. **Opacity and Width Standards.**

1. *Opacity Standards.* The opacity of the bufferyard is a measure of the percentage of the view that is blocked by the bufferyard from grade to a height of 35 feet. Opacity relates to planting density, plant forms, bufferyard widths, and the presence of structures (e.g., fences and walls) or topography (e.g., natural slopes or constructed berms).

2. *Width Standards.* Comparable opacities can be achieved with bufferyards of different widths. However, in certain circumstances (e.g., where noise, dust, runoff, or other non-visual impacts are to be mitigated by the bufferyard), the width of the bufferyard may be as important or more important than its opacity. Where bufferyard widths are specified by limited or conditional use standards, alternatives with narrower widths are not allowed.

C. **Bufferyard Design.**

1. *Standard Bufferyards.* Section 0-8-402, *Standard Bufferyards*, sets out standard bufferyard widths and planting requirements for each level of opacity that may be required by this LDC.

2. *Bufferyard Model.* Section 0-8-403, *Bufferyard Model*, provides a model for the design of alternative bufferyards that can be used to meet the bufferyard opacity standards of this Division.

3. *Constrained Bufferyards.* Section 0-8-404, *Constrained Bufferyards*, sets out bufferyard widths and planting requirements that may be used as an alternative to standard bufferyards if the installation of standard bufferyards would constrain development of the site beyond the thresholds established in the Section.

4. *Parking Buffers*. Section 0-8-405, *Parking Buffers*, sets out additional standards for bufferyards at the edges of parking areas. The intent of these standards is to ensure that parking areas are screened to a height of three feet in order to improve their aesthetic appeal from the street and mitigate nighttime glare on the adjacent street from headlights in the parking lot.

Sec. 0-8-402 Standard Bufferyards

Standard bufferyards are set out in Table 0-8-402, *Standard Bufferyards*. The table includes three alternative configurations; one with landscaping only, one with berms or elevation increases from the property line to the interior boundary of the bufferyard, and one with fences or walls.

Table 0-8-402
Standard Bufferyards

	Alternative 1: Landscape Only		Alternative 2: Includes Berm or Topography			Alternative 3: Includes Structure		
Opacity	Width (ft.)	Plant Units / 100 lf.	Width (ft.)	Plant Units / 100 lf.	Berm Height or Increased Elevation from Property Line (ft.)	Width (ft.)	Plant Units / 100 lf.	Wall or Fence Height and Type
10%	10	0.75	10	0.50	1	10	0.50	4 ft. tall 30% opaque
20%	10	1.50	10	1.25	1	10	0.75	4 ft. tall masonry wall
30%	15	2.25	15	1.75	2	15	1.25	5 ft. tall masonry wall
40%	20	3.00	15	2.50	2	15	2.00	6 ft. tall masonry wall
50%	25	3.75	20	3.00	3	20	2.50	6 ft. tall masonry wall
60%	30	4.50	25	3.25	4	20	3.75	6 ft. tall masonry wall
70%	35	5.00	25	4.25	4	20	3.75	6 ft. tall masonry wall installed on 3 ft. tall berm
80%	40	5.50	30	4.50	5	25	4.00	6 ft. fall masonry wallinstalled on 4 ft. tall berm
90%	50	5.50	35	5.00	5	30	4.75 (must include evergreens)	6 ft. tall masonry wall installed on 4 ft. tall berm
100%	60	5.75	40	5.25	6	35	5.25 (must include evergreens)	6 ft. tall masonry wall installed on 4 ft. tall berm

Sec. 0-8-403 Bufferyard Model

A. **Generally.** In the alternative to the bufferyards set out in Section 0-8-402, *Standard Bufferyards*, an applicant may use the City of Centennial Bufferyard Model to establish a bufferyard with comparable opacity. The bufferyard model computes the opacity of bufferyards based on user-defined width; plant unit type; numbers of plant units per 100 linear feet of bufferyard; the presence of, and height of, berms; and the presence of, opacity of, location of, and height of fences and walls.

B. **Approval of Modeled Bufferyards.** Alternative bufferyards developed using the City of Centennial Bufferyard Model shall be approved if it is demonstrated that:

1. *Opacity.* The opacity of proposed bufferyards that apply the bufferyard model shall be at least that which is required by this LDC.

2. *Width.*

   a. The width of the proposed bufferyard shall be not less than 10 feet, and shall be reduced by not more than 5 feet from the narrowest bufferyard of the same opacity described in Table 0-8-402, *Standard Bufferyards*, unless the site is constrained as defined in Section 0-8-401, *Bufferyard Purpose and General Design Parameters*, subsection C. If a bufferyard width is mandated by a limited or conditional use standard, no reductions from the specified width are permitted unless authorized by a variance.

   b. The bufferyard model must show that the proposed bufferyard width is adequate, or a registered landscape architect shall certify that the plants selected for the bufferyard will fit in the proposed space at maturity without compromising their health, longevity, or stability.

3. *Planting Requirements.* The planting requirements of the bufferyard model are measured on a per 100 linear feet basis. Planting requirements for bufferyards shall be calculated as set out in Section 0-8-201, *Plant Units*.

Sec. 0-8-404 Constrained Bufferyards

A. **Generally.**

1. The constrained bufferyard standards of this Section may be applied in the alternative to the application of the standards of Section 0-8-402, *Standard Bufferyards*, if the application of Section 0-8-402 would:

   a. Cause the open space ratio or landscape surface ratio of the parcel proposed for development to exceed 150% of the applicable requirement of this LDC; or

   b. Prevent practical development of the parcel proposed for development by creating a building envelope that will not accommodate parking modules or practical building designs.

2. The standards of this Section shall apply only to bufferyards between 10 and 40 percent opacity. Uses that require 50 to 100 percent opacity bufferyards should not be located on sites that cannot accommodate the bufferyard and the use.

3. The standards of this Section shall be applied as necessary to remove the constraint. Generally, standard bufferyards shall be replaced with constrained bufferyards, starting with the least opaque bufferyard and progressing to the most opaque. However, if the application of the general rule would prioritize the installation of a masonry wall along a street over a rear lot line, then the rear bufferyard shall be reduced before the street bufferyard.

B. **Constrained Bufferyard Requirements.** Constrained bufferyards are narrower than their standard counterparts, but, generally, have increased planting or structural requirements. Table 0-8-404, *Constrained Bufferyards*, sets out the requirements.

Table 0-8-404
Constrained Bufferyards

Opacity (%)	Width (ft.)	Plant Units (per 100 lf.)	Height of Masonry Wall (ft.)
10	8	Same as required by Sec.0-8-402	Same as required by Sec.0-8-402
20	8	Same as required by Sec.0-8-402	Same as required by Sec.0-8-402
30	10	0.25 more than required by Sec.0-8-402	Same as required by Sec.0-8-402
40	10	2.5	8

Sec. 0-8-405 Parking Buffers

A. **Surface Parking Lots.** Bufferyards that are located at the edges of surface parking lots shall include a continuous masonry wall, berm, or hedge that is at least three feet in height between parking spaces and the street. This requirement shall be waived in areas where:

1. The elevation of the parking lot is three feet or more below the elevation of the curb of the street;
2. Buildings or other structures provide the same or better screening effect; or
3. The bufferyard opacity is at least 40 percent.

B. **Tuck-Under Parking.** Tuck-under parking shall be located behind buildings. It shall be screened from view from adjacent properties and rights-of-way by buildings or a bufferyard that includes a masonry wall, berm, or combination thereof, that is at least 5 feet in height.

C. **Subterranean Parking.** Access to subterranean parking shall be located at the sides or rear of the building if a ramp that is visible from outside the building provides more than four feet of grade change.

D. **Structured Parking Lots.** Structured parking lots shall be screened from view from public rights-of-way and abutting properties in one or more of the following ways:

1. Liner buildings or other buildings that are not parking structures;
2. Topographical changes (*e.g.*, construction into a hillside);
3. A six-foot wide planting strip, planted with trees suitable for street tree installations, planted between 25 and 35 feet on center; or
4. Any bufferyard that is at least 20% opaque.

Sec. 0-8-406 District Boundary Bufferyards

A. **Generally.** Table 0-8-406, *District Boundary Bufferyard Standards*, sets out the opacity of the bufferyard that is required between zoning districts where:

1. The district boundary line follows the property line of the parcel proposed for development; and
2. The adjacent property is not separated from the parcel proposed for development by an easement, right-of-way, or permanent open space that is at least 50 feet in width, such as a public street, creek and trail, utility easement, or resource protection area.

B. **Interpretation of Table.** The table is a matrix in which all districts are shown. Rows show the zoning of the parcel proposed for development, and columns show the zoning of the abutting

property. The grey cells indicate where both properties have the same zoning classification. To calculate the required bufferyard for a proposed development:

1. The number in the cell at the intersection between the row that represents the district of the parcel proposed for development and the column that represents the zoning of abutting property is the required bufferyard opacity if the abutting property is developed and does not include the bufferyard that would be required of it by Table 0-8-406, *District Boundary Bufferyard Standards*.
2. A reduced bufferyard that is calculated as the difference between the bufferyard opacity indicated for the parcel proposed for development and the bufferyard that is required of the abutting property (but not less than zero) is allowed if:
   a. The abutting property is vacant; or
   b. The abutting property is developed and the development includes at least the bufferyard required by Table 0-8-406, *District Boundary Bufferyard Standards*.
3. The abbreviation "NA" means that no bufferyard is required on the parcel proposed for development, whether or not a bufferyard is provided on abutting property.

Table 0-8-406
District Boundary Bufferyard Standards

Zoning of Proposed Development	Adjoining District												
	AG	RS	RA	RU	NC	NI	CG	AC	UC	BP	I	ED	OSR
AG	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
RS	NA	NA	10%	20%	NA	NA	20%	20%	20%	20%	50%	NA	NA
RA	20%	20%	NA	10%	20%	10%	20%	10%	20%	20%	40%	NA	NA
RU	20%	20%	10%	NA	20%	10%	10%	NA	NA	NA	40%	NA	NA
NC	NA[1]	NA[1]	NA[1]	NA[1]	NA	NA[1]	NA[1]	NA[1]	NA[1]	NA[1]	NA[1]	NA[1]	NA[1]
NI	NA[2]	NA[2]	NA[2]	NA[2]	NA[2]	NA	NA[2]	NA[2]	NA[2]	NA[2]	NA[2]	NA[2]	NA[2]
CG	20%	40%	30%	20%	40%[3]	30%[3]	NA	NA	NA	NA	30%	40%	20%
AC	20%	40%	30%	10%	40%	40%	NA	NA	NA	NA	60%	40%	NA
UC	20%	40%	40%	40%	40%[4]	40%	NA	NA	NA	NA	50%	40%	NA
BP	20%	20%	20%	10%	40%[3]	40%[3]	NA	NA	NA	NA	30%	20%	10%
I	40%	60%	50%	50%	60%	60%	40%	60%	60%	40%	NA	60%	50%
ED	NA[2]	NA[2]	NA[2]	NA[2]	NA[2]	NA[2]	NA[2]	NA[2]	NA[2]	NA[2]	NA[2]	NA	NA[2]
OSR	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

TABLE NOTES:

[1] Existing bufferyards shall remain in place where present. When an NC_{SFA} property is redeveloped with a modified configuration that places additional building mass within 50 feet of the boundaries of the parcel proposed for development, the required bufferyard shall be 50 percent of the bufferyard that would be required of the abutting properties.

[2] Existing bufferyards shall remain in place where present.

[3] An open field bufferyard may be required. *See* Section 0-8-407, *Open Field Bufferyards*.

[4] In AUC-4, an 8-foot tall masonry wall is required. See Section 0-4-306, *Edge Subdistrict*, subsection I.2.

C. **Existing Walls.** Existing walls may be counted towards bufferyard requirements if they are in good repair. However, if more than one wall is installed in abutting bufferyards, only the larger of the two walls is counted towards the overall opacity of the combined bufferyard. Fences and walls in abutting bufferyards shall not be located closer than 10 feet to each other.

D. **Additional Requirements.** Some Limited Uses and Special Uses may have a requirement for greater bufferyard opacity or depth, as specified Division 2-4, *Limited and Conditional Use Standards*.

Sec. 0-8-407 Open Field Bufferyards

A. **Generally.** Open field bufferyards are wide, sparsely planted bufferyards that use distance to mitigate the impacts of development on abutting property. The open field bufferyard is intended to balance buffering of uses with preservation of mountain views.

B. **Where Required.**

1. Open field bufferyards are required along district boundaries where all of the following conditions are met:

   a. One side of the boundary is zoned BP or CG and the other side is zoned NC or NI; and

   b. The parcel proposed for development fronts on Dry Creek Road; and

   c. The parcel proposed for development is at least 1,000 feet deep (measured from the front lot line to the rear lot line).

2. Subdivision of parcels that meet the criteria of this subsection as of November 1, 2009 shall not be used to circumvent the open field bufferyard requirement.

C. **Where Optional.** Open field bufferyards may be used along other CG or BP district boundary lines where:

1. The required bufferyard is 40 percent opacity or less; and

2. The open field bufferyard, combined with the configuration of buildings and sructures in the development, will help preserve views of the mountains for either the parcel proposed for development or the abutting property, as compared to the installation of the bufferyard required by Section 0-8-406, *District Boundary Bufferyards*.

D. **Dimensional and Planting Requirements.** Open field bufferyards shall be planted as follows:

1. Minimum width: 72 feet.

2. Planting Requirements. Each 100 linear feet of bufferyard shall be planted with:

   a. 1 canopy tree; and

   b. 2 understory trees.

Division 8-5 Natural Resource Protection Area Landscaping

Sec. 0-8-501 General Requirements

A. **Generally.** Natural resource protection areas may require landscaping in order to restore or enhance their resource values. Such landscaping may be counted towards the requirements of this Article (if it meets the size and quality requirements), and shall receive priority over other unallocated open space or landscape surface landscaping (*i.e.*, landscaping that is not allocated to parking lots, private lots, bufferyards, etc.).

B. **Restoration of Resource Protection Areas.** If additional planting would enhance the resource value of a natural resource protection area, the area shall be planted with native vegetation that would typically be found in the type of natural community that is being protected. The plantings may be irrigated with temporary systems in order to ensure that they become established. However, permanent irrigation systems are not allowed in resource protection areas unless extraordinary circumstances (e.g., a federally mandated habitat management plan or other unusual circumstance) justifies the installation. Invasive plant species shall be removed from natural resource protection areas.

Sec. 0-8-502 Seed Mixes

Where seeding is used to restore resource protection areas, the seed mix shall be composed of native plants that are appropriate to the soil type where the seeds are planted. The Director is authorized to maintain a list of acceptable seed mixes for moist and dry soil types.

Division 8-6 Tree Protection and Care

Sec. 0-8-601 Planting Locations

A. **Generally.** In addition to the other requirements of this Article, the following rules apply to the installation of plants.

B. **Distance from Utilities.**

1. No street or canopy trees shall be planted under or within 10 lateral feet of any overhead utility lines.
2. No trees, except street tree species that are approved by the City, shall be planted over or within five lateral feet of any underground water line, sewer line, transmission line, or other utility line, or as required by the owner of the utility or the requirements of the specific easement.

C. **Sight Distance Triangles.** Trees shall not be installed in locations where there is a substantial likelihood that the mature form of the tree would have to be materially compromised in order to maintain sight distance triangles.

Sec. 0-8-602 Timing of Landscape Installation

A. **Generally.** Landscaping that is required by this Article shall be installed between May 15 and October 15.

B. **Street Trees.**

1. The landscaping of any City right-of-way or median associated with a residential development based upon an approved landscape plan shall begin prior to the issuance of building permits for more than 20 percent of the dwelling units approved in the development.
2. Street trees shall be installed between May 15 and June 21 or September 22 and October 15.
3. If compliance with subsection B.1., above, is impractical due to the time of year that development commences, an applicant may provide a performance guarantee in an amount equal to 125 percent of the estimated cost of purchase and installation of required street trees.

C. **Effect on Certificate of Occupancy.** If a certificate of occupancy would be issued but for the application of the requirements of subsection A. or B., above, the City may issue a temporary certificate of occupancy, with a permanent certificate of occupancy conditioned upon installation of required landscaping.

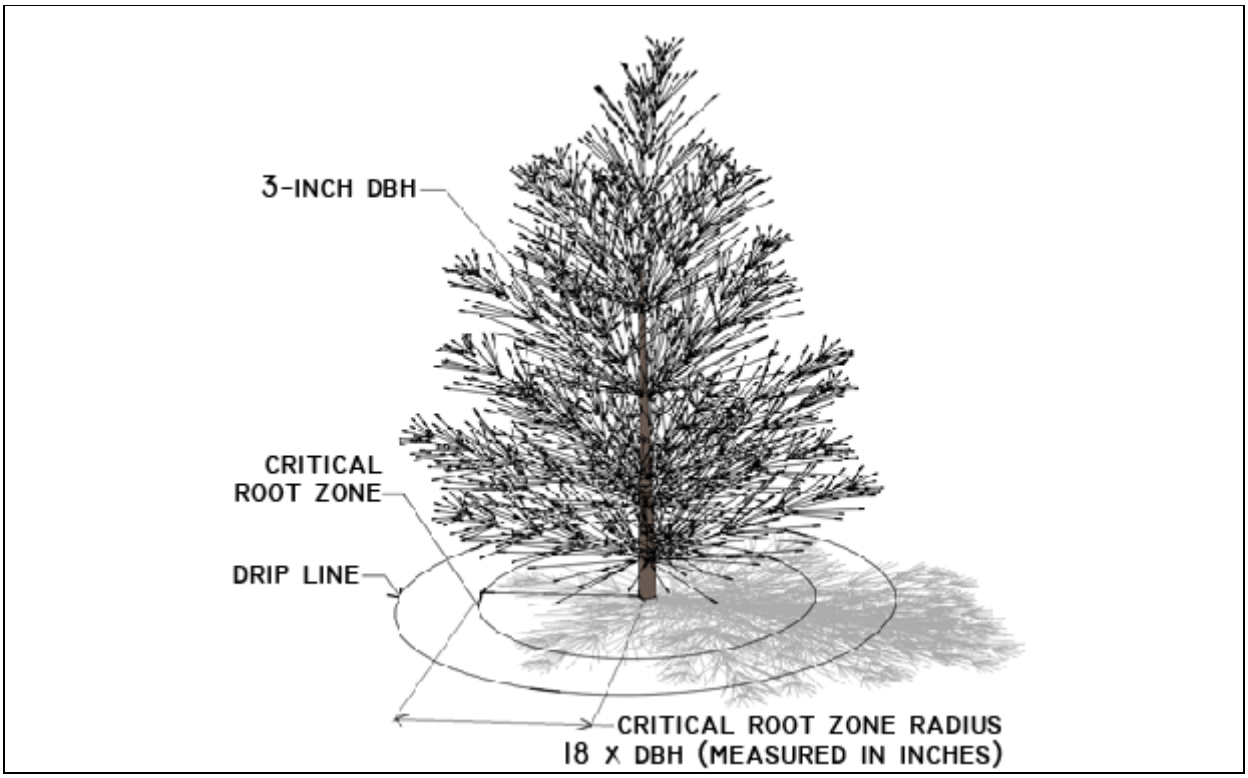
Sec. 0-8-603 Tree Protection During Construction and Development

A. **Generally.** Existing trees that are to be counted towards landscaping requirements shall be protected according to the requirements of this Section.

B. **Protected Root Zone.** The protected root zone is the larger of:

1. The area under the dripline of the tree; or
2. A radius that extends from the center of the trunk 18 inches per one inch of diameter at breast height of the protected tree.

Figure 0-8-603
Illustrative Protected Root Zone



C. **Restrictions Within Protected Root Zone.**

1. The protected root zone of all protected trees shall be barricaded during construction to prevent damage to the trees and their roots by construction equipment or soil compaction. The barricades shall be posted "Off Limits."
2. No cutting or filling, nor storage of building materials or debris, nor disposal of wastes, shall take place within protected root zone of any protected tree.
3. No impervious paving shall be placed within the protected root zone of any protected tree.

D. **Transplanting Existing Trees.** Credit shall be given for trees that are transplanted from one part of the parcel proposed for development to another if:

1. The trees are transplanted according to the American National Standard for Transplanting of Trees (*ANSI A300 Part 6 Transplanting*).
2. Surety is provided that will ensure replacement of the transplanted tree with the number of new trees for which credit was given according to Table 0-8-204, *Credit for Preservation of Trees*. The surety shall be effective for a period of two years from the date the tree is installed in its new location.

E. **Tree Care During Construction.** Protected trees shall be cared for regularly during construction as follows:

1. Regular watering if rainfall is inadequate;

2. Pruning of branches that are dead, diseased, hazardous, or detrimental to natural form; and
3. Fertilizing if nutrient stress is apparent.

Sec. 0-8-604 Maintenance and Care of Trees

A. **Street Trees.** Street trees that are planted between the edge of pavement and private property lines shall be cared for by:

1. The adjacent property owner; or
2. A property owners' association, if:
   a. Membership in the property owners' association is mandatory; and
   b. The covenants, conditions, and restrictions that define the scope of the association's authority unambiguously include the maintenance of street trees or common elements.

B. **Trees on Nonresidential, Mixed-Use, and Multifamily Parcels.** Trees that are planted on nonresidential, mixed-use, and multifamily parcels shall be maintained as specified in the approved landscape plan. Maintenance and care shall be according to the most current ANSI A300 Standards for Tree Care Operations.

Division 8-7 Landscape Plans and Performance Guarantees

Sec. 0-8-701 Landscape Plan Required

A. **Generally.** Landscape plans are required for all development that is subject to the requirements of Division 8-3, *Development Landscaping*; Division 8-4, *Bufferyards*; or Division 8-5, *Natural Resource Protection Area Landscaping*. *See* Section 0-8-102, *Application of Article.*

B. **Timing of Approval.** Landscape plans shall be submitted for approval at the site plan stage, or if no site plan is required, at the building permit stage of the development approval process.

Sec. 0-8-702 Contents of Landscape Plans

A. **Generally.** The landscape plan shall include the elements that are set out in this Section. The Director may waive elements of the landscape plan if the Director finds that they are unnecessary due to the type of development approval sought, or the conditions of the site being developed, or both.

B. **Plan Drawing.**

1. A plan view drawing prepared at a standard scale that ensures clarity of the proposal (scale shall be approved by the Director), which shall indicate:
   a. Dimensions, surface area, and type of planting area (e.g., bufferyard, parking lot landscaping, etc.) for each planting area;
   b. Dimensions, surface area, and type of resource protection areas;

c. The location and quantity of trees and shrubs to be installed, which shall be drawn at three-fourths (3/4) of mature size and annotated with genus, species, common name, drought tolerance, and size at planting;

d. The location, quality, size (DBH), and protected root zone of trees that are to be preserved on the site;

e. The location and extent of areas of groundcover, and the groundcovers, turf, seed, or inorganic materials to be installed or planted;

f. Existing and proposed topography of the site, shown at one-foot contours;

g. Dimensions of all landscape elements, including fences, walls, border edge treatments, berms, water features, bicycle racks, trash enclosures, street furniture, public art, and recreational facilities, as applicable. Staff may require details or specifications for landscape features or structures to be attached to the landscape plan in order to facilitate subsequent inspection;

h. Dimensions and surfacing of all easements, pedestrian walkways, and pedestrian-oriented areas (existing and proposed);

i. Location and dimensions of maintenance easements for drainage facilities;

j. Location of existing and proposed overhead and underground utilities;

k. Location and base flood elevation of floodplains, including an annotation as to whether the floodplains are a major drainageway (a tributary area of 130 acres or more per Urban Drainage and Flood Control District requirements);

l. Dimensions and slopes of stormwater detention areas;

m. Special landscape features for stormwater detention and treatment, such as green roofs, rain gardens, or bioswales;

n. Dimensions and locations of sight distance triangles; and

o. Location, genus, species, and spacing of street trees.

2. Information regarding specific design techniques that will be used to prevent water infiltration or damage at the street section may be required by the Director if it is found that there is good cause to believe that such damage could occur.

3. Where there is significant existing vegetation on site, staff may require an inventory of plant material. Existing, healthy, non-invasive trees shall be saved on the property if a practical design can be created that will accommodate their preservation.

C. **Installation Details.** Schematic drawings of typical plant installation methods shall be provided. Such drawings shall indicate how the soil will be augmented to support the growth and health of the plant material.

D. **Elevation Drawings.** If the applicant proposes bufferyards pursuant to Section 0-8-403, *Bufferyard Model*, then scaled elevation drawings of the proposed bufferyards shall be provided, showing the bufferyard at five to seven years of growth.

E. **Water Source.**

1. All landscape plans shall indicate the source or sources of irrigation water and the types of irrigation used. This information may be provided on a separate sheet. If the source is a private well, the applicant shall provide evidence of landscape irrigation rights.
2. No waivers of the landscape requirements of this LDC will be granted in the event that the parcel proposed for development is served by a well which does not allow landscape irrigation use. The applicant will be required to obtain and document the legal right to use an off-site water source.

F. **Schematic Irrigation Plans.** Landscape Plans shall include a schematic irrigation plan that shows:

1. The proposed lap/backflow preventer and irrigation controller location;
2. The location of the manual gate valve that will control the entire irrigation system;
3. The anticipated type of irrigation proposed for each landscape area or irrigation zone (turf, shrub beds, etc.);
4. The recommended setback distance of all proposed irrigation heads from back or curb or edge of pavement; and
5. All proposed sleeve locations.

G. **Tabular Data.** Tabular data shall show the area of each required landscape area, the number of each type of plant required in each area, each plant type used, the number of plants of each type to be installed, and the genus and species of plants used to meet the requirements of this LDC.

Sec. 0-8-703 Performance Guarantees

Applicants shall provide performance guarantees to ensure that landscaping that does not survive for a period of two years from the date of installation is replaced.

Article 9 Subdivision and Land Development Design

Division 9-1 Purpose and Application of Article

Sec. 0-9-101 Purpose of Article

A. **General Scope.** This Article sets forth regulations for the substantive review of subdivision plats, development plans, and site plans, to be applied in addition to the other applicable land development regulations of this LDC.

B. **Purpose.** These Regulations are designed, intended, and should be administered in a manner to:

1. Implement the Comprehensive Plan.
2. Establish adequate and accurate records of land subdivision.
3. Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of appropriate adjoining tracts.
4. Provide for adequate, safe, and efficient public utilities and improvements; and to provide for other general community facilities and public places.
5. Provide for adequate facilities for public parks, public schools and other public purposes (including, but not limited to, libraries, fire stations, public buildings and other similar facilities) to serve the future occupants of new residential development.
6. Provide for light, air, parks, and other spaces for public use.
7. Provide for protection from fire, flood, and other dangers; and to provide for proper design of storm water drainage facilities and streets.
8. Ensure that the cost of improvements which primarily benefit the parcel proposed for development be borne by the owners/developers of the parcel, and the costs of improvements which primarily benefit the whole community be borne by the whole community.
9. Provide for the administration and regulation of special areas and activities as might be delineated in the Comprehensive Plan or Sub-Area Plans.
10. Protect groundwater and surface water from contamination by urban runoff and other sources of pollution.
11. Facilitate the provision of adequate public facilities to serve new development.
12. Reduce potential impacts of new development on street congestion by providing alternative travel routes, provide a meaningful choice of alternative modes of transportation, shorten journey to work trips, or lessen overall vehicle miles traveled.

Sec. 0-9-102 Application of Article

A. **Generally.** The provisions of this Article are intended to guide the application of the other standards of this LDC, or provide limited relief from them in specific circumstances, in order to

encourage development design that implements the City's Comprehensive Plan and Sub-Area Plans, to enhance the overall quality of life in the City of Centennial. This Article also sets out the City's interest in and requirements for new covenants, conditions, and restrictions ("CCRs") that apply to new development or redevelopment. This Article does not affect existing CCRs to which the City of Centennial is not a party, nor does it affect the amendment of such CCRs.

B. **Subdivision and Development Design.**

1. *Generally.* Division 9-2, *Subdivision and Development Design Principles*, establishes qualitative standards for the layout of development and redevelopment. These standards are intended to help arrange the elements of the site that are required by Article 7, Streets, Utilities, and Drainage; Article 8, Parking and Loading; and Article 9, Development Landscaping and Tree Protection.

2. *Limited Exceptions*. Where the application of the standards of this Article conflict with specific form or design standards that are applicable to a proposed development pursuant to Article 4, *Form and Design Standards*, or specific design requirements set out in Division 2-4, *Limited and Conditional Use Standards*, the standards of Article 4 or Division 2-4 shall take priority, or if the conflict cannot be reconciled, shall supersede the standards of this Article to the extent of the conflict.

C. **Alternative Subdivision and Development Design Standards.**

1. Section 0-3-404, *Alternative Standards for Condominium and Alternative Land Ownership Patterns*, provides for flexibility with respect to the ownership arrangements of real estate products, allowing for lot lines and yards to be established in ways that do not strictly comply with the minimum lot area, lot width, and setback requirements of Article 3, *Development Standards*.

2. While Article 3, *Development Standards*, is intended to provide for flexibility in the design and development of site plans and residential subdivisions, the standards of Division 9-3, *Alternative Subdivision and Development Design Standards*, are intended to provide additional flexibility to achieve specific design objectives for certain neighborhood types. If an applicant seeks to modify the standards of Division 3-5, *Housing Palette*; Division 3-6, *Supplemental Residential Development Standards*; Division 3-7, *Nonresidential and Mixed-Use Development Standards* (except building height); and / or Division 3-8, *Supplemental Nonresidential and Mixed-Use Development Standards*, then the applicant may request the application of alternative subdivision and development design standards pursuant to the standards of Division 9-3, *Alternative Subdivision and Development Design Standards*, and the procedures of Section 0-14-603, *Pattern Book Procedures*. The alternative subdivision and development design standards may only be applied to:

   a. Mixed Housing Clusters;

   b. Traditional Neighborhood Developments; and

   c. Congregate Care Communities.

D. **Covenants, Conditions, and Restrictions.** In most cases, developers will record covenants, conditions, and restrictions that affect the future operation and maintenance of development or redevelopment. Division 9-4, *Covenants, Conditions, and Restrictions*, sets out the basic

requirements for these documents and the limitations on the City's review and approval of them.

Division 9-2 Subdivision and Development Design Principles

Sec. 0-9-201 Urban Design Principles

A. **Generally.** The Director shall review site plans for compliance with the design principles included in this Section. The purpose is to evaluate the design of the site plan and, more specifically, the manner in which uses, lots, drainage, and streets relate to the site and adjoining land or uses. It is not the purpose of this Section to reduce the development potential of property to less than that which is otherwise permitted by this LDC. However, the City may require that design modifications be made during the site plan review process to better meet these purposes.

B. **Design Principles.** In order to achieve the intent and purpose of this LDC, the following design principles shall be followed, and as such will constitute a portion of the criteria to be met before approval of a site plan:

1. It is intended that the urban area be designed as a group of integrated neighborhoods with appropriate residential, commercial, industrial, and public facilities. The neighborhood, as a planning unit, is intended as an area principally for residential use. Space for civic, recreational, educational, and shopping facilities should be provided and designed as an integral part of neighborhoods at a scale commensurate with the size and needs of the neighborhood. To this end:

    a. Residential zoning districts allow for a limited range of nonresidential uses, including places of public assembly, that are traditionally located in neighborhoods, and the building scale limitations of Section 0-3-703, *Nonresidential Scale Standards*, ensure building scale compatibility for neighborhood-integrated nonresidential uses.

    b. The traditional neighborhood development neighborhood ("TND") type allows for the construction of mixed-use neighborhood centers within TNDs.

    c. New nonresidential development in commercial or mixed-use districts that abut residential districts shall provide buffering to the residential district, but shall also provide for reasonable pedestrian connections to the residential district so that residents can use nonvehicular modes of transportation to travel to the nonresidential uses.

    d. The AC and UC districts provide for development and redevelopment of property into mixed-use urban neighborhoods.

2. The layout of lots and blocks should provide desirable settings for buildings by making use of natural contours and maintaining (to the extent practicable) existing views of mountains, open spaces, and attractive landmarks; affording privacy for the residents; and providing protection from noise and vehicular traffic.

3. Natural features and healthy, mature vegetation on the parcel proposed for development shall be preserved if it is reasonably feasible to do so. This includes tree masses and large individual trees.
4. The system of sidewalks and streets, and the lot layout, should be designed to take advantage of visual qualities of the area.
5. Pedestrian ways should be separated from roadways used by vehicular traffic as provided in the *Infrastructure Design Manual*. Sidewalks should be designed to provide all residential building sites with direct access to all neighborhood facilities and amenities, including schools, parks and playgrounds, churches, and shopping areas.
6. Tracts that are subdivided into large parcels (that offer the possibility of further subdivision) shall be arranged to allow the opening of future streets and logical further subdivision.
7. Floodplains shall be protected from development as follows:
   a. Residential lots in private ownership shall be platted outside the designated floodplain.
   b. Tracts of land or portions thereof lying within the floodplain shall not be subdivided except to designate open space lots, unless sufficient lot area remains outside of the floodplain for building purposes.
8. Drainage easements for storm sewer or overland conveyance shall be platted as tracts to be placed in common ownership or dedication at the request of SEMSWA or the City Engineer, based on the size and operational characteristics of the drainage system component.

C. **Noise Reduction Techniques.** Where a subdivision borders on or contains a railroad right-of-way, or limited access highway right-of-way, the City will require adequate provisions for reduction of noise. A parallel street, landscaping, screening, easement, greater lot depth, increased rear setbacks, and building treatments, among others, are recommended solutions.

D. **Sub-Area Plan Implementation.** Where an adopted sub-area plan calls for a certain form or design of development for the sub-area, buildings, site plans and subdivision plans shall be designed and laid out to implement the intent, policies, and design guidelines of the adopted sub-area plan that are applicable to the parcel proposed for development. *See* Appendix C, *Plans*.

Sec. 0-9-202 Lots

A. **Generally.**

1. New lots shall be dimensioned according to the requirements of Article 3, *Development Standards*, or as modified by Division 9-3, *Alternative Subdivision Development and Design Standards*. The size, shape, and orientation of lots shall be appropriate to the location of the proposed subdivision and to the type of development contemplated. The lots shall provide an adequate buildable area for the development contemplated.

2. Lots are not necessarily required to be subdivided for commercial or industrial use, but when provided, should be of appropriate size and arrangements to provide for adequate off-street parking and loading facilities based on the intended use. No individual parcel shall be created for a particular commercial or industrial use that has an area, width, or depth that is less than is required to accommodate the permitted use.

B. **Shape.** Side lot lines should be approximately at right angles to, or radial to, street lines.

C. **Frontage.**

1. *Residential Lots*. New residential lots shall front only on local streets, or may front on common open spaces if vehicular access is provided by alleys that serve not more than 12 units.

2. *Nonresidential Lots*. Nonresidential lots that take access from collector or arterial streets shall provide adequate maneuvering area for automobile turnaround within the lot.

D. **Through Lots.**

1. Through lots shall be avoided, except where they are necessary to overcome specific disadvantages of topography and orientation.

2. Side and rear lot lines of new residential lots shall be separated from arterial rights-of-way by a 30 percent opacity bufferyard, across which there shall be no right of vehicular access. The Planning and Zoning Commission may require that the bufferyard include an ornamental fence of a height and architectural design that will appropriately screen and be harmonious with the neighborhood and residential character.

E. **Orientation to T-Intersections.** The building envelope of lots at the terminal end of a T intersection shall be offset from the centerline of the terminated street in order to mitigate the impacts of oncoming traffic on the use of the lots.

F. **Drainage Ways**. Lots shall not encroach on a major drainage servitude or right-of-way, and all servitudes or rights-of-way shall be excluded from lot area.

Sec. 0-9-203 Blocks

A. **Generally.** The length, width, and shape of blocks shall be determined with regard to the following:

1. The provision of adequate building sites suitable to the special needs of the type of use contemplated;

2. The required lot widths and lot areas for the development;

3. The need for convenient access, circulation, control, and safety of street traffic; and

4. Limitations and opportunities of topography with respect to streets, utilities, and views.

B. **Dimensions.** Blocks shall be dimensioned according to the following standards:

1. Blocks should be of sufficient width to allow two tiers of lots with appropriate lot depths.

2. Blocks for residential use shall generally not be longer than one-quarter mile, measured along the centerline of the block. This requirement may be waived by the Planning and

Zoning Commission for good cause shown upon recommendation of the City Engineer and applicable Fire Protection District.

3. Blocks for business or industrial use should be of a width suitable for the intended use, with due allowance for off-street parking and loading facilities.
4. Irregularly shaped blocks, indented by cul-de-sacs, which contain interior parks or playgrounds and adequate parking areas, may be permitted if they are designed to provide for safe circulation, efficient delivery of utilities, and effective access for emergency service providers.

Sec. 0-9-204 Access

A. **Generally.** Access shall be provided and managed in accordance with the requirements of the *Infrastructure Standards Manual*.

B. **Cross-Access.** Easements for cross-access through and among platted lots of nonresidential subdivisions that take access from collector or arterial streets is required in order to minimize the proliferation of curb cuts.

C. **Pedestrian Access.** Whenever a block exceeds 600 feet in length, the Director may require a dedicated easement not less than 10 feet in width to provide pedestrian access across the block.

Sec. 0-9-205 Open Spaces

A. **Generally.** Resource protection areas, recreation areas, stormwater management facilities, and other open spaces should be designed, where feasible, according to the standards of this Section.

B. **Design.**

1. Generally, recreation areas, resource protection areas, and other accessible open spaces shall be integrated into the development design to bring significant open space to the maximum number of properties, as well as visibility from public rights-of-way within the proposed development. Visual or physical access to open spaces may be limited if such limitations would materially enhance natural resource management.
2. Open space shall be designed to provide greenways along drainage corridors and streams. Landscaping along corridors or streams shall be designed to enhance stormwater quality, ecosystems and habitats.
3. In AC and UC districts, formal open spaces shall be designed to provide areas of focus within development. Landscaping and furniture for pedestrians shall be installed to enhance this effect.

Division 9-3 Alternative Subdivision and Development Design Standards

Sec. 0-9-301 Establishment of Alternative Standards

A. **Generally.** Alternatives to the development standards set out in Division 3-5, *Housing Palette*; Division 3-6, *Supplemental Residential Development Standards*; Division 3-7, *Nonresidential and Mixed-Use Development Standards* (except building height); and / or Division 3-8, *Supplemental Nonresidential and Mixed-Use Development Standards*, may be established for a proposed mixed housing cluster, traditional neighborhood development, or congregate care community pursuant to the standards this Division. The alternative standards are established using a Pattern Book that includes the alternative standards and demonstrates compliance with all of the standards of this Division.

B. **Modification of Required Setbacks.** Required setbacks may be modified as provided in this Subsection upon demonstration of compliance with all requirements of this Division. Note that modification of setbacks for one housing type may convert it into another housing type (*e.g.*, single-family detached may become zero lot line), and that an alternative to modification may be the selection of the other housing type from the housing palette.

1. *Effect on Building Coverage.* The objective of this Section is not to expand the permissible building coverage, but instead to provide for a range of relationships between buildings and the street. Changes to building coverage are subject to standards set out in subsection D., below.

2. *Front Setbacks*. Front setbacks may be reduced to five feet, provided that they do not allow the building to encroach upon a utility easement and that they are not reduced to less than 18 feet unless:

   a. Vehicular access to the lot is provided from an alley or a side-loaded garage; and

   b. The street cross-section includes a parkway that is planted with street trees.

3. *Interior Side Setbacks*. Where interior side setbacks are required, they may be reduced, provided that:

   a. There is no reduction of an interior side setback along a lot line that is also a boundary line of the proposed development;

   b. Buildings on both sides of the reduced setback are constructed to applicable building and fire codes based on their proximity to each other;

   c. There is sufficient space between the buildings for building maintenance and emergency access; and

   d. Windows that face the reduced setback are not located across from each other unless they are frosted and inoperable, or located at least six feet above the floor of the story in which they are located, or an opaque fence blocks the view from the window into the abutting property.

4. *Street Side Setbacks*. Street side setbacks may be reduced, provided that:

a. The City Engineer and applicable Fire Protection District find that there is no material impact on public safety as a result of potential obstruction of the street for sight distances, sight triangles, or movement of emergency vehicles; and

b. Building walls are located at least five feet from the inside edge of the public sidewalk and do not encroach upon the public right-of-way or utility easements.

5. *Rear Setbacks*. Rear setbacks may be reduced, provided that:

a. The City Engineer finds that, if the lot is accessed from an alley, there is sufficient area for parking and maneuvering and safe passage along the alley; and

b. No permanent structure encroaches upon an utility easement unless permission is granted in writing by the affected utility.

C. **Modification of Lot Width and Area.** Division 3-5, *Housing Palette*, provides for variable lot area and width, which is intended to provide visual interest and create neighborhoods where homes can be constructed and purchased at a wider range of price points than neighborhoods that have uniform lots. As an alternative to strict minimum lot size requirements, density limits and minimum open space requirements prevent the overdevelopment of land. Note that modification of lot width and area for one housing type may convert it into another housing type (*e.g.*, single-family detached may become patio house or cottage), and that an alternative to modification may be the selection of the other housing type from the housing palette. Lot area and width may be modified as follows:

1. Increases in average lot width for a particular housing type shall be roughly offset by the inclusion of another housing type in the development that provides for a smaller lot and less floor area

2. Increases in the average lot area for a particular housing type shall be the result of the application of subsection C.1., above; or the result of an increase in lot depth that is reasonably necessary to fit the development pattern on the parcel proposed for development.

3. Reductions in the average lot width for a particular housing type shall be permitted as follows:

a. Lots for single-family, attached single-family, and mutiplex housing types shall be sized to accommodate on-site parking for each dwelling unit. All lots that are narrower than 40 feet shall be accessed by alleys or parking courts. Tandem parking may only be used to satisfy parking requirements if the City Engineer finds that:

i. Traffic volumes are low enough in the area of the parking to prevent significant conflicts; and

ii. There is sufficient maneuvering space in the alley to accommodate the tandem parking movements.

b. Lots for multifamily housing types shall be sized to accommodate on-site parking unless the multifamily development is located in the Neighborhood Center of a traditional neighborhood development ("TND") and the building is served by an off-site parking lot or structure that is located within 150 feet of the building.

D. **Modification of Building Coverage.** Division 3-5, *Housing Palette*, establishes a maximum building coverage for each housing type to prevent the construction of monolithic buildings within the available building envelope of each lot. Building coverage may be modified as follows:

1. Building coverage may be increased on lots with decreased lot area pursuant to subsection C., above, without further demonstration (other than that required to reduce lot width or lot area), but only to the maximum building coverage that is allowed for the "small" lot width group.

2. Building coverage may be increased on some lots in a development, if it is demonstrated that, in addition to compliance with the other standards of this Division, a number of dwelling units within the proposed development that is equal to 75 percent of the number of lots for which building coverage is increased will be made affordable to a household that earns not more than 120 percent of the median household income in Arapahoe County. The measure of affordability shall be based on mortgage payments and projected energy, water, and property association dues for the first year after the certificate of occupancy is issued.

E. **Modification of Building Spacing.** For development types that are subject to building spacing requirements, building spacing may be reduced if it is demonstrated that all building code requirements are met, all other requirements of this Division and this LDC are met, and there is adequate access for the provision of emergency services.

F. **Modification of Building Height.** Building height may be increased up to an additional 12 feet in the Neighborhood Center subdistrict of a TND if it is demonstrated that the portion of the building that is taller than the maximum height is set back from the boundaries of the parcel proposed for development not less than two feet for each foot of building height and that all other requirements of this Division and this LDC are met.

G. **Modification of Parking Setbacks.** Parking setbacks may be modified if the resulting pattern of development satisfies the pedestrian orientation requirements of Section 0-9-305, *Pedestrian Orientation*, and the parking setbacks along the perimeter of the parcel proposed for development are not affected.

H. **Modification of Supplemental Standards.** The supplemental residential development standards set out in Division 3-6, *Supplemental Residential Development Standards*, may be modified, provided that:

1. Encroachment standards in Section 0-3-601, *Exceptions to Residential Setback Standards* may be modified in a pattern book, but such encroachments shall not be permitted into rights-of-way, except in the Neighborhood Center subdistrict of a TND, and only to the extent allowed by Section 0-3-601, *Exceptions to Residential Setback Standards*. All other encroachments that exceed the limitations of Section 0-2-601 shall be permitted only if the City Council finds that they:

   a. Do not create a safety hazard; and

   b. Either materially enhance the pedestrian environment; or there is a substantial functional justification for their presence that materially outweighs the negative impacts of the encroachment.

2. Fence height shall not be modified along the perimeter of the parcel proposed for development as a mixed housing cluster, traditional neighborhood development, or continuing care neighborhood.

3. Materials used for fences and walls shall be of comparable quality to those required by Section 0-3-602, *Fences, Garden Walls, and Hedges*.

4. The building footprints for accessory buildings, or areas that are available for accessory buildings, are indicated in the Pattern Book, and:

   a. The Pattern Book contains standards that require architectural compatibility with the principal building;

   b. Building coverage limits are not exceeded;

   c. Development of accessory buildings in the proposed locations will not result in building or fire code noncompliance on the lot upon which the accessory building is proposed to be located or any abutting lots; and

   d. The modifications do not affect lots that share a side or rear lot line with residential property that is not located within the boundaries of the mixed housing cluster, traditional neighborhood development, or continuing care neighborhood.

5. Other supplemental standards shall not be waived by application of a Pattern Book.

I. **Special Requirements for Nonresidential and Mixed-Use Buildings in Traditional Neighborhood Developments.**

1. *Generally.* Traditional neighborhood developments ("TNDs") are residential or predominately residential developments that are designed and scaled for pedestrian use, with continuous sidewalks, tree-lined streets, pedestrian-scaled details, and a neighborhood center for commercial and / or civic activity. Parking areas and garages are not dominant visual features along the public rights-of-way.

2. *Site Planning Requirements.* The applicant for a site plan or plat for a TND shall apply and indicate the location of at least two of the following three subdistricts on the site plan or plat:

   a. Neighborhood Center, which is the most intensively developed part of the TND, and which may include mixed-uses as provided in Division 2-3. *Land Use*.

   b. Neighborhood Residential, which is less intensively developed than the neighborhood center, and which is used for residential and recreational purposes.

   c. Edge Residential, which is used exclusively for for single-family detached, open space, and / or outdoor recreation development types.

3. *Nonresidential Development Standards.* The standards that are applicable to nonresidential and mixed-use development in the Neighborhood Center subdistrict of a TND are as provided in Division 3-7, *Nonresidential and Mixed-Use Development Standards*, except that the minimum LSR of the entire Neighborhood Center subdistrict shall be 10 percent, which shall be counted within the OSR calculation for the overall parcel proposed for development as a TND neighborhood type. Building height for nonresidential and mixed-

use buildings may be increased as provided in Subsection F., above. Nonresidential and mixed-use development within the Neighborhood Center subdistrict shall be designed as provided in Section 0-4-206, *Nonresidential and Mixed-Use Buildings in Traditional Neighborhood Developments*.

Sec. 0-9-302 Development Quality

A. **Generally.** Quality not only refers to the materials and care with which a building or environment is built, but also to its visual richness (*e.g.*, details that are attractive to the resident or visitor). In order to ensure visual interest and the durability of the value of the development, the pattern book shall demonstrate development quality that meets the standards of this Section.

B. **Townhouse and Multifamily Buildings.** Balconies shall be provided on all townhomes (all types), multiplexes, and multifamily buildings that are two or more stories in height.

C. **Single Family Homes.**

1. Front porches shall be provided on all detached housing types in a TND. They are permitted, but not required, on other housing types and in other neighborhood types.
2. Single family homes (attached or detached) shall be designed to provide a unit that has a unified appearance when viewed from public rights-of-way. All street façades (front façade and street side façade), shall be finished with comparable treatments in terms of materials, color, and trim.
3. If masonry is used on a front façade, it shall also be applied to interior side elevations in one or more of the following ways:
   a. Masonry shall return to a break in the side elevation, such as a chimney, room projection, or projecting window area;
   b. An architectural return is applied to all corners so that the greater of ten percent of the length of the side building wall, or three feet, is finished with masonry to the same height as the front facade;
   c. Quoins are used, if consistent with the architectural typology of the building;
   d. An architectural detail with a minimum width of 16 inches is applied, such as a pilaster that caps the masonry and the other material that completes the corner; or
   e. A wing wall screens the view of the side of the building from the street.
4. Detached single-family homes shall be articulated and detailed, and shall avoid undue imposition of building mass on the street.
5. Door and window trims and other comparable detailing shall carry around the building's interior sides, so that even if the trim on the side elevations has less detailing than the trim on the front façade, it shows a relationship to the general style and character of the front façade. Street side detailing shall be comparable to front façade detailing as required by subsection C.2.

D. **Utility Meters.** Utility meters shall not be on front façade or side elevations unless screened by vegetation or other approved screening.

Sec. 0-9-303 Development Diversity

A. **Generally.** The pattern book shall demonstrate that one or more of the techniques in this Section will be used to achieve an appropriate balance of harmony and diversity.

1. *Harmony*. For the purposes of this Section, harmony is defined as the balance of two continuums, both of which have ends that, at their extremes, are unattractive. The pattern book shall demonstrate a balance between:

   a. Monotony and visual chaos; and

   b. Unity and visual interest.

2. *Diversity*. For the purposes of this Section, diversity is defined as the differences in housing types, materials, massing, lot and building widths, and architectural presentation that create visual interest. Diversity is the principal element that contributes to the balancing objective of subsection A.1.

B. **Varied Housing Types at a Fine-Grained Scale.** Multiple housing types may be required as provided in Section 0-3-403, *Mix of Housing Types*, yet this requirement could result in areas or "pods" of each type, which has the potential to lead to monotony. Mixing types on a smaller scale, even having differing dwelling unit types in a block face, is a technique that reduces monotony and adds diversity and visual interest. This technique shall be used in conjunction with techniques that mitigate visual chaos, such as varied architectural styles (subsection C., below).

C. **Varied Architectural Styles.** Different architectural styles (*e.g.*, Colonial Revival and Neoclassical) can be used to vary the appearance of buildings with comparable floor plans. The variations in architectural styles must be meaningful, but must not create a chaotic appearance by mixing styles with striking aesthetic differences. For this technique to be reviewed, a number of elements, including roof type and orientation, roof pitch, eve overhangs, windows, doors, and decorative elements shall be specified for each architectural style that will be used. The reference for architectural style shall be *A Field Guide to American Houses* by Virginia and Lee McAlester, et al. (Knopf 1984). This technique adds visual interest and is intended to balance monotony and visual chaos.

D. **Varied Floor Plans.** Meaningful differences in floor plans reduce monotony and add visual interest. The application of this technique requires that the differences in floor plans are significant enough to create variety in the width and shape of buildings, in order to present variable building volumes and massing. Differences that meet this standard include, but are not limited to:

1. Minimum of 10 percent difference in front façade width;

2. Different forms (rectangle, L, or X shapes), if the differences affect the front façade;

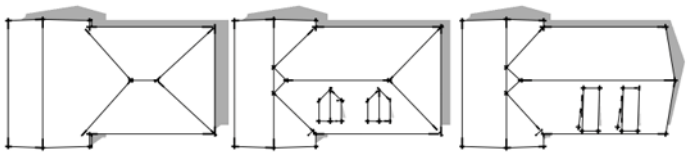
3. Different numbers of stories; and

4. Different symmetry (symmetrical or asymmetrical).

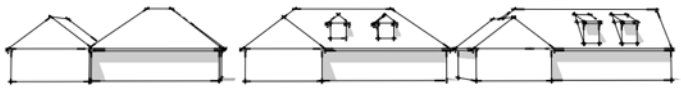
E. **Varied Roof Shapes or Gable Orientations.** In many cases, a front or side gable roof, hipped roof, or hipped gable roof can be constructed over the same floor plan. Moreover, dormers of different styles can significantly break up the roof mass in different ways. Variety that alters the roof profile of buildings can change their front elevation massing, and may also alter the height of the roof peak. See Figure 0-9-303, *Illustrative Varied Roof Style or Gable Orientation*. This technique reduces monotony. It may be used to vary the appearance of a single floor plan, but should be used in combination with other techniques to add visual interest across the development.

Figure 0-9-303
Illustrative Varied Roof Style or Gable Orientation

Top View (below): All of the buildings have exactly the same footprint.



Front Elevations (below): The front elevations are varied due to different roof styles, dormer styles, and gable orientations.



F. **Varied Elements.** The pattern book may demonstrate that architectural elements will be varied in a way that creates meaningful differences in building appearance. Such details may include trims, materials, color, window arrangement (grouping), window fenestration, doors, door lights, window and garage doors, porches, chimneys, bay windows, towers, and balconies, as necessary to create the required variation. This technique is particularly useful to add visual interest when a single architectural style, or two very closely related styles (*e.g.*, Prairie and Craftsman) are used in the development. The pattern book must include detailed elevations, lists of specific elements to be used, and an explanation of how the elements will be mixed to differentiate nearby buildings.

G. **Averaged Lot Width.** Meaningful variation of lot width generally causes meaningful variations in building width and floor plan. Generally, lot width for each housing type may be varied as provided in Division 3-5, *Housing Palette*, or, if the average lot size is modified, in a way that is mathematically comparable.

Sec. 0-9-304 Light, Air, and View

A. **Generally.** The pattern of development, and the open space available on each lot and in the development as a whole, shall be such that adequate light and air are provided for the occupants. All single-family detached, single-family attached, and multiplex buildings shall have a private outdoor space that is at least 100 square feet in area, which may be a rear lawn, courtyard, patio, deck, or useable rooftop area.

B. **Views.** If the development is situated such that the parcel proposed for development has a view of the mountains or open space areas, the development shall be arranged, if practicable, to

provide views to these visual amenities from significant public open spaces or outdoor recreation areas, and from private buildings.

Sec. 0-9-305 Pedestrian Orientation

A. **Generally.** The site plan and pattern book shall demonstrate that the residential areas of the development are designed for the comfort and convenience of the pedestrian, with continuous sidewalks; tree-lined streets designed for appropriate low speeds; and architecture that provides street-level interest and accessibility.

B. **Engineering and Public Safety Standards.** This Section is not intended to waive minimum engineering and public safety standards. All street cross-sections and improvements are subject to approval by the City Engineer pursuant to the *Infrastructure Design Manual*, and to review and comment by the applicable Fire Protection District.

Division 9-4 Covenants, Conditions, and Restrictions

Sec. 0-9-401 Required Property Owners' Association

A. **Generally.** Any subdivision or development for which compliance with the standards of this LDC or with conditions of approval requires a continuing obligation (*e.g.*, to own and maintain common open space) shall be subject to a mandatory property owners' association and a recorded declaration of covenants, conditions, and restrictions ("CCRs") that ensures such continuing compliance.

B. **Incorporation of Property Owners' Association.** If required by this LDC, or required as a condition of approval, the applicant shall incorporate a property owners' association that will bear responsibility for ensuring continuing compliance with these regulations and conditions of approval.

Sec. 0-9-402 Required Covenants, Conditions, and Restrictions

A. **Generally.** Conditions and requirements of development approval that require ongoing efforts of tenants or successors in title shall be included in a declaration of covenants, conditions, and restrictions for the property that shall be recorded in the public records in the chain of title for the property at the applicant's expense.

B. **Limited Waiver.** Developments that are approved under unified ownership and control are not required to have covenants, conditions, and restrictions, provided that a single property owner is responsible for the ongoing compliance of the parcel proposed for development with the requirements of this LDC and any conditions of approval. However, a development that is approved under unified ownership and control shall not be conveyed into multiple ownerships (*e.g.*, individual buildings in an office park being sold to separate entities) until required CCRs are recorded.

C. **Timing.** The applicant shall provide proposed covenants, conditions, and restrictions to the City:

1. Upon filing the application for plat approval; or

2. If no plat approval is sought, before the issuance of any permit that directly authorizes development (development approvals that require covenants, conditions, or restrictions shall be contingent upon approval of the covenants, conditions, and restrictions document).

D. **Plat Annotations.** Where a plat is required, the CCRs shall be referenced on the plat.

Sec. 0-9-403 Limited Review of Incorporation Documents and CCRs

A. **Generally.** The City shall approve only those covenants, conditions, and restrictions that relate to the development approval, and its right of enforcement shall extend only to those matters and matters that substantially bear upon them. The City will not seek to intervene in purely private disputes about covenants, conditions, and restrictions. The City Attorney shall review the incorporation documents and CCRs to ensure that the following provisions are included in a form that is acceptable to the City Attorney:

1. All items that are required by this LDC or conditions of approval, which may include specific rights of enforcement being granted to the City;
2. Membership in the property owners' association shall be mandatory for all owners of property in the subdivision or condominium;
3. Dues are payable to the property owners' association at regular intervals;
4. The property owners' association has lien rights with respect to unpaid dues;
5. The property owners' association has a perpetual existence;
6. The property owners' association has all responsibilities required by these regulations or conditions of approval (*e.g.*, ownership and maintenance of common elements); and
7. The property owners' association has the capacity to sue and be sued.

B. **Optional Elements.** The CCRs may include any provisions considered desirable by the applicant with respect to the management and maintenance of the subdivision or condominium, provided that they do not undermine any of the following requirements:

1. Required membership in, and payment of dues to, the property owners' association.
2. Inclusion and enforcement of all of the provisions required by these regulations and any conditions of approval, in a form acceptable to the City Attorney;
3. Clauses that provide for enforceability by the City of those covenants, conditions, and restrictions that relate to this LDC or conditions of approval; and
4. Applicable requirements of this LDC at the time of approval of the CCR document.

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Adopted 4.19.2010

Article 10 Dedications, Fees-In-Lieu, and Off-Site Improvements

Division 10-1 Purpose and Application of Article

Sec. 0-10-101 Purpose of Article

The purpose of this Article is to ensure that the needs of different land use types in the City are met with respect to regional, local, and on-site infrastructure, to cooperate with other agencies, to promote sound local and regional planning and development, and to ensure that new development provides its proportionate fair share of regional improvements for public parks, public schools and other public purposes to the extent that the facilities will serve the future occupants of new development.

Sec. 0-10-102 Application of Article

A. **Generally.** This Article applies to applications for approval of a rezoning, planned unit development, site plan, or plat as provided herein.

B. **Adequacy of Regional Facilities.** Division 10-2, *Adequacy of Regional Facilities*, establishes standards for when regional facilities that serve more than one development (of any type) must be upgraded to address new impacts from new development or intensification of existing development. The timing and scope of traffic studies shall be in accordance with the City of Centennial Guidelines for Traffic Impact Studies. Evaluation of facilities other than street infrastructure shall be undertaken as follows:

1. For rezoning applications, the analysis shall examine the existing impacts of the site, the maximum impacts of the site under its existing zoning, and the maximum impacts of the site under its proposed zoning.

2. For planned unit development (preliminary development plans), site plan or plat application, the analysis shall examine the existing impacts of the site compared to the proposed impacts of the site. An analysis that is completed for a development approval need not be repeated for subsequent approvals necessary to build the approved development program for which analysis was undertaken, unless:

   a. The approved development is modified in a way that alters its impacts, or

   b. The existing demands on the facilities are materially different at the time of subsequent application than they were at the time of the initial analysis; or

   c. Subsequent analysis is required by development agreement or as a condition of approval.

C. **Park, School, and Public Land Dedication Requirements.**

1. *Generally*. Park, school, and public land dedication shall be provided by the owner or subdivider of land when the approval of the plat or site plan (dedications are required at the site plan stage if the dedication is made in the form of a fee in lieu and the development is of a type that does not require a plat) is related to an approval for new dwelling units for

which dedications have not been made. For example, the approval of a plat for purpose of creating new residential lots (and not for the purposes of reconfiguring or combining residential lots in a manner that does not change the number of dwelling units that can be constructed); or the approval of a plat for the purpose of creating a residential condominium which will allow for the development of new dwelling units would each require dedications pursuant to Division 10-3, *Dedication of Land and Improvements, Fees in Lieu*.

2. *Exceptions*. The dedication requirements of Division 10-3, *Dedication of Land and Improvements, Fees in Lieu,* apply only to new dwelling units, and do not apply to replacement dwelling units.

D. **Subdivision Improvements.** Division 10-4, *Dedication of Subdivision Improvements*, specifies subdivision improvements (internal infrastructure) that must be installed and dedicated and the regulations pertaining to the installation and dedication of the improvements.

Division 10-2 Adequacy of Regional Facilities

Sec. 0-10-201 Adequate Regional Improvements Required

A. **Generally.** All applicants for development approval shall provide evidence that sufficient regional improvements are available or can be made available to serve the proposed development at the time its impacts are created. For property zoned for residential uses, the evidence must show that, in addition to the adequacy of regional infrastructure improvements, the applicable school district has the capacity to serve the student population expected to be generated from the development.

B. **Effect on Application for Development Approval.**

1. If the applicant cannot demonstrate that adequate regional improvements are or will be available to serve proposed development at the time the impacts of the development are realized, the Director shall:

   a. For applications that are otherwise subject to administrative process, refer the application to the Planning and Zoning Commission.

   b. For other applications, report to the Planning and Zoning Commission regarding the status of regional improvements and the deficiency that the application is projected to create.

2. The Planning and Zoning Commission may restrict or postpone approval and the issuance of any new building permits until the required regional improvements / facilities are provided or committed, as set out in Subsection C., below.

C. **Restrictions.** The restrictions allowed by this Section may consist of any action or combination of actions which the decision-maker finds will sufficiently provide for the particular regional improvements before the impacts of the subdivision create or unduly exacerbate the need for the improvement.

1. The restrictions may include any of the following:

a. Postponement of approval of subdivision plats not yet approved; or

b. The imposition of conditions upon approval of the subdivision; or

c. Restrictions or limitations on the issuance of (or timing of issuance of) building permits or certificates of occupancy; or

d. The assessment of fees and charges as needed to equitably provide for the cost of the regional improvements; or

e. Required pro-rata contributions toward the cost of the regional improvements prior to approval or permit issuance; or

f. Any combination of the above, with the calculation based upon the benefit to the subdivision and the need created or exacerbated by the subdivision.

2. The decision-maker may impose restrictions upon the issuance of building permits or certificates of occupancy for lots in subdivisions approved without conditions or requirements related to the particular regional improvements, in accordance with the City's Building Permit Referral Policy.

3. The decision-maker may remove these restrictions upon the agreement of a special district or other responsible party to construct the needed regional improvements, on a sound and reasonable construction schedule and funding proposal.

D. **When Evidence Required.** All applications for rezoning, site plan, or plat approval must include evidence addressing regional improvements.

Sec. 0-10-202 Traffic Studies

A. **Generally.** New development, redevelopment, changes in use, or expansions to existing development that are likely to result in additional peak hour or daily vehicular trip generation (compared to the existing condition) in excess of the thresholds set out in subsection B., below, shall submit a traffic study according to the methodologies set out in subsection C. below.

B. **Thresholds.** Traffic studies are required when any of the following thresholds may be exceeded by the proposed development:

1. Additional average daily trips generated by the development exceed 500 trips per day, as determined by the City Engineer;

2. Additional PM peak trips generated by the development exceed 100 trips per hour, as determined by the City Engineer;

3. Any residential development that exceeds 150 new dwelling units;

4. The development is requesting access to an arterial street or State highway;

5. The development will cause the adjacent street or closest intersection(s) to operate at level of service ("LOS") F; or

6. The adjacent street or closest intersection(s) already operates at LOS F.

C. **Methodologies.** Traffic studies shall be prepared in accordance with the City of Centennial Guidelines for Traffic Impact Studies.

D. **Updated Traffic Study Required.** The Director may require an update (amendment) to a previous traffic study or a new study if any of the following thresholds are met:

1. Changes to the development proposal increases expected trip generation for daily or peak hour trips by more than 15 percent from the original study;
2. The previous traffic studies are more than 2 years old, unless the City Engineer has determined that the conditions have not significantly changed; or
3. Location, types and/or number of access points for the development has changed.

E. **Conditions of Approval.** The decision-maker may condition the approval of proposed development on the maintenance of the level of service standards for streets that will be impacted by the development. The decision-maker may authorize phased development that ties required street, intersection, access, signalization, or other improvements necessary to maintain LOS to the timing and level of development proposed for each phase.

Division 10-3 Dedication of Land and Improvements; Fees in Lieu

Sec. 0-10-301 Calculation of Land Dedication Requirements

A. **Generally.** The method to determine the amount of land to be dedicated by an applicant for approval of residential development shall be based upon the general population or the number of students expected to be generated at the time of completion of the development (at which full occupancy is assumed), depending upon the type of dedication, and determined in accordance with the standards set forth in this Section.

B. **Population and Student Generation Factors.** Where the requirements of this Section involve calculations based on the population or student generation of new development, the per dwelling unit factors set out in Table 0-10-301, *Population and Student Generation Factors*, shall be used in the calculations:

Table 0-10-301
Population and Student Generation Factors

Residential Density	Population Per Unit	Students Per Unit
Up to 7.49 d.u./ acre	2.96 persons per d.u.	0.775 students per d.u.
7.50 d.u./ acre to 14.99 d.u./acre	2.39 persons per d.u.	0.364 students per d.u.
15.00 d.u./ acre and above	1.76 persons per d.u.	0.195 students per d.u.

C. **Dedications for Parks and Other Public Purposes.**

1. *Generally*. In general, the following land areas shall be dedicated for parks and other public purposes:
   a. Public Parks: 6 acres of dedicated land per 1,000 projected residents in the proposed development; and
   b. Other Public Purposes (including, but not limited to, libraries, multipurpose pathways, fire stations, public buildings, and other similar facilities): 0.25 acres of dedicated land per 1,000 projected residents in the proposed development.

2. *AC Districts*. In the AC district, the requirements of subsection C.1., above, shall be reduced by 50 percent. Townhome units shall be counted as 7.50 d.u. / acre to 14.99 d.u. / acre of development, and multifamily units and live-work units shall be counted as 15.00 d.u. / acre and above.

3. *UC Districts*. In the UC district, the general requirements of subsection C.1., above, shall be used to calculate total dedication requirements, and the numbers for residential density of 15.00 d.u. / acre and above set out in Table 0-10-301, *Population and Student Generation Factors*, shall be used. After the calculation is made, the dedications required by Section 0-4-303, *General Project Design Requirements*, shall be counted as the higher of:

   a. Their actual land area; or

   b. 75 percent of the total dedication requirements.

D. **Dedications for Public Schools.**

1. *Generally.* The land area required for public school dedications is 0.0260 acres per student. (This is based on the total land area required for elementary, middle, and high schools divided by the total number of students, or 81.25 acres divided by 3,125 students. It is assumed that elementary schools require 11.5 acres for 650 students, middle schools require 21.75 acres for 675 students, and high schools require 48 acres for 1,800 students.)

2. *AC and UC Districts*. Development in AC and UC districts shall be counted as follows:

   a. Townhome units shall be counted as 7.50 d.u. / acre to 14.99 d.u. / acre of development.

   b. Multifamily units (including residential-over-retail) and live-work units shall be counted as 15.00 d.u. / acre and above.

3. *Exemptions.* No public school dedications are required for:

   a. Continuing care neighborhoods; or

   b. Other housing products that are deed-restricted for occupancy only by people who are 55 years of age or older.

Sec. 0-10-302 Standards for Dedicated Land

A. **Land Suitability and Infrastructure Improvements.**

1. *Evaluation of Suitability*. The entity or department eligible for the land dedication shall evaluate land suitable for dedication and provide written comments to the Director prior to the final plat approval. Land may also be excluded when the Director determines that the land is unsuitable for development purposes and / or does not meet City requirements.

2. *Required Improvements to Dedicated Land*. The owner or subdivider shall install:

   a. Street, sidewalk and drainage improvements to serve the dedicated site; and

   b. Sanitary sewer and potable water lines to the site as required by Division 11-3, *Utilities*.

3. *Timing of Improvements*. Public improvements and sewer and water line extensions shall be provided to dedicated land at the time when improvements are installed to serve the nearest private lots in the development, or as provided for in conditions of development approval, and the timing and specification of the improvements shall be included within the subdivision improvement agreement (prior to the effective date), or public improvement agreement for the development.
4. *Condition of Dedicated Land*. The site shall be preserved in its natural physical condition, unless an alternative condition is set out in a condition of approval, subdivision improvement agreement (prior to the effective date), or public improvement agreement.
5. *Effect of Acceptance of Improvements*. Once improvements have been installed and accepted, the school district, park district or other public entity shall be responsible for the repair of any damage to such improvements caused during construction on such dedicated sites.

B. **Land for Specific Regional Improvements.** A determination of land suitability for particular regional improvements will include the following:

1. *Land for Public Parks*. Land for public parks shall:
   a. Be without geologic hazards or environmental contamination including, but not limited to, hazardous waste or hazardous materials;
   b. Have appropriate access for pedestrian use with limited parking; and
   c. Be strategically located as a link between other open space areas and parklands.
2. *Land for Public Schools*. Land for public schools shall:
   a. Be without geologic hazards or environmental contamination including, but not limited to, hazardous waste or hazardous materials;
   b. Be located exclusively outside of the floodplain;
   c. Have slopes that are no greater than 5 percent;
   d. Be approved by the applicable school district for public school purposes; and
   e. Have access to a public street of suitable classification (*e.g.*, collector or arterial).
3. *Land for Other Public Purposes.* Land for other public purposes shall:
   a. Be without geologic hazards or environmental contamination including, but not limited to, hazardous waste or hazardous materials; and
   b. If it includes any area in the floodplain, the area credited for the public improvement is not more than 5 percent of the floodplain.

Sec. 0-10-303 Fees-In-Lieu of Dedication

A. **Generally.** If the decision-maker determines that the acreage required by Section 0-10-301, *Calculation of Land Dedication Requirements*, for schools, parks or other public purposes is too small to be viable or desirable or cannot be integrated into the development, then the

owner/subdivider shall be required to pay a sum of money to the City of Centennial, Colorado, in lieu of the land dedication requirement.

B. **Land Value.**

1. *Generally*. On the Effective Date of this LDC, the assumed value of land that is required to be dedicated pursuant to this Division is $40,000 per acre. This amount may be modified by resolution of the City Council on an annual basis.

2. *Request for Reduction in Assumed Value.* Applicants may provide evidence that the market value of their land is less than the assumed land value established by this Section by submitting an appraisal from an MAI ("Member of the Appraisal Institute")-certified appraiser of the developable portion of the property which is the subject of the application. The appraisal shall state the fair market value of such property assuming that the final plat (or, if not plat is required, site plan) is approved, sssuming that the dedicated site is improved with the public improvements and water and sewer facilities required for such dedicated sites. The appraisal shall otherwise comply with all form and content requirements for appraisals established by the City Attorney's Office, if any. The decision-maker shall review and approve the appraisal if it finds it to be credible. If the decision-maker rejects the appraisal, then the assumed land value shall be applied.

C. **Formula for Fees-In-Lieu.** The fees-in-lieu shall be calculated as the Land Value per Acre times the Required Acres of Dedicated Land, where Land Value per Acre is calculated as set out in subsection B., above, and Required Acres of Dedicated Land is calculated as provided in Section 0-10-301, *Calculation of Land Dedication Requirements.*

D. **Mix of Dedication and Fees-In-Lieu.** As an alternative to the requirements of this Section, the City may require a combination of land and fees-in-lieu. Land that is dedicated shall not be included in the calculation of the fees-in-lieu.

Sec. 0-10-304 Privately Owned Parks

A. **Generally.** Where parks are provided in a proposed subdivision and are to be privately owned and maintained by the future residents of the subdivision for the mutual use and benefit of said residents, such land area and/or improvements may be credited against the park requirements set forth in this Division, provided the City Council finds that it is in the public interest to do so, and that the following standards are met:

1. That the private ownership and maintenance of said land area is adequately provided for by written agreement;

2. That the proposed land area is reasonably adaptable for use for park and recreation purposes. Reasonably adaptable may include but not be limited to, sufficient size, accessibility, location, topography, drainage and soil capacity, and the absence of hazardous wastes;

3. That the facilities proposed for said land areas are in substantial accordance with the provisions of this Division, and are approved by the City Council. All park improvements shall comply with the applicable requirements of Article 8, *Development Landscaping and Tree Protection*.

B. **Amount of Credit.** If the City Council determines that privately owned park lands are appropriate to receive credit against the requirements of this section, the amount of credit to be allowed shall not exceed 35 percent of the requirement, and additional funds shall be paid to the City, or additional lands shall be dedicated to the City, or a combination of land and funds shall be provided to the City to fulfill the requirements of this Division based on the needs and recommendations of the affected park district and other affected government entities.

C. **Annotations.** If the City Council approves such private parks the following notes shall be added to the Plat or, if no plat is required, site plan, and, if the development is a planned unit development, to the final development plan:

1. The private park site as shown on this plan or plat shall be maintained in perpetuity by the owner(s), homeowners association, and/or entity other than the City of Centennial.
2. Building permits will be issued for only one-half of the approved development until the park facilities have been installed in accordance with the approved site plan.
3. When a development consists of only one buildable lot, the private park shall be installed prior to the certificate of occupancy.

Sec. 0-10-305 Dedications and Payments of Fees-in-Lieu

A. **Generally.** The timing and use of dedications and payments of fees-in-lieu shall be according to the requirements of this Section. Land areas to be designated for land dedication required by this Division shall be determined at the time of the plat or site plan approval. If required by the City Council, public land dedication or payment-in-lieu thereof should be given prior to or at the time of recordation of the plat.

B. **Conveyances to School Districts.**

1. Two school districts serve Centennial residents: Cherry Creek School District No. 5 and Littleton School District No. 6. Dedications shall be held in trust by the City for conveyance to the school districts for facilities that serve the proposed development.
2. Public lands to be designated for use as school sites shall be negotiated directly between the Owner/Subdivider and the appropriate school district, subject to the approval of the City Council. The amount of land to be dedicated for school purposes shall be in compliance with the requirements of this Division.
3. The City Council may approve direct conveyance of dedications to the applicable school district, but may also hold land in trust for the school district. Proof of direct dedications or payments shall be provided to the City.

C. **Conveyances to Other Districts.** Public land dedication for public parks and other facilities shall be negotiated with the applicable service district, and, if approved by the City Council, may be given directly to the City (to be held in trust for the intended use) or district, as determined by the City Council.

D. **Use of Funds by the City of Centennial.**

1. The City Council shall hold the funds paid to the City for:

a. The acquisition of reasonable sites and land area for parks, fire stations, libraries or other public purposes as determined necessary by the City Council;

b. Other capital outlay purposes for parks to serve the proposed subdivision and future residents thereof as determined necessary by the City Council;

c. The development of sites and land areas for park purposes or other purposes as determined necessary by the City Council that will serve the residents of the proposed development to a degree that is proportional to their contribution.

2. After receipt of the dedications of sites and land areas or fees-in-lieu thereof pursuant to this Division, the Director shall give written notice to the local government entities for which dedications or payments were made. Dedications and payments will be transferred to other entities as follows:

a. The City Council will pay funds from amounts held in trust for other entities when the local government entity (including school districts, park districts, fire districts, and library districts) requests them in writing to the Director, and the City Council finds that the entity demonstrates a need for the funds for a use that is consistent with the dedication. The written justification shall set out the amount of funds sought, the proposed uses of said funds, and the benefits which the residents and future residents of the subdivision for which the funds were obtained will receive.

b. The City Council will convey land held in trust for other entities when the local government entity (including school districts, park districts, fire districts and library districts) requests the land in writing to the Director, and the City Council finds that the entity demonstrates a need for the land for a use that is consistent with the dedication. The written justification shall set out the lands sought, the proposed uses of said lands, and the benefits which the residents and future residents of the subdivision for which the lands were obtained will receive.

c. The Director shall review the requests presented pursuant to this Section, and on a quarterly basis, present these to the City Council along with the Director's recommendations. In addition, when the request is for land, the Director shall inform the requesting entity as to whether an application for development approval is required.

d. The City Council, at its discretion, may vote to allocate some of the lands and/or the funds for the subject project and, if approved, will authorize the transfer of the land and/or funds to the appropriate local government entity.

Division 10-4 Dedication of Subdivision Improvements

Sec. 0-10-401 Form of Dedication

A. **Generally.** All dedications shall be made in a form approved by the City Attorney. Dedications of park and school sites shall be shown on the site plan and plat for the proposed development. Other dedications shall be shown on the site plan or plat unless the City determines that another form of dedication (*e.g.*, a recorded easement) is more appropriate.

B. **Open Space Parcels.** Land areas that are used to satisfy open space ratio requirements shall be shown as separate parcels on plats. The open space parcels shall be restricted to open space uses by plat restrictions or separately recorded covenants, conditions, and restrictions.

Sec. 0-10-402 Traffic Control Devices

A. **Generally.** Traffic control devices which are required under the *Manual on Uniform Traffic Control Devices* as published by the U.S. Department of Transportation, Federal Highway Administration, will be installed by the developer at the developer's expense.

B. **Determination of Needs.** The City Engineer will determine the needs, and they will be listed along with their cost in the public improvement agreement.

C. **Condition of Street Acceptance.** Prior to probationary street acceptance, all traffic control devices listed in a subdivision improvement agreement (before the effective date) or public improvement agreement, will be paid for and installed.

Article 11 Streets, Utilities, and Drainage

Division 11-1 Purpose and Application of Article

Sec. 0-11-101 Purpose of Article

The purpose of this Article is to establish the basic design principles for the development of streets, sidewalks, trails, and utilities. Additional standards, such as street cross sections and construction standards, are provided in the *Infrastructure Design Manual* authorized by Division 11-4, *Standards Manuals*.

Sec. 0-11-102 Application of Article

A. **Generally.** This Article applies to all development which involves the installation of streets, sidewalks, trails, or utilities, except as specifically provided herein.

B. **Policy and Design Objectives for Streets, Sidewalks, and Trails.** Division 11-2, *Streets, Sidewalks, and Trails*, sets out the policy and design objectives for streets, sidewalks, and trails, in accordance with the City's *Comprehensive Plan* and *Parks, Open Space, Trails, and Recreation Plan*. Specific engineering and dimensional standards are provided in the *Infrastructure Design Manual*, authorized by Section 0-11-401, *Infrastructure Design Manual*.

C. **Policy and Design Objectives for Utilities.** Division 11-3, *Utilities*, sets out the policy and design objectives for public utilities, in accordance with the City's *Comprehensive Plan*. Specific engineering standards are provided in the *Infrastructure Design Manual*, authorized by Section 0-11-401, *Infrastructure Design Manual*.

D. **Drainage.** Drainage systems are regulated by standards promulgated in design manuals that are authorized and adopted by Division 11-4, *Standards Manuals*. The design manuals that apply to drainage and stormwater management also set out the public policies that support their standards.

Division 11-2 Streets, Sidewalks, and Trails

Sec. 0-11-201 Street Design Objectives and Principles

A. **Integration.** New streets shall integrate into the existing street pattern so as to:

1. Address the new development's circulation needs;
2. Provide a pattern of streets that facilitates navigation within the City; and
3. Where higher-order functional classifications are involved, facilitate City-wide traffic movements.

B. **Safety.** New streets shall provide a safe and convenient layout and design.

C. **Character.** New streets shall correspond to and reinforce the community character of the district(s) in which they are constructed.

D. **Natural Resources.** Streets shall be located with appropriate regard for topography, creeks, wooded areas, and other natural features that would enhance attractive development, or that are locally or regionally significant for their natural resource value.

E. **Circulation and Through Traffic.** Streets within subdivisions shall be designed as a system of circulation routes, so that the use of local streets by through traffic will be discouraged.

F. **Street Plans.**

1. Streets shall generally conform to the Comprehensive Plan and Sub Area Plans and any amendments thereto.
2. If a tentative plan has been adopted by the Planning and Zoning Commission for the neighborhood of the proposed subdivision, the street system of the latter shall conform in general thereto.
3. Existing streets (including preliminary platted streets in adjoining territory) shall be continued at equal or greater width and in similar alignment by streets proposed in the subdivision, unless the decision-maker finds that such design would be impractical or would create incompatibility.
4. When a tract is subdivided into larger than normal building lot(s) or parcel(s), such lot(s) or parcel(s) shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision, with provision for adequate utility easements and connectors for such resubdivision.

G. **Intersections.** Streets shall intersect as nearly at right angles as possible.

H. **Half-Streets.**

1. Dedication of half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of this LDC or the *Infrastructure Design Manual*, and provided that the Director finds it will be practical to obtain the dedications of the other half of the street right-of-way.
2. Wherever a half-street dedication is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

Sec. 0-11-202 Functional Classifications

A. **Generally.** For the purposes of this LDC, the streets within the City of Centennial are hereby classified in accordance with their existing or proposed function as Arterial, Collector, or Local.

B. **Functional Classifications.** The following functional classifications are applicable in the City:

1. Arterials are streets designated to carry large volumes of traffic, principally for regional movements.
2. Collectors are streets that are planned to facilitate the collection of traffic from local streets, to provide circulation within neighborhood areas, and to provide convenient ways for traffic to reach arterial streets.
3. Local streets are streets that are designed primarily to provide access to abutting properties.

C. **Designations.** The City Engineer shall establish standards for the designation of streets as Arterial, Collector, or Local, and shall maintain a record of the classification of existing streets. *See* Division 11-4, *Standards Manuals*.

D. **Right-of-Way Widths and Cross-Sections.** The City Engineer shall provide standards for the width of rights-of-way and establishment of cross-sections for streets in each functional classification. *See* Division 11-4, *Standards Manuals*.

Sec. 0-11-203 Access and Connectivity

A. **Access.**

1. New streets within development shall provide access to all building sites and parcels in the development.
2. Street alignments within the residential subdivisions shall utilize curves, islands, intersections, and/or other methods that allow adequate access but discourage speeding.

B. **Offsite Connectivity.**

1. Where existing alignments and existing development patterns make connections practical and useful, streets shall be extended to the boundaries of new development to provide for future connections to abutting properties.
2. Wherever streets have been dedicated or platted on the adjacent properties for extension into or through a proposed development then those streets shall be connected and incorporated into the street layout of the proposed development.

Sec. 0-11-204 Alleys

A. **Generally.** Alleys may be provided for primary or secondary vehicular access to lots and uses. Alleys established after the effective date may not provide any access to property outside of the parcel proposed for development in which the alleys are located, unless the property served is included in the covenants required by subsection B., below.

B. **Ownership and Control.** Alleys shall be owned and maintained by a property owners' association. Covenants, conditions, and restrictions shall be recorded to ensure continuing maintenance, according to the standards of Division 9-4, *Covenants, Conditions, and Restrictions*.

C. **Configuration.** Alleys shall be configured according to the requirements of the *Infrastructure Design Manual*.

D. **Dead-Ends Prohibited.** No dead-end alley or cul-de-sac alley shall be permitted.

Sec. 0-11-205 Medians and Entrance Ways

A. **Use and Beautification of Medians.** Medians that are part of a dedicated public right-of-way may not be utilized for any purpose other than by the City or a public utility. However, an applicant or other entity may beautify a median with landscaping with the approval of the City Manager (or, in the case of Federal, State, or County streets), the entity that owns or controls the right-of-way, provided that:

1. It does not interfere with existing or proposed public utilities;

2. It conforms to the sight distance requirements established by the City Engineer;
3. The applicant has submitted documentation with regard to the entity that will have permanent responsibility for maintenance of and liability for such improvements; and
4. For City rights-of-way, the improvements are subject to a revokable license between the City and the applicant.

B. **Development Access.** Streets that provide ingress and egress to a development shall:

1. Be connected to existing public streets at locations that will not:
   a. Create sight distance problems on the existing streets; or
   b. Interfere with the safe operation of existing intersections.
2. When connected to Collector or Arterial streets, have the connecting intersections designed so as to minimize interruption of the flow of traffic on those Collector or Arterial streets.
3. Architectural features that highlight entrances are permitted in the median of an entrance way that meets the specifications of this Section.

Sec. 0-11-206 Sidewalks

A. **Generally.** Sidewalks are required along both sides of all streets, except in NC or NI districts where there are no sidewalks on the same side of the same block as the parcel proposed for development. Sidewalks shall be constructed according to the standards set out in the *Infrastructure Design Manual*.

B. **Location of Sidewalks.**

1. Sidewalks shall be provided in the area between the right-of-way line and the edge of pavement.
2. Along new streets, the outer boundaries of sidewalks shall be located in the platted street right-of-way. Sidewalks may meander into the parkway to protect the root systems of mature trees.
3. Walks may also be installed in pedestrian easements.

C. **Completion of Sidewalk Networks.** Adequate provisions shall be made to ensure the timely completion of the sidewalk / path network associated with the development. For subdivisions, surety shall not be released until the sidewalk / path network is completed and accepted.

Sec. 0-11-207 Bicycle Routes, Lanes, Paths, and Trails

A. **Generally.** Bicycle transportation is an important and emerging part of the overall multimodal transportation system. The purpose of this Section is to implement the *City of Centennial Parks, Open Space, Recreation, and Trails Plan* ("POSTR Plan") with respect to bicycle facilities and trails.

B. **Bicycle Routes.** Bicycle routes shall be designated on all site plans and plats, and shall be posted upon completion of the proposed development.

C. **Bicycle Lanes.** Bicycle lanes are required along new arterial and collector streets, except in locations where a bicycle path provides comparable or better access and mobility for bicycles. All bicycle lanes shall be designed, posted, marked, and striped according to the requirements of the *Infrastructure Design Manual*.

D. **Multi-Use Trails.**

1. Development and redevelopment of a parcel that is located in a corridor that is identified in the POSTR Plan, Exhibit 8.3, *Segment-Level Improvements*, or as a "potential trail corridor option" on Exhibit 8.1, *Primary and Potential Trail Corridors*, or Exhibit 8.2, *Missing Links in the Trail System*, shall provide an easement for the construction of a trail in accordance with the POSTR Plan.

   a. This easement requirement may be waived by the City Council if it determines that the potential trail corridor option identified by the POSTR Plan is not desirable, feasible, or practicable.

   b. If an easement is provided, it shall be counted as open space or landscape surface area, as applicable to the type of development.

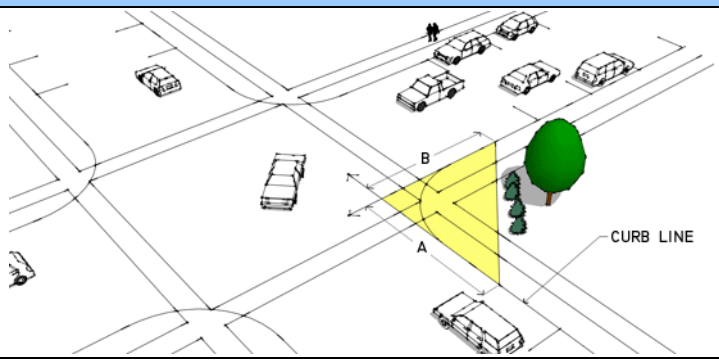
2. All trails, private or public, shall be posted as such, and maintenance responsibilities shall be established at the time of plat approval.

Sec. 0-11-208 Sight Triangle Requirements

A. **Generally.** No fence, wall, sign, foliage, berming or other structure or obstruction which will obstruct the driver's view (sight lines) of traffic approaching the intersection shall be placed in the sight triangle. These sight lines shall be unobstructed between a height of three feet and eight feet above the elevation of the street centerline and shall be placed on any corner lot in the areas specified by this subsection.

Figure 0-11-208A
Sight Triangle Requirements for Street Intersections

Distance A and Distance B are measured from the point of intersection of lines that extend from either the edge of the curb line or edge of asphalt, whichever is closer to the property, away from the intersection. Only one of the four required street sight triangles is shown.



B. **Requirements.**

1. At the intersection of two public streets, regardless of classification, Distance A and Distance B (refer to Figure 0-11-208A, *Sight Triangle Requirements for Street Intersections*) shall not be less than thirty feet.
2. Refer to the *Infrastructure Design Manual* for additional information on sight triangles and sight distance requirements.

Sec. 0-11-209 Right-of-Way Maintenance

Owners of property that abuts a public right-of-way shall maintain the landscaping, if any, between the edge of pavement or the inside of the curb and the owner's property line, including providing for continuing compliance with Section 0-11-208, *Sight Triangle Requirements*.

Division 11-3 Utilities

Sec. 0-11-301 Utility Connections Required

A. **Generally.** The City finds that the public health, safety and welfare is protected and advanced by a safe, reliable, and sustainable water supply and safe and effective treatment of effluent. The City further finds that the operation of an effective and sustainable potable water and sanitary sewer system requires a critical mass of development. As such, all new development that is within a water and/or sanitation district's boundaries where potable water and/or sewer service is provided shall be connected to the potable water and sanitary sewer lines of the district.

B. **Land Outside of a Water and/or Sanitation District.** Potable water and sanitary sewer services shall be provided to development that is outside of the boundaries of a water and/or sanitation district as follows:

1. Property that is located within an Agricultural, NC or NI district that is not within the boundaries of a water and/or sanitation district may utilize on-site systems (water wells and Individual Sewage Disposal Systems) to provide for potable water and wastewater treatment.
2. Property that is located in a district other than Agricultural, NC or NI that is not within the boundaries of a water and/or sanitation district shall provide water and wastewater service, as follows:
   a. On-site potable water and Individual Sewage Disposal Systems ("ISDS") may be used to serve agricultural and single-family development only. Lots served by such systems shall be:
      i. At least one acre in area for properties that are served by public water and ISDS; and
      ii. At least 2.5 acres in area for properties that are served by on-site water wells and ISDS.

b. All other non-agricultural development shall be served by a sustainable and reliable private potable water and sanitary sewer system.

C. **Overall Criteria.** Alternative water and sewer systems will be considered for new developments that are located in areas that are impractical or economically infeasible to connect to a centralized water distribution and/or wastewater collection system. Nothing herein shall prohibit a property owner of an existing residential property/use from applying to the appropriate permitting agency and utilizing an approved individual (residential) water well and/or septic system, if the residential land use is in compliance with the current zoning district and subdivision regulations and all necessary building and other permits are obtained from the City. Therefore, the following standards are intended to apply to new residential and nonresidential developments. The City shall evaluate alternative water and sewer systems based upon the following criteria:

1. *Ability to Serve.* The potential water and sewer provider has or will have the physical capacity to provide the service at the time that certificates of occupancy are issued for the first building in the development, and the potential water and sewer provider will be financially sustainable based on the service area, projected rate base, and capital facilities and operations / maintenance costs.
2. *Cost.* The severity of the economic difference between the collective costs of the alternative water and/or sewage disposal systems necessary to serve the entire development and the costs to extend water and/or wastewater lines to the development and, if outside of a current district, the fiscal impact to join an existing water and/or sanitation district.
3. *Compliance.* The alternative system(s) must be designed and operated in strict compliance with all applicable local, state and federal agencies permits, ordinances, regulatory guidance and regulations, including, but not limited to, the EPA, SEMSWA, Cherry Creek Basin Water Quality Authority, Tri-County Health Department, Colorado Health Department, the Office of the State Engineer and the City.
4. *Safety.* The design of an alternative water system must provide adequate fire protection for the development in accordance with adopted building and fire codes.
5. *Impact.* The total number of lots, size of lots and overall density and intensity of the development.
6. *Compatibility.* The impact on surrounding properties and environmentally sensitive areas adjacent to the development and the availability of buffer areas. Environmental protection must be demonstrated on the Individual Sewage Disposal System plan when the site is in a floodplain or floodway.
7. *Access.* The impact on surrounding properties' ability to develop with suitable access to water and/or sanitary sewer facilities.

Sec. 0-11-302 Underground Utilities Required

A. **Generally.** All new utility lines except electrical transmission lines shall be located underground.

B. **Upgrades.** Where above-ground utilities must be upgraded to serve development or redevelopment, they shall be relocated underground along the boundaries of the parcel proposed for development. This requirement may be waived by the Planning and Zoning Commission in order to protect significant natural resources or mature vegetation if the application of the requirement would necessarily result in their significant degradation or destruction.

Sec. 0-11-303 Water Supply

A. **Generally.** Water supply for new development shall be sufficient to provide for the development's potable water demand, irrigation needs, and fire protection needs. Water from water districts shall be supplied using fire-rated lines that are acceptable to the fire protection district, and installed to the specifications of the water service provider.

B. **Capacity.** Applicants for approval of new development, or changes to existing development that the Director finds are likely to involve material additional water demand, shall submit certification from the applicable water district that capacity is available to serve the proposed development.

C. **Fire Hydrants.** Fire hydrants shall be provided and spaced to the specifications of the applicable fire protection district.

Sec. 0-11-304 Sanitary Sewers

A. **Generally.** Sanitary sewer service for new development shall be sufficient to provide for the development's demand for such service. Sanitary sewer lines shall be installed to the specifications of the sanitation district.

B. **Capacity.** Applicants for approval of new development, or changes to existing development that the Director finds are likely to involve material additional sanitary sewer demand, shall submit certification from the applicable sanitation district that capacity is available to serve the proposed development.

Division 11-4 Standards Manuals

Sec. 0-11-401 Infrastructure Design Manual

A. **Generally.** The City Engineer shall develop and maintain a standards manual for the design and construction of infrastructure necessary to serve or mitigate the impacts of development. Such manual shall be known as the *Infrastructure Design Manual*.

B. **Contents.** The *Infrastructure Design Manual* shall establish standards for, at a minimum:

1. The functional classifications of streets;
2. The dimensions of streets and rights-of-way, including intersections, curb radii, and cross-sections by functional classification;
3. The spacing of intersections and access points and the management of access along arterial and collector streets;

4. The lighting of streets;
5. The construction of streets, sidewalks, and curbs; and
6. The materials and specifications for the construction of public infrastructure.

C. **Adoption and Amendment.** The City Council shall approve the *Infrastructure Design Manual* and any amendments by resolution. The City Engineer shall provide a recommendation with respect to proposed amendments or replacement manuals.

Sec. 0-11-402 Stormwater Management Manual

A. **Generally.** Development within the City of Centennial is subject to the *City of Centennial Stormwater Management Manual.*

B. **Administration.** The *City of Centennial Stormwater Management Manual* is applied by the City Engineer and SEMSWA.

C. **Adoption and Amendment.** As of the effective date, the approved *City of Centennial Stormwater Management Manual* is dated February 2007. It may be amended or supplanted from time to time by resolution of the City Council. The City Engineer shall provide a recommendation with respect to proposed amendments or replacement manuals.

Sec. 0-11-403 Grading, Erosion, and Sediment Control ("GESC") Manual

A. **Generally.** Development within the City of Centennial is subject to the *City of Centennial Grading, Erosion, and Sediment Control Manual*.

B. **Administration.** The *City of Centennial Grading, Erosion, and Sediment Control Manual* is applied by the City Engineer and SEMSWA.

C. **Adoption and Amendment.** As of the effective date, the approved *City of Centennial Grading, Erosion, and Sediment Control Manual* is dated March 2005. It may be amended or supplanted from time to time by resolution of the City Council. The City Engineer shall provide a recommendation with respect to proposed amendments or replacement manuals.

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Article 12 Nonconformities

Division 12-1 Purpose and Application of Article

Sec. 0-12-101 Purpose of Article

A. **Generally.** Only a small portion of the land area of the City of Centennial is not developed. As such, the application of new land development regulations to existing development is likely to create circumstances in which existing lot dimensions, development density, land uses, buildings, structures, landscaping, parking areas, or signs do not strictly conform to the requirements of the new regulations. The NC and NI zoning districts are intended to minimize nonconformities in established neighborhoods by making existing buildings and lots that were lawfully constructed or created "conforming," as provided in Section 0-2-201, *Zoning Districts Established*, and Division 3-3, *Neighborhood Conservation and Neighborhood Infill Development Standards*. For existing lots or development (including uses, buildings, structures, and signs) that is "legally nonconforming" (as defined herein), this Article sets out equitable rules for whether, when, and how the regulations of this LDC apply.

B. **Conversion of Nonconformities.** Generally, nonconforming uses, buildings, structures, and signs are not allowed to be enlarged, expanded, increased, nor be used as grounds for adding other structures or uses now prohibited in the same district. This Article provides standards by which minor nonconforming uses (as defined herein) can be made "conforming" through a public hearing process.

C. **Reduction of Nonconformities.** It is the policy of the City to encourage reinvestments in property that increase its value and utility and improve its aesthetics and environmental performance. Since bringing a developed parcel into full compliance with this LDC may involve substantial cost (which could discourage reinvestment), this Article provides a set of thresholds for determining when new construction or modifications to development trigger a requirement for conformity with the various requirements of this LDC.

D. **Unlawful Uses, Buildings, Structures, or Signs.** This Article does not allow for the perpetuation of uses, buildings, structures, or signs that were unlawfully established or constructed. Such uses, buildings, structures, or signs are not "legally nonconforming," but instead remain "unlawful," and are subject to all of the provisions of this LDC (including enforcement provisions) and any other applicable law. Likewise, this Article does not legitimize unlawful subdivisions of property that may have occurred before the effective date of this LDC.

Sec. 0-12-102 Application of Article

A. **Generally.** This Article applies to uses, buildings, structures, landscaping, signs, parking, and lots that were lawfully constructed but do not conform to the requirements of this LDC.

B. **Exceptions to Article.**

1. This Article does not apply to lots of record in the NC or NI zoning district, regardless of their size (such lots, and lawfully constructed buildings on them, are "conforming," *see* Section 0-2-201, *Zoning Districts Established*). In an NC or NI zoning district, any residential

building that is destroyed for any reason may be reconstructed to its original form and extent, regardless of whether that form and extent are in strict compliance with the setback, building coverage, and / or height standards for the district.

2. This Article also does not apply in specific situations that are specified in Division 1-2, *Transitional Provisions*, which supersedes this Article to the extent of any conflict.

C. **Types of Nonconformities.** There are seven general types of nonconformities: uses, buildings, structures, landscaping, signs, parking, and lots. As to uses, nonconformities may be "major" or "minor." These types are set out in Division 12-2, *Types and Classes of Nonconformities*. The application of the standards of this Article is based on the type of nonconformity that is being addressed.

D. **General Regulations.** Division 12-3, *General Regulations*, sets out the standards for when nonconforming situations must be made conforming (or more conforming) or, alternatively, terminated or removed. It also sets out the circumstances in which a nonconforming situation may be restored or resumed after damage, destruction, or temporary cessation.

E. **Compliance Thresholds.** Division 12-4, *Compliance Thresholds*, sets out the standards for determining when new construction or modifications to development trigger a requirement for conformity with the various requirements of this LDC.

F. **Conversion of Nonconformities.** Division 12-5, *Conversion of Nonconformities*, sets out how to convert a nonconforming use to a conforming use using a conditional use process. Nonconforming buildings and structures may be made conforming using the variance process set out in Section 0-14-801, *Variances*.

G. **Effect of Article.**

1. *Effect on Existing Development Entitlements.* Nothing in this LDC shall be interpreted to require a change in plans, construction, or designated use of any building in which a building permit was lawfully obtained from the City's Building Division prior to the effective date of adoption or amendment of this LDC, provided construction was commenced within sixty (60) days after obtaining said building permit and diligently completed.

2. *Effect on Existing Unlawful Uses, Buildings, Signs, and Structures.* Any use, structure and/or parcel of land which was used, erected or maintained in violation of any previous Zoning Regulations shall not be considered as a legal, nonconforming use, structure and/or parcel, and shall be required to comply with all provisions of these Regulations.

Division 12-2 Types and Classes of Nonconformities

Sec. 0-12-201 Nonconforming Uses

A. **Generally.** A nonconforming use is a use of land that was lawfully established (*i.e.*, it was allowed and legally authorized, if legal authorization was required) on a parcel or lot before the effective date of this LDC (or amendment hereto), that is no longer allowed after the effective date of this LDC (or amendment hereto). The following uses are legally nonconforming uses:

1. Uses that were lawfully established but are not currently listed as Permitted, Limited, or Conditional Uses in the district in Division 2-3, *Land Use*, except that structures that were listed as uses of land prior to the effective date and are now regulated as accessory structures (see Division 3-6, *Supplemental Residential Development Standards*, and Division 3-8, *Supplemental Nonresidential and Mixed-Use Development Standards*) are either conforming structures (if they comply with the requirements of this LDC or nonconforming structures (*see* Section 0-12-203, *Nonconforming Structures*)
2. Uses that are listed as Limited Uses in the district in Division 2-3, *Land Use*, but were lawfully established without a limited use permit and do not comply with the applicable standards of Division 2-4, *Limited and Conditional Use Standards.*
3. Uses that are listed as Conditional Uses in the district in Division 2-3, *Land Use*, but were lawfully established without a conditional use permit. For these uses, the nonconforming use status may be removed by obtaining a Conditional Use permit.
4. Uses that were lawfully established within a floodplain or floodway, but are no longer permitted in the floodplain or floodway.

B. **Classifications of Nonconforming Uses.** There are two types of nonconforming uses: major nonconforming uses and minor nonconforming uses. The classification of the nonconforming use affects whether it can be converted to a conforming use.

1. *Major Nonconforming Uses*. Major nonconforming uses are those uses for which the nonconformity generates a nuisance *per se* or represents such incompatibility with adjacent uses and/or the Comprehensive Plan that public policy favors their elimination from the district if they are discontinued, abandoned, or destroyed. Major nonconforming uses are:
   a. Outdoor storage areas that do not comply with the standards of this LDC.
2. *Minor Nonconforming Uses*. All nonconforming uses that are not classified as major nonconforming uses are minor nonconforming uses. Such uses may be converted to conforming uses as provided in Division 12-5, *Conversion of Nonconformities*.

Sec. 0-12-202 Nonconforming Buildings

A. **Generally.** A nonconforming building is a building that was lawfully constructed prior to the effective date of this LDC (or amendment hereto) that does not conform to the height, setback, building coverage, building scale, spacing, and / or design standards that are applicable to the same type of building in the district in which the building is located. For purposes of cross-reference the following standards may apply:

1. Design standards, which are set out in Article 4, *Form and Design Standards.*
2. Scale standards, which are set out in Section 0-3-703, *Nonresidential Scale Standards*.
3. Spacing standards, which are set out in Section 0-2-408, *Commercial Uses*.

B. **Exceptions.** Exceptions apply in the NC and NI zoning districts (see Section 0-12-102, *Application of Article*).

Sec. 0-12-203 Nonconforming Structures

A nonconforming structure is a structure other than a building that was lawfully constructed prior to the effective date of this LDC (or amendment hereto) that does not conform to the standards that are applicable to the same type of structure in the district in which the structure is located. The following are illustrative examples of nonconforming structures:

1. Fences or garden walls that do not comply with the height, setback, or materials standards of this LDC;
2. Wireless telecommunications facilities that do not comply with the applicable regulations of this LDC;
3. Swimming pools that do not comply with the applicable regulations of this LDC;
4. Structures that are located in floodplains, floodways, or open space areas that do not comply with the applicable regulations of this LDC.

Sec. 0-12-204 Nonconforming Landscaping

A. **Generally.** Nonconforming landscaping is landscaping (or lack thereof) that does not conform to the landscape area or planting requirements of Article 8, *Development Landscaping and Tree Protection* (including, but not limited to, Development Landscaping and Bufferyard requirements) , or other provisions of this LDC that require the designation of open space or landscape surface areas or the buffering of uses (*see*, *e.g.*, Division 2-4, *Limited and Conditional Use Standards,* and Article 3, *Development Standards*).

B. **Landscape Surface Ratio and Open Space Ratio.**

1. Nonresidential, mixed-use, and multifamily residential parcels that were lawfully developed but do not include the required landscape surface ratio or open space ratio that is required after the effective date of this LDC or amendment hereto are also nonconforming with respect to landscaping.
2. Residential development of housing types other than multifamily is conforming with respect to landscaping if it was platted prior to the effective date of this LDC, except that all property shall be brought into compliance with the groundcover requirements of Section 0-8-301, *Groundcover*, within two years of the Effective Date.

Sec. 0-12-205 Nonconforming Signs

A. **Generally.** Any sign located within the City limits on the effective date of this LDC that does not conform to the provisions of Article 6, *Signs and Lighting*, or, if applicable, Division 2-4, *Limited and Conditional Use Standards*, or Article 4, *Form and Design Standards*, is a "legal nonconforming" sign, provided it also meets the following requirements:

1. The sign was approved by a sign permit on the effective date of this LDC, or amendment hereto, if a permit was required under applicable law, or, if no sign permit was required under applicable law for the sign in question, the sign was in all respects in conformity with the applicable law (including, planned unit development approval documents) immediately prior to the effective date or had legal nonconforming status at such time; and

2. The sign is a permanent sign.

B. **Existing Signs on Annexed Property.** If land is annexed to the City after the effective date of this LDC, any signs that do not conform to the provisions of this LDC at such time shall have legal nonconforming status if:

1. Under applicable federal, state, and county regulations, the sign was legal in all respects immediately prior to annexation;
2. The sign is a permanent sign; and
3. The annexation was not conditioned upon the removal or modification of the sign.

Sec. 0-12-206 Nonconforming Parking

Nonconforming parking refers to parking spaces, drive aisles, and loading areas that do not conform to the requirements of this code that are set out in Article 5, *Parking and Loading*, in terms of their number or dimensions.

Sec. 0-12-207 Nonconforming Lots

Nonconforming lots are lots that were lawfully created before the effective date of this LDC or amendments hereto, but which no longer comply with the lot width, lot area, or access requirements of this LDC. All lots within NC and NI districts that were lawfully created before the effective date of this LDC are conforming, regardless of their dimensions. *See* Section 0-2-201, *Zoning Districts Established*.

Division 12-3 General Regulations

Sec. 0-12-301 Termination, Restoration, and Removal

A. **Generally.** This Section sets out the standards for when a nonconformity must be terminated or removed, and when it is allowed to be restored after temporary cessation, damage or destruction.

B. **Nonconforming Uses.**

1. If a major nonconforming use is discontinued for a period of six months, for any reason, it shall not be resumed.
2. If a minor nonconforming use is discontinued for a period of six months, for any reason, it shall not be resumed. However, if an application for conversion of the use is filed pursuant to Division 12-5, *Conversion of Nonconformities*, before the end of the six month period, the use may be resumed as a conforming use after the period expires if the application is granted.

C. **Nonconforming Buildings, Structures, and Elements of Buildings or Structures.**

1. If a nonconforming building or structure or nonconforming element thereof is damaged or destroyed by any means, or be declared unsafe by the Chief Building Official to an extent that repairs would exceed more than 50 percent of the replacement cost of the building or

damaged nonconforming element, the building shall be reconstructed in conformity with the provisions of this LDC.

2. If the reconstruction cost and/or area of reconstruction (whichever is less) is less than or equal to 50 percent of the cost of replacement or area of the building, respectively, then the structure may be strengthened or restored to a safe condition provided that:

   a. The original nonconformity is not enlarged, increased, or extended;

   b. Building permits are obtained for repairs within six months of the date the building was damaged or, if no date can be reasonably established for the damage, the date that the Chief Building Official determines that the building is unsafe; and

   c. The construction is commenced within six months after obtaining the required building permits.

D. **Nonconforming Landscaping.** Destroyed or removed landscaping shall be replaced with conforming landscaping if the destroyed or removed landscaping:

1. Did not comply with the requirements of Section 0-8-501, *General Requirements*, or Section 0-8-601, *Planting Locations*; or

2. Is listed in the Prohibited Plants list included in Appendix A, *Plant Lists.*

E. **Nonconforming Signs or Sign Elements.**

1. A nonconforming sign which has been damaged by fire, wind or other cause in excess of 50 percent of its replacement cost shall not be restored except in conformance with this LDC.

2. If an element of a sign that causes the sign to be nonconforming is removed, it shall not be replaced, except with a conforming element. For example, if a sign is nonconforming with respect to the items of information limitation, and a tenant panel is removed, then the new tenant panel shall be conforming with respect to its proportional share of items of information (*e.g.*, if a five-panel directory sign has a total of 60 items of information, but only 20 are allowed, then when a single panel is replaced, the new panel may include up to four items of information).

3. If a nonconforming sign structure does not display any message for a period of 30 days, it shall be removed or brought into conformance with this LDC. For the purposes of this standard, a temporary "sock sign" may be used to display a message while a new sign face is being created.

4. If a nonconforming sign structure is removed for any reason other than routine repair and maintenance, it shall not be replaced unless the replacement sign conforms to this LDC.

5. Nonconforming signs that are a danger to the public safety due to damage or wear shall be removed and shall not be replaced unless the replacement sign conforms to this LDC.

Sec. 0-12-302 Changes of Use

A. **Generally.** A nonconforming use shall not be changed to another nonconforming use.

B. **Effect of Change of Use.**

1. A change of use from a nonconforming use to a conforming use shall create an irrebuttable presumption of the owner's intent to discontinue the nonconforming use. After the change in use, the nonconforming use shall not be resumed.

2. If the use of a portion of a building or property is changed from a nonconforming use to a conforming use, then the use of that portion of the building or property shall not thereafter be changed back to the nonconforming use.

Sec. 0-12-303 Repairs and Modifications

A. **Generally.** Repairs and modifications to nonconforming buildings, structures and signs are permitted as provided in this Section, except that nonconforming buildings and structures that are located in floodplains are subject to the restrictions of Section 0-12-305, *Nonconforming Buildings and Structures in Floodplains*, and not this Section.

B. **Repairs and Alterations**.

1. *Generally*. Routine maintenance of nonconforming buildings, structures, and signs is permitted, including necessary non-structural repairs, paint, and incidental alterations which do not extend or intensify the nonconforming buildings, structures, or signs or materially extend their life (for signs, routine maintenance includes changing the message of the sign by replacing or repainting the sign face). This standard also applies to buildings, structures, and signs that are used by nonconforming uses if they are designed in a way that is not suitable for re-use as a conforming use.

2. *Structural Alterations*. Structural alterations to nonconforming buildings, structures, and signs are permitted only if it is demonstrated that the alteration will eliminate the nonconformity or reduce it in accordance with the standards of Division 12-4, *Compliance Thresholds.*

3. *Buildings Containing Major Nonconforming Uses*. No building or structure that contains a major nonconforming use shall be enlarged unless the major nonconforming use is permanently discontinued.

C. **Expansion of Nonconforming Uses.**

1. *Major Nonconforming Uses*. Major nonconforming uses shall not be expanded, enlarged, extended, increased, or moved to occupy an area of land or building that was not occupied on the effective date of this LDC or any amendment that made the use a major nonconforming use.

2. *Minor Nonconforming Uses*. No minor nonconforming use shall be expanded or extended in such a way as to:

   a. Occupy any open space or landscaped area that is required by this LDC;

   b. Exceed building coverage or height limitations of the zoning district in which the use is located;

   c. Occupy any land beyond the boundaries of the property or lot as it existed on the effective date of this LDC; or

d. Displace any conforming use in the same building or on the same parcel.

Sec. 0-12-304 Nonconforming Lots; Combination and Construction

A. **Combination of Lots to Increase Conformity.**

1. Where a landowner owns several abutting lots that do not conform to the dimensional requirements of the district in which they are located, they shall be combined to create fully conforming lots or, if full conformity is not possible, they shall be combined if the combination will increase the degree of conformity. *See* Figure 0-12-304, *Combination of Nonconforming Lots*.

2. The City will not require the combination of lots pursuant to paragraph A.1., above, if:

   a. The combination of lots would not address the nonconformity (*see* Figure 0-12-304, *Combination of Nonconforming Lots*);

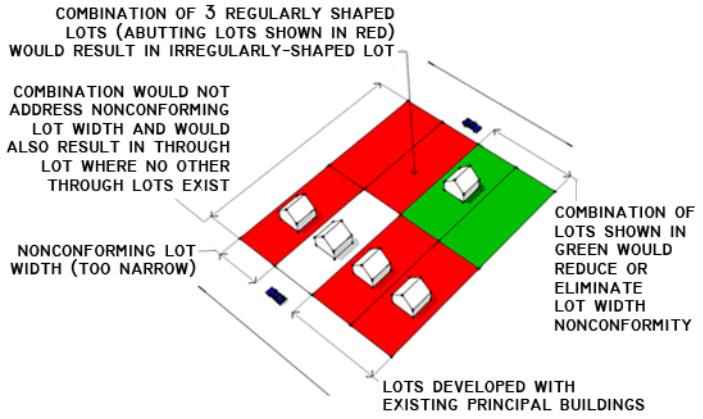
   b. Two or more of the lots are developed with principal buildings, and the combination of lots would require that one or more of the buildings be torn down in order to comply with this LDC (*see* Figure 0-12-304, *Combination of Nonconforming Lots*);

   c. The combination of lots would materially disrupt the lotting pattern of the street, for example, by creating a through lot mid-block on a street segment that does not include any other through lots (*see* Figure 0-12-304, *Combination of Nonconforming Lots*);

   d. The combination of lots would result in regularly shaped lots being combined into a single lot with an irregular shape (*see* Figure 0-12-304, *Combination of Nonconforming Lots*); or

   e. The lots are located in the NC or NI district (in which case they are not nonconforming, see Section 0-2-201, *Zoning Districts Established*).

Figure 0-12-304
Combination of Nonconforming Lots



B. **Construction on Legal Lots That Do Not Conform to Dimensional Requirements.** A legal lot that does not meet district requirements with respect to lot area or lot width may be built upon if:

1. The lot is a lot of record;
2. The use is permitted in the district in which the lot is located; and
3. The lot has sufficient frontage on a public street to provide access that is appropriate for the proposed use.

Sec. 0-12-305 Nonconforming Buildings and Structures in Floodplains

It is the intent of the City of Centennial that no permanent structures be located or substantially improved in the floodplain, except those used for floodplain management, flood control, and water quality enhancement, and that existing legal nonconforming buildings, structures, and signs shall be removed upon abandonment, destruction, or substantial damage.

Sec. 0-12-306 Nonconforming Parking

A. **Generally.** Nonconforming parking and loading areas are subject to the regulations of this Section.

B. **Number of Parking Spaces**.

1. *Building Expansions*. If an existing building or use is expanded, additional parking shall be required only in proportion to the new area of the building or use.
2. *Change of Use.* If the use of a building changes, resulting in additional demand for parking, then the number of parking spaces provided shall be brought into conformance with the requirements of Article 5, *Parking and Loading*.
3. *Redevelopment*. If an existing building is redeveloped, parking shall be provided as required by Article 5, *Parking and Loading*.

C. **Size of Parking Spaces and Drive Aisles; Surfacing.** Parking spaces and drive aisles shall be sized according to the requirements of Article 5, *Parking and Loading*, and surfacing shall be provided as required by Section 0-5-402, *Surfacing and Maintenance of Off-Stret Parking Areas*, when so required by Division 12-4, *Compliance Thresholds*.

Sec. 0-12-307 Nonconformity with Airport Influence Area Restrictions

The owner of any nonconforming structure or object of natural growth within an Airport Influence Area shall permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the City Council, after consultation with the appropriate airport operator, to indicate to the operators of aircraft in the vicinity of the airport the presence of such nonconforming structures or objects of natural growth.

Sec. 0-12-308 Nonconformity Created by Public Action

Any nonconforming structure or land expressly created or caused by a conveyance of privately owned land to a federal, state or local government to serve a public purpose is conforming for the purposes of this LDC, and is not subject to the limitations of this Article. This exemption applies only in cases where private land is obtained by a governmental entity for a public purpose, through condemnation, threat of condemnation or otherwise, which creates a nonconformity in the remainder parcel in terms of setback, lot size, or other standards of this LDC. This exemption does

not apply to right-of-way dedication or other public conveyances of land required by the City in the course of subdivision or other routine development plan approvals.

Division 12-4 Compliance Thresholds

Sec. 0-12-401 Purpose

The purpose of this Division is to encourage reinvestment in existing buildings and properties by mitigating the costs of retrofitting existing buildings and sites to achieve full compliance with this LDC. This Division does not relate to building code compliance or compliance with the *Infrastructure Standards Manual* or *Stormwater Manual*.

Sec. 0-12-402 Sliding Scale Compliance Requirements

Table 0-12-402, *Sliding Scale Compliance Requirements*, sets out the levels of reinvestment in property that trigger compliance with the regulations set out in this LDC.

Table 0-12-402
Sliding Scale Compliance Requirements

Type of Improvement	Definition of Improvement	Level of Compliance that is Required
New development or redevelopment	Expansion of a building by more than 50 percent of its floor area; tear-down and reconstruction of a building (except re-establishment of nonconforming use or building pursuant to Division 12-3, *General Regulations*); development of vacant sites.	Full compliance with all provisions of this LDC is required.
Major expansions	Expansion of a building by 30 percent to 50 percent of its floor area, or increase in parking requirements of more than 20 percent.	1. Parking spaces and drive aisles shall be dimensioned, and loading shall be provided, as required by Article 5, *Parking and Loading*. Parking spaces shall be provided according to the applicable regulations of Section 0-12-306, *Nonconforming Parking*; surfacing shall be provided as required by Section 0-5-402, *Surfacing and Maintenance of Off-Street Parking Areas.* 2. Bufferyards shall be provided as required by Division 8-4, *Bufferyards*. 3. Improvements that are needed to ensure public safety and safe circulation are required. 4. Buildings affected by the construction shall be designed according to the standards of Article 4, *Form and Design Standards*, if applicable. 5. Major nonconforming uses shall be discontinued. 6. If height is increased by more than 20 percent within 50 feet of a district boundary line, district boundary bufferyards shall be brought into compliance with Section 0-8-406, *District Boundary Bufferyards*.
Minor expansions	Expansion of a building by less than 30 percent or increase in parking requirements of 20 percent or less	1. New parking spaces and drive aisles shall be dimensioned as required by Article 5, *Parking and Loading*, if the new dimensions would not be detrimental to safe circulation when combined with the existing lot; surfacing shall be provided as required by Section 0-5-402, *Surfacing and Maintenance of Off-Street Parking Areas* 2. Major nonconforming uses shall be discontinued.

Table 0-12-402 Sliding Scale Compliance Requirements		
Type of Improvement	**Definition of Improvement**	**Level of Compliance that is Required**
Facade and site improvements	Building or architecture changes or site improvements that do not involve expansion of the building or parking, but will change the physical character of the building or site beyond simple repair and maintenance.	1. Building improvements shall comply with code requirements that directly relate to the improvements. 2. Landscaping improvements must further the objectives of Article 8, *Development Landscaping and Tree Protection* (*e.g.*, if the only improvement is planting trees, full compliance with the landscaping requirements is not required, but trees that are planted must comply with code requirements). 3. Improvements that the Director determines are necessary for public safety must be made.
Parking lot improvements	Drainage, expansion, or reconstruction improvements, but not restriping alone unless the restriping according to the standards of Article 5, *Parking and Loading* results in reduction of the area of the existing parking spaces by more than 10 percent.	1. Parking spaces and drive aisles shall be dimensioned, and loading shall be provided, as required by Article 5, *Parking and Loading*. 2. Parking lot landscaping shall be provided as required by Section 0-8-305, *Parking Lots*, even if it results in a reduction in the number of parking spaces, but only to the extent that the reduction does not result in a parking lot that contains less than 95 percent of the required parking spaces. 3. Surfacing shall be provided as required by Section 0-5-402, *Surfacing and Maintenance of Off-Street Parking Areas*

Division 12-5 Conversion of Nonconformities

Sec. 0-12-501 Purpose

Many minor nonconforming uses have existed for a period of time, and some may have only recently become nonconforming. In many instances, minor nonconforming uses are integral parts of the City's fabric, that is, its character and function, so their continuing existence promotes the City's policy objective of protecting its neighborhoods. In these instances, the classification "nonconformity" and resulting restriction on investment may not be what the community desires. As such, the use may be made conforming pursuant to this Division in order to remove the stigma associated with the "nonconforming" designation.

Sec. 0-12-502 Procedure

A. **Generally.** An owner of a minor nonconforming use may apply for a conditional use permit which has the effect of making the nonconforming use conforming. The criteria for conditional use approval are set out in Section 0-12-503, *Criteria for Approval*.

B. **Exclusions.** This procedure does not apply to nonconforming lots, which may be buildable in accordance with the standards of Section 0-12-307, *Nonconforming Lots; Combination and Construction*.

Sec. 0-12-503 Criteria for Approval

A. **Generally.** A conditional use approval may be granted to make a nonconforming use conforming, if, in addition to the criteria for approval of a conditional use set forth in Section 0-

14-601, *Conditional Use and Temporary Conditional Use Procedures*, all of the criteria of this Section are satisfied.

B. **Minimal Nonconformity.** The use, as conducted and managed, has minimal nonconformities and has been integrated into the neighborhood's (or district's if it is not in or adjacent to a residential neighborhood) function, as evidenced by the following demonstrations:

1. The neighborhood residents regularly patronize or are employed at said use (for nonresidential uses in or abutting residential neighborhoods).
2. Management practices eliminate nuisances such as noise, light, waste materials, unreasonably congested on-street parking, or similar conflicts.
3. There is no material history of complaints about the use (a history of complaints is justification for denying the conditional use permit, unless the conditions of the permit will eliminate the sources of the complaints).
4. If the use is nonresidential, it is licensed in accordance with the applicable ordinances of the City of Centennial.
5. The use has been maintained in good condition and its classification as a nonconformity would be a disincentive for such maintenance.

C. **Conditions.** Conditions may be imposed relative to the expansion of bufferyards, landscaping, or other site design provisions, or other limitations necessary to ensure that, as a conforming use, the use will not become a nuisance. Such conditions may relate to the lot, buildings, structures, or operation of the use.

Sec. 0-12-504 Effect and Annotation

A. **Generally.** Uses that comply with the terms of a conditional use permit issued in accordance with this Division are converted from "legally nonconforming uses" to "conforming uses" by virtue of the issuance of the permit.

B. **Written Approval.** Conditional use approvals shall be provided to the applicant in writing and may be recorded by the applicant at the applicant's expense.

C. **Annotation of Official Zoning Map.** Upon granting a conditional use permit and the applicant's demonstration of compliance with any conditions placed upon it, the Director shall place an annotation on the Zoning Map that states that the property has a conditional use permit, as well as the permit number and date of approval.

Article 13 Decision-Makers

Division 13-1 City Staff and Referral Agencies

Sec. 0-13-101 Director of Planning and Development

A. **Generally.** The Director of Planning and Development ("Director") is the member of the City Staff who is ultimately responsible for processing an application to decision (in the case of administrative approvals) or recommendation to an approving body (in the case of discretionary approvals). The Director shall designate staff members to manage applications through the review process and be points of contact for applicants, and may also delegate review responsibilities to other members of the City Staff with relevant technical training or expertise, or, as appropriate, to consultants that are authorized by the City Council.

B. **Duties and Responsibilities.** The Director shall allocate and supervise staff from the Planning and Development Department to:

1. Receive and log applications for development approval.
2. Keep records of development applications, including materials and outcomes.
3. Review application materials and verify that applications are complete.
4. Communicate with applicants to inform them that their applications are complete or not complete; and if the applications are not complete, what items are required.
5. Manage the processing of applications according to Article 14, *Permits and Procedures*.
6. Process and review all applications (or cause the applications to be reviewed) and either decide the applications or make a recommendation regarding how the application should be decided.
7. Set applications on agendas of the Planning and Zoning Commission or City Council, as appropriate.
8. Provide public notice as required by this LDC.
9. Promptly issue written permits, resolutions, or orders that reflect the substance of approvals granted pursuant to this LDC.
10. Maintain the Zoning Map, including:
    a. Updates to reflect rezonings;
    b. Resolution numbers to indicate conditional use approvals, including conversions of minor nonconforming uses; and
    c. Appropriate annotations to indicate limited use approvals.
11. Track the term of approvals, and keep records of approvals that have expired.
12. Enforce the provisions of this LDC and approvals granted hereunder pursuant to Article 15, *Enforcement and Remedies*.

13. Make recommendations regarding amendments to this LDC and to the Comprehensive Plan and Sub-Area Plans of the City of Centennial.

Sec. 0-13-102 Southeast Metro Stormwater Authority

A. **Generally.** The Southeast Metro Stormwater Authority ("SEMSWA") was formed via an Intergovernmental Agreement ("IGA") among the City of Centennial, Arapahoe County, the Arapahoe County Water and Wastewater Authority, East Cherry Creek Valley Water and Sanitation District, and the Inverness Water and Sanitation District. SEMSWA is a political subdivision and a public corporation of the state, falling under the guidelines of Colorado state statute for a "drainage authority."

B. **Development Review Role.** The duties and responsibilities of SEMSWA are set out in the formation IGA dated September 19, 2006, and the implementing IGA dated December 17, 2007, as may be amended from time to time. Applications for development approval are referred to SEMSWA for review for compliance with the *City of Centennial Stormwater Management Manual* and the *City of Centennial Grading, Erosion, and Sediment Control Manual.* SEMSWA also issues Grading, Erosion, and Sediment Control (GESC) Permits directly.

C. **Floodplain Development Permit.** The duties and responsibilities of SEMSWA for review and issuance of floodplain development permits are set out in the implementing IGA dated December 17, 2007, as may be amended from time to time.

Sec. 0-13-103 Floodplain Administrator

A. **Generally.** The Floodplain Administrator is the Southeast Metropolitan Stormwater Authority ("SEMSWA"), or a designee of the City Manager who ensures that the regulations of this LDC with regard to floodplain management and flood damage prevention are administered and enforced.

B. **Designation of Floodplain Administrator.** SEMSWA or a designee of the City Manager is appointed to administer and implement Division 7-3, *Floodplain Management and Flood Damage Prevention*, by granting or denying floodplain development permit applications in accordance with its provisions and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

C. **Duties and Responsibilities.** Duties of the Floodplain Administrator shall include but not be limited to:

1. *Permit Review*.

   a. Review floodplain development permit applications to determine whether proposed development including the placement of manufactured homes, will be reasonably safe from flooding.

   b. Review, approve or deny all floodplain development permits as required by Division 7-3, *Floodplain Management and Flood Damage Prevention*, and Section 0-14-206, *Floodplain Development Permit*.

   c. Review all floodplain development permits to ensure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including

Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

2. *Recordkeeping*.

   a. Maintain and hold open for public inspection all records pertaining to the provision of Division 7-3, *Floodplain Management and Flood Damage Prevention*.

3. *Interpretation of SFHA Boundaries*. Make interpretations, where needed, as to the location of the boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

4. *Responsibilities with Regard to Alterations of Watercourses*.

   a. Notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

   b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

5. *Floodplain Information and Determination.*

   a. When base flood elevation data has not been provided in accordance with Section 0-7-303, *General Provisions*, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State, Urban Drainage and Flood Control District or other source, in order to administer the provision of Section 0-7-304, *Provisions for Flood Hazard Reduction (Standards)*. If adequate data is not available, the Floodplain Administrator may require the applicant to provide additional data, information and/or studies for review.

   b. When a regulatory floodway has not been designated, the Floodplain Administrator shall not permit new construction, substantial improvements, or other development (including fill) within the SFHA, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one half foot.

6. *Map Revisions*. Under the provisions of 44 CFR, Part 65, Section 12 of the National Flood Insurance Program regulations, the City of Centennial may approve certain development in the SFHA (A zones) on the City of Centennial's FIRM maps which increases the water surface elevation of the base flood by more than one half foot provided that the City of Centennial first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

7. *Enforcement*. The Floodplain Administrator shall enforce the floodplain management and provisions for flood hazard reduction standards.

8. *Variances*. The Floodplain Administrator shall process variances requests for any deviation from Section 0-7-304, *Provisions for Flood Hazard Reduction (Standards)*, in accordance with Section 0-14-804, *Floodplain Variances*.

Sec. 0-13-104 Water and Sanitation Districts

A. **Generally.** Water and sewer service in Centennial is provided by water and / or sanitation districts. The Director shall maintain a list of water and sanitation districts in the City, and shall refer applications to the applicable water and / or sanitation district, as provided in this Section.

B. **Development Review Role.** Applications for development approval are referred to the water and sanitation district (or districts) with jurisdiction over the parcel or lot proposed for development for review and comment. Where certifications of available capacity are required by this LDC, applicants shall seek such certifications from the applicable water and sanitation district (or districts).

C. **Areas Not Served by Water or Sanitation Districts.** Most of the City is served by water and sanitation districts. Development in areas that are not served by water and sanitation districts is subject to review by the Tri-County Health Department, the Cherry Creek Basin Water Quality Authority, or other entity with jurisdiction and authority to grant or deny a permit for water wells and / or Individual Sewage Disposal Systems ("ISDS").

Sec. 0-13-105 Fire Protection Districts

A. **Generally.** Fire protection service in Centennial is provided by fire protection districts. The Director shall maintain a list of fire protection districts in the City, and shall refer applications to the applicable district, as provided in this Section.

B. **Development Review Role.** Applications for development approval are referred to the applicable fire protection district (or districts) for review and comment on issues pertaining to public safety and fire protection. The fire protection district shall specify the required fire flows, hydrant types, and hydrant spacing.

Sec. 0-13-106 Parks and Recreation Districts

A. **Generally.** In general, parks and recreation services in Centennial are provided by special districts. The Director shall maintain a list of special districts in the City that provide parks and recreation, and shall refer applications to the applicable district, as provided in this Section.

B. **Development Review Role.** Applications for development approval are referred to the applicable park and recreation district (or metropolitan district) for review and comment on issues pertaining to parks and recreation. The Director may waive the referral requirement for applications that do not involve or affect parks and recreation facilities.

Sec. 0-13-107 School Districts

A. **Generally.** As of the effective date, the City of Centennial is served by two school districts, Littleton School District and Cherry Creek School District. These districts are the providers of primary and secondary public education in Centennial. The addition, dissolution, or consolidation of school districts shall not affect the operation of subsection B., below.

B. **Development Review Role.** Applications for development approval that involve residential uses are referred to the applicable school district for review and comment on issues pertaining

to school capacity and transportation. The Director may waive the referral requirement for applications that do not involve or affect school facilities. Applicants may be required to submit a letter from the applicable school district that certifies that the school has capacity for the projected student population of development.

Sec. 0-13-108 Special Metropolitan Districts

A. **Generally.** The City of Centennial is served by a large number of metropolitan districts that provide infrastructure and public facilities to residents. The addition, dissolution, or consolidation of metropolitan districts shall not affect the operation of subsections B. and C., below.

B. **Registration of Special Metropolitan Districts.** Special metropolitan districts may register with the City of Centennial for notice regarding applications for development approval that affect parcels within the neighborhood or within 500 feet of the neighborhood.

C. **Development Review Role.** Applications for development approval that are located within a metropolitan district may be referred to the metropolitan district for review and comment.

Sec. 0-13-109 Centennial Council of Neighborhoods and Neighborhood Associations

A. **Generally.** The City of Centennial includes many neighborhoods with active property owners' associations, or neighborhood associations or civic groups for the residents of the neighborhood. It is the City's policy to provide an opportunity for affected neighborhoods to be involved in development review.

B. **Registration of Property Owners' Association or Neighborhood Organization.**

1. Property owners' associations and other neighborhood organizations (*e.g.*, civic associations or other non-mandatory associations) may register with the City of Centennial for notice regarding applications for development approval that affect parcels within the neighborhood or within a distance to the neighborhood specified in Section 0-14-311, *Public Notice* or Section 0-14-304, *Threshold Review*.

2. The Director shall maintain a neighborhood registry. In order to be included within the neighborhood registry, the neighborhood association shall provide the following information, or confirm existing information in the City's records, if such information exists:

   a. A map or written description of the neighborhood boundaries;

   b. A list of the officers in the association, including their mailing addresses, e-mail addresses (if available), and phone numbers;

   c. Date the association was founded;

   d. Approximate number of association members;

   e. Approximate number of housing units in the neighborhood.

C. **Development Review Role.** If a development exceeds a threshold established by Section 0-14-304, *Threshold Review*, then the Centennial Council of Neighborhoods ("CenCON") and

registered Associations that are within the notice radius of a parcel proposed for development are notified as provided in Section 0-14-311, *Public Notice*. CenCON and affected registered Associations are provided with an opportunity to meet with the development team and subsequently to review and provide comments on the application for development approval.

Division 13-2 Administrative Agencies and Officials

Sec. 0-13-201 City Council

A. **Powers.** The City Council shall have all powers conferred upon it by the City of Centennial Home Rule Charter.

B. **Delegations.** The City Council delegates authority to the Director, the Planning and Zoning Commission, and the Hearing Officer as provided in this LDC.

C. **Appointments.** The City Council shall have the power to appoint members of the Planning and Zoning Commission and Hearing Officers as provided in Article X, *Boards and Commissions*, of the City of Centennial Home Rule Charter.

D. **Meetings and Procedures.** Meetings of the City Council shall be conducted as provided in Article III, *Meetings of the City Council*, City of Centennial Home Rule Charter.

E. **Decisions.** The City Council shall decide applications for:

1. Conditional use permits;
2. Regulating plans;
3. Site plans, as specified in Section 0-14-204, *Public Hearing Development Orders*;
4. Planned unit development conversions;
5. Rezonings;
6. Text amendments;
7. Vested rights determinations;
8. Certificates of designation (and approval of uses that require them); and
9. Right-of-way and plat vacations.

F. **Ratifications.** The City Council shall include the following decisions of the Planning and Zoning Commission on its consent agenda for ratification:

1. Site plans that are decided by the Planning and Zoning Commission, as specified in Section 0-14-204, *Public Hearing Development Orders*;
2. Pattern books;
3. Sign design programs; and
4. Comprehensive Plan and Sub-Area Plans and amendments.

G. **Appeals.** The City Council shall hear and decide administrative appeals pursuant to Section 0-14-802, *Appeals*.

Sec. 0-13-202 Planning and Zoning Commission

A. **Established.** The Planning and Zoning Commission is established pursuant to the authority of Article X, *Boards and Commissions*, City of Centennial Home Rule Charter. The Planning and Zoning Commission consists of seven members and two alternates.

B. **Powers.** The Planning and Zoning Commission is delegated the following powers:

1. *Review and Decision after Public Hearing*. The Planning and Zoning Commission shall review and decide after public hearing the following types of applications for development approval:

   a. Temporary use certificates for temporary conditional uses;

   b. Site plans as specified in Section 0-14-204, *Public Hearing Development Orders*;

   c. Pattern books;

   d. Sign design programs;

   e. Variances; and

   f. Comprehensive Plan and Sub-Area Plans and amendments.

2. *Review and Recommendation after Public Hearing*. The Planning and Zoning Commission shall review and make a recommendation to the City Council regarding all decisions of the City Council under this LDC except appeals.

3. *Ratification*. The Planning and Zoning Commission shall place site plans, as specified in Section 0-14-203, *Administrative Development Orders*, on its consent agenda for ratification.

4. *Other Powers and Duties*. The Planning and Zoning Commission is also empowered to, on its own initiative:

   a. Review, adopt and amend comprehensive plans, sub-area plans, and special purpose plans for the use of land and physical development of the City; and

   b. Review the LDC periodically and make recommendations regarding amendments.

C. **Appointment.** Members of the Planning and Zoning Commission are appointed by the City Council pursuant to Article 4 of the Centennial Municipal Code. Members of the Planning and Zoning Commission who have unexpired terms as of the effective date may continue in office until the end of their appointed term. Incumbent members are eligible for reappointment.

D. **Qualifications.**

1. No member of the Planning and Zoning Commission may also be a member of the City Council.

2. Each of the members shall be a resident within the City.

E. **Term of Appointment; Removal from Office.**

1. Planning and Zoning Commission members shall serve a term of three (3) years.

2. Members may be removed by the City Council without cause, in the sole discretion of the Council, pursuant to Article 4 of the Centennial Municipal Code.

F. **Vacancies.** Vacancies occurring other than through the expiration of a term, shall be filled for the remainder of the unexpired term by appointment by the City Council.

G. **Compensation.** The Planning and Zoning Commission shall receive compensation in an amount determined by the City Council. The City Council shall also provide for reimbursement of the members of the Planning and Zoning Commission for actual expenses incurred.

H. **Officers.** The Planning and Zoning Commission shall elect each year a Chairman and Chairman Pro Tem from among its members. The Planning and Zoning Commission may create other offices, as it deems necessary.

I. **Meetings, Minutes, and Procedures.**

1. *Time and Place of Meetings*. The Planning and Zoning Commission shall establish regular meeting times and places as is necessary to properly and expeditiously process land use applications and other business of the Commission.

2. *Minutes*. Minutes of Planning and Zoning Commission meetings shall be kept and shall be a public record.

3. *Rules of Procedure*. The Planning and Zoning Commission may adopt rules and procedures as it deems necessary for the proper conduct of its business which are consistent with the rules contained herein, the relevant procedures of Article 14, *Permits and Procedures*, the Constitution and statutes of the State of Colorado, and the Constitution of the United States of America.

4. *When Matters Submitted*. A matter is deemed submitted to the Planning and Zoning Commission on the date of the first Public Meeting at which the item is listed as an item for consideration.

J. **Quorum.** The majority vote of the Planning and Zoning Commission quorum shall be necessary to make a decision or forward any recommendation to the City Council.

Article 14 Permits and Procedures

Division 14-1 Purpose and Application of Article

Sec. 0-14-101 Purpose of Article

This Article consolidates and standardizes the City's development approval procedures.

Sec. 0-14-102 Application of Article

A. **Generally.** All procedures for obtaining approvals pursuant to this LDC, and for appealing decisions of the Director or Planning and Zoning Commission, are set out in this Article. Approvals and permits that result in entitlements to develop or use land are called "development orders."

B. **Required Permits and Approvals.** Articles 1 through 11 establish the requirements for land development in the City of Centennial. Division 14-2, *Required Development Orders*, sets out the development orders that are required for land development, and which of the bodies that are described in Article 13, *Administrative Bodies*, are responsible for deciding whether the required development orders will be issued.

C. **Development Review Process.** Division 14-3, *Standardized Development Approval Procedures*, sets out a standard procedural framework for considering and deciding applications for development orders. Division 14-5, *Administrative Processes*, and Division 14-6, *Public Hearing Processes*, sets out the specific requirements for processing each type of application using the standardized approval procedures. Division 14-7, *Subdivision Procedures*, sets out the process for platting subdivisions.

D. **Amendments of Development Orders.** Division 14-4, *Amendment of Development Orders*, establishes standards for administrative amendments to development orders (issued permits), and for major changes to development orders.

E. **Variances, Appeals, and Interpretations.** Division 14-8, *Variances, Appeals, and Interpretations*, establishes the standards and procedures for variances to the terms of this LDC, appeals from decisions of the Director or the Planning and Zoning Commission, and providing interpretations of this LDC.

F. **Other Procedures.** Division 14-9, *Miscellaneous Procedures*, sets out procedures for granting approval of:

1. Reasonable accommodations for persons with disabilities;
2. Regulating plans (which are used to implement the form-based standards for the UC district, which are set out in Division 4-3, *Form Standards for UC District*;
3. Changes to existing Planned Unit Developments.

G. **Sunset of Planned Unit Development Approval.** Section 0-14-903, *Planned Unit Developments*, provides a sunset for existing planned unit development approvals.

Division 14-2 Required Development Orders

Sec. 0-14-201 Development Orders Required

Development orders are required for development in the City of Centennial unless specifically exempted by this LDC. The required development orders are set out in this Division.

Sec. 0-14-202 Processing Fees

A. **Generally.** Processing fees are required in order to offset the cost of processing applications for development approval.

B. **Fee Required.** No application for development approval shall be determined to be complete pursuant to Section 0-14-307, *Completeness Review*, unless the processing fee is paid or waived according to subsection D., below.

C. **Fee Amounts.** Processing fees shall be established for each permit type by the City Council, which shall establish the fees by resolution.

D. **Fee Waivers.** An applicant may submit a written request to the Director for the waiver of all or a portion of fees. The letter shall set forth the extent of the waiver requested and the reasons for requesting the waiver. The Director will review the request and make a recommendation to the City Council. The City Council will approve or deny the request based on a review of the evidence and the recommendation of the Director.

Sec. 0-14-203 Administrative Development Orders

A. **Generally.** Administrative development orders are permits that are issued by the Director without a requirement for public hearing.

B. **Administrative Development Orders Established.** The administrative development orders required by this LDC are set out in Table 0-14-203, *Administrative Development Orders*. Other permits may also be required by State or Federal law, or the building code. In addition, permits for activities in public rights-of-way are required by the Centennial Municipal Code.

Table 0-14-203
Administrative Development Orders

Development Order	Required For	Timing	Exceptions	Issued By	Standards[1]
Zoning Clearance - Permitted Use or Structure	New uses and changes in use to permitted uses; development of permitted buildings or structures.	Prior to issuance of building permit or certificate of occupancy.	NA	Director	Division 2-3, *Land Use*, lists the use as permitted, and the use, building, or structure complies with the requirements of this LDC.

Table 0-14-203 Administrative Development Orders					
Development Order	**Required For**	**Timing**	**Exceptions**	**Issued By**	**Standards[1]**
Fence Permit	All construction of fences, including new fences, expansions to fences, reconfiguration of fences, and repairs to fences in which any parts are replaced.	Prior to construction or repair of fence.	Repairs or maintenance to fences that do not involve parts replacement, reconfiguration, or additions.	Director	Sec. 0-3-602, *Fences, Garden Walls, and Hedges* (residential); Sec. 0-3-802, *Fences, Garden Walls, and Hedges* (nonresidential and mixed-use). May also be required by Article 2, Article 8, or Article 4.
Zoning Clearance - Limited Use	New limited uses and changes in use to a limited use.	Prior to establishment of limited use.	NA	Director	Division 2-3, *Land Use*, lists the use as limited and the limited use standards of Division 2-4, *Limited and Conditional Use Standards*, are met.
Grading, Erosion, and Sediment Control Permit (GESC)	All land disturbing activities, as required by GESC Manual.	After site plan, if required, and before commencement of activity for which permit is required.	Refer to the GESC Manual.	SEMSWA	Refer to the City of Centennial GESC Manual.
Floodplain Determination	All development.	With building permit application, or as required by the City Engineer or the Floodplain Administrator.	NA	Floodplain Administrator	*See* Sec. 0-14-205, *Required Floodplain Determination.*
Floodplain Development Permit	Development in special flood hazard areas.	Prior to commencement of construction.	NA	Floodplain Administrator	*See* Sec. 0-14-206, *Floodplain Development Permit.*
Floodplain Variance	Deviation from the strict application of Division 7-3, *Floodplain Management and Flood Damage Prevention.*	Prior to the issuance of a Floodplain Development Permit.	NA	SEMSWA	*See* Sec. 0-14-804, *Floodplain Variances.*
Sign Permit	Installation of a new or replacement sign.	Prior to installation of sign or sign mount. Must be processed within time period specified in Section 0-14-309, *Administrative Review*.	Exempt signs (see Sec. 0-6-102, *Application of Article*).	Director	*See* Article 6, *Signs and Lighting.*

Table 0-14-203
Administrative Development Orders

Development Order	Required For	Timing	Exceptions	Issued By	Standards[1]
Site Plan	All new development and subdivisions on parcels proposed for development that are located more than 500 feet from a residential zoning district boundary, and are either: (1) less than5 acres in area; or(2)do not include buildings that are taller than 30 feet in height. Also, site plans that implement an approved MDP that has not been converted, sunsetted, or abandoned.	Prior to plat approval; or if no plat is required, prior to issuance of building permits.	Single-family detached and duplex buildings on existing platted lots.	Director; Ratified by Planning and Zoning Commission.	All requirements of this LDC, or implementation of approved MDP that has not been converted or sunsetted.
Plat	Subdivision of land.	After or simultaneously with site plan; prior to conveyance of lots or issuance of building permits for subdivided lots.	NA	Director	Article 3, *Development Standards*, through Article 4, *Form and Design Standards* and the standards of the *Infrastructure Design Manual*.
Minor Modifications to PUD Approvals	Minor modifications to existing PUD approvals prior to sunset of PUD ordinances.	With site plan or change in use where approval requires minor modification to PUD.	NA	Director	*See Sec.* 0-14-401, *Administrative Amendments.*
Development Permit	Construction of any public or private improvement, disturbance of right-of-way, construction associated with a development order.	Prior to construction, after public improvement agreement, if required (*see* Sec. 0-14-207, *Public Improvement Agreement*).	NA	Director	All requirements of this LDC; all conditions of approval; provision of surety and public improvement agreement (*see* Sec. 0-14-207, *Public Improvement Agreement*).
Temporary Use Certificate	Establishment of a temporary use that is listed as "P" or "L" in Sec. 0-2-306, *Temporary Uses.*	Prior to installation of temporary structures or establishment of temporary use, whichever comes first.	NA	Director	*See* Division 2-5, *Temporary Uses.*
Certificate of Occupancy	Occupancy of a building or structure.	Upon completion of construction or before change in occupancy.	NA	Chief Building Official	Compliance with all applicable standards of this LDC; conditions of approval; and applicable building code requirements.
Reasonable Accommodation	Reasonable accommodations requested pursuant to the federal Fair Housing Act.	Prior to or simultaneously with other development order that would implement reasonable accommodation.	NA	City Manager	Compliance with Section 0-14-901, *Reasonable Accommodations for Persons with Disabilities.*

Table 0-14-203 Administrative Development Orders					
Development Order	**Required For**	**Timing**	**Exceptions**	**Issued By**	**Standards[1]**
License for Encroachment into Right-of-Way	Encroachment into right-of-way.	Prior to construction of improvement that encroaches.	Streets that are not owned or controlled by Centennial may require approval from a different entity.	City Manager	Discretionary.
TABLE NOTE: [1] Standards are provided for cross-reference purposes only, and do not exempt the application from all applicable standards of this LDC.					

Sec. 0-14-204 Public Hearing Development Orders

A. **Generally.** Public hearing development orders are permits that are issued by the City after compliance with the requirements of this LDC is determined at a public hearing.

B. **Public Hearing Permits Established.** The public hearing development orders that are required by this LDC are set out in Table 0-14-204, *Public Hearing Development Orders*. Other development permits may also be required by City Ordinance, State or Federal law, the building code, SEMSWA, or applicable water and sanitation district. Permits for activities in public rights-of-way are required by the Centennial Municipal Code.

Table 0-14-204 Public Hearing Development Orders					
Development Order	**Required For**	**Timing**	**Exceptions**	**Issued By**	**Standards[1]**
Conditional Use Permit	New conditional uses; changes in use to a conditional use; material changes to or expansion of a conditional use.	Prior to establishment or modification of the conditional use.	NA	City Council	*See* Division 2-4, *Limited and Conditional Use Standards.*
Temporary Use Certificate for Temporary Conditional Uses	Establishment of a temporary use that is listed as "C" in Table 0-2-305, *Temporary Uses.*	Prior to installation of temporary structures or establishment of temporary use, whichever comes first.	NA	Planning and Zoning Commission	*See* Division 2-5, *Temporary Uses.*
Regulating Plan	Establishing the pattern of development in the UC district.	Prior to or concurrent with site plan approval.	NA	City Council	See Article 4, *Form and Design Standards.*
Site Plan (P&Z)	All new development and subdivisions, except those approved administratively (see Sec. 0-14-203, *Administrative Permits*) or by City Council (see Site Plan (Council), below)	Prior to building permit or plat approval.	Single-family detached and duplex buildings on existing platted lots.	Planning and Zoning Commission; Ratified by City Council	Compliance with all requirements of this LDC or implementation of approved PDP or regulating plan.
Site Plan (Council)	All new development and subdivisions for parcels proposed for development located within 500 feet of a residential district boundary that either: (1) are larger than 10 acres; or (2) are proposed to include buildings that are more than 30 feet in height; or both.	Prior to building permit or plat approval.	Single-family detached and duplex buildings on existing platted lots.	City Council	Compliance with all requirements of this LDC or implementation of approved PDP or regulating plan.

Table 0-14-204 Public Hearing Development Orders					
Development Order	**Required For**	**Timing**	**Exceptions**	**Issued By**	**Standards[1]**
Pattern Book Approval	All traditional neighborhood developments; multi-housing neighborhoods for which variations in lot dimensions or setbacks are requested.	Concurrent with approval of site plan.	NA	Planning and Zoning Commission; Ratified by City Council	*See* Division 9-3, *Alternative Subdivision and Development Design Standards.*
Sign Design Program	Development of signage that is not strictly consistent with the general requirements of Article 6, *Signs and Lighting.*	Prior to construction of signage that would be subject to the sign design program, generally with a site plan, pattern book, or regulating plan.	NA	Planning and Zoning Commission; Ratified by City Council	*See* Division 6-6, *Sign Design Program.*
Variance	Deviation from the strict interpretation of this LDC.	Prior to building permit for improvements for which a variance is required; concurrently with other applications for development approval that include variances.	NA	Planning and Zoning Commission	*See* Sec. 0-14-801, *Variances.*
PUD Conversions	Elimination of an existing PUD and reversion to the underlying zoning district prior to sunset of PUD ordinances; required where major modifications to PUD are requested.	Before or simultaneously with application to apply underlying district standards.	NA	City Council	See Sec. 0-14-903, *Planned Unit Developments.*
Rezoning	Changing the zoning district of a parcel from one district to another.	Prior to or concurrently with the submittal of site plan or plat applications that apply the standards of a zone to which rezoning is sought.	NA	City Council	*See* Sec. 0-14-604, *Rezoning Procedures.*
Text Amendment	Changes the text of this LDC.	NA	NA	Adopted by City Council	Consistency with Comprehensive and Sub-Area Plans.
Comprehensive Plan or Sub-Area Plan Adoption and Amendment	Changes to the text or maps in the Comprehensive Plan or a Sub-Area Plan; adoption of new plans.	NA	NA	Planning and Zoning Commission; Ratified by City Council	Public Interest.
Vested Rights Determination	Vesting of rights beyond the periods specified in this LDC.	NA	NA	City Council	Sec. 0-14-606, *Vested Property Rights*.
Certificate of Designation	Development of disposal sites.	Prior to development of the site.	NA	City Council	According to the applicable provisions of the Colorado Revised Statutes.
Vacation of Plat or Right-of-Way	Vacating a plat or right-of-way.	NA	NA	City Council	Sec. 0-14-706, *Plat and Road Vacation.*

TABLE NOTE:
[1] Standards are provided for cross-reference purposes only, and do not exempt the application from all applicable standards of this LDC.

Sec. 0-14-205 Required Floodplain Determination (FP)

A. **Generally.** Effective with the adoption of these Regulations, all development shall be required to apply for a floodplain determination prior to beginning any work, for the sole purpose of determining whether, and the extent to which, the floodplain regulations of Article 7, *Open Space, Floodplain Management, and Environmental Quality*, restrict or regulate development on the applicant's property.

B. **Building Permits.**

1. Development that requires a building permit shall obtain this determination from the Floodplain Administrator in connection with the building permit application process.
2. All other development shall obtain this determination from the Floodplain Administrator upon such forms and in accordance with such policies as may be developed by the City's Engineering Division.

C. **Fees**. All persons obtaining a floodplain determination shall pay the fee established by the City Council for that service in addition to such other fees as may be required in the processing of the particular development application with which the Floodplain Determination is associated.

D. **No City Liability**. A floodplain determination is only intended to guide the City of Centennial in its application of the floodplain regulations and cannot be relied upon for any other purpose. Property owners who wish for a reliable determination of whether their property is affected by the floodplain or exposed to flood risks must obtain their own determination from qualified professionals. No City employees are authorized to make floodplain determinations that may be relied upon by any person for any purpose other than a determination of the extent to which the floodplain regulations shall restrict or regulate development on parcels of property.

Sec. 0-14-206 Floodplain Development Permit

A. **Applicability.** All development proposed within a special flood hazard area ("SFHA") and all development constructed, installed, commenced, improved or maintained within a SFHA after the effective date (to the extent permitted by this LDC), is required to obtain a Floodplain Development Permit from the Floodplain Administrator in accordance with the procedures established in this Section, and the applicant for approval of such development shall pay the fee established by the City Council.

B. **When Required.** For any disturbance of the SFHA a Floodplain Development Permit shall be obtained from the Floodplain Administrator before start of construction or the beginning of development within any SFHA. The floodplain development permit is required prior to issuance of building permit, a street cut or right-of-way use permit, a grading permit, and any other development, use or change of the use of land located in the floodplain. The floodplain development permit is required in addition to other permits or review processes, which may be associated with an underlying zone district. All activities, regardless of impact, are required to be permitted.

C. **Floodplain Development Permit Requirements.** Sufficient information must be provided with a floodplain development permit application to determine the impact of the proposed activities within the SFHA. At a minimum, the following will be required:

1. *Floodplain Delineation and Mapping*. Accurate mapping that shows all of the applicable floodplain delineations that affect the property. One hundred year base flood elevation information, if available, must be shown. Effective/existing and proposed delineations are required at a minimum. For floodplains that do not have base flood information available, the applicant may need to provide a hydraulic analysis.

2. *Description and Drawings of Activities*. The permit application should provide a complete description and applicable drawings of the activities that are proposed. The drawings should include an accurate representation of the location and extent of the proposed floodplain activities. Construction drawings, or other representation of the work to be completed, must be provided. If activities include grading and/or other earthwork operations, a GESC plan will be required. *See* subsection C.6., below, and Section 0-11-403, *Grading, Erosion, and Sediment Control Manual*.

3. *Engineer's Certificate of No Impact*. If there is no impact to the SFHA from the proposed development then the application must provide a certification by a registered Colorado Professional Engineer of no impact of the proposed activity with regard to the floodplain and the base flood elevation.

4. *Floodplain Easement*. Evidence that the property is contained within a floodplain easement must be provided. If the property is not within a designated floodplain easement, one may be required to be dedicated prior to final approval of the floodplain development permit. If the proposed activity modifies the existing floodplain and results in additional property being placed within the floodplain, additional easements will be required. It will be the applicant's responsibility to provide this easement, and to obtain this easement from other property owners when affected.

5. *Floodplain Modification Study (when applicable).* If it is determined that the proposed activities will modify and/or impact the existing SFHA a floodplain modification study certified by a registered Colorado Professional Engineer will be required prior to approval of the floodplain development permit. The scope and extent of this study will be in accordance with the mapping designation of the floodplain and determined by the Floodplain Administrator. For floodplain modifications that require FEMA approval, an approved CLOMR will be required prior to the issuance of the floodplain development permit.

6. *GESC Report and Plan*. For floodplain activities that involve grading or land disturbances, an approved GESC report and plan will be required prior to approval of the floodplain development permit.

7. *Improvement Agreement / Collateral*. For projects where there is a significant floodplain modification, and/or public improvement requirements, and there is not a subdivision improvement agreement or public improvement agreement in place to guarantee the completion of the project, the City will require that a public improvement agreement be completed. Collateral in the appropriate amount to guarantee that applicant's performance of the permit will be required.

8. *Additional Information*. The Floodplain Administrator may also require any additional information as specified in the City of Centennial *Stormwater Management Manual*.

D. **Standards.**

1. The Floodplain Administrator shall review all floodplain development permits to determine whether they comply with the standards set out in Division 7-3, *Floodplain Management and Flood Damage Prevention*.
2. The Floodplain Administrator shall review all floodplain development permits to determine if the proposed development impacts the flood carrying capacity of the SFHA. Permits shall be granted or denied based on the following criteria:
   a. If it is determined that there is no adverse impact and the development is not a building, then the permit shall be granted with a No Impact Statement from a registered Colorado Professional Engineer. (No Impact Permit).
   b. If it is determined that there is an impact , then technical justification (*i.e.*, a Floodplain Modification Study) for the proposed development is required following the City of Centennial *Stormwater Management Manual.*
   c. If the proposed development is a building, then the provisions of Section 0-7-304, *Provisions for Flood Hazard Reduction (Standards)* apply.
   d. A letter of map revision (LOMR) may be required. If a LOMR is required, the LOMR application must be accepted by FEMA and through the appeal period prior to permit approval.
3. At the time of issuance of building permits, the applicant shall certify that the proposed structure(s) are outside the SFHA as outlined in Section 0-7-303, *General Provisions*.
4. Building permits shall not be issued for any new structures within the boundaries of the SFHA.
5. Building permits for the renovation or substantial improvement of existing structures within the SFHA shall not be issued if the value of the improvements exceeds 50 percent of the value of the existing structure.

E. **Other Permits and Approvals.** All necessary state, local and federal permits shall be secured before building permits will be issued.

F. **Violations.** Whenever a violation of these regulations has occurred, may occur, or is threatened, the Director shall be responsible for placing a temporary or permanent hold on further development orders, permits, approvals and actions (including building permits, rezoning actions, subdivision actions, grading permits, and the like) to the extent necessary to prevent or remedy the violation, and for notifying affected City departments of this action. The hold shall remain in place until the property owner complies with these Regulations.

Sec. 0-14-207 Public Improvement Agreement

A. **Generally.** Applications for development orders may require the provision of public improvements to serve the proposed development or land on which development is to occur, pursuant to the requirements of this LDC.

B. **Public Improvements Determination.** The City Manager or his or her designee shall determine whether the dedication, acquisition, relocation, installation or construction of public

improvements shall be required for a particular development or property based on the standards set out in Article 10, *Dedications, Fees-in-Lieu, and Off-Site Improvements*.

C. **Public Improvement Agreement.** If the provision of public improvements is required, the applicant (and landowner, if different) shall be required to enter into a public improvement agreement in a form approved by the City Attorney and executed by the City Manager or his or her designee.

1. *Terms.* The public improvement agreement shall identify the public and private improvements required to be constructed, and shall provide assurances that the necessary public improvements will be constructed to the City's established standards in a timely manner and subject to applicable warranty periods. Except as otherwise agreed by the City, all mortgagees shall be required to subordinate their liens and interest in the property to the covenants and the restrictions of the public improvement agreement.

2. *Phasing.* The public improvement agreement may, if approved by the City Manager or his or her designee, provide that the installation, construction, or reconstruction of public improvements be in phases. Any phase of development approved through the public improvement agreement must be an integrated, self-contained project consisting of all public improvements necessary to serve the portion of property to be developed as part of such phase. The City Manager may impose reasonable conditions on the phasing of development in order to preserve the integrity of the development or the public health, safety and welfare of the community and adjacent properties.

3. *Security.* The public improvement agreement shall require the applicant to submit financial security for the required public improvements in accordance with the provisions of the public improvement agreement and in an amount and form sufficient to adequately ensure timely completion of the public improvements in accordance with the City's adopted codes, ordinances, regulations and standards. Financial security shall be provided to the City prior to and as a condition of the issuance of a development order or permit.

D. **Construction Plans.** Prior to issuance of any development order or permit, construction plans and specifications must be submitted to the City for review and approval. Construction of any public or private improvements shall not commence until the appropriate plan approvals and development orders or permits have been obtained from the City in accordance with this LDC and all other applicable City codes, ordinances and regulations. Cost estimates to be used for purposes of determining the required financial security for the required public improvements shall be based upon final construction plans approved by the City. The public improvements must be constructed in accordance with the construction plans approved by the City.

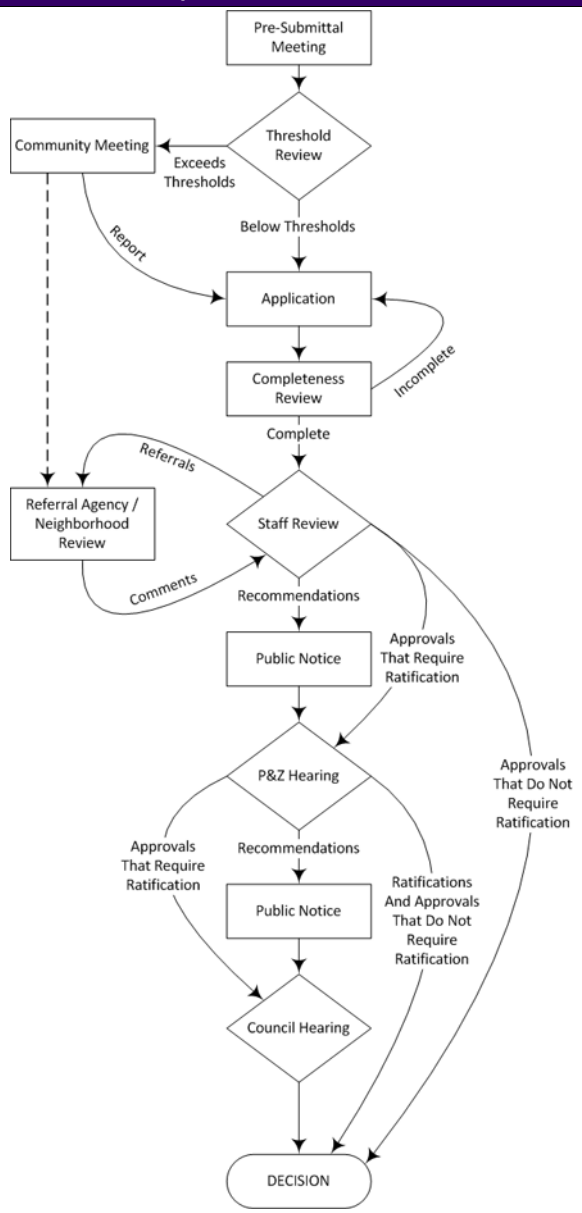
Division 14-3 Standardized Development Approval Procedures

Sec. 0-14-301 Generally

A. **Generally.** The standardized approval procedures of this Division apply to all applications for development approval that are set out in Section 0-14-203, *Administrative Development Orders* and Section 0-14-204, *Public Hearing Development Orders*.

B. **Development Approval Process.** In general, the approval procedures set out in this Division are undertaken in sequence until the application is considered and decided by the decision-maker identified in Section 0-14-203, *Administrative Development Orders,* or Section 0-14-204, *Public Hearing Development Orders*. Figure 0-14-301, *Development Review Flowchart*, illustrates the general flow of applications for development approval through the review process, and is provided for illustrative purposes only.

Figure 0-14-301
Development Review Flowchart



Sec. 0-14-302 Ex Parte Communications

A. **Generally.** *Ex parte* communications are communications between applicants or others (including, but not limited to, City residents) and Planning and Zoning Commissioners and / or City Council members about the merits of an application for development approval or appeal outside of a noticed public hearing. It is the policy and practice of the City of Centennial to decide applications only on the merits presented in the application, in on-record public comments, and at public hearings (if public hearings are required). Therefore, *ex parte* communications are not allowed.

B. **Timing.** The prohibition on *ex parte* communications begins on the date of application and ends when the appeal period for an issued development order has expired.

C. **Inadvertent Communications.** It is not always possible to prevent *ex parte* communications. Planning and Zoning Commissioners and City Council members shall not privately discuss the merits of a pending application or appeal. If a communication is received outside of the record (*e.g.*, it is not in the application, agency comments, or public comments, nor was it presented at a noticed public hearing) then the member shall disclose the communication, including the speaker and the substance of the communication, on the record of the public hearing before the application is heard. The decision-maker or recommending body must base its decision only on the evidence presented on the record. The contents of the *ex parte* communication shall not be considered part of the record for decision-making unless the information in the communication is also presented at the hearing (other than through the required disclosure).

Sec. 0-14-303 Pre-Submittal Meeting

A. **Generally.**

1. A pre-submittal meeting is required for all applications for development approval except applications for building permits for single-family detached dwellings or two-family dwellings, residential accessory buildings or structures, and signs. At the pre-submittal meeting, the responsible official and other members of City Staff, as appropriate, will meet with the applicant to review preliminary materials, identify issues, and advise the applicant regarding which applications and approvals will be required from the City, what information will have to be provided, and what fees will be due.

2. Informal meetings may be scheduled prior to a pre-submittal meeting, at the discretion of the applicant and the Director. Such meetings are recommended prior to the development of site plans and plats.

B. **Conference Logistics.**

1. The Director is authorized to establish a regular schedule for pre-submittal meetings.

2. Pre-submittal meetings may be conducted in person or by telephone, by agreement among the applicant and the Director.

C. **Meeting Materials.**

1. The applicant shall bring to (or submit prior to) the pre-submittal meeting sufficient supporting materials to explain:

a. The location of the project;

b. The proposed uses (in general terms);

c. The proposed arrangement of buildings, parking, access points, open spaces, and drainage facilities (including water quality and stormwater detention facilities);

d. The relationship to existing development;

e. Generally, the presence of natural resources, open water, floodplains, and floodways on the parcel proposed for development;

f. Any other conditions or items that the applicant believes are relevant to the processing of the application.

2. The responsible official may request that the applicant bring completed application forms (in draft form) for the types of permits being sought.

Sec. 0-14-304 Threshold Review

A. **Generally.** Threshold review is required in order to determine whether an application for development approval will require a community meeting pursuant to Section 0-14-305, *Community Meeting*. However, nothing in this Section shall be interpreted to waive standard notice requirements for applications that do not meet the thresholds.

B. **Timing of Threshold Review.** The Director shall conduct a threshold review determination at the pre-submittal conference.

C. **Thresholds.** A community meeting shall be conducted pursuant to Section 0-14-305, *Community Meeting*, if:

1. The parcel proposed for development is located within one mile of a registered neighborhood (see Section 0-13-109, *Centennial Council of Neighborhoods and Neighborhood Associations*) and the development involves:

a. More than 500,000 square feet of floor area; or

b. Trip generation that exceeds 5,000 trips per day as determined by the City Engineer; or

2. The parcel proposed for development is located within 2,640 feet of a registered neighborhood (see Section 0-13-109, *Centennial Council of Neighborhoods and Neighborhood Associations*) and any of the following conditions apply:

a. The application is for development or redevelopment that will increase the height of buildings on the site to more than 30 feet;

b. The application is for a rezoning or PUD conversion;

c. A traffic study is required pursuant to Section 0-10-202, *Traffic Studies*;

d. The application is for a conditional use; or

3. The application is for a limited use and any of the following conditions apply:

a. The parcel proposed for development is adjacent to an NC or NI zoning district,

b. The use is proposed to occupy a land area greater than one-half acre; or

c. The use is proposed to occupy a floor area greater than 10,000 square feet.

Sec. 0-14-305 Community Meeting

A. **Generally.** If the thresholds established by Section 0-14-304, *Threshold Review*, are met, then the applicant shall conduct a community meeting pursuant to this Section. A community meeting shall be held between the pre-submittal meeting and the submittal of the application.

B. **Purposes.**

1. The purpose of the community meeting is to inform the affected neighborhoods about the proposed development and seek comments about its design and potential impacts on the neighborhood which could reasonably be mitigated.

2. The purpose of citizen participation is:

   a. To educate and inform City residents of pending development proposals in and near their neighborhood;

   b. To encourage applicants to pursue early and effective communications with the affected residents in conjunction with applications, giving the applicant an opportunity to understand and attempt to mitigate any documentable adverse impact of the proposed project on the adjoining community;

   c. Provide citizens and property owners a forum to work together to resolve potential concerns at an early stage of the process; and

   d. Facilitate ongoing communication between the applicant, interested citizens and property owners, the Director, and City officials throughout the application review process.

3. Community meetings are intended to be forums in which the applicant and City residents work together in good faith. However, they are not required to generate complete consensus on all aspects of the applications, nor to supplant or add to the standards of this LDC.

C. **Applicability.** This Section applies to any application that meets a threshold established by Section 0-14-304, *Threshold Review*.

D. **Notice of Meetings.**

1. *Required Notice to Registered Neighborhoods*. Notice of a community meeting shall be provided to CenCON and registered neighborhoods within the threshold distances established by Section 0-14-304, *Threshold Review.* The applicant is entitled to rely on the registration information provided by the neighborhoods for purposes of preparing any notices or otherwise contacting neighborhood associations. Accordingly, neighborhoods that do not provide current registration information may not receive notice of community meetings.

2. *Timing of Notice*. Notice must be provided not less than two weeks, and not more than four weeks, prior to the date of the community meeting.

E. **Conduct of Meetings.**

1. Community meetings shall be conducted according to a meeting plan approved by the Director, and shall be attended by a Planning and Development Department staff member. Before the meeting, the applicant shall provide to the Director a meeting plan which includes:

   a. The notification methods, including the content, dates mailed, and numbers of mailings, including letters, meeting notices, newsletters and other publications;

   b. Mailing lists and locations where meeting notices will be posted; and

   c. How participants will be provided an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues, or problems they may have with the proposal in advance of the public hearing (if required) or decision on the application.

2. Participants in the meeting shall be invited to provide contact information on a sign-in sheet, and shall be notified that signing in will give them the opportunity to provide formal comments on the application at a later date.

F. **Community Participation Report.** The applicant shall include a written Community Participation Report on the results of their citizen participation effort, which shall be reviewed and confirmed by the Director. The Community Participation Report will be attached to the Director's recommendation on the application. At a minimum, the Community Participation Report shall include the following information:

1. Dates and locations of all meetings where residents were invited to discuss the applicant's proposal;

2. Copies of the sign-in sheets;

3. A summary of concerns, issues and problems expressed by participants, including:

   a. How the applicant has addressed the issues identified; and

   b. A statement regarding issues that cannot or should not be addressed and why the issues cannot or should not be addressed.

4. If the applicant proposes to conduct additional meetings, a proposed schedule for notices, meetings, and additional Community Participation Reports.

Sec. 0-14-306 Application

A. **Generally.** Every application for development approval required by this LDC shall be submitted on a form approved by the Director, along with the corresponding application fee. Applications shall include electronic versions of all attachments in a format approved by the Director.

B. **Forms.**

1. The responsible official shall promulgate and periodically revise forms for each type of application required by this LDC.

2. Application forms shall include the specific information that is required to process each type of application. The specific information requirements shall be established and periodically revised by the Director, and have the purpose of facilitating:
   a. The evaluation of applications for compliance with the standards of this LDC; and
   b. The administration of this LDC.

C. **Schedule.** The Director is authorized, but not required, to establish regular intake days for any or all classifications of applications for development approval, except appeals.

Sec. 0-14-307 Completeness Review

A. **General**. Within five business days after an application is submitted, the Director shall review the application to verify that it is complete.

B. **Incomplete Applications**.
   1. Incomplete applications shall be returned to the applicant, along with any fee included with the application, with a written explanation that describes in general terms the materials that must be submitted in order to complete the application.
   2. An application that does not include the applicable processing fee shall not be considered complete.
   3. Incomplete applications are not considered filed.

C. **Complete Applications**. Complete applications shall be processed according to the applicable procedures of this Article.

D. **Waiver of Application Requirements**. The Director may waive any of the above requirements, except application fees, if it is obvious that they do not relate to the processing of the application for which the waiver is requested.

Sec. 0-14-308 Stale Applications

A. **Generally.** It is understood that applications for development approval will be diligently pursued by the applicant. This section is intended to extinguish applications that become stale due to inaction by the applicant.

B. **Expiration of Stale Applications.** When an action by the applicant is required for further processing of an application (for example, if revisions are requested after agency referrals), the application shall become void six months after the date that the action is requested if the applicant either fails to take action or fails to request an extension of time pursuant to subsection C., below.

C. **Extension of Time.** The time for expiration of an application may be extended by up to six additional months upon written request of the applicant before the end of the period set out in subsection B., above.

Sec. 0-14-309 Administrative Review

A. **Generally.** Upon determination that an application is complete, the Director shall cause the application to be reviewed for technical compliance with all applicable requirements of this LDC, as follows:

1. Appropriate City staff shall review the application;
2. The application shall be promptly referred to applicable referral agencies for review and comment pursuant to Section 0-14-310, *Referrals*; and
3. Participants in community meetings who provided contact information on sign-in sheets shall be notified of the application, provided with an opportunity to receive an electronic version of the application or review the application at the Centennial Civic Center, and given 21 days from the date of notice to provide review and comment.

B. **Recommended Revisions.**

1. The Director shall provide comments from City staff, referral agencies, and community meeting participants to the applicant, who shall revise and resubmit the application with appropriate changes. The Director may refer the resubmittal to referral agencies again if the changes substantially affect the interests of the agency in ways not anticipated by the agency's original comments (or lack thereof), or require the agency's technical expertise for adequate review.
2. The resubmittal shall not require an application fee unless both of the following conditions are met:
   a. The revisions are inappropriate or incomplete; and
   b. Repeated failure to address comments requires more than three rounds of revisions.

C. **Administrative Recommendation or Decision.** Promptly after submittal of a complete application that addresses City, referral agency, and community comments (if provided):

1. If the application is for an administrative development order, the Director shall approve, approve with conditions, or deny the application, as appropriate. Sign permits shall be decided within five business days of the date of submittal.
2. If the application is for an administrative development order that requires ratification, the Director shall approve, approve with conditions, or deny the application, as appropriate, and decisions of approval or approval with conditions shall be placed on the next available consent agenda of the Planning and Zoning Commission.
3. If the application is for any other type of development order, the Director shall make a recommendation regarding the application and forward the recommendation to the next body that will consider it for further recommendation or approval. The recommendation shall include the comments of the referral agencies (including those of participants in community meetings, if applicable), and any community participation report provided pursuant to Section 0-14-305, *Community Meeting*.

D. **Meeting Logistics.**

1. If the application is for a public hearing development order, the Director shall set the application on the next available agenda of the next body that will consider the application, consistent with the legal requirements for public notice.
2. The Director shall coordinate with recommending and decision-making bodies to fix reasonable times for hearings.
3. The Director shall notify the applicant regarding the time and place of the public hearings.

Sec. 0-14-310 Referrals

A. **Generally.** As part of the review process, referral agencies are notified and have the opportunity to respond in writing. The applicant may be required to pay any fees assessed by these referral agencies in advance of their review. This referral period is 21 days, which can be extended by up to 30 additional days by mutual consent of the applicant and the Director. Failure of an agency to respond within the prescribed time period (or extended period) shall indicate consent by that agency to the contents of the application.

B. **Parcels Proposed for Development in an Airport Influence Area.** If the parcel proposed for development is within an Airport Influence Area (see Division 3-9, *Airport Influence Area*), then all applications for development approval shall be referred to the airport operator for review and comment at the time the proposal is referred to other agencies.

Sec. 0-14-311 Public Notice

A. **Generally.** Public notice of public hearings required by this LDC shall be provided as required by Table 0-14-311, *Required Notice*.

Table 0-14-311
Required Notice

Type of Public Hearing Development Order	Posted Notice	Publication Notice	Mailed Notice
General Requirements – All Applications	**Signs must be posted on the property that is subject to the application at least 14 days before the hearing.**	**Publication in a newspaper of general circulation in the City of Centennial. The first day of publication must occur at least 14 days before each public hearing.**	**At least 14 days prior to the hearing date, notice must be mailed to the Owner(s) of Record of adjacent properties and participants who signed in to community meetings.**
Conditional Use Permit; Temporary Conditional Use Permit; Site Plan; Pattern Book; Variance; Floodplain Variance; Minor Modifications to PUD Approvals	Required	NA	Required
PUD Conversions; Rezonings	Required	Required	Required
Text Amendment; Comprehensive Plan or Sub-Area Plan Amendment	NA	Required	NA

B. **Technical Requirements for Notice.** All notices shall describe the action proposed to be taken and the date, time, and place of the public hearing. In addition, the following requirements apply based on the type of required notice:

1. *Posted Notice.*
   a. Signs shall be of a size and design established by the Director, which shall be readily visible to passersby.
   b. Signs shall be placed at intervals of not less than one sign every 300 feet along public thoroughfares bordering the property to be rezoned.
2. *Publication Notice.* Where publication is required, notice shall be published in a newspaper of general circulation in the City of Centennial or in the official journal of the City. Time requirements are based on the first day of publication.
3. *Mailed Notice.* Mailed notices shall be sent by the City via First Class mail at the applicant's expense.

Sec. 0-14-312 Hearing Procedures

A. **Generally**. All public hearing approvals require a public hearing before the Planning and Zoning Commission, City Council, or Hearing Officer (see Section 0-14-204, *Public Hearing Development Orders*).

B. **Hearing Procedures.** The Planning and Zoning Commission, City Council, and Hearing Officer shall adopt rules of procedure for the conduct of public hearings. The following general procedures shall be reflected in the adopted rules of procedure.

1. Any person may appear at a public hearing, submit evidence, and be heard.
2. If a speaker represents an organization, the body conducting the hearing may request written evidence of that person's authority to speak on behalf of the group in regard to the matter under consideration.
3. Persons appearing at a public hearing shall identify themselves and state their address and similar information about any organization they represent.
4. Citizens, applicants, and the City shall have the right to present expert witnesses.

C. **Decision or Recommendation**.

1. If the hearing is before the Planning and Zoning Commission, the Planning and Zoning Commission shall, as required by Section 0-14-204, *Public Hearing Development Orders*:
   a. Approve the application;
   b. Approve the application with conditions;
   c. Deny the application; or
   d. Make a corresponding recommendation to the City Council on the application.
2. If the hearing is before the City Council or Hearing Officer, the City Council or Hearing Officer shall:

a. Approve the application;

b. Approve the application with conditions; or

c. Deny the application.

d. Continue the hearing on the application; or

e. Refer the application back to the Planning and Zoning Commission for further review and recommendation.

3. Continuances and referrals back to the Planning and Zoning Commission will not be used for pattern book approvals without the applicant's consent, which shall be recorded in the minutes of the hearing.

D. **Ratification by City Council or Planning and Zoning Commission.** The following procedures apply to any process that requires ratification:

1. Following action by the decision-maker (the Director or Planning and Zoning Commission, as applicable), the application shall be placed on the next available consent agenda of:

a. The Planning and Zoning Commission, if the decision was made by the Director; or

b. The City Council, if the decision was made by the Planning and Zoning Commission.

2. The approval is ratified upon approval of the consent agenda. If the item is removed from the consent agenda, the body shall either ratify it by majority vote, or, if a majority of members present do not vote to ratify it, it shall be scheduled for a public hearing on the next available agenda of the body that has the authority to ratify the approval.

3. If the application is rescheduled for a public hearing:

a. The public hearing shall not consider additional information outside of the record of the prior proceedings unless such information is specified during the discussion of the item after it is removed from the consent agenda.

b. The applicant shall be notified of the City's decision to schedule the application as a public hearing, and shall be responsible for complying with the City's notice requirements for the public hearing.

c. After the public hearing, the ratifying body may affirm the decision, reverse the decision, or remand the application for further review of specific items.

Sec. 0-14-313 Continuances and Withdrawal of Applications

A. **Continuances**. Requests for continuance of any proceeding called for herein may be granted at the discretion of the body holding the public hearing. If granted, the applicant shall pay all additional costs associated with the rescheduling of the proceeding.

B. **Withdrawal**. Any application may be withdrawn, either in writing or on the record during the proceeding before the recommendation or decision is made.

Sec. 0-14-314 Successive Applications

A. **Generally**. It is the policy of the City of Centennial not to hear successive applications for the same approval after an application is denied. The limitations of this Section prevent the consideration of successive applications.

B. **Time Required Between Substantially Similar Applications**. The City shall not accept any application that is substantially similar to an application that was denied within the period set out below:

1. *Generally*. 12 months shall elapse between the date an application is denied and the date a substantially similar application is filed.

2. *Rezonings*. Rezonings follow the general rule of subsection B.1., above, except that if substantially similar rezoning applications are denied twice, two years shall elapse from the last date of denial before a new substantially similar application is accepted for processing.

C. **Appeal and Waiver of Restrictions**.

1. The Director's determination that an application is substantially similar to a denied application is subject to administrative appeal.

2. In the alternative to an appeal, the applicant may seek a waiver of the successive application rules from the City Council, which may grant the waiver for good cause shown.

Sec. 0-14-315 Recordation Procedure

A. **Generally.** All development orders except building, sign, and fence permits, shall be recorded as provided in this Section.

B. **Plats.** Approved plats are not effective until they are recorded in the Office of the Arapahoe County Clerk and Recorder.

C. **Documentation.**

1. Within 60 days of approval of a development order, unless stated otherwise in such approval, the applicant shall submit:

   a. A photographic mylar or equivalent of the approved site plan or plat, which shall be ready for recordation except for the signatures of the Director. An original drawing in black ink on mylar is also acceptable.

   b. All required documentation, recordation fees, and a certificate of taxes paid;

   c. A warranty deed for off-site City land dedication, if required as a condition of approval of the plat.

   d. Certification that the owner of the property is the true owner and consents to the subdivision of the property.

   e. For subdivision plats, an address plat mylar in accordance with Section 0-14-705, *Address Plats*.

2. If required by the development order, the applicant shall submit an executed public improvement agreement on a form approved by the City Attorney and terms approved by the City Manager. If the public improvement agreement is required, no development order or building permit shall be issued until the document is received and executed by the City.

D. **Execution and Recording.** The Director shall cause plats to be executed and recorded within 30 days of submittal of all of the documentation that is required by subsection C.1., above. Development agreements shall be recorded upon execution by the City Manager.

Sec. 0-14-316 Inspection of Public Improvements

A. **Generally.** The City shall have the authority to inspect work and materials furnished as part of the work associated with construction of the public improvements. Inspections made by the City are for the sole benefit of the City and do not relieve the contractor, owner or developer of any obligations or liabilities.

B. **Effect on Certificate of Occupancy.** Except as otherwise agreed by the City, no certificate of occupancy for any habitable structure shall be issued until all required public improvements have been completed and finally accepted for maintenance and / or ownership by the City or other applicable public agency.

Division 14-4 Amendment of Development Orders

Sec. 0-14-401 Administrative Amendments

A. **Generally.** The purpose of the administrative amendment is to provide an efficient process for minor modifications to development orders, including those related to planned unit development, that do not substantially alter approved development standards. The administrative amendment must preserve the intent of the development order that it modifies. This administrative amendment process is intended to be accomplished within a 30 business day time period; however, this timeframe may vary depending upon the circumstances of each individual case.

B. **Range of Administrative Flexibility.** The items listed in this subsection qualify for an administrative amendment within the ranges specified herein. If an item does not qualify as an administrative amendment, it is considered a major change and must be processed as set out in Section 0-14-402, *Major Changes*, below.

1. *Permitted Uses.* An administrative amendment may clarify or define a permitted use in a planned unit development for which the development order has not expired by way of conversion, sunset, or abandonment.

2. *Non-Residential Floor Area*. Up to a one percent increase is allowed by administrative amendment for any commercial or industrial development. The increase is limited to hallways, stairways, restrooms and storage, or a proven necessity for the operational safety of the project. An amended floor plan shall accompany the final application and be included as a part of the approved documents.

3. *Setbacks*. In a planned unit development for which the development order has not expired by way of conversion, sunset, or abandonment, the Director may authorize:

a. Internal Lot Line Setbacks. Setback decreases that are proposed from internal lot lines and/or between structures, up to 30 percent of the original setback distance.

b. External Lot Line Setbacks. Setback decreases from external lot lines, up to 10 percent of the original setback distance. However, a requested decrease shall not change the final setback to less than 30 feet from public rights-of-way and 20 feet from all other external lot lines.

4. *Distance Between Buildings*. The Director may authorize a reduction up to 10 percent for the minimum distance between buildings. However, the reduction shall not authorize spacing of less than 10 feet.

5. *Building Envelopes and Footprints*. The Director may authorize:

   a. Increase. A 10 percent increase in the area of building footprints. However, this shall not reduce approved minimum open space, parking and setbacks and/or increase maximum height and density from those approved in the development order.

   b. Reduction. Building footprints may be administratively reduced, but shall not increase approved heights and/or densities.

6. *Location of Buildings*. The Director may authorize relocation of building envelopes and/or footprints on site, but shall not change and/or alter any of the approved development restrictions as set forth in the development order. Additionally, an analysis of impacts to the originally approved drainage study shall be provided with a request to alter approved building locations. To accommodate a request to "flip-flop" building footprints of dissimilar configurations, the buildings shall be comparable in height and massing.

7. *Heights*. The Director may authorize increases in building heights that are required only to accommodate mechanical appurtenances.

8. *Open Space*. In a planned unit development for which the development order has not expired by way of conversion, sunset, or abandonment, the Director may authorize a reduction of open space of up to 10 percent of the original requirement. However, the total open space must be at least 20 percent for industrial, commercial, multifamily and single family attached and 10 percent for single family detached development after the reduction is applied. Increases in open space do not require an amendment to the approved development order. However, increases in open space shall not increase maximum building heights or decrease the minimum parking requirements approved by the development order.

9. *Parking*. In a planned unit development for which the development order has not expired by way of conversion, sunset, or abandonment, the Director may authorize reductions in required parking of up to 10 percent of the original parking requirement. Proof that the increase or decrease is appropriate for the proper function of the development, or that the approved uses have been substantially changed, shall be provided as part of the submittal package.

10. *Access*. The Director may authorize changes to the number or type of access locations, access design, and/or internal circulation design pursuant to the standards in the *Infrastructure Design Manual*.

11. *Drainage*. The Director may authorize changes to drainage routing and/or facility designs, even if the changes affect an approved design standard on the development order (*e.g.*, open space, setbacks, etc.), if:

    a. Revisions to site drainage patterns that can be demonstrated not to increase storm flow at design discharge point(s) by more than five percent of that approved with the Phase III drainage report.

    b. There is an increase in the capacity of on-site detention ponds up to five percent of their originally specified volume.

12. *Public Improvements*. In a planned unit development for which the development order has not expired by way of conversion, sunset, or abandonment, the Director may authorize changes to the specifications of public improvements, provided that the modifications are consistent with the requirements of this LDC and the *Infrastructure Design Manual* or other applicable standards manual.

13. *Signage, Lighting, Landscaping, Trash Disposal Areas, Architectural Treatment*. In a planned unit development for which the development order has not expired by way of conversion, sunset, or abandonment, the Director may authorize changes to signage, lighting, landscaping, trash disposal areas, and architectural treatment elements of approved development orders provided that the changes are consistent with the requirements of this LDC.

C. **Measurements.**

1. Design standards on development orders are considered maximums and minimums as follows:

    a. Maximums: density, building coverage, building height, square footage

    b. Minimums: setbacks, open space, parking

2. No amendment is required for reductions to these maximum standards, or increases to these minimum standards, except as they may require changes to:

    a. Building footprints;

    b. Landscaping for increases in open space; and

    c. Drainage reports for increased parking. In these cases, an administrative amendment may be required.

3. When amendments to development orders request dimensional or spatial modifications of up to the allowable percentage, the base used for measurement shall be the original development order. Prior amendments shall not be used as a point of measurement for subsequent amendments.

D. **Specific Exclusions.** The following items are not eligible for approval as an administrative amendment under any circumstances:

1. An increase in the number of residential units;

2. An application that requires additional right-of-way dedications or public improvements, a traffic study, a drainage study, a public improvement agreement, or modification of an existing subdivision improvement agreement;
3. A transfer of density from one phase to another or one site to another (where density by area or phase is specified on an approved development order);
4. Increases to the approved building heights on a site plans, except as specifically provided in subsection B.7., above; and
5. Subdivision related changes (such as lot lines, easements, rights-of-way, internal roadways, vacations and/or drainage systems), which require an administrative replat or plat correction.

E. **Application Materials.** The following application materials are required for an administrative amendment:

1. A completed Land Use Application.
2. An administrative amendment exhibit (per Appendix B).
3. Application fee.
4. A letter of intent that explains, justifies and validates the request, stating all facts relied upon and providing documentation where possible.
5. Sworn proof of ownership or consent by the landowner that permits the applicant to process the application with a disclaimer that no other party's consent is required.
6. Certification of taxes paid.
7. A current final drainage report and current street construction plans have been approved for the development order governing the proposal.
8. Demonstration that the perimeter boundaries of the proposed administrative amendment coincide with existing boundaries of the governing development order, or justification why they do not.

F. **Decision.**

1. The applicant shall submit all pre-submittal materials, along with a letter of intent which details how the proposed amendment meets the applicable amendment criteria set out in subsection F, below. During the pre-submittal meeting, the Director will make an initial determination as to the proposal's eligibility to be processed administratively.
2. At the next regularly scheduled staff meeting following the pre-submittal meeting, the proposal will be presented to the Director for final determination as to whether the proposal can be processed administratively. The applicant will be promptly notified by the case planner of the determination to approve or deny the request for administrative processing.
3. Upon a determination that the application can be processed administratively, the applicant must submit the formal application within 60 working days of the Director's determination. Failure to submit the formal application within 60 working days of the

Director's written determination will render the decision with regard to the review process voidable.

4. The Director may refer any request for an administrative amendment to the Planning and Zoning Commission for consideration at a regular meeting. The Director will notify the applicant if the Director determines that Planning and Zoning Commission review will be required.

G. **Approval Standards.** The following criteria shall be considered by the Director (or, on ratification, the Planning and Zoning Commission) for approval of an administrative amendment:

1. If the amendment implements, or does not reduce the potential for, implementation of, the Comprehensive Plan or applicable Sub-Area Plan;
2. If the amendment is consistent with the efficient development and preservation of the development order;
3. If the amendment will adversely affect reasonable development expectations or the use and enjoyment of adjacent land or the public interest;
4. If approval is in keeping with the spirit and intent of this LDC and will not weaken the purposes of the regulations; and
5. If approval will not adversely affect the public health, safety, and welfare.

H. **Recordation Procedures.** Administrative amendments shall be recorded in accordance with Section 0-14-315, *Recordation Procedure*.

Sec. 0-14-402 Major Changes

EDITOR'S NOTE: HIGHLIGHTED PROVISIONS ARE INCLUDED FOR REFERENCE ONLY. THEY HAVE BEEN IDENTIFIED AS ITEMS FOR FURTHER STUDY. AS SUCH, THEY ARE NOT PART OF THE LDC UNTIL APPROVED BY THE CITY COUNCIL. HIGHLIGHTING WILL BE REMOVED IF AND WHEN THE PROVISIONS ARE MADE EFFECTIVE.

A. **Generally.** This section applies to any change to a development order that does not qualify for an administrative amendment pursuant to Section 0-14-401, *Administrative Amendments*, except that planned unit developments shall not be eligible for major amendments (they are subject to conversion only). Such changes are considered "major changes" for the purposes of this Section.

B. **Required Approval.** A major change requires the approval of the decision-maker that approved the original application.

C. **Application Materials.**

1. A major change requires resubmittal of the original documents. The Director may waive any of the original submittal items if they do not affect the changes to the application.
2. When possible, the development standards should appear in a chart format comparing the approved and proposed standards.

D. **Decision.** A major change is processed in the same manner as the original application. If required for the original application, a major change requires a new public hearing.

Division 14-5 Administrative Processes

Sec. 0-14-501 Zoning Clearance; Fence Permits; and Sign Permits

A. **Zoning Clearance.** Zoning clearance is an administrative procedure in which the Director verifies that an application for development approval of a permitted or limited use, or a building or structure that is permitted without site plan approval, complies with the requirements of this LDC. Zoning clearance permits may be issued simultaneously with building permits or other required permits.

B. **Fence Permits.** Fence permits are administrative permits that are used to authorize the construction and repair of fences or garden walls when any of the following activities are involved:

1. Any part of the fence or garden wall is replaced with a new part; or
2. The fence or garden wall is reconfigured in any way; or
3. The height of the fence or garden wall is increased.

C. **Sign Permits.** Sign permits are an administrative procedure in which the Director verifies that an application for approval of a sign complies with the requirements of this LDC or an approved sign design program. Sign permits may be issued simultaneously with building permits or other required permits.

Sec. 0-14-502 Grading, Erosion, and Sediment Control Permits

GESC permits are required for all land disturbing activities, prior to the disturbance. The permits are issued by SEMSWA according to the criteria of the GESC Manual. *See* Section 0-11-403, *Grading, Erosion, and Sediment Control Manual*.

Sec. 0-14-503 Floodplain Development Permit

A. **Generally.** A floodplain development permit is required for all development within a special flood hazard area. It is issued by SEMSWA.

B. **Applications.** Applications shall be on a form approved by the Floodplain Administrator.

C. **Referrals.** All applications for floodplain development permits shall be referred to SEMSWA.

Sec. 0-14-504 Site Plans and Plats

A. **Generally.** All plats require a site plan. The site plan may be approved either before or concurrently with the plat. Site plans may require approval by the City Council (see Section 0-14-602, *Site Plans*), Planning and Zoning Commission (see Section 0-14-602, *Site Plans*), or Director (pursuant to Subsection B., below), but plats are approved by the Director.

1. Site plans establish the layout of the following features on the parcel proposed for development:

a. Infrastructure (including but not limited to access, street rights-of-way, potable water lines, sewer lines, and stormwater facilities);

b. Utility easements;

c. Drainage systems;

d. Open spaces;

e. Lot lines (if the site is being subdivided for the purposes of ownership); and

f. In the case of nonresidential, mixed-use, and multifamily development:

i. Landscape areas;

ii. Building pads;

iii. Service areas; and

iv. Parking areas

2. Plats are used to describe land ownership and easement locations. They indicate individual lots for development, areas dedicated for rights-of-way, easements, and servitudes, and areas set aside for common open space.

B. **Administrative Approval.**

1. Site plans may be approved by the Director if:

a. the parcel proposed for development is more than 500 feet from a residential zoning district boundary and either:

i. The parcel proposed for development is less than five acres in area; or

ii. None of the buildings or structures will be taller than 30 feet in height; or

b. They implement an approved Master Development Plan that has not been converted, sunsetted, or abandoned (hereinafter, "MDP").

2. Site plans must be referred by the Director to the Planning and Zoning Commission if the applicant cannot demonstrate that adequate regional improvements can be made available to serve the new development at the time its impacts are realized, as required by Section 0-10-201, *Adequate Regional Improvements Required*.

3. All plats are approved by the Director upon a determination that they are consistent with the approved site plan, and that all requirements of this LDC and conditions of approval of the site plan that relate to the plat are satisfied. *See* Division 14-7, *Subdivision Procedures*.

C. **Ratification.** All site plans except those that implement MDPs are ratified by placement of the item on the consent agenda of the Planning and Zoning Commission.

D. **Application Requirements.** Applications for approval of a site plan shall be on a form approved by the Director. A Submittal Requirements Matrix is available from the Planning and Development Department outlining the complete list of submittal items and the proper number of documents. Other submittal requirements may be required based on the Planning and Development Department review. A site plan application must include the following information:

1. A Site Plan Exhibit (see Appendix B, *Forms*).
2. Name of proposed use or development.
3. Sworn proof of ownership and a notarized letter of authorization from the landowner permitting a representative to process the application.
4. The land area and legal description.
5. The proposed land use and the area of each use in square feet.
6. A chart comparing all of the regulations and requirements of the proposed development with those of the zoning district for proposed use(s), building heights, minimum lot area, lot width, setbacks, street frontage, building coverage, lot area proposed for development, open space ratio and / or landscape surface ratio (LSR), scale, gross floor area, gross floor area ratios, setbacks, and density.
7. The existing zoning of the property.
8. The zoning and residential density of all adjacent properties.
9. Public and private utility service lines and/or main lines with appurtenances.
10. Title certificate or abstract of titles covering all lands to be conveyed to the City.
11. Treasurer's Certificate of Taxes due.
12. If the application involves public improvements:
    a. Preliminary construction plans for the proposed public improvements including street plan and profile sheets, storm drainage improvements plans and other improvements, prepared in accordance with the *Infrastructure Design Manual*.
    b. A preliminary pavement design report, prepared in accordance with the *Infrastructure Design Manual*.
13. A Traffic Study prepared in accordance with the City of Centennial Guidelines for Traffic Impact Studies, if required by Section 0-10-202, *Traffic Studies*.
14. Applicable notes and certifications approved by the City Attorney that regulate the development (Airport Influence Area note, off-site improvements note, etc.).
15. Signature block for the Director and Planning and Zoning Commission chair.

Sec. 0-14-505 Temporary Use Certificate

Applications for temporary use certificates are issued by the Director upon a finding that a permitted temporary use complies with the requirements of this LDC.

Sec. 0-14-506 Certificates of Occupancy

A certificate of occupancy is issued by the Chief Building Official after a zoning clearance has been issued and the Chief Building Official determines that all Building Code requirements for issuance of a certificate of occupancy have been met. The certificate of occupancy certifies that occupancy of the building is permitted.

Division 14-6 Public Hearing Processes

Sec. 0-14-601 Conditional Use and Temporary Conditional Use Procedures

A. **Generally.** A conditional use is a use that is allowed within a zoning district, but which is subject to specific standards and a public hearing process in order to reduce the potential for incompatibility with other uses within the district. These uses commonly have the potential for various adverse impacts such as traffic congestion, noise, visual and aesthetic impacts, which if unmitigated, could undermine the integrity of the zoning district. The designation of a use as a conditional use means that it is only allowed in a proposed location if all of the conditions applicable to the use, set out in Division 2-4, *Limited and Conditional Use Standards*, the general standards of subsection C., below, and all of the other applicable requirements of this LDC, are met.

B. **Required Approval.** Conditional use and temporary conditional use applications are decided by the Planning and Zoning Commission.

C. **General Standards for Conditional Use and Temporary Conditional Approval.** In addition to the applicable standards of this LDC, including those set out in Division 2-4, *Limited and Conditional Use Standards*, and Division 2-5, *Temporary Uses*, as applicable, all conditional uses shall comply with the all of the following general standards:

1. The conditional use shall not be of a type that would tend to undermine the implementation of an adopted Sub-Area Plan for the location of the parcel proposed for development.
2. The conditional use shall be compatible with surrounding land uses and the natural environment and will not materially detract from the character of the immediate area or negatively affect the anticipated development or redevelopment trajectory.
3. There is no practicable alternative location where the use is permitted as-of-right within one-quarter mile of the parcel proposed for development, or, if such a location exists, the proposed location is more favorable in terms of:
   a. Providing a needed community service;
   b. Providing a critical mass of jobs that are likely to pay more than the median wages for the region;
   c. Providing a balance of land uses, ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another; or
   d. Making more efficient use of public infrastructure, such as off-peak street capacity.
4. The approval of the conditional use will not create a critical mass of similar conditional uses that is likely to tend to discourage permitted uses by making the vicinity less desirable for them.
5. The conditional use and any conditions of development shall adequately protect public health and safety against natural and man-made hazards which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.

6. The conditional use will not use an unfairly disproportionate share of public services that would compromise the delivery of those services to other uses in the vicinity. Applicable public services include, but are not limited to, utilities, police protection, fire protection, schools, parks, and libraries.
7. The proposed development minimizes disruption to existing physiographic features, including vegetation, streams, lakes, soil types and other relevant topographical elements.
8. The height and orientation of structures shall allow necessary snow and ice melt from adjacent streets and sidewalks (for example, structures located on the south side of streets or highways may be required to provide additional building setbacks).
9. The conditional use shall be conducted in a manner that is not materially more disruptive to adjacent properties than other permitted uses in the district, unless the conditional use is temporary and the duration of the use is limited to minimize the impact. The Planning and Zoning Commission may attach conditions of approval to the conditional use to ensure that this requirement is satisfied.

D. **Application Materials.** Applications for approval of a conditional use permit shall be on a form approved by the Director. At a minimum, the application must include:

1. Letter of intent requesting the conditional use and fully describing the intended use of the property. The letter must explain, justify and validate the request, stating all facts relied upon and providing documentation where possible. The letter must be signed by the property owner and applicant (if different from property owner), and a copy of the owner's deed must be included in the submittal.
2. The required application fee.
3. A site plan.
4. Drainage report, pursuant to the *Stormwater Management Manual*, except for re-use of existing buildings or temporary conditional uses.
5. Traffic study, if required by the standards of Article 2, *Land Use*, the thresholds of Section 0-10-202, *Traffic Studies*, or by the City Engineer due to the particular circumstances of the site upon which the proposed use is to be located.
6. Cost estimate of public improvements, if required, such as sidewalks, roadway and/or drainage improvements, etc.
7. An appropriate number of 11 x 17 inch reductions of the required site plan.
8. Letter from the appropriate water and sanitation district(s) and fire protection district, stating the availability to serve the proposal.
9. Structures located on the south side of streets or highways may be required to provide additional building setbacks, depending on structure heights, to allow necessary snow and ice melt from adjacent streets and sidewalks.
10. Additional information may be required by the Director as appropriate to the request, and information required above may be waived by the Director if it is deemed to be inappropriate to the request.

E. **Annotation of Zoning Map.** If the application is approved, the Zoning Map shall be annotated to reference the approval by resolution number.

Sec. 0-14-602 Site Plans

A. **Generally.** Site plans establish the layout of development (see Section 0-14-504, *Site Plans and Plats*, subsection A1). Site plans are also required prior to plat approval for subdivisions (see Section 0-14-504, *Site Plans and Plats*). Site plans require approval after public hearing as provided in this Section.

B. **Applicability.**

1. *Planning and Zoning Commission Review*. Site plans are decided by the Planning and Zoning Commission if they are not eligible for administrative review pursuant to Section 0-14-504, *Site Plans and Plats*, or subject to City Council review pursuant to Subsection B.2., below.

2. *City Council Review*. Site plans are decided by the City Council if the parcel proposed for development or subdivision is located within 500 feet of a residential district boundary and either or both of the following apply:

   a. The parcel proposed for development is larger than 10 acres; or

   b. The development is proposed to include buildings that are more than 30 feet in height.

C. **Application Materials.** Application materials shall be provided as set out in Section 0-14-604.D.

D. **Approval Standards.** A site plan must comply with all of the standards of this LDC, guided by the following design policies:

1. Site plans shall be used to implement physical design objectives of adopted Sub-Area Plans in a manner that is consistent with the standards of this LDC.

2. The proposed site plan shall be designed to minimize impacts on the reasonable development expectations or the use and enjoyment of adjacent land or the public interest, consistent with the applicable standards of this LDC.

3. The proposed site plan shall not materially and adversely affect the public health or safety through interpretations of the standards of this LDC that do not give full effect to other provisions that would be protective to health and safety if applied.

4. The proposed site plan recognizes the limits of existing and planned infrastructure, by thorough examination of the availability and capability of water, sewer, drainage, and transportation systems to serve present and future land uses.

5. The proposed site plan provides for compatibility between the proposed development, surrounding land uses (existing or planned), and the natural environment.

6. The proposed site plan provides for efficient and adequate provision of public services and solid waste removal.

7. The proposed site plan protects public health and safety against natural and man-made hazards which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.

8. The proposed site plan provides for accessibility within the proposed development and appropriate connectivity or buffering or both between the development and existing adjacent uses.
9. The proposed site plan minimizes disruptions to existing physiographic features, including vegetation, streams, lakes, soil types and other relevant topographical elements.
10. If the site plan includes buildings that are more than 30 feet in height and the parcel proposed for development abuts existing residential development with existing views of the mountains, then the site plan shall distribute the mass of the buildings that are taller than 30 feet in a manner that allows for sight lines to the mountains from the residential development.

E. **Conditions of Approval.** The Planning and Zoning Commission may impose conditions of approval as may be necessary to ensure compliance with this LDC.

Sec. 0-14-603 Pattern Books

A. **Generally.** The pattern book is a design guide for a specific development. It is submitted by the applicant to address the design and arrangement of individual buildings or dwellings. The pattern book ensures that the development will be attractive and harmonious. The pattern book:

1. Provides a palette of development styles and materials (as such, it addresses the design elements and not the use or intensity of development);
2. Provides details of streetscape design and landscaping; and
3. May provide for specific modifications of the requirements of this LDC in order to ensure that the development is a cohesive whole and meets stated design objectives.

B. **Applicability.** An application for pattern book approval shall accompany all applications for approval of alternative subdivision and development design standards pursuant to Article 3 or Article 9 of this LDC for any:

1. Mixed Housing Cluster;
2. Traditional Neighborhood Development; and
3. Congregate Care Community.

C. **Required Approval.** Pattern books are approved by the Planning and Zoning Commission and ratified by the City Council.

D. **Application Materials.** The pattern book shall include the following elements:

1. A description of each type of housing that is proposed.
2. Standards for lot dimensions for each type of housing, expressed either as lot width and lot depth or lot width and lot area. Such standards may be expressed as averages.
3. Standards for setbacks or build-to lines for front, street side, interior side, and rear lot lines, which may be different for principal buildings and accessory buildings. Such standards may be presented in tabular or illustrated format.

4. Standards for setbacks or courtyards, if different from areas between required setback lines and lot lines.
5. Standards for the design of each type of building that is proposed in the development, which shall include:
   a. Architectural style / typology;
   b. Typical architectural elements for each style / typology; and
   c. Typical building materials for each style / typology.
6. A collection of illustrative elevations for each architectural style / typology, with standards that will ensure diversity of architectural presentation; or a collection of proposed elevations for each architectural style / typology, which demonstrates diversity of architectural presentation.
7. Standards for fences, garden walls and hedges, if different from those set out in Section 0-3-602, *Fences, Garden Walls and Hedges* (residential), or Section 0-3-802, *Fences, Garden Walls and Hedges* (nonresidential and mixed-use).
8. Standards for accessory buildings, if different from those set out in Sections 0-3-603, *Accessory Buildings and Structures* (residential), or Section 0-3-803, *Accessory Buildings and Structures* (nonresidential and mixed-use).

E. **Decision.** The pattern book shall be reviewed along with the proposed site plan for the development. The approved pattern book is a condition of approval of the site plan.

F. **Approval Standards.** The reviewing agency shall review the pattern book to ensure that it will accomplish the objectives set out in Division 9-3, *Alternative Subdivision and Development Design Standards*. Conditions of approval of a pattern book shall not be used to:

1. Limit density, intensity, amount of open space, or land use in a manner that is different from the requirements of this LDC; or
2. Address the design of the development, in ways that are covered in the site plan review. The pattern book approval shall defer any overall plan layout issues (other than placement of buildings on individual lots or requested variations to the area or width of lots) to be addressed in the site plan approval.

Sec. 0-14-604 Rezoning

A. **Generally.** This section establishes a quasi-judicial process for rezoning (amending the Zoning Map) for a specific property.

B. **Applicability.**

1. This section applies to the change in zoning district classification of a lot, parcel, or property proposed for development.
2. This section does not apply to a large-scale, comprehensive rezoning that affects multiple ownerships that are not under unified control.

C. **Required Approval.** A rezoning requires a recommendation by the Planning and Zoning Commission and approval by the City Council.

D. **Application Materials.** The following application materials are required for an application for rezoning:

1. *Request.* A rezoning request statement, which shall include:

   a. The current zoning classification of the subject property and the zoning classification requested;

   b. Justification for the request in terms of Comprehensive Plan or Sub-Area Plan consistency or implementation and / or compliance with the policy criteria of this Section.

2. *Legal Description*. An appropriate legal description of the parcel proposed for rezoning, along with the area of the parcel in acres or square feet.

3. *Parcel Map*. A rezoning map that provides a graphic representation of the subject property and the adjacent streets and properties, showing all of the following:

   a. The boundaries of the parcel proposed for rezoning, based on the legal description, and using a scale of one inch equals 100 feet or larger;

   b. Any existing buildings and structures on the parcel proposed for rezoning;

   c. Any one-hundred year floodplains and floodways on the parcel proposed for rezoning;

   d. Topographic contours on the parcel proposed for rezoning;

   e. Related physical conditions that may influence the rezoning request;

   f. Adjacent properties and parcels, including information on their existing zoning, existing land use(s), and existing project/ property names, if known;

   g. Adjacent streets, including street names, street classification, right-of-way widths, and existing level of improvement; and

   h. A title block that contains the following items (items in brackets shall be replaced with the information for the individual project that is described in the brackets): [NAME OF DEVELOPMENT] REZONING PLAN City of Centennial, Arapahoe County, State of Colorado, A part of Section [section number], Township [township number] South, Range [range number] West of the 6th P.M.

4. *Location / Vicinity Map*. A location / vicinity map at a scale of one inch equals 2,000 feet, with a north arrow and an emphasis on the major roadway network within one mile of the parcel proposed for development, and any adjacent jurisdictions and municipalities.

5. *Certifications*. Standard certifications to include:

   a. Owner's signature block, with date line and title line;

   b. Planning and Zoning Commission recommendation block;

   c. City Council approval block; and

   d. Recorder's block.

6. *Case Number Block*. A case number block in the lower left-hand corner of the rezoning map sheet.
7. *Other Items*. Other items as required by the Director, in order to ensure compliance with standards in subsection F, below.

E. **Approval Standards.** The criteria listed below shall be considered by the Planning and Zoning Commission and City Council in the review of all rezoning applications. All rezoning applications shall further the following policy criteria:

1. Direct implementation of the Comprehensive Plan or an adopted Sub-Area Plan, or support for the implementation of such plans, for example, by providing for supportive land uses or intensities in the area of a Sub-Area Plan.
2. Recognition of the limitations of existing and planned infrastructure, by thorough examination of the availability and capability of water, sewer, drainage, and transportation systems to serve present and future land uses.
3. Assurance of compatibility between the proposed development, surrounding land uses (existing or planned), and the natural environment.
4. The efficient and adequate provision of public services.
5. Enhancement of convenience for the present and future residents of the City by ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another.
6. Protection of public health, safety, and welfare against natural and man-made hazards which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.
7. Accessibility within the proposed development and appropriate connectivity or buffering or both between the development and existing adjacent uses.
8. Minimization of disruptions to existing physiographic features, including vegetation, streams, lakes, soil types and other relevant topographical elements. Areas with significant natural resources shall not generally be rezoned to districts that allow development that would tend to degrade the resources unless adequate conditions are put in place to protect the resources.
9. Assurance that the amenities and uses to be provided tend to enhance the quality of life in the area, by creating a comfortable and aesthetically enjoyable environment through conventions that include, but are not limited to:
    a. The preservation of mountain views;
    b. The creation of landscaped open areas;
    c. The establishment of high-quality mixed-use centers that are accessible to residents of abutting neighborhoods;
    d. The establishment of recreational areas; or

e. The creation of employment centers or large-scale retail or mixed-use centers in appropriate locations.

F. **Conditions of Approval.** A request for a rezoning may be conditioned upon adherence to a site plan submitted by the applicant, which may limit the uses that are permitted on the site. The site plan may be processed concurrently with the rezoning request.

Sec. 0-14-605 Amendments to this LDC

A. **Generally**. This section establishes procedures to:

1. Amend any provision of this LDC (a text amendment), or
2. A large-scale zoning map amendment that is designed to implement the Comprehensive Plan (a comprehensive rezoning).

B. **Applicability**. The City Council may amend any provision of this LDC in its sole legislative discretion.

C. **Required Approval**. A text amendment or comprehensive rezoning requires City Council approval. A proposed text amendment or comprehensive rezoning shall be the subject of a recommendation (for or against) to the City Council by the Planning and Zoning Commission.

D. **Process**. A public hearing of the Planning and Zoning Commission is required, after which a recommendation shall be delivered to the City Council. In all other respects, text amendments are processed as ordinances pursuant to the Home Rule Charter.

E. **Approval Standards**. Text amendments are at the sole discretion of the City Council, subject to the limitations of the Colorado Statutes that affect Home Rule municipalities and the Colorado and United States Constitutions.

Sec. 0-14-606 Vested Property Rights.

A. **Purpose.** The purpose of this Section is to provide procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., as amended.

B. **Vested Property Right Created.**

1. A vested property right shall be deemed to have been created only upon the approval of a site specific development plan in accordance with this Section.
2. Any approval of a site specific development plan, or amendment to an existing site specific development plan, that creates vested property rights shall be adopted by ordinance as a legislative act and shall be subject to referendum. When creating a vested property right, City Council may expressly exempt, in whole or in part, administrative amendments to a site specific development plan from additional review and approval by City Council under this Section.
3. The establishment of a vested property right shall not preclude the application of ordinances or regulations which are general in nature and which are applicable to all property subject to land use regulation by the City, including but not limited to the regulations concerning uniform building codes, uniform design standards, regulations

concerning subdivision improvements and right-of-way dedications, and regulations establishing requirements and specifications for any public improvements.

4. The establishment of a vested property right shall not preclude the application of any legislatively adopted fees which are general in nature, uniform in character and applicable to all properties or a similarly situated class of properties.

5. The City may approve a site specific development plan subject to such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare of the City and its residents.

6. Any site specific development plan for a multiple-phase development may have separate vesting periods created for each phase. The vesting for any subsequent phase may be contingent upon completion of the preceding phase and review by the City Council. Such review shall include but not be limited to whether the landowner or developer is in compliance with its obligations to the City, including but not limited to the site specific development plan, the development agreement and any other agreements between the landowner and the City, as they may have been amended from time to time.

C. **Notice and Hearing.** Consideration of a site specific development plan for creation of vested property rights must be preceded by notice and public hearing in compliance with Division 14-3, *Standardized Development Approval Procedures*.

D. **Notice of Approval.**

1. Each document constituting a site specific development plan shall contain the following language: "Approval of this plan or agreement constitutes a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended, and Section 0-14-606 of the Centennial Land Development Code as amended."

2. The failure of the document constituting a site specific development plan to contain the language specified in subsection D.1., above, shall invalidate and void the creation of the vested property right. A notice stating that a vested property right has been created shall be published once by the City in a newspaper of general circulation in the City not more than 14 days after final adoption of the ordinance approving the site specific development plan. The notice shall include the following information:

   a. A statement advising the public of the site specific development plan approval, including the name of the project and general location of the specific property or development parcels affected;

   b. A statement that a vested property right has been created in accordance with Article 68 of Title 24, Colorado Revised Statutes, and Section 0-14-606 of the Centennial Land Development Code.

E. **Duration of Vested Right.** A property right vested pursuant to this Section shall remain vested for a period of three years. City Council, in its legislative discretion, may approve a period of vested property rights exceeding three years and in so determining may consider the following criteria.

1. The size and phasing of the development, and specifically but not limited to, whether the development can be reasonably completed within the vested rights period;

2. Economic cycles (including, local, regional, and state economic cycles, and national economic cycles);
3. Market conditions, and specifically but not limited to, absorption rates for leasing and sales of similar development projects;
4. Compliance with the City of Centennial Comprehensive Plan and other community planning documents;
5. Proposed public amenities and benefits that enhance the project and the overall attractiveness of the community, including the degree to which such public amenities and benefits are defined in terms of design, timeframe, and phasing with development;
6. Projected public financial benefits or costs estimated to be caused by the development project, including the timeframe for realization by the City or other public entities and potential costs for operation and maintenance of any new public amenities or infrastructure dedicated to the City or other public entities;
7. The breadth and scope of the requested vested property right, including but not limited to, the extent to which such vested property right restricts the City's ability to apply future legislatively adopted fees and regulations for the purpose of providing public infrastructure, public services and public facilities and for the purpose of meeting evolving community needs;
8. Any proposed modifications to previously approved vested property rights to address changed conditions within the City, compliance with the Comprehensive Plan and other community planning documents, or performance of previously approved site specific development plans; and
9. Any other factors deemed relevant by City Council when determining to grant a vested property right for a period greater than three years.

F. **Extension of Vested Property Rights.** A landowner may request an extension of vested property rights by submitting an application for extension of vested property rights at least 120 days prior to the expiration of the period of vested property rights. The extension request shall be processed in accordance with the procedural requirements of this Article, including but not limited to notice, public hearing, adoption by ordinance, and post-approval publication. The criteria in subsection E., above, shall be considered by City Council when determining whether to grant an extension to a vested property right.

G. **Forfeiture of Vested Property Rights.**

1. Failure to abide by the terms and conditions of a site specific development plan may result in a forfeiture of the vested property rights in accordance with the procedures set forth herein.
2. The process to consider forfeiture of vested property rights shall be initiated by passage of a resolution by the City Council stating the grounds therefore.
3. No vested property right shall be deemed forfeited until after providing notice and conducting a public hearing. Notice shall be provided at least 30 days prior to the date of the public hearing, by publishing notice in a newspaper of general circulation in the City of

Centennial and by mailing notice to the property owner(s), sent to the address of record according the County Assessor's records via first class United States mail. A copy of the resolution initiating the process to consider forfeiture of the vested property right shall be included with the mailed notice to the property owner(s).

4. At the hearing, the City Council shall consider all evidence and testimony presented concerning any failure to abide by the terms and conditions of a site specific development plan. The City Council may continue the public hearing to allow additional evidence to be presented.

5. If City Council finds a failure to abide by the terms and conditions of an approved site specific development plan, the City Council may take action by ordinance to declare the vested property rights forfeited. The forfeiture of a vested property right shall have no effect upon public streets, alleys, rights-of-way, or other lands or easements previously dedicated or conveyed to the City or other public entities pursuant to the terms of a site specific development plan. Upon forfeiture of vested property rights, the site specific development plan shall be subject to all zoning, land use, and general regulations in effect at the time of forfeiture and as such may be amended from time to time thereafter.

Division 14-7 Subdivision Procedures

Sec. 0-14-701 Purpose of Subdivision Procedures

A. **Generally.** The subdivision of land is a process by which tracts of property are split into lots for development resale with reference to a recorded plat. Plats are also used to make and map dedications of public rights-of-way, open space areas, and easements.

B. **Relationship to Other Approvals.** Subdivision plats map lots and dedications that are shown on approved site plans. If a subdivision plat is required for a development, it shall be recorded before building permits are issued.

Sec. 0-14-702 Applicability of Subdivision Procedures

A. **Generally**. This section applies to any parcel of land which is to be used for condominiums, apartments, or any other multiple-dwellings units, unless such land was previously subdivided and the filing accompanying such subdivision complied with municipal regulations applicable to subdivisions of substantially the same density, or the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

B. **Applicability.** No development shall commence, nor shall any building permit, utility connection permit, electrical connection permit or similar permit be issued, for any development or land division that is subject to this Division, until a plat has been approved and submitted to the City for recording with the Office of the Arapahoe County Clerk and Recorder.

C. **Exempt Transactions**. The following are exempt from City review and approval:

1. Sale of one or more lots of record in their entirety;

2. Subdivisions that are created by court ordered partition, but not re-subdivision of partitioned property; or
3. Development on an unplatted parcel that is not intended for future division and separate conveyance.

D. **Building Permits**. No building permit shall be issued unless all of the property within the plat is covered by an approved site plan or, one of the following development orders, granted before the effective date of this LDC and not extinguished at the time the building permit is sought: a final development plan, administrative site plan, or subdivision development plan.

Sec. 0-14-703 Subdivisions

A. **Generally.** The plat is one of the documents used to finalize land ownership and related interests within the proposed subdivision boundaries. At this stage of development, the subdivider is responsible for finalizing right-of-way and other public land dedications, if applicable, lot and block configurations and easement dedications. In addition, all public improvements associated with the proposed subdivision are identified and quantified. The subdivider may be required to enter into a public improvement agreement with the City, which guarantees that the appropriate improvement costs are borne by the subdivider. The plat shall include one contiguous parcel of land owned and proposed for development. Special circumstances, such as a road rights-of-way, may exist regarding the contiguity requirement, and are reviewed on a case-by-case basis**.**

B. **Approval Required.** Subdivisions are approved by the Director.

C. **Subdivision Application Requirements.** Applications for subdivision approval shall include, at a minimum, the following general information in addition to the reports required by subsection D., below, the demonstrations and documentation required by subsection E., below, and the plat exhibit required by subsection F., below.

1. Completed land use application.
2. Application fee (Fee Schedule available in the Planning and Development Department).
3. Written letter of intent that explains, justifies and validates the request, stating all facts relied upon and providing documentation where possible.
4. Sworn proof of ownership and a notarized letter of authorization from the landowner permitting a representative to process the application, with a disclaimer that no other party's consent is required.
5. Title certificate or an abstract of titles covering all public lands to be dedicated.
6. Treasurer's certificate of taxes due.
7. Traverse closure computations corresponding to the plat's legal description and monument records.

D. **Technical Reports.** The following technical reports and plans are required:

1. Construction plans for the proposed subdivision's public improvements including street plan and profile sheets, stormwater drainage improvements plans and other improvements, prepared in accordance with the appropriate standards manuals.
2. Preliminary pavement design report.
3. Phase III drainage report and drainage construction drawings as defined in the *Stormwater Management Manual*.
4. A traffic study update prepared in accordance with the City of Centennial *Guidelines for Traffic Impact Studies*, if required by Section 0-10-202, *Traffic Studies*.
5. Evidence that sufficient regional infrastructure, facilities, network or systems are or will be available to serve the development proposal as set out in Division 10-2, *Adequacy of Regional Facilities*.
6. Final street construction plans prepared in accordance with the requirements of the City of Centennial *Infrastructure Design Manual*, when applicable.

E. **Utility Services.**

1. The subdivider shall provide evidence of the ability of applicable special service districts or other general governments to service the proposed development, and shall also furnish the following:
   a. Estimated total number of gallons per day of sewage to be treated where a central sewage treatment facility is proposed, or sewage disposal means and soils suitability where no central sewage treatment facility is proposed; and
   b. Estimated total number of gallons per day of water system requirements where a distribution system is proposed.
2. A signed general warranty deed must be provided for all dedicated land conveying tracts, or the development rights to such tracts, to the appropriate entity.
3. General warranty deeds to the City of Centennial shall be provided for rights-of-way that are off-site and associated with the subdivision reflecting widths as required by the City of Centennial. The plat shall not be recorded until all warranty deeds are executed and accepted by the City.

F. **Plat Exhibit.** The plat exhibit shall include the following format and information:

1. The boundaries of all lots, common open space parcels, streets, alleys, utility easements, drainage easements, and pedestrian easements, and any other boundaries required to be described by this LDC.
2. The format for all plans and plats shall be in upper-case sans serif. Font size shall be readable when reduced to an 11 x 17 inch size. No plans or plats shall include copyright restrictions.

3. The plat that is submitted for recording shall be an original drawing in black ink on 24 x 36 inch single / double matte mylar or photographic blackline positive mylar of the same, or equivalent, and shall contain the information described below:
   a. The drawing and any revision dates shall be shown on the cover sheet.
   b. At the top of each sheet, the title of the subdivision, as dedicated, and a subtitle, in smaller lettering, that indicates:
      i. The quarter section(s), section, township and range in which the subdivision is located;
      ii. The phrase "City of Centennial, County of Arapahoe, Colorado."
      iii. If the subdivision is a replatting of a previously approved subdivision, the replatting information.
   c. Each sheet shall display the case number in the bottom left-hand corner, in the following way: “Case No. XX-XXX.”
   d. Each sheet of the plat shall show the date of the survey; a North arrow, and the written and graphic scale. The minimum scale of the drawing shall be one inch to 100 feet. Enough sheets shall be used to accomplish this end. Acceptable larger scales are one inch to 20 feet, 30 feet, 40 feet, 50 feet, and 60 feet. The sheet number and the relation of each adjoining sheet shall be clearly shown by a small key map on each sheet.
   e. Vicinity map (scale of 1 in. =2000 ft. preferred) showing the subdivision in relation to section lines and existing or proposed streets within one mile.
   f. An accurate and complete monumented land survey pursuant to paragraph 13 of C.R.S. 38-51-102, shall be made of the land to be subdivided. A traverse of boundaries when computed from field measurements on the ground must have a minimum unadjusted ratio of closure of one part in 15,000. The monumented land survey shall be an accurate reflection of the legal description (see subsection G., below).

G. **Legal Description of the Subdivision.**

1. The method of description shall be by use of metes and bounds, except that in a replatting, the subdivision, block, tract, and/or lot may be used.
2. The legal description shall be in the following format: "A parcel of land in the 1/4 of Section, Township ___ South, Range ___ West, of the Sixth Principal Meridian, City of Centennial, County of Arapahoe, State of Colorado, more particularly described as follows:…”
   a. The description that follows this introduction may be by one of the following two means: (1) by metes and bounds, incorporating a complete traverse and the accuracy standards as described in subsection 6, above. The area to the nearest one-hundredth of an acre (.01) more or less shall be included. (2) By subdivision, block and lot numbers. This method may only be used if the area being subdivided encompasses one contiguous area within one existing subdivision and does not include any existing right-of-way. This method may only be used if the parcel being replatted is a part of a

subdivision recorded after July 1, 1975. The area to the nearest one-hundredth of an acre (.01) more or less shall be included.

b. The Point of Beginning of the subdivision or one corner of a replat shall be tied to two (2) or more section or quarter section corners. Two of the corners shall be adjacent. The monument found/set at the section or quarter section corners must be described on the plat.

3. The surveyor shall rehabilitate or upgrade any section or quarter section corner used to control the survey of the subdivision as required by the rules of procedure promulgated by the State Board of Registration for Professional Engineers and Professional Land Surveyors.

H. **Standards.** The Director shall not approve a plat unless all of the following are demonstrated:

1. It conforms to a site plan or meets all of the standards of this LDC and all conditions of approval of said site plan;

2. At the time of the subdivision approval, the subdivider provides the certification of the County Treasurer's office that all *ad valorem* taxes applicable to such subdivided land, for all years prior to that year in which approval is granted, are paid; and

3. If the plat includes subdivision improvements, the City Council has approved, one or more public improvement agreements to ensure that the improvements will be constructed to City specifications at the applicant's expense.

I. **Waiver of Requirements.** The Director may waive information and documentation requirements as appropriate to the type and scale of plat submitted. By way of example, plats that do not involve dedications of streets do not require information pertaining to street construction.

Sec. 0-14-704 Plat Expiration and Extension

A. **Generally.** Failure of the applicant to submit all required documentation within six months of approval shall render approval of a plat voidable and may result in the necessity for a new submittal of the plat. Resubmittals are subject to all processing fees, submittal requirements and review standards in effect at the time the resubmittal is accepted by the Director.

B. **Extensions.**

1. The Director may grant extensions of time up to 12 months, upon a written request by the applicant or staff for good cause being shown. Good cause may include but not be limited to:

a. Required signatories are out of state or country or otherwise unavailable; or

b. A major change was requested by the City.

2. An extension request shall include a fee established by resolution of the City Council, and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines. It shall list any changes in the character of the neighborhood, any changes in the City's Comprehensive Plan or applicable Sub-Area Plans, or this LDC that have occurred

since approval of the plat. These changes may affect the plat and the anticipated time schedule for completing the platting process.

Sec. 0-14-705 Address Plat

A. **Generally.** The address plat is an exact duplicate of the plat exhibit with the addition of a label that reads "address plat" and labels the addresses for each lot or tract in the subdivision. The Engineering Division assigns the addresses and street names.

B. **Applicability**. An address plat is required with the submittal of the final plat mylars.

C. **Required Approval**. An address plat is reviewed by the Engineering Division for correctness and adherence to City and emergency service provider standards.

D. **Process.**

1. The address plat must be signed by the owner(s) of the property and the signature(s) need to be notarized).
2. The address plat mylar is routed the same as the plat mylar but is not recorded with the plat.
3. When multiple sheets are needed, a cover sheet may be required which shows a composite of the subdivision.

Sec. 0-14-706 Plat and Road Vacation

A. **Generally**.

1. To provide a review process for vacation of a roadway; public easement; or recorded plat in order to vacate the City's interest without harm to the public health, safety and welfare.
2. The City Council is authorized to vacate roadways, which include any platted or designated public street, alley, lane, parkway, avenue, road or other public way designated or dedicated on a plat, conveyed by deed, recorded easement, acquired by prescriptive use or other legal instrument whether or not it has ever been used as such, pursuant to Article 2 of Title 43 as amended.

B. **Vesting of Title.** Vesting of title upon vacation shall be in accordance with Section 43-2-302 C.R.S., as amended.

C. **Application Requirements.** The following documentation shall be submitted with an application for vacation of a plat or right-of-way:

a. Completed land use application.

b. Application fee.

c. Letter of intent that explains, justifies and validates the request, stating all facts relied upon and providing documentation where possible.

d. A vacation exhibit that is an original drawing in black ink on 8 1/2 x 14 inch paper or other size as required by Director, and shall contain information deemed appropriate by the Director.

e. A legal description of the right-of-way to be vacated, which is signed and sealed by a Professional Land Surveyor registered in the State of Colorado.

f. A vicinity map showing the location of the right-of-way in relation to the lots, or the area surrounding the right-of-way within a one mile radius.

g. Letters from the following stating their recommendation regarding the vacation and any existing facility they have over, under or across the land:

i. all special districts providing maintenance of infrastructure within the rights-of-way;

ii. all known easement beneficiaries, cable providers, fiber optic companies and/or utility providers; and

iii. all landowners abutting or using an access proposed for vacation.

D. **Approval Standards**. A vacation may be approved upon the finding that:

1. *For Street or Public Easement Rights-of-Way.*

a. The vacation is in accordance with adopted standards and criteria, and the original conditions of approval;

b. The vacation is in keeping with the spirit and intent of the Comprehensive Plan, applicable Sub-Area Plans, and the standards of this LDC;

c. A platted or deeded roadway or portion thereof or unplatted or undefined roadways which have arisen by public usage shall not be vacated so as to leave any land abutting said roadway without an established public road or private access easement connecting said land with another established public street.

d. If the vacation is a State Highway, the Colorado Department of Transportation ("CDOT") approves.

2. *For Plats of Private Property.*

a. All of the platted property is under single ownership and streets to be vacated within the plat are entirely internal to the parcel; or

b. The vacation affects only part of a plat, but:

i. The remaining owners consent to the vacation;

ii. The vacation of streets within the plat, if requested, conforms to the requirements of subsection D.1., above; and

iii. All easement holders consent to the vacation.

Sec. 0-14-707 Plat Correction

A. **Generally.** This section provides a process to correct errors and/or omissions on a recorded plat. Depending upon the nature of the corrections, there are two processes that may be used to correct a plat: the affidavit of correction or the correction plat:

1. The affidavit of correction is used to correct minor errors and/or omissions on a plat. These would include minor typographical errors and errors in distances, angles or bearings.
2. A correction plat is used to correct a recorded subdivision plat when the errors and/or omissions are too numerous or substantial to be corrected by an affidavit of correction.

B. **Applicability.** The surveyor who prepared the subdivision plat or the surveyor's representative must initiate the plat correction process. The plat correction process cannot be used if the surveyor of record either cannot change the plat due to death, retirement or relocation or will not correct the errors on the plat.

C. **Required Approval.** Plat corrections are approved by the Director.

D. **Application Materials.** A complete application for an affidavit of correction or correction plat includes the following:

1. Completed land use application.
2. Application fee.
3. A written statement that explains, justifies and validates the request, stating all facts relied upon and providing documentation where possible.
4. Sworn proof of ownership and a sworn, notarized letter of authorization from all of the affected landowners, permitting a representative to process the application, with a disclaimer that no other party's consent is required.
5. Treasurer's certificate of taxes due.
6. A correction plat application must include a corrected plat.
7. An affidavit of correction application must include the affidavit of correction.

E. **Process for Correction Plat.** The process for a correction plat or affidavit of correction shall be a standard administrative approval process, except that the time for receipt of referral agency comments shall be limited to 14 days.

F. **Approval Standards.** An affidavit of correction or correction plat may be approved upon finding that:

1. The corrections are in accordance with the site plan, or, for plats approved before the effective date, preliminary plat, or planned unit development approvals;
2. The corrections are in keeping with the spirit and intent of this LDC; and
3. The approval will not adversely affect the public health, safety and welfare of the residents and property owners in the City of Centennial.

Division 14-8 Variances, Appeals and Interpretations

Sec. 0-14-801 Variances

A. **Generally.** Variances are variations from the strict application of the requirements of the LDC.

B. **Applicability.** Variances are granted only in the exceptional circumstances that are set out in Subsection F. An applicant for a variance is not required to have an application denied before seeking the variance.

C. **Required Approval.** A variance requires the approval of the Planning and Zoning Commission.

D. **Application Materials.** Applications for variances to the terms of this LDC shall be submitted on a form approved by the Director. The application form shall include, at a minimum, the following substantive information:

1. The name of the applicant and contact information, including mailing address and telephone number;
2. The address of the property for which the variance is sought;
3. The legal description of the property for which the variance is sought;
4. The nature and purpose of the requested variance (including specific reference to the Code sections from which variance is sought), and the grounds on which the variance is requested; and
5. A statement regarding how the proposed variance meets the standards set out in Subsection F.

E. **Decision.** The Planning and Zoning Commission shall conduct a public hearing and shall approve, approve with conditions, or deny the variance. Decisions regarding variances shall be reduced to writing, and executed by the Chair of the Planning and Zoning Commission. The written decisions shall include the factual basis for the decision and a record of the vote on the decision by the Planning and Zoning Commission.

F. **Approval Standards.** A variance shall be granted only if it is demonstrated that <u>all of the following conditions</u> exist:

1. Strict compliance with the terms of this LDC would result in unreasonable hardship;
2. There are extraordinary and exceptional conditions pertaining to the parcel proposed for development because of its size, shape, or topography that are not applicable to other lands or structures in the same district;
3. The need for a variance or the extraordinary and exceptional conditions do not result from the actions of the applicant;
4. Granting the variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same district;
5. A literal interpretation of the provisions of this LDC would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located;
6. The variance will not adversely affect the public health, safety or welfare;
7. Granting of the variance will be in harmony with the general purpose and intent of this LDC, will not injure the neighborhood, and is not otherwise detrimental to the public welfare;

8. The variance requested is the minimum variance that will make possible a permitted use of the land, building, or structure;
9. The variance will not permit a use of land, building, or structure that is not otherwise permitted in the applicable district;
10. Development or use of the property for which the variance is sought, if limited by a literal enforcement of the provisions of this zoning ordinance and regulations, cannot yield a reasonable return in service, use or income as compared to adjacent conforming property in the same district (however, an economic hardship and/or the desire by an applicant or owner to increase or maximize the economic value of construction do not constitute grounds for the granting of a variance);
11. The variance will not alter the essential character of the district in which the property is located for which the variance is sought;
12. The variance is not inconsistent with the City's Comprehensive Plan and any applicable Sub-Area Plans; and
13. No other relief is available through the application of alternative development standards or an alternative development configuration that is allowed by this LDC.

G. **Conditions of Approval.** The Planning and Zoning Commission may condition approval of the variance as necessary to protect the public health, safety, and welfare.

H. **Annotation of Zoning Map.** If the application is approved or approved with conditions, the Zoning Map shall be annotated to reference the approval by resolution number.

I. **Expiration of Variances.** Any variance automatically expires one year after the date the variance was granted or within such other time as the Planning and Zoning Commission prescribes, unless a building permit for the variance is obtained within such one year period for the improvement contemplated by the application. The Director may grant extensions of time for good cause shown, but only if an application for such extension is made prior to the expiration of the variance.

Sec. 0-14-802 Appeals

A. **Generally.**

1. The purpose of administrative appeals is to provide an opportunity for affected parties to seek appellate review of a decision of the Director or the Planning and Zoning Commission in a timely and inexpensive way.
2. Administrative appeals are decided by the City Council.
3. For purposes of this Section, an underlying decision that is subject to appeal includes any order, requirement, decision, or determination made by the Planning and Zoning Commission or the Director.

B. **Standards to be Reviewed.** The City Council will decide appeals according to the same standards that the decision-maker was to apply to the application.

C. **Scope of Review.** The City Council will review the application in the same manner as the decision-maker. However:

1. No evidence shall be presented to the City Council that was not considered by the decision-maker; and
2. No issues shall be reviewed by the City Council that were not described or obviously implied by the petition for appeal.

D. **Appeal Petition.** An administrative appeal is initiated by filing a petition, along with the required fee, with the Director. The notice of appeal shall include the following information:

1. The name, address, and telephone number of the petitioner;
2. A short statement indicating the nature of the application, the application number, the date of hearing, and the decision; and
3. A short but specific statement regarding how the decision appealed violates this LDC. The statement shall refer to the particular section numbers upon which the petitioner relies, and shall not make a general reference to noncompliance with this LDC (*i.e.*, "the application did not comply with the LDC," without more, is not a sufficient statement of the issues and will be rejected).

E. **Timing of Appeal.** Appeal petitions shall be filed within 14 days of the date of the decision being appealed. Failure to file within 14 days shall cut off the right of appeal.

F. **Hearing.** The City Council shall hold a hearing on the appeal according to the following procedures:

1. *Order of Presentation*. The appeal hearing shall be ordered as follows:
   a. The petitioner shall present the appeal.
   b. The City (respondent) shall present a response.
   c. The petitioner may cross-examine the respondent.
   d. The respondent may cross-examine the petitioner.
   e. The petitioner may make a closing argument.
   f. The respondent may make a closing argument.
2. *Questions of Participants*. The appellate body may ask questions of a participant at any time.

G. **Decision.**

1. The appellate body may affirm, reverse, modify, or amend any underlying decision.
2. Decisions regarding appeals shall be reduced to writing by the Director, who shall include the material factual basis for the decision, and shall be executed by the City Manager. The City Manager's signature gives effect to the decision, but does not constitute the City Manager's approval of the decision, which is not required.

H. **Standards.** The City Council will affirm the underlying decision unless it finds that:

1. The underlying decision was an abuse of discretion; or
2. The underlying decision was not supported by the facts found in the hearing.

I. **Review of Appellate Body's Decision.** The City Council's final decision is reviewable pursuant to Rule 106 of the *Colorado Rules of Civil Procedure*, or as otherwise provided by state or federal law.

Sec. 0-14-803 Airport Influence Area Variances

A. **Generally.** The City Council may grant variances from the strict requirements of the regulations set out in Division 3-9, *Airport Influence Areas*, including in the case of reconstruction of a nonconforming use in an area where relocation of the use or rezoning to a conforming use is not feasible. Variances may be granted by the City Council after conducting a public hearing, following a recommendation from the Planning and Zoning Commission.

B. **Initiation of Application.** The variance process may be initiated by application of the property owner or upon the request of the Director, any City Council member, or may be included within an application for development approval.

C. **Standards for Grant of Variance.** The basis of the variance may be one or more of the following:

1. The terms of a variance shall observe the spirit of the regulations, secure public welfare and safety, and do substantial justice, and shall be limited to the extent necessary to prevent depriving the property owner of all reasonable use of the property.
2. Evidence of unique, unnecessary or unreasonable hardships that would occur if the strict letter of the regulations in Division 3-9, *Airport Influence Areas*, were enforced, and that cannot be satisfactorily mitigated through other means, including appropriate rezoning (decision on variance may be postponed to allow for opportunity to process a rezoning request or to pursue other mitigation efforts).
3. Evidence of irreversible reliance by the applicant on pre-existing terms and conditions of development orders that are applicable to the property.
4. Evidence from affected public entities that the failure to obtain a variance is likely to result in a default in the repayment of bonded indebtedness.
5. Evidence of marginal benefit to the public health safety and welfare that would result by the strict enforcement of the regulations that is out of proportion to the magnitude of the burdens imposed on the property owner.

D. **Successive Applications.** The City Council may elect to not accept more than one variance application from the property owner in any 12-month period.

Sec. 0-14-804 Floodplain Variances

A. **Generally.** The Technical Review Committee (TRC), as defined and formed in the *Stormwater Management Manual*, shall hear and decide appeals and requests for variances from Section 0-

7-304, *Provisions for Flood Hazard Reduction (Standards).* The application for variance need only be referred to SEMSWA for review and comment.

1. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances, upon request, to FEMA.
2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
3. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
4. Upon consideration of the factors noted above and the intent of this ordinance, the TRC may attach such conditions to the granting of variances as it deems necessary to further purpose and objectives of Division 7-3, *Floodplain Management and Flood Damage Prevention*.
5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result unless 44 CFR Part 65, Section 12 requirements are met.

B. **Prerequisites for Granting Variances.**

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
2. Variances shall only be issued upon:
   a. Showing a good and sufficient cause;
   b. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
   c. A determination that the granting of a variance will not result in increased flood heights, unless:
      i. The standards of 44 CFR Part 65, Section 12 are met;
      ii. There are no additional threats to public safety;
      iii. There will be no extraordinary public expense;
      iv. The variance will not create a public nuisance;
      v. There is no fraud on or victimization of the public; and
      vi. There is no conflict with other applicable laws or ordinances.
3. Any applicant to whom a variance is granted shall be given written notice of the consequence to the variance (*e.g.*, increase in flood insurance requirements, FEMA map revision, and / or easements from other property owners).

4. Variances may be issued for new construction and substantial improvements or damage repairs in the SFHA and for other development necessary for the conduct of a functionally dependent use provided that:
   a. The criteria outlined in Division 7-3, *Floodplain Management and Flood Damage Prevention*, are met.
   b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
   c. There is no increase in footprint from the existing structure for requests related to substantial improvement/damage request in the SFHA.
   d. No new habitable structures are placed within the SFHA.

C. **Standards for Floodplain Variances.**

1. In passing upon such applications, the TRC shall consider all technical evaluations, all relevant factors, standards specified in other sections of Division 7-3, *Floodplain Management and Flood Damage Prevention*, and all of the following:
   a. The danger that materials may be swept onto other lands to the injury of others;
   b. The danger to life and property due to flooding or erosion damage;
   c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
   d. The importance of the services provided by the proposed facility to the community;
   e. The necessity to the facility of a waterfront location, where applicable;
   f. The availability of alternative locations, for the proposed use that are not subject to flooding or erosion damage;
   g. The compatibility of the proposed use with existing and anticipated development;
   h. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
   i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
   j. The impacts of such requests on other properties; and
   k. In the case of substantial improvements and repairs to existing structures, the continued reasonable economic use of the property.
2. The TRC shall interpret these criteria in a way that strongly discourages filling within the flood fringe.

Sec. 0-14-805 Interpretations

A. **Generally.** Any person may request an administrative interpretation of the terms, provisions, or requirements of this LDC if the application of the terms, provisions, or requirements are not obvious.

B. **Applicability.** This section applies to any request to interpret a provision of this LDC.

C. **Application Fee.** It is the intent of the City Council that this LDC be accessible and clear to the residents, business owners, and landowners in the City. However, it is not the intent of the City Council that this provision be used to allocate the Director to evaluate the full development potential of individual properties or resolve other such general inquiries without reimbursement to the City. Accordingly, the Director is authorized to waive the application fee for specific inquiries that do not involve material time commitments, and to charge an hourly research fee for broad inquires that are likely to involve material time commitments.

D. **Required Approval.** The interpretation is made by the official charged with administering the provision for which an interpretation is requested (the "responsible official"). The responsible official and the City are not obligated to render an interpretation. The interpretation is not subject to appeal unless it is requested as part of the approval or denial of a development order or permit.

E. **Application Materials.**

1. Applications shall be submitted on a form approved by the Director.
2. The applicant shall cite the code provision for which interpretation is sought, a description of the situation or scenario to which the application of this LDC is in question, and a statement of the nature of the interpretation sought.

F. **Decision.**

1. Within a reasonable period after the application for an interpretation is filed, the responsible official shall make a good faith effort to interpret the provision that is the subject of the application.
2. The responsible official shall respond to the applicant in writing, and shall keep a copy of the response in a record of interpretations.
3. The responsible official may consult with the Director in drafting the interpretation.

G. **Guidelines.** The interpretation shall be based on:

1. The materials or scenario posed by the applicant;
2. The plain and ordinary meaning of the terms that are subject to the application for an interpretation as set out in Webster's Third New International Dictionary or other current and authoritative dictionaries;
3. The purpose statement for the LDC section that is subject to interpretation;
4. Any other provision of the Comprehensive Plan, an applicable Sub-Area Plan, the Centennial Municipal Code, state law, or federal law that are related to the same subject matter;
5. Any technical meanings of the words used in the provision subject to interpretation;
6. Other interpretations rendered by the City relating to the same or related provisions of this LDC;
7. The consequences of the interpretation;

8. The legislative history;
9. The problem addressed by the provision subject to interpretation; and
10. Sources outside of the LDC provision that provide a related source for the definition, such as technical or professional literature.

H. **No Legal Advice.** Legal interpretations by the City Attorney shall not be provided to private parties without the consent of the City Council. No interpretation provided by other City staff pursuant to this Section shall be construed as legal advice.

I. **No Binding Effect.** It is the policy of the City to evaluate applications for development approval comprehensively on their individual merits. Therefore, the interpretation of the responsible official is persuasive to decision-making bodies, but is not binding on the City.

Division 14-9 Miscellaneous Procedures

Sec. 0-14-901 Reasonable Accommodations for Persons with Disabilities

A. **Generally.** The Federal Fair Housing Act, 42 U.S.C. §3601, *et seq*., requires that local governments be prepared to make "reasonable accommodations" in order to permit housing for certain protected individuals to be located in residential areas. This section sets out the process for approval of a "reasonable accommodation."

B. **Authorization.** In order to provide reasonable accommodations without the need for an additional approval process, the City Manager or designee, in consultation with the Director, is authorized to approve minor modifications of:

1. Building setbacks;
2. Building height;
3. Spacing of group homes;
4. Building coverage; or
5. Occupancy limits.

C. **Resolution of Accommodation.** The City Manager or designee may approve a type of or degree of reasonable accommodation that is different from that requested by the applicant if the City Manager finds that a different form or degree of accommodation would satisfy the requirements of the Federal Fair Housing Act with fewer impacts on the neighborhood in which the parcel proposed for development is located.

D. **Application.** An application for reasonable accommodations shall include the name and address of the applicant, the address of the parcel proposed for development, the type of housing being provided, and an explanation of the request, including the portions of the Fair Housing Act that require reasonable accommodations to be made.

E. **Decision.** The decision of the City Manager shall be accompanied by written findings of fact as to the applicability of the Fair Housing Act, the need for reasonable accommodations, and the authority for any reasonable accommodations approved.

Sec. 0-14-902 Regulating Plans

A. **Generally.** Regulating plans are required for development in the UC district. Regulating plans are similar to site plans in that they provide a schematic diagram of development. However, regulating plans are more general, principally showing how the form-based code standards will be applied.

B. **Preparation of Regulating Plan.** Petitions for application of the development standards of Division 4-3, *Form Standards for UC District*, shall be accompanied by a regulating plan (or plans) showing the general arrangement of the following:

1. Development blocks and street network;
2. Streets by function and type;
3. Proposed building, frontage, and parking types for each street face of each block;
4. Public spaces and proposed locations and types of public amenities;
5. Subdistrict boundaries;
6. Areas expected to develop with ground-floor retail frontages; and
7. Proposed residential development types and locations.

C. **Approval of Regulating Plan.** Regulating plans shall be approved by the City Council after recommendation by the Planning and Zoning Commission, and shall be developed using community meetings as described in Section 0-14-305, *Community Meeting*. Regulating plans shall demonstrate how:

1. The development will comply with the standards of Division 4-3, *Form Standards for UC District,* and the other applicable standards of this LDC (*e.g.*, parking and loading); and
2. How the proposed development will implement the the applicable Sub-Area Plan (if the parcel proposed for development is located within the boundaries of a Sub-Area Plan).

D. **Effect of Regulating Plan.** The regulating plan shall establish the network and types of streets in the development, the building types, frontage types, and maximum building heights on each block face, and the number, general location, and types of residential units. The regulating plan shall be the basis for approval of subsequent site plans, which are required prior to the issuance of building permits.

Sec. 0-14-903 Modification and Termination of Planned Unit Developments

A. **Generally.** This LDC substantially revised the City's prior zoning and subdivision regulations. At the time of the code revision, there were numerous non-residential and mixed-use Planned Unit Developments ("PUDs") that were approved pursuant to Part 4900 of the City of Centennial Zoning and Subdivision Regulations in effect before the effective date, or the Arapahoe County zoning and subdivision regulations that predated the incorporation of the City of Centennial. This Section establishes a procedure to:

1. Allow existing PUDs to continue to develop under the plans in effect at the effective date of this LDC, for a reasonable time period; and

2. Establish a process for amending or terminating existing PUD approvals; and
3. Establish a sunset provision in order to more effectively implement the City's Comprehensive Plan, and to unify and streamline the regulations established in this LDC.

B. **Applicability.** This Section applies to any development within the PUD Overlay district established in subsection C, below.

C. **PUD Overlay District Established; Effect of Overlay District.**

1. The City hereby establishes the PUD Overlay District. The overlay district has the abbreviation "PUD" on the Zoning Map.
2. The PUD Overlay District is superimposed over one or more zoning districts that are established pursuant to Division 2-2, *Establishment of Zoning Districts*. A zoning district established pursuant to Division 2-2, *Establishment of Zoning Districts*, is referred to as the "underlying district." The PUD Overlay District imposes requirements that are in addition to those that apply to the underlying zone. If there is a conflict between the PUD approval and the underlying district, the PUD approval applies until it expires or is terminated.

D. **Permitted Uses and Development Standards.** Until the PUD Overlay District expires or is terminated as provided in subsection G of this Section, the permitted uses and development standards within a PUD Overlay district are as established in an existing, unexpired PUD approval. For purposes of this section, a "PUD approval" means any preliminary development plan ("PDP"), final development plan ("FDP"), streamlined final development plan, master development plan ("MDP"), or administrative site plan ("ASP") that was approved under the City of Centennial Zoning and Subdivision Regulations in effect before the effective date.

E. **Minor Changes / Administrative Amendment.** A minor change to a PUD may be processed as an administrative amendment pursuant to Section 0-14-401, *Administrative Amendments*.

F. **Major Changes / Termination.**

1. A major change includes any change to an existing PUD approval that does not qualify as a minor change pursuant to the standards in Section 0-14-401, *Administrative Amendments*.
2. Major changes to existing PUD approvals are not allowed. Instead, the application shall be processed as an application for site plan approval, which shall be consistent with the underlying zoning requirements. The PUD overlay district shall be terminated with respect to the parcel proposed for development after public hearing by the Planning and Zoning Commission, which shall be conducted at the same time as the review of the application for site plan approval.
3. The Planning and Zoning Commission may impose reasonable conditions on the termination of the existing PUD which preserve negotiated conditions of the PUD approval that are found to be more protective of the character or function of the vicinity of the PUD than the provisions of this LDC.
4. Following Planning and Zoning Commission action, the application shall be ratified by the City Council (see Section 13-309.D, Hearing Procedures).

G. **Sunset and Termination of PUD Overlay District; Effect.**

1. The PUD Overlay District shall remain in place and effect (except where terminated pursuant to subsection F., above) for a period of six years from the effective date of this Section and as of that date is repealed unless a later enacted ordinance deletes or extends that date.

2. After this Section expires or the PUD Overlay District is terminated in an area as provided above, the proposed development shall comply in all respects with the underlying zoning district and this LDC, except as follows:

   a. Any provision of the proposed development that is found to have attained vested rights under Colorado or federal law shall remain in effect; and

   b. Any signage plan approved with the PUD approval shall remain in effect as an approved sign design program without further action, unless the Planning and Zoning Commission, City Council or Director requests a revision of the signage plan and the applicant consents in writing. If the signage plan is updated, then existing signs that do not comply with the new plan shall be subject to Section 0-12-301, *Termination, Restoration, and Removal*.

Article 15 Enforcement and Remedies

Division 15-1 Purpose and Application of Article

Sec. 0-15-101 Purpose of Article

The purpose of this Article is to set out the procedures for enforcing the requirements of this LDC and to outline the legal remedies that are available to the City when it initiates an enforcement action. Nothing in this Article is intended to limit the remedies that are available to the City to prevent and abate violations of this LDC.

Sec. 0-15-102 Application of Article

A. **Generally.** This Article provides the general process for enforcing the LDC, and the general remedies that are available to the City. However, the Article is not intended to bar the City from using other enforcement procedures as are lawful and appropriate, nor is it intended to elect remedies. The City may take any lawful action to remedy violations of this LDC, including seeking any remedy and / or imposing any penalty that is available under this LDC, State law or administrative rules promulgated thereunder, or Federal law.

B. **Violations and Violation Abatement Fund.** Division 15-2, *Violations and Violation Abatement Fund*, sets out what constitutes a violation of this LDC, and requires that certain uses that are likely to require immediate correction of violations establish a violation abatement fund that the City draw from to correct such violations.

C. **Enforcement.** Division 15-3, *Enforcement*, sets out:

1. A general procedure for code enforcement by Code Enforcement Officers;
2. Additional actions that may be taken by the Director, the Chief Building Official, or the Floodplain Administrator; and
3. Special enforcement provisions and remedies that are available with respect to certain approval types or land uses.

D. **Conditions of Approval.** In addition to the enforcement provisions of this Article, specific conditions of development approval may provide additional or alternative enforcement procedures or remedies.

Division 15-2 Violations and Violation Abatement Fund

Sec. 0-15-201 Violations

A. **Generally.** No land in the City of Centennial shall be used, nor any building or structure erected, constructed, enlarged, altered, maintained, moved or used in violation of this LDC as amended from time to time, or in a manner inconsistent with any terms and conditions of any permit or other land use approval or agreement, including, but not limited to, a development agreement, subdivision improvement agreement, or public improvement agreement. Any such violation of these Regulations shall be considered unlawful and a public nuisance, and shall be

subject to the civil remedies available pursuant to this Article and State and Federal law. Unless otherwise specified by this LDC, State law, or Federal law, violations of this LDC are minor offenses as defined by Section 2-3-20, *Definitions*, Centennial Municipal Code.

B. **Continuing Violations.** Each calendar day of a continuing violation shall be counted as a separate violation of this LDC.

Sec. 0-15-202 Violation Abatement Fund

A. **Generally.** As a condition of commencing operation of certain uses (e.g., a waste transfer station or recycling center, composting facility, or other use for which a violation abatement fund is required by Division 2-4, *Limited and Conditional Use Standards*), the operator shall maintain at all time a cash deposit with the City of Centennial in an amount determined at the time of application according to a then-current resolution of the City Council establishing the minimum deposit. In the absence of such a resolution, the minimum amount shall be $2,000.00. This fund shall be known as the "Abatement Fund."

B. **Purpose.** The Abatement Fund shall assure the prompt and complete performance of the operator with requirements imposed by this LDC, and, in particular, the requirement to maintain the use and the truck routes described in any required Truck Routing Plan within 1,760 feet of the use in a neat and orderly appearance. The City of Centennial shall be authorized at its discretion to draw upon and use all or any portion of the Abatement Fund in order to remedy a violation, pursuant to the following procedures:

1. The City shall first issue a written notice of violation to the operator or supervisor of the use. Such notice shall provide the specific conditions existing that are deemed in violation of the requirements of this LDC or conditions of approval of the use.
2. The City shall provide not less than five business hours from the delivery of notice to remedy the cited violation, unless it presents an imminent threat to public health or safety.
3. In the event that the cited violation is not remedied within the time specified by the notice, the City shall be authorized to apply all or any part of the Abatement Fund to the remedy of the cited violation.

C. **Interest and Accounting.** The Abatement Fund shall be maintained in an account determined by the City. Interest, if any, earned on such Abatement Fund deposit shall accrue to such account or fund for use in the same manner and purpose as the Abatement Fund.

D. **Balance Required.** The operator shall maintain a balance of $2,000.00 in the Abatement Fund at all times.

E. **Relationship to Other Remedies.** Nothing in this section shall prevent or preclude the City from pursuing any other remedy or right to enforcement or abatement of violations or nuisances resulting from the operation of a waste transfer station.

Division 15-3 Enforcement

Sec. 0-15-301 Code Enforcement Procedures

Except as otherwise provided herein, it is the general policy of the City of Centennial to provide reasonable opportunities for property owners to bring property or uses into compliance with the requirements of this LDC before formal enforcement proceedings are initiated.

Sec. 0-15-302 Immediate Orders, Permit Holds, and Judicial Remedies

A. **Generally.** The Code Enforcement Procedures are intended to achieve compliance without judicial proceedings or corrective action being taken by the City directly. The immediate orders, permit holds, and judicial remedies of this Section are available to the City to enforce this LDC where the Code Enforcement Procedures result in referral to the Director, Chief Building Official, or Floodplain Administrator, or where the Director, Chief Building Official or Floodplain Administrator identify a violation that would otherwise be referred to them by the Code Enforcement Officer.

B. **Cease and Desist Orders.** The Director may issue a cease and desist order to close unlawful uses or to halt a violation of this LDC for which other remedies under this Article are inadequate.

C. **Removal of Signs.** The Director may remove (or cause to be removed) signs that are placed in violation of Section 0-6-302, *Prohibited Sign Locations*.

D. **Permit Actions.**

1. *Permit Holds.* The Director may direct City departments that are responsible for the issuance of permits related to platting, construction, expansion, or operation of a use, building, structure, sign, or fence, to hold further permits until the Director certifies that violations are corrected, or until the municipal court or other court of appropriate jurisdiction orders that the hold be lifted. For example, if an owner fails to plat property where a plat is required, the Director may order that building permits be withheld until the plat is approved and recorded.

2. *Temporary Revocation of Permits, Generally.*

   a. The Director may revoke permits for a period of not more than 21 days in order to:

      i. Address an imminent danger to public health, public safety, or public or private property; or

      ii. Prevent irreparable harm if activities purportedly authorized by the permit were to continue; or

      iii. Achieve compliance with conditions of approval, or with limited or conditional use standards, if applicable; or

      iv. Ensure that construction proceeds according to approved plans and applicable laws.

b. If the Director temporarily revokes a permit, the Director shall immediately notify the City Attorney, who may seek a court order in municipal court or other court of appropriate jurisdiction permanently revoking the permit if compliance is not achieved within 21 days. The City Attorney may request a temporary injunction to extend the temporary revocation of the permit in order to avoid irreparable harm.

3. *Temporary or Permanent Revocation of Floodplain Permits*. Whenever the Floodplain Administrator determines that a violation of Division 7-3. *Floodplain Management and Flood Damage Prevention*, has occurred, may occur, or is threatened, the Floodplain Administrator shall be responsible for placing a temporary or permanent hold on further development orders or permits, approvals and actions (including building permits, rezoning actions, subdivision actions, grading permits, and the like) to the extent necessary to prevent or remedy the violation, and for notifying affected City departments of this action. The hold shall remain in place until the property owner complies with the requirements of Division 7-3. *Floodplain Management and Flood Damage Prevention.*

4. *Permanent Revocation of Permits*. Development orders or permits may be revoked permanently if the municipal court or other court of appropriate jurisdiction finds a failure to correct a violation that resulted in a temporary revocation of the permit; or if there was fraud or material misrepresentation in the application materials that supported the issuance of the permit.

E. **Stop Work Orders.** The City shall have the authority to stop any or all construction activities as deemed necessary by issuing a written stop work order. Stop work orders may be issued for:

1. A violation of any condition of the public improvement agreement (or subdivision improvement agreement) or the approved construction drawings or specifications;

2. Any violation of any provision of this LDC;

3. Any violation of any other ordinance of the City, state law, or federal law pertaining to the work associated with public improvements; or

4. The existence of any condition or the occurrence of any act which may constitute endangering health, life, safety or damage to property.

F. **Fines and Restitution.** The municipal court may order fines to be paid in an amount not to exceed $1,000 per violation, according to a duly adopted fine schedule. Such court may also order restitution to the City for the expenses of enforcement and / or immediate actions to bring property into compliance with this LDC (see subsection C., above). All fines collected shall be credited to the general fund of the City.

G. **Judicial Relief.**

1. In addition to any other remedies provided by this LDC or State or Federal law, the City, through the City Attorney, may initiate legal action in municipal court or other court of appropriate jurisdiction to enjoin, prevent, abate, or remove uses, maintenance activities (or lack thereof), erection of buildings, structures, or signs, or other construction, reconstruction, or alterations that are in violation of this LDC. In any court proceeding in which the City seeks a preliminary injunction, it shall be presumed that a violation of this

LDC is a real, immediate and irreparable injury to the public; that the public will be irreparably injured by the continuation of the LDC violation unless the violation is enjoined; and that there is no plain or adequate remedy at law for the violation.

2. The City Attorney shall take whatever legal action is deemed appropriate for the abatement or removal of any violation of this LDC, in the manner provided for by law, and shall take other steps and shall apply to the municipal court or such other court as may have jurisdiction to grant such relief as will abate and remove such use, building or structure and restrain and enjoin such persons maintaining or using any such building or structure or using property contrary to the provisions of this LDC.

Sec. 0-15-303 Special Enforcement Provisions

A. **Generally.** Certain land uses and approval types are subject to additional or alternative enforcement provisions. This Section provides enforcement procedures and remedies for unlawful transfers of title to unplatted land; unlawful development or development activities in areas of state interest; waste transfer stations; and hazardous waste disposal sites.

B. **Subdivision Plats.**

1. *Unlawful Transfers of Title*.

   a. Any subdivider, or agent of a subdivider, who transfers legal or equitable title or sells any subdivided land before a final plat for such subdivided land has been approved by the City Council and recorded or filed in the office of the County Clerk and Recorder is guilty of a minor offense and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars nor less than five hundred dollars for each parcel of or interest in subdivided land which is sold. However, no person shall be prosecuted, tried, or punished under this paragraph unless the indictment, information, complaint, or action for the same is instituted prior to the expiration of 18 months after the recordation or filing in the office of the County Clerk and Recorder of the instrument transferring or selling such subdivided land.

   b. The City Council, by and through the City Attorney, shall have the power to bring an action in Municipal Court or such other court having appropriate jurisdiction to enjoin any subdivider from selling land before a plat for such land has been approved pursuant to this LDC.

   c. The remedies provided in 0-14-302 shall also be available to address violations under this subsection.

2. *Areas and Activities of State Interest*. The City Council shall have the power to bring action to enjoin any subdivider or developer from engaging in development activities or development in areas which have been identified as special pursuant to Article 65.1 of Title 24 C.R.S. as amended (H.B. 1041-1974) until a plat, including any extraordinary required evidence or procedures for such specific areas or activities as prescribed in this LDC, has been approved.

C. **Waste Transfer Stations.** The enforcement provisions of this subsection apply when an operator of a waste transfer station fails to comply with a condition of approval (including, but not limited to, the provisions of the approved truck routing plan), fails to comply with the

applicable requirements of Section 0-2-412, *Waste Transfer Stations and Recycling Centers*, fails to replenish the violation abatement fund upon demand by the City (see Section 0-15-202, *Violation Abatement Fund*), or fails to comply with applicable State or Federal law.

1. Notwithstanding any other provision of this Article, violations shall be corrected within 24-hours notice from the City. If the violation is not corrected, the Director may take immediate action to correct the violation using the violation abatement fund, and the City Attorney may file an enforcement action in a court of appropriate jurisdiction.
2. Upon finding a violation occurred, the court shall impose the following minimum penalty, unless the City requests or consents to a lesser or different penalty:
   a. Enjoin or otherwise order the defendant to fully abate and remedy the violation within a specified and reasonable period of time not to exceed 10 days following the entry of the court's order; and
   b. Fine the operator for each violation an amount not less than $500 nor more than $1,000 for the first violation, not less than $700 nor more than $1,000 for the second violation, and not less than $900 nor more than $1,000 for the third and for each subsequent violation. No portion of any minimum fine may be suspended or held in abeyance by the court; and
   c. Order the operator to forthwith pay restitution to the City for the actual costs or loss caused to the City by the violation(s), including, but not limited to, administrative expenses, costs to protect the public from the violation, court costs, and attorney fees.

D. **Disposal Sites.** The City Council, after reasonable notice and public hearing, shall temporarily suspend or revoke a certificate of designation for a disposal facility for failure of the site and facility to comply with all applicable laws, resolutions, and ordinances, or to comply with the applicable provisions of the certificate of designation, State law, or any rule or regulation adopted pursuant thereto.

E. **Hazardous Waste Disposal Sites.**

1. The City may revoke or suspend a certificate of designation of any hazardous waste disposal site if it finds that:
   a. There was a material misrepresentation or misstatement of fact in the application for the certificate of designation;
   b. The hazardous waste disposal site is not being operated in substantial compliance with any term, condition, or limitation of its certificate of designation or any applicable rule or regulation adopted pursuant to the applicable Colorado Statutes; or
   c. The owner or operator of the site has failed to pay the annual fee to the City as required by Section 25-15-214(1), *Colorado Revised Statutes*.
2. The revocation or suspension of a certificate of designation shall not relieve the owner or operator of the hazardous waste disposal site from any legal liability.

Article 16 Definitions

Division 16-1 Word Usage; Abbreviations; and Acronyms

Sec. 0-16-101 World Wide Web Links

Some of the definitions of this Article include links to world wide web sites that provide supporting information ("external links"). The external links were current as of the Effective Date. However, the materials provided in the external links are not part of this LDC. The Director is authorized to maintain and update the external links to provide for public and administrative convenience without further action of the Planning and Zoning Commission or City Council.

Sec. 0-16-102 Word Usage

A. **Generally.** This rules of this Section shall be observed and applied when interpreting this LDC, except when the context clearly requires otherwise.

B. **Word Usage.** Words shall be interpreted as follows:

1. Unless the context clearly indicates otherwise, words used or defined in one tense or form shall include other tenses or forms.
2. Unless the context clearly indicates otherwise, words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
3. The masculine gender shall include the feminine. The feminine gender shall include the masculine.
4. The words "shall" and "will" are mandatory.
5. The words "may" and "should" are permissive.
6. The word "person" includes individuals, partnerships, firms, corporations, associations, trusts, and any other similar entities or combination of individuals.

C. **Statutory and United States Code References.**

1. References to the Colorado Revised Statutes or United States Code shall be interpreted to mean the most current version of the referenced section at the time the reference is applied. If a referenced section is repealed and replaced by another section of the Colorado Revised Statutes or United States Code with comparable subject matter, the replacement section shall control. If a referenced section is repealed and not replaced, the repealed section shall control if it is within the home rule powers of the City to effectuate such result, or the application shall be held for up to 12 weeks for the City to revise this LDC to resolve the reference and establish an appropriate policy.
2. Where referenced sections authorize the promulgation of administrative rules, references to the Colorado Revised Statutes or United States Code shall be interpreted to include the phrases "and rules promulgated thereunder."

Sec. 0-16-103 Abbreviations and Acronyms

Table 0-16-103, *Meaning of Abbreviations and Acronyms* sets out the meaning of the abbreviations and acronyms used in this LDC.

Table 0-16-103
Meaning of Abbreviations and Acronyms

Abbreviation or Acronym	Meaning
ac.	Acres
ANSI	American National Standards Institute
ATC	Air Traffic Control
AUC-4	Arapahoe Urban Center Subdistrict 4. *See* Arapahoe Urban Center Sub-Area Plan
BFE	Base Flood Elevation
CLOMR	Conditional Letter of Map Revision
dbA	A-weighted decibels
DBH	Diameter at Breast Height
DPHE	Colorado Department of Public Health and Environment
du	Dwelling Unit
e.g.	For example. Items listed after the abbreviation e.g. are intended to be illustrative and not limiting.
FAR	Floor Area Ratio
FEMA	Federal Emergency Management Agency
FHAD	Flood Hazard Area Delineation
FIRM	Flood Insurance Rate Map
ft.	Feet
GESC	Grading, Erosion and Sediment Control
i.e.	That is. Text that follows the abbreviation i.e. is intended to clarify prior text by restating it in a different way.
in.	Inches
ISDS	Individual Sewage Disposal Systems
LDC	City of Centennial, Colorado Land Development Code
LOMA	Letter of Map Amendment
LOMR	Letter of Map Revision
LOS	Level of Service
LSR	Landscape Surface Ratio
Max.	Maximum
Min.	Minimum
NA	Not Applicable
NAICS	North American Industrial Classification System
NFIP	National Flood Insurance Program
OSR	Open Space Ratio
Sec.	Section
SEMSWA	Southeast Metro Stormwater Authority
sf.	Square Feet
SFHA	Special Flood Hazard Area
TND	Traditional Neighborhood Development
u/a	Units Per Acre
USACE	United States Army Corps of Engineers

Table 0-16-103 Meaning of Abbreviations and Acronyms	
Abbreviation or Acronym	**Meaning**
U.S.C.	United States Code

Division 16-2 General Definitions

1 to 9

360-Degree Architectural Treatment means the use of similar and compatible building materials, color schemes, relief and details, windows, openings, rooftop screening, landscaping, and other architectural and design features on all sides of a building or site such that all sides of a building or site present a similar appearance as the front or primary entrance of the building.

A

Accessory Building means a building that is subordinate to the principal building, which serves a purpose that is customarily associated with the principal use. Examples of accessory buildings include storage sheds and detached residential garages. The phrase accessory building does not include structured parking.

Accessory Structure means a structure that is subordinate to a principal building or structure, which serves a purpose that is clearly incidental to the principal use of the lot. Examples of accessory structures include gazebos and detached carports. The phrase "accessory structure" does not include fences and garden walls.

Addition, as used in Division 7-3, *Floodplain Management and Flood Damage Prevention,* means any alteration to a structure which results in any increase in the structure's footprint.

Adjacent Property means property that has a common property line with, or that is separated from a parcel proposed for development by public right-of-way.

Adult Arcade means any commercial establishment or private club where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons per machine at any one time, are used to regularly show films, motion pictures, video cassettes, slides, or other photographic reproductions or mechanically, electronically, chemically, or digitally reproduced visual materials characterized by an emphasis upon the depiction, display or exhibition of specified sexual activities or specified anatomical areas.

(Ord. 2005-O-28)

Adult Bookstore, Adult Novelty Store, Adult Video Store means a commercial establishment that devotes a significant or substantial portion of its business to any one or more of the following:

1. The sale, rental or viewing, for any form of consideration, of books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, slides or other photographic reproductions or mechanically, electronically, chemically, or digitally

reproduced visual materials which are characterized by an emphasis upon the depiction, display or exhibition of specified sexual activities or specified anatomical areas;

2. The sale or rental of instruments, devices, or paraphernalia which are designed for use or marketed primarily for engaging in specified sexual activities; or
3. A significant or substantial portion of its business is shown by characteristics including, but not limited to, some or all of the following:
    a. A significant or substantial portion of its stock in trade consists of the items listed in items 1 and/or 2 above; or
    b. A significant or substantial portion of its revenues is derived from the rental or sale of items listed in items 1 and/or 2 above; or
    c. A significant or substantial portion of its floor space, shelf space or storage space is devoted to the items listed in items 1 and/or 2 above; or
    d. A significant or substantial portion of its advertising is devoted to the items listed in items 1 and/or 2 above.

(Ord. 2005-O-28)

Adult Cabaret means a nightclub, bar, restaurant, concert hall, auditorium, or other commercial establishment or private club which regularly features or presents live adult entertainment.

(Ord. 2005-O-28)

Adult Entertainment means any exhibition, display, activity or dance that involves the appearance or exposure to view of specified anatomical areas.

(Ord. 2005-O-28)

Adult Motel means a hotel, motel or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions or mechanically, electronically, chemically, or digitally reproduced visual materials which are characterized by an emphasis upon the depiction, display or exhibition of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproduction; or
2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

(Ord. 2005-O-28)

Adult Motion Picture Theater means a commercial establishment or private club, where for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions or mechanically, electronically, chemically, or digitally reproduced visual materials are regularly shown characterized by an emphasis upon the depiction, display or exhibition of

specified sexual activities or specified anatomical areas. An establishment meeting the definition of an adult arcade is not an adult motion picture theater.

(Ord. 2005-O-28)

Adult Theater means a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities.

Advanced Ecologically Engineered Wastewater Treatment System means a wastewater treatment system that uses a combination of settling tanks and constructed wetlands (with microorganisms and wetland plant species) to treat effluent to tertiary and re-use quality standards.

Agricultural Support and Other Rural Services means uses that support agricultural uses, including:

1. Farm supply services and feed stores;
2. Farm equipment dealers; and
3. Grain storage.

Agriculture means land (with and without farm residences) which is primarily used for the commercial production of field crops for food, fiber, or energy; orchards; viniculture; horticulture; dairying; pasturage; aquaculture, and truck farming. The term “agriculture” also includes the raising or breeding of livestock, cattle, horses, poultry, where there is no more than one animal equivalent unit per acre, and the keeping of bees. The term includes the necessary accessory uses for storing the products and inputs needed to produce them. The term does not include intensive agriculture, nor does it include the accessory use of land for personal gardens or the use of open spaces for raising crops, provided that no mechanized equipment is used for planting, cultivation, or harvest.

Airports means aircraft take-off and landing fields and flight training schools; or airstrips for personal aircraft for the private use of an individual. The term "airport" also includes the term "heliport," which is any area used for the take-off and landing of helicopters that also includes passenger and cargo facilities, fueling, and emergency service facilities.

Alcoholic Beverage Sales means the retail sale of beer, wine, or other alcoholic beverages for on- or off-premises consumption, which:

1. Requires one of the following types of licenses: retail liquor store license; brew pub license; or tavern license; or
2. Requires a beer and wine license or vinter restaurant license, and more than 40 percent of the business's gross receipts are from the sale of beer and wine.

Animal Breeding Operation means the keeping of more than one pregnant animal at a time.

Animal Equivalent Unit means a unit of measurement to compare various animal types based upon equivalent forage needs or waste generation.

Animal Equivalent Units	
Animal	**Animal Units**
Adult Cow with Unweaned Calf	1.00
Mature Dairy Cattle	1.40
Slaughter or Feeder Cow	1.00
Sheep	0.20
Goat	0.20
Llama	0.60
Horse	1.25
Mule	1.25
Donkey	1.25
Burro	1.25
Swine (>55 pounds)	0.40
Swine (<55 pounds)	0.07
Laying Hens	0.03
Broiler Chickens	0.01
Turkeys	0.02
Other Animals	Average Animal Weight (in pounds) / 1,000 pounds

Apiary means a structure that is designed to hold honeybee hives. A typical apiary has a capacity of 25 to 40 hives. Note that the number of hives that are allowed in an apiary may be restricted by Section 0-2-420, *Agriculture*.

Arapahoe Urban Center Sub-Area Plan means the *Arapahoe Urban Center Sub-Area Plan*, adopted by the Planning and Zoning Commission on October 10, 2007 and ratified by the City Council on October 15, 2007, as may be amended from time to time.

Architectural Details means any projection, relief, cornice, column, change of building material, window, or door opening on any building. The phrase does not include wall textures, such as brick, ribbed concrete, split face concrete block, or siding, nor does it include color changes.

Assisted Living Facilities means a residential facility, licensed according to the requirements of Sec. 25-27-101, *et seq*., *Colorado Revised Statutes*, that makes available to three or more adults not related to the owner of such facility, either directly or indirectly through an agreement with the resident, room and board and at least the following services: Personal services; protective oversight; social care due to impaired capacity to live independently; and regular supervision that is available on a twenty-four-hour basis, but not to the extent that regular twenty-four-hour medical or nursing care is required. The phrase "assisted living facility" does not include any facility licensed in this state as a residential care facility for individuals with developmental disabilities, or any individual residential support services that are excluded from licensure requirements pursuant to rules adopted by DPHE.

B

Base Flood or 100-year Flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation means the elevation for which there is a one-percent chance in any given year that flood levels will equal or exceed it.

Basement, as used in Division 7-3, *Floodplain Management and Flood Damage Prevention,* means any area of a building having its floor subgrade (below ground level) on all sides and the interior height of which, measured from the lowest interior point to the highest point of the foundation , is more than four (4) feet.

Bed and Breakfast means a place of lodging that:

1. Provides five or fewer rooms for short-term rental;
2. Is the owner's personal residence; and
3. Is occupied by the owner at the time of room rental.

Block means an area of land that is surrounded on all sides by streets or other transportation rights-of-way or by physical barriers such as water bodies or public open spaces. Blocks are normally, but not necessarily, divided into lots.

Buckley Air Force Base means the airport in Aurora, Colorado at estimated Latitude 39.7016667 / Longitude -104.7516667, which as of the Effective Date is in use by the Colorado Air National Guard, however known, and by whomever used from time to time, so long as the facility is used for take-off and landing of aircraft.

C

Caliper means a method of measuring the diameter of a tree trunk. The measurement is taken six inches above the ground up to and including four-inch caliper size. If the caliper at six inches above the ground exceeds four inches, the caliper is measured at 12 inches above the ground. The measurement is taken according to the methodology set out in the most current edition of the *American Standard for Nursery Stock*, published by the American Nursery and Landscape Association.

Car Sharing means a model of car rental where people rent cars for short periods of time, often by the hour. The organization renting the cars may be a commercial business, or the users may be organized as a nonprofit company, public agency, cooperative, or *ad hoc* grouping. Car sharing differs from traditional vehicle rental in the following ways:

1. Car sharing is not limited by office hours;
2. Reservation, pickup, and return is all self-service;
3. Vehicles can be rented by the hour, as well as by the day;
4. Users are members who have been pre-approved to drive (background driving checks have been performed and a payment mechanism has been established);
5. Vehicle locations are distributed throughout the service area, and often located for access by public transport;
6. Insurance and fuel costs are included in the rates; and

7. Vehicles are not serviced (*e.g.*, cleaning, gasoline fill-up) after each use.

Cemetery means any place, including a mausoleum, niche, or crypt, in which there is provided space either below or above the surface of the ground for the interment of the remains of human bodies.

Child Care Center means a facility, by whatever name known, that is maintained for the whole or part of a day for the care of five or more children who are 18 years of age or younger and who are not related to the owner, operator, or manager thereof, whether the facility is operated with or without compensation for such care and with or without stated educational purposes. The phrase "child care center" includes, but is not limited to facilities commonly known as:

1. Day care centers;
2. School-age child care centers;
3. Before and after school programs;
4. Nursery schools;
5. Kindergartens;
6. Preschools;
7. Day camps;
8. Summer camps;
9. Centers for developmentally disabled children;
10. Facilities that give twenty-four-hour care for children;
11. Facilities for children under the age of six years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school, except that the term shall not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades or operated as a component of a school district's preschool and kindergarten program operated pursuant to article 28 of title 22, C.R.S.

The phrase "child care center" does not include any facility licensed as a family child care home a foster care home.

Statutory Reference: Title 26, *Human Services Code*, Section 26-6-102, *Definitions*, Colorado Revised Statutes.

City Staff means members of the staff of the Department of Planning and Development who are authorized by the Director to process or decide applications for development approval.

College / University / Vo-Tech means a community college, college, university, vocational / technical school, trade school, language school, business school, training center, beauty school, culinary school, and comparable advanced or continuing education facilities. The phrase does not include music schools, fitness centers, sports instruction, swimming instruction, or martial arts instruction (see Sec. 0-16-505, *Commercial Uses*, subsection M., *Services, Commercial and Personal*).

Colorado Noxious Weed List means a list of noxious weeds that is promulgated by the Colorado Department of Agriculture. It is available on the web at:

http://www.colorado.gov/cs/Satellite?c=Page&cid=1174084048733&pagename=Agriculture-Main/CDAGLayout.

Commercial Amusement, Indoor means uses that provide commercial amusement indoors (except adult uses), including, but not limited to:

1. Bowling alleys and pool rooms;
2. Indoor sports arenas;
3. Movie theaters and live theaters;
4. Indoor skating rinks (ice or roller);
5. Video arcades; and
6. Shooting arcades.

Commercial Amusement, Outdoor means uses that provide commercial amusement outdoors (except sexually oriented businesses), including, but not limited to:

1. Outdoor arenas or stadiums (including, but not limited to, amphitheaters, sports stadiums, concert facilities, rodeos, and racing facilities);
2. Amusement parks or theme parks;
3. Fairgrounds;
4. Miniature golf establishments;
5. Golf driving ranges;
6. Water slides;
7. Batting cages; and
8. Shooting ranges.

Commercial Events include any of the following:

1. *Commercial Outdoor Sales Event* means periodic outdoor sales of goods by occupants of a commercial parcel.
2. *Farm Stand* means a temporary or permanent structure or vehicle used for the sale of agricultural produce in-season, at least 50 percent of which is grown by the seller or farmers within 25 miles of the City limits.
3. *Seasonal Sales* means sales of seasonal items by occupants of a commercial or institutional parcel.
4. *Sidewalk Sales and Farmers' Markets* means sales that are conducted by either the store owner or occupant, outside their store, or by one or more commercial farms, on:
    a. A public sidewalk;

b. A private sidewalk; or

c. Pedestrian areas adjacent to a sidewalk, such as pedestrian plazas.

5. *Truckload Sale* means the sale of various goods outdoors by persons who are not employed by the owners or managers of the parcel on which the sale occurs, or tenants of buildings on the parcel on which the sale occurs.

Commercial Lodging means places that offer overnight accommodations for short-term rental, including hotels and motels. The phrase "commercial lodging" also includes hotels that offer convention facilities or meeting rooms.

Commercial Retail means commercial and retail uses that do not include regular outside storage or sales. The phrase "commercial retail" includes uses that are comparable to the following:

1. Furniture and home furnishings stores;
2. Electronics and appliance stores;
3. Paint and wallpaper stores;
4. Hardware stores;
5. Food and beverage stores;
6. Health and personal care stores;
7. Clothing and clothing accessory stores;
8. Sporting goods, hobby, book, and music stores;
9. General merchandise stores; and
10. Miscellaneous store retailers.

Commercial Stables means the stabling, training, feeding of horses, or the provision of riding facilities for the use of anyone other than the resident of the property. Equestrian trails that are constructed as part of the common open space of a subdivision and intended for the exclusive use of residents of the subdivision are not commercial stables.

Commercial Vehicle means:

1. Any motor vehicle, trailer, or semi-trailer that:

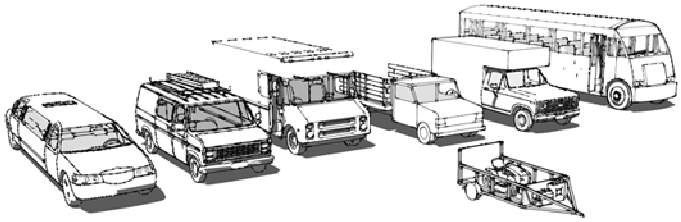
   a. Is designed or used to carry freight, other vehicles, equipment, passengers for a fee, or merchandise in the furtherance of any business enterprise; and

   b. Has a gross weight of more than 10,000 pounds;

2. Any step van or truck that is designed for commercial moving or parcel delivery services;
3. Any truck that is used for retail sales (e.g., ice cream, lunches);
4. Any vehicle with more than four wheels that is used for business purposes;
5. Any trailer that is used to haul machinery, supplies, or equipment for business purposes (horse trailers, boat trailers, motorcycle trailers, RV trailers, and car trailers put to personal use are not included in the definition);

6. Any trailer that is used for commercial hauling (e.g., waste, junk, or lawn clippings), or commercial moving services;
7. Any tracked vehicle used for construction or excavation; and
8. Any vehicle which has permanently mounted outside brackets or holders for ladders, tools, pipes, or other similar equipment, unless such vehicle is used for on-call emergency services contracted by the City of Centennial or other governmental entity.

Illustrative Commercial Vehicles



Commercial Warehousing and Logistics means indoor warehousing, distribution, or logistics facilities; retail distribution centers; order fulfillment centers; and moving and storage services (including full-service moving and storage and indoor storage of shipping containers). The phrase does not include self-storage; warehousing and distribution that are accessory to a light industrial or heavy industrial facility, and parcel service drop-off locations that are not accessory to a parcel service processing facility.

Community and Neighborhood Events includes any of the following:

1. *Garage Sale* means the temporary use of a dwelling unit or residential property to display tangible personal property for sale to the public, where the property that is offered for sale was obtained for the personal use of a resident of the premises. Garage sales are also commonly known as estate sales, yard sales, basement sales, attic sales, and rummage sales.
2. *Public Interest or Special Event* means outdoor gatherings, auctions, art sales, block parties, and bake sales for the benefit of the community at-large, or community service or non-profit organizations (both faith-based and secular). These events may also include, but are not limited to, outdoor concerts, auctions, carnivals, circuses, outdoor meetings, and special entertainment at commercial properties. Such uses are often characterized by frequent travel to various communities and high noise levels, regardless of their purpose.

Community Recycling Bin means a dumpster that is provided in a publicly accessible location to collect mixed recyclable materials from residents of surrounding neighborhoods.

Conditional Letter of Map Revision (CLOMR) means FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modifications of the existing regulatory floodway, the effective Base Flood Elevations ("BFEs"), or the Special Flood Hazard Area ("SFHA"). The letter does not revise an effective National Flood Insurance Program ("NFIP") map, it indicates whether the project, if built as proposed would be recognized by FEMA. Building permits cannot be issued based on a CLOMR.

Once a project has been completed, the community must request a revision ("LOMR") to the Flood Insurance Rate Map ("FIRM") to reflect the project.

Congregate Care means a shared residential living environment for six or more people which integrates shelter and service needs of people who are over the age of 60 and who are in good health and can maintain a semi-independent lifestyle. Residents do not require constant supervision or intensive health care as provided by an assisted living facility or nursing home. Congregate care facilities are designed so that some living or dining areas are shared among residents or available to be shared among residents who also have private facilities for their own use (e.g., common dining facility, common living areas, common kitchens).

Construction, Temporary Buildings, and Storage means any of the following:

1. *Asphalt or Concrete Plant* means a concrete or asphalt batch plant that is assembled on a site for the construction of a particular improvement.
2. *Manufactured Buildings* means a manufactured home that is used temporarily as a classroom, dwelling unit, construction office, or storage unit. The phrase includes shipping containers that are 20 feet or more in length, when they are used to store construction materials. The phrase does not include portable on-demand storage units.
3. *Model Homes and On-site Real Estate Offices* means a dwelling unit that is used as a model to display the layout and finishes of other dwelling units that are or will be available for sale within a subdivision or condominium development. Sales Office means: a dwelling unit within a subdivision that is used as a sales office; a dwelling unit within a condominium that is used as a sales office; or a modular unit used as a sales office for a subdivision or condominium.
4. *Portable Storage Units* are enclosed storage containers that are less than 20 feet in length, which are left at a location for temporary storage on-site, or for filling and moving to another site (which may include an off-site storage facility).

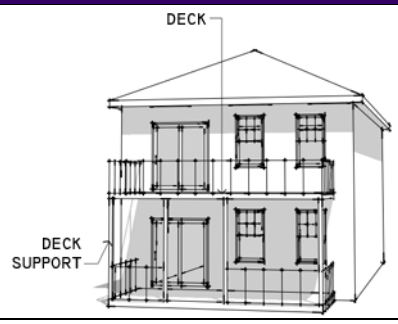
Continuing Care Neighborhood means a mix of residential (any type), assisted living, congregate care, and/or nursing home facilities on the same parcel proposed for development, designed to provide progressively increasing levels of care to residents as their needs for such care increase.

Critical Facilities means structures or facilities that produce, use or store hazardous, flammable, explosive, toxic and/or water-reactive materials, liquids, gases and solids as such are defined in the Uniform Fire Code, but not including retail structures and facilities that only stock and store products containing such substances in factory-sealed containers; hospitals, nursing homes, group homes, residential care facilities, congregate care facilities and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood; schools; daycare facilities; cemeteries; police stations, fire stations, vehicle and equipment storage facilities and emergency operations centers that are needed for flood response activities before, during and after a flood; and public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during and after a flood.

D

Deck means an exterior floor supported on at least two opposing sides by an adjacent structure, and/or posts, piers or other independent supports.

Deck



Developer means any person, firm, partnership, joint venture, limited liability company, association, or corporation who participates as owner, promoter, developer, or agent in the planning, platting, or development of a subdivision or development.

Development as it is used in Division 7-3, *Floodplain Management and Flood Damage Prevention,* means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, minimum dredging, filling, grading, paving, excavation, drilling operations, channel improvements, channel rehabilitation, channel stability projects, flood control projects and stormwater detention facilities located within the area of special flood hazard.

Development Order means any of the orders that authorize development that are enumerated in Section 0-14-203, *Administrative Development Orders*, and Section 0-14-204, *Public Hearing Development Orders*.

Development Plan means a plan of development for which public improvements are required, which may include a site plan, conditional use plan, limited use plan, regulating plan, plat, final development plan ("FDP"), use by special review plan, administrative site plan ("ASP"), subdivision development plan ("SDP"), or other applicable land use plan authorized in this LDC or regulations that applied before the effective date.

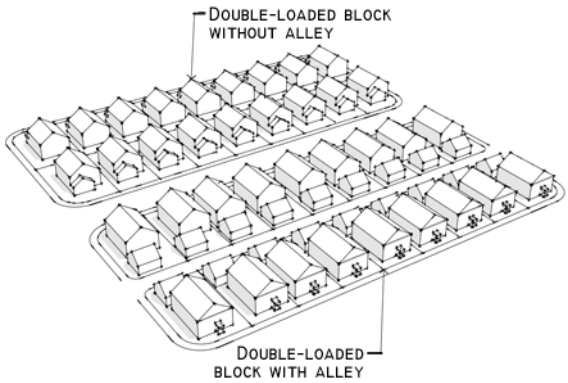
Diameter at Breast Height (DBH) means a measurement of the size of tree that is equal to the diameter of its trunk, measured four and one-half feet above the adjacent natural grade.

Director means the Director of Planning and Development or designee.

Disposal means facilities for the disposal of non-nuclear waste or fill, or the composting of organic wastes. The term includes landfill and composting facility.

Double-Loaded Block means a block that contains two rows of lots that are arranged back-to-back or separated by an alley, where the two rows face streets that are roughly parallel to each other.

Double-Loaded Blocks



Drip-line means a generally circular line, the circumference of which is determined by the outer reaches of a tree's widest branching points.

E

Effective Date means the date that this LDC first became effective: **[INSERT DATE FROM ADOPTING ORDINANCE]**

Elevation, Building, when not referring to the position of the building in three-dimensional space, means the principal vertical planes of the building. Buildings typically have four elevations: a front elevation (or front façade), two side elevations, and a rear elevation.

Encroachment means:

1. Generally:
   a. A building or structure, or part thereof, that is located:
      i. Between a lot line and the nearest required setback line for the building or structure; or
      ii. In an easement which does not allow for the building or structure; or
   b. A part of a building or structure that crosses a lot line:
      i. Into another lot under separate ownership; or
      ii. Onto a right-of-way.
2. As referred to in Division 7-3, *Floodplain Management and Flood Damage Prevention*, an addition to or change to the physical condition of a specified type of flood hazard area that results in the blockage, diversion or displacement of floodwaters.

Equivalent Performance Engineering Basis means that, by using engineering calculations or testing, following commonly accepted engineering practices, all components and subsystems will perform to meet health, safety, and functional requirements to the same extent as required for single family housing units generally.

Existing Building means a building which existed, or for which a building permit was granted, prior to the effective date.

Extraction means uses that involve extraction of minerals and fossil fuels from the ground, including surface and subsurface mining and quarrying facility.

F

Façade means an elevation of a building that provides the principal expression of the building to a street.

Family Child Care Home means a facility for child care in a place of residence of a caregiver, which provides less than twenty-four-hour care for children under the age of eighteen years who are not related to the head of such home. "Family child care home" may include infant-toddler child care homes, large child care homes, experienced provider child care homes, and such other types of family child care homes designated by rules promulgated pursuant to Sec. 26-6-106(2)(p), *Colorado Revised Statutes*.

FEMA means the Federal Emergency Management Agency or successor agency.

Fill means a deposit of materials of any kind placed by artificial means.

Five-Hundred Year Floodplain means the land in a drainageway within a community subject to a two-tenths (0.2) percent or greater chance of flooding in a given year.

Floatable Materials means any material that is not secured in place or completely enclosed in a structure, so that it could float off site during the occurrence of a flood and potentially cause harm to downstream property owners, or that could cause blockage of a culvert, bridge or other drainage facility. This includes, without limitation, lumber, vehicles, boats, equipment, trash dumpsters, tires, drums or other containers, pieces of metal, plastic or any other item or material likely to float.

Flood or **Flooding** means a general and temporary condition of partial or complete inundation of normally dry lands areas from:

1. The overflow of waters; and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Fringe means that portion of the one-hundred-year floodplain between the floodway boundary and the upper limits of the base flood. Sheet flow areas with flood depths of less than one (1) foot are not considered part of the flood fringe. Sheet flow areas with flood depths between one (1) and three (3) feet, inclusive, are part of the flood fringe.

Flood Insurance Rate Map (FIRM) means the official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazard, designated as A Zones, which is applicable to the City of Centennial.

Floodplain or **Flood-Prone Area** means any land area susceptible to being inundated by water from any source (see definition of flooding).

Floodplain Management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention.

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to property and structures subject to flooding which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents in a floodplain area.

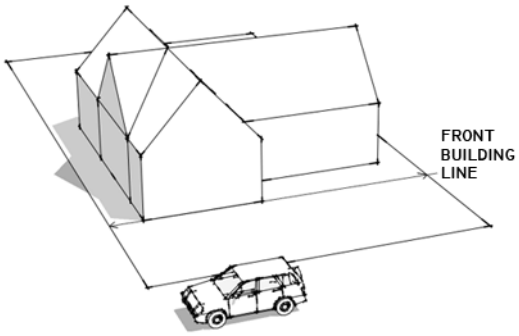
Floodway (Designated Floodway) means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Foster Care Home means a facility that is certified by the Arapahoe County Department of Social Services or a child placement agency for child care in a place of residence of a family or person for the purpose of providing twenty-four-hour family care for a child under the age of eighteen years who is not related to the head of such home, except in the case of relative care. The term includes any foster care home receiving a child for regular twenty-four-hour care and any home receiving a child from any state-operated institution for child care or from any child placement agency, as defined in Title 26, *Human Services Code*, Section 26-6-102(2), *Definitions*, Colorado Revised Statutes.. The phrase "foster care home" also includes those homes licensed by the Department of Human Services that receive neither moneys from the counties nor children placed by the counties.

Freeboard means the elevation above the base flood elevation to which a structure must be elevated, as set forth in the applicable requirements of this LDC.

Front Building Line means a horizontal line across the portion of the primary facade of a building that is closest to the street.

Front Building Line



G

Geothermal Heating and Cooling System means a system of pipes used to heat and cool buildings by exchanging heat with the ground. There are four types of systems:

1. *Vertical loop systems* use pipes that are oriented vertically by insertion into a bore hole that extends deep into the ground.
2. *Horizontal loop systems* use pipes that are oriented horizontally, installed in trenches that are typically five or more feet deep.
3. *Lake loop systems* use pipes that extend into waterbodies, where they exchange heat with the water instead of the ground.
4. *Open loop systems* extract groundwater and then discharge it into a drainage ditch or waterbody.

Group Home means a structure which provides residential, non-institutional housing for a group of six or more unrelated individuals or related and unrelated individuals, where physical assistance and/or other supportive services are provided by professional support persons at least one of whom lives in the residence. A group home shall have no more than twelve residents, inclusive of supervisory personnel, except as otherwise provided in this Code. A group home is further defined as Type A or Type B according to its client population.

Group Home, Type A means a group home serving no more than eight (8) handicapped individuals. A Type A group home may be further defined as follows:

1. *Group Home for Developmentally Disabled Persons*. A state-licensed group home exclusively for the care of persons with developmental disabilities, as defined and regulated by the Colorado Department of Human Services, Division for Developmental Services, and the Colorado Department of Public Health and Environment.
2. *Group Home for Elderly Persons*. A group home of persons sixty (60) years of age or older who do not require medical attention associated with a residential health care facility. Group homes for elderly persons shall be licensed as an assisted living residence or alternative care facility by the Colorado Department of Public Health and Environment.
3. *Group Home for Mentally Ill Persons*. A state-licensed group home exclusively for the care of persons with mental illness, as defined and regulated by the Colorado Department of Public Health and Environment.

Group Home, Type B means a group home that does not meet the definition of a Type A group home whose residents are not handicapped or protected under federal or state fair housing legislation. A Type B Group Home shall also include a Type A Group Home which exceeds eight handicapped residents subject to the provision for reasonable accommodation set forth in Section 0-14-901, *Reasonable Accommodations for Persons with Disabilities*.

H

Hazardous Waste Disposal means any final action to abandon, deposit, inter, or otherwise discard hazardous waste after its use has been achieved or a use is no longer intended or any discharging of hazardous waste into the environment.

Hazardous Waste Disposal Site means all contiguous land, including publicly-owned land, under common ownership which is used for hazardous waste disposal; except that such pharse does not include any site which is in compliance with an approved reclamation plan contained in a permit issued pursuant to Article 32 of Title 34, *Colorado Revised Statutes* or Article 33 of Title 34, *Colorado Revised Statutes*.

Heavy Industry means:

1. Primary processing or manufacturing or repair operations not specifically defined elsewhere in this Section, which involve:
    a. An outside storage area that is larger than the area of the first floor of buildings on the same lot;
    b. A material risk of environmental contamination, explosion, or fire;
    c. Perceptible ground vibration;
    d. Excessive noise or dust;
    e. Emission of objectionable odors; or
    f. More than 12 trips by semi trailer trucks per day; or
2. Processing of minerals (except precious and semi-precious stone cutting for jewelry or precision instruments such as lasers or watches), ores, or fossil fuels; or
3. Industries that are required to undergo New Source Review under the Federal Clean Air Act, or are subject to construction or operation permits pursuant to the Colorado Stationary Sources Program or Title V of the Federal Clean Air Act.
4. For illustrative purposes, heavy industrial uses include, but are not limited to::
    a. Coal cleaning plants with thermal dryers; coke oven batteries; carbon black plants (furnace process); petroleum refineries; petroleum storage and transfer units (except retail gasoline stations); and bulk fuel dealers;
    b. Facilities used in the primary or secondary production of metals (e.g., primary zinc, copper, or lead smelters; primary aluminum ore reduction plants; iron and steel mills; sintering plants; secondary metal production plants; and blacksmith shops);
    c. Portland cement plants;
    d. Sawmills and pulp mills;
    e. Incinerators with the capacity to charge more than 250 tons of refuse per day;
    f. Lime plants; phosphate rock processing plants; sulfur recovery plants; and hydrofluoric, sulferic, or nitric acid plants;

g. Fossil fuel combustion (boilers or electricity generation) totaling more than 250 million BTUs per hour of heat input;

h. Fabrication of building materials such as countertops, drywall, and cut stone;

i. Fabrication of vehicles, manufacturing equipment, durable goods, or pre-fabricated homes or home components;

j. Auto or marine body, paint, or upholstery shops;

k. Drycleaner processing plants that use PERC or comparable petrochemical solvents;

l. Meat or seafood processing plants;

m. Manufacture of glass products (e.g., window panes, bottles and jars), except hand-blown products;

n. Manufacture of plastic products (except assembly of parts that are manufactured elsewhere);

o. Plasma arc welding, cutting, gouging, surfacing, or spraying; gas welding (but not brazing); arc welding with equipment that is rated at more than 200 amps; TIG welding; and other heavy welding procedures (e.g., for structural steel, automotive body, or heavy equipment manufacture or repair);

p. Hot mix asphalt plants;

q. Regional wastewater utilities;

r. Fossil fuel power plants, waste-to-energy plants, and biomass plants that produce more than 100 megawatts of electricity;

s. Fossil fuel peaker power plants.

Heavy Retail means retail and/or service activities that have regular outside service or outside storage areas, exceptionally large floor areas, or partially enclosed structures, as listed below:

1. Permanent retail operations that are located outside of enclosed buildings, except nurseries;
2. Home centers;
3. Lumber and other building materials;
4. Lawn, garden equipment, and related supplies stores;
5. Warehouse clubs and super stores;
6. Recreational equipment rental where the equipment is stored outside;
7. Heavy truck or recreational vehicle leasing or sales;
8. Manufactured home sales; and
9. Industrial or construction equipment leasing or sales.

Helistop means an area used for the take-off and landing of private helicopters for the purpose of picking up and discharging of passengers or cargo. The use of the helistop is restricted to specific

users or purposes (*e.g.*, tenants of a corporate park; a hospital trauma center; etc.), and the term does not include facilities for general helicopter aviation use.

Highest Adjacent Grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure as used in Division 7-3, *Floodplain Management and Flood Damage Prevention,* means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities which historic preservation programs that have been certified either:
    a. An approved state program as determined by the Secretary of the Interior; or
    b. Directly by the Secretary of the Interior in states without approved programs.

Home-Based Business means any business, occupation or activity conducted for financial gain from within a dwelling unit where such use is incidental and accessory to the use of the building as a residence by the person engaged in the home-based business. The phrase "home-based business" does not include the phrases "family child care home" or "respite care facility."

Hospitals / Clinics / Medical Labs means hospitals, walk-in clinics, birthing centers, and medical laboratories, including general medical and surgical hospitals and specialty hospitals. The term “hospitals” does not mean alcoholism or drug rehabilitation facilities, nor does it mean medical offices where patients are generally seen by appointment.

I

Impact Vibration means a vibration occurring no more than eight times in a 24-hour period with a minimum separation of one minute.

Impacts means a change in the extent or elevation of the floodplain by development.

Institutional Residential means institutional housing combined with common food service, nursing, counseling, health care, or comparable services, but does not include assisted living facilities, congregate care, nursing homes, or continuing care neighborhoods. The phrase "institutional residential" includes:

1. Facilities, other than group homes, in which residents live in an institutional environment and are, generally, under the care or control of staff;

2. In-patient drug and alcoholism hospitals and rehabilitation centers, in which residents have institutional care, or are treated by staff in an institutional setting, rather than living independently; and
3. Any sheltered care, group care, group home, or residential substance abuse facility with more than eight total occupants.

Intensive Agriculture means:

1. Concentrated animal feeding operations ("CAFOs") of any size, as defined by 40 C.F.R. § 122.23, *Concentrated Animal Feeding Operations*;
2. Concentrated aquatic animal production facilities, as defined by 40 C.F.R. § 122.24, *Concentrated Aquatic Animal Production Facilities*;
3. Any use where animals are tightly confined in buildings or outdoor pens or pastures with more than one animal equivalent unit per acre, including feedlots, hog farms, and poultry operations; or
4. Any other agricultural use that is required to obtain a discharge permit under the Federal Clean Water Act because of animal or poultry wastes.

J

K

Kennel means any premises where any combination of dogs, cats or other household pets, totaling four (4) or more animals, six (6) months of age or older, are kept, boarded or bred for the intention of profit.

L

Letter of Map Amendment (LOMA) means a letter from FEMA officially revising the effective National Flood Insurance Rate Map, which establishes that a property is not located in a FEMA SFHA.

Letter of Map Amendment Based on Fill (LOMA-F) means a letter from FEMA stating that a structure or parcel of land that has been elevated by fill would not be inundated by the base flood.

Letter of Map Change (LOMC) means all letters of SFHA changes from FEMA including LOMR, LOMR-F, LOMAs and Physical Map Revisions (PMR).

Letter of Map Revision (LOMR) means a letter from FEMA officially revising the effective National Flood Insurance Rate Map to show changes in zones, delineation and flood elevation of floodplains and floodways.

Light Automobile Service / Gas Station means:

1. Gasoline service stations (including gasoline service stations that are associated with grocery stores and warehouse clubs);

2. Gasoline convenience marts (a gasoline service station with a convenience store);
3. Quick service oil, tune-up, brake, and muffler shops in which:
   a. Repairs are made in fully enclosed bays;
   b. Repairs are of a type that is typically completed in less than two hours (e.g., oil changes, brake service, tire rotation and balancing, glass repair, tire replacement, fluid checks and replacement, muffler service, spark plug replacement, and comparable services); and
   c. Vehicles are generally not stored on-site, and on the occasion when overnight storage is necessary, vehicles are stored indoors; or
4. Any combination of 1., 2., or 3., above.

Light Industry and Wholesale means uses that involve research and development, assembly, compounding, packaging, testing, or treatment of products from previously prepared materials, with limited outside storage and limited external impacts or risks; or wholesale uses; or rental or sale of large items that are stored outside. For illustrative purposes, light industry and wholesale uses include:

1. Assembly, testing, or refurbishing of products, instruments, electronics, office and computing machines, and fixtures from pre-manufactured components;
2. Offices of general contractors, specialty subcontractors, or tradesmen which include:
   a. Bay door access to indoor storage of tools, parts, and materials;
   b. Parking of commercial vehicles; or
   c. Outdoor storage areas that are smaller than the area of the first floor of the building that are used for storage of materials or vehicles that are less than 12 feet in height.
3. Communications facilities, except wireless telecommunications facilities;
4. Data centers, server farms, telephone exchange buildings, and telecom hotels;
5. Food production and packaging other than meat and seafood processing and restaurants;
6. Furniture making or refinishing;
7. Manufacture of textiles or apparel;
8. Screen printing of apparel;
9. Printing and publishing, except copy centers (which are commercial and personal services), and except printing presses that require a Stationary Source permit or Title V permit for air emissions (which are heavy industry);
10. Wholesale trade, durable and non-durable, except:
    a. Farm products;
    b. Combustible or hazardous materials, and
    c. Wholesale clubs that are open to the public for membership;

11. Research and development, scientific testing, and product testing;
12. Disassembly of consumer electronics and / or appliances into component parts, where all operations and storage are within an enclosed building;
13. Manufacture or compounding of pharmaceutical products, dietary supplements, health and beauty products, and herbal products; and
14. Packaging of products.

Live-Work Unit means a dwelling unit that provides space that is designed for one or more commercial uses that are permitted in the zoning district. Access between the dwelling unit and the commercial space is provided within the unit.

Lot means a parcel of land whose boundaries have been established by a legal instrument such as a recorded deed, court order, or a recorded plat, which is recognized as a separate legal entity for purposes of transfer of title.

Lot Line means a line, including property line or a lease line, dividing one lot from another or from a street or other public place. There are four types of lot lines: front, rear, side, and street:

1. *Front lot line* means the lot line that follows the street right-of-way line of the street from which the lot takes access; or, where more than one street yard could safely provide this access, the street from which the address is assigned.
2. *Rear lot line* means the lot line opposite the front lot line.
3. *Side lot line* means the lot line that runs generally perpendicular or at angles to the street or any line that is not a front, street, or rear lot line.
4. *Street side lot line* means any side lot line that is also a street right-of-way line.

Lowest Floor means the lowest floor of the lowest enclosed area of a building (including any basement or crawlspace). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Division 7-3, *Floodplain Management and Flood Damage Prevention*.

M

Major Electrical or Natural Gas Facilities means one or more of the following:

1. Electrical generating facilities;
2. Substations used for switching, regulating, transforming, or otherwise modifying the characteristics of electricity;
3. Transmission lines operated at a nominal voltage of sixty-nine thousand volts or above;
4. Structures and equipment associated with such electrical generating facilities, substations, or transmission lines; or

5. Structures and equipment utilized for the local distribution of natural gas service including, but not limited to, compressors, gas mains, and gas laterals.

Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For purposes of Division 7-3, *Floodplain Management and Flood Damage Prevention* only, this term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured Home Park or Subdivision means a parcel of land that is divided into two or more lots for long-term lease or sale, with infrastructure designed for the installation of manufactured homes.

Mixed Housing Cluster means a residential development that consists of a variety of lot sizes and more than one housing type.

Mixed Use means development in which a combination of residential and commercial uses (*e.g.*, residential-over-retail), or several classifications of commercial uses (*e.g.*, office and retail), are located on the same parcel proposed for development.

Multifamily means:

1. Buildings that contain three or more dwelling units that:
   a. Are accessed by from interior elevators or hallways, or from individual exterior entrances; and
   b. Are separated by interior walls and/or floors.
2. Multifamily does not include boarding houses, dormitories, fraternities, sororities, bed and breakfast establishments, single-family attached, or hotels and motels.

N

New Construction means structures for which the start of construction commenced on or after the effective date of Division 7-3, *Floodplain Management and Flood Damage Prevention*.

No Rise means a calculated rise in flood depth of 0.00 feet as rounded to the nearest one-tenth (0.1) of a foot.

Nonstructural Development means any use of property that does not involve a structure. Nonstructural development may include, but is not limited to, the construction or installation of or use of a property for parking lots, utilities, detention ponds, fences, trails, pathways, outdoor storage, cultivation of vegetation or placement of fill.

Non-Substantial Improvements means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which is less than 50 percent of the market value of the structure before the start of construction of the improvement. This phrase includes structures which have incurred Substantial Damage, regardless of the actual repair work performed. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or

not that alteration affects the external dimensions of the structure. The phrase does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

North American Industrial Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. As of the effective date of this LDC, NAICS lookup tables were available from the U.S. Census Bureau web site at http://www.census.gov/cgi-bin/sssd/naics/naicsrch?chart=2007.

Nude Model Studio means any place where a person who appears semi-nude, in a state of nudity, or who displays specified anatomical areas, is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. Nude Model Studio does not include a proprietary school licensed by the State of Colorado or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or a business in a structure:

1. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
2. Where in order to participate in a class a student must enroll at least three days in advance of the class; and
3. Where no more than one nude or semi-nude model is on the premises at any one time.

(Ord. 2005-O-28)

Nudity Or State Of Nudity means the appearance or display of specified anatomical areas.

(Ord. 2005-O-28)

Nursery or Greenhouse (Wholesale or Retail) means an enterprise that conducts the retail and / or wholesale sale of plants grown on the premises. The terms also include, as an accessory use, the sale of a limited selection of items (*e.g.*, soil, planters, pruners, mulch, lawn or patio furniture, garden accessories, etc., but not power equipment) that are directly related to the care and maintenance of landscapes.

Nursing Home means a residential facility, licensed according to the requirements of Sec. 25-1.5-103, *Colorado Revised Statutes*, that is maintained primarily for the care and treatment of inpatients under the direction of a physician. The patients in such a facility require supportive, therapeutic, or compensating services and the availability of a licensed nurse for observation or treatment on a twenty-four-hour basis. Nursing care may include but is not limited to terminal care; extensive assistance or therapy in the activities of daily living; continual direction, supervision, or therapy; extensive assistance or therapy for loss of mobility; nursing assessment and services which involve assessment of the total needs of the patient, planning of patient care, and observing, monitoring,

and recording the patient's response to treatment; and monitoring, observing, and evaluating the drug regimen. "Nursing home" includes intermediate nursing facilities for the mentally retarded or developmentally disabled.

O

Obstruction means any physical barrier, structure, material or impediment in, along, across or projecting into a watercourse that may alter, impede, retard or change the direction or velocity of the flow of water, or that may, due to its location, have a propensity to snare or collect debris carried by the flow of water or to be carried downstream. Obstruction shall include, but not be limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, and vegetation in, along, across or projecting into a watercourse.

Office means uses in which professional, outpatient medical, or financial services are provided. The term includes:

1. Accounting, auditing and bookkeeping;
2. Advertising and graphic design;
3. Architectural, engineering, and surveying services;
4. Attorneys and court reporters;
5. Banks, mortgage companies; and financial services;
6. Call centers;
7. Computer programming;
8. Corporate headquarters;
9. Counseling services;
10. Data processing and word processing services;
11. Detective agencies;
12. Government offices;
13. Insurance;
14. Interior design;
15. Medical, dental, and chiropractic offices;
16. Real estate sales;
17. Research and development that does not include on-site manufacturing;
18. Retail catalog, internet, and telephone order processing, but not warehousing; and
19. Virtual office services.

One-Hundred Year Floodplain means the land in a drainageway subject to a one-percent or greater chance of flooding in a given year, whether designated as such by FEMA or by the City.

P

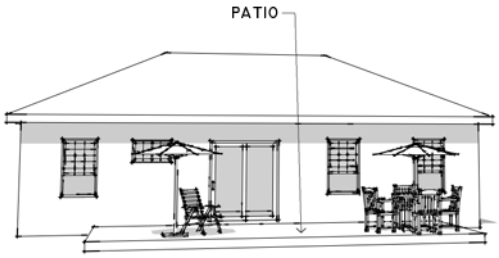
Parcel Proposed for Development means any legally described parcel of land which is designated by the owner or developer as land to be used or developed as a single unit, or which has been developed as a unit as determined by the Director.

Parking (Stand-Alone Lot) and Transit Facilities means:

1. Parking that is not accessory to a specific use, where a fee is typically charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Parking Facility. This includes small structures intended to shield attendants from the weather.
2. Terminals used for the ticketing, loading, and unloading of bus or train passengers. Food and beverage sales conducted during normal terminal operations are included as accessory uses.

Patio means a hardscaped ground level area, usually (but not necessarily) paved with concrete, that adjoins a home and is designed for use as an area for outdoor lounging, dining, or other comparable leisure activities.

Patio



Person means any individual, partnership, corporation, joint stock association, trustee, receiver, assignee, or personal representative thereof. It also includes any city or state or any subdivision thereof to the extent that the City of Centennial has jurisdiction over their activities that are within the scope of this LDC.

Personal Services means a use that provides non-medical services that generally used on a recurring basis, and generally require one-to-one interaction between the proprietor or employee and the customer in order to provide the service. Examples of personal services include beauty and barber shops and tailoring. The phrase does not include "professional services, instruction, or counseling."

Photovoltaic Array (also called "PV Arrays" or "Solar Arrays") means an array of solar cells that convert energy from sunlight directly into electricity.

Place of Public Assembly means a place where the people assemble for civic, educational, cultural, or day care purposes. This use includes the following:

1. Places of worship; theaters; conference centers;

2. Cultural or arts centers; museums; and aquariums;
3. Libraries;
4. Pre-schools;
5. Elementary, middle, and high schools;
6. Adult day care; and
7. Child care centers.

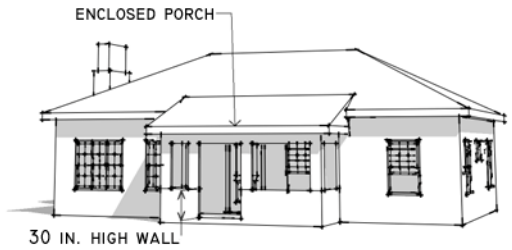
Plant Select® List means a list of plants generated by Plant Select, a cooperative program administered by Denver Botanic Gardens and Colorado State University in concert with horticulturists and nurseries throughout the Rocky Mountain region and beyond. The purpose of Plant Select is to seek out, identify and distribute the best plants for landscapes and gardens from the intermountain region to the high plains. *See* www.plantselect.org.

Plat means the document, consistent with the exhibit specification in Appendix B, *Forms*, that is approved as a Standard Subdivision, Minor Subdivision, Replat, Plat or Road Vacation, or Subdivision Exemption.

Police or Fire Stations means police stations or fire stations, including substations of each. The phrase "police or fire stations" does not include training facilities of a different character than the station, such as shooting ranges or fire training centers that conduct live burns.

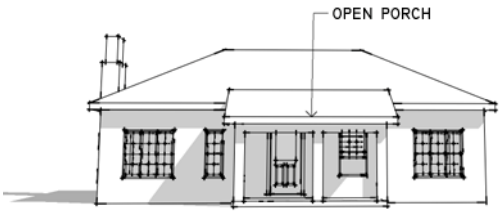
Porch, Enclosed means a covered entrance to a building or structure which is enclosed by walls or windows. Porches generally project out from the main wall of the building, and may have a separate roof or a roof that is integrated with the building to which it is attached. This definition includes porches that are enclosed by solid walls that are at least 30 inches in height, used in conjunction with or instead of balustrades or railings.

Enclosed Porch



Porch, Open means a covered entrance to a building or structure which is not enclosed by walls or windows, but may have columns that support the porch roof and railing. Porches generally project out from the main wall of the building, and may have a separate roof or a roof that is integrated with the building to which it is attached.

Open Porch



Post Office means a facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

Private Club means organizations or associations of persons for some common purpose, such as a fraternal, social, educational or recreational purpose, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business. Examples of private clubs include (but are not limited to) 4-H Clubs, veterans organizations, Boy Scout and Girl Scout facilities, Elks Lodges, YMCA, YWCA, private community clubhouses, golf clubhouses, and fraternities and sororities that do not include residential facilities. The phrase "private club" does not include organizations with a principal purpose of serving alcoholic beverages to its members or others.

Private Improvement means any improvement required by the a development plan which is not deemed by the City to be a public improvement.

Professional Services, Instruction, or Counseling means services that principally involve communication between the proprietor or employee and the client, and which may involve services to more than one client at a time by a single proprietor or employee, including music instruction, yoga instruction, dance instruction, martial arts instruction, marriage counseling, and financial planning. The phrase does not include "personal services."

Protective Care means housing where the residents are assigned to the facility and are under the protective care of the county, state, or federal government. This use includes: jails or prisons; work release; psychiatric hospitals; and comparable facilities.

Public Improvement means any on-site or off-site roadways, water lines, sewer lines, stormwater facilities, open space, landscaping, street lighting, street furniture, traffic control devices, sidewalks, trails, transportation improvements, parking areas and similar infrastructure and related improvements to be constructed and dedicated for public use, or otherwise providing a public benefit and made available for public use by easement, license or other form of agreement.

Q

R

Reconstruction means to rebuild a structure without increasing its footprint, when the structure has been:

1. Partially or completely destroyed by any cause (i.e., fire, wind, flood), or
2. Partially or completely torn down.

Reconstruction that also meets the definition of redevelopment shall be regulated as redevelopment.

Recreation, Indoor means uses that provide recreation opportunities indoors for the public (open to the community) or residents of a subdivision or development, which are not commercial in nature. Specifically excluded from the definition are health and exercise clubs and commercial amusement uses. The phrase "recreation, indoor" includes:

1. Community recreation centers;
2. Gymnasiums;
3. Indoor swimming pools; or
4. Tennis, racquetball, or handball courts.

Recreation, Outdoor means uses that provide recreation opportunities outdoors for the public (open to the community) or residents of a subdivision or development, which are not commercial in nature (except for golf courses, which may be commercial in nature). The phrase "recreation, outdoor" includes public areas for active or passive recreational activities including, but not limited to:

1. Jogging, cycling, tot-lots, playing fields, playgrounds, outdoor swimming pools, and tennis courts;
2. Golf courses (regardless of ownership or membership);
3. Arboretums, wildlife sanctuaries, forests, and other natural areas which may be used for walking or hiking; or
4. Other passive recreation-oriented parks, including picnic areas, and garden plots.

Recreational Facilities means facilities or equipment that are used for private or public recreational or natural resource purposes that have a relatively low flood damage potential and do not involve a structure. This includes, without limitation: bicycle, equestrian or pedestrian trails and paths; benches; ball fields; tennis and basketball courts; interpretive facilities; and golf courses.

Recreational Vehicle means a vehicle which is:

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

Recycling and Salvage means any land or structure used for collection, sorting, aggregation, and re-sale (or transfer) of recyclable materials or for the aggregate storage of inoperable man-made equipment, machinery, scrap, or other used or discarded materials having a total cubic volume of at

least 700 cubic feet, for the purposes of recycling, re-using, or re-selling components. The phrase does not include "waste transfer stations," (even if they include a separate space for collection of recyclable materials), and does not include facilities where the materials are actually recycled into raw materials (such uses are typically heavy industry), but does include:

1. Recycling centers;
2. Composting facilities;
3. Vehicle recycling or scrap metal processing; and
4. Collection, dismantlement, storage, and salvage of inoperable vehicles, boats, trucks, farm vehicles or equipment, or other types of heavy machinery.

Recycling Center means a facility or land use, regardless of name or title, at which recoverable resources, such as newspapers, magazines, glass, metal, plastic materials, tires, grass and leaves, and similar items, except hazardous waste and medical waste are collected, cleaned, sorted, stored, flattened, shredded, dismantled, crushed, bundled, or separated by size, grade, quality, or type, and compacted, baled, or packaged for shipment or delivery for the eventual manufacture of new products.

Redevelopment means any of the following:

1. The complete demolition of a principal building, followed by the construction of a new building which occupies a different footprint than the original principal building; or
2. The destruction of a principal building to an extent that is equal to or greater than 50 percent of its assessed value, followed by reconstruction and repurposing of the building for a type of use for which the original building was not designed; or
3. Expansion of a principal building by more than 50 percent of its floor area.

Regional Improvement means an improvement, facility, network or system that exists, is planned, or is designed, primarily to benefit or to serve more than a single subdivision or development, including the future occupants of a parcel proposed for development. Examples of regional improvements include, but are not limited to: traffic signals; major intersection improvements; utilities; arterial road infrastructure and related facilities; street infrastructure serving public facilities (such as schools, parks, libraries, and government offices); bridges; parks; schools; libraries; and public transportation facilities. Regional improvements do not include funding for operation of services or facilities.

Registered Neighborhood means a property owners' association, homeowners' association, civic association, condominium association, or other organized group with membership that is generally coterminous with one or more neighborhood boundaries, which is registered with the City to review threshold applications for development approval within its notice radius (*see* Section 0-14-304, *Threshold Review*) pursuant to the registration process set out in Section 0-13-109, *Centennial Council of Neighborhoods and Neighborhood Associations*.

Respite Care Home means a facility for temporary eldercare or temporary care or supervision of up to four people with developmental disabilities, physical disabilities, or non-violent mental illness, which is provided to relieve the individuals' family or caregiver when they are temporarily unable or unavailable to provide needed care.

Restaurant, Drive-In or Drive-Through means a restaurant located either within a retail center, or situated on its own freestanding pad, which:

1. Contains a drive-in or drive-through facility;
2. Primarily serves food that is prepared and packaged within five minutes; and
3. Customarily serves food in disposable containers.

Restaurant, No Drive-In or Drive-Through means an establishment that serves prepared meals to customers for consumption on-site or off-site, but does not include drive-in or drive-through facilities (but may include designated parking spaces for "curbside pickup" of food ordered in advance if the curbside pickup is a clearly subordinate function to the restaurant's operations), and includes:

1. Full-service restaurants;
2. Limited-service eating facilities; and
3. Special foodservices.

Reverse Vending Machine means a device that accepts used (empty) recyclable glass, plastic, and / or metal beverage containers, and returns money to the user (the reverse of the typical vending cycle).

S

Self-Storage Facility means an establishment that offers for rental, lease, or ownership of individual bays that are intended for the storage, warehousing, or safe-keeping of goods or possessions, regardless of the duration of such storage, warehousing, or safe-keeping.

Semi-Nude means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel, provided the areola is not exposed in whole or in part.

(Ord. 2005-O-28)

Services, used alone, means commercial services, personal services, and professional services.

Services, Commercial means non-medical services that are, typically provided to the general public without the requirement of an appointment or membership, such as:

1. Copy centers;
2. Social services, except those defined elsewhere in this LDC;
3. Repair services and shops, except automobile, truck, large appliance, and heavy equipment repair;
4. Parcel service drop-off locations and mailbox services; and

5. Laundry and dry-cleaning services with customer pick-up and drop-off (does not include wholesale or centralized dry cleaner processing plants).

Services, Personal means non-medical services related to physical activity/health or hygene, or sewing or alteration of clothing items (but not shoes), as follows:

1. Health clubs, exercise studios, sports instruction, swimming instruction, martial arts schools, yoga studios, or dance instruction studios;
2. Nail salons, beauty and barber shops, skin care, tanning salons, and day spas; and
3. Tailoring.

Services, Professional means non-medical services related to education, law, or finance, including:

1. Counseling;
2. Accounting;
3. Law;
4. Music instruction; and
5. Tutoring.

Setback means a minimum distance that is required from a lot line to a building, structure, or sign, as the context requires. Setbacks are measured as provided in Section 0-3-202, *Setbacks*.

Sexual Encounter Center means a business or commercial establishment or private club that offers, for the purpose of sexual arousal, pleasure, gratification, or abuse, for any form of consideration, a place where two or more persons may congregate, associate, or consort and observe, view, participate, or engage in specified sexual activities or expose specified anatomical areas.

(Ord. 2005-O-28)

Sexually Oriented Business means an adult arcade, adult bookstore, adult cabaret, adult novelty store, adult video store, nude model studio, adult motel, adult motion picture theater, or sexual encounter center.

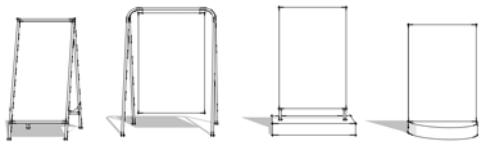
Shallow Flooding Areas (AO or AH Zones) means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Shrub means:

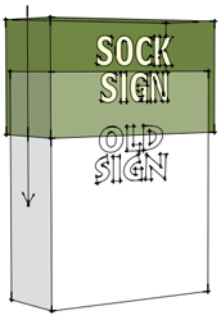
1. A woody plant of less size than a tree, and usually with several stems from the same root;
2. Perennial plants that reach at least three feet in height; and
3. Ornamental grasses that reach at least three feet in height.

Sign, Portable means a sign that is designed to be easily moved from one location to another, and when placed, is neither fastened to a permanent structure or building, nor mounted in the ground. Portable signs include signs mounted on trailers, wheeled carriers, or frames that are designed to be placed onto a surface without being secured to it.

Sign, Sidewalk means a type of portable sign that is intended to be placed on a hard surface, most commonly a sidewalk. These signs include A-frame signs, signs that are suspended from the top member of an A-frame, signs with weighted bases, and comparable signs. See *Illustrative Sidewalk Signs*, below.

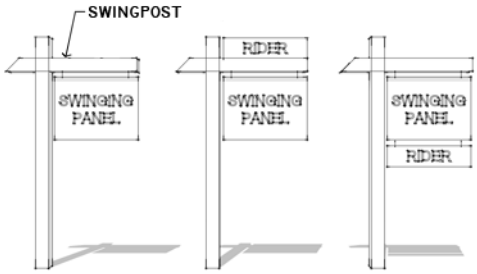
Illustrative Sidewalk Signs


Sign, Sock means a temporary sign constructed of flexible material, designed to fit over a permanent sign face or mount. Sock signs are typically installed while a new permanent sign is being designed and fabricated.

Sock Sign
The sock sign below is shown is not shown fully installed in order to illustrate how it will cover up the old sign when installation is complete.


Sign, Swing means a sign that is suspended from a horizontal support (a swingpost) that is attached to a vertical support mounted in the ground. A swing sign may also include riders. See *Illustrative Swing Signs*, below

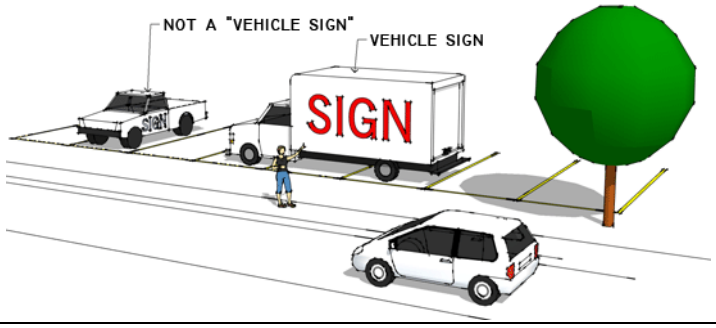
Illustrative Swing Signs



Sign, Vehicle means a sign attached to or painted on a vehicle parked and visible from the public right-of-way, unless said vehicle is used for transporting people or materials in the normal operations of the business and it is properly parking in a designated parking space. Signs attached to trailers or inoperable vehicles are presumed to be vehicle signs if they are parked in plain view from the right-of-way. Bumper stickers are not vehicle signs.

Vehicle Sign

In the illustration below, the sign on the pickup truck is not a "vehicle sign," because the pickup truck is operable and properly parked in a parking space. The sign on the delivery truck is a "vehicle sign" because the truck is parked across parking spaces adjacent to the right-of-way, and the intent to use the position of the truck to display the sign is presumed.



Single-Family (also called "Single-Family Detached") means dwelling units that are:

1. Located in individual buildings that are constructed on:
   a. Individual lots; or
   b. Land that is designated as a limited common element in a declaration of condominium;
2. Separated from each other by outside walls; and
3. Intended for the use of a single housekeeping unit.

Single-Family Attached means:

1. Two or more dwelling units that are designed so that individual units have individual ground-floor access and are separated from each other by unpierced common walls from foundation to roof (e.g., side-by-side duplexes and all types of townhomes); or
2. Two dwelling units that are designed so that individual units:

a. May or may not have individual exterior doors, but provide no direct access between the first floor and second floor unit (access may be through a common interior foyer that provides access to both units or through separate exterior doors); and

b. Are separated from each other by a floor (e.g., over-under duplexes).

Single-Family Cluster means a development of single-family detached dwelling units that are arranged to provide common open spaces, sized according to minimum open space ratios that are established by this LDC.

Site Specific Development Plan means an approved plan of development or development agreement for which a specific grant of a period of vested development rights has also been approved pursuant to Section 0-14-606, *Vested Property Rights*. The phrase "site specific development plan" is not a further specification of the phrase "development plan" as defined by this LDC.

Specified Anatomical Areas means and includes any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(Ord. 2005-O-28)

Specified Criminal Act means any offense which is included in the definition of "unlawful sexual behavior" under Section 16-22-102, C.R.S., *Sex Offender-Definitions*, or any offense committed in another state that, if committed in the State of Colorado, would constitute an offense involving unlawful sexual behavior, or any offense that has a factual basis of one of the offenses specified in the definition of "unlawful sexual behavior." Specified criminal act also includes any offense involving soliciting for prostitution, prostitution, patronizing a prostitute, pandering, pimping, public indecency, or the distribution or possession of obscene materials.

(Ord. 2005-O-28)

Special Flood Hazard Area (SFHA) means the land in the floodplain subject to one percent or greater change of flooding in any given year. It is the land area covered by the floodwaters of the base flood on the National Flood Insurance Rate maps. The SFHA is the area where the National Flood Insurance Program's floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies. The SFHA includes Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE, and V.

Specified Sexual Activities means and includes any of the following:

1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;

2. Sex acts, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy;

3. Flagellation, mutilation or torture for purposes of sexual arousal, gratification, pleasure, or abuse;

4. Human genitals in a state of sexual stimulation, arousal, or tumescence; or
5. Excretory functions as part of or in connection with any of the activities set forth in list items 1 through 4 of this definition.

(Ord. 2005-O-28)

Start of Construction includes Substantial Improvement, and means the date the building permit or GESC permit was issued. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Storage Yard means outdoor storage of operable equipment and building or infrastructure construction materials for off-site projects. Storage yard does not include outdoor storage areas that are associated with an on-site heavy industrial use.

Structure means:

1. In general, anything constructed or erected, the use of which requires its permanent location on the ground (or its attachment to something having a permanent location on the ground), including but not limited to: garden walls, fences, signs, kiosks, or similar uses. The term "structure" does not include the word "building" unless the context clearly indicates otherwise, or if the word appears in Division 7-3, *Floodplain Management and Flood Damage Prevention*.
2. As used in Division 7-3, *Floodplain Management and Flood Damage Prevention* (only), means a walled and roofed building or manufactured home that is principally above ground.

Subdivider means any person who causes:

1. A parcel of land to be subdivided into two or more lots;
2. A single lot to be created from two or more lots; or
3. A modification to the configuration of lots, easements, servitudes, or rights-of-way on an approved plat.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the Start of Construction of the improvement. This phrase includes structures which have incurred Substantial Damage, regardless of the actual repair work performed. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or

not that alteration affects the external dimensions of the structure. The phrase does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

T

Traditional Neighborhood Development means development that consists of a variety of residential lot sizes and more than one housing type, along with neighborhood supportive nonresidential development, designed so that its internal streets tend to give equal or greater dignity to the pedestrian compared to the automobile.

Turning Radius means the radius (distance from center to edge) measurement of the smallest circle a vehicle can make while turning.

U

Unduly means improperly or unjustly. As used in Section 0-7-202, *Use of Special Flood Hazard Areas (SFHA), Flood Fringe, and Floodways*, subsection D-1, *Performance Standards for Use of Floodplains and Floodways*, "unduly" is used to mean that floodplain use shall not improperly or unjustly restrict the capacity of any channels or floodways.

Utilities, Community means a water or wastewater facility that is designed to provide services to more than one square mile of land area; and the generation of not more than 500kW of electricity using wind energy conversion systems or ground-mounted photovoltaic arrays. The phrase "utilities, community" does not include the production of electricity using fossil, biomass, waste, or nuclear fuels, nor the storage of natural gas.

Utilities, Neighborhood means water or wastewater facility that serves an area of one square mile or less (but not individual water wells or individual sewage disposal systems); utility substations or lift stations; local utility distribution or collection facilities, including electric, gas, telephone, water, sewer, and stormwater; and the generation of not more than 250kW of electricity using wind energy conversion systems or ground-mounted photovoltaic arrays. The phrase “utilities, neighborhood” does not include the production of electricity using fossil, biomass, waste, or nuclear fuels, nor the storage of natural gas.

Utility Pole means a pole from which utility service lines (*e.g.*, lines for electricity or communications services) are suspended, or through which they are transitioned from above-ground installations to underground installations, and / or to which street lighting, traffic signals, or civil defense speakers are attached. The phrase "utility pole" includes guy wires and all other components that are necessary for the use and structural support of the utility pole.

V

Vehicle Sales, Rental, and Service means uses that sell, rent and perform service on automobiles, light trucks, boats, and motorcycles, where the inventory is stored for any length of time on-site. The phrase does not include auto body (*e.g.*, collision repair), paint or upholstery services.

Vehicle Wash means any area or business using self-service, in-bay automatic, or conveyor equipment for cleaning and washing motor vehicles, whether as a part of another business operation (*e.g.*, as an accessory use to light automobile service / gas station or vehicle sales, rental, and service), or as a stand alone operation, of any type, on a commercial basis. The definition includes fleet and municipal in-bay automatic and conveyor vehicle wash facilities.

Vested Property Right means the right to undertake and complete the development and use of property under the express terms and conditions of a site specific development plan.

Veterinarian (Dogs, Cats, Exotic Pets) means veterinary clinics and hospitals that provide care for small domestic animals. The term does not include large animal and livestock veterinarians, which are classified as agricultural support and other rural services.

Veterinarian (Horses and Other Livestock) means an animal hospital or clinic that provides services for horses and other livestock.

Vibration means rapidly fluctuating motions in which an object moves in equal distances from its initial starting point, so that there generally is no “net” movement.

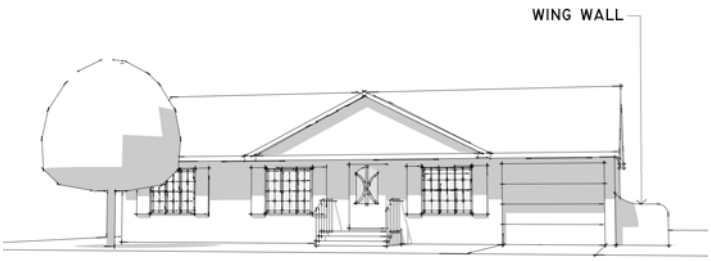
W

Waste Transfer Station means the use of land or a facility, regardless of name or title, to unload waste of any kind or type from vehicles, and, with or without intermediate processing such as compaction, sorting, or shredding, subsequently re-load the waste onto other vehicles for delivery to another transfer site, storage site, or disposal site. The phrase "waste transfer station" includes a facility for drop-off of recyclable materials (*e.g.*, waste paper, motor oil, scrap metal, polystyrene foam, porcelain, batteries, electronic components, textiles, plastics, discarded shoes, cardboard, and other discarded household materials), where the materials are sorted, temporarily stored, and then shipped in bulk to other locations for processing. The phrase "waste transfer station" does not include a wastewater treatment facility.

Water Surface Elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Wing Wall means a non-structural wall that extends from the wall of a building, often used for screening a portion of the side yard of a building. See Illustration, Wing Wall.

Wing Wall



Wireless Telecommunications Facilities / CMRS means radio or television broadcasting towers, telecommunications towers, and antenna arrays (free-standing or tower mounted). The phrase does not include residential satellite dishes, TV or HDTV antennae, or amateur radio antennae.

Works as used in Division 7-3, *Floodplain Management and Flood Damage Prevention* means structures in engineering (such as bridges, docks, or embankments) intended for watershed protection and similar uses.

X

Y

Yard means the area between a lot line and a building. Yards are designated by the lot line to which they relate (*e.g.*, an interior side yard is located between the interior side lot line and the building).

Z

Zoning Map refers to the *Official Zoning Map*, adopted pursuant to Section 0-2-203, *Official Zoning Map*.

Appendix A Plant Lists

Approved Plant Lists

A. **Approved Tree List.** Table A-1, *Approved Tree List,* sets out the trees that may be used to satisfy the landscaping requirements of Article 8, *Development Landscaping and Tree Protection*.

Table A-1
Approved Tree List

Botanical / Common Name	Street Tree	Water Requirements	Sun Tolerance	Mature Height (ft.)	Canopy Width (ft.)	Native	Xeriscape Material
Deciduous Trees							
Acer x fremanii / Autumn Blaze Maple	Yes	Moderate	Full sun	50-60	25-30	-	-
Acer glabrum / Rocky Mountain Maple	Yes	Adaptable	Full sun	15-25	15-20	Yes	Yes
Acer grandidentatum / Bigtooth, Canyon Maple	-	Low	Full sun	20-30	10-20	-	Yes
Acer Platanoides and cvx. / Norway Maple	Yes	Moderate	Full sun	50-75	25-30	-	-
Acer saccharum and cbx. / Sugar Maple	-	Mod	Full/partial	50-60	30-40	-	-
Acer tataricum / Tatarian Maple	Yes	Adaptable	Full/partial	15-20	15-20	-	Yes
Aesculus glabra / Ohio Buckeye	Yes	Moderate	Partial	30-50	15-20	-	-
Alnus tenuifolia / Thin leaf Alder	-	Moderate	Full/partial	15-30	15-20	Yes	-
Amelanchier canadensis / Shadblow Serviceberry	-	Moderate	Full/partial	15-25	15-20	-	-
Amurense / Amur corktree	-	Moderate	Full sun	30-35	25-30	-	-
Betula occidentalis / Western Water Birch	-	Moderate	Full sun	20-30	15-20	Yes	-
Catalpa speciosa / Western Catalpa	-	Low	Full sun	40-50	25-35	-	Yes
Celtis occidentalis / Common Hackberry	Yes	Low	Full/partial	50-60	40-50	Yes	Yes
Crataegus ambigua / Russian Hawthorn	-	Adaptable	Full sun	20	20	-	Yes
Crataegus crus-galli and cvs. / Cockspur Hawthorn	Yes	Adaptable	Full sun	20	20	-	Yes
Fraxinus pennsylvanica and cvs. / Green Ash	Yes	Adaptable	Full sun	50-60	30-40	-	Yes
Fraxinus nigra / Black Ash	-	Moderate	Full sun	60-65	35-40	-	-
Gleditsia triacanthos inermis / Thornless honeylocust	-	Low	Full sun	40	40	-	Yes

Table A-1 Approved Tree List							
Botanical / Common Name	**Street Tree**	**Water Requirements**	**Sun Tolerance**	**Mature Height (ft.)**	**Canopy Width (ft.)**	**Native**	**Xeriscape Material**
Gleditsia triacanthos inermis / Shademaster honeylocust	-	Moderate	Full sun	50	40	-	-
Gleditsia triacanthos inermis / Skyline honeylocust	-	Moderate	Full sun	45	40	-	-
Gymnocladus dioica / Kentucky Coffee tree	Yes	Adaptable	Full sun	50-60	30-40	-	Yes
Koelreuteria paniculata / Goldenrain tree	-	Low	Full sun	25-30	25-30	-	Yes
Marshalls seedless Patmore Ash / Patmore	-	Adaptable	Full sun	50-60	35	-	Yes
Marshalls seedless Summit Ash / Summit	-	Adaptable	Full sun	50	25	-	Yes
Populus angustifolia / Narrowleaf Cottonwood	-	High	Full sun	60-80	50-60	Yes	-
Populus sargentii / Plains Cottonwood	-	High	Full sun	30-80	20-80	Yes	-
Prunus americana / Plum	-	Low	Full-partial	10-20	8-12	Yes	Yes
Prunus armeniaca / Apricot tree	-	Low	Full sun	15-20	15-20	-	Yes
Prunus maackii / Amur Chokecherry	Yes	Adaptable	Full sun	20-30	15-20	-	Yes
Prunus virginiana and cvs. / Chokecherry	-	Moderate	Full sun	20-25	10-15	Yes	-
Pyrus ussuriensis / Ussurian Pear tree	-	Low	Full sun	20-25	15-20	-	Yes
Quercus alba / White Swamp Oak	Yes	Moderate	Full sun	50-60	40-50	-	-
Quercus gambelii / Gambel Scrub Oak	-	Low	Full sun	15-30	15-20	Yes	Yes
Quercus macrocarpa / Bur Oak	Yes	Low	Full sun	50-80	40-60	-	Yes
Quercus rubra / Northern Red Oak	Yes	Moderate	Full sun	50-80	40-60	-	-
Robinia pseudoacacia / Purple Robe Locust	-	Low	Full sun	25-35	20-25	-	Yes
Syringa reticulata and cvs. / Japanese Lilac	Yes	Moderate	Full sun	20-30	15-25	-	-
Tilia americana / American Linden	Yes	Moderate	Full-partial	50-75	25-30	-	-
Tilia cordata / Littleleaf Linden	Yes	Moderate	Full sun	30-50	15-20	-	-
Tilia tomentosa and cvs. / Silverleaf Linden	Yes	Moderate	Full sun	50-75	25-30	-	-
Evergreen Trees							
Abies concolor / White Fir	-	Moderate	All levels	50-75	15-25	-	-

Table A-1 Approved Tree List							
Botanical / Common Name	**Street Tree**	**Water Requirements**	**Sun Tolerance**	**Mature Height (ft.)**	**Canopy Width (ft.)**	**Native**	**Xeriscape Material**
Juniperus chinensis and cvs. / Chinese Juniper	-	Low	Full-partial	20-30	10-15	-	Yes
Juniperus monosperma / Oneseed Juniper	-	Low	Full sun	15-20	15-20	-	Yes
Juniperus scopulorum and cvx. / Rocky Mountain Juniper	-	Low	Full sun	15-20	20-30	Yes	Yes
Picea pungens / Colorado Spruce	-	Moderate	Full-partial	Varies	Varies	-	-
Pinus flexilis / Limber pine	-	Low	Full-partial	30-50	15-35	-	Yes
Pinus edulis / Pinon Pine	-	Low	Full sun	15-25	12-15	-	Yes
Pinus mugo mugo and cvs. / Dwarf Mugo Pine	-	Low	Full-partial	5-10	5-20	-	Yes
Pinus mugo / Mugo Pine	-	Low	Full-partial	15-20	20-25	-	Yes
Pinus nigra / Austrian Pine	-	Adaptable	Full	40-60	30-40	-	Yes
Pinus ponderosa / Ponderosa Pine	-	Low	Full sun	50-100	20-30	-	Yes
Pinus strobiformis / Southwestern White Pine	-	Low	Full sun	40-50	20-30	-	Yes
Pinus sylvestris / Scotch Pine	-	Moderate	Full sun	30-50	20-30	-	-

B. **Approved Shrub List.** Table A-2, *Approved Shrub List*, sets out the shrubs that may be used to satisfy the landscaping requirements of Article 8, *Development Landscaping and Tree Protection*.

Table A-2 Approved Shrub List							
Botanical / Common Name	**Street Tree**	**Water Requirements**	**Sun Tolerance**	**Height**	**Width**	**Native**	**Xeriscape Material**
Deciduous Shrubs							
Amorpha canescens / Leadplant	-	Low	Full-partial	3	4	-	Yes
Artemisia tridentata / Big Sage	-	Low	Full-partial	10	6	Yes	Yes
Atriplex canescens / Saltbush	-	Low	Full-partial	5	4	-	Yes
Berberis thunbergii / Japanese Barberry	-	Low	Full-partial	3	5	-	Yes
Buddleia alternifolia / Silver Fountain Butterfly Bush	-	Low	Full sun	10	8	-	Yes
Caragana arborescens / Siberian peashrub	-	Low	Full sun	12	10	-	Yes

Table A-2 Approved Shrub List							
Botanical / Common Name	**Street Tree**	**Water Requirements**	**Sun Tolerance**	**Height**	**Width**	**Native**	**Xeriscape Material**
Caryopteris x clandonensis / Blue Mist spirea	-	Low	Full-partial	4	4	-	Yes
Chamaebatiaria millefolium / Fernbush	-	Low	Full-partial	5	6	-	Yes
Chrysothamnus spp. / Rabbitbrush	-	Low	Full-partial	6	6	-	Yes
Coryphantha vivipara / Spiny-star cactus	-	Low	Full sun	3"	12"	Yes	Yes
Cytisus scoparisu and cvs. / Common Broom	-	Low	Full sun	6	6	-	Yes
Echinocereus triglochidiatus / Claret-cup cactus	-	Low	Full sun	2"	8"	Yes	Yes
Elaeagnus umbellata / Autumn-olive	-	Low	Full-partial	15	15	-	Yes
Ephedra equisetina / Bluestem jointfir	-	Low	Full-partial	4	5	-	Yes
Fallugia paradoxa / Apache plume	-	Low	Full-partial	5	5	-	Yes
Fendlera rupicola / Cliff Fendlerbush	-	Low	Full-partial	5	5	-	Yes
Forestiera neomexicana / New Mexican privet	-	Low	Full-partial	12	10	-	Yes
Hippophae rhamnoides / Sea-buckthorn	-	Low	Full-partial	18	12	-	Yes
Holodiscus dumosus / Rock spirea	-	Low	Full-partial	4	4	-	Yes
Ligustrum vulgare / Cheyenne privet	-	Low	Full-partial	10	6	-	Yes
Mahonia aquifolium and cvs. / Creeping Mahonia	-	Low	Partial-shade	18"	18"	-	Yes
Opuntia imbricata / Cholla cactus	-	Low	Full sun	2-4	2-4	Yes	Yes
Opuntia spp. / Prickly-pear cactus	-	Low	Full sun	5"	1-3	Yes	Yes
Pediocactus spp. / Mountain-ball cactus	-	Low	Full sun	5"	8"	Yes	Yes
Potentilla fruticosa / Potentilla	-	Low	Full sun	4	4	-	Yes
Prunus besseyi / Sand cherry	-	Low	Full-partial	6	6	-	Yes
Pyracantha spp. and cvs. / Firethorne Pyracantha	-	Moderate	Partial-shade	6-	6	-	-
Rhus glabra cismontana / Smooth sumac	-	Low	Full-partial	6	6	-	Yes
Rhus trilobata / Threeleaf sumac	-	Low	Full-partial	6	6	-	Yes

Adopted 4.19.2010

Table A-2 Approved Shrub List							
Botanical / Common Name	**Street Tree**	**Water Requirements**	**Sun Tolerance**	**Height**	**Width**	**Native**	**Xeriscape Material**
Rosa woodsii / Native pink rose	-	Low	Full-partial	6	6	-	Yes
Rubus deliciosus / Boulder raspberry	-	Low	Full-partial	6	6	-	Yes
Shepherdia argentea / Silver buffaloberry	-	Low	Full-partial	15	12	-	Yes
Symphoricarpos albus / Snowberry	-	Low	Full-partial	4	4	-	Yes
Symphoricarpos x chenaultii / Hancock coralberry	-	Low	Full sun	3	6	-	Yes
Syringa vulgaris / Common lilac	-	Low	Full sun	15	12	-	Yes
Viburnum lantana / Wayfaring tree viburnum	-	Low	Full-partial	12	10	-	Yes
Yucca filamentosa / Adams Needle yucca	-	Low	Full-partial	3	5	-	Yes
Yucca glauca / Narrow-leaf yucca	-	Low	Full sun	4	4	Yes	Yes
Evergreen Shrubs							
Artemisia tridentata / Big sagebrush	-	Low	Full sun	6	10	-	Yes
Artemisia cana / Silver sagebrush	-	Moderate	Full sun	4	4	-	-
Cercocarpus ledifolius / Curl-leaf mountain mahogany	-	Mod	Full sun	6	10	-	-
Cowania mexicana / Cliff rose	-	Low	Full sun	6	6	-	Yes
Juniperus communis montana / Common juniper	-	Moderate	All types	4	4	-	Yes
Juniper horizontalis and cvs. / Creeping juniper	-	Adaptable	Full-partial	1.5	4-12	-	-
Juniper x media and cvs. / Pfitzer juniper	-	Low	Full sun	varies	varies	-	Yes
Juniperus procumbens / Green mound juniper	-	Adaptable	Full-partial	varies	varies	-	-
Mahonia repens / Oregon grape-holly	-	Moderate	All types	4	4	-	Yes

Prohibited Plant List

Table A-3, *Prohibited Plant List*, sets out the vegetation that is not allowed within the City of Centennial.

Table A-3 Prohibited Plant List	
Common Name	**Scientific Name**
Invasive Exotic Forbs	
Baby's breath	*Gypsophila paniculata*
Bouncing bet, soapwort	*Saponaria officinalis (Lychnis saponaria)*
Chicory	*Cichorium intybus*
Chinese clematis	*Clematis orientalis*
Common yarrow (European variety)	*Achillea millefolium (European variety)*
Cypress spurge	*Euphorbia cyparissias*
Dalmation toadflax, butter & eggs	*Linaria dalmatica ssp. dalmatica*
Dame's rocket	*Hesperis matronalis*
Mayweed chamomile	*Anthemis cotula*
Mediterranean sage	*Salvia aethiopis*
Mullein	*Verbascum thapsus*
Myrtle spurge, Mercer's spurge	*Euphorbia myrsinites*
Ox-eye daisy	*Leucanthemum vulgare (Chrysanthemum leucanthemum)*
Perennial sweet pea, perennial peavine	*Lathyrus latifolius*
Purple loosestrife, European wand loosestrife	*Lythrum salicaria, L. virgatum*
Scentless chamomile, wild chamomile, scentless mayweed	*Anthemis arvensis, Matricaria perforata (M. inodora), M. maritima (Tripleurospermum inodorum)*
St. John's wort, Klamath weed	*Hypericum perforatum*
Sulphur cinquefoil	*Potentilla recta*
Sweet clover, white	*Melilotus alba*
Sweet clover, yellow	*Melilotus officianalis*
Tansy	*Tanacetum vulgare*
Teasel	*Dipsacus fullonum*
Yellow Toadflax, butter & eggs	*Linaria vulgaris*
Invasive Exotic Grasses	
Canada bluegrass	*Poa compressa*
Creeping bentgrass	*Agrostis stolonifera (A.alba, A.gigantea, A. palustris*
Crested wheatgrass	*Agropyron desertorum, A. cristatum*
Hard fescue or sheep fescue	*Festuca ovina var. ovina*
Intermediate wheatgrass	*Agropyron intermedium*
Kentucky bluegrass	*Poa pratensis*
Meadow fescue	*Festuca pratensis*
Meadow foxtail	*Alopecurus pratensis*
Orchardgrass	*Dactylis glomerata*
Quackgrass	*Agropyron repens (Elytrigia repens* or *Elymus repens)*
Reed canary grass	*Phalaris arundinacea (Phalarioides arundinacea)*
Ryegrass, Italian or annual ryegrass, common rye	*Lolium perenne, L. multiflorum*
Smooth brome or Hungarian brome grass	*Bromopsis inermis (Bromus inermis)*

Table A-3 Prohibited Plant List	
Common Name	**Scientific Name**
Tall fescue	*Festuca arundinacea (Lolium arundinaceum)*
Timothy	*Phleum pratense*
Invasive Exotic Shrubs	
Buckthorn	*Rhamnus frangula (Frangula alnus)*
Scotch Broom	*Cytisus scoparius*
Invasive Exotic Trees	
Russian olive	*Elaeagnus angustifolia*
Salt cedar, Tamarisk	*Tamarisk ramosissima (chinensis), T. parviflora*

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Appendix B Forms

Plan Exhibits

Exhibits to be developed with applications.

Sample Noise Disclosure Form

IMPORTANT INFORMATION FOR YOU TO CONSIDER:

_____ Airport is located (distance and direction from development) of (name of development). _____ Airport is a busy airport used by piston and jet aircraft and by helicopters, and is open 24 hours a day, seven days a week. All property within (name of development) will be exposed to the noise, vibrations and other effects and hazards of this airport. All property within (name of development) is subject to the terms of an aircraft overflight easement, which permits all aircraft using the airport to fly anywhere over (name of development). The easement consents to overflying aircraft, and prevents present and future owners and occupants of property within (name of development) from objecting to, or seeking damages due to, aircraft operations. The easement also prevents owners and occupants from installing structures, trees or other objects that could interfere with flight operations at the airport. (For residences which are also within the 55 DNL contour, the following disclosure shall also be included) All property within (name of development) is expected to be exposed to daily aircraft noise levels that equal or exceed an average of 55 decibels, a level of aircraft noise that the City of Centennial City Council has determined is the maximum acceptable level for residential use. Because of this, the City of Centennial has required that all residences in this area be constructed in ways that lessen the effects of the aircraft noise.

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Appendix C Plans

The Land Development Code sets out the regulations for the use and deveopment of land that allow for implementation of the City's Vision, Comprehensive Plan, Sub-Area Plans, and Parks, Open Space, Trails and Recreation Master Plan. These plans are available in PDF format at the inernet addresses (URLs) set out in the table below.

City of Centennial, Colorado Comprehensive Plan, Vision Plan, and Sub-Area Plans		
Title	**Date Adopted**	**Internet Address (URL)**
City of Centennial Comprehensive Plan	November 15, 2004	http://www.centennialcolorado.com/index.aspx?NID=131
Our Voice. Our Vision. Centennial 2030	April 2008	http://www.centennialcolorado.com/index.aspx?NID=30
Southglenn Sub-Area Plan	Under Development	http://www.centennialcolorado.com/index.aspx?NID=451
Arapahoe Urban Center Sub-Area Plan	Adopted October 10, 2007; Ratified October 15, 2007	http://www.centennialcolorado.com/index.aspx?NID=134
Central Centennial Boundary Plan	Adopted February 13, 2008; Ratified March 3, 2008	http://www.centennialcolorado.com/index.aspx?NID=135
Parks, Open Space, Trails and Recreation Master Plan	Adopted February 27, 2008; Ratified March 3, 2008	http://www.centennialcolorado.com/index.aspx?NID=280

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Appendix D Pattern Books and Sign Design Programs

Approved pattern books and sign design programs are available in PDF format at the internet addresses (URLs) set out in the tables below.

City of Centennial, Colorado Approved Pattern Books		
Title	**Date Approved**	**Internet Address (URL)**

City of Centennial, Colorado Approved Sign Design Programs		
Title	**Date Approved**	**Internet Address (URL)**

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Appendix E Special Districts

A. **Water and Sanitation Districts.** As of the effective date, the City of Centennial is served by ten water and sanitation districts, including Southeast Englewood Water District; Willows Water District; Southgate Water and Sanitation District; South Arapahoe Sanitation District; Arapahoe Estates Water District; Arapahoe County Water and Wastewater Authority; Castlewood Water and Sanitation District; Havana Water and Sanitation District; and East Cherry Creek Valley Water and Sanitation District.

B. **Fire Protection Districts.** As of the effective date, the City of Centennial is served by three fire protection districts, including Littleton Fire Protection District; South Metro Fire Rescue Authority; Cunningham Fire Protection District.

C. **Parks and Recreation Districts.** As of the effective date, the City of Centennial is served by three park and recreation districts, including South Suburban Park and Recreation District; Arapahoe County Recreation District; Arapahoe Park and Recreation District; and two metro districts that provide parks and recreation facilities, including Smoky Hill Metro and Recreation District and Cherry Creek Vista Metro Park and Recreation District.