



# Unified Development Ordinance (UDO)

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Amendment #4 - July 10, 2023 [CHANGES VERSION]

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# Article 1: General Provisions

## 11-1-1 Title and References

This Ordinance, Chapter 11 of the Municipal Code of the City of Northglenn, shall be known and cited as the Northglenn Unified Development Ordinance (UDO). Whenever this document refers to “this Chapter,” it shall mean this UDO. In the Municipal Code, references to the “Zoning Ordinance” or “Chapter 11 of the Municipal Code” shall mean this UDO.

## 11-1-2 Purpose and Intent

### (a) Purpose

The purpose of this UDO is to protect the public health, safety, and welfare of the City through implementation of the policies and strategies from the City of Northglenn Comprehensive Plan.

### (b) Intent

This UDO is intended to:

- (1) Encourage and facilitate the most appropriate use of land throughout the City;
- (2) Designate, regulate, and restrict the location of buildings, structures, and land;
- (3) Regulate and limit the height, number of stories, and size of buildings and other structures;
- (4) Establish requirements for site layout, site development, and other dimensional, design, and development standards;
- (5) Regulate the subdivision of land in the City of Northglenn;
- (6) Provide for administration and enforcement of this UDO;
- (7) Protect the economic stability of existing land uses that are consistent with the Comprehensive Plan; and
- (8) Provide for utilities and facilities such as transportation, water, sewage, schools, parks, and other public requirements.

## 11-1-3 Authority

This UDO is adopted pursuant to the authority in the City of Northglenn Home Rule Charter and Colorado laws as applicable. The UDO shall be effective

## 11-1-4 Applicability and Jurisdiction

### (a) General Applicability

This UDO shall apply to all land, buildings, structures, and uses of the land, building, and structures located in the City of Northglenn.

### (b) Compliance Required

- (1) No permit, certificate, license, or approval for any use that is subject to this UDO shall be issued or granted by any department, agency, City official, or City employee without full compliance with this UDO.
- (2) Any permit, certificate, license, or approval issued in violation of this UDO is void.
- (3) No building or structure shall be erected, converted, enlarged, reconstructed, or altered without full compliance with this UDO.

- (4) No lot of record that did not exist on the effective date of this UDO shall be created by subdivision or otherwise that does not comply with this UDO.

### (c) Conflicts with Other Ordinances

Whenever the standards in this UDO conflict with those required in the municipal code or other ordinances or regulations, as determined by the Director, stricter standards shall govern.

### (d) Private Covenants

Nothing in this UDO shall be construed to render inoperative any restrictions established by covenants running with the land unless such restrictions are prohibited by or are contrary to the provisions of this UDO.

## 11-1-5 Nonconformities

### (a) Purpose

The purpose of this section is to regulate and limit the development and continued existence of legal uses (including accessory uses), structures, lots, and site features established prior to the effective date of this UDO, and any future amendments, that no longer conform to the requirements of this UDO. All such situations are collectively referred to in this section as “nonconformities.” While nonconformities may continue, the intent of this Section is to curtail substantial investment in nonconformities to bring about their eventual elimination and to preserve the integrity of this UDO and the stated policies of the City of Northglenn.

### (b) Regulations Applicable to All Nonconformities

#### (1) Determination of Nonconformity Status

The burden of establishing the existence of a legal nonconformity shall be solely on the owner of property containing the nonconformity.

#### (2) Maintenance and Minor Repair

(A) Minor repairs or maintenance of nonconformities are permitted and encouraged, provided that the repairs and/or maintenance do not increase the nonconformity of any structure, use, or lot. Maintenance and repairs that qualify as “minor” include the following:

- (i) Repairs necessary to maintain and to correct any damage or deterioration to the structural soundness of, or the exterior or interior appearance of, a building or structure, without expanding the building or structure;
- (ii) Maintenance of land to protect against and mitigate health and environmental hazards;
- (iii) Repairs that are required to remedy otherwise unsafe conditions; and
- (iv) Repairs necessary to comply with current building code requirements.

(B) Minor repairs and maintenance shall only be conducted in compliance with building code requirements and shall obtain the necessary permits pursuant to Chapter 10, *Building Regulations*.

#### (3) Cumulative Enlargements, Expansions, Repairs, and Replacements

Requests, applications, or permits to enlarge, expand, repair, and/or replace uses, buildings, structures, and site features after the effective date of this UDO shall remain on record with the City. Any subsequent application or permit to enlarge, expand, repair, and/or replace uses, buildings, structures, and site features on the same property shall be cumulative to any prior request, application, or permit. The total square footage of such enlargements, expansions, repairs, and replacements shall be used to determine the applicability of the standards in this Section.

#### (4) Change of Ownership or Tenancy

Changes of ownership, tenancy, or management of property with an existing nonconformity may occur, but such nonconformities shall continue to be subject to the standards of this Section.

**(5) Violation of Law Not Allowed**

Nothing in this section shall be construed as authorizing violation of any law.

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**(c) Nonconforming Uses**

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**(1) Applicability**

This section applies to land uses that were legally established but do not comply with one or more standards in this UDO.

**(2) Continuation of Use**

Existing lawful uses of land that are no longer permissible under the terms of this UDO as enacted or amended may be continued subject to the following:

**(A)** No nonconforming use shall be enlarged, increased, or extended to occupy a greater area of land than occupied on the effective date of this UDO.

**(B)** No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date this UDO.

**(3) Expansion of an Unpermitted Use Not Permitted**

Enlargement, increase, or extended occupancy of a use not allowed in the zoning district in which it is located shall be prohibited.

**(4) Change in Use**

A use not currently allowed in the zoning district in which it is located may be converted to an allowable use in the applicable zoning district pursuant to the following:

**(A)** The change in use shall not create any additional nonconforming situations or increase any existing nonconformity;

**(B)** Any new improvements necessitated by the change in use shall conform to all district-specific standards of the applicable zoning district, and use-specific standards applicable to the new use;

**(C)** Any expansion associated with a proposed change in use shall comply with the applicable provisions of this UDO; and

**(D)** Any change in use that requires a special use permit, temporary use permit, PD approval, and/or rezoning shall only be allowed if the proposed use and site improvements, other than existing nonconforming structures, comply with applicable provisions of this UDO.

**(5) Discontinuance of Use**

**(A)** A nonconforming use not used for 180 consecutive days shall not be reestablished, and any subsequent use of the land, building, or structure shall comply with this UDO.

**(B)** The Director shall notify the property owner in writing if a nonconforming use has not been used for 180 consecutive days.

**(C)** A property owner whose nonconforming use has not been used for a period of 180 consecutive days may request an administrative determination from the Director whether or not the nonuse of the property was due to some conduct within the control of and attributable to the property owner or a previous property owner. If the nonuse is determined not to be due to conduct within the control of and attributable to the property owner or a previous owner, then the nonconforming use may be reestablished.

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**(d) Nonconforming Structures**

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**(1) Applicability**

This section applies to structures that were legally established but do not comply with one or more standards in this UDO.

**(2) Damage or Destruction**

**(A)** When a nonconforming structure is damaged to the extent of 50 percent or more of its assessed value at the time of damage, it shall not be restored except in compliance with this UDO.

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(B) When a nonconforming structure is damaged to the extent of less than 50 percent of its assessed value at the time of damage, it may be restored provided any restoration is started within 180 days and is completed within two years from the date of damage.

**(3) Expansion of a Nonconforming Structure**

An expansion of a nonconforming structure may be allowed if the expansion complies with all provisions of this UDO. An expansion shall not increase the level of any nonconformity.

**(4) Movement of a Nonconforming Structure**

A nonconforming structure shall only be moved if such movement places the structure in a location that complies with the provisions of this UDO.

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## (e) Nonconforming Lots

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**(1) Applicability**

This section applies to lots that were legally established but do not comply with one or more standards in this UDO.

**(2) Nonconforming by Virtue of Enactment**

If a lot is made nonconforming by virtue of enactment of this UDO, the lot may be developed provided that the proposed development complies with all requirements of this UDO except for lot size and/or lot dimensional standards.

**(3) Change in a Conforming Use or Structure when Lot Size is only Nonconformity**

If a modification to a use or structure is proposed on a property where the only nonconformity is the lot size, then the use or structure shall be allowed without requiring a special use permit as long as the new proposed use complies with any applicable use-specific standards pursuant to Section 11-3-3.

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## (f) Nonconforming Site Features

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**(1) Applicability**

(A) For purposes of this section, the term “nonconforming site feature” includes any stormwater and drainage facility, driveway, off-street parking or loading area, landscaping, buffer, screening, or exterior lighting that lawfully existed before becoming noncompliant with the development standards in this UDO, as well as the lack of any such feature required by subsequently enacted City development standards.

(B) A nonconforming site feature may continue to exist even though it does not conform to current applicable standards of this UDO, subject to the requirements of this section.

(C) No action shall be taken that increases the degree or extent of a nonconforming site feature unless the site feature is brought into conformance with this UDO or otherwise approved through an application allowing such increase in nonconformity pursuant to the procedures in Article 6: *Administration and Procedures*.

**(2) Nonconforming Parking**

**(A) Continuation of Nonconforming Parking**

Any parking spaces or access to public rights-of-way lawfully existing on the effective date of this UDO that are made nonconforming by virtue of enactment of this UDO shall be allowed to continue, provided that:

(i) Any change in use or expansion of any use or structure shall only be permitted if the additional number of parking spaces required by the expansion or change in use is provided according to Section 11-4-6(e).

(ii) Nonconforming parking areas shall not be expanded. When additional parking is required by this UDO, all new parking areas shall comply with this UDO.

**(B) Upgrading Nonconforming Parking**

Nonconforming off-street parking facilities shall be upgraded to achieve full compliance with this UDO's off-street parking standards in conjunction with the following development of the site containing the nonconforming parking:

- (i) An addition to or expansion of one or more structures that, over a two-year period, would increase the total gross floor area of the structures (as shown by Building Permit applications) by more than 50 percent; or
- (ii) A remodeling of one or more structures that, over a two-year period, would cost (as shown by Building Permit applications) more than 50 percent of the current assessed value of the structures.

**(3) Upgrading Nonconforming Buffers, Landscaping, Screening, and Outdoor Lighting**

Except for properties with single-family, duplex, or manufactured home dwellings, nonconforming buffers, landscaping, screening, and outdoor lighting shall be upgraded to achieve full compliance with this UDO's buffer, landscaping, screening, and outdoor lighting standards if the site containing those nonconforming site features is proposed for any of the following:

- (A) An increase in the total square footage of vehicular use area;
- (B) A structural addition that increases the combined total gross floor area of all existing structures on a lot by more than 25 percent;
- (C) Building elevation changes involving 50 percent or more of the exterior walls of a roofed structure on the property within a two-year period, excluding minor cosmetic items such as painting, lighting fixtures, and awnings. A modification to only part of an elevation shall constitute a change in the entire elevation of that exterior wall; or
- (D) An expansion of outdoor operations, storage, or display areas on a site containing nonconforming buffers or screening that increases the gross square footage of such areas.

**(4) Upgrading Nonconforming Fencing**

- (A) Nonconforming fencing shall be upgraded to achieve full compliance with the UDO if repairs or replacement of such fencing involves 25 percent or more of the total linear feet of that portion of the fence that is nonconforming.
- (B) Minor maintenance of fencing such as painting, refinishing, or replacing minor components shall not be considered repair or replacement requiring conformance with this standard.

**(5) Compliance to the Maximum Extent Practicable**

Where full compliance with the requirements of this subsection is precluded by a lack of sufficient developable area due to the size of the lot, the layout of existing development, or the presence of significant wetlands, floodplains, watercourses, or other significant environmental constraints, the applicant shall comply with the requirements of this section to the maximum extent practicable, as determined by the Director. In making such determination, the Director shall consider the following:

- (A) The application meets the overall intent of the UDO; and
- (B) The application imposes no greater impacts on adjacent properties than would occur through strict compliance with the UDO.

## 11-1-6 Enforcement

### (a) Purpose

This section identifies violations of this UDO and establishes procedures for the City to ensure compliance with this UDO and to correct violations. This section also sets forth the remedies and penalties for violations of this UDO.

It shall be unlawful for any person to erect, construct, reconstruct, alter, maintain, or use any building or structure or to use any land in violation of the provisions of this UDO. Also, it shall be unlawful for any person to violate any of the provisions of this UDO, any condition, restriction, exclusion, or regulation established by or under the authority of this UDO, or any of the terms, conditions, provisions, or directions of any license or permit issued under the authority of this UDO.

## **(b) Continuation of Prior Enforcement Actions**

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Nothing in this UDO shall prohibit the continuation of previous enforcement actions undertaken by the City pursuant to the previous regulations.

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## **(c) Violations**

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Each of the following activities constitutes a violation of this UDO:

**(1) Activity Inconsistent with this UDO**

Any erection, construction, reconstruction, remodeling, alteration, maintenance, expansion, movement, or use of any land, building, structure, or sign that is inconsistent with this UDO.

**(2) Activity Inconsistent with Permit or Approval**

Any development, use, or other activity that is in any way contrary to the terms or conditions of any permit or approval required to engage in such activity under this UDO.

**(3) Continuation of Violations**

From the date that a notice of violation is issued by the City, each day that a violation occurs or remains uncorrected shall constitute a separate and distinct violation of this UDO.

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## **(d) Penalties and Remedies**

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The Director shall have the following powers to enforce this UDO:

**(1) Deny, Withhold, or Revoke Entitlements**

**(A)** The Director shall have the power to deny, withhold, or revoke permits for violation of this UDO or violations of any conditions imposed. The Director shall provide written notice to the violator at the address contained in the permit, clearly and concisely alleging the violation, and directing the violator to appear at a time certain before the authority not less than 10 days or more than 30 days after the date of the notice.

**(B)** The Director shall request a public hearing by the City Council to determine the nature and extent of the alleged violation and shall have the power, on good cause being shown, to deny, withhold, or revoke the permit issued to the violator, to require the violator to take corrective measures, or to direct employees or agents of the City of Northglenn to enter onto the premises and to take the corrective measures required by the Director and/or the City Council, the cost to be assessed against the violator.

**(C)** Any entitlement or other form of authorization may be denied, withheld, or revoked after notice and a hearing, when the Director determines that:

- (i)** There is a departure from the approved plans, specifications, limitations, or conditions as required under the entitlement;
- (ii)** The entitlement was established by false representation;
- (iii)** The entitlement was issued in error; or
- (iv)** There is any other violation of this UDO.

**(2) Stop-Work Orders**

**(A) Issues and Activities Warranting a Stop-Work Order**

- (i)** The Director may issue a stop-work order whenever any building, structure, site, or portion of a building, structure, or site is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, in substantial violation of any state or local building law, or in a manner that endangers life or property.
- (ii)** The Director may issue a stop-work order on any property with an uncorrected violation of this UDO or approval issued under this UDO.

**(B) Procedures for Issuing Stop-Work Order**

- (i)** A stop-work order shall be in writing and directed to the person doing the work, and shall specify the provision of this UDO or other law in violation.
-



- (ii) If a stop-work order is issued, no work shall proceed on any building, structure, site, or portion of a building, structure, or site subject to the order except to correct a violation or to comply with the order.
- (iii) Once conditions cited in the stop-work order have been addressed to the satisfaction of the Director, the Director shall rescind the stop-work order.

**(C) Violation of a Stop-Work Order**

Violation of a stop-work order shall be considered a public nuisance pursuant to Section 9-11-3 of the Municipal Code.

**(3) Criminal and Civil Penalties**

Any violation of any of the provisions of this UDO shall be punishable as provided in Section 1-1-10(a)(2) of the Municipal Code.

**(4) Injunctive Relief**

The Director may seek injunctive relief or other appropriate relief in a court of competent jurisdiction when the Director believes that a violation of this UDO or violation of any condition imposed on an approval issued under this UDO present a serious threat to the public health, safety, and welfare.

**(5) Abatement**

The City may abate a violation pursuant to the Northglenn Municipal Code.

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**(e) Authorized Officers**

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- (1) Any person employed in the Planning and Development Department as Director, Chief Building Official, Building Official, Building Inspector, and any person employed by the City as a Neighborhood Services Officer or Police Officer shall be an "Officer of the City" for the purposes of enforcing this UDO.
- (2) Any such Officer of the City shall be and is hereby authorized to enter upon and inspect any public or private property in the City of Northglenn for the purpose of:
  - (A) Enforcing any part of this UDO;
  - (B) Investigating or determining compliance of any land, building, structure, or use with this UDO, or any condition imposed as part of a permit or approval; or
  - (C) Making any inspection required by this UDO, another ordinance, or statute.

**11-1-7 Severability**

- (1) If any provision of this UDO is invalidated by a court of competent jurisdiction, such judgment shall not affect the validity of the remaining provisions of this UDO.
- (2) If any application of any provision of this UDO is invalidated by a court of competent jurisdiction, such judgment shall not affect the application of that provision to any other parcel, building, structure, or use not specifically included in that judgment.
- (3) If any condition attached to an approval of an application for development is invalidated by a court of competent jurisdiction, such judgment shall not affect any other conditions attached to the same approval unless specifically included in that judgment.



# Article 2: Zoning Districts

## 11-2-1 Zoning Districts, Generally

### (a) Zoning Districts Established

Zoning districts are established as shown in Table 2-1-A. Zoning districts are established by the City's adoption of the official Zoning District Map pursuant to Subsection 11-2-1(b).

Table 2-1-A: Zoning Districts Established	
District	Section in UDO
<b>Residential Districts</b>	
RS-1 Single-Family Large-Lot	11-2-2
RS-2 Single-Family Standard-Lot	11-2-3
RS-3 Single-Family Small-Lot	11-2-4
RM-1 Multifamily Limited	11-2-5
RM-2 Multifamily	11-2-6
MH Manufactured Home	11-2-7
<b>Mixed-Use and Commercial Districts</b>	
MN Mixed-Use Neighborhood	11-2-8
MC Mixed-Use Corridor	11-2-9
MR Mixed-Use Regional	11-2-10
CG Commercial General	11-2-11
CA Commercial Auto-Oriented	11-2-12
<b>Other Nonresidential Districts</b>	
IN Industrial	11-2-13
PF Public Facilities	11-2-14
AG Agricultural	11-2-15
OS Open Space	11-2-16
<b>Planned Development Districts</b>	
PD Planned Development	11-2-17

### (b) Official Zoning District Map

#### (1) Generally

The boundaries of zoning districts are shown on the Zoning District Map attached to and incorporated in this Code. Such map may be examined during office hours at the office of the City Clerk.

#### (2) Zoning District Boundaries

- (A) Unless otherwise stated in this article, the zoning district boundaries are the centerlines of the streets, roads, highways, alleys, and channelized waterways or extensions of such centerlines.
- (B) In the event that a zoning district boundary is unclear or is disputed, the Director shall determine the location of the zoning district boundary. An appeal of such determination shall be heard by the Board of Adjustment pursuant to Subsection 11-6-7(d), *Appeal*.
- (C) Unless otherwise stated in this chapter, changes to the boundaries of any zoning district require an amendment pursuant to the rezoning procedures in Subsection 11-6-4(a), *Rezoning*.

## **(c) Organization of this Article**

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### **(1) Base Zoning Districts**

#### **(A) Content**

Sections 11-2-2 through 11-2-16 of this article follow a common structure and describe the purpose and intended character of each zoning district, followed by the lot and building standards that apply to that district, and any district-specific development standards. Additional standards that may apply to base zoning districts are included with the lot and building standards under “other standards.” Those “other standards” are included for cross-reference and convenience, and do not represent all standards that may be required for a particular development or application.

#### **(B) Graphics**

For each base zoning district, an illustration is provided that demonstrates visually how the district’s lot and building standards apply to lots, buildings, and structures. The illustrations are intended to show the general character of the district but do not show specific locations or buildings. The main purpose of the graphic is to illustrate the lot and building standards and the graphics do not necessarily reflect all standards that may apply to a development. If an illustration is inconsistent with the respective table of lot and building standards, the standards in the table shall govern.

### **(2) Planned Development (PD) District**

The PD district in Section 11-2-17 is established for individually negotiated developments that cannot otherwise meet the intent or standards of a base zoning district within the City.

### **(3) Summary Tables of Lot and Building Standards**

Section 11-2-18 summarizes the lot and building standards across the various zoning districts for comparison purposes.

### **(4) Measurements and Exceptions**

Section 11-2-19 provides uniform methods of measurement for interpretation of the lot and building standards in this UDO.

## 11-2-2 RS-1 Single-Family Large-Lot

### (a) Purpose

The RS-1 district is intended to provide large-lot suburban neighborhoods that accommodate single-family detached homes. The RS-1 district is intended to promote a low-density residential environment and prohibit most commercial activities other than allowed home occupations and limited community and educational uses.

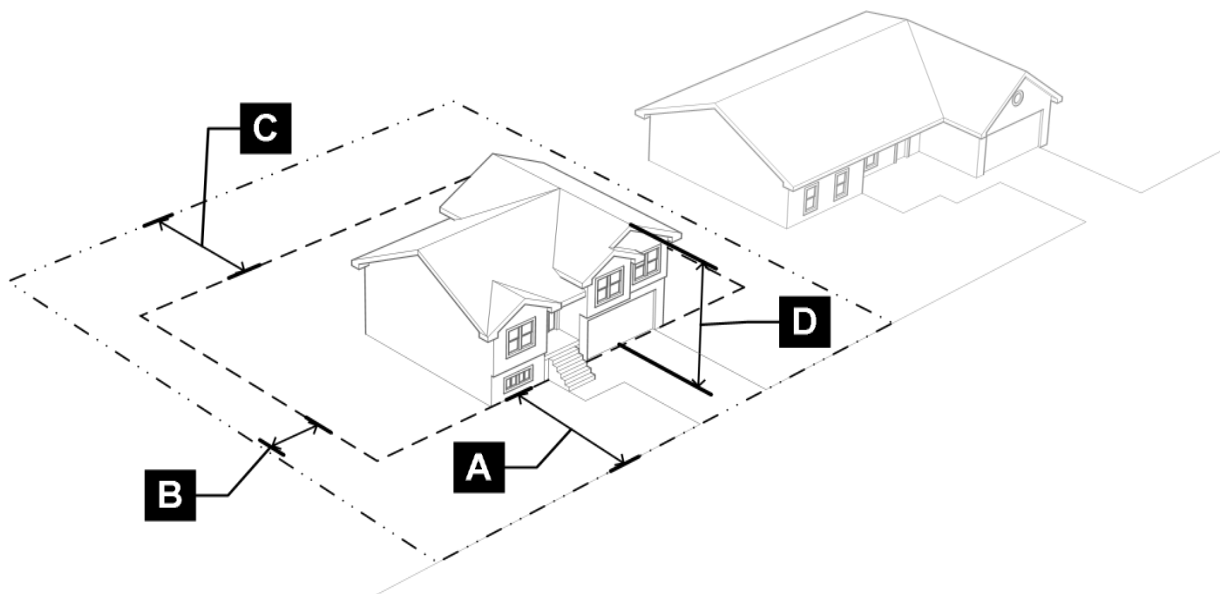
### (b) RS-1 Lot and Building Standards

Lot Standards (minimum)		
	Lot area	12,500 sq. ft.
	Lot width	100 feet
Setbacks (minimum)		
<b>A</b>	Front	30 feet
<b>B</b>	Side/Side (detached accessory)	10 feet/5 feet
<b>C</b>	Rear/Rear (detached accessory)	20 feet/None
Building Standards (maximum)		
<b>D</b>	Building height, primary	28 feet [1]
	Building height, accessory	20 feet
	Building coverage	40 percent
<b>E</b>	Accessory structure under 200 square feet and exceeding 12 feet in height shall obtain a building permit and comply with setbacks	See setbacks above

### (c) Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 11-2-19
Use Regulations	Article 3:
Off-Street Parking and Loading	Section 11-4-6
Landscaping, Screening, and Fencing	Section 11-4-7
Site and Building Design	Section 11-4-8
Exterior Lighting	Section 11-4-9

NOTES:  
[1] BUILDINGS ASSOCIATED WITH NONRESIDENTIAL USES ARE ALLOWED A MAXIMUM PRIMARY BUILDING HEIGHT OF 35 FEET.



## 11-2-3 RS-2 Single-Family Standard-Lot

### (a) Purpose

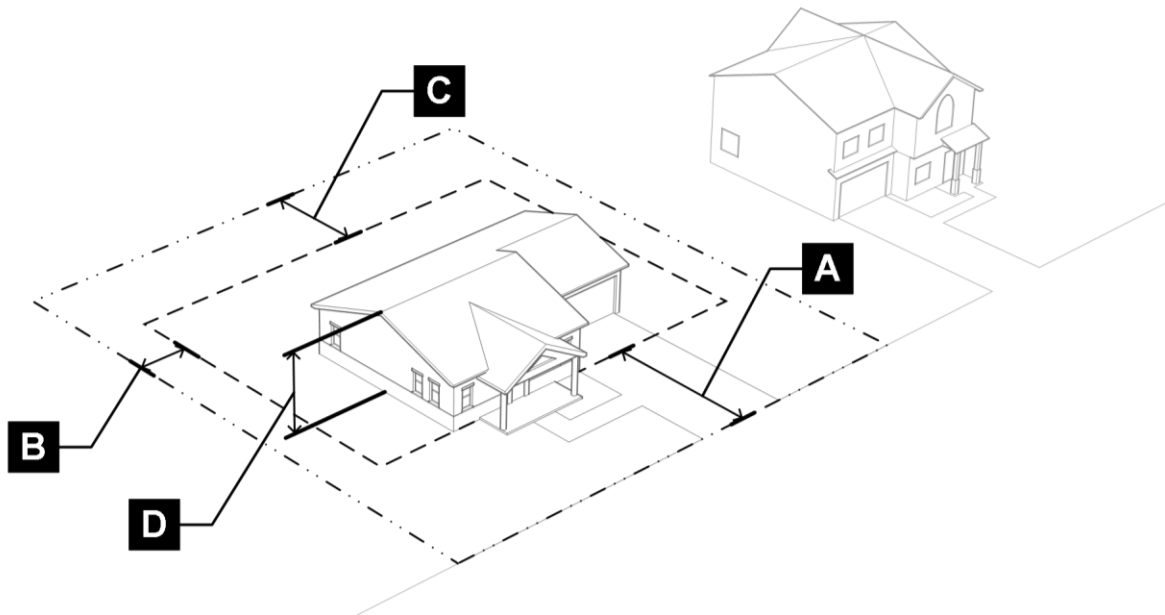
The RS-2 district is intended to provide standard-sized lots in suburban neighborhoods that accommodate single-family detached homes. The RS-2 district is intended to promote a low-density residential environment and prohibit most commercial activities other than allowed home occupations and limited community and educational uses.

### (b) RS-2 Lot and Building Standards

Lot Standards (minimum)	
Lot area	7,000 sq. ft.
Lot width	70 feet
Setbacks (minimum)	
<b>A</b> Front	25 feet
<b>B</b> Side	5 feet
<b>C</b> Rear/Rear (detached accessory)	20 feet/None
Building Standards (maximum)	
<b>D</b> Building height, primary	28 feet [1]
Building height, accessory	20 feet
Building coverage	40 percent
<b>E</b> Accessory structure under 200 square feet and exceeding 12 feet in height shall obtain a building permit and comply with setbacks	See setbacks above

### (c) Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 11-2-19
Use Regulations	Article 3:
Off-Street Parking and Loading	Section 11-4-6
Landscaping, Screening, and Fencing	Section 11-4-7
Site and Building Design	Section 11-4-8
Exterior Lighting	Section 11-4-9
NOTES: [1] BUILDINGS ASSOCIATED WITH NONRESIDENTIAL USES ARE ALLOWED A MAXIMUM PRIMARY BUILDING HEIGHT OF 35 FEET.	



## 11-2-4 RS-3 Single-Family Small-Lot

### (a) Purpose

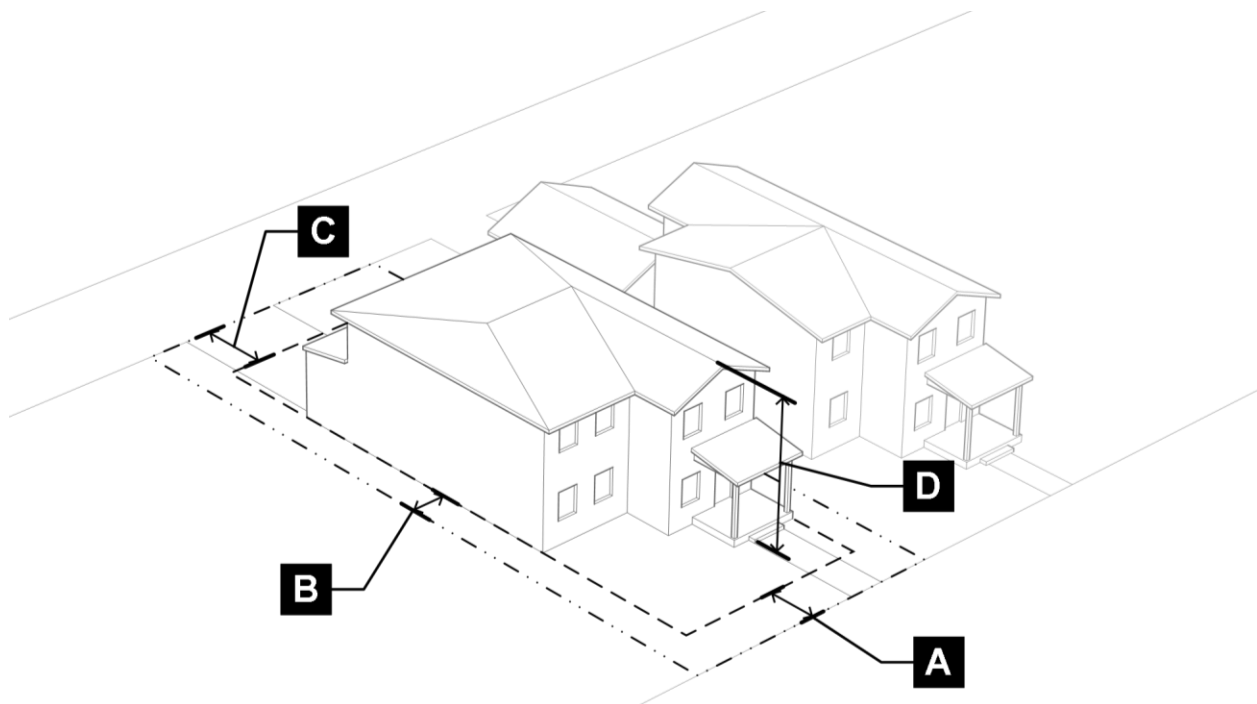
The RS-3 district is intended to provide small residential lots with single-family uses in both urban and suburban neighborhoods. The RS-3 district is intended to promote medium- to high-density residential development but prohibit most commercial activities other than allowed home occupations and limited community and educational uses.

### (b) RS-3 Lot and Building Standards

Lot Standards (minimum)	
Lot area	2,500 sq. ft.
Lot width	35 feet
Setbacks (minimum)	
<b>A</b> Front	15 feet
Front (alley-loaded residential)	7 feet
<b>B</b> Side	5 feet
<b>C</b> Rear/Rear (detached accessory)	10 feet/None
Building Standards (maximum)	
<b>D</b> Building height, primary	35 feet
Building height, accessory	20 feet
Building coverage	60 percent
<b>E</b> Accessory structure under 200 square feet and exceeding 12 feet in height shall obtain a building permit and comply with setbacks	See setbacks above

### (c) Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 11-2-19
Use Regulations	Article 3:
Off-Street Parking and Loading	Section 11-4-6
Landscaping, Screening, and Fencing	Section 11-4-7
Site and Building Design	Section 11-4-8
Exterior Lighting	Section 11-4-9



## 11-2-5 RM-1 Multifamily Limited

### (a) Purpose

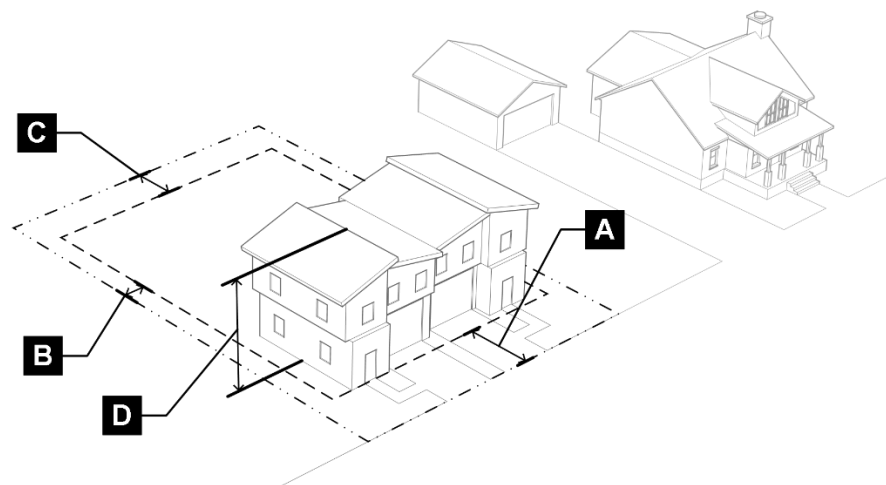
The RM-1 district is intended to provide housing at mixed densities including primarily single-family attached uses with limited small-scale multifamily uses. The RM-1 district may serve as a transition between higher density and/or intensity districts and lower density residential districts. The RM-1 district is intended to prohibit most commercial uses other than allowed home occupations and limited community and educational uses.

### (b) RM-1 Lot and Building Standards

Lot Standards (minimum)		
	Lot area, single-family attached and duplex	2,500 sq. ft. per unit
	Lot area, multifamily	2,000 sq. ft. per unit
	Lot area, all other uses	10,500 sq. ft.
	Lot width	35 feet
Setbacks (minimum)		
<b>A</b>	Front	15 feet
<b>B</b>	Side, single-family and duplex	5 feet
	Side, all other uses/Side, (detached accessory)	10 feet/5 feet
<b>C</b>	Rear/Rear (detached accessory)	10 feet/None
Building Standards (maximum)		
<b>D</b>	Building height, primary	45 feet
	Building height, accessory	20 feet
	Building coverage	60 percent
	Impervious coverage	80 percent
<b>E</b>	Accessory structure under 200 square feet and exceeding 12 feet in height shall obtain a building permit and comply with setbacks	See setbacks above

### (c) Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 11-2-19
Use Regulations	Article 3:
Off-Street Parking and Loading	Section 11-4-6
Landscaping, Screening, and Fencing	Section 11-4-7
Site and Building Design	Section 11-4-8
Exterior Lighting	Section 11-4-9





## 11-2-6 RM-2 Multifamily

### (a) Purpose

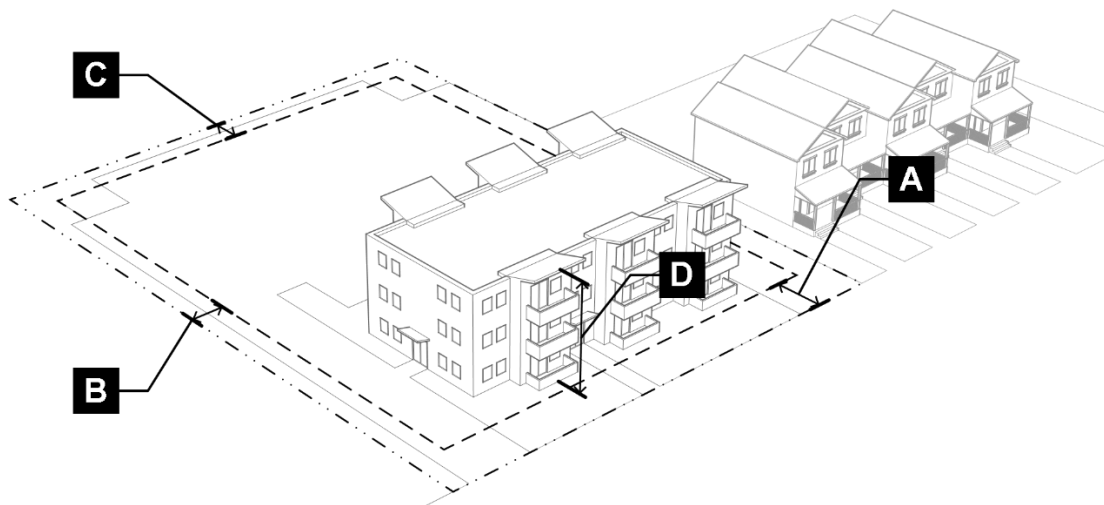
The RM-2 district is intended to provide housing at varied densities including attached single-family and multifamily uses. The RM-2 district also may include community, educational, and limited supportive uses. The RM-2 district may serve as a transition between higher intensity commercial and mixed-use districts and lower density residential districts.

### (b) RM-2 Lot and Building Standards

Lot Standards (minimum)		
	Lot area, single-family attached and duplex	2,000 sq. ft. per unit
	Lot area, multifamily	1,000 sq. ft. per unit
	Lot area, all other uses	10,500 sq. ft.
	Lot width	70 feet
Setbacks (minimum)		
<b>A</b>	Front	15 feet
<b>B</b>	Side, single-family attached and duplex	5 feet
	Side, all other uses/ Side, (detached accessory)	10 feet/5 feet
<b>C</b>	Rear/Rear (detached accessory)	10 feet/None
Building Standards (maximum)		
<b>D</b>	Building height, primary	60 feet
	Building height, accessory	20 feet
	Building coverage	60 percent
	Impervious coverage	80 percent
<b>E</b>	Accessory structure under 200 square feet and exceeding 12 feet in height shall obtain a building permit and comply with setbacks	See setbacks above

### (c) Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 11-2-19
Use Regulations	Article 3:
Off-Street Parking and Loading	Section 11-4-6
Landscaping, Screening, and Fencing	Section 11-4-7
Site and Building Design	Section 11-4-8
Exterior Lighting	Section 11-4-9



# 11-2-7 MH Manufactured Home

## (a) Purpose

The MH district is intended to accommodate medium-density single-family housing and manufactured housing. The MH may also include community and educational uses. The MH district may serve as a transition between higher intensity commercial and mixed-use districts and other medium-density residential districts.

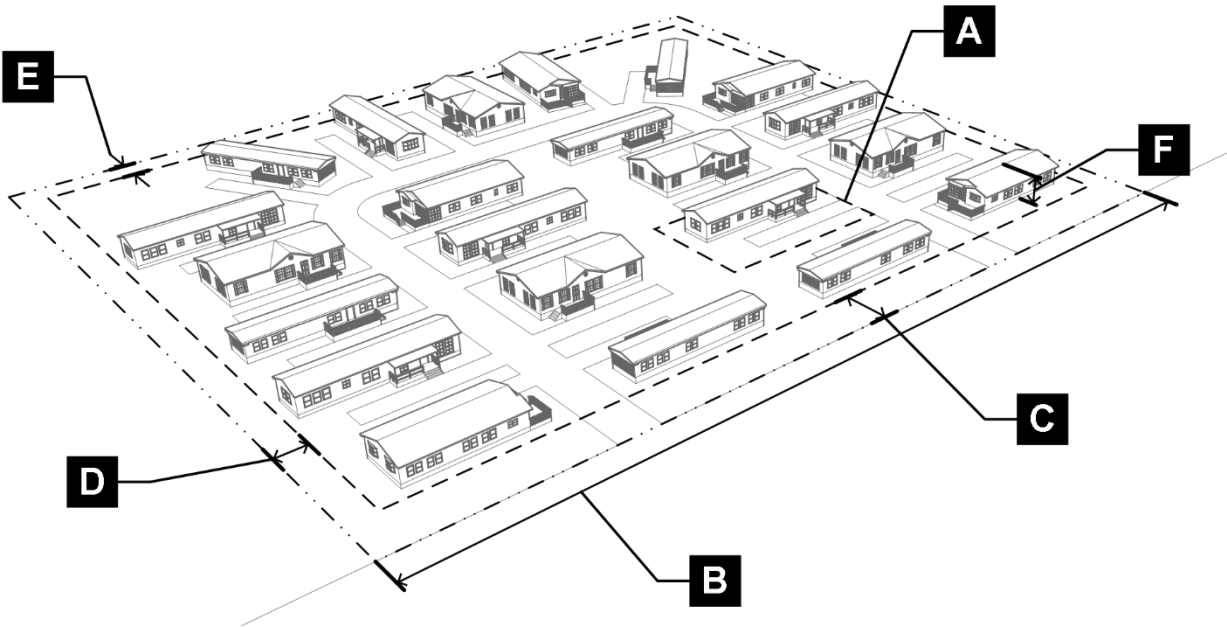
## (b) MH Lot and Building Standards

Lot Standards (minimum)		
	Manufactured home park project area	10 acres
<b>A</b>	Each manufactured home space	3,600 sq. ft.
<b>B</b>	Frontage, street	250 feet
Setbacks (minimum)[1]		
<b>C</b>	Front	25 feet
<b>D</b>	Side, interior	15 feet
	Side, along public street	25 feet
<b>E</b>	Rear	15 feet
	Rear, along public street	25 feet
Building Standards (maximum)		
<b>F</b>	Building height, manufactured home	16 feet
	Building height, all other (including common facilities)	16 feet
	Building coverage, per manufactured home park	40 percent

## (c) Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 11-2-19
Use Regulations	Article 3:
Off-Street Parking and Loading	Section 11-4-6
Landscaping, Screening, and Fencing	Section 11-4-7
Site and Building Design	Section 11-4-8
Exterior Lighting	Section 11-4-9

**Notes:**  
 [1] Additional area and spacing standards apply to manufactured homes in manufactured home parks. See Section 11-3-3(c)(5).



## 11-2-8 MN Mixed-Use Neighborhood

### (a) Purpose

The MN district is intended to accommodate primarily residential uses with limited community and commercial uses with appropriate accessory uses. Residential uses in the MN district are intended to offer a diversity of housing opportunities at varied densities. Commercial uses in the MN district should typically be limited to those providing retail and services to the convenience of the neighborhood. Mixed-use development in the MN district is intended to be walkable, have an active streetscape, and be compatible with surrounding residential uses.

### (b) MN Lot and Building Standards

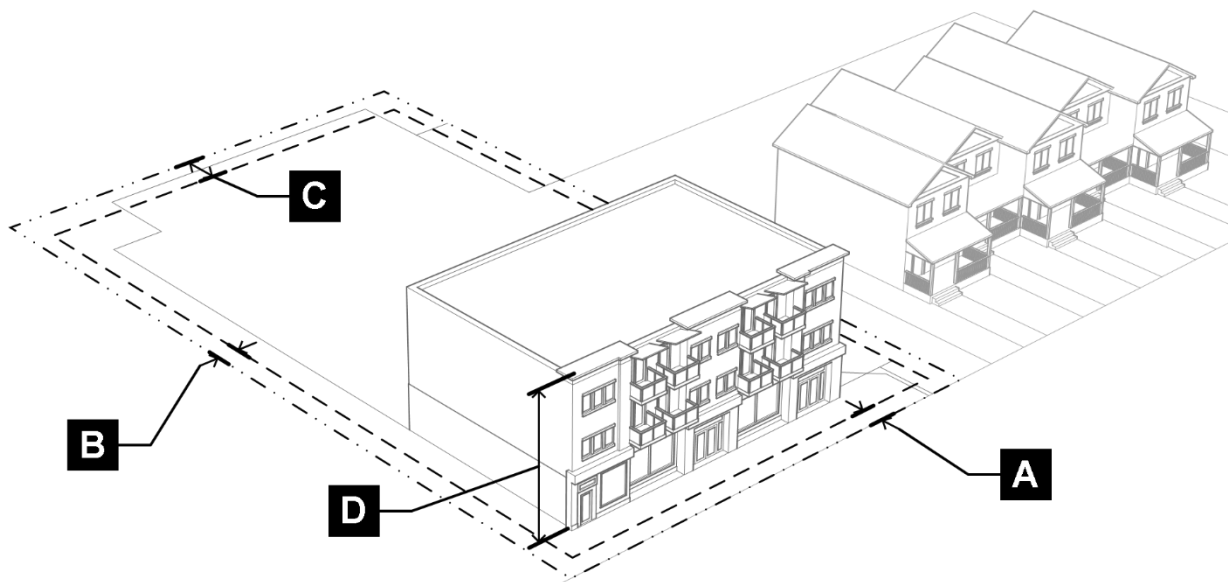
Lot Standards (minimum)	
Lot area, single-family detached	3,500 sq. ft.
Lot area, all other uses	7,000 sq. ft.
Lot width	35 feet
Setbacks	
<b>A</b> Front, minimum	5 feet
Front, maximum	15 feet [1]
<b>B</b> Side, minimum	5 feet
<b>C</b> Rear minimum/Rear (detached accessory)	10 feet/5 feet
Building and Site Standards (maximum)	
<b>D</b> Building height, primary	35 feet
Building height, accessory	20 feet
Building coverage	60 percent
Impervious coverage	90 percent
<b>E</b> Accessory structure under 200 square feet and exceeding 12 feet in height shall obtain a building permit and comply with setbacks	See setbacks above

### (c) Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 11-2-19
Use Regulations	Article 3:
Off-Street Parking and Loading	Section 11-4-6
Landscaping, Screening, and Fencing	Section 11-4-7
Site and Building Design	Section 11-4-8
Exterior Lighting	Section 11-4-9

**Notes:**

[1] Existing single-family detached dwellings, or conversions of existing single-family detached dwellings into nonresidential uses shall be exempt from the maximum front setback requirement.



## 11-2-9 MC Mixed-Use Corridor

### (a) Purpose

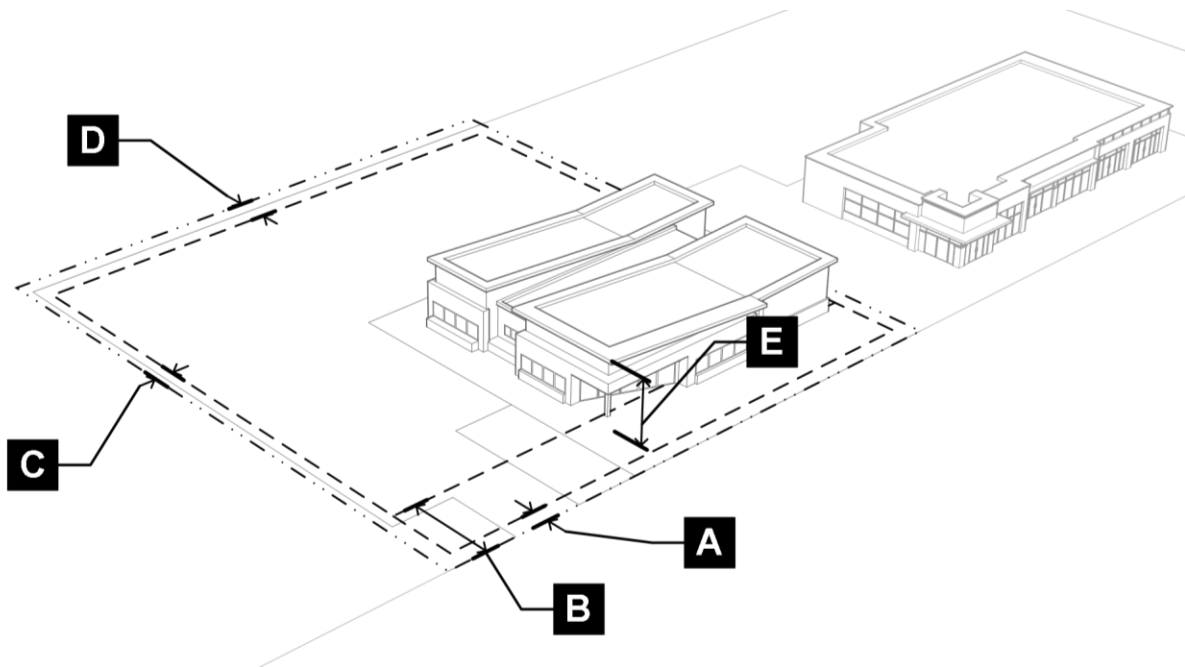
The MC district is intended to accommodate mixed-use development with walkable active streetscapes. Uses in the MC district are typically lighter-intensity commercial with limited auto-oriented uses that are compatible with surrounding residential neighborhoods. Residential uses in the MC district are intended to offer a diversity of attached housing types at varying densities.

### (b) MC Lot and Building Standards

Lot Standards (minimum)	
Lot area	None
Lot width	None
Setbacks	
<b>A</b> Front, minimum	5 feet
<b>B</b> Front, maximum	25 feet
<b>C</b> Side, minimum	5 feet
Rear, with alley, minimum	None
<b>D</b> Rear, without alley, minimum/Rear (detached accessory)	10 feet/5 feet
Building and Site Standards (maximum)	
<b>E</b> Building height, primary	60 feet
Building height, accessory	20 feet
Building coverage	60 percent
Impervious coverage	80 percent

### (c) Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 11-2-19
Use Regulations	Article 3:
Off-Street Parking and Loading	Section 11-4-6
Landscaping, Screening, and Fencing	Section 11-4-7
Site and Building Design	Section 11-4-8
Exterior Lighting	Section 11-4-9



## 11-2-10 MR Mixed-Use Regional

### (a) Purpose

The MR district is intended to accommodate areas for large-scale mixed-use development and redevelopment that is intended to serve the City and the region. The MR district requires adequate automobile access and circulation while providing pedestrian-friendly development and good access to public amenities and public transportation. Uses in the MR district are typically regional-scale employment, commercial activities and services, with limited higher-density residential uses.

### (b) MR Lot and Building Standards

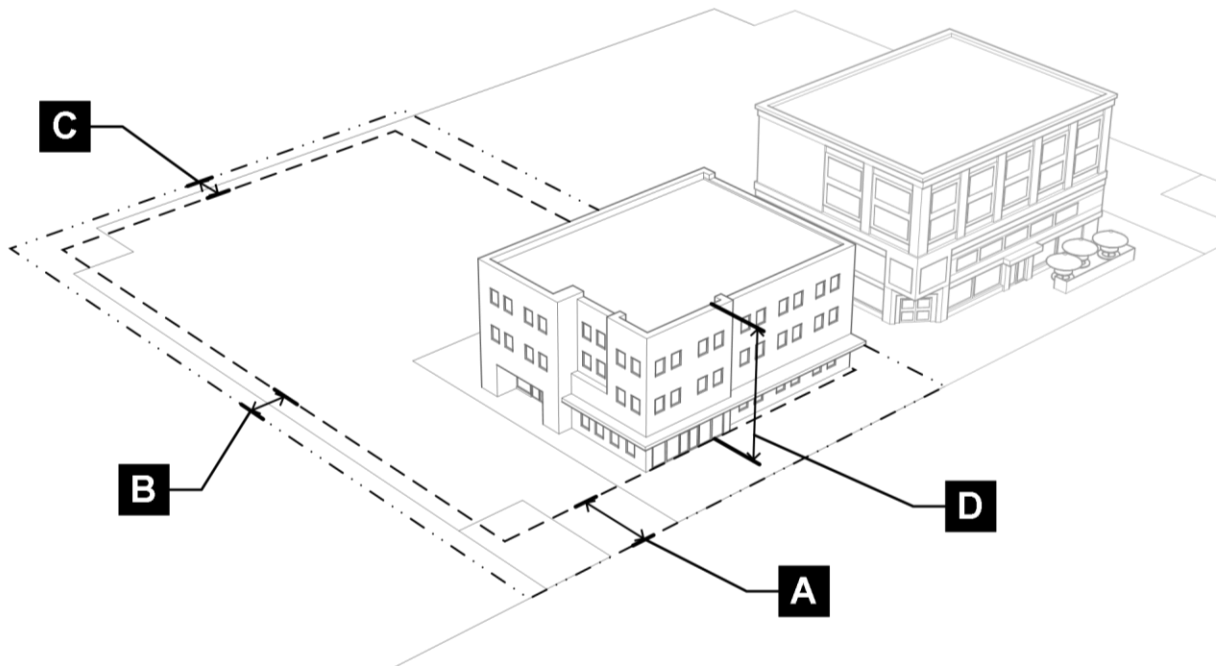
Lot Standards (minimum)	
Lot area	None
Lot width	None
Setbacks (minimum)	
<b>A</b> Front	20 feet [1]
<b>B</b> Side/Side (detached accessory)	10 feet/5 feet
<b>C</b> Rear/Rear (detached accessory)	10 feet/5 feet
Building and Site Standards (maximum)	
<b>D</b> Building height, primary	No maximum
Building height, accessory	20 feet
Building coverage	60 percent
Impervious coverage	80 percent

### (c) Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 11-2-19
Use Regulations	Article 3:
Off-Street Parking and Loading	Section 11-4-6
Landscaping, Screening, and Fencing	Section 11-4-7
Site and Building Design	Section 11-4-8
Exterior Lighting	Section 11-4-9

**Notes:**

[1] Applies to exterior perimeter of larger development area; See Section 11-2-19(c)(3).



# 11-2-11 CG Commercial General

## (a) Purpose

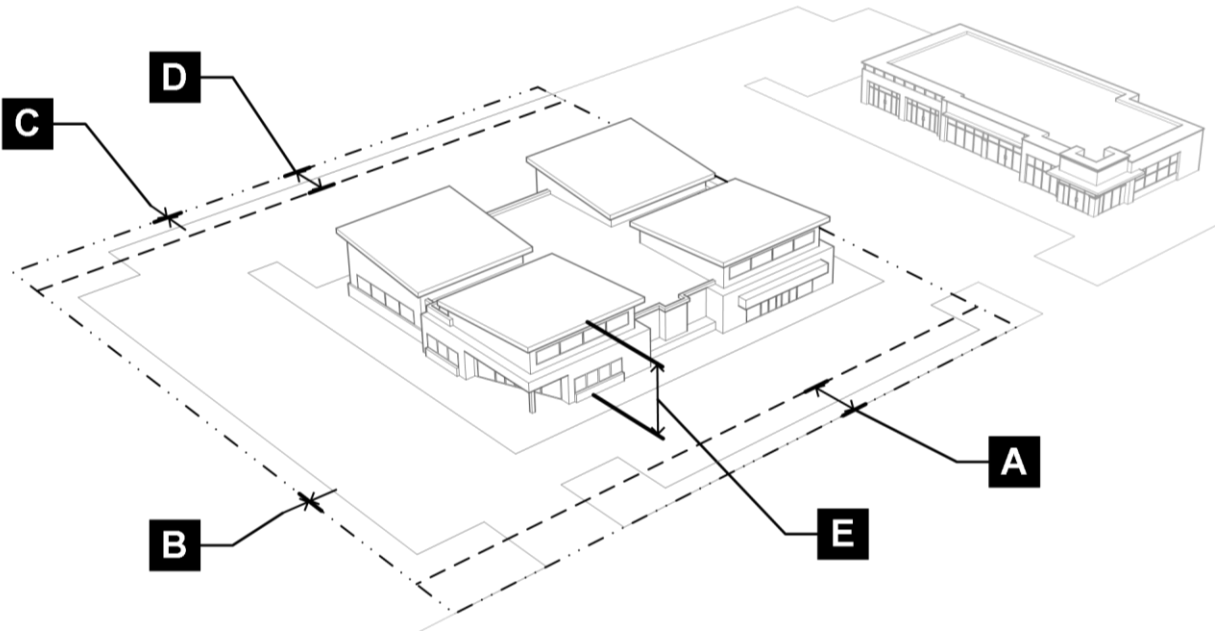
The CG district is intended to accommodate a wide variety of commercial uses throughout the City. Uses in the CG district often include auto-oriented uses but the district is intended to promote pedestrian-friendly development where appropriate. Typical uses in the CG district include retail, office, services, small-scale business parks, and cultural and community uses that serve both Northglenn and surrounding market areas.

## (b) CG Lot and Building Standards

Lot Standards (minimum)	
Lot area	None
Lot width	None
Setbacks (minimum)	
<b>A</b> Front	15 feet
<b>B</b> Side, interior	None
Side, abutting street	15 feet
<b>C</b> Rear/Rear (detached accessory)	15 feet/5 feet
Building and Site Standards (maximum)	
<b>D</b> Building height, primary	60 feet
Building height, accessory	20 feet
Building coverage	60 percent
Impervious coverage	80 percent

## (c) Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 11-2-19
Use Regulations	Article 3:
Off-Street Parking and Loading	Section 11-4-6
Landscaping, Screening, and Fencing	Section 11-4-7
Site and Building Design	Section 11-4-8
Exterior Lighting	Section 11-4-9



## 11-2-12 CA Commercial Auto-Oriented

### (a) Purpose

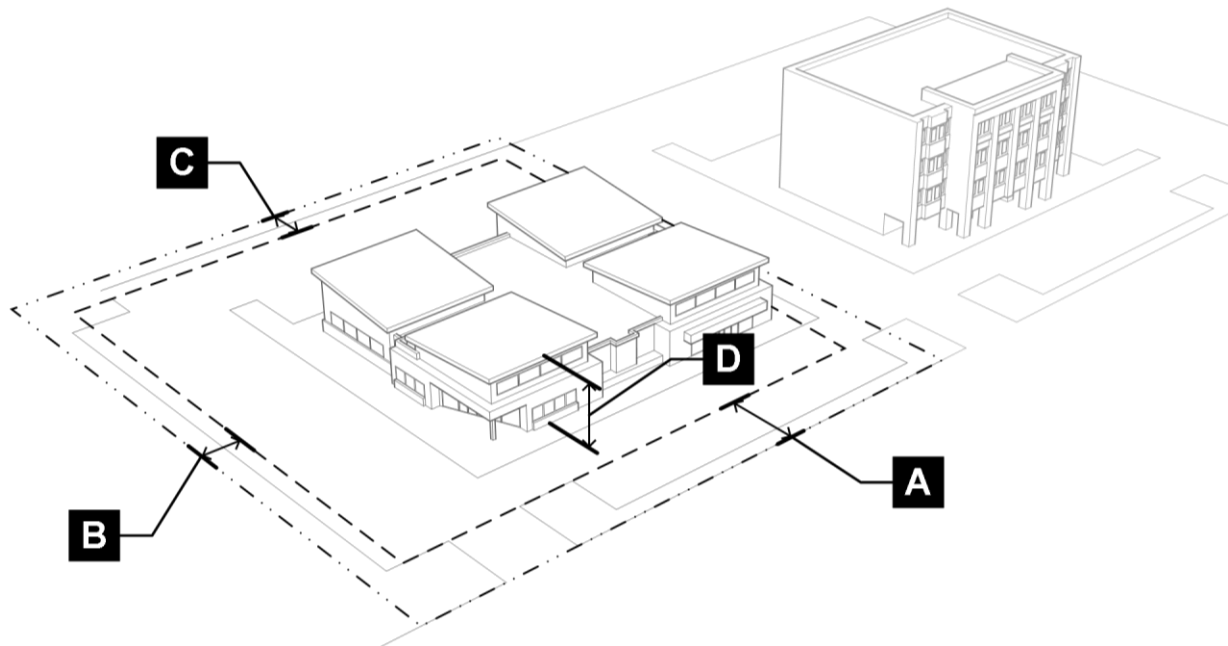
The CA district is intended to accommodate a wide variety of commercial and limited light industrial uses throughout the City. Uses in the CA district typically include auto-oriented uses that require multiple access points and larger off-street parking and loading areas than are necessary in other commercial and mixed-use areas. Typical supporting uses in the CA district include retail, office, and service uses.

### (b) CA Lot and Building Standards

Lot Standards (minimum)	
Lot area	None
Lot width	None
Setbacks (minimum)	
<b>A</b> Front	25 feet
<b>B</b> Side, interior	10 feet
Side, abutting street	15 feet
<b>C</b> Rear/Rear (detached accessory)	15 feet/5 feet
Building and Site Standards (maximum)	
<b>D</b> Building height, primary	60 feet
Building height, accessory	20 feet
Building coverage	60 percent
Impervious coverage	80 percent

### (c) Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 11-2-19
Use Regulations	Article 3:
Off-Street Parking and Loading	Section 11-4-6
Landscaping, Screening, and Fencing	Section 11-4-7
Site and Building Design	Section 11-4-8
Exterior Lighting	Section 11-4-9



# 11-2-13 IN Industrial

## (a) Purpose

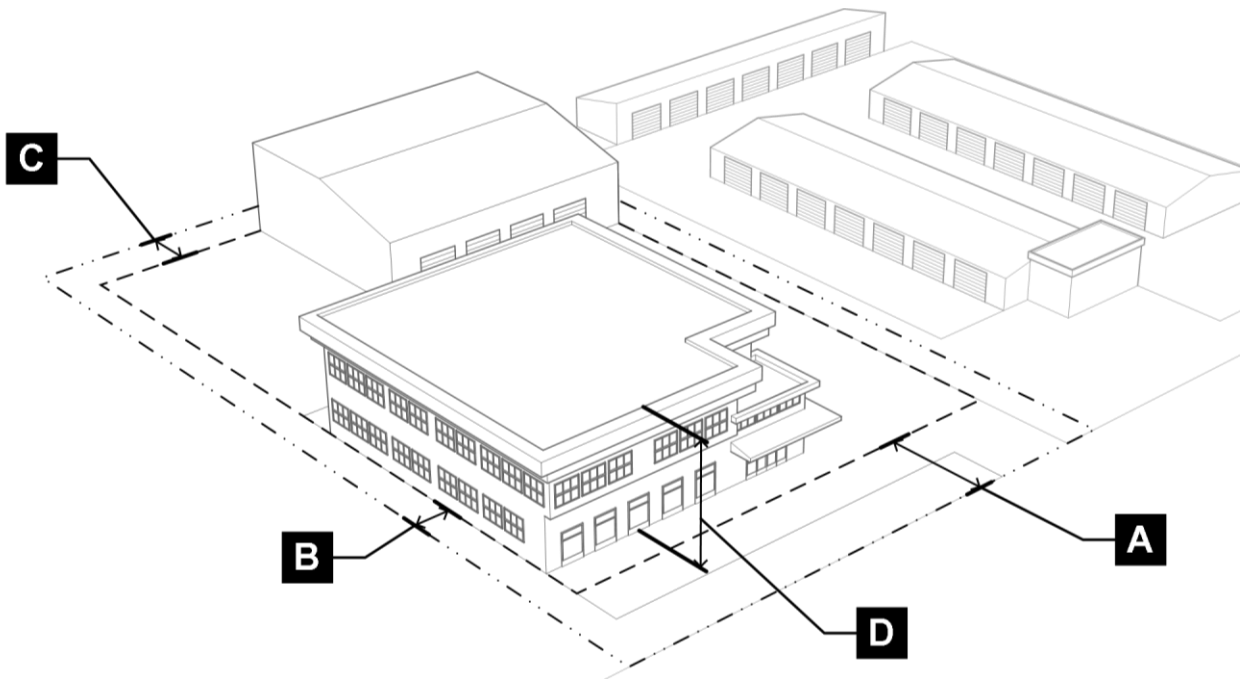
The IN district is intended to accommodate industrial and/or heavy commercial uses such as warehousing, service, storage, wholesale and distribution services, research and development, and limited processing and manufacturing uses mostly contained within enclosed buildings and with limited impacts to surrounding neighborhoods. The IN district requires adequate automobile access and sometimes rail access and should provide adequate buffering between residential and other lower-intensity districts.

## (b) IN Lot and Building Standards

Lot Standards (minimum)	
Lot area	None
Lot width	None
Setbacks (minimum)	
<b>A</b> Front	30 feet
<b>B</b> Side	5 feet
<b>C</b> Rear/Rear (detached accessory)	15 feet/5 feet
Building and Site Standards (maximum)	
<b>D</b> Building height	65 feet
Building coverage	70 percent
Impervious coverage	80 percent

## (c) Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 11-2-19
Use Regulations	Article 3:
Off-Street Parking and Loading	Section 11-4-6
Landscaping, Screening, and Fencing	Section 11-4-7
Site and Building Design	Section 11-4-8
Exterior Lighting	Section 11-4-9





# 11-2-14 PF Public Facilities

## (a) Purpose

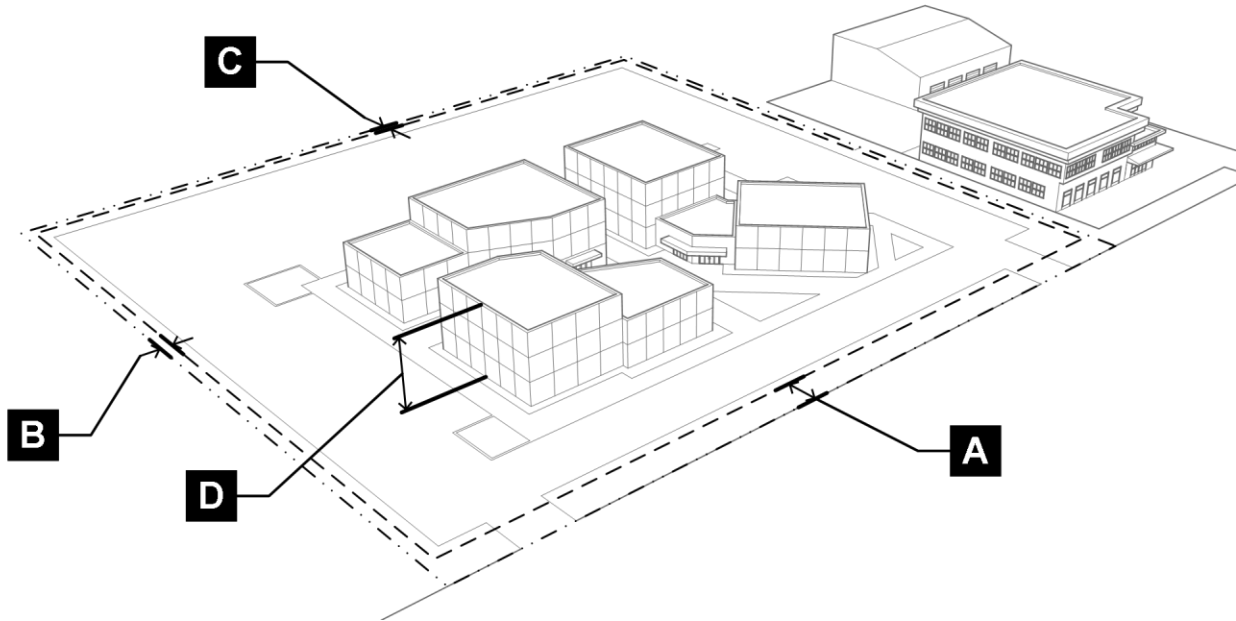
The PF district is intended to accommodate and preserve areas for public, quasi-public, and limited private facilities and uses. Uses in the PF district typically include essential City services and activities, with limited supporting uses and activities. The PF district is intended to incorporate flexibility to allow varying operational and site characteristics associated with essential City or community services.

## (b) PF Lot and Building Standards

Lot Standards (minimum)	
Lot area	None
Lot width	None
Setbacks (minimum)	
<b>A</b> Front	15 feet
<b>B</b> Side	5 feet
<b>C</b> Rear/Rear (detached accessory)	10 feet/5 feet
Building Standards (maximum)	
<b>D</b> Building height	65 feet
Building coverage	70 percent

## (c) Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 11-2-19
Use Regulations	Article 3:
Off-Street Parking and Loading	Section 11-4-6
Landscaping, Screening, and Fencing	Section 11-4-7
Site and Building Design	Section 11-4-8
Exterior Lighting	Section 11-4-9



# 11-2-15 AG Agricultural

## (a) Purpose

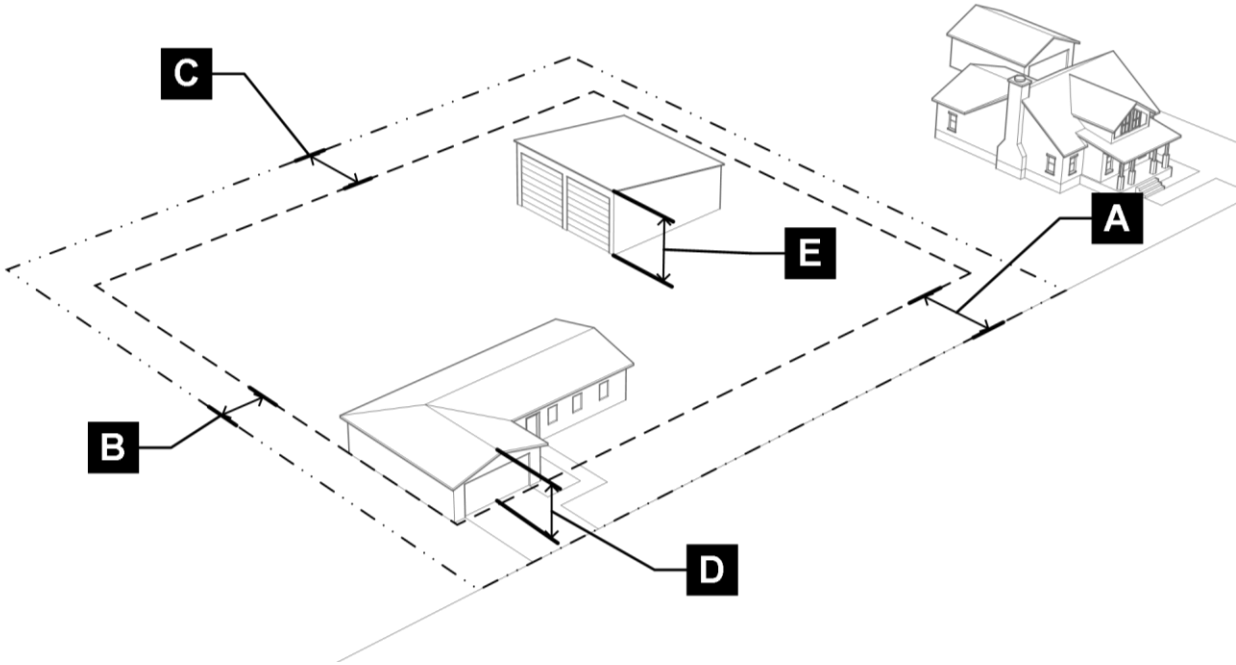
The AG district is intended to preserve areas in the City for agricultural, rural residential, open space, and other related uses. The AG district is characterized by open areas of range land, large planted areas, and natural undisturbed areas that are mostly rural. The AG district may also be used to accommodate newly annexed property until such time as another appropriate zoning district is designated.

## (b) AG Lot and Building Standards

Lot Standards (minimum)		
Lot area		One acre
Lot width		125 feet
Setbacks (minimum)		
<b>A</b>	Front	50 feet
<b>B</b>	Side	15 feet
<b>C</b>	Rear	25 feet
Building Standards (maximum)		
<b>D</b>	Building height, dwellings	35 feet
<b>E</b>	Building height, other	65 feet
	Building coverage	30 percent

## (c) Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 11-2-19
Use Regulations	Article 3:
Off-Street Parking and Loading	Section 11-4-6
Landscaping, Screening, and Fencing	Section 11-4-7
Exterior Lighting	Section 11-4-9



**11-2-16 OS Open Space**

**(a) Purpose**

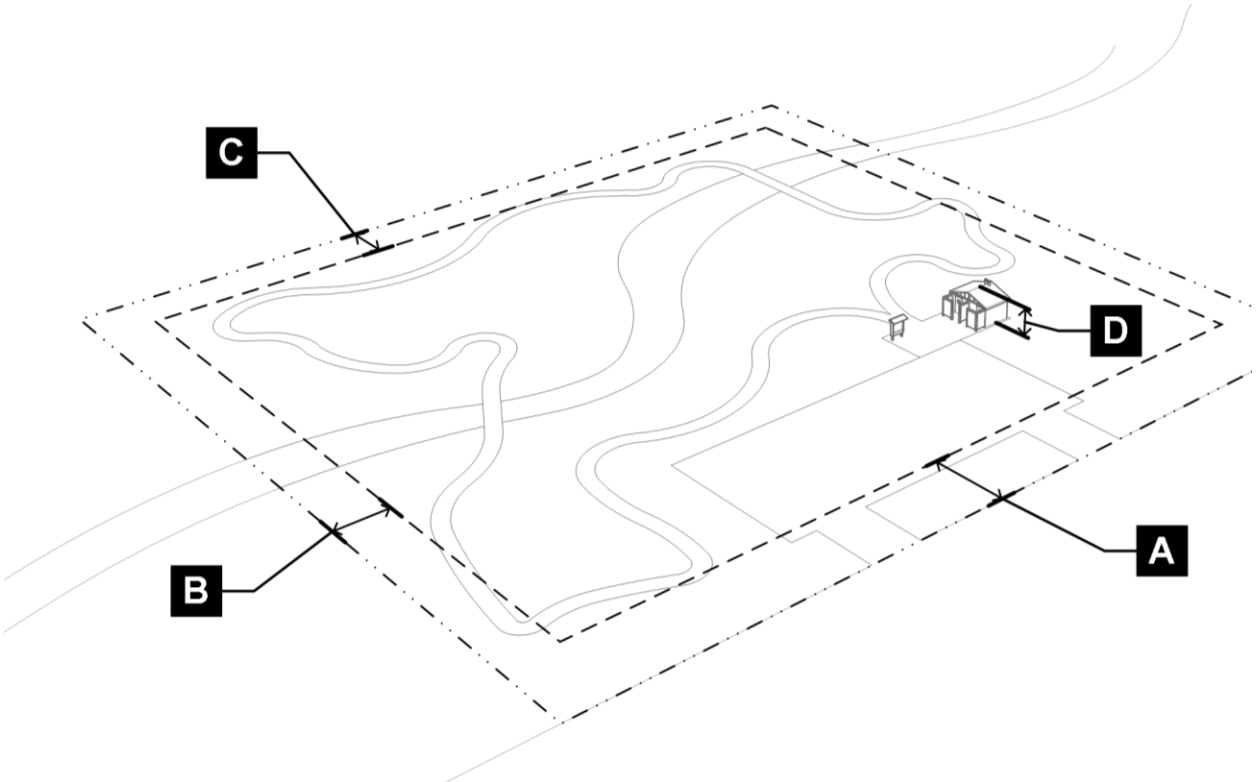
The OS district is intended to provide for recreational uses and natural areas and to protect those lands from being used for purposes other than recreational and natural areas. The OS district is intended to accommodate public and quasi-public open space, parks, and compatible accessory uses and structures.

**(b) OS Lot and Building Standards**

Lot Standards (minimum)	
Lot area	None
Lot width	None
Setbacks (minimum)	
<b>A</b> Front	30 feet
<b>B</b> Side	20 feet
<b>C</b> Rear	20 feet
Building Standards (maximum)	
<b>D</b> Building height	30 feet
Building coverage	15 percent

**(c) Other Standards**

Other Standards	Location in LDC
Measurements and Exceptions	Section 11-2-19
Use Regulations	Article 3:
Off-Street Parking and Loading	Section 11-4-6
Landscaping, Screening, and Fencing	Section 11-4-7
Site and Building Design	Section 11-4-8
Exterior Lighting	Section 11-4-9



## **11-2-17 PD Planned Development**

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### **(a) Purpose**

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The PD district is intended to:

- (1)** Achieve greater flexibility than allowed by the strict application of this UDO in exchange for more creative and imaginative designs with a higher level of amenities and public benefit than otherwise possible under the base zoning districts;
  - (2)** To ensure compatibility between residential and nonresidential or mixed-use areas and to minimize impacts to those areas from more intensive uses; and
  - (3)** To allow various combinations of land uses in multi-phased developments.
- 

### **(b) Establishing a Planned Development District**

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Planned Development districts are established by the City's approval of a rezoning pursuant to Section 11-6-4(b). The rezoning to PD procedure shall not be used when a special use permit, variance, administrative adjustment, or rezoning to another base zoning district could achieve a similar result.

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### **(c) Planned Development Standards**

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The standards for development within a PD district are established by an approved PD plan with adoption of a rezoning to a PD district.

## 11-2-18 Summary Tables of Lot and Building Standards

### (a) Residential Zoning Districts

**Table 2-18-A: Residential Districts Lot and Building Standards**

Zoning District	RS-1	RS-2	RS-3	RM-1	RM-2	MH
<b>Lot Standards (minimum)</b>						
Lot area	12,500 sf	7,000 sf	2,500 sf			10 acre per manufactured home park project area
Lot area, single-family detached				3,500 sf		3,600 sf per manufactured home space
Lot area, single-family attached and duplex				2,500 sf per unit	2,000 sf per unit	
Lot area, multifamily				2,000 sf per unit	1,500 sf per unit	
Lot area, all other uses				10,500 sf	10,500 sf	
Lot width	100 feet	70 feet	35 feet	35 feet	70 feet	250 feet frontage
<b>Setbacks (minimum)</b>						
Front	30 feet	25 feet	15 feet	15 feet	15 feet	25 feet
Front (alley-loaded residential)			7 feet			
Side	10 feet	5 feet	5 feet			
Side, single-family and duplex				5 feet	5 feet	
Side, all other uses				10 feet	10 feet	
Side, detached accessory				5 feet	5 feet	
Side, interior						15 feet
Side, along public street						25 feet
Rear	20 feet	20 feet	10 feet	10 feet	10 feet	15 feet
Rear, detached accessory	None	None	None	None	None	
Rear, along public street						25 feet
<b>Building Standards (maximum)</b>						
Building height, primary	28 feet	28 feet	35 feet	45 feet	60 feet	16 feet
Building height, accessory	20 feet	20 feet	20 feet	20 feet	20 feet	
Building height, all other (including common facilities)						16 feet
Building coverage	40%	40%	60%	60%	60%	40%
Impervious coverage				80%	80%	

## (b) Mixed-Use and Commercial Zoning Districts

**Table 2-18-B: Mixed-Use and Commercial Districts Lot and Building Standards**

Zoning District	MN	MC	MR	CG	CA
<b>Lot Standards (minimum)</b>					
Lot area		None	None	None	None
Lot area, single-family detached	3,500 sf				
Lot area, all other uses	7,000 sf				
Lot width	35 feet	None	None	None	None
<b>Setbacks</b>					
Front, minimum	5 feet	5 feet	20 feet	15 feet	25 feet
Front, maximum	15 feet	25 feet			
Side, minimum	5 feet	5 feet	10 feet		
Side, minimum (detached accessory)			5 feet		
Side, interior, minimum				None	10 feet
Side, abutting street, minimum				15 feet	15 feet
Rear, minimum	10 feet		10 feet	15 feet	15 feet
Rear, detached accessory, minimum	5 feet	5 feet	5 feet	5 feet	5 feet
Rear, with alley, minimum		None			
Rear, without alley, minimum		10 feet			
<b>Building and Site Standards (maximum)</b>					
Building height, primary	35 feet	60 feet	No maximum	60 feet	60 feet
Building height, accessory	20 feet	20 feet	20 feet	20 feet	20 feet
Building coverage	60%	60%	60%	60%	60%
Impervious coverage	90%	80%	80%	80%	80%

## (c) Other Nonresidential Zoning Districts

**Table 2-18-C: Other Nonresidential Districts Lot and Building Standards**

Zoning District	IN	PF	AG	OS
<b>Lot Standards (minimum)</b>				
Lot area	None	None	One acre	None
Lot width	None	None	125 feet	None
<b>Setbacks (minimum)</b>				
Front	30 feet	15 feet	50 feet	30 feet
Side	5 feet	5 feet	15 feet	20 feet
Rear	15 feet	10 feet	25 feet	20 feet
Rear, detached accessory	5 feet	5 feet		
<b>Building and Site Standards (maximum)</b>				
Building height	65 feet	65 feet	65 feet (except dwellings)	30 feet
Building height, dwellings			35 feet	
Building coverage	70%	70%	30%	15%
Impervious coverage	80%			

## 11-2-19 Measurements and Exceptions

### (a) Purpose

The purpose of this section is to provide uniform methods of measurement for interpretation and enforcement of the lot and building standards in this UDO.

### (b) Lot and Site Requirements

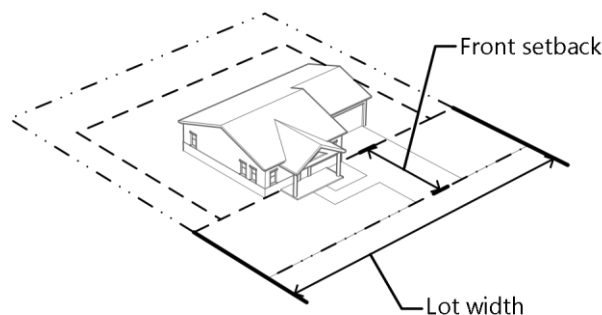
#### (1) Minimum Lot Dimensions

- (A) Any lot that is created, developed, used, or occupied shall meet the minimum lot area and width requirements established in this Article for the zoning district in which it is located unless otherwise established in this UDO for specific uses. New lots shall also meet the development standards in Subsection 11-5-3(d), *Block and Lot Design*.
- (B) No area required to meet the lot and building requirements of this UDO may be sold or leased away from such lot or building.

#### (2) Lot Width Measurement

Lot width shall be measured at the front setback line. In districts with a maximum front setback, the lot width shall be measured at the maximum front setback line. See Figure 2.A below.

Figure 2.A: Lot Width Measurement



#### (3) Number of Principal Buildings or Uses per Lot

Where a lot or tract is used for multifamily and nonresidential uses more than one primary building may be located on such lot or tract provided such buildings comply with the development standards in this UDO.

### (c) Setbacks

#### (1) Measurement

- (A) Setbacks referred to in this UDO shall be measured as stated in the definitions in Article 7 under the term "setback."
- (B) No part of a setback area required for any building shall be included as a setback area for a building on a separate lot or tract.
- (C) Multifamily dwellings on one lot shall be construed as one structure for purpose of measuring setbacks.

#### (2) Zero Lot Line Configurations

- (A) Unless otherwise stated in this UDO, for purposes of calculating setbacks for side-by-side (zero lot line) configurations of nonresidential, duplexes, single-family attached dwellings, and multifamily dwellings, only those units and/or dwelling units that do not share a common wall with an adjacent unit and/or dwelling unit are required to comply with the side setback for the applicable zoning district.
- (B) For nonresidential development projects on sites five acres or greater, interior side setbacks may be reduced with approval by the Director pursuant to the Administrative Adjustment procedure in Subsection 11-6-7(b).

**(3) Front Setbacks in the MR District**

In the MR district, front setbacks shall only apply to the exterior development area along the perimeter of the larger development site. Individual building pads shall not be subject to front setback requirements.

**(4) Exceptions to Setback Requirements**

Every part of a required setback shall be unobstructed from ground level to the sky except as follows:

- (A)** Setback restrictions do not apply to slabs, uncovered patios, walks, fences, landscaping improvements such as hedges, or freestanding walls. Each of those features shall comply with other applicable sections of this UDO, including but not limited to development standards and vision clearance area requirements.
- (B)** The features and improvements in the table below may encroach into required setbacks. Features not specifically listed in the table below may be considered by the Director to be included with an existing type of exception.

<b>Table 2-19-A: Authorized Exceptions to Setback Requirements</b>		
<b>Type of Exception</b>	<b>Residential Districts</b>	<b>Mixed-Use and Nonresidential Districts</b>
Accessory structures less than 200 square feet in size	Not subject to applicable side and rear setback requirements.	
Front porches, stoops, and vestibules	Covered or uncovered porches, stoops, and entry vestibules may extend into the front setback up to eight feet provided such porch or stoop is not located closer than five feet to the front property line.	Entryways and vestibules not exceeding 10 feet in width may extend into the front or rear yard up to five feet.
Incidental architectural features	Stairways and architectural features, such as eaves, cornices, awnings, canopies, sills, planters, wingwalls, or similar architectural features may extend into any required setback up to two feet.	Stairways not exceeding 10 feet in width may extend into the front or rear yard up to five feet.
Mobility access ramps and lifts	Allowed as necessary upon written request to the Director.	
Open fire escapes, stairways, and chimneys	Open fire escapes, stairways, and chimneys may extend into any required setback up to six feet, provided such feature is not located closer than five feet from any property line.	
Uncovered balconies	Balconies that are uncovered may extend up to six feet into any setback provided they are not located closer than five feet from any property line.	

**(5) Accessory Structure Setbacks**

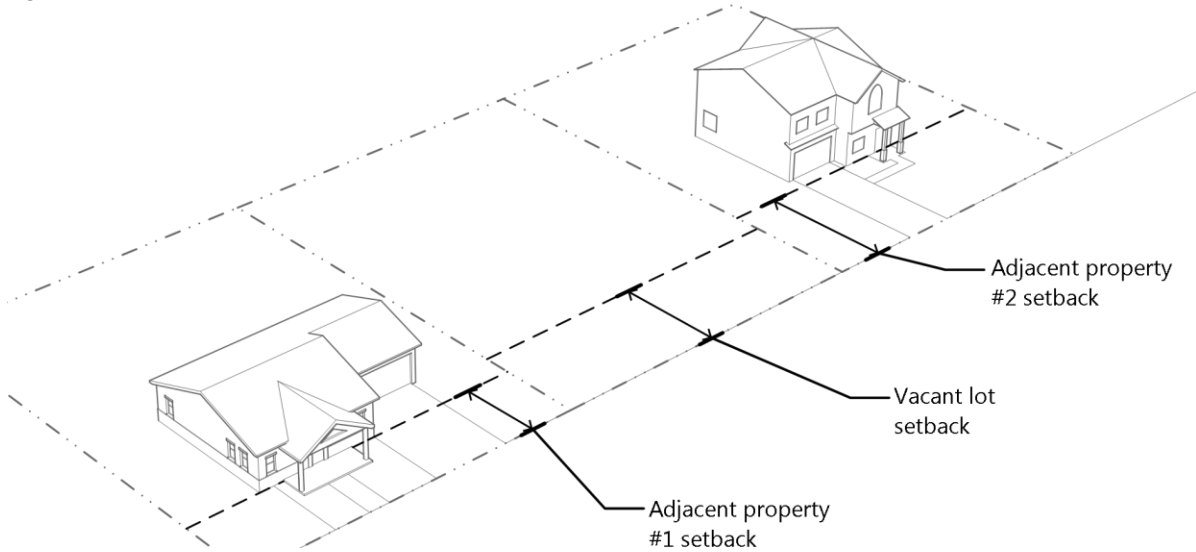
Minimum setback requirements for accessory structures 200 square feet or greater in size are as indicated in the zoning district lot and building standards. If a separate requirement for accessory structures is not identified for a zoning district, then the requirement for principal structures in that district shall also apply to accessory structures.

**(6) Contextual Setbacks**

In any residential district, the minimum front setback on any vacant lot where the front setbacks of adjacent dwellings do not meet the required front setback for that district may be established as the mean average front setback of the two adjacent dwellings. If there is only one adjacent existing dwelling, then the front setback for the vacant lot shall be established as the mean average of the one existing adjacent dwelling and the required front setback for that district. See Figure 2.B below.



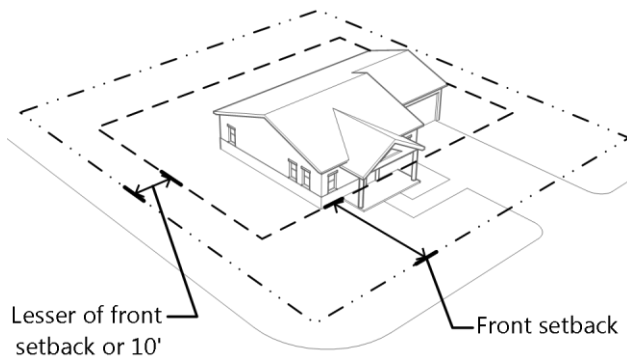
Figure 2.B: Contextual Setbacks



**(7) Corner Lots**

On corner lots, the front setback shall apply to the street frontage with the primary entrance to the primary building. On the other street frontage where the side yard abuts the street, the setback requirement shall be the lesser of the front setback for the applicable zoning district or 10 feet. See Figure 2.E below.

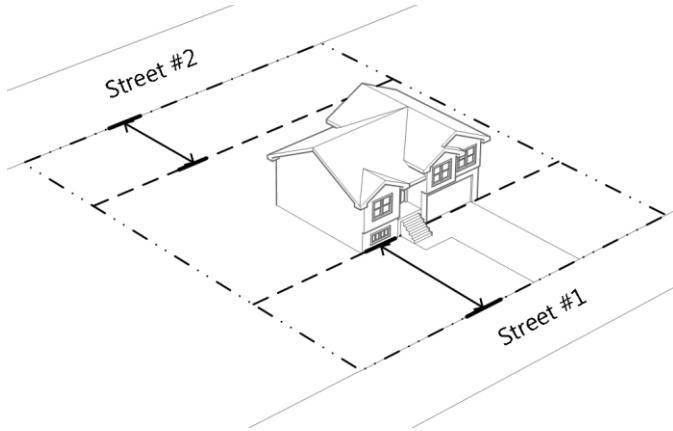
Figure 2.C: Corner Lot Setbacks



**(8) Double-Frontage Lots**

In the case of double-frontage lots, front setbacks shall be provided for principal structures on all frontages. For accessory structures on double-frontage lots, the rear setback shall apply to the secondary frontage (Street #2). See Figure 2.D below.

**Figure 2.D: Double-Frontage Lots**



**(d) Vision Triangle Requirements**

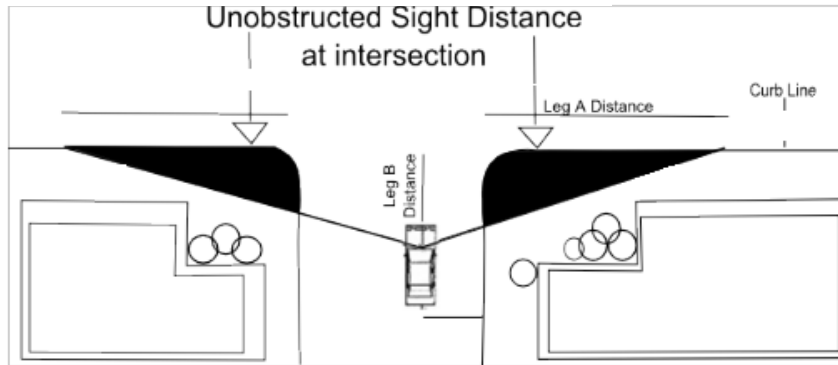
**(A) Generally**

Vision clearance areas free of obstructions are required where a driveway intersects a public right-of-way or where property abuts the intersection of two public rights-of-way. Unobstructed sight distance shall be provided at all times within the vision clearance area of the property adjacent to the intersection in order to ensure that safe and adequate sight distance is provided for the public use of the right-of-way, pursuant to Table 2-19-B and Figure 2.E below. The Director shall determine the classification of all adjacent roadways used in calculating the required unobstructed sight distance at all intersections. Distances shall be measured along the flowline beginning at the point where Leg A and Leg B intersect.

**Table 2-19-B: Vision Triangle Distance Requirements**

		Leg A Distance			
		Driveway	Local	Collector	Arterial
		Leg B / Leg A	Leg B / Leg A	Leg B / Leg A	Leg B / Leg A
Leg B Distance	<b>Driveway</b>	15 feet / 15 feet	15 feet / 15 feet	15 feet / 35 feet	15 feet / 50 feet
	<b>Local</b>	15 feet / 15 feet	15 feet / 15 feet	15 feet / 35 feet	15 feet / 50 feet
	<b>Collector</b>	35 feet / 15 feet	35 feet / 15 feet	35 feet / 35 feet	35 feet / 50 feet
	<b>Arterial</b>	50 feet / 15 feet	50 feet / 15 feet	50 feet / 35 feet	50 feet / 50 feet

Figure 2.E: Vision Triangle Distance



**(B) Additional Engineering Standards**

Additional engineering standards may be applied, at the discretion of the Director, depending on the street and intersections according to general American Association of State Highway and Transportation Officials (AASHTO) standards and any other locally-adopted engineering requirements.

**(C) Exceptions**

- (i) On corner lots, single-family and duplex dwelling uses shall not be subject to the driveway standards in Table 2-19-B.
- (ii) Landscaping may be provided within a vision clearance area provided such landscaping is less than 30 inches in height. Trees may be provided within the vision clearance area provided the lowest branches are more than seven feet above the ground.

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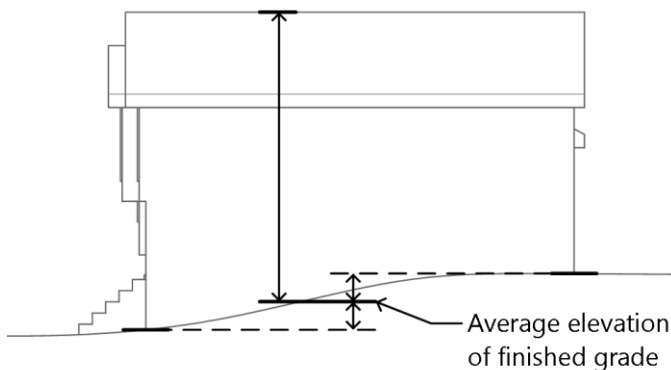
**(e) Building Height**

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**(1) Measurement**

Building height shall be measured as the vertical distance measured from the average elevation of the finished grade (the mean elevation of the lowest and highest corners of a structure) to the highest point of the roof. See Figure 2.F below.

Figure 2.F: Building Height Measurement



**(2) Exceptions to Height Requirements**

No building or part of a building shall exceed the maximum building height within any zoning district unless authorized in the table below or elsewhere in this UDO. Features not specifically listed in the table below may be considered with an existing row in that table with Director approval.

<b>Table 2-19-C: Authorized Exceptions to Height Requirements</b>		
<b>Type of Exception</b>	<b>Residential Districts</b>	<b>Mixed-Use and Nonresidential Districts</b>
Building-mounted antennas (except those covered by the wireless telecommunications regulations in Subsection 11-3-3(g)(3)), bell towers, spires, and steeples	May extend up to five feet above the maximum height requirement	May extend up to 10 feet above the maximum height requirement.
Chimneys	May extend up to 5 feet above the maximum height requirement.	
Incidental architectural features such as cornices, parapets, or similar architectural features	May extend up to three feet above the maximum height requirement.	May extend up to five feet above the maximum height requirement.
Mechanical equipment, stair towers, and similar non-habitable structures	In residential buildings containing two or more dwellings, such equipment may extend up to eight feet above the maximum height requirement provided they do not cover more than 30 percent of the total roof area of the building and are located a minimum of six feet back from the edge of roof.	May extend up to eight feet above the maximum height requirement provided they do not cover more than 30 percent of the total roof area of the building and are located a minimum of six feet back from the edge of roof.
Pitched, gable, or hip roof	May extend up to five feet above the maximum height requirement provided a minimum of 70 percent of the area of the roof has a pitch of a minimum rise over run ratio of 4:12.	
Rooftop solar equipment	May extend up to five feet above the maximum height requirement.	

## (f) Floor Area and Square Footage

- (1) All areas within a structure including interior storage areas, closets, living areas, bathrooms, garages, and interior and exterior walls shall be included in the calculation of floor area of a structure. Private outdoor areas for multifamily structures such as porches, balconies, courtyards, plazas, pergolas, gazebos, or similar facilities shall be excluded from this calculation.
- (2) Gross square footage of a structure shall be measured from the outside of the exterior walls and shall include the area of the walls.

## (g) Building and Impervious Coverage

### (1) Building Coverage Calculation

The area of the lot covered by principal buildings, accessory structures, parking garages, carports, and utility and storage sheds shall be included in the calculation of building coverage in all zoning districts. The Director shall have the authority to determine if additional types of structures count toward building coverage percentages at their discretion.

### (2) Impervious Coverage Calculation

The area of the lot covered by the following shall be included in the calculation of total impervious coverage in all applicable zoning districts:

- (A) Principal buildings;
- (B) Accessory structures, parking garages, carports, and utility and storage sheds;
- (C) Additional types of structures as determined by the Director;
- (D) Porches, stairways, elevated walkways, paved areas, or areas otherwise covered with materials impervious to water; and
- (E) Parking areas and driveways, regardless of surfacing materials unless an alternative pervious paving system is approved by the Director.

# Article 3: Use Regulations

## 11-3-1 Purpose and Organization of this Article

### (a) Purpose

The article identifies the land uses allowed in Northglenn’s zoning districts and establishes standards that apply to certain uses with unique characteristics or impacts.

### (b) Organization

- (1) Section 11-3-2, *Table of Allowed Uses* lists uses allowed by district and provides cross-references to applicable use-specific standards.
- (2) Section 11-3-3, *Use-Specific Standards*, establishes use-specific standards applicable to specific land uses.
- (3) Section 11-3-4, *Accessory Uses and Structures*, establishes standards applicable to accessory uses and structures.
- (4) Section 11-3-5, *Temporary Uses and Structures*, establishes standards applicable to temporary uses and structures.
- (5) Section 11-3-6, *Oil and Gas Operations*, establishes standards applicable to oil and gas operations.

## 11-3-2 Table of Allowed Uses

Table 3-2-A lists the uses allowed within all base zoning districts. Each listed use is defined in Article 7: *Definitions and Rules of Construction*.

### (a) Explanation of Table Abbreviations

#### (1) Allowed By Right Uses

A “√” in a cell indicates that the use is allowed by right in the respective zoning district. Such uses are subject to all other applicable regulations of the UDO.

#### (2) Special Use Permit Required

An “S” in a cell indicates that the use is only allowed in the respective zoning district if approved as a special use in accordance with the procedures in Subsection 11-6-5(b), *Special Use Permit*.

#### (3) Prohibited Uses

A blank cell indicates that the use is prohibited in the respective zoning district.

#### (4) Accessory Uses

An “A” in a cell indicates that the use is allowed in the respective zoning district as an accessory use, pursuant to Section 11-3-4, *Accessory Uses and Structures*.

#### (5) Use-Specific Standards

Regardless of whether or not a use is allowed by right or with approval of a special use permit, additional standards may be applicable to that use. Use-specific standards are identified and cross-referenced in the last column of Table 3-2-A. Uses marked with a “+” following the “√” or “S” in a zoning district indicates that use-specific standards apply to that use type in that zoning district. For example, “√+” indicates that a use is allowed by-right, but that additional standards apply in that zoning district.

### (b) Table Organization

In Table 3-2-A, land uses are classified into general use categories and specific uses based on common functional, product, or physical characteristics such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or

activity that may appropriately exist within each category. Certain uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are intended as an indexing tool and are not regulatory.

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### **(c) Classification of New and Unlisted Uses**

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The following procedure shall apply if an application is submitted for a use category or use type that is not specifically listed in Table 3-2-A. Submission and approval of such an application shall be required prior to approval of any other permit or development approval associated with the use.

**(1) Director Determination of Appropriate Use Category and Use Type**

The Director shall determine the appropriate use category and use type for the proposed use. In making such determination, the Director shall consider the potential impacts of the proposed use including the nature of the use and whether it includes dwellings, sales, processing, or storage; and typical operations, employment characteristics, nuisances, requirements for public utilities, and transportation requirements.

**(2) Establish Use-Specific Standards if Necessary**

When establishing a use category and specific use type, the Director shall also determine whether or not additional use-specific standards are necessary to reduce potential impacts to surrounding properties or the community.

**(3) Appeal of Director's Determination**

Appeals of administrative decisions shall be made pursuant to the procedures in Subsection 11-6-7(d), *Appeal*.

**(d) Table of Allowed Uses**

<b>Table 3-2-A: Table of Allowed Uses</b>																
√ = allowed by right S = special use permit A = accessory Blank cell = use prohibited + = Use-specific standards apply																
	Residential						Mixed-Use				Other Nonresidential					Use-Specific Standards
	RS-1	RS-2	RS-3	RM-1	RM-2	MH	MN	MC	MR	CG	CA	IN	PF	AG	OS	
<b>Residential</b>																
<b>Household Living</b>																
Dwelling, Duplex				√	√		√									
Dwelling, Live/Work							√+	√+	√+			S+			11-3-3(c)(2)	
Dwelling, Multifamily				√	√		S+	√+	√+						11-3-3(c)(3)	
Dwelling, Single-Family Attached				√+	√+		√+	S+							11-3-3(c)(4)	
Dwelling, Single-Family Detached	√	√	√				√							√		
Manufactured Home Park, HUD-Code						√+									11-3-3(c)(5)	
<b>Group Living</b>																
Assisted Living Facility	S	S	S	√	√	S	S	√	√							
Group Home, FHAA	√+	√+	√+	√+	√+	√+	√+	√+	√+					√+	11-3-3(c)(6)	
Group Home, Supportive Housing	√+	√+	√+				√+							√+	11-3-3(c)(7)	
Independent Living Facility				√	√		√									
<b>Public, Institutional, and Civic Uses</b>																
<b>Community and Cultural Facilities</b>																
Assembly	S	S	S	S	S	S	S	S	S	S	S	S				
Cemetery or Interment Facility												S		S	√	
Club or Lodge							S	S	S	S	S	S				
Community Center	S	S	S	S	S	S	S	√	√	√	√	√	√	√		
Daycare	S	S	S	S	S	S	S	S	S	√	√	A+	A+		11-3-3(d)(1)	
Emergency or Community Operations Facility	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	
Funeral Facility								S	S	S	S	S		S		
Park and Open Space, Active	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	
Park and Open Space, Passive													√	√	√	
<b>Educational Facilities</b>																
School, Public or Private	S	S	S	S	S	S	√	√	√	√	√	√	√	√		
School, Vocational or Trade								√	√	√	√	√				
<b>Healthcare Facilities</b>																
Hospital								√	√	√	√	√	√			
Medical or Dental Clinic							S	√	√	√	√	√	√			
<b>Commercial Uses</b>																
<b>Agricultural and Animal Uses</b>																
Agriculture, General												√+	√+	√+	11-3-3(e)(2)	
Agriculture, Urban	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	√+	A+	11-3-3(e)(3)

**Table 3-2-A: Table of Allowed Uses**

√ = allowed by right S = special use permit A = accessory Blank cell = use prohibited + = Use-specific standards apply

	Residential					Mixed-Use				Other Nonresidential					Use-Specific Standards	
	RS-1	RS-2	RS-3	RM-1	RM-2	MH	MN	MC	MR	CG	CA	IN	PF	AG		OS
Community Garden	√	√	√	√	√	√	√	√	√				√	√	√	
Kennel, Commercial										S+	√+	√+		√+		11-3-3(e)(4)
Stable, Commercial														S+	S+	11-3-3(e)(5)
Veterinary Hospital or Clinic							S+	√+	√+	√+	√+	√+	√+	√+		11-3-3(e)(6)
<b>Recreation and Entertainment</b>																
Indoor Recreation Facility							S	√	√	√	√	√	√		S	
Outdoor Recreation Facility									S	S	S	S	√	S	√	
<b>Food and Beverage Services</b>																
Bar, Tavern, or Lounge							S+	√+	√+	√+	√+	√+				11-3-3(e)(7)
Catering Establishment							S	√	√	√	√	√				
Microbrewery, Distillery, or Winery							S+	√+	√+	√+	√+	√+				11-3-3(e)(8)
Restaurant							√+	√	√	√	√	√				11-3-3(e)(9)
Restaurant, with Drive-Through								√+	√+	√+	√+	√+				11-4-6(i)
<b>Office, Business, and Professional Services</b>																
Administrative, Professional, and Government Office							√+	√	√	√	√	√	√			11-3-3(e)(10)
Financial Institution							√+	√	√	√	√	√				11-3-3(e)(11)
Research and Development								√	√	√	√	√	√			
<b>Personal Services</b>																
Laundry Facility, Commercial										√	√	√				
Laundry Facility, Self-Service				A+	A+	A+	√+	√	√	√	√	√				11-3-3(e)(12)
Personal Services, General							√+	√	√	√	√	√	A			11-3-3(e)(13)
<b>Retail Sales</b>																
Building Materials and Supply Store							√+	√+	S+	√	√	√				11-3-3(e)(14)
General Retail, Less than 10,000 Square Feet							√+	√	√	√	√	√	A			11-3-3(e)(15)
General Retail, 10,000 Square Feet or More								√	√	√	√	√				
Liquor Store								√	√	√	√	√				
Marijuana Establishment, Medical	<i>Subject to Licensing Requirements in Article 18-14</i>															11-3-3(e)(16)
Marijuana Establishment, Retail	<i>Subject to Licensing Requirements in Article 18-16</i>															11-3-3(e)(17)
Nursery or Garden Supply Store								√	√+	√	√	√	√	√		11-3-3(e)(18)
<b>Lodging Facilities</b>																
Bed and Breakfast				S+	S+		√+	√+	√+	√+	√+			√+		11-3-3(e)(19)
Boarding or Rooming House					√		√	√	√							
Hotel/Motel							S	√	√	√	√	√				
Short-Term Rental	√+	√+	√+	√+	√+		√+	√+	√+					√+		11-3-3(e)(20)



<b>Table 3-2-A: Table of Allowed Uses</b>															
√ = allowed by right S = special use permit A = accessory Blank cell = use prohibited + = Use-specific standards apply															
	Residential					Mixed-Use				Other Nonresidential					Use-Specific Standards
	RS-1	RS-2	RS-3	RM-1	RM-2	MH	MN	MC	MR	CG	CA	IN	PF	AG	
<b>Transportation</b>															
Rail Yard												S			
Transit Terminal or Station				S	S		√	√	√	√	√	√	√	√	√
<b>Vehicles and Equipment</b>															
Auto Wash								S	S	S	√	√	√		
Automotive Fuel Sales								S+	S+	√+	√+	√+	√+		11-3-3(e)(21)
Automotive Repair, Major										S+	√+	√+			11-3-3(e)(22)
Automotive Repair, Minor								S+	S+	√+	√+	√+			11-3-3(e)(23)
Automotive Sales and Leasing									S+		S	S			11-3-3(e)(24)
Equipment and Machinery Sales and Rental										S+	√+	√+			11-3-3(e)(25)
Parking Facility								√+	√+	√	√	√	√	√	11-3-3(e)(26)
<b>Sexually Oriented Businesses</b>															
Sexually Oriented Business												√+			11-3-3(e)(27)
<b>Industrial Uses</b>															
<b>Manufacturing and Processing</b>															
Food Processing											√+	√+			11-3-3(f)(1)
Oil and Gas Operations	See Section 11-3-6														
Manufacturing, Artisan							S+	√+	√+	√	√	√	√		11-3-3(f)(2)
Manufacturing, Light										S+	S+	√+			11-3-3(f)(3)
Mining and Extraction										S+	S+	S+	S+	S+	11-3-3(f)(4)
<b>Storage and Warehousing</b>															
Contractor Office or Equipment Storage Yard										√+	√+	√+			11-3-3(f)(5)
Outdoor Storage												√+	√+		11-3-3(f)(6)
Salvage Yard												S			
Self-Service Storage												√+			11-3-3(f)(7)
Warehousing and Wholesale Facility												√			
<b>Public and Semi-Public Utility Uses</b>															
<b>Utilities</b>															
Public Utility, Major							S+	S+	S+	S+	S+	S+	S+	S+	11-3-3(g)(1)
Public Utility, Minor	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	11-3-3(g)(1)
Water Storage Facility	S	S	S	S	S	S	S	S	S	S	S	S	S	S+	11-3-3(g)(2)
<b>Wireless Service Facilities</b>															
Wireless Service Facilities	See Section 11-3-3(g)(3)														
<b>Accessory Uses</b>															
Accessory Dwelling Unit	A+	A+	A+	A+	A+		A+							A+	11-3-4(d)(1)

**Table 3-2-A: Table of Allowed Uses**

√ = allowed by right S = special use permit A = accessory Blank cell = use prohibited + = Use-specific standards apply

	Residential						Mixed-Use				Other Nonresidential					Use-Specific Standards
	RS-1	RS-2	RS-3	RM-1	RM-2	MH	MN	MC	MR	CG	CA	IN	PF	AG	OS	
Caretaker Dwelling Unit												A+	A+	A+	A+	11-3-4(d)(1)(E)(ii)
Drive-Through Facility								A+	A+	A+	A+	A+				11-4-6(i)
Home Occupation	A+	A+	A+	A+	A+	A+	A+	A+	A+							11-3-4(d)(4)
Outdoor Dining							A+	A+	A+	A+	A+	A+	A+			11-3-4(d)(5)
Outdoor Sales and Display							A+	A+	A+	A+	A+	A+	A+	A+		11-3-4(d)(6)
Outdoor Storage, Accessory	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	11-3-4(d)(7)
Sale of Produce and Plants Raised on Premises	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	11-3-4(d)(8)
<b>Temporary Uses</b>																
Construction Support Activity	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	11-3-5(d)(1)
Farmer’s Market or Open Air Market							√	√	√	√	√	√	√	√	√	
Mobile Food Vending								√+	√+	√+	√+	√+	√+	√+	√+	11-3-5(d)(2)
Seasonal Sales							√+	√+	√+	√+	√+	√+	√+	√+	√+	11-3-5(d)(3)
Special Event	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	11-3-5(d)(4)

## 11-3-3 Use-Specific Standards

### (a) Generally

#### (1) Applicability

Use-specific standards in this section shall apply to all zoning districts unless otherwise stated.

#### (2) Cross-References in Table of Allowed Uses

All uses with use-specific standards as indicated in the right-hand column of Table 3-2-A shall comply with the applicable standards in this section. All development shall also comply with the applicable standards in Article 4: *Development Standards*.

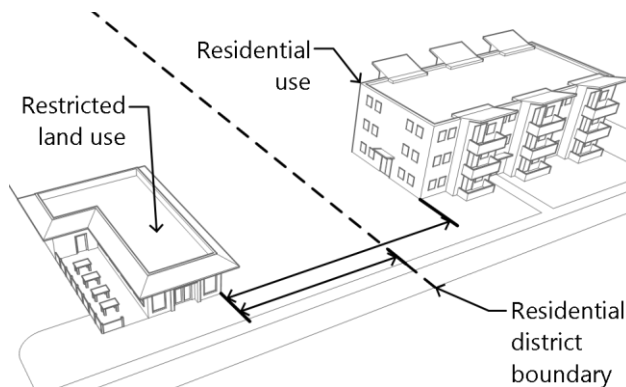
#### (3) Resolution of Conflicting Standards

In case of a conflict between these use-specific standards and the standards in Article 4: *Development Standards*, these use-specific standards shall apply unless otherwise stated.

#### (4) Restricted Land Use Measurements

For use-specific standards in this section that restrict certain land uses to distance requirements from residential zoning districts and/or residential land uses, measurement of that distance is illustrated in Figure 3.A below.

**Figure 3.A: Distance Measurement for Restricted Land Uses**



### (b) Performance Standards for All Uses

#### (1) Applicability

Unless exempted elsewhere in this UDO, the performance standards in this Subsection 11-3-3(b) shall apply to all uses in all zoning districts. All uses and development shall also comply with the nuisance regulations in Chapter 9 of the Northglenn Municipal Code.

#### (2) Air Quality

(A) All operations and uses shall comply with federal, state, and county emissions standards.

(B) Noncompliance with any of the applicable air pollution laws shall be justification for revocation of any permits issued by the City.

#### (3) Odors

Uses and activities that produce continuous, regular, or frequent odors and/or emissions, detectable beyond the boundary of the property from which the odor originates, may be prohibited, in whole or in part, if the odor or emission in question is a known health risk or danger or if the Director judges such odor or emission to be harmful to the rights of others to enjoy their property.

#### (4) Light and Glare

All uses shall comply with the standards in Section 11-4-9, *Exterior Lighting*.

**(5) Noise**

No operation or use shall generate sound that exceeds 65 decibels at any point of any boundary line of the property.

**(6) Vibration**

No operation or use shall at any time create ground vibration that is perceptible at any point on the property lines where the use is situated.

**(7) Hazardous and Combustible Materials**

**(A) General**

- (i) Any commercial or industrial use involving the storage, handling, or use of hazardous materials shall comply with the requirements as specified in the Building and Fire Code.
- (ii) Any substance designated as highly hazardous and requiring a state or federal permit shall only be allowed in the IN district, and shall require special use permit approval.
- (iii) The storage or disposal of any friable asbestos material is prohibited. For purposes of this prohibition, "storage" and "friable asbestos material" shall have the meanings assigned to them in Section 10-12-3 of this Municipal Code.

**(B) Combustibles and Explosives**

The use, handling, storage, and transportation of combustibles and explosives shall comply with the Fire Code and all other provisions of the Municipal Code and applicable state and federal laws.

**(C) Gases**

The escape or emission of any gas that is noxious, injurious, or destructive is unlawful and shall be immediately eliminated and shall comply with the Municipal Code and all applicable state and federal regulations, including the federal Emergency Planning and Community Right to Know Act of 1986.

**(8) Evidence of Compliance**

The Director shall require such evidence of ability to comply with appropriate performance standards and mitigation measures as deemed necessary prior to issuance of a building permit and certificate of occupancy.

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**(c) Residential Uses**

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**(1) Animals and Pets**

- (A) The raising or breeding of dogs, cats, domestic fowl or reptiles for commercial purposes is prohibited. The definitions of terms contained in Section 14-1-1 of the Municipal Code shall apply to the provisions of this section.
- (B) The keeping of ducks, geese and other poultry (excluding chickens), cattle, horses, mules, goats, sheep, pigs, hooved animals and other domestic or bovine animals, other than birds kept indoors as pets is prohibited. The keeping of dogs, cats, rabbits, chickens, bees and certain other pets is allowed and is governed by Chapter 14 of the municipal Code.

**(2) Dwelling, Live/Work**

**(A) Location**

The residential component shall be located on upper stories or to the rear of nonresidential portions of the structure.

**(B) Ownership**

The nonresidential use shall be owned and operated by a resident of the live/work dwelling.

**(3) Dwelling, Multifamily**

- (A) In the MN district, multifamily is only allowed as part of a vertically mixed-use building.
- (B) Ground floor dwelling units in the MC and MR districts shall not exceed more than 50 percent of the ground floor gross floor area.

**(4) Dwelling, Single-Family Attached**

- (A) Each individual dwelling unit shall have direct access to a right-of-way.
- (B) Units shall face a public street pursuant to 11-4-8(d)(2)(B).

**(5) Manufactured Home Park, HUD-Code**

The following standards shall apply to manufactured homes located in manufactured home parks. Where these standards are inconsistent with those in the MH district, these standards shall apply.

**(A) Home Site and Building Standards**

<b>Table 3-3-A: Home Site and Building Standards</b>	
<b>Site and Building Standards</b>	
Minimum distance between homes	25 feet
Minimum enclosed storage (separate structure)	200 cubic feet
Minimum concrete surface area (for home and parking)	1,200 square feet
<b>Setbacks (minimum)</b>	
From end of home to front of site	8 feet
From end of home to rear of site	8 feet
From opposite side of entry to interior lot line	5 feet
From opposite side of entry to abutting street or roadway	10 feet

**(B) Site Layout and Circulation**

- (i) Each park shall be so arranged that all manufactured home spaces and accessory structures face on an interior roadway or landscaped common area.
- (ii) Entrance and exit roadways shall be connected to a dedicated public right-of-way and shall not be less than 36 feet wide from flowline to flowline.
- (iii) All internal park roadways shall be hard-surfaced and shall be a minimum of 36 feet wide from flowline to flowline.

**(C) Fencing and Screening**

- (i) Each park shall be fenced with an eight foot tall fence and screened and/or planted on the side and rear property lines.
- (ii) For each park, the fencing shall be not less than 72 inches high unless otherwise prohibited by this UDO.
- (iii) Garbage and recycling receptacles shall be screened from public view.

**(D) Amenities**

Each park shall provide the following:

- (i) A minimum of 10 percent of the land area of the park shall be reserved for recreational purposes separate from individual home sites.
- (ii) Storage space for boats, boat trailers, travel trailers, camping trailers, horse trailers, specialized trailers, truck campers, motor homes, all-terrain vehicles, motorcycles, motor carts, buses, detached campers, and mobile homes shall be provided in an amount equal to 100 square feet per individual home site in the park.
- (iii) A minimum of 10 percent of the land area of the park shall be dedicated to the City for public purposes.

**(E) Service Areas**

Service, utility and recreational buildings and appurtenances, garbage and trash containers, racks and rack locations, rodent and insect control, and water and sewage standards must meet with the approval of the Tri-County District Health Department and the Colorado State Department of Health.

**(6) Group Home, FHAA**

**(A) State Licensing Procedures**

Group homes, FHAA shall be subject to state licensing procedures.

**(B) Separation Requirements**

No group home, FHAA shall be located within 750 feet of another group home, FHAA.

**(C) Registration**

- (i) Prior to establishing a group home, FHAA, the owner/operator of the home shall register with the Director on a form provided by the Director. Registration shall be effective for 12 months. Prior to expiration of such 12-month period, the owner/operator of the group home, FHAA shall apply for renewal. Renewal shall be granted by the Director if the group home, FHAA continues to be in compliance with the definition of group home, FHAA and state licensing requirements.
- (ii) It shall be unlawful to operate a group home, FHAA without first having registered as required in this subsection. It shall be unlawful to operate a group home, FHAA with an expired registration.

**(7) Group Home, Supportive Housing**

**(A) State Licensing Procedures**

Group homes, supportive housing shall be subject to any applicable state licensing procedures.

**(B) Separation Requirements**

No group home, supportive housing shall be located within 750 feet of another group home, supportive housing.

**(C) Application and Renewal**

- (i) Prior to the establishment of a group home, supportive housing, the owner/operator shall file an application with the Director on an application form provided by the Director. An application shall be granted if the Director finds the proposal complies with the following criteria:
  - a. Any proposed new structure or structural changes to an existing structure shall be consistent in architectural design and style with the character of the surrounding neighborhood;
  - b. No administrative activities of any private or public organization or agency other than those incidental to operation of the specific group home shall be conducted on the premises of the group home, supportive housing; and
  - c. The Director shall have the authority to impose reasonable conditions to the approval, which are found necessary to operate the group home, supporting housing in a manner compatible with the neighborhood to address the following:
    - 1. The intensity of the use of land;
    - 2. Any disproportionate impact on community facilities and services compared to that which is available to single family residential uses, such as, merely by way of example, commercial sized waste receptacles, more frequent waste disposal services;
    - 3. Impacts on traffic such as in undue traffic congestion or traffic hazards, including frequent commercial deliveries or other frequent traffic impacts distinct from those impacts otherwise caused by single family residential uses;
    - 4. Impacts of air, water or noise pollution;
    - 5. Adequacy of landscaping, buffering and screening;
    - 6. Assuring no disproportionate onsite or offsite parking congestion; and
    - 7. Consistency with City health, safety and fire codes, including occupancy restrictions.
- (ii) If such application is approved by the Director, such approval shall be effective for 12 months. Prior to expiration of such 12-month period, the owner/operator of the group home, supportive housing shall

apply for renewal. Renewal shall be granted by the Director if the group home, supportive housing continues to be in compliance with the definition of group home, supportive housing and any applicable state licensing requirements.

- (iii) It shall be unlawful to operate a group home, supportive housing without first obtaining approval of an application as required in this subsection. It shall be unlawful to operate a group home, supportive housing with an expired approval.

**(D) Changes to Group Homes, Supportive Housing**

All changes to the application or conditions of approval shall be approved by the Director.

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**(d) Public, Institutional, and Civic Uses**

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**(1) Daycare**

In the IN and PF districts, day care is only allowed as an accessory use to the primary business within the same structure. Such accessory use shall be limited to serving only those employees or owners of the business or businesses within the same structure.

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**(e) Commercial Uses**

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**(1) Commercial Uses, Generally**

Commercial uses shall take place entirely within enclosed buildings and all merchandise, either for sale or display, shall be kept or stored entirely within completely enclosed structures, unless otherwise indicated.

**(2) Agriculture, General**

- (A) The keeping of farm animals shall be for noncommercial purposes strictly for the convenience and pleasure of the owner or occupant.
- (B) A minimum of one acre is required for the keeping of farm animals.
- (C) No more than three farm animals may be maintained on the first acre and up to one additional farm animal for each additional one-half acre.
- (D) Shelters or structures for housing or keeping farm animals shall be setback from the property line a minimum of 50 feet. This setback standard does not apply to unenclosed fenced areas such as corrals.
- (E) The keeping of all farm animals shall be subject to the regulation and conditions of the County Health Department and Animal Control Division.

**(3) Agriculture, Urban**

**(A) Generally**

The keeping or raising of animals shall only be allowed as an accessory use on lots with an occupied dwelling unit, and are subject to the provisions set forth in Chapter 14 of the Municipal Code.

**(B) Chicken Coops**

- (i) Chicken coops shall not exceed 120 square feet and shall provide a minimum of four square feet per bird.
- (ii) Chicken coops shall not exceed six feet in height.
- (iii) Chicken coops shall be located a minimum of five feet from any property line, a minimum of 20 feet from a primary structure on an adjacent property, and shall be located in the rear yard.

**(4) Kennel, Commercial**

**(A) Location**

No commercial kennel shall be located adjacent to any property used or zoned as residential.

**(B) Enclosed Building Requirement**

Areas where animals are boarded shall be fully enclosed, with solid core doors and no operable windows, and shall be sufficiently insulated so no unreasonable noise or odor can be detected off premises.

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**(C) Kennels with Outdoor Facilities**

- (i) No exterior overnight boarding shall be allowed.
- (ii) Outdoor facilities, including outdoor runs, shall not be located within 150 feet of any adjacent property.

**(5) Stable, Commercial**

- (A) A minimum of one acre is required for the maintenance of animals.
- (B) No more than three animals may be maintained on the first acre and up to one additional animal for each additional one-half acre.
- (C) The keeping of all animals shall be subject to the regulation and conditions of the County Health Department and Animal Control Division.
- (D) Shelters or structures for housing or keeping farm animals shall be setback from the property line a minimum of 150 feet. This setback standard does not apply to unenclosed fenced areas such as corrals.

**(6) Veterinary Hospital or Clinic**

A veterinary hospital or clinic shall comply with the same requirements for a commercial kennel in Subsection 11-3-3(e)(4). The following additional standards shall apply:

**(A) MN Zoning District**

Outdoor kennel facilities are prohibited.

**(B) MC and MR Zoning Districts**

- (i) Outdoor kennel facilities require a special use permit.
- (ii) Kennels and/or boarding areas are limited to 50 percent of the gross floor area.

**(7) Bar, Tavern, or Lounge**

Bars, taverns, or lounges shall not be located closer than 150 feet as measured from any exterior wall from any residential use or residential zoning district. This standard does not apply to residential uses within a mixed-use zoning district. (See Figure 3.A.)

**(8) Microbrewery, Distillery, or Winery**

- (A) The storage of raw and/or spent materials shall be kept in a fully enclosed structure, building, or container.
- (B) In the MN district, wholesale sales and bulk shipping of products produced on-site is prohibited.
- (C) Microbreweries, distilleries, or wineries shall not be located closer than 150 feet as measured from any exterior wall from any residential use or residential zoning district. This standard does not apply to residential uses within a mixed-use zoning district. (See Figure 3.A.)

**(9) Restaurant**

In the MN district, restaurant uses shall not exceed 2,500 square feet.

**(10) Administrative, Professional, and Government Office**

In the MN district, offices shall not exceed 5,000 square feet.

**(11) Financial Institution**

In the MN district, financial institutions are only allowed as part of a mixed-use building.

**(12) Laundry Facility, Self-Service**

- (A) In the RM-1 and RM-2 districts, self-service laundry facilities shall only be allowed as an accessory use within a multifamily complex and shall only be designed and intended to serve residents of such multifamily building.
- (B) In the MH district, self-service laundry facilities shall only be allowed as an accessory use and shall only be designed and intended to serve residents of a manufactured home park.
- (C) In the MN district, self-service laundry facilities shall only be allowed within a mixed-use building and shall not exceed 5,000 square feet.



**(13) Personal Services, General**

In the MN district:

- (A) Personal service uses shall not exceed 5,000 square feet unless part of a mixed-use building.
- (B) Drive-through facilities are prohibited.

**(14) Building Materials and Supply Store**

**(A) MN District**

- (i) Building materials and supply stores shall not exceed 5,000 square feet.
- (ii) Outdoor storage shall not be permitted.

**(B) MC District**

- (i) Building materials and supply stores shall not exceed 10,000 square feet.
- (ii) Outdoor storage shall not be permitted.

**(C) MR District**

- (i) All merchandise, equipment, and supplies shall be kept within enclosed buildings or a fully screened enclosure.
- (ii) Outdoor storage shall not be permitted within 150 feet of any residential use or zoning district. (See Figure 3.A.)

**(15) General Retail, Less than 10,000 Square Feet**

In the MN district:

- (A) General retail uses shall not exceed 5,000 square feet unless part of a mixed-use building.
- (B) Drive-through facilities are prohibited.

**(16) Marijuana Establishment, Medical**

Medical marijuana establishments shall comply with the licensing requirements in Article 18-14.

**(17) Marijuana Establishment, Retail**

Retail marijuana establishments shall comply with the licensing requirements in Article 18-16.

**(18) Nursery or Garden Supply Store**

In the MR district, all merchandise, equipment, and supplies other than plants shall be kept within enclosed buildings or a fully screened enclosure.

**(19) Bed and Breakfast**

**(A) Location and Compatibility**

- (i) Bed and breakfasts shall only be allowed in a building of residential character. Any modifications made to the building to accommodate the bed and breakfast use shall be compatible with the architectural character of the structure and with the character of the neighborhood.
- (ii) Bed and breakfasts shall not be allowed in any dwelling unit(s) allowed as an accessory dwelling unit.

**(B) Number of Bedrooms**

The total number of bedrooms, including the bedrooms occupied by permanent residents of the building, shall not exceed five.

**(C) Operation**

- (i) The structure shall be owner-occupied or shall be occupied by a resident manager.
- (ii) Guest stays shall be limited to a maximum of 30 days.
- (iii) Any kitchen and dining facilities shall not be operated in the manner of a commercial restaurant and shall serve only residents and guests. No cooking facilities such as stoves, hot plates, or microwave ovens are allowed in the guest rooms.

**(20) Short-Term Rental**

- (A) A city-issued license shall be obtained, and all applicable taxes and fees shall be paid, prior to operating a short-term rental.
- (B) Accessory dwelling units shall not be used as short-term rentals.
- (C) Mobile homes, RVs, or travel trailers shall not be used as short-term rentals.
- (D) Occupancy of a short-term rental by a paying guest shall not exceed 30 days.

**(21) Automotive Fuel Sales**

- (A) Fuel pumps shall be set back from front property lines a minimum of 40 feet and 15 feet from all other property lines.
- (B) Open storage of wrecked or inoperable cars, discarded tires, auto parts, or similar materials shall be prohibited.

**(22) Automotive Repair, Major**

- (A) All repairs, services, and storage shall be conducted within an entirely enclosed structure. Automotive repair facilities within 150 feet of a residential zoning district shall be required to conduct all repairs with bay doors closed. (See Figure 3.A.)
- (B) Outdoor storage of wrecked or inoperable cars, discarded tires, auto parts, or similar materials shall be prohibited.
- (C) Sales of vehicles shall be prohibited.

**(23) Automotive Repair, Minor**

- (A) Automotive repair facilities within 150 feet of a residential zoning district shall be required to conduct all repairs with bay doors closed. (See Figure 3.A.)
- (B) Storage of vehicles on the premises shall not exceed 30 days.
- (C) Storage of equipment, auto parts, and supplies used in servicing vehicles shall be maintained entirely within an enclosed structure.
- (D) Outdoor storage of wrecked or inoperable cars, discarded tires, auto parts, or similar materials shall be prohibited.
- (E) Sales of vehicles shall be prohibited.

**(24) Automotive Sales and Leasing**

In the MR district:

- (A) Individual automotive sales and leasing establishments shall not exceed 10,000 square feet.
- (B) Automotive sales and leasing shall only be allowed within indoor showrooms.
- (C) Outdoor storage, including outdoor storage of vehicles, shall be prohibited.

**(25) Equipment and Machinery Sales and Rental**

- (A) Maintenance of equipment shall be conducted entirely within an enclosed building.
- (B) Unenclosed storage of inoperable or wrecked equipment or materials shall be prohibited.
- (C) All other unenclosed stored equipment shall be screened from public view from all rights-of-way, residential zoning districts, and residential uses.

**(26) Parking Facility**

In the MC and MR districts, parking facilities as a primary use shall only be permitted in structures. Surface parking facilities as a primary use shall be prohibited.

**(27) Sexually Oriented Business**

**(A) Location of Sexually Oriented Businesses**

- (i) It shall be unlawful for any person to operate or causes to be operated a sexually oriented business within 1,500 feet of:

- a. Any building or site used for religious assembly;
  - b. Any public or private school;
  - c. Any vocational or trade school;
  - d. The boundary of any residential zoning district;
  - e. Any dwelling unit;
  - f. Any publicly owned park or open space adjacent to a residential zoning district; or
  - g. Another sexually oriented business.
- (ii) It shall be unlawful for any person to cause or permit the operation, establishment, or maintenance of more than one sexually oriented business within the same building, structure, or portion of the same building or structure.
- (iii) If two or more sexually oriented businesses are within 1,500 feet of one another and otherwise in a permissible location, the sexually oriented business that was first established and continually operating at the particular location shall be deemed to be in compliance with this Article and the later established business(es) shall be deemed to be in violation of this Article.
- (iv) A sexually oriented business lawfully operating is not rendered in violation of this Article by the subsequent location of a use listed in 11-3-3(e)(27)(A)(i) within 1,500 feet of the sexually oriented business.

**(B) Measuring Distance**

- (i) The distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business.
- (ii) The distance between any sexually oriented business and those uses listed in 11-3-3(e)(27)(A)(i) shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of the building where the sexually oriented business is conducted, to the property line of the constrained use listed in paragraph 11-3-3(e)(27)(A)(i).

**(C) Operations Pre-Existing to This UDO**

Any sexually oriented business lawfully operating on the effective date of this UDO that is in violation of this UDO shall be deemed a nonconforming use as provided for in Subsection 11-1-5(c).

**(D) Nude Model Exceptions**

The provisions of this Article regulating nude model studios do not apply to:

- (i) A college, junior college, or university supported entirely or partly by taxation; or
- (ii) 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
- (iii) A business located in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and where, in order to participate in a class a student must enroll at least three days in advance of the class; and where no more than three nude models are on the premises at any one time.

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**(f) Industrial Uses**

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**(1) Food Processing**

- (A) If proposed use is within 150 feet of a residential zoning district and the floor area is greater than 5,000 square feet, then approval of a special use permit shall be required pursuant to Subsection 11-6-5(b). (See Figure 3.A.)
- (B) Retail sales associated with this use are allowed.

**(2) Manufacturing, Artisan**

In the MN, MC, and MR zoning districts:

- (A) Artisan manufacturing uses shall be limited to 5,000 square feet of shop floor area.

- (B) If within 150 feet from a residential zoning district or residential use, then artisan manufacturing uses shall require approval of a special use permit pursuant to Subsection 11-6-5(b). (See Figure 3.A.)
- (C) All activities shall occur entirely within an enclosed structure.

**(3) Manufacturing, Light**

- (A) If within 150 feet from a residential zoning district or residential use, then light manufacturing uses shall require approval of a special use permit pursuant to Subsection 11-6-5(b). (See Figure 3.A.)
- (B) In the CG and CA districts, all activities shall occur entirely within an enclosed structure.

**(4) Mining and Extraction**

**(A) Application**

- (i) When an application for this special use is filed, the applicant shall provide a plan showing the land which will be excavated and a plan providing for rehabilitation of the excavated area. These plans, which shall be prepared by an engineer registered in the State of Colorado, shall show the contours of the land on at least five-foot contour intervals and any improvements on such land and to a distance of 300 feet in all directions from the subject property.
- (ii) Rock crushers, mineral processing plants, and concrete and asphalt mixing plants may be allowed. However, the Commission may set out additional conditions under which these operations may be allowed, and these conditions may vary by location because of abutting land and other factors.

**(B) Operation**

- (i) No excavation or processing shall be allowed nearer than 10 feet to the boundary of any adjacent property, easement, or irrigation ditch or right-of-way or nearer than 125 feet to any existing residence unless the owner or owners of such adjacent property consent in writing to a lesser distance and the Commission approves such lesser distance. The Commission may set a greater distance.
- (ii) The operator of such use shall maintain haulage roads within the premises covered by the permit in a reasonable dust-free condition. The Commission shall specify the conditions in each instance to effect this requirement.
- (iii) The hours of operation, unless otherwise specified, shall be from 6:00 a.m. to 10:00 p.m., unless a national emergency arises or special permission is granted by the Commission.
- (iv) All excavations shall be conducted in such a manner as to provide a water-bearing stratum for any existing ground water unless the rehabilitation plan provides for a permanent lake.
- (v) In no event shall a slope of less than two feet horizontal to one foot vertical be left when operations are completed.
- (vi) In all pits, whether known as dry pits or wet pits, the floor of the pit shall be graded in a reasonably smooth condition so that excavated areas will not collect or permit stagnant water to remain therein; however, where the rehabilitation plan for the subject property, as approved by the Commission, provides for a permanent lake, this requirement shall not apply.
- (vii) Prior to starting excavation, the operator shall fence the gravel pit operation in accordance with the requirements set forth in Article 34. The operator shall have the following alternatives:
  - a. To fence the entire area covered by the permit immediately; or
  - b. To fence the area to be excavated initially and move the fencing back as operations continue. The excavated area shall remain fenced unless removal of all or any part of such fence is authorized by the Commission; or
  - c. To fence as may be required by the Commission in special circumstances.

**(C) Permit Requirements**

**(i) Permit Fee**

An annual permit fee of \$300 shall be paid.

**(ii) Insurance**

The operator shall furnish evidence that he is insured to the extent of not less than \$100,000 against liability for any negligent act or omission by the operator from the operation or maintenance of the extraction and production and all activities connected with or incidental to such extraction and production.

**(iii) Bond**

The operator shall post a bond in the form prescribed by the Commission in a sum equal to the number of acres covered by the permit multiplied by \$500 to insure full compliance with all of the terms and conditions of the permit and the regulations of the Commission pertaining to the extraction and/or processing. The minimum amount of such bond shall be \$2,500 and the maximum amount \$25,000.

**(iv) Time of Permit**

All permits shall be in full force for a period of five years from date of issuance unless a shorter time is set by the Commission.

**(D) Rehabilitation**

The parties to the permit for extraction are responsible for the eventual rehabilitation of the worked-out area in accordance with the rehabilitation plan.

**(i) Dry Pit Rehabilitation**

After excavation has been completed in a dry pit, the operator shall spread evenly over the bottom of the excavation the excess waste materials. He shall then spread evenly the topsoil to a minimum depth of 18 inches unless he produces clear and convincing evidence that the land excavated has less than 18 inches of topsoil prior to commencement of operations. The topsoil shall be spread so as to produce a new surface for the purpose of growing crops, trees, shrubs, and other flora. The dry pit may be backfilled with clean fill. For excavations backfilled and rehabilitated, the following requirements shall be met:

- a. The graded or backfilled area shall not permit stagnant water to collect or remain therein.
- b. The condition of the area after rehabilitation shall be in accordance with the rehabilitation plan.

**(ii) Wet Pit Rehabilitation**

A wet pit may be filled in accordance with the conditions set forth for dry pit rehabilitation, or may be converted into a lake for recreational or scenic purposes. The following conditions apply to rehabilitation of set pits into lakes:

- a. All banks shall be sloped to the water line at a slope which shall not be steeper than two feet horizontal to one foot vertical.
- b. All banks shall be stabilized unless otherwise called for on the approved rehabilitation plan.
- c. Stabilization shall be accomplished by surfacing with soil of a quality at least equal to the topsoil of land areas immediately surrounding.
- d. Such topsoil shall be planted with trees, shrubs, legumes, or grasses on the parts of such area where re-vegetation is possible unless otherwise specified in the rehabilitation plan.

**(5) Contractor Office or Showroom**

- (A) In the CG district, no outdoor storage shall be allowed.
- (B) In the CA and IN districts, outdoor storage shall require a special use permit.

**(6) Outdoor Storage**

- (A) No outdoor storage shall be located in front of a primary building unless allowed elsewhere in this UDO.
- (B) Materials shall not be stored in areas intended for vehicular or pedestrian circulation.

- (C) Outdoor storage shall be screened from public view pursuant to screening standards in Subsection 11-4-7(m).
- (D) Materials stored outside shall not protrude above the height of the fence or screen, except as stipulated in Subsection 11-4-7(l).

**(7) Self-Service Storage**

**(A) Layout and Design**

- (i) Doors to individual storage units shall not be directly accessible from any street frontage.
- (ii) Individual storage units shall face the interior of the site. This does not apply to storage units within an enclosed structure.

**(B) Operation and Activities**

- (i) No other residential or nonresidential activities shall take place on the premises other than the rental of storage units, unless otherwise allowed by this UDO.
- (ii) The incidental retail sale of products associated with the business (e.g., boxes, moving supplies, locks, bubble wrap) is allowed.

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**(g) Public and Semi-Public Utility Uses**

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**(1) Public Utility, Major and Minor**

- (A) Buildings and structures associated with utility uses shall comply with the minimum required setbacks of the underlying zoning district, unless otherwise exempted in this UDO.
- (B) All public utility facilities shall comply with the screening requirements established in Section 11-4-7(m), unless otherwise exempted in this UDO.

**(2) Water Storage Facility**

In the OS district, water reservoirs, storage tanks, transmission, diversion, and pumping stations, and sewage facilities shall be constructed underground and/or developed as multiple use facilities which include recreational usage.

**(3) Wireless Service Facilities**

**(A) Purpose**

The purposes of this section is to allow the location of wireless service facilities ("WSF") in the City while protecting the public health, safety, and general welfare of the community; to act on applications for the location of WSFs within a reasonable period of time; to encourage co-location of WSFs; and to prevent unreasonable discrimination among providers of functionally equivalent services.

**(B) Definitions**

- (i) "Accessory equipment for a WSF" means equipment, including buildings and structures, used to protect and enable radio switching equipment, backup power and other devices incidental to a WSFs, but not including antennas.
- (ii) "Antenna" means communications equipment that transmits or receives electromagnetic radio frequency signals used to provide wireless service.
- (iii) "Base station" means a structure or equipment, other than a tower, at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communications between user equipment and a communications network. The term includes any equipment associated with wireless communications services, including radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks). The term includes any structure, other than a tower, to which any of the equipment described hereof is attached.
- (iv) "Building roof-mounted WSFs" means a WSF that is mounted and supported entirely on the roof of a legally existing building or structure.

- (v) "Eligible telecommunications facility request" means a request for approval of the modification of an existing tower or base station that involves the co-location of new transmission equipment, the removal of transmission equipment or the replacement of transmission equipment.
- (vi) "Equipment storage shelter" means buildings, storage shelters, and cabinets used to house WSF equipment.
- (vii) "Freestanding WSF" means a WSF that consists of a stand-alone support structure such as a tower or monopole, and antennas and accessory equipment.
- (viii) "Microwave antenna" means a disk-type antenna used to link communication sites together by wireless voice or data transmission.
- (ix) "Micro Wireless Facility" means a WSF that is no larger in dimensions than 24 inches in length, 15 inches in width, and 12 inches in height and that have an exterior antenna, if any, that is no more than 11 inches in length.
- (x) "Public right-of-way" means all roads, streets and alleys and all other dedicated rights-of-way, access and utility easements of the City, the state, or any district, utility or roadway.
- (xi) "Small cell facility" means either a personal wireless service facility as defined by the federal Telecommunications Act of 1996, or a WSF where:
  - a. Each antenna is located inside an enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and
  - b. Primary equipment enclosures are no larger than 17 cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: Electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, and cut-off switch.A small cell facility includes a micro wireless facility.
- (xii) "Small cell network" means a collection of interrelated small cell facilities designed to deliver wireless service.
- (xiii) "Substantial change" means a modification to an existing tower or base station under the following circumstances:
  - a. A substantial change in the height of an existing tower or base station occurs as follows:
    - 1. For a tower outside of a public right-of-way, when the height of the tower is increased by more than 10 percent, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater.
    - 2. For a tower located in a public right-of-way or for a base station, when the height of the structure increases by more than 10 percent or by more than 10 feet, whichever is greater.
  - b. Changes in height are measured as follows:
    - 1. When deployments are separated horizontally, changes in height shall be measured from the original support structure, not from the height of any existing telecommunications equipment.
    - 2. When deployments are separated vertically, changes in height shall be measured from the height of the tower or base station, including any appurtenances, as the tower or base station existed on February 22, 2012.
  - c. A substantial change in the width of an existing tower or base station occurs as follows:
    - 1. For a tower outside of public rights-of-way, when the addition of an appurtenance to the body of the tower protrudes from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.

2. For a tower in a public right-of-way or a base station, when the addition of an appurtenance to the body of the structure would protrude from the edge of the structure by more than six feet.
  - d. A substantial change also occurs for an existing tower in a public right-of-way or an existing base station as follows:
    1. When the change involves the installation of any new equipment cabinets on the ground, if no ground cabinets presently exist; or
    2. When the change involves the installation of ground cabinets that are more than 10 percent larger in height or overall volume than any existing ground cabinets.
  - e. A substantial change also occurs for any existing tower or base station when any of the following are found:
    1. When the change involves installation of more than the standard number of new equipment cabinets for the technology involved, or more than four new cabinets, whichever is less.
    2. When the change entails any excavation or deployment outside the current site.
    3. When the change would defeat the concealment elements of the eligible support structure.
    4. When the change does not comply with conditions associated with the original siting approval of the construction or modification of the tower, base station or base station equipment. This limitation does not apply if the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in subsections (1) through (5)(b), hereof.
- (xiv)** "Tower" means a structure built for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.
- (xv)** "Whip antenna" means an array of antennas that is cylindrical in shape.
- (xvi)** "Wireless service" means data and telecommunications services, including commercial mobile services, commercial mobile data services, unlicensed wireless services, and common carrier wireless exchange access services, as all of these terms are defined by federal law and regulations.
- (xvii)** "Wireless service facility" or "WSF" means a facility for the provision of wireless services, including a small cell facility; except that "wireless service facility" does not include coaxial or fiber-optic cable that is not immediately adjacent to, or directly associated with, a particular antenna.

**(C) Standards for all WSFs**

**(i) Applicability**

The standards contained in this Article apply to all applications for WSFs in the City. The applicant shall demonstrate in writing that its proposed WSF meets all applicable standards of this Article and any other required provisions of the Code.

**(ii) Co-Location**

The City strongly encourages co-location of WSFs when feasible and in compliance with current standards and regulations of the FCC and any other Federal Government with the authority to regulate WSFs to minimize the number of WSF sites. To further the goal of co-location:

- a. No WSF owner or operator shall unreasonably exclude a telecommunications competitor from using the same facility or location. Upon request by the City, the owner or operator shall provide evidence explaining why co-location is not possible at a particular facility or site; and
- b. If a telecommunications competitor attempts to co-locate a WSF on an existing or approved WSF or location, and the parties cannot reach an agreement, the City may require a third-party technical



study to be completed at the expense of either or both parties to determine the feasibility of co-location.

- c. A maximum of two (2) visible panel antenna arrays are permitted per facility or location. However, visible whip antennas may be maintained as an additional third and fourth co-locator.

**(iii) Consent**

Consent given to a telecommunications provider or broadband provider to erect or construct any poles, or to locate or co-locate communications and WSF on vertical structures in a right-of-way, does not extend to the co-location of new facilities or to the erection or construction of new poles in a right-of-way not specifically referenced in the grant of consent.

**(iv) Permitted Zoning Districts**

WSFs shall be considered a permitted use in all zoning districts subject to administrative review as provided in this Article.

**(v) Compliance with FCC Standards**

All WSFs shall meet the current standards and regulations of the FCC and any other agency of the federal government with the authority to regulate WSFs. Upon a request by the City at any time, WSF owners and operators shall verify that:

- a. The WSF complies with the current FCC regulations prohibiting localized interference with reception of television and radio broadcasts; and
- b. The WSF complies with the current FCC standards for cumulative field measurements of radio frequency power densities and electromagnetic fields.
- c. By adopting this Section, the City is not attempting to regulate radio frequency power densities or electromagnetic fields, which are controlled by the FCC.

**(vi) Abandonment**

If the WSF ceases operation for any reason for 180 consecutive days:

- a. The owner or operator shall remove the WSF; and
- b. Any permit issued for operation of a WSF shall expire.

**(vii) Height Limit**

Notwithstanding any other height limitations in this Article, in no case shall a WSF located on property owned by the City or in any public right-of-way exceed 40 feet in height.

**(viii) Compatibility**

All WSFs and related accessory equipment shall, to the maximum extent possible, use camouflage/concealment design techniques, including, but not limited to, the use of materials, colors, textures, screening, undergrounding, landscaping, or other design options that will blend the WSF to the surrounding natural setting and built environment.

**(D) Freestanding WSFs**

**(i) Removal of Abandoned WSFs**

The owner of real property on which a freestanding WSF is located shall be responsible for removal of the WSF if the facility is abandoned, or unused for a period of more than 180 days.

**(ii) Minimum Setbacks**

A freestanding WSF shall meet the minimum setback requirements for buildings and structures of the underlying zone district. If the freestanding WSF is located on the same property as a residence, the WSF shall also be setback from the residence by one foot of distance for each foot of height of the WSF.

**(iii) Maximum Height**

A freestanding WSF, including antennas, shall not exceed the maximum structure height limit in the zone district in which the facility is located. In no case shall a freestanding WSF exceed 60 feet in height.

**(iv) Design Standards**

A freestanding WSF shall meet the following design standards to minimize impacts:

- a. The facility shall be designed to be compatible with surrounding buildings and structures and existing or planned uses in the area.
- b. Existing land forms, vegetation, and structures shall be used to screen the facility from view and blend in the facility with the surrounding environment to the extent practicable.
- c. Existing vegetation shall be preserved or enhanced.
- d. The total area of any equipment storage shelters shall not exceed 400 square feet for each WSF.
- e. Equipment storage shelters shall be grouped as closely together as technically possible.
- f. No equipment storage shelter shall exceed 15 feet in height.
- g. All freestanding WSFs shall accommodate co-location of facilities, unless co-location is technically unfeasible as set forth in 11-3-3(g)(3)(C)(ii).
- h. All applicable landscape regulations shall be observed. A landscape plan prepared by a professional landscape architect may be required to demonstrate that such landscape appropriately shields the base and security fencing from view if the base of the facility is otherwise visible from adjacent rights-of-way.
- i. Any equipment that could be dangerous to persons or wildlife shall be adequately covered or fenced.

**(E) Building Roof or Wall-Mounted WSFs**

(i) A building wall-mounted WSF shall adhere to the following design standards to minimize impacts:

- a. The facility shall be screened from view and/or colored to match the building or structure to which it is attached.
- b. The mounting of antennas shall be as flush to the building wall as possible, and in no case shall the antennas extend more than three feet out from the building wall.
- c. The facility shall not extend above the highest point of the roof of the building.

(ii) A building roof-mounted WSF shall adhere to the following design standards to minimize impacts:

- a. Building roof-mounted WSFs shall be located so as to be of minimal visibility, such as being incorporated within an architectural feature such as a steeple or parapet or any architectural addition to a building or structure which is architecturally compatible with the building.
- b. A building roof-mounted WSF, including antennas, shall not exceed the maximum structure height limit in the zone district in which the facility is located and shall not extend more than 12 feet above the height of the building on which the facility is mounted.
- c. The facility shall be screened from view and/or colored to match the building or structure to which it is attached.
- d. The diameter of a microwave dish antenna shall not exceed four feet.

(iii) Accessory equipment for a building roof or wall-mounted WSF shall be placed inside the building if feasible. All equipment storage shelters shall be grouped as closely as technically possible, and the total area of all accessory equipment, including storage shelters, shall not exceed 400 square feet per WSF.

**(F) Small Cell Facilities**

**(i) Generally**

A telecommunications provider or broadband provider may locate or co-locate small cell facilities or small cell networks on light poles, light standards, traffic signals, or utility poles in the right-of-way owned by the City, subject to the following:

- a. A small cell facility or a small cell network shall not be located or mounted on an apparatus, pole, or signal with tolling collection or enforcement equipment attached.
- b. The construction, installation, operation and maintenance of a small cell facility must comply with applicable federal and state law and the provisions of this Article. If upon inspection, the City concludes that a wireless service facility fails to comply with such laws and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the small cell facility, the owner shall have 30 days from the date of the notice to bring such facility into compliance. Upon good cause shown by the owner, the City may extend such compliance period not to exceed 90 days from the date of said notice. If the owner fails to bring such facility into compliance within said time period, the City may remove such facility at owner's expense or prohibit future, noncompliant use of the light pole, light standard, traffic signal or utility.

**(ii) Micro Wireless Facilities**

No application or permit shall be required for the installation, placement, operation, maintenance, or replacement of micro wireless facilities that are suspended on cable operator-owned cables or lines that are strung between existing utility poles in compliance with the national safety code. The City may require a permit for installation, placement, operation, maintenance, or replacement of micro wireless facilities where the installation, placement, operation, maintenance, or replacement of micro wireless facilities does any of the following, upon determination of the City:

- a. Involves working within a highway travel lane or requires the closure of a highway travel lane;
- b. Disturbs the pavement or a shoulder, roadway, or ditch line;
- c. Includes placement on limited access rights-of-way; or
- d. Requires any specific precautions to ensure the safety of the traveling public; the protection of public infrastructure; or the operation of public infrastructure; and such activities either were not authorized in, or will be conducted in a time, place, or manner that is inconsistent with, the approval terms of the existing permit for the facility or structure upon which the micro wireless facility is attached.

**(G) Application and Approval Procedures**

**(i) Submittal Requirements**

An application for approval of a proposed WSF shall include all information regularly required for other development applications, in addition to the following:

- a. A written, narrative statement describing in detail, how the proposed WSF will comply with each of the applicable design standards set forth in this Article.
- b. If requested by the City, photographic simulations showing the proposed facility and, if applicable, the structure on which it will be attached.

**(ii) Consolidated Applications for Small Cell Facilities**

A telecommunications provider or broadband provider may file a consolidated application to receive a single permit for small cell networks involving multiple individual small cell facilities within the City. However, each small cell facility within the consolidated application individually remains subject to review for compliance with the requirements provided in this section.

**(iii) Incomplete Applications**

- a. When an application is incomplete, the City shall provide written notice to the applicant within 30 days, specifically identifying all missing documents or information.
- b. If an application remains incomplete after a supplemental submission, the City shall notify the applicant within 10 days. Second or subsequent notices of incompleteness may not require the production of documents or information that were not requested in the original notice of incompleteness.

**(iv) Expedited Review**

- a. An eligible WSF application, including an application for location or co-location of a small cell facility or small cell network or replacement or modification of a small cell facility or facilities or small cell network request shall be approved or denied by the City within 60 days of the date of the City's receipt of the completed application. This time period may be tolled only by mutual agreement or when an application is incomplete.
- b. If the City fails to approve or deny an eligible WSF request within the 60 days of the date of the City's receipt of the completed application (accounting for any tolling), the request shall be deemed granted; provided that this automatic approval shall become effective only upon the City's receipt of written notification from the applicant after the review period has expired (accounting for any tolling) indicating that the application has been deemed granted.

**(v) Review**

**a. Review Criteria**

Criteria for approval or denial of application. In considering an application for location or co-location of a WSF, the City shall base the decision as to the approval or denial of the application on whether the proposed WSF meets the applicable design standards as outlined in this section.

**b. Approval**

1. The City shall approve an eligible telecommunications request that does not substantially change the physical dimensions of a tower or base station.
2. The City may approve an eligible telecommunications request that substantially changes the physical dimensions of a tower or base station if it complies with the remainder of this Code.
3. The City may condition the approval of any eligible telecommunications request on compliance with generally applicable building, structural, electrical, and safety codes or with other laws codifying objective standards reasonably related to health and safety.

**c. Denial**

A final decision by the City to deny any application under this Article shall be in writing and supported by substantial evidence contained in a written record.

## 11-3-4 Accessory Uses and Structures

### (a) Purpose

The purpose of this section is to establish minimum standards for accessory uses and structures that are incidental and subordinate to a primary use. These standards are intended to minimize adverse impacts on surrounding properties and the community.

### (b) Accessory Uses and Structures Allowed

- (1) All primary uses allowed in a zoning district pursuant to Table 3-2-A shall be deemed to include those accessory uses, structures, and activities typically associated with that use, unless specifically prohibited in this section. Typical accessory uses are identified in definitions of uses.
- (2) Accessory uses and structures not listed in the table require approval under the procedure in Subsection 11-3-2(c), *Classification of New and Unlisted Uses*. All accessory uses and structures are subject to the standards in this Section 11-3-4, *Accessory Uses and Structures*, in addition to any applicable requirements in Section 11-3-3, *Use-Specific Standards*.

### (c) General Standards for All Accessory Uses and Structures

#### (1) General Standards

- (A) An accessory use or structure is customarily incidental and secondary to the primary use of a parcel of land or of a building located on the same parcel of land, where said accessory use is operated and maintained under the same ownership and on the same lot as the primary use, and does not include structural features inconsistent with the primary use.
- (B) Accessory uses and structures, including facilities and equipment, are allowed in conjunction with any primary use or structure, provided the accessory use is compatible with the primary use and does not alter the character of the premises. Any reference to an allowed use shall include the accessory use.
- (C) Accessory structures 200 square feet or greater in size shall obtain a building permit pursuant to Chapter 10 of the Northglenn Municipal Code.

#### (2) Accessory Structures

##### (A) Size

- (i) The combined square footage of accessory structure(s) shall not exceed 30 percent of the rear yard.
- (ii) Accessory structures in a mixed-use or nonresidential district shall not exceed the height of the primary structure.

##### (B) Location

- (i) Accessory structures, with the exception of the uses listed below, are prohibited in front yards.
  - a. Non-residential detached carports, gas station canopies, gas station car wash facilities, and security/entry booths.
  - b. Curbside mailboxes consistent with USPS size and construction standards, unless otherwise approved by the director.
  - c. Book exchange kiosks or similar subject to a maximum height of six feet and a maximum front façade area of six square feet.
- (ii) Accessory structures shall comply with 11-2-19(c)(5).
- (iii) There shall be no rear yard setback requirement for detached accessory structures, provided that no portion of an accessory structure may be located in, or encroach upon, any easement.

**(C) Design**

- (i) Except for properties in the IN, PF, and AG districts, all accessory structures that require a building permit shall comply with the applicable exterior finish materials standards pursuant to 11-4-8(d), *Residential Site and Building Design Standards* and 11-4-8(e), *Mixed-Use and Nonresidential Site and Building Design*.
- (ii) No manufactured home, trailer, travel trailer, camping trailer, truck camper, or motor vehicle shall be attached or connected in any manner to an existing building or structure.
- (iii) Fabric, membrane, or cloth structures intended to be erected for more than 30 days in a calendar year shall not be allowed for the purpose of covered storage of vehicles, recreational vehicles, boats, equipment, or other outdoor storage.

**(D) Timing**

Accessory uses or structures are not allowed until the primary use or structure is established.

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**(d) Additional Standards for Specific Accessory Uses and Structures**

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**(1) Accessory Dwelling Unit**

Accessory dwelling units ("ADUs") shall be allowed as indicated in Table 3-2-A and shall comply with the following standards:

**(A) Generally**

- (i) Only one ADU shall be allowed per property.
- (ii) ADUs shall not be used as short-term rentals.
- (iii) ADUs for multifamily dwellings or live/work units are prohibited.
- (iv) No manufactured home, trailer, travel trailer, camping trailer, truck camper, or motor vehicle shall be used as an ADU.

**(B) Ownership Requirements**

- (i) The owner of the property on which the ADU is located shall be required to reside in either the primary dwelling unit or in the ADU.
- (ii) Ownership of the ADU may not be legally severed from ownership of the associated lot and any other structures on such lot.

**(C) Size**

- (i) ADUs shall not exceed 750 square feet, however, ADUs located in the basement of an existing single-family unit may exceed 750 square feet if entirely contained within the building footprint of the primary structure.

**(D) Location and Design**

- (i) ADUs shall be allowed as both attached and detached structures.
- (ii) ADUs shall have a separate exterior entrance from the primary dwelling unit and shall contain cooking, sleeping, and sanitary facilities.
- (iii) ADUs shall not have more than one bedroom.

**(E) Public Services and Utilities**

- (i) Separate water or sewer service for the ADU shall not be allowed.
- (ii) Separate metering of other utilities is allowed.

**(2) Caretaker Dwelling Unit**

The living area of caretaker dwelling unit shall not exceed 750 square feet.

**(3) Drive-Through Facility**

Drive-through facilities shall comply with the standards in Subsection 11-4-6(i), *Drive-Through Facilities*.

**(4) Home Occupation**

**(A) Generally**

- (i) A home occupation shall be allowed only when it is an accessory use to a residential dwelling unit.
- (ii) Home occupation does not include a family of unrelated persons with disabilities residing in group quarters licensed by the State of Colorado, including staff persons, as defined by this UDO.
- (iii) Home occupations shall be conducted in compliance with all other applicable regulations of the State of Colorado, City of Northglenn, North Metro Fire Rescue District, and the Tri-County Health Department.
- (iv) A business license is required for all home occupations.

**(B) Uses Allowed**

- (i) Any use not listed in paragraph (ii) below shall be deemed an allowable home occupation so long as the use is a legal use in the City of Northglenn and complies with the standards of this UDO.
- (ii) The following uses shall be prohibited as a home occupation:
  - a. Kennels or animal day care; and
  - b. Motor vehicle service, repair, maintenance, reconstruction, restoration, cleaning, sale, or storage shall be prohibited as a home occupation.
- (iii) No home occupation shall include on premise sale of goods or merchandise, either wholesale, retail, or distribution except for home crafts and art works created at the home, items that are provided in support of the provision of a home occupation service, and eggs, honey, and other foods specified in the Colorado Cottage Foods Act in compliance with the licensing requirements for the keeping of chickens and bees, and in accordance with the Colorado Cottage Foods Act.

**(C) Residential Child Care**

**(i) General**

- a. Residential child care establishments shall comply with applicable regulations of the State of Colorado, City of Northglenn, North Metro Fire Rescue District, and the Tri-County Health Department.
- b. Residential child care establishments shall be operated by a permanent resident of the home.
- c. State licensed child care establishments conducted in a private residence may be allowed by right provided they comply with the standards in this subsection.

**(ii) Registration**

- a. Prior to establishing a residential child care establishment, the owner/operator of the establishment shall register with the Director on a form provided by the Director. Registration shall be effective for 12 months. Prior to expiration of such 12-month period, the owner/operator of the residential child care establishment shall apply for renewal. Renewal shall be granted by the Director if the establishment continues to be in compliance with these standards and state licensing requirements.
- b. It shall be unlawful to operate a residential child care establishment without first having registered as required in this subsection. It shall be unlawful to operate a residential child care establishment with an expired registration and/or a revoked license.

**(D) Location on Property**

- (i) No manufacturing, construction, fabrication, or assembly related to a home occupation shall occur within any detached structure.
- (ii) A detached structure may be used as an office, meeting room, display area, storage, or to provide any service related to a home occupation provided such use of the detached structure does not result in additional external impacts or nuisance.

**(E) Size and Design**

- (i) The total usable floor space area dedicated to home occupation uses shall not exceed 25 percent of the gross floor area of the primary structure.
- (ii) A home occupation shall not involve any external structural alteration of the dwelling unit.

**(F) Operations**

**(i) Employees**

A home occupation shall be conducted by family members residing in the home. No more than one non-family member may be employed in a home occupation.

**(ii) Hours of Operation**

Customers or clients of a home occupation may come to the home only between the hours of 7:00 a.m. and 10:00 p.m.

**(iii) No External Display of Products**

There shall be no external display of products or any other externally visible evidence of the home occupation.

**(iv) Outdoor Storage Activities**

No outdoor storage of materials, goods, supplies, or equipment associated with a home occupation shall be allowed.

**(v) Parking and Business-Related Vehicles (Vehicles Marked or Equipped Commercially)**

- a. Vehicle parking for customers or clients of a home occupation shall be provided on the site of the home occupation or on that portion of the street adjacent to the lot used for the home occupation.
- b. Only one motor vehicle used to conduct a home occupation may be kept at the home.
- c. Business-related vehicles shall comply with Articles 7-2 and 7-5 of the Municipal Code.
- d. When not being loaded or unloaded, any trailer used to conduct a home occupation shall be stored in a garage or behind an opaque fence not less than six feet in height so as not to be visible from any other public or private property.

**(vi) Deliveries**

Deliveries associated with a home occupation may only be made between the hours of 7:00 a.m. to 7:00 p.m., and may only be made by vehicles with no more than one rear axle.

**(vii) Nuisances**

- a. No home occupation shall create a public nuisance as defined in the Northglenn Nuisance Ordinance.
- b. Any noise caused or generated by conduct of a home occupation shall not create a noise disturbance, as defined in the City's Noise Control Ordinance. No noise associated with a home occupation may be audible at any time beyond the property boundary of the residence where the home occupation is conducted.

**(G) Signage**

No evidence of a home occupation shall be visible outside the primary building except for one wall or window sign no larger than one square foot in size.

**(H) Prohibited Equipment and Materials**

- (i) There shall be no chemical, mechanical, or electrical equipment on the premises other than that normally found within a dwelling unit.



- (ii) Hazardous materials listed in the Uniform Fire Code, as amended, shall not be used or stored in conjunction with a home occupation except with the prior approval of the North Metro Fire Rescue District Fire Chief and the City of Northglenn Chief Building Official.

**(5) Outdoor Dining**

Outdoor dining areas within 150 feet of a residential use or residential zoning district shall not be open between the hours of 10:00 p.m. and 7:00 a.m. This standard shall not apply to residential uses within a mixed-use zoning district.

**(6) Outdoor Sales and Display**

Except for establishments engaged in the sale or rental of vehicles or equipment, temporary yard sales, and activities with a temporary use permit, outdoor display of merchandise for sale and material for customer pick-up shall be subject to the following standards:

- (A) Display/sales areas shall be located outside of drive aisles, fire lanes, parking areas, or required landscape areas;
- (B) Display/sales areas shall not obstruct the usable width of a pedestrian way to less than three feet, nor obstruct pedestrian access to any building entry;
- (C) Display/sales areas shall occur only on an improved surface such as paved area;
- (D) Display/sales areas abutting a residential zoning district at a side or rear property line shall be screened from view with an opaque wall or fence a minimum of six feet and no more than eight feet in height extending along such rear or side property line; and
- (E) Outdoor sales and display areas may only include those goods and services normally sold or provided by the business.
- (F) Vending machines, service kiosks, and online retail storage lockers must be directly adjacent to a building, cannot exceed 25% of the linear distance of the store front, not to exceed a total of 50 feet per business.

**(7) Outdoor Storage, Accessory**

**(A) Generally**

Outside storage shall be limited to goods or materials sold or used on the premises as part of the primary use of the property.

**(B) Location of Outdoor Storage**

- (i) Outside storage shall be located in the rear yard or interior side yard of the lot.
- (ii) Goods or materials shall not be stored in areas intended for vehicular or pedestrian circulation.

**(C) Fencing and Screening**

Outdoor storage of goods or materials not for sale shall not be visible from the ground from any direction along the property and shall be subject to the screening standards in Subsection 11-4-7(m), *Screening, Fences, and Walls*.

**(D) Mobile Homes, Trailers, and Recreational Vehicles**

- (i) A mobile home shall not be located on a lot or parcel without a current and valid building permit, permanent foundation, hook-up facilities, permanent piers, blocks, or foundations.
- (ii) Travel trailers, motor homes, or recreational vehicles shall not be used or made suitable for use or occupancy for longer than 14 days in a calendar year.
- (iii) All boats, trailers, motor homes, travel trailers, recreational vehicles, and buses shall be kept in reasonable repair and operable and neatly arranged in a parked condition.

**(8) Sale of Produce and Plants Raised on Premises**

**(A) Allowed Sales**

Sales shall be limited to the retail sale of agricultural products produced on the lot, including the sale of products made from such products by the producer (for example, fresh produce, jams and jellies, and juices).

**(B) Structures**

No permanent structures shall be erected for the sale of agricultural products on the lot.

## 11-3-5 Temporary Uses and Structures

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### (a) Purpose and Organization

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- (1) The purpose of this section is to allow certain uses and structures of a limited duration subject to specified conditions. This section is intended to ensure that such uses or structures do not negatively impact surrounding properties and are discontinued upon the expiration of a set time period.
- (2) Table 3-2-A: *Table of Allowed Uses* lists allowed temporary uses and structures alphabetically. Temporary uses and structures not listed in the table require approval under the procedure in Subsection 11-3-2(c), *Classification of New and Unlisted Uses*. All temporary uses are subject to the standards in this Section 11-3-5, in addition to any applicable requirements in Section 11-3-3, *Use-Specific Standards*.

### (b) Approval Process for Temporary Uses and Structures

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Unless expressly exempted by the standards in this Section 11-3-5, all temporary uses and structures shall require a Temporary Use Permit. Review and approval of such permits shall be in accordance with Subsection 11-6-5(c), *Temporary Use Permit*.

### (c) General Standards for All Temporary Uses and Structures

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**(1) Compliance with this UDO**

- (A) Each temporary structure allowed by this UDO shall be constructed in accordance with applicable building codes and regulations of the City.
- (B) No temporary structure requiring a building permit shall be constructed or erected until a building permit is issued for such structure.
- (C) No temporary structure requiring a building permit shall be used or occupied until the structure has been inspected by a building inspector and a Certificate of Occupancy issued.
- (D) A temporary use or structure shall not violate any applicable use-specific standards or conditions of approval applicable to a primary use on the site.
- (E) Prior to commencing operation or construction of any temporary use or structure, all necessary permits, licenses, and approvals shall be obtained from the City Building Department, the North Metro Fire Rescue District, the Tri-County Health Department, and any other applicable local or state agencies.

**(2) Compatibility**

The temporary use or structure shall not be detrimental to surrounding properties or to the public health, safety, or general welfare.

**(3) Location**

- (A) Temporary uses shall not disturb any sensitive or protected resources, including floodplains and required landscaping.
- (B) Temporary uses or structures shall not impede with normal operations of any permanent use located on the property unless approved by the Director.

**(4) Operation and Design**

- (A) Permanent alterations to the site are prohibited.
- (B) At the conclusion of a temporary use or structure, all disturbed areas shall be restored to the condition that existed prior to the use, or improved.
- (C) Off-street parking shall be sufficient to accommodate the proposed temporary use.
- (D) Temporary signs associated with a temporary use or structure shall be removed when the activity ends or permit expires, whichever occurs first.

- (E) Temporary structures shall not be constructed with exterior surface materials of cardboard, paper, cloth, or similarly unsuitable materials. Any such stand or structure constructed of unpainted wood or metal, or of any used, rusted, defaced or disfigured material, shall be painted before inspection.

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### **(d) Additional Standards for Specific Temporary Uses and Structures**

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#### **(1) Construction Support Services**

##### **(A) Frequency and Duration**

- (i) Temporary use permits for construction support service activities shall be valid for the duration of an active building permit until issuance of a Certificate of Occupancy.
- (ii) The Building Official may order the construction support activities to be discontinued and in no event shall such temporary use continue after construction is complete.

##### **(B) Concrete or Asphalt Batching Plant**

###### **(i) Location**

- a. Temporary concrete batching plants (including associated stationary equipment and stockpiles) shall be located at least 1,000 feet from any recreational area, school, residence, or other structure not occupied or used solely by the owner of the property upon which the facility is located. This distance limitation does not apply to structures within the boundaries of the project for which the facility is to pour concrete, provided that the facility is located on or contiguous to the project.
- b. Temporary asphalt batching plants shall be located at least one-half mile from any recreational area, school, or residence, or any other structure not occupied or used exclusively by the owner of the property upon which the facility is located.

###### **(ii) Operation Standards**

- a. The facility shall be operated in a manner that eliminates unnecessary dust, noise and odor (including, with limitation, covering trucks, hoppers and chutes, loading and unloading devices, mixing operation and maintaining driveways and parking areas free of dust).
- b. All stockpiles shall be sprinkled with water or dust suppressant chemicals, or both, as necessary to achieve maximum control of dust emissions. The stockpile sprinkler system shall be operable at all times.
- c. The facility must produce concrete or asphalt for the specific subdivision or project site upon which it is located, and may not produce concrete or asphalt for any other unrelated subdivision or project.
- d. Spilled cement and fly ash used in the batch shall be cleaned up immediately and contained or dampened to minimize dust emissions due to wind erosion and vehicle traffic.
- e. All open-bodied vehicles transporting material from a dry batch plant to the paving mixer shall be loaded with a layer of sand on top, and the truck shall be covered with a tarp to minimize the emission of dust under existing conditions.
- f. The applicant shall clear the site of all equipment, material, and debris upon completion of the project.

###### **(iii) Hours of Operation**

The facility may operate only between the hours of 6:00 a.m. and 8:30 p.m., Monday through Friday, and 8:00 a.m. and 8:30 p.m. on weekends.

##### **(C) Field or Construction Office**

- (i) Field or construction offices may only be approved for licensed contractors working on construction projects for which permits have been issued.

- (ii) Field or construction offices shall be located on the same property and within the same project area where the work is being done and shall not encroach into any public right-of-way.
- (iii) Field or construction offices shall be required to meet all applicable state and local building and set-up codes.
- (iv) Field or construction offices may not be used as residences.

**(2) Mobile Food Vending**

**(A) Location and Separation**

- (i) Mobile food vending shall not be located within 150 feet of any single-family residential zoning district. This separation standard shall not apply to residential uses within a mixed-use development or mixed-use zoning district.
- (ii) Mobile food vending may be allowed in a single-family residential zoning district as part of a special event with approval of a temporary use permit pursuant to these standards in 11-3-5(d)(2) and the special event standards in 11-3-5(d)(4).
- (iii) Mobile food vending shall not be located within 150 feet of any restaurant unless the property owner provides written consent to the city as part of a temporary use permit application. If the mobile food vending is proposed in a multi-tenant shopping center, then the property owner shall provide written notice to tenants within such shopping center.

**(B) Operational Standards**

- (i) A business license is required and shall be available on site for inspection by city, county, and state officials.
- (ii) Mobile food vending operators intending to operate in the public right-of-way shall obtain all required licenses and permits from the city, county, and state.
- (iii) Vehicles used for mobile food vending shall not be stored on properties used for single-family, duplex, or multifamily dwellings unless allowed by a temporary use permit.
- (iv) Mobile food vending operators shall obtain written consent from the private property owner(s) of properties on which they intend to operate. Such consent shall be provided as part of the temporary use permit application.
- (v) Mobile food vending operators shall maintain trash receptacles and all areas used for food vending in a safe and clean condition, and must dispose of all waste in accordance with health department regulations.
- (vi) Mobile food vending operators shall obey all parking and traffic laws. No part of a mobile food vending business shall obstruct required parking stalls without prior approval by the city through the temporary use permit.
- (vii) Structures, canopies, tables, or chairs associated with the mobile food vending business are prohibited unless expressly permitted as part of the temporary use permit.

**(3) Seasonal Sales**

- (A) Temporary use permits for seasonal sales activities shall be valid for a period of not more than 90 days in a calendar year.
- (B) Caretaker's quarters or temporary office facilities associated with seasonal sales are subject to the provisions in this UDO.

**(4) Special Event**

**(A) City Events Exempt**

City of Northglenn special events are exempt from the standards for special events and shall not require a temporary use permit.

**(B) Residential Private Property and Residential Block Party Events Exempt**

Special Events or parties on residential private property and Residential Block Party events are exempt from the standards for special events and shall not require a Temporary Use Permit. Residential block parties are subject to approval from other City departments for the blocking of streets and public safety.

**(C) Frequency and Duration**

Each lot or parcel is allowed a maximum of 10 separate, three-day events per calendar year.

**(D) Location, Design, and Operations**

- (i) For a special event established by a single business, outdoor sales shall be located only within the permittee's business frontage.
- (ii) Special event signage shall comply with the provisions in Section 11-4-10, *Signs*.
- (iii) Outdoor sales or display areas shall comply with the provisions in Subsection 11-3-4(d)(6), *Outdoor Sales and Display*.
- (iv) Special events shall comply with any required vision clearance areas for intersections and driveways.
- (v) Exterior lighting shall with the provisions in Section 11-4-9, *Exterior Lighting*.
- (vi) Public address systems, music, amplified sound, or other sound-making devices shall comply with the provisions in Subsection 11-3-3(b), *Performance Standards for All Uses*.
- (vii) Adequate restroom facilities shall be provided pursuant to the building code.

**(E) Additional Information at Request of Director**

The Director shall be authorized to request additional information for special events with potential impacts on public lands and rights-of-way.

## 11-3-6 Oil and Gas Operations

### (a) Purpose

- (1) These regulations are enacted to provide for the safety, and preserve the health, safety and welfare of the present and future residents of the City.
- (2) It is the City's intent by enacting these regulations to facilitate the development of oil and gas resources within the City while mitigating potential land use conflicts between such development and existing, as well as planned, land uses.
- (3) It is recognized that under Colorado law the surface and mineral estates are separate and distinct interests in land and that one may be severed from the other. Owners of subsurface mineral interests, including oil and gas, have certain legal rights and privileges, including the right to use that part of the surface estate reasonably required to extract and develop their subsurface mineral interests subject to compliance with the provisions of these regulations and any applicable statutory and regulatory requirements.
- (4) The State has a recognized interest in fostering the efficient development, production and utilization of oil and gas resources and in the prevention of waste and protection of the correlative rights of common owners and producers to a fair and equitable share of production profits. Similarly, owners of the surface estate have certain legal rights and privileges, including the right to have the mineral estate developed in a reasonable manner and to have adverse land use impacts upon their property, associated with the development of the mineral estate, mitigated through compliance with these regulations so long as these regulations do not create an operational conflict with the State's authority to regulate oil and gas development.
- (5) Municipal governments have a recognized, traditional authority and responsibility to regulate land use within their jurisdiction to the extent they do not create an operational conflict. These regulations are intended as an exercise of this land use authority.
- (6) The City recognizes that this section does not supersede or preempt the regulations of the Colorado Oil and Gas Conservation Commission ("COGCC") or any other state regulations, nor is this section intended to conflict with them.

- (7) The City acknowledges the authority of the COGCC and the application of its rules to oil and gas drilling and production operations within the City's boundaries.
- (8) The City further acknowledges that a Permit to Drill issued by the COGCC shall be binding with respect to any operationally conflicting requirement under this section.

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### **(b) General Provisions**

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- (1) The provisions of this section shall apply to all oil and gas exploration and production operations proposed or existing on or beneath property within the City limits.
- (2) Legal nonconforming uses. Oil and gas facilities within City limits and operational prior to October 1, 2010, will be considered legal nonconforming uses.
- (3) Where provisions in this section are in conflict with other provisions of this Code or other applicable regulations, the more restrictive, or that provision which results in the higher standard, shall apply unless the application of the Code results in an operational conflict with the State regulation of oil and gas development.
- (4) Exceptions to provisions of this section which are of purely local concern may be granted by the City Council as part of the approval process of the oil and gas permit only if the applicant demonstrates that the exception or waiver is necessary to prevent waste or protect correlative rights and can provide adequate mitigation measures for the standards waived.
- (5) An oil and gas permit shall become null and void three years after approval of the oil and gas permit if oil and gas development at the site for which the permit was issued does not commence.

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### **(c) Oil and Gas Permit Required**

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#### **(1) New Oil and Gas Facilities**

- (A) It shall be unlawful for any person to drill a new well, construct a new facility or install new accessory equipment or structure within the corporate limits of the City unless an oil and gas permit has been obtained pursuant to this section. A separate oil and gas permit shall be required for each well or production facility that has not been previously permitted under this section except as outlined in 11-3-6(c)(1)(D) and 11-3-6(c)(2) below.
- (B) If more than one well or production facility is proposed at the same time, the applicant may submit one application for multiple wells and facilities; however, a separate fee shall be required for each drill pad site included in the application. The City will issue a multiple oil and gas operations permit that notes the name and location of each well or production facility.
- (C) Any such permit issued pursuant to this section shall encompass within its authorization the right for the operator, his or her agent, employee, subcontractor or independent contractor or any other persons to perform that work necessary in the drilling, completion or maintenance operations.
- (D) For the purpose of this section, the installation of tanks, heaters, separators and other accessory equipment shall be construed as extensions to oil and gas wells and shall accordingly be subject to the same applications, review, permit, regulations, and standards. The application for these accessories when intended to be installed at the same time as the oil or gas well may be merged with an application for an oil or gas permit and shall not require an additional permit fee.

#### **(2) Modification to Existing Well Sites**

- (A) When a well or well site is existing with an approved oil and gas permit use, any twinning, deepening or recompleting of a well and relocation of accessory equipment or gathering lines and transmission lines does not require a new permit so long as all applicable regulations of this jurisdiction and the State are met, and the operator shall submit a revised site and operating plans to the City depicting any changes from the approved oil and gas permit. This is an administrative approval and does not require any additional public hearings. Upon receipt of the amended site plan and operating plan, the City shall issue an existing use site plan order as provided in Subsection 11-3-6(f) of this section.

- (B) If any changes are made to a legal nonconforming well or a well to which an existing use site plan order has been issued, i.e.: twinning, deepening or recompleting of a well, or relocation of accessory equipment or gathering lines and transmission lines occurs, the operator shall apply for an oil and gas permit. By enactment of this section, the City hereby approves any well, equipment or facility drilled or constructed prior to the enactment of this section that occurred prior to annexation of additional acreage within the City.
- (C) When an oil and gas permit has been granted for a well, reentry of such well for purposes of sidetracking, deepening, recompleting, reworking, activating or converting the well shall not require a separate oil and gas permit.
- (D) The oil and gas permit is limited to the facilities as shown in the approved plan. To the extent the applicant desires, after initial completion of a well, to place additional equipment on a tank battery or wellhead location which was not shown in the approved plan, the applicant must, except in a situation where additional temporary equipment is necessary for a period of 14 days or less, notify the City of installation of such additional equipment by letter and include a site plan showing the location of the new equipment. A new oil and gas permit is not required.

**(3) Terms and Conditions of the Oil and Gas Permit**

- (A) The term of the oil and gas permit shall be coterminous with the state well permit issued by the COGCC. Any extension of the permit granted by the COGCC shall result in an automatic extension of the term of the City-issued oil and gas permit equal to the extension granted by the COGCC. A permit shall not be required for seismic surveys, unless the drilling of a seismic (shot hole), core or other exploratory hole is involved.
- (B) The oil and gas permit shall automatically expire with the abandonment and reclamation of the associated well.
- (C) The granting of an oil and gas permit shall not relieve the operator or owner of a well, production facility, pipeline or gathering line from otherwise complying with all applicable regulatory requirements of the City, the State or the United States.
- (D) Within 30 days after the well is completed and equipped, the applicant shall provide to the City as-built drawings showing all facilities, pipelines, flow lines and gathering lines which the applicant has placed on the land subject to this permit. These as-built drawings shall be the same as submitted to the COGCC.
- (E) The oil and gas permit and/or existing use site plan order required by this section is in addition to any permit which may be required by any other provision of this Code or by any other governmental agency.
- (F) By acceptance of any oil and gas permit and/or an existing use site plan order issued pursuant to this section, the operator or owner of any well, production facility, pipeline or gathering line expressly stipulates and agrees to be bound by and comply with the provisions of this section, and any subsequent amendments shall be deemed to be incorporated. The terms of this section shall be deemed to be incorporated in any oil and gas permit or existing use site plan issued pursuant to this section with the same force and effect as if this section was set forth verbatim in such oil and gas permit or existing use site plan.

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**(d) Oil and Gas Permit for a New Oil and Gas Operation - Application Submittal Requirements and Filing Fees**

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**(1) Initial Application Form and Authorization**

Every application for an oil and gas permit issued pursuant to this section shall be in writing on a form supplied by the City, signed by the operator, or some person duly authorized to sign on his or her behalf, and filed with the Department of Planning and Development. If no form is available, Operator may file in its own format the information following that shall be submitted:

- (A) The operator's name and address and, if the operator is a corporation, the state of incorporation and, if the operator is a partnership, the names and addresses of the general partners.
- (B) The name, address, telephone number, fax number and e-mail address of the individual designated by the operator to receive notices.

- (C) The aliquot legal description of the property to be used for the oil/gas operation and the assessor's parcel number for the property. Property recorded by plat shall also be identified by subdivision name and block and lot numbers.
- (D) The well name.
- (E) The mineral lessee's name and address.
- (F) The name and address of the representative with supervisory authority over the oil and gas operation site activities and a 24-hour emergency phone number.
- (G) The name and address of the surface owner or owners.
- (H) The name, address and telephone number of the person or firm designated by the operator to file the oil and gas permit application and prepare the site plan and related exhibits.

**(2) Fee and Signed Reimbursement Agreement**

Every application shall include a required fee in the amount of \$1,000.00. In addition, the applicant shall submit a signed cost reimbursement agreement provided by the City, but such reimbursement agreement shall only apply to the use by the City of outside consultants to review the application, if necessary. The fee and required cost reimbursement agreement must be received by the Department of Planning and Development in order to process the application.

**(3) Substantive Application**

Upon having submitted the materials and fee required in 11-3-6(d)(1) and 11-3-6(d)(2) above, an application for an oil and gas pursuant to this section shall be filed with the Department of Planning and Development and shall include the following information:

**(A) Site Plan**

The site plan shall be submitted on one or more plats or maps, at a scale not less than one inch to 50 feet, showing the following information:

- (i) A site plan of the proposed operation showing the location of all improvements and equipment, including the location of the proposed wells and other facilities, and including but not limited to pumps, motors, electrical power lines, tanks, flowlines, gathering lines, compressors, separators and storage sheds. All existing tank batteries and transmission and gathering lines within 660 feet of the well site shall also be shown.
- (ii) The location of layout, including, without limitation, the position of the drilling equipment and related facilities and structures, if applicable.
- (iii) The location and description of all existing improvements and structures within 1,000 feet of the well, as well as proof that the new well or production facility meets all applicable setback requirements from any building unit as defined by the COGCC.
- (iv) Existing utility easements and other rights-of-way of record, if any, within a radius of 660 feet of the proposed well.
- (v) The location of existing irrigation or drainage ditches within 1,000 feet of the well site or production site, if any.
- (vi) The applicant's drainage and erosion control plans for the well site or production site, if applicable. The applicant may submit the best management plan required by COGCC to meet this requirement.
- (vii) Location of access roads in accordance with the provisions of Section 11-3-6(l) of this section.
- (viii) The location of existing oil and gas wells as reflected in COGCC records within a 1,000 foot radius of the proposed location for the well and existing lease boundaries.
- (ix) The names of abutting subdivisions or the names of owners of abutting, unplatted property within 300 feet of the proposed of the well site or production site.
- (x) The date the site plan was prepared and any revision numbers to the site plan, when applicable.
- (xi) The location of existing wildlife and nature areas within 1,000 feet of the well site or production site, if any.
- (xii) The location of the well site or production site in relation to existing lease boundaries.
- (xiii) A true north arrow.



**(B) Transportation Routes**

- (i) A map showing all proposed transportation routes for access to and from the well site for construction equipment and well drilling, completion and reworking equipment from the well/production site to the to the corporate limits of the City.
- (ii) All transportation routes which access the state highway system shall be required to obtain necessary CDOT access permits.

**(C) Written Narrative**

- (i) A title block or heading containing the operator's and surface owner's names and addresses, the well name and the legal description of the well/production site location.
- (ii) Copies of the approved or submitted COGCC forms 1A, and 2 or 2A or 10, as applicable. If the applicant has not received approval from COGCC, the City shall process the application conditioned on proof of an approved COGCC permit.
- (iii) An operating plan.
- (iv) A copy of the surface use agreement or acknowledgement, including reception number, that a surface use agreement has been recorded with the applicable County Clerk and Recorder's Office. If no surface use has been executed, applicant shall provide verification that efforts to enter into such an agreement have occurred, and/or provide the City evidence (which may include evidence of lease or posting of bond) of its rights to proceed with oil and gas operations absent an executed surface use agreement.
- (v) A list of all permits or approvals obtained or yet to be obtained from local, state or federal agencies other than the COGCC.
- (vi) An emergency response plan that is mutually acceptable to the operator and the appropriate fire protection district and the Police Department that includes a list of local telephone numbers of public and private entities and individuals to be notified in the event of an emergency, the location of the well and provisions for access by emergency response entities.
- (vii) A fire protection plan that is mutually acceptable to the operator and the appropriate fire protection district that includes planned actions for possible emergency events and any other pertinent information.
- (viii) A plan for weed control at the well site.
- (ix) A sanitary facilities plan that complies with COGCC regulations.
- (x) Verification of ownership of the mineral interest.

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**(e) Oil and Gas Permit Process for New Oil and Gas Operations**

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- (1) The process for issuing an oil and gas permit shall include the following steps. Where terms of this Section conflict with other standards in Article 3: *Use Regulations*, the provisions of this section shall apply.

**(A) Step 1: Pre-Application Conference**

The applicant shall attend a pre-application conference with a representative from the City. The purpose of the meeting is to discuss the oil and gas permit submittal requirements and review process.

**(B) Step 2: Application Submittal**

The applicant shall comply with the submittal requirements of subsection 11-3-6(e).

**(C) Step 3: Staff Review for Completeness**

Within a reasonable period of time, not to exceed 10 business days, City staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and resubmit the required number of copies of the amended application to the City. This is not a substantive review of the application submitted.

**(D) Step 4: Referral Agencies Notified**

Upon receipt of a completed application, the City shall forward the application to the appropriate referral agencies. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the applicant's name. At minimum, the application shall be referred to the Police Department and the Fire District. Referral agencies shall be provided 30 days to

respond with any comments. After such 30 day period, the City may proceed on the Application whether or not the City has received comments from the notified referral agencies.

**(E) Step 5: Staff Review and Comments**

City staff shall review the Application for compliance with this section and all other applicable federal, state and City regulations and standards. A summary of this review, including referral comments, shall be sent to the Applicant.

**(F) Step 6: Applicant Response**

The applicant shall address all of the City staff comments and any referral agency comments, then submit the following to the City:

- (i) Written correspondence explaining how all of the comments have been addressed; and
- (ii) Revised maps and other documents, as necessary.

**(G) Step 7: Public Hearing Scheduled and Notification Process.**

The City shall:

- (i) Publish notice of the public hearing for the oil and gas permit in a newspaper of general circulation in the City at least 15 days before the scheduled hearing date.
- (ii) Posting of notice. Notice of the hearing shall be posted by the City on each street adjoining the property involved for a period of at least 15 continuous days prior to the date of the hearing. An affidavit of posting signed by a representative of the City shall constitute prima facie evidence of fulfillment of the required posting. The expense of such posting and affidavit shall be paid by the applicant. The sign shall be professionally made or hand-stenciled with dimensions as shown; enamel or weatherproofed painted letters; white background on sturdy backing; minimum size as shown below; on two posts as shown below; and six feet from the edge of the street pavement.

**(H) Step 8: Final Staff Review and Report to Planning Commission**

City staff will complete a final review of the resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the review criteria and applicable City ordinances, regulations and standards.

**(I) Step 9: Review by Planning Commission**

**(i) Criteria for Review**

At a public hearing, the Planning Commission shall review the application for the oil and gas permit for compliance with the following criteria:

- a. The requirements of subsections 11-3-6(d)(1) and 11-3-6(d)(2) above are met.
- b. The site plan for the well site complies with the requirements of subsection 11-3-6(d)(3)(A).
- c. The requirements of subsection 11-3-6(d)(3)(B) are met.
- d. The written narrative complies with the requirements of subsection 11-3-6(d)(3)(C).
- e. When applicable, the application complies with the provisions for geologic hazards, floodplains or floodways provided in subsection 11-3-6(p).
- f. When applicable, the application complies with the provisions for wildlife mitigation procedures provided in subsection 11-3-6(q).

**(ii) Conditions of Approval**

The Planning Commission may recommend as a condition of approval of an oil and gas permit, any conditions necessary to improve or modify the site plan; any conditions necessary to ensure that any negative impacts of the proposed oil and gas operation are eliminated or mitigated; or may impose conditions related to the surface use so long as said conditions do not create an operational conflict with the State's authority to regulate oil and gas development. The Planning Commission shall cause its recommendations to be forwarded to the City Council.

**(J) Step 10: Review by the City Council**

- (i) A public hearing on the requested oil and gas permit shall be held by the City Council at a regular or special meeting of the Council. Notice of the public hearing shall be published by posting and by publication one time in a newspaper of general circulation in the City not less than 15 days before the date of the hearing. Notice shall be given to the property owners abutting the property or within 300 feet of the property, and to the City's service providers, the County, special districts and referral agencies as deemed appropriate by the City. Said notice shall be given by first-class mail not less than 15 days before the date of the hearing.
- (ii) The City Council shall consider evidence presented in the application and at the public hearing which establishes compliance consistent with Section 11-3-6(e)(1)(I) above and any recommendations of the Planning Commission, if applicable. Following the conclusion of the public hearing, the City Council shall by written resolution render its decision to approve, deny or conditionally approve the application, or it may take the matter under advisement until an announced date certain, not to exceed 15 days from the date of the hearing, at which time it shall render its decision by written resolution. The written resolution shall be prepared by the City Attorney and shall set forth the findings of the City Council.
- (iii) In the event that an application is granted with conditions, the applicant may, within 15 days of the City Council's decision, request a rehearing by petitioning for the same to the City Clerk. The purpose of the rehearing is to afford the applicant the opportunity to demonstrate that removal or modification of one or more of the conditions is necessary to prevent waste or protect owners of correlative rights in a common source to a fair share of production profits or that the decision is otherwise inconsistent with state laws and regulations. Following the conclusion of the rehearing, the City Council may by written resolution render its decision on the application, or it may take the matter under advisement until an announced date certain, not to exceed 15 days from the date of the rehearing, at which time it shall render its decision by written resolution. The written resolution shall be prepared by the City Attorney, shall set forth the findings of the City Council and shall confirm, modify or repeal the conditions contested by the applicant.
- (iv) For the purposes of judicial review, the City Council's final action or decision on an application shall be deemed to have been made as of the date upon which the City Council executes the written resolution, which shall constitute the final decision of the City Council.

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**(f) Existing Use Site Plan Order for Pre-Existing Wells**

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Within 21 days following enactment of this section, an existing use site plan order shall be issued administratively by the City.

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**(g) Oil and Gas Permit Order**

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Prior to commencement of operations for which an oil and gas permit has been approved, an oil and gas permit order shall be obtained from the City. The City shall issue the oil and gas permit order within a reasonable time upon receipt of the following:

- (1) A copy of the resolution of the City Council approving an oil and gas permit;
- (2) Proof of compliance with any conditions placed in the resolution of the City Council approving an oil and gas permit;
- (3) A copy of the approved site plan;
- (4) A copy of an approved oversize or overweight vehicle or load permit issued by the City pursuant to subsection 11-3-6(m), if applicable;
- (5) Copies of any necessary state or federal permits issued for the operation if not previously submitted; and
- (6) Copies of all COGCC permits.

## **(h) Contact Information**

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The intent of this section is to ensure that the City has the correct contact information in case of an emergency, code violation or security concern.

### **(1) Service of Notice**

As required by the COGCC, every operator shall designate an agent who is a resident of the State upon whom all orders and notices provided in this section may be served and shall specify in writing a mailing address for such agent. Every operator so designating such agent shall, within 10 calendar days, notify the City in writing, of any change in such agent or such mailing address unless operations in the City are discontinued. The City may serve any notice provided in this section upon the operator by mailing the same, postage prepaid, to the operator's designated agent at his or her designated address. Service shall be complete upon such mailing. The operator shall give the City written notice of any change in the designated agent or their contact information.

### **(2) Transfer of Operator or New Operator**

As required by COGCC, the operator shall notify the City, in writing, of any sale, assignment, transfer, conveyance or exchange by said operator of a well's property and equipment within 10 calendar days after such sale, assignment, transfer, conveyance or exchange. The notice shall provide a map indicating the location of the properties and equipment involved in the transaction.

## **(i) Emergency Inspections and Emergency Response**

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The applicant for an oil and gas permit or existing use site plan order shall provide the telephone number of a contact person who may be reached 24 hours a day for purposes of being notified of any proposed City emergency inspection under this Section. Any site for which an oil and gas permit or existing use site plan order has been granted may be inspected by the City at any time, to ensure compliance with the requirements of the approved oil and gas permit or existing use site plan order or to address any emergencies that may arise. By accepting an approved oil and gas permit or existing use site plan order, the applicant grants its consent to such emergency inspections. The operator shall reimburse the City or the applicable fire district for any emergency response costs incurred by the City or the fire district in connection with activity at the well site or production site, except that the operator shall not be required to pay for emergency response costs where the response was precipitated by the mistake of the City.

## **(j) Building Permits**

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In addition to any other requirements of this section, building permits must be obtained for all aboveground structures to which the applicable City Building Codes apply.

## **(k) Use Tax**

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All operators must conform to applicable provisions of this Code relating to taxation, if any.

## **(l) Access Roads**

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All private roads used to provide access to the tank batteries or the well site shall be improved and maintained according to the following standards so long as such standards are consistent with the surface owner's requests or the terms of a private Surface Use Agreement with the surface owner, and does not damage adjacent properties:

### **(1) Oil and Gas Facility Access Roads**

Access roads to facilities shall conform to the following minimum standards:

- (A)** A graded gravel roadway having a prepared subgrade and an aggregate base course surface a minimum of six inches thick, compacted to a minimum density of 95 percent of the maximum density as determined in accordance with generally accepted engineering sampling and testing procedures. The aggregate material, at a minimum, shall meet the requirements for Class 3, aggregate base course as specified for aggregate base course materials in the Colorado Department of Transportation's Standard Specifications for Road and Bridge Construction, latest edition.

- (B) Graded so as to provide drainage from the roadway surface and constructed to allow for cross-drainage of waterways (such as roadside swales, gulches, rivers, creeks and the like) by means of an adequate culvert pipe. Adequacy of the pipe is subject to approval of the City Engineer.
- (C) Maintained so as to provide a passable roadway free of ruts and dust at all times.
- (D) The access roadway intersecting a municipal street or roadway shall be hard-surfaced at least from the municipal street to the right-of-way line. Vehicles using the access roadway shall not track mud or other debris onto municipal streets from the access road.

**(2) Wellhead Access Roads**

Access roads to wellheads shall conform to the following minimum standards:

- (A) A graded dirt roadway compacted to a minimum density of 95 percent of the maximum density as determined in accordance with generally accepted engineering sampling and testing procedures and approved by the City.
- (B) Graded so as to provide drainage from the roadway surface and constructed to allow for cross-drainage of waterways by means of an adequate culvert pipe. Adequacy of the pipe shall be subject to approval by the City.
- (C) Maintained so as to provide a passable roadway free of ruts and dust at all times.
- (D) An access roadway intersecting a municipal street or roadway shall be hard-surfaced at least from the municipal street to the right-of-way line. Vehicles using the access roadway shall not track mud or other debris onto municipal streets from the access road.

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**(m) Oversize or Overweight Vehicle or Load Permit**

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An oversize or overweight vehicle or load permit shall be required for all oversize or overweight vehicles or loads as defined in Sections 42-4-501 through 42-4-511, C.R.S., which use City streets. Said permit, if required, shall be obtained from the City prior to such use. The applicant shall comply with all City and state regulations regarding weight limitations on streets within the City, and the applicant shall minimize oversize or overweight vehicle traffic on streets within the City.

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**(n) Fencing Requirements**

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At the time of initial installation, or upon the issuance of an existing use site plan order, fencing is required for all pumps, wellheads and production facilities that are within an approved subdivision or within 1,000 feet of an existing public road or existing structure or if a well site falls within a high-density area as defined by the COGCC. All pumps, pits, wellheads and production facilities shall be adequately fenced to restrict access by unauthorized persons. For security purposes, all such facilities and equipment used in the operation of a completed well shall be surrounded by a fence six feet in height, and so long as the material is noncombustible and allows for adequate ventilation, the gates shall be locked. The following specific standards shall apply to all oil and gas wells and production facilities. Fence enclosures shall be constructed of materials suited for the given location and operations that are fiscally, technologically, and operationally feasible, and compatible with the surrounding land uses, but which shall not include solid masonry walls. All fences walls shall be equipped with at least one gate. The gate shall meet the following specifications:

- (1) The gates shall be of chain-link construction that meets the applicable specifications or of other approved material that, for safety reasons, shall be at least as secure as a chain-link fence;
- (2) The gates shall be provided with a combination catch and locking attachment device for a padlock and shall be kept locked except when being used for access to the site; and
- (3) The operator must provide the fire protection district with a "Knox Padlock" or "Knox Box with a key" to access the well site, to be used only in case of an emergency.

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### **(o) Compliance with State Environmental and Noise Requirements**

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The approval of an oil and gas permit shall not relieve the operator from complying with all current applicable state and federal regulations and standards concerning air quality, water quality and waste disposal. State law and regulations concerning noise abatement (Title 25, Article 12, C.R.S. and COGCC, Series 800 Rules, as the same may be amended from time to time) shall apply to all operations, together with applicable local government ordinance, rules and regulations.

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### **(p) Geologic Hazard, Floodplain, and Floodway Location Restrictions**

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- (1) Violation of any federal, state or local laws or regulations shall be a violation of this section.
  - (2) The well and tank battery shall comply with all applicable federal, state and local laws and regulations when located in a floodway or a 100 year floodplain area.
  - (3) All equipment at production sites located within a one-hundred-year floodplain shall be anchored as necessary to prevent flotation, lateral movement or collapse or shall be surrounded by a berm with a top elevation at least one foot above the level of a 100-year flood.
  - (4) Any activity or equipment at any well site within a 100-year floodplain shall comply with applicable City Floodplain Regulations and the Federal Emergency Management Act and shall not endanger the eligibility of residents of the City to obtain federal flood insurance.
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### **(q) Wildlife Impact Mitigation**

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#### **(1) Wildlife**

When a well site or production site is located within or adjacent to a wildlife or natural area, the applicant shall consult with the Colorado Division of Wildlife to obtain recommendations for appropriate site specific and cumulative impact mitigation procedures as required by the COGCC. The operator shall implement such mitigation procedures as are recommended by the Colorado Division of Wildlife after consultation with the City. The operator shall file a mitigation plan with the City.

#### **(2) Endangered Species**

The operator shall not engage in activities which, in the opinion of the Colorado Division of Wildlife, threaten endangered species.

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### **(r) Violation and Enforcement**

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#### **(1) Unlawful to Construct or Install Unapproved Oil and Gas Facilities**

- (A) Except as otherwise provided in this section, it is unlawful to construct, install or cause to be constructed or installed any oil and gas well or production facility within the City unless approval of an oil and gas permit has been granted by the City Council. The unlawful drilling or redrilling of any well or the production therefrom is a violation of this section.
- (B) It is unlawful to fail to obtain an oil and gas permit or existing use site plan order where one is required pursuant to this section.
- (C) Unlawful to provide false, misleading, deceptive or inaccurate information and/or documentation in an application for an oil and gas permit or existing use site plan order. Except as otherwise provided in this section, it is unlawful for the applicant to provide information and/or documentation upon which the approval of an oil and gas permit was based, which the applicant, its agents, servants or employees knew or reasonably should have known was materially false, misleading, deceptive or inaccurate.

#### **(2) Penalty**

Any person convicted of a violation of any of the acts enumerated in Subsections (a), (b) and (c) above, or who commits any act or omission in violation of any provision of this section, or of the conditions and requirements of the oil and gas permit, may be punished as provided in Section 1-1-10(a)(2) of this Code. Each day of such unlawful operation constitutes a separate violation.

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**(3) Civil Action**

In case any well, production facility, building or structure is or is proposed to be erected, constructed, reconstructed, maintained, altered or used, or any land is, or is proposed to be, used in violation of any provision of this section or the conditions and requirements of the oil and gas permit or any existing use site plan order, the City Attorney, in addition to the other remedies provided by law, ordinance or resolution, may institute an injunction, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, maintenance, alteration or use.

**(4) Recovery of Fees**

Should the City prevail in any action for legal or equitable relief for a violation of the provisions of this section, in addition to any other penalties or remedies which may be available, the City shall be entitled to recover any damages, costs of action, expert witness fees, and reasonable attorneys' fees incurred.





# Article 4: Development Standards

## 11-4-1 General Purpose and Applicability

### (a) Purpose

This article includes standards that regulate the physical layout and design of development in Northglenn to ensure the protection of the health, welfare, safety, and quality of life. These standards address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, to maintain an attractive, efficient, and livable community.

### (b) Applicability

The standards in this article shall apply to development activities as summarized in the Table 4-1-A. Additional applicability standards with greater detail are provided near the beginning of each corresponding section.

**Table 4-1-A: Development Standards Applicability Summary Table**

√ = Applies

Section	New Development	Change of Use	Expansions and Enlargements
11-4-2, <i>Sensitive Area Protection</i>	√	√	To the maximum extent practicable
11-4-3, <i>Regulations to Minimize Flood Losses</i>	√	√	√
11-4-4, <i>Stormwater and Drainage Control</i>	Applies to all new development and change of use. Water quality standards apply to disturbed areas of: <ul style="list-style-type: none"> <li>• One acre or more;</li> <li>• Less than one acre if such activities are part of a larger development;</li> <li>• City may require as part of the review process for a final plat, special use permit, site plan, or if the construction activities are adjacent to a watercourse or wetlands.</li> </ul>		
11-4-5, <i>Access and Circulation</i>	√ - except for single-family or duplex that is not part of a new subdivision	If the change requires alteration of the site	Expansion by more than 25 percent of the floor area or site area; any expansion of a structure or use requiring a special use permit
11-4-6, <i>Off-Street Parking and Loading</i>	√ - except on lots 5,000 square feet or less that are not single-family, duplex, or manufactured homes	If the change increases the required parking or loading by more than 25 percent	Expansion by more than 25 percent of the floor area or site area; any expansion of a structure or use requiring a special use permit; and when major parking area improvements are made to the site
11-4-7, <i>Landscaping, Screening, and Fencing</i>	√ - except for AG and OS districts not abutting residential districts or conversion of residential to nonresidential without site improvements	If the change requires alteration of the site	Does NOT apply to single-family, duplex, and manufactured homes. For all other uses: Expansion by more than 25 percent of the floor area or site area; any expansion of a structure or use requiring a special use permit; and when major parking area improvements are made to the site

**Table 4-1-A: Development Standards Applicability Summary Table**

√ = Applies

Section	New Development	Change of Use	Expansions and Enlargements
11-4-8, <i>Site and Building Design</i>	√ - except for the AG district or conversion of a residential to nonresidential without site improvements	If the change requires alteration of more than 50 percent of the facade	Entire site and all buildings shall comply when: <ul style="list-style-type: none"> <li>• Multifamily units increased by 15 percent in mixed-use districts or 25 percent in all others;</li> <li>• Square footage of nonresidential or mixed-use by 25 percent in mixed-use districts or 50 percent in all others; or</li> <li>• Improvements to more than 50 percent of the façade</li> </ul> The portion of the building or site being improved shall comply when: <ul style="list-style-type: none"> <li>• Increase in dwelling units by lesser of 10 units or 10 percent; or</li> <li>• Square footage of nonresidential or mixed-use by more than 10 percent</li> </ul>
11-4-9, <i>Exterior Lighting</i>	√ - except for single-family residential lighting and temporary outdoor string lighting provided they comply with light spillover standards	√	√
11-4-10, <i>Signs</i>	√	√	√

## 11-4-2 Sensitive Area Protection

### (a) Purpose

The regulations of this section are intended to ensure that environmental features are protected and the natural character of the City is reflected in patterns of development and redevelopment, and significant natural features are incorporated into open space areas to the maximum extent practicable.

### (b) General Site Design

- (1) Developments shall minimize impacts to sensitive natural resources and other unique and fragile site elements—including, but not limited to, wetlands, open space, steep slopes, and stands of trees. Such resources and features shall be preserved where practicable. Subdivisions and any development shall be designed to preserve existing waterways (lakes, rivers, and streams), drainageways, primary vegetation (native vegetation and mature trees), rock formations, other natural vistas, and other environmental resources and features.
- (2) Development shall avoid disturbance within areas containing unusual or unstable topography to the maximum extent practicable.
- (3) The Director may require an applicant to depict proposed building envelopes on the applicable development application demonstrating avoidance of existing waterways (lakes, rivers, and streams), drainageways, primary vegetation (native vegetation and mature trees), rock formations, natural vistas, and other environmental resources and features, and to demonstrate compliance with required dimensional standards.

- (4) Structures and access shall be designed and located to fit into the topographic contours of the site, minimize disturbance of sensitive areas, and preserve existing waterways (lakes, rivers, and streams), drainageways, primary vegetation (native vegetation and mature trees), rock formations, natural vistas, and other environmental resources and features, to the maximum extent practicable.
- (5) Development shall be designed to protect the public from the potential hazards of drainage, debris flow, and erosion. Projects shall be designed with existing topography and natural features to minimize disturbance to, and therefore mitigation of, surficial hillside geology.
- (6) Site design shall minimize land disturbance to the maximum extent practicable.

## **11-4-3 Regulations to Minimize Flood Losses**

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### **(a) Explanation of Public Concern**

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#### **(1) Hazards Defined**

The flood hazard areas of Northglenn are subject to periodic inundation, which could 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) Causes**

These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and, when inadequately anchored, damage property in other areas. Structures that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

### **(b) Purpose**

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The purpose of Section 11-4-3 is to promote the public health, safety, and general welfare; to minimize public and private flood losses in areas subject to flood hazards; and to promote wise use of flood hazard areas. To accomplish its purposes, Section 11-4-3 includes provisions intended to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and usually undertaken at public expense;
- (4) Minimize business interruptions;
- (5) Minimize damage to public facilities and utilities located in areas of special flood hazard;
- (6) Help maintain a stable tax base by providing for the prudent use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- (8) Ensure that those who occupy areas of special flood hazard assume responsibility for their actions.

### **(c) General Provisions**

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#### **(1) Jurisdiction**

Section 11-4-3 shall apply to all areas of special flood hazard and areas removed from the floodplain by the issuance of a Federal Emergency Management Agency (FEMA) letter of map revision based on fill (LOMR-F) within the jurisdiction of the City of Northglenn.

#### **(2) Basis for Establishing Areas of Special Flood Hazard**

FEMA has identified the areas of special flood hazard in the Flood Insurance Study for Adams County, Colorado and Incorporated Areas, dated January 20, 2016, with accompanying flood insurance rate maps and/or flood

boundary floodway maps (FIRM and/or FBFM), and this study and accompanying Flood Insurance Rate Maps, are hereby adopted by reference and declared to be a part of Section 11-4-3. For the purpose of final determination of the areas of special flood hazard, the flood profile shall control. The Flood Insurance Study and the Flood Insurance Rate Maps are on file in the Department of Public Works.

**(3) Establishment of Floodplain Development Permit**

A development permit shall be required to ensure conformance with the provisions of this section. Permit applications shall be prepared by a Colorado licensed professional engineer.

**(4) Compliance**

No structure or land shall be located, altered, or have its use changed without full compliance with the terms of Section 11-4-3 and other applicable regulations.

**(5) Abrogation and Greater Restrictions**

Section 11-4-3 is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**(6) Interpretation**

In the interpretation and application of Section 11-4-3, 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.

**(7) Warning and Disclaimer of Liability**

The degree of flood protection required by Section 11-4-3 is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on occasions or the flood height may be increased by manmade or natural causes. Section 11-4-3 does not imply that land outside areas of special flood hazard or land uses permitted within such areas will always be totally free from flooding or flood damages. Nor shall this Section create a liability on the part of, or create a cause of action against the City of Northglenn or any officer or employee of the City of Northglenn, or FEMA, for any flood damages that may result from reliance on Section 11-4-3 or any administrative decision lawfully made under Section 11-4-3.

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**(d) Administration**

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**(1) Designation of Administrator**

The City Manager, or the City Manager's authorized representative, shall be the floodplain administrator and shall administer, interpret, and implement Section 11-4-3 by granting or denying development permit applications in accordance with its provisions.

**(2) Duties of the Administrator**

The duties of the floodplain administrator shall include, but not be limited to:

- (A) Review of all development permits to insure that the permit requirements of this Section 11-4-3 have been satisfied;
- (B) Review of all development permits to insure that all necessary permits have been obtained from which prior approval is required, including, but not limited to, Federal and/or State law including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
- (C) Review of all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 11-4-3(h) are met.
- (D) Review of all development permits to determine that all such proposals are consistent with the need to minimize flood damage within the flood-prone area, that all public facilities and utilities such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage and to assure that adequate drainage is provided to reduce exposure to flood hazards.

- (E) Obtain and record the elevation in Mean Sea Level of the lowest floor, including basement, of any new or substantially improved structures located in a special flood hazard area, and whether or not the structure includes a basement.
- (F) For all new or substantially improved floodproofed structures located in a special flood hazard area:
  - (i) Require that a professional engineer or architect licensed in the State of Colorado develop and/or review all structural design specifications and plans for such structures.
  - (ii) Verify and record the actual elevation, in Mean Sea Level, to which the structure has been floodproofed.
  - (iii) Maintain the floodproofing certifications required in Section 11-4-3(d)(4)(D) of this Ordinance.
- (G) Maintain for public inspection all records pertaining to the provisions of this Ordinance.
- (H) 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 FEMA.
- (I) Require that maintenance is provided within the altered or relocated portion of a watercourse so that the flood carrying capacity is not diminished.
- (J) Review of State and Federal regulations related to the National Flood Insurance Program and to maintain this ordinance in compliance with those regulations through periodic updates and revisions.

**(3) Alternate Sources of Data**

When base flood elevation data has not been provided in accordance with Section 11-4-3(c)(2), the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from Federal, State, or other source as criteria for requiring that new construction, substantial improvement, or other development in any area of special flood hazard of the Flood Insurance Rate Map is administered in accordance with Section 11-4-3(g).

**(4) Development Permit Required**

A development permit shall be obtained before construction or development begins within any area of special flood hazard. Application for a development permit shall be made on forms furnished by the floodplain administrator and may include, but not be limited to: plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; fill; storage of materials outside; drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (A) Base flood elevation data in relation to the land surface that is proposed for development.
- (B) Elevation in relation to Mean Sea Level of the lowest floor (including basement) of all new and substantially improved structures.
- (C) Elevation in relation to Mean Sea Level to which any structure has been floodproofed.
- (D) Certification by a registered professional engineer or architect licensed in the State of Colorado that the construction or development complies with all requirements of Section 11-4-3.
- (E) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (F) All necessary permits for which prior approval may be required, including, but not limited to, any applicable Federal and/or State law.

**(5) Approval Criteria**

Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of Section 11-4-3 and the following relevant factors:

- (A) The danger to life and property due to flooding or erosion damage;
- (B) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (C) The danger that materials may be swept onto other lands to the injury of others;
- (D) The compatibility of the proposed use with existing and anticipated development;
- (E) The safety of access to the property in times of flood for ordinary and emergency vehicles;

- (F) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- (G) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- (H) The necessity to the facility of a waterfront location, where applicable;
- (I) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
- (J) The relationship of the proposed use to the comprehensive plan for that area.

**(6) Mapping Disputes**

The floodplain administrator shall make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards. The Board of Adjustment shall decide cases in which a boundary is disputed, according to the provisions for appeal contained in Section 11-4-3(l).

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**(e) New Subdivisions**

An application for a new subdivision pursuant to Section 11-6-6 shall include the submittal of an application for a development permit under this Section 11-4-3 showing the following:

- (1) That the design of the new land subdivisions (not including resubdivisions) in a special flood hazard area is consistent with the need to minimize flooding;
- (2) That public utilities and facilities are located and constructed to minimize flood damage;
- (3) That adequate drainage is provided to reduce exposure to flood damage; and
- (4) That base flood elevation data is provided.

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**(f) Construction Standards - All Flood Hazard Areas**

**(1) Application**

The following standards are required for all new construction and substantial improvements in all special flood hazard areas.

**(2) Anchoring**

- (A) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and to withstand hydrostatic and hydrodynamic loads including the effects of buoyancy.
- (B) All manufactured homes must be elevated and anchored to resist flotation, collapse, lateral movement, and 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 applicable state and local anchoring requirements for resisting wind forces. Any additions to the manufactured home shall be similarly anchored.

**(3) Construction Materials and Methods**

- (A) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (B) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage, including anchoring to resist flotation and lateral movement.
- (C) All new construction and substantial improvements that have fully enclosed areas below the lowest floor that are used solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect licensed in the State of Colorado, or 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, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

**(4) Utilities**

- (A) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (B) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwater into the system and discharges from the system into floodwaters.
- (C) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (D) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent floodwater from entering or accumulating within the components.

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**(g) Construction Standards Where Base Flood Elevation is Provided**

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**(1) Application**

In all areas of special flood hazard where base flood elevation data has been provided as set forth in Section 11-4-3(c)(2), *Basis for Establishing Areas of Special Flood Hazard*, or Section 11-4-3(d)(3), *Alternate Sources of Data*, the following standards are required.

**(2) Residential Construction**

New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection is satisfied.

**(3) Nonresidential Construction**

New construction or substantial improvement of any nonresidential structure shall either have the lowest floor (including basement) elevated to the level of the base flood elevation, or together with attendant utility and sanitary facilities, shall:

- (A) Be floodproofed so that the structure is watertight one foot above the base flood elevation with walls substantially impermeable to the passage of water;
- (B) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

**(4) Manufactured Homes**

All manufactured homes erected, installed, or substantially improved within zones A1-30, AH, and AE on the community's FIRM on sites outside of a manufactured home park or subdivision shall be elevated and anchored on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), be elevated to one foot above the base flood elevation.

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**(h) Floodway Restrictions**

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- (1) No encroachment, including fill, new construction, substantial improvement, or other development shall be permitted in the Floodway as defined in Section 11-7-4, unless certification consistent with the requirements of 44 CFR 59-78, by a professional engineer or architect licensed in the State of Colorado is provided demonstrating that encroachment will not result in any increase in flood levels during occurrence of the base flood.
- (2) All new construction or substantial improvements in the floodway shall comply with all applicable construction standards of Sections 11-4-3(f) and 11-4-3(g).

- (3) All new construction and substantial improvements in zones AH and AO of the special flood hazard areas shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the proposed structures.
- (4) All recreational vehicles placed on sites within zones A1-30, AH and AE shall conform with one of the following conditions:
  - (A) Be on the site for fewer than 180 consecutive days,
  - (B) Be fully licensed and ready for highway use, or
  - (C) Meet the permit requirements and the elevation and anchoring requirements for "Manufactured Homes" of this Section 11-4-3.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- (5) Under the provisions of 44 CFR Chapter 1, Section 65.12 of the National Flood Insurance Regulations, the City may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.

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### **(i) Alteration of a Watercourse**

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For all proposed developments that alter a watercourse within a special flood hazard area, the following standards apply:

- (1) Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration, and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.
- (2) Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.
- (3) Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable federal, state and local floodplain rules, regulations and ordinances.
- (4) Any stream alteration activity shall be designed and sealed by a registered Colorado professional engineer or certified professional hydrologist.
- (5) All activities within the regulatory floodplain shall meet all applicable federal, state and city floodplain requirements and regulations.
- (6) Within the regulatory floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a floodway analysis and report, sealed by a registered Colorado professional engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions floodway resulting from the project, otherwise known as a no-rise certification, unless the community first applies for a CLOMR and floodway revision in accordance with the provisions of Section 11-4-3.
- (7) Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

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### **(j) Properties Removed from the Floodplain by Fill**

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A floodplain development permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA letter of map revision based on fill (LOMR-F), unless such new structure or addition complies with the following:

#### **(1) Residential Construction**

The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the base flood elevation that existed prior to the placement of fill.



**(2) Nonresidential Construction**

The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the base flood elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

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**(k) Standards for Critical Facilities**

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A critical facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

**(1) Classification of Critical Facilities**

It is the responsibility of the City Council to identify and confirm that specific structures in their community meet the criteria in this subsection. Critical facilities are classified under the following categories: (1) essential services; (2) hazardous materials; (3) at-risk populations; and (4) vital to restoring normal services.

- (A)** Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines. These facilities consist of:
- (i)** Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);
  - (ii)** Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors' offices, and non-urgent care medical structures that do not provide these functions);
  - (iii)** Designated emergency shelters;
  - (iv)** Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);
  - (v)** Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and
  - (vi)** Air transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure, aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).
- (B)** Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.
- (C)** Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the City Council that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Article, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the City Council on an as-needed basis upon request.
- (D)** Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. These facilities may include:
- (i)** Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
  - (ii)** Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;



**(2) Protection for Critical Facilities**

All new and substantially improved critical facilities and new additions to critical facilities located within the special flood hazard area shall be regulated to a higher standard than structures not determined to be critical facilities. For the purposes of Section 11-4-3, protection shall include one of the following:

- (A) Location outside the special flood hazard area; or
- (B) Elevation of the lowest floor or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two feet above the base flood elevation.

**(3) Ingress and Egress for New Critical Facilities**

New critical facilities shall, when practicable as determined by the City Council, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

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**(I) Variance and Appeal Procedure**

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**(1) Designated Appeal Board**

The Board of Adjustment shall hear and decide appeals and requests for variance from the requirements of Section 11-4-3, in accordance with the provisions of Section 11-6-7(a) with the special provisions provided below.

**(2) Evaluation Criteria, Variances and Appeals**

In passing upon such application for variance or appeal, the Board of Adjustment shall consider:

- (A) All technical evaluations, all relevant factors, and standards specified in other sections of Section 11-4-3;
- (B) The danger to life and property due to flooding or erosion damage;
- (C) The susceptibility of any proposed development, structure, facility, and property to flood damage and the effect of such damage on the individual owners of the site in question or any other sites within or outside of the boundaries of the City;
- (D) The importance to the community of the services provided by the proposed development, structure, facility, or use of the property;
- (E) The availability of alternative locations for the proposed use which are not within a special flood hazard area;
- (F) The safety of access to the site by ordinary emergency vehicles in times of flood;
- (G) The relationship of the proposed use to the floodplain management program for the area;
- (H) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site; and
- (I) The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities.

**(3) Variance Limitations**

A variance may be issued only in accordance with the following limitations:

- (A) For new construction and substantial improvements on lots of one-half acre or less and contiguous to and surrounded by lots in a special flood hazard area with structures with the lowest floor constructed below the base flood level and provided that the criteria established in Section 11-4-3(l)(2) have been fully considered.
- (B) Variances shall not be granted within any floodway designated in the flood insurance study of the City of Northglenn if any increase in flood levels during the base flood discharge would result.
- (C) Variances shall only be granted upon determination that the variance is the minimum necessary to afford relief.
- (D) Variances shall only be granted upon determination that failure to grant the variance would result in exceptional hardship to the applicant.
- (E) Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, creation of nuisances, cause fraud and/or victimization of the public, or conflict with any existing City ordinances or regulations.

**(4) Conditional Approval**

Upon consideration of the criteria listed in Section 11-4-3(l)(2), and the purposes of Section 11-4-3, the Board of Adjustment may attach such conditions to the granting of variances, as it deems necessary.

**(5) Records of Appeals and Variances**

The floodplain administrator shall maintain the records of all appeal actions, including technical information, and report any variances to FEMA.

**(6) Recording**

Notice of variances granted shall be recorded at the office of the Adams County Clerk and Recorder, and/or the Weld County Clerk and Recorder, as applicable.

**(7) Notice of Increased Cost of Flood Insurance**

Any applicant to whom a variance is granted shall be given written notice by the floodplain administrator that the cost of flood insurance will be commensurate with the increased risk.

## 11-4-4 Stormwater and Drainage Control

### (a) Purpose

The purpose of this Section 11-4-4 is to establish minimum stormwater management controls to protect and safeguard the public health, safety, and welfare through the following objectives:

- (1) Promote the public health, safety, and welfare by minimizing flood losses and the inconvenience and damage resulting from uncontrolled and unplanned stormwater runoff in the City;
- (2) Minimize increases in stormwater runoff as a result of development;
- (3) Implement a plan that includes a coordinated program of creating upstream ponding for temporary detention of stormwater runoff;
- (4) Encourage and facilitate urban water resources management techniques, including detention of stormwater runoff, to minimize the need to construct storm sewers;
- (5) Reduce pollutants in stormwater discharges from construction activity by guiding, regulations, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs the topsoil or results in the movement of earth on land;
- (6) Minimize increases in non-point source pollution caused by stormwater runoff;
- (7) Reduce flooding, siltation, and stream bank erosion and channel degradation; and
- (8) Ensure that stormwater management controls are properly maintained.

### (b) Applicability

This section shall apply to development activities pursuant to Chapter 16, Article 10. Water quality standards apply to all new development and redevelopment.

### (c) Grading Permit Required

A grading permit shall be required pursuant to Chapter 16, Article 17.

### (d) Stormwater and Drainage Control Standards

In addition to the standards in Chapter 16 – Articles 13 and 17, the following standards shall apply:

#### (1) On-Site Drainage Control

Unless a regional drainage solution is required pursuant to paragraph (2) below, the following shall apply:

- (A) Drainage designs shall provide on-site drainage of the project site so that off-site storm drainage flows are not increased and so that water quality is maintained or improved.
- (B) Designs shall prevent drainage flows from flowing between or off properties to the maximum extent practicable, except that historic off-site flows may be allowed to continue with approval by the City Engineer.
- (C) Existing drainage courses shall be maintained to the maximum extent practicable.

#### (2) Regional Drainage Solutions

Regional drainage solutions may be required by the City Engineer based on the City's Municipal Separate Storm Sewer System (MS4) permit.

### (e) Low-Impact Development Practices

#### (1) Purpose

The City of Northglenn recognizes the importance of mitigating impacts of increased runoff and stormwater pollution from development, redevelopment, and infill. Low-impact development (LID) practices can be used as part of an integrated water management strategy. Further, LID practices as an alternative to standard landscaping

methods promote infiltration, remove pollutants, regenerate groundwater supply, and encourage the use of native plants.

**(2) Applicability and Incentives**

- (A)** The City encourages the use of the LID options described in subsection (3) below to supplement stormwater and drainage standards in this Section and in the Engineering Standards, and the landscaping standards in Section 11-4-7.
- (B)** Applicants proposing LID options as part of a development application may be eligible for a reduction in the number of parking spaces required based on a case-by-case review by the Director and the City Engineer, up to the following maximums:

**Table 4-4-A: Parking Reduction Maximum**

LID Option Proposed	Maximum Percentage Parking Reduction
Bioswales	20 percent
Grassed swales	5 percent
Rain gardens	20 percent
Permeable pavers and porous pavement	20 percent
Sand filters	20 percent

- (C)** LID options may be considered in combinations; however, the cumulative parking spaces reduction for all LID options shall not exceed 25 percent.
- (D)** In no case shall the use of LID options result in a reduction and/or modification of standards that would result in a site that is inconsistent with the purpose and intent of this section or the landscaping standards in Section 11-4-7.

**(3) Low-Impact Development Options**

The options below are encouraged to implement LID at the time of site development or redevelopment. The options are not intended to be prescriptive or to inhibit creative design.

**(A) Disconnecting Drainage from Impervious Surface**

Drainage from buildings (through gutters and downspouts) may be disconnected from piped infrastructure to prevent draining directly onto impervious surfaces without first passing through one of the green infrastructure options listed below.

**(B) Green Infrastructure Options**

**(i) Bioswales**

Bioswales are vegetated swales planted with wet tolerant species of plants or ornamental grasses. They transport store, and allow infiltration of water, and can be designed as a landscape feature. Bioswales are not grassed, but are planted with a variety of plant species that can withstand occasional water inundation for short periods of time.

**(ii) Grassed Swales**

Grassed swales are designed conveyance devices used to transport water over the surface of the ground to a point of disposal that may be a catch basin, ditch, water body that will filter, infiltrate, evaporate, and clean water of total suspended solids, solid waste, and other pollutants. Swales are often appropriate along property lines, public streets, and around buildings.

**(iii) Rain Gardens**

Rain gardens are small shallow depressions planted with a variety of native or ornamental plants that can treat small amounts of runoff to improve water quality. Rain gardens are generally small collections of water loving plants planted on a low site area to collect rainfall.

**(C) Permeable Pavers and Porous Pavement**

Permeable pavers and porous pavement allow water seepage through the joints and through the graded gravel base that they are placed on. This allows for the infiltration of rainwater thereby reducing the runoff leaving a site. When used in connection with street tree plantings, they allow for more air circulation around tree roots and can easily be removed in order to trim tree roots and to regrade a walkable surface. Use of permeable pavers or porous pavement shall not be permitted in locations required for fire access unless approved by North Metro Fire Rescue.

**(D) Sand Filters**

Sand filters are filtering or infiltrating systems that consist of a surcharge zone underlain by a sand bed with an underdrain system (when necessary). Examples may include depressions, trenches, barriers, or sand lenses constructed of porous mineral matter that improve ground water recharge to filter, clean, and trap waterborne pollutants.

**(E) Other Options**

- (i) In addition, other LID standards include extended detention basins that may be used in open space tracts to treat the runoff from multiple lots, roads, trails, and pathways.
- (ii) Other LID options may be allowed as approved by the City Manager.

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**(f) Alternative Design**

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Alternative designs may be approved by the Director and the City Engineer provided they meet the intent of this Section and the UDO.

## 11-4-5 Access and Circulation

### (a) Purpose

The purpose of Section 11-4-5 is to provide for a highly connected system serving multiple modes of transportation for automobiles, transit, bicycles, and pedestrians that:

- (1) Connects Northglenn neighborhoods;
- (2) Connects neighborhoods to destinations;
- (3) Reduces vehicle miles traveled and travel times;
- (4) Improves air quality;
- (5) Mitigates traffic impacts caused by new development;
- (6) Improves the effectiveness of local service delivery; and
- (7) Avoids the creation of large, isolated tracts.

### (b) Applicability

The standards in Section 11-4-5 shall apply to:

- (1) All new development, except for single-family or duplex development that are not part of a new subdivision;
- (2) Any expansion of an existing structure or use by more than 25 percent of the floor area or site area;
- (3) Any expansion of an existing structure or use that requires a special use permit; and
- (4) A change of use that requires physical alteration of the site.

### (c) Circulation Plan Required

Applicants shall provide a circulation plan demonstrating compliance with Section 11-4-5. The circulation plan shall be submitted with the respective development or subdivision application.

### (d) Multimodal Transportation System

Access and circulation systems associated with any development shall provide for multiple travel modes (vehicular, transit, bicycle, and pedestrian), as appropriate to the development's size, character, and relationship to existing and planned transportation systems. Circulation systems shall be coordinated and integrated to offer the occupants and visitors of development improved transportation choices while enhancing safe and efficient mobility throughout the development and the City.

### (e) Street Connectivity

#### (1) Purpose

Street and block patterns should include a clear hierarchy of well-connected streets that distribute traffic over multiple streets to avoid congestion of principal routes. Within each development, the access and circulation system and grid of street blocks should accommodate the safe, efficient, and convenient movement pedestrians, bicycles, transit uses, and vehicles, with consideration of the mobility of all ages and abilities, through the development and linking to adjacent developments and neighborhoods.

#### (2) Vehicular Access to Public Streets and Adjacent Land

- (A) Development shall provide public street connections to all existing, adjacent public streets.
- (B) If there are no adjacent public streets, subdivisions and/or new developments shall provide connections along each boundary abutting adjacent vacant land for future connections spaced at intervals not to exceed 1,000 feet for arterials, and 660 feet for other street types.



- (C) Alternatives to these standards may be approved by the Director where strict compliance with such standards is impractical.

**(3) Cul-de-Sacs and Dead-End Streets Discouraged**

The design of street systems shall use through-streets. Permanent cul-de-sacs and dead-end streets shall only be used when topography, natural features, and/or vehicular safety conditions make a vehicular connection impractical.

**(4) Residential Streets**

- (A) Local residential streets shall be laid out to discourage through-traffic use. Traffic-calming techniques such as diverters, neck-downs, street gardens, and curvilinear alignments may be used to reduce speed and cut-through collector and/or arterial traffic.
- (B) Residential streets shall be designed to align with the existing street grid pattern of the region to the maximum extent practicable, and follow natural contours of the site where appropriate.

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**(f) Driveways and Access**

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**(1) General Standards**

- (A) All lots shall have sufficient access providing reasonable ingress and egress to and from the property.
- (B) All access points shall be constructed so that:
- (i) Vehicles may safely enter and exit the property; and
  - (ii) Interference with the convenient flow of traffic and conflict with pedestrians and bicycles is minimized.
- (C) Shared access shall be provided to the maximum extent practicable.
- (D) Driveways shall be hard-surfaced with materials pursuant to the Public Works Standards and Specifications. Alternative surface materials, such as concrete pavers and permeable pavers, may be allowed with approval by the Director. Determining factors for approval of such alternatives include:
- (i) Whether or not the driveway is a primary driveway or a secondary, rarely accessed driveway;
  - (ii) Whether or not the driveway is intended for vehicle use;
  - (iii) Whether or not the driveway is visible from the public right-of-way; and/or
  - (iv) Whether or not the proposed material is appropriate for the climate and location.

**(2) Residential Driveways**

In addition to the general requirements above, residential driveways shall comply with the following:

- (A) No driveway shall provide direct access to an arterial or highway unless no other legal access alternative is available.
- (B) No individual driveway for single-family detached dwellings shall exceed 30 feet in width at any point along the driveway.
- (C) Except for lots located on the turnaround or bulb of a cul-de-sac, no individual driveway for a single-family detached dwelling shall exceed 40 percent of the lot width.
- (D) The total width for all driveways on lots with single-family detached dwellings shall not exceed 40 percent of the lot width.
- (E) For single-family detached dwellings with multiple driveways, a minimum of six feet of non-driveway surface shall be maintained between each individual driveway.
- (F) For single-family detached dwellings, rock/gravel driveways are allowed as an approved surface, provided compliance with the following:

- (i) Rock/Gravel driveway areas shall be clearly delineated with the use of an approved common landscaping edging material.
- (ii) Rock/Gravel driveways are to be covered entirely with rock/gravel material and must be clear of weeds, mud, dirt, and rutting.
- (iii) Rock/Gravel driveways shall be entirely contained inside the delineated driveway area and not displace driveway materials upon any adjacent sidewalk, street, or property.

**(3) Drive-Through Facilities**

See Section 11-4-6(i), *Drive-Through Facilities*.

**(4) Vision Triangle Requirements**

See Section 11-2-19(d), *Vision Triangle Requirements*.

**(5) Cross-Access between Adjacent Uses**

(A) All multifamily and nonresidential development shall be designed to allow for cross-access to adjacent properties to encourage shared parking and shared access to public or private streets. This may be accomplished by one or more of the following:

- (i) Connecting streets and drives;
- (ii) Coordinating parking lot and parking structure entrances;
- (iii) Providing common service and delivery areas;
- (iv) Providing shared parking areas;
- (v) Providing shared driveways and access points for adjacent lots to minimize curb cuts.

(B) The Director may allow alternatives to cross-access requirements if providing cross-access is deemed impractical, provided the applicant provides adequate bicycle and pedestrian connections between adjacent developments or land uses.

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## (g) Pedestrian and Bicycle Circulation

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**(1) Sidewalks Required**

- (A) Sidewalks shall be required for development in all zoning districts except for the AG district.
- (B) Sidewalks shall be installed and maintained to the specifications in the Public Works Standards and Specifications.

**(2) On-Site Pedestrian Connections Required**

All new nonresidential, mixed-use, and multifamily development shall provide a network of on-site pedestrian walkways with a minimum width of five feet to and between the following areas:

- (A) The primary entrance or entrances to each building, including pad site buildings;
- (B) Any sidewalks, walkways, or multi-use paths on adjacent properties that extend to the boundaries shared with the development.
- (C) Any parking areas intended to serve the development;
- (D) Any public transit stations and/or stops on or along an adjacent street;
- (E) Any adjacent residential neighborhoods; and
- (F) Any adjacent public parks, trails, open spaces, or other public uses or amenities.

**(3) Parking Area Pedestrian Access**

Parking lots with more than 400 spaces shall include pedestrian walkways or sidewalks through the parking lot to the primary building entrance(s) or to a sidewalk that connects to the primary building entrance(s).

**(4) Required On-Site Connection Designs**

Wherever on-site walkways are required, such walkways shall be distinguishable from areas used by vehicles through the use of changing materials or patterns, paving height, bollards or other decorative amenities, or raised medians or walkways. Walkways shall be ADA accessible if required per adopted ADA/ANSI standards.

**(5) Bicycle Circulation**

Designated bicycle lanes and pedestrian-related facilities shall be designed and installed as designated in the Comprehensive Plan.

**(6) Alternative Designs**

Alternative means and methods of design for pedestrian and bicycle circulation may be allowed with approval by the Director provided such alternative means meet the general intent of this section. Alternative designs shall be evaluated on a case-by-case basis, and approval of alternative designs in one location does not constitute approval of similar facilities in other locations.

## 11-4-6 Off-Street Parking and Loading

### (a) Purpose

This Section 11-4-6 is intended to provide off-street parking and loading facilities in proportion to the generalized parking, loading, and transportation demands of different land uses and to help protect the public health, safety, and general welfare by:

- (1) Avoiding and mitigating traffic congestion;
- (2) Providing necessary access for service and emergency vehicles;
- (3) Providing for safe and convenient interaction between motor vehicles, bicycles, and pedestrians;
- (4) Encouraging multi-modal transportation options and enhanced pedestrian safety;
- (5) Providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the city;
- (6) Reducing stormwater runoff, reducing heat island effect from large expanses of pavement, improving water quality, and minimizing dust pollution; and
- (7) Avoiding and mitigating the adverse visual impact of large concentrations of exposed parking.

### (b) Applicability

#### (1) New Development

Unless otherwise exempted in subsection 11-4-6(b)(4) below, or elsewhere in this UDO, the standards in this section shall apply to all development and land uses.

#### (2) Expansions and Enlargements

(A) Unless otherwise exempted in subsection 11-4-6(b)(4) below, or elsewhere in this UDO, the standards in this section shall apply to the following expansions and enlargements:

- (i) The gross floor area of an existing structure or use is expanded or enlarged by 25 percent; or
- (ii) The expansion or enlargement is for a use or structure that requires a special use permit; or
- (iii) Major parking area improvements are made including reconfiguring, reconstructing, or other similar projects, but not including resurfacing or restriping.

(B) In such cases, the number of off-street parking and loading spaces provided for the entire use (pre-existing plus expansion) shall be at least 100 percent of the minimum ratio and shall not exceed the maximum ratio established in Table 4-6-A: *Minimum Off-Street Parking*, unless modified by the Director pursuant to 11-4-6(g)(5)

#### (3) Change of Use

(A) Off-street parking and loading shall be provided pursuant to this section for any change of use that increases the minimum number of vehicle parking or loading spaces by more than 25 percent above those that currently exist on the site or on permitted off-site locations.

(B) The number of on-site parking spaces existing before the change of use shall not be reduced below the minimum required by this section. Existing nonconforming parking areas shall comply with Subsection 11-1-5(f), *Nonconforming Site Features*.

#### (4) Exemptions from Minimum Parking Requirements

Minimum required off-street parking spaces indicated in Table 4-6-A: *Minimum Off-Street Parking*, shall not apply to the following:

- (A) Properties containing less than 5,000 square feet of lot area, except for single-family, duplex, and manufactured home uses.

- (B) Expansions or enlargements that increase the square footage of an existing structure or use by less than 25 percent gross floor area, provided that any existing off-street parking areas remain unaltered.

**(5) Location and Design**

The provisions of this section shall apply to all surface and aboveground vehicle parking, bicycle parking, loading, and drive-through facilities, regardless of whether the project is subject to the requirements for additional parking or other facilities pursuant to Subsections 11-4-6(b)(1) through 11-4-6(b)(4) above.

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**(c) Parking Plan Required**

- (1) Development of new parking and loading areas or the expansion of existing parking and loading areas shall be submitted on a parking plan (included with a site plan) and reviewed pursuant to the applicable procedures in Article 6: *Administration and Procedures*.
- (2) Construction of or modification to any required parking or loading area pursuant to Section 11-1-5, *Nonconformities* and Section 11-6-5, *Development Permits* shall comply with this UDO and shall require plans approved by the City.

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**(d) Calculations**

- (1) All square-footage based parking and loading requirements shall be computed on the basis of gross floor area of the subject use. Buildings with multiple uses, including shopping centers, may be divided into separate uses for purposes of calculating parking requirements. For example, the gross floor area of an office component of a retail use may be calculated separately from the gross floor area of the retail use. The floor area of structured parking within a building shall not be counted in the computation of required parking.
- (2) When measurements of the number of required spaces result in a fractional number, the number of parking spaces required shall be rounded up to the nearest whole number.
- (3) The following types of parking spaces shall not count against the maximum parking requirement:
  - (A) On-street parking spaces provided pursuant to Subsection 11-4-6(g)(2), *On-Street Parking*;
  - (B) Designated accessible parking;
  - (C) Designated carpool parking;
  - (D) Designated fleet vehicle parking; and
  - (E) Structured parking, underground parking, and parking within, above, or beneath the building(s) it serves.

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**(e) Minimum and Maximum Off-Street Parking**

**(1) Minimum Required Parking**

Each development or land use shall provide at least the minimum number of off-street parking spaces required by Table 4-6-A: *Minimum Off-Street Parking*, unless otherwise provided in this UDO.

**(2) Maximum Parking Allowed**

- (A) Except for single-family, duplex, manufactured homes, multifamily, and accessory dwelling units, no more than 125 percent of the minimum number of off-street parking spaces required by Table 4-6-A: *Minimum Off-Street Parking*, shall be allowed unless additional parking demand is demonstrated pursuant to Subsection 11-4-6(e)(7).
- (B) If a use in Table 4-6-A: *Minimum Off-Street Parking* does not require a minimum parking amount, then the maximum amount of parking provided shall be determined by a demand study pursuant to Subsection 11-4-6(e)(7).

**(3) Unlisted Uses**

For uses not listed in Table 4-6-A: *Minimum Off-Street Parking*, the Director shall have the authority to establish minimum and maximum parking standards based on similar uses to the proposed use.

**(4) Vehicle Stacking Space Requirements**

All uses with drive-through facilities and those requiring stacking spaces shall comply with the requirements in Subsection 11-4-6(i), *Drive-Through Facilities*.

**(5) Electric Vehicle Parking Regulations**

For Electronic Vehicle Parking Regulations, see the adopted building regulations outlined in Chapter 10 of the City of Northglenn Municipal Code.

**(6) Outdoor Sales, Display, Leasing, and Auction Areas**

All uses with outdoor sales, display, leasing, and/or auction facilities shall provide one parking space per 1,000 square feet of outdoor sales, display, leasing, or auction area in addition to the minimum parking requirement prescribed in Table 4-6-A: *Minimum Off-Street Parking*.

**Table 4-6-A: Minimum Off-Street Parking**

sq. ft. = square feet    gfa = gross floor area

Use Type	Minimum Parking Requirement
<b>Residential</b>	
<b>Household Living</b>	
Dwelling, Duplex	2 spaces per dwelling unit
Dwelling, Live/Work	1.5 spaces per DU; remaining parking calculated based on the specific "work" use type associated with the dwelling unit
Dwelling, Multifamily	Studio: 1 space per dwelling unit 1 Bedroom: 1.25 spaces per dwelling unit 2 Bedrooms: 1.5 spaces per dwelling unit 3 Bedrooms: 2 spaces per dwelling unit 4+ Bedrooms: 1 space per bedroom Guest Parking: 10 percent of total required
Dwelling, Single-Family Attached	2 spaces per dwelling unit
Dwelling, Single-Family Detached	2 spaces per dwelling unit
Manufactured Home Park, HUD-Code	2 spaces per dwelling unit
<b>Group Living</b>	
Assisted Living Facility	1 space per 6 patient beds; plus 1 space for each 4 rooming units; plus 1 space for each 3 dwelling unit (See note below)
Group Home, FHAA	1 space per 4 persons design capacity
Group Home, Supportive Housing	(See note below)
Independent Living Facility	1 space per 6 patient beds; plus 1 space for each 4 rooming units; plus 1 space for each 3 dwelling unit (See note below)
<b>NOTE: Facilities that are (1) occupied by persons with the right to live together is protected by the federal Fair Housing Act, and that (2) occupy a building originally constructed for another residential use shall have the same parking requirements as the residential use for which the building was constructed.</b>	
<b>Public, Institutional, and Civic Uses</b>	
<b>Community and Cultural Facilities</b>	
Assembly	1 space per 6 seats in main assembly area
Cemetery or Internment Facility	None
Club or Lodge	1 space per 300 sq. ft.
Community Center	1 space per 500 sq. ft.
Daycare	
Emergency or Community Operations Facility	1 space per 300 sq. ft. of office area; plus 1 space per service vehicle generally stored on-site

**Table 4-6-A: Minimum Off-Street Parking**

sq. ft. = square feet    gfa = gross floor area

<b>Use Type</b>	<b>Minimum Parking Requirement</b>
Funeral Facility	1 space per 6 seats in main assembly area; plus one space per commercial vehicle generally stored on-site
Park and Open Space, Active	See 11-4-6(e)(7)
Park and Open Space, Passive	
<b>Educational Facilities</b>	
School, Public or Private	Elementary or Middle: 1 space per 20 students design capacity High Schools: 1 space per 8 students design capacity
School, Vocational or Trade	1 space per 350 sq. ft.
<b>Healthcare Facilities</b>	
Hospital	1 space per 3 patient beds design capacity
Medical or Dental Clinic	1 space per 250 sq. ft.
<b>Commercial Uses</b>	
<b>Agricultural and Animal Uses</b>	
Agriculture, General	None
Agriculture, Urban	
Community Garden	
Kennel, Commercial	1 space per 1,000 sq. ft.
Stable, Commercial	1 space per 2,000 sq. ft.
Veterinary Hospital or Clinic	1 space per 500 sq. ft.
<b>Recreation and Entertainment</b>	
Indoor Recreation Facility	Bowling or similar uses: 2 spaces per lane
	Skating Rink or similar uses: 1 space per 1,000 sq. ft.
	Theaters, Auditoriums, Stadiums, Gymnasiums, or similar uses: 1 space per 6 seats in assembly areas
	Other Uses: 1 space per 1,000 sq. ft. Golf Course: 8 spaces per hole
Outdoor Recreation Facility	Miniature Golf Course: 4 spaces per hole  Other Uses: 1 space per 250 sq. ft. building area; plus 1 space per 10,000 sq. ft. site area
<b>Food and Beverage Services</b>	
Bar, Tavern, or Lounge	Indoor Seating Area: 1 space per 150 sq. ft.; Outdoor Seating Area: 1 space per 350 sq. ft.
Catering Establishment	1 space per 1,000 sq. ft. production area; plus 1 space per 200 sq. ft. indoor seating/tasting area; plus 350 sq. ft. outdoor seating/tasting area
Microbrewery, Distillery, or Winery	Indoor Seating Area: 1 space per 150 sq. ft.; Outdoor Seating Area: If outdoor seating area is less than 20 percent of the size of the indoor seating area, then no

**Table 4-6-A: Minimum Off-Street Parking**

sq. ft. = square feet    gfa = gross floor area

Use Type	Minimum Parking Requirement
Restaurant	additional parking is required. If outdoor seating area is greater than 20 percent of the indoor seating area, or if no indoor seating area is provided, then additional parking required is 1 space per 350 sq. ft.; If such use does not have indoor seating areas, then the minimum parking required shall be 1 space per 200 sq. ft.
<b>Office, Business, and Professional Services</b>	
Administrative, Professional, and Government Office	
Financial Institution	1 space per 300 sq. ft.
Research and Development	
<b>Personal Services</b>	
Laundry Facility, Commercial	1 space per 1,000 sq. ft.
Laundry Facility, Self-Service	1 space per 300 sq. ft.
Personal Services, General	
<b>Retail Sales</b>	
Building Materials and Supply Store	1 space per 400 sq. ft.
General Retail, Less than 10,000 Square Feet	1 space per 300 sq. ft.
General Retail, 10,000 Square Feet or More	1 space per 250 sq. ft.
Liquor Store	1 space per 300 sq. ft.
Marijuana Establishment, Medical	1 space per 300 sq. ft.
Marijuana Establishment, Retail	1 space per 300 sq. ft.
Nursery or Garden Supply Store	1 space per 300 sq. ft.
<b>Lodging Facilities</b>	
Bed and Breakfast	1 space per bedroom; plus 1 space for the owner/operator
Boarding or Rooming House	
Hotel/Motel	0.5 spaces per guestroom
Short-Term Rental	
<b>Transportation</b>	
Rail Yard	None
Transit Terminal or Station	Determined by Transit Authority
<b>Vehicles and Equipment</b>	
Auto Wash	1 space per detailing bay (if self service) or 1 space per employee (if full service or drive-thru)
Automotive Fuel Sales	1 space per 350 sq. ft.; fuel pump spaces and any parking spaces under the canopy shall not count toward meeting the minimum required parking
Automotive Repair, Major	1 space per 500 sq. ft. of indoor sales/leasing/office area; plus 1 space per service bay
Automotive Repair, Minor	
Automotive Sales and Leasing	
Equipment and Machinery Sales and Rental	Indoor: 1 space per 500 sq. ft. Outdoor: 1 space per 1,000 sq. ft.



**Table 4-6-A: Minimum Off-Street Parking**

sq. ft. = square feet    gfa = gross floor area

Use Type	Minimum Parking Requirement
Parking Facility	None
<b>Industrial Uses</b>	
<b>Manufacturing and Processing</b>	
Food Processing	1 space per 1,000 sq. ft. production area; plus 1 space per 200 sq. ft. indoor seating/tasting area; plus 350 sq. ft. outdoor seating/tasting area
Oil and Gas Operations	See 11-4-6(e)(7)
Manufacturing, Artisan	1 space per 500 sq. ft.
Manufacturing, Light	1 space per 1,000 sq. ft.; plus 1 space per commercial vehicle generally stored on-site
Mining and Extraction	None
<b>Storage and Warehousing</b>	
Contractor Office or Showroom	1 space per 300 sq. ft. office area; plus 1 space per commercial vehicle generally stored on-site
Outdoor Storage	None
Self-Service Storage	1 space per 500 sq. ft. of office; plus 1 space per 30 storage units
Warehousing and Wholesale Facility	1 space per 1,000 sq. ft.; plus 1 space per commercial vehicle generally stored on-site
<b>Public and Semi-Public Utility Uses</b>	
<b>Utilities</b>	
Public Utility, Major	
Public Utility, Minor	None
Water Storage Facility	
<b>Wireless Telecommunications Facilities</b>	
See Section 11-3-3(g)(3)	None
<b>Accessory Uses</b>	
Accessory Dwelling Unit	1 per dwelling unit
Caretaker Dwelling Unit	1 per dwelling unit
Drive-Through Facility	None
Home Occupation	1 space per non-resident employee
Outdoor Dining	
Outdoor Sales and Display	See parking requirement for primary use
Outdoor Storage, Accessory	
Sale of Produce and Plants Raised on Premises	1 space per 500 sq. ft. of retail area
<b>Temporary Uses</b>	
Construction Support Activity	
Farmer's Market or Open Air Market	
Mobile Food Vending	None, unless required by temporary use permit
Seasonal Sales	
Special Event	

**(7) Director Determination Based on Demand Study**

Uses in Table 4-6-A: *Minimum Off-Street Parking* that reference this paragraph have varied parking and loading demands, making it difficult to specify a single standard for off-street parking or loading requirements. With an application for a use that is subject to this paragraph, the Director shall apply the off-street parking and loading standards on the basis of a demand study prepared by the applicant. Such study shall estimate the parking and loading demand based on recommendations of the Institute of Traffic Engineers, Urban Land Institute, the International Council of Shopping Centers, the American Association of State Highway and Transportation Officials, the American Planning Association, or other acceptable source of parking demand data for uses and/or combinations of uses of comparable activities, scale, bulk, area, and location.

**(8) Unlisted Uses**

For uses not listed in Table 4-6-A: *Minimum Off-Street Parking*, the Director is authorized to:

- (A)** Apply the minimum off-street parking space requirement specified in Table 4-6-A: *Minimum Off-Street Parking*, for the listed use that is deemed most similar to the proposed use; or
- (B)** Establish the minimum off-street parking space requirement by reference to standards in parking resources published by the National Parking Association, American Planning Association, Institute of Traffic Engineers (ITE) or other acceptable sources of parking data; or
- (C)** Establish the minimum off-street parking space requirement based on local or national best practices; or
- (D)** Establish the minimum off-street parking space requirement based on a demand study prepared by the applicant. Such a study shall be prepared according to Subsection 11-4-6(e)(7).

**(9) Accessible Parking**

The number and design of accessible parking spaces shall be pursuant to the International Building Code (IBC) as adopted in the City of Northglenn Municipal Code and the American Disabilities Act (ADA), as amended.

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**(f) Minimum Bicycle Parking**

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**(1) Required Bicycle Parking**

Unless exempted by 11-4-6(f)(2), *Bicycle Parking Reduction*, all multifamily and nonresidential development shall provide off-street bicycle parking spaces at a ratio of one bicycle parking space per 20 required vehicle parking spaces, with no development providing less than two bicycle parking spaces.

**(2) Bicycle Parking Reduction**

Subject to the approval of the Director, the number of bicycle parking spaces may be reduced due to specific land use challenges, building site characteristics, and/or the location of development.

**(3) Bicycle Parking Location and Design**

**(A) Location**

Required off-street bicycle parking spaces shall be provided with bike racks, bike lockers, or similar parking facilities that comply with the following standards:

- (i)** Located in a visible, well-lit ground-level area;
- (ii)** Conveniently accessible to the primary entrances of a development's principal building(s);
- (iii)** Does not interfere with pedestrian traffic; and
- (iv)** Is protected from conflicts with vehicular traffic.

**(B) Multiple Building Developments**

For developments with multiple buildings, bicycle parking shall be distributed evenly among principal buildings.

**(C) Design**

Bicycle parking spaces shall be installed using standard bicycle racks that are effective for storage and are permanently anchored to a hard surface.

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## (g) Parking Alternatives

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The Director may approve parking alternatives that result in a cumulative reduction not to exceed 25 percent of the minimum off-street parking spaces required by Table 4-6-A: *Minimum Off-Street Parking*, in accordance with the following standards.

### (1) Shared and/or Off-Site Parking

The Director may approve shared parking and/or off-site parking subject to a demand study pursuant to Subsection 11-4-6(e)(7), *Director Determination Based on Demand Study*, and pursuant to the following standards:

#### (A) Location of Shared and/or Off-Site Parking

- (i) For nonresidential uses, every shared and/or off-site parking space shall be located within 500 feet (measured along a legal pedestrian route) of the entrance to each building for which the shared and/or off-site parking is provided.
- (ii) For multifamily uses, every shared and/or off-site parking space shall be located within 300 feet (measured along a legal pedestrian route) of the entrance to each building for which the shared and/or off-site parking is provided.
- (iii) Shared and/or off-site parking is not permitted for single-family detached, single-family attached, and duplex dwelling uses.

#### (B) Ineligible Activities

Accessible parking (ADA parking) shall not be permitted off-site.

#### (C) Shared Parking Agreement Required

- (i) The owners of record involved in the joint use of shared parking facilities shall submit written documentation of the continued availability of the shared parking agreement to the Director for review.
- (ii) The Director may approve the shared parking agreement if the Director determines that the documentation demonstrates the continued availability of the shared parking facility for a reasonable period of time. No zoning or use approval shall be issued until the Director has approved the shared parking documentation.
- (iii) If the shared parking agreement is later terminated or modified and the Director determines that the termination or modification has resulted in traffic congestion, overflow parking in residential neighborhoods, or threats to pedestrian, bicycle, or motor vehicle safety, the property owners involved in the shared parking agreement may be held in violation of this UDO.

### (2) On-Street Parking

On-street parking may be counted toward the minimum number of required off-street parking spaces on a one-to-one basis, subject to the following standards:

- (A) On-street parking may not be used to meet the minimum off-street parking requirements for single-family detached, single-family attached, and duplex dwelling uses;
- (B) On-street parking that is subject to residential parking permit restrictions or other time restrictions shall not be used to meet any off-street minimum parking requirements for any use;
- (C) Only those street parking spaces abutting any lot line of the subject property, and with over one-half the length of a parking space located between the imaginary extension of the side property lines into the street right-of-way, may be counted.
- (D) Areas within the vision triangle requirements pursuant to Section 11-2-19(d), or within five feet of a fire hydrant, shall not be counted toward required parking. Allowable configurations for on-street parking are provided in the Public Works Standards and Specifications.
- (E) Each on-street parking space may only be counted once toward the parking requirements of the abutting lot, regardless of the number of individual buildings or tenants on the lot.

- (F) No development or use approved with an on-street parking credit shall be considered nonconforming if the on-street parking is later removed by City action and the remaining off-street parking does not meet the minimum off-street parking requirements of this section.
- (G) On-street parking spaces shall be available for general public use at all times. No signage or actions limiting general public use of on-street spaces shall be permitted.

**(3) Proximity to Transit**

Except for single-family detached, single-family attached, and duplex dwelling uses, the minimum number of required off-street parking spaces required in Table 4-6-A: *Minimum Off-Street Parking* for uses on any portion of a site that is within one-half mile of a fixed transit station or served by frequent bus service, may be reduced by up to 25 percent.

**(4) Affordable and Senior Housing**

The minimum number of off-street parking spaces required in Table 4-6-A: *Minimum Off-Street Parking* shall be reduced by 25 percent for multifamily residential structures that satisfy the following:

- (A) Have a minimum of 10 dwelling units; and
- (B) At least 25 percent of the dwelling units are restricted for purchase or occupancy at below-market rate levels approved by the Director; or
- (C) At least 75 percent of the dwelling units are restricted for purchase or occupancy by persons 65 years of age or older.

**(5) Low-Impact Development Parking Reductions**

Applicants proposing Low-Impact Development (LID) options as part of a development application may be eligible for a reduction in the number of parking spaces required, pursuant to 11-4-4(e).

**(6) Modification of Parking Requirements by Director**

- (A) If an applicant submits a parking demand study pursuant to Subsection 11-4-6(e)(7) demonstrating that anticipated off-street parking demand for the proposed development, use, or combination of uses will be less than that calculated from Table 4-6-A: *Minimum Off-Street Parking*, and the Director determines that the information and assumptions used in the study are reasonable and that the study accurately reflects anticipated off-street parking demand for the proposed development, use, or combination of uses, the Director may authorize a reduction in required off-street parking spaces based on that study.
- (B) The Director may also authorize an increase in the maximum amount of off-street parking allowed based on a parking demand study pursuant to Subsection 11-4-6(e)(7), provided that:
  - (i) The proposed development has unique or unusual characteristics that typically does not apply to comparable uses, such as high sales volume per floor area, multifamily parking challenges, or low parking turnover, that create a parking demand that exceeds the maximum ratio;
  - (ii) The site is being redeveloped and strict compliance would require removal of parking; and/or
  - (iii) Any parking provided above the maximum allowed is constructed with approved pervious surfaces.

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**(h) Parking and Loading Area Use and Design**

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**(1) Use of Parking and Loading Areas**

Except for single-family detached, single-family attached, and duplex dwelling uses, no required off-street parking or loading space shall be used for any purpose other than the parking of vehicles. Off-street parking spaces provided in excess of the minimum number required may be used for any legal purpose within the respective zoning district. If a mandatory required off-street parking space is converted to another use or can no longer be used for off-street parking, it shall be deemed a violation of this UDO.

**(2) Location of Parking and Loading Areas**

**(A) Parking Areas**

**(i) Single-Family Residential**

Parking may be located in the front or side yard, provided such parking complies with surfacing requirements in Subsection 11-4-6(h)(6), and driveway and access requirements in Section 11-4-5. Parking may be located in the rear yard for alley-loaded lot configurations or for front-loaded garages located within the rear yard.

**(ii) Multifamily, Mixed-Use, and Nonresidential**

Off-street parking areas shall be located to the side and rear of the front building line to the maximum extent practicable.

**(iii) Proximity to Structure and/or Use**

For multifamily dwellings and nonresidential uses, off-street parking spaces shall be located within 200 feet of the nearest building entrance, as measured by pedestrian access from the nearest building entrance to the parking spaces. Off-site parking with greater distances from entrances may be approved by the Director subject to the requirements in Subsection 11-4-6(g)(1), *Shared and/or Off-Site Parking*.

**(B) Design of Parking Areas within or Adjacent to Residential Districts**

Whenever off-street parking lots for more than six vehicles are located within or adjacent to a residential district, the following standards shall apply:

**(i)** All sides of the lot abutting the residential district shall be enclosed with an opaque, ornamental fence, wall, dense evergreen hedge, or landscaped berm having a height of not less than six feet measured from the parking lot surface. Such fence, wall, hedge, or berm shall be maintained in good condition.

**(ii)** Lighting facilities shall not exceed 25 feet in height, pursuant to Subsection 11-4-9(d)(2), *Parking Lot Lighting*.

**(C) Location of Loading Areas**

**(i)** Except in the IN zoning district, required off-street loading spaces shall not be permitted in any front yard or in any required street side yard.

**(ii)** Off-street loading spaces may occupy all or any part of a required rear yard where visibility from public streets and windows of neighboring buildings will be minimized.

**(iii)** Loading areas shall not interfere with parking lot maneuvering areas.

**(iv)** City streets or rights-of-way shall not be utilized for loading and unloading purposes.

**(3) Number and Size of Loading Berths Required**

**(A)** The number and size of loading berths shall be provided pursuant to Table 4-6-B below:

**Table 4-6-B: Required Off-Street Loading Berths**

Gross Floor Area	Minimum Number of Loading Berths	Minimum Size of Each Loading Berth		
		Length	Width	Height
Less than 10,000 square feet	None	--	--	--
10,000 to 24,999 square feet	1	20 feet	10 feet	15 feet
25,000 to 100,000 square feet	2	35 feet	12 feet	15 feet
More than 100,000 square feet	2, plus 1 additional loading berth for every 100,000 square feet beyond the first 100,000 square feet	50 feet	14 feet	15 feet

(B) The Director may approve a variation from the required loading space requirements if warranted by the building use.

**(4) Parking Stall and Aisle Design**

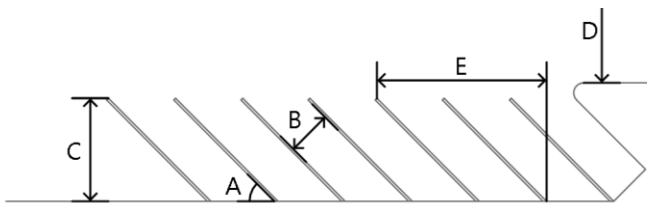
Parking areas shall be designed according to Table 4-6-C: *Parking Stall and Drive Aisle Layout*, and Figure 4.A. Parking stalls shall be designed to prevent vehicles from overhanging required walkways or landscaped areas. Additional parking stall and aisle designs may be considered by the City Engineer provided they meet the intent of these standards and any other applicable engineering standards.

**Table 4-6-C: Parking Stall and Drive Aisle Layout**

All dimensions in feet

A Parking Angle (in degrees)	B Stall Width	C Length of Stall to Curb	D Aisle Width	E Curb Length per Stall
0° (parallel)	8.5	8.5	12.0	23.0
30°	9	16.9	11.0	17.0
45°	9	19.4	13.0	12.0
60°	9	20.7	18.0	9.8
90°	9	19.0	23.0	8.5

**Figure 4.A: Parking Stall and Drive Aisle Layout**



**(5) Compact Parking**

Up to 25 percent of a parking area may be dedicated to head-in 90-degree compact parking spaces with a reduced width less than nine feet but equal to or greater than eight feet and a length less than nineteen feet but equal to or greater than 15 feet. A higher percentage of compact parking, and/or further reduced stall dimensions may be allowed at the discretion of the Director.

**(6) Parking and Loading Area Surfacing**

All parking and loading areas, with the exception of single-family residential, shall be paved with an impervious surface such as concrete or asphalt unless using a green infrastructure option such as porous pavers or another surface material approved by the City Manager. Permanent surfacing shall be installed prior to receiving a certificate of occupancy unless otherwise approved by the Director.

**(7) Access to Garages and Carports**

Driveways to garages and carports shall comply with parking and loading area surfacing requirements above. Asphalt shall not be used as a hard surface material for single-family residential driveways or parking surfaces.

**(8) Parking Area Landscaping**

See Subsection 11-4-7(j), *Parking Area Landscaping*.

**(9) Parking Area Lighting**

See Subsection 11-4-9(d)(2), *Parking Lot Lighting*.

**(10) Pedestrian and Bicycle Circulation**

See Subsection 11-4-5(g), *Pedestrian and Bicycle Circulation*.

**(i) Drive-Through Facilities**

**(1) Number of Stacking Spaces Required**

All drive-through facilities shall provide at least the number of on-site stacking spaces indicated in Table 4-6-D: *Required Vehicle Stacking Spaces*, in addition to any required vehicle and bicycle parking spaces required by Subsections 11-4-6(e) and 11-4-6(f).

**Table 4-6-D: Required Vehicle Stacking Spaces**

Use	Minimum Number of Stacking Spaces
Automotive Fuel Sales	1 per fuel pump
Auto Wash	3 per washing bay
Financial Institution or Automated Teller Machine (ATM)	2 per teller window/ATM
Other Uses with Drive-Through Facilities	3 per service lane
Personal Services	3 per service lane
Restaurant	4 per service lane
Retail Sales	3 per service lane

**Note:** Each stacking space shall be 20 feet long unless otherwise approved by the Director.

**(2) Location and Design of Drive-Through Facilities**

- (A)** Each stacking space shall be 20 feet long unless otherwise approved by the Director. Required stacking distances shall be measured from the end of the queuing lane or property line to the point of service.
- (B)** Vehicle stacking spaces shall be integrated into the site layout and shall not interfere with site access points, access to parking or loading spaces or areas, or internal circulation aisles.
- (C)** Drive-through service windows shall be oriented away from residentially zoned areas to the maximum extent practicable.
- (D)** In the MC and MR zoning districts, drive-through lanes shall not be located between the front façade of the primary building and the front lot line or within five feet of a side lot line.
- (E)** Audible electronic devices such as loudspeakers, vehicle service order devices, and similar instruments shall not be audible beyond the property line of the site.

## 11-4-7 Landscaping, Screening, and Fencing

### (a) Purpose

The City recognizes landscaping, buffering, and screening as important elements to:

- (1) Blend the built and natural environment and preserve the natural landscape;
- (2) Mitigate or minimize potential nuisances such as noise, light, glare, dirt, litter, signs, parking, or storage areas and to provide a transition between uses;
- (3) Conserve water resources by using sustainable design and maintenance techniques and low-water plant species;
- (4) Protect existing native vegetation and mature trees;
- (5) Promote environmental benefits such as improved stormwater retention, water quality, and air quality, retaining soil moisture, recharging groundwater, and preventing erosion; and
- (6) Improve the appearance of development and establish an attractive streetscape; and
- (7) Provide screening to minimize the visual impacts of some types of facilities, structures, and equipment.

### (b) Applicability

#### (1) New Development

Unless otherwise exempted in Subsection 0 below, or elsewhere in this UDO, the standards in Section 11-4-7 shall apply to all new development and land uses.

#### (2) Expansions and Enlargements

Unless otherwise exempted in Subsection 0 below, or elsewhere in this UDO, the standards in Section 11-4-7 shall apply to the following expansions and enlargements:

- (A) Any site improvements requiring full compliance pursuant to 11-1-5(f)(3), *Upgrading Nonconforming Buffers, Landscaping, Screening, and Outdoor Lighting*; or
- (B) The expansion or enlargement of a use or structure that requires a special use permit; or
- (C) Major parking area improvements including reconfiguring, reconstructing, or other similar projects as determined by the Director, but not including resurfacing or restriping.

#### (3) Replacement of Existing Screening

Unless otherwise exempted in Subsection 11-4-7(B)(4) below, or elsewhere in this UDO, the standard in Section 11-4-7 shall apply to the replacement of existing mechanical screening.

#### (4) Exemptions

The standards in Section 11-4-7 shall not apply to the following:

- (D) Properties in the AG or OS zoning districts, except that any yard or frontage in the AG or OS district abutting residential zoning districts shall comply with any applicable compatibility standards in this section and with the standards in Subsection 11-4-7(m), *Screening, Fences, and Walls*;
- (E) Site landscaping improvements on properties with existing single-family, duplex, or manufactured home dwellings, except that such improvements shall comply with 11-4-7(d), *Required Site Area Landscaping*, and 11-4-7(e)(1), *Appropriate Landscaping Materials*;
- (F) Expansion of a single-family, duplex, or manufactured home dwelling meeting the dimensional standards for the underlying zoning district, except that such uses shall comply with the standards in Subsection 11-4-7(m), *Screening, Fences, and Walls*; or
- (G) Conversion of a residential structure to a nonresidential use if no site improvements are required.



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### (c) Landscape Plan Required

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- (1) A landscape plan with designed landscaped areas shall be submitted with all development applications where landscaping, buffering, or screening is required pursuant to Subsection 11-4-7(b), *Applicability*, unless the Director determines that compliance with the provisions of Section 11-4-7 can be demonstrated without the use of a landscape plan.
- (2) A landscape plan may be combined with other required application materials if compliance with Section 11-4-7 can be demonstrated in the combined materials.
- (3) For phased projects, the applicant may, at their discretion, submit a partial landscape plan for site development associated with the initial phase of the project provided that development on subsequent phases shall require additional landscape plans demonstrating compliance with this section prior to issuance of a building permit. Each landscape plan associated with a phased development shall demonstrate compliance with this section.

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### (d) Required Site Area Landscaping

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Except for areas with native vegetation cover, any part of a site not used for buildings, parking, driveways, walkways, utilities, approved storage areas, or other site improvements, subject to the impervious coverage maximum for the zone district and further described in Section 11-2-19(g), Building and Impervious Coverage, shall be landscaped with appropriate materials pursuant to Subsection 11-4-7(e), below. For existing single family attached and detached residential, only the Appropriate Landscaping Materials section outlined in Section 11-4-7(e)(1)(A-E) below is applicable.

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### (e) Landscaping Materials

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#### (1) Appropriate Landscaping Materials

Required landscaped areas pursuant to Subsection 11-4-7(d), above, may include the following landscaping materials:

- (A) Trees, shrubs, and ornamental grasses provided the species complies with the City's approved plant list;
- (B) Live ground cover, which includes intentional and purposeful plantings (including grass or lawn cover (or artificial ground cover as provided in subsection (E) below), shrubs, ornamental grasses, perennial flowers, and other plantings as approved by the Director, but excluding trees) at their size estimated at time of maturity;
- (C) Turf grass, pursuant to Subsection **Error! Reference source not found., Error! Reference source not found.;**
- (D) Rock or mulch provided that the combination of such materials do not comprise more than 50 percent of the required landscaped area, with the remaining area consisting of live ground cover;
- (E) Artificial ground cover, pursuant to Subsection 11-4-7(f), *Artificial Turf regulations*;
- (F) Required stormwater detention areas meeting the standards of this UDO may be used to satisfy the landscaping requirements of this section; and
- (G) In the Mixed-Use and Commercial districts, public amenity areas such as courtyards, plazas, and pedestrian amenities may be counted toward the landscaped area requirements at the discretion of the Director provided such improvements comply with applicable maximum impervious coverage requirements.
- (H) In single-family residential districts, minimum front yard landscaping shall be based upon the following Minimum front yard landscaping shall be applicable based on the following Table 4-7-A:

**TABLE 7-A: Minimum Single-Family Residential Landscaping**

Front Yard Size	Minimum Landscaping Required
1,000 sq. ft. or less	One tree and either 3 shrubs (5-gallon) or 10 ornamental grasses, perennial flowers or a combination of both (1-gallon)
1,001 to 2,000 sq. ft.	One tree and either 4 shrubs (5-gallon) or 12 ornamental grasses, perennial flowers or a combination of both
More than 2,000 sq. ft.	Two trees and either 3 shrubs (5-gallon) or 10 ornamental grasses, perennial flowers or a combination of both

**(2) Type and Amount of Plant Material**

- (A)** Trees and other plant material shall be provided according to Table 4-7-B.
- (B)** Trees and other plant materials shall comply with the City’s approved plant list.
- (C)** Existing landscape may be used to satisfy the landscaping requirements, except that preservation of existing trees shall comply with Subsection 11-4-7(k), *Tree Preservation*.
- (D)** Artificial trees, shrubs, or plants shall not be used to satisfy any of the requirements of this section.
- (E)** Where fractional number results, the number of trees shall be rounded up to the next whole number.

**TABLE 4-7-B: Type and Amount of Plant Material Required**

	Minimum Amount of Trees, Shrubs, and Grasses	Minimum Size of Trees, Shrubs, and Grasses at Planting
Residential districts	One tree and 10 shrubs or ornamental grasses for every lot for single-family and duplex (applies to front yard only – not rear and side yards); one tree and five shrubs or ornamental grasses per 800 square feet of required pervious coverage area for all other uses	Deciduous: 1 1/2 inch caliper measured six inches above the base of the tree
Mixed-use and commercial districts	One tree and 10 shrubs per 500 square feet of required pervious coverage area; one ornamental street tree per 40 linear feet of street frontage	Coniferous: six feet in height Shrubs: five-gallon size
Other nonresidential districts, except for AG and OS districts	One tree per 500 square feet of required pervious coverage area; one street tree per 50 linear feet of street frontage	Ornamental grasses: 18 inch spread at mature growth

**(f) Artificial Turf Regulations**

- (1)** Artificial ground cover shall be of a type known as cut pile infill and shall be manufactured from polypropylene, polyurethane, or a blend of the two fibers stitched onto a polypropylene or polyurethane meshed or hole-punched backing.
- (2)** The use of indoor or outdoor carpeting in lieu of artificial turf is not permitted.
- (3)** Installation: Artificial turf shall be installed in accordance with the manufacturer's specifications and maintained in a manner to mimic healthy living turf, including the following:

- (A) Sod or existing groundcover shall be removed prior to installation of any artificial turf.
  - (B) Artificial turf shall be installed over a compacted and porous road base material.
  - (C) Artificial turf shall be anchored at all edges and seams.
  - (D) All artificial turf seams shall be glued and not sewn.
  - (E) An infill medium consisting of ground rubber, ground coal slag, clean washed sand and/or other approved mixture shall be brushed into the fibers to ensure that the fibers remain in an upright position and to provide ballast that will help hold the turf in place and provide a cushioning effect.
- (4) Slope Restrictions: Artificial turf shall not be installed on slopes greater than six percent.
- (5) General appearance: Artificial turf must be a green color, similar to natural grass.
- (6) Maintenance: The following maintenance activities are required for artificial turf: Cleaning, sanitizing, brushing, and removal of debris. Cleaning shall be done with biodegradable products. Repairing of depressions to maintain an even visual surface. Regular maintenance to eliminate any odors, flat or matted areas, weeds, looseness at edges, seams, or elsewhere. Replacement of the artificial turf when maintenance or repair is unable to simulate a healthy living turf.

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### **(g) Water Conservation**

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- (1) The City recognizes the importance of water conservation and the protection of the City's water resources. The City encourages the use of low-water planting materials, xeriscape designs, and other landscape techniques used to limit the amount of water use.
- (2) To the maximum extent practicable, the total amount of high-water use landscaping, pursuant to the City's specifications, shall not exceed 50 percent of the required landscaped area and the total amount of high-water use turf grass shall not exceed more than 30 percent of the required landscaped area.

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### **(h) Vision Triangle Requirements**

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All landscaping, buffering, and screening shall comply with the vision triangle requirements pursuant to Subsection 11-2-19(d).

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### **(i) Low-Impact Development Practices**

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To the maximum extent practicable, the LID options in Section 11-4-4(e), *Low-Impact Development Practices*, shall be considered in coordination with the standards in Section 11-4-7.

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### **(j) Parking Area Landscaping**

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- (1) **Exemptions**  
Expansions, enlargements, and redevelopment that result in less than a 25 percent increase in the number of required parking stalls shall not be required to comply with this Subsection 11-4-7(j), *Parking Area Landscaping*.
- (2) **Perimeter Landscaped Buffer**
- (A) A minimum five-foot wide landscaped perimeter buffer shall be provided between any parking area and a property line or public right-of-way.
  - (B) Perimeter buffers shall be landscaped pursuant to Table 4-7-.
  - (C) Parking areas adjacent to residential zoning districts shall comply with Subsection 11-4-6(h)(2)(B), *Design of Parking Areas within or Adjacent to Residential Districts*.
- (3) **Interior Landscaped Islands**  
Any parking area containing 12 or more parking spaces shall provide interior landscaping as follows:

- (A) Landscaped islands shall be provided at the end of any parking row containing 12 or more parking spaces. Each island shall be a minimum of eight feet in width, as measured from the flowline, and shall be a minimum length equal to the length of the parking stalls the island is adjacent to.
- (B) Each landscaped island shall contain a minimum of one tree and a minimum of either five five-gallon size shrubs or five ornamental grasses.
- (C) Landscaped islands shall be dispersed throughout the parking area to break up the visual appearance of the parking area.
- (D) Any landscape improvements provided in landscaped islands shall count toward the minimum planting requirements in Subsection 11-4-7(c), *Landscape Plan Required*.

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### **(k) Tree Preservation**

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- (1) Existing trees may be credited toward required trees at a ratio of one-to-one, unless the Director approves a higher ratio to encourage tree preservation on a particular site.
- (2) Trees eligible for credit must be approved by the Director and shall be on the City's approved plant list and a minimum of 4-inch caliper.
- (3) Trees to be preserved shall be protected throughout the applicable development, and no grading shall take place within the tree canopy drip line.
- (4) Trees to be preserved shall be indicated as such on the landscape plan.

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### **(l) Alternative Landscaping**

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#### **(1) Alternatives Authorized**

A reduction in the count, configuration, or location of required landscaping materials may be allowed when alternatives are justified by site or development conditions. Conditions justifying approval of an alternative landscape plan include:

- (A) Natural conditions, such as watercourses, natural rock formations, or topography;
- (B) The likelihood that required landscaping material at maturity would not achieve the intent of this UDO due to topography, placement, or other existing site conditions;
- (C) Unique lot size or configuration;
- (D) The presence of existing utility or other easements;
- (E) The potential for interference with public safety;
- (F) Preservation of natural vegetation; or
- (G) Other situations where strict adherence to the buffer or landscape standards in this Code are determined impractical by the Director.

#### **(2) Alternative Landscape Plan Approval Criteria**

- (A) The Director may approve alternative landscape plans that do not meet the specific requirements stated in Section 11-4-7, when the Director determines that the alternatives meet the following criteria:
  - (i) Are consistent with the purposes of Section 11-4-7;
  - (ii) Do not include invasive vegetation included in an adopted city, county, or state list of prohibited or invasive species;
  - (iii) Provide equal or superior buffering of adjacent properties from anticipated impacts of the proposed development; and
  - (iv) Provide equal or superior visual appearance of the property when viewed from a public right of way.
- (B) When an application requires review and/or approval by the Planning Commission and/or City Council, then the applicable decision-making body shall make the determination on alternative landscape plans based on a recommendation from the Director and pursuant to the criteria in paragraph (2) above.

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## **(m) Screening, Fences, and Walls**

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### **(1) Screening Standards**

#### **(A) Screening Required Between Residential and Nonresidential Land Uses**

- (i)** All new development and redevelopment shall provide sufficient screening so that adjacent properties are shielded from negative impacts.
  - a.** The developer of an undeveloped property adjacent to an existing development shall be responsible for providing required screening.
  - b.** Nonresidential property owners are responsible for maintenance of required screening if adjacent to residential land uses.
  - c.** Nonresidential uses in mixed use districts are not required to provide screening to adjacent residential uses within a mixed-use district.
- (ii)** Screening shall be no less than six feet high and shall be either a privacy fence, a landscaping screen, or a combination of both.

#### **(B) Screening of Mechanical Equipment**

- (i)** Building support equipment, including air conditioning and heating devices, but not including plumbing or exhaust vents, chimneys, or gas and water meters, shall be screened from view from abutting streets or properties.
- (ii)** Roof-mounted equipment shall be screened by architectural features such as a parapet wall or similar feature that is integral to the building's design. Such equipment and screening shall be of a sufficient height to screen from public streets or adjacent properties to the maximum extent practicable, and shall be subject to the measurements and exceptions in Table 2-19-C.
- (iii)** Ground-mounted equipment shall be located where it is not visible from public streets or adjacent properties to the maximum extent practicable. In cases where ground-mounted equipment is visible from public open space, trails, streets, or from adjacent properties, such equipment shall be screened by a solid fence, wall, or vegetative screen pursuant to the following:
  - a.** Screening shall be a minimum height equal or greater than the height of the mechanical equipment being screened; and
  - b.** Screening shall be compatible with the architecture and landscape of the development.
- (iv)** Equipment required by utility providers shall comply with the standards of this subsection to the maximum extent practicable.
- (v)** Screening of solar energy equipment is not required if determined by the Director that such screening would reduce the effectiveness of the solar energy equipment.
- (vi)** Single-family detached dwellings and agricultural structures are exempt from the requirement to screen mechanical equipment.

#### **(C) Screening of Loading Areas**

- (i)** Outdoor loading and service areas shall be integrated into the primary building design.
- (ii)** To the maximum extent practicable, loading and service areas shall be screened from view at ground level, pursuant to the following:
  - a.** Screening shall be a sufficient height to fully screen the loading or service activities;
  - b.** Screening shall incorporate the primary materials and colors of the primary building for which the loading area serves.
  - c.** The Director may allow alternatives to these standards for loading berths where strict compliance would be impractical due to the number of loading berths, the location of the loading and services areas on the site, or other unusual site conditions.

**(D) Screening of Refuse Areas**

- (i) To the maximum extent practicable, refuse areas shall be integrated into the primary building design.
- (ii) Refuse areas shall not be visible at ground level from adjacent residentially zoned properties or residential uses.
- (iii) To the maximum extent practicable, refuse areas shall be located where they are not visible from public streets or adjacent mixed-use or nonresidential districts.
- (iv) Refuse areas shall be screened from view by a solid wall or fence pursuant to the following:
  - a. Screening shall be a minimum height of six feet, but shall be of a sufficient height to fully screen the refuse area;
  - b. Screening shall fully enclose refuse areas on four sides with a gate provided for access; and
  - c. Screening shall incorporate the primary materials and colors of the primary building for which the loading or refuse area serves.

**(E) Screening of Outdoor Storage Areas**

- (i) Outdoor storage areas that are adjacent to a residential zoning district or residential use, including a mixed-use building with residential, shall be screened from view by a solid wall or fence, or vegetative screening pursuant to the following:
  - (a) Screening shall be a minimum height of six feet but in no case shall exceed eight feet in height;
  - (b) Outdoor storage shall not exceed the height of the screening;
  - (c) Screening shall incorporate the primary materials and colors of the principal building associated with the outdoor storage; and
  - (d) A buffer with a minimum width of five feet shall be provided from the outdoor storage use to the property line adjacent to the residential zoning district or use. Such buffer shall be landscaped pursuant to TABLE 4-7-B.
- (ii) In industrial zone districts, the outdoor storage of recreation vehicles, fleet vehicles, or other vehicles associated with a business must be screened in accordance with the provisions of this section, but may exceed the height of the screening.

**(2) Fence Standards**

**(A) Location and Design**

Fences other than those used for screening in paragraphs (1)(A) through (1)(E) above shall comply with the following:

**(i) Front Yard Fences**

- a. Fences located in a front yard shall not be allowed in the CG or CA districts.
- b. Fences located in the front yard shall not exceed 42 inches in height, except for fences in the IN or PF districts, which shall not exceed eight feet in height, and fences associated with multifamily residential uses which shall not exceed six feet in height.
- c. Except in the IN and PF districts, fences located in the front yard shall be a minimum of 50 percent transparent, as measured perpendicular to the fence for each fence section between supports.

**(ii) Side and Rear Yard Fences**

Fences located in the side or rear yard shall not be more than eight feet in height.

**(iii) Calculation of Fence Height**

Fence height is calculated from the natural grade to the top of the fence. In instances where a fence is located on an earthen berm or a retaining wall within 6 feet of the edge of the wall, the height of the fence is measured from the bottom of the retaining wall to the top of the fence.

**(iv) Exemptions**

The height limitations of this subsection do not apply to any fence enclosing a tennis court, swimming pool, playing field, park, recreation facility, electric substation, gas regulator station, sand and gravel excavation, or noise barrier fences approved by the Director.

**(v) Vision Triangle**

Fences shall comply with the vision triangle requirements in Subsection 11-2-19(d).

**(vi) Framing Side of Wood Fence**

The exposed framing of a wood fence shall face the interior yard when the fence abuts a public right-of-way

**(vii) Picket Fences**

Picket fences less than five feet in height shall have the top of the pickets sawed or rounded to a blunt end.

**(B) Fence Materials**

(i) Fencing material shall be compatible with the overall design of the principal building and site landscape. Acceptable materials include, but are not exclusive of:

- a. Natural stone;
- b. Brick;
- c. Stucco;
- d. Wood;
- e. Plastic and vinyl if manufactured for the purposes of fencing;
- f. Decorative concrete block;
- g. Metal, such as wrought iron;
- h. Chain link, except for along frontages facing the right-of-way of an arterial;
- i. Fabric, if manufacture for outdoor fencing and permitted only in industrial zone districts; and/or
- j. Other materials deemed appropriate by the Director.

(ii) The following fencing materials are prohibited:

- a. Chicken wire along a property perimeter, except those used for internal runs and personal gardens;
- b. Chain link on frontages facing the right-of-way of an arterial;
- c. Plywood;
- d. Corrugated metal;
- e. Barbed wire, unless approved by the Director; and
- f. Electrically-charged fence, except for in the AG district.

**(C) Noise Barrier Fencing Along State Highways**

Where a proposed residential development is adjacent to a State Highway, the Director shall have the authority to evaluate and approve noise barriers installed as part of a Colorado Department of Transportation requirement.

**(D) Fencing and Screening Along Arterial Streets**

- (i) For any existing development or dwelling, any new or replacement fence or screen along a rear or side property line abutting an arterial street shall be no less than six feet high and shall be a privacy fence, a landscaped screen, or a combination of both.
- (ii) When a new fence is constructed along an arterial property line adjacent to and along an existing fence, the existing fence including posts shall be removed.
- (iii) Openings in screens or gates in fences for vehicular access are prohibited except where an arterial is the only access to the property.

**(E) Revocable License for Fencing and Screening on Public Right-of-Way**

Property owners installing or causing to be installed a fence or screen within public right-of-way shall require a revocable license from the City. An application for a revocable license shall be submitted on forms furnished by the City and shall be evaluated and either approved or denied. An approved revocable license shall be filed in the Office of the Adams County Clerk and Recorder. Such license shall place full responsibility upon the property owner for any loss of life, injury, or injuries, or damage to any property that may be sustained by any person or persons in connection with the erection and maintenance of the fence or screen and shall save harmless the City from any liability arising out of the erection and maintenance of the fence or screen. All rights and privileges acquired under the provision of fences, screens, and hedges on public right-of-way are mere revocable licenses and may be revoked at any time by the Director. Nothing in this paragraph shall be construed to obligate the City to issue a Revocable License as to any particular fence or screen.

**(F) Swimming Pools**

Swimming pools shall be fenced in accordance with the requirements of the Northglenn Swimming Pool Code as contained in Chapter 10, Article 8, of the Northglenn Municipal Code.

**(3) Retaining Wall Standards**

**(A) Maximum Height**

Retaining walls shall not exceed six feet in height measured vertically from the lowest point at natural grade to the highest point of the wall. The Director may approve higher wall heights to accommodate unusual grading or site topography. Retaining walls over four feet in height shall be designed by a State of Colorado licensed structural engineer.

**(B) Location and Design**

- (i) Retaining walls shall be designed in accordance with applicable building codes.
- (ii) Retaining walls that are over 30 feet in length shall incorporate recessions and/or projections that have a minimum wall plane change of 24 inches.
- (iii) Retaining walls shall be designed to conform to the existing natural terrain.
- (iv) Retaining walls shall be compatible with the overall design of the principal building and site landscape. Acceptable materials include, but are not exclusive of:
  - a. Natural stone;
  - b. Brick;
  - c. Concrete keystone blocks;
  - d. Other materials deemed appropriate by the Director.

**(4) Approval of Screening, Fences, and Walls**

**(A) Building Permit Required**

A building permit is required for any fence or any screen not exclusively consisting of plant material that is more than 30 inches in height, or for any retaining wall more than four feet in height.



**(B) Plans**

Location and design of screening, fences, and walls shall be shown on the landscape plan pursuant to Subsection 11-4-7(c), *Landscape Plan Required*, for applications requiring such landscape plan, or on a plot plan or permit application for applications not requiring a landscape plan.

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**(n) Installation and Maintenance of Landscaping, Screening, and Fencing Improvements**

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**(1) Installation**

- (A)** The developer shall install all landscape improvements prior to receiving a certificate of occupancy, unless otherwise approved by the Director with posting of sufficient security for improvements. The amount of required security shall be based on cost estimates of all landscape improvements including labor, and shall be provided by a qualified landscape architect, irrigation specialist, and/or local landscaping nursery.
- (B)** Irrigation systems shall be professionally designed by a landscape architect or irrigation specialist. Raw water shall be used for irrigation to the maximum extent practicable.

**(2) Maintenance**

- (A)** The owner of the property is responsible for the proper installation and maintenance of the landscaped area, screening, fencing, and parking lot area per the approved landscape plan.
- (B)** Landscaped areas shall be continuously maintained including necessary watering, weeding, pruning, and pest control.
- (C)** The City shall have the authority to order the repair of dilapidated fences, screens, or walls to a sound condition to protect the public health, safety, and welfare.
- (D)** All ground coverings shall substantially cover exposed earth, mud, and dirt. Landscaping areas shall be continuously maintained including necessary watering, weeding, pruning, and pest control. (Cross-reference Municipal Code Section 9-17-3(a)).

**(3) Replacement of Dead or Diseased Plant Material**

Replacement of dead or diseased plant material shall be of equivalent species or material as specified in the approved landscape plan. Replacement shall occur at the time of removal, unless such removal occurs outside the planting season in which case the replacement shall occur during the next planting season. Replacement shall occur within one year from the time of removal.

## 11-4-8 Site and Building Design

### (a) Purpose

The purpose of this Section 11-4-8 is to promote high-quality site and building design. The standards are intended to:

- (1) Protect and enhance the character and quality of development;
- (2) Ensure compatibility between residential and mixed-use and nonresidential areas;
- (3) Mitigate any potential negative impacts created by the scale, bulk, and mass of buildings;
- (4) Encourage a pedestrian-friendly environment; and
- (5) Protect and enhance property values and encourage further investment.

### (b) Applicability

#### (1) New Development

Unless otherwise exempted below, or elsewhere in this UDO, the standards in Section 11-4-8 shall apply to all new development and land uses.

#### (2) Expansions and Enlargements

Unless otherwise exempted below, or elsewhere in this UDO, the standards in Section 11-4-8 shall apply to the following expansions and enlargements:

(A) The entire site and buildings and/or dwelling units shall comply with this Section 11-4-8 when:

- (i) The number of multifamily dwelling units on a property is increased by 15 percent or more in a mixed-use district or 25 percent or more in all other districts; or
- (ii) The square footage of a nonresidential or mixed-use building is expanded or enlarged by 25 percent or more in a mixed-use district or 50 percent or more in all other districts; or
- (iii) Improvements are made to the building façade that would impact more than 50 percent of any building façade facing a public right-of-way.

(B) The portion of the building and/or site being expanded and/or improved shall comply with this Section 11-4-8 when:

- (i) The number of dwelling units on a property is increased by 10 percent or 10 dwelling units, whichever is less; or
- (ii) The square footage of a nonresidential or mixed-use building is expanded or enlarged by more than 10 percent.

(C) Expansion of a single-family, duplex, or manufactured home dwelling shall comply with the requirements of section 11-4-8(d)(1)(C)(iv).

#### (3) Cumulative Expansions and Enlargements

Applications to expand buildings or structures after the effective date of this UDO shall remain on record with the City. Any subsequent application to expand buildings or structures on the same property shall be cumulative to any prior application. The total square footage of expansions and enlargements shall be used by the Director to determine the applicability of the standards in this Section.

#### (4) Exemptions

The standards in Section 11-4-8 shall not apply to the following:

- (A) Properties in the AG district; or
- (B) Conversion of a residential structure to a nonresidential use if no site improvements are required.

## (c) Administration

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### (1) Site Plan Review Process

- (A) Review for compliance with these standards shall occur at the time of site plan review. Where site plan review is not required, review for compliance with these standards shall occur prior to issuance of a building permit.
- (B) Interpretations as to the applicability or design requirements contained within this Section 11-4-8 shall be the responsibility of the Director. Appeals of the Director's interpretations shall be heard according to the procedure in 11-6-7(d), *Appeal*.

### (2) Alternative Equivalent Compliance

#### (A) Purpose and Scope

To encourage creative and unique design, "alternative equivalent compliance" allows approval of development that meets the intent of this Section 11-4-8, yet through an alternative design that does not strictly adhere to the standard of this Section 11-4-8. This is not a waiver of the standards. Rather, this authorizes a site-specific plan that is equal to or better than the strict application of the standard.

#### (B) Applicability

The alternative equivalent compliance procedure is available only for the standards in Section 11-4-8, *Site and Building Design*.

#### (C) Alternative Equivalent Compliance Meeting Required

An applicant proposing alternative equivalent compliance shall request and attend an alternative equivalent compliance meeting prior to submitting application materials for the applicable permit(s), to determine the preliminary response from the Director. Based on the response, the application shall include sufficient explanation and justification, in both written and graphic form, for the requested alternative compliance. The Director may require that the applicant provide additional drawings and/or material samples to consider the need for the proposed alternative.

#### (D) Decision-Making Responsibility

Final approval of any proposed alternative compliance shall be the responsibility of the decision-making body responsible for deciding upon the application. Administratively approved projects proposing alternative compliance shall receive written approval of the alternative compliance from the Director.

#### (E) Criteria

Alternative equivalent compliance may be approved if the applicant demonstrates that the following criteria have been met by the proposed alternative:

- (i) Achieves the intent of the subject standard(s) to the same or better degree than the subject standard(s);
- (ii) Advances the goals and policies of this UDO to the same or better degree than the subject standard(s);
- (iii) Results in benefits to the community that are equivalent to or exceed benefits associated with the subject standard(s); and
- (iv) Imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this UDO.

#### (F) Effect of Approval

Alternative equivalent compliance shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests.

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## (d) Residential Site and Building Design Standards

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### (1) Single-Family Detached Dwellings

#### (A) Building Variety

For new subdivisions, the following building variety standards shall apply:

**(i) All New Subdivisions**

No two buildings with the same front elevation shall be constructed side by side or directly across the street from one another.

**(ii) Three Dwelling Units or Fewer**

Each building shall have a distinct front elevation.

**(iii) Three to 10 Dwelling Units**

Three different buildings with distinct front elevations shall be required.

**(iv) More than 10 Dwelling Units**

Five different buildings with distinct front elevations are required, and no more than 30 percent of the units constructed shall have the same front elevation.

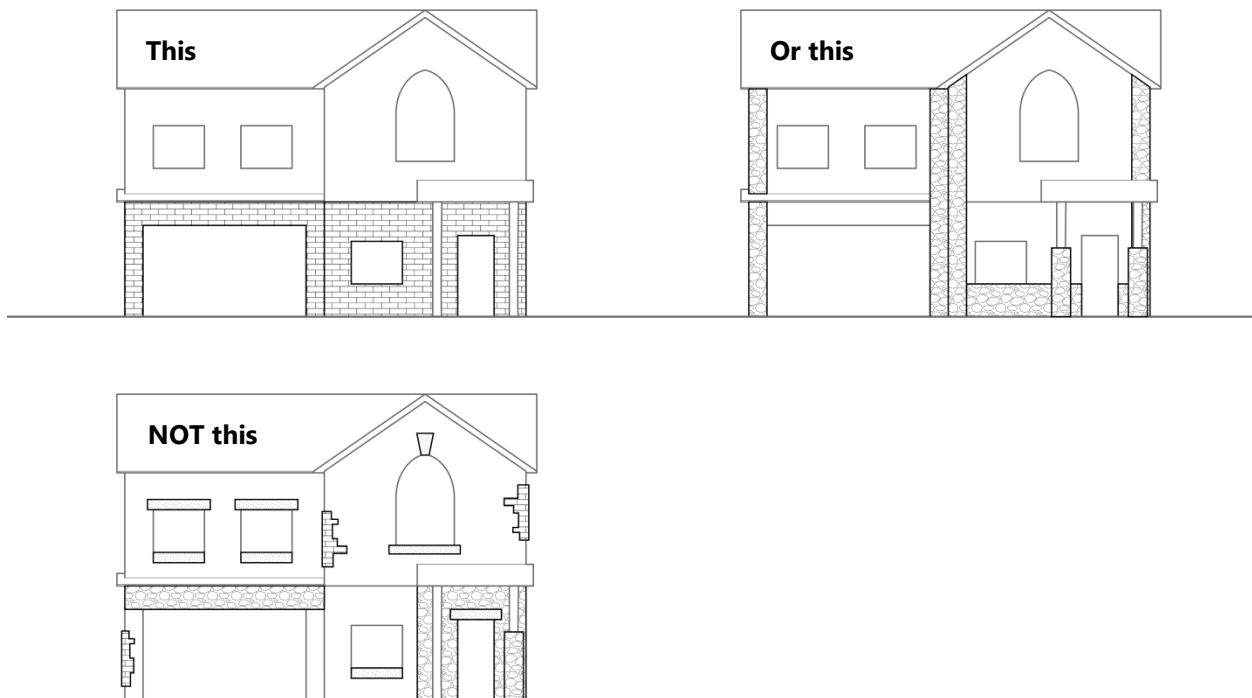
**(B) Building Mass**

Exterior walls shall be broken by recessed entryways, bay windows, use of more than one exterior finish material, use of architectural details, or such other technique or combinations of techniques to prevent the appearance of featureless walls.

**(C) Exterior Finish Materials**

- (i) Brick, stone, masonry and synthetic stucco systems, or other masonry materials approved by the Director shall be used on an area of at least 30 percent of the façade fronting the public right-of-way. Such materials shall be applied across the façade using a consistent visual design, and not an inconsistent or fragmented application of materials. (See Figure 4.B.)

**Figure 4.B: Consistent Visual Design**



- (ii) The use of shipping containers or CONEX boxes shall be prohibited in residential zoning districts.

- (iii) Except for properties in the AG district, accessory structures are subject to the following:

- a. All accessory structures requiring a building permit shall be architecturally compatible with its associated principal structure or screened from view of abutting properties and public rights-of-way.

- b. For properties with residential land uses or within a residential zoning district, facades of accessory structures that are facing a public right-of-way and where the principal structure is brick, stone, or other masonry materials, shall use the same materials on an area of at least 30 percent of the accessory structure façade fronting the public right-of-way. This requirement shall not apply to accessory structures that are located entirely behind the principal structure with no portion of the accessory structure extending beyond the side building line of the principal structure.
- (iv) Building Additions to Existing Dwellings are subject to the following:
  - a. All additions shall be architecturally compatible with its associated principal structure or screened from view of abutting properties and public rights-of-way.
  - b. Facades of additions that are facing a public right-of-way and where the principal structure is brick, stone, or other masonry materials, shall use the same materials on an area of at least 30 percent of the façade fronting the public right-of-way. This requirement shall not apply to additions that are located entirely behind the principal structure with no portion of the addition extending beyond the side building line of the principal structure.

**(2) Single-Family Attached and Duplex Dwellings**

**(A) Building Mass**

The building mass standards for single-family detached dwellings shall also apply to single-family attached buildings. Additionally, there shall be no more than eight units in a row.

**(B) Entry and Orientation**

The front door of each individual dwelling unit shall face a public street. Units may be allowed to face a central courtyard, garden, or common area only with Director approval and provided that the dwelling units closest to the public street have a primary entrance to the public street.

**(C) Façade Design**

- (i) No more than 60 percent of the units in any single-family attached building with five or more units shall have the same exterior facade.
- (ii) Duplexes shall be designed to appear as a single-family detached dwelling to the maximum extent practicable.

**(D) Exterior Finish Materials**

The exterior finish materials requirements for single-family detached dwellings shall also apply to single-family attached and duplex dwellings.

**(3) Multifamily Dwellings**

**(A) Purpose**

The design of multifamily development is important to reduce the visual impacts of multifamily dwellings and to promote a more pedestrian-friendly environment in Northglenn neighborhoods. More specifically, these standards are intended to:

- (i) Provide multifamily development that avoids featureless design, large masses, and repetition of facades;
- (ii) Promote multifamily development that is compatible or improves the characteristics of surrounding development; and
- (iii) Improve the quality of life for Northglenn residents of multifamily dwellings.

**(B) Building Placement and Orientation**

**(i) Generally**

- a. The siting of a building shall reflect the natural topography and preserve existing trees and landscaping material pursuant to Section 11-4-7, Landscaping, Screening, and Fencing.
- b. To the maximum extent practicable, buildings shall be sited parallel to public rights-of-way.

**(ii) Multi-Building Developments**

For developments with three or more buildings:

- a. Buildings shall be arranged using one or more of the following techniques:
  1. Organize units around a central courtyard that maintains a consistent side yard setback between units along the street frontage;
  2. Locate the buildings on the corner of an adjacent street intersection or entry point to the development to frame the corner;
  3. Provide common gathering spaces between buildings; and/or
  4. Other site improvements as approved by the Director.
- b. To the maximum extent practicable, buildings shall avoid side-by-side, end-to-end, or "barracks" style building orientation.

**(C) Building Entrances**

- (i) The primary building entrance shall face a public or private street or shall face a common open space, interior courtyard, park, or on-site natural feature with clearly defined and accessible pedestrian circulation.
- (ii) For multi-building developments, at least one building shall be oriented with an entrance facing the primary street or the street providing main access to the site.
- (iii) For buildings on corners, the primary building entrance may be oriented toward the corner for emphasis.
- (iv) Primary building entrances shall be defined and articulated with architectural elements such as pediments, columns, porticos, porches, overhangs, or other elements approved by the Director. For buildings with multiple tenant entries, each entrance shall be defined and articulated with architectural elements.
- (v) All ground-floor pedestrian entrances shall be covered or inset.

**(D) Building Mass**

Buildings shall not extend more than 50 continuous feet without incorporating at least two of the following five elements (items i-v below) for each 50-foot segment:

- (i) Projections, recessions, or reveals such as columns, pilasters, cornices, and bays, and having a change of wall plane that is a minimum depth of two feet and has the effect of casting shadows;
- (ii) Changes in materials, colors, patterns, or textures;
- (iii) Changes in roof form pursuant to Subsection 11-4-8(d)(3)(G);
- (iv) Windows, doors, and openings pursuant to minimum transparency requirements in Subsection 11-4-8(d)(3)(H); and/or
- (v) Alcoves, porticoes, awnings, and other architectural features to provide visual interest and relief.

**(E) Exterior Finish Materials**

- (i) All exposed surfaces of principal buildings shall use a variety of durable materials, including:
  - a. Brick, stone, or other masonry;
  - b. Stucco; masonry and synthetic;
  - c. Split-face block;
  - d. Composite siding;
  - e. Steel or rust-resistant architectural metal;
  - f. Treated rot-resistant or paint-grade wood; or
  - g. Comparable materials as approved by the Director.

- (ii) Brick, or stone, or similar masonry materials shall be used on a minimum of 30 percent of all exterior walls. Such materials shall be applied across the façade using a consistent visual design, and not an inconsistent or fragmented application of materials. (See Figure 4.B.) This requirement shall not allow for stucco to be counted toward the minimum 30 percent masonry requirement.
- (iii) All accessory structures requiring a building permit shall be architecturally compatible with its associated principal structure or screened from view of abutting properties and public rights-of-way. Facades of accessory structures that are facing a public right-of-way and where the principal structure is brick, stone, or other masonry materials, shall use the same materials on an area of at least 30 percent of the accessory structure façade fronting the public right-of-way.
- (iv) The following materials are prohibited as exterior cladding or roofing materials:
  - a. Aluminum siding or cladding, except as accent materials;
  - b. Galvanized steel or other bright metal, except as accent materials;
  - c. Plastic or vinyl siding;
  - d. Unfinished concrete masonry units or concrete wall;
  - e. Shipping containers or CONEX boxes;
  - f. Exposed aggregate; and
  - g. Reflective glass.

**(F) Comprehensive Design**

Building elevations that face a public street or right-of-way, or other public area such as open space or common areas, shall be finished with similar levels of architectural details, materials, and façade treatments. Blank wall void of architectural details or other variations are prohibited.

**(G) Roof Form**

Building shall be designed to avoid any continuous roofline longer than 60 feet. Rooflines longer than 60 feet shall include at least one vertical elevation change of at least two feet in height. Sloped rooflines shall provide variation in overhangs and architectural elements to provide visual relief.

**(H) Transparency (Windows, Doors, and Openings)**

- (i) At least 25 percent of the ground-floor wall area, as measured from floor plate to floor plate, of any façade facing a public street or other public area such as a plaza, park, or open space shall contain windows, other transparent materials, or doorways. Such windows, transparent materials, or doorways shall be unobstructed and allow views into common areas, foyers, lobbies, pedestrian entrances, hallways, and display areas, but may be translucent or opaque for individual dwelling units or working areas.
- (ii) At least 20 percent of each upper-floor wall area, as measured from floor plate to floor plate, of all building façades shall contain windows or other transparent materials.
- (iii) Windows and other materials intended to meet the minimum transparency requirements shall not be reflective.
- (iv) Reductions to these minimum standards may be approved by the Director if required to comply with local energy codes.

**(I) Playgrounds**

One playground tot-lot, including commercial-grade play apparatus and seating for parents, shall be provided for every 40 dwelling units. In developments of more than 40 units, one multi-purpose hard surface court shall be provided for each 100 dwelling units. Alternative amenities may be allowed by the Director.

**(J) Stairways**

Stairways shall not be located outside of the building envelope.

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## (e) Mixed-Use and Nonresidential Site and Building Design

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### (1) Purpose

The design of mixed-use and nonresidential development is important to:

- (A) Promote high-quality building design and enhance the visual interest and character of development;
- (B) Ensure compatibility between residential and nonresidential development;
- (C) Ensure building scale, orientation, and design relates to surrounding uses and streets, and creates a cohesive visual identity and an attractive and pedestrian-friendly streetscape; and
- (D) Ensure safe and efficient access between buildings and parking areas.

### (2) Building Orientation for Large and/or Multi-Building Developments

Developments with more than 100,000 square feet shall be organized to create pedestrian-friendly spaces and streetscapes. This shall be accomplished by using the buildings to frame and emphasize at least one of the following:

- (A) The corners of street intersections or entries into the development site;
- (B) A "main street" pedestrian or vehicle access corridor within the development site; and/or
- (C) A plaza, pocket park, square, or other outdoor gathering space for pedestrians; and/or
- (D) Other site improvements as approved by the Director.

### (3) Building Entrances

- (A) The primary building entrance shall face the primary street or the street providing main access to the site. In cases where the primary building entrance does not face the primary street, the entrance shall be connected to the primary street and adjacent parking areas with sidewalks.
- (B) For multi-building developments, at least one building shall be oriented with an entrance facing the primary street or the street providing main access to the site.
- (C) For buildings on corners, an additional entrance shall be provided on the side street frontage, or the primary entrance shall be oriented toward the corner.
- (D) Primary building entrances shall be defined and articulated with architectural elements such as pediments, columns, porticos, porches, overhangs, or other elements approved by the Director.
- (E) For buildings with multiple tenant entries, each entrance shall be defined and articulated with architectural elements.
- (F) All ground-floor pedestrian entrances shall be covered or inset.
- (G) The Director may consider alternatives to these building entrance standards where strict compliance is impractical due to site conditions, provided the alternative:
  - (i) Achieves the overall intent of the standard to the same degree or higher;
  - (ii) Results in benefits to the community that are the same degree or higher; and
  - (iii) Imposes no greater impacts on adjacent properties than would otherwise occur through strict compliance with this section.

### (4) Building Mass

#### (A) Mixed-Use Districts

Buildings shall not extend more than 40 continuous feet without incorporating at least four of the five Massing Reduction Elements in subsections (C)(i-v) below for each 40-foot segment.

#### (B) All Other Nonresidential

Buildings shall not extend more than 50 continuous feet without incorporating at least three of the five Massing Reduction Elements in subsections (C)(i-v) below for each 50-foot segment.



**(C) Massing Reduction Elements**

- (i) Projections, recessions, or reveals such as columns, pilasters, cornices, and bays, and having a change of wall plane that is a minimum depth of two feet and has the effect of casting shadows;
- (ii) Changes in materials, colors, patterns, or textures;
- (iii) Changes in roof form pursuant to Subsection 11-4-8(e)(7);
- (iv) Windows, doors, and openings pursuant to minimum transparency requirements in Subsection 11-4-8(e)(8); and/or
- (v) Alcoves, porticoes, awnings, and other architectural features to provide visual interest and relief.

**(5) Exterior Finish Materials**

**(A)** All exposed surfaces of principal buildings shall use a variety of durable materials, including:

- (i) Brick, stone, or other masonry;
- (ii) Stucco; masonry and synthetic;
- (iii) Split-face block;
- (iv) Composite siding;
- (v) Steel or rust-resistant architectural metal;
- (vi) Treated rot-resistant or paint-grade wood; or
- (vii) Comparable materials as approved by the Director.

**(B)** Except for properties in the IN or PF districts, all accessory structures requiring a building permit shall be architecturally compatible with its associated principal structure or screened from view of abutting properties and public rights-of-way.

**(C)** The following materials are prohibited as exterior cladding or roofing materials:

- (i) Aluminum siding or cladding;
- (ii) Plastic or vinyl siding;
- (iii) Unfinished concrete masonry units or concrete wall;
- (iv) Shipping containers or CONEX boxes unless approved by the Director, subject to the following parameters:
  - a. In industrial or public facilities zoning districts CONEX boxes are allowed as an accessory structure when reasonably screened by a solid fence, or
  - b. In other nonresidential zoning districts CONEX boxes are not allowed as accessory structures for the purpose of storage, however they may be allowed if it is integrated with the rest of the development as an architectural design feature including the use of other materials so as to not appear as a CONEX box;
- (v) Exposed aggregate; and
- (vi) Reflective glass.

**(6) Comprehensive Design**

Building elevations that face a public street or right-of-way, or other public area such as open space or common areas, shall be finished with similar levels of architectural details, materials, and façade treatments. Blank wall void of architectural details or other variations are prohibited.

**(7) Roof Form****(A) Mixed-Use Districts**

Buildings shall be designed to avoid any continuous roofline longer than 60 feet. Rooflines longer than 60 feet shall include at least one vertical elevation change of at least two feet in height. Sloped rooflines shall provide variation in overhangs and architectural elements to provide visual relief.

**(B) All Other Nonresidential**

Buildings shall be designed to avoid any continuous roofline longer than 80 feet. Rooflines longer than 80 feet shall include at least one vertical elevation change of at least two feet in height. Sloped rooflines shall provide variation in overhangs and architectural elements to provide visual relief.

**(8) Transparency (Windows, Doors, and Openings)****(A) Generally**

- (i) For live-work dwellings and residential uses, ground-floor windows, transparent materials, or doorways shall be unobstructed and allow views into common areas, foyers, lobbies, pedestrian entrances, hallways, and display areas, but may be translucent or opaque for individual dwelling units or working areas. Faux architectural windows or equivalent may be approved by the Director upon consideration of a request for alternative equivalent compliance outlined in Section 11-4-8(c)(2).
- (ii) Windows and other materials intended to meet the minimum transparency requirements shall not be reflective.
- (iii) Reductions to these minimum standards may be approved by the Director if required to comply with local energy codes.

**(B) Mixed-Use Districts**

- (i) At least 50 percent of the ground-floor wall area between three and eight feet above grade of any building façade facing a public street or other public area such as a plaza, park, or open space, and any building façade with the primary entrance shall contain windows, other transparent materials, or doorways.
- (ii) At least 25 percent of each upper-floor wall area, as measured from floor plate to floor plate, of all building façades shall contain windows or other transparent materials.

**(C) Commercial Districts**

- (i) At least 40 percent of the ground-floor wall area between three and eight feet above grade of any building façade facing a public street or other public area such as a plaza, park, or open space, and any building façade with the primary entrance shall contain windows, other transparent materials, or doorways.
- (ii) At least 20 percent of each upper-floor wall area, as measured from floor plate to floor plate, of all building façades shall contain windows or other transparent materials.

**(D) All Other Nonresidential**

- (i) At least 20 percent of the wall area of any building façade facing a public street or other public area such as a plaza, park, or open space shall contain windows, other transparent materials, or doorways.

## 11-4-9 Exterior Lighting

### (a) Purpose

The purpose of Section 11-4-9 is to ensure that public areas within the City have adequate outdoor illumination while also limiting the impacts of outdoor lighting nuisance on adjacent properties.

### (b) Applicability

#### (1) General Applicability

Unless exempted below, Section 11-4-9 applies to new development and to new buildings or improvements to previously developed lots.

#### (2) Exemptions

(A) Single-family and duplex dwelling lighting shall be exempt from these standards provided lighting does not result in spillover onto adjacent properties or the public right-of-way.

(B) Temporary outdoor string lighting is allowed provided such lighting does not result in spillover onto adjacent properties or the public right-of-way.

### (c) Exterior Lighting Plan Required

An exterior lighting plan shall be submitted with all development applications unless the Director determines that compliance with the provisions of Section 11-4-9 can be demonstrated without the use of an exterior lighting plan.

### (d) Exterior Lighting Standards

#### (1) General Lighting Standards

(A) Area lighting shall be provided for all roadways, alleys, playgrounds, and public common areas and shall remain on all night.

(B) All light sources shall be full cutoff fixtures to minimize the impacts to adjacent properties and public rights-of-way.

(C) Lighting shall be the minimum recommended practice necessary for safety and security. Lighting not required for public safety and security shall be extinguished outside of operating hours.

(D) Light spillover onto adjacent properties shall not exceed one foot-candle at any property line, except where the property line is adjacent to walkways, driveways, and streets or in nonresidential developments comprised of multiple lots.

(E) Flickering, pulsing, flashing, or any other lights that could distract or confuse a motorist are prohibited.

#### (2) Parking Lot Lighting

(A) Parking area lighting shall be full cutoff and downcast fixtures.

(B) Parking lot lighting in residential zone districts or adjacent to residential districts or residential uses shall not exceed a maximum of 25 feet in height.

(C) Parking lot lighting in non-residential and mixed-use zone districts shall not exceed a maximum of 30 feet in height.

#### (3) Exterior Building Lighting

(A) Building lighting shall be provided at all entryways and on all sides of the building.

(B) Building lighting shall be installed so that all lighting is cast downward. Building lighting that is shining upward (uplighting) architectural features may be allowed for nonresidential or mixed-use buildings, but not adjacent to a residential zoning district or single-family or duplex use.

## 11-4-10 Signs

### (a) Purpose and Intent

#### (1) Purpose

The purpose of this Section 11-4-10 is to promote public health, safety and welfare by:

- (A) Regulating the number, location, size, type, illumination and other physical characteristics of signs within the City in order to promote the public health, safety and welfare;
- (B) Protecting the public from signs which are structurally unsafe;
- (C) Promoting traffic safety and the free movement of traffic and protect the public from the hazardous conditions which result from signs that may confuse and distract or obscure the vision of motorists, bicyclists, and pedestrians or impair their ability to see pedestrians, obstacles, other vehicles or traffic signs;
- (D) Promoting efficient communication of messages;
- (E) Assisting in wayfinding;
- (F) Maintaining, enhancing and improving the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community;
- (G) Improving the visual appearance of the City while providing for effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics; and
- (H) Providing for fair and consistent enforcement of the sign regulations set forth herein under the zoning and police power authority of the City.
- (I) It is not the purpose or intent of this section to regulate the message displayed on any sign; nor is it the purpose or intent of this section to regulate any building design or display not defined as a sign, or any sign which cannot be viewed from outside a building. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.

#### (2) Intent

The intent of this section, as more specifically set forth herein, is to:

- (A) Allow a wide variety of sign types in non-residential use areas, and a more limited variety in residential use areas, subject to the standards set forth in this section;
- (B) Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this section;
- (C) Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare; and
- (D) Provide for the enforcement of the provisions of this section.

### (b) General Provisions

#### (1) General

- (A) No sign shall be erected, mounted, displayed, or remodeled unless it is in full compliance with this section, with the regulations for the zone in which it is located, and with all applicable laws of the City of Northglenn and the State of Colorado. The general provisions of this Article shall apply to all signs except signs erected, mounted, displayed, or remodeled on property owned, controlled, or maintained by the Federal Government, the State or the City, including public streets, alleyways, sidewalks, rights-of-way, trails, easements, parks and other spaces. Those matters are addressed through other provisions of the Northglenn Municipal Code.
- (B) Repairs and maintenance of existing signs is allowed pursuant to 11-1-5(b)(2) and 11-4-10(b)(4) below.

#### (2) Substitution

Subject to the land owner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message; provided,

that the sign structure or mounting device is lawful without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

### **(3) Applicability of Building Codes**

All signs shall meet the applicable design, construction, and related standards specified in the Building Codes as amended, updated, or adopted. All electrical work shall be performed by an electrician licensed by the State of Colorado. No electrical work shall be performed without first having obtained a valid electrical permit issued by the City of Northglenn.

### **(4) Nonconforming Signs**

#### **(A) Generally**

- (i) Any sign granted approval by the City and issued prior to the adoption of this UDO and not conforming to the regulations established herein shall be considered a legal nonconforming sign and subject to the provisions of this section.
- (ii) Any existing sign which has previously been granted a variance shall be considered conforming for the purposes of this UDO.

#### **(B) Continuation of Nonconforming Signs**

- a. Subject to the termination provisions below, a nonconforming sign may be continued and shall be maintained in good structural condition. Legally nonconforming signs shall not be:
  - 1. Replaced or structurally altered;
  - 2. Altered or repaired so as to increase the degree of non-conformity of the sign;
  - 3. Re-established after abandonment for 90 consecutive days of the use to which the sign pertained; or
  - 4. Re-established after damage or destruction if the estimated cost of reconstruction exceeds 50 percent of its assessed valuation as shown in the original sign permit.
- b. Any violation of these provisions shall immediately terminate the right to maintain said nonconforming sign.

#### **(C) Permit Exemptions**

The following signs shall not require a permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this UDO or any other law or ordinance regulating the same.

- (i) Any sign and any other notice or warning required by a valid and applicable federal, state or local law, regulation or resolution.
- (ii) Balloons smaller than two feet in diameter and arranged in groups of less than 12 not to exceed four groups, unless granted a temporary use permit.
- (iii) Building directory signs are allowed, in addition to wall signs otherwise permitted by these regulations. Building directory signs may be allowed up to a total of 15 square feet for the purpose of identifying tenants of a building.
- (iv) Building markers
- (v) Directional signs, subject to the following:
  - a. Signs are located on the property where the business is located;
  - b. Signs are located on private property and not in any public rights-of-way;

- c. Signs shall not be located along street frontage;
- d. Signs shall not create a traffic hazard; and
- e. Signs do not exceed four square feet per sign face.

**(vi)** Entrance or exit signs

**(vii)** Flags, subject to the following:

Flags shall not exceed any proportions established by applicable State or Federal law or Presidential declaration. Flags or pennants larger than specified are not allowed.

- a. Flags shall have a minimum clearance of eight feet when they project over public sidewalks and 15 feet when projecting over roads.
- b. Flags, pennants and insignia shall be maintained in a clean and undamaged condition at all times.
- c. The display of national flags, pennants and insignia shall be governed by the standard rules of international protocol.
- d. No more than three flags shall be displayed per parcel of record and shall be mounted on a single flag pole, or three separate flag poles installed either on the building or adjacent to the building/use to which they are appurtenant.
- e. No flag shall be displayed on a pole greater than 20 feet in height unless otherwise required by law.
- f. Holiday lights and decorations containing no commercial message, and displayed 60 days prior to and 15 days after the holiday.
- g. Single-family residential signs and multi-family temporary signs for individual dwelling units.
- h. Vehicle signs measuring two square feet or less. (Refer to Section 11-4-10(g)(2)).
- i. Window signs, both permanent and temporary, not to exceed 25 percent of the total window area per façade. (Refer to Section 11-4-10(f)(7)).
- j. Works of art.

**(5) Prohibited Signs**

The following signs shall not be erected, mounted, displayed, maintained or remodeled:

- (A)** Advertising on bus benches or on bus shelters except as may be specifically approved by City Council via a license agreement;
- (B)** Animated signs;
- (C)** Balloons larger than two feet in diameter or balloons arranged in groups greater than 12, unless granted through a temporary use permit;
- (D)** Roof signs;
- (E)** Search lights;
- (F)** Signs or posters on or extending into any public right-of-way, except as authorized by resolution of City Council;
- (G)** Signs using any sound or noise-making or transmitting device with such sound device used separately for advertising purposes beyond the confines of a building;
- (H)** Signs which block any window, doorway, or any other opening required for proper ventilation, light, or exit facilities;
- (I)** Signs which by their light or focus cause a nuisance by unduly disturbing the uses of surrounding property or by causing a traffic hazard;
- (J)** Signs with optical illusion of movement by means of a design which presents a pattern capable of reversible perspective, giving the illusion of motion or changing copy;
- (K)** Strings of light bulbs in non-residential parking areas unless granted through a temporary use permit; and

- (L) Vehicle signs: It shall be unlawful to park, place or store a vehicle or trailer on which there is a motor vehicle sign with more than two square feet for more than 96 hours, on private or public property, unless a temporary sign permit has been approved or a temporary use permit has been granted. Public transit vehicles are exempt. (Refer to Section 11-4-10(g)(2)).

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## (c) Enforcement

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### (1) Unlawful Acts

Unless specifically allowed by another article of this section, it shall be unlawful for any person, firm or corporation to erect, maintain, affix, post or remodel any sign without first obtaining a permit from the Department of Planning and Development.

### (2) Administrative Enforcement

The Director of Planning and Development, henceforth referred to as 'Director', is hereby authorized and directed to enforce all provisions of this section. In addition to the penalty provisions set forth in subsections (1) and (2) below, specific authority is granted to the enforcement officer to remove, or have removed, signs erected, mounted, displayed, maintained or remodeled in violation of this section after posting of a notice at least 24 hours prior to removal upon the premises where such sign(s) is located. Enforcement is also authorized administratively as follows:

- (A) Violations of this section may result in enforcement under Chapter 19 of the Northglenn Municipal Code.
- (B) Violations of this section may also be punishable as provided in Chapter 1, Section 1-1-10 of the Northglenn Municipal Code.

### (3) Sign Removal

Authorized City staff may remove any sign erected, mounted, displayed, maintained or remodeled in violation of this Article under the following circumstances:

- (A) A sign may be removed without notice when it is determined by the Director to present an immediate threat to the safety of the public;
- (B) A sign may be removed without notice when it is illegally placed within the public rights-of-way, attached to a utility pole or City traffic sign, upon public sidewalks or roadway, or on any public building or structure when such facilities are located on public property or within public easements;
- (C) When a sign is determined to be abandoned by the City, provided that the City must first provide 14 days' notice to the underlying property owner or business owner that the sign is deemed abandoned; and
- (D) The cost of removal shall be borne by the owner or lessee of the sign.

### (4) Sign Disposal

When a sign has been removed by the City, the City shall take the following actions:

- (A) The City shall hold a sign for at least seven days. After seven days the City may dispose of the sign without prior notice to the sign owner. Sign owners wishing to reacquire possession of removed signs prior to their disposal shall make a formal request to the Planning and Development Department to arrange pick-up.
- (B) For signs with fair market value exceeding \$100.00 as determined by the City, the City shall provide notice by mail to the following:

(i) **Sign Owner**

If mailing address can be determined by the City after reasonable efforts in investigation. "Reasonable efforts" shall include investigation efforts that take no longer than one-half (½) hour of staff time.

(ii) **Underlying Property Owner**

- a. If the address of the sign owner cannot be reasonably ascertained, the City shall mail the notice to the underlying real property owner, as identified in the records of the County Assessor's Office.
- b. If the underlying property owner is the City or the identity of the sign owner cannot be ascertained as required by this subsection, no mailed notice shall be required prior to disposal of the sign.

**(5) Maintenance of Signs**

Every sign shall be maintained in good structural condition as defined by the adopted version of the International Building Code (IBC). Landscaped areas surrounding the sign or that is considered part of the sign with the application approval shall also be maintained through regular mowing, watering, weeding, replacement, and pruning. The Director or his authorized representative shall inspect and have the authority to order the repainting, alteration, removal, or general upgrading of the condition of any sign or its surrounding landscaped area which constitutes a hazard or violates the stated purposes of this UDO through dilapidation or inadequate maintenance.

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**(d) Administration**

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**(1) Sign Permit Required**

Except as this UDO expressly or otherwise provides, no sign shall be erected, mounted, displayed, remodeled, reconstructed, maintained or moved in the City without first securing a permit from the City. Changes made to the display area of any existing sign structure area are exempt from the requirement of securing a permit from the City. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.

**(2) Process****(A) Application**

An application for a sign permit shall be obtained from and submitted to the Building Department.

**(B) Sign Permit Fees**

All applications for sign permits shall be accompanied by payment of fees, to be based on the building permit fees in the International Building Code in place at the time of application. Valuation of signs shall be determined by use of the Colorado State Tax Commission Manual in effect at the time of application. In the case of any application for alteration or improvement of an existing sign, the fees shall apply to any increase in valuation of such sign.

**(C) Decision**

The Director or the Director's designee shall approve or deny the sign permit within seven days of receipt of the complete application.

**(D) Denial**

If the permit is denied, the issuing authority will contact the applicant within three days to explain the reason for denying the permit. If the applicant and the issuing authority cannot agree on a sign that can be approved, the issuing authority shall prepare a written notice of denial within 10 days of its decision, describing the applicant's appeal rights and forward it to the applicant.

**(E) Appeal**

Any denial of the Director or their designee may be appealed by the applicant submitting formal application to the Board of Adjustment under the process outlined in Section 11-6-7(d), *Appeal*.

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**(e) Measurement and Computation**

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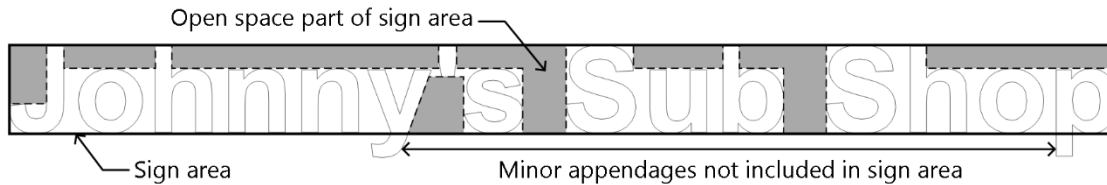
**(1) Determining Sign Area****(A) Wall Signs**

- (i)** For a wall sign which is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area shall include the entire portion within such background or frame.
- (ii)** For a wall sign without a distinguishable frame or outline, the area shall be determined by the following (See Figure 4.C.):
  - a.** The area of the sign shall encompass a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the display, the frame, and any applied background that is not part of the architecture of the building.



- b. When multiple elements are organized to form a single sign, but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms, which comprises all of the display area, including the space between different elements.
- c. Minor appendages to a particular regular shape, as determined by the Director, shall not be included in the total area of a sign.

Figure 4.C: Area of a Wall Sign



**(B) Freestanding Signs**

- (i) The sign area shall include the frame, if any, but shall not include:
  - a. A pole or other structural support unless such pole or structural support is internally illuminated or otherwise designed to constitute a display device, or a part of a display device.
  - b. Architectural features that are part of a freestanding structure, and not an integral part of the sign, and which may consist of landscape, building or structural forms complementing the site in general as determined by the Director, shall not be included in the total area of a sign.
- (ii) Multi-faced signs are measured as a total of all sign faces. However, when two identical sign faces are placed back-to-back so that both faces cannot be viewed from any point at the same time and are part of the same sign structure, the sign area shall be computed as the measurement of one of the two faces. (See Figure 4.D.) When the sign has more than two display surfaces, the area of the sign shall be the total area of largest display surfaces that are visible from any single direction. (See Figure 4.E.)

Figure 4.D: Area of Freestanding Sign with Identical Back-to-Back Faces

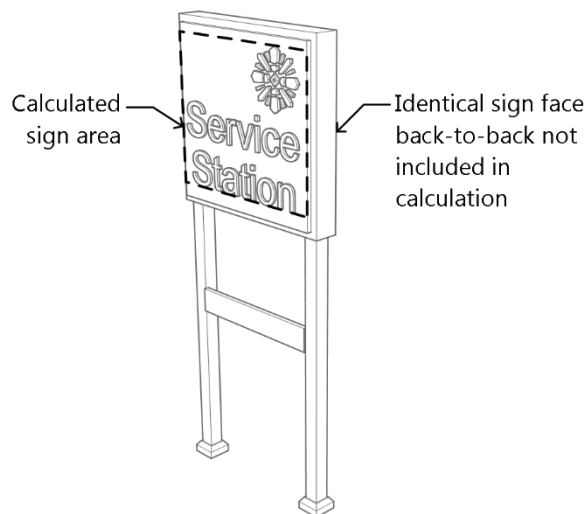
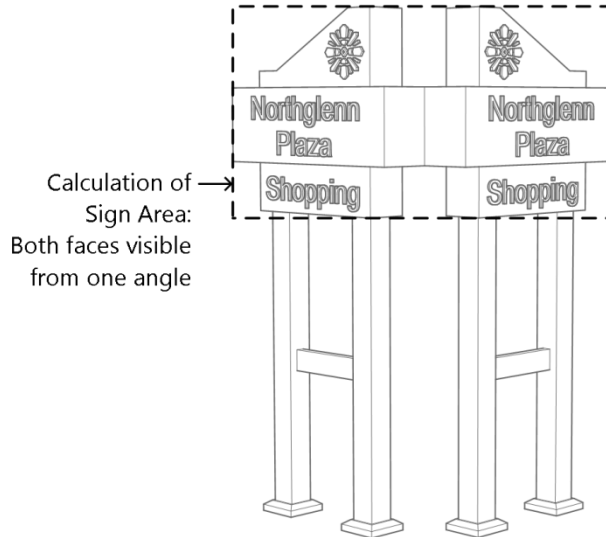


Figure 4.E: Area of a Freestanding Sign with Two Faces Visible from Any Direction

**(C) Disputes**

If an applicant does not agree with the determination of sign area, the applicant can submit a formal application to the Board of Adjustment in accordance with Section 11-6-7(d), *Appeal*.

**(2) Determining Sign Height**

- (A)** The height of a freestanding sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground, to the highest point of the sign. A freestanding sign on an elevated base of any kind, including a graded earth mound, shall be measured from the grade of the nearest pavement or top of any pavement curb.
- (B)** Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign including any framework or other embellishments.

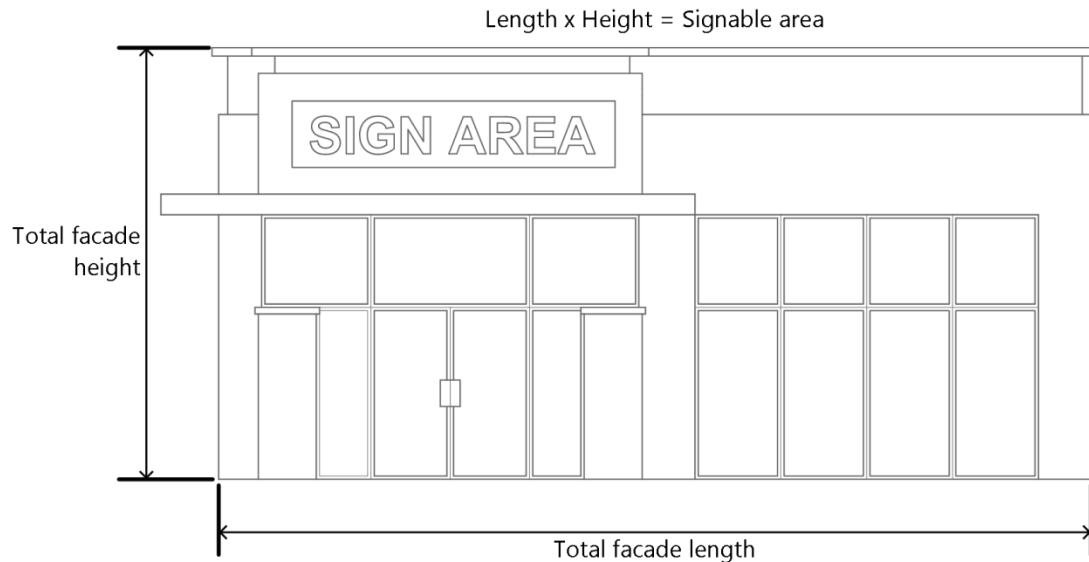
**(3) Illumination**

- (A)** Lighting for signs shall not create a hazardous glare for pedestrians or vehicles either in a public street or on any private premises.
- (B)** The light source, whether direct, indirect, or internal, shall be shielded from view. This requirement is not intended to preclude the use of diffused exposed neon or electronic message centers (EMC).
- (C)** Illumination for directly or indirectly illuminated signs shall utilize focused light fixtures that do not allow light or glare to shine above the horizontal plane of the top of the sign or onto any public right-of-way or adjoining property.
- (D)** Each internally illuminated sign (including EMCs) shall be designed so that illumination does not exceed 500 nits (candelas per square meter).
- (E)** Each directly or indirectly lit sign shall be designed so that illumination does not exceed 100 luxes (10 footcandles) measured at a distance of 10 feet from the sign.

**(4) Building Façades**

- (A)** The building façade shall include the building walls that face a public street or a parking lot which serves the uses therein.
- (B)** The area of any building façade shall be defined as the square footage of all wall areas parallel, or nearly parallel, to a street frontage, excluding any such wall area determined by the Director as clearly unrelated to the facade criteria. (See Figure 4.F.)

Figure 4.F: Calculation of Façade Area for Wall Signs



- (C) Buildings with two or more façades. The square footage of the wall and allowable sign area shall be calculated separately for each such building façade.
- (D) Multiple-tenant Building. The sign area for a multiple tenant unit shall be determined by measuring the square footage of that tenant unit's building façade.

#### (5) Vision Triangles

The vision triangle free of sign obstructions is required where a driveway intersects a public right-of-way or where property abuts the intersection of two public rights-of-way pursuant to Section 11-2-19(d).

### (f) Permanent Non-Residential Signs

#### (1) Wall Signs

- (A) The linear dimension of the wall sign(s) shall not be greater than 80 percent of either the length of the tenant space or the length of the building façade.
- (B) For multi-story buildings, individual buildings with three stories or greater with multiple tenants are subject to the following provisions:
  - (i) One high wall sign per façade may be located in the area between the bottom of the top floor and the top of the parapet wall; and
  - (ii) Remaining signage must be located between the ground level and first floor.
- (C) Signage can be internally, directly or indirectly illuminated.
- (D) The area of all wall sign(s) shall be based upon the following Table 4-10-A:

**Table 4-10-A: Maximum Wall Sign Area Allowed**

<b>Building or Tenant Façade</b>	<b>Max Sign Area Allowed</b>
250 sq. ft. or less	25 sq. ft.
All other buildings as follows:	10 percent of the building or tenant façade, up to the following maximum area:
251 to 1,000 sq. ft.	100 sq. ft.
1,001 to 2,500 sq. ft.	225 sq. ft.
2,501 to 5,000 sq. ft.	400 sq. ft.
More than 5,000 sq. ft.	450 sq. ft.

**(2) Marquee, Awning, Canopy Signs, and Changeable Copy**

- (A) One marquee, canopy, awning, or changeable copy sign shall be allowed per business or tenant for each public street frontage faced by the business or tenant.
- (B) Any portion of the marquee, canopy, awning, or changeable copy sign that is used for commercial advertisement shall be counted towards the wall sign allowance.
- (C) No portion of the signage shall be allowed to extend above or below the marquee, canopy, or awning.

**(3) Projecting Signs**

- (A) Projecting signs shall have a maximum area of 12 square feet.
- (B) Projecting sign area will count towards wall sign allowance.
- (C) The bottom of the sign shall be a minimum of eight feet above the sidewalk.
- (D) Sign(s) shall not project more than four feet from the wall of the building on which the sign is placed; and adjacent projecting signs shall not be closer than 20 feet to one another.

**(4) Freestanding Signs**

- (A) Multiple-tenant Building. If two or more businesses share a building, joint identification signs shall be used. (Reference Section 11-4-10(f)(5)).
- (B) Single-tenant Building. Only one sign is allowed for each street frontage, with a maximum of two signs per single-tenant building.
- (C) If a freestanding sign exceeds eight feet in height, the width of the base shall not exceed one-third the width of the sign face.
- (D) No two freestanding signs shall be closer together than 10 feet. In the event that two signs are located on one site, they each must be separated by a minimum of 50 feet from one another.
- (E) Signs shall be set back a minimum of 10 feet from the edge of curb. In no case shall a sign be placed in the right-of-way or obstruct any vision triangle as outlined in Section 11-2-19(d).
- (F) Signs may be internally or indirectly illuminated.
- (G) Electronic message centers (EMCs) are permissible, subject to the regulations in Section 11-4-10(f)(6).
- (H) Uses with a drive-through facility.
  - (i) A maximum of two additional signs are allowed per service drive aisle, not to exceed 50 square feet or eight feet in height each.
  - (ii) Sign(s) must be adjacent to service drive aisle.
  - (iii) Electronic message centers (EMCs) are permissible, subject to the regulations in Section 11-4-10(f)(6).
- (I) The area of freestanding sign(s) shall be based upon the following Table 4-10-B:

**Table 4-10-B: Freestanding Sign Requirements**

Building Square Footage	Max Area per Face	Max Height	Setback	Monument Sign Max. Area per Face	Monument Sign Max. Height
0 to 10,000 sq. ft.	36 sq. ft.	25 feet	10 feet from edge of curb	45 sq. ft.	8 feet
More than 10,000 sq. ft.	60 sq. ft.	30 feet		75 sq. ft.	

**Note:**  
Refer to Section 11-4-10(f)(4)(H) for provisions for uses with a drive through.

**(5) Joint Identification Signs**

Joint identification signs shall be used for those businesses in non-residential zones that have two or more businesses sharing a building. Individual freestanding signs shall not be permitted in these cases.

- (A) Business sharing a common wall or a joint driveway or parking area may submit an application for a joint identification sign.
- (B) For a new joint identification sign or for a modification to a permitted sign, the applicant must provide documentation signed by each property owner identifying the rules, regulations and maintenance obligations pertaining to the sign.
- (C) Only one sign is allowed for each street frontage, with a maximum of two signs per multiple-tenant building. If two signs are used, the maximum area based on building square footage shall be allowed for both signs.
- (D) A maximum of 25 percent of the joint identification sign shall be used for the shopping center anchor sign panel; a minimum of 10 square feet shall be used for all other business sign panels.
- (E) All signs shall be set back a minimum of 10 feet from the edge of curb. In no case shall a sign be placed in the right-of-way or obstruct any vision triangle as outlined in 11-2-19(d).
- (F) Sign(s) may be internally or indirectly illuminated.
- (G) Electronic message centers (EMCs) are permissible, subject to the regulations in Section 11-4-10(f)(6).
- (H) Additional requirements for joint identification signs are included in Table 4-10-C:

**Table 4-10-C: Joint Identification Sign Requirements**

Building Square Footage	Max Area per Face	Max Height	Setback	Monument Sign Max. Area per Face	Monument Sign Max. Height
0 to 10,000 sq. ft.	50 sq. ft.	25 feet	10 feet from edge of curb	62.5 sq. ft.	8 feet
10,001 to 20,000 sq. ft.	100 sq. ft.			125 sq. ft.	
20,001 to 40,000 sq. ft.	150 sq. ft.			187.5 sq. ft.	
40,001 to 80,000 sq. ft.	200 sq. ft.	250 sq. ft.			
80,001 to 160,000 sq. ft.	250 sq. ft.	30 feet	312.5 sq. ft.		
More than 160,000 sq. ft.	300 sq. ft.	40 feet	375 sq. ft.		

**(6) Electronic Message Centers (EMC)**

EMCs may be incorporated into freestanding signs and are subject to the following restrictions:

**(A) Message Hold Time**

Each message displayed shall remain static for a minimum of eight seconds. All such signs shall have a default mode to prevent the display from malfunctioning in a flashing or intermittent flash on.

**(B) Transition Method**

Each electronic sign shall be limited to static messages only and shall not have movement, or the appearance of optical illusion of movement of any part of the sign structure design, or pictorial segment of the sign. This shall include the movement or appearance of movement of any illumination or the flashing, scintillating or varying of light intensity. The transition duration shall be instantaneous.

**(C) Brightness/Luminance**

- (i) Each electronic sign shall be equipped with dimming technology that automatically varies the brightness of the electronic sign according to ambient light conditions.
- (ii) The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety or welfare. Lighting from the message module shall not exceed 500 nits (candelas per square meter) between dusk and dawn as measured by the equivalent "Percentage of Maximum Brightness-Nighttime" setting on the applicant's sign controlling software. Applications for sign permits containing an electronic display shall include the manufacturer's specifications and brightness rating. City officials shall have the right to view the technical specifications of the sign to determine compliance.

**(D) Sequential Messaging**

- (i) Consecutive messaging from a single advertiser, regardless of content, is strictly prohibited. A minimum of one message hold time period is required between single advertiser messaging.

**(7) Window Signs**

- (A) The combination of all window signs, temporary and/or permanent, shall not exceed 25 percent of the total window area per façade.
- (B) Window signs that meet the standards set forth above shall be exempt from requiring a sign permit.

**(8) Off-Premise Commercial Advertising Signs**

Off-premise commercial advertising signs shall be allowed in those specifically defined areas of C-5 Commercial, I-1 and I-2 Industrial Zones located adjacent to Interstate Highway 25, as set forth in 11-4-10(k) and are subject to the following conditions:

- (A) They shall not exceed 60 feet in height or 672 square feet in area;
- (B) They shall be placed at least 2,000 feet apart;
- (C) They shall be set back a minimum of 25 feet from the front property line;
- (D) On corner lots, they shall not be placed within a 300-foot vision triangle;
- (E) They may be indirectly or internally illuminated;
- (F) They may be placed at ground level except when the sign would be closer than 1,000 feet to an intersection, in which case, the bottom of the sign shall be elevated at least eight feet above the ground;
- (G) No more than two poles or other structural members shall be used to support the sign;
- (H) They shall have no more than two sides, and no more than one sign or message shall be placed on each side of the structure; and
- (I) An electronic message center (EMC) may be incorporated into an off-premise commercial advertising sign subject to the following restrictions:
  - (i) **Message Hold Time**  
Each message displayed shall remain static for a minimum of five seconds. All such signs shall have a default mode to prevent the display from malfunctioning in a flashing or intermittent fashion.
  - (ii) **Transition Method**  
Each electronic sign shall be limited to static messages only and shall not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign. This shall include the movement or appearance of movement of any illumination or the flashing, scintillating or varying of light intensity. The transition duration shall be instantaneous.
  - (iii) **Brightness / Luminance**  
Each electronic sign shall be equipped with dimming technology that automatically varies the brightness of the electronic sign according to the ambient light conditions.
  - (iv) The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety or welfare. Lighting from the message module

shall not exceed 500 NIT (Candelas per square meter) between dusk and dawn as measured by the equivalent "Percentage of Maximum Brightness-Nighttime" setting on the applicant's sign controlling software. Applications for sign permits containing an electronic display shall include the manufacturer's specifications and NIT rating. City officials shall have the right to view the technical specifications of the sign to determine compliance.

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## **(g) Temporary Nonresidential Signs**

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### **(1) Temporary Nonresidential Signs**

- (A)** There shall be no more than four permitted temporary signs allowed per parcel at one time.
- (B)** Placement of such signs shall not exceed 120 days per business in a calendar year. Permits shall be issued with a minimum of 15 consecutive days and a maximum of 60 consecutive days used in a time block. The following exceptions apply:
  - (i) Signs on Projects While Under Construction**  
Signs may be displayed for the duration of the construction project or completion of transaction, and shall be removed upon completion of the project.
  - (ii) Election Season Signs**  
Signs may be displayed 60 days prior to the election and must be removed within five days of the election.
  - (iii) Weekend Signs**  
Signs may be displayed from noon on Friday until noon the following Monday.
- (C)** Temporary signs shall not be illuminated.
- (D)** Temporary signs are subject to the following:
  - (i)** Sign(s) shall be set back a minimum of 10 feet from the edge of curb. In no case shall a sign be placed in the right-of-way or obstructing and vision triangle as outlined in Section 11-2-19(d);
  - (ii)** Sign(s) may not be located to interfere with pedestrian, bicycle or vehicle traffic; and
  - (iii)** Sign(s) must be anchored to the ground or weighted sufficiently to prevent movement by wind.
- (E)** Temporary signs are subject to the regulations as depicted in Table 4-10-D:

**Table 4-10-D: Temporary Nonresidential Sign Requirements**

Sign Type	Max Area per Sign Face	Max Sign Height	Number Permitted	Permit Required?
Wall Banner Business < 10,000 sq. ft. Businesses 10,000 – 25,000 sq. ft. Businesses > 25,000 sq. ft.	40 sq. ft. 70 sq. ft. 100 sq. ft.	N/A	Up to 2 wall banners; when combined, total square footage not to exceed max area per sign face	Yes
Pole Banner/Wind Blade	36 sq. ft.	15 feet	4	Yes
Freestanding Banner	40 sq. ft.	8 feet	Up to 2 freestanding banners; when combined total square footage not to exceed max area per sign face	Yes
Portable/A-frame/Sandwich Board	8 sq. ft.	8 feet	2	Yes
Sign Spinner	12 sq. ft.	6 feet	2	Yes
Signs on Projects While Under Construction	96 sq. ft.	10 feet	1 <sup>(1)</sup>	Yes
Election Season Signs - Freestanding	3 sq. ft.	8 feet	3	No
Election Season Signs – Wall Banner	18 sq. ft.	N/A	2	No
Weekend Signs	6 sq. ft.	8 feet	No limit	No

**NOTE:**

[1] One sign for each subcontractor, real estate affiliate, or development partner associated with the project.

**(2) Vehicle Signs**

- (A)** Vehicles that are parked or stored for more than 96 hours with a vehicle mounted sign more than two square feet must acquire a temporary sign permit and shall comply with the following:
  - (i)** Only one vehicle per applicant is allowed to display signage;
  - (ii)** The motor vehicle sign may not be larger in any dimension than or extend beyond any surface of the vehicle or trailer to which it is attached;
  - (iii)** The motor vehicle sign must be attached to a vehicle or trailer that is registered and operable;
  - (iv)** The motor vehicle sign may not be attached to a vehicle or trailer parked or stored in a public right-of-way or an area not designed, designated, or commonly used for parking; and
  - (v)** The motor vehicle sign may not be attached to a vehicle or trailer that is regularly parked or stored in a "front yard" or "side yard", as such terms are defined in Section 11-1-1 of the UDO, that abuts a street, when there are other areas of the property designed or available for the parking or storage of the vehicle or trailer that are not visible from the street or do not abut streets, or parked or stored within 50 feet of a street when there are other areas of the property designed, designated, or available for the parking or storage of the vehicle or trailer that are more distant from the street or not visible from the street.
- (B)** The vehicle sign shall be considered in compliance if evidence can be shown of the following:
  - (i)** The regulations in the subsection above shall not apply to signs displayed on vehicles which are being operated or stored in the normal course of a business, such as signs indicating the name of the owner or business which are located on moving vans, delivery trucks, and rental vehicles, and provided further that they are stored or parked in areas and in such a fashion as is appropriate to their use as vehicles. Signs measuring two square feet or less shall be exempt.



- (ii) The activities that are being actively undertaken during such periods of parking involve loading or unloading of goods for customers, providing services to customers, conducting business, or engaging in work breaks.
- (iii) The activities require the presence of the vehicle for the purposes of transporting equipment, people, supplies and/or goods necessary for the carrying out of such activities.
- (iv) The activities above are not, other than incidentally, related to advertising, identifying, displaying, directing or attracting attention to an object, person, institution, organization, business, product, service, event or location.

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## (h) Permanent Residential Signs

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### (1) Single-Family Permanent Signs

Single-family residential shall include single family homes and duplexes. Single-family permanent signs do not require a permit and are subject to the following provisions:

- (A) There shall be a maximum of one sign per street frontage;
- (B) Sign(s) shall not exceed two square feet per sign face;
- (C) Sign(s) shall be limited to wall, window or freestanding type placement;
- (D) Sign(s) may be indirectly illuminated; and
- (E) Sign(s) shall be setback a minimum of 10 feet from the edge of curb. In no case shall a sign be placed in the right-of-way or obstructing any vision triangle as outlined in 11-2-19(d).

### (2) Multifamily Permanent Signs

- (A) There shall be a maximum of one sign per access point abutting the complex.
- (B) Sign(s) shall be freestanding.
- (C) Sign(s) shall not exceed 75 square feet per sign face.
- (D) Sign(s) shall be no more than eight feet in height.
- (E) Sign(s) may be indirectly illuminated.
- (F) Sign(s) shall be setback a minimum of 10 feet from the edge of curb unless otherwise approved by the Department of Planning and Development. In no case shall a sign be placed in the right-of-way or obstructing any vision triangle as outlined in 11-2-19(d).

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## (i) Temporary Residential Signs

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### (1) Single-Family Temporary Signs

- (A) Temporary signs do not require a permit; however are subject to the provisions outlined below:
  - (i) There shall be a maximum of one wall, window, or freestanding sign;
  - (ii) Sign shall not exceed six square feet in area; and
  - (iii) Sign can be in place for up to 90 days or the duration of the event.
- (B) Election season signs do not require a permit; however are subject to the provisions outlined below:
  - (i) Election season signs are allowed during election season on a residential parcel in a number equal to the number of ballot issues and ballot candidates; and
  - (ii) Such signs shall not exceed three square feet per face, exceed six feet in height, or obstruct any vision triangle as outlined in 11-2-19(d).

### (2) Multifamily Temporary Signs

Temporary signs for multifamily residential are subject to the provisions of temporary non-residential signs found in Table 5, as well as the following:

#### (A) Generally

- (i) There shall be no more than four permitted temporary signs allowed at one time;

- (ii) Placement of such signs shall not exceed 120 days in a calendar year. Permits shall be issued with a minimum of 15 consecutive days and a maximum of up to 60 consecutive days used in a time block;
- (iii) Sign(s) shall be set back a minimum of 10 feet from the edge of curb. In no case shall a sign be placed in the right-of-way or obstructing any vision triangle as outlined in Section 11-2-19(d);
- (iv) Sign(s) may not be located to interfere with pedestrian, bicycle or vehicle traffic;
- (v) Sign(s) shall not be illuminated; and
- (vi) Sign(s) must be anchored to the ground or weighted sufficiently to prevent movement by wind.

**(B) Dwelling Unit Signs**

Individual dwelling unit signs do not require a permit and are subject to the following provisions:

- (i) There shall be a maximum of one sign per dwelling unit;
- (ii) Sign shall be limited to wall, window or balcony type placement;
- (iii) Sign shall not exceed two square feet per sign face; and
- (iv) Sign may be indirectly illuminated.

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**(j) Comprehensive Sign Plans**

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**(1) Purpose**

This Article is established for the consideration of sign proposals that may require additional flexibility for use in larger scale developments, developments that have unique configurations, or projects that demonstrate unique circumstances. The intent of this provision is to generate continuity and cohesiveness between proposals for various signs associated with development projects and to strike a balance between signage needs and general aesthetics.

**(2) Applicability**

The owner of any property, or the owners of multiple contiguous properties, may submit an application for a CSP for any residential or nonresidential use. CSPs are subject to the following:

- (A) Signage which is proposed as part of a CSP may deviate from the standards and requirements of this section including, but not limited to, the following and subject to compliance with the CSP standards set forth in this Article:
  - (i) Types and numbers of signs allowed;
  - (ii) Maximum sign area;
  - (iii) Maximum height of signs;
  - (iv) Placement of signs; and
  - (v) Materials and illumination standards.
- (B) All parties affected by provisions of the CSP must be signatory to such plans; provided, however, that if a site(s) with multiple property owners is governed by a management agreement, the duly-constituted representative of the management association or firm shall be signatory to such plans. It is unnecessary for owners or lessees to sign if said representative has signed on their behalf.

**(3) Application and Approval Process****(A) Submittal Requirements**

Applicants must submit a detailed sign plan with attached written and visual stipulations to the Planning Commission for review and approval. Such stipulations shall consider all appropriate concerns including, but not limited to, the following items:

- (i) Location;
- (ii) Size;
- (iii) Height;
- (iv) Color;

- (v) Lighting;
- (vi) Orientation; and
- (vii) Construction materials.

**(B) Criteria for Approval**

In making its determination on an application for a CSP, the Planning Commission shall consider:

- (i) Compatibility, in terms of scale and architectural features, with the site and surrounding area;
- (ii) Harmony with the character of the neighborhood;
- (iii) Need for the proposed use;
- (iv) Impact on the surrounding land uses;
- (v) General conformance to the purposes of this section and other ordinances; and
- (vi) The health, safety and welfare of the inhabitants of the area and City of Northglenn.

**(C) Sign Permit Required**

Following approval of a CSP, no signs may be constructed prior to obtaining a sign permit.

**(D) Appeal**

Any denial of the Planning Commission may be appealed by the applicant submitting formal application to the City Council under the process outlined in Section 11-6-7(d), *Appeal*.

**(E) Expiration**

An approved CSP shall expire one year from the date of approval if no allowed signs have been constructed or erected or obtained a sign permit within such time period.

**(4) CSP Modifications**

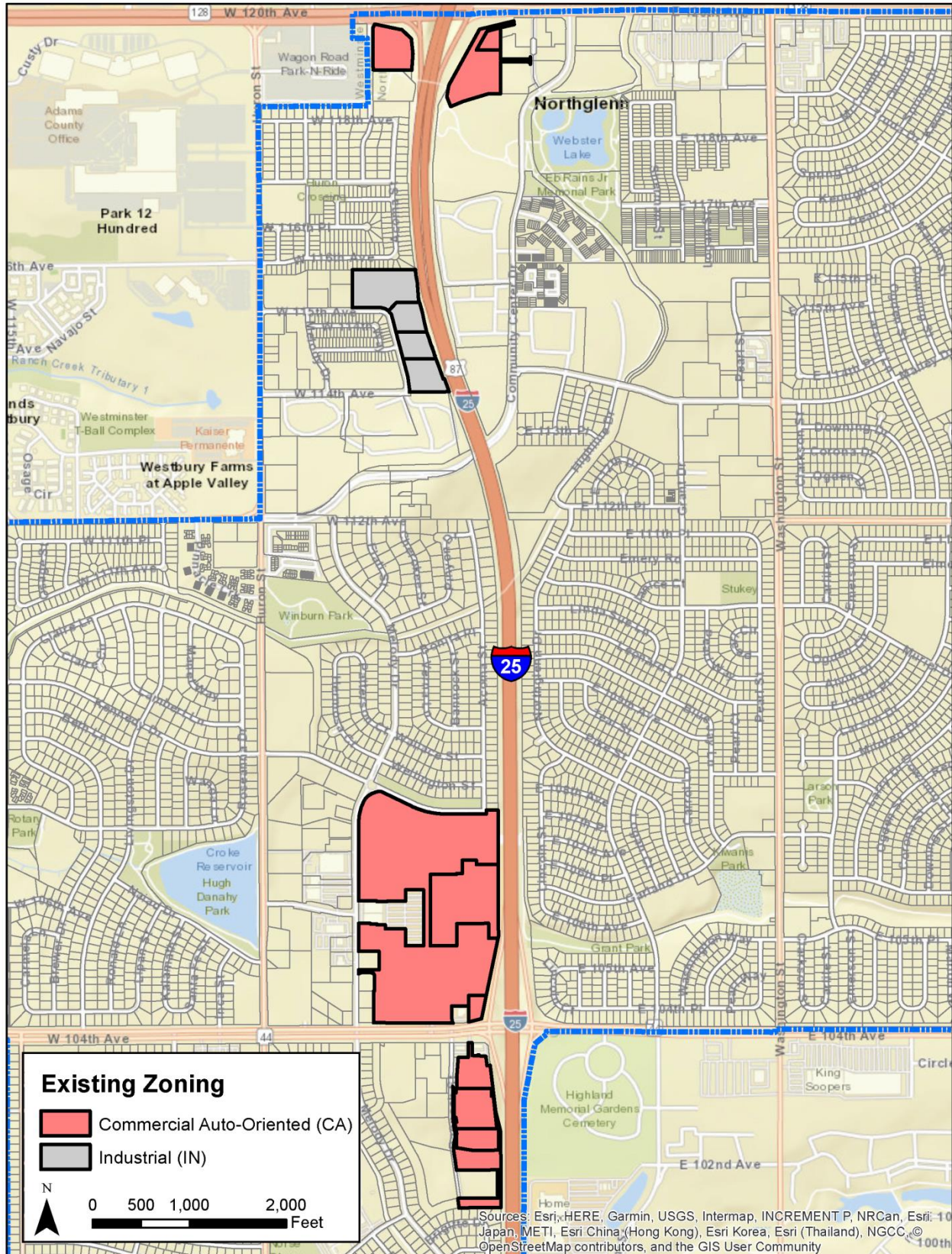
**(A)** Once authorized by the Planning Commission, a CSP may be modified through the following procedure:

- (i) The Director is authorized to determine whether a modification of or a release from a provision of the sign plan would constitute a substantial variation from the guidelines originally approved by the Planning Commission.
- (ii) If the determination is that the modification or release is not substantial, the Director is authorized to grant such a change, and a written summary of such determination shall be placed in the file for the comprehensive sign plan, and a copy of said determination shall be forwarded to the Planning Commission, for their information, at the next scheduled Planning Commission meeting.
- (iii) If the Director determines that the requested change is substantial, the proposed change and all relevant material shall be submitted to the Planning Commission.
- (iv) The Commission shall allow the proposed change only if the following criteria are met:
  - a. The proposed change will not adversely affect the development and preservation of the entire sign plan;
  - b. The change will not adversely affect surrounding land uses;
  - c. The change will not conflict with the purposes of this section; and
  - d. The change is not granted solely to confer a special benefit upon any party.

Nothing in these provisions shall be construed to deny the Planning Commission power to require any modification of or release from any provision of the CSP so that the plan conforms to other City ordinances.

- (v) Any denial of the Planning Commission may be appealed by the applicant submitting formal application to the City Council under the process outlined in Section 11-6-7(d), *Appeal*.

(k) Map of Allowed Off-Premise Sign Areas



# Article 5: Subdivision Standards

## 11-5-1 Purpose

This article establishes the minimum standards for the design and improvement of land subdivision projects to ensure that each building site:

- (1) Is capable of accommodating a structure for its intended use;
- (2) Is consistent with the standards in this UDO;
- (3) Is adequately mitigated from natural hazards;
- (4) Is adequately served by a street network providing safe and convenient access; and
- (5) Has sufficient access to public improvements and services.

## 11-5-2 Applicability

### (a) General Applicability

This article shall apply to divisions of land into two or more parcels, building sites, tracts, or lots. Evaluation and approval of subdivision applications shall be pursuant to Section 11-6-6, *Subdivision Procedures*.

### (b) Existing Subdivision Agreements and Covenants

- (1) Subdivisions filed and recorded prior to the effective date of this UDO shall not be regulated by this article unless proposed for any re-subdivision.
- (2) This article is not intended to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of private agreements or restrictive covenants running with the land. Where this article imposes a greater restriction than that imposed by existing provisions of law, contract, or deed, the provisions of this article shall control.

### (c) Minimal Standards

The standards in this article are the minimum. The City may impose more restrictive standards when it finds that they are necessary to comply with applicable engineering standards or other standards applicable to the City of Northglenn.

## 11-5-3 Subdivision Design Standards

### (a) Compliance with Zoning Requirements

The layout of road, lots, driveways, utilities, drainage facilities, and other services and improvements shall be designed to minimize the amount of land disturbance, maximize the amount of open space, preserve existing trees and vegetation, protect sensitive areas, and otherwise implement the intent of this UDO. Applicants shall ensure that proposed subdivisions are designed to comply with the standards for the underlying base zoning district(s) to avoid creating lots that will make compliance with such standards difficult or infeasible.

### (b) Suitability of Land for Subdivision

Land subject to natural hazards shall be considered unsuitable for development and/or occupancy if such development or occupancy may impair the health, safety, or welfare of the inhabitants. Where such hazards exist, development or subdivision shall only be permitted with adequate mitigation approved by a registered professional engineer licensed in the State of Colorado.

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### **(c) Subdivision Design Adjacent to Railroad, Highway, or Arterials**

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Where a subdivision borders a railroad right-of-way, a freeway, or an arterial, the design of the subdivision shall include adequate provisions for reduction of noise, such as incorporating a parallel street, a landscaped buffer area, or lots with increased setbacks.

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### **(d) Block and Lot Design**

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- (1) Blocks shall be at least 400 feet in length and not more than 1,320 feet in length between street intersections.
- (2) Blocks exceeding 1,000 feet in length shall include pedestrian crosswalks and pedestrian easements to facilitate pedestrian circulation.
- (3) Block lengths and widths shall be suitable for the uses contemplated and the zoning district standards for minimum lot sizes and dimensions.
- (4) Each lot shall comply with the applicable zoning district requirements.
- (5) Reverse frontage lots shall be avoided to the maximum extent practicable.
- (6) Side lot lines shall be at right angles or radial to street lines to the maximum extent practicable.

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### **(e) Street Design and Construction**

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- (1) Streets shall be designed pursuant to the standards in Section 11-4-5, *Access and Circulation*.
- (2) Streets shall be designed, installed, and constructed pursuant to and in compliance with the applicable provisions of Chapter 16 of the Municipal Code and the street specifications adopted by Article 8 of Chapter 16, and the Public Works Standards and Specifications.
- (3) No lot or parcel of land in the City of Northglenn adjacent to or fronting an unimproved street shall be used for residential, commercial or industrial purposes until the required street improvements have been installed and constructed, unless an improvements agreement guarantee has been approved pursuant to Section 11-5-6, *Guarantee of Public Improvements*.
- (4) Compliance with the requirements of this section shall be a prerequisite to the issuance of a building permit under the provisions of Article 43 of this Chapter.

## **11-5-4 Public Improvement Standards**

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### **(a) Purpose**

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This section establishes the minimum acceptable standards for improvement of streets and utilities. All improvements in streets or easements that are required as a condition to plat approval shall be the responsibility of the subdivider.

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### **(b) Improvements Required**

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The following improvements shall be provided by the subdivider:

- (1) Streets, pursuant to this article, Section 11-4-5, *Access and Circulation*.
- (2) Curbs, gutters and sidewalks pursuant to the Public Works Standards and Specifications and Section 11-4-5, *Access and Circulation*.
- (3) Bridges, culverts, or open drainage channels (where required), pursuant to the Public Works Standards and Specifications.
- (4) Water lines pursuant to the Public Works Standards and Specifications.
- (5) Sanitary sewer lines pursuant to the Public Works Standards and Specifications.

- (6) Storm drainage improvements and storm sewers where required, subject to the standards in Section 11-4-4, *Stormwater and Drainage Control*, and the Public Works Standards and Specifications.
- (7) Fire hydrants, pursuant to the Fire Code.
- (8) Street lights, pursuant to the Public Works Standards and Specifications.
- (9) Landscaping pursuant to Section 11-4-7, *Landscaping, Screening, and Fencing*.
- (10) Other improvements not specifically mentioned deemed necessary by the Director due to conditions found on the site.

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### (c) Underground Utilities

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- (1) Utilities shall be placed underground to the maximum extent practicable. The subdivider shall be responsible for complying with the requirements of this section and shall make the necessary arrangements including any construction or installation charges with each of the serving utilities for the installation of such facilities and shall be subject to all applicable laws and regulations for the construction of the same.
- (2) Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, and other facilities necessarily appurtenant to such underground utilities may be placed above ground; electric transmission and distribution feeder lines and communication long distance trunk and feeder lines and necessary appurtenances may be placed above ground in required easements.
- (3) Existing facilities or subdivisions platted prior to the adoption of this ordinance shall not be required to comply with Section 11-5-4(c).

## 11-5-5 Land Dedications

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### (a) Intent

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This section is intended to provide adequate sites for the location of public facilities necessitated by the impacts created by new development. Such sites may be dedicated to the City, special district, or homeowners' association for eventual construction and maintenance. The intent is to require appropriate mitigation in proportion to the impacts being created by new development.

### (b) General Requirements

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The developer shall provide for the construction of, at no cost to the City or special district, all roads adjacent to the area being platted in conformance with the City Master Plan, all roads adjacent to publicly dedicated sites, traffic signalization to serve the site, extensions of all utilities to the site and other public infrastructure as required by the City Council. Security needed to ensure such improvements shall be required at the time of final platting as requested by the City Council.

### (c) Lands for Parks, Trails, and Open Space

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#### (1) Applicability and Purpose

Whenever land is proposed for residential subdivision, the developer shall provide land or cash in lieu of land for park, trail and open space demand generated by the proposed use. In general, these lands shall be suitable for the development of active play areas, passive open areas or trails or, in some instances, to preserve unique landforms or natural areas. Where no suitable land is available in a residential development, cash in lieu of land or the equivalent monetary value or the donation of recreation facilities may be substituted at the City's discretion.

#### (2) Conveyance of Dedicated Land

- (A) The conveyance of dedicated park land and open space to the City shall be by warranty deed or special warranty deed, and the title shall be free and clear of all liens and encumbrances, including real property

taxes prorated to the time of conveyance. Dedicated park land shall include the necessary water rights or other available water service to provide for irrigation and drinking water.

- (B) Community and neighborhood parks and all other dedicated open space land shall be conveyed as specified by the subdivision improvement agreement.

**(3) Cash-in-Lieu-of-Land Dedication**

**(A) Applicability**

Cash-in-lieu-of-land dedication or off-site land dedications shall be used in cases in which the cash value of park land dedication and park development costs is deemed, by the City Council, to be more appropriate in satisfying the needs of the residents of the proposed development than land.

**(B) Schools**

Cash-in-lieu-of-land dedication shall be required when deemed by the City Council, upon recommendation of the school district, to be appropriate in satisfying the needs of the proposed residential development. For residential minor developments, the minimum cash-in-lieu fee shall be five hundred dollars (\$500.00) per each additional residential lot created.

## **11-5-6 Guarantee of Public Improvements**

**(1) Public Improvements Required**

- (A) In each new subdivision, the City Council shall determine the type, location and extent of necessary public improvements (the "Public improvements") depending upon the characteristics of the proposed development and its relationship to surrounding areas. Improvements shall be made by the applicant at the applicant's expense according to standards and specifications prepared by a qualified professional engineer in accordance with the applicable City of Northglenn regulations.
- (B) Public improvements, including, but not limited to, all streets, road rights-of-way, and sidewalk, drainage, and landscape improvements located within street and road rights-of-way, shall conform to the requirements of the applicable City planning documents, the Northglenn Municipal Code, and all other regulations pertaining to the development of land.
- (C) The City may also require public improvements as a condition of site development plan approval, which shall be subject to the requirements of this Section 11-5-6, including an agreement and the financial guarantee as set forth herein subject to City Council approval, to the extent the characteristics of the proposed development and its relationship to the surrounding areas require additional public infrastructure.

**(2) Acceptance of the Subdivision Agreement**

No final plat shall be approved or recorded until the applicant has submitted and the City Council has reviewed and accepted a subdivision agreement (or similar performance agreement) that provides for the construction of all required public improvements shown in the final plat documents and secured by the following:

**(A) Financial Guarantee**

A financial guarantee in the form of an irrevocable letter of credit or cash arrangement approved by the City Attorney (the "security") in the amount of 110 percent of the total construction cost of the public improvements. The City shall have the right to draw on the security for the purpose of restoring and remediating any site disturbance and/or constructing or completing construction of any public improvements, provided that the City shall not be obligated to undertake such action if the City Council, for good cause, deems it inadvisable to do so. In the event the City draws on the security, neither the applicant nor his or her successors or assigns shall engage in any work on the site until new security is provided to the City in the amount specified in this Section. Security shall be deposited to warrant the public improvements against defects during the two-year warranty period. Such warranty security shall be posted in the amount of 20 percent of the total construction cost of the public improvements for the two-year warranty period.

**(B) Restriction on Residential Approvals**

Until the Public Improvements are accepted for probationary purposes by the City in writing, the City shall not be obligated to issue any building permits for private improvements within the residential subdivision, except as provided herein. The sidewalks, plant material and related irrigation facilities for a City-approved



landscape plan for street, road rights-of-way, parks, open space and other public places (the "streetscape/landscape improvements") may be installed after probationary acceptance of the Public Improvements for a subdivision, subject to the following requirements:

- (i) A financial guarantee that complies with this Section in an amount of 110 percent of the total cost to purchase and install the streetscape/landscape improvements is provided to the City, which financial guarantee shall be in place until all of the streetscape/landscape improvements are installed and approved in writing by the City; provided, however, that the financial guarantee may be reduced to the extent provide herein.
- (ii) The City may withhold certificates of occupancy for private improvements within the subdivision for noncompliance with the provisions of this section.
- (iii) The City Attorney shall review and approve the subdivision agreement in the form set forth in the Administrative Manual.

# Article 6: Administration and Procedures

## 11-6-1 Purpose and Organization of this Article

This article describes the review and approval procedures for applications for land use and development in the City of Northglenn.

- (1) Section 11-6-3, *Common Development Review Procedures*, describes the standard procedures that apply to most development applications.
- (2) Sections 11-6-4 through 11-6-7 contain specific information on each application type, including approval criteria and any additions or modifications to the common review procedures.
- (3) Section 11-6-8, *Review and Decision-Making Bodies*, contains descriptions of the review and decision-making authorities, including the City Council, Planning Commission, Board of Adjustment, Director of Planning and Development, Development Review Committee, and other City officials.

## 11-6-2 Summary Table of Development Review Procedures

Table 6.A on the following page lists the development applications authorized in this UDO. For each type of application, the table indicates whether a pre-application conference is required and the role of City review and decision-making authorities.

**Table 6.A: Summary of Development Review Procedures**

KEY: R= Review and Recommendation D= Review and Decision A= Appeal ✓= required

Procedure	Section	Pre-Application Meeting	Review and Decision-Making Bodies			
			Staff	Board of Adjustment	Planning Commission	City Council <sup>[1]</sup>
<b>Ordinance Amendments</b>						
Rezoning	11-6-4(a)	✓	R		R	D
Rezoning to Planned Development (PD) District	11-6-4(b)	✓	R		R	D
PD District Amendment	Minor	11-6-4(b)(3)(F)(v)a	✓	D		A
	Major	11-6-4(b)(3)(F)(v)b	✓	R		R
UDO Text Amendment	11-6-4(c)	Not required	R		R	D
<b>Development Permits</b>						
Site Plan Review	Minor	11-6-5(a)(4)	✓	D		A
	Major	11-6-5(a)(3)	✓	R		D
Special Use Permit	11-6-5(b)	✓	R		D	A
Temporary Use Permit	11-6-5(c)	Optional	D		A	
Change of Use Permit	11-6-5(d)	Optional	D		A	
Oil and Gas Permit <sup>[2]</sup>	11-3-6(e)	✓	R		R	D
Comprehensive Sign Plan	11-4-10(j)	Optional	R		D	A
Wireless Service Facility	11-3-3(g)(3)	Optional	D		A	
<b>Subdivision Procedures</b>						
Minor Subdivision	11-6-6(a)	✓	D		A	
Preliminary Plat	11-6-6(b)	✓	R		R	D
Final Plat	Not requiring infrastructure improvements or SIA	11-6-6(c)(3)	✓	D		A
	Requiring infrastructure improvements and/or SIA	11-6-6(c)(4)	✓	R		R
Vacation of ROW or Easements	11-6-6(d)	✓	R			D
<b>Flexibility and Relief Procedures</b>						
Variance	11-6-7(a)	✓	R	D		
Administrative Adjustment	11-6-7(b)		<i>Decision-maker is same as associated application</i>			
Vested Rights	11-6-7(c)		<i>Pursuant to the associated site-specific development plan</i>			
Appeal	11-6-7(d)		<i>Pursuant to this table</i>			
UDO Interpretation	11-6-7(e)	Not required	D	A		

**NOTES:**

[1] Any application involving public infrastructure and/or a development agreement or subdivision improvement agreement requires approval by the City Council.

[2] Procedures summarized represent permit process for new oil and gas operations, not existing wells.

## 11-6-3 Common Development Review Procedures

### (a) General

This section describes the standard procedures and rules applicable to all development applications unless otherwise stated in this UDO. Common Review Procedures include six steps, not all of which are applicable to every development application. Application-specific procedures in Sections 11-6-4 through 11-6-7 identify additional procedures and rules beyond those in this section.

### (b) Pre-Application Meeting

#### (1) Purpose

The pre-application meeting is intended to provide an opportunity for the applicant to meet with City staff to review submittal requirements, procedures, and schedules; discuss details and potential impacts of the proposed project; and establish points of contact for the development review process.

#### (2) When Required

Pre-application meetings are required between City staff and the applicant according to Table 6.A, Summary of Development Review Procedures.

#### (3) Procedure

Pre-application meetings shall be scheduled in accordance with the following procedures.

##### (A) Request

The applicant shall submit a request for a pre-application meeting to the Planning and Development Department.

##### (B) Scheduling

The Director shall schedule pre-application meetings and notify appropriate staff and the applicant of the time and location of the meeting.

##### (C) Required Information

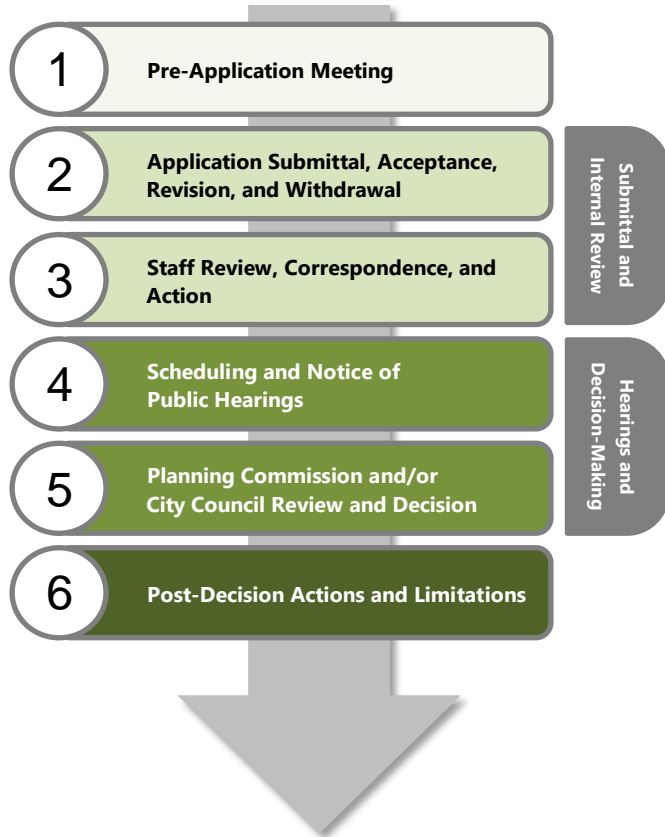
The applicant shall submit:

- (i) A written description of the proposed project;
- (ii) Conceptual drawings showing the location, layout, and primary elements of the proposal;
- (iii) Specific uses, location of uses, and densities proposed;
- (iv) Proposed construction phasing (if applicable); and
- (v) Proposed location of required public improvements (if applicable).

##### (D) Conference Determinations

City staff attending the pre-application meeting shall identify concerns or factors the applicant should consider related to the scope, features, and potential impacts of the project as they relate to this UDO. City staff shall also indicate to the extent possible whether additional approval procedures are required for the proposed project.

Figure 6.A: Summary of Common Review Procedures



**(4) Effect**

Any information or discussions held as part of the pre-application conference shall not be binding on the City or the applicant. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action to attach that condition to a development approval.

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**(c) Application Submittal, Acceptance, Revision, and Withdrawal**

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**(1) Authority to Submit Application**

Unless expressly stated otherwise in this UDO, a development application shall be submitted by:

- (A)** The owner, contract purchaser, or any other person having a recognized property interest in the land on which development is proposed;
- (B)** A person authorized to submit the application on behalf of the owner, contract purchaser, or other person having a recognized property interest in the land, as evidenced by a letter or document signed by the owner, contract purchaser, or other person; or
- (C)** If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such persons shall sign the application or a letter or document consenting to the application.

**(2) Application Content**

- (A)** The application shall be submitted to the Planning and Development Department.
- (B)** The application shall be submitted on a form established by the Director.
- (C)** The applicant bears the burden of ensuring that an application contains sufficient information to demonstrate compliance with application requirements.

**(3) Application Fees**

- (A)** Application fees shall be paid at time of submittal according to the type of application. Fees shall be established by resolution by the City Council.
- (B)** All fees required by this UDO shall be paid to and collected by the Planning and Development Department, subject to Article 1 of Chapter 18 of the Municipal Code.
- (C)** Where initial application fees are based on the estimated costs of review of the application by an outside consultant (for example, review of a project's traffic impacts by a traffic consultant), and the Director determines that additional funds are needed to complete the consultant's review, the Director may impose additional application fees to recover the City's actual costs in completing review. Prior to imposing such additional fees, the Director shall notify the applicant of the additional fees and provide the applicant with the option to move forward or withdraw the application.
- (D)** If the City incurs costs beyond the amount deposited with the City and the applicant does not pay those costs within 30 days after written notice from the City, the City shall be entitled to a lien for those costs on the land being developed. The approval document for any application type with outstanding application fees shall not be recorded until such fees are paid in full.

**(4) Submittal and Review Schedule**

The Director shall establish a submittal and review schedule for development applications and shall include that information in the Administrative Manual. The Director may amend the schedule to ensure effective and efficient review under this UDO.

**(5) Determination of Application Completeness**

The Director shall determine whether the application is complete or incomplete within five business days. The Director shall provide written notification of application acceptance or denial.

**(A) Complete Applications**

A complete application shall be processed for review according to the procedures in this article. An application will be considered complete if it is submitted in the required form, includes all required information specified in this UDO and the Administrative Manual, and is accompanied by the applicable fee.

**(B) Incomplete Applications**

An incomplete application shall not be processed or reviewed. The Director shall provide written notice of the submittal deficiencies. The applicant may correct the deficiencies and resubmit the application for determination of application completeness. An incomplete application that is not resubmitted within 60 days shall be considered abandoned.

**(6) Minor Application Revisions**

An applicant may revise an application after receiving notice of compliance deficiencies following staff review according to Subsection (d), or on requesting and receiving permission from an advisory or decision-making body after that body has reviewed, but not yet taken action on, the application. Revisions shall be limited to changes that directly respond to specific requests or suggestions made by staff or the advisory or decision-making body, as long as they constitute only minor additions, deletions, or corrections and do not include significant substantive changes to the development proposed in the application, as determined by the Director. All other application revisions shall be processed as a new application per this Subsection (c).

**(7) Application Withdrawal**

**(A)** After an application has been accepted for review, the applicant may withdraw the application at any time by submitting a letter of withdrawal to the Director.

**(B)** If an application is withdrawn after required notice of any scheduled public hearing, the application shall be subject to limitations on the subsequent submittal of similar applications (See Subsection (h)(5), *Post-Decision Actions and Limitations*).

**(C)** An applicant is not entitled to a refund of application fees for withdrawn applications. However, the Director may refund fees not expended during the first round of staff review if the application is withdrawn within 10 days of acceptance and prior to preparation or distribution of any official written comments.

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**(d) Staff Review, Correspondence, and Action**

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**(1) Refer Application to Development Review Committee, Staff, and Review Agencies**

The Director shall distribute the complete application to appropriate staff and appropriate internal and external review agencies per the Administrative Manual.

**(2) Staff Review and Application Revisions**

Staff shall review the application and submit recommendations and comments to the applicant in a form established by the Director. The application will not move forward for further review until the applicant adequately responds to staff recommendations and comments.

**(3) Applications Subject to Staff Recommendation**

**(A) Staff Report**

If an application is subject to staff review and recommendation to the Planning Commission or City Council per Table 6.A, the Director shall prepare a written staff report. The staff report shall state whether or not the application complies with all UDO requirements and shall include a recommendation for a decision by the authorized decision-making body. The staff report may also recommend how noted deficiencies may be corrected and negative impacts mitigated.

**(B) Distribution and Availability of Application and Staff Report**

Within a reasonable time period before a meeting or hearing at which a development application is scheduled for review by an advisory or decision-making body, the Director shall submit a copy of the staff report to the applicant and advisory or decision-making body, and shall make the staff report and all related materials available for public review.

**(4) Applications Subject to Staff Decision**

**(A) Decision**

If an application is subject to staff review and a final decision by the Director per Table 6.A, the Director shall make a decision based on the review standards applicable to the application type. The decision shall be in writing and shall clearly state reasons for a denial or for conditions of approval.

**(B) Conditions of Approval**

Any conditions of approval shall be limited to conditions deemed necessary to ensure compliance with the requirements of this UDO, and shall relate to the anticipated impacts of the proposed development.

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**(e) Scheduling and Notice of Public Hearings**

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**(1) Scheduling**

**(A)** If an application is subject to a public hearing per Table 6.B, the Director shall schedule the public hearing for either a regularly scheduled meeting or a special meeting of the appropriate decision-making body.

**(B)** The public hearing shall be scheduled to allow sufficient time to prepare a staff report per Section (d)(3).

**(2) Public Hearing Notice**

**(A) General Notice Requirements**

All public hearings required by this UDO shall be preceded by the notices identified in Table 6.B.

<b>Table 6.B: Notice Requirements</b>						
✓ = required NR = not required						
Procedure	Section	Type of Notice Required			Timing (# of days before hearing)	
		Published	Written	Posted		
<b>Ordinance Amendments</b>						
Rezoning	11-6-4(a)	✓	✓	✓	15	
Rezoning to Planned Development (PD) District	11-6-4(b)	✓	✓	✓	15	
PD District Amendment	Minor	11-6-4(b)(3)(F)(v)a	NR			NR
	Major	11-6-4(b)(3)(F)(v)b	✓	✓	✓	15
UDO Text Amendment	11-6-4(c)	✓	NR	NR	15	
<b>Development Permits</b>						
Site Plan Review	Minor	11-6-5(a)(4)	NR			
	Major	11-6-5(a)(3)	✓	✓	✓	15
Special Use Permit	11-6-5(b)	✓	✓	✓	15	
Temporary Use Permit	11-6-5(c)	NR			NR	
Change of Use Permit	11-6-5(d)	NR			NR	
Oil and Gas Permit	<i>Pursuant to Section 11-3-6, Oil and Gas Operations</i>					
Comprehensive Sign Plan	<i>Pursuant to Section 11-4-10(j), Comprehensive Sign Plans</i>					
Wireless Service Facility	<i>Pursuant to Section 11-3-3(g)(3), Wireless Service Facilities</i>					
<b>Subdivision</b>						
Minor Subdivision	11-6-6(a)	NR			NR	
Preliminary Plat	11-6-6(b)	✓	✓	✓	15	
Final Plat	Not requiring infrastructure improvement or SIA	11-6-6(c)	NR			NR
	Requiring infrastructure improvement or SIA	11-6-6(c)	✓	✓	✓	15
Vacation of ROW or Easements	11-6-6(d)	✓	✓	✓	15	
<b>Flexibility and Relief</b>						
Variance	11-6-7(a)	✓	✓	✓	15	
Administrative Adjustment	11-6-7(b)	NR			NR	
Vested Rights	11-6-7(c)	<i>Pursuant to the applicable site-specific development plan</i>			NR	
Appeal	11-6-7(d)	✓	✓	✓	15	
UDO Interpretation	11-6-7(e)	NR			NR	

**(B) Notice Format and Content**

**(i) Published and Mailed Notice**

- a. A notice for any application requiring published or mailed notice per Table 6.B shall:
  1. Identify the application type;
  2. Describe the nature and scope of the proposed project;
  3. Identify the location of land subject to the application;
  4. Identify the date, time, and location of the hearing being noticed;



5. Identify where and when the application and materials may be inspected; and
  6. Indicate opportunity to appear at the public hearing.
- b. Published notice shall appear in a newspaper of general circulation in the City at least 15 days prior to the scheduled public hearing.
  - c. Mailed notices shall be sent via first class mail to all property owners within 300 feet of the subject property within the City of Northglenn, as measured from property boundaries.

**(ii) Posted Notice**

- a. For an application requiring posted notice per Table 6.B, at least one sign shall be posted on the parcel at least 15 days prior to the scheduled hearing. The sign shall be clearly visible from the most heavily traveled adjacent street or public right-of-way and shall remain on the property until after the hearing.
- b. The Director may require additional signs based on access and configuration of the property.
- c. Required posted notice shall:
  1. Identify the application type;
  2. Describe the nature and scope of the proposed project;
  3. Identify the date, time, and location of the hearing being noticed; and
  4. Identify a telephone number for additional information.

**(C) Request to Continue Scheduled Hearings**

An applicant may request that review of an application scheduled for a public hearing be continued in accordance with the following provisions.

- (i) Before any notice is published, mailed, or posted, a written request that states the reasons for continuance shall be submitted to the Director, who may grant the request for good cause shown.
- (ii) Any subsequent request for continuance shall be in writing, state the reasons for continuance, and be submitted directly to the body scheduled to review the application. The appropriate body shall consider such a request and may either grant or deny the request and proceed to hear public comments, review, and take action on the application. If the body grants the request for continuance, it shall concurrently identify the date and time of a subsequent meeting at which the application shall be scheduled for public comments and review. The applicant may be subject to additional application fees to defray additional costs of processing the application.

**(D) Constructive Notice**

- (i) Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be correctly conveyed.
- (ii) Failure of a party to receive written notice shall not invalidate subsequent action. If questions arise at the public hearing regarding the adequacy of notice, the decision-making body shall make a formal finding as to whether there was substantial compliance with the notice requirements of this UDO.

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**(f) Planning Commission and/or City Council Review and Decision**

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**(1) Hearing, Review, and Decision**

- (A) The application shall be subject to review, hearings, recommendations, and decisions as indicated in Table 6.A, *Summary of Development Procedures*.
- (B) If the application is subject to a public hearing, the applicable review body shall hold a public hearing on the application in accordance with Subsection 11-6-3(g), *Public Hearing Procedures*.

- (C) The applicable review body shall consider the application, relevant support materials, staff report, and any evidence and public comments from the public hearing (if required).
- (D) The applicable review body shall approve, approve with conditions, or deny the application based on the applicable approval criteria.
- (E) If the review involves a quasi-judicial hearing, the recommendation or decision (as applicable) shall be based only on the record of the public hearing and shall be made in writing; include findings of fact based on competent, material, and substantial evidence presented at the hearing; reflect the determination of contested facts; and state how the findings support compliance with applicable review standards.
- (F) The applicable review body shall clearly state the factors considered in making its recommendation or decision, as well as the basis or rationale for the recommendation or decision.

## **(2) Conditions of Approval**

- (A) Where this UDO authorizes a review body to approve or deny an application subject to applicable criteria, the review body may approve the application with conditions necessary to bring the proposed development into compliance with this UDO or other regulations, or to mitigate the impacts of that development on the surrounding properties and streets.
- (B) All conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development or shall be based upon standards duly adopted by the City. Such conditions may include those necessary to carry out the purpose and intent of the Comprehensive Plan, other adopted City plans, and this UDO. No conditions of approval shall be less restrictive than the requirements of this UDO, except where the UDO expressly allows deviations.
- (C) Any condition of approval that requires an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of applicants shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.
- (D) During its consideration, the decision-making body may consider alternative potential conditions, and no discussion of potential conditions shall be deemed an attempt or intent to impose any condition that would violate the federal or state constitutions, statutes, or regulations. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body unless and until the decision-making body takes formal action to attach that condition to a development approval.
- (E) Unless otherwise provided in this UDO, any representations of the applicant in submittal materials or during public hearings shall be binding as conditions of approval.

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## **(g) Public Hearing Procedures**

Public hearings required by this UDO shall be conducted pursuant to Section 11-6-8, *Review and Decision-Making Bodies*, the bylaws established by the respective bodies, and in compliance with state law.

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## **(h) Post-Decision Actions and Limitations**

### **(1) Notice of Decision**

- (A) Within 10 days after a final decision on an application, the Director shall provide written notification of the decision via personal delivery, electronic mail, or first-class mail to the applicant and make a copy of the decision available to the public in the Planning and Development Department.
- (B) If the review involves a quasi-judicial hearing, the Director shall, within 10 days after a final decision on the application, also provide a written notification of the decision via personal delivery, electronic mail, or first-class mail to the owner(s) of the subject site, and any other person that submitted a written request for a copy of the decision before its effective date.

### **(2) Appeal**

- (A) A party aggrieved or adversely affected by any decision by the City Council or Board of Adjustment may seek review of the decision in the courts in accordance with applicable state law.

(B) A party aggrieved by other final decisions may appeal the decision in accordance with the procedures and standards in Subsection 11-6-7(d), *Appeal*.

**(3) Expiration of Approval**

(A) An application approval shall be valid as authorization for the approved activity unless it expires in accordance with expiration time periods provided in Sections 11-6-4 through 11-6-7 for the particular type of application.

(B) A change in ownership of the land shall not affect the established expiration time period of an approval.

(C) The Director may grant extensions of the expiration time period for up to one year, following a written request for such extension prior to the expiration date. The request shall include reasonable cause for an extension. Further extensions shall be subject to the approval of the decision-making body for the original application.

**(4) Modification or Amendment of Approval**

Unless otherwise provided in this UDO, any modification of an approved plan, permit, or condition of approval shall require a new application that is submitted and reviewed in accordance with the full procedure and fee requirements applicable to the particular type of the original application.

**(5) Limitation on Subsequent Similar Applications**

Following denial of an application, the decision-making body shall not decide on applications that are the same or substantially similar within one year of the previous denial. This waiting period may be waived by the decision-making body provided that:

(A) There is a substantial change to circumstances, or new information available, relevant to the issues or facts considered during the previous application review; or

(B) The new application is materially different from the previous application, as determined by the Director.

## 11-6-4 Ordinance Amendments

### (a) Rezoning

#### (1) Purpose

- (A) The purpose of the rezoning procedure is to make amendments to the Official Zoning Map of the City of Northglenn to reflect changes in public policy, changed conditions, or to advance the welfare of the City. The zoning classification of any parcel in the City may be amended using this procedure. The purpose is neither to relieve particular hardships nor to confer special privileges or rights on any person. Rezoning shall not be used when a special use permit, variance, or administrative adjustment could be used to achieve the same result.
- (B) Changes to the characteristics of zoning districts (such as setbacks) and development standards that apply within districts (such as open space requirements) shall be processed as text amendments pursuant to Subsection (c).

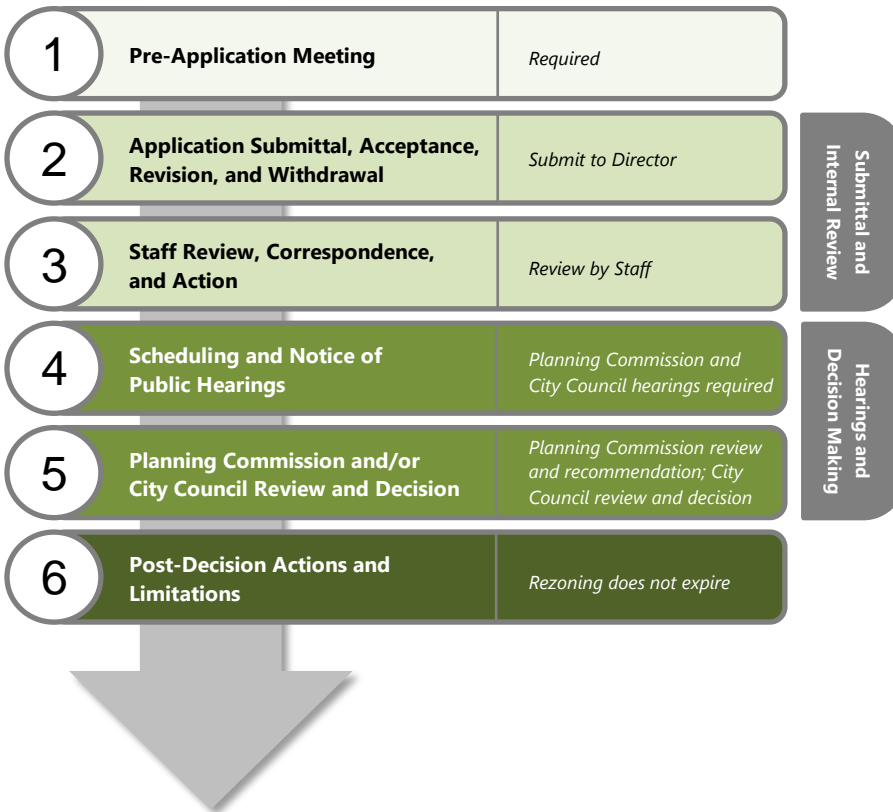
#### (2) Applicability

A rezoning may be approved by the City Council following review and recommendation by the Planning Commission. A rezoning to a Planned Development is a distinct type of amendment to the Official Zoning Map and shall follow the approval procedures in Subsection (b).

#### (3) Rezoning Procedure

Figure 6.B identifies the applicable steps from the common review procedures in Section 11-6-3 that apply to the review of rezonings. Additions or modifications to the common review procedures are noted below.

**Figure 6.B: Summary of Rezoning Procedure**



#### (A) Pre-Application Meeting

A pre-application meeting shall be held in accordance with Subsection 11-6-3(b).

**(B) Application Submittal, Acceptance, Revisions, and Withdrawal**

The rezoning application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Subsection 11-6-3(c). The application shall include all required information as indicated in the Administrative Manual and any additional information requested during the pre-application conference. When multiple parcels are proposed for rezoning, a separate application for each property shall be submitted pursuant to Subsection 11-6-3(c), unless the Director provides written approval for a consolidated application during the pre-application meeting.

**(C) Staff Review, Correspondence, and Action**

The Director shall review the application and prepare a staff report and recommendation in accordance with Section 11-6-3(d).

**(D) Scheduling and Notice of Public Hearings**

- (i) The rezoning application shall be scheduled for public hearings before the Planning Commission and City Council, and noticed in accordance with Subsection 11-6-3(e).
- (ii) For City-initiated rezonings, affected property owners shall be notified by certified mail of the intended zoning change and public hearing(s) at least 15 days prior to the public hearing date.

**(E) Planning Commission and/or City Council Review and Decisions****(i) Planning Commission Review and Recommendation**

- a. The Planning Commission shall review the rezoning application and recommend approval, approval with conditions, or denial in accordance with Subsection 11-6-3(f) and the criteria in subsection (iii), below.
- b. If the Planning Commission recommends denial, the Planning Commission shall communicate its reasons to City Council, and City Council shall have the power to overrule such recommendation for denial by a recorded vote of not less than three-fourths of its entire voting membership.

**(ii) City Council Review and Decision**

The City Council shall review the rezoning application and act to approve, approve with conditions, or deny the rezoning in accordance with Subsection 11-6-3(f) and the criteria in subsection (iii), below.

**(iii) Rezoning Approval Criteria**

- a. In reviewing a proposed rezoning, the Planning Commission and City Council shall consider whether:
  - 1. The proposed rezoning is consistent with the Comprehensive Plan and the purposes of this UDO;
  - 2. The rezoning is consistent with the purpose statement of the proposed zoning district;
  - 3. There have been significant changes in the area to warrant a zoning change; The intensity of development in the new zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood; and
  - 4. Public facilities and services are available to adequately serve the subject property while maintaining adequate level of service to existing development.

And/or:

- 5. There was an error in establishing the current zoning;
- b. These approval criteria shall not apply to legislative rezonings by the City Council.

**(iv) Protest Procedure**

- a. Any owner of property affected by a proposed rezoning may protest the rezoning pursuant to the statutory requirements of C.R.S. §31-23-305.

- b. A protest against a rezoning shall be signed by the owners of at least 20 percent or more of the area of land included in the proposed zoning change or at least 20 percent of the area of land extending a radius of 100 feet from the land that is subject to the zoning change, excluding public rights-of-way.
- c. In case of protest against a rezoning, approval shall require three-fourths of the entire voting membership of City Council prior to a rezoning becoming effective.

**(F) Post-Decision Actions and Limitations**

Post-decision actions and limitations in Subsection 11-6-3(h) shall apply with the following modifications:

- (i) Following approval of a rezoning by City Council, the Director shall prepare an appropriate revision to the Official Zoning Map.
- (ii) Following approval of a rezoning, the Director shall record the amendment map and ordinance with the Adams County Clerk and Recorder as soon as practicable.

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**(b) Rezoning to a Planned Development District**

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**(1) Purpose**

The boundaries of a zoning district or the zoning classification of any parcel may be changed to a Planned Development (PD) pursuant to this section. The PD district establishes standards specific to the proposed site that may provide an alternative or adjustment to the standards of this UDO. The purpose of rezoning to a PD is to achieve greater flexibility than allowed by the strict application of the UDO while providing greater benefit to the City. Rezoning to a PD district shall not be considered when a special use permit, variance, administrative adjustment, or rezoning to an existing base zoning district could achieve the same result.

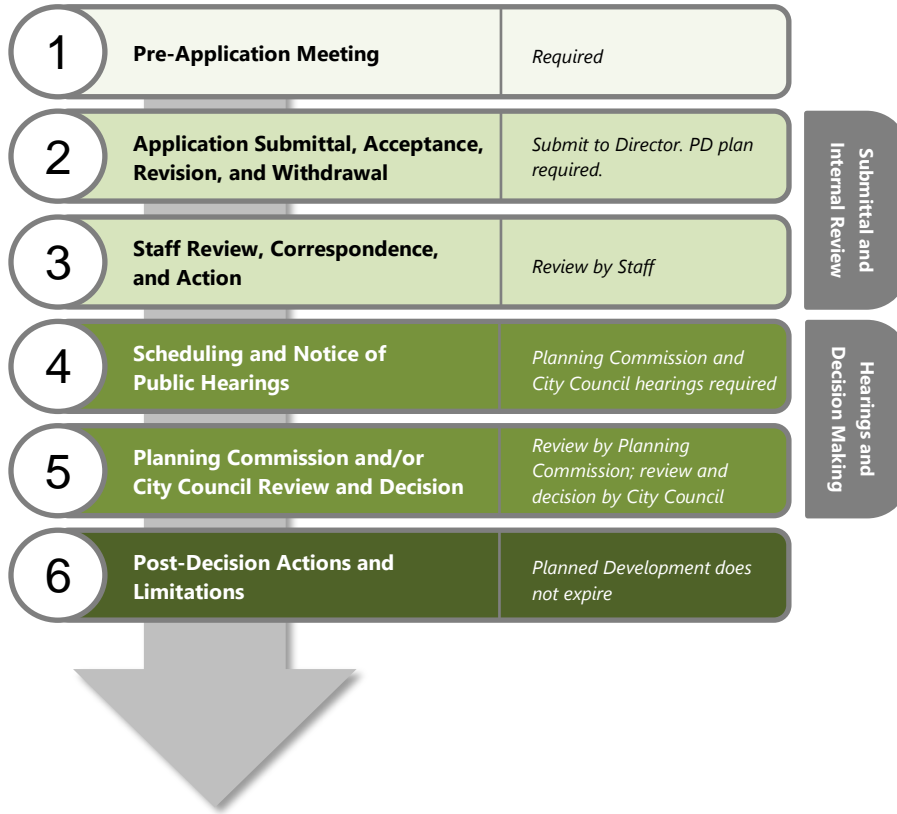
**(2) Applicability**

An application to rezone to a PD district may be submitted for any land within any combination of zoning districts. A PD district may be initiated by anyone owning land within the area affected by the proposed PD district.

**(3) Rezoning to a Planned Development District Procedure**

Figure 6.C identifies the applicable steps from the common review procedures in Section 11-6-3 that apply to the review of Planned Development districts. Additions or modifications to the common review procedures are noted below.

Figure 6.C: Summary of Rezoning to PD District Procedure



**(A) Pre-Application Meeting**

A pre-application meeting shall be held in accordance with Subsection 11-6-3(b). In addition, the applicant shall provide the following conceptual materials related to the proposed PD district to help determine whether or not a PD district is the appropriate procedure for the applicant and the City:

- (i) Proposed uses;
- (ii) Number and type of dwelling units;
- (iii) Proposed parking capacity and configuration;
- (iv) Proposed modifications to underlying zoning district standards; and
- (v) General site planning layout and phasing.

**(B) Application Submittal, Acceptance, Revisions, and Withdrawal**

- (i) The PD district application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Subsection 11-6-3(c).
- (ii) An application for rezoning to a PD district shall include submittal requirements as specified by the Director, which shall include a PD plan. Approval of the PD plan is required prior to development in a PD district.
- (iii) The regulations of this UDO remain applicable to all PD development, except as specifically modified pursuant to the provisions contained in the approved PD plan.

**(C) Staff Review, Correspondence, and Action**

The Director shall review the application and prepare a staff report and recommendation in accordance with Subsection 11-6-3(d).

**(D) Scheduling and Notice of Public Hearings**

The PD district application shall be scheduled for public hearings before the Planning Commission and City Council and noticed in accordance with Subsection 11-6-3(e).

**(E) Planning Commission and/or City Council Review and Decisions****(i) Planning Commission Review and Recommendation**

The Planning Commission shall review the PD district application and recommend approval, approval with conditions, or denial in accordance with Subsection 11-6-3(f).

**(ii) City Council Review and Decision**

- a. The City Council shall review the PD district application and act to approve, approve with conditions, or deny the PD district in accordance with Subsection 11-6-3(f). The City Council may also remand the PD district application back to the Director or the Planning Commission for further consideration.
- b. If council revises the amendment or remands the application back to the Director or Planning Commission, additional public hearings may be required before final adoption.

**(iii) PD District Approval Criteria**

In reviewing a proposed rezoning to a PD district, the Planning Commission and City Council shall consider whether and to what extent the proposed PD district:

- a. Meets the approval criteria for a general rezoning procedure, per Subsection (a)(3)(E)(iii);
- b. Addresses a unique situation, provides substantial benefit to the City, or incorporates creative design, site layout, or configuration of uses such that it achieves the purposes of this UDO and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards;
- c. Meets all applicable standards of this UDO not expressly modified in the PD district application; and
- d. If the PD district provides residential uses, includes varied types of housing and densities to the maximum extent practicable.

**(iv) Approval of PD Plan**

The approved PD district zoning and the approved PD plan along with all exhibits are inseparable, and a PD district shall not be established without the approval of the related PD plan. The approved PD district zoning, the approved PD plan, all exhibits, and any associated development agreement together establish the uses permitted, character of the development, and any approved modifications to the standards of the UDO.

**(F) Post-Decision Actions and Limitations**

Post-decision actions and limitations in Subsection 11-6-3(h) shall apply with the following modifications:

**(i) Effect of Approval**

- a. The regulations in this UDO remain applicable to all PD development unless expressly modified by an approved PD district rezoning. The zoning change shall not take effect until the PD plan, the zoning amendment map, and ordinance are recorded pursuant to Subsection 11-6-4(b)(3)(F)(iv).
- b. Approval of a rezoning to a PD district reclassifies the zoning designation of the site and subjects it to the development regulations applicable to the underlying base zoning district and also any standards and conditions associated with the PD plan or development agreement approved as part of the PD district rezoning. Such approval does not itself authorize specific development activity.

**(ii) Expiration of a PD District**

A PD district shall remain valid until a PD district is subsequently amended or rezoned to another zoning district in accordance with this UDO.



**(iii) Reconsideration after Five Years of No Development**

If the applicant does not establish vested rights for a PD district pursuant to Subsection 11-6-7(c), and no development has occurred on the site in five years following the approval date of the PD district, the Director may initiate a public hearing process to consider whether the property shall be rezoned to its prior zoning classification or another zoning classification.

**(iv) Recording Required**

Following approval of a PD district, the applicant shall submit final copies of the PD plans to the Director. The Director shall record the PD plan and the zoning amendment map and ordinance with the Adams County Clerk and Recorder as soon as practicable.

**(v) PD District Amendments****a. Minor Amendments to an Approved PD District**

Minor amendments to an approved PD district may be approved by the Director if the proposed amendment complies with the following criteria:

1. The amendment shall not change the overall character or intent of the development;
2. The amendment shall not change the ratio of residential units to square feet of non-residential space by more than 10 percent;
3. The amendment shall not change the allowed uses listed on the approved PD district;
4. The number of residential units to be constructed shall not be increased by more than 10 percent;
5. The gross square feet of non-residential space shall not be increased by more than 10 percent;
6. The number of vehicular access points to the site from public streets shall not be increased nor may the access points be relocated in such a way that negatively impacts public safety or the flow of traffic on the public streets;
7. The maximum allowable height of structures shall not be increased;
8. The setback distance to property lines shall not be reduced by more than 10 percent;
9. The amount of landscape shall not be reduced by more than 10 percent; and
10. The number of required parking spaces shall not be reduced by more than 10 percent unless in accordance with an overall reduction in the total square feet of non-residential space or residential units to be constructed.

**b. Major Amendments to an Approved PD District**

1. Unless a proposed amendment to a PD district meets the eligibility criteria for minor amendments in Subsection 11-6-4(b)(3)(F)(v)a above, all other PD amendments shall be deemed a major amendment and may only be amended by submitting an amended PD district pursuant to Subsection 11-6-3(h)(4).
2. If the Director determines that a minor amendment does not comply with the criteria in Subsection 11-6-4(b)(3)(F)(v)a, then the application can be forwarded on to the Planning Commission for review and the City Council for final decision as an amended PD district pursuant to Subsection 11-6-3(h)(4).

**(vi) Concurrent Subdivision Review**

- a. Subdivision review required under Section 11-6-6 may be reviewed concurrently with PDs. A preliminary plat for a PD district shall only be approved following approval of the rezoning to PD district.

- b. Each application for concurrent subdivision and PD district rezoning shall be reviewed and acted upon separately, based on the applicable standards and criteria in this UDO.

**(c) Unified Development Ordinance Amendment**

**(1) Purpose**

This section describes the review and approval procedures for amending the text of this UDO to respond to changed conditions or changes in public policy, or to advance the general welfare of the City.

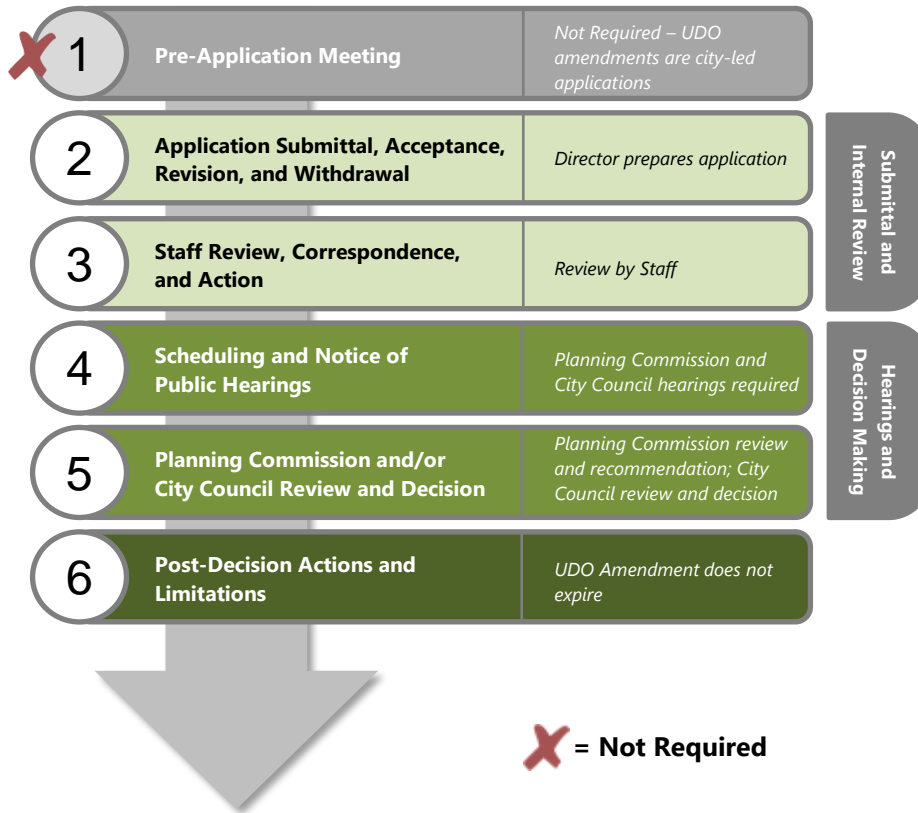
**(2) Applicability**

An amendment to the text of this UDO shall be initiated by the Director, the Planning Commission, or the City Council.

**(3) Unified Development Ordinance Amendment Procedure**

Figure 6.D identifies the applicable steps from the common review procedures in Section 11-6-3 that apply to the review of UDO amendments. Additions or modifications to those common review procedures are noted below.

**Figure 6.D: Summary of UDO Amendment Procedure**



**(A) Application Submittal, Acceptance, Revisions, and Withdrawal**

The UDO amendment application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Subsection 11-6-3(c). An application for an amendment to the UDO shall be prepared by the Director. If the amendment is initiated by the Planning Commission or City Council, the Director shall prepare the application at the request of the Planning Commission or City Council.

**(B) Staff Review, Correspondence, and Action**

The Director shall review the application and prepare a staff report and recommendation in accordance with Subsection 11-6-3(d).

**(C) Scheduling and Notice of Public Hearings**

The UDO amendment application shall be scheduled for public hearings before the Planning Commission and City Council, and noticed in accordance with Subsection 11-6-3(e).

**(D) Planning Commission and/or City Council Review and Decisions****(i) Planning Commission Review and Recommendation**

The Planning Commission shall review the UDO amendment application and recommend approval, approval with conditions, or denial of the amendment in accordance with Subsection 11-6-3(f).

**(ii) City Council Review and Decision**

- a. The City Council shall review the UDO amendment application and approve, approve with conditions, or deny the amendment in accordance with Subsection 6.3.6. The City Council may also remand the application back to the Director or the Planning Commission for further consideration.
- b. If council revises the amendment or remands the application back to the Director or Planning Commission, additional public hearings may be required before final adoption.

**(iii) UDO Amendment Approval Criteria**

A UDO amendment is a legislative decision by the City Council. Prior to recommending approval or approving a proposed UDO amendment, the Planning Commission and City Council shall consider whether and to what extent that the proposed amendment:

- a. Is consistent with the Comprehensive Plan;
- b. Does not conflict with other provisions of this UDO or other provisions in the Northglenn Municipal Code;
- c. Is necessary to address a demonstrated community need;
- d. Is necessary to respond to changing conditions or policy; and
- e. Is consistent with the purpose and intent of the zoning districts in the UDO, would improve compatibility among land uses within the City, or would result in an orderly and logical development pattern.

**(E) Post-Decision Actions and Limitations**

Post-decision actions and limitations in Subsection 11-6-3(h) shall apply with the following modifications:

- (i) Approval of a UDO amendment authorizes the approved revision to the text. A UDO amendment does not authorize specific development activity.
- (ii) A UDO amendment shall remain valid until the revised text of the UDO is subsequently amended in accordance with this section.

## 11-6-5 Development Permits

### (a) Site Plan Review

**(1) Purpose**

The site plan review procedure is intended to provide a process by which development is reviewed for compliance with the development and design standards of this UDO. The site plan review procedure ensures that the City has an opportunity to mitigate potential impacts of development prior to issuance of a building permit.

**(2) Applicability****(A) Exemptions**

- (i) The following development is exempt from the site plan review procedure:
  - a. A change in use that does not involve or require other development (such as new or expanded structures, additional parking, etc.);

- b. Tenant improvements that do not increase gross floor area or building height, increase the density or intensity of use, or affect parking or landscaping requirements; and
  - c. Construction of single-family detached dwellings or duplex dwellings not to exceed nine dwelling units, additions to such dwellings, and structures accessory to such dwellings.
- (ii) Developments exempt from the site plan review procedure may be required to demonstrate compliance with the standards in this Code prior to issuance of a building permit.

**(B) Major Site Plan**

Major site plan approval is required for any of the following development, unless exempted from site plan approval under subparagraph (A) above.

- (i) New development or the expansion of existing development requiring 10 or more new or added dwelling units;
- (ii) New development on a parcel larger than five acres;
- (iii) New development requiring 30 or more new or added vehicle parking spaces;
- (iv) Any single use or combination of uses proposed in a structure that is more than 10,000 square feet in building size, or multiple buildings totaling more than 10,000 square feet, not including single-family detached or duplex dwellings; or
- (v) Any minor site plan determined by the Director to require major site plan review.

**(C) Minor Site Plan**

Minor site plan approval is required for any development not meeting the requirements set forth in subparagraph (B) above, unless exempted from site plan approval under subparagraph (A) above.

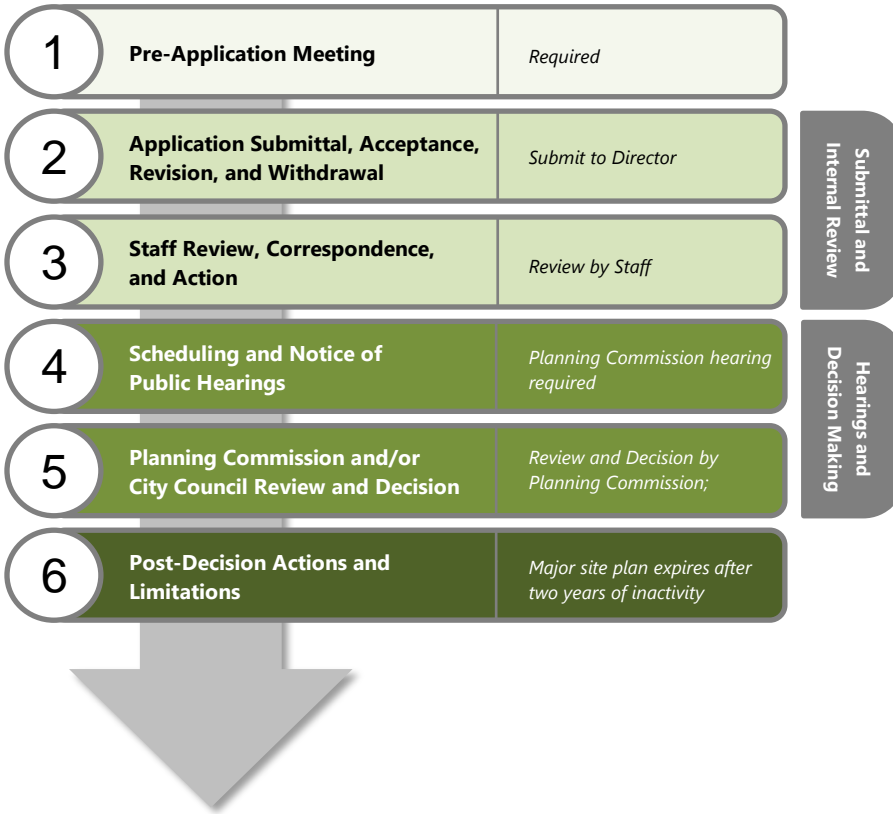
**(D) Concurrent Review**

- (i) An application for site plan approval may be submitted and reviewed concurrently with an application for a special use permit or an administrative adjustment. In such a case, the Director or Planning Commission shall not decide the site plan approval application until after the special use permit or administrative adjustment is approved.
- (ii) An application for site plan approval may be submitted and reviewed concurrently with an application for a subdivision plat. In such a case, the Director or Planning Commission shall not decide the site plan approval application until after the plat is approved.

**(3) Major Site Plan Procedure**

Figure 6.E identifies the applicable steps from the common review procedures in Section 11-6-3 that apply to the review of major site plans. Additions or modifications to the common review procedures are noted below.

Figure 6.E: Summary of Major Site Plan Procedure



**(A) Pre-Application Meeting**

A pre-application meeting shall be held in accordance with Subsection 11-6-3(b).

**(B) Application Submittal, Acceptance, Revision, and Withdrawal**

- (i) The major site plan application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Subsection 11-6-3(c). The application shall include all required information as indicated in the Administrative Manual and any additional information requested during the pre-application meeting.
- (ii) The Director or the Planning Commission may require at any stage of review of any site plan, submission of any plan, study, survey or other information, in addition to that specified in this article or the Administrative Manual, and at the applicant's expense, as determined necessary to enable review, recommendation, and/or approval of the site plan.

**(C) Staff Review, Correspondence, and Action**

The Director shall review the major site plan application and prepare a staff report and recommendation in accordance with Subsection 11-6-3(d).

**(D) Scheduling and Notice of Public Hearings**

The major site plan application shall be scheduled for a public hearing before the Planning Commission, and noticed in accordance with Subsection 11-6-3(e).

**(E) Planning Commission and/or City Council Review and Decision**

**(i) Planning Commission Review and Decision**

The Planning Commission shall review the major site plan application and approve, approve with conditions, or deny of the major site plan in accordance with Subsection 11-6-3(f). The Planning Commission may also remand the application back to the Director for further consideration.

**(ii) Major Site Plan Approval Criteria**

In reviewing a proposed major site plan application, the Planning Commission shall consider whether:

- a. The site plan complies with applicable standards in this UDO, including Article 2, *Zoning Districts*; Article 3, *Use Regulations*; Article 4, *Development Standards*; and any other applicable standards of this UDO.
- b. The site plan is consistent with any previously approved plat, Planned Development, or any other precedent land use approval; and
- c. The site plan is consistent with the Comprehensive Plan and other adopted City policies and plans.

**(F) Post-Decision Actions and Limitations**

Post-decision actions and limitations in Subsection 11-6-3(h) shall apply, with the following modifications:

**(i) No Building Permit without Approval**

No building permit shall be issued until the major site plan has been approved pursuant to this article.

**(ii) Expiration of Approval**

Site plan approval shall expire if the authorized use or construction is not substantially underway within two years after the date of the major site plan approval, or an extension is granted pursuant to Subsection 11-6-3(h)(3)(C).

**(iii) Minor Changes Allowed**

Development applications authorized by a major site plan approval may incorporate minor changes from the approved site plan without the need for a new application (as required by Subsection 11-6-3(h)(4)), provided that the Director determines that the proposed changes:

- a. Could be approved under the allowable administrative adjustments in Table 6.C, Allowable Administrative Adjustments, if they were proposed in a new application;
- b. Continue to comply with the standards of this UDO;
- c. Are necessary to meet conditions of approval of the Major Site Plan application; and/or
- d. Would not significantly alter the function, form, intensity, character, demand on public facilities, or impact on adjacent properties as approved with the major site plan.

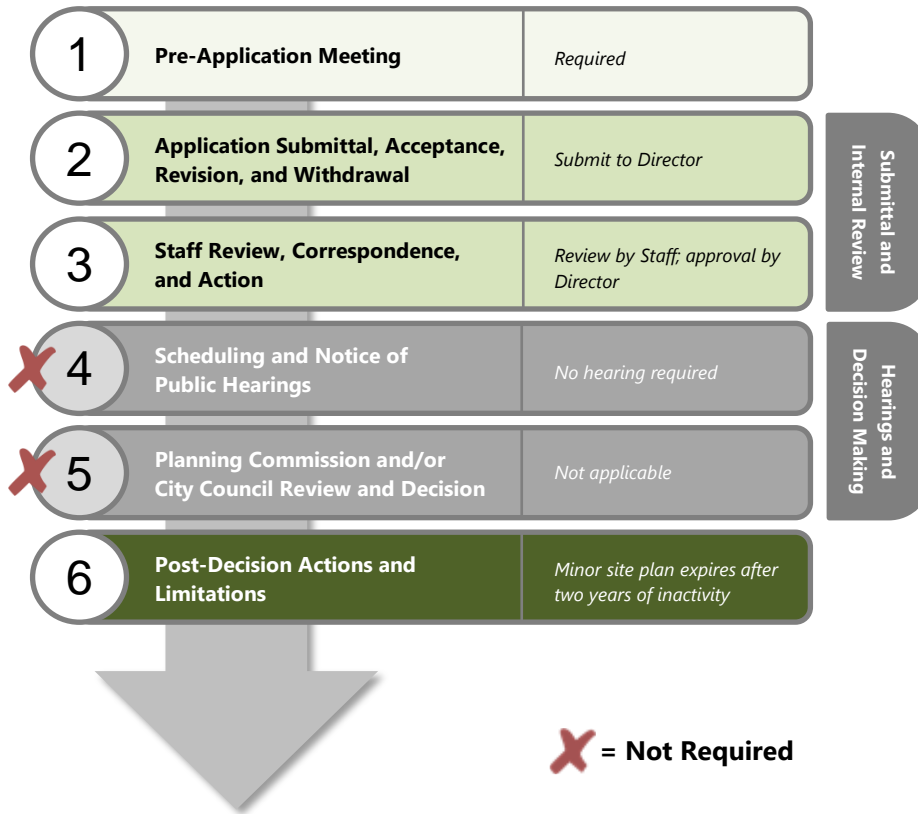
**(iv) Appeal to City Council**

The decision on a major site plan may be appealed to the City Council in accordance with Subsection 11-6-7(d), *Appeal*.

**(4) Minor Site Plan Procedure**

Figure 6.F identifies the applicable steps from the common review procedures in Section 11-6-3 that apply to the review of minor site plans. Additions or modifications to the common review procedures are noted below.

Figure 6.F: Summary of Minor Site Plan Procedure



**(A) Pre-Application Meeting**

A pre-application meeting shall be held in accordance with Subsection 11-6-3(b).

**(B) Application Submittal, Acceptance, Revisions, and Withdrawal**

A complete minor site plan application shall be submitted to the Director in accordance with Subsection 11-6-3(c). The application shall include all required information as indicated in the Administrative Manual and any additional information requested during the pre-application meeting.

**(C) Staff Review, Correspondence, and Action**

**(i) Review and Decision**

The Director shall review the minor site plan application according to the criteria below and approve, approve with conditions, or deny the minor site plan. The Director may also refer the minor site plan to Planning Commission and/or City Council for recommendation and approval using the major site plan review procedure.

**(ii) Minor Site Plan Approval Criteria**

In reviewing a proposed minor site plan application, the Director shall consider whether:

- a. The site plan complies with applicable standards in this UDO, including Article 2, Zoning Districts; Article 3, Use Regulations; Article 4, Development Standards; and any other applicable standards of this UDO.
- b. The site plan is consistent with any previously approved plat, Planned Development, or any other precedent land use approval; and
- c. The site plan is consistent with the Comprehensive Plan and other adopted City policies and plans.

**(D) Post-Decision Actions and Limitations**

Post-decision actions and limitations in Subsection 11-6-3(h) shall apply, with the following modifications:

**(i) No Building Permit without Approval**

No building permit shall be issued until the major site plan has been approved pursuant to this article.

**(ii) Expiration of Approval**

Site plan approval shall expire if the authorized use or construction is not substantially underway within two years after the date of the major site plan approval, or an extension is granted pursuant to Subsection 11-6-3(h)(3)(C).

**(iii) Minor Changes Allowed**

The Director may approve minor changes to an approved site plan without requiring a new application (as required by Subsection 11-6-3(h)(4)), provided that the Director determines that the proposed changes:

- a. Could be approved under the allowable administrative adjustments in Table 6.C, Allowable Administrative Adjustments, if they were proposed in a new application;
- b. Continue to comply with the standards of this UDO;
- c. Are necessary to meet conditions of approval of the Minor Site Plan application; and/or
- d. Would not significantly alter the function, form, intensity, character, demand on public facilities, or impact on adjacent properties as approved with the minor site plan.

**(iv) Appeal to Planning Commission**

The decision on a minor site plan may be appealed to the Planning Commission in accordance with Subsection 11-6-7(d), *Appeal*.

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**(b) Special Use Permit**

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**(1) Purpose**

This special use permit procedure provides a mechanism for the City to evaluate proposed development and land uses that have unique or widely varying operating characteristics or unusual site development features to ensure compatibility with surrounding areas and the goals of the Comprehensive Plan and this UDO. This procedure is intended to evaluate the potential impacts of such uses on surrounding properties and to ensure that such uses are compatible with surrounding properties and that adequate mitigation is provided to minimize potential impacts on those surrounding properties and/or the greater community.

**(2) Applicability**

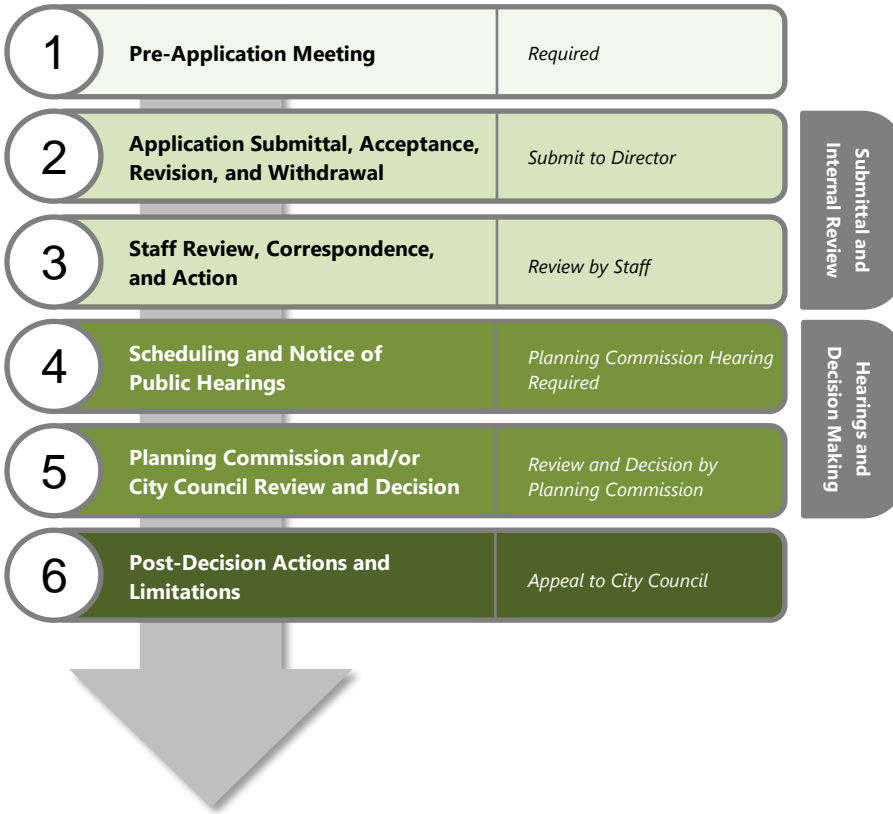
A special use permit is required for certain land uses and zoning districts as specified in Table 3-2-A, *Table of Allowed Uses*.

**(3) Special Use Permit Procedure**

Figure 6.G identifies the applicable steps from the common review procedures in Section 11-6-3 that apply to the review of special use permit applications. Additions or modifications to the common review procedures are noted below.



Figure 6.G: Summary of Special Use Permit Procedure



**(A) Pre-Application Meeting**

A pre-application meeting shall be held in accordance with Subsection 11-6-3(b).

**(B) Application Submittal, Acceptance, Revisions, and Withdrawal**

- (i) The special use permit application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Subsection 11-6-3(c). The application shall include all required information as indicated in the Administrative Manual and any additional information requested during the pre-application meeting.
- (ii) Special use permit applications shall also include the following:
  - a. Plans showing the location of all existing and proposed buildings, architectural elevations of such buildings, parking areas, ingresses and egresses, drainage facilities, waste disposal areas, and landscape;
  - b. A description of the proposed use and operation in sufficient detail to indicate the effect of operation in producing air pollution, water pollution, odor, noise, glare, fire danger, other safety hazards, and traffic congestion;
  - c. Mitigation of any public utility impacts; and
  - d. Information on the proposed number of shifts to be worked and the maximum number of employees.

**(C) Staff Review, Correspondence, and Action**

The Director shall review the special use permit application and prepare a staff report and recommendation in accordance with Subsection 11-6-3(d).

**(D) Scheduling and Notice of Public Hearings**

The special use permit application shall be scheduled for a public hearing before the Planning Commission, and noticed in accordance with Subsection 11-6-3(e).

**(E) Planning Commission Review and Action****(i) Special Use Permit Review**

The Planning Commission shall review and approve, approve with conditions, or deny the special use permit application in accordance with Subsection 11-6-3(f). The Planning Commission may also remand the application back to the Director for further consideration.

**(ii) Special Use Permit Approval Criteria**

In reviewing a proposed special use, the Planning Commission shall consider whether:

- a. The use is compatible with the surrounding area;
- b. The use has minimal impacts on future development of the area;
- c. The use meets all other standards of the UDO and all other applicable codes;
- d. Adequate mitigation of any impacts associated with access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, and odor have been provided;
- e. The use is in conformance with the Comprehensive Plan;
- f. The use is consistent with any applicable Urban Renewal Plan; and
- g. The use adversely impacts the health, safety, and welfare of the inhabitants of the area and the City of Northglenn.

**(F) Post-Decision Actions and Limitations**

Post-decision actions and limitations in Subsection 11-6-3(h) shall apply, with the following modifications:

**(i) Expiration of a Special Use Permit**

Unless substantially acted upon within two years following the date of approval, a special use permit shall automatically expire. This shall include demonstrated use of the property, construction, or some other measurable development activity.

**(ii) Permit Cancellation**

The Planning Commission may cancel permits for violation of any regulations of the City of Northglenn or conditions imposed by the Planning Commission. Prior to cancellation, the Commission shall provide written notice to the permittee at least 30 days prior to the scheduled public hearing at the address contained in the permit. The notice shall describe the allegation of the violation and directing the permittee to appear at a public hearing to discuss the nature and extent of the alleged violation. Following the public hearing, the Planning Commission may cancel or revoke the permit issued to the permittee, require corrective measures to be taken, or direct the City to enter onto the premises and take corrective measures required by the Commission. Costs of such corrective measures shall be assessed to the permittee.

**(iii) Expansion or Enlargement**

- a. Any expansion or enlargement of a special use shall require a new application.
- b. Expansions or enlargements may be approved by the Director provided that:
  1. The expansion or enlargement is not expected to increase potential negative impacts to surrounding property or the City; and
  2. The expansion or enlargement will not require adjustments to any standards greater than allowed through the administrative adjustment procedures in Subsection 11-6-7(b).

- c. Any expansion or enlargement of a special use that does not meeting the criteria for Director approval shall require approval by the Planning Commission.

**(iv) Transfer of Special Use Permit**

A special use permit may be transferred to another person to operate the same use, in the same building(s), on the same property, and under the same terms of the permit. Such transfer shall require approval of a written request to the Director.

**(v) Appeal to City Council**

The decision on a special use permit may be appealed to the City Council in accordance with Subsection 11-6-7(d), *Appeal*.

**(c) Temporary Use Permit**

**(1) Purpose**

The temporary use procedure provides a mechanism for the City to evaluate prospective uses and/or structures on private property of limited duration to ensure compliance with applicable standards of this UDO, including Section 11-3-3, *Use-Specific Standards*.

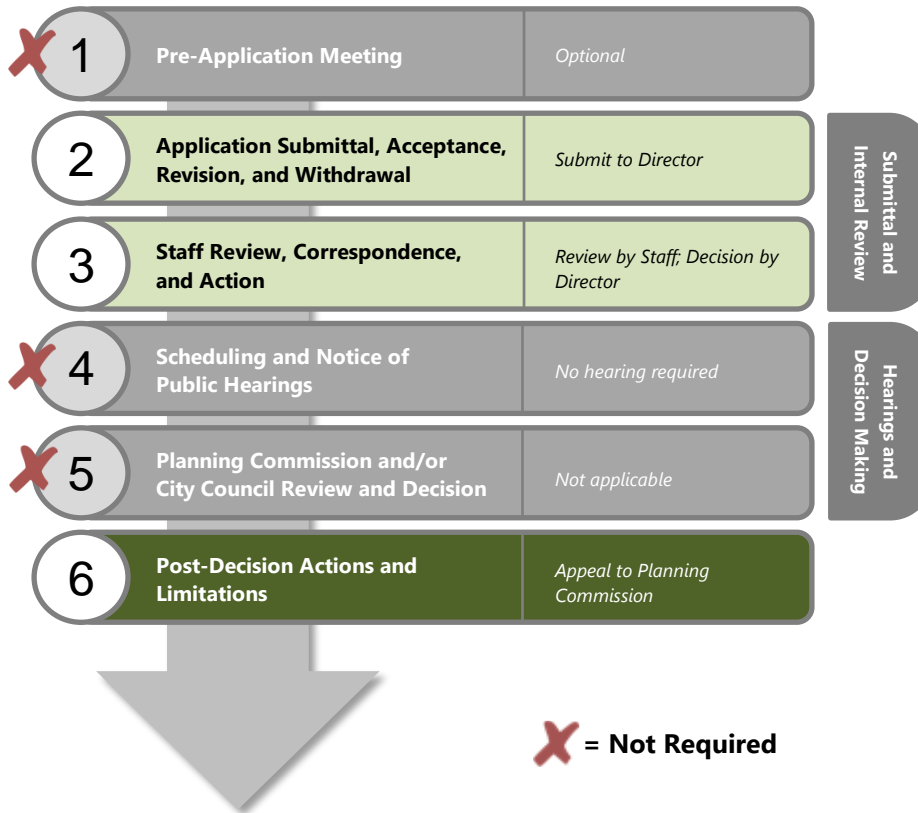
**(2) Applicability**

A temporary use permit is required before establishing, constructing, or installing any temporary use or structure pursuant to Section 11-3-5, *Temporary Uses and Structures*.

**(3) Temporary Use Permit Procedure**

Figure 6.H identifies the applicable steps from the common review procedures in Section 11-6-3 that apply to the review of temporary use permits. Additions or modifications to the common review procedures are noted below.

**Figure 6.H: Summary of Temporary Use Permit Procedure**



**(A) Pre-Application Meeting**

An optional pre-application meeting may be held in accordance with Subsection 11-6-3(b) at the applicant's discretion.

**(B) Application Submittal, Acceptance, Revisions, and Withdrawal**

A complete temporary use permit application shall be submitted to the Director in accordance with Subsection 11-6-3(c). The application shall include all required information as indicated in the Administrative Manual, and any additional information requested by the Director.

**(C) Staff Review, Correspondence, and Action****(i) Review and Decision**

The Director shall review the temporary use permit application according to the criteria below and the Director shall approve, approve with conditions, or deny the permit. The Director may refer a temporary use permit application to the Planning Commission for evaluation and final decision.

**(ii) Temporary Use Permit Approval Criteria**

In reviewing a temporary use or structure, the Director, or Planning Commission for referred applications, shall consider whether the proposed use or structure:

- a. Is consistent with the Comprehensive Plan;
- b. Complies with applicable temporary use standards, as well as all other applicable standards in this UDO;
- c. Adequately mitigates any impacts associated with access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, and odor; and
- d. Complies with all requirements and conditions of approval of any prior development permits or approvals.

**(D) Post-Decision Actions and Limitations**

Post-decision actions and limitations in Subsection 11-6-3(h) shall apply, with the following modifications:

**(i) Effect of Approval**

A temporary use permit authorizes establishment, construction, or installation of the approved temporary use or structure in accordance with the terms and conditions of the permit.

**(ii) Expiration of Approval**

A temporary use permit shall be valid beginning on the date specified on the permit and shall remain valid for the time period indicated on the permit. Upon request, the Director may grant a one-year extension; however, in no case shall a temporary use permit be valid for more than one year after its original expiration date. This one-year extension period may not be further extended. Any temporary use permit requesting an approval period beyond one year shall require a special use permit approval pursuant to Subsection (b).

**(iii) Removal and Restoration**

Before the expiration of a temporary use permit, the permittee shall disconnect all temporary uses and structures, and associated property and equipment, and free the temporary use site from all trash, litter, and debris to the satisfaction of the Director.

**(iv) Appeal to the Planning Commission**

The applicant may appeal the denial, revocation, or suspension of a temporary use permit to the Planning Commission in accordance with Subsection 11-6-7(d), *Appeal*.

**(d) Change of Use Permit**

**(1) Purpose**

The change of use permit procedure provides a mechanism for the City to evaluate new uses of properties and/or buildings, and/or change in occupancy due to change of ownership or tenancy to ensure compliance with applicable standards of this UDO.

**(2) Applicability**

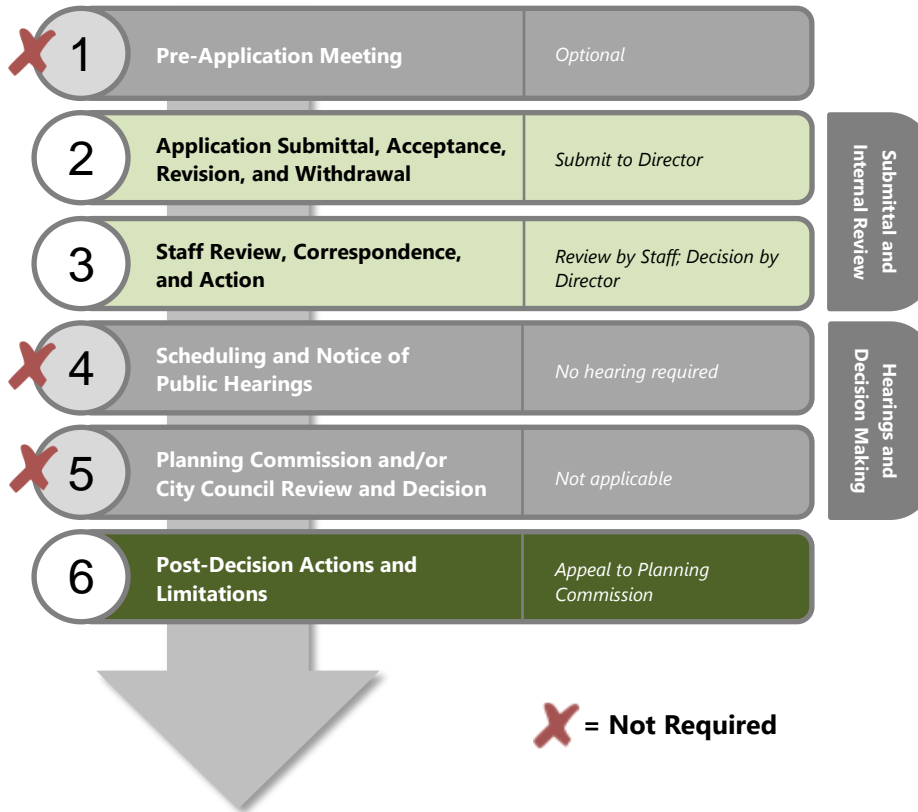
A change of use permit is required before the following activities:

- (A) Occupying or using vacant land;
- (B) Occupying a vacant building;
- (C) Changing the use of a property or building; and/or
- (D) Changing occupancy of a property or building.

**(3) Change of Use Permit Procedure**

Figure 6.I identifies the applicable steps from the common review procedures in Section 11-6-3 that apply to the review of change of use permits. Additions or modifications to the common review procedures are noted below.

**Figure 6.I: Summary of Change of Use Permit Procedure**



**(A) Pre-Application Meeting**

An optional pre-application meeting may be held in accordance with Subsection 11-6-3(b) at the applicant’s discretion.

**(B) Application Submittal, Acceptance, Revisions, and Withdrawal**

A complete change of use permit application shall be submitted to the Director in accordance with Subsection 11-6-3(c). The application shall include all required information as indicated in the Administrative Manual, and any additional information requested by the Director.

**(C) Staff Review, Correspondence, and Action****(i) Review and Decision**

The Director shall review the change of use permit application according to the criteria below and the Director shall approve, approve with conditions, or deny the permit.

**(ii) Change of Use Permit Approval Criteria**

In reviewing a change of use on a parcel or within a building, the Director shall consider whether the proposed change of use:

- a. Is consistent with the Comprehensive Plan;
- b. Complies with applicable use-specific standards, as well as all other applicable standards in this UDO;
- c. Adequately mitigates any impacts associated with access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, and odor; and
- d. Complies with all requirements and conditions of approval of any prior development permits or approvals.

**(D) Post-Decision Actions and Limitations**

Post-decision actions and limitations in Subsection 11-6-3(h) shall apply, with the following modifications:

**(i) Effect of Approval**

A change of use permit authorizes establishment of a new use and/or change of occupancy of an existing property or building with any additional terms and conditions of the permit. The change of use permit shall clearly state that the proposed use of a building or property complies with the provisions of this UDO. For any proposed change of use or occupancy requiring a building permit, a change of use permit shall be issued prior to issuing a certificate of occupancy or a temporary certificate of occupancy.

**(ii) Revocation of a Change of Use Permit**

A change of use permit may be revoked by the Director if the use of the property or building is inconsistent with the authorized use of the change of use permit. The Director shall notify the permit holder in writing and provide 30 days from the date of the letter for the permit holder to bring the use of the property into compliance with the change of use permit, or the permit shall be revoked.

**(iii) Appeal to the Planning Commission**

The applicant may appeal the denial, revocation, or suspension of a change of use permit to the Planning Commission in accordance with Subsection 11-6-7(d), *Appeal*.

## 11-6-6 Subdivision Procedures

### (a) Minor Subdivision

**(1) Purpose**

The minor subdivision procedure is used to evaluate proposed subdivisions that will create few lots and/or involve minimal adjustments to approved final plats. The minor subdivision procedure also provides a mechanism for administrative platting decisions, to address plat errors, and to apply minor adjustments to property boundaries when necessary.

**(2) Applicability**

**(A)** The minor subdivision procedure shall apply to applications meeting the following:

- (i) Subdivisions of properties within an approved preliminary plat creating three or fewer lots and containing fewer than five acres;
- (ii) Subdivisions creating three or fewer lots and containing less than two acres with or without an approved preliminary plat;

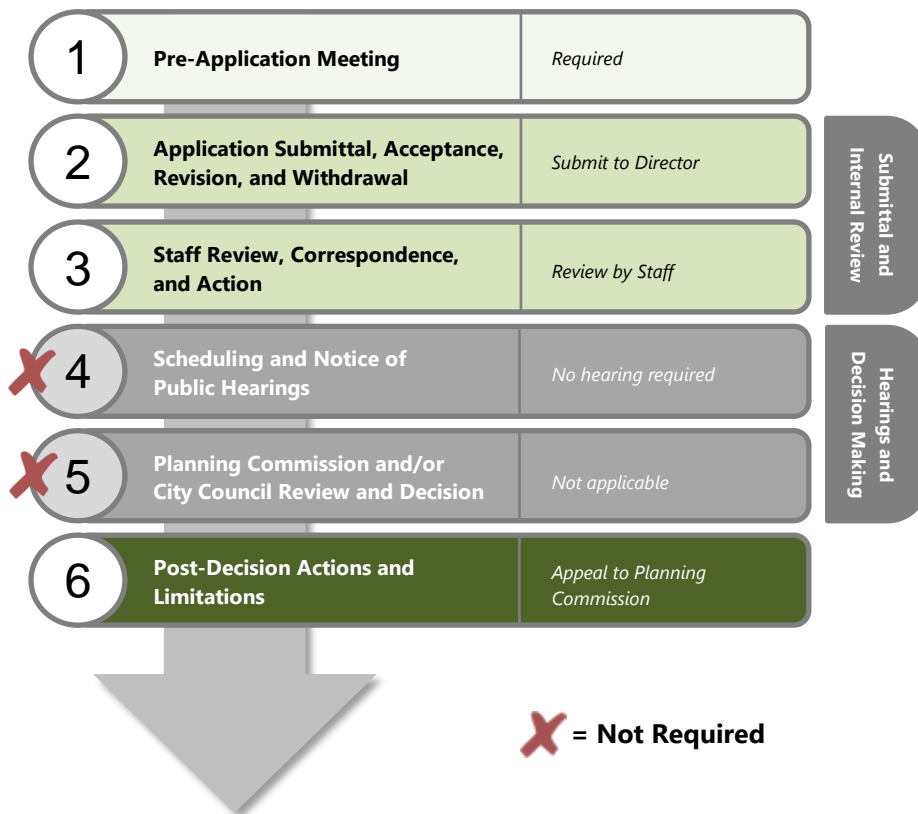
**(B)** The following additional activities are eligible for minor subdivision, provided that subparagraph (A) is met:

- (i) Consolidation of two or more lots into a single lot in a previously recorded final plat; or
- (ii) Boundary or lot line adjustments to an approved final plat; or
- (iii) Correction of errors on an approved final plat.

**(3) Minor Subdivision Procedure**

Figure 6.J identifies the applicable steps from the common review procedures in Section 11-6-3 that apply to the review of minor subdivisions. Additions or modifications to the common review procedures are noted below.

**Figure 6.J: Summary of Minor Subdivision Procedure**



**(A) Pre-Application Meeting**

A pre-application meeting shall be held in accordance with Subsection 11-6-3(b).

**(B) Application Submittal, Acceptance, Revisions, and Withdrawal**

A complete minor subdivision application shall be submitted to the Director in accordance with Subsection 11-6-3(c). The application shall include all required information as indicated in the Administrative Manual and any additional information requested by the Director or during the pre-application meeting.

**(C) Staff Review, Correspondence, and Action****(i) Review and Decision**

The Director shall review the minor subdivision application and the Director shall approve, approve with conditions, or deny the minor subdivision based on the criteria below.

**(ii) Minor Subdivision Approval Criteria**

In reviewing a minor subdivision application, the Director shall consider whether the minor subdivision:

- a. Is consistent with the Comprehensive Plan;
- b. Is consistent with the intent of the underlying zoning district;
- c. Complies with applicable dimensional, development, and design standards in this UDO;
- d. Does not affect a recorded easement without approval from the easement holder;
- e. Will not result in adverse impacts to surrounding property; and
- f. Will not limit the City's ability to provide adequate and sufficient facilities or services.

**(iii) Appeal to Planning Commission**

The decision on a minor subdivision may be appealed to the Planning Commission in accordance with Subsection 11-6-7(d), *Appeal*.

**(D) Post-Decision Actions and Limitations**

Post-decision actions and limitations in Subsection 11-6-3(h) shall apply, and the City shall record minor subdivisions with the County Clerk within 30 days of approval by the Director.

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**(b) Preliminary Plat**

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**(1) Purpose**

The procedure for review and approval of preliminary plats is a mechanism for the City to review an overall plan for a proposed subdivision to ensure compliance with this UDO and the Comprehensive Plan.

**(2) Applicability**

A preliminary plat is required when one or more of the following conditions exist:

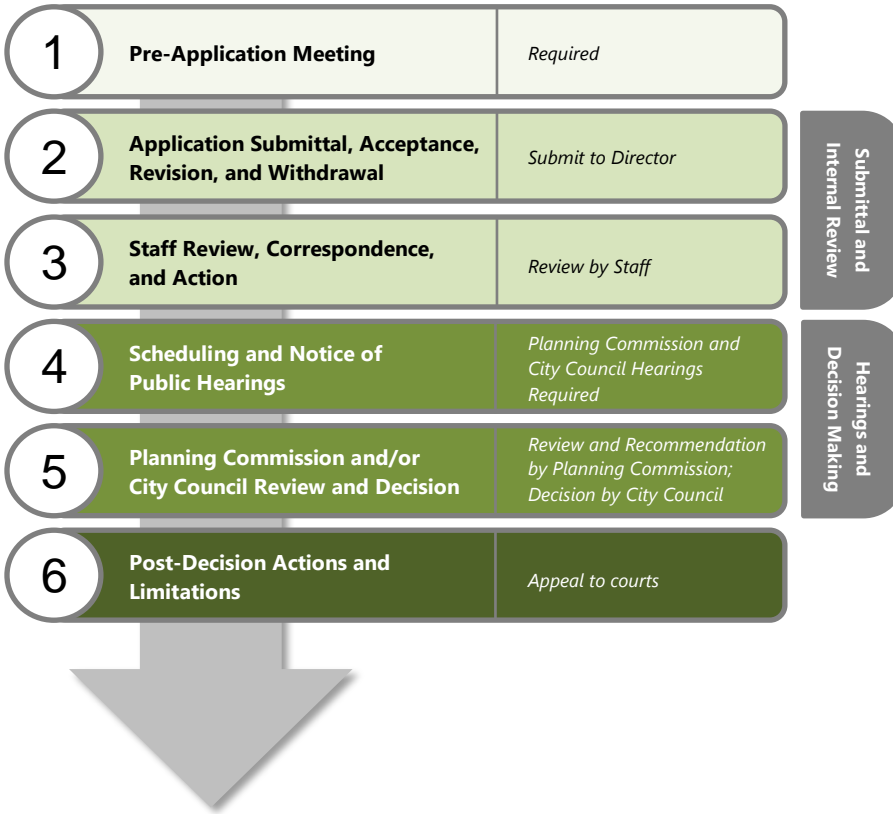
- (A) The proposed subdivision will produce four or more lots;
- (B) The proposed subdivision will include the dedication of public right-of-way, other public tracts, or public improvements not determined to be eligible for minor subdivision processing; or
- (C) The proposed subdivision is not otherwise eligible to be processed as a minor subdivision, pursuant to Subsection (a).

**(3) Preliminary Plat Procedure**

Figure 6.K identifies the applicable steps from the common review procedures in Section 11-6-3 that apply to the review of preliminary plats. Additions or modifications to the common review procedures are noted below.



Figure 6.K: Summary of Preliminary Plat Procedure



**(A) Pre-Application Meeting**

A pre-application meeting shall be held in accordance with Subsection 11-6-3(b).

**(B) Application Submittal, Acceptance, Revisions, and Withdrawal**

The preliminary plat application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Subsection 11-6-3(c). The application shall include all required information as indicated in the Administrative Manual and any additional information requested during the pre-application meeting. The preliminary plat shall reflect the general layout of the lots and blocks, but exact dimensions are not required.

**(C) Staff Review, Correspondence, and Action**

The Director shall review the preliminary plat application and prepare a staff report and recommendation in accordance with Subsection 11-6-3(d).

**(D) Scheduling and Notice of Public Hearings**

The preliminary plat application shall be scheduled for public hearings before the Planning Commission and City Council, and noticed in accordance with Subsection 11-6-3(e).

**(E) Planning Commission and/or City Council Review and Action**

**(i) Planning Commission Review and Recommendation**

The Planning Commission shall review the preliminary plat application and recommend approval, approval with conditions, or denial in accordance with Subsection 11-6-3(f).

**(ii) City Council Review and Decision**

a. The City Council shall review the preliminary plat application and act to approve, approve with conditions, or deny the preliminary plat in accordance with Subsection 11-6-3(f). The City Council

may also remand the preliminary plat application back to the Director or the Planning Commission for further consideration.

- b. If council revises the preliminary plat or remands the application back to the Director or Planning Commission, additional public hearings may be required before final adoption.

**(iii) Conditions of Approval**

If the preliminary plat is approved with conditions, then those conditions and the standards of this UDO shall be met prior to approval of a final plat.

**(iv) Preliminary Plat Approval Criteria**

In reviewing a preliminary plat application, the Planning Commission and City Council shall consider whether the preliminary plat:

- a. Is in conformance with the Comprehensive Plan;
- b. Will comply with the applicable zoning district standards;
- c. Will comply with use, dimensional, design, and other development standards in this UDO;
- d. Provides a layout of lots, roads, driveways, utilities, drainage, and other public facilities and services designed to minimize the amount of disturbance to sensitive natural areas or other community resources;
- e. Provides evidence of public water and sewer system connections;
- f. Identifies and adequately mitigates known natural hazard areas; and
- g. Proposes reasonable project phasing in terms of infrastructure capacity.

**(F) Post-Decision Actions and Limitations**

Post-decision actions and limitations in Subsection 11-6-3(h) shall apply, with the following modifications:

**(i) Expiration of Approval**

Any approval or conditional approval of a preliminary plat shall automatically expire if a final plat has not been recorded within two years of preliminary plat approval. The Planning Commission shall have authority to extend the period for not more than 12 months, on the basis of unforeseen circumstances. Application for an extension of time shall be made to the Director, which shall forward the application, together with its recommendations, to the Planning Commission for action at any regular or special meeting, on notice to the applicant.

**(ii) Partial or Phased Final Platting**

- a. All or any portion of an approved preliminary plat may be submitted for final plat pursuant to Subsection (c). In the case of partial submission, the time for submission of the remaining portion of the preliminary plat is automatically extended for two years from the approval date of that partial final plat.
- b. Whenever a preliminary plat is approved for development of the subdivision in successive phases or increments, the City Council may provide the period or periods of time allowed for final plat approval of each successive phase or increment of the development after the first.

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## **(c) Final Plat**

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**(1) Purpose**

The final plat procedure completes the subdivision process and ensures compliance with the approved preliminary plat and all applicable standards in this UDO.

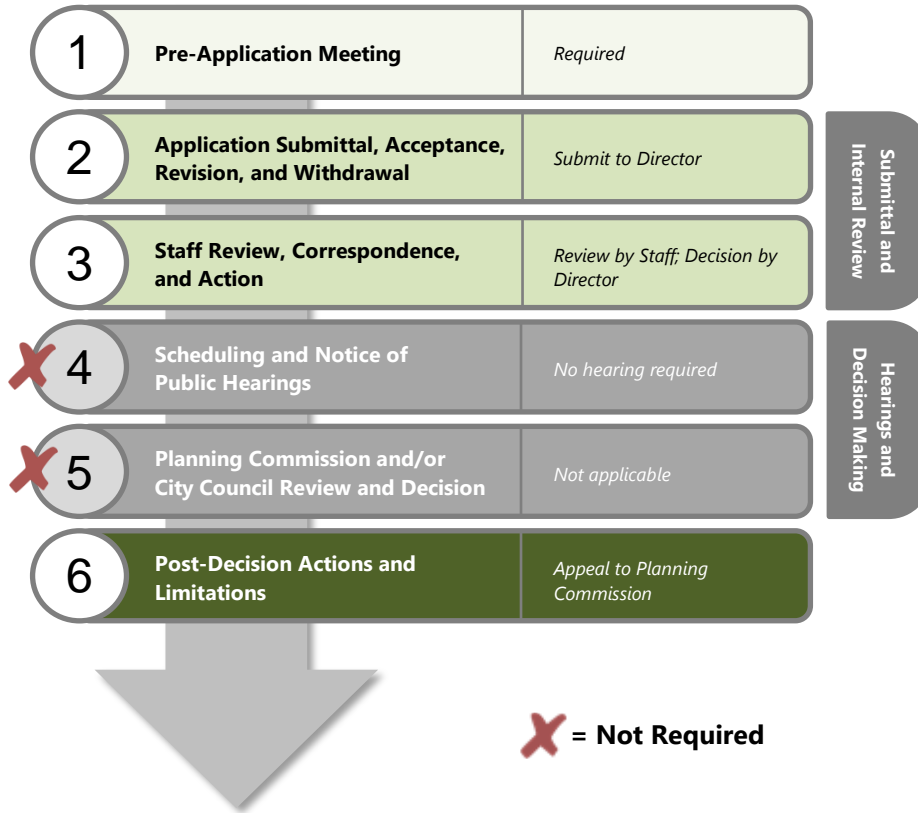
**(2) Applicability**

The final plat procedure applies to all subdivisions in the City of Northglenn unless stated otherwise in this UDO.

**(3) Final Plat Procedure – Not Requiring Public Infrastructure Improvements or Subdivision Improvement Agreement (SIA)**

Figure 6.L identifies the applicable steps from the common review procedures in Section 11-6-3 that apply to the review of final plats without public infrastructure or SIA requirements. Additions or modifications to the common review procedures are noted below.

**Figure 6.L: Summary of Final Plat Procedure – Without Public Infrastructure or SIA**



**(A) Pre-Application Meeting**

A pre-application meeting shall be held in accordance with Subsection 11-6-3(b).

**(B) Application Submittal, Acceptance, Revisions, and Withdrawal**

The final plat application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Subsection 11-6-3(c). The application shall include all required information as indicated in the Administrative Manual and any additional information requested during the pre-application meeting. Additionally:

- (i) The final plat application shall be submitted within two years of preliminary plat approval.
- (ii) If any lot changes have occurred since preliminary plat approval, the application shall be referred back to the Director and distributed to the appropriate utility providers for review and comment.
- (iii) The final plat may reflect the entire preliminary plat or any portion of the preliminary plat.

**(C) Staff Review, Correspondence, and Action**

**(i) Director Review and Approval**

The Director shall review the final plat application and shall approve, approve with conditions, or deny the final plat based on the criteria below.

**(ii) Final Plat Approval Criteria**

In reviewing a final plat application, the Director shall consider whether:

- a. The final plat conforms to the approved preliminary plat, including any conditions of approval;
- b. The development will substantially comply with all requirements of this UDO; and
- c. The development will comply with the applicable technical standards and specifications adopted by the City.

**(D) Post-Decision Actions and Limitations**

Post-decision actions and limitations in Subsection 11-6-3(h) shall apply, with the following modifications:

**(i) Acceptance and Signatures**

Following final plat approval, the plat shall be signed by the Mayor and acknowledged by the City Clerk. Approval of the final plat shall include and constitute acceptance of all proposed dedications contained in the plat by the City of Northglenn.

**(ii) Posting Security and Recordation**

The City shall record the final plat with the County Clerk within 30 days of approval, but not before security for public infrastructure or other improvements has been posted pursuant to Section 11-5-6. If security for such improvements is not posted within 30 days following final plat approval, the approval shall lapse.

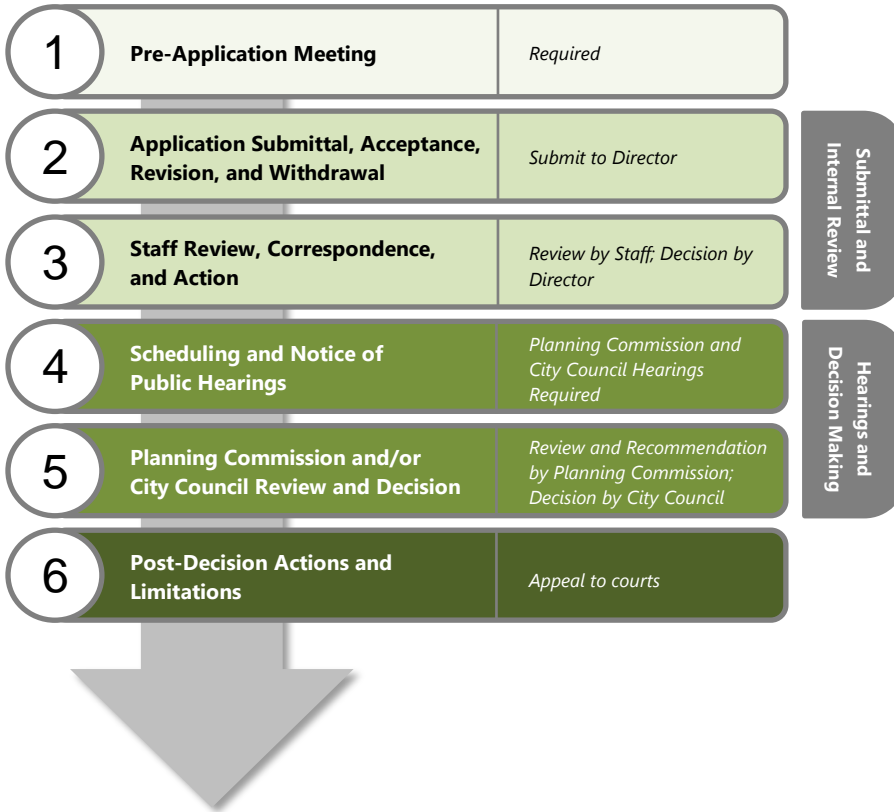
**(iii) Appeal to the Planning Commission**

The decision on a final plat may be appealed to the Planning Commission in accordance with Subsection 11-6-7(d), *Appeal*.

**(4) Final Plat Procedure –Requiring Public Infrastructure Improvements or Subdivision Improvement Agreement (SIA)**

Figure 6.M identifies the applicable steps from the common review procedures in Section 11-6-3 that apply to the review of final plats requiring public infrastructure or an SIA. Additions or modifications to the common review procedures are noted below.

Figure 6.M: Summary of Final Plat Procedure – Requiring Public Infrastructure or SIA



**(A) Pre-Application Meeting**

A pre-application meeting shall be held in accordance with Subsection 11-6-3(b).

**(B) Application Submittal, Acceptance, Revisions, and Withdrawal**

The final plat application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Subsection 11-6-3(c). The application shall include all required information as indicated in the Administrative Manual and any additional information requested during the pre-application meeting. Additionally:

- (i) The final plat application shall be submitted within two years of preliminary plat approval.
- (ii) If any lot changes have occurred since preliminary plat approval, the application shall be referred back to the Director and distributed to the appropriate utility providers for review and comment.
- (iii) The final plat may reflect the entire preliminary plat or any portion of the preliminary plat.

**(C) Staff Review, Correspondence, and Action**

The Director shall review the final plat application and prepare a staff report and recommendation in accordance with Subsection 11-6-3(d).

**(D) Scheduling and Notice of Public Hearings**

The final plat application shall be scheduled for public hearings before the Planning Commission and City Council, and noticed in accordance with Subsection 11-6-3(e).

**(E) Planning Commission and/or City Council Review and Action**

**(i) Planning Commission Review and Recommendation**

The Planning Commission shall review the final plat application and recommend approval, approval with conditions, or denial in accordance with Subsection 11-6-3(f).

**(ii) City Council Review and Decision**

- a. The City Council shall review the final plat application and act to approve, approve with conditions, or deny the final plat in accordance with Subsection 11-6-3(f). The City Council may also remand the final plat application back to the Director or the Planning Commission for further consideration.
- b. If council revises the final plat or remands the application back to the Director or Planning Commission, additional public hearings may be required before final approval.

**(iii) Final Plat Approval Criteria**

In reviewing a final plat application, the Director shall consider whether:

- a. The final plat conforms to the approved preliminary plat, including any conditions of approval;
- b. The development will substantially comply with all requirements of this UDO; and
- c. The development will comply with the applicable technical standards and specifications adopted by the City.

**(F) Post-Decision Actions and Limitations**

Post-decision actions and limitations in Subsection 11-6-3(h) shall apply, with the following modifications:

**(i) Acceptance and Signatures**

Following final plat approval, the plat shall be signed by the Mayor and acknowledged by the City Clerk. Approval of the final plat shall include and constitute acceptance of all proposed dedications contained in the plat by the City of Northglenn.

**(ii) Posting Security and Recordation**

The City shall record the final plat with the County Clerk within 30 days of approval, but not before security for public infrastructure or other improvements has been posted pursuant to Section 11-5-6. If security for such improvements is not posted within 30 days following final plat approval, the approval shall lapse.

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**(d) Vacation of Right-of-Way or Easements**

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**(1) Purpose**

This section describes the procedure for vacating rights, interests, or title of the City in and to any right-of-way or easement located in the City of Northglenn. Title to vacated roadways shall be in accordance with Colorado law.

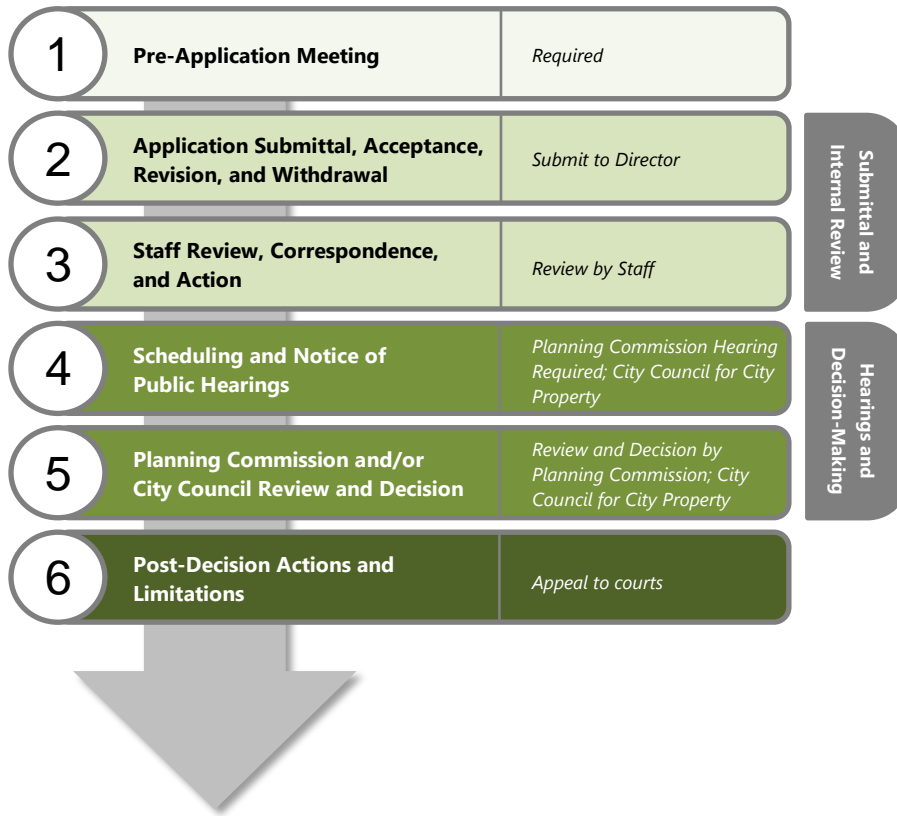
**(2) Applicability**

This procedure applies to any request to vacate rights, interests, or title of right-of-way or an easement within the City of Northglenn.

**(3) Vacation Procedure**

Figure 6.N identifies the applicable steps from the common review procedures in Section 11-6-3 that apply to the review of vacations of right-of-way or easements. Additions or modifications to the common review procedures are noted below.

Figure 6.N: Summary of Vacation of ROW or Easement Procedure



**(A) Pre-Application Meeting**

A pre-application meeting shall be held in accordance with Subsection 11-6-3(b).

**(B) Application Submittal, Acceptance, Revisions, and Withdrawal**

- (i) The vacation application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Subsection 11-6-3(c). The application shall include all required information as indicated in the Administrative Manual and any additional information requested during the pre-application meeting.
- (ii) Additionally, the application for a vacation shall be accompanied by a map or plat showing the location and dimension of the area to be vacated, any parcels of land affected by the proposed vacation, a legal description for the proposed vacation, and such other information and descriptions as may be required by the Director to fully explain and describe the vacation.

**(C) Staff Review, Correspondence, and Action**

The Director shall review the vacation application and prepare a staff report and recommendation in accordance with Subsection 11-6-3(d).

**(D) Scheduling and Notice of Public Hearings**

**(i) Right-of-Way or Easement not Within City Ownership**

The vacation application shall be scheduled for a public hearing before the Planning Commission, and noticed in accordance with Subsection 11-6-3(e).

**(ii) City-Owned Right-of-Way or Easement**

The vacation application shall be scheduled for a public hearing before the City Council, and noticed in accordance with Subsection 11-6-3(e).

**(E) Planning Commission or City Council Review and Action**

**(i) Vacation Review**

The Planning Commission or City Council shall review and approve, approve with conditions, or deny the vacation application in accordance with Subsection 11-6-3(f) and the criteria below. The Planning Commission or City Council may also remand the vacation back to the Director for further consideration.

**(ii) Vacation Approval Criteria**

In reviewing a proposed vacation of right-of-way or easement, the Planning Commission and City Council shall consider whether the vacation of right-of-way or easement:

- a. Is in conformance with the Comprehensive Plan;
- b. Will comply with the applicable zoning district standards;
- c. Does not result in negative impacts to the safe movement of vehicles, bicycles, and/or other modes of transportation or disrupt an existing or planned public transportation system; and
- d. Will comply with use, dimensional, design, and other development standards in this UDO.

**(F) Post-Decision Actions and Limitations**

Post-decision actions and limitations in Subsection 11-6-3(h) shall apply, and the City shall record the vacation with the County Clerk within 30 days of approval.



## 11-6-7 Flexibility and Relief Procedures

### (a) Variance

**(1) Purpose**

The variance procedure is intended to provide limited relief from the requirements of this UDO for property where strict application of the UDO would result in peculiar and exceptional practical difficulty or undue hardship that prevents the use of the land in a manner otherwise allowed by this UDO. The variance procedure is not intended to allow a use in a zoning district where it is not permitted by this UDO, or to mitigate inconveniences or financial burdens that this UDO may impose on landowners.

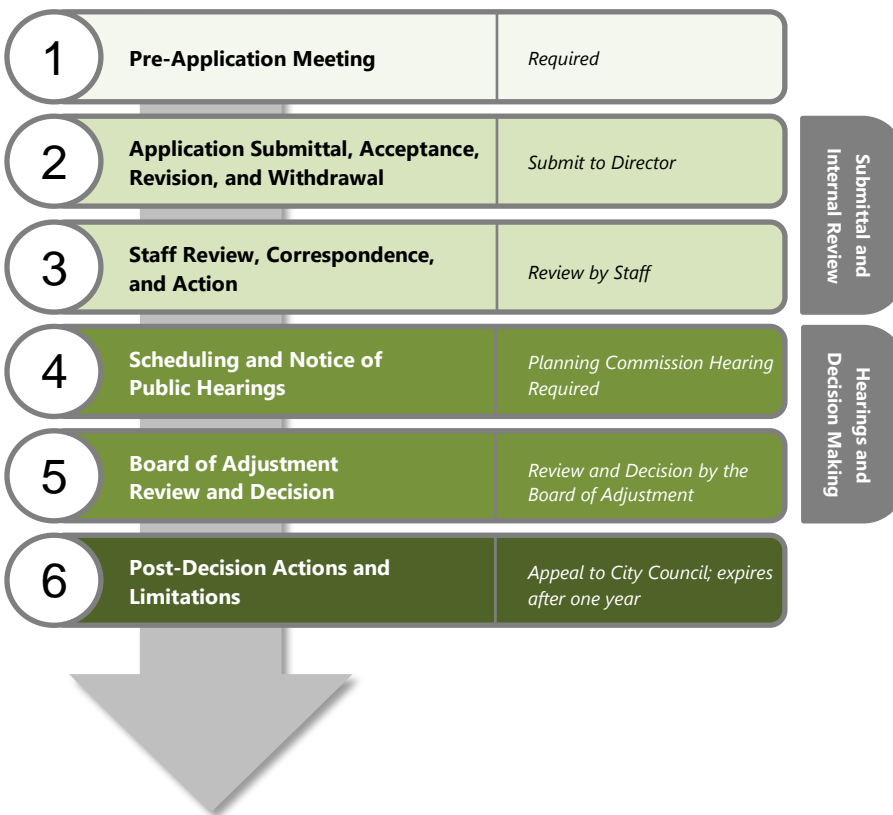
**(2) Applicability**

- (A)** Any property owner or business owner seeking relief from this UDO may request a variance when the strict application of the UDO would result in an undue hardship and meet the approval criteria listed in subsection (3)(E).
- (B)** Variance applications may be initiated concurrently with other development applications when relief is sought by the applicant.

**(3) Variance Procedure**

Figure 6.O identifies the applicable steps from the common review procedures in Section 11-6-3 that apply to the review of variances. Additions or modifications to the common review procedures are noted below.

**Figure 6.O: Summary of Variance Procedure**



**(A) Pre-Application Meeting**

A pre-application meeting shall be held in accordance with Subsection 11-6-3(b).

**(B) Application Submittal, Acceptance, Revisions, and Withdrawal**

The variance application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Subsection 11-6-3(c). The application shall include all required information as indicated in the Administrative Manual and any additional information requested during the pre-application meeting.

**(C) Staff Review, Correspondence, and Action**

The Director shall review the variance application and prepare a staff report and recommendation in accordance with Subsection 11-6-3(d).

**(D) Scheduling and Notice of Public Hearings**

The variance application shall be scheduled for a public hearing before the Board of Adjustment, and noticed in accordance with Subsection 11-6-3(e).

**(E) Board of Adjustment Review and Action****(i) Hearing, Review, and Decision**

- a. The Board of Adjustment shall hold a public hearing on the application in accordance with Subsection 11-6-3(g), *Public Hearing Procedures*.
- b. The Board of Adjustment shall consider the application, relevant support materials, staff report, and any public comments made at the public hearing (if required), and shall approve, approve with conditions, or deny the variance based on the criteria below. The Board may also remand the application back to the Director for further consideration.
- c. The Board of Adjustment's decision shall be based only on the record of the public hearing and shall be reduced to writing, include findings of fact based on competent, material, and substantial evidence presented at the hearing, reflect the determination of contested facts, and state how the findings support compliance with applicable review standards.
- d. The Board of Adjustment shall clearly state the factors considered in making its decision, as well as the basis or rationale for the decision.

**(ii) Variance Approval Criteria**

- a. In reviewing a variance application, the Board of Adjustment shall find that all of the following exist:
  1. The variance is necessary due to unique physical conditions such as size, irregularity, narrowness or shallowness of a lot, location, surroundings, topography, or other peculiar conditions on the subject property;
  2. The strict application of the UDO standards for which a variance is sought would produce undue hardship;
  3. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
  4. Such hardship was not created by the applicant or any previous owner of the property;
  5. The variance is the minimum variance that will afford relief of the subject standards of the UDO;
  6. The variance will not be of substantial detriment to adjacent property or the character of the district; and
  7. The variance is based on demonstrated exceptional hardship not related to purposes of convenience or financial burden.
- b. A variance may also be granted by the Board of Adjustment where strict application of the UDO would prevent achieving a public purpose. A public purpose may include protection of public safety; provision of public facilities including roadways, walkways, trails, water and sewer utilities, and storm drainage facilities; provision of public or private landscaping and open space; and

accommodation of beneficial economic development projects. No such variance shall be authorized by the Board of Adjustment unless it finds that:

1. The strict application of the UDO would prevent achieving a clearly defined public purpose;
2. The authorization of such variance will not be of substantial detriment to adjacent property; and
3. The character of the zoning district will not be changed by the granting of the variance.

**(iii) Post-Decision Actions and Limitations**

Post-decision actions and limitations in Subsection 11-6-3(h) shall apply, with the following modifications:

**(iv) Notice of Decision**

Within three business days following any decision by the Board of Adjustment, the Director shall provide written notification of such decision to the applicant.

**(v) Expiration of Variance**

If the property owner has not commenced development or obtained the required permits to carry out the approved variance within one year of the variance approval, the variance shall automatically expire.

**(vi) Non-Transferable**

An approved variance shall apply only to the property or structure described in the approval and shall not be transferable to any other property or structure.

**(vii) Appeal to District Court**

The decision on a variance may be appealed to the District Court in accordance with Colorado law.

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## **(b) Administrative Adjustment**

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**(1) Purpose**

This section describes the review and approval procedures for administrative adjustments, which are minor modifications or deviations from the dimensional or numeric standards of this UDO that may be permitted by the Director. Administrative adjustments are intended to allow for greater flexibility to make slight adjustments without requiring a formal zoning amendment or variance. The administrative adjustment procedure is not intended to serve as a waiver of current standards of the UDO or to circumvent the variance procedure.

**(2) Applicability**

**(A)** The administrative adjustment procedure shall apply to the standards and limitations established in Table 6.C, Allowable Administrative Adjustments.

**(B)** The administrative adjustment procedure shall not apply to any proposed modification that results in:

- (i)** An increase in the overall project density;
- (ii)** A change in permitted uses or mix of uses;
- (iii)** A deviation from the use-specific standards in Section 11-3-3, *Use-Specific Standards*;
- (iv)** A deviation from sensitive area protection standards in Section 11-4-2, *Sensitive Area Protection*;
- (v)** A deviation from floodplain regulations in Section 11-4-3, *Regulations to Minimize Flood Losses*;
- (vi)** A change to a development standard already modified through a separate administrative adjustment or variance; or
- (vii)** Requirements for public roadways, utilities, or other public infrastructure or facilities.

**Table 6.C: Allowable Administrative Adjustments**

<b>UDO Standard</b>	<b>Allowable Administrative Adjustment (maximum percentage)</b>
<b>Site Standards</b>	
Lot area, minimum	15
Lot coverage, maximum	15
Block length, maximum	10
Percentage open space required, minimum	10
<b>Lot Dimensional Standards</b>	
Front setback, minimum	10
Side setback, minimum	10
Rear setback, minimum	10
Encroachment into setback, maximum	10
<b>Building Standards</b>	
Building height, maximum	10
Accessory structure height, maximum	10
<b>Development Standards</b>	
Number of required parking spaces, maximum or minimum	15
Number of required bicycle parking spaces, minimum	5
Lighting height, maximum	10
Sign height, maximum	10
Fence or wall height, maximum	1 foot maximum
Minimum landscape requirements	10

**(3) Administrative Adjustment Procedure**

This subsection identifies the applicable steps from the common review procedures in Section 11-6-3 that apply to the review of administrative adjustments. Additions or modifications to the common review procedures are noted below.

**(A) Pre-Application Meeting**

An optional pre-application meeting may be held in accordance with Subsection 11-6-3(b) at the applicant’s discretion.

**(B) Application Submittal, Acceptance, Revision, and Withdrawal**

- (i) The administrative adjustment application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Subsection 11-6-3(c). The application shall include all required information as indicated in the Administrative Manual, and any additional information requested by the Director.
- (ii) An application for an administrative adjustment shall only be submitted and reviewed concurrently with an application for a special use permit, temporary use permit, change of use permit, site plan approval (minor or major), or plat approval (preliminary or final).

**(C) Staff Review, Correspondence, and Action**

**(i) Review and Decision**

- a. Where the concurrently reviewed application is subject to review and approval by the Planning Commission and/or City Council, the Planning Commission and/or City Council shall review and decide the administrative adjustment application based on the criteria below.
- b. The Director shall review all other administrative adjustment applications and shall approve, approve with conditions, or deny the adjustment request based on the criteria below.

**(ii) Administrative Adjustment Approval Criteria**

In reviewing a proposed administrative adjustment, the Director, Planning Commission, and/or City Council shall consider whether and to what extent the adjustment:

- a. Is consistent with the Comprehensive Plan;
- b. Is consistent with the purpose of the applicable zoning district;
- c. Will not result in incompatible development; and
- d. Will not result in adverse impacts unless adequately mitigated; and/or
- e. Is of a technical nature and is required to:
  1. Compensate for an unusual site condition;
  2. Eliminate a minor inadvertent failure to comply with a UDO standard; or
  3. To protect a sensitive resource or natural feature.

**(D) Post-Decision Actions and Limitations**

Post-decision actions and limitations in Subsection 11-6-3(h) shall apply, with the following modifications:

**(i) Effect of Approval**

Approval of an administrative adjustment authorizes only the particular adjustment of standards approved, and only to the subject property of the application.

**(ii) Expiration of Approval**

Approval of an administrative adjustment shall automatically expire if the associated development application is denied or if approval of the concurrently reviewed application expires, is revoked, or otherwise becomes invalid.

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**(c) Vested Rights**

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**(1) Purpose**

This section describes the procedure for approval of vested real property rights pursuant to state statutes C.R.S. Article 68 of Title 24, as amended. Nothing in this section is intended to create a vested property right, but only to implement the provisions of state law.

**(2) Applicability**

**(A)** Vested property rights shall be obtained through approval of the following site-specific development plans:

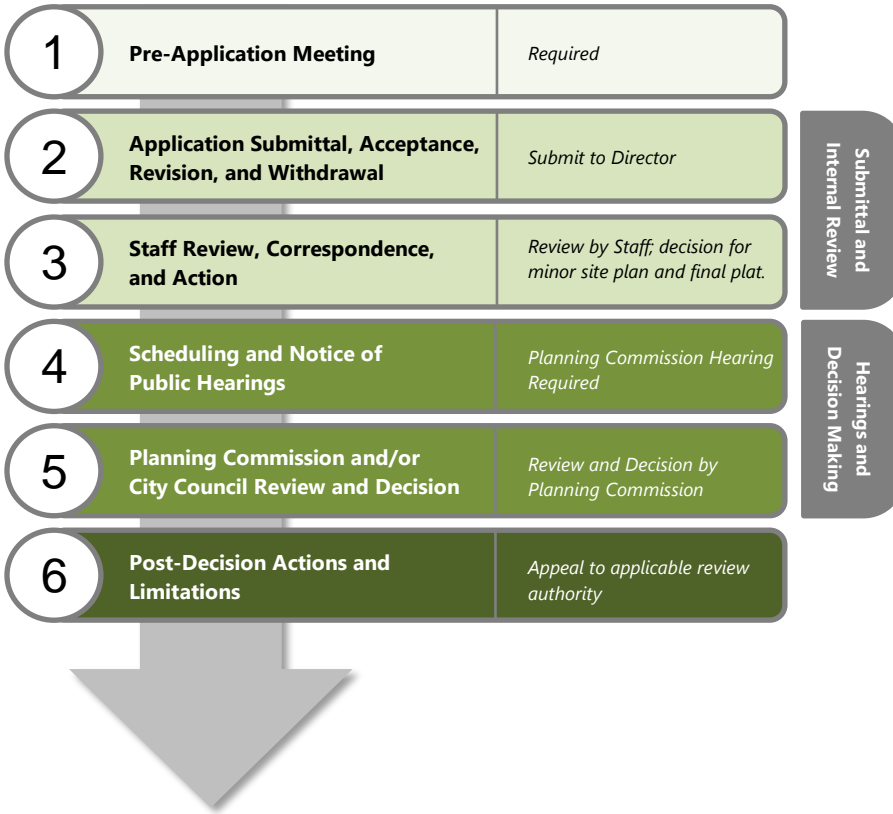
- (i)** Final plat;
- (ii)** Minor site plan;
- (iii)** Major site plan; or
- (iv)** Planned Development.

**(B)** No other plan, plat, or similar document shall be considered a site-specific development plan.

**(3) Vested Rights Procedure**

Figure 6.P identifies the applicable steps from the common review procedures in Section 11-6-3 that apply to the review of vested rights. Additions or modifications to the common review procedures are noted below.

Figure 6.P: Summary of Vested Rights Procedure



**(A) Pre-Application Meeting**

A pre-application meeting shall be held in accordance with Subsection 11-6-3(b). The vested rights shall be discussed as part of the pre-application meeting for the applicable site-specific development plan.

**(B) Application Submittal, Acceptance, Revisions, and Withdrawal**

- (i) The vested rights request shall be included with an application for the site-specific development plan, which application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Subsection 11-6-3(c).
- (ii) The application shall include all required information as indicated in the Administrative Manual and any additional information requested during the pre-application meeting.
- (iii) If the applicant seeks approval of a site-specific development plan to create vested property rights, the plan shall include a statement that is being submitted for designation as a site-specific development plan. Failure to include such statement shall result in no vested property rights being created by the approval of the site-specific development plan.

**(C) Staff Review, Correspondence, and Action**

- (i) The Director shall review the vested rights application and prepare a staff report and recommendation in accordance with Subsection 11-6-3(d). The recommendation for vested rights may be incorporated directly into the staff report for the applicable site-specific development plan.
- (ii) For applications decided by the Director, vested rights shall be included with the official decision per the applicable site-specific development plan procedure.

**(D) Scheduling and Notice of Public Hearings**

If required, the applicable site-specific development plan application shall be scheduled for public hearings before the Planning Commission and City Council, and noticed in accordance with Subsection 11-6-3(e). Hearings on vested rights may occur concurrently with the applicable site-specific development plan.

**(E) Planning Commission and/or City Council Review and Decision****(i) Planning Commission Review, Recommendation, and/or Decision**

If required for a site-specific development plan pursuant to the specific application type, the Planning Commission shall review the site-specific development plan application and make a recommendation and or decision in accordance with Subsection 11-6-3(f). If the Planning Commission is the deciding authority, the Planning Commission shall make one of the decisions according to the procedures for that site-specific development plan. The vested rights approved with any site-specific development plan shall be three years unless an extended duration is approved pursuant to state law.

**(ii) City Council Review and Decision**

If required for a site-specific development plan pursuant to the specific application type, the City Council shall review the site-specific development application and make a decision in accordance with Subsection 11-6-3(f). The City Council shall make one of the decisions according to the procedures for that site-specific development plan. The vested rights approved with any site-specific development plan shall be three years unless an extended duration is approved pursuant to state law.

**(F) Post-Decision Actions and Limitations**

Post-decision actions and limitations in Subsection 11-6-3(h) shall apply, with the following modifications:

- (i)** Approval of a site-specific development plan shall not constitute an exemption from or waiver of any other provisions or requirements of the City pertaining to the development and use of the property adopted prior to the approval of a site-specific development plan.
- (ii)** Prior to approval of a site-specific development plan, the City may impose conditions on such approval. Failure to abide by any terms or conditions imposed by the City on the approval of any site-specific development plan shall constitute a forfeiture of any vested right created by the plan, unless otherwise expressly agreed to by the City in writing.
- (iii)** A site-specific development plan submitted by a landowner and approved by the City as provided in this section shall supersede any prior vested property rights for that property, and the landowner waives any right to claim a vested property right by a site-specific development plan previously approved by the City or any other local government for the property.
- (iv)** It shall be the applicant's responsibility to comply with the publication requirements of C.R.S. § 24-68-103(1)(c) following approval of a site-specific development plan by the City. The applicant shall provide a copy of said notice to the City within 10 days of publication.

**(d) Appeal****(1) Purpose**

The purpose of this section is to establish remedies whereby persons claiming to having been aggrieved by a decision of the Director, administrative official, Board, Commission, or Council, in administering this UDO may appeal that decision.

**(2) Applicability**

Any person may appeal any decision of any administrative officer or agency made in the administration or enforcement of this UDO. Appeals shall be made to the appropriate body as indicated in Table 6.A, Summary Table of Development Review Procedures, with the following additions and/or exceptions:

**(A) Appeals of Decisions made by Boards/Commissions other than Planning Commission**

Appeals of decisions by boards and commissions except for the Planning Commission shall be made to the Board of Adjustment, except that appeals of comprehensive plan amendments shall be made to the City Council.

**(B) Appeals of Director Decisions**

Appeals of administrative decisions made by the Director shall be appealed to the Planning Commission, except that appeals of UDO interpretations shall be appealed to the Board of Adjustment.

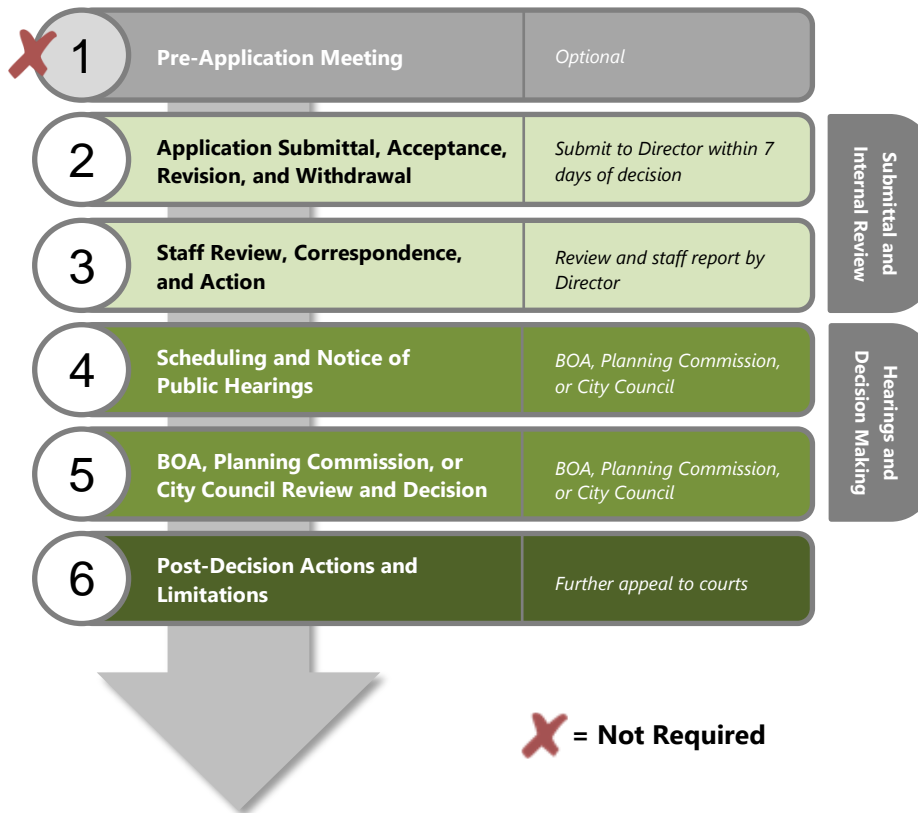
**(C) Appeals of City Council and Board of Adjustment Decisions**

Appeals of decisions by the City Council and Board of Adjustment shall be made to the District Court in accordance with Colorado law.

**(3) Procedure**

Figure 6.Q identifies the applicable steps from the common review procedures in Section 11-6-3 that apply to the review of appeals. Additions or modifications to the common review procedures are noted below.

**Figure 6.Q: Summary of Appeal Procedure**



**(A) Pre-Application Meeting**

An optional pre-application meeting may be held in accordance with Subsection 11-6-3(b) at the applicant’s discretion.

**(B) Application Submittal, Acceptance, Revisions, and Withdrawal**

An appeal application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Subsection 11-6-3(c), with the following modifications:

**(i) Burden of Proof on Appellant**

The appellant has the burden of proving the necessary facts to warrant approval of an appeal by the appropriate decision-making body. Such proof shall be provided at time of application.

**(ii) Time limit**

Appeals shall be made in writing and filed with the Director within seven days of the action or decision being appealed.



**(iii) Stay of Proceedings**

An appeal stays all proceedings from further action unless the Director determines that a stay would create adverse impacts to the health, safety, or welfare of the City or neighborhood.

**(C) Staff Review, Correspondence, and Action**

The Director shall review the application and prepare a staff report in accordance with Section 11-6-3(d), with the following modifications:

- (i) Staff review shall only confirm that the application is complete and that the appeal is heard by the appropriate authority.
- (ii) The staff report shall not make a formal recommendation. The report shall include necessary facts to warrant an appeal, which shall be provided by the appellant/applicant.

**(D) Scheduling and Notice of Public Hearings**

An appeal shall be scheduled for public hearings before the Board of Adjustment, Planning Commission, or City Council, and noticed in accordance with Subsection 11-6-3(e).

**(E) Board of Adjustment, Planning Commission, or City Council Review and Decision**

- (i) The appropriate decision-making body shall consider the following in determining whether to affirm, reverse, or amend a decision or interpretation made by another decision-making body:
  - a. The facts stated in the application, as presented by the appellant and/or the Director;
  - b. The requirements and intent of the applicable standards from this UDO compared to the written decision that is being appealed;
  - c. Evidence related to how the applicable standards from this UDO have been administered or interpreted in the past; and
  - d. Consistency with the Comprehensive Plan.
- (ii) The appeal decision-making authority may reverse a previous decision in whole or in part, or may modify the order, requirement, decision, or determination appealed from.
- (iii) The appeal decision-making authority may attach conditions of approval on any appeal to ensure the health, safety, and welfare of the City.

**(F) Post-Decision Actions and Limitations**

Post-decision actions and limitations in Subsection 11-6-3(h) shall apply. Any further appeals from the appropriate appeal decision-making authority shall be made to the courts, as provided by law; provided that such appeal is made within 60 days of that decision-making authority's decision.

**(e) UDO Interpretation****(1) Purpose**

The purpose of this section is to establish an administrative procedure for making determinations and interpretations of the intent, meaning, or application of the stated provisions of this UDO.

**(2) Applicability**

The UDO interpretation procedure applies to both applications submitted to the Director for written interpretations and internal staff requests for written interpretations of provisions of this UDO.

**(3) Procedure**

Figure 6.R identifies the applicable steps required for written interpretations of the UDO. Additional details are provided below.

**(A) Application Filing**

An application shall be submitted on a form established by the Director.

**(B) Director Review and Decision**

Within 30 days of receipt of a complete application for a written interpretation, the Director shall:

- (i) Review and evaluate the application with regard to the UDO and any other relevant regulations or documents;
- (ii) Consult with the City Attorney and/or other staff departments as necessary;
- (iii) Issue a written interpretation.

**(C) Documentation of the Interpretation**

- (i) Official record of written interpretations shall be kept on file in the office of the Director. The record of interpretations shall be available for public inspection during normal business hours of the Planning and Development Department.
- (ii) The written interpretation shall be distributed to the applicant and any relevant staff departments as necessary.

**(D) Post-Decision Actions**

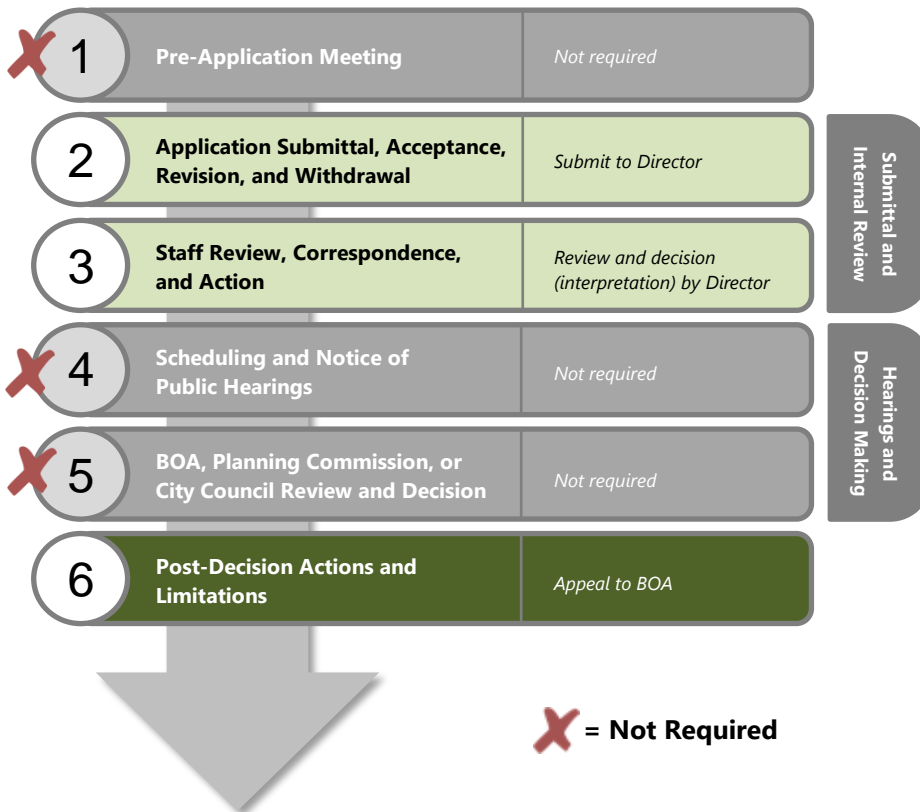
**(i) UDO Text Amendments**

Following issuance of a written interpretation, the Director shall determine whether or not such interpretation warrants an amendment to the UDO. To make such determination, the Director shall evaluate whether or not clearer language, additional graphics, or removal of inconsistent language would facilitate administration of the provision that was subject to the interpretation. Should the Director determine that an amendment to the UDO is warranted; such amendment shall follow the procedures in Section 11-6-4(c), *Unified Development Ordinance Amendment*.

**(ii) Appeals**

A written interpretation may be appealed to the Board of Adjustment pursuant to Subsection 11-6-7(d), *Appeal*.

**Figure 6.R: Summary of UDO Interpretation Procedure**



## 11-6-8 Review and Decision-Making Bodies

### (a) Purpose

This section establishes and describes the authority, basic duties, and operating procedures for decision-making bodies in the City of Northglenn responsible for administering and enforcing this UDO.

### (b) City Council

#### (1) Legislative Body

The City Council is the governing body of the City and has sole authority to adopt or amend provisions in this UDO and the Zoning Map.

#### (2) Powers and Duties under this UDO

To exercise the authority granted it by State law and the City Charter, the City Council shall have the following powers and duties under this UDO.

##### (A) Review of Development Applications

The City Council shall have the review and decision-making authority and responsibilities shown in Table 6.A, pursuant to the application-specific procedures outlined in this article.

##### (B) Adopt Schedule of Development-Related Fees

The City Council is authorized to adopt, by resolution, a schedule of fees governing the review of development applications and plans, inspections, and other matters involving the administration and enforcement of this UDO.

##### (C) Adopt Schedule of Civil Penalties

The City Council is authorized to adopt, by ordinance, a schedule of civil penalties for violations of this UDO.

##### (D) Other Actions

The City Council is authorized to take any other action not assigned or delegated to the Director, Planning Commission, or other advisory or design-making authority as the City Council deems desirable and necessary to implement provisions of this UDO, and as authorized by State law and the City Charter.

#### (3) Other Powers and Duties

Other powers and duties of the City Council are set forth in Chapter 2, Article 2-2 and Chapter 3, Article 3-3 of the City of Northglenn Municipal Code, and in the City Charter.

### (c) Planning Commission

#### (1) Powers and Duties

The Planning Commission shall have the review and decision authority as shown in Table 6.A, *Summary of Development Review Procedures*, pursuant to the application-specific procedures outlined in this article and according to the Rules of Order and Procedure of the Northglenn Planning Commission, as amended. The Planning Commission also has the powers and duties permitted under Colorado law, C.R.S. §31-23-201 et seq.

#### (2) Membership

##### (A) Generally

- (i) The Planning Commission shall consist of nine total members, seven of whom shall be ~~citizen~~ voting members, one of whom shall be an alternate member that will fill-in for an absent member, and one of whom shall be a non-voting ex-officio member. Each member shall be a resident of the City of Northglenn.
- (ii) Members of the Planning Commission shall be appointed by resolution of the City Council. The term of each member shall be three years or until his or her successor takes office.
- (iii) The ex-officio member of the Planning Commission shall be appointed by the City Council, by resolution, from among the membership of the Council, including the Mayor. The term of the ex-officio member shall be provided in the appointing resolution and shall continue for such period and until his

or her successor takes office, or until the termination of his or her official tenure as such Councilmember or Mayor. The ex-officio member will have no vote on matters before the Planning Commission.

- (iv) The Commission shall elect a Chair from among its voting members, for a term of one year, with eligibility for re-election.
- (v) The Commission shall choose one of its voting members as a Vice-Chair to perform the same functions as the Chair during the disqualification, absence, or disability of the Chair.
- (vi) All members of the Planning Commission shall be bona fide residents of the City.
- (vii) No elected officer of the City or member of the Northglenn Urban Renewal Authority shall be a member of the Planning Commission during his or her term of elected office.
- (viii) No employee of the City shall be a member of the Planning Commission during the term of employment.
- (ix) Any member of the Planning Commission shall be eligible for reappointment or for appointment to a different term.
- (x) The Planning Commission shall be a continuing body. Planning Commission proceedings shall be unaffected by the expiration of the term of any one or more of the members.

**(B) Investigation and Recommendation**

The Planning Commission may interview and investigate the qualifications of applicants for appointment as members of the Planning Commission, and make reports and recommendations to the Council.

**(C) Termination**

- (i) Members of the Planning Commission may be removed by the City Council, after public hearing, for neglect of duty or misconduct in office. Such public hearing shall be held only after the filing by the Mayor or any Councilman of written charges and upon proper notice.
- (ii) The election of any member of the Planning Commission to municipal office of the City shall terminate the term of such member as of the date of commencement of the term of elected office.
- (iii) The term of any member of the Planning Commission shall terminate in the event such member shall cease to be a bona fide resident of the City.

**(D) Vacancies**

- (i) A vacancy on the Planning Commission shall exist upon the resignation, death, or removal of any member, or upon the termination of the term of any member otherwise than by expiration of his term.
- (ii) Any vacancy on the Planning Commission shall be filled, for the balance of the unexpired term, in the manner provided by this section.

**(3) Comprehensive Plan**

- (a) In accordance with the provisions contained in Colorado Revised Statutes § 31-23-206 et seq., the Planning Commission is directed to make and adopt a comprehensive plan for the physical development of the City of Northglenn. The Planning Commission may adopt the Plan as a whole by a single resolution or by successive resolutions, adopt successive parts of the Plan, said parts corresponding with major geographical sections or division of the subject matter of the Plan, and may adopt any amendments or extensions thereof or addition thereto. All proposed comprehensive plans shall be referred to the Planning Commission for study, consideration, and adoption. The Planning Commission's adoption of the Plan, in whole or part, shall then be ratified by the Northglenn City Council.

**(4) Voting****(A) Adoption or Amendment of Comprehensive Plan**

Any decision requiring an amendment or extension of, or addition to, the Comprehensive Plan of the City shall be carried by the affirmative votes of not less than two-thirds of the voting members of the Planning Commission.

**(B) Other Actions**

Except when a different number is required by this UDO, another ordinance, or by law, any decision, determination, or recommendation of the Commission not involving an amendment to the Comprehensive

Plan shall be carried by majority vote, provided a quorum is present at the meeting. Except as provided in paragraph (A) above, the business of the Planning Commission shall be transacted by such vote of the membership as the Planning Commission shall prescribe by the meeting procedures in Subsection (5) below.

**(5) Meeting Procedures**

- (A)** The Planning Commission shall hold at least one regular meeting in each month on a day and time set by the Planning Commission, which shall not be changed more than once in any year.
- (B)** The Planning Commission may cancel its regular meeting upon notification that there are no matters scheduled to be considered by the Planning Commission.
- (C)** All meetings of the Planning Commission shall be open to the public.
- (D)** The Planning Commission shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent and failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City of Northglenn and shall be public records.
- (E)** The Planning Commission shall propose rules for the transaction of business for review and adoption by the City Council. Except as provided by ordinance, the proceedings and meetings of the Planning Commission shall be governed by such rules.
- (F)** The Planning Commission may by resolution appoint any one or more of its members as a referee or board of referees for the purpose of receiving evidence, conducting an investigation, compilation of data, and/or for the preparation and presentation to the Planning Commission of proposed findings and conclusions concerning any matter before the Planning Commission under the provisions of this UDO. Any referee or referees so appointed shall have and exercise the powers of the Planning Commission in the performance of the duties and functions provided by the appointing resolution.

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**(d) Board of Adjustment**

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**(1) Powers and Duties**

The Board of Adjustment shall have the review and decision authority as shown in Table 6.A, pursuant to the application-specific procedures outlined in this article.

**(2) Membership****(A) Generally**

The membership of the Board of Adjustment shall be the same as the Planning Commission, pursuant to Subsection 11-6-8(c)(2).

**(B) Regular Members and Officers**

The Board of Adjustment shall elect a Chairman and Vice-Chairman, and appoint a secretary among its members. Each term shall be for one year.

**(3) Voting**

**(A)** A concurring vote of four members of the Board of Adjustment shall be necessary to:

- (i)** Reverse any order, requirement, decision, or determination of an administrative official;
- (ii)** Decide in favor of the applicant required for approval under the provisions of this UDO; or
- (iii)** Grant a variance from this UDO.

**(B)** Except as provided in paragraph (A), the business of the Board of Adjustment shall be transacted by such vote of the membership as the Board of Adjustment shall prescribe by the meeting procedures in Subsection (4) below.

**(4) Meeting Procedures**

- (A)** Meetings of the Board of Adjustment shall be held at the call of the Chair and at such other times the Board in its Rules of Procedure shall specify.
- (B)** The Chair, Vice-Chair in the absence of the Chair, or an acting Chair may administer oaths and require the attendance of witnesses by application to the District Court.

- (C) All meetings of the Board of Adjustment shall be open to the public.
- (D) The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent and failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City of Northglenn and shall be public records.
- (E) The Board of Adjustment may adopt rules and procedures consistent with this UDO.

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### **(e) Director of Planning and Development**

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The Director shall have the review and decision-making authority as shown in Table 6.A to be carried out in accordance to the provisions of this UDO.

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### **(f) Other City Administration**

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**(1) City Manager**

See Chapter 2, Article 2-3 of the City of Northglenn Municipal Code.

**(2) Building Official**

The Director of Planning and Development shall be the building official, with authority pursuant to Chapter 10, Section 10-1-3 of the City of Northglenn Municipal Code.

# Article 7: Definitions and Rules of Construction

## 11-7-1 General Rules of Construction

The following shall apply for construing or interpreting the terms and provisions of this UDO.

### (a) Meanings and Intent

All provisions, terms, phrases, and expressions in this UDO shall be construed according to the general purpose set forth in Section 11-1-2 and the specific purpose statements elsewhere in this UDO. If a specific section provides a different meaning of a term defined for general purposes in this Article, the specific section's meaning and application shall control.

### (b) Headings, Illustrations, and Text

In case of any difference of meaning or implication between the text of this UDO and any heading, caption, figure, illustration, table, or map, the text shall control.

### (c) Lists and Examples

Unless otherwise indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar are intended to provide examples and are not exhaustive lists of all possibilities.

### (d) Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday, the deadline shall be the next day that is not a Saturday, Sunday, or holiday. References to "days" are calendar days unless otherwise stated.

### (e) Public Officials and Agencies

All public officials, bodies, and agencies referred to in this UDO are those of the City of Northglenn unless otherwise stated.

### (f) Mandatory and Discretionary Terms

The words "shall," "must," and "will" are mandatory in nature, establishing an obligation to comply. The words "may" and "should" are permissive in nature.

### (g) Conjunctions

Unless the context clearly suggests otherwise, conjunctions shall be interpreted as follows:

- (1) "And" indicates that all connected items apply; and
- (2) "Or" indicates that one or more of the connected items apply.

### (h) Tenses, Plurals, and Gender

- (1) Words used in the present tense include the future tense, unless the context clearly indicates otherwise.
- (2) Words used in the singular number include the plural number, and words used in the plural number include the singular number, unless the context clearly indicates otherwise.

- (3) Words used in the masculine gender shall include the feminine gender, and words used in the feminine gender shall include the masculine gender.

## 11-7-2 Definitions of Use Categories and Specific Use Types

### (a) Residential Uses

#### Household Living

Uses in the category are characterized by residential occupancy of a dwelling unit by a "family." Tenancy is arranged on a month-to-month or longer basis. Common accessory uses include recreational activities, personal gardens, personal storage buildings, hobbies, and resident parking. Specific use types include:

##### Dwelling, Co-Housing

A residential development that combines small individually-owned units on a single lot with common open space and sometimes including a larger community kitchen and dining room intended for communal use on a regular basis. The residents in a co-housing development agree to share in the provision of communal services such as cooking meals, maintenance of grounds, and child care.

##### Dwelling, Duplex

A building with two dwelling units located on a single lot designed or arranged to be occupied by two families living independently of each other.

##### Dwelling, Live/Work

A dwelling unit containing an integrated living and working space in different areas of the unit.

##### Dwelling, Multifamily

A building, group of buildings, or portion of a building that contains three or more dwelling units located on a single lot.

##### Dwelling, Single-Family Attached

Two or more dwelling units where each dwelling unit is located on its own separate lot, but attached to other units, and is designed for occupancy by one family.

##### Dwelling, Single-Family Detached

A building located on one lot containing one dwelling unit not physically attached to any other primary structure that is designed to be occupied by one family.

##### Manufactured Home Park, HUD-Code

A unified development of two or more manufactured home spaces arranged on a tract of land under private ownership meeting all requirements of this UDO. Accessory uses may include supervisory, managerial or other office facilities for control of the park, subdivision, and facilities. For floodplain regulations in Section 11-4-3, "manufactured home park" shall be defined pursuant to Section 11-7-4.

#### Group Living

Uses in this category are characterized by residential occupancy of a structure by a group of people who do not meet the definition of "household living." Tenancy is arranged on a monthly or longer basis and the size of the group may be larger than a "family". Generally, group living structures have a common eating area for residents. Residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff. Specific use types include:

##### Assisted Living Facility

A facility licensed by the Colorado State Department of Public Health, that provides living accommodations and medical services for the aged who, due to illness or disability, require care similar to that provided to persons who are 55 years or over. Services like transportation, housekeeping, dietary supervision, and recreational activities may also be offered.



### Group Home

A structure providing residential, non-institutional housing for a group of unrelated individuals not meeting the definition of “family,” where assistance and/or supportive services are provided by professional support person(s). a group home shall have no more than 12 residents, including professional support persons. Group homes are further defined as “Group Home, FHAA,” or “Group Home, Supportive Housing,” according to the residence type.

### Group Home, FHAA

A residence that provides a community living environment for those protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Colorado, including, but not limited to:

- (A) **Group Home for Persons with Intellectual and Developmental Disabilities.** A residence that provides state-licensed non-institutional housing for not more than eight persons living a single housekeeping unit for the exclusive use of persons with intellectual and developmental disabilities, as defined by Section 25.5-10-202 C.R.S., as amended.
- (B) **Group Home for the Aged.** A residence that provides non-institutional housing for not more than eight persons living as a single housekeeping unit for the exclusive use of persons who are 60 years of age or older, as defined by Section 31-23-303(2)(b)II) C.R.S., as amended.
- (C) **Group Home for Persons with Mental Health Disorders.** A residence that provides state-licensed non-institutional housing for no more than eight persons living as a single housekeeping unit for the exclusive use of persons with mental health disorders, as that term is defined by Section 27-65-102 C.R.S., as amended.

### Group Home, Supportive Housing

A residence other than a “Group Home, FHAA” that provides a community living environment for no more than eight persons requiring correctional supervision, custodial care, medical treatment, or specialized social services for persons. Supportive housing includes, but is not limited to:

- (A) An owner-occupied or nonprofit residential dwelling for the exclusive use of at least two but not more than eight persons, who together with support services staff, live as a single housekeeping unit but do not require 24-hour medical or nursing care.
- (B) A shelter for persons experiencing temporary homelessness.
- (C) A shelter for domestic violence victims, which is a public or private building or structure housing residents for the purpose of the rehabilitation for victims of domestic violence or emotional or mental abuse. The term includes battered women’s shelter.

### Independent Living Facility

A multi-family dwelling restricted to adults at least 55 years of age or older, that includes central dining facilities and provides residents with access to meals and other services such as housekeeping, transportation, and social and recreational activities. Independent living facilities do not provide skilled medical and residential care and assistance such as provided at a group care institution.

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## (b) Public, Institutional, and Civic Uses

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### Community and Cultural Facilities

Uses in this category include buildings, structures, or facilities that provide a service to the public. Accessory uses may include limited retail, concessions, parking, and maintenance facilities. Specific use types include:

#### Assembly

A structure used by a religious organization or other congregation for regular organized activities. Accessory uses may include columbariums in association with an established religious institution. Other accessory uses may

include those customarily associated with assembly uses such as educational programming, childcare, and community services.

### **Cemetery or Interment Facility**

Land used or intended to be used for the burial of the dead and dedicated for such purposes and includes columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such premises.

### **Club or Lodge**

A meeting place for an incorporated or unincorporated association of persons organized for some common purpose, including social, educational, literary, political, or charitable purpose, operated by a private nonprofit or noncommercial organization.

### **Community Center**

A structure or group of structures for a community's governmental, social, educational, and/or recreational activities. Community Service facilities include federal, state, county, and local government activities including libraries, museums, and other similar uses.

### **Daycare**

A facility licensed, certified, or registered by the State of Colorado that provides care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day.

### **Emergency or Community Operations Facility**

A facility or property used for police, fire, and/or medical equipment or other emergency services and personnel.

### **Funeral Facility**

An establishment for the care, preparation, or disposition of the deceased for burial and the display of the deceased and rituals connected with, and conducted before, burial or cremation. This use includes funeral homes and mortuaries, which are facilities in which dead bodies are prepared for burial or cremation, but shall not include crematoriums or other interment facilities.

### **Park and Open Space, Active**

Areas for recreational uses that require constructed facilities for organized activities including playing fields, playgrounds, and ball courts. Accessory uses may include group picnic facilities, hard surfaced pathways, restrooms, parking lots, and similar facilities.

### **Park and Open Space, Passive**

Areas for recreational uses related to the functions and values of a nature area including bike or running trails; natural areas with limited development for fishing, hiking, walking, or biking; wildlife preserves; lakes for fishing with accessible walks, conservation easements on agricultural land; environmental education programs; lands and waterways as community buffers; river and stream corridor land; unimproved flood plains; and wetlands. Accessory uses may include picnic facilities, restrooms, parking lots, and similar facilities.

## **Educational Facilities**

Uses in this category include public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or vocational or trade schools. Accessory uses commonly include cafeterias, indoor and outdoor recreational and sport facilities, auditoriums, and day care facilities. Specific use types include:

### **School, Public or Private**

A public or private institution that offers general academic instruction at preschool, kindergarten, elementary, secondary, and collegiate levels, including graduate schools, universities, nonprofit research and religious institutions.

### **School, Vocational or Trade**

A secondary school offering instruction in a professional, vocational, or technical field. This use includes public or private schools providing domestic, recreational and other types of instruction, such as dance, gymnastics, cooking, music, martial arts and handicrafts.

### **Healthcare Facilities**

Uses in this category are characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, and parking, or other amenities primarily for the use of employees in the firm or building.

#### **Hospital**

An institution designed for the diagnosis, treatment, and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices.

#### **Medical or Dental Clinic**

An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of licensed health care practitioners, dentists, or licensed health care practitioners and dentists in practice together. This use includes health spas, alternative care and holistic healing centers. Accessory uses may include incidental retail sales of products incidental to the services provided.

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## **(c) Commercial Uses**

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### **Agriculture and Animal Uses**

This category includes agricultural and farming activities, including nurseries and facilities for processing and selling agricultural products. Agricultural uses involve farming, dairying, pasturage, beekeeping, horticulture, floriculture, viticulture, animal husbandry, and animal-related uses include the boarding and care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas. Specific use types include:

#### **Agriculture, General**

The land use of animal husbandry, farming, cultivation of crops, dairying, pasturage, floriculture, horticulture, viticulture, aquaculture, hydroponics, together with necessary accompanying accessory uses, buildings, or structures for housing, packing, treating, or storing said products. This definition includes grain and feed elevators and associated dwellings for those involved in agricultural uses. Accessory uses may include incidental sales by the producer of products raised on the farm. This use excludes marijuana cultivation, slaughterhouses, commercial feedlots, or stockyards, fat rendering, meatpacking, tanning, cutting, curing, cleaning or storing of green hides or skins, and slaughtering or meatpacking of animals not raised on the premises.

#### **Agriculture, Urban**

The raising, keeping or production of fruits, vegetables, flowers, and other crops, poultry, and bees; composting; and the processing of those agricultural products. Accessory uses may include incidental sales of produce, plants, or products raised on the premises, preparing, treating, and storing agricultural products, equipment and machinery, but does not include marijuana cultivation or the dressing of animals not raised on the premises. This definition does not include the keeping or raising of swine, goats, sheep, cattle, horses, or other farm animals.

#### **Community Garden**

A public facility for the cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

#### **Kennel, Commercial**

Any establishment where three or more domestic animals are kept, housed, boarded, lodged, fed, hired, trained, sold, or bred as a commercial activity.

#### **Stable, Commercial**

A facility or area where horses, mules, or other domestic animals are kept, housed, boarded, lodged, fed, hired, trained, sold, or bred as a commercial activity. The definition includes accessory uses such as riding lessons, clinics, and similar activities.

### **Veterinary Hospital or Clinic**

Facility for the diagnosis, treatment, or hospitalization of domestic animals, operated under the supervision of a licensed veterinarian. The incidental temporary overnight boarding of animals that are recuperating from treatment is included in this definition.

### **Recreation and Entertainment**

This category includes indoor and outdoor recreation and entertainment activities. Accessory uses may include limited retail, concessions, parking, and maintenance facilities. Specific use types include:

#### **Indoor Recreation Facility**

A commercial recreational use conducted entirely within a building, including bowling alley, pool hall, dance hall, gymnasium, swimming pool, skating rink, art gallery or studio, miniature golf course, kiddie park, theater, health club, athletic club, exhibit hall, and other similar amusement centers. Accessory uses may include limited retail, concessions, and maintenance facilities.

#### **Outdoor Recreation Facility**

Uses in this category provide recreation and entertainment activities operated by a commercial enterprise that is mostly outdoors or partially within a building, including picnic area, outdoor swimming pool, skateboard park, tennis court, basketball court, baseball diamond, soccer and football field, amphitheater, outdoor arena, outdoor theater, drive-in theater, golf course, golf driving range, or other similar outdoor recreational uses. Accessory uses may include limited retail, concessions, and maintenance facilities.

### **Food and Beverage Services**

Establishments involved in serving prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking. Specific use types include:

#### **Bar, Tavern, or Lounge**

An eating and drinking establishment providing or dispensing by the drink for on-site consumption fermented malt beverages, and/or malt, special malt, vinous, or spirituous liquors, and in which the sale of food products is secondary. A bar, lounge, or tavern may include live entertainment and/or dancing; however, shall not include any adult entertainment.

#### **Catering Establishment**

An establishment whose primary business is to prepare food on-site, then to transport and serve the food off-site. No business consumption of food or beverages is allowed on the premises.

#### **Microbrewery, Distillery, or Winery**

A small brewery, winery, or distillery operated separately or in conjunction with a drinking establishment or restaurant, provided the beer, wine, or liquor is sold for consumption onsite or off the premises.

#### **Restaurant**

An eating/drinking establishment that is open to the public, where food and beverages are prepared, served, and consumed within the primary building, or off the premises as carry-out orders; or in an outdoor seating area on the premises. Accessory uses may include an outdoor dining area or sidewalk café. This definition may include drive-through establishments, pursuant to Table 3-2-A.

### **Office, Business, and Professional Services**

Uses in this category provide executive, management, administrative, governmental, or professional services, but do not sell merchandise except as incidental to an allowed use. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building. Specific use types include:

#### **Administrative, Professional, and Government Office**

A building in which services are provided and/or business is conducted including administrative, professional, governmental, or clerical operations. Typical examples include fire station, police station, judicial court or government offices, post office, real estate, radio and television broadcasting station, call center, insurance, property management, investment, financial, employment, travel, advertising, law, architecture, design, engineering, accounting, and similar offices. This use includes accessory uses such as restaurants, coffee shops,

health facilities, parking, limited retail sales, or other amenities primarily for the use of employees in the firm or building.

### **Financial Institution**

An establishment that provides retail banking, mortgage lending, and financial services to individuals and businesses, and including check-cashing facilities. Accessory uses may include automatic teller machines, offices, and parking.

### **Research and Development**

A facility primarily engaged in conducting scientific research, experimental design, and prototype development of devices or products in the physical, engineering, or life sciences, such as agriculture, electronics, biology, biotechnology, chemistry, geology, medicine, pharmacy, veterinary, and other allied subjects. This use excludes marijuana cultivation and the manufacturing, servicing or sale of consumer products. Accessory uses may include incidental sales of goods produced on site, such as dentures, eyeglasses, contact lenses, and prosthetic devices, to the public.

### **Personal Services**

Uses in this category provide individual services related to personal needs directly to customers at the site of the business, or that receive goods from or return goods to the customer, which have been treated or processed at that location or another location. Specific use types include:

#### **Laundry Facility, Commercial**

An establishment that cleans clothing, carpeting, drapes, and other cloth or synthetic fiber materials using a chemical process. This definition includes uses such as dry cleaning facilities; rug cleaning or repair service; pressing of garments or fabrics; carpet or upholstery; power laundry; industrial launderers; and linen supply.

#### **Laundry Facility, Self-Service**

An establishment providing washing, drying, or dry-cleaning machines on the premises for rental use to the general public. This definition includes automatic, self-service only, or hand laundries.

#### **Personal Services, General**

An establishment that provides repair, care, maintenance or customizing of wearing apparel or other personal articles or human grooming services and includes such uses as beauty/barber shops, shoe repair, laundry services, dry cleaning pick-up establishments, alterations, spas, tanning salons, tattoo parlors, photography studios, printing establishments, house cleaning services, small appliance repair, weight reduction centers, florist, or pet grooming shops. This use does not include commercial laundry facilities.

### **Retail Sales**

Uses involving the sale, lease, or rent of new or used products directly to the final consumer for whatever purpose but not specifically or exclusively for the purpose of resale. Accessory uses may include offices, parking, storage of goods, assembly, repackaging, or repair of goods for on-site sale. Specific use types include:

#### **Auction House**

A place where the property of others, such as objects of art, furniture, and other goods (except livestock), are offered by a broker or auctioneer for sale to persons who bid on the items in competition with each other at scheduled sales periods or events.

#### **Building Materials and Supply Store**

A business involved in the sale, storage, and distribution of structure supplies and services including lumber, brick, tile, cement, insulation, floor covering, lighting, plumbing supplies, electrical supplies, cabinetry and roofing materials. This definition includes retail hardware stores. Accessory uses may include repair or delivery services, outside sale of plants and gardening supplies, and incidental wholesale trade.

#### **General Retail, Less than 10,000 Square Feet**

Retail sales, not otherwise included in a definition for a specific use type within the retail sales use category, containing less than 10,000 square feet of gross floor area.

### **General Retail, 10,000 Square Feet or More**

Retail sales, not otherwise included in a definition for a specific use type within the retail sales use category, containing 10,000 square feet of gross floor area or greater.

### **Marijuana Establishment, Medical**

A medical marijuana center, optional premises cultivation operation, medical marijuana transporter, or medical marijuana-infused products manufacturer as defined in the Colorado Medical Marijuana Code.

### **Marijuana Establishment, Retail**

A retail marijuana store, a retail marijuana cultivation facility, a retail marijuana transporter, or a retail marijuana products manufacturing operation.

### **Nursery or Garden Supply Store**

An establishment, including a building, part of a building, or open space for the growth, display and/or sale of plants, trees, and other materials used for planting for retail sales and incidental wholesale trade.

## **Lodging Facilities**

For-profit facilities where lodging, meals, and the like are provided to transient visitors and guests for a defined period.

### **Bed and Breakfast**

A detached dwelling that is owner-occupied or occupied by a resident manager in which rooms are rented and meals may be served to transient guests on an overnight basis.

### **Boarding or Rooming House**

A building or portion of a building, other than a hotel/motel or multifamily dwelling, within which non-transient lodging and/or meals are provided for compensation. Meals may be provided if cooking is done in a central kitchen and not in individual rooms or suites.

### **Hotel/Motel**

A structure or group of structures on the same lot containing individual guest units for rental on a daily rate to transients and consisting of individual sleeping quarters, detached or in connected rows, with or without cooking facilities. Accessory uses may include additional services such as restaurants, meeting rooms, and recreational facilities.

### **Short-Term Rental**

The rental of an entire dwelling unit, or any portion of a dwelling unit, for monetary consideration for a period of time less than 30 consecutive days, not including a bed and breakfast, boarding or rooming house, or hotel/motel. This definition does not include offering the use of one's property where no fee is charged or collected.

## **Transportation**

Uses in this category are primarily associated with train, bus, and aircraft facilities. Examples include depots, terminals, or other facilities which serve as a hub.

### **Rail Yard**

An area for storing or switching of freight and passenger trains. Necessary and allowed functions include but are not limited to the switching, storing, assembling, distributing, consolidating, repairing, weighing, or transferring of cars, trains, engines, and rolling stock.

### **Transit Terminal or Station**

A facility where public transit vehicles load and unload patrons, and where patrons may transfer from between public transit lines, when that is the primary use of the property. This use may include park & ride or ride-sharing facilities, but does not include public transit vehicle repair or maintenance facilities.

## **Vehicles and Equipment**

This category includes a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. Accessory uses may include incidental repair and storage and offices. Specific use types include:

### **Auto Wash**

The use of a site for washing, cleaning, and detailing of passenger vehicles, recreational vehicles, or other light-duty equipment. This use includes any auto wash facility attended by an employee and self-service and coin-operated washes.

### **Automotive Fuel Sales**

A lot or portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Such an establishment may offer for sale motor oil, automobile lubricants, travel aids and other convenience items to the motoring public and may also include a freestanding, automatic car wash. Outside storage of automobiles or materials such as tires, auto parts, etc., is prohibited.

### **Automotive Repair, Major**

An establishment primarily engaged in providing vehicle repair, body work, mechanical servicing, and/or painting.

### **Automotive Repair, Minor**

An establishment primarily engaged in providing minor vehicle repair services such as lubrication, oil and tire changes, tune-ups, brake repair, tire replacement, and detailing and polishing, provided it is conducted within a completely enclosed building. Major repairs such as vehicle bodywork or painting, mechanical repair of engines or drive trains is prohibited.

### **Automotive Sales and Leasing**

The sale, display, lease, rental, or storage of light motor vehicles, including automobiles, vans, light trucks, light trailers, boats, ATVs, snowmobiles, and recreational vehicles. This definition shall not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots available for short-term use.

### **Equipment and Machinery Sales and Rental**

An establishment engaged in the display, sale and rental of equipment, tools, supplies, machinery or other equipment used for building construction, manufacturing, farming or agriculture. This use includes the sale of farm-specific vehicles such as tractors, tillers, farm trailers, back hoes, graders, boom lifts, front-end loaders, truck tractors, and truck tractor trailers.

### **Parking Facility**

As a primary use, the ownership, lease, operation, or management of a commercial surface parking lot, above-ground structure, or below-ground structure. This definition excludes park & ride or ride-sharing facilities associated with a transit terminal or station.

## **Sexually Oriented Businesses**

Sexually oriented businesses includes: adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment, or nude model studio. The definition of sexually oriented business shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

### **Sexually Oriented Business**

This definition includes the following terms and definitions:

#### **(A) Adult Arcade**

An establishment 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 each, are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

#### **(B) Adult Bookstore, Adult Novelty Store, or Adult Video Store**

(i) A commercial establishment which

- a. Devotes more than 50 percent of its interior floor space to the sale, rental, or viewing (in exchange for anything of value) of books, magazines, periodicals or other printed material, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" or
  - b. Displays on site any message or communication visible from any public street right-of-way or any other property which advertises the availability on site of merchandise characterized by the depiction or description of "specified sexual activities" or "specified anatomical area."
- (ii) An establishment may have other primary business purposes that do not involve the offering for sale, rental, or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas," and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store, so long as the provisions of 11-7-2(c)(B)(i) are otherwise met.

**(C) Adult Cabaret**

A nightclub, bar, or similar commercial establishment which features:

- (i) Persons who appear nude or in a state of nudity or semi-nudity;
- (ii) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or
- (iii) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

**(D) Adult Motel**

A motel, hotel, or similar commercial establishment which:

- (i) Offers public accommodations for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television, or
- (ii) Offers a sleeping room for rent for a period of time less than 10 hours; or
- (iii) Allows a tenant or occupant to sub-rent a sleeping room for a time period of less than 10 hours.

**(E) Adult Motion Picture Theater**

A commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions rated "X" or "XXX" by the Motion Picture Association of America, or advertised on or off premises as rated "X" or "XXX" or "Adult," are regularly shown in exchange of anything of value.

**(F) Adult Theater**

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 area" or by "specified sexual activities."

**(G) Nude Model Studio**

Any place where a person, who appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons.

**(H) Sexual Encounter Establishment**

A business or commercial establishment, that as one of its primary business purposes, offers, for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of



the persons is in a state of nudity or semi-nudity. An adult motel will not be classified as a sexual encounter establishment by virtue of the fact that it offers private rooms for rent.

### **Lawful Age**

As used in 11-3-3(e)(26), and in Article 12 of Chapter 18, lawful age shall mean any person who has attained the age of 18 years for purposes of patronage or employment at a sexually oriented business. Except, however, the lawful age for patronage or employment at a sexually oriented business which offers live entertainment shall be at least 21 years of age.

### **Nudity or State of Nudity**

- (1) The appearance of human anus, male or female genitals, or the areola or nipple of the female breast; or
- (2) A state of dress which fails to opaquely and fully cover a human anus, male or female genitals, pubic region or areola or nipple of the female breast.

### **Peep Booth**

Any enclosed or semi-enclosed space within the premises of a "sexually oriented business" within which a film, video cassette or other video reproduction is shown, or within which live nude models appear in any state of nudity or display any "specified anatomical areas" or simulate any "specified sexual activities."

### **Private Room**

A room in an adult motel that has a bed and bath in the room or adjacent room, and is used primarily for lodging.

### **Semi-Nude**

A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

### **Specified Anatomical Areas**

Includes any of the following:

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

### **Specified Sexual Activities**

Includes any of the following:

- (1) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts;
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- (3) Masturbation, actual or simulated; or
- (4) Human genitals in a state of sexual stimulation, arousal or tumescence;
- (5) Excretory functions as part of or in connection with any of the activities set forth in A through D.

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## **(d) Industrial Uses**

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### **Manufacturing and Processing**

Uses in this category includes the excavation, transporting, manufacture, fabrication, processing, reduction, destruction or any other treatment of any article, substance or commodity, in order to change its form, character or appearance. Accessory uses may include retail sales, offices, storage, cafeterias, employee amenities, parking, warehousing, and repair facilities. Specific use types include:

#### **Food Processing**

A facility where food for human consumption in its final form, such as candy, baked goods, tortillas, and ice cream is produced, and the food is distributed to retailers or wholesalers for resale on or off the premises.

### **Oil and Gas Operations**

Exploration for oil and gas, including the conduct of seismic operations and the drilling of test bores; the siting, drilling, deepening, recompletion, reworking or abandonment of an oil and gas well, underground injection well or gas storage well; production operations related to any such well, including the installation of flowlines and gathering systems; the generation, transportation, storage, treatment or disposal of exploration and production wastes; and any construction, site preparation or reclamation activities associated with such operations.

### **Manufacturing, Artisan**

An establishment or business where an artist, artisan, or craftsperson teaches, makes, or fabricates crafts or products by hand or with minimal automation and may include direct sales to consumers. This definition includes uses such as small-scale fabrication, manufacturing, and other industrial uses and processes such as welding and sculpting.

### **Manufacturing, Light**

Industrial operations relying on the assembly, distributing, fabricating, manufacturing, packaging, processing, recycling, repairing, servicing, storing, or wholesaling of goods or products, using parts previously developed from raw material. This definition includes uses that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building where such assembly, fabrication, or processing takes place.

### **Mining and Extraction**

The extraction of minerals, sand, gravel, and ores, from their natural occurrences on affected land and distribution of extracted materials.

### **Storage and Warehousing**

Uses in this category are engaged in the storage or movement of goods for themselves or other businesses. Goods are generally delivered to other businesses or the final consumer, except for some will-call pickups. There are typically few customers present. Accessory uses may include offices, truck fleet parking, and maintenance areas. Specific use types include:

#### **Contractor Office or Equipment Storage Yard**

A building and related outdoor areas used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor. This use may include showrooms and shops for the display and sale of electrical, plumbing, heating, air conditioning, sheet metal, and other material in connection with contracting services.

#### **Outdoor Storage**

As a primary use, a property or area used for the long term (more than 24 hours) storage of materials, merchandise, products, stock, supplies, machines, operable vehicles, equipment, manufacturing materials, or personal property of any nature that are not kept in a structure having at least four walls and a roof. Automobile sales and rental display and parking shall not be defined as outside storage.

#### **Salvage Yard**

A primary use where junk, waste, discarded, or salvaged materials are bought, sold, exchanged, baled, stored, packed, disassembled or handled, including auto wrecking activities, building wrecking activities, used lumber places, and places for storage of salvaged building materials and equipment. This use does not include facilities where such uses are conducted within an entirely enclosed building.

#### **Self-Service Storage**

A building or group of buildings consisting of individual, self-contained units that are leased to individuals, organizations, or businesses for self-service storage of personal property.

#### **Warehousing and Wholesale Facility**

A building or area for storage, wholesale, and/or distribution of goods and materials, supplies, and equipment that are manufactured or assembled off-site. This definition excludes the bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions. Accessory uses may include retail and office uses.

## (e) Public and Semi-Public Utility Uses

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Uses including all lines, buildings, easements, passageways, or structures used or intended to be used by any public or private utility related to the provision, distribution, collection, transmission, or disposal of power, oil, gas, water, sanitary sewage, communication signals, or other similar public services at a local level. Specific use types include:

### **Public Utility, Major**

A facility used to convert electric power, natural gas, telephone signals, cable/fiber optic communications, and water services from a form appropriate for transmission over long distances to a form appropriate for residential household or commercial use, or vice versa. This use includes but is not limited to: electric substations, natural gas regulator stations, telephone switching stations, water pressure control facilities, and sewage lift stations, regional stormwater drainage facilities, and water and sewer treatment facilities. Major public utilities are of a size and scale found only in scattered sites throughout the City.

### **Public Utility, Minor**

A facility used for the collection and distribution of public utilities, including without limitation water, sewer, storm drainage, electric, and gas service, by a regulated utility or a public or quasi-public entity, of a size and scale commonly found in all areas of the city. This use includes accessory structures and storage facilities for public service providers but does not include wireless telecommunications facilities or water storage facilities.

### **Water Storage Facility**

A tower or other facility for the storage of water for supply to a water system.

### **Wireless Service Facility**

See Section 11-3-3(g)(3)(B).

## (f) Accessory Uses

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A use that is incidental and subordinate to the primary use of the lot, building, or another structure on the same lot. Specific use types include:

### **Accessory Dwelling Unit**

A subordinate dwelling unit added to, created within, or detached from a single-family residence, that contains a dwelling that is subordinate to a primary single-family detached dwelling and that provides basic requirements for living, sleeping, cooking, and sanitation. A mobile home or HUD-Code manufactured home shall not be considered an accessory dwelling unit.

### **Accessory Structure**

A detached subordinate structure or building located on the same lot as the primary structure or building, the use of which is incidental to the primary structure, building or use of the lot. A detached garage and a detached carport are included as accessory structures.

### **Caretaker Dwelling Unit**

An accessory dwelling on a nonresidential property occupied by a caretaker, security guard, or other person charged with oversight or protection of the primary use.

### **Drive-Through Facility**

Any building or structure used to provide or dispense products or services, through an attendant, a window or an automated machine, to persons remaining in vehicles in a designated stacking lane. A drive-through facility may be in combination with other uses, such as banks, credit unions, loan associations, automated teller machines (ATM's), dry cleaners, drug stores, pharmacies, restaurants, or similar uses. This definition excludes auto wash, automotive repair facility, or automotive fuel sales.

### **Home Occupation**

An occupation or profession which is conducted within a dwelling or on the premises where a dwelling is located, and is clearly incidental and secondary to the use of the dwelling for dwelling purposes.

**Outdoor Storage, Accessory**

The incidental keeping of goods, materials, equipment, or personal property of any nature that are not kept in a structure having at least four walls and a roof. Automotive sales and leasing display and parking shall not be defined as outside storage. Donation receiving areas and associated equipment are included as accessory outside storage.

**Outdoor Sales and Display**

The outdoor sale and display area of retail goods, produce, handcrafts, and the like conducted on the same lot or parcel as the primary business with which such activities are associated. This use does not include mobile food vending. Vending machines, service kiosks, and online retail storage lockers are included as outside sales and display.

**Sale of Produce and Plants Raised on Premises**

The incidental on-site sale of feed, grain, fruits, flowers, vegetables, ornamental plants, or similar goods.

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**(g) Temporary Uses**

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Temporary uses are uses that occur for a specified time period only. Such uses shall not include the frequent occurrence of an activity at short intervals or events repeated on a regular basis, such as every weekend or every other weekend.

**Construction Support Activity**

A temporary construction yard, building, or structure located on the same lot as the construction site it serves until the given construction work is completed. This use does not include concrete or asphalt batching plants.

**Farmer's Market or Open Air Market**

The seasonal selling or offering for sale at retail directly to the consumer of fresh fruits, vegetables, flowers, herbs, or plants, processed food stuffs and products such as jams, honey, pickled products, sauces, baked goods, crafts, and art, clothing and other goods, occurring in a pre-designated area, where the vendors are generally individuals who have raised the produce or have taken the same or other goods on consignment for retail sales.

**Mobile Food Vending**

A vehicle, typically a van, truck, or towed trailer, from which food and/or beverages are sold.

**Residential Block Party**

A social gathering or community sponsored residential street event requiring the closure of a single block of a street or portion thereof, for a single day in which no fundraising or the sale of goods or services occurs and does not otherwise fall into any other category.

**Seasonal Sales**

The temporary sale of goods or products associated with the season or a cultural event, such as the sale of Christmas trees, pumpkins, or seasonal produce. Such sales typically take place in locations not devoted to such sales for the remainder of the year.

**Special Event**

A temporary use on public or private property that extends beyond the normal uses and standards allowed by the Northglenn Unified Development Ordinance. "Special events" include, but are not limited to, fundraising activities, educational, historic, religious and patriotic displays or exhibits, circuses, carnivals, grand openings, amusements, outdoor concerts, festivals, revivals, street fairs, arts and crafts fairs, and other organized events. These activities may include the use of tents, semi-trailers and other vehicles, temporary stands or kiosks, food service, entertainment, performers, or displays.

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**11-7-3 Definitions related to Oil and Gas Regulations**

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- (1) All terms used in Section 11-3-6 that are defined in the Oil and Gas Conservation Act of the State of Colorado ("Act"), or in Oil and Gas Conservation Commission ("COGCC") regulations and are not otherwise defined in the

regulations in this UDO, are defined as provided in the Act or in such regulations as of the effective date of this UDO.

- (2) All other words used in Section 11-3-6 are given their usual, customary and accepted meaning, and all words of a technical nature, or peculiar to the oil and gas industry, shall be given that meaning which is generally accepted in said oil and gas industry. When not clearly otherwise indicated by the context, the following words and phrases used in Section 11-3-6 have the meanings as described below.

**Act**

The Oil and Gas Conservation Act of the State of Colorado.

**Applicant**

The person making an application for an oil and gas permit on behalf of the Operator or Owner of a well.

**Approved Plan**

The totality of the material contained in the application for an oil and gas approved by the City Council following a public hearing or, in the case of an existing use site plan order, the totality of the materials contained in the application for an existing use site plan order approved administratively by the City.

**Building Unit**

A building or structure intended for human occupancy. A dwelling unit is equal to one building unit; every guest room in a hotel/motel is equal to one building unit; and every 5,000 square feet of building floor area in commercial facilities, and every 15,000 square feet of building floor area in warehouses, or other similar storage facilities, is equal to one building unit.

**Commission or COGCC**

The Oil and Gas Conservation Commission of the State of Colorado.

**Completion**

An oil well shall be considered completed when the first new oil is produced through wellhead equipment into lease tanks from the ultimate producing interval after the production string has been run. A gas well shall be considered completed when the well is capable of producing gas through wellhead equipment from the ultimate producing zone after the production string has been run. A dry hole shall be considered completed when all provisions of plugging are complied with as set out in the rules of the COGCC. Any well not previously defined as an oil or gas well shall be considered completed 90 days after reaching total depth. If approved by the Director, a well that requires extensive testing shall be considered completed when the drilling rig is released or six months after reaching total depth, whichever is later.

**Day**

A period of 24 consecutive hours.

**Director**

The Director of the Oil and Gas Conservation Commission of the State of Colorado.

**Drill Pad Site**

The areas are directly disturbed during the drilling and subsequent operation of, or affected by, production facilities directly associated with one or more oil well, gas well or injection well(s).

**Flow Lines**

Those segments of pipe from the wellhead downstream through the production facilities ending at the gas metering equipment or the oil loading point.

**Gas Well**

A producing well with natural gas as the primary commercial product. Most gas wells frequently produce some condensate (natural gas liquids such as propane and butane) and occasionally produce some water.

**Gathering Line**

A pipeline that transports gas from a current production facility to a transmission line or main.

**High-Density Area Rules for Building Units**

A high-density area shall be determined at the time the well is permitted on a well-by-well basis by calculating the number of occupied building units within the seventy-two-acre area defined by a 1,000 foot radius from the wellhead or production facility. If 36 or more actual or platted building units (as defined in the COGCC 100 Series rules) are within the 1,000 foot radius or 18 or more building units are within any semicircle of the 1,000 foot radius (i.e., an average density of one building unit per two acres), it shall be deemed a high-density area. If platted building units are used to determine the density, then 50 percent of said platted units shall have building units under construction or constructed.

**Injection Well**

Any hole drilled into the earth into which fluids are injected for the purposes of secondary recovery, storage or disposal pursuant to authorizations granted by the Commission.

**Mineral Owner**

Any person having title or right of ownership in subsurface oil, gas, or other hydrocarbon and/or, where context dictates, any leasehold interest therein.

**Multiple Oil and Gas Operations Permit**

A permit issued by the City if more than one well or production facility is being applied for and approved at the same time by the same applicant.

**Multiwell Site**

A common well pad from which multiple wells may be drilled to various bottomhole locations.

**Oil and Gas Operations**

Exploration for oil and gas, including the conduct of seismic operations and the drilling of test bores; the siting, drilling, deepening, recompletion, reworking or abandonment of an oil and gas well, underground injection well or gas storage well; production operations related to any such well, including the installation of flowlines and gathering systems; the generation, transportation, storage, treatment or disposal of exploration and production wastes; and any construction, site preparation or reclamation activities associated with such operations.

**Oil Well**

A producing well with oil as its primary commercial product. Oil wells almost always produce some gas and frequently produce water. Most oil wells eventually produce mostly gas or water.

**Operating Plan**

A general description of a well site or a production site identifying the purpose, use, typical staffing, seasonal or periodic considerations, routine hours of operation, source of services/infrastructure and any other information related to the regular functioning of the facility.

**Operator**

The person designated by the owner or lessee of the mineral rights as the operator of oil and gas operations or a production facility and so identified in the Colorado Oil and Gas Conservation Commission applications.

**Person**

Both the singular and plural and means a natural person, a corporation, association, guardian, partnership, receiver, trustee, administrator, executor and/or fiduciary, any other legal entity or representative of any kind.

**Production Facilities**

All storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flow lines and other equipment directly associated with oil wells, gas wells or injection wells.

**Production Site**

The area containing production facilities, exclusive of gathering lines.

**Reentering**

Accessing an existing well bore for either the original or amended purpose, provided that such well has not been abandoned.

**Separator**

A cylindrical or spherical vessel used to separate oil, gas and water from the total fluid stream produced by a well. Separators can be either horizontal or vertical.

**Sidetracking**

To drill a secondary well bore away from an original well bore. A sidetracking operation may be done intentionally or may occur accidentally. Intentional sidetracks might bypass an unusable section of the original well bore or explore a geologic feature nearby. In the bypass case, the secondary well bore is usually drilled substantially parallel to the original well, which may be inaccessible due to an irretrievable fish, junk in the hole or a collapsed well bore.

**Surface Owner**

Any person having the title or right of ownership in the surface estate of real property and/or, where context dictates, any leasehold interest therein.

**Surface Use Agreement**

Any agreement entered into between a mineral owner and a surface owner in order to conduct oil and gas operations.

**Twinning**

The drilling of wells within 50 feet of each other.

**Well**

An oil well, gas well or injection well.

**Well Site**

The areas which are directly disturbed during the drilling and subsequent operation of, or affected by production facilities directly associated with, any oil well, gas well or injection well.

**Wellhead**

The mouth of the well at which oil and gas is produced, and any appurtenant above-ground facilities.

**Wildlife and Natural Area Hall**

Include, but not be limited to, floodplains and floodways; natural drainage and waterways; significant native trees and vegetation; wildlife travel corridors; special habitat features such as raptor nests, key nesting, breeding or feeding areas for birds; fox and coyote dens; prairie dog colonies more than 25 acres in size; remnant native prairie habitat; plains cottonwood galleries; natural or man-made lakes and ponds and any wetland greater than one-quarter acre in size.

## **11-7-4 Definitions Related to Floodplain Regulations**

The following definitions pertain to the Regulations to Minimize Flood Losses in Section 11-4-3.

**100-Year Flood**

A flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (One-Percent-Annual-Chance Flood). The terms "one-hundred-year-flood" and "one percent chance flood" are synonymous with the term "100-Year Flood." The term does not imply that the flood will necessarily happen once every 100 years.

**100-Year Floodplain**

The area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

**500-Year Flood**

A flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-annual-chance flood). The term does not imply that the flood will necessarily happen once every 500 years.

**500-Year Floodplain**

The area of land susceptible to being inundated as a result of the occurrence of a 500-year flood.

**Addition**

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

**Appeal**

A request for a review by the Board of Adjustment of the floodplain administrator's interpretation of any provision of this Ordinance or a request for a variance.

**Base Flood Elevation (BFE)**

The elevation shown on a FEMA Flood Insurance Rate Map for zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

**Basement**

Any area of the building having its floor sub-grade (below ground level) on all sides.

**Conditional Letter of Map Revision (CLOMR)**

FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

**Critical Facility**

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

**Development**

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment, vehicles or materials located within the Area of Special Flood Hazard.

**Development Permit**

For the purposes of this ordinance only, an application to the floodplain administrator on forms supplied by the floodplain administrator, for permission to develop land and/or construct any structure within any area of special flood hazard.

**DFIRM Database**

A database (usually spreadsheets containing data and analyses that accompany DFIRMS). The FEMA mapping specifications and guidelines outline requirements for the development and maintenance of DFIRM databases.

**Digital Flood Insurance Rate Map (DFIRM)**

The FEMA Digital Floodplain Map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

**Elevated Building**

A non-basement building (I) built in the case of a building in zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water; and (II) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "Elevated Building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

**FEMA**

The Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

**Flood or Flooding**

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (A) the overflow of water from channels and reservoir spillways;



- (B) the unusual and rapid accumulation or runoff of surface waters from any source; or
- (C) mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

**Flood Insurance Rate Map (FIRM)**

The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS)**

The official report entitled, the Flood Insurance Study for Adams County, Colorado and Incorporated Areas, dated January 20, 2016, with accompanying flood insurance rate maps and/or flood boundary floodway maps (FIRM and/or FBFM) in which the Federal Emergency Management Agency has provided flood profiles, the Floodway Map, and the water surface elevation of the base flood, and any subsequent additions, updates, revisions or modifications to said study.

**Floodplain or Flood-Prone Area**

Any land area susceptible to being inundated by water from any source (See definition of flooding).

**Flood Profile**

A graph of a longitudinal profile showing the relationship of the water surface elevation of a flood event to location along a stream or river.

**Flood Proofing**

A combination of structural and non-structural additions, provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damage to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.

**Floodway (Regulatory Floodway)**

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of map revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

**Floodway and Floodplain Zoning Administrator**

The City Manager of the City of Northglenn or the City Manager's authorized representative.

**Freeboard**

The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

**Highest Adjacent Grade**

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic Structure**

Any structure that is:

- (A) 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;
- (B) 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;
- (C) 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
- (D) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (i) By an approved state program as determined by the Secretary of the Interior; or
  - (ii) Directly by the Secretary of the Interior in states without approved programs.

**Letter of Map Revision (LOMR)**

FEMA's official revision of an effective flood insurance rate map (FIRM), or flood boundary and floodway map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations (BFEs), or the special flood hazard area (SFHA).

**Letter of Map Revision Based on Fill (LOMR-F)**

FEMA's modification of the special flood hazard area (SFHA) shown on the flood insurance rate map (FIRM) based on the placement of fill outside the existing regulatory floodway.

**Lowest Floor**

The lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination of uses for living purposes. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood resistant enclosure, usable solely for parking or 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 Section 60.3 of the National Flood Insurance Program Regulations.

**Manufactured Home**

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. This term also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. The term "Manufactured Home" does not include a "Recreational Vehicle".

**Manufactured Home Park or Subdivision**

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Mean Sea Level**

The National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations are referenced.

**National Flood Insurance Program (NFIP)**

FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

**New Construction**

Structures for which the start of construction commenced on or after the effective date of this Ordinance, as amended.

**No-Rise Certification**

A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A no-rise certification must be supported by technical data and signed by a registered Colorado professional engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the flood insurance rate map (FIRM) or flood boundary and floodway map (FBFM).

**Obstruction**

Sandbars formed by the natural flow of a watercourse, temporary structure, planks, snags, and debris in and along an existing channel which cause a flood hazard.

**Physical Map Revisions (PMR)**

FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain, and/or floodway delineations, flood elevations, and/or planimetric features.

**Recreational Vehicle**

A vehicle that is:

- (A) Built on a single chassis;
- (B) 400 square feet or less when measured at the largest horizontal projection;
- (C) Designed to be self-propelled or permanently towable by a light duty truck; and
- (D) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**Special Flood Hazard Area**

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

**Start of Construction**

Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either 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 excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure**

A walled and roofed building or manufactured home, or a gas or liquid storage tank that is principally above ground.

**Substantial Damage**

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement**

Any repair, reconstruction, or improvement to a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

(A) Before the improvement or repair is started; or

(B) If the structure has been damaged and is being restored, before the damage occurred.

This term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are necessary to assure a safe living condition. Nor shall this term include any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places, provided that the alteration will not preclude the structure's continued designation of a "historic structure".

### **Threshold Planning Quantity (TPQ)**

A quantity designated for each chemical on the list of extreme hazardous substances that triggers notification by facilities to the state that such facilities are subject to emergency planning requirements.

### **Violation**

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Regulations is presumed to be in violation until such time as that documentation is provided.

### **Water Surface Elevation**

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.

## **11-7-5 Definitions Related to Sign Regulations**

The definitions in this section apply to the sign regulations in Section 11-4-10, *Signs*.

### **Abandoned**

Any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of 90 days or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of 90 days or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned.

### **Abandonment**

See abandoned.

### **Animated Sign**

Any sign or part of a sign which changes physical position by any movement or which gives the illusion of such change of physical position.

### **Architectural Feature**

Any construction attendant to, but not an integral part of, the sign, which may consist of landscape, building or structural forms on the site in general; also, graphic stripes and other architectural painting techniques applied to a structure, when the stripes or other painting techniques are applied to a building, provided that such treatment does not include lettering, logos or pictures.

### **Area of Sign**

See sign area.

### **Awning**

A roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk, or the like.

### **Awning Sign**

A sign or graphic printed on or in some fashion attached directly to the awning material.

**Banner**

Any sign of lightweight fabric or similar material that is mounted to a pole or structure.

**Building Directory Sign**

A sign established to communicate to tenants their location within a building.

**Building Façade**

The total area of the horizontal and vertical dimensions of that side of a building which is adjacent to a dedicated street and architecturally finished to match the principal building façade, or which has a public entrance to the building and abuts a street, parking area, or other circulation area open to the general public. In shopping centers, any outside architecturally finished wall of a first-floor use shall be considered building facade.

**Building Marker**

Any sign cut into a masonry surface or made of bronze or other permanent material and which relates to its construction.

**Canopy**

A roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter.

**Canopy Sign**

Any sign, which is a part of or attached to an awning or canopy; or any other entrance, window, or outdoor service area. A canopy sign is not a marquee and is different from service area canopy signs.

**Changeable Copy Sign**

A sign or portion of a sign with characters, letters, or illustrations that can be changed or rearranged, by physical means, without altering the face or the surface of the sign.

**Commercial**

Predominantly related to economic interests or commerce.

**Commercial Message**

Any sign wording, logo, or other representation directly or indirectly, which advertises or directs attention to a business, product, service or other commercial activity.

**Comprehensive Sign Plan (CSP)**

Provides a means for the flexible application of sign regulations for developments that require multiple signs due to multiple tenants or lots; CSPs are used to provide incentive for latitude in the design and display of multiple signs.

**Directional Sign**

Any sign used to primarily communicate navigational information.

**Display Area**

The area or display surface used for the graphic message.

**Duration**

The time during which something exists or lasts.

**Edge of Curb**

Stone or concrete edging to a street defining the furthest extent of the improved roadway surface.

**Election Season**

Sixty days prior to and five days after any City regular or special election, any county or special district election or any state or federal primary or general election.

**Electronic Message Center (EMC)**

A sign capable of displaying words, symbols, figures, or images that can be periodically changed by manual, electronic, remote or automatic means.

**Entrance or Exit Sign**

A sign located at the driveway entrance or exit and intended to provide for safe ingress and egress.

**Erect**

The activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or any other way of bringing into being or establishing.

**Exemptions**

Signs do not require a sign permit, but still subject to regulations and maintenance requirements of Section 11-4-10, *Signs*.

**Flag**

Any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

**Flow Line**

The transition between the gutter and the face of the curb within a public road right-of-way. Where no curb exists, the flow line will be considered the edge of the pavement or roadway of the outside traveled lane.

**Freestanding Sign**

Any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

**Grade**

The average elevation of the ground at the base of the sign after construction. Earth mounding criteria for landscaping and screening is part of the final grade for sign height computation.

**Good Structural Condition**

A qualification of the structural integrity of an existing sign. For this UDO, these definitions defer to the definition provided by the adopted International Building Code at the time of interpretation.

**Height of Sign**

The height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

**High Wall Sign**

Sign allowed on multiple-tenant buildings of three stories or greater and shall be located in the area between the bottom of the top floor and the top of the parapet wall.

**Holiday Lights and Decorations**

Displays, including lighting, which are a nonpermanent installation celebrating national, state, and local legal holidays or holiday seasons.

**Illuminated Sign**

Any sign which contains an element designed to emanate artificial light internally or externally.

**Illumination**

Direct: lighting by means of an unshielded light source which is effectively visible as a part of the sign. Neon lighting is considered direct lighting.

**Indirect**

Lighting which illuminates the front of a sign or the entire building façade upon which the sign is displayed, the source of the light being shielded from public view and from surrounding properties. Indirect illumination does not include lighting which is primarily used for purposes other than sign illumination, such as parking lot light.

**Internal**

Lighting by means of a light source which is within a sign having a translucent background and which silhouettes opaque letters or designs, or lighting within or behind letters or designs which are themselves made of translucent or opaque material.

**Joint Identification Sign**

A sign which serves as a common or collective identification. A joint identification sign is required if two (2) or more businesses share a building.

**Lot**

See parcel.

**Maintenance**

The replacing, repairing, or repainting of a portion of a sign or sign structure, and watering, weeding, mowing, trimming and similar activities on any landscaped area in which the sign is located.

**Marquee**

A rigid, roof-like structure attached to a wall or walls of a building or structure and supported entirely by the building or structure.

**Marquee Sign**

Any sign attached to, in any manner, or made part of a marquee.

**Monument Sign**

A low-profile freestanding sign that is anchored to the ground, designed to generally complement the building on the premises, and which has a height not exceeding eight feet.

**Multi-faced Sign**

Any sign with more than one display area visible from any point at the same time.

**Multiple-Tenant Building**

Any building which is intended to have more than one tenant. A building which has multiple units, of one (1) or more of which are vacant, is still considered a multiple-tenant building.

**Multiple Tenant Unit**

A unit within a multiple-tenant building.

**Non-Residential Use**

Any principal use other than dwelling, such as office buildings, shopping centers, industrial, institutional, or hotel.

**Nonconforming Sign**

Any sign, the area, dimensions or location of which were lawful at the time the sign was erected, but which fails to conform to the current standards and regulations of this Ordinance due to adoption, revision or amendment.

**Off-Premise Commercial Advertising Sign**

Sign advertising a commercial establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which the sign is located. These signs are commonly referred to as billboards.

**Parcel**

The area of land necessary for a use to be in compliance with this UDO. The term lot may also be referring to a parcel.

**Pennant**

Any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, string or pole, usually in series, designed to move in the wind. See also wind blade.

**Permanent Sign**

Any sign with a structure that is permanently placed or affixed to a structure or in the ground.

**Permitted**

Sign which has received an approved sign permit.

**Portable Sign**

A sign that is not permanently attached to the ground or other permanent structure, or a sign designed to be transported on wheels, skids, a bench, runners, brackets, or has a frame to which wheels, skids, runners, brackets, or

similar mechanical devices can be attached to or support the sign. A portable sign includes inflatable devices and mobile signs such as parked trailers, which include signs which are visible from the public right-of-way unless such vehicle is used in the normal day-to-day operations of the business. A portable sign also includes a sign displaying a commercial message held by, attached to, or affixed on an individual who is exhibiting such sign for the predominant purpose of conveying the commercial message on such sign. A portable sign shall not include a sign considered to be an A-frame or a sign displaying a noncommercial message held by, attached to, or affixed on an individual.

**Prohibited Sign**

Any sign not allowed by these standards and regulations.

**Projecting Sign**

Any sign affixed to a structure or wall in such a manner so that its leading edge extends more than eighteen (18) inches beyond the surface of such structure or wall. Signs affixed to the structure that extend less than eighteen (18) inches beyond the surface are considered to be wall signs.

**Residential Use**

Pertaining to an area that is primarily for family residences. A building used or suitable to be used as a dwelling, including ones that are being built or adapted to be used as a dwelling.

**Right-Of-Way**

Any public street, way, place, alley, sidewalk, trail, path, easement, park, square, median, parkway, boulevard or plaza that is dedicated to public use.

**Roof Sign**

Any sign painted, erected, or constructed wholly on and over the roof of a structure, supported by the roof structure, or extending vertically above the highest portion of the roof.

**Search Light**

Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate, flash, or move.

**Sequential Messaging**

A selection technique in which messages are recorded in a preset order and played back individually upon each activation of the device.

**Setback of Sign**

The required minimum distance between placement of a sign and the right-of-way.

**Sight Distance**

The length of roadway ahead visible to the driver.

**Sign**

An object or device or any part of such object or device situated outdoors or indoors which is used to advertise, identify, display, direct, or attract attention to an object, place, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, logos, fixtures, colors, motion, illumination, or projected images. If, for any reason, it cannot be readily determined whether or not an object is a sign, the Director of Planning and Development shall make such determination. Also known as an outdoor advertise sign device.

**Sign Area**

The entire sign face, including the advertise sign surface of any framing, trim, or molding, but not including the supporting structure. The sign area shall be measured using a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.) or a combination of regular geometric shapes.

**Sign Structure**

Any supports, uprights, braces, or framework of the sign, excluding the sign face.

**Single-Tenant Building**

A building with one unit and/or is intended for one tenant without regard to vacancies.



**Site**

A lot or combination of contiguous lots which are intended, designated, and/or approved to function as an integrated unit.

**Street Frontage**

The area of a property or site that includes building facades facing a public street, a primary parking area, or containing public entrances to the building or units.

**Temporary Display Structure**

Any structure used only for display of retail sales items and does not require a building permit.

**Temporary Sign**

Any sign used only temporarily and is not permanently mounted.

**Traffic Sign**

An official sign erected, mounted, displayed, maintained or remodeled by the City, the State or the Federal Governments at the side of or above roads to provide information to road users.

**Vehicle Sign**

A sign that is mounted, placed, written or painted on a vehicle or trailer, whether motor driven or not.

**Wall**

Any structure which defines the exterior boundaries or courts of a building or structure and which has a slope of 60 degrees or greater with the horizontal plane.

**Wall Sign**

Any sign attached parallel to, but within 18 inches of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any structure, which is supported by such wall or structure, and which displays only one sign surface.

**Weekend Sign**

Small temporary signs allowed without a permit for a constrained period of time.

**Wind Blades**

A sign typically made from a piece of cloth, varying in size, shape, color, and design, usually attached at an edge to a staff or cord, and used as a means of conveying a message.

**Window Sign**

Any sign, picture, symbol, or combination of any sign, picture, or symbol, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the windowpane or glass and is visible from the exterior of the window.

**Work of Art**

A hand produced work of visual art that is tiled or painted by hand directly upon, or affixed directly to an exterior wall of a building with the permission of the property owner.

## 11-7-6 Other Terms Defined

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### A

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#### **Acreage, Gross**

The total area contained within any defined set of boundaries.

#### **Acreage, Net**

Gross acreage less the area contained within dedicated public rights-of-way.

#### **Administrative Adjustment**

A development approval authorizing limited deviations from certain provisions of this UDO's dimensional or numerical development standards that is reviewed pursuant to Section 11-6-7(b).

#### **Administrative Manual**

A manual containing details regarding the development review process, information for potential applicants, and development review forms.

#### **Alley**

A street or way, other than a footpath, within a block set apart for public use, vehicular travel, and local convenience, primarily for the purpose of secondary vehicular access to the rear or side of lots.

#### **Apartment**

A room or suite of rooms used for living and sleeping purposes, including separate kitchen and bathroom facilities.

#### **Appeal**

A request for review of an administrative official's or decision-making body's interpretation or decision made under this UDO. For floodplain regulations in Section 11-4-3, "appeal" shall be defined pursuant to Section 11-7-4.

#### **Applicant**

A person who submits a development application requesting a development permit or approval authorized by this UDO. For Oil and Gas Regulations in Section 11-3-6, "applicant" shall be defined pursuant to Section 11-7-3.

#### **Arterial Street**

A street for the primary purpose of carrying through traffic but also for the secondary purpose of access to abutting lots. An arterial street is also a through street.

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### B

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#### **Basement**

That portion of a building between the floor and ceiling which is partly above and partly below grade but so located that the vertical distance from grade to the floor below is more than the vertical distance from grade to the ceiling.

#### **Building**

Any permanent structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having an enclosed space and a permanent roof supported by columns or walls.

#### **Building Code**

The adopted Building Code of the City of Northglenn pursuant to the Northglenn Municipal Code.

#### **Building Coverage**

All areas under roof or projections from buildings on a lot.

#### **Building Envelope**

The area within the setback lines required by this UDO where a building may be located on a site.

**Building, Height of**

The vertical distance measured from the average elevation of the finished grade (the mean elevation of the lowest and highest corners of a structure) to the highest point of the roof. See 11-2-19(e)(1).

**Building Line, Front**

A line parallel to the front lot line at the rear of the required front yard.

**Building, Principal**

That building in which the principal use is conducted including any attachments to that building such as a garage or carport. (A.K.A. "primary building.")

**Building Permit**

An official document or certification issued by the Chief Building Official pursuant to the Building Code and that authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a building or structure as being in compliance with Building Code standards.

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**C**

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**Centerline**

A line painted or otherwise marked on a roadway for the purpose of separating traffic flowing in opposite directions. If no such line is painted or otherwise marked on a roadway, the centerline is a putative line an equal distance between the curb lines or lateral lines of a roadway.

**Certificate of Occupancy**

A document issued by the Chief Building Official pursuant to the Building Code that allows the occupancy and use of building(s) and structure(s) and certifying that said building(s) and structure(s) and use(s) have been constructed and will be used in compliance with all applicable municipal codes.

**Change in Use**

Any use that differs from the previous use of a building or land as determined by the table of allowed uses in Section 11-3-2.

**City**

The City of Northglenn, Colorado.

**City Manager**

The City Manager of the City of Northglenn, Colorado, or his/her designee.

**Comprehensive Plan**

The official Comprehensive Plan for the City of Northglenn, stating goals, recommendations, and policies used to guide physical development of the City, as formally adopted by the Planning Commission.

**CONEX (intermodal or shipping container)**

A CONEX box is a large shipping container built for intermodal freight transport. Such containers are mostly constructed from steel. In the UDO, CONEX boxes are in reference to their repurposing for other uses such as on-site storage, housing, or other structural uses.

**Cul-de-Sac**

A short, local street terminating in a vehicular turnaround.

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**D**

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**Dead-End Street**

A street, other than a cul-de-sac, having only one outlet for vehicular traffic.

**Detached**

Any structure or building having no party wall or common wall with another structure. Bridges, tunnels, breezeways, and other means of connecting one structure to another shall not constitute a party wall or common wall.

**Density**

A ratio of dwelling units to land area.

**Detached**

Any structure or building having no party wall or common wall with another structure. Bridges, tunnels, breezeways, and other similar means of connecting one structure or building to another shall not, for the purposes of this Ordinance, be considered to constitute a party wall or a common wall.

**Developer**

Any person, firm, partnership, joint venture, limited liability company, association, or corporation who participates as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of a subdivision or development.

**Development**

The construction of a building or structure, any clearing, grading, excavation, or other movement of land, or the subdivision of land unless expressly excluded in this UDO. For floodplain regulations in Section 11-4-3, "development" shall be defined pursuant to Section 11-7-4.

**Development Review Committee**

A committee consisting of representatives from various City departments, including Planning and Development, Public Works, Parks and Recreation, Water, and any other applicable City department. The Development Review Committee is responsible for review of most development applications as indicated in Article 6.

**Diameter Breast Height**

The diameter of a tree measured at four and one-half feet above the existing grade at the base of the tree.

**Director**

The Director of the Planning and Development Department, or his designee. For Oil and Gas Regulations in Section 11-3-6, "Director" shall be defined pursuant to Section 11-7-3.

**Distinct Elevation**

As it applies to building variety, distinct elevation means a different roof line, different wall planes, and use of different exterior finish materials.

**Driveways**

An area of pavement, or other approved surfacing designed and intended for driveways that provides vehicle access from a public right-of-way to a parking area, garage, or house.

**Dwelling/Dwelling Unit**

A structure or portion of a structure that provides living, sleeping, eating, cooking, and sanitation accommodations.

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**E**

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**Easement**

A grant by a property for use of land for designated private or public purposes by another agency.

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**F**

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**Façade**

The exterior wall on the front, side, or rear elevation of a building or structure.

**Family**

Either of the following shall be deemed "family" by definition:

- (1) An individual, or two or more persons related by blood, marriage, or adoption, excluding domestic servants, plus an additional two persons per dwelling unit, used as a single housekeeping unit.
- (2) A group of unrelated persons not to exceed two persons per bedroom plus an additional two persons per dwelling unit used as a single housekeeping unit.

**Fence**

A free-standing structure resting on or partially buried in the ground and rising above ground level used for confinement, screening, partition purposes, or enclosures.

**Fence, Privacy**

A continuous, solid fence used to prevent view across the fence line.

**Floor Area**

For residences, the floor area is the total number of square feet of floor space contained within the exterior walls of the structure, not including space in the basements, carports, or garages. For commercial buildings, the floor area is the total floor area of all stories of the building including garages, but excluding basements.

**Flowline**

The transition point between the gutter and the face of the curb. For a cross or valley pan, the flowline shall be the center of the plan. For Oil and Gas Regulations in Section 11-3-6, "flowline" shall be defined pursuant to Section 11-7-3.

**Frontage**

The length of the property line of any parcel along each street or other right-of-way that it borders and/or faces.

**Full Cutoff Fixture**

A light fixture that prevents distribution of light above a horizontal plane through the lowest point of the bulb or lens, diffuser, reflective passing enclosure, or other parts intended to distribute light.

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**G**

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Reserved

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**H**

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**Hard Surfaced**

Hard surfaced shall mean surfaced with asphalt, concrete, paving stone or surfaces as approved by the City Manager or his designees; provided however that asphalt shall not be used as a surface for single-family residential driveways or parking surfaces.

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**I**

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**Impervious Coverage**

Any surface on a lot that cannot effectively absorb or infiltrate rainfall as specified in Section 11-2-19(g)(2).

**Improvements Agreement Guarantee**

Any security which may be accepted by the City in lieu of a requirement that certain improvements be made by the subdivider before the plat is approved, including performance bonds, escrow agreements, and other similar collateral or surety agreements.

**Intersection**

The area embraced within the prolongation of the lateral curb lines or the lateral boundary lines of two or more streets which join one another at an angle whether or not one such street crosses the other. If a street includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided street by an intersecting street shall be regarded as a separate intersection. If such intersecting street also includes two roadways 30 feet or more apart, then each crossing of two roadways of such streets shall be regarded as a separate intersection.

**Island**

Space within a street, indicated by construction, signs, paint, or other marks on the surface of a street so as to be plainly visible and prohibited for use by motor vehicle.

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**J**

Reserved

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**K**

Reserved

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**L**

**Landscaped Area**

The area of a site devoted to and maintained for the growing of living plants, trees, ground covers, and in some cases nonliving material as allowed by this UDO.

**Landscaping Screen**

Plant materials used to create a visual barrier which are planted center-to-center no further apart than two-thirds of the mature spread; are no smaller than the minimum sizes allowed by the landscape regulations when planted; and are of a type or species approved by the Director of Community Development and normally expected to reach a minimum height of 6 feet within 3 years.

**Legislative Rezoning**

Broad-based changes to zoning district classifications applied to land by the Zoning Map in the nature of policy making by the City Council.

**Loading or Unloading Space**

An off-street space or berth on the site of a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

**Lot**

A portion of a subdivision or other parcel or tract of land intended as a unit for the transfer of title and/or for development.

**Lot Lines**

The property lines bounding a lot.

**Lot Line, Front**

The line separating such lot from any street. In cases where two lot lines face streets, then the Commission shall designate the front lot line or may designate more than one front lot line.

**Lot Line, Rear**

Any boundary of a lot which abuts an alley. If there is no alley abutting the lot, then the rear line shall be the boundary opposite the front lot line if there is one front lot line. If the Commission designates the front lot line or lines, the Commission shall also designate the rear lot line or lines.

**Lot Lines, Side**

Any boundary of a lot which is neither a front lot line nor a rear lot line.

**Lot Width**

Lot width refers to the horizontal distance between side lot lines as measured at the front setback line.

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**M**

**Manufactured Home, HUD-Code**

A pre-constructed building unit or combination of pre-constructed building units constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and

includes the plumbing, heating, air conditioning and electrical systems. The term does not include a recreational vehicle or mobile homes.

**Manufactured Home Space/Site**

A plot of ground within a manufactured home park designed for the accommodation of one manufactured home, together with its accessory structures including carports and other off-street parking areas, storage lockers, ramadas, cabanas, patios, patio covers, awnings, and other appurtenances.

**Mature Tree**

A tree on the City's approved plant list with a diameter at breast height (dbh) of six inches or more.

**Mature Spread**

The distance measured across the widest diameter of a plant when it is fully grown.

**Maximum Extent Practicable**

Under the circumstances, reasonable efforts have been taken to comply with the requirement, the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the project, and reasonable steps have been taken to minimize adverse impacts resulting from noncompliance with the requirement.

**Median**

An area other than a centerline marked or constructed on a roadway or between two adjacent roadways for the purpose of separating traffic flowing in opposite directions.

**Minor Subdivision**

Any subdivision meeting the applicability standards in Section 11-6-6(a)(2).

**Mobile Home**

A structure that was constructed before June 15, 1976, transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 400 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems.

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**N**

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**Nature Area**

An area established primarily as a conservation district to preserve the environment and natural character of the landscape within the district. Land within the district shall be protected from development, but may also be used for unimproved trails, buffering between land uses, defining the edges of urbanization and the preservation of valuable natural features and ecosystems. Utilities and existing improvements located in a nature area may be maintained as necessary, but reasonable efforts should be used to minimize environmental impacts.

**Negative Impact**

Any adverse external effect, such as noise, glare, hazardous condition, visual intrusion, or physical intrusion.

**Nonconforming Lot**

A legally-established lot that does not comply with the minimum lot requirements or subdivision regulations of this UDO.

**Nonconforming Site Feature**

Any stormwater and drainage facility, driveway, off-street parking and loading, landscaped area, buffer, screening, or exterior lighting that legally existed before adoption of this UDO but does not comply with the driveway, off-street parking and loading, landscaped area, buffer, screening, or exterior lighting standards of this UDO.

**Nonconforming Structure**

A legally-established building or structure that does not comply with the area, height, or placement regulations of this UDO.

### **Nonconforming Use**

A use that legally existed before adoption of this UDO, but does not comply with the terms of this UDO.

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## **O**

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### **Off-Street Parking Space**

The space required to park one passenger vehicle which space shall be not less than two hundred (200) square feet in area, exclusive of access drives.

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## **P**

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### **Parking Area**

An area, other than a street or alley, designed or used primarily for the temporary parking of vehicles.

### **Pervious Coverage**

Any surface on a lot not defined as impervious coverage.

### **Planned Development**

A development designed to accommodate varied types of development in patterns or layouts not otherwise permissible in other zoning districts of this UDO. Planned Developments are designed to provide additional amenities or benefits to the City in return for flexibility in the design, layout, and dimensions of the development.

### **Plat**

A map delineating the subdivision of land, commonly showing lots, blocks, streets, and other features relevant to the development of land pursuant to this UDO.

### **Porch**

A covered or uncovered structure projecting from any wall of a principal building and supported by piers, posts, or columns and typically unenclosed and open to the elements.

### **Primary Use**

The primary purpose for which a lot or the main building on a lot is designed, arranged, or intended to be used.

### **Property Owner**

The owner or titleholder of any fee, leasehold, or possessory interest in property subject to the requirements of this UDO, and shall include any agent, representative, person, or entity authorized to act on the owner's behalf.

### **Public Hearing**

A formal meeting held under public notice, intended to inform and obtain public input.

### **Public Right-of-Way**

That portion of land dedicated to public use for street and utility purposes.

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## **Q**

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### **Quorum**

The minimum number of board, commission, or council members that must be present at a meeting to conduct official business or take official actions.

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## **R**

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### **Recreational Vehicle**

See "Recreational Vehicle" in Section 11-7-4.

### **Redevelopment**

Replacement of any existing primary building or expansion of any existing primary building in excess of 50 percent of the existing gross floor area or 10,000 square feet, whichever is less.

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**Reverse Frontage Lots**

Lots which front on one public street and back on another. Also called “double frontage lots.”

**Rezoning**

A change in the zoning district classification applied to land by the Zoning Map, reviewed and decided by the City Council under Section 11-6-4(a).

**Rooming Unit**

A room rented as sleeping and living quarters but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one rooming unit for purposes of this Code.

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**S**

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**Screen**

A protective or ornamental device, fence, wall, hedge, or landscaping that shields an area from view or negative impacts.

**Setback**

The minimum distance that a building or structure must be located from a lot line, public right-of-way, or private street, as required by this UDO.

**Site Plan**

A plan drawn to scale showing uses and structures proposed for a lot.

**Site Plan Approval**

Approval procedures pursuant to Section 11-6-5(a).

**Special Use Permit**

A permit issued pursuant to Section 11-6-5(b) for uses designated in the Table of Allowed Uses (Table 3-2-A) as requiring special use permit approval.

**Staff**

Employees of the City of Northglenn.

**Stoop**

A small porch, typically with a small platform at the top of a staircase leading to the entry of a building.

**Story**

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar, or unused underfloor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement, cellar, or unused underfloor space shall be considered as a story.

**Stop Work Order**

An order issued by the Director that directs the person responsible for an activity in violation of this UDO to cease and desist such activity.

**Street**

A dedicated way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or otherwise designated.

**Street, Front**

A street on which the lots of a block or subdivision generally front. The Commission shall designate front streets.

**Street, Side**

A street intersecting a front street. The Commission shall designate side streets.

**Street Improvements**

Street grading, street surfacing and paving, curbs, gutters, and sidewalks.

**Street Tree**

Trees located in the public right-of-way between the edge of the street and the edge of private or common property, and trees located in street medians. Street trees can also be located on private property abutting the street right-of-way.

**Structure**

Anything constructed, erected, or placed with a more or less fixed location on the ground or attached or resting on something having a fixed location on the ground. For floodplain regulations in Section 11-4-3, "structure" shall be defined pursuant to Section 11-7-4.

**Stucco, Masonry**

A fine plaster used for coating wall surfaces or molding into architectural decorations. The material is made of cement, lime, sand, and water. Masonry stucco systems include hard coat, three coat, and one coat stucco systems.

**Stucco, Synthetic**

A non-load bearing, exterior wall cladding system that consists of an insulation board attached either adhesively or mechanically, or both, to the substrate; an integrally reinforced base coat; and textured protective finish coat. Synthetic stucco systems including Exterior Insulation and Finish Systems (EFIS) a lightweight synthetic wall cladding that includes foam plastic insulation and thin synthetic coating.

**Stub Street**

A street or road extending from within a subdivision boundary and terminating there with no permanent vehicular turn around. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later with adjacent connecting street system.

**Subdivider**

Any person, partnership, joint venture, association, corporation, or legal representative capacity, or other legal entity or legal representative who shall participate in any manner in the dividing of land for the purpose, whether immediate or future, of sale or building development.

**Subdivision**

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 building development, whether residential, industrial, office, business, or other use. The term shall also include and refer to any division of land previously subdivided or platted but shall not include nor refer to a transaction or transactions which is or are exempt under the provisions of Section 11-6-6.

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**T**

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**Temporary Use Permit**

A permit issued pursuant to the provisions of Section 11-6-5(c) of this UDO.

**Through Street**

A street or portion of a street where vehicular traffic has the right-of-way and where vehicular traffic from intersecting streets by law must yield the right-of-way in obedience to either a stop sign or a yield sign.

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**U**

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**Unimproved Street**

Any street or portion of any street on which the street improvements have not been installed and constructed.

**Use**

The utilization of property as allowed by this UDO. Allowable uses for each zoning district are shown in Table 3-2-A: *Table of Allowed Uses*.

**V**

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**Variance**

A development permit authorizing a deviation from the standards of this UDO where strict application of the standard creates a hardship due to circumstances particular to a lot and that is reviewed and decided by the Board of Adjustment pursuant to Section 11-6-7(a). For floodplain regulations in Section 11-4-3, "variance" shall be defined pursuant to Section 11-7-4.

**Vision Triangle**

The vision triangle (a.k.a. "sight triangle") is a triangle measured from the point of intersection of the flow lines, abutting the two points of access, a certain distance along each based on travel speeds of the adjacent roadway.

**Vestibule**

An enclosed exterior entryway into a building.

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**W**

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**Width of Lot**

The distance parallel to the front lot line measured between side lot lines through that part of the building or structure where the lot is narrowest.

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**X**

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Reserved

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**Y**

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**Yard**

An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, existing or required on the same lot with a principal building.

**Yard, Front**

A yard between the front building line and the front lot line of the site and extending the full width of the site.

**Yard, Rear**

A yard between the rear lot line of the site and the nearest point of the primary building, extending the full width of the site.

**Yard, Side**

A yard between side lot lines of the site and the nearest point of the primary building, extending from the front yard to the rear yard.

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**Z**

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**Zoning District**

A specifically delineated area within which uniform standards govern the use, placement, spacing, size, and form of land and buildings.

**Zoning Map**

The official zoning map as adopted by the City of Northglenn.

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