
Chapter 1 General

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16-1-1 Title

This Title shall be known as the Unified Development Code. References to “this Title,” “the development code,” “these regulations,” or similar references shall be considered a reference to the Unified Development Code.

16-1-2 Authority and Jurisdiction

- A. **Authority.** This Title is adopted through the exercise of powers granted and acquired in the Home Rule Charter adopted by the City of Englewood in 1958, as amended from time to time, and in accordance with the powers granted to municipalities by the Constitution and Laws of the State of Colorado, C.R.S. 29-20-101 et seq., (Local Government Land Use Control Enabling Act) and C.R.S. 31-23-101 et. seq. (Planning and Zoning).
- B. **Home Rule.** The City of Englewood recognizes that zoning is ultimately a local and municipal matter and intends that this Title supersedes any conflicting general law of the State of Colorado within its jurisdiction.
- C. **Jurisdiction.** This Title applies to all structures, uses, and land within the corporate limits of the City of Englewood.

16-1-3 Purposes

This Title is adopted to promote the public safety, health, and general welfare for the City and its citizens and businesses. Specifically, the regulations have the following purposes:

- A. Implement the Comprehensive Plan, and other plans and programs authorized under the guidance of the Comprehensive Plan.
- B. Promote land uses, development patterns, and site and building design that support and encourage economic and sustainable development.
- C. Regulate uses within floodplains to mitigate hazards to the public and damage to property.
- D. Promote development that preserves and enhances quality of life and protects the City’s environmental resources.
- E. Facilitate the provision and proper location of infrastructure such as water, sewerage, drainage, streets, transportation, and other public facilities, services, and utilities.
- F. Promote planning and urban design that emphasizes distinct places and unique elements of community character throughout Englewood, particularly coordinating development with the design of streets, open space, civic space, and other public realm investments.

- G. Divide the City into zones and districts that promote the character and development patterns of distinct places identified in the Comprehensive Plan.
- H. Regulate and restrict the development and use of buildings and land within each zoning district to create a compatible scale, format, and intensity within districts, and appropriate transitions and relationships between districts.
- I. Provide a comprehensive, consistent, and efficient development review process.

16-1-4 Applicability

- A. **General Applicability.** It shall be unlawful to conduct any development or use of land until all specified development review processes have been followed, all applicable standards have been fulfilled, and all required approvals, permits or other authorizations have been issued.
- B. **Effective Date.** All standards in this Code shall apply after the effective date established in the ordinance adopting this Code. All subsequent amendments shall become effective in the same manner and may be subject to specific dates or applicability terms of the adopting ordinances.
- C. **Transition Provisions.** Unless specifically stated otherwise in this Code, the following rules shall determine the transition from previous regulations to this Code:
 - 1. *Applications.* Any official application submitted prior to the effective date of the ordinance adopting these standards, and determined a complete application by the Director, shall be reviewed and processed according to the prior standards and procedures. An application submitted prior to the effective date, but determined incomplete, shall be resubmitted and processed according to the regulations in effect at the time of submittal of a complete application.
 - 2. *Prior Approvals.* All permits, site plans, or other approvals issued under an administrative capacity prior to the effective date of this Code shall remain effective for the duration specified with that approval or any duration that existed under the prior Code. If no date is specified or existed under the prior Code, they shall remain valid for six months from the effective date of this Code. Any changes or amendments to a prior approval requested after the effective date of this Code shall be subject to all provisions of this Code.
 - 3. *Planned Zoning.* Planned unit developments or similar development with standards conditioned on approval of a specific plan shall continue to be regulated under those plans and approvals. Any changes to those plans and standards shall occur as specified in this Code.
 - 4. *Continuation of Enforcement.* Any violations of a previously valid regulation that continues after adoption of this Code may be enforced as provided by this Code. The City may, in its discretion, enforce either the previous standard or the standards of this Code.

16-1-5 Administration

- A. **Staff.** The following City staff positions are responsible for administering specific aspects of this Code.
 - 1. *Community Development Director.* The Community Development Director (Director) is responsible for administration of the development code, and is the principal interpretation and enforcement official of these regulations. The Director may consult with any other department or relevant outside agencies to coordinate any plans, policies, and programs that impact the Comprehensive Plan. The Director shall specifically:
 - a. Prepare and provide forms and submittal requirements for development applications.

- b. Oversee the application and review processes, and prepare presentations and reports for review bodies.
 - c. Set the dates for meetings and hearings before the Commission, Board, and Historic Preservation Commission.
 - d. Issue official interpretations and approve the use of other resources, guides, and industry standards used in administering this Code.
 - e. Make all final interpretations and any final administrative decision referred to the Director under the procedures and standards of this Code.
 2. *City Manager and Other Staff.* The City Manager is the chief executive and administrative officer for the City and may make any decision delegated to any City staff member under this Code. All other department heads and staff may serve in an advisory role to the Director under this Code, as designated by the City Manager.
 3. *Development Review Team.* The City Manager or Director may assemble the Development Review Team (DRT) for any applications that require referral, review, and comment from any of the departments or agencies. In addition to the Director and City Manager, the DRT generally includes representatives from Community Development, Public Works, Building Division, Utilities, Police, South Platte Renew, and Fire.
- B. **Planning and Zoning Commission.** The Planning and Zoning Commission (Commission) is the appointed body of the City responsible for all long-range and comprehensive planning, as well as review, recommendations, and decisions on implementing the comprehensive plan. The Commission is established according to EMC § 2-5-1. In addition to all other general planning authority granted by statute, charter, municipal code, or bylaws, the Commission shall have the specific review responsibilities and final administrative decisions referred to it by these regulations, including:
 1. General interpretation and application of the standards and criteria to development proposals presented to the Commission.
 2. Serve as the principal fact-finding entity for applications that require a public hearing.
 3. Advise the Council on planning and design issues and make recommendations on amendments to this Code and map amendments (rezoning).
 4. Conduct periodic review of plans and regulations, monitor the cumulative impacts of development and public investments under this Code, and make recommendations for updates corresponding to the policies, plans, and standards of the City.
- C. **City Council.** The City Council (Council) is the elected and governing body of the City responsible for all legislative decisions that affect implementation of the comprehensive plan. In addition to other general authority granted by law, the Council shall have the appeal authority and final decision authority referred to it under these regulations, including.
 1. Approve amendments to this Code.
 2. Approve map amendments (rezonings).
 3. Accept dedications of land and public improvements.
 4. Establish fees for development applications, public facilities, and other aspects of development impacts.
 5. Coordinate other legislative responsibilities of the City with the comprehensive plan and implementation of this Code.
- D. **Board of Adjustment and Appeals.** The Board of Adjustment and Appeals (Board) is created under the authority of Chapter 59 of the Englewood Home Rule Charter, and the following provisions under this Code.
 1. *Administrative and Review Roles.* The Board has the following responsibilities in administering this Title:
 - a. Hear and decide on appeals from denial of a building permit.

- b. Hear and decide on appeal of administrative decisions made under this Code when a clear error is alleged.
 - c. Grant variances to the standards of this Code.
 - d. Any other items specifically delegated to the Board by the provisions of this Code.
2. *Officers.* The Board shall elect a chairperson and vice chairperson from among its members. The term of the chairperson and vice chairperson shall be for one year with eligibility for reelection. Unless otherwise absent or disqualified, the Chairperson shall preside over all meetings. In the absence or disqualification of the Chairperson, the Vice Chairperson shall preside. In the absence or disqualification of both the Chairperson and Vice Chairperson, the next longest-serving Board member shall preside.
3. *Proceedings.* The Board may adopt rules and bylaws necessary to conduct affairs and in keeping with this Section and its authority under the Charter, and in the absence of any rules or bylaws Bob’s Rules of Order shall govern. Meetings shall be held at the call of the Chair and at such other times as the Board may determine. The Chair may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The City shall appoint a recording secretary to keep records of all proceedings.
4. *Votes.* The quorum for the Board shall be five members. Table 1-1 specifies the number of votes required to approve any decision based on the number of Board members present:

Table 1-1: Board Votes	
Board Members Present	Required Affirmative Votes
7	5
6	5
5	4

E. **Historic Preservation Commission.** The Historic Preservation Commission is established by EMC § 2-15-1 and shall be responsible for the preservation of the historical and architectural heritage of the City, as provided in Chapter 15. In this role, the Historic Preservation Commission advises the Council and Commission on matters related to preserving the cultural resources and historic character of the City and may be consulted by the Commission or Council during any process under this Code that impacts these issues.

F. **Advisory Specific Plan Design Review Committee.**

- 1. The Council may appoint an ad hoc advisory Specific Plan Design Review Committee consisting of one Council member and one Commission member and one Englewood Downtown Development Authority Board member on a rotational per project basis, and one or more architectural design professionals recommended by the Director to serve as an Advisory Specific Plan Design Review Committee for site development plan review in order to determine compliance with Specific Plan design standards and guidelines as provided in EMC § 16-2-4, Specific Plans.
- 2. The Advisory Specific Plan Design Review Committee will review development applications in areas that are governed by an approved Specific Plan, including the applicant’s site development plans, and design standards and guidelines report. Based upon its review, the Advisory Specific Plan Design Review Committee shall make recommendations to the City Manager or Director including, but not limited to, recommendations concerning compliance with Specific Plan design standards and guidelines, conditions of approval, or whether waiver of certain guidelines are justified.

3. The Advisory Specific Plan Design Committee is an informal advisory and consultative body whose determinations and recommendations are not binding upon the City Manager or Director.

16-1-6 Interpretation

- A. **Rules of Construction.** The following rules shall apply to the application and interpretation of these regulations, unless the context clearly indicates otherwise:
1. All words shall have the customary dictionary meaning, unless specifically defined in these regulations. The Director or final decision-making authority may make this determination in a way that best meets the purposes, intent, and objectives stated in this Code.
 2. In case of any difference in meaning or implication between the text and any heading, drawing, table, or figure, the text shall control.
 3. Lists of examples prefaced by “including the following,” “such as,” or other similar clauses shall not be construed as exclusive or exhaustive and shall not preclude an interpretation that includes other similar and non-mentioned examples.
 4. A reference to an administrative official shall refer to that official, or their designee, and all references to specific City officials may also include any other designee of the City Manager.
 5. The present tense includes the future tense, and the future tense includes the present tense.
 6. The singular includes the plural, and the plural includes the singular.
 7. The conjunctive “and” in a list means that all connected terms apply; the conjunctives “or” and “and/or” mean the connected terms may apply singly or in any combination; and the conjunctive “either...or” means the provisions apply singly but not in combinations.
 8. When calculations to determine a requirement of something that cannot be divisible (i.e. parking space, trees) results in fractions, it shall be rounded up to the nearest whole number if the standard is expressed as a minimum requirement and rounded down to the nearest whole number if the standard is expressed as a maximum allowance.
 9. “Shall,” “will” or “must” is mandatory; “should” or “may” is permissive but recommended to best meet the intent or objective of the standard.
 10. Any reference to other official local, state, or federal government rules or regulations shall include the current versions of those regulations, provided they remain binding on the City, or where not binding, they remain consistent with the purposes, intent, and objectives included in these regulations.
 11. References to a person shall include individuals, partnerships, agencies, corporations or other legal entities and the owner, tenant, occupant, principal, partners, officers, employees, agents, and representatives of any legal entity.
- B. **Conflicts.** This Title does not repeal or interfere with existing provisions of other valid and applicable laws, except where specifically stated. All provisions of this Code shall be considered the minimum requirements to promote the public health, safety and welfare. In case of a conflict between these regulations and any other adopted rule, regulation, or code of the City, or between other applicable and valid law, the higher standard shall apply. In making a determination of which standard is higher, the official may consider which is more specific; which is more consistent with the Comprehensive Plan; which is more consistent with the purposes, intent, and objectives of these regulations; and which best promotes the public health, safety and welfare.
- C. **Computation of Time.** Periods defined by a number of days shall mean a number of consecutive calendar days, including all weekend days, holidays, and other non-business/working days. However, if the last day falls on a Saturday, Sunday, or legal holiday, the period extends to the next day that is not a Saturday, Sunday, or legal holiday.

- D. **Interpretation of the Zoning Map.** In determining the boundaries of zones shown on the zoning map, the following rules shall apply:
1. Unless otherwise indicated, the zone boundaries are the centerlines of streets, alleys, parkways, or channelized waterways, or such lines extended. Where a district boundary line is shown as adjoining a railroad right-of-way, the line shall coincide with the railroad right-of-way line.
 2. If a district boundary line extends in the direction of the length of a block, the line shall coincide with the centerline of the block.
 3. If a district boundary line is shown as approximately following platted lot lines, the line shall coincide with platted lot lines.
 4. If a district boundary line divides a platted lot or crosses unsubdivided property, the line shall be determined by dimensions shown upon the zoning map.
 5. If a district boundary line is shown by a specific dimension, the specific dimension shall control.
 6. If a district boundary line is located with reference to a fixture or monument, the location of the fixture or monument shall control.
 7. If the street layout or stream course that exists on the ground varies from the layout as shown on the map, the map shall be interpreted according to the reasonable intent of this Title.
 8. In the event a dedicated street or alley shown on the map is vacated by ordinance, the property shall be included within the zone of the adjoining property on either side of the vacated street or alley. In the event the street or alley was a zone boundary between two or more different zones, the new zone boundary shall be the former centerline of the vacated street or alley.

16-1-7 Severability

- A. If any court of competent and final jurisdiction declares any part of this development code to be invalid, that ruling shall not affect any other provisions of this development code not specifically included in that ruling.
- B. If any court of competent and final jurisdiction declares that the application of this development code to a particular property or structure is invalid, that ruling shall not affect the application of the regulations to any other property or structure, or to development with different circumstances.
- C. No provision of this Code shall enable any circumstance that is unlawful under superseding federal or state law. If any Section, subsection, sentence, clause, phrase, or portion of this Code is now or in the future superseded or preempted by state or federal law, or found by a court of competent jurisdiction to be unauthorized, such provision shall be interpreted and applied as required by law.
- D. The City Council of the City of Englewood hereby declares that it would have phrased this Title and each Chapter, Section, subsection, sentence, clause, or phrase, irrespective of the fact that any one or more chapters, sections, subsections, sentences, clauses, and phrases be declared invalid.

16-1-8 Nonconformities

- A. **Intent.** The general policy of the City is to allow uses, buildings, and lots that were created legally and in conformance with then-applicable requirements, but that do not conform to the current applicable requirements of these regulations, to continue to be put to productive use. However, it is the City's intent to bring as many aspects of these nonconformities into compliance with current regulations as is reasonably practical. The intent of this Section is to balance the interests of property owners in past investments, discourage investment that expands or extends

nonconforming situations, and promote investment consistent with the Comprehensive Plan and these regulations where reasonable and necessary.

- B. **Burden of Proof.** The burden shall be on the applicant to establish that the nonconformity was established lawfully and the entitlement to continuation of nonconforming situations or completion of nonconforming projects according to this Section. Owners of nonconformities may request a "certificate of legal nonconforming status" by filing an application with the Director, and once issued may record the certificate in the Arapahoe County Clerk and Recorder's Office.
- C. **Nonconforming Uses.** Uses that were legally initiated prior to the adoption or amendment of this Code, but which could not be continued under the current terms of this Code, may continue to exist subject to the following:
1. No development shall be permitted that expands the use, and the use shall not be expanded beyond the land area or building floor area for which it was legally established, except as permitted in subsection H.
 2. The use shall not be transferred to another site or relocated on the same site.
 3. If a nonconforming use is discontinued for a period of 180 days or more, regardless of intent to resume operations, any future use shall conform to this Code.
 - a. Seasonal uses must be used in consecutive seasons, and discontinuance for a season will indicate abandonment.
 - b. Sale of the use to a new owner or change of operator shall not be considered discontinuance, provided neither owner or operator discontinues the use for a combined period of 180 days or more.
 - c. Continuation of an accessory use shall not be used to prevent the discontinuance of the principal use, and the accessory use shall not be permitted absent a principal use.
 4. Any structure in which a nonconforming use is conducted in that is damaged to the extent of more than 60% of the current value, as determined by the method of valuation for building permits, shall not be restored to support the nonconforming use
- D. **Nonconforming Structures.** Structures other than signs that were legally constructed prior to the adoption or amendment of this Code, but which could not be constructed under the current terms of this Code, may continue to exist subject to the following:
1. Rehabilitation or expansion of the structure that increases the degree of nonconformity is prohibited, except as permitted in subsection H. Other rehabilitation, expansion, alteration, or repair of a nonconforming structure may occur provided that they comply with all other requirements of this Code.
 2. If damaged or otherwise determined substandard or in disrepair, where restoration is more than 60% or less of its total replacement cost by method of the valuation of building permits, the right to maintain the nonconformance shall terminate. Except, the following may be restored to their original condition if the owner obtains a permit within one (1) year:
 - a. Detached houses that do not meet setbacks may be restored to its prior condition
 - b. Multi-unit residential buildings that do not meet the lot area required for the number of units may be restored to the prior condition.
 - c. Buildings shall comply with all applicable safety codes.
 - d. Any expansion of these buildings beyond the prior shall comply with the standards.
 3. Structures granted variances from the dimensional standards are not considered nonconforming and are not subject to the limitations of this Section, provided that the structure and owner comply with any terms of the variance and the circumstances surrounding the variance have not substantially changed.
- E. **Nonconforming Site Conditions.** Any site condition associated with a conforming use or structure (such as parking, landscape, open space, or other non-building site characteristic) in

existence prior to these regulations, but which are not compliant with the standards of these regulations, may continue to exist subject to the following:

1. Any change of use or expansion of use shall require compliance with the new site standards to the maximum extent possible, considering the level of investment needed to support the new use and the extent of area being impacted by work to support the new use.
2. Any site development activity on a portion of a site shall require compliance with the new standards proportional to the area subject to the development activity.
3. Any change of use, building, or site design element that triggers a screening requirement shall require 100% compliance with all screening standards applicable to the entire site.
4. Where any investment is greater than 60% of the current replacement value of the site or can reasonably be interpreted as impacting more than 60% of any one component of the site, the site or that component shall be brought into full compliance with these standards.

F. **Nonconforming Lots.** Any lots platted or otherwise legally created prior to the adoption or amendment of this Code, but which could not be platted under the current requirements of this Code, may continue to exist provided it complies with this sub-section. Any difficulties meeting these standards caused by the nonconformance of the lot may be used as criteria in granting relief to these standards. The size and shape of any nonconforming lot shall not be altered in any way, except to increase the conformity with these regulations.

1. Two abutting nonconforming lots shall be considered an undivided single lot for the purposes of accommodating a detached house or other permitted building type if the lots are in single ownership and share a continuous frontage.
2. In any district that allows detached houses, a detached house and customary accessory buildings may be erected on any nonconforming lot not eligible for a lot combination, provided all standards other than lot dimensions standards are met.
3. In any district that does not allow detached houses, the nonconforming lot not eligible for a lot combination may be used for the smallest-scale building and use permitted in the district by these regulations, provided all standards other than lot dimension standards are met.

G. **Nonconforming Signs.** Existing signs which do not conform to the specific provisions of these regulations are designated as nonconforming signs. Except for signs designated as landmark signs by the Historic Preservation Commission, nonconforming signs must be brought into compliance with this Code or must be removed when any of the following conditions exist:

1. When the property or premises upon which the sign is located is vacant or unoccupied for a period of more than 90 days.
2. When a sign and/or sign structure is damaged or in disrepair and the total repair or restoration cost exceeds 50% of the signs value. All costs for any improvements to the exterior of a building shall be counted towards a determination of repair or restoration costs for signs attached to the building.
3. When there is a zone change approved for the property.
4. When the sign or existing structure upon which the sign is located is relocated, replaced, or changed in size, location, or height, or is altered in any way. This does not refer to change of copy or normal maintenance.

H. **Limited Expansions.** In association with any development application in Chapter 2 of this Title, the City may determine that any existing nonconforming use, site, or building may be continued with protections beyond that provided by this Section, and limited expansions may be permitted subject to the following:

- a. An existing residential building with nonconforming setbacks may be expanded to the extent of the existing setback, provided it does not increase the extent of the nonconformity by more than 50% of the current nonconformance.

- b. An existing residential building may be extended beyond existing setbacks to match prevailing conditions on adjacent lots or in the vicinity, provided the encroachment is no more than five feet.
- c. An existing residential building may be expanded to continue a nonconforming use, provided that the existing building and proposed expansion is determined to have a lesser impact than what is otherwise allowed in the district subject to current standards.
- d. It is determined that the expansion preserves buildings and patterns that are not detrimental to adjacent property and continued investment that furthers the intent of the zoning district and this Section.
- e. It is determined to have no negative effects on the long-term development within the district, and to abutting uses or potential uses.
- f. The proposal meets all other criteria of the associated application, except for the nonconformity.

16-1-9 Enforcement

- A. **Enforcement.** The provisions of this Title shall be administered and enforced by the Director. Zoning enforcement personnel will have all legal powers necessary to enforce this Title.
- B. **Enforcement Officer.** The Enforcement Officer shall be responsible for the enforcement of all provisions contained in this Title and is authorized to undertake all investigations of violations of this Title, to issue notices and orders, to issue summons and complaints for prosecution in the Englewood Municipal Court, to bring any legal action in other courts of competent jurisdiction, and to take other measures as are necessary for the enforcement of the provisions of this Title. Summons and complaints issued by the Enforcement Officer may be served by the Enforcement Officer, a Code Enforcement Officer, or a Law Enforcement Officer.
- C. **Stop Orders.** Whenever the use of property or the construction of any building or structure is contrary to the provisions of this Title, the Enforcement Officer may order the use of property or construction to be stopped by serving notice in writing on any person, firm or corporation engaged in using the property or in doing or causing such work to be done, or by posting notice in a conspicuous place on the property when no person, firm or corporation can be served in the aforesaid manner. No oversight or dereliction or error on the part of the City of any employee of City shall legalize, authorize, or excuse the violation of any of the provisions of this Title.
- D. **Enforcement Process.**
 - 1. *Administrative Notice of Violation.*
 - a. *Issuance of Administrative Notice.* The Enforcement Officer shall provide written notice to the owner(s) of the premises upon which a known or suspected violation of this Title exists. Such notice shall be served upon the owner(s) by posting such notice on the property, by personally serving the notice to the owner(s), or by sending the notice certified, return receipt requested via U.S. Mail, postage prepaid, to the last known address of the owner(s).
 - b. *Receipt of Notice.* The notice shall be deemed received immediately if directly communicated with the owner(s), or primary contact, through either personal notification or telephone call. Notice shall be deemed received 72 hours after posting the property, publication in a newspaper, or by certified mailing, return receipt requested via U.S. Postal Service, postage prepaid.
 - c. *Administrative Notice.* The administrative notice shall include that information deemed necessary by the Enforcement Officer, including: 1) common address or

legal description of the property upon which the violation is located, 2) citation to any Section of the Code of which a violation is alleged to exist, 3) description of the violation(s) occurring upon the property, 4) an administrative order to correct the violation within 10 days of the receipt of the administrative notice (unless other provided within a specific Section or Chapter of this Title), 5) notice of the procedure to appeal an administrative notice of violation, and 6) notice that failure to correct violations may result in criminal prosecution, including the possible maximum fines and penalties associated with conviction upon charges.

- d. *Compliance Inspection.* Within five days following receipt of the administrative notice, the property owner or primary contact shall contact the Enforcement Officer seeking inspection of the property and a determination that the property is in compliance with the Code. The Enforcement Officer is authorized to provide one extension to the administrative notice of no more than five days following an inspection of the property if the Enforcement Officer believes the property owner made a good faith but unsuccessful effort to correct the violation(s), and such violation(s) may be successfully remediated if provided an additional five days.

2. *Summons and Complaint; Notice to Appeal; Right to Proceed; Fines and Costs.*

- a. If the owner or primary contact fails to schedule a time for the inspection within ten days following service of the administrative notice (unless otherwise provided within a specific Section or Chapter of this Title), the Enforcement Officer may seek a search warrant for the inspection of the premises under the provisions of EMC § 1-7A-4.
- b. If the Enforcement Officer has not completed an inspection of the property and a determination that the property is in compliance with the Code within 10 days following receipt of the administrative notice, the Enforcement Officer is authorized to issue to the owner a summons and complaint and notice to appear in the Englewood Municipal Court to answer to charges of a violation of this Title.
- c. Should any owner(s) of such property contest the charge, the City shall not be precluded from addressing the violations of this Title, or any other Title of the Englewood Municipal Code which are applicable, through administrative or civil action to bring the property into compliance with this Title or the Englewood Municipal Code, or any other applicable law or regulation.
- d. Any persons found guilty, or by the entering of a plea of guilty or nolo contendere, to any violation of this Title shall be subject to the provisions of the General Penalty, EMC § 1-4-1, and shall be ordered to remediate the violation and bring the subject property into compliance with this Title.
- e. Any person convicted of a violation of this Title shall be assessed the costs, including inspection fees, incurred by the City in association with service of the administrative notice, including publication and mailing fees, and service of the summons and complaint, including process server fees, in association with the enforcement of this Title.

Chapter 2 Procedures

Table 2-1 Summary of Applications and Procedures

- 16-2-1 General – All Applications
- 16-2-2 Text Amendment
- 16-2-3 Map Amendment
- 16-2-4 Specific Plans (Regulating Plan and Site Development Plan)
- 16-2-5 Planned Unit Development (PUD Rezoning)
- 16-2-6 Site Improvement Plan
- 16-2-7 Major Subdivision Plat
- 16-2-8 Minor Subdivision Plat
- 16-2-9 Conditional Use Permit
- 16-2-10 Zoning Variance
- 16-2-11 Administrative Adjustment
- 16-2-12 Appeal
- 16-2-13 Request for Reasonable Accommodations for Disabled Persons
- 16-2-14 Vested Rights

Table 2-1 Summary of Applications and Procedures											
	Eligible Applicants			Pre-App. Meeting	Neighbor-hood meeting	Notice			Review Body		
	Owner	PC	CC			Post	Publish	Mail	Dir.	PC	CC
Text Amendment (16-2-2)		■	■				☑		R	R/PH	D/PH
Map Amendment (Rezoning) (16-2-3)	■	■	■	☑	☑	☑	☑	☑	R	R/PH	D/PH
Specific Plans (Regulating Plan) (16-2-4)		■	■	☑	☑	☑	☑	☑	R	R/PH	D/PH
PUD Rezoning (16-2-5)	■			☑	☑	☑	☑	☑	R	R/PH	D/PH
Site Improvement Plan (16-2-6)	■								D	A	
Major Subdivision Plat (16-2-7)	■			☑	☑	☑	☑	☑	R	R/PH	D/PH
Minor Subdivision Plat (16-2-8)	■			☑					D	A	
Conditional Use Permit (16-2-9)	■			☑		☑	☑		R	D/PH	A
Zoning Variance (16-2-10)	■			☑		☑	☑		R		D/PH
Administrative Adjustment (16-2-11)	■			☑		☑			D		A
Appeal (Administrative Decision) (16-2-12)	■	■	■	☑		--	--	--			D/PH

☑ = Required
 ■ = Authorized
 Dir. = Director
 PC = Planning and Zoning Commission
 CC = City Council
 BAA = Board of Adjustment and Appeals

R = Review and Recommendation
 D = Final Decision
 A = Appeal of Application Decision
 PH = Public Hearing Required

16-2-1 General – All Applications

A. Applications and Fees

1. *Forms.* Applications required under this Code shall be submitted to the Community Development Department on forms supplied by the Department. The Director is authorized to establish application forms and submittal requirements to ensure all applications can be evaluated for conformance with this Code. The Director may waive any required information at the time of application if it is not applicable to the review criteria due to the routine nature of the application or due to the context of the proposed development.
2. *Fees.* Applications shall be accompanied by a non-refundable fee established by the City Council's Annual Fee Resolution. Fees shall not be required with applications initiated by the staff on behalf of the Commission or Council.
3. *Eligible Applicants.* Table 2-1 indicates applicants eligible for each application, which may include the following:
 - a. *Owner.* The record owner of property that is the subject of the application or an agent authorized by written permission of the owner.
 - b. *Planning and Zoning Commission.* The Planning and Zoning Commission, acting on its own initiative or through recommendations brought to it by city staff.
 - c. *City Council.* The City Council acting on its own initiative or through recommendations brought to it by city staff.

B. Concurrent Applications.

When a project requires approvals under more than one type of application, the Director may determine that each application may run concurrently based on the following:

1. The similarity of information required for each application, and the ability of the applicant to coordinate different information required for each application.
2. The similarity of notice, timing, procedures, meetings, and review bodies required for each application.
3. The ability of the staff and review bodies to make effective decisions and evaluate different review criteria when reviewing the applications concurrently.

In cases where the Director determines applications may run concurrently, the application shall be processed through the highest review level of any joined application, and no decision shall be considered final until the last of the related decisions has been made.

C. Pre-application Meeting.

Pre-application meetings may be requested for any application and shall be required as indicated in Table 2-1. A required pre-application meeting may be waived at the Director's discretion and upon the applicant's request, for any application that is routine in nature and where the topics below can be addressed by general correspondence. The applicant shall provide sufficiently detailed plans and descriptions of the proposal to enable the applicant to confer with city staff on the general nature of the project, including:

1. How the proposed project meets the goals of the Comprehensive Plan, or other specific plans or policies applicable to the area.
2. The applicant's vision and understanding of the market for the proposed project.
3. How the project will contribute to the area and further the intent of the zoning district.
4. The proposed uses, general site layout, and conceptual or anticipated design of buildings, including how the project relates to surrounding sites and public spaces.
5. Infrastructure capacity and impacts, including timing, phasing, or the need for any improvements, technical studies, or outside agency review.

6. Development review processes and review criteria, and whether any special public information and outreach or specific agency or department reviews are necessary.
 7. Opportunities to improve designs or coordinate the preliminary concepts with other private or public investments in the area.
- D. **Neighborhood Meeting.** A neighborhood meeting shall be required as indicated in Table 2-1, and the Director may require a neighborhood meeting for other projects that are complex, present significant changes, or have potential for unanticipated impacts on property in the vicinity. Neighborhood meetings shall meet the following:
1. *Timing.* The meeting shall be coordinated with other reviews and hearings to ensure that adequate and current information on the nature, scope, and scale of the project is available, and the public comments can be considered in the formal application.
 2. *Location.* The applicant is responsible for coordinating the meeting location, and the meeting shall be held at a public meeting facility within the City, such as a school, city building, community recreation center, or other convenient and accessible meeting center.
 3. *Notice.* The applicant is responsible for notification of the neighborhood in the manner and format prescribed by the City on the application forms. The notice may be coordinated with any other official notice required by this Code for the application. The applicant shall receive confirmation of the time and location of the meeting from the Director prior to scheduling and notice.
 4. *Content.* The applicant is responsible for all content of the meeting, which at a minimum shall include:
 - a. The general nature and scope of the proposed project;
 - b. A summary of the proposed land use, including planned or all potential future uses under the request;
 - c. The most recent plans and submittals available for the project, depicting the scale, location, and design of any buildings and the relation of all site improvements to the streets and adjacent property; and
 - d. Identify and explain the subsequent formal review steps with the City, and note that official and formal review by the City may result in changes from the initial concepts.
 5. *Summary.* The applicant shall prepare summary minutes of the meeting including evidence of the notice, attendance, content, discussion summary, and outcomes of the meeting. This information shall be included with or supplement the formal application.
- E. **Staff Review.** Upon receipt of an application, the Director shall take the following steps:
1. *Determination of Complete Application.*
 - a. The City shall determine if an application is complete within ten days of its filing.
 - b. An application shall be considered complete if it has all information required on submittal forms, and any additional information added to the form or requested in a pre-application meeting, and the application fee.
 - c. Complete applications shall be processed for formal review according to this Code.
 - d. If an application is determined incomplete, the Director shall notify the applicant of the specific ways in which the application is deficient. No further processing of the application shall occur until the deficiencies are corrected. If a deficient application is not corrected within 30 days of the notice, the incomplete application may be considered withdrawn.

2. *Staff Review.*
 - a. Specific applications may require review by the Development Review Team as established in EMC § 16-1-5.A.3, and the Director may determine that any application can be reviewed by the DRT when it affects issues or facilities significant to other departments and outside agencies.
 - b. The Director or DRT may require referral to any other agencies for review and comment, based on the details of an application, including:
 - (1) Arapahoe County affected departments;
 - (2) Colorado Department of Transportation;
 - (3) Colorado Division of Wildlife;
 - (4) Gas and electric utilities;
 - (5) Telecommunications and cable providers;
 - (6) Public safety agencies (police, fire, EMS, health);
 - (7) Respective school district(s) in which the subject property is located;
 - (8) Water and sewer utilities;
 - (9) Ditch companies;
 - (10) Special districts; and
 - (11) Other local, state, or federal government agencies.
 - c. Failure to receive comments from referral agencies may allow the Director to delay the application. However, if the applicant demonstrates sufficient due diligence in attaining comments, the Director may interpret the failure to comment as consent to the application by the agency.
 - d. The applicant shall be responsible for coordinating all subsequent requirements or comments, and for notifying any agency prior to final review of any changes that may affect their comments on initial plans.
3. *Staff Comments.* The Director shall coordinate a staff review and may provide the applicant the following information in writing:
 - a. Comments or recommended changes based on staff review, any referral agency comments, or neighborhood meeting results.
 - b. Any supplemental information necessary to support the application or to address comments or recommended changes.
 - c. If the applicant chooses not to address any particular comment or recommended change, a written statement shall be included with the resubmittal that demonstrates a good faith effort to address the issue and justify why the comment was not addressed. The applicant may request to schedule the application for official review based on this justification.
 - d. If the applicant fails to submit revisions or otherwise address any comments from the Community Development Department in writing within 120 days, the Director may determine the application withdrawn and the review terminated. Any further action will require a new application and fees.
4. *Scheduling.* Applications that have completed DRT or staff review, and addressed any comments or recommended changes, shall be scheduled for further review according to these regulations. The City shall notify applicants in writing of the date, time, and place of any scheduled meetings.
5. *Staff Report.* The Director shall prepare a staff report for applications that require review and decisions by other review bodies. The report shall identify the appropriate policies, plans, standards, and review criteria, and identify relevant facts of the application. The Director shall provide a copy of the report to the reviewing body and to the applicant in association with the published agenda and packets.

- F. **Notice.** Notice shall be provided for each application as indicated in Table 2-1, in accordance with the following:
1. **Content.** Except where modified for specific notice methods below, all notice shall include the following:
 - a. The date, time, and place of the meeting.
 - b. General information on the application including the project location and type of application.
 - c. The name of the applicant and other professionals responsible for decisions on the proposed development.
 - d. Contact information where additional details may be found.
 - e. To assist in reaching any non-literate or non-English speaking populations, all posted and mailed notices shall include a prominent question mark symbol followed by the telephone number of the City.
 2. **Published.** Where published notice is required, at least 15 days prior to the public hearing or meeting, the Director shall publish the notice on the City’s official website or in the newspaper designated by the Council as the City’s official newspaper.
 3. **Posted.** Where posted notice is required, notice shall be posted on the property or near the proposed site, visible to surrounding properties and the general public from adjacent public ways, according to the following:
 - a. The Director shall determine the number, type, and specific location of signs based on the context of the property, which typically includes 1 sign for each street frontage. .
 - b. The sign shall be at least 22” x 28”; at least 4’ above ground level; at least one inch black letters, and designed to be legible from the adjoining street. The Director may further specify sign size and color for particular applications on the application forms or through pre-application meetings. .
 - c. The applicant shall ensure that all signs are posted for at least 15 consecutive days prior to the public hearing or meeting.
 - d. The applicant shall make a reasonable good faith effort to maintain posted notice throughout the proceedings, and provide evidence or a statement of compliance at the time of the public hearing or meeting
 - e. In the case of notice posted for an administrative decision, the sign shall be posted for at least 15 consecutive days prior to a decision.
 - f. The applicant shall remove all signs within seven days after conclusion of the proceedings.
 4. **Mailed.** Where mailed notice is required, the applicant shall mail to the following, at least 15 days prior to the hearing or review meeting:
 - a. All occupants and property owners within 1,000 feet shown by the records of Arapahoe County Assessor’s office within 30 days of the required mailing date.
 - b. Where mailed notice is not required, or where notice beyond these requirements is determined necessary, the Director may require additional notice in the following situations:
 - (1) Where large parcel sizes on the perimeter of the project result in notification to only immediately adjacent owners;
 - (2) Where a large project is likely to have direct impacts beyond 1,000 feet; or
 - (3) Other situations where the Director determines that additional notice may be necessary due to the context or nature of the project causing potential impacts beyond the required notice distance.
 - c. Where a neighborhood meeting is required, the notice may include both the information on the neighborhood meeting and the public meeting.

- d. The applicant shall provide a mailing list and certify that the letters were mailed as required, prior to the meeting or hearing.
 5. *Surface Development Notification.* Where mailed notice is required by state statutes for any project related to mineral estate owner identified on the county tax assessor's records or who has filed in the office of the county clerk and recorder a request for notification, the applicant shall be responsible for notice. The applicant shall certify that notice has been provided as required by this Code and Colorado law prior to a public hearing, public meeting, or administrative decision.
 6. *Additional Hearing or Meeting Dates.* For any application where mailed or published notice is required by this Code or Colorado law, and the reviewing authority adjourns or continues the review to a certain date, time and location, no new notice shall be required.
 7. *Failure of Notice.* Any failure of published, posted, or mailed notice shall not invalidate any subsequent process or decision; however, the Director or review body may elect to postpone any review or decision until the notice requirement is fulfilled. In making this decision, the Director or review body shall consider whether:
 - a. Good faith efforts were made to comply with notice, and the failure of notice was beyond the applicant's control;
 - b. Technical errors in the notice were made, but constructive and actual notice was available to all interested parties; or
 - c. The failure of notice is not otherwise instrumental to the proceedings, criteria, or record established for the decision.
- G. **Public Hearings.** Where public hearings are required by Table 2-1, the following procedures apply:
1. The hearing shall be conducted, and a record of the proceedings shall be preserved. If a transcript is required, the person or entity requesting the transcript shall pay the cost of the transcript. A written summary of the relevant testimony and evidence may be utilized in place of a transcript where a transcript is not required.
 2. The review body shall hear any relevant evidence or statement provided by the applicant or its representative, and by city staff.
 3. Any interested person or party may appear and be heard in person or by an authorized agent.
 3. The review body may request testimony or a written statement or report on the application from any government official or agency, or any other person with information pertinent to the application.
 4. A public hearing for which proper notice was given may be continued to a later date without again requiring notice provided in this Section if the specific date, time and place of the continued hearing is announced at the original hearing.
 5. If the review body is a recommending body, a written summary of the meeting and the recommendation shall be forwarded to the decision-making body.
 6. A review body is authorized to establish meeting procedures and bylaws regarding specific conduct and management of public hearings, within the parameters of these regulations.
- H. **Action by Review Bodies.** Review bodies shall take the actions indicated in Table 2-1. A review body may take any action on the application consistent with notice given or criteria in this Chapter, or recommend such action when the review body is a recommending body, including the following:
1. Approve the application.
 2. Approve the application, with conditions or modifications that make it more consistent with the standards and approval criteria.
 3. Deny the application, with specific reasons for the denial.

4. Continue the application to allow further analysis or collect additional information. The continuation period shall not be more than 60 days from the original review without consent of the applicant. A review body shall not continue an application more than once without consent of the applicant.
- I. **Appeals.** Any final decision made under this Code by an administrative official may be appealed through an Administrative Appeal application according to 16-2-12 and Table 2-1. Appeals of decisions on development applications are specified for each application in Table 2-1 and the sections for that application. Where no appeal is designated, the decision shall be final and only appealed as authorized by law. The following shall apply to all appeals:
1. Appeals shall be filed with the Director within 30 days of the final decision.
 2. Appeals shall identify the exact provisions in dispute and whether the decision is incorrect due to one or more of the following:
 - a. It was against the express standards of this development code;
 - b. It was an unreasonable interpretation of the standards, application, or review criteria;
 - c. It was erroneous, based on the record and facts reviewed by the decision-making body; or
 - d. It was otherwise clearly contrary to law.
 3. The following persons and entities shall have standing to appeal the action of the review body:
 - a. The applicant, or property owner of the subject property;
 - b. The City Manager, on behalf of any public official, department, or public body;
 - c. Any person who received mailed notice of an application and who testified or entered a written statement at a public hearing; and
 - d. Any other person who was aggrieved and materially affected by the decision, and otherwise has a right to appeal by law.
 4. The appellate body shall consider the application based on the established record, within 60 days of the date that the appeal was filed. It shall give deference to the previous review body, but may take any action authorized by the decision-making body under this Code if it determines that a clear error was made. The procedure and required notice shall be the same as required of the original application.
- J. **Technical Studies.** The Director, on behalf of any public official, department, or agency, the Commission, or the Council, may require applicants to submit technical studies necessary to evaluate the application. Technical review by outside entities with expertise or jurisdiction over some aspects of the application may be required in place of, in addition to, or in association with any studies. Examples include traffic studies, infrastructure capacity and impact analysis, geologic or hydrologic studies, environmental impact assessments, noise studies, market studies, or fiscal and economic impacts. The persons or firms preparing the studies shall be subject to the approval of the Director. The costs of all studies shall be borne by the applicant. Any application that is determined to require technical studies or review from outside entities may require special schedules based on the reasonable time frames to conduct those studies or additional reviews.
- K. **Permits.** Upon final approval for each application as specified in this Chapter, applicants may apply for all permits necessary to construct buildings, infrastructure, and site improvements. Permits may require submittal and further review of plans and specifications necessary to show full compliance with the standards of this Code, other applicable City codes, or other agency requirements or laws.
- L. **Successive Applications.** When the review body takes final action to deny an application, the same or a similar application shall not be refiled for one year from the date of denial. The Director may permit a refiled application sooner when significant change in the context or requirements have occurred that may affect the outcome of the action on the application. There

shall be no time limitation on an application that the Director determines is substantially different from a previously denied application, considering the proposed use, scale or intensity of development, and potential impacts on adjacent property.

16-2-2 Text Amendment

- A. **Applicability.** Text amendments to these regulations may be initiated by the Council or the Commission.
- B. **Review Criteria.** A text amendment shall be reviewed according to the following criteria:
1. The amendment furthers the purposes of these regulations in EMC § 16-1-3, and the intent or design objectives of any specific section.
 2. The amendment is consistent with the Comprehensive Plan considering its long-range effects and immediate impacts.
 3. The amendment promotes the public safety, health, and general welfare of the community in the City of Englewood.
 4. The amendment improves the effectiveness and efficiency of administering the Unified Development Code.
- C. **Review Procedures.** In addition to the general requirements in Table 2-1 and EMC § 16-2-1, the following requirements are specific to text amendment applications:
1. Applications may be accompanied by a related Comprehensive Plan amendment or more specific plan, provided the amendment or plan has been officially adopted or is adopted in conjunction with the text amendment.
 2. The Council may refer the amendment to any City department or agency, or return it to the Commission for further study or additional information at its next regular meeting. Failure by the Commission to consider or revise its recommendation shall be considered a resubmission of its original recommendation.
- D. **Effect of Decision.** Amendments to the text of these regulations shall be approved by the Council by an ordinance and be effective after the date specified in the ordinance. An amendment to the text of this Title shall remain in effect until superseded by a later and overriding amendment.

16-2-3 Map Amendment (Rezoning)

- A. **Applicability.** The map amendment (rezoning) process provides review of changes to the boundary of zone districts that may be necessary to implement the Comprehensive Plan, to account for changed conditions in the general area, or to reflect a change in policies with respect to future development. Application for a change of zone may be filed by the property owner, the Council, or the Commission.
- B. **Review Criteria.** Review, recommendations, and decisions for a proposed map amendment shall be based on the following criteria.
1. The change furthers the purposes of these regulations in EMC § 16-1-3.
 2. The proposal is consistent with the Comprehensive Plan or any other specific plan, policy, or guidance adopted pursuant to that plan.
 3. The property is capable of meeting the intent of the proposed zone district. Specifically, it shall meet the following thresholds for the base zone district:
 - a. The property shall be a minimum of 37,500 square feet of land area and contiguous to a compatible base district.
 - b. For purposes of this Section “compatible zone districts are the same base district headings (i.e. R-2-A and R-2-B are compatible)

- c. The contiguity to a compatible district can be waived where the transition in districts, land use, or development form and scale is consistent with and implements the Comprehensive Plan.
 - d. The minimum threshold does not apply to PUD zoning, provided the PUD request meets all procedures and requirements of 16-2-5.
 - 4. The change is necessary for at least one of the following reasons:
 - a. There has been a material change in the character of the area or in the City generally, such that the proposed rezoning is in the public interest;
 - b. The current zoning is in error; or
 - c. The property cannot be developed, or no reasonable use can be achieved under the current zoning.
 - 5. The uses and development enabled by the new zone will not have a significant negative impact on surrounding property, and any anticipated impacts can be reasonably mitigated by sound planning, design, and engineering practices.

- C. **Review Procedure.** In addition to all applicable general procedures in Table 2-1 and EMC § 16-2-1, the following specific procedures shall apply to map amendments:
 - 1. Following a pre-application meeting, the applicant shall hold a neighborhood meeting. The maximum time between a neighborhood meeting and a public hearing before the Commission shall be 180 days. If a public hearing is not scheduled within 180 days, the applicant shall be required to hold another neighborhood meeting.
 - 2. Applications may be accompanied by any plat, site improvement plan, master plan or other development concepts necessary to review conformance with the Comprehensive Plan. The Commission may recommend, and the Council may approve a rezoning based on the condition that the plat or site improvement plans are approved according to this Code either prior to or within a certain time after Council action.
 - 3. The Council may refer the map amendment back to the Commission for further study or additional information at its next regular meeting. Failure by the Commission to consider or revise its recommendation shall be considered a resubmission of its original recommendation. No substantial amendment to a recommendation by the Commission on a map amendment may be made unless it is referred back to the Commission for comment.
 - 4. The Commission may recommend, or Council may approve, a lesser change than was proposed in the notice, whether in extent of property or project area, or to a zoning district that permits a lesser scale and intensity of uses or other development standards.

- D. **Effect of Decision.**
 - 1. A map amendment shall be effective by an ordinance approved by the Council, and the City Clerk shall record a copy of the ordinance with the Arapahoe County Clerk and Recorder. The applicant shall pay all required recording fees.
 - 2. The Director shall make the change on the official map by an actual change or other record identifying the date, adopted ordinance, and associated property.
 - 3. The approved map amendment remains in effect after the effective date of the ordinance, unless changed by the Council according to the procedures in this Section.

16-2-4 Specific Plan (Regulating Plan and Site Development Plans)

- A. **Applicability.** Specific plans are comprehensive and integrated plans and codes to implement development with a specific plan overlay district. A specific plan establishes the distribution of land uses, residential densities, and negotiable ranges for other development parameters such as building height and parking ratios. Specific plans are designed to provide flexibility and predictability for City development departments and private development entities engaged in redevelopment activities and may establish administrative procedures and criteria to review and consider minor changes throughout implementation.

Municipal Code provisions related to land use and development in the City shall apply to land use and development in specific plan overlay zone districts, unless specifically negated or modified in an approved specific plan.

Specific plans are an overlay zone district established by a zoning map amendment initiated by the City Council, reviewed and recommended by the Planning and Zoning Commission, and approved by Council. All development within a specific plan overlay zone district shall also require a site development plan demonstrating compliance with the specific plan and overlay standards.

- B. Specific Plan Content.** A specific plan shall include, the following general components, which may be created in unison or in coordinated stages:
1. *Existing Conditions.* A summary evaluation of the current state of the overlay district area potentially including land uses, structures, infrastructure, circulation pathways, public spaces, and natural features, currently anticipated improvements, and relative potentials for desirable redevelopment.
 2. *Vision Plan.* A vision plan presents the vision for the overlay zone district area through a series of maps, illustrations, and narratives or planning documents with goals and objectives. The vision plan shall determine the general character, scale, intensity, and arrangement of development within the overlay zone district area. The vision plan may demonstrate transitions within the district, relationships to adjacent areas, needs for flexible regulatory standards, project phasing and contingencies.
 3. *Regulating Plan.* The regulating plan serves as the zoning regulations for the overlay zone district area. The regulating plan shall serve as a supporting overlay on top of the existing base zone district. The existing base zone regulations will apply when not expressly addressed or included in the overlay zone district area regulating plan. The overlay zone district regulating plan shall address the following land use and development standards:
 - a. Street network, streetscape, and circulation plan,
 - b. Land use and framework plan,
 - c. Development intensity standards and guidelines (density, height, parking),
 - d. Lot standards, setbacks, street frontages, and activation,
 - e. Built form design,
 - f. Landscape and open space design.
- C. Specific Plan Review Criteria.** Review, recommendations, and decisions for specific plans shall be based on the following criteria:
1. The plan furthers the policies of the Comprehensive Plan, through the application of sound planning and design principles to a particular area.
 2. The plan is consistent with the intent statements of the applicable base zone district(s), and advances and implements elements of the Comprehensive Plan Neighborhood Area Assessments.
 3. The proposed plan is in compliance with all applicable provisions of City policies, codes, and standards.
 4. There is either existing capacity in the City's streets, drainage, and utility systems to accommodate the proposed plan, or arrangements have been made to provide capacity in an acceptable manner and timeframe.
 5. The plan better implements public and civic purposes beyond what could be accomplished through application of base zone districts and development standards.
 6. The benefits from any flexibility in the proposed plan promote the general public health, safety, and welfare of the community and surrounding areas, and the adjustments to

base zone development standards are not strictly to benefit an applicant or a single project.

- D. **Specific Plan Review Procedure.** Specific plans and major amendments to specific plans may be approved by either an ordinance or resolution of Council, after review by the Planning and Zoning Commission and Council in accordance with standard public hearing requirements. Minor specific plan amendments may be approved administratively at the discretion of the Director. The Director may determine that any change is not eligible as a minor change and shall be processed as a major change through public hearings with the Commission and Council. In addition to all applicable general procedures in Table 2-1 and EMC § 16-2-1, the following procedures shall apply to specific plans:
1. The specific plan process is a type of zoning map amendment and shall follow the procedures in EMC § 16-2-3.
 2. Depending on the extent of the district or the complexity of the planning and design issues, the specific plan process may be broken into two or more steps to address different components of the specific plan to reconcile general planning issues prior to more detailed planning analysis or design work, or to coordinate final decisions on the entitlements associated with each component of a specific plan.
 3. Any specific plan may establish preliminary and advisory review bodies for the district or area according to EMC § 16-1-5.F, and otherwise create specific procedures for development according to the plan.
 4. Major amendments to a specific plan requiring public hearings and Council approval include the following:
 - a. Major relocation of buildings, lot lines, right of ways, and easements.
 - b. Changes to established land uses or building types.
 - c. Increase in building height in areas where negotiation is not allowed or when an application does not include income restricted housing units within the project.
 - d. Increase in maximum allowed residential density by more than 10%.
 - e. Introducing new allowed land uses that are not allowed by base zone district.
 - f. Reduction in established residential and commercial parking space requirements beyond any flexibility or negotiation parameters included in the plan.
- E. **Specific Plan Site Development Plan Content.** An application for a specific plan site development plan may be initiated by the owner of the property and shall include all information required on application forms provided by City staff. A specific plan site development plan shall be subject to the general requirements for all applications outlined in EMC § 16-2-1, and contain any additional information and documentation to fully indicate the operation and appearance of the project.
- F. **Specific Plan Site Development Plan Review Criteria.** Review, recommendations, and decisions for specific plan site development plan shall be based on the following criteria:
1. *Consistency with Adopted Plans and Standards.*
 - a. Consistency with the spirit and intent of the City's Comprehensive Plan and this Title.
 - b. Compliance and consistency with applicable specific plan standards.
 - c. Compliance with all other applicable standards, guidelines, policies, and plans adopted by Council.
 2. *Impact on Existing City Infrastructure and Public Improvements.* The proposed development shall not result in undue or unnecessary burdens on the City's existing infrastructure and public improvements, or arrangements shall be made to mitigate such impacts.

3. *Internal Efficiency of Design.* The proposed design of the site shall achieve internal efficiency for its users, provide adequate recreation; allow for safe public access; provide adequate storm drainage facilities, and promote public health and convenience. All sites shall be designed and constructed to safely accommodate pedestrians, bicyclists and automobiles.
 4. *Control of External Effects.* The proposed development shall reduce external negative effects on nearby land uses and movement and congestion of traffic. This shall include negative impacts from noise, lighting, signs, landscape, accumulation of litter, and other factors deemed to affect public health, welfare, safety, and convenience.
- G. **Specific Plan Site Development Plan Review Procedure.** Specific plan site development plans shall follow the procedures for site improvement plans in Table 2-1 and EMC § 16-2-1, and the following additional procedures subject to any modification in the specific plan.
1. *Advisory Specific Plan Site Development Plan Design Review.* A specific plan site development plan shall be reviewed by the Advisory Specific Plan Design Review Committee at the 30% and 60% design level stages. A final design review report shall be produced based on the application of the architectural design principles, standards, and guideline subject areas contained in the original specific plan regulating document.
 2. *Development Review Team Review.* Staff from various City departments shall review the specific plan site development plan to assure that all aspects of City policies, codes, and standards have been sufficiently addressed.
 3. *Final Specific Plan Site Development Plan Review.* The Director shall use final design review committee report and development review team comments to facilitate final aspects and approval of the specific plan site development plan.
- H. **Effect of Decision.** Approval of a specific plan and/or specific plan site development plan shall constitute acceptance of the overall planning concepts and development parameters and may constitute additional rights as specified below.
1. *Specific Plan Regulating Document.* Approval of the regulating document, in association with the other components of the specific plan, shall constitute an official amendment to the zoning map in the form of an overlay zone district on top of and in addition to the underlying base zone district.
 2. *Specific Plan Site Development Plan.* Prior to applying for permits for final development, any project included as part of a specific plan shall first require approval of a specific plan site development plan. In addition to all other information and criteria required in EMC § 16-2-1 (general), EMC § 16-2-6 (site improvement plans) or EMC § 16-2-7 (final plats), submittals shall include all necessary information to demonstrate that all applicable standards, requirements, and conditions of the specific plan have been met.
 - a. Approval of a specific plan site development plan shall authorize the applicant to apply for a building permit and other applicable permits.
 - b. Approval of a specific plan site development plan shall be valid for one year unless some other period is stated on the approval or any other associated application. The Director may grant a one-year extension provided no conditions, standards, or policies affecting the application have changed. Any site improvement plan where permits are not issued prior to a lapse shall require a new application.
 - c. All elements of an approved specific plan site development plan shall be considered requirements of this Code, and failure to maintain property in compliance with the plan may be enforced as a violation of the provisions of this ordinance.

- d. A specific plan site development plan may be used as the basis for a subdivision and subsequent sale or transfer of land within a Specific Plan District provided that a specific plan has been approved and the specific plan site development plan contains legally defined and described boundaries of the parcels being created by the subdivision.
3. *Modification and Amendment of Specific Plan Site Development Plans.* Any approved specific plan site development plan may be modified or amended as provided in this subsection. Once a building permit has been issued, the building permit and specific plan site development plan shall control, unless both the building permit and specific plan site development plan are thereafter amended or abandoned as identified in this Chapter. The Director may approve, or approve with conditions, an administrative modification to an approved specific plan site development plan without notice to the public, if the change does not result in a major amendment to the specific plan. Any proposed amendment that does not qualify for review and approval as an administrative modification to a specific plan site development plan shall be reviewed and approved in the same manner as an application for a new specific plan site development plan.

16-2-5 Planned Unit Development (PUD Rezoning)

- A. **Applicability.** Planned Unit Developments provide flexibility in the development standards based on a detailed plan for a site or project. Planned Unit Developments allow for unique or innovative design or development concepts, better coordination of the project either internally or with surrounding areas, or otherwise offers public or community benefits beyond what can be achieved under the general standards. Planned Unit Developments shall meet the following thresholds:
 - 1. *Project Area.* A minimum of one-acre in the R-1 and R-2 districts; and a minimum of one-half acres in all other districts.
 - 2. *Eligible Applicants.* Planned Unit Developments shall only be initiated by the owners of all property within the plan boundaries.
 - 3. *Uniqueness and Innovation.* Plans shall propose development that could not occur under the general district standards, or the permitted flexibility and discretionary approvals otherwise applicable under this code.
- B. **Plan Contents.** A planned Unit Development (PUD) requires the following two plans.
 - 1. *PUD Plan.* The PUD plan outlines the parameters for a particular project and establishes the zone district and development standards for the property. A PUD plan shall be submitted with the forms and details required by the Department according to EMC § 16-2-1.A. In addition, the PUD Plan shall include the following, particularly where they differ from generally applicable standards otherwise required by this Code:
 - a. Project narrative identifying conformance with the Comprehensive Plan; the purposes, intent, and design objectives of this Code; and the criteria for approval of a PUD plan.
 - b. List of permitted and conditional uses, including allowed intensity and density of specific uses or categories of uses. An applicant may use groups of uses permitted in a base zone district with additions or subtractions from that category specifically noted.
 - c. Access and circulation, including coordination with streetscape designs, any internal streets, lanes, or passages, and other facilities for access via vehicles, transit, bicycles, and pedestrians.
 - d. Open space standards, including the type, size, general location, and design characteristics of common and civic spaces.

- e. Building design and a description of architectural concepts, and particularly standards or guidelines for how the project will meet the design objectives in the building design sections of this Code.
- f. Parking standards, including location, size, required ratios, and landscape standards for parking areas.
- g. Landscape design for all other portions of the plan, and particularly standards or guidelines for how the project will meet the design objectives in the landscape design and open space design sections of this Code.
- h. Easements and utility plans.

Any project that anticipates the creation of new lots, tracts, common areas, public ways or otherwise divides property may account for these elements in an accompanying preliminary plat according to the procedures and criteria in EMC § 16-2-7.

- 2. *Site Development Plan.* A site development plan is a detailed plan for design and construction of sites and buildings. The site development plan shall be submitted concurrently with the PUD plan. Any future changes to the site development plan shall only occur in accordance with the PUD plan, and the criteria of this section.

C. **Review Criteria.** Planned unit developments are a specific type of rezoning. Review, recommendations, and decisions for PUD plans shall be based on the same criteria for a zoning map amendment in EMC § 16-2-3, and the following additional criteria:

- 1. The plan provides benefits beyond just the property, and are not strictly to facilitate a project;
- 2. The deviations from the standards result in development that equally or better meets the purposes, intent, and design objectives of this Code; and
- 3. The flexibility proposed in the plan is based on one or more of the following additional criteria:
 - a. Improved multi-modal transportation, considering access to transit, bicycle systems, or walkable destinations.
 - b. Better environmental performance, considering energy use, water or air quality, and integration with natural systems.
 - c. Improved amenities for residents, businesses, or patrons, within the project or vicinity of the project.
 - d. More efficient use of infrastructure and lower burden on public facilities and services.
 - e. Better integration of all elements of development, including streetscapes, civic spaces, infrastructure, buildings, accessory site facilities – both internal to the project and with surrounding properties.

D. **Review Procedure.** In addition to all applicable general procedures in Table 2-1 and EMC § 16-2-1, the following specific procedures shall apply to specific plans:

- 1. The planned unit development process is a type of rezoning and shall follow the procedures for zoning map amendments in EMC § 16-2-3.
- 2. The neighborhood meeting shall occur within 180 days of the public hearing on the planned unit development plan. If the hearing does not occur within this time, a second neighborhood meeting shall be required that complies with the time frame.
- 3. Any PUD plan that proposes common areas, dedicates lands for public use, or divides property shall require a preliminary and final plat process. The preliminary plat may be coordinated with the review and approval of a PUD plan.
- 4. The site development plan shall be submitted simultaneously with the PUD plan, and reviewed and approved concurrent with that plan.
- 5. The Director may approve minor amendments to site development plans or future site development plans with changes provided the conform with the PUD plan. Minor

amendments may include adjustments to the location, scale, or design of buildings, open spaces, parking, or other site design elements provided the changes:

- a. Are within the standards outlined in the PUD plan, or otherwise meet the base zone district standards of this Code.
 - b. Comply with the site improvement plan criteria in EMC § 16-2-6; and
 - c. Do not otherwise elevate to major amendments in subsection D.6.
6. Any site development plan that contains a major amendment to the PUD plan shall require approval in the same manner as the original PUD plan. Major amendments include:
- a. Any change to the maximum permitted height or building areas.
 - b. Any change to perimeter setbacks or other relation of buildings to property adjacent to a PUD.
 - c. Any change to the uses that are allowed, any increase in the specified intensity or density of uses; or any change in the arrangement or allocation of uses that could increase impacts on adjacent property.
 - d. Any reductions to the common or civic open spaces.
 - e. Altering access and circulation in a way changes anticipated impacts on surrounding public streets.
 - f. Changes in the design theme, or significant changes in the design details for buildings, open space, or landscape that alters characteristics proposed as part of the original PUD plan.
 - g. Any other change that would not meet a generally applicable standard, and which was not identified in the adopted PUD Plan.

E. Effect of Decision.

1. The applicant shall submit an approved PUD plan with all certificates, fees, and other required documents to the City, and the City Clerk shall record a copy of the plan with the Arapahoe County Clerk and Recorder.
2. A PUD plan shall not expire and shall control all future development of the property unless changed by an amended or new plan, or otherwise rezoned according to this Code.
3. No development shall occur for a PUD plan until a site development plan is reviewed and approved as provided in this Section.
4. Approval of a site development plan shall authorize the applicant to apply for a building permit and other applicable permits.
5. Approval of a site development plan shall be valid for two years unless some other period is stated on the approval or any other associated application. The Director may grant a one-year extension provided no conditions, standards, or policies affecting the application have changed. Any site development plan where permits are not issued prior to a lapse shall require a new application.
6. All elements of an approved site development plan shall be considered requirements of this Code, and failure to maintain property in compliance with the plan may be enforced as a violation of the provisions of this ordinance.

16-2-6 Site Improvement Plan

- A. Applicability.** Site improvement plans ensure that development projects or other changes to property meet the development and design standards of this Code, and coordinate with other applicable standards and permits. Site improvement plans may be initiated by the property owner.

A site improvement plan shall be required for any of the following:

1. Any new principal structure.
2. Any expansion or alteration of a principal structure that:

- a. Increases the floor area or footprint by more than 10%;
- b. Alters the exterior elevation, wall massing, or roof structure by more than 25%; or
- c. Decreases the distance to a property line by more than 20%.
- 3. Any accessory structure that is more than 120 square feet, more than 12 feet high, or closer than ten feet to a property line.
- 4. Any site development activity, such as landscape, grading, parking, or circulation that:
 - a. Impacts more than 10% of the lot area or 1,000 square feet, whichever is less;
 - b. Is more than \$5,000.00 in value; or
 - c. Alters the lot access, frontage area, or the relationship to the streetscape or public areas.
- 5. Any change of use or new use that is accompanied by any exterior building or site changes, whether required by this Code or initiated at the option of the applicant.
- 6. Any application for a use designated as a “temporary use,” or “limited use” in this Code.
- 7. Any other changes to existing buildings or sites that significantly alter the exterior appearance or impact elements of the applicable building and site design standards. This excludes ordinary maintenance and repair of existing sites and buildings.

B. **Review Criteria.** In general, any site improvement plan in compliance with all applicable standards of this Code shall be approved. In determining compliance with the standards applied to a particular site or building, the following criteria shall be considered:

- 1. *Generally.*
 - a. The plan meets all applicable development, design, and use-specific standards in this Code, or meets the criteria for any flexibility or discretionary approvals specified in this Code.
 - b. The plan does not substantially undermine any goals or objectives of the Comprehensive Plan that are applicable to the area or specific project.
 - c. The plan does not present any other apparent risks to the public health, safety, or welfare of the community.
- 2. *Site Design and Engineering.*
 - a. The plan provides safe access and internal circulation considering the site, the block, and other surrounding connections, and appropriately balances vehicle, bicycle, and pedestrian needs for the context.
 - b. The plan provides or has existing capacity for utilities and other required improvements to serve the proposed development.
 - c. The plan provides adequate management of storm water runoff.
 - d. The plan provides proper grading considering prevailing grades and the relationship to adjacent sites.
- 3. *Landscape and Open Space Design.*
 - a. The plan creates an attractive aesthetic environment and improves relationships to the streetscape or other nearby public, civic, or common spaces.
 - b. The plan enhances the environmental and ecological functions of unbuilt portions of the site and makes effective use and conservation of water resources.
 - c. The plan reduces the exposure and adverse impact of more intense site or building elements on the streetscape and adjacent properties.
- 4. *Building Design.*
 - a. The location, orientation, scale, and massing of the building creates appropriate relationships to the streetscape and to adjacent properties.
 - b. The selection and application of materials will promote proper maintenance and quality appearance over time.
 - c. The building reinforces the character of the area and reflects a compatible architectural relationship to adjacent buildings. Specifically, if there is any

consistency or commonality in the scale, proportion, forms and features, and materials of existing buildings throughout the vicinity, they inform choices on the proposed building.

5. *Discretionary Approvals.* Requests for a temporary use, limited use, or administrative adjustment is clearly identified and meet the requirements and criteria for any associated discretionary approval.
- C. **Review Procedures.** In addition to the general requirements in Table 2-1 and EMC § 16-2-1, the following requirements apply to site improvement plan applications:
1. The site improvement plan shall be reviewed as part of the building permit or other applicable permit process.
 2. An applicant may request a pre-application meeting according to EMC § 16-2-1.C, provided there are sufficient details for staff to provide constructive comments on the application. The Director may deny multiple pre-application requests or condition the review on submittal of a formal application and fee.
 3. Site improvement plans may be associated with other applications that require review by a different review body. The Director may condition approval of the site improvement plan on the final approval of the associated application, and it shall either be affirmed or denied by the review body according to the criteria of the associated application.
 4. Denial of a site improvement plan may be appealed by the applicant to the Commission.
- D. **Effect of Decision.**
1. Approval of a site improvement plan shall authorize the applicant to apply for a building permit and other applicable permits.
 2. Approval of a site improvement plan shall be valid for one year unless some other period is stated on the approval or any other associated application. The Director may grant a one-year extension provided no conditions, standards, or policies affecting the application have changed. Any site improvement plan where permits are not issued prior to a lapse shall require a new application.
 3. All elements of an approved site improvement plan shall be considered requirements of this Code, and failure to maintain property in compliance with the plan may be enforced as a violation of the provisions of this ordinance.

16-2-7 Major Subdivision Plat

- A. **Applicability.** Major subdivision plats apply to all land divisions or other alterations of legal boundaries of lots or tracts that require dedication of land for public rights of way or public areas, or that are ineligible for minor subdivision plat processes in EMC § 16-2-7. Major subdivision plats require comprehensive review of plats to coordinate planning, design, and engineering requirements. Major subdivision plat applications may be initiated by the property owner.
- B. **Review Criteria.** A plat shall be reviewed according to the following criteria:
1. The application is consistent with the Comprehensive Plan, particularly any physical development patterns and design concepts of the plan.
 2. The development and infrastructure are located to minimize impacts on geologic or flood hazards, environmentally sensitive areas, or other natural features of the land.
 3. The arrangement and proposed design of streets, blocks, and open spaces meet the design standards and policies of the City, and are coordinated with existing or potential development on adjacent property.
 4. The proposed blocks and lots are capable of meeting all development and site design standards under the applicable zone district.
 5. There is availability and capacity of all utilities, or the application includes construction plans for facilities that meet the City's technical specifications.

6. All required improvements, dedications, fees, financial guarantees, and maintenance guarantees are provided.
 7. Any phasing is clearly indicated and demonstrates a logical and coordinated approach to development, and the timing, location, and construction of amenities is consistent throughout phases.
 8. Any impacts identified by specific studies or technical reports, including water, drainage, and transportation impacts are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.
 9. The recommendations of professional staff or any other public entity authorized to review the final plat.
 10. Any other matters the Commission or Council deems important to the long-range plans and design of the City.
- C. **Review Procedure.** In addition to the general requirements in Table 2-1 and EMC § 16-2-1, the requirements in this sub-section apply to plat applications:
1. At the pre-application meeting, and based on the size, scope, and impact of the application, the Director shall determine how to coordinate the Neighborhood Meeting and any additional notice of meetings or hearings necessary for the formal review.
 2. Applications may be coordinated with any additional development reviews, such as Zoning Map Amendments, PUD Rezoning, and Site Improvement Plans.
 3. The applicant shall identify all improvements to be constructed, either according to the required improvements listed in this Code or by a specific development agreement for the project. The applicant shall submit final plans and specifications for these improvements, and ensure construction of these improvements of financial guarantees as provided in EMC § 16-3-6.
 4. The Commission shall hold a public hearing and issue findings and make a recommendation to the Council in writing.
 5. The Council shall hold a public hearing and consider the recommendations of the Commission and City staff. The Council shall issue a decision in writing and only approve a final plat based on findings that it is consistent with these recommendations.
 6. Due to the complexity, scale, or scope of a project, an applicant may elect or the Director may require that the major subdivision plat be reviewed in a two-step process.
 - a. A preliminary plat with initial planning, development, and design details be reviewed by the Commission.
 - b. Approval by the Commission only authorizes the applicant to prepare a final plat, and denial by the Commission may be appealed to the Council.
 - c. A final plat that is consistent with the approved preliminary plat shall be submitted to the Council within six months.
 - d. A final plat that is consistent with an approved preliminary plat, and which includes final planning, engineering, and design details, may then be reviewed directly by the Council.
- D. **Effect of Decision.**
1. The applicant shall submit the approved final plat and all other required documents and certificates to the City for execution. An approval shall acknowledge acceptance of all land dedications to the City reflected on the plat.
 2. The applicant shall pay all fees and recording costs.
 3. The City shall record the final plat and executed documents with the Arapahoe County Clerk and Recorder.
 4. The plat shall become effective after recording. Any approved final plat not recorded within 60 days shall expire.
 5. An approved and recorded plat may be modified through the same procedure used to approve the final plat unless it qualifies as a minor subdivision.

16-2-8 Minor Subdivision Plat

- A. Applicability.** Minor subdivision plats allow routine adjustments and divisions of land that do not require any public land dedications, do not significantly impact existing public facilities, or do not present significant or long-range planning and design issues. Minor subdivision applications may be initiated by the property owner.

Specifically minor subdivision plats apply to:

1. *Plat Adjustments.* Adjustment to existing platted lots such as the movement of lot lines or the dedication or removal of easements.
2. *Minor Subdivisions.* The division of land into new lots, whether the land was previously platted or unplatted.
3. *Lot consolidation.* The joining of lots or parcels into fewer lots, whether the land was previously platted or unplatted.
4. *Condominium Plats.* The creation of separate ownership entities of building units or lots within platted host lot.
5. *Administrative Land Reviews.* Any division or combination of previously platted parcels or lots that is consistent with historically platted lines.

- B. Review Criteria.** An application may be approved by the Director if the Director determines that all the following are met.

1. No significant increase in service requirements (utilities, schools, traffic control, streets, etc.) or impact on the ability to maintain existing service levels will result.
2. The application does not alter any zoning district boundaries due to adjustments to any lots.
3. All resulting lots meet the legal standards of the subdivision regulations and applicable zoning districts.
4. The lot patterns, building orientation, access, and frontages are arranged and designed to meet all applicable standards, or result in buildable lots capable of meeting the standards.
5. No other significant issues exist with potential development enabled by the plat that could impact planning policies, development regulations, or other City standards.
6. No right-of-way or other public dedication is required.
7. All applicable state or county requirements are met or will be satisfied through the review and recording process.

- C. Review Procedures.** In addition to the general requirements in Table 2-1 and EMC § 16-2-1, the requirements in this sub-section apply to minor subdivision applications.

1. Minor subdivision applications may require different forms, information, and internal procedures based on the specific application type in sub-section A.
2. The Director shall make the final decision on a minor subdivision plat within 45 days of receipt of a complete application, except any application that requires referrals to outside agencies, or that requires resubmittal by the applicant may be extended for up to six months.
3. If the Director determines at any point in the process that the application is not eligible for a minor subdivision plat or is otherwise trying to evade the major subdivision plat process, the Director may deny the application and require the applicant submit a new application as a major subdivision plat.
4. A final decision by the Director may be appealed to the Commission.

- D. Effect of Decision.**

1. The applicant shall submit the approved minor subdivision plat and all other required documents and certificates to the City for execution.
2. The applicant shall pay all fees and recording costs.

3. The City shall record the minor subdivision plat and executed documents with the Arapahoe County Clerk and Recorder.
4. The minor subdivision plat shall become effective after recording. Any approved minor subdivision plat not recorded within 60 days shall expire.
5. A recorded minor subdivision plat may be modified through the same procedure used for the initial application.

16-2-9 Conditional Use Permit

- A. **Applicability.** A conditional use permit provides flexibility for different uses within a zoning district and allows the potential for additional uses subject to specific conditions. These uses are not appropriate throughout the district, but due to the design and operational characteristics of a particular plan, or due to conditions in the specific location, the use may be considered appropriate based on a case-specific review. Conditional use permits may be initiated by the property owner for uses identified as conditional uses in the zone district by the Use Table in EMC § 16-4-2.
- B. **Review Criteria.** A conditional use permit shall be reviewed according to the following criteria:
1. All criteria for site improvement plan in EMC § 16-2-6 are met, including compliance with development standards and design criteria of this Code.
 2. The application supports the intent of the proposed zoning district and is otherwise determined to be consistent with the Comprehensive Plan.
 3. Compatibility with the area and other allowed uses in terms of operating characteristics, hours of operation, visible and audible impacts, traffic patterns and parking demands, intensity of buildings and activity on the site, and other potential impacts on adjacent property.
 4. Whether a limited time period for the permit is reasonably necessary to either limit the duration of the use, assess the use against changing conditions in the area, or ensure periodic reporting and ongoing enforcement of the permit.
 5. The long-range plans applicable to the site and surrounding area are not negatively impacted considering the permanence of the proposed use, the permanence of or potential for other uses in the area, and any changes in character occurring in the area.
 6. The recommendations of City staff or other technical reviews associated with the application.
 7. Whether any additional site- or use-specific conditions are necessary to ensure these criteria are met.
- C. **Review Procedure.** In addition to the general requirements in Table 2-1 and EMC § 16-2-1, the following requirements are specific to conditional use permit applications.
1. Applications may be accompanied by a site improvement plan where it is necessary to review conformance with standards of this Code and evaluate any performance criteria for the particular uses.
 2. Following the public hearing, the Commission shall make findings on the application and make a decision by approval of a resolution. The findings and resolution shall be issued in writing and signed by the chairperson within ten days of the decision.
 3. The decision of the Commission may be appealed to the Council according to Table 2-1 and EMC § 16-2-1.I.
- D. **Effect of Decision.**
1. The applicant shall pay all fees and recording costs.
 2. The City shall record the conditional use permit and any associated plans and conditions with the Arapahoe County Clerk and Recorder.

3. Approval and recording of a conditional use permit shall authorize the applicant to apply for a building permit, development or construction permits, or other applicable business licenses.
4. Approval of a conditional use permit shall be valid for two years, and the Commission may grant a one-year extension. Any application not acted upon according to the approval and conditions within this period shall be void. (This period requiring action on an approved conditional use permit is distinct from a condition that limits the duration of the permit.)
5. All approval conditions or associated plans shall be considered requirements of this Code, and failure to maintain property in compliance with the conditions or plan may be enforced as a violation of the provisions of this ordinance.
6. A conditional use permit may be revoked by the City through the same procedures approving the permit, upon a finding that the conditions of approval have not been met, or that the use has otherwise violated the provisions of this Code.
7. Any conditional use found to not be in operation for a period of more than six consecutive months shall be considered abandoned, and no conditional use may be reinitiated without receiving a new permit according to these procedures.

16-2-10 Zoning Variance

- A. **Applicability.** A variance is a process to provide relief from a strict interpretation of the zoning and development standards of this Code, which when applied to a particular property and in a specific context would create practical difficulties or unnecessary hardship on all reasonable use of the property. Variances may be initiated by the property owner. The Board shall not be authorized to grant variances resulting in the following situations:
 1. Encroachment into a recorded easement or right-of-way.
 2. Permit a use that is otherwise not allowed.
 3. Allows additional dwelling units in residential districts beyond the lot area or lot width requirements per unit.
 4. In conjunction with or beyond any other flexible, conditional, or discretionary approval such as conditional uses, temporary uses, Planned Unit Development, or administrative adjustments.
- B. **Review Criteria.** A variance shall be reviewed and approved only on the finding that all of the following conditions are met:
 1. Unique physical conditions exist, such as size, shape, location, topography or surroundings, which are peculiar to the land or structure involved;
 2. The condition creates a practical difficulty or unnecessary hardship where strict application of the standard unreasonably deprives the applicant of privileges enjoyed by other properties in the vicinity;
 3. The variance is consistent with the intent of the zone district regulations and will secure public health, safety, and welfare;
 4. The variance will not permanently impair the use or development of adjacent conforming properties or alter the essential character of the neighborhood; and
 5. The variance is not based on a self-imposed difficulty or hardship.
- C. **Review Procedures.** In addition to the general requirements in Table 2-1 and EMC § 16-2-1, the following requirements are specific to variance applications:
 1. A variance request shall not be associated with another application intended to grant discretionary review and flexibility to the standards in question, such as a conditional use permit, temporary use permit, or administrative adjustment. Further, the variance may not be granted as an alternative to an unfavorable decision on those types of applications.

2. Any action or decision of the Board of Adjustment and Appeals shall follow EMC § 16-1-5.D regarding a quorum and votes.
3. In granting a variance, the Board may impose conditions and requirements that best assure the criteria for approval are in place and maintained, and any violation of these conditions shall be considered a violation of the ordinance.
4. The Board shall issue all decisions in writing within 35 days of the hearing, including the grounds for its decision based on findings of fact regarding each criteria.

D. Effect of Decision.

1. The applicant shall pay all fees and recording costs.
2. The City shall record the variance and associated plans and documents with the Arapahoe County Clerk and Recorder.
3. The variance shall become effective after recording, and the applicant shall be eligible to submit for all building permits or other associated permits in conformance with the approved variance.
4. A variance shall run with the land except that any decision not acted on within one year of the decision by the Board shall expire.
5. Any person aggrieved by a final decision of the Board may appeal the decision to the district court within 30 days of the Board's vote on the final decision.

16-2-11 Administrative Adjustment

- A. Applicability.** The administrative adjustment process provides limited flexibility in the application of standards so that the best design solution may be applied to a particular context or site. It ensures that projects meet the intent and design objectives of the standards of this Code, but allows for relief from strict application of the standards where an equal or better design solution is possible. Administrative adjustments shall not undermine the requirements of this Code, but permit equivalent alternative designs or standards applied in a site-specific or creative way. Administrative adjustment applications may be initiated by the property owner.

Administrative adjustments shall be limited according to Table 2-2, in addition to meeting the review criteria in subsection B.

1. *Development and Dimension Standard.* Minor modification of the development standards where the impacts to adjacent property or viewed from public areas would not be observable, and subject to the following limitations:

Table 2-2: Permitted Administrative Adjustments	
<i>Setbacks</i>	15%; except front setbacks may be adjusted according to frontage design standards.
<i>Lot Width or Lot Area</i>	5%
<i>Other Dimensional Development Standards (Except Height)</i>	10%
<i>Design Standards</i>	Subject to the specific limits and additional criteria listed with each design standard.
<i>Expansion of Nonconformities</i>	According to EMC § 16-1-8.H.

- B. Review Criteria.** The following criteria apply to any application that proposes an administrative adjustment.

1. Specific conditions of the site make compliance with the standard impractical or strict application of the standard would clearly not advance the intent or design objective of the standard.
2. The proposed alternative equally or better meets the intent or design objectives of the standard.
3. The adjustment does not undermine any other standards.
4. Any change in a dimensional standard is minor, and when viewed from public areas or adjacent property is not observable or does not create additional negative impacts.
5. The adjustment is not strictly for the convenience of a specific project, but is justified under any of the following broader community benefits:
 - a. Aesthetic considerations that permit better coordination of the lot and building with the established character of the specific area;
 - b. Improved environmental performance;
 - c. Enhanced pedestrian or bicycle accommodations, or better civic space design;
 - d. Adaptive reuse of an existing building, additions to an existing building, or infill on an existing lot that addresses a unique situation and accommodates development comparable to that on adjacent property; or
 - e. Other innovative design or development techniques that better serve public health and safety considerations.
6. The deviation is the minimum necessary to address the circumstance, and in no case beyond the limits in subsection A.

C. Review Procedures. In addition to the general requirements in Table 2-1 and EMC § 16-2-1, the following requirements are specific to administrative adjustment applications:

1. Applications shall be submitted with a site improvement plan with the specific standards for which an administrative adjustment is proposed are clearly called out as a separate issue and decision.
2. The applicant shall submit evidence of notice to abutting property owners, and other evidence that they were made aware of the nature, scope, and extent of the request.
3. Administrative adjustments may be associated with another application that requires approval of a different review body. The Director may condition approval of an administrative adjustment on final approval of the associated application, and it shall be either affirmed or denied by the review body according to the criteria of the associated application.
4. The Director may refer any application to the Board of Adjustment and Appeals where it may present potential impacts on adjacent property, inconsistency with the character of an area, or interpretation questions in application of the development standards or review criteria.
5. Denial of an administrative adjustment request may be appealed by the applicant to the Board of Adjustment and Appeals for any final decision issued by the Director.

D. Effect of Decision.

1. Approval of an administrative adjustment shall be indicated by a written statement of the Director or Board of Adjustment and Appeals, which shall be submitted with and clearly called out on any subsequent submitted plans. It shall authorize deviation from the standards only to the extent demonstrated on the approved plans.
2. The approval shall only be valid for one year from the written statement, or for the time period of any associated or subsequent approved plans.

16-2-12 Appeal

- A. Applicability.** The appeal process is to determine if there was an error in a final decision made under this Code. There are two types of appeals:

1. *Applications.* An appeal of a final decision on a development application in Table 2-1 which shall be made according to the appeal process specified for that application.
2. *Administrative Decisions.* An appeal of a final administrative decision made under the authority of this Code, which shall require the filing of an Administrative Appeal application according to Table 2-1 and this Section.

All appeals shall follow the standards and criteria in EMC § 16-2-1.I.

- B. **Criteria.** An appeal shall be reviewed according to the following criteria:
1. The appeal body shall grant the decision-making body's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.
 2. In deciding on an appeal, the review body shall have all powers of the official or review body from whom the appeal is taken and may take any action authorized by the decision-making body under this Code and according to the criteria of the original application.
 3. A decision to reverse or modify a prior decision shall be based only upon findings, supported by the record, that the decision was made in error.
 4. The appeal body may remand the case back to the official or review body for further proceedings based on its decision.
- C. **Review Procedures.** In addition to the general requirements in Table 2-1 and EMC § 16-2-1, the following requirements are specific to administrative appeal applications:
1. Notice of the administrative appeal shall be served upon the person whose decision is being appealed by providing a copy of the appeal. The administrative official whose decision is being appealed shall transmit all plans, applications and other files directly impacting the decision to the appeal body within 30 days of filing.
 2. An administrative appeal stays all proceedings in furtherance of the action appealed from unless the official from whom the appeal is taken certifies to the appeal body that a stay could cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the appeal body or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
 3. Appeals to the Board of Adjustment and Appeals shall follow EMC § 16-1-5.D regarding a quorum and votes.
- D. **Effect of Decision.** The decision by the appeal body shall have the same effect as a decision made by the administrative official or review body, but shall be limited to the facts and circumstances of that particular case. The Director may use a decision on an appeal as a factor when applying the standard appealed from to other similar circumstances. Any person aggrieved by a final decision of the appeal body may appeal the decision to the district court within 30 days of the final decision.

16-2-13 Request for Reasonable Accommodations for Disabled Persons

- A. **Policy.** It is the City's policy to provide a reasonable accommodation in accordance with federal and state fair housing laws (42 USC § 3600 et seq. and CRS § 29-34-301) for persons with disabilities seeking fair access to housing in the application of this chapter. The purpose of this section is to establish the procedure by which a person may request a reasonable accommodation and how the request is to be processed.
- B. **Reasonable Accommodation.** Any person seeking to operate a group home that will substantially serve persons with disabilities may apply for a reasonable accommodation to obtain relief from a regulation policy, or condition of this Code that poses a barrier to equal access to housing.

- C. **Submittal Requirements.** The request for relief from any land use regulation or procedure in this Code necessary to ensure equal access to housing for an individual with a disability may come from the person with a disability or handicap, their representative, or a developer or provider of housing for individuals with disabilities. The request shall be submitted in writing on a form provided by the Community Development Department, or in another manner deemed acceptable by the Director, along with any additional information required. The form shall be filed with and processed by the Director. No application fee is required to request a reasonable accommodation.
- D. **Review Criteria.** The following criteria will be considered when reviewing a request for reasonable accommodation.
1. Whether the dwelling unit will at all times be used by an individual or group of individuals with a qualifying disability or handicap;
 2. Whether the requested accommodation is necessary to afford persons with disabilities equal opportunities to use and enjoy housing;
 3. Whether the requested accommodation is reasonable under the factual circumstances;
 4. Whether the requested accommodation will impose an undue financial or administrative burden on the City or will require a fundamental alteration of the subject rules, regulations, ordinances, policies, and practices;
 5. Whether adequate measures are in place to mitigate potential negative impacts to surrounding properties;
 6. Whether there are alternative reasonable accommodations available that would provide an equivalent level of benefit to the applicant.
- E. **Decision.** The request may be approved, conditionally approved or denied by the Director in accordance with federal law.
1. If the request is approved or approved with conditions, the request is granted to a disabled individual or individuals for a period of one year only and shall not run with the land unless the request requires a physical modification of a structure that cannot be easily removed or altered.
 2. The accommodation may continue to be used and maintained only by the individual or individuals with a disability under the Fair Housing Amendments Act and must be re-applied for annually.
 3. If the applicant is a provider of housing for persons with a disability, the applicant shall certify to the following in writing as a condition of approval:
 - a. The property will not be used as temporary shelter for homeless persons during the term of the reasonable accommodation nor to provide any treatment or care so as to qualify the property as a Residential Care - Institutional facility;
 - b. The provider will comply with all building code and health department requirements, nuisance laws and other generally applicable laws, ordinances, rules, and regulations of the City other than those that have been waived or modified as part of the approved request; and
 - c. The property is designed and intended for persons with disabilities as defined by the Fair Housing Amendments Act and the provider will use its best efforts to ensure that all residents are persons with disabilities as defined by the Fair Housing Amendments Act.
 - d. The provider will maintain liability insurance.
 4. In the event the application is denied, the decision may be appealed to the City Council, who shall hold a hearing on the appeal as close as possible to within 30 days of the receipt of the request for appeal.
- F. **Termination of Reasonable Accommodation.** In the event that any condition placed upon a grant of reasonable accommodation is violated or the property is no longer used and maintained only by an individual or individuals with a disability under the Fair Housing Amendments Act, the

reasonable accommodation shall automatically terminate and the property shall be subject to the same land use regulations, policies, and procedures as any other similarly situated dwelling in the City.

16-2-14 Vested Rights

- A. **Applicability.** A vested property right establishes the right to undertake and complete development according to a "site specific development plan" as defined by this Code to meet the requirements of C.R.S. Article 68 of Title 24. A "site-specific development plan" shall mean final approval and the applicant's acceptance of conditions of any of the following types of applications:
1. Final Major Subdivision Plat;
 2. Conditional Use Permit; and
 3. Site Improvement Plan.
- B. **Review Criteria.** In addition to the review criteria for each application, an application for a vested property right shall comply with the following criteria:
1. The site-specific development plan describes with reasonable certainty the type and intensity of development and provides adequate information regarding all factors that could affect the type and intensity of development.
 2. The City's grant of vested rights is reasonable given the proposed development's benefits to the surrounding properties, surrounding community, or to the City in general.
 3. The applicant provides adequate assurances to the City that the development will go forward as planned in return for the vesting of property rights allowed by Colorado law.
- C. **Specific Procedures.** In addition to the general requirements in Table 2-1 and EMC § 16-2-1, the following requirements are specific to vested right applications.
1. **Notice and Hearings.** The statutory notice and hearing requirements shall be satisfied as follows:
 - a. **Final Plats.** For final plats the notice and public hearing to consider the plat before the Commission provided the Commission shall indicate that a vested right shall only be created upon approval of the required plat by the Council.
 - b. **Conditional Use Permits.** For conditional use permits the notice and public hearing before the Commission to consider the conditional use permit.
 - c. **Site Improvement Plans.** For site improvement plans, which are approved by the Director, a separate hearing before the Council following the Director's decision. The applicant shall request a vested right hearing within 30 days following the approval of the site improvement plan, or the right to request such a hearing shall be waived.
 2. **Plat or Plan Language.** Each site-specific development plan shall contain the following language: "Approval of this plan [or plat] creates a vested property right subject to all conditions of approval pursuant to C.R.S. Section 24-68-103 et. seq., as amended. The effective date of vesting is [insert date]."
 3. **Publication.** Approval of a vested right shall be published in a newspaper of general circulation within Englewood within 14 days of the Council's decision advising the public of the site-specific development plan and approval of a vested right.
- D. **Effect of Decision.**
1. Final approval of a site-specific development plan shall create a vested right to undertake and complete development and use of real property pursuant to Colorado Statutes, but

- only as to those terms and conditions contained in the approved site-specific development plan.
2. The review and approval of a vested property right in a site-specific development plan shall not prevent the City, in subsequent actions, from applying any of the following to the subject property:
 - a. New ordinances, rules, regulations, and policies that do not conflict with those rules, regulations, and policies in effect as of the site-specific development plan's effective date of approval;
 - b. New ordinances, rules, regulations, and policies that are specifically anticipated and provided for in the terms or conditions of the approved site-specific development plan;
 - c. New ordinances, rules, regulations, and policies that are necessary for the immediate preservation of the public health and safety, whether adopted while a complete application is pending or after the decision; or
 - d. New ordinances, rules, regulations, and policies when the City finds that the site-specific development plan is based on substantially inaccurate information supplied by the applicant.
 3. A vested property right shall remain vested for three years from the publication date of the decision, unless a longer term is agreed to by the City in a development agreement. An amendment to any site-specific development plan shall not extend the period of vested rights, unless otherwise authorized by agreement approved by the City.
 4. A landowner may waive a vested property right by separate agreement, which shall be recorded in the office of Arapahoe County Clerk and Recorder. Unless otherwise agreed to by the City, any landowner requesting annexation to the City shall waive in writing any pre-existing vested property rights as a condition of such annexation.

Chapter 3 Community and Subdivision Design

- 16-3-1 Intent
- 16-3-2 Applicability
- 16-3-3 Street and Block Patterns
- 16-3-4 Street Design
- 16-3-5 Civic and Open Space Design
- 16-3-6 Required Improvements

16-3-1 Intent

The intent of the Community and Subdivision Design standards is to:

- A. Enhance the image of Englewood and emphasize distinct areas of the City through investments in streets, open spaces, and good civic design.
- B. Improve the environmental performance and safety of the transportation system by integrating multi-modal options into transportation investments.
- C. Expand the reach of our regional transit system through land use and transportation investments.
- D. Emphasize street design and streetscape elements that create more welcoming public spaces and capitalize on the economic value of a walkable and bike accessible community.
- E. Maintain the City's well established street network and block structure, and capitalize on the mobility, access, and urban design potential offered by the grid and alley system.
- F. Coordinate access, utilities, site design, and building orientation for all lots in association with larger systems of streets, blocks, and infrastructure.
- G. Ensure that additional demands on public facilities and improvements necessary to serve new development are appropriately attributed and accounted for as development occurs.

16-3-2 Applicability

Community and Subdivision Design elements shall be shown on plats and site improvement plans, according to the application requirements in Chapter 2 of this Title. Specifically, the standards in this Chapter apply to:

- A. All major subdivision applications.
- B. Minor subdivision applications and site improvement plans to the extent they add dwelling units, require additional public utility capacity, or affect the design and construction of rights-of-way.
- C. Specific plans or planned unit developments that impact public facilities, affect public or common spaces, or that require internal access and circulation to serve multiple lots or parcels within a block.
- D. Neighborhood- or property-owner initiatives to improve streets and rights-of-way, or other block-scale public improvements.
- E. Capital investments by the City should follow these standards to the extent practical, but may deviate in ways that balance the intent of this Section with the constraints of a specific project, and best meet the public health, safety, and welfare.

16-3-3 Street and Block Patterns

- A. **Street Networks and Circulation.** The layout of streets shall comply with the street classification and configuration designated in the Englewood Comprehensive Plan, and with the Master Street Plans or other adopted transportation plans.
1. The proposed street layout shall extend and connect to existing or planned streets in the surrounding area unless the City determines it is undesirable for specific reasons of topography or design.
 2. The City may require rights-of-way and construction of streets stubbed to the property line where streets are required to connect with planned streets.
 3. When a proposed street does not allow intersections to be aligned, the center of the proposed street not in alignment shall be offset by at least 150 feet.
 4. Whenever there exists a dedicated or platted half street or alley adjoining or abutting the property to be developed, the other half of the street or alley shall be platted or dedicated.
- B. **Closed-end Streets.** In any case where streets are not required to connect by these standards or where closed-end streets are justified by exceptions, alternative designs such as loops, courtyard layouts, or closes are preferred over dead ends and cul-de-sacs.
1. In all cases closed-end streets shall be no more than 600 feet and have no more than 30 dwelling units per access point.
 2. The City may require pedestrian and bicycle passages connecting the closed-end street to the street network street when necessary to permit easy access to adjacent transit service or community facilities such as parks or schools, or commercial and employment centers.
 3. Closed ends of the street shall facilitate appropriate turning movements and emergency access, as specified in the Englewood Design and Construction Standards and Specifications.

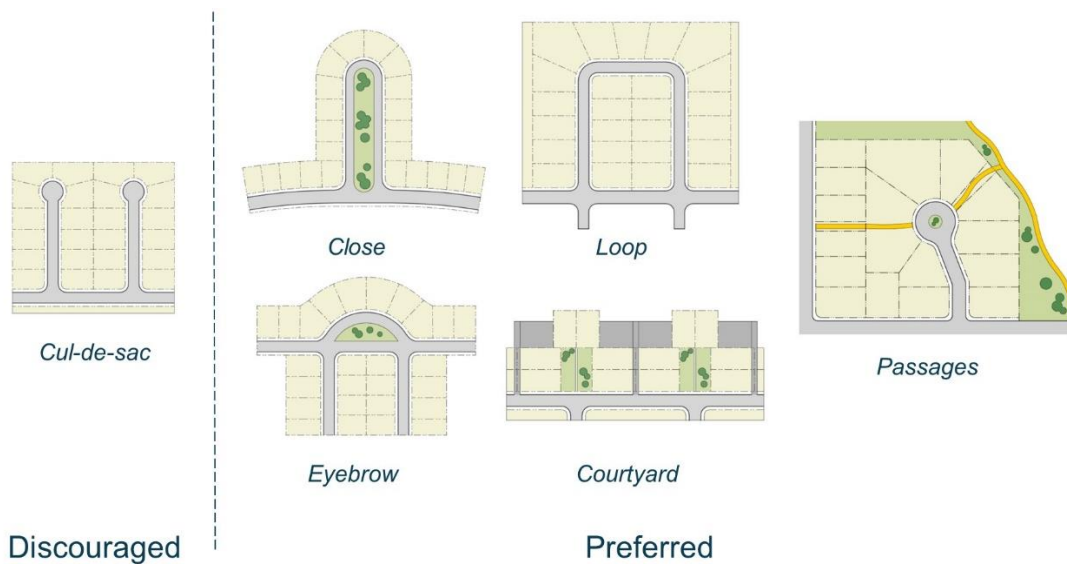


Figure 3-1. Where closed end streets are justified, configurations of lots that create civic spaces, focal points, or maintain internal connectivity are preferred.

- C. **Private Streets.** Large development sites in areas that do not match the typical block structure may provide private streets and internal circulation, provided:
1. The internal street layout corresponds to the surrounding block structure;
 2. The internal street design mimic public streetscape designs in EMC § 16-3-4 to the greatest extent practical;

3. The access to development sites within the project from the internal streets meets the access standards in Chapter 7, Access and Parking, of this Title, including the use of alleys and shared lanes for lot access where appropriate; and
4. Ongoing maintenance of the internal streets is clearly assigned to a property management association or one or more property owners, and there is the administrative and financial capacity to maintain the streets.

D. Block Size and Arrangement

1. All blocks shall be laid out to have two tiers of lots unless dictated by existing development patterns outside of the control of the project or by access management on major arterial streets. Blocks shall generally only have lots that back to streets, in cases where additional buffers or trails integrate the back sides of lots with the abutting streetscape.
2. Blocks shall generally be no longer than 670 feet, except in unusual circumstances of topography, natural features, or intervening regional transportation priorities.
3. All blocks shall preserve existing alley access, except where otherwise justified by a transportation study. All new blocks or redevelopment of existing blocks without alleys shall consider alleys or common internal block access easements in coordination with the standards in EMC § 16-7-3.B, Alleys and Internal Circulation, and to accommodate the appropriate frontage designs in EMC § 16-5-4.B.(residential frontages) and EMC § 16-6-4 (nonresidential frontages).
4. In no case shall a block be longer than 1,000 feet or larger than 6 acres without providing a system of internal access drives or private streets according to EMC § 16-7-3.B. Alleys and Internal Circulation.
5. On any block longer than 670 feet, or any other area where the block structure interrupts important pedestrian and bicycle connections, the City may require walkways and bicycle paths through the block and enhanced crosswalks corresponding with the connection.
6. Where a block abuts or includes rail rights-of-way or other significant regional transportation facilities that interrupt the development pattern, block and lot patterns shall address for grade separation, buffers, and other appropriate transitions.
7. Any required buffers or through block pedestrian or bicycle connections shall be designed in coordination with standards in EMC § 16-3-5 Open and Civic Space Design

E. Lot Arrangement.

1. The minimum dimensions of lots shall be in accordance with the requirements of the applicable zone district.
2. All lots shall result in buildable areas according to the applicable development and design standards.
3. Any separate tracts or other unbuildable areas shall serve a design or functional need of the associated development, and require ownership by one or a group of property owners of developable lots.
4. Each lot shall abut and front on a public street. Lots shall only front on a private street, internal access, or common space where specifically allowed by these regulations.
5. All blocks and lots shall be laid out to ensure access and circulation meeting the standards of EMC § 6-7-3, Access and Circulation and the appropriate frontage designs in EMC § 16-5-4.B (residential frontages) and EMC § 16-6-4 (nonresidential frontages).
6. Side lines of lots shall be approximately at right angles or radial to the street line.
7. The shape of lots shall be appropriate to the topography, block structure, and type of development, provided they are laid out in a manner that provides consistent relationships to the streetscape.

- F. Easements.** All blocks shall include easements for all utilities, required improvements, access, and open spaces necessary to serve each lot. Easements shall be granted by the owner to the appropriate entity, and be accessible from the public right-of-way. Unless otherwise specified through the development review process, utility easements shall be as specified in Table 3-1, Easements.

Table 3-1: Easements	
Rear lot line along alleys	N/A provided a 16 foot to 20 foot alley is platted according to this Chapter
Common rear lot line (without alley)	16 feet, 8 feet on each lot
Perimeter rear lot lines w/o common boundary	10 feet
Side easements, where necessary	5 feet
Any water main or sanitary sewer main easement required on private property	30 feet

- G. **Drainage.** Where a subdivision is traversed by a watercourse, drainageway, or stream, stormwater facilities shall be designed and integrated into the block structure, street networks, and open and civic spaces to avoid redundant and inefficient facilities on individual lots. Areas used for stormwater may be integrated into streets cross sections under EMC § 16-3-4 or count to the open space requirements under EMC § 16-3-5.B provided it meets the following:
1. It is integrated into the design of the space in a manner that it is an aesthetic amenity and is consistent with the design character of the space.
 2. The design does not impact the utility of the space for either purpose (i.e. stormwater functions do not compromise the use and value of the space as intended open space or streetscape amenity, and streetscape or open space are able to serve stormwater functions).
 3. The maintenance and management of the portion of the facility serving stormwater functions is clearly identified, whether that is a public dedication or whether it is an obligation of the owner or property owners' association.
- Otherwise, stormwater facilities shall be reserved from development in appropriate easements.

16-3-4 Street Design

- A. **Applicability.** Street design and streetscape improvements shall be based on the following development scenarios.
1. *New or Full Block Sections.* Any development impacting more than 75% of a complete block face shall be required to meet the new street cross sections in Table 3-2.
 2. *Incremental Sections.* Any development impacting more than 75 feet but less than 75% of a block face shall be required to meet the urban design features for the street cross sections for portions beyond the curb, including the landscape and sidewalk features. Curb relocations are not required, and street sections and improvements may be adapted for the context and competing priorities within the existing constraints using the Complete Streets Design Guide in Table 3-3.
 3. *Infill Development.* Any development impacting less than 75 feet of frontage shall be required to meet the minimum sidewalk standards for the street cross sections in Table 3-2. Other urban design and street section features are not required to be adjusted unless the Director determines that they can be done on an incremental basis considering the entirety of the street and block, and the costs are proportionate to the level of investment in the site or involves construction of elements that are otherwise occurring.
- B. **New or Full-block Street Types and Cross Sections.** The street types in Table 3-2 implement context-based street design to meet the complete streets and multi-modal transportation policies for Englewood. These sections shall be used for all development that requires new or full-block streetscape designs. Specific design types within each functional classification shall be based on the context of the site, the comprehensive plan and any related transportation plans, and the following criteria for specific street types:
1. *Neighborhood Streets.* Generally appropriate for all residential streets.

2. *Mixed-use or Pedestrian Streets.* Generally appropriate for all mixed-use area or commercial areas where improved pedestrian accommodations and movement are prioritized.
3. *Standard Streets.* Other circumstances where traffic movements are prioritized or where no particular planning or urban design context warrants the Neighborhood, Mixed-use, or Pedestrian street design types.

Table 3-2: Street Types and Cross Sections							
Street Type	ROW Width	Street Width	Travel Lanes	Parking	Bicycle Facility	Landscape Amenity	Sidewalk
Arterial							
<i>Standard Arterial I</i>	96 feet	64 feet	2 @ 11 feet 12 foot center lane	8 feet	7 foot protected lane	6 foot urban amenity	10 feet
<i>Standard Arterial II</i>	96 feet	64 feet	4 @ 11 feet	N/A	10 foot protected lane	8 foot tree strip	8 feet
<i>Neighborhood Parkway</i>	96 feet	60 feet	2 @ 10 feet	7 feet	7 foot protected lane	10 foot tree strip 12 foot median	8 feet
<i>Mixed Use Boulevard</i>	96 feet	60 feet	2 @ 11 feet 12 foot center lane	8 foot 1-side 18 foot angled 1-side Option for bicycle facility with wider ROW or alternat parking arrangement	N/A	6 foot urban amenity	12 feet
Collector							
<i>Standard Collector</i>	64 feet	42 feet	2 @ 10 feet 10 foot center lane	N/A	6 foot lane	6 foot tree strip	5 feet
<i>Neighborhood Connector</i>	64 feet	34 feet	2 @ 10 feet	N/A	7 foot protected lane	8 foot tree strip	7 feet
<i>Mixed Use Avenue</i>	80 feet	48 feet	2 @ 10 feet	7 feet	7 foot protected lane	6 foot urban amenity	10 feet
Local							
<i>Standard Local</i>	50 feet	36 feet	2 @ 10 feet	8 feet	N/A	2 foot buffer edge of ROW	5 foot attached
<i>Standard Commercial / Industrial</i>	60 feet	44 feet	2 @ 11 feet	7 feet – 8 feet parking; OR 5 feet–8 feet bicycle lanes or protected lanes		2 foot buffer edge of ROW	6 foot attached
<i>Neighborhood Street</i>	54 feet	28 feet	14 foot yield flow	7 feet	N/A	8 foot tree strip	5 feet
<i>Pedestrian Street</i>	60 feet	34 feet	2 @ 10 feet	7 feet	N/A	5 foot urban amenity	8 feet
Access Alley							
<i>Alley - Residential</i>	16 feet-20 feet	12 feet-16 feet	-	-	-	-	-
<i>Alley - Nonresidential</i>	20 feet	20 feet	-	-	-	-	-

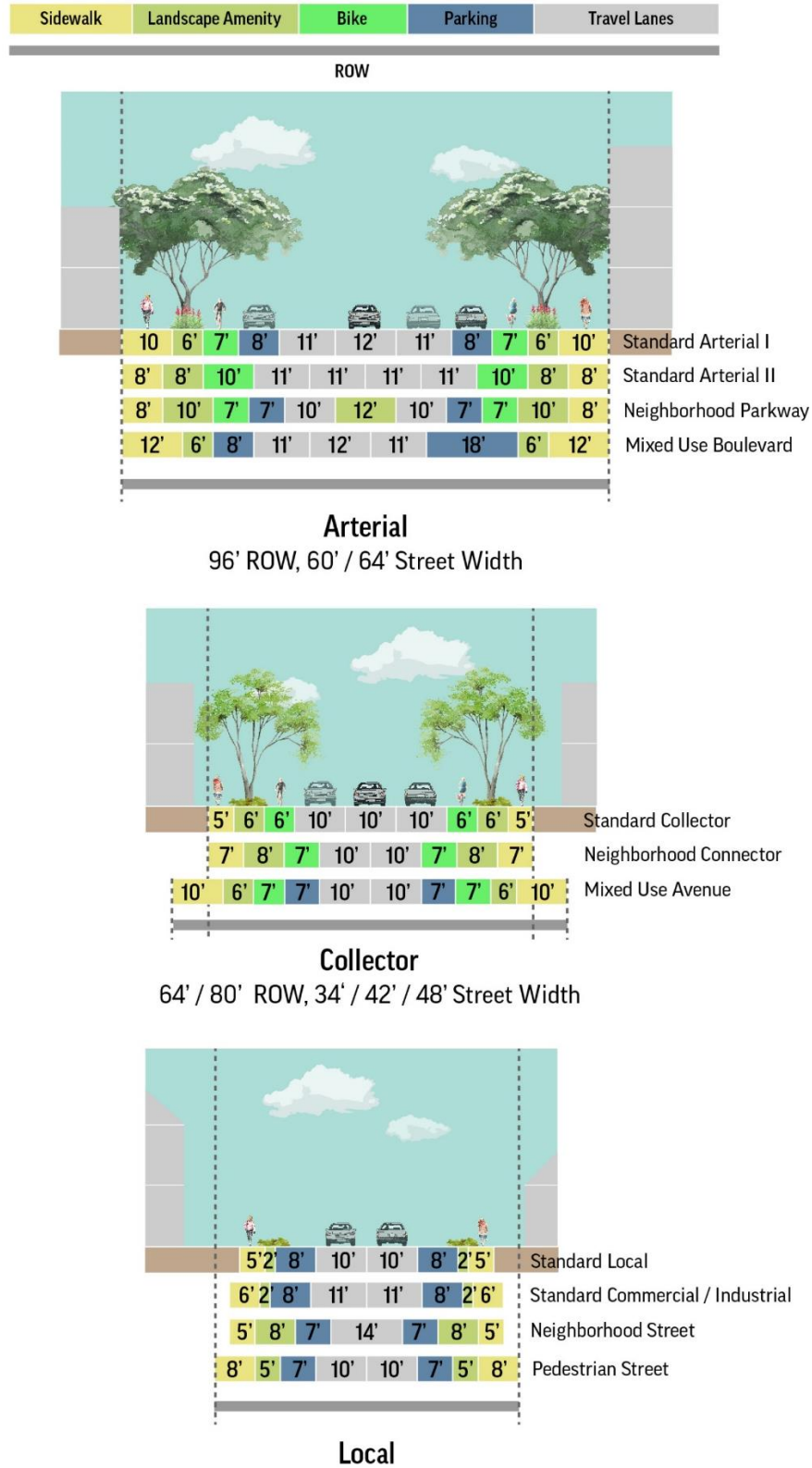


Figure 3-2. Street cross sections should be designed based on a functional class to determine the continuity and capacity within the network, and street design types to determine streetscape components that control the design, speeds, and relationship to abutting property on a particular block.

- C. **Complete Street Design Guide.** When adjusting the typical cross-sections or allocating space for specific contexts or constraints, and particularly for incremental improvements or infill development, the guidelines in Table 3-3: Complete Street Design Guide should apply. These guidelines should be used to bring street designs closer to the new cross sections in Table 3-2 when full improvements are not required.

Table 3-3: Complete Street Design Guide		
Street Element	Size	Context and Application
Travel Lanes	12'+	High-speed / high-volume; generally, avoid on city streets.
	11'	Applicable on major streets or routes where frequent truck or transit vehicles are expected.
	10'	Generally applicable on all city streets with through traffic.
	9'	Limited to low-volume streets, slow-speed streets, or where ROW is constrained.
	12' -17' yield lanes	Limited to slow, very low-volume streets in well-connected networks, where intermittent parking and occasional queuing areas allow two cars to pass.
Bicycle Lanes	N/A	Slow or low-volume streets where bicycles can mix with travel lanes.
	4' – 6' lane	Moderate-speed streets or constrained ROW (typically < 30mph)
	7'-9' protected lane	Important bike routes or higher speed streets (typically 30+ mph); lanes may be protected by any combination of a 2 foot buffer, vertical bollards, or placing lane between parking and curb.
	Off street facilities	High-speed / high-volume (typically 45+mph); or portions of trails system.
Parking	6'-7'	Limited to low-volume residential streets.
	7' - 8'	Generally applicable to all residential and commercial areas where parking is necessary.
	14'-22' angled	Limited to high-activity streets to maximize parking; depth depends on angle of parking, availability of backing area or cueing lane, and other traffic circumstances.
Landscape Area	2' – 8' urban amenity zone	Walkable areas (typically paired with adjacent on-street parking) where hardscape, landscape, and street furniture extend sidewalks as social space.
	8'+ urban amenity zone	High-activity streets that prioritize social space in streetscapes (i.e. sidewalk dining, mini-courtyards); may accompany Open and Civic Space system credits (See EMC § 16-3-5.B and C.).
	1' – 4' landscape area	Avoid – difficult to grow and maintain plants or trees.
	5' – 6' tree strip	Limited to constrained ROW; small or ornamental trees only.
	7' – 8' tree strip	Generally applicable, sufficient for large shade trees.
	8' – 12' tree strip	Use on busy streets or where no on-street parking exists to provide greater pedestrian buffer.
	13'+ tree strip	Use on signature streets for enhanced landscape amenities; space can be shared with or shifted to medians and may meet Open and Civic Space system credits (See EMC § 16-3-5.B and C.).
	10' – 20' median	Use on signature streets for enhanced landscape; can be accompanied with turn lanes and/or mid-street pedestrian refuge at intersections.
20'+ median	Use on major signature streets; may meet Open and Civic Space system credits (See EMC § 16-3-5.B and C.).	
Sidewalks	4'	Avoid – constrained ROW only.
	5'	Minimum standard, clear of all obstructions (typical neighborhood streets).
	6' – 8'	Minimum for nonresidential streets (if combined with extended urban amenity zone), and important routes in neighborhoods (i.e. routes to schools, parks, or other destinations).
	8' – 10'	Use for nonresidential streets, walkable areas (if combined with extended urban amenity zone); or higher density or priority routes in neighborhoods.
	10' +	Use for signature streets in walkable areas, where social spaces are desired in streetscapes, or as a multi-use bicycle / pedestrian path in other contexts.



Figure 3-3. Streetscape elements may be adjusted to reflect different priorities for different components of streets in a specific context or to address or to address ROW constraints. Table 3-3 provides a guide for adjusting elements within the requirements of the Street Design Types in Table 3-2.

D. **Intersection Design.**

1. *Curb Radii.* Curb radii shall be designed according to the Englewood Design and Construction Standards and Specifications. However, to balance the competing interest of vehicle turning movements and the distance and safety of pedestrians crossing the street, the Director may recommend, and the Commission or Council may approve, decreases in the specified corner radii based on the following considerations:
 - a. The context of the development, and particularly whether walkable development patterns are a priority and whether neighborhood or mixed-use street types in Table 3-2 are used.
 - b. The impact that the specified radius has on increasing the distance that pedestrians must cross.
 - c. The desired speeds of vehicles in the roadway and the desired speeds and volume of turning vehicles.
 - d. The connectivity of the street network and whether vehicles have multiple alternative routes that minimize frequent turning movements.
 - e. The effective turning radius of vehicles considering other features of the specific cross section, including bicycle lanes, on-street parking, or other configurations that impact the actual path of turning movements.
 - f. The likelihood that large vehicles will make frequent turning movements at a particular location, compared with the ability of over-sized vehicles or unusual turning movements to compensate and safely encroach into other areas of the street.

2. *Sight Distances.* Proper lines of sight shall be maintained at all intersections. The proper line of sight shall be an unobstructed view from the stopping point on the approaching street to all points three feet above the roadway along the centerline of the intersecting street. The distance of the unobstructed view shall be based upon the design speed of the intersecting street specified in Table 3-4, Clear Sight Distance.

Table 3-4: Clear Sight Distance

Design Speed of Intersecting Street	Intersection Sight Distance (measured along centerline of intersecting street)
15 mph	105 feet
20 mph	115 feet
25 mph	155 feet
30 mph	200 feet
35 mph	250 feet
40 mph	305 feet
45 mph	360 feet
50 mph	425 feet

Source: American Association of State Highway and Transportation Officials, *A Policy on Geometric Design of Highways and Streets*.

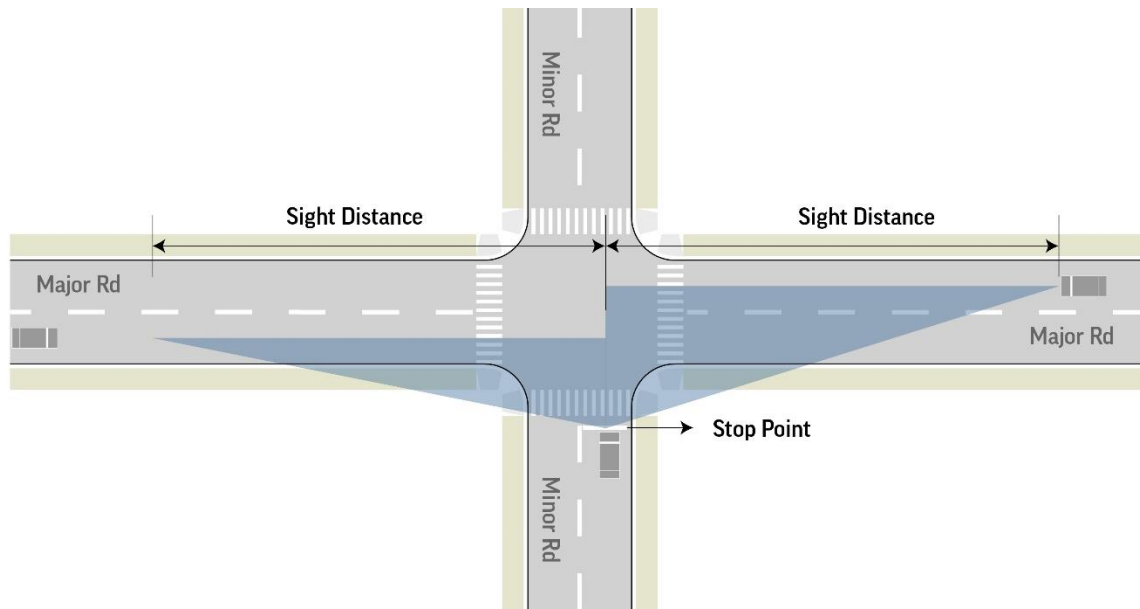


Figure 3-4. Clear sight distances shall be based on the stopping point of intersecting vehicles and the design speeds of intersecting streets as specified in table 3-4.

- a. No building or other type of visual obstruction shall be placed or maintained within the triangle created by the centerline of the street intersection, the stopping point on the approaching street, and the sight distance specified in Table 3-4 to the centerline of the intersecting street.
 - b. Street trees, light poles or other limited narrow obstructions are allowed within the sight triangle provided they do not have any foliage, limbs, or other obstructions between 2.5 and eight feet and are no closer than ten feet to the intersecting right-of-way line.
 - c. Fully controlled intersections where signalization establishes and prioritizes safe turning movements may deviate from the above sight triangle standards if site conditions warrant and based upon a recommendation of the Director.
3. **Pedestrian Crossings.** All intersections and crosswalks shall be designed to address conditions at each specific location. In general, sidewalks intersecting with public streets or similar internal streets shall have pedestrian crossings meeting the following standards:
- a. Curb ramps meeting ADA accessibility standards shall provide a direct, non-diverted approach from the sidewalk to the designated or protected crossing area.
 - b. All intersections of collector streets or higher classification shall be considered for enhanced crossings including pavement markings, bulb outs, refuge islands or other traffic-calming measures that are appropriate to the context of the intersection.
 - c. Where blocks exceed more than 670 feet between intersections or at other locations of high pedestrian activity, mid-block crossings shall be considered. Mid-block crossing designs and locations are subject to a specific recommendation and approval of the Director.
- E. **Engineering and Construction Specifications.** All other engineering specifications, horizontal and vertical alignment, design details, and technical or construction specifications for constructing streets shall be covered by the Englewood Design and Construction Standards and Specifications and administered by the Public Works Director.

16-3-5 Civic and Open Space Design

- A. **Dedication of Open Space.** At the time of final plat or other final approval, the Council shall determine whether to accept open space dedication or have the applicant pay a fee-in-lieu of dedication, or a combination of dedication and paying the fee.
1. **Quantity.** The applicant shall dedicate 10.7 acres per 1,000 people based on the following:
 - a. 2.15 residents per dwelling unit of detached houses, multi-unit house, or row house.
 - b. 1.8 persons per dwelling unit for apartments or all other multi-unit residential buildings.
 - c. 1.5 persons per unit within a development intended for, and qualifying as, "housing for older persons" pursuant to the Federal Fair Housing Act (42 U.S.C. Section 3607(b)(2)). If a property fails to qualify for this status under the Fair Housing Act, relinquishes or otherwise fails to maintain this status, additional land dedication or fee-in-lieu payment shall be required as provided in this Section.
 2. **Applicability and Exemptions.** The dedication requirements apply to the following residential developments and subdivisions:
 - a. Land being annexed into the City and zoned for residential use;
 - b. Rezoning which allows for residential uses, or changes to approved development plans that increase dwelling units;
 - c. Subdivision, replat, or plat amendments that result in new or additional residential lots, or otherwise increase dwelling units;
 - d. Development of existing undeveloped residential lots; and
 - e. Development of a planned unit development, condominium, or other similar residential projects involving multi-unit residential dwelling units.
 - f. Exemptions. Nursing homes and similar residential accommodations providing care and supervision to persons who are disabled or confined to the care facility for medical, physical, or mental reasons, are exempt from the land dedication requirements of this Section. If a facility is converted to a non-care residential use, land dedication or fee-in-lieu payment shall be required at the time of conversion.
 3. **Design and Location.** The dedication shall be based on an official master plan for the type of facility, identifying the general location and extent of the facility. All dedications shall be suitable for the intended purpose, and to the maximum extent practical incorporate any outstanding natural features, prominent landscape, or other cultural, historic, or archaeological resources. In general, this may include:
 - a. Public parks and open spaces;
 - b. Trails; or
 - c. Other public recreation facilities.
 4. **Method.** All lands or interests required to be conveyed under this Section shall be conveyed to the City by proper dedication upon a plat or by general warranty deed, without restriction, and free and clear of all liens, restrictions, covenants, and encumbrances, except that trails may be conveyed by an easement.
 5. **Other Facilities.** The applicant may be required to construct all public facilities associated with the specific open space dedication. Any dedication or construction shall comply with all applicable City design and construction standards and any other rules or regulations adopted pursuant to this subsection.

6. *Fee-in-Lieu of Dedication.* When the development is not within the area of a planned or existing open space, or the City otherwise determines that a proposed dedication is not acceptable, the City may accept a fee-in-lieu of dedication from the applicant.
 - a. The amount shall equal the fair market value of the land area required to be dedicated.
 - b. Fee-in-lieu payments shall be paid to the City by certified check and deposited in a City account to be used solely for the acquisition and development of parks, trails, open space, and related facilities reasonably proximate to the subject residential development.

7. *Timing.* Dedication of land or payment in lieu of dedication shall occur in coordination with the final plat or other associated final development approval. The City may approve an alternate timing as part of a phased development project, and any payment of fees shall be based on the population of each phase.

B. **Design and Type.** Table 3-5 specifies the type, size, and service areas of different open and civic spaces that may meet the open space requirement.

Table 3-5: Open and Civic Space Types		
Type	Size [1]	Application
<i>Open Space and Greenway</i>	Varies; based on characteristics of site and relationship to adjacent spaces	Public or Common
<i>Park - Community</i>	25 - 100 acres	Public
<i>Park - Neighborhood</i>	2 – 10 acres	Public or Common
<i>Park – Small / Green</i>	0.5 – 2 acres	Common
<i>Trail</i>	20 foot wide, min.; or 12 feet – 20 feet if added to and integrated within streetscape	Public or Common
<i>Civic Space - Square</i>	10K s.f. – 1 acre	Common
<i>Civic Space – Plaza / Courtyard</i>	1K – 10K s.f.	Common
<i>Enhanced Streetscape</i>	Landscape or pedestrian amenities that are at least 50% greater than that required by street cross sections in EMC § 16-3-4.A. and B.	Common or Public



Figure 3-5. Open space design should support the context, including small, formal spaces in urban contexts, and more spacious natural spaces for lower intensity areas, and a network of streetscapes and trails that link these spaces into a larger system of civic space.

- C. **Coordination with Common or Private Space.** Land set aside and reserved for the exclusive use of the residents of the subdivision or development project shall be designated on the final plat. The applicant shall provide information concerning the method of ownership, management, development, and maintenance to control such land and shall, at time of filing of final plat, submit additional documents or records required by this Title or by the Commission, specifying the intended methods of control. To the maximum extent practical, the design and location of these spaces shall be coordinated with the public open space requirements in EMC § 16-3-5.B, any existing public open spaces, and any private open space requirements in EMC § 16-5-4.D Residential Open Space design, or EMC § 16-6-6 Nonresidential Open Space design.

16-3-6 Required Improvements

- A. **Improvements.** The following improvements are required to be constructed, except where facilities sufficient to serve the subdivision exist and have been approved by the city or otherwise provided in a development agreement between the City and applicant. The size, type and general location of each improvement shall be included as part of the building permit.
1. Water and sanitary sewer mains shall be at least eight-inch diameter; however, based on a capacity analysis and application of the design criteria of the City, larger or smaller may be required.
 2. Stormwater management plans shall address all aspects of drainage, water quality, and flood hazards relative to the development, including storm sewer lines, natural and

constructed conveyances, infiltration systems, retention or detention facilities, and similar facilities.

- a. Site specific plans shall prevent and control soil erosion, sedimentation and water pollution, and be approved by the City prior to any grading, clearing of vegetation, or development.
 - b. All proposed discharges shall require a permit from the Colorado Department of Health and Environment, Water Quality Division, demonstrating compliance with the Colorado Discharge Permit System and Federal Clean Water Act.
3. Fire hydrants and other fire suppression facilities and water lines sized and located to meet the requirements of the Fire and Utilities Departments.
 4. Communication, electric lines, and other similar utility services shall be installed underground except for:
 - a. Expansions of existing principal residential buildings of less than 33% of the habitable gross floor area.
 - b. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts and similar accessory facilities
 - c. Facilities reasonably necessary to connect underground facilities to existing or permitted overhead or over-ground facilities.
 - d. Overhead electric transmission lines and distribution feeder lines over 110KV, and overhead communication long distance, trunk, and feeder lines.
 - e. Existing utility facilities and structures, which shall not be required to be removed or replaced.

All facilities shall be in easements or the right-of-way subject to the design specifications and approval of the City through the plat review process. Property owners are encouraged to install appropriate location indicators or tracers with all utilities placed underground. Above ground facilities shall be located in accessible locations close to corner lot lines but minimize their appearance through streetscape design, landscape materials, or other site planning and urban design strategies that minimize their impact on the public realm.

5. Streets and rights-of-way required by EMC § 16-3-3 and EMC § 16-3-4, including any street lights, traffic safety and control devices, and street signs.
6. Open and civic space required by EMC § 16-3-5, including all grading, drainage, retaining walls, and other landscape required for these spaces.
7. Access and circulation meeting the requirements of EMC § 16-3-3 and EMC § 16-7-3, including any alleys or easements where shared or cross-access is proposed.

B. Capacity. The Director, Planning and Zoning Commission, or City Council may require technical studies to assess the capacity and potential impacts of all development on any required improvements as provided in EMC § 16-2-1.J Technical Studies. Individual projects will be evaluated for adequacy based on specific studies provided by the applicant and accepted by the City that demonstrate:

1. The location of the proposed development relative to existing facilities and service;
2. The ability of the project to access those facilities and services; and
3. The capacity of existing facilities and services to serve the new project while maintaining acceptable levels of service for existing development.

C. General Requirements.

1. All required improvements shall be incorporated into the final design at the time of final plat as provided in EMC § 16-2-7.
2. The applicant shall post a performance bond, letter of credit or similar security instrument drawn in favor of the City in an amount equal to 125% of the estimated cost of the construction of improvements, determined by the Public Works Director.
3. Required improvements shall be constructed in accordance with the City standards and specifications.

4. Finished plans for all public improvements as built shall be required before the city shall accept improvements. Construction shall begin within one year following approval of the plan and not be suspended for longer than one year. Any plans not completed prior to these times shall be resubmitted for review and approval subject to the design standards and specifications at the time of resubmittal. The approved design plans are acceptable if they remain true after construction and if attested to by a registered engineer.
 5. The performance guarantee shall be released upon written request by the applicant, and after all improvements are completed, inspected and finally accepted by the City.
 6. The applicant shall be responsible for the repair, replacement and maintenance of any required improvement which fails to function or meet the standards of the City due to defects in material or workmanship, within three years from the date of final acceptance.
- D. **Reimbursement Agreements.** Applicants constructing required improvements for their property or to serve their project shall be responsible for the entire cost of the improvements. When any improvements are part of a planned future facility for the City serving an area larger than the project and its impact, the City may require the applicant to build to the planned or anticipated capacity, and reimburse the applicant for any portion constructed beyond their impact.

Chapter 4 Zone Districts and Uses

- 16-4-1 Establishment of Districts
- 16-4-2 Permitted Uses / Use Table
- 16-4-3 Specific Use Standards
- 16-4-4 Accessory Uses
- 16-4-5 District Performance Standards

16-4-1 Establishment of Districts

- A. **Zone Districts and Intent.** To carry out the purposes of this code, The following districts are established to carry out the purposes of this code, and have the intent and applicability given to each district expressed through the urban design character, development patterns, and the types or intensity of uses and buildings.

Table 4-1: Zone Districts and Intent

<i>Zone Districts</i>	<i>Intent</i>
<p><i>One-Dwelling Residential</i></p> <ul style="list-style-type: none"> ▪ R-1-A ▪ R-1-B ▪ R-1-C 	<p>The R-1 districts provide residential living in neighborhoods of primarily low-scale detached houses, and include sub-classifications of -A, -B, and -C with graduated intensity of development reflected by the minimum required lot sizes. Access to supporting services and uses is accommodated by integrating civic uses such as schools, churches, parks, and other public facilities, and by transitions to other complimentary commercial and mixed-use districts. The R-1 districts are appropriate throughout the City as basic fabric for most neighborhoods.</p>
<p><i>One- and Multi-Dwelling Residential</i></p> <ul style="list-style-type: none"> ▪ R-2-A ▪ R-2-B 	<p>The R-2 districts provide residential living in mixed-density neighborhoods with a mix of detached houses and small-scale, multi-unit buildings, and includes sub-classifications of -A and -B with graduated intensity reflected in a wider range of different building types. These districts integrate diverse housing options into neighborhoods and provide a critical mass of dwellings to support walkable patterns for nearby commercial centers and corridors. These districts are most appropriate at transitions between commercial or employment centers or along major or minor corridors within neighborhoods, or other strategic points for targeted, low-scale, density.</p>
<p><i>Mixed-use Residential / Limited Office</i></p> <ul style="list-style-type: none"> ▪ MU-R-3-A ▪ MU-R-3-B ▪ MU-R-3-C 	<p>The MU-R-3 districts provide residential living in moderate- to high-density mixed-use neighborhoods in compact, walkable, and transit-served settings. It includes a broad range of moderate- and large-scale residential or mixed-use building types, and the sub-classifications of -A, -B, and -C reflect distinctions in building height, intensity, and mix of uses. These districts are most appropriate on major corridors, and transitions to larger-scale commercial and employment areas, or in and around transit station areas.</p>
<p><i>Mixed-Use</i></p> <ul style="list-style-type: none"> ▪ MU-B-1 Central Business ▪ MU-B-2 Arterial Business ▪ M-1 Medical / Office / Residential ▪ M-2 Medical / Office / Residential / Limited Retail 	<p>The MU-B and M districts are primarily commercial in nature, or mixed-use with commercial and service emphasis, but may incorporate residential or other complimentary non-residential uses typically on upper floors of mixed-use buildings. They are broken into the following sub-classifications:</p> <ul style="list-style-type: none"> ▪ MU-B-1 is the central business district of Englewood, characterized by a relatively small area with a concentration of diverse commercial, service, entertainment, institutional and employment uses with a regional draw. The compact, walkable, and urban setting provides active uses and civic spaces for 18 to 24 hours of the day. ▪ MU-B-2 is a mixed-use district applied to major corridors of Englewood to provide retail and services to support surrounding areas and neighborhoods. ▪ M-1 allows hospital and medical uses as a major service and employment hub for the City, and supporting hospitality, office, and high-density residential uses. ▪ M-2 is similar to the M-1 district but allows the addition of limited retail as a principal land use.

Table 4-1: Zone Districts and Intent

<i>Zone Districts</i>	<i>Intent</i>
<p><i>Industrial</i></p> <ul style="list-style-type: none"> ▪ <i>I-1 Light Industrial</i> ▪ <i>I-2 General Industrial</i> 	<p>The I districts are primarily manufacturing and distribution uses with a scale, intensity, or format that is difficult to integrate with mixed-use areas, and includes subclassifications -1 and -2 distinguishing more intense, hazardous, or impacting uses in the I-2 district. These uses may require special siting or location considerations due to transportation needs, material storage, or impacts from operations such as noise, dust, odors requiring site design mitigation. These districts are most appropriate with access to regional freight routes that minimize impacts of traffic and larger vehicles throughout neighborhoods or other mixed-use areas.</p>
<p><i>Special Purpose Districts</i></p> <ul style="list-style-type: none"> ▪ <i>PUD Planned Unit Development</i> ▪ <i>M-O-2 Medical Overlay</i> ▪ <i>NPO Neighborhood Preservation Overlay</i> 	<p>Special purpose district includes areas of the City that require specific planning to address unique development and design issues. These may facilitate development projects based on a focused planning effort or address specific policies or topics for a general area. Examples include “planned” zoning districts that modify the base district standards or “overlay” districts that either blend areas of different zoning to create compatibility, or separate areas of the same zoning to emphasize distinctions.</p>

- B. **Official Zoning Map.** The designations and boundaries of the districts are shown on the Official Zoning Map(s) adopted by Ordinance No. 5, Series of 2003/2004, and on file with the City Clerk. The official map, all amendments, and notations and reference on the map are incorporated as part of this Code, except that the City may create representative copies for convenience, clarification, and reference. Electronic copies and files of this map shall reference the “Official Copy” on file with the City Clerk, but any copy should be verified with the Community Development Department before materially relying on any electronic or other representative copy of the map.

16-4-2 Permitted Uses

- A. **Use Table.** To implement the intent of each zoning district, facilitate complementary transitions between districts, and to regulate a variety of compatible uses within zone districts each district is permitted the uses indicated in Table 4-2. The table identifies uses as:
1. Permitted uses (P) subject to general district and building standards and review procedures.
 2. Conditional uses (C) subject to the review process and criteria for a Conditional Use Permit in EMC § 16-2-9.
 3. All uses listed in the table (whether P or C), or more specific types of uses generally enabled in the table, may be subject to specific standards or limits in EMC § 16-4-3, Specific Use Standards
 4. Other accessory or temporary uses not listed in the table may be permitted according to EMC § 16-4-4, Accessory Uses standards.
 5. Uses in the table are more specifically described in EMC § 16-13-1, Description of Uses. Where a proposed use is not generally listed or appears to meet the description of more than one use type, the Director shall interpret the most equivalent described use considering:
 - a. The similarity of the use in terms of scale, impact, and operations to other described uses;
 - b. The typical building format and site design associated with the use based on existing relevant examples; and
 - c. The potential contribution of the use to the intent of the zone district, and the ability to complement and be compatible with other permitted uses, based on typical formats and site designs.

Any uses that may not be interpreted as equivalent to a use in Table 4-2 is not anticipated by these regulations and may only be allowed by an amendment to the development code.

Table 4-2: Permitted Uses															
Uses / Use Categories		Residential Zone Districts							Non-residential Zone Districts						Specific Use Standards
		R-1-A	R-1-B	R-1-C	R-2-A	R-2-B	MU-R-3-A	MU-R-3-B	MU-R-3-C	M-1	M-2	MU-B-1	MU-B-2	I-1	
<i>Residential Uses</i>															
<i>Household Living</i>	<i>One-unit Dwelling</i>	P	P	P	P	P	P	P							
	<i>Multi-unit Dwelling</i>				P	P	P	P	P	P	P	P			
	<i>Live / Work Dwelling</i>						P	P		P	P		P	P	16-4-3.A.1
	<i>Mfgd. / Small Format Home Community</i>						PD	PD	PD					PD	16-4-3.A.2
<i>Group Living</i>	<i>Group Home - Small</i>	P	P	P	P	P	P	P	P	P	P	P			16-4-3.A.3
	<i>Residential Care – Limited</i>						C	C	C	C	C	P	P		16-4-3.A.4
	<i>Residential Care – General</i>									C	C	P	P		16-4-3.A.4
	<i>Residential Care - Institutional</i>												C		
	<i>Boarding House – General (5+ rooms)</i>						C	C	C	C	C				
<i>Public / Institutional Uses</i>															
<i>Assembly</i>	<i>Neighborhood (< 300 capacity / < 1 ac.)</i>	P	P	P	P	P	P	P	P	P	P	P	P	P	
	<i>Community (300–600 capacity / 1–5 ac.)</i>						P	P	P	P	P	P	P	P	
	<i>Auditorium (600+ capacity / 5+ ac.)</i>											P	P	P	P
<i>Civic and Institutional Buildings</i>	<i>Government and City</i>	P	P	P	P	P	P	P	P	P	P	P	P	P	
	<i>Library, public</i>	P	P	P	P	P	P	P	P	P	P	P			
	<i>Museum, cultural</i>						P	P		P	P	P	P		
	<i>School</i>	P	P	P	P	P	P	P	P	P	P	P			
<i>Park and Open Space</i>	<i>Athletic Field</i>	C	C	C	C	C	C	C	C					P	P
	<i>Community garden</i>	C	C	C	C	C	C	C	C	C	C				
	<i>Park, Trail, Civic Space (See 16-3-2)</i>	P	P	P	P	P	P	P	P	P	P	P	P	P	
<i>Telecom.</i>	<i>Alternative Tower Structure</i>	P	P	P	P	P	P	P	P	P	P	P	P	P	
	<i>Antenna</i>	P	P	P	P	P	P	P	P	P	P	P	P	P	
	<i>Tower Structure</i>	C	C	C	C	C	C	C	C	C	C	C	C	P	P
<i>Utilities</i>	<i>Utility Major</i>													P	P
	<i>Utility – Minor (principal use)</i>	C	C	C	C	C	C	C	C	C	C	C	C	C	
<i>Commercial Uses</i>															
	<i>Adult Use</i>												P	P	16-4-3.B.1
<i>Animal Care / Sales</i>	<i>Limited - <2K – no boarding</i>										P	P	P	P	
	<i>Small - 2K – 10K or limited boarding</i>											P	P	P	
	<i>General - >10K or boarding</i>												P	P	
	<i>Animal Shelter</i>													P	P
<i>Entertainment and Recreation</i>	<i>Indoor / Limited (< 10K s.f.)</i>										P	P	P	P	
	<i>Indoor / General (10-20K+ s.f.)</i>											P	P	P	
	<i>Indoor / Large – 20K+ s.f.</i>											C	C	C	
	<i>Outdoor</i>												C	C	
<i>Food and Beverage Service</i>	<i>Restaurant – Limited (< 2K s.f.)</i>									P	P	P	P	P	
	<i>Restaurant – General (2K s.f.+)</i>										P	P	P	P	
	<i>Restaurant – Take-out / Delivery Only</i>										P		P	P	
	<i>Brew Pub</i>										P	P	P	P	
	<i>Caterer</i>										P		P	P	

Table 4-2: Permitted Uses

Uses / Use Categories	Residential Zone Districts							Non-residential Zone Districts				Specific Use Standards				
	R-1-A	R-1-B	R-1-C	R-2-A	R-2-B	MU-R-3-A	MU-R-3-B	MU-R-3-C	M-1	M-2	MU-B-1		MU-B-2	I-1	I-2	
Lodging	<i>Bed and Breakfast</i>							P	P	P						
	<i>Hotel</i>							P	P	P	P	P				
	<i>Hotel – Extended Stay</i>							P	P	P		P				
Recreational and Medical Marijuana Uses	<i>Medical Marijuana Center</i>								P	P	P	P	P	16-4-3.B.9		
	<i>Med. Marijuana Premises Cultivation</i>											P	P	16-4-3.B.9		
	<i>Med. Marijuana Infused Products Mfg.</i>											P	P	16-4-3.B.9		
Medical Service	<i>Limited - < 10K s.f.</i>										P	P	P	P	P	
	<i>General – 10K – 30K s.f.</i>										P	P	P	P	P	
	<i>Large – Hospital Complex –30K+ s.f.</i>										P	P	P	P	P	
Office	<i>Limited (<10K s.f. or < 33% of MU project)</i>										P	P	P	P	P	
	<i>General (10K – 30K s.f.)</i>										P	P	P	P	P	
	<i>Large (30K+ s.f.)</i>										P	P	P	P	P	
Personal Service	<i>Limited (<2K s.f. or < 33% of MU project)</i>										P	P	P	P	P	
	<i>Small 2K – 10K s.f.</i>										P	P	P	P	P	
	<i>General (10K -20K s.f.)</i>											P	P	P	P	
	<i>Large (>20K s.f.)</i>												C	C	P	P
Personal Service - Other	<i>Massage Therapy</i>										P	P	P	P	P	
	<i>Crematorium</i>														C	
	<i>Mortuary</i>											P				
	<i>Tattoo and Body Piercing</i>												P	P	P	P
	<i>Temporary Employment Business</i>														C	C
	<i>Check Cashing Facility</i>											P		P	P	P
	<i>School / Trade school</i>											P	P	P	P	P
	<i>Studio (broadcasting, recording)</i>											P		P	P	P
Retail	<i>Dependent care</i>							C	C	C	C	C	P	P	P	P
	<i>Limited (<2K or <33% of MU projects)</i>											P	P	P	P	P
	<i>Small (2K-10K s.f.)</i>												P	P	P	P
	<i>General (10K-20K s.f.)</i>												P	C	P	P
	<i>Large (> 20K s.f.)</i>												C	C	P	P
	<i>Retail Grocery Store</i>															
	<i>Small (< 20K s.f.)</i>												P	P	P	P
	<i>General (20K – 50K s.f.)</i>												P	C	P	P
Retail and Sales- Other	<i>Large (50K + s.f.)</i>												C	C		
	<i>Consignment store – Large</i>											P		P	P	P
	<i>Consignment store - Small</i>											P	P	P	P	P
	<i>Liquor Store</i>											P	P	P	P	P
	<i>Retail – Outdoor and Equipment Sales</i>													C	P	P
	<i>Green House / Nursery</i>														P	P
	<i>Auction house</i>													P	P	P
<i>Internet Sales Location</i>												P		P	P	P

Table 4-2: Permitted Uses

Uses / Use Categories	Residential Zone Districts							Non-residential Zone Districts						Specific Use Standards	
	R-1-A	R-1-B	R-1-C	R-2-A	R-2-B	MU-R-3-A	MU-R-3-B	MU-R-3-C	M-1	M-2	MU-B-1	MU-B-2	I-1		I-2
P = Permitted, subject to general district standards C = Permitted, only by conditional use permit discretionary review PD = Permitted only through a planned unit development = Blank means the use is not permitted															
Pawnbroker													P	P	16-4-3.B.7
Vehicle and Equipment Uses	Automobile Gas and Service Station											C	P	P	16-4-3.B.2
	Automobile Repair - Limited											C	P	P	16-4-3.B.3
	Automobile Repair - Body Shop												P	P	16-4-3.B.4
	Automobile, RV, Equip. Sales / Rental											P	P	P	16-4-3.B.5
	Automobile Pawn Broker											P	P	P	16-4-3.B.7
	Car Wash and Automobile Detailing											C	P	P	16-4-3.B.6
	Com. Public Parking (Surface/Structure)						C	C	C	C	C	C	P	P	
Manufacturing / Industrial Uses															
Wholesale – Sales and Distribution													P	P	
Industrial Service	Contractors Office and Fleet Services											C	P	P	16-4-3.C.1
	Industrial Service, Light												P	P	
	Industrial Service, Heavy													P	
	Vehicle / Fleet Maintenance Facility												P	P	
Manufacturing	Limited / Artisan									P	P	P	P	P	16-4-3.C.2
	Brewery, Distillery, or Winery									C	C	C	P	P	16-4-3.C.3
	Manufacturing - Light												P	P	
	Manufacturing - Heavy													P	
Warehouse / Storage	Fuel Storage (principal use)													C	
	Indoor Storage												P	P	
	Outdoor Storage												P	P	16-4-3.C.4
Waste / Salvage	Automobile Wrecking / Salvage Yard												C	P	16-4-3.C.5
	Commercial Incinerator													C	
	Hazardous Waste Handling												C	C	16-4-3.C.6
	Recycling Operation, Enclosed												P	P	16-4-3.C.7
	Recycling Operation, Unenclosed												C	C	16-4-3.C.7
	Sanitary Service													C	
Waste Transfer Station												C	C		
Accessory Uses															
General Accessory Uses	A	A	A	A	A	A	A	A	A	A	A	A	A	A	16-4-4.A
Accessory Dwelling Unit	A	A	A	A	A	A	A	A	A	A					16-4-4.B
Home Occupation	A	A	A	A	A	A	A	A	A	A					16-4-4.C
Home Care	A	A	A	A	A	A	A	A	A	A					16-4-4.D
Short Term Rental	A	A	A	A	A	A	A	A	A	A	A	A			16-4-4.E
Minor Utility Facility	A	A	A	A	A	A	A	A	A	A	A	A	A	A	16-4-4.A.
Outdoor Storage, Residential	A	A	A	A	A	A	A	A	A	A					16-4-4.F
Drive Through Facilities												A	A	A	16-4-4.G
Outdoor Display and Service Area									A	A	A	A	A	A	16-4-4.H
Medical Marijuana Optional Premises Cultivation										A	A	A			16-4-4.I
Medical Marijuana Infused Products Manufacturer										A	A	A			16-4-4.I
Caretaker's Quarters									A	A	A	A	A	A	16-4-4.A
Dormitory												A	A	A	16-4-4.A

Table 4-2: Permitted Uses															
Uses / Use Categories	Residential Zone Districts							Non-residential Zone Districts					Specific Use Standards		
P = Permitted, subject to general district standards C = Permitted, only by conditional use permit discretionary review PD = Permitted only through a planned unit development = Blank means the use is not permitted	R-1-A	R-1-B	R-1-C	R-2-A	R-2-B	MU-R-3-A	MU-R-3-B	MU-R-3-C	M-1	M-2	MU-B-1	MU-B-2		I-1	I-2
Temporary Uses	A	A	A	A	A	A	A	A	A	A	A	A	A	A	

16-4-3 Specific Use Standards

The following uses may have impacts different than those generally enabled in the zoning districts, and have standards specific to the use. These standards shall be met whether the use is a generally permitted use, limited use, or conditional use according to Table 4-2. The uses in this Section may include more specific types or formats of the uses generally enabled in Table 4-2.

A. Residential Uses.

1. *Live-Work Dwelling.* In districts where Live / Work Dwellings are enabled, they shall meet the following standards and conditions to be compatible with the context.
 - a. Commercial uses shall be limited to those uses that are otherwise enabled in the district.
 - b. Any commercial activity shall occur on the ground floor and be directly accessible from the adjacent public street, sidewalk, or other public space or publicly accessible common area.
 - c. Commercial activity, and any accessory assembly, production or fabrication shall be scaled and operated in a way that is compatible with other residential uses in the area.
 - d. The commercial occupancy shall not be considered accessory to the residential dwelling, and therefore not subject to the accessory home occupation standards. However, the resident and the principal occupant of the commercial area shall be the same and the commercial occupancy shall be limited to no more than 50% of the building. Any greater percentage shall be treated as a mixed-use or multi-unit building.

2. *Manufactured and Small Format Home Community.* In districts where Manufactured and Small Format Home Communities are enabled, they shall be subject to the following specific standards.
 - a. *Community Plan.* All applications shall be supported by a community plan and reviewed according to the procedures and criteria of Planned Unit Developments in EMC § 16-2-5.
 - b. *Development Standards.* Except as otherwise modified through a development plan according to the approval procedures and criteria in EMC § 16-2-5, the general development standards for manufactured and other small format home projects are included in Table 4-3.

Table 4-3: Small Format Housing Development Standards

Project	Amount of Bonus Units Above Base Density
<i>Project Size</i>	Two acres minimum; 200 feet minimum frontage an arterial or collector <i>Exception:</i> The Director may recommend a plan for as small as one acre and 100 feet of public street frontage if the plan demonstrates exceptional community design and layout for the common areas within the community, a high-quality and well-designed housing concept, and special attention to integrating and relating the project to surrounding areas.
<i>Project Intensity</i>	14 units per acre, maximum <i>Exception:</i> Up to 18 units per acre for any project with more than 25% of the project area designed as useable open space according to subsection 3.c.
<i>Perimeter Setbacks</i>	25 feet minimum from any street boundary; 20 feet from any property boundary (see Chapter 8 – Type 2 buffer for any perimeter area not fronting on a public street.
Common Areas	
<i>Street and Circulation Networks</i>	Maximum block sizes is two acres or 40 home sites, whichever is less Blocks may be shaped by streets and walkways, internal paths, and trails, or other common open spaces
<i>Useable Open Space</i>	200 s.f. per unit, or 15% minimum, whichever is greater
Home Sites	
<i>Lot Size</i>	1,500 s.f. <i>Exception:</i> 1,200 s.f. minimum for any project with more than 25% of the project areas designed as useable open space designed according to subsection 3.c.
<i>Lot Width</i>	25 feet minimum, Frontage shall be on a public street, common internal street, or common open space with street access at the rear of the site.
<i>Setbacks</i>	Front: 10 feet from the lot/home site line, or 15 feet from the edge of the internal street, whichever is greater Side: 5 feet, or 3 feet minimum with 10 feet between buildings. Rear: 10 feet All buildings shall meet the project perimeter setback.
<i>Height</i>	30 feet maximum
<i>Site Design</i>	Each home site shall have a private patio, courtyard, or similar outdoor amenity of at least 160 square feet, and at least ten feet wide. Any structure associated with this outside amenity may be located within three feet of the lot or home site boundary. Each home site may have an accessory storage building up to 160 square feet, up to eight feet tall. The accessory storage building shall be set back at least 40 feet from any public or internal street, or behind the dwelling unit. Accessory buildings shall be separated by at least five feet from any other structure.
<i>Parking</i>	Each home site shall have at least one on-site parking space, and at least one excess or guest space within 200 feet of the unit. The excess or guest space may be "on-street" where streets are designed for parking or in a common parking lot.

- c. **Common Areas.** All common areas not dedicated as home sites according to the development standards, shall be designed as part of the public realm for the plan. This space shall be allocated to:
- (1) Internal vehicle circulation for the community, laid out to provide connectivity and continuity through the community and organize the project into blocks and lots so that all home sites and lots are served by streets. There shall be at least:
 - (a) One external connection for projects under 25 dwelling units;
 - (b) Two external connections for projects between 25 and 100 dwelling units; or
 - (c) One connection for every 50 dwelling units for projects over 100 dwelling units.

- (2) Internal roadways shall generally mimic the public streetscape standards in EMC § 16-3-1.C and be:
 - (a) 18 feet where no parking is permitted;
 - (b) 24 feet wide where parking is permitted on one side; and
 - (c) 28 feet wide where parking is permitted on both sides.
 - (3) Pedestrian connections shall be accounted for on all streets or at greater intervals through an off-street trail or path system, including landscape areas that mimic the public streetscape and open space standards in Chapter 3 of this Title. Walkways shall be:
 - (a) 5 feet wide generally; and
 - (b) 6 to 8 feet wide when directly accessing any common areas or amenities.
 - (4) Useable open space shall meet one design type specified in EMC § 16-3-5 and designed and located in a manner that ensures adequate accessibility for all units in the community.
 - (5) At least one of these spaces shall include a clubhouse, which is centrally located, for recreation and meeting functions, laundry facilities, or other common amenities. The clubhouse shall be at 2,500 square feet, or ten square feet per dwelling unit, whichever is greater.
 - (6) A storm shelter shall be provided which may be included with the clubhouse.
 - (7) A common storage and utility area shall be provided within the plan including at least 100 cubic feet per unit, which may be private or common storage. This area may be used for storage of large equipment, recreational vehicles, maintenance, or other utility functions for the community. This area shall be screened from the project and from surrounding property according to the buffer standards in Chapter 8 of this Title.
- d. *Building and Home Site Design.*
- (1) All dwellings shall have a front entry feature, such as a porch, stoop, or outside patio relating the home site to the lot frontage or other common open space upon which the dwelling is located.
 - (2) Parking spaces on a home site shall be located to the side or rear of the dwelling. Home sites may include a carport, provided it remains open and unenclosed on at least 75% of the perimeter, is no taller than the dwelling unit, is no larger than 360 square feet, but in no case larger than the dwelling unit.
 - (3) All structures are subject to the building code and require a Certificate of Occupancy prior to any occupancy.
 - (4) Any mobile home dwellings or similarly movable building types shall:
 - (a) Be secured to the ground by tie downs and ground anchors, and otherwise protected against wind forces in accordance with the applicable building code and EMC § 9-5-1, et al.
 - (b) Be skirted within 14 days after placement in the community by enclosing any open area under the unit with a material that is consistent with the exterior finish of the building and compatible with the design of the community.
- e. *Landscape and Parking Design.* The standards of Chapters 7 and 8 of this Title are generally applicable to small-format and manufactured housing plans, except as modified through a development plan approval procedures and criteria in this code.
- f. *Utilities and Services.* All homesites and any occupiable common structures shall have utility services meeting the City's construction and safety codes, and any public utility commission requirements, including water, sanitary sewer, and electricity.

- (1) All transmission lines shall be underground.
 - (2) The project may have a single connection to public systems, similar to other multi-unit building types and projects, except as provided in subsection 2.h for small format housing subdivisions.
 - (3) Private connection points at all home sites shall be designed to be protected and decommission when not connected to a structure.
 - (4) The storage, collection and disposal of refuse shall be managed to avoid health hazards, property maintenance issues, or other conditions which endanger the health, safety or welfare. Service pickups shall be provided similar to other multi-unit building types and projects.
 - g. *Fire Protection Requirements.* All projects shall meet the City fire code, including the following specific provisions:
 - (1) All home sites and occupiable structures shall be within 500 feet of a fire hydrant.
 - (2) Supplementary fire extinguishing equipment shall be provided.
 - (3) Fire lanes shall be incorporated into the overall access and circulation plan.
 - h. *Small Format Housing Subdivisions.* Each home site may be individually platted if:
 - (1) All lots have public utility access as provided in EMC § 16-3-6, including public easements for access to each home site and all other standards and criteria of the subdivision standards are met;
 - (2) All dwellings are on a permanent foundation; and
 - (3) There are covenants and restrictions and associations assuring that these provisions for the Development Standards, Common Areas, Building Design and Utilities and Services, as demonstrated on an approved plan, will be maintained through a management entity or common association.
3. *Group Home - Small.* In districts where group homes are enabled, they shall meet the following standards and conditions to ensure they are integrated into neighborhoods, have a non-institutional nature, and maintain the residential character of neighborhoods.
- a. Group homes shall meet all of the residential design standards applicable in the particular district, and any alterations to support the group living shall be done in a discrete way in accordance with those standards.
 - b. In the R-1 districts, no group home shall be located less than 650 from another existing group home, except that the Director may waive this requirement if separated streets, parks, civic spaces or other transitions that establish different neighborhoods.
 - c. Group homes shall be supervised at all times, and may include up to two resident caregivers.
 - d. Group homes shall be licensed by, operated by, or owned by a governmental agency or non-profit qualified to provide care and supervision.
 - e. Group homes shall not include alcoholism or drug treatment centers, work release facilities or other housing facilities qualifying as residential care – institutional.
4. *Residential Care – Limited and General.* In districts where Residential Care – Limited or General are enabled, they shall meet the following standards and conditions to be compatible with the context.
- a. In the MU-R-3 districts, the use shall be located on a corner, collector street or higher, or otherwise located as a transition between the neighborhoods and other non-residential or mixed-use areas.

- b. In the MU-R-3 and M- districts, the building and site shall meet all residential design standards so that the use, building and site is compatible with the neighborhood in terms of scale and intensity of activity.
- c. Any facilities necessary to serve the residents, guests or support staff, that are non-residential in nature shall be located on the most discrete portions of the site and building, and otherwise designed and screened to mitigate impacts on adjacent property according to EMC § 16-8-4.

B. Commercial Uses.

1. *Adult Uses.* In districts where adult uses are enabled, it shall comply with the following:
 - a. Adult entertainment or service facilities shall be separated at least 1,000 feet from any other adult entertainment or service facility, whether inside or outside of the Englewood City limits.
 - b. Any adult use shall be at least 500 feet from the boundary of
 - (1) Any R-1, R-2, MU-R-3, or TSA district;
 - (2) A manufactured home park or similar residential zone district in an area adjoining the City of Englewood; or
 - (3) Any religious institution, public park, public library, community center, or educational institution, whether within or without the City of Englewood.
 - c. Separation distance shall be measured by a straight line from the nearest point of the property line of the proposed adult use, to the nearest point of the boundary or property of the applicable use.
2. *Automotive Gas and Service Station.* In districts where automobile gas and service stations are enabled, it shall comply with the following:
 - a. Major automotive repair, painting, body, and fender work is prohibited.
 - b. No displays, storage of merchandise, service areas, or other equipment and facilities shall be located closer than 20 feet from the street right-of-way line, and all trash and refuse shall be stored in a building or within an area enclosed by a wall or a solid fence, at least 6 feet high.
 - c. Vehicle circulation shall avoid potential pedestrian/vehicle conflicts on the site and along the streetscape.
 - (1) Adequate stacking spaces for automobiles shall be provided on site and outside of setbacks to eliminate any impact on public streets.
 - (2) Circulation, stacking and other access issues shall be designed in a manner that has the least impact on pedestrians entering the principal building from public streets and from internal pedestrian or parking areas.
 - (3) No access or queuing area shall be provided between the building and the street on any pedestrian-oriented streetscape. (mixed-use or pedestrian street types in EMC § 16-3-4 or A frontages in EMC § 16-6-4). Use of alleys, internal access and the rear of buildings for service areas is required to preserve the streetscape design and development patterns of these areas.
 - d. All lighting shall be designed and located to confine direct rays to the premises.
 - e. Outside activities may include the sale of motor fuels. All other activities, particularly auto repair, are prohibited outside of the main building.
 - f. The site shall comply with all landscape and screening standards in Chapter 8 of this Title and the following specific requirements:
 - (1) A 6 feet masonry wall or fence shall be installed along property lines where the use abuts residential districts or uses
 - (2) A Type 1 buffer shall be applied along all non-building street edges.
 - (3) All walls and screening shall otherwise meet sight distance requirements

- g. The Director may require any automotive gas and service station use that does not clearly meet these standards and criteria to be reviewed subject to the procedures for conditional use permits in EMC § 16-2-9.
- 3. *Automobile Mechanic, Repair – Limited.* In districts where automobile mechanic, repair – limited is enabled, it shall comply with the following:
 - a. All vehicles associated with the use shall be stored on-site. Motor vehicles being serviced or returned to their owners shall not be parked on streets, alleys, public sidewalks, or parking strips.
 - b. All work shall be performed within an enclosed structure.
 - c. No materials or parts are deposited or stored on the premises outside of an enclosed structure.
 - d. Any area subject to wheeled traffic or storage shall be screened from adjacent or adjoining residential districts by a solid wall or fence, or other buffer that completely screens this area according to the standards in Chapter 8 of this Title.
- 4. *Automobile Body Shop.* All vehicles associated with the use shall be stored on site. Motor vehicles being serviced or returned to their owners shall not be parked on streets, alleys, public sidewalks, or parking strips.
- 5. *Automobile, RV, or Equipment Sales / Rental.* In districts where automobile, RV, or equipment sales and rental are enabled, it shall comply with the following:
 - a. All vehicle displays, storage, and circulation areas shall be paved according to City standards, and subject to all landscape, screening, drainage, and site design standards of Chapter 8 of this Title.
 - b. All parked or displayed vehicles shall be setback at least six feet from any right-of-way line. Any parking or display area permitted along a public street shall require a Type 1 buffer according to EMC § 16-8-4.
 - c. Areas for storage and display of inventory do not need to be marked and are not subject to the parking dimension standards in EMC § 16-7-5.C.
 - d. No other displays, storage of merchandise, service areas, or other equipment and facilities shall be located closer than 20 feet from the street right-of-way line.
 - e. All lighting shall be designed and located to confine direct rays to the premises, and not unreasonably disturb occupants of adjacent residential properties nor interfere with traffic. Lighting facilities shall not exceed 25 feet high.
 - f. The site shall comply with all landscape and screening standards in Chapter 8 of this Title and the following specific requirements:
 - (1) A six-foot masonry wall or fence shall be installed along property lines where the use abuts residential zone districts.
 - (2) A Type 1 buffer shall be applied along all non-building street edges
 - (3) All walls and screening shall otherwise meet sight distance requirements.
 - g. There shall be a minimum of 75 feet of frontage on a major collector or arterial roadway. Frontage is based on the most significant adjacent roadway. Frontage on more than one major collector or arterial shall not be combined to meet minimum frontage requirement.
- 6. *Car Wash and Auto Detailing.* In districts where car wash and auto detailing is enabled, whether a principal use or accessory to another automobile service use, it shall comply with the following:
 - a. A minimum of two parking spaces, or stacking areas, shall be provided on the site for each washing stall.
 - b. The site shall be paved to the specifications of the City.
 - c. All wastewater shall be discharged into the sanitary sewer line after having been run through a sand trap.
 - d. All lighting shall be designed and located to confine direct rays to the premises.

- e. The site shall comply with all landscape and screening standards in Chapter 8 of this Title and the following specific requirements:
 - (1) A 6 feet masonry wall or fence shall be installed along property lines where the use abuts residential zone districts.
 - (2) A Type 1 buffer shall be applied along all non-building street edges.
 - (3) All walls and screening shall otherwise meet sight distance requirements.

- 7. *Pawnbroker / Automobile Pawnbroker.* In districts where pawnbroker or automobile pawnbroker are enabled, it shall comply with the following:
 - a. No pawnbroker or automobile pawnbroker use shall be located within 5,000 feet from the location of another pawnbroker or automobile pawnbroker.
 - b. Pawnbrokers may operate only between 8 a.m. and 10 p.m. Monday through Saturday.
 - c. If a pawnbroker sells and displays weapons, all use-specific standards shall comply with all applicable requirements of the EMC in addition to the following:
 - (1) It shall be unlawful for any pawnbroker or secondhand dealer, or any other person engaged in the wholesale or retail sale, rental or exchange of any weapons to display them in a window facing upon any street.
 - (2) Every pawnbroker, secondhand dealer, or other person engaged in the sale, rental or exchange of any weapons shall keep a record of each weapon purchased, sold, rented or exchanged at retail. The record shall be made at the time of the transaction, including the name of the person to whom or from whom such weapon is purchased, sold or rented, or with whom exchanged; their age, physical description, occupation, residence and if residing in a city, the street and number; the make, caliber and finish of the firearm, together with the number or serial letter; the date of the purchase, sale, rental or exchange of the weapon; and the name of the employee or other person making a purchase, sale, rental or exchange. The record shall be open upon request at all reasonable times to the inspection of any duly authorized police officer of the City.
 - (3) It shall be unlawful for any person to purchase, sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person under the influence of alcohol, or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation or excitability or to any minor under the age of 18 years.

- 8. *Temporary Employment Business.* In districts where temporary employment businesses are enabled, it shall comply with the following:
 - a. No temporary employment business shall be located within 1,000 feet from the boundary line of:
 - (1) Any residential zone district;
 - (2) Any establishment selling alcohol by the package or drink; or
 - (3) Any public assembly or gathering facility.

- 9. *Medical Marijuana.* In districts where medical marijuana uses are enabled, it shall comply with the following:
 - a. All medical marijuana uses shall comply with State regulations and City of Englewood Licensing requirements.
 - b. Facilities in MU-B-1, MU-B-2, and M-2 zone districts: Cultivation and infused product manufacturing uses are allowed only as accessory uses to a principal medical marijuana center in the MU-B-1, MU-B-2, and M-2 districts, provided the square footage of the total operation does not exceed five thousand (5,000) square feet.

- c. Medical marijuana optional premises cultivation operations shall not exceed 5,000 square feet.
- d. Medical marijuana uses shall not be permitted as a home occupation.
- e. Recreational Marijuana
 - (1) Regulations regarding the recreational use of marijuana are specified in EMC § 7-6D-12.
 - (2) Regulations regarding retail marijuana are specified in EMC § 5-3E-7.
 - (3) Regulations regarding retail marijuana cultivation are specified in EMC § 5-3F-2.

C. Manufacturing and Industrial Uses

- 1. *Industrial Service, Light; Contractors Office or Fleet Services; or Manufacturing, Light.* In districts where light industrial service, contractors office, fleet services uses, or light manufacturing are enabled, it shall comply with the following:
 - a. The use is contained completely in an enclosed building; no outdoor storage or activity is allowed.
 - b. The use does not produce any adverse noise, glare, odor, or vibration impacts that are discernable to a reasonable person beyond the property lines of the use.
 - c. The building housing the use shall be designed to be compatible in terms of scale, height, mass, and void-to-solid ratios with conventional commercial office design.
- 2. *Manufacturing – Limited / Artisan.* In districts where limited / artisan manufacturing uses are enabled, it shall comply with the following:
 - a. A retail or service use, such as a display room, sales area, or other sampling is permitted as an accessory use to the manufacturing, or the manufacturing may be accessory to an otherwise permitted sales or service use.
 - b. The total area of the facility is less than 10,000 square feet.
 - c. No byproducts such as smell, waste, smoke or noise results from the manufacturing that is distinctly different or of greater intensity than the principal use.
 - d. Traffic, customer, and shipping patterns and activities from the manufacturing use are not distinctly different from the principal commercial use in terms of intensity and hours of activity.
- 3. *Breweries, Distilleries, Wineries, and Vintner's Restaurants.* In districts where breweries, distilleries, and wineries are enabled, they shall comply with the following:
 - a. In the M-2, MU-B-1, and MU-B-2 districts these uses shall be permitted only in conjunction with a restaurant, tavern, retails sales, or sales room located on the same premises as the manufacturing of the beverage.
 - b. In the M-2, MU-B-1, and MU-B-2 districts these uses shall not exceed 10,000 square feet.
 - c. An on-premise sales room may be part of the principal use as long as the floor area is less than 30% or 1,000 square feet, whichever is greater.
 - d. The use may include the sale of food for consumption on premises subject to State Liquor Code requirements.
 - e. Additional conditions of the site improvement plan or conditional use permit may be applied to ensure the use is designed and operated in a manner that does not create nuisance impacts on surrounding uses.
- 4. *Outdoor Storage.* In districts where outdoor storage (principal use) uses are enabled, it shall comply with the following:
 - a. The site shall not be surfaced with grass. The site shall comply with EMC § 11-3-5 regarding storm drainage.

- b. The site shall be maintained in good condition, free of weeds, dust, trash, and debris.
 - c. The site shall be screened by a solid fence and a Type 3 buffer according to Chapter 8 of this Title for any storage area visible from the right-of-way or adjacent residential property.
 - d. No materials or supplies shall be stored above the level of the screening fence.
5. *Automobile Wrecking/Salvage Yard.* In districts where automobile wrecking / salvage yards uses are enabled, it shall comply with the following:
- a. The minimum lot size shall be 1.5 acres.
 - b. The use shall comply with Chapter 10, Title 5, EMC.
 - c. All outdoor storage areas shall be screened by a solid fence and a Type 3 buffer according to Chapter 8 of this Title for any storage area visible from the right-of-way or adjacent residential property.
 - d. No shredding or crushing of vehicles shall be permitted.
6. *Hazardous Waste Handling.* In districts where hazardous waste handling uses are enabled, it shall comply with the following:
- a. Hazardous waste operations shall conform to all applicable State and Federal requirements necessary for the operation of a hazardous waste facility.
 - b. Hazardous waste operations shall conform to all applicable City regulations.
 - c. Processing of hazardous waste shall be conducted entirely within an enclosed structure. Storage of hazardous waste shall be contained entirely within an enclosed structure or within an approved above ground storage tank.
 - d. Hazardous waste operations shall be located a minimum of 500 feet from the boundary line of any residential zone district, residential use, or park.
7. *Recycling Operation.* In districts where recycling operation uses are enabled, it shall comply with the following:
- a. Where permitted by right (Recycling Operation, Enclosed), the processing of all materials shall occur within an enclosed structure. The storage of materials may occur outside of the structure provided the storage is in a roll-off container, semi-trailer, or similarly self-contained apparatus.
 - b. Where permitted as a conditional use (Recycling Operation, Unenclosed), the permit shall be reviewed according to the following additional criteria in addition to all other conditional use permit criteria:
 - (1) The use shall be established on a lot or parcel(s) of at least 1 contiguous acre.
 - (2) The manufacturing and storage of all processed and unprocessed materials shall be enclosed with a solid, opaque vertical wall or fence with a maximum height of 8 feet on the parcel's frontage and twelve feet on the parcel's side and rear boundaries. Fences of woven plastic, wire, or chain link shall be prohibited. Any outdoor storage area visible from the right of way or residential property shall be screened with a Type 3 buffer according to Chapter 8 of this Title.
 - (3) The stockpiling of all processed and unprocessed materials shall not exceed the height of the screening wall or fence.
 - (4) No more than 75% of the parcel's total area may be utilized for the storage of processed or unprocessed materials.

16-4-4 Accessory Uses

- A. **Accessory Uses, Generally.** All principal uses may include accessory uses. All accessory uses, and any accessory use not specifically mentioned in this Section, shall be subject to the following general standards:
1. The use and any structure is clearly incidental and subordinate to an allowed use and customarily associated with the allowed use.
 2. The use is on the same lot as an active principal use.
 3. The use is operated and maintained under the same ownership, or by the same lessee, as the principal use.
 4. The use and any structures or other site design elements meet the generally applicable dimension, development, and design standards applicable to the lot.
 5. The use is compatible with the general character of the area and comparable in scale and intensity to other uses in the vicinity.
 6. No use or structure may be constructed, maintained, or conducted in a way that produces noise, vibration, noxious odor or material, any visible light, glare, or other visible impacts that are harmful, damaging, or disturbing to the adjacent property.
 7. Any structures or site design elements to support the use are not significantly different from what is typical for other allowed uses in the district, or where different can be screened or located to minimize impact on adjacent property.
 8. No unusual traffic patterns or increases in activity that impact the use and design of streets and public spaces differently than other allowed uses will result.
 9. All uses are conducted, and structures are maintained in a way that is consistent with the intent and objectives of all other design and development standards applicable to the property.
 10. No activity, whether accessory to or in addition to the principal use, shall be permitted under this Section where it does not meet all other use or site design standard of this code, or comply with other codes of the City.
 11. Prohibited accessory uses in all districts:
 - a. Use of a travel trailer or recreational vehicle as a residence.
 12. Prohibited accessory uses in residential zoning districts:
 - a. Outdoor storage of inoperable vehicles.
 - b. Parking of commercial vehicles on public property or in public right-of-way.
- B. **Accessory Dwelling Units.** In addition to the standards applicable to all accessory uses in EMC § 16-4-4.A, the following additional standards apply to accessory dwellings:
1. Accessory dwelling units may be permitted when associated with a detached house, multi-unit house, or attached houses, as indicated in Table 5-2, Residential Building and Lot Standards.
 2. Accessory dwelling units may be located in a detached accessory building, attached to an existing building, or located within the principal building (such as an attic or basement). The total floor area of the accessory dwelling unit shall be limited to no more than:
 - a. 800 square feet, if in a detached building or attached to the principal building.
 - b. Equal to the building footprint if internal to the principal building.
 3. Detached houses in the R-2-B and MU-R-3 districts may have multiple accessory dwelling units as indicated in Table 5-2, provided:
 - a. Only one unit may be in a detached building; and
 - b. There shall be at least 2,000 square feet of lot area for each unit, including the principal dwelling unit.
 4. No additional parking space is required for an accessory dwelling unit. Where a parking space is provided, it shall be subject to all lot coverage and frontage design standards.
 5. All buildings, including any detached accessory structure, shall meet the development and design standards for the lot in Chapter 5.

6. The accessory dwelling unit shall be compatible with the principal building, and whether within the principal building or in a detached structure in the following ways:
 - a. The accessory dwelling unit shall be clearly subordinate to the principal dwelling through the location of access, building entrances, parking, and other design features that accommodate the accessory dwelling unit.
 - b. Entrances and exterior stairs shall be located towards the interior of the lot or alley, and otherwise designed to minimize impacts on adjacent property.
 - c. Attached accessory dwelling units shall be to the side or rear of the principal structure, or otherwise integrated into the principal dwelling structure.
 7. Prior to occupancy of the accessory dwelling unit all building and occupancy permits shall be approved, and inspections conducted demonstrating compliance with applicable building and fire safety codes.
 - a. Any newly constructed element shall meet current codes.
 - b. Existing buildings or parts of the principal dwelling unit not impacted by construction of the accessory dwelling unit may be required to correct any property maintenance code violations based on compliance with codes applicable to those portions of the structure.
 8. All impact fees applicable to new construction shall apply to the accessory dwellings.
 9. Accessory dwelling units shall connect to water and sewer lines of the principal dwelling, subject to the requirements of the Englewood Water and Sewer Board.
- C. **Home Occupation.** In addition to the standards applicable to all accessory uses in EMC § 16-4-4.A, the following additional standards apply to home occupations:
1. Home occupations are permitted on any property where the principal use is residential dwellings.
 2. The building and site shall retain all appearances as a residence, and no alterations to entrances, storage, window or merchandise displays, parking or other facilities that alter the residential character or clearly indicate non-residential uses shall be permitted.
 3. Employment shall be limited to residents of the principal dwelling and one additional non-resident
 4. The activity shall be operated entirely within the dwelling or allowed accessory buildings, and limited to no more than 50% of the interior space, except permitted home care accessory uses may use the entire space.
 5. No traffic, services, or deliveries shall be generated by the home occupation that is abnormal to a residential neighborhood.
 - a. Activity from deliveries, customer, or patron visits shall generally be limited to between the hours of 7 a.m. and 9 p.m.
 - b. Except for permitted home care accessory uses, customer visits shall be limited to no more than 8 per day and no more that one customer at a time.
 - c. All parking necessary for the use shall be confined to the garage, driveway, or street directly in front of the dwelling meeting the applicable Residential Building and Site Design standards in EMC § 16-5-4.
 6. Sale of any merchandise shall be limited to items that have been made, grown, or prepared on site, or to remote or mail-order sales where the storage and exchange do not happen on site.
 7. No equipment, machinery or operation shall be used in such activities that is perceptible off the premises because of noise, smoke, odor, dust, glare, radiation, electrical interference, or vibration.
 8. Signs shall be limited to one non-illuminated sign, no more than two square feet, and within at least ten feet of the primary entrance, except no signs are permitted for home occupations in the R-1-A district.
 9. Home occupations shall not be permitted for the following businesses:
 - a. Animal hospital or kennel, animal daycare, and breeders, except licensed canine and feline breeders.

- b. Barbers, hairdressers, cosmetologists, beauticians, or other personal care involving skin, hair, or nails.
 - c. Automobile service and repair, or vehicle sales requiring a state dealer's license.
 - d. Sale, storage, or assembly of guns, knives, or other weapons or immunity.
 - e. Food or beverage services.
 - f. Any use involving storage, operation, or parking of equipment and large vehicles such as towing, landscape maintenance, or construction businesses.
 - g. Any use involving the dispensing, use, storage, or processing of hazardous materials
 - h. Medical marijuana centers, medical marijuana-infused product manufacturers, or medical marijuana optional premises cultivation operation.
 - i. Manufacture of wine, distilled sprits, or malt beverages.
- D. **Home Care.** Home care is a specific type of home occupation, and treated distinct from other general home occupations or group homes. In addition to the standards applicable to all accessory uses in EMC § 16-4-4.A, the following additional standards apply to home care:
- 1. A person may use their primary residence for the accessory business of caring for children or adults from outside of the residence, not related to the care provider, subject to this Section.
 - 2. The business shall be subject to all required state licenses and City business licenses.
 - 3. The care shall be on a less than 24-hour basis, and subject to the following additional limitations.
 - a. Adult Care: Care for individuals 18 year or older, and limited to no more than four adults.
 - b. Family Child Care Home: Care for up to six children, no more than three of which may be under two years of age, including the care provider's children
 - c. Infant / Toddler Home: Care for up to four children between the age of birth and three years old, no more than two of which may be under 12 months, including the caregiver's own children and no more than one child related to the care giver between three years old and six years old; or if two caregivers are present, up to six children between birth and three years old, no more than three of which may be under 12 months, including the caregivers own children.
 - d. Larger Child Care Home. Care for between seven and 12 children between two years old and 16 years old; provided that up to two children under two years of age are permitted if they are siblings of other children in care; and provided the caregiver's children under 12 and on the premises count towards the limit.
- E. **Short Term Rentals.** In addition to the standards applicable to all accessory uses in EMC § 16-4-4.A, the following additional standards apply to short term rentals:
- 1. *Short Term Rentals.* A short term rental (STR) is a residential dwelling unit that provides nightly or weekly rental, with or without a breakfast, of all or some portion of such dwelling unit for less than 30 days, all in accordance with all applicable laws and regulations.
 - 2. *Zoning Districts.* On and after April 1, 2020, STRs are allowed in the following zone districts: R-1-A, R-1-B, R-1-C, R-2-A, R-2-B, M-1, M-2, M-O-2, MU-R-3-A, MU-R-3-B, MU-R-3-C, MU-B-1, and MU-B-2.
 - 3. *Licensing and Permitting Required.* It shall be unlawful for any person or entity to offer or provide lodging in the form of a short term rental within a residential property located within the City of Englewood in any area not zoned to allow for such use, and without having first obtained businesses licenses required by EMC § 5-31-2.
 - 4. *Enforcement.* Enforcement of the provisions of this Section shall be in conformance with Chapter 1 of this Title.
- F. **Outdoor Storage, Residential.** Accessory outdoor storage may be permitted in the residential zone districts subject to Title 15 of the Englewood Municipal Code and the following standards:

1. *Portable Storage Containers.* Portable storage containers may be permitted subject to the following limitations:
 - a. No more than one per lot, limited to a maximum of 200 square feet and 1,000 cubic feet.
 - b. Containers shall be placed on a paved surface and not over any easement or right-of-way, or otherwise create any sight obstruction.
 - c. Placement is limited to a period reasonably necessary to complete the associated project or task, not to exceed 30 days.
 2. *Recreational Vehicles.* Outdoor storage or parking of recreational vehicles shall be subject to the standards of EMC § 11-6-2.
 3. *Other Storage.* All other accessory outdoor storage, other than ordinary and incidental residential accessories, shall either be:
 - a. Completely screened from adjacent property and public streets by permitted structures or a solid privacy fence; or
 - b. Be limited to no more than 72 hours in any 30-day period; or
 - c. Be associated with an active building permit and in which case the storage may extend for the duration of the permit and subject to all other permit conditions.
- G. **Drive-Through Service Facilities.** In addition to the standards applicable to all accessory uses in EMC § 16-4-4.A, the following additional standards apply to drive-through service facilities:
1. Drive-through service facilities may be permitted on any property where the principal use is commercial or service uses, but limited to the MU-B-2, I-1, and I-2 districts.
 2. The service area shall not substantially expand the traffic or vehicle circulation otherwise necessary for the site. In general, the service area shall use the same entrance and exit from the site as the principal use, unless a more remote or discrete service off an alley or secondary street better meets the criteria in this Section.
 3. Vehicle circulation shall avoid potential pedestrian/vehicle conflicts on the site and along the streetscape.
 - a. Adequate stacking spaces for automobiles shall be provided on site and outside of setbacks to eliminate any impact on public streets.
 - b. Stacking areas shall generally accommodate at least three vehicles for non-food service uses and eight vehicles for food-service uses, but may be modified for greater or lesser stacking dependent on the use or the context of the site.
 - c. Circulation, stacking and other access issues shall be designed in a manner that has the least impact on pedestrians entering the principal building from public streets and from internal pedestrian or parking areas.
 - d. No access or queuing area shall be provided between the building and the street on any pedestrian oriented streetscape. (Mixed-use or pedestrian street types in EMC § 16-3-4 or EMC § 16-6-4.A). Use of alleys, internal access and the rear of buildings for drive-through services is required to preserve the streetscape design and development patterns of these areas.
 4. Service areas and windows shall be located in the most remote location possible, considering adjacencies to public streetscapes, residential property, or other sensitive adjacencies.
 - a. Signs, speakers, or service facilities shall not be visible or audible from the residential property. Operational limitations and additional screening or buffers may be required beyond the standards of EMC § 16-8-4 to ensure compatibility.
 - b. Signs, speakers, or service facilities shall be located on the side or rear of buildings to minimize impact on streetscapes.
 - c. To the maximum extent practicable, drive in lanes shall not be located between the principal building and street or other public gathering places. Where this is not possible, they shall be set back at least 20 feet from the right-of-way to permit additional landscape design and impact mitigation.

- d. Any stacking area, drive-through circulation lanes or drive-through facilities visible from the streetscape shall require enhanced landscape and frontage design elements beyond the standards of EMC § 16-8-3 and EMC § 16-6-4.
 5. The Director may require any drive-through service facility that does not clearly meet these standards and criteria to be reviewed subject to the procedures for conditional use permits in EMC § 16-2-9.
- H. **Outdoor Display and Service Areas.** In addition to the standards applicable to all accessory uses in Section 16-4-4.A, the following additional standards apply to outdoor display and service areas, such as sidewalk seating and dining or sidewalk sales:
1. Outdoor display and service areas may be permitted on any property where the principal use is commercial or service uses.
 2. Outdoor display and areas shall be located on the same lot as the principal use or along the street frontage immediately abutting the use in the case of buildings along streets designed to the mixed-use or pedestrian standards in Section 16-3-4.
 3. The area shall be limited to no more than 50% of the ground floor area of the principal use or 2,000 square feet, whichever is less.
 4. Display and service areas shall not be arranged where they interfere with pedestrian movements or building access, or with clear vision areas. At least five feet clear or at least 50% of the width any sidewalk, whichever is greater, shall remain clear and unobstructed by any display or service areas located on a sidewalk.
 5. The area may be located in parking areas, provided it does not interfere with adequate parking and circulation of the entire site. The permanence of any structures shall be considered in evaluating the impact on adequate parking needs for the site.
 6. The display and service area may be excluded from required parking up to the first 40 seats.
 7. The area shall be at least 100 feet from any residential zone district and screened from view along any property line abutting a residential use.
 8. The hours of operation shall be between 7 a.m. and 10 p.m., except where the use is more than 500 feet from any R-1, R-2, or MU-R-3 district.
 9. Any outdoor display or service area beyond these requirements may only be permitted as an allowed outdoor sales principal use or as a temporary accessory use according to EMC § 16-4-4.H.
- I. **Medical Marijuana Cultivation and Infused Products Manufacture.** In the M-2, MU-B-1, and MU-B-2 districts, Medical Marijuana Cultivation or Infused Products Manufacture is only permitted as accessory to an otherwise permitted Medical Marijuana Center, and subject to all other general accessory use limitations in EMC § 16-4-4.A.
- J. **Temporary Uses.** Uses that may not otherwise be interpreted as being permitted by Table 4-2, or accessory uses in EMC § 16-4-4, may be permitted through a Temporary Use Permit according to this Section. Temporary use permits are not required for residential garage or yard sales. (See Title 5 of EMC.)
1. *Permit.* An application for a permit shall be submitted by the owner, or an agent of the owner with written permission from the owner at least ten days prior to the desired issue date.
 - a. The permit shall have a specified start and end date not more than 90 days per year, or be based on a schedule that includes no more than 45 days per year and no more than 12 occasions per year.
 - b. The applicant shall submit a complete description of the event or activity, including anticipated traffic, hours and peak times of operation, access and circulation plans, the ability to accommodate fire and police access, and any need for special protection or other public safety, health and welfare needs.

- c. The applicant shall submit a plan identifying the extent of the grounds, gathering places and circulation routes, any streets or public spaces to be dedicated to the event, the location of all structures, equipment or other accessory facilities, and any utility needs for these structures, equipment or fixtures.
 - d. The Director may extend the permit one time for up to an additional 30 days. The extension shall only be permitted based on circumstances not foreseeable at the time of the original permit and provided no problems have arisen under the original permit.
2. *Standards.* All activities and any temporary structures shall meet the zoning district setbacks and standards, with the exception of the following:
- a. The use shall be associated with a principal and permitted institutional, commercial, office, or industrial use of the property.
 - b. Setback standards for all buildings, structures and facilities shall generally be met for the principal use and temporary use, except that the Director may account for temporary structures and facilities in the setback based on the nature of activities, duration of the event, degree of any immediate impacts on adjacent areas, and whether there is a plan for restoration of the area or other potential for lasting impacts on adjacent areas.
 - c. Parking requirements shall generally be met for the principal use and the temporary use, except that the Director may account for any existing and underutilized parking, the duration of the event, the correspondence of different peak parking periods, presence of off-site parking, and any transportation management when considering appropriate parking relative to the permit.
3. *Criteria.* A temporary use permit shall be evaluated based on the following, in addition to all other general procedures and criteria for site improvement plans in EMC § 16-2-6:
- a. The proposed use shall be of a scale, intensity, and format that ordinarily occurs in the vicinity considering the size, anticipated traffic, hours of operation and duration of the event.
 - b. The anticipated traffic and parking can be handled by the existing street network, site access and lot layout, or the applicant has demonstrated sufficient management strategies and procedures to mitigate any potential negative effects on the area.
 - c. The degree of potential negative impacts on adjacent property, and in particular the likelihood of the event violating the general District Performance Standards in EMC § 16-4-5. The applicant may submit mitigation plans for any potential impacts, including limiting hours of operation, buffers and screening, transportation management, or other evidence or plans to accommodate concerns and limit impacts on surrounding property owners or residents.
 - d. The use shall comply with all other applicable codes, licenses, or other public health, safety, and welfare requirements.
 - e. The location subject to the temporary use permit shall be restored to its original condition upon the earlier of the expiration of permit or end of operation. Except, permanent improvements may be made to the location, and may remain with the property owner's written consent provided they meet all applicable zoning and site design standards.
 - f. The Director may impose any other conditions on a permit necessary to protect the public health, safety, and welfare.

16-4-5 District Performance Standards

- A. **General Operation and Performance Standards.** In association with the more specific standard for public health, safety, sanitation, and environmental standards of the EMC, the

development standards in this code shall be interpreted and applied to meet the following general operation and performance standards.

1. **General Rule Against Nuisances.** No use shall be undertaken or operated in a manner that creates a common nuisance.
2. **Residential and Business Districts.** No use shall be permitted in the residential or business districts, which by emitting an obnoxious or dangerous degree of heat, odor, glare, radiation, dust, or fumes, or an undue or excessive noise beyond the boundary line of the lot upon which the use is located, shall become a nuisance to other uses in the area.
3. **Industrial Districts.** All industrial uses shall comply with the following specific limitations
 - a. **Volume of Sound Generated.** Every use shall be so operated that the volume of sound inherently and consistently generated does not exceed seventy (70) decibels at any point of any boundary line of the lot on which the use is located.
 - b. **Vibration Generated.** Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the lot on which the use is located.
 - c. **Emission of Heat, Glare, Radiation, Dust, and Fumes.** Every use shall be so operated that it does not emit an obnoxious or dangerous degree of heat, glare, radiation, dust, or fumes beyond any boundary line of the lot on which the use is located.
 - d. **Outdoor Storage and Waste Disposal.**
 - (1) Installation and storage of flammable or combustible liquids, solids, or gasses shall comply with all requirements of the fire code adopted by the City.
 - (2) All outdoor storage facilities for fuel, raw materials and products and all fuel, raw materials and products stored outdoors shall be enclosed by a solid fence or wall adequate to conceal such facilities, fuel, raw materials and products from adjacent residential districts; provided, however, that such fence or wall not exceed eight feet in height.
 - (3) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes.

B. Lighting. In addition to all other landscape and site design standards and criteria, site lighting shall generally meet the performance criteria in Table 4-4, and the performance standards following the table.

Table 4-4: Lighting Performance Standards				
	MU-R-3-A – C and M-1 and M-2	MU-B-1 and MU-B-2	I-1	I-2
Lighting and Right-of-way. Lighting measured at the property line adjacent to right-of-way	1.0 FC	1.5 FC	1.0 FC	1.0 FC
Lighting and Residential Uses. Lighting measured at the property line adjacent to residential uses	0.1 FC	0.5 FC	0.1 FC	0.1 FC
Lighting and Same or More Intense Uses. Lighting measured at the property line adjacent to the same or more intense zoning districts	1.5 FC	2.0 FC	2.0 FC	2.0 FC

1. All exterior fixtures shall be fully shielded and installed so that the direct illumination is confined to the property boundaries of the source, except for ornamental lights below 500 lumens, or 200 lumens where multiple fixtures are used.

2. The location, height, and fixture shield shall prevent light spread or glare onto any adjacent property or any public right-of-way, other than building mounted lighting on street-front buildings.
 3. All facade lighting and other externally illuminating lights shall use shielded, directional fixtures, designed and located to minimize uplighting and glare. Decorative lighting, such as lanterns and wall sconces, which may be allowed as long as the fixtures do not exceed 200 lumens and do not emit light directly upward.
 4. The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site and building.
 5. Lighting shall be designed to meet the functional and security needs of the site, without adversely affecting adjacent properties. Performance and operational characteristics such as dimming interfaces or timers that reduce lights to minimal security levels for off hours should be used.
 6. Lighting plans shall demonstrate compliance with industry standards and guidelines for environmental and energy performance, including the fixture types, light source, and energy source.
 7. A photometric plan prepared by a qualified professional may be required by the Director for large-scale uses or where certain compatibility and adjacency issues exist because of anticipated lighting.
 8. Nuisances related to this Section must follow processes outlined in Title 15 of this code.
- C. **Conditions and Compatibility.** The City may impose conditions upon the approval of any development application or any permit to ensure that it is compatible with adjacent uses and compliant with the district performance standards. Conditions may include:
1. Hours of operation and deliveries.
 2. Location, design, and screening of a outdoor activity areas or other site activities that generate potential adverse impacts to adjacent uses.
 3. Placement of facilities that require regular service of large or utility vehicles, such as trash receptacles or loading areas.
 4. Location of outdoor speakers, communication, or other amplification systems.
 5. Light height, intensity, shield and design, and hours of partial and full illumination.

Chapter 5 Residential Development and Design

- 16-5-1 Intent
- 16-5-2 Applicability
- 16-5-3 Development and Dimension Standards
- 16-5-4 Residential Design
- 16-5-5 Attainable Housing Guidelines
- 16-5-6 Sustainable Sites and Building Guidelines
- 16-5-7 Neighborhood Protection Overlay (NPO)

16-5-1 Intent

The intent of the Residential Development and Design standards is to:

- A. Improve the appearance and livability of neighborhoods with good neighborhood design, including streetscapes, parks and trails, civic spaces, and other focal points that shape neighborhood character.
- B. Encourage residential development patterns that capitalize on and coordinate with the City's multi-modal transportation systems.
- C. Provide housing variety throughout the City in terms of size, type, and price points.
- D. Establish lot size and building scale standards that are appropriate to each residential zone district but encourage variety of building types and arrangements within neighborhoods.
- E. Ensure compatible transitions between different building types within neighborhoods.
- F. Orient all buildings and lots to the public street or to common open spaces in a consistent manner and locate active social spaces along the streetscape.
- G. Promote lasting and sustained investment in neighborhoods with quality design.

16-5-2 Applicability

- A. The standards in this Chapter shall apply to all development in the R-1-A, R-1-B, R-1-C, R-2-A, R-2-B, MU-R-3-A, MU-R-3-B, and MU-R-3-C districts, except where stated that sections only apply to specific building types, specific districts, or specific scales of projects.
- B. The standards for the MU-R-3-C district apply to residential projects permitted in nonresidential districts, as specified in Chapter 6 of this Title.
- C. Modification or additions to existing buildings or sites shall meet these standards to the extent of the modification or addition, except that the Director may waive any requirement that:
 - 1. Conflicts with the consistent design of an existing building; or
 - 2. Conflicts with the prevailing character on the block or immediate vicinity of the project.
- D. The standards shall not apply to ordinary maintenance of existing buildings, except that maintenance to any building may not occur in a manner that moves the building further from compliance with these standards.

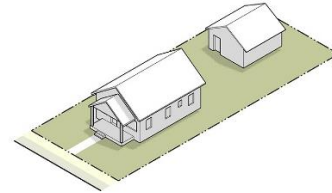
16-5-3 Development and Dimension Standards

- A. **Building Types and Development Standards.** The development standards for residential districts shall be based on the different building types permitted in each district. Differences in building types and lot configurations are identified in Table 5-1, Building Types and Lot Configurations, and standards for the specific building and lot configurations permitted in each district are specified in Table 5-2, Residential Building and Lot Standards.

Table 5-1: Building Types and Lot Configurations

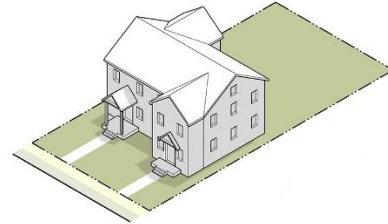
Detached House

A residential building designed for one principal dwelling unit situated on a single lot in a neighborhood setting. It may accommodate accessory buildings or an accessory dwelling unit subject to meeting additional criteria, lot standards, and building design standards. Variants of this type are based primarily on the lot size required in different zone districts or development contexts.



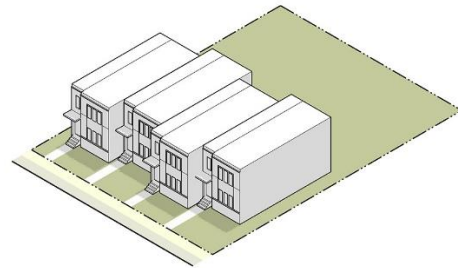
Multi-unit House

A residential building designed to accommodate two to four primary dwelling units on a single lot in a neighborhood setting. This building type has the scale, massing, and appearance of a detached house, and the accommodations for multiple units are minimized in the design of the building. Configuration of units may vary (up/down, front/back, side/side), and these variations typically prevent platting of individual units and lots (see Attached House). Variants of this type include and are commonly referred to as duplex, tri-plex, or quad-plex.



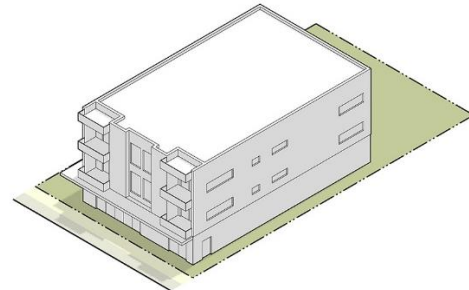
Attached House

A residential building type designed to accommodate two or more dwelling units, in a neighborhood or mixed-density setting. Each unit is separated by a common side wall with a side-by-side configuration, and each has its own private entrance. It is distinguished from a multi-unit house in that each unit may be platted on its own lot and may appear as distinct and separate units through entrances and façade designs. Variants of this type include and may be commonly referred to as paired house, townhouse, or row house.



Apartment / Mixed Use

A residential building designed to accommodate multiple units in a single building and on a single lot, in a mixed-density, high-density, or mixed-use setting. Buildings typically have a common entry shared by all units and interior common space accessing individual units. In some settings, buildings can accommodate accessory or ground floor non-residential uses. Variants of this building include small-, medium-, and large-scale buildings, dependent on the lot size, building footprint, height, and number of units.



Standard Lot

A typical configuration for lots within a block with two tiers of lots, each of which front on the long side of the block, including interior lots and corner lots.

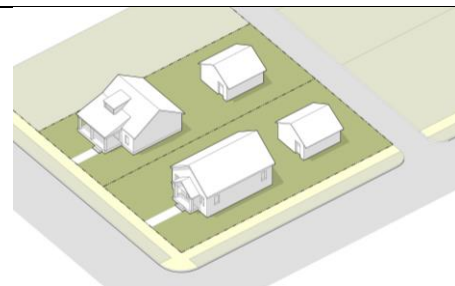


Table 5-1: Building Types and Lot Configurations

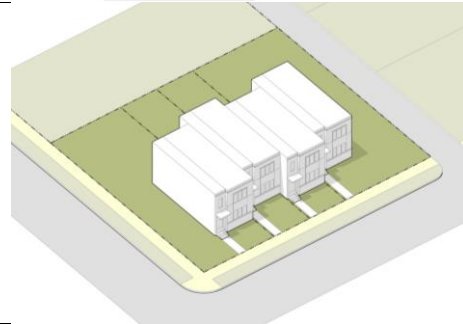
Front / Rear Corner Lot

A configuration where a corner lot is split into two lots – a larger front corner lot where the building and lot front on the long side of the block consistent with other lots on the block, and a smaller rear corner lot where the building and lot front on the short side of the block.



End Grain Lot

A configuration where one or more corner lots are divided to form multiple smaller lots where the buildings and lots front on the short end of the block, often to create a transition from the interior of the block to different building types along a corridor or at the edges of neighborhoods.



Courtyard Lot

A configuration where one or more lots are divided to form multiple smaller lots that are arranged around and front on a common courtyard, serving as the shared frontage for all lots, and providing access to the street front for the entire courtyard pattern.



Table 5-2: Residential Building and Lot Standards

Building Type	# of Units		Minimum Lot Standards			Building Standards			
	Principal	ADU [2]	Area	Width	Lot Coverage	Height	Setbacks		
							Front [3]	Side	Rear
R-1-A									
Detached House	1	1	9K	75'	40%	30'	25'	7'	20'
Detached House – Front Corner Lot [1]	1	-	6K	75'	50%	30'	25'	5'	5'
Detached House – Rear Corner [1]	1	-	3K	40'	50%	25'	10'	5'	5'
Detached House – Courtyard Lot [1]	1	-	3K	25'	60%	25'	5' – 25'	3'	10'
R-1-B									
Detached House	1	1	7.2K	60'	40%	30'	25'	5'	20'
Detached House – Front Corner Lot [1]	1	-	4.8K	60'	50%	30'	25'	5'	5'
Detached House – Rear Corner [1]	1	-	2.4K	40'	55%	25'	10'	5'	5'
Detached House – Courtyard Lot [1]	1	-	2.4K	25'	60%	25'	5' – 25'	3'	10'
R-1-C									
Detached house	1	1	4.5K	37'	40%	30'	25'	5'	20'
Detached House – Front Corner Lot [1]	1	-	4K	50'	50%	30'	25'	5'	5'
Detached House – Rear Corner Lot [1]	1	-	2K	40'	55%	25'	10'	5'	5'
Detached House – Courtyard Lot [1]	1	-	2K	25'	60%	25'	5' – 25'	3'	10'
R-2-A									
Detached House	1	1	3K	25'	50%	25'	25'	3'	20'
Multi-unit House	2	1	6K min. 7.5K max.	50'	40%	30'	25'	5'	20'
Multi-unit House – Corner Lot [1]	3 - 4	1	6K min. 10K total max	50'	40%	30'	25'	5'	20'
Attached House	2	1	3K / unit min	25' / unit min. 75' total max.	40%	30'	25'	5'	20'
Attached House – End Grain Lot [1]	3 - 4	1	1.5K / unit min	15' / unit min 125' total max	60%	30'	10' – 25'	5'	20'
R-2-B									
Detached House	1	1 - 3	3K	25'	50%	25'	25'	3'	20'
Multi-unit House	2 - 4	1	6K min 10 K total max	50'	40%	30'	25'	5'	20'
Attached House	2 - 6	1	1.5K / unit min	15' / unit min 125' total max	60%	30'	15' – 25'	5'	20'
Apartment – Corner Lot [1]	5 - 8	-	1.2K / unit min 12.5K total max	50' – 100'	60%	30'	15' - 25'	5'	20'
MU-R-3-A									
Detached House	1	1 - 3	3K	25'	50%	30'	25'	3'	20'
Multi-unit House	2 - 4	1	6K min. 10K max	50'	50%	30'	25'	5'	20'
Attached House	2 - 6	1	1.5K / unit min	15' / unit min 125' total max	60%	40'	15' – 25'	5'	20'

Table 5-2: Residential Building and Lot Standards

Building Type	# of Units		Minimum Lot Standards			Building Standards			
	Principal	ADU [2]	Area	Width	Lot Coverage	Height	Setbacks		
							Front [3]	Side	Rear
Apartments / Mixed Use	5 - 8	-	1.2K / unit min. 12.5K total max	50' – 100'	70%	40'	15' - 25'	5'	20'
MU-R-3-B									
Detached House	1	1 - 3	3K	25'	50%	30'	25'	3'	20'
Multi-unit House	2 - 4	1	6K min. 10 K max	50'	50%	30'	25'	5'	20'
Attached House	2 - 6	1	1.5K / unit min	15' / unit min 125' total max	60%	40'	15' – 25'	5'	20'
Apartments / Mixed Use	5 - 16	-	1.1K / unit min. 20K total max	50' – 150'	70%	40'	15' - 25'	5'	20'
MU-R-3-C Districts									
Detached House	1	1 - 3	3K	25'	50%	30'	25'	3'	20'
Multi-unit House	2 - 4	1	6K min. 10 K max	50'	50%	30'	25'	5'	20'
Attached House	2 - 6	1	1.5K / unit min	15' / unit min 125' total max	60%	40'	15' – 25'	5'	20'
Apartments / Mixed Use	5+	-	6K min.	50' – 300'	70%	40'	15' - 25'	5'	20'
All R-1, R-2, and MU-R-3 Districts									
Other Building Types <i>Any permitted freestanding non-residential uses</i>	n/a		24K	200' – 300'	40%	32'	25'	15'	25'

- [1] Building type is only allowed in limited locations and the lot dimension standards apply in conjunction with the additional criteria in EMC § 16-5-3.C.2.
- [2] Accessory dwelling units (ADUs) are subject to additional site, dimension, design, and operation standards in EMC § 16-4-4.B.
- [3] Front setbacks may be modified on a block by block basis, subject to the frontage design standards in EMC § 16-5-4.B, Frontage Design, and through the administrative adjustment process and criteria in EMC § 16-2-11.

B. Accessory Buildings – Residential. Accessory buildings shall be permitted in association with and on the same lot as a principal building, subject to the standards in Table 5-3, Residential Accessory Structures, and to the following additional limitations.

Table 5-3: Residential Accessory Structures

Type	Quantity	Size [1]	Height	Setbacks
Minor Structure <i>(small shed, and similar structures)</i>	<ul style="list-style-type: none"> ▪ 1 / lot ▪ + 1 / each 10k s.f; ▪ Maximum of 3 	<ul style="list-style-type: none"> ▪ 200 s.f. max 	<ul style="list-style-type: none"> ▪ 12 feet max 	<ul style="list-style-type: none"> ▪ 3 feet side or rear ▪ Behind the rear building line of the principal structure
Secondary Building <i>(detached accessory building)</i>	<ul style="list-style-type: none"> ▪ 1 / principal building 	<ul style="list-style-type: none"> ▪ 15% of the lot, up to 1,000 s.f. max. 	<ul style="list-style-type: none"> ▪ 16 feet max ▪ 25 feet if ADU is placed above operable garage; but no higher than the principle structure 	<ul style="list-style-type: none"> ▪ 3 feet from side and rear; 6 feet if vehicle entrance faces an alley ▪ Behind the front of building line of the principal structure
Any building over 12' high or more than 200 square feet shall meet the design standards in EMC § 16-5-4				

- [1] In addition to the limits in this table, all permitted accessory buildings are subject to the lot coverage standards in Table 5-2 in conjunction with the principal building and other accessory structures.

1. All accessory buildings shall be at least ten feet from the principal building, or other distance specified by applicable building codes based on fire ratings of adjacent walls.
2. Accessory buildings shall be clearly incidental and subordinate to the principal building or use in terms of scale, location, and orientation.
3. Any building or structure over 12 feet high or over 200 square feet shall be compatible with the principal building considering materials, architectural elements, window and door details, and meet the design standards in EMC § 16-5-4.
4. Prior to any building permit required by the City, applicants shall demonstrate that any manufactured structure meets all applicable state and local code requirements.
5. Any building or structure exceeding the limits in Table 5-3 shall be treated as a second principal building and meet the same lot and building design standards as a principal building.

C. **Dimension Exceptions.** The following are exceptions to setback and building dimensions standards established in Table 5-2.

1. *Lot and Building Ownership Configurations.* Attached houses may have individual units platted on separate lots, provided the building meets the standards in Table 5-2 and each unit meets any per-unit or proportional standards for each lot. The lots shall be platted with a party wall as provided by the standards in the building code. Individual ownership and sale of units in other multi-unit building types shall only be permitted by following required condominium laws and recording appropriate documents with the Arapahoe County Clerk and Recorder
2. *Limited Building Types.* Building types designated for limited locations in Table 5-2 shall only be permitted in the following locations:
 - a. Corner lots, subject to specified maximum lot sizes and widths for the front corner and rear corner lots.
 - b. End grain lots, fronting on the short dimension of blocks.
 - c. Courtyard patterns as provided in EMC § 16-5-4.D.3

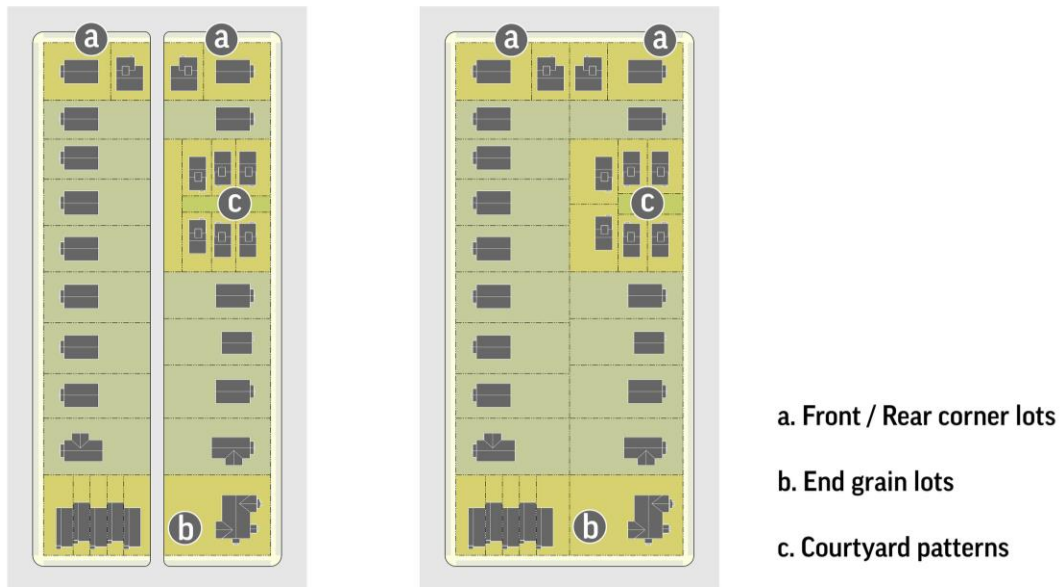


Figure 5-1. Limited Building types are permitted in specific locations to provide appropriate relationships and transitions to other buildings based on the building patterns, street design, and block layouts..

3. **Setback Encroachments.** The following encroachments into the required setback are permitted, except in no case shall this authorize structures that violate the provisions of any easement.
 - a. Primary entrance features may encroach beyond the required front building line, as specified in EMC § 16-5-4.C.3.
 - b. Structural projections such as bay windows, balconies, canopies, chimneys, eaves, cornices, roof overhangs, egress wells, fire escapes, or other non-foundational overhangs or projections may extend the lesser of up to four feet from the foundation, or up to 50% into the required setback. This exception shall be limited to no more than 20% of the overall building elevation.
 - c. Open air balconies may extend up to eight feet from any wall plane, but no closer than three feet from any common property line.
 - d. Unenclosed and unroofed decks or patios at or below the first-floor elevation may extend into the rear or side setback but no closer than three feet to any lot line, except that any of these structures integrated into the prevailing grade may extend to the property line on rear and interior side lot lines.
 - e. Ground-mounted mechanical equipment, meters, and utility boxes accessory to the building may be located in the side or rear setback provided that it extends no more than six feet from the principal building, no closer than two feet to the lot line, and is screened from public right-of-way by structures or landscape.
 - f. Any other accessory use or structure within the setback, not specified in EMC § 16-5-3.B shall have a setback of at least one-half its height from the property line.

4. **Height Exceptions.** The following are exceptions to the height limits in Table 5-2:
 - a. Architectural features such as chimneys, ornamental towers, spires, and similar accessory and non-occupiable elements that are integral to the particular architectural style may extend up to 30% above the actual building height.
 - b. Functional and mechanical equipment such as ventilators, utility fixtures, bulkheads, elevator penthouses, or communication equipment may exceed the height limit provided:
 - (1) On pitched roofs they extend above the roof no more than three feet.
 - (2) On flat roofs they extend above the roof no more than ten feet, are screened according to EMC § 16-8-4.C, and must be constructed in accordance with building codes.
 - c. Height exceptions shall not be used to promote any encroachment above the bulk plane requirements in EMC § 16-5-4.C.1.

16-5-4 Residential Design

- A. **Design Objectives.** The Residential Design standards have the following design objectives:
 1. Enhance neighborhood character by coordinating streetscape investment with private lot and building investment.
 2. Design frontages to the context of the neighborhood and relate lots and buildings to the streetscape in a compatible manner along the block face.
 3. Provide outdoor social spaces that activate the streetscape and limit the cumulative impact of frontages designed for car access.
 4. Use front entry features to create consistent human-scale connections to the streetscape, provide subtle variations in building patterns and massing, and differentiate adjacent buildings with unique architectural details.
 5. Promote appropriate building mass in relation to the lot and streetscape, and in relation to buildings and open spaces on adjacent lots.
 6. Ensure access to a variety of different types of open spaces including natural areas, park and recreation amenities, and formal gathering spaces.

B Frontage Design. The frontage design establishes neighborhood character through the relationship of buildings and lots to the streetscape, including building placement, lot access, and the location and extent of garages and parking.

1. **Front Building Line.** Front building lines create a consistent street wall along a block framing streetscapes. Front building lines shall be established according to the front setbacks required in Table 5-2 with the following exceptions:
 - a. Frontage design should be similar for all buildings along a block but may gradually transition to different building placements between lots.
 - b. The front building line of adjacent buildings shall not differ by more than five feet unless substantial space exists between the buildings.
 - c. Front entry features designed according to EMC § 16-5-4.C.3 may extend beyond the front building line.
 - d. Frontages shall meet the landscape design standards in EMC § 16-8-3, Required Landscape.
 - e. Front building lines may be modified to reflect specific patterns on a block according to the Administrative Adjustment procedures and criteria in subsection E and EMC § 16-2-11, and shall generally be between 15 feet and 40 feet from the front lot line.

2. **Garage and Driveway Limits.** Limiting driveways and garages reduces interruptions in the streetscape and sidewalk, and limits the extent of inactive spaces along the frontage. Curb cuts, driveways and front-loaded garages shall be limited as specified in Table 5-4.

Table 5-4 Driveway and Garage Limits		
	Maximum Access Width <i>(as % of lot width) [1]</i>	Maximum Front-loaded Garage Width <i>(as % of front building elevation width)</i>
Alley Served	15%	Prohibited – all garage entries shall be to the side or rear of lots
Non-alley Served	25%	25% if flush or up to 12 feet behind the front building line; 40% if 12 feet or more behind the front building line

[1] Measured within the right-of-way and the first 30 feet from the front lot line.

- a. **Shared and Common Access.** In cases where Table 5-4 limits or prohibits private access, shared driveways and common lanes internal to the block shall be used, and may use the cumulative frontage widths of multiple lots to determine permitted access widths.

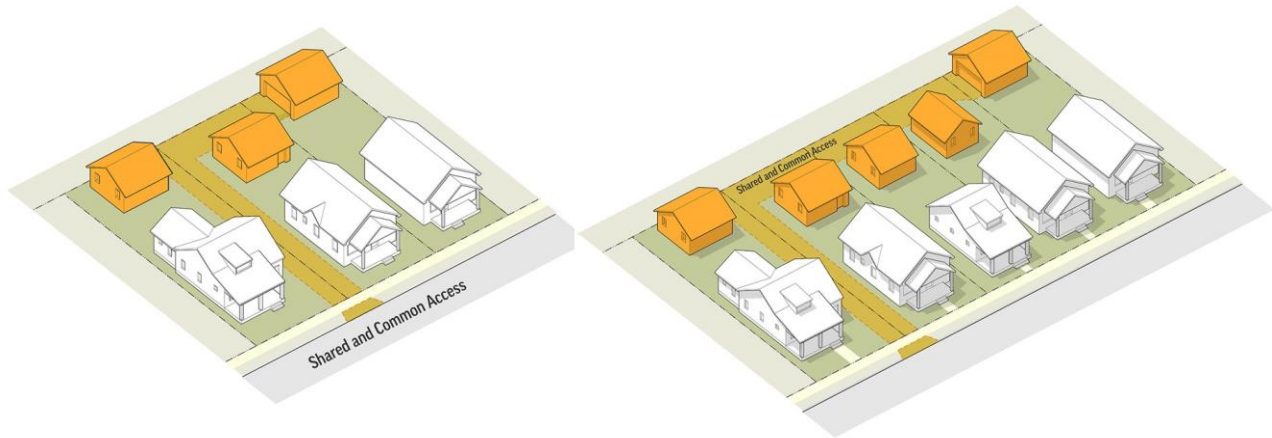


Figure 5-2. Shared or common access preserves streetscapes and continuous sidewalks in cases where alleys do not exist, and can serve two or more lots internal to the block, particularly where narrower lots would more frequently cause disruptions to the streetscape and sidewalk..

- b. **Alley Entrances.** Any garage entrance facing an alley shall be setback six feet from the alley edge or at least 18 feet, to allow proper turning movements to access the entrance and to eliminate vehicles parked in front of the entrance from projecting into the alley.
- c. **Exceptions.**
 - (1) Alley served lots wider than 100 feet may have a secondary access lane connecting to the alley, limited to no more than 15% of the frontage width.
 - (2) Detached houses on lots wider than 35 feet may be permitted one 8 feet by 18 feet accessory parking pad accessed off a driveway provided it is set back at least 15 feet from the front lot line.
 - (3) Any garage entry permitted by Table 5-4 may allow a driveway entry pad that is the width of the garage entry up to 20 feet in front of the garage entry.

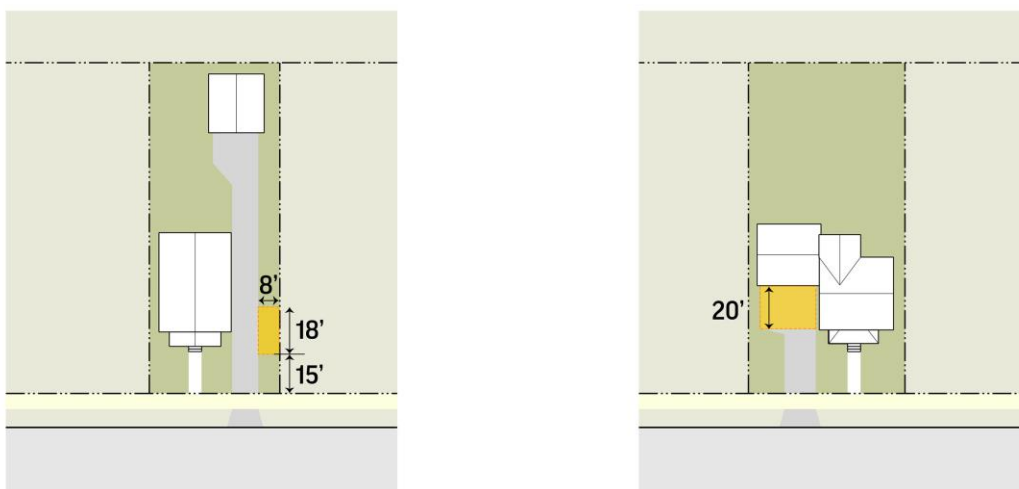


Figure 5-3. Driveway limit exceptions can allow for accessory parking or maneuvering to permitted front-loaded garages, while still preserving the frontage design and streetscape design objectives.

3. *Parking Location and Limits.* Parking location and limits ensure a pattern of buildings that shape the streetscape and active spaces that engage street frontages. Parking areas for more than four vehicles shall be located as follows:
 - a. Surface parking shall be setback at least 30 feet and be behind the front building line, whichever is greater. Surface parking shall be screened from the street with a Type 1 buffer specified in EMC § 16-8-4, Buffers and Screening.
 - b. Structured parking or open podium buildings shall be setback at least 30 feet. Structured parking may be flush with the front building line on lots wider than 100 feet, provided it is limited to no more than 50% of the frontage and the façade otherwise meets all street-facing design standards to limit the appearance of a parking structure along the street frontage.



Figure 5-4. Larger surface parking areas for multi-unit or mixed-use buildings shall be set back to preserve the residential streetscape and promote the priority of building frontages along blocks.

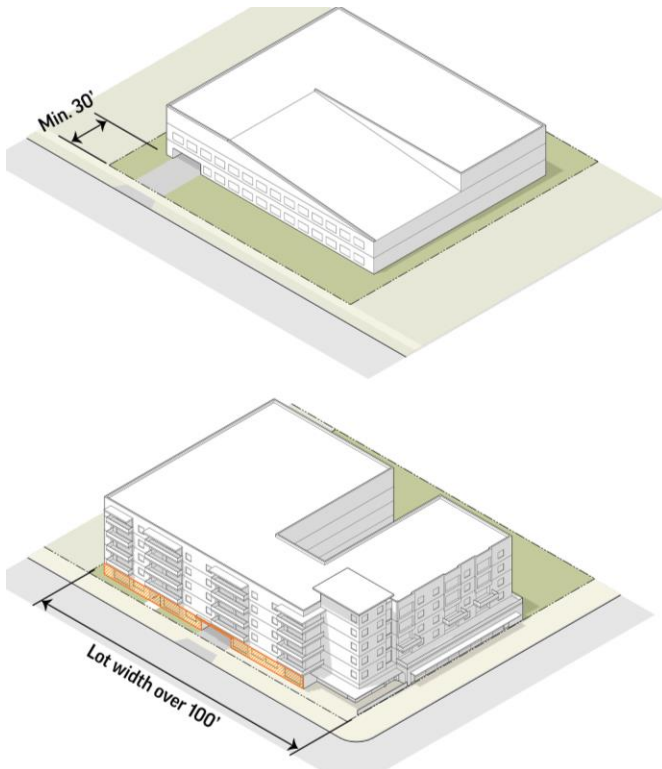


Figure 5-5. Structured parking shall be setback 30 feet to preserve the neighborhood streetscapes, except that buildings on wider lots that can incorporate active portions of the building along at least 50% of the streetscape may have remaining portions of the building and parking structure at the front building line.

- c. Corner lots shall meet the same standards on the side street for the first 30 feet from the corner or up to 25% of the side street frontage, whichever is greater.
- C. **Building Design.** Building design refines the scale and form of buildings beyond basic height and setback standards, and creates meaningful relationships to the spaces around buildings.
- 1. **Bulk Plane, one- to four-unit Buildings.** No part of any 1- to 4-unit building shall exceed the bulk plane established in Table 5-5. The bulk plane shall be measured as follows:
 - a. A bulk plane on the front 60% of the lot depth applying to all principal buildings.
 - b. A bulk plane on the rear 40% of the lot depth applying to any accessory building or portion of a principal building permitted in this area.
 - c. The maximum height established at the side lot line, or an exterior side lot line in the case of attached buildings, and increasing internally at a 45-degree angle (one foot for each one foot interior to the lot) and up to the maximum height established for each district.
 - d. Height at the side lot line shall be measured from the average of the existing grades of the two side property lines taken from:
 - (1) The midpoint of the front lot line and the front 60% of the lot for the front bulk plane.
 - (2) The midpoint of the rear lot line and the back 40% line for the rear bulk plane.
 - (3) Where the grade change between the front lot line and the rear lot line is more than ten feet, the height may be measured at the front setback for the front bulk plane and the rear setback for the rear bulk plane.

Table 5-5: Bulk Plane for 1- to 4-Unit Buildings

Bulk Plane		R-1-A and B	R-1-C	R-2-A and B MU-R-3-A, B and C
Front 60%	Height at Side Lot	12 feet	15 feet	17 feet
	Max Height	Building height limits in Table 5-2.		
Rear 40%	Height at Side Lot	8 feet	8 feet	10 feet
	Max Height [1]	25 feet	25 feet	25 feet

[1] The more restrictive of the bulk plane height or accessory structure heights in Table 5-3 shall apply to accessory structures.

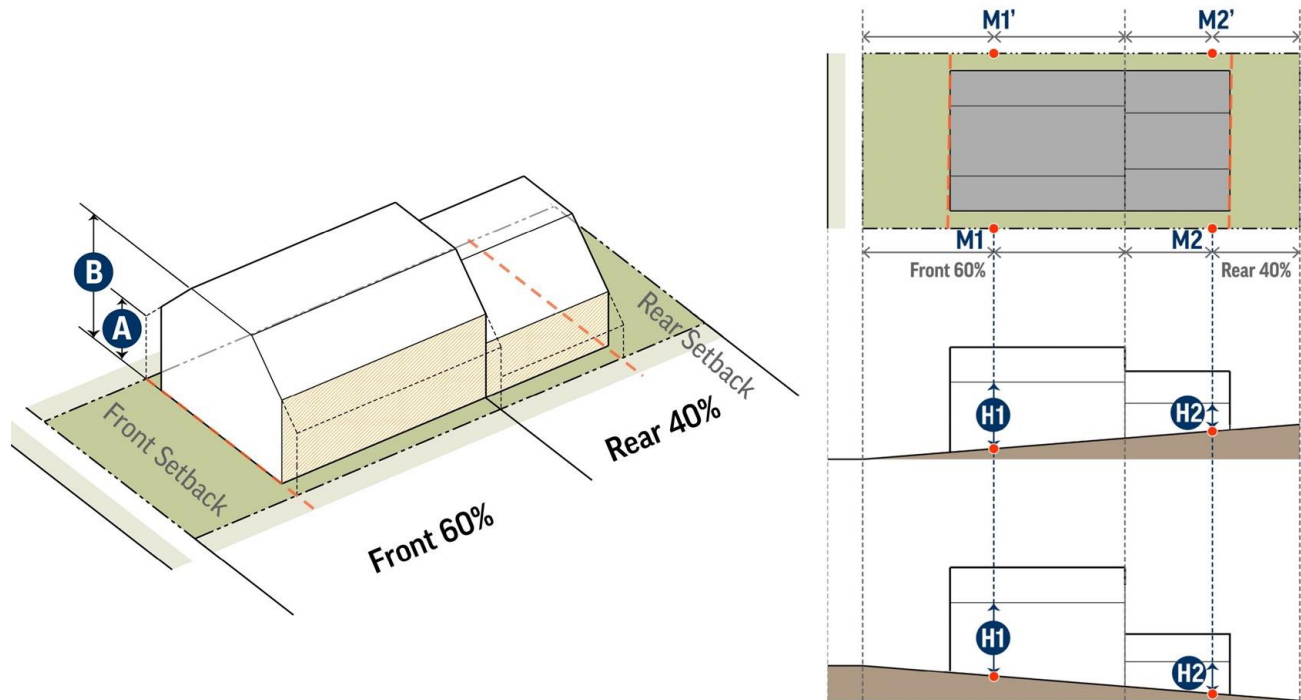


Figure 5-6. The bulk plane limits required by Table 5-5 shall be measured based on the maximum height at the side setback line (A) and a 45-degree angle up to the maximum height of the zone district; and both a front 60% bulk plane and a rear 40% lower bulk plane. Where property slopes, the front and rear height limits (H1 and H2) shall be established at the midpoints of the side lot lines for the front 60% (M1) and rear 40% (M2) – averaged from both side lot lines (M1 and M1'; M2 and M2').

- e. **Exceptions.** The following exceptions to Table 5-5 allow portions of the structure to partially protrude through the bulk plane for architectural features and varied massing that promote neighborhood character and maintain appropriate relationships between adjacent buildings and lots:
- (1) One or more dormers with windows may extend into the bulk plane and up to the ridge line of the roof for a maximum cumulative length of 15 feet on the front bulk plane and ten feet on the rear bulk plane. At least 50% of the dormer width and at least 30% of the dormer wall plane shall be windows.
 - (2) Eaves or overhangs associated with a roof structure may extend horizontally into the bulk plane for two feet on the front bulk plane and 1.5 feet on the rear bulk plane.
 - (3) Balcony and deck railings may extend into the front bulk plane 42 inches vertically, provided the railings are at least 75% transparent.
 - (4) Chimneys may extend into the front bulk plane vertically up to ten feet, provided they are no wider than six feet.
 - (5) Gutters or similar minor accessory building elements attached to the sides of buildings may extend into the front or rear bulk plane the minimum extent necessary to be functional, but shall not increase the extent of any other exception.
2. **Step Backs, five or more Unit Buildings.** Any building with five or more units, or mixed-use buildings in the R-2 or MU-R-3 districts, shall step back the upper stories from lower stories.
- a. The step back shall apply to all portions of the building above 22 feet from grade.

- b. The step back shall be at least ten feet and apply on the side and rear elevations.
- c. *Exceptions.* The following exceptions allow portions of the structure to partially protrude into the required step back for architectural features and varied massing that promote neighborhood character and maintain appropriate relationships between adjacent buildings and lots:
- (1) Balconies and railings may extend into the step back area five feet horizontally and 42 inches vertically, provided the railings are at least 75% transparent.
 - (2) Eaves, cornices, or overhangs associated with a roof structure may extend horizontally into the step back up to four feet.
 - (3) Gutters or similar minor accessory building elements attached to the sides of buildings may extend into the step back the minimum extent necessary to be functional, but shall not increase the extent of any other exception

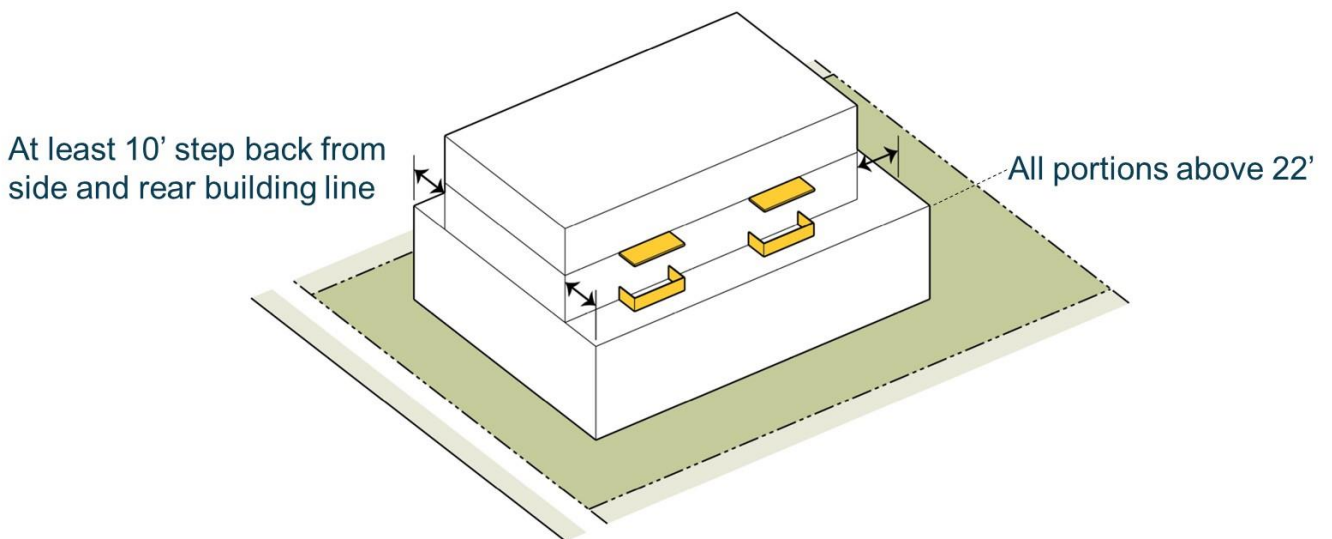


Figure 5-7. Buildings with five or more units shall use step backs to reduce the massing in relation to adjacent lots and buildings.

3. *Front Entry Features.* Front entry features create human-scale massing elements that relate buildings to the frontage and provide outdoor livable spaces that activate the streetscape. All buildings shall have a front entry feature oriented to the front of the lot, according to the standards for one of the types indicated in Table 5-6.

Table 5-6: Front Entry Features			
Design Element	Width	Depth	Details and Ornamentation
Porch	10 feet +	7 feet - 12 feet	<ul style="list-style-type: none"> Decorative railing or wall 2.5 feet to 4 feet high along at least 50% of the perimeter. A single-story roof or trellis shall cover the porch so that any structure and ornamentation occur between 8 feet and 14 feet above the floor-level
	80 s.f minimum		
Stoop	8 feet +	6 feet - 10 feet	<ul style="list-style-type: none"> Decorative railing or walls along steps and side of stoop. A canopy, pediment, transom windows, enlarged trim and molding, or other similar accents shall emphasize the door over other facade features.
	60 s.f. minimum		
Entry Court	12 feet +, but not > 50% of front elevation	10 feet - 30 feet	<ul style="list-style-type: none"> Recessed entry within the building footprint. Decorative wall or railing, between 2.5 feet and 6 feet high along at least 50% of the opening, or comparable vertical landscape edge. Ornamental pillars, posts, or landscape accent the pedestrian entrance and create a gateway into the entry court.
Terrace	At least 75% of building frontage	8 feet to 20 feet	<ul style="list-style-type: none"> A combination of landscape and hardscape may be used where there is between 25% and 75% of each. A 2.5 feet to 4 feet landscape edge or ornamental wall shall occur along at least 50% of the terrace area. [See Type 1 Buffer in EMC § 16-8-4] A canopy, pediment, transom windows, enlarged trim and molding, or other similar accents shall emphasize the door over other facade features.
General Design	<p>Entry features shall meet the following general design standards:</p> <ul style="list-style-type: none"> A sidewalk or path at least four feet wide shall connect the entry feature to the public sidewalk or street. Be integrated into the overall building design including compatible materials, roof forms, and architectural style and details. Any building with more than 150 feet of front facade, or any side greater than 200 feet and permitted within 20 feet of a side street, shall have one entry feature for every 100 linear feet of building frontage on the street. <p>Unenclosed entry features meeting these standards may encroach up to ten feet in front of the front building line, but no closer than five feet to the front lot line.</p>		

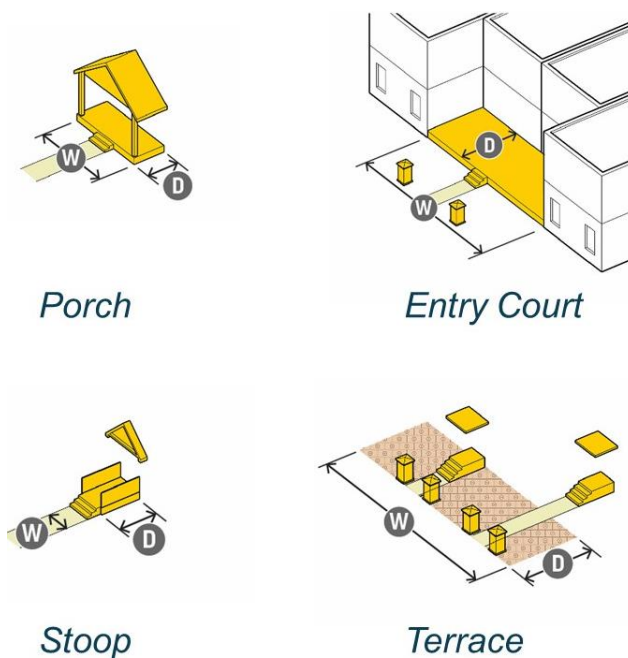


Figure 5-8. A variety of entry features with the minimum dimensions to create social spaces activates neighborhood streetscapes.

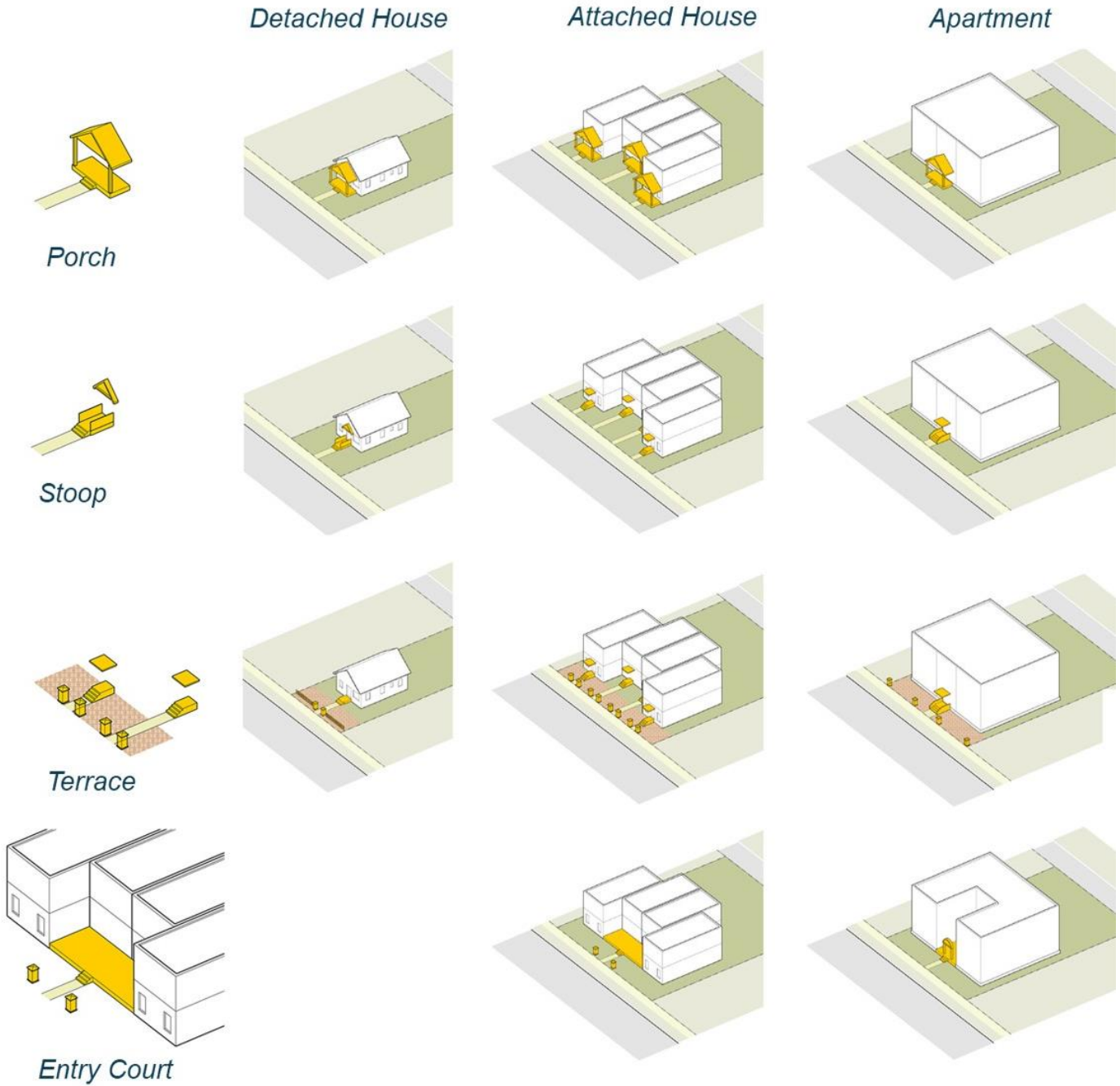


Figure 5-9. Entry features with human scale proportions can create subtle variations between similar building types, and create common massing and architectural features between different building types, creating a cohesive neighborhood streetscape.

4. *Transparency.* Windows and doors create an order and visual rhythm on the façade, and establish physical and perceived connections to outside spaces. All buildings shall provide windows and doors meeting a minimum percentage of the building elevation according to Table 5-7.

Table 5-7: Required Transparency

	<i>Front</i>	<i>Street Side</i>	<i>Interior Side</i>	<i>Rear</i>
<i>First Story</i>	20%	12%	8% No side or rear requirement for first story commercial uses in mixed-use buildings	8%
<i>Upper Stories</i>	12%	8%	8%	8%

5. *Façade Composition.* Façade composition uses materials, architectural features, and ornamental details to break up blank walls or larger facades by creating depth, texture, and visual interest. Any wall plane segment greater than 25 horizontal feet shall include at least three of the following features:
- Emphasize front entry features meeting the standards of EMC § 16-5-4.C.3 as a focal point of the elevation.
 - Create variations in the wall planes with bay windows, balconies, awnings, insets, cantilevers, or canopies that project or recess at least two feet from the wall plane.
 - Differentiate stories, roofs, or other masses with prominent architectural details and ornamentation that define different modules of the building. Details and ornamentation should project between two inches and two feet from the wall and be at least eight inches wide.
 - Use color and material changes to accent different components of the facade. Material and color changes should wrap corners and occur at the inside corner of a massing element or occur in association with a significant trim that projects at least one inch from the wall and be at least four inches wide to give a finished and unified appearance to the element.
 - Alter rooflines by stepping the roof, using gables and dormers, dropping eaves, and using prominent overhangs to create offsets and projections of at least two feet.
 - Break up remaining large expanses of blank walls with facade composition that considers the location and grouping of windows and doors that meet the transparency requirements in EMC § 16-5-4.C.4.
 - Otherwise break up blank walls with architectural details and ornamental features that complement the building design and chosen architectural style.

- D. **Open Space Design.** Private and common open spaces complement the system of larger open spaces and create gateways and focal points in neighborhoods and projects.

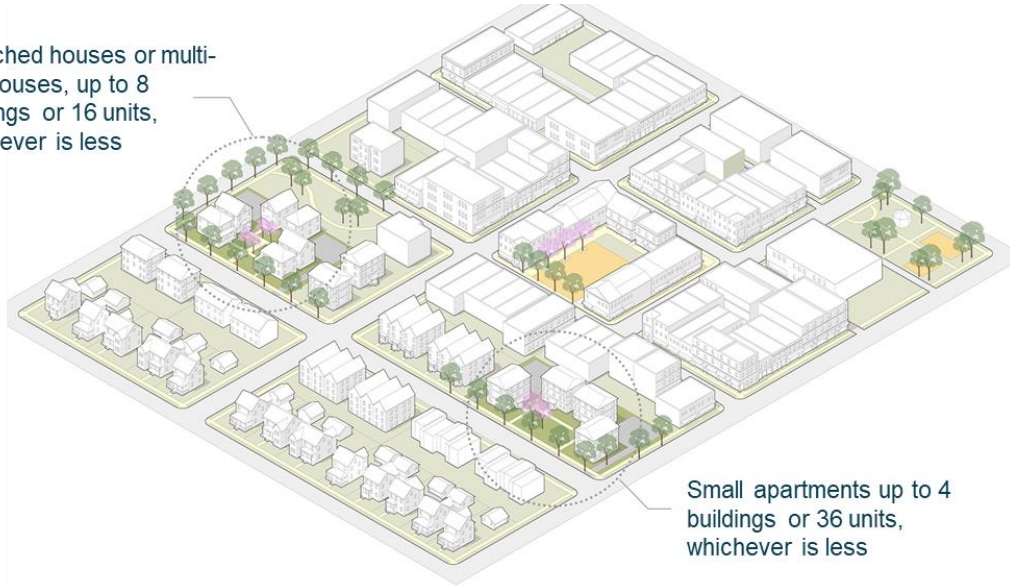
1. *Lot Coverage.* Residential open space is required by the lot coverage and setback requirements in Table 5-2, and frontage design standards in sub-section B. These areas shall be designed and include landscape according to Chapter 8 of this Title. The following items are exceptions that do not count to the lot coverage, provided the lot otherwise meets the landscape requirements.
- Front entry features meeting the standards of sub-section C.3 and that are unenclosed on at least two sides.
 - Sidewalks or other paved pedestrian paths up to six-feet wide
 - Driveways or other paved lanes that are less than ten-feet wide
 - Swimming pools, hot tubs, or ornamental ponds.

- e. Open and uncovered decks or patios that are no more than 30 inches above grade. The design of these spaces should be coordinated between the neighborhood-scale, block- or project-scale, and site- or building-scale to provide a system of open spaces and allow access to a variety of types of open space. These spaces may involve a combination of public, common, and private open spaces.
- 2. *Usable Open Space.* Any project or lot larger than one acre shall require an additional 15% of the lot designed as usable common or private open spaces, unless space is dedicated through the platting process according to EMC § 16-3-5.
- 3. *Courtyard Pattern.* A courtyard pattern can integrate multiple buildings or lots into the block and neighborhood patterns, and are only permitted on lots interior to the blocks – not on corner lots. Lots may be arranged around a common courtyard or multi-building projects may be organized around a courtyard subject to the specific open space and lot exceptions below:
 - a. *Applicability.* The following building types are eligible for this pattern, subject to the limitations in Table 5-8:

Table 5-8: Courtyard Pattern Applicability	
Building Types	Limits
Multi-Unit House or Detached House	▪ Up to 8 buildings or 16 units, whichever is less
Attached Houses	▪ Up to 6 buildings or 24 units, whichever is less
Small Apartments	▪ Up to 4 buildings or 36 units, whichever is less

- b. *Courtyard Design.* The common courtyard shall be designed as follows:
 - (1) At least 25 feet wide in all directions and at least 1,500 square feet in area.
 - (2) The frontage landscape requirements in EMC § 16-8-3 for all lots and buildings fronting on the courtyard shall apply to the courtyard area and the project’s frontage along the street.
 - (3) The courtyard shall front on a public street or be accessible from the public street by a pedestrian passage.
 - (4) Lots may front on the courtyard, rather than along a street. The front setback may be reduced to five feet from the courtyard boundary and the building shall meet all other building design standards applicable to the frontage.
 - (5) Any building fronting on the street, or the sides of any buildings adjacent to the street shall meet the street frontage standards on the street as well as the courtyard.
 - (6) Vehicle access and parking shall be coordinated for all lots and buildings and designed in a way that minimizes the impact on the public street and the courtyard. Access shall meet all frontage standards applied to the project as a whole along the public street.

Detached houses or multi-unit houses, up to 8 buildings or 16 units, whichever is less



Small apartments up to 4 buildings or 36 units, whichever is less



Figure 5-10. Courtyard designs can integrate multiple building sites into the block structure, particularly on larger or deeper blocks and parcels. Buildings are required to front on the enhanced social spaces provided by the courtyard design standards, and corner buildings along the street are required to orient to both the courtyard and the public streetscape.

- E. **Administrative Adjustments.** Administrative adjustments to the Residential Design Standards in EMC § 16-5-4 may be approved according to the process and criteria in EMC § 16-2-11, Administrative Adjustment, and any of the following additional criteria.
1. The context presents a pattern of existing buildings, frontages, or open spaces along the block face different from the standard.
 2. The requirement would make the site or building less compatible with design characteristics of other buildings and sites throughout the area, which are desirable to maintain.
 3. The requirement is not consistent with the particular architectural style selected for the building based on reputable resources documenting key attributes of the style.
 4. The alternative is necessary to facilitate rehabilitation of an existing building or site.
 5. In all cases the deviation is the minimum necessary to address the circumstance and the alternative equally or better meets the design objectives of this Section.

16-5-5 Attainable Housing Guidelines

- A. **Design Objectives.** The attainable housing guidelines have the following design objectives:
1. Provide housing at different price points city-wide.
 2. Meet a portion of the regional need for housing at specific affordable and attainable price points.
 3. Locate housing for those more likely to be transit dependent in transit-served areas.
 4. Create a framework for regulatory incentives for housing that meets the City's development policies and housing goals.
 5. Promote resilient, mixed-density, mixed-income, and walkable neighborhoods.
- B. **Attainability Tiers and Bonuses.** Projects that provide documented assurances of attainability specified in Table 5-9 for a period of at least 20 years may be eligible for development bonuses and parking reductions. Any other incentives, whether other fee reductions, development bonuses, or other development circumstances beyond this, may be subject to additional review and decisions by the Planning and Zoning Commission or City Council.

Table 5-9: Attainable Housing Guidelines			
	Attainability Benchmark	Development Bonus	Parking Reductions
<i>Multi-unit Buildings: R-2, MU-R-3, M-, and MU-B districts</i>			
Tier 1	<ul style="list-style-type: none"> ▪ 10% of units below 60% AMI; OR ▪ 15% of units below 80% AMI 	<ul style="list-style-type: none"> ▪ 1 additional story 	<ul style="list-style-type: none"> ▪ 1 BR / efficiency – 0.5 / unit ▪ 2 BR – 1 / unit ▪ 3+ BR – 1.5 / unit
Tier 2	<ul style="list-style-type: none"> ▪ 10% of Units below 60% AMI AND ▪ 15% of units below 80% AMI 	<ul style="list-style-type: none"> ▪ 1 additional story in R-2-B and MU-R-3-C ▪ 2 additional stories in all others 	<ul style="list-style-type: none"> ▪ 1 BR / efficiency – 0.5 / unit ▪ 2 BR – 0.75 / unit ▪ 3+ BR – 1 / unit
Tier 3	<ul style="list-style-type: none"> ▪ 25% below 60% AMI ▪ 50% below 80% AMI AND ▪ 100% below 120% AMI 	<ul style="list-style-type: none"> ▪ 2 additional stories in R-2-B and MU-R-3-C ▪ 3 additional stories in MU-R-3-A and MU-R-3-B, M-1 and M-2, and MU-B-1 and MU-B-2 ▪ Additional bonuses negotiable through the PUD process based on extent of affordability 	Negotiable based parking data for target affordability ranges

* Based on [cite sources for updated AMI statistics, and the method or data for calculating and documenting the housing cost...]

- C. **Administration.** Applicants shall submit the following documentation in association with their application:
1. [Complete the list of pre-requisites necessary to commit to these levels, and other on-going reporting needs; coordinate with housing policy under development in separate task]

16-5-6 Sustainable Sites and Building Guidelines

- A. **Design Objectives.** The sustainable sites and buildings guidelines have the following design objectives:
1. Augment the larger-scale sustainable development patterns and policies enforced elsewhere in this code (i.e. walkable, bike-able, and transit supportive neighborhoods and commercial areas; energy-efficient and water-efficient landscape design).
 2. Support other official plans, programs, or policies of the City that support alternative transportation modes, alternative fuels, and renewable energy sources.
 3. Promote building, construction, and maintenance practices that reduce waste and increase the longevity of investments in buildings.
 4. Reduce impacts from development practices and land uses on air and water quality.
 5. Preserve important elements and functions of the natural environment.
- B. **Guidelines.** Sustainable sites and buildings involve many complementary issues regarding resource and energy efficiency, water use, impact mitigation, waste, and materials, and sometimes competing issues must be evaluated. The following guidelines are issues that can impact the overall sustainability performance of a site and building.
1. Improve the energy efficiency of buildings through passive heating and cooling strategies that optimize natural ventilation and capitalize on winter sun and summer shade.
 2. Reduce urban heat island effects through any of the following measures:
 - a. Reduce building footprints and paved areas that capture heat.
 - b. Maintain and increase tree canopies, particularly over paved surfaces and building footprints with strategically located landscape.
 - c. Use roof and paving materials and colors that reflect sunlight and heat away from the surfaces and reduce surface temperatures.
 3. Promote site-specific renewable energy technologies.
 4. Ensure that sites and buildings are EV-ready.
 5. Emphasize facilities for recycling and composting, including storage areas and access for pick-up services.
 6. Maintain water-efficient landscape through any of the following:
 - a. Plant all xeric landscaping according to EMC § 16-8-5.E.
 - b. Use high efficiency irrigation systems, such as drip systems or rain-sensor systems.
 - c. Implement non-potable water systems.
 7. Improve water quality in coordination with the City's stormwater management requirements, and permit best practices that address the quality, quantity, and rate of runoff.
 8. Coordinate with the building code and energy code to ensure that all buildings, fixtures, and appliances are meeting energy, water, waste, and recyclable material benchmarks.
- C. **Administrative Adjustments.** Achieving significant performance levels on any of these guidelines may justify administrative adjustments to the standards of this Chapter according to the process and criteria in EMC § 16-2-11 and based on the intent and design objectives of this Section.

16-5-7 Neighborhood Preservation Overlay (NPO)

- A. **Intent and Applicability.** An overlay district covering a portion of the MU-R-3-B base residential zone district that is intended to preserve the existing character and balance of land uses within a mature residential neighborhood area. In general, the standards of the MU-R-3-B apply as well

as the standards established in this Section, and in the event of a conflict the more strict will apply.

- B. **Development Standards.** Existing multi-unit developments retain rights to redevelop at existing residential density levels and subject to all other MU-R-3-B zone district dimensional standards. Existing single unit homes may only be redeveloped as similar single- and two-unit developments.
- C. **Uses.** The following use limitations apply to the NPO district:
1. *Prohibited Uses.* The following uses are prohibited:
 - a. Hospital.
 - b. Clinic.
 - c. Laboratory.
 - d. Office, type 1, (general).
 - e. Office, type 2, (limited).
 - f. Parking facility, structure, and principal use.
 - g. Parking area, surface, principal use.
 - h. Conversions of existing offices to multi-unit residential.
 - i. Multi-unit dwelling, except for two-unit dwellings.
 - k. Accessory dwelling units
 2. *Prohibited Conditional Uses.* The following Conditional Uses are prohibited:
 - a. Group living facility, large/special.
 - b. Small treatment center.
 - c. Boarding or rooming house.
 3. *Limitation on Number of Units for New Multi-unit Residential Developments.* A maximum of two residential units per 50 feet of lot frontage are allowed for new multi-unit residential developments replacing existing single and two-unit structures.
 4. *Continuation of Existing Office.* Any multi-unit structure or Office Type 2 in existence at the time of the effective date of the ordinance creating this overlay district (insert date) shall be considered a legal conforming use. Should any such structures be destroyed or intentionally be demolished by more than 60% of its value:
 - a. The structure shall be allowed to be reconstructed with up to a 10% increase or the same number of units or less; or
 - b. The same floor area for Office Type 2 in its previous location on the lot, regardless of whether or not the requirements of the underlying zone district are met, including but not limited to minimum lot area, maximum lot coverage, maximum height, minimum setbacks, parking and landscaping. Maximum lot coverage may be increased to 80%.
 - c. All other non-conforming uses and/or structures are subject to the non-conforming regulations of the Unified Development Code.

Chapter 6 Non-residential Development and Design

- 16-6-1 Intent
- 16-6-2 Applicability
- 16-6-3 Development and Dimension Standards
- 16-6-4 Frontage Design
- 16-6-5 Building Design
- 16-6-6 Open Space Design
- 16-6-7 Sustainable Sites and Buildings Guidelines

16-6-1 Intent

The intent of the Non-residential Development and Design standards is to:

- A. Improve the appearance and vibrancy of mixed-use, commercial, and employment centers with good civic design.
- B. Strengthen the accessibility of places by coordinating site access and internal circulation systems with multi-modal street networks and transit.
- C. Reinforce the distinct character of different corridors, centers, and districts with building and landscape design appropriate to the context.
- D. Enable a range of compatible buildings and sites that meet the intent of each zoning district.
- E. Promote sustainable site and building design practices.
- F. Stimulate lasting and sustained investment in corridors, centers, and districts with quality design.

16-6-2 Applicability

- A. The standards in this Chapter shall apply to all development in the M-1, M-2, MU-B-1, MU-B-2, I-1, and I-2 districts, except where stated that sections only apply to specific districts or specific situations. Specifically, the standards in this Chapter apply to:
 - 1. All new structures.
 - 2. Modification or additions to existing structures or sites to the extent of the modification or addition, except that the Director may waive any design standards applied to modifications or additions that:
 - a. Conflict with the consistent design of an existing building;
 - b. Conflict with a desired and prevailing character on the block or immediate vicinity of the project; or
 - c. To otherwise facilitate infill development or adaptive reuse of an existing building.
- B. The standards shall not apply to ordinary maintenance of existing buildings or sites, except that maintenance shall not occur in a manner that brings the building or site out of conformance with these standards.

16-6-3 Development and Dimension Standards

- A. **Lot and Building Standards.** The lot and building standards for non-residential zone districts are specified in Table 6-1.

Table 6-1: Non-residential Lot and Building Standards

Zoning District [1]	Lot Standards			Minimum Setbacks				Building Height
	Size (min.)	Frontage Width	Open Space	Front [2]	Interior Side [3]	Corner Side [2]	Rear [3]	
M-1 Mixed-use Medical	6K s.f.	N/A	10%	5' – 15'	5'	5' – 15'	5'	[4]
M-2 Mixed-use Medical	6K s.f.	N/A	10%	5' – 15'	5'	5' – 15'	5'	[4]
MU-B-1 Mixed-use Commercial	N/A	N/A	10%	5' – 15'	N/A	5' – 15'	5'	100'
MU-B-2 Mixed-use Commercial	N/A	N/A	10%	5' – 15'	N/A	5' – 15'	5'	60'
I-1 - Industrial	N/A	N/A	8%	[5]	[5]	[5]	[5]	n/a
I-2 - Industrial	N/A	N/A	8%	[5]	[5]	[5]	[5]	n/a
M-O-2 Medical Overlay District	This district applies to a portion of the R-2-B district indicated on the official zoning map. Property may develop according to the R-2-B standards or the M-2 standards when it is included as part of a larger adjacent M-2 site with frontage on Hampden. Retail uses are prohibited in M-O-2.							

- [1] Residential uses and buildings permitted in each zoning district may be developed according to EMC § 16-6-3.C.3.
- [2] Front and side street setbacks may be modified according to the frontage type design standards in EMC § 16-6-4.
- [3] Non-street side setbacks shall be as specified by the building code for each class of building except that:
 - Principal buildings on the same lot or adjoining lots shall be separated by at least 15' when not joined by a party wall; and
 - Greater setbacks may be necessary to meet the building design standards or landscape standards applicable to a particular use or building.
- [4] Building heights in the M-1 and M-2 district are determined by height zones depicted in Figure 6-1, with Height Zone 1 allowing 145', Height Zone 2 allowing 60', and Height Zone 3 allowing 32'.
- [5] Industrial zoned property abutting any residential zoning district or residential use shall have a ten-foot setback on all sides, or a greater setback when required by applicable buffer and screening standards in EMC § 16-8-4.

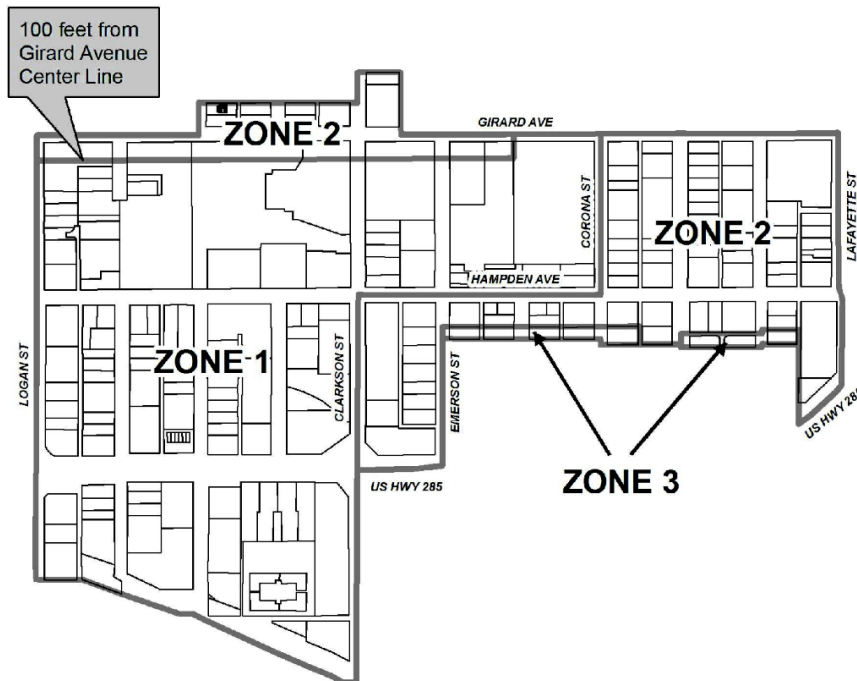


Figure 6-1. Medical Zone and Medical Overlay Height Zones

- B. **Accessory Buildings – Non-residential.** Accessory buildings shall be permitted in association with and on the same lot as a principal building, subject to the standards in Table 6-2, Non-residential Accessory Structures, and to the following additional limitations.

Type	Quantity	Size	Height	Setbacks
<i>Minor Structure (small shed, and similar structures)</i>	<ul style="list-style-type: none"> ▪ 1 / lot ▪ + 1 / each 10k s.f; ▪ Maximum of 3 	<ul style="list-style-type: none"> ▪ 200 s.f. max 	<ul style="list-style-type: none"> ▪ 10 foot max 	<ul style="list-style-type: none"> ▪ 0 foot side or rear; 5 foot if on a concrete slab or similar foundation; ▪ 20 foot on any street side lot line; and ▪ Behind the front building line of the principal structure
<i>Secondary Building (detached accessory building)</i>	<ul style="list-style-type: none"> ▪ 1 / principal building 	<ul style="list-style-type: none"> ▪ 50% of principal building footprint, up to 1,000 s.f. max. 	<ul style="list-style-type: none"> ▪ 25 foot max, but no higher than principal structure. 	<ul style="list-style-type: none"> ▪ 3 foot from side and rear; 6' if vehicle entrance faces an alley ▪ 10 foot from street side; and ▪ Behind the front building line of the principal structure
Any building over 12' high or more than 320 square feet shall meet the design standards.in EMC § 16-6-3.B.4				

1. All accessory buildings shall be at least ten feet from the principal building, or other distance specified by applicable building codes based on fire ratings of adjacent walls.
2. Accessory buildings shall be clearly incidental and subordinate to the principal building or use, in terms of scale, location and orientation.
3. Minor accessory structures of 120 square feet or less, and not on a slab or similar foundation do not have a required interior side or rear setback but should be movable and are otherwise placed “at risk” by the owner with regard to any easements, fence, or screening requirements.
4. Any building or structure over 320 square feet or over ten-feet high, and potentially visible from the street or other public areas shall use materials, colors, scale and forms (roofs and massing), and details that are compatible with the principal structure, or otherwise be screened according to EMC § 16-8-4.
5. Prior to any building permit required by the City, applicants shall demonstrate that any manufactured structure meets all applicable state and local code requirements.
6. Any building or structure exceeding the limits in Table 6-2 shall be treated as a second principal building and meet the same lot and building design standards as a principal building.

C. **Dimension Exceptions.**

1. *Setback and Lot Exceptions.* The following are exceptions to the lot and setback standards in Table 6-1, except that in no case shall this authorize structures that violate the provisions of any easement:
 - a. The front setback and front building lines may be modified according the Frontage Design Standards in EMC § 16-6-4.
 - b. The minimum side setback may be reduced to zero feet to conform with an adjacent structure’s zero feet rear or side setback.
 - c. The minimum rear setback may be reduced to zero feet on lots less than 100 feet deep.
 - d. Open air balconies may extend up to 8 feet from any wall plane, but no closer than three feet from any common property line, except on the frontage where they may project into the right-of-way.
 - e. Any projections over public rights-of-way, or any similar area designed for pedestrian circulation, shall be at least eight feet above the grade, and in no case

- within five feet of any curb for a street, through access drive or other area designed for vehicles.
- f. Structural projections such as bay windows, balconies, canopies, chimneys, eaves, cornices, awnings, open fire escapes, egress wells, or other non-foundational overhangs or projections may extend the lesser of up to four feet from the foundation, or up to 50% into the required setback. This exception shall be limited to no more than 20% of the total area of a building elevation.
 - g. Ground-mounted mechanical equipment, meters, and utility boxes accessory to the building may be located in side or rear setbacks at the discretion of the Director, and provided they are screened from rights-of-way and other public spaces by structures or landscape.
 - h. Any other accessory use or structure in the required setback, not specified in EMC § 16-6-1.B, shall have a setback of at least one-half its height from the property line.
2. *Height Exceptions.* The following are exceptions to the height standards in Table 6-1:
- a. Accessory elements integral to the design and construction of the building, such as parapet walls, false mansards, or other design elements essential to quality appearance of the building may extend up to six feet above the roof deck on a flat roof.
 - b. Architectural features such as chimneys, ornamental towers and spires, and similar accessory and non-occupiable elements that are integral to the particular architectural style may extend up to 30% above the permitted height.
 - c. Functional and mechanical equipment such as elevator bulkheads, cooling towers, smokestacks, roof vents, or other equipment may be built up to their necessary height in accordance with building codes.
3. *Residential Buildings.* Residential uses permitted in the non-residential districts may be developed as follows:
- a. Mixed-use buildings according to Table 6-1, where residential uses are on upper stories or are located behind a street-front non-residential use that is at least 40 feet deep; or
 - b. Residential building types using the MU-R-3-C development and design standards in Chapter 5, except:
 - (1) Detached houses are not permitted in non-residential districts;
 - (2) The height limit of the applicable non-residential district may be applied; and
 - (3) Residential-only building types shall not be permitted on the 3300, 3400 and 3500 block frontages of South Broadway. Residential uses shall only be permitted in mixed-use buildings for these blocks.

16-6-4 Frontage Design

- A. **Design Objectives.** Frontage design determines the relationship between private development and the streetscape and affects the character of different streets, blocks, and districts. The frontage design standards have the following design objectives:
- 1. Enhance the image of the City by coordinating streetscape investment with private lot and building investment.
 - 2. Use buildings to shape streetscapes and public spaces, and orient buildings to these spaces.
 - 3. Design frontages based on the context of the area, block, and street, particularly emphasizing landscape areas to buffer sites from higher-volume / higher speed streets and emphasizing social spaces and human-scale features on walkable and multi-modal streets.

4. Coordinate development across multiple lots with compatible frontages along block faces, considering building placement, access, parking, landscape, and open space design.
5. Strengthen the identity and economic value of distinct places by reinforcing consistent patterns of streetscape, frontage design, and building placement and form.

B. **Frontage Design Standards.** The frontage types and design standards in Table 6-3 are based on the context of different streets and blocks, and may modify the front setback established in Table 6-1. Sub-sections following this table provide specific design strategies and techniques to meet the design objectives and standards.

Table 6-3: Non-residential Frontage Design				
	Frontage A	Frontage B	Frontage C	Frontage D
Front Building Line (build-to range)	5 feet – 15 feet	5 feet – 25 feet	5 feet – 25 feet	25 feet +
Required Front Building Line (min.)	80%	60%	35%	n/a
Access Width (max.)	20 feet	24 feet	32 feet	40 feet
Access Spacing	1 per block max	200 feet +	150 feet +	100 feet +
Parking Setback (min.)	Behind rear of building	Behind front building line	6 feet min. See Sec.16-7-5.B	10 feet min. See Sec.16-7-5.B
Extent of Parking Frontage (max.)	0%	40%	65%	n/a
Landscape	See EMC §§ 16-8-3			
Applicability	MU-B-1 and MU-B-2	■	□	◇
	M-1 and M-2	■	■	◇
	I-1, I-2	■	■	■

- Permitted by right
- Permitted subject to administrative adjustment. See 16-6-4.E. Administrative Adjustments
- ◇ Limited to administrative adjustments, but requires a final determination by the Planning and Zoning Commission per EMC § 16-2-11.C

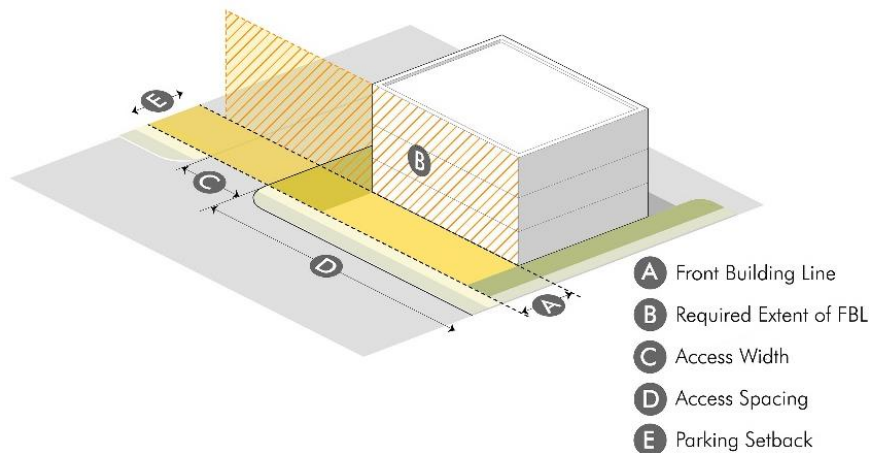


Figure 6-2. Frontage types are differentiated based on the location of the front building line (FBL – A), the extent of the front building line occupied by the building (Required FBL - B), access widths (C), and parking location and extent along frontage (E). Coordinating frontage design of multiple buildings and sites along a block impacts the character of the streetscape and the block.

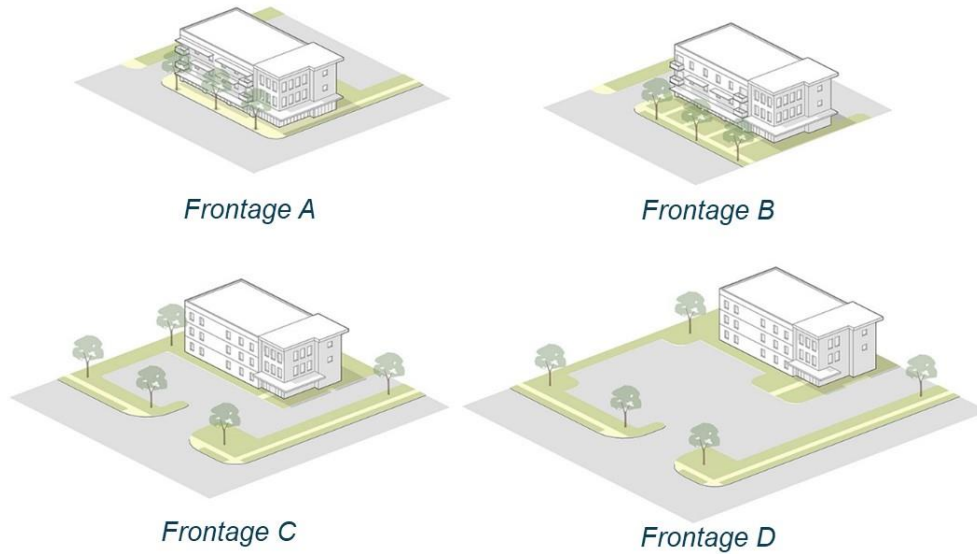


Figure 6-3. The different frontage types and frontage type standards in Table 6-3 determine how a building and site relates to the streetscape impacting the character of the streetscape, block and area.

- C. **Front Building Line.** All buildings shall establish a front building line within the build to range specified in Table 6-3, Non-residential Frontage Design, based on the appropriate frontage type for the specific street and block. Building frontages are required to cover the minimum distance specified along the front building line running parallel to the front lot line with either of the following:
1. Front building facades meeting the design standards in Table 6-4, Non-residential Building Design; or
 2. Open spaces for public gathering that meets the requirements of EMC § 16-6-6, Open Space Design, provided:
 - a. It is limited to no more than 50 linear feet or 50% of the lot frontage, whichever is greater;
 - b. There is a defined edge and features at the extension of the required front building line, such as decorative walls, fences, or landscape features; and
 - c. All building facades fronting the open space meet the building design standards otherwise applicable to the building frontage.
 3. Corner lots shall meet the frontage requirement along the side street for at least 25' or 25% of the lot depth, whichever is greater.

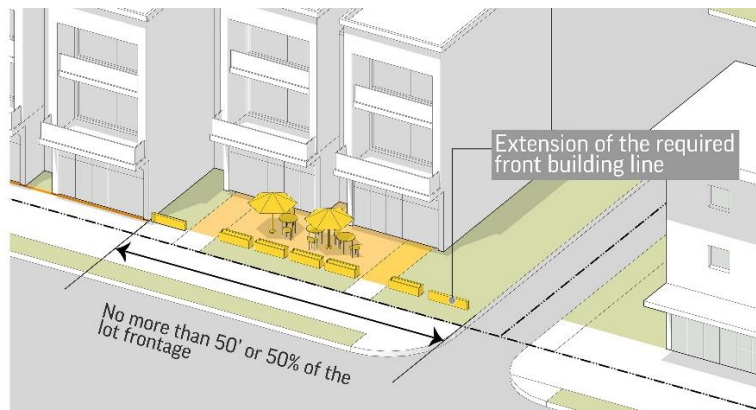


Figure 6-4. Consistent front building lines along a block are established by the building placement or active open spaces with defining edges and vertical elements at the extension of the front building line.

- D. **Access and Parking Limits.** The following standards apply to the driveway and parking limits in Table 6-3, Non-residential Frontage Design:
1. Access width limits apply to the first 25 feet of the lot depth.
 2. Access spacing specifies the minimum distance between edges of driveways or internal access streets. However, the Englewood Standards and Specifications Manual may specify different access standards on any particular lot, street, or block.
 3. In cases where these standards limit access to a lot, options that coordinate access to lots on the same block shall be used, including mid-block alleys, internal access streets, common access lanes, or shared drives and cross access easements.
 4. All parking or other areas dedicated to vehicle circulation shall be set back as specified in Table 6-3, and be limited only to the extent specified along the frontage.

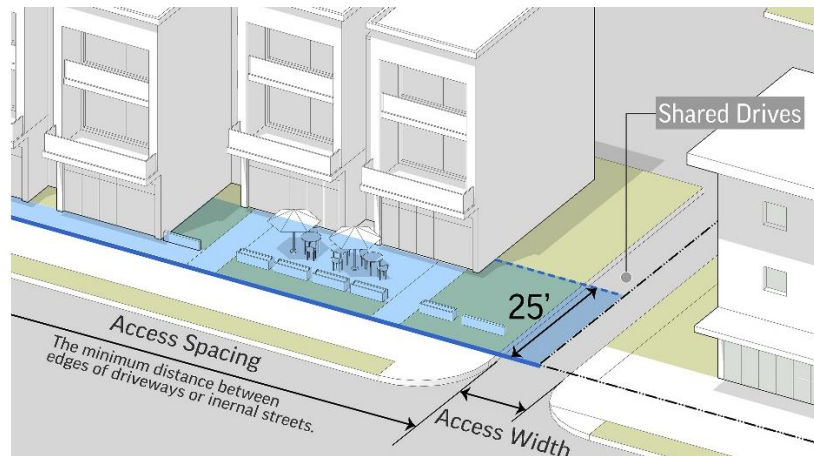


Figure 6-5. Limiting parking and driveways along the frontage preserves these areas for active areas of the building and site, creating an engaging the streetscape.

- E. **Landscape.** The remainder of the frontage between the street and front building line shall be designed according to the open space, landscape, or streetscape standards.
1. Generally, private frontages shall include landscaping meeting the standards of Chapter 8, Landscape Design.
 2. Frontages with buildings built between 5 and 15 feet from the front lot line may extend the streetscape design standards in EMC § 16-3-4, Street Design where necessary to complete the pedestrian or landscape amenity of the mixed-use or pedestrian street types.
 3. Any portion of the frontage where buildings or portions of the building are set back more than 25 feet shall include a Type 1 buffer per EMC § 16-8-4, Buffers and Screening. The buffer shall establish a defined edge and vertical elements along the front lot line or along the extension of the front building line from the portion of the building frontage built within the build to range.
- F. **Administrative Adjustments.** Application of frontage types is based upon a combination of the character of the district, the streetscape design along the block, and the relationship to adjacent lots and buildings. Administrative adjustments to the frontage design standards in this Section may be authorized according to the process and criteria in EMC § 16-2-11, Administrative Adjustments and any of the following additional applicable criteria:
1. The context presents a clear pattern of existing buildings and lots on the same block and opposite block face that are different from the requirements and are desirable to maintain:
 - a. Frontages should be similar for all lots on the same block face or gradually transition to different frontage types.

- b. Front building lines on adjacent lots should generally not differ by more than ten feet, unless substantial space exists between the buildings.
 - c. Blocks with pedestrian amenities, on-street parking, or designed according to the Mixed-use or Pedestrian street type standards in EMC § 16-3-4 are generally appropriate for the Frontage Types A and B.
 - d. Blocks with higher traffic speeds or volumes, that lack pedestrian amenities, or lack on-street parking are generally appropriate for Frontage Types C and D standards.
 - e. Frontage Type A may reduce the front building line to between zero and five feet of the front lot line when fronting on streets designed to the mixed-use or pedestrian street type standards in EMC § 16-3-4, and where no additional streetscape elements are needed according to those standards.
2. Parking and access that serves a greater area beyond the site and block may deviate from these standards, provided it does not negatively impact development on adjacent lots and it is designed to minimize impacts on streetscapes.
 3. Civic uses or landmark buildings may deviate from frontage designs provided they are in a location that serves as a focal point for the surrounding area, and the exception is used for improved social space or aesthetic features on the frontage.
 4. In all cases the deviation is the minimum necessary to address the circumstance, the alternative equally or better meets the design objectives of this Section, and there are no negative impacts on other design standards applicable to the building or site.

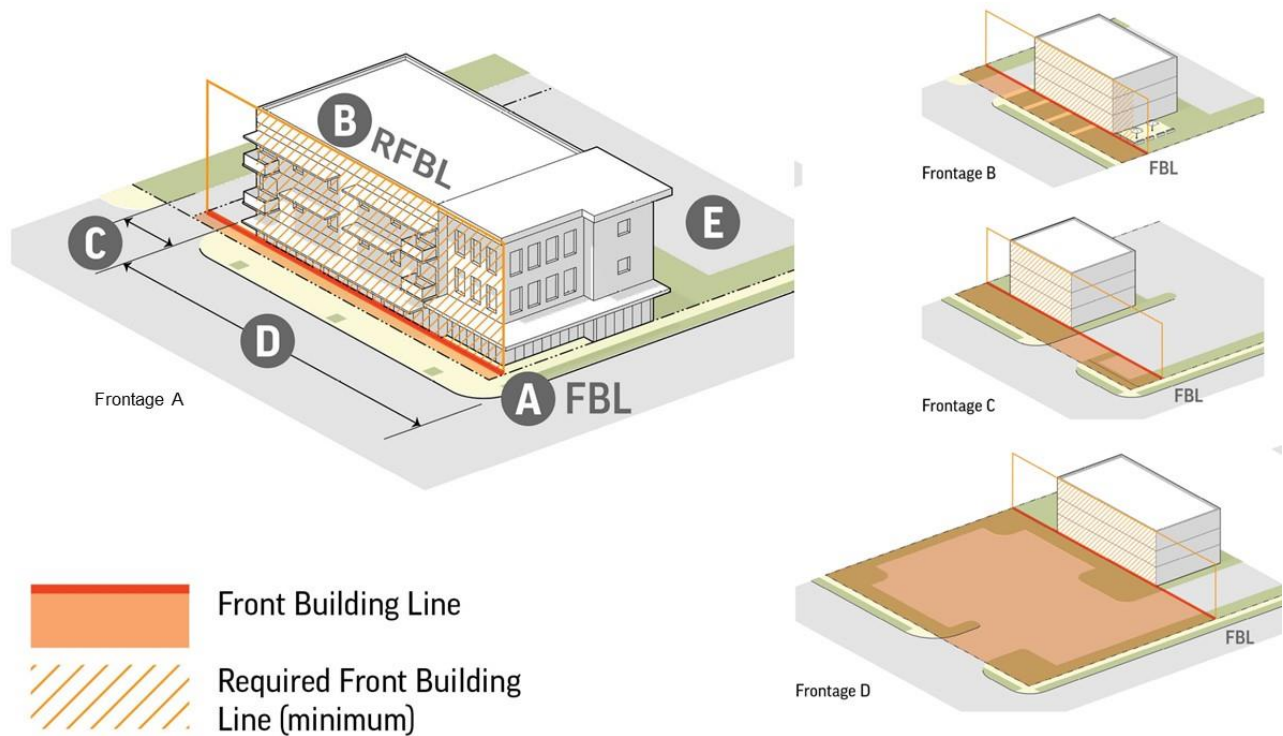


Figure 6-6. Frontage types, design standards and administrative adjustments should be applied based on the streetscape design, block and building pattern, and desired character of the area.

16-6-5 Building Design

- A. **Design Objectives.** Building design refines the scale and form of buildings beyond the basic setback, height, and lot coverage standards and improves the relationship of buildings to public and active spaces. The building design standards have the following design objectives:
1. Refine the scale, massing, and details of buildings to a greater degree the closer they are to the streetscapes and other publicly used spaces.
 2. Locate doors and windows in a way that activates spaces, creates connections to important exterior spaces, and promotes economic activity at the interface of buildings and public spaces.
 3. Relate buildings to adjacent development by mimicking similar scale, massing, and proportions through step-backs and secondary masses that break up larger buildings.
 4. Use materials and human-scale architectural features to create depth, texture, variation, and visual interest, particularly on larger facades, along streetscapes, or near active open spaces or adjacent lots.
 5. Emphasize the quality and longevity of investments with materials and colors that are attractive, durable, and have low maintenance requirements.
- B. **Building Design Standards.** The building design standards in Table 6-4 are based on the placement of the building and proximity to the streetscape. Sub-sections following the table provide specific design strategies and techniques to meet the design objectives and standards.

Table 6-4: Non-residential Building Design			
Front Building Line	0 feet – 15 feet	16 feet – 25 feet	26 feet +
Massing and Modulation	50 feet / 500 s.f.	75 feet / 1,000 s.f.	100 feet / 2,000 s.f.
Entry Feature Spacing	50 feet max.	100 feet max	1 per building
First Story Transparency	60% - 90%	40% - 90%	40% - 90% w/in 50' of entry
Upper Story Transparency	15% - 40%	15% - 40%	15% - 40% N/A for industrial buildings
Materials	See EMC § 16-6-5.F / Table 6-5		



Figure 6-7. Building massing and modulation is determined by the form of the building and details distinguishing different massing elements, the entry location and frequency, extent and location of windows, and use of different complimentary materials.

- C. **Massing and Modulation.** Wall planes that exceed the linear feet or square footage limits in Table 6-4, Non-residential Building Design shall be interrupted by one or a combination of the following techniques:
1. Emphasize bays and vertical breaks at regular intervals coordinated to structural components of the building with visible features such as columns, pillars, pilasters, or other details and accents. These features should be between six and 48 inches wide, and project between four and 24 inches off the facade.
 2. Define horizontal elements associated with entrance features, store fronts, or to differentiate stories with features such as awnings, cantilevers, lintels, canopies, balconies, or similar horizontal elements. These features should project between two feet and six feet from the wall, and create a continuous horizontal element or rhythm of repeating horizontal elements on an elevation.
 3. Break the volume of the building into distinct components with:
 - a. Step-backs of upper stories of at least ten feet;
 - b. Recesses of the building footprint greater than four feet.
 - c. Deviations should encompass at least 20% wall planes of the entire elevation.
 - d. Any building over 60 feet tall shall step back the upper stories above 60 feet at least 20 additional feet from the front setback and at least ten additional feet from the side setback.
 - e. Any building in the MU-B-1 District with frontage on South Broadway shall step back the upper stories above 40 feet at least 20 additional feet from the front setback.
 4. Differentiate horizontal façade components into a distinct base, body, and top with materials and architectural details.
 - a. For buildings less than three stories, this can be a distinct foundation, a main facade, and an embellished roof structure, such as eaves and fascia for pitched roofs, or cornices and parapets for flat roofs.
 - b. For buildings three stories or more, the first floor should be clearly differentiated from upper stories to establish the base, and the remainder of the stories include the main façade and an embellished roof structure or top story and roof structure.
 - c. Any belt course or trim band establishing the break in base, body and top should use a material or pattern distinct from the primary material, be six to 36 inches wide, and off-set from the wall plane four to 24 inches; or be a lesser trim associated with a material change.
 5. Use patterns of windows and doors, meeting the transparency requirements in subsections D or E, to create a rhythm and balance of vertical and horizontal elements on the elevation.
 6. Use ornamental architectural details, and material and color changes associated with trim or massing elements on any other area that lacks differentiating features.

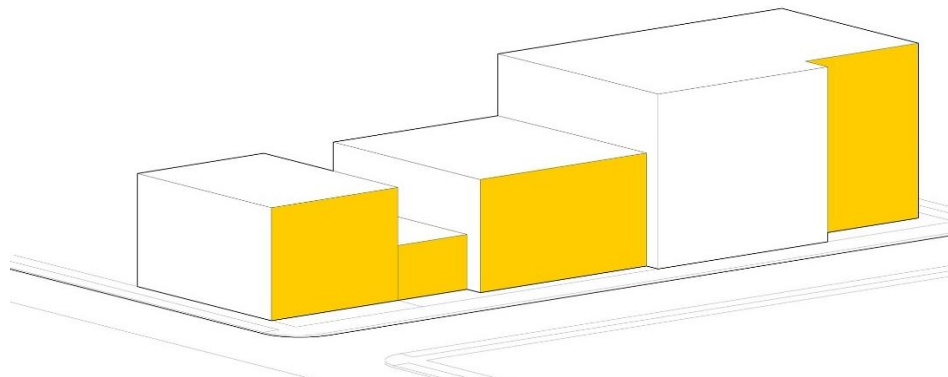


Figure 6-8. Larger wall planes – in area or in linear feet – should be broken into smaller masses with offsets in the building line and/or building height to emphasize different buildings or different components of buildings.

- D. **Entry Features.** Primary public entrances shall be located on all front facades at intervals specified in Table 6-4, Non-residential Building Design and be clearly defined with at least two of the following elements:
1. A single-story architectural emphasis such as raised parapets, gables, canopies, porticos, overhangs, pediments, arches, or recessions within the wall plane of at least three feet.
 2. Transom or sidelight windows that frame and emphasize the entry.
 3. Architectural details such as tile work and moldings, columns, pilasters, or other similar material changes.
 4. Integral planters, seating, or wing walls associated with an entry court or plaza that integrates landscape and hardscape designs.
 5. For corner buildings, any entrance feature located on the street corner may count to both sides, and may be considered located at 25 feet from each corner for the purpose of the required primary entry feature intervals.

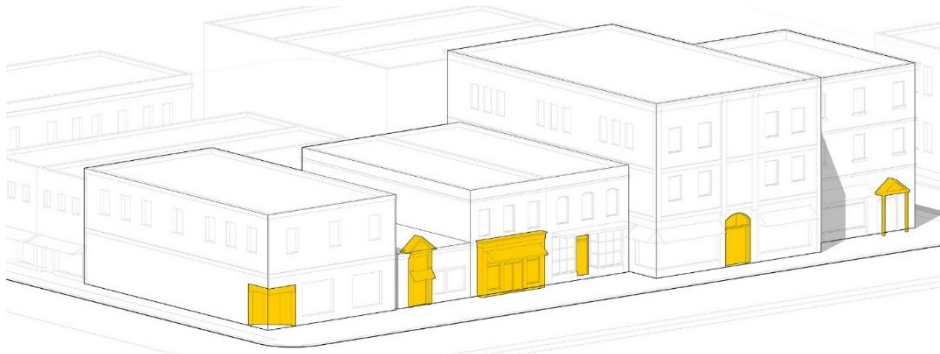


Figure 6-9. *Frequent human-scale entry featured relate buildings to streetscapes and public spaces and are more important the closer the building is to the street and the more pedestrian oriented the street or public space that the building fronts on.*

- E. **Transparency.** The transparency requirements of Table 6-4, Non-residential Building Design shall be met with one or more of the following techniques:
1. Where expressed as a first story requirement the percentage shall be measured between two feet and eight feet above the sidewalk grade, or within ten feet above the first floor elevation if the building is set back more than 15 feet from the street.
 2. Where expressed as an upper story requirement, the percentage shall be measured between the floor level and ceiling of each story.
 3. All required first story windows shall provide direct views to the building's interior or to a lit display area extending a minimum of three feet behind the window.
 4. For industrial and civic buildings set back more than 25 feet from the street, clerestory windows may meet the first or upper story window requirements.
 5. Locate windows and doors in conjunction with massing and modulation standards in subsection C, including:
 - a. Coordinate the façade composition considering the efaçadefacade as a whole, and to break up large expanses into different components with the grouping of windows and doors.
 - b. Use projecting trim and ornamentation around windows to create depth, texture, and shadows on the façade.
 - c. Emphasize openings or combine groups of openings in association with ornamental details and architectural projections or recessions.

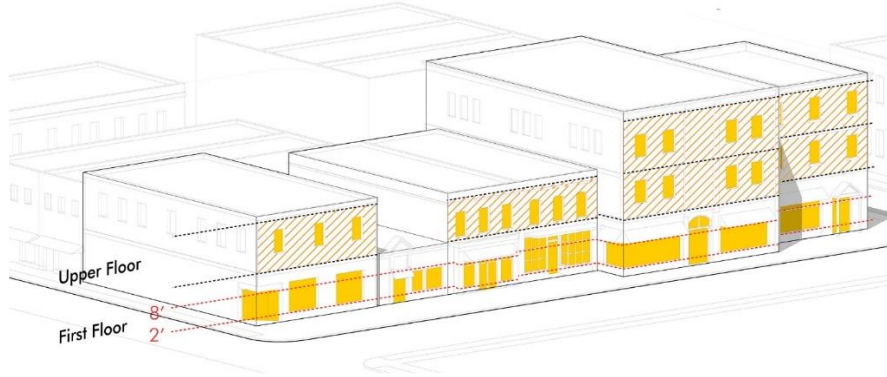


Figure 6-10. *Windows and doors create a rhythm of architectural features that can make larger wall planes appear smaller and create relationships between the building and spaces around the building.*

- F. **Materials.** Buildings shall use materials specified and as allocated in Table 6-5, Non-residential Building Materials. Application of materials shall result in textures and patterns that create visual interest and signify quality construction and detailing through the following techniques:
1. The predominant surfaces on building walls should be one of the primary materials listed in Table 6-5, Non-residential Building Materials.
 2. No more than four materials should be used, including the use of secondary and accent materials.
 3. Material changes should emphasize different elements of the building, in association with the massing and modulation standards in sub-section C.
 - a. Where material changes are vertical (i.e. different materials stacked one above another), the transition between materials should include a belt course, trim band, sill, cap, frame, roof (if at ceiling height), or similar element to separate the two materials. Heavier and larger materials should be below lighter or smaller materials.
 - b. Where material changes are horizontal (i.e. different materials side-by-side) the transition between materials should occur at interior corners or at the trim line, architectural column or pilaster where the change is emphasizing different structural or massing components for a building.

Table 6-5: Non-residential Building Materials

Primary Materials (50% to 90%)	Secondary Materials (20% to 40%)	Accent Materials (5% to 20%)
<ul style="list-style-type: none"> ▪ Brick ▪ Stone ▪ Slate ▪ Stucco ▪ Tinted, textured concrete masonry units ▪ Corrugated metal (I-1 and I-2 only) 	<ul style="list-style-type: none"> ▪ Any of the primary materials ▪ Wood siding ▪ Architectural tiles ▪ Tilt-up concrete panels with brick or stone facing ▪ Architectural metals (prefinished non-corrugated) ▪ Transparent or tinted glass 	<ul style="list-style-type: none"> ▪ Any of the primary or secondary materials ▪ Pre-cast stone ▪ Wood trim or simulated wood ▪ Translucent glass (not on first story) ▪ Corrugated metal ▪ Canvas or similar durable cloth (awnings only) ▪ Acrylic (canopies only)

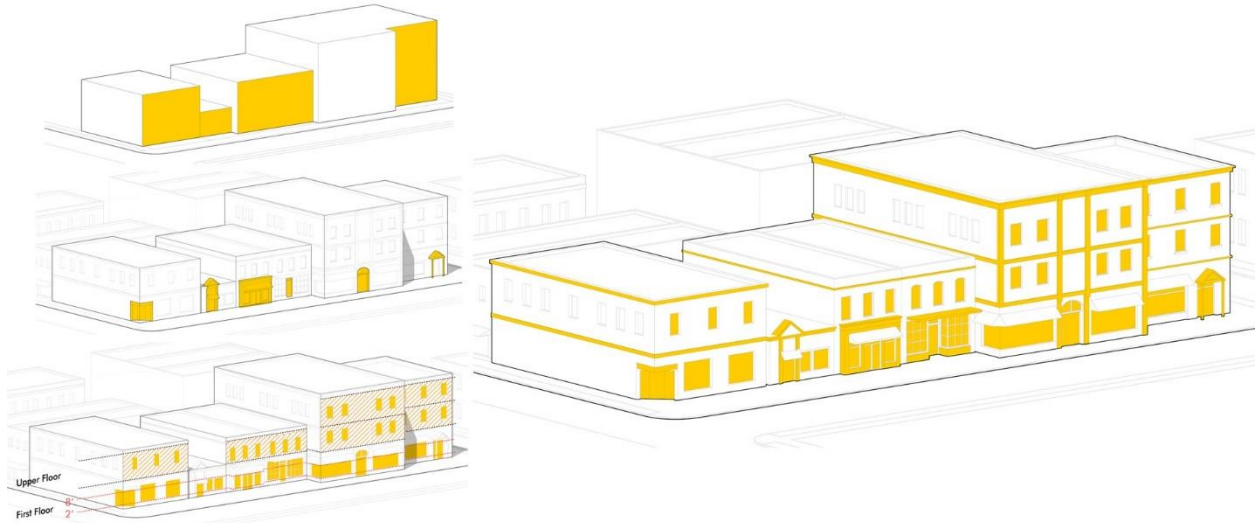


Figure 6-11. Application of materials and details complete the steps of breaking down the scale and mass of buildings and allows a great variety of style and appearances within similar patterns and scales.

- G. **Administrative Adjustments.** Administrative adjustments to the Building Design Standards in this Section may be authorized according to the process and criteria in EMC § 16-2-11, Administrative Adjustments, and any of the following additional applicable criteria:
1. The requirement is not consistent with the specific architectural style selected for the building based on reputable industry resources documenting the style.
 2. The requirement would make the building less compatible with designs or characteristics of other buildings or sites adjacent to the project or that are prevalent throughout the area, and that are desirable to reinforce.
 3. The requirement is inconsistent with the principal function of the building when applied to industrial or institutional buildings in the M-2, I-1 and I-2 districts.
 4. Deviations from material standards and any simulated products demonstrate a proven performance in terms of maintenance and quality appearance. Manufacturer specifications and/or precedents for application may be required to demonstrate that it will perform equally or better than the allowed material.
 5. In all cases the deviation is the minimum necessary to address the circumstance, the alternative equally or better meets the design objectives of this Section, and there are no negative impacts on other design standards applicable to the building or site.

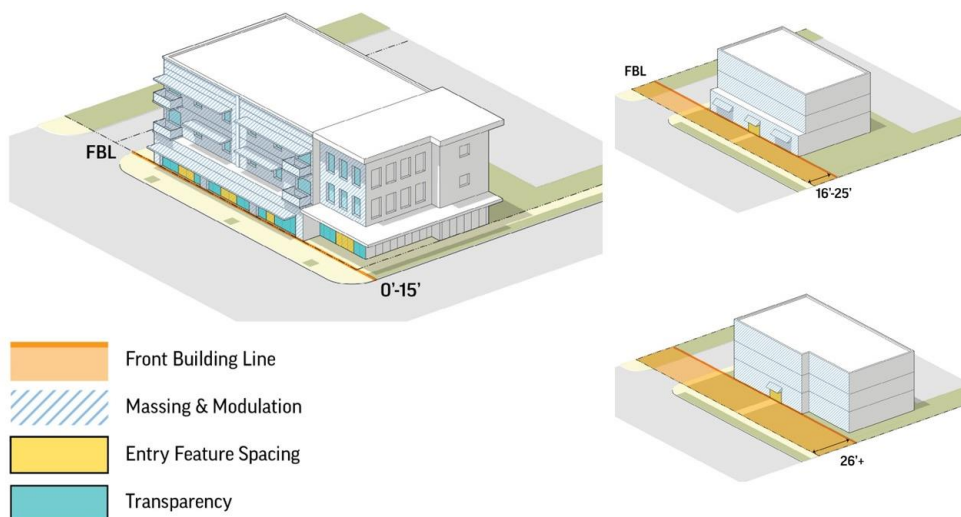


Figure 6-12. Building design standards, building elements, and administrative adjustments should be applied based on the proximity of buildings to streetscapes and active social spaces around the building.

16-6-6 Open Space Design

- A. **Design Objectives.** The design of open space can reinforce the character of unique districts and distinct places. Lot open space can be designed for active, social spaces that relate to public spaces, or for landscape areas that mitigate undesirable relationships. The open space design standards have the following design objectives:
1. Coordinate site design with the larger block- or district-scale open space systems and public streetscape design.
 2. Use open space as an organizing element for development, creating focal points for buildings or groups of buildings and transitions between distinct building sites.
 3. Design a hierarchy of gateways, gathering places, parks, and natural features, and integrate these spaces with the system of streets, through drives, trails, and pedestrian passages.
 4. Select open space types based on the context and natural amenities of the site; in general, more compact and formal gathering spaces are most appropriate in walkable commercial and mixed-use areas, and more spacious and natural areas are most appropriate where buffers or transitions are needed to separate larger-scale uses or more intense development.
 5. Use landscape, furnishings, fixtures, art, planters, and other elements of open spaces to complement buildings and distinguish the unique character of different places.
 6. Preserve natural features that can serve as amenities for development, maintain views to and from important outside spaces, perform ecological functions, or provide important connecting corridors.
- B. **Lot Open Space Design.** Lot open space required in Table 6-1 shall create a common or private amenity for the site and building. Buildings and lot open space shall be arranged to create usable outdoor spaces that meet one or more of the types in Table 6-6:

Table 6-6: Non-residential Open Space	
<i>Permitted Open Space Type and Design</i>	<i>Design</i>
Frontage Landscape	<ul style="list-style-type: none"> ▪ Any landscape areas between the building and the street with landscape design according to Chapter 8, and excluding any areas designed for vehicle access or parking.
Buffers	<ul style="list-style-type: none"> ▪ Any buffer areas on the perimeter of the property meeting the standards of Chapter 8. ▪ This is limited to no more than 50% of the required lot open space in the M- and MU- districts, even when larger buffers are required by Chapter 8 design standards.
Plazas, Courtyards, or Patios	<ul style="list-style-type: none"> ▪ Minimum 16' in all directions. ▪ Minimum 400 square feet. ▪ Must be at or below first floor elevation and directly accessible from the public streetscape or other internal pedestrian circulation.
Private Balconies or Patios	<ul style="list-style-type: none"> ▪ Limited to residential uses in mixed use buildings. ▪ Required lot open space may be reduced by 50% if each unit has access to a private balcony or patio that is: <ul style="list-style-type: none"> ○ Minimum 6' in all directions. ○ Minimum 72 square feet.
Common Open Space	<ul style="list-style-type: none"> ▪ Common open space provided according to EMC § 16-3-5 may count if located on the same block and the property has rights to access and use the space.



Figure 6-13. Nonresidential open spaces consist of a system of natural and formal spaces that may serve as gathering places, aesthetic enhancements, or links between other spaces and places through streetscapes and internal block passages.

- C. **Administrative Adjustments.** Administrative adjustments to the standards in this Section may be authorized according to the process and criteria in EMC § 16-2-11, Administrative Adjustments, and any of the following additional applicable criteria:
1. The lot and building has access to active open spaces through a system of public or common streetscapes, trails, or pedestrian passages. This alternative may be contingent on an obligation or responsibility to contribute to the construction or ongoing maintenance of the spaces.
 2. To promote infill development or rehabilitation of existing buildings and sites in a compact, and walkable context that would be compromised by conforming to the open space requirement.
 3. In all cases the deviation is the minimum necessary to address the circumstance, the alternative equally or better meets the design objectives of this Section, and there are no negative impacts on other design standards applicable to the building or site.

16-6-7 Sustainable Sites and Buildings Guidelines

- A. **Design Objectives.** The sustainable sites and buildings guidelines have the following design objectives:
1. Augment the larger-scale sustainable development patterns and policies enforced elsewhere in this code (i.e. walkable, bike-able, and transit supportive neighborhoods and commercial areas).
 2. Support other official plans, programs, or policies of the City that support alternative transportation modes, alternative fuels, and renewable energy sources.
 3. Promote building, construction, and maintenance practices that reduce waste and increase the longevity of investments in buildings.
 4. Reduce impacts from development practices and land uses on air and water quality.
 5. Preserve important elements and functions of the natural environment.
- B. **Guidelines.** Sustainable sites and buildings involve many complimentary issues regarding resource and energy efficiency, water use, impact mitigation, waste, and materials, and sometimes competing issues must be evaluated. The following guidelines are issues that can impact the overall sustainability performance of a site and building.
1. Improve the energy efficiency of buildings through passive heating and cooling strategies that optimize natural ventilation and capitalize on winter sun and summer shade.
 2. Reduce urban heat island effects through any of the following measures:
 - a. Reduce building footprints and paved areas that capture heat.
 - b. Maintain and increase tree canopies, particularly over paved surfaces and building footprints with strategically located landscape.
 - c. Use roof and paving materials and colors that reflect sunlight and heat away from the surfaces and reduce surface temperatures.
 3. Promote site-specific renewable energy technologies.
 4. Ensure that sites and buildings are EV-ready.
 5. Emphasize facilities for recycling and composting, including storage areas and access for pick-up services.
 6. Maintain water-efficient landscape through any of the following:
 - a. Plant all xeric landscaping according to EMC § 16-8-5.
 - b. Use high-efficiency irrigation systems, such as drip systems or rain-sensor systems.
 - c. Implement non-potable water systems.
 7. Coordinate with the building code and energy code to ensure that all buildings, fixtures, and appliances are meeting energy, water, waste, and recyclable material benchmarks.
- C. **Administrative Adjustments.** Achieving significant performance levels on any of these guidelines may justify administrative adjustments to the standards of this Chapter according to the process and criteria in EMC § 16-2-11, Administrative Adjustments and based on the intent and design objectives of this Section.

Chapter 7 Access and Parking

- 16-7-1 Intent
- 16-7-2 Applicability
- 16-7-3 Access and Circulation
- 16-7-4 Required Parking
- 16-7-5 Parking Design

16-7-1 Intent

The intent of the Access and Parking standards is to:

- A. Emphasize the importance of site access for multiple modes of transportation.
- B. Preserve streetscape design and street functions by coordinating access along block faces and internal to blocks.
- C. Create access and parking standards appropriate to the context of the site, considering surrounding development patterns, street design, and available modes of transportation.
- D. Provide the optimal amount of vehicle parking for individual sites, recognizing that too much and too little parking each have negative impacts.
- E. Maximize opportunities for on-street parking, shared parking, and other strategies to reduce the inefficiency from underutilized and redundant surface parking on adjacent sites.
- F. Ensure appropriate site design features that mitigate the physical, aesthetic, and environmental impact of parking on streetscapes and surrounding sites.
- G. Implement Ballot Question 2D passed during the November 1, 2011 election concerning parking vehicles on private property.

16-7-2 Applicability

Access and parking shall be shown on plats and site improvement plans, according to the application requirements in Chapter 16-2 of this Title. Specifically, the standards in this Chapter apply to:

- A. All new development, buildings, or uses on a site.
- B. A change of use, or additions to existing building, except that:
 - 1. Additional parking requirements shall only apply to the expanded portions;
 - 2. New parking for non-residential uses shall only apply where the change required more than 20% additional parking than the current condition; and
 - 3. The design standards shall only apply to the newly constructed parking; except when more than 50% of a parking area is reconstructed, all parking and access shall comply with this Section.
- C. The access standards shall not limit the location of any existing access, except:
 - 1. In conjunction with a public streetscape project;
 - 2. Where more than 50% of a parking area is added, reconstructed, or similarly impacted by development; or
 - 3. Where the existing access is determined to be a danger to public safety in association with any development application or street project.

16-7-3 Access and Circulation

- A. **Design Objectives.** The access to and circulation for sites shall be designed to achieve the following design objectives:

1. Reduce impacts of driveways and curb cuts on streetscape designs and limit or eliminate conflicts with pedestrians, bicycles, and vehicles.
2. Promote shared, common, or other vehicle access internal to blocks, particularly on busier streets or where the standards otherwise limit or prohibit access.
3. Coordinate reasonable vehicle access with frontage designs for lots and buildings based on context and according to EMC § 16-5-4.B (residential frontages) and EMC § 16-6-4 (non-residential frontages).
4. Provide safe and convenient bicycle and pedestrian access to buildings and sites comparable to or greater than for vehicles, and in the most direct way possible.

B. Alleys and Internal Circulation.

1. Alleys are encouraged for primary access to all blocks in conjunction with EMC § 16-3-3, and particularly for residential or mixed-use development.
2. Alleys shall meet the design standards in EMC § 16-3-4.
3. Alleys shall connect through the block to a publicly dedicated street on each end. However, where the surrounding streets or the development patterns within a block warrant, alleys may be in “H”, “L”, “Z” or “T” configurations.

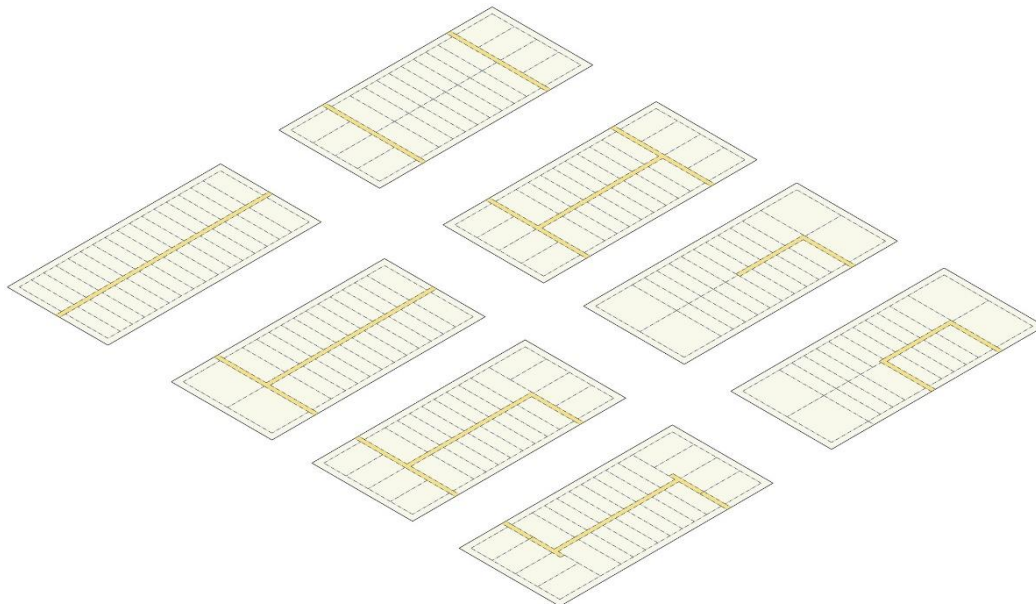


Figure 7-1. Alleys and a variety of patterns of internal block circulation provide efficient access to multiple or all blocks on a lot and maintain the streetscape and patterns of lot and building frontages along a block.

4. Where alleys exist, lots shall not have private vehicle access from a public street except as permitted by the frontage design standards in EMC § 16-5-4.B for residential frontages, and EMC § 16-6-4 for non-residential frontages, or where specifically justified by a traffic study and approved by the City.
5. For large projects or where access otherwise constrained by the standards or traffic conditions on the fronting street, the City may require private streets or access drives.
 - a. Circulation between adjacent parcels shall be provided by through access drives, cross access easements, and other shared access provisions to protect the function, design, and character of public streets.
 - b. For lots or development sites over six acres, the private streets and access drives shall correspond to the public street cross sections in EMC § 16-3-4 and shall be laid out to organize the site into smaller internal blocks between one and four acres.

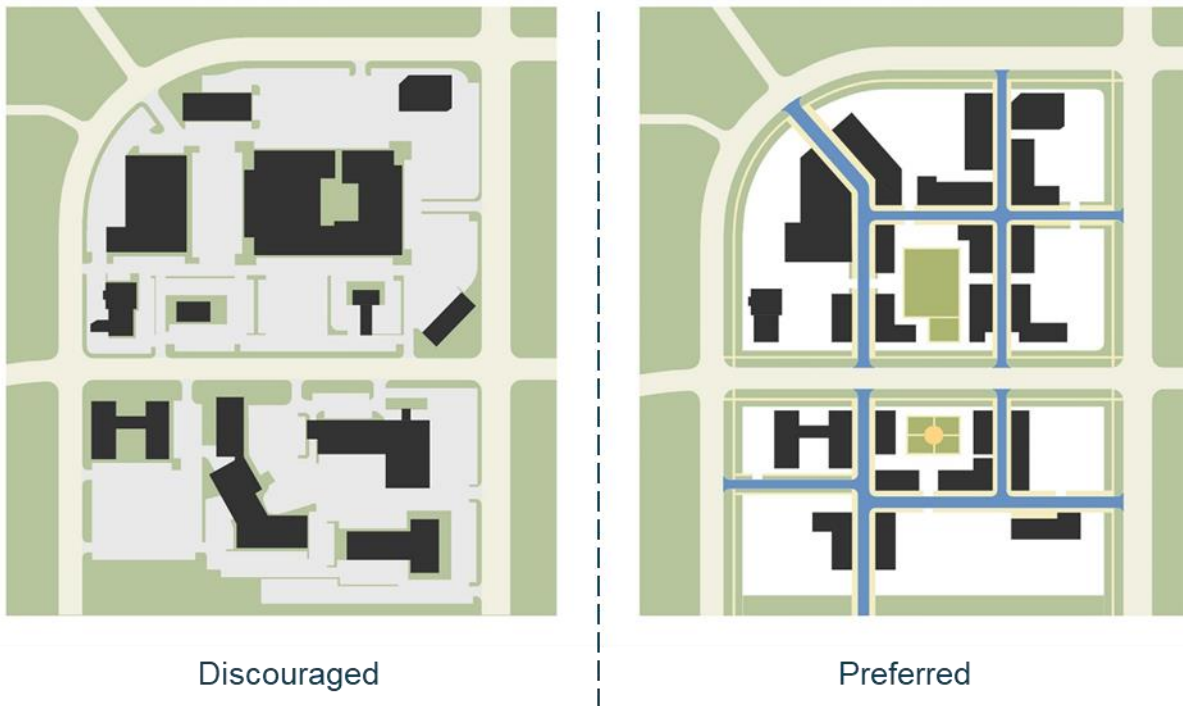


Figure 7-2. Larger blocks or development sites should use internal access drives to organize the development into a system of streets and civic spaces that mimic the surrounding block structure and development patterns as opposed to buildings arranged around large parking lots.

- C. **Driveways.** For lots that do not have access from an alley, or where private access is otherwise permitted, driveways shall be located according to Table 7-1 Driveway Setbacks.

Table 7-1: Driveway Setbacks			
Access	Setback from side or rear lot line [1]	Setback from street side corner	Separation from other access [2]
Residential lots - < 4 units	2 feet	40 feet	35 feet
Residential lots - 4 – 10 units	5 feet	40 feet local streets 80 feet other streets	50 feet
Non-residential lots and residential lots 11+ units	10 feet	150 feet	100 feet
Access from Alleys or Private / Internal Drives	Public street driveway access may be prohibited on blocks with alley access; there are no access width or separation requirements for driveway access from an alley.		

- [1] Shared access may be located on the property line subject to easements.
 [2] Driveway spacing may be averaged along a block for residential lots or on local streets to allow the best arrangement considering grades, streetscapes, and building and lot layouts.

1. Only one access point shall be permitted per lot, unless a site plan review or traffic study demonstrates a need for two access points to adequately balance access, circulation, and multi-modal transportation interests on the site.
2. Driveway spacing and design shall be located so that safe ingress and egress is provided, considering the function and design speed of the street from which the access

- is provided, and minimizing potential conflicts of all modes of transportation, including pedestrians, bicycles, and vehicles.
- 3. Landscape, buildings, and other site elements at access points shall be designed to meet the sight distance requirements of EMC § 16-3-4.D.2, Sight Distances.
- 4. All access shall be at least ten feet from any fire hydrant, catch basin, or end of curb radius at corners.
- 5. Driveway widths shall be limited by the frontage design standards EMC § 16-5-4.B (residential frontages) and EMC § 16-6-4 (non-residential frontages).

D. **Sidewalks.** Internal sidewalks shall meet the requirements of Table 7-2, Internal Sidewalk Widths:

Location	Minimum Width
▪ Any residential property, generally	5 feet
▪ Any residential property with more than ten units, or any mixed-use or non-residential property, generally	6 feet
▪ Along the front or to the primary entrance of a non-residential building up to 10,000 square feet, or any other primary pedestrian route	8 feet
▪ Along the front or to the primary entrance of any non-residential building more than 10,000 square feet, or any access designed for both pedestrians and bicycles.	12 feet
▪ Along any parking area with vehicle overhangs.	+ 2 feet to other required width

1. All lots shall provide direct sidewalk connections from building entrances to the following, in the most direct manner possible:
 - a. Sidewalks in the public rights-of-way.
 - b. Parking areas, and any parking area with a portion of it more than 250 feet from the entrance shall require a dedicated sidewalk either through or along the perimeter of the parking area.
 - c. Civic or open space, or other common areas designated for active use.
 - d. Transit stops, stations or similar ride share locations.
 - e. Where connections by way of the public street is not reasonable or practical, sites shall provide direct connections to any of the above areas or amenities on adjacent sites.
2. Internal sidewalks shall be designed to emphasize pedestrian priority and comfort with the following:
 - a. Separate sidewalks from driving surfaces by changes in the texture, raised surfaces, landscape edges, and similar distinguishing features, except for designated crosswalks which may be painted.
 - b. Provide adjoining landscaped areas that include trees, shrubs, flower beds, and ground covers along at least 50% of the walkways meeting the landscape design standards in EMC § 16-8-3.
 - c. Lighting fixtures along all walkways meeting the landscape design standards in EMC § 16-8-3.

E. **Transit and Bicycle Connections.**

1. *Internal Bicycle Connections.* All non-residential and multi-unit dwelling projects with 10 or more units shall provide connections between the on-site bicycle parking and the public street or nearest bicycle route, trail or greenway. These connections may be provided by:

- a. An internal sidewalk meeting EMC § 16-7-3.D Sidewalks, where the distance is less than 200 feet and people may be expected to dismount and walk their bicycles;
 - b. A shared use path at least 12 feet wide;
 - c. An internal bicycle trail meeting City standards; or
 - d. Internal streets or drive aisles utilizing the most applicable public on-street bicycle accommodation in EMC § 16-3-4.
2. *Transit Facilities.* Non-residential and multi-unit residential developments shall incorporate bus stop locations within their site if requested by the Regional Transportation District (RTD) or other transit provider. Bus stop locations shall accommodate a bus shelter and passenger-loading apron complying with RTD (or other transit provider) design criteria. All existing and proposed bus stops and park-n-ride facilities shall be linked by paved walkways to at least one sidewalk and to at least one internal walkway within each adjacent non-residential and multi-unit development that contains more than one building. Applicants are responsible for contacting and coordinating with RTD or any other transit provider to assure compliance with this provision.
- F. **Administrative Adjustments.** Administrative adjustments to the access and circulation standards in this Section may be authorized according to the process and criteria in EMC § 16-2-11, based on the intent and design objectives of this Section, and with any of the following additional applicable criteria:
- 1. The standards, when applied to a particular project or street, will adversely impact the function of the transportation network in the vicinity of the site.
 - 2. A specific access management study or plan has altered the application of these standards for the street segment.
 - 3. The project warrants a different access design when considering the functional class of the street, the streetscape design on the block, and the existing and anticipated adjacent land uses.
 - 4. In all cases alternatives shall be evaluated balancing the streetscape design, traffic conditions on the street segment, and bicycle and pedestrian needs within the area.

16-7-4 Required Parking

- A. **Vehicle Parking Rates.** Table 7-3: Required Parking provides minimum parking requirements for general categories of uses, which apply to all similar uses not specifically listed. The following criteria shall be used in interpreting the table:
- 1. Employee or occupancy rates shall consider maximum number of employees or occupants likely to be on-site at one time. Where this number is not easily or readily determined, the maximum building code capacity may be used.
 - 2. Square footage rates shall be based on the leasable floor area or active area dedicated to the particular use, excluding areas dedicated to common or public areas, hallways, and bathrooms. Where this number is not easily or readily determined, 85% of gross floor area may be used.
 - 3. A seating or capacity rate shall consider total number of seats based on industry standards for typical layouts of buildings or building codes.
 - 4. Where uses or sites have components of different uses (i.e. hotel with a restaurant), each component shall be calculated under most applicable rate.
 - 5. Where a use is not similar to a general use in the table or could meet more than one category, the Director shall determine the appropriate classification based on industry guides or the most similar use in terms of scale, format, and operation.

Table 7-3: Required Parking	
Use Category / Specific Use	Minimum Parking Rate
RESIDENTIAL USES	
Dormitory, fraternity, sorority	1 / 2 beds
Group living facility, large/special or small	1 / 3 resident beds, + 1 / 3 employees
Nursing home	1 / 4 resident beds + 1 / 3 employees
Senior citizen	0.75 / unit + 1 / each 5 units guest parking
One-unit, detached or attached dwelling (detached house, duplex, or rowhouse)	2 / unit
Senior citizen residential complex (35 percent or more of total units reserved for persons 60 years and older)	1 / 2 dwelling units, 1 / each 5 units guest parking
Multi-unit House and Multi-unit Dwellings (3+ units)	<p>Generally:</p> <ul style="list-style-type: none"> ▪ 1 BR / Efficiency = 1 per unit ▪ 2BR = 1.5 per unit ▪ 3 BR+ = 2 per unit ▪ Guest parking 1 per each 5 units <p>Transit Accessible (within ¼ mile of station)</p> <ul style="list-style-type: none"> ▪ 1 BR / efficiency unit = 0.75 per unit ▪ 2 BR = 1.25 per unit ▪ 3 BR+ = 1.75 per unit ▪ Guest parking 1 per each 8 units
Boarding or Rooming Houses	1 / guest bed, in addition to the unit requirement
PUBLIC/INSTITUTIONAL USES	
Assembly	1 / 3 seats
School - elementary	1 / each classroom and administrative office
School - secondary	An area equal to 1/2 the gross floor area in the structure
Public Buildings	An area equal to 1/2 the gross floor area in the structure
COMMERCIAL USES	
Assembly \	1 / 3 seats
Amusement facilities, convention facilities, dance halls, gymnasiums, theaters, skating rinks	1 / 3 seats
Bowling alley	4 / lane, + 1 / each 2 employee
Restaurant, bar, tavern	<p>< 2000 square feet – 1 / 150 square feet</p> <p>2000 + square feet – 1 / 100 square feet</p> <p>Carry-out Only (non-drive through) – 1 / 200 square feet</p>
Hospital	1 / 2 patient beds, + 1 / each 2 employee
Office	1 / 300 square feet
Retail Sales and Service	<ul style="list-style-type: none"> ▪ Under 2K = 2 per 1,000 ▪ 2K – 10K = 3 per 1,000 ▪ 10K to 40K = 4 per 1,000 ▪ 40K – 200K = 5 per 1,000 ▪ Over 200K or groupings of multiple uses that amount to subsets may use blended rate.
Automotive sales, rental; Automobile pawnbroker	1 / 2 employees; + 2 . 300 s.f. of sales/office, repair, or maintenance space.
Hotel; Hotel, Extended Stay	1 / guest room, + 1 / each 2 employees
MANUFACTURING/INDUSTRIAL USES	
Industrial Service and/or manufacturing	An area equal to 1/4 the gross floor area occupied by the use in a structure.

Table 7-3: Required Parking

Use Category / Specific Use	Minimum Parking Rate
Mini-storage facility	1 / 6,000 square feet (storage and administrative office; OR 1 / 100 units; whichever is greater; + 2 / each employees.
Wholesale business	An area equal to 1/4 of the gross floor area of the structure or structures.
Warehousing and/or storage	An area equal to 1/4 of the gross floor area of the structure or structures.

B Exceptions. The following exemptions and credits reduce the parking required by Table 7-3.

1. *MU-B-1 Exempt.* No parking is required for principle non-residential uses in the MU-B-1 zoning district with frontage on South Broadway. Any parking that is provided shall meet all of the standards of this code.
2. *On-street Parking Credit.* Non-residential uses may count all on-street parking along or within 200 feet of any lot frontage, located on the same block as the proposed development or use, towards the parking requirement at a rate of 0.5 space for every on-street space that is generally available to the public. Spaces located on residential street frontages shall not count. Where on-street spaces are not marked, the length of curb for parallel parking spaces in EMC § 16-7-5 shall be used.

C. Maximum Parking. Non-residential uses shall not provide more than 140% of the minimum required parking without documented evidence of actual parking demand based on studies of similar uses in similar contexts. In addition, any parking permitted over 120% of the minimum shall require mitigation of the potential impacts of additional parking through one or more of the following strategies:

1. Exhaust all other options in this Section for reductions, adjustments, and more efficient utilization of parking, including potential shared parking strategies.
2. Use alternative surfaces designed to infiltrate stormwater, and approved by the Public Works Director.
3. Provide additional buffers and site open spaces to screen parking with at least a 10% increase in the open space or buffers required for the parking, and at least a 20% increase in the amount of landscape material required for the parking.
4. Design all parking areas over the 120% minimum as dual-purpose space, such as plazas, playgrounds, or similar event areas for regular and active use of the space during non-peak parking times.
5. Increase the lot open space required for the building and site in Chapter 5 or 6 of this Title by an amount equal to the area of parking over the 120% minimum and locate this open space to limit the impact and visibility of parking.
6. Increase the electric vehicle parking required in this Section to include all additional spaces over 120%, or provide all parking in a manner that is “EV capable” by installing conduit throughout the parking areas capable of supporting breakers and electric service for charging stations.

D Accessible Parking. Accessible vehicle spaces shall be provided within the required spaces in accordance with the Americans with Disabilities Act (ADA) guidelines for quantity, design and location, including the following:

Table 7-4: Accessible Parking

Total Required Spaces	Minimum Accessible Spaces
1 - 100	1 per every 25 spaces
101 - 200	1 additional per each 50 spaces over 100

Table 7-4: Accessible Parking

<i>Total Required Spaces</i>	<i>Minimum Accessible Spaces</i>
201 - 500	1 additional for each 100 spaces over 200
501 - 1000	2 % of the required vehicle spaces.
1001 +	20 + 1 for each 100 over 1,000

1. Accessible parking shall be located on the shortest accessible route to the primary entrance or main accessible entrance.
2. Accessible spaces shall be at least eight feet wide with a minimum five feet accessible aisle. Two adjacent spaces may share the same accessible aisle.
3. Van accessible space shall be required at a rate of one per every eight required accessible spaces, with a minimum of one. Van accessible spaces shall be 11 feet wide with a minimum five feet accessible aisle.
4. Signs shall be posted with a sign and pavement markings designating the space with the symbol of accessibility.

- E. **Electric Vehicle Parking.** Parking areas shall provide electric vehicle charging capabilities in accordance with the building codes, and where required or provided shall comply with the following design standards:
1. Electric vehicle parking spaces shall be incorporated into the same lot and count as all other required spaces.
 2. Spaces shall be located in more remote and lesser priority parking spots to discourage their frequent use by non-electric vehicles.
 3. Charging facilities shall be treated as a general accessory use and structure, subject to the general site and landscape design standards, provided they otherwise are compatible with the landscape or other structures on the site.
- F. **Bicycle Parking.** All non-residential and multi-unit residential buildings shall provide bicycle parking spaces according to Table 7-5, Bicycle Parking.

Table 7-5: Bicycle Parking

<i>Activity</i>	<i>Required Spaces</i>
<i>Multi-unit Residential Buildings (3+ units)</i>	1 space for each 2 dwelling units, except facilities where 90% or more of the units are designed for or occupied by persons 60 years or older shall provide 1 space per each 20 units.
<i>Primary school (Grades K – 8)</i>	1 space per 20 students
<i>Secondary school (Grades 9-12)</i>	1 space per 30 students
<i>Commercial recreation and community facilities</i>	1 space per each 12 persons capacity
<i>Public transit station</i>	10% of the required parking spaces, but at least 20 bicycle parking spaces.
<i>General non-residential uses</i>	10% of the required vehicle spaces, but at least 2 bicycle parking spaces.
<i>Waiver</i>	Auto service stations, drive-up services, mortuaries or other commercial service or institutional uses where bicycle patronage is unlikely, the Director may waive the bicycle parking requirement.

Bicycle parking shall be designed according to the following standards:

1. A structure shall be securely anchored to the ground and usable for both U-locks and cable locks, support a bike at two points of contact to prevent damage to wheels or frames.
2. Bicycle parking for non-residential uses shall be located within 100 feet of the primary entrance unless the Director approves an alternative location based on the site design and overall vehicle, bicycle, and pedestrian circulating for the site.
3. Bicycle parking facilities may be located in the right-of-way subject to streetscape design plans and the Director approval. Structures designed for some other primary purpose meeting the streetscape standards or are designed with artistic or ornamentation enhancements may contribute to the bicycle parking requirement provided they meet the essential function of safe, secure, and practical bicycle parking.
4. Alternative standards and specifications based on recognized industry guidance or best practices for bicycle parking may be approved by the Director through site plan review.

G. **Administrative Adjustments.** Administrative adjustments to the required parking in this Section may be authorized according to the process and criteria in EMC § 16-2-11, depending on context and according to the following strategies:

1. *Transit Area Adjustment.* Multi-unit residential dwellings within one-quarter mile of a light rail stop or station may receive the reduced rate for multi-unit dwellings specified in Table 7-3. Other uses may propose a reduction up to 30% of the required parking, provided the use is likely to support transit ridership. The distance shall be measured on direct and safe pedestrian routes meeting all street and sidewalk standards in this code, or where deficiencies in this pedestrian network exist, they shall be provided as a condition of the transit area parking credit. This adjustment shall not apply to any specific transit area plan or other planned zoning application that has already determined a specific parking strategy based on transit access.
2. *Walk and Bike Parking Adjustment.* Any site plan or project area that provides enhanced bicycle and pedestrian access may propose a reduction in parking by up to four spaces or 20% of the required spaces, whichever is greater, provided it is practical to expect significant pedestrian and bicycle access to the site based on: the proximity to enhanced bicycle or pedestrian facilities; the design of the site including bicycle parking beyond that required in this Section; and the nature of the use and anticipated patrons.
3. *General Exception.* The Director may reduce the required parking for any use by up to two spaces or 10% of the required spaces, whichever is greater, due to the nature of a particular use or any unique circumstances on the site, provided there will be no negative impacts on adjacent property.
4. *Shared Parking.* Required parking may be reduced for any site containing multiple uses, or for adjacent sites with different uses according to Table 7-6, Shared Parking.
 - a. Any shared parking arrangement shall require an agreement among all landowners participating in the agreement to ensure access, joint use, maintenance, and other operational issues.
 - b. The agreement shall be recorded for each participating property with the Arapahoe County Clerk and Recorder. The agreement shall state that it cannot be changed or modified without the approval and signature of the Director.
 - c. A shared agreement that differs from this table may also be approved based on a joint parking study for the sites and uses demonstrating adequate parking during peak hours for all parties to the agreement.

Table 7-6: Shared Parking					
Use	Percentage of Required Parking by Time Period				
	Weekday		Weekend		All
	6 AM to 5 PM	5 PM to 1 AM	6 AM to 5 PM	5 PM to 1 AM	1 AM to 6AM
<i>Employment</i>	100 %	10 %	5 %	5 %	5 %
<i>Retail or Service</i>	75 %	75 %	100 %	90 %	5 %
<i>Restaurant</i>	50 %	100 %	75 %	100 %	25 %
<i>Entertainment and Recreation</i>	30%	100 %	75 %	100 %	5 %
<i>Place of Worship</i>	5 %	25 %	100 %	50 %	5 %
<i>School</i>	100 %	10 %	10 %	10 %	5 %
<i>Dwellings</i>	25 %	90 %	50 %	90 %	100 %
<i>Lodging</i>	50 %	90 %	75 %	100 %	100 %

16-7-5 Parking Design

- A. **Design Objectives.** The layout, location and design of parking areas shall meet the following design objectives:
1. Locate parking and circulation in ways that minimize negative impacts on public streetscapes or adjacent sites.
 2. Use landscape, building design, and other site design strategies to improve the appearance of parking areas.
 3. Incorporate sustainable practices into parking design to minimize runoff, decrease heat island effects, incorporate low impact design features, and otherwise reduce environmental impacts.
 4. Encourage smaller and more dispersed parking areas to reduce impacts.
- B. **Landscape Areas.** The landscape area standards in Table 7-7, Parking Lot Landscape are based on the size of the parking area (# of spaces) and the location of the parking area relative to the principal building (front, side, or rear).

Table 7-7: Parking Lot Landscape		
Spaces per Parking Block	Front	Side and Rear
<i>151 or more</i>	<ul style="list-style-type: none"> Prohibited – must be broken into smaller parking blocks 	<ul style="list-style-type: none"> 10-foot perimeter buffer; and 10 spaces per internal island
<i>51 or 150</i>	<ul style="list-style-type: none"> 20-foot front setback buffer 10-foot perimeter buffer 10 spaces per internal island 	<ul style="list-style-type: none"> 6-foot perimeter buffer 15 spaces per internal island
<i>20-50</i>	<ul style="list-style-type: none"> 10-foot front setback buffer 6-foot perimeter buffer 15 spaces per internal island 	<ul style="list-style-type: none"> 6-foot perimeter buffer
<i>Under 20</i>	<ul style="list-style-type: none"> 6-foot front setback buffer 6-foot perimeter buffer 	<ul style="list-style-type: none"> 6-foot perimeter buffer, except where abutting an alley
<i>Residential (four or more spaces)</i>	<ul style="list-style-type: none"> 30 feet and behind front building line 	<ul style="list-style-type: none"> 10+ meet non-residential above Under 10, 3-foot perimeter buffer, except where abutting an alley



Figure 7-3. Parking lot landscape should be designed to enhance relationships to the streetscape, buffer parking from adjacent areas, and soften large expanses of parking. The standard increase the large the parking area and the more publicly visible the location.

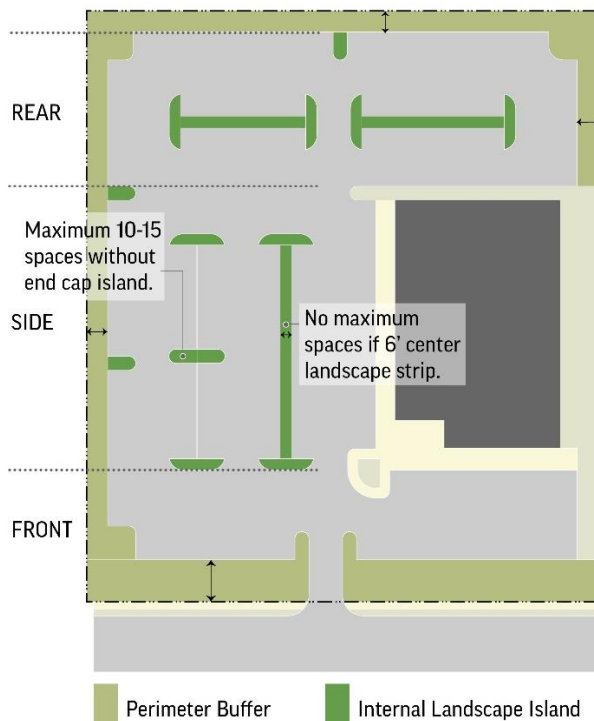


Figure 7-4. Perimeter and internal parking landscape is based on the scale of the lot. Internal landscape may be combinations of end caps, center medians, and/or end caps determined by the location and size of the parking area and quantity of parking spaces.

The landscape areas required by Table 7-7 shall be allocated as follows:

1. The perimeter landscape areas shall be continuous, except for driveways or sidewalks accessing the parking area.
2. Interior landscape islands shall be either:
 - a. A peninsula extending from the perimeter landscape area at the required intervals, at least six-feet wide and 110 square feet
 - b. An end cap island at the required intervals that is at least eight-feet wide and at least 150 square feet for one stall and at least 300 square feet for two stalls; or
 - c. A continuous center strip between two opposing stalls along the entire parking bank that is at least six-feet wide.
3. Any perimeter area that includes a sidewalk shall meet both the sidewalk width and perimeter landscape area width independently, with no landscape area being less than six-feet wide.
4. All perimeter and internal landscape areas shall include plant materials meeting the requirements of EMC § 16-8-3.

C. **Parking Dimensions.** Parking areas shall be designed to meet the dimension specifications in Table 7-8: Parking Dimensions.

Parking Angle Width (A)	Width (B)	Length (C)	Depth to Curb (D)	Curb Width (E)	Aisle Width - One-way (F)	Aisle Width - Two-way (G)	Bumper Overhang*
0 degrees	7.5 feet	22 feet	7.5 feet	22 feet	12 feet	20 feet	N/A
30 degrees	8.5 feet	20 feet	16 feet	17 feet	13 feet	20 feet	1.5 feet
45 degrees	8.5 feet	20 feet	18 feet	12 feet	15 feet	20 feet	1.5 feet
60 degrees	9.0 feet	19 feet	21 feet	10.5 feet	18 feet	24 feet	2.0 feet
90 degrees	9.0 feet	18 feet	18 feet	9.0 feet	20 feet	24 feet	2.0 feet

* Amount of Depth to Curb dimension that may overhang landscape area or sidewalk or other wheel stop block. If overhanging sidewalk, this amount shall be added to the required minimum sidewalk width.

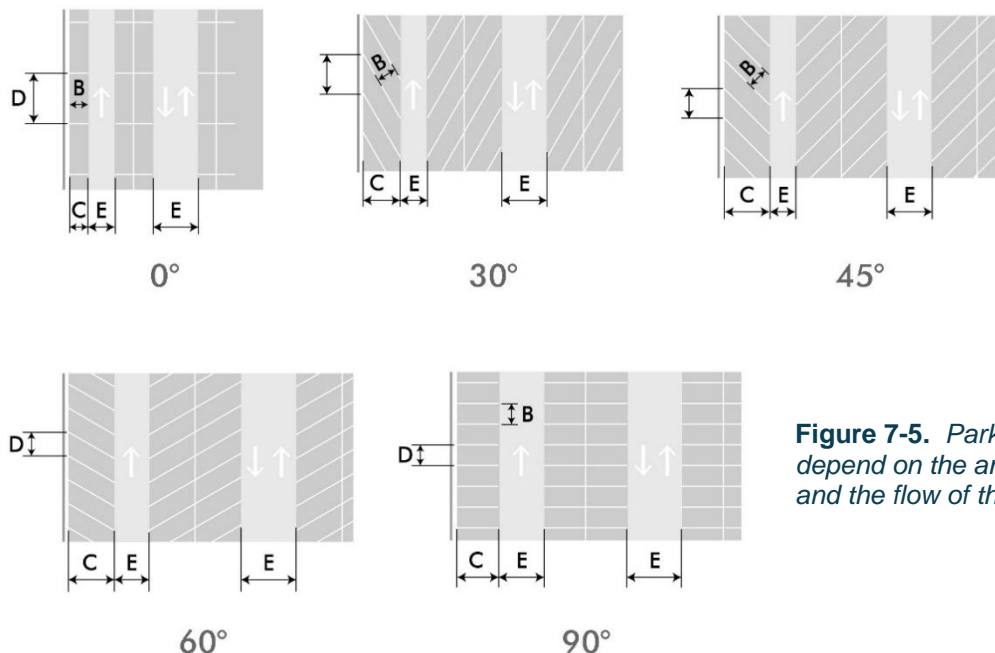


Figure 7-5. Parking area dimensions depend on the angle of the spaces and the flow of the drive aisles.

D. General Design Standards.

1. All required parking shall be on-site except as specifically provided in this Chapter for credits or shared parking sections. Additionally, the Director may allow for a portion of required parking off site through a site plan review subject to the following specific considerations:
 - a. It is within 600 feet of the subject site for non-residential and 200 feet for residential;
 - b. It is in the same or comparable zoning district;
 - c. The presence of the off-site lot does not negatively impact potential development on that lot or in the vicinity;
 - d. There are no pedestrian barriers or other access constraints;
 - e. Any parking area developed or improved specifically to provide off-site parking in association with the application shall meet the design standards of this Chapter; and
 - f. An agreement demonstrating rights and control of the off-site property is provided.
2. No parking space shall be located where it backs into a street except:
 - a. Residential parking and driveways for buildings less than 10 units.
 - b. On-street parking, or parking on any internal street or access drive designed to correspond with public street standards, including on-street parking.
 - c. This provision does not apply to parking areas under 10 spaces along alleys.
3. Off-street parking areas having 50 or more spaces shall provide a designated area for the storage of snow removed from the lot. The storage area shall not be in a required parking space or spaces.
4. All off-street parking areas and driveways shall be graded and paved with an all-weather material meeting Englewood Design and Construction Standards and Specifications.
5. All parking and access areas shall be designed to adequately address drainage and runoff, including curb, gutters and inlets, or any other drainage strategy approved by the Public Works Director to support best management practices to minimize runoff and encourage infiltration of storm water.

E. Loading Areas. All non-residential uses and residential buildings with 25 or more units shall require loading areas as indicated in Table 7-9, Loading Areas.

Table 7-9: Loading Areas	
Gross Floor Area	Required Loading Area and Size
<i>Under 5,000 s.f</i>	N/A, or may be shared per 16-7-5.E.5
<i>5,001 – 25,000 s.f</i>	1 space; 10 feet x 25 feet
<i>25,001 – 40,000 s.f.</i>	2 spaces; at least one of which is increased to 10 feet x 40 feet
<i>40,001 or more s.f.</i>	3 spaces, plus 1 for every 50,000 s.f. over 100,000; at least half of which shall be 10 feet x 40 feet

1. Loading areas shall be located on a remote portion of the building and site or internal to the block and buffered by other buildings wherever possible.
2. Loading areas and activities shall not interfere with the use of walkways, drive aisles, stacking areas, internal access streets or public streets.
3. Loading shall be screened from public streets or adjacent residential areas in a manner that best limits visibility and mitigates noise, according to the buffer types and design standards in EMC § 16-8-4.

4. In the MU-B-1 District, loading shall be provided off an alley or located with a structure. The use of loading from a primary street shall only be permitted if there is no alley access or no ability to utilize loading within a structure.
 5. In any area, project, or zoning district designed to promote pedestrian activity, or for buildings and sites where more compact building and site design is required, alternate loading standards shall be permitted by the Director. Alternate loading standards may include sharing of loading spaces among multiple smaller tenants, using side streets, on-street parking, or alleys – particularly where there is sufficient spaces during off hours for loading or deliveries, or other similar strategies that avoid designing sites for large vehicle access.
- F. **Administrative Adjustments.** Administrative adjustments to the parking design standards in this Section may be authorized according to the process and criteria in EMC § 16-2-11, Administrative Adjustments, based on the intent and design objectives of this Section, and with any of the following additional applicable criteria:
1. To facilitate infill development or where site constraints hinder the ability to meet the dimensional standards.
 2. To integrate more sustainable practices considering the water quality, air quality, energy efficiency, or other similar environmental impacts.
 3. To better accommodate any non-vehicle or other alternative modes of transportation.
 4. Any exception shall be based on documentation that the proposed dimensions and arrangements will not require unsafe or impractical vehicle maneuvering.

Chapter 8 Landscape Design

- 16-8-1 Intent
- 16-8-2 Applicability
- 16-8-3 Landscape Requirements
- 16-8-4 Buffers and Screening
- 16-8-5 Plant Specifications
- 16-8-6 Fences and Walls

16-8-1 Intent

The intent of the Landscape Design standards is to:

- A. Improve the image of the City and build value with a well-designed public realm.
- B. Emphasize distinct areas throughout the City with the location and design of landscape areas.
- C. Coordinate landscape and design amenities across multiple sites and leverage the impact of consistent relationships of public and private frontages.
- D. Strengthen the character, quality, and value of development with landscape design that serves multiple aesthetic, environmental, and social functions.
- E. Enhance the ecological function of unbuilt portions of sites and protect and integrate established natural amenities into development projects.
- F. Screen and mitigate the visual, noise, or other impacts of sites and buildings.
- G. Conserve water and shift to water-conscious landscape design that is regionally appropriate and specific to the arid Front Range climate.

16-8-2 Applicability

The standards of this Chapter shall apply to the following:

- A. A building permit for a new principal structure.
- B. A building permit for an existing principal structures that results in an increase of the gross floor area by more than 15% and more than 500 square feet.
- C. A Site Improvement Plan that increases the impervious area by more than 20%.
- D. Any addition of parking to nonresidential uses or residential uses with ten or more dwelling units.
- E. A building permit for the renovation, remodeling or expansion of an existing residential structure that includes a change to a non-residential use.

In cases where the landscape standards apply, the intent is to bring the site into full compliance with these standards. However, for infill and rehabilitation of existing sites the Director may prorate the requirements to the extent of the site work where full compliance is not possible or practical, and only apply the standards to portions of the site subject to development.

16-8-3 Landscape Requirements

- A. **Design Objectives.** Landscape plans shall meet the following design objectives:
 - 1. Frame streets and emphasize important gateways with street trees, landscape massing, and other vertical elements.
 - 2. Provide comfort, spatial definition, and visual interest to active outdoor spaces including walkways, civic spaces, parks, trails, or other similar outdoor gathering places.

3. Improve resource and energy efficiency with landscape arrangements that consider wind blocks, heat gain, water usage, solar access, and other elements inherent to the site.
4. Increase the tree canopy, particularly to reduce heat gain from paved surfaces and buildings and to shade active spaces of streetscapes and sites.
5. Improve water quality, prevent erosion, and reduce runoff with natural landscape elements that intercept, infiltrate, store, or convey precipitation and runoff.
6. Locate plants, landscape features, and site design elements sensitive to seasonal solar and shading conditions, particularly maximizing summer shade and winter sun on active portions of sites.
7. Encourage the protection and preservation of healthy plants and landscape features that can meet current and future needs of the site through development, rather than plant and design new ones.

B. Planting Requirements. The required landscape shall be based on different elements of the site according to Table 8-1, Plant Requirements.

Table 8-1: Plant Requirements			
Site Element	Trees	Evergreen Trees	Shrubs
Streetscape: <i>The landscape area in the ROW or along the lot line immediately abutting the ROW.</i>	1 large tree per 30 feet of lot frontage	N/A	N/A
	Corner lots shall meet this requirement on street side lot lines at a rate of 50% of the requirement. Constrained right-of-way or streetscapes may substitute one ornamental tree per 20 feet.		
Frontage and Foundation. <i>The area between the building line and ROW, including street sides of corner lots.</i>	1 ornamental tree per 30 feet of lot frontage for buildings set back more than 10 feet from the front lot line; AND 1 large tree per 30 feet of lot frontage for buildings set back more than 40 feet.	Evergreen trees may substitute for ornamental trees at a rate of 1 for 1, and for large trees at a rate of 2 for 1, for up to 50% of the requirement.	1 shrub per 5 feet of building frontage. 3 ornamental grasses may substitute for each shrub up to 50% of the requirement. Seasonal planting beds or pots associated with the entrance may substitute for any building located closer than 10 feet to the front lot line.
	Corner lots shall meet this requirement on street side lot lines at a rate of 50% of the requirement		
Parking. <i>Areas on the perimeter, or interior of parking.</i>	1 large tree per 5 parking spaces	Evergreen trees may substitute for large trees at a rate of 2 for 1, for up to 50% of the requirement	1 shrub per 5 feet of perimeter. 1 shrub per 3 feet for any parking area within 20 feet of any right of way or sidewalk. 3 ornamental grasses may substitute for each shrub up to 50% of the requirement.
	Ornamental trees may substitute for large trees at a rate of 2 for 1 up to 50% of the requirement		
Buffers. <i>Areas of a site that require additional landscape to mitigate potential impacts on streetscape or adjacent property.</i>	See EMC § 16-8-4		
Other Open Spaces. <i>All other required unbuilt and unpaved areas.</i>	1 large tree per 625 s.f residential; 1 large tree per 325 s.f. nonresidential	Evergreen trees may substitute for large trees at a rate of 2 for 1.	1 shrub per 100 s.f. residential; 1 shrub per 50 s.f. nonresidential. 3 ornamental grasses may substitute for each shrub.
	Ornamental trees may substitute for large trees at a rate of 2 for 1.		
At least 70% of all required landscape areas shall be living plant material and ground cover, with permeable surfaces to support the root systems. Up to 30% may be non-living decorative material with either (1) hardscape such as pavers, stone, or textured and colored concrete designed for people (no vehicle surfaces); or (2) inorganic (non-living) material such as river rock, colored pea gravel, boulders, or similar natural material, provided it is designed and arranged in a way that can infiltrate runoff in association with planting areas. All other unbuilt or unpaved areas of a site shall require ground cover, perennials, grasses, rock, mulch or other natural and permeable surfaces.			

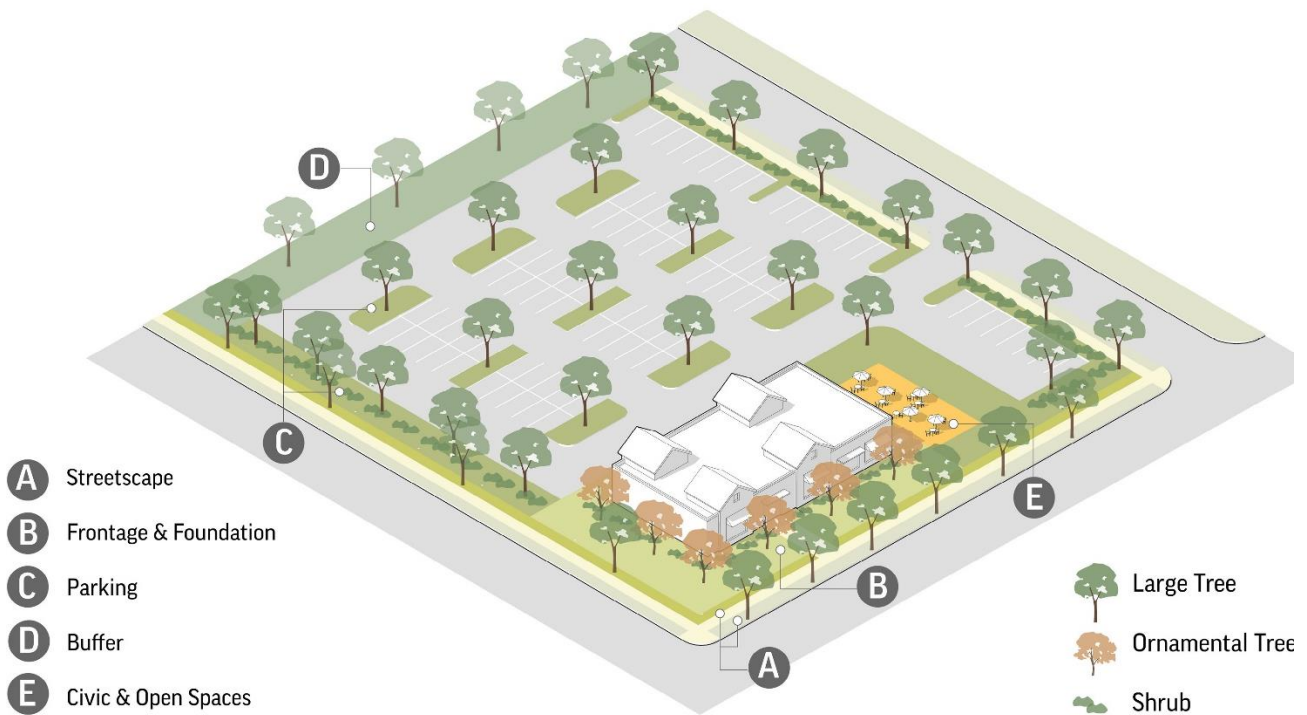


Figure 8-1. Landscape standards and plans are broken out by different components of the site – streetscape (A), foundation and frontage (B), parking (C), buffers (D), and civic and open spaces (E)..

- C. **Credits for Existing Vegetation.** Preservation of existing landscape material that is healthy and desirable species may count for landscape requirements provided measures are taken to ensure the survival through construction and all other location and design standards are met.
1. Landscape plans shall provide an inventory of all existing trees or significant woody vegetation including size, health, species, and any proposed for removal.
 2. Existing landscape credits shall only count toward the portion of the site where it is located, according to the site elements in Table 8-1. For example, an existing tree may only count toward the required planting for parking lot perimeters if it remains in the parking perimeter in the final design.
 3. Credits shall be as follows, provided they meet the minimum specifications for new plants:

Table 8-2: Existing Tree Credit	
Existing Trees	Allowed Tree Credit
2.5 inches – 6 inches caliper	1
6 inches + - 12 inches caliper	2
12 inches +; or any other plants of exceptional quality due to species, location, maturity, and health	3

4. Trees or other existing landscape that contributes to the standard shall be identified on a landscape plan and the critical root zone shall be protected for the entirety of construction by a construction fence. Tree protection measures shall be based on applicable industry standards and best practices to ensure survival of the landscape.

- D. **Design and Location.** The landscape required by Table 8-1 shall be arranged and designed in a way that best achieves the intent of this Chapter and design objectives of this Section, considering the context and adjacencies proposed on the site. Required plantings shall be planted in the following specific locations on the lot.
1. **Streetscape Trees.** Streetscape and frontage trees shall be located in line with other trees on the block to create a rhythm along the streetscape and promote enclosure of the tree canopy. In the absence of a clearly established line along the block, trees may be planted in the following locations in order of priority.
 - a. Centered between the sidewalk and curb where the landscape areas is at least six feet wide.
 - b. In tree wells that are at least four feet in all directions and at least 24 square feet, and located within the sidewalk (applicable on wider attached sidewalks or pedestrian-oriented commercial or mixed-use streets).
 - c. Five to ten feet from the back of curb where no sidewalk exists or from the sidewalk in other situations where the sidewalk is attached.
 - d. Within the first five feet of the front lot line where any constraints on the lot or in the right-of-way would prevent other preferred locations.
 - e. Ornamental trees may be substituted for large street trees only in situations where no other alternative is available due to constraints of the site or right-of-way conditions. Ornamental trees should be used where trees are to be located within ten feet of any overhead wires. No evergreens shall be planted in the right of way.
 - f. Shrubs or perennials planted in the streetscape (parkway, tree strip, or medians) shall not exceed 36 inches high, or 30 inches high in any area impacted by the sight distance limits of EMC § 16-3-4.D.2.

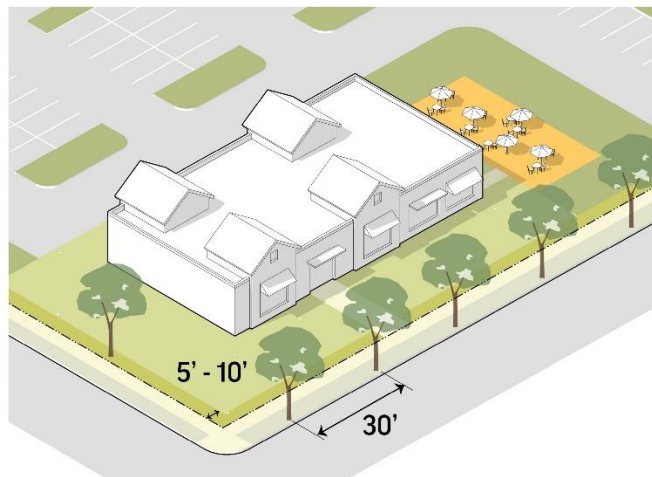


Figure 8-2. Street trees shall be located between the sidewalk and curb or within the first 5 to 10 feet of the front lot line or street if space is constrained.

2. **Frontage and Foundation Trees and Shrubs.** Foundation plantings shall be located in open spaces near the building or in planting beds associated with the design of any hardscape along the building frontage.
 - a. Ornamental and evergreen trees shall be located within 25 feet of the building.
 - b. Shrubs and other plantings shall be located within six feet of the foundation.
 - c. Where planting beds are used within hardscape around a foundation, they should be at least four feet deep, at least 60 square feet, and concentrated along at least 50% of the building frontage.

- d. Use larger and vertical landscape elements to frame entries, anchor the corners of buildings, or break up and soften larger building expanses.

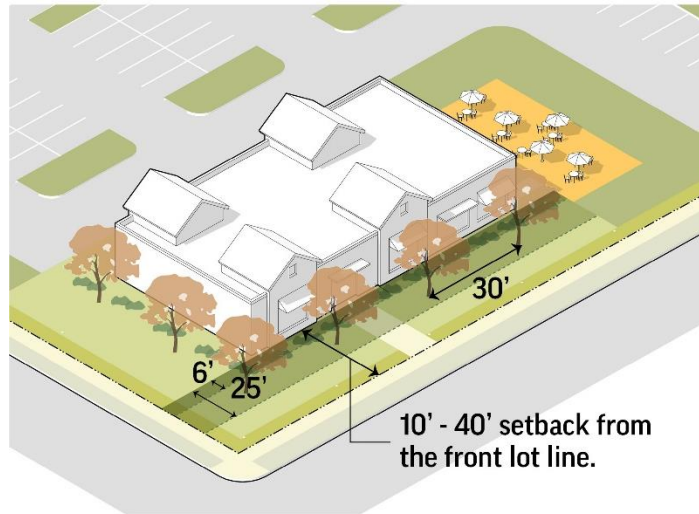


Figure 8-3. Foundation and frontage plantings provide a second layer of landscape to accent the building, particularly where buildings are setback more from the street.

3. **Parking Lot Landscape.** Parking lot landscape requirements shall be planted in perimeter buffers and landscape islands planned and designed according to EMC § 16-7-5, Parking Design.
- There shall be at least one large tree per 30 feet of parking lot perimeter, or one ornamental or evergreen tree per 20 feet of perimeter.
 - There shall be at least one tree per parking lot island, or one large tree or two evergreen or ornamental trees per 300 feet of other internal landscape area.
 - Shrubs shall be located to define parking lot edges, screen parking from adjacent sites, or create low barriers along sidewalks and streetscapes.
 - Any parking within 20 feet of the right-of-way shall have a Type I buffer per EMC § 16-8-4.
 - Any surface on private property, permeable or non-permeable, except for grass, is an allowable surface for parking and storage of a vehicle.

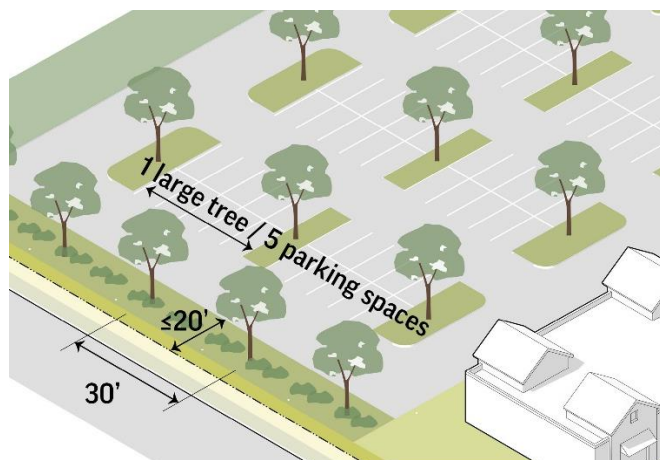


Figure 8-4. Parking lot landscape is dependent on the size, location, and relation to the streetscape as specified in section 16-7-4.

4. *Evergreens and Other Shaded Areas.* Avoid locating evergreen trees, fences, and other opaque screens that cause winter shade and freezing on the south sides near sidewalks, trails, or other active outside social areas. Use deciduous ornamental or shade trees that provide summer shade and winter sun in these locations.
 5. *Visibility at Intersections.* Screens, buffers and landscape shall be located and designed to maintain proper lines of sight at all intersections of streets, alleys, driveways, and internal access streets as provided in EMC § 16-3-4.D.2, Sight Distances.
 6. *Specific Applicability.* Where landscape standards for different elements of a site overlap, effective site and landscape design may enable the space and plants to count toward more than one requirement, based on the greater plant requirement applicable to that area. For example, a buffer area required by EMC § 16-8-4 may also be along a parking area perimeter, or a parking area perimeter may also be along a streetscape, and the greater planting requirement between these areas can satisfy both requirements. Approval shall be subject to the Director determining that the intent and design objectives of this Section are achieved.
- E. **Administrative Adjustments.** Administrative adjustments to the landscape design standards in this Section may be authorized according to the process and criteria in EMC § 16-2-11, Administrative Adjustments, and any of the following additional applicable criteria:
1. The alternative results in better design of common or civic space on the site;
 2. The alternative results in a better allocation of plants in relation to adjacent streetscapes or other public spaces; or
 3. The alternative is necessary to improve the longevity, survival, or environmental performance of plant materials.

16-8-4 Buffers and Screening

- A. **Design Objectives.** The buffer planting and screening standards have the following design objectives:
1. Mitigate impacts of parking lots or vehicle circulation near streets or property lines with landscape barriers and low-level headlight screening.
 2. Use berms, vertical landscape, dense plantings, or other grade or spatial changes to alter views, subdue sound, and change the sense of proximity of incompatible uses, buildings, or site conditions.
 3. Soften transitions where changes in development patterns, intensity of land uses, or building scale occur.
 4. Screen service and utility areas of buildings and sites from adjacent property or streetscapes with architectural features, fences, or landscape that limit visibility or noise.
 5. Address three layers of landscape, including: large trees (high-level – 30 feet +); evergreen or ornamental trees (mid-level – six feet to 30 feet); and shrubs, annuals, perennials, and ground cover (low-level – under six feet), to directly mitigate the potential impacts and adjacencies.



Figure 8-5. Buffers - dependent on context, should address three layers of mitigation – high layer with larger canopy trees; mid layer with small trees; and low layer with shrubs, evergreens and ground cover.

- B. **Buffer Planting.** The planting requirements in Table 8-3: Buffer Designs shall be used to buffer and screen more intense land uses or site elements according to the design objectives of this Section. The buffer width is independent of and may include any setback, parking perimeter buffer, or other open space requirement so that the larger requirement controls.

Site Element	Width [1]	Trees	Screen
Type 1: A low screen used to define the edges of areas, particularly along streets, alleys or walkways.	5 feet	1 large tree per 30 feet May substitute evergreens or ornamental tree at 2 for 1 for up to 50% of the trees	3-foot-high shrubs at 3 foot on center; OR 3-foot-high decorative wall or fence with shrubs and perennials along 50%
Type 2: A buffer designed to soften the transition between different uses, scales of buildings, or intensity of uses	10 feet	1 large tree per 30 feet May substitute evergreens or ornamental tree at 2 for 1 for up to 50% of the trees	3-foot-high shrubs planted 6' on center.
Type 3: A buffer design to create a special and visibility barrier between incompatible situations	15 feet	1 large tree per 40 feet AND 1 ornamental or evergreen tree per 20 feet	6-foot-high shrubs planted 6' on center; OR 6-foot-high solid fence or wall with shrubs and perennials along 50%

[1] The width of a required buffer may be narrower to account for infill situations, or more compact and urban conditions. In these cases, a combination of additional plants or structural separation may be required.

Buffer types in Table 8-3 shall be required in the following circumstances.

1. **Type 1 Buffers.** Type 1 buffers shall be required:
 - a. Anywhere parking is located within 20 feet of the public right of way.
 - b. Where a parking lot abuts a public or internal sidewalk.
 - c. Along alleys where there is a transition between industrial uses to residential uses across the alley.
2. **Type 2 Buffers.** Type 2 buffers shall be required:
 - a. At a common boundary between multi-unit projects with ten or more units and detached houses.
 - b. At a common property boundary between commercial and residential uses.

- c. At a common property boundary between industrial and commercial uses.
- 3. *Type 3 Buffers.* Type 3 buffers shall be required:
 - a. Any transition between industrial and residential uses.
 - b. Buffer and screening of any specific high-intensity uses or high-intensity portions of a site abutting or visible for public spaces or active portions of commercial and mixed-use property.
- 4. *Generally.* Any buffer may be required where necessary to meet the design objectives of this Section or to achieve the general screening standards of EMC § 16-8-4.C.



Figure 8-6. Buffers include 3 types based on the degree of intensity to be mitigated, and are based on options that combine space, landscape, and/or structural elements.

- C. **General Screening.** All of the following shall be screened from streets or adjacent property by placement of buildings, open space, dense evergreen vegetation, a decorative opaque fence or wall complementing the architectural details and materials of the building, or a combination of these screening strategies. Where design of the building, frontages, open space, buffers, and other site requirements do not adequately screen these elements, the Director may require additional planting to achieve the design objectives of this Section.
 - 1. Electrical and mechanical equipment such as transformers, air conditioners, or communication equipment and antennas whether ground-, wall-, or roof-mounted.
 - 2. Permanent or temporary outdoor storage areas where supplies or equipment are stored.
 - 3. Trash enclosures.
 - 4. Utility stations or fixtures.
 - 5. Large blank walls or the rear and sides of buildings visible from public streets, public or common areas or other sensitive boundaries.

6. Public parking lots over ten spaces adjacent to residential lots.

D. Administrative Adjustment. Administrative adjustments to the buffer and screening standards in this Section may be authorized according to the process and criteria in EMC § 16-2-11, Administrative Adjustments, and any of the following additional applicable criteria:

1. The alternative promotes an appropriate exchange of buffer width and plant intensity based on the circumstances of the site.
2. Other physical elements on the subject site or the abutting site make the applicable standard ineffective or impractical.

16-8-5 Plant Specifications

A. Design Objectives. The plant specifications have the following design objectives:

1. Ensure the longevity and survival of landscape investments with proper species, location, installation, and maintenance of plants.
2. Promote regionally appropriate strategies, including limiting risk of disease or infestation through diversity of urban forest on an area- or City-wide basis.
3. Establish minimum standards that balance immediate conditions with reasonable long-term growth and performance of landscape plans.
4. Require water efficient strategies in terms of the water needs of landscape plans, and the continued operations and maintenance of sites.

B. Species. All trees and shrubs shall be selected and planted according to the Englewood Landscape Manual. In addition to any species on these lists, alternatives may be proposed and approved as part of the site improvement plan provided they:

1. Are documented by a landscape architect or other credible information comparable in type and performance to any species on this list;
2. Are adaptable to the climate of the Front Range region and the specific conditions in which they are proposed; and
3. Are not invasive or otherwise problematic to the overall health of the landscape.

C. Plant Specifications. All landscape materials shall meet the American Standards for Nursery Stock standards and be selected for its native characteristics or survival in the climate for the Front Range region. Plants shall meet the following specifications at planting:

Table 8-4: Plant Specifications	
<i>Type</i>	<i>Specification</i>
<i>Large Tree</i>	2.5 inch caliper; Mature height of at least 30 feet
<i>Ornamental Tree</i>	2 inch caliper ; 8 foot to 10 foot minimum planting height for multi-stemmed; Mature height of 15 feet – 30 feet
<i>Evergreen Tree</i>	6 foot minimum planting height; Mature height of at least 10 feet. Evergreens with mature heights of 25 feet or more may be classified as large trees.
<i>Shrub</i>	24 inches or 5-gallon minimum container
<i>Perennials and Ornamental Grass</i>	1-gallon container
<i>Ground Cover</i>	Areas designed for vegetative cover shall have 50% ground cover at the time of planting and full coverage within 2 growing seasons
<i>General</i>	Plants used for screening and buffers shall achieve the required opacity and function in its winter seasonal conditions within 2 years following planting.

- D. **Tree Diversity.** The required trees planted shall promote diversity with the following species selection criteria.

<i>Required Trees</i>	<i>Diversity</i>
1 - 9	No specific requirement, but trees should be diversified from those existing trees in the vicinity.
10 - 39	At least 2 genus; AND At least 3 species No more than 50% of any one species
40+	At least 3 genus; AND At least 4 species No more than 33% of any one species

Streetscape plans may achieve street tree diversity on a broader area or block-scale basis while planting the same species on individual street segments or blocks for the urban design effect.

- E. **Xeric Guidelines.** All landscape plans shall conserve water with landscape materials and design techniques using the following xeric principles.
1. Incorporate a “zoned planting scheme” to reduce water demand by grouping plants with similar water requirements together in the same hydrozone.
 2. Limit high-irrigation turf and plantings to appropriate high-use areas with high visibility and functional needs and use water-conserving grasses such as fescue sods.
 3. Use drought tolerant plants, suitable to the region, with low watering and pruning requirements.
 4. Incorporate soil amendments and use of organic mulches that reduce water loss and limit erosion. All plant areas should receive soil amendments of at least three cubic yards per 1,000 square feet.
 5. Install efficient automatic irrigation systems that incorporate water conservation measures, including spray heads for ground cover and drip irrigation for shrubs and trees, and high-efficiency or precision nozzles. Provide regular and attentive maintenance to ensure irrigation systems are functioning properly.
 6. Alternative sources of irrigation for all landscape areas are encouraged.
- F. **Stormwater Treatment.** Landscape amenities that incorporate stormwater treatment are recommended, provided they can meet both the landscape design standards and the stormwater management performance standards. Techniques such as bioswales, water quality ponds, and rain gardens should be used to improve water quality and slow and infiltrate runoff and from parking lots, streets, civic spaces, and other impervious surfaces.
- G. **Planting and Maintenance.** All landscape plans shall include installation specifications, method of maintenance including a watering system and statement of maintenance methods. At a minimum, the landscape plan shall demonstrate the following:
1. No plants shall be planted over any area that has been compacted. All planting areas shall be excavated and filled with amended soils to a depth of at least 24 inches, or additional sufficient depth to reach existing soils and remove any pervious material, compacted soils, stones one inch or larger, or any other material harmful to plant growth.
 2. All plant materials and planting areas shall be prepared and planted according to American Standard for Nursery Stock (ANSI) details and ensure proper soil quality and conditions.

3. All plantings shall be properly maintained, including pruning, mowing, weed removal, replacement of dead plants, and irrigation. Plant materials which fail to grow within a two-year period or which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated, and any plant in danger of dying may be ordered by the Director to be removed and replaced.
 4. All elements of an approved landscape plan including plant materials shall be considered elements of the project in the same manner as parking, buildings, or other details. Deficiencies of any approved landscape plan at any point may be enforced as a violation of the provisions of this Title.
- H. **Administrative Adjustment.** Administrative adjustments to the plant specification standards in this Section may be authorized according to the process and criteria in EMC § 16-2-11, Administrative Adjustments, and any of the following additional applicable criteria:
1. The alternative is necessary to improve the longevity or survival of plant materials.
 2. The alternative improves the health or general species mix specific to the context and vicinity of the site.
 3. The alternative and any substituted materials are of the same general type (i.e. tree, shrub, or ground cover) and have the same or similar performance as intended by the standard.

16-8-6 Fences and Walls

- A. **Design Objectives.** Fences and wall designs shall consider the context and location on the site and meet the following design objectives:
1. Provide safety and security, screening, and architectural enhancements to sites and buildings.
 2. Publicly visible locations require fences and walls with higher design standards, accompaniment of landscape to soften the expanse, or a combination of both.
 3. Walkable contexts or near pedestrian facilities require fences and walls with a lower profile, more open design, or both.
 4. Prominent public places require fences and walls that complement the design of the site and the architecture of the associated building.
 5. Fences and walls shall be designed and located sensitive to the relationship and impacts to adjacent property.
- B. **Permit.** A permit requiring conformance with these standards shall be required for:
1. All new fences or walls.
 2. All repairs or replacement of existing fences more than 50% of the fence or 25 feet, whichever is less.
 3. Replacement of all or any portion of a retaining wall.
- Permits may be incorporated into Site Improvement Plan review according to EMC § 16-2-6, Site Improvement Plan.
- C. **Height and Location.** Fences for individual property shall be located according to Table 8-6: Fence Height and Location.

Table 8-6: Fence Height and Location			
	Residential	Commercial	Industrial
Front	<ul style="list-style-type: none"> ▪ 3 foot high if solid ▪ 4 foot high if at least 25% open ▪ 6 foot high if decorative material and 50% open 	<ul style="list-style-type: none"> ▪ 3 foot high ▪ 6 foot high if decorative material and 50% 	<ul style="list-style-type: none"> ▪ 12 foot high
Side and Rear	<ul style="list-style-type: none"> ▪ 6 foot if behind the front building line 	<ul style="list-style-type: none"> ▪ 6 foot if at least 15 feet from front lot line 	<ul style="list-style-type: none"> ▪ 12 foot high
Setbacks	<ul style="list-style-type: none"> ▪ All fences or walls located along adjacent lot lines shall be constructed so that either: <ul style="list-style-type: none"> ○ The face of the fence is on the property line, with the finished side facing outward; or ○ The face of the fence is at least three feet from the property line. Any areas set back three feet or more from the property line, which could become enclosed by other similarly located fences or walls, shall provide at least one gate for access and maintenance equipment. ▪ All fences shall be at least one foot from any public sidewalk, and gates shall be prohibited from opening into or over any public sidewalk, street, or alley. ▪ All fences shall be located to not interfere with the sight distance requirements in EMC § 16-3-4.D.2. Sight Distances 		
Additional Height Standards	<ul style="list-style-type: none"> ▪ Height is measured from the grade the fence is erected on and fences erected on top of a retaining wall shall be measured from the top of the retaining wall. ▪ Pillars or posts supporting the fence or wall may exceed the maximum permitted fence height by 10%, provided there is at least five feet between posts or pillars. ▪ Ornamental enhancements associated with an entry or gateway may be up to eight foot high. ▪ Fences or walls outside of required setbacks (i.e. in the buildable envelope), and behind front building line can exceed height limits, but may be limited by building codes or other public health and safety standards. ▪ Refer to the EMC for fence requirements for swimming pools 		

- D. **Materials.** All fences and walls shall be made of the following:
1. Masonry, including brick, stone, integrally colored concrete, textured concrete, smooth or textured concrete masonry unit (CMU), stucco, or other similar material.
 2. Decorative metal, such as cast or wrought iron or other decorative metal.
 3. Chain link – steel, aluminum, or vinyl clad except prohibited for any front fence in commercial districts or uses.
 4. Wood materials designed specifically for fencing purposes. Wood fence material shall meet EPA residential use standards.
 5. Vinyl, plastic, or composite fence products designed specifically for fencing purposes limited to 50% open design in residential districts.
 6. Steel or aluminum woven wire designed for fencing. Barbed or other sharp wire shall only be permitted to the side or rear of commercial and industrial fences and only if all portions of barbed wire are above six feet high.
 7. Decorative Architectural Materials. Decorative architectural materials, including tile or glass block, may be incorporated into the design of fences upon the approval of the Director.
- E. **Prohibited Materials.** The following materials are specifically prohibited:
1. Creosote or chromated copper arsenate (CCA) treated wood products, utility poles, railroad ties, plywood, fiberboard, salvage wood, corrugated metal, sheet metal, scrap or salvage metal, PVC pipe, chicken wire, snow fences, plastic weaving, or plastic slats for use in chain link.
 2. Electrically charged fences shall be prohibited in all zone districts.
 3. Plastic construction fencing may be used only for temporary construction fencing.

F. Retaining Walls.

1. *Required Wall Materials.* All retaining wall shall be made of the following:
 - a. Masonry, including brick, stone, integrally colored concrete, textured concrete, smooth or textured CMU, stucco, or other similar material.
 - b. Wood or landscape timbers, provided they meet EPA residential use standards.
 - c. Other materials commonly used for retaining walls in the Denver metro area and approved by the Director.
2. *Prohibited Wall Material* Utility poles, railroad ties, or any creosote or CCA treated materials are prohibited.
3. *Retaining Wall Development Standards.*
 - a. Retaining walls shall meet all applicable building code standards adopted by the City.
 - b. All retaining walls shall be located on the applicant's property but no closer than one foot behind any public sidewalk.

- G. Administrative Adjustments.** Administrative adjustments to the fence and wall standards in this Section may be authorized according to the process and criteria in EMC § 16-2-11, Administrative Adjustment.

Chapter 9 Signs

- 16-9-1 Intent
- 16-9-2 Applicability
- 16-9-3 Exempt Signs
- 16-9-4 Sign Types and Allowances
- 16-9-5 Standards for Specific Signs
- 16-9-6 General Standards – All Signs

16-9-1 Intent

The intent of the sign standards is to:

- A. Create an attractive aesthetic environment in the City.
- B. Enhance the quality and civic design of the community through the visual priority of buildings, streetscapes, open spaces, landscapes, and other investments in the public realm.
- C. Ensure that signs preserve and contribute to the unique character of distinct places and districts.
- D. Promote safety of pedestrians, bicyclists, motorists, or other users of the public rights-of-way with proper location, construction, operation, and maintenance of signs.
- E. Provide effective identification and communication for businesses, institutions, and other community destinations without excessive competition for visual attention.
- F. Protect property values and investments by minimizing adverse effects of signs on adjacent property.
- G. Improve economic viability by assuring that the City is a visually pleasant place to visit, conduct business, and live.
- H. Protect from the potential health impacts, safety hazards and visual blight that result from the unrestricted display of signs.
- I. Ensure that the constitutionally guaranteed right of free speech is protected through appropriate standards for signs as a way of public communication. The City does not intend to have content-based restrictions or content-based enforcement.

16-9-2 Applicability

- A. **General Applicability.** The standards in this Chapter shall apply to all signs except:
 - 1. Legal nonconforming signs, subject to the provisions in EMC § 16-1-8.G.
 - 2. Exempt signs as specified in EMC § 16-9-3.
- B. **Permit Required.** All signs shall require a permit to demonstrate compliance with this Chapter, issued based on an application signed by the property owner or the owner's authorized agent, except the following signs:
 - 1. Signs exempt from a sign permit, as specified in EMC § 16-9-3.
 - 2. The change of copy or content, change of sign panels, or similar changes to an existing sign that conforms to these standards, provided there is no change in the size, sign structure, or other essential design characteristics of the sign.
 - 3. Ordinary maintenance or repair of existing signs provided no structural changes are made.
 - 4. Permits may be required for work associated with any sign that impacts other public safety codes, such as electrical, fire, or building codes.

- C. **Sign Measurements.** Sign dimensions shall be interpreted as follows:
1. *General Area Calculation.* All applicants for a sign permit shall provide the surface area of the sign in square feet, providing methods and measurements for the calculation. Signs mounted on or displayed as a standard geometrical shape shall be measured by the standard mathematical formula for that shape. Signs mounted on or displayed as an irregular shape shall be measured by the smallest area of up to two standard geometrical shapes that can encompass the entire sign mounting.
 2. *Freestanding Signs.* The area of the sign shall be computed by the entire area of the face of the structure, cabinet, or module encompassing the sign. Bases or supporting structures that include no message may be excluded from the sign area calculation.
 3. *Wall, Window or Other Building-mounted Signs.* Any building mounted sign mounted on a background shall be measured by the area of the background. If mounted directly on the wall, the area shall be computed by means of the smallest single and continuous perimeter of up to two standard geometric shapes that enclose the outer limits of the writing, emblem, or other display. Gaps which are greater than two times the height of the sign area, when using the continuous perimeter above, may be subtracted from the calculation of the sign area, but it shall be interpreted as two signs. The area of the wall or window area for the purposes of determining the sign allowance shall be the total surface of the wall or window visible in an elevation view.
 4. *Decorative Elements.* Embellishments such as pole covers, framing, decorative roofing and support structures shall not be included in the area of the measurement if they contain no writing, emblem, or other display.
 5. *Double-faced Signs.* Where the sign faces of a double-faced sign are no more than three feet apart at any location, only one face will be measured in computing sign area. If the two faces of a double-faced sign are of unequal area, the area of the sign will be the area of the larger face. In all other cases, the areas of all faces of a multi-faced sign or the surface area of objects will be added together to compute the area of the sign.
 6. *Height.* Sign height is measured from the existing lowest grade directly below the sign to the highest point on the sign or sign structure. If the existing lowest grade cannot be reasonably determined, height shall be measured from the nearest crown point of a public street.
 7. *Clearance.* Sign clearance is measured from the highest point of the ground directly below the sign to the lowest point on the sign structure enclosing the sign face.
 8. *Three-dimensional Objects.* Three-dimensional sign area is measured by the profile surface area that encloses the entire object on each side. This is calculated by largest profile of the object, plus the profile at 90 degrees from the largest profile, times two.

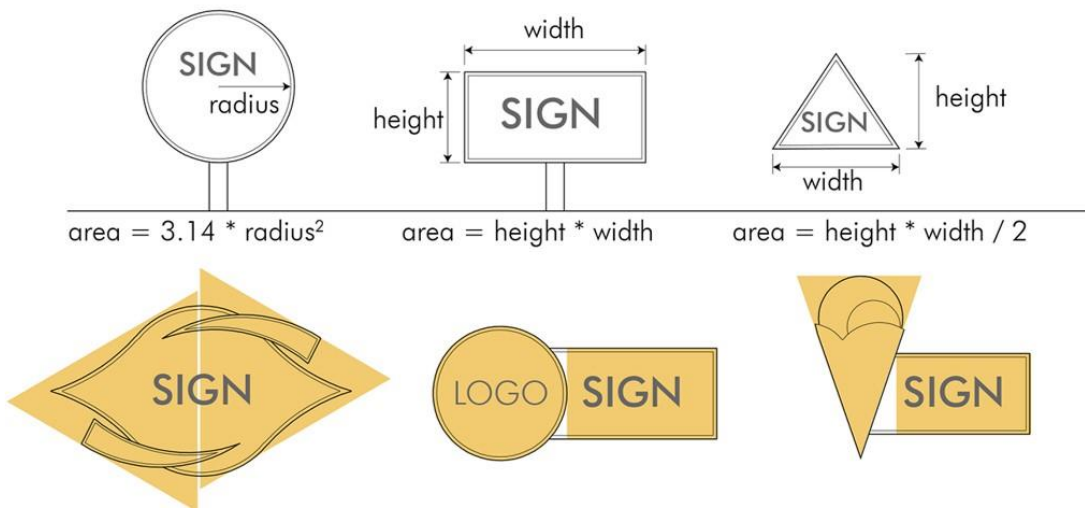


Figure 9-1. Sign measurements are determined by the measures of standard geometrical shapes that can encompass the entire sign using no more than two shapes.

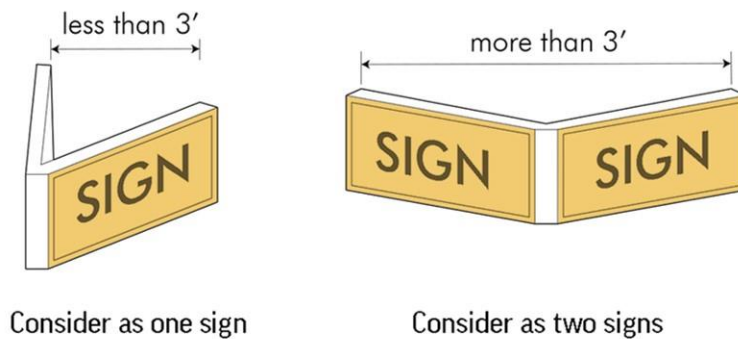


Figure 9-2. Double-faced signs count as one sign provided each face is within 3 feet of each other at all points determined by the measures of standard geometrical shapes that can encompass the entire sign using no more than two shapes.

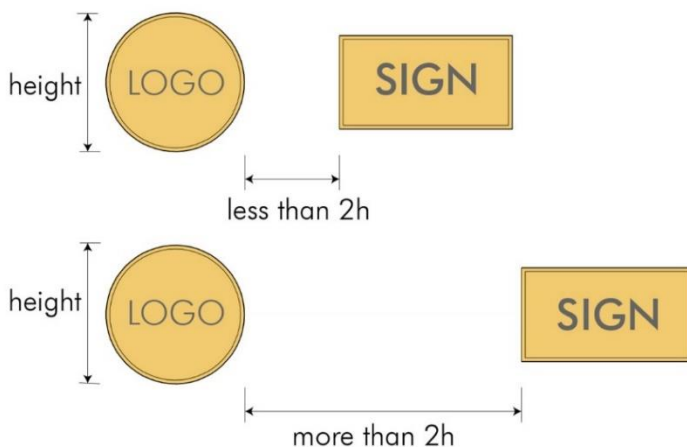


Figure 9-3. Sign elements with spacing of more than 2 times the height between elements shall be treated as two separate signs for determining sign quantity.

16-9-3 Exempt Signs

The following signs are exempt from a sign permit provided the sign meets all other applicable requirements of this Chapter. Unless specifically noted, exempt signs do not count towards the sign allowance specified for the applicable zone district.

- A. **Property Identification Signs.** Signs clearly indicating the property address or building identification are encouraged to enhance the ability of public safety, emergency services personnel, and the general public to locate the property. Property identification signs shall be visible from the right-of-way and are subject to the following limitations:
1. *Address Signs.* Two per address up to two square feet each, only one of which may be ground mounted. Address signs on buildings shall be placed between four feet and 12 feet high on the building. Ground-mounted address signs shall be no more than 36 inches high.
 2. *Building Name Plate.* Each building or site may have one name plate sign per street front, up to 20 square feet. Building name plate signs shall be associated with the permanence or significance of the building or site, rather than a particular tenant, and include designs such as engraved stone, bronze plates or similar ornamental detail integrated with the architecture of the building or the landscape of the site.
- B. **Public Safety, Traffic Control or Public Information.** Signs designed and located to control traffic movement and safety of vehicles and pedestrians according to uniform traffic control device standards, signs required by the City's building or fire code, or signs otherwise required to support any official action or legal obligation of a federal, state, or local government, may be designed and located to meet the public purposes or requirements of other codes.
- C. **Flags.** Flags shall be mounted to the building and below the building height or mounted on a permanent pole subject to the height limit of the zoning district and setback from the property line a distance equal to the actual height of the flagpole.
1. *Residential Districts.* Up to three flags may be permitted per lot. Total flag area per property shall not exceed 80 square feet and no single flag may be more than 40 square feet.
 2. *Nonresidential Districts.* Up to five flags may be permitted per lot. Total flag area per property shall not exceed 200 square feet and no single flag may be more 100 square feet.
 3. *Permits.* Any flags beyond these allowances shall only be allowed by a permit and count towards the sign allowance for the lot.
- D. **Window Signs.** Signs may be mounted to the interior of any first-floor windows in nonresidential districts, provided signs shall not exceed more than 25 percent of the area of all first floor windows, measured between two feet and ten feet above the first floor elevation, and provided at least 50 percent of the window the sign is mounted on remains clear of any visual obstructions including the sign area.
- E. **Temporary Signs.** Temporary signs are exempt from the sign permit process, provided they are within the allowances in EMC § 16-9-4 and EMC § 16-9-5.
- F. **Incidental Signs.** Incidental signs for nonresidential uses or multi-family complexes, which are intended to convey messages to guests, patrons, or other users of the lot, such as parking instructions, internal directions, building names or unit numbers, security warnings, or other similar minor accessory signs are limited to:
1. No more than ten square feet total sign allowance per lot, or 40 square feet per acre, whichever is greater.
 2. No single sign may be more than six square feet, or 12 square feet for lots more than one acre.

3. Signs shall be no more than eight feet high if ground mounted or 12 feet high if mounted on a building.
 4. Signs shall be setback at least ten feet from all property lines; and
 5. Grouping or arranging incidental signs to have the effect of a larger permitted sign or increase visibility to the public (as opposed to guests, patrons or other users of the site) makes all signs in the grouping ineligible for this exemption.
- G. **Construction Signs.** Signs associated with a nonresidential or multi-family construction, or any construction project over 10 acres, and under a valid permit are limited to:
1. Up to 80 square feet total sign allowance per public street frontage;
 2. No more than three signs per street frontage;
 3. Signs shall be mounted on a trailer, building or fence, or if mounted on the ground it shall be limited to no more than ten feet high; and
 4. The signs shall only be posted for the duration of a valid permit associated with the project.
- These signs are in addition to any other temporary sign allowances in EMC § 16-9-4 and EMC § 16-9-5.
- H. **Interior Signs.** Any sign that is not visible from the right-of-way, from any point along the perimeter of the property or from adjacent property, or from publicly accessible common spaces are exempt from permits and the standards of this Chapter, but may be subject to electrical, fire, or building codes or other construction specifications.
- I. **Special Event Signs.** Signs associated with a temporary special event may be approved through the permitting and approvals for the event. Signs shall generally follow the standards in this Chapter however, the event approval process may authorize deviations that generally meet the intent of this Chapter, or based on the short term and special circumstances of the event.
- J. **Scoreboards.** Scoreboards accessory to athletic fields are exempt from the permits and standards provided they are approved as part of a site improvement plan for the facility and are oriented to convey messages only to patrons of the facility.
- K. **Works of Art.** Works of art, as defined under this code, including non-commercial art, painted images, and integral decorative or architectural features are exempt from sign permits and standards, provided:
1. Murals shall be located on building walls only and shall not contain an electronic display. Mural images may extend across doorways of buildings, but not be used to justify violating any other applicable site or building design standard.



Building Signs



Ground Signs



Temporary Signs



Pedestrian Signs

Figure 9-4. Sign allowances for residential and nonresidential districts are based on 4 different sign types – building signs, ground signs, pedestrian signs, and temporary signs

16-9-4 Sign Types and Allowances

A. **Residential Signs.** The following signs are permitted in the residential zone districts (R-1-A, R-1-B, R-1-C, R-2-A, R-2-B, MU-R-3-A, MU-R-3-B, and MU-R-3-C), and for any residential building or use permitted in a nonresidential district. All planned unit developments and specific plans containing a residential component shall follow these standards, unless specifically amended by the PUD or regulating plan.

1. *Building and Ground Signs.* The total allowable building and ground signs is based on the lot frontage, including front and street side lot lines. The total allowance may be allocated to multiple signs, subject to the limits for each sign type in Table 9-1.

Table 9-1: Building and Ground Signs - Residential

Total Allowance	
Only permitted principal nonresidential uses, or for large apartments in the MU-R-3 zone district.	
< 100 feet of frontage	1.5 s.f. / each 1 foot, but at least 80 s.f.
101 feet – 250 feet of frontage	1.0 s.f. / each 1 foot
> 250 feet of frontage	0.4 s.f / each 1 foot
Ground Signs	
Maximum Size	125 s.f.
Quantity	1 per street frontage, and 2 per any frontage over 150'
Maximum Height	15 feet
Location	10 feet setback from any lot line. See EMC § 16-9-5.A
Building Signs	
Maximum Size	125 s.f.
Quantity	1 per street-facing building frontage
Location	Attached to the building. See EMC § 16-9-5.B. and EMC § 19-9-6.B

2. *Pedestrian Signs.* Pedestrian signs are allowed based on the public entrances of the principal building, subject to the limits in Table 9-2

Table 9-2 Pedestrian Signs - Residential

Total Allowance	
Only permitted principal nonresidential uses or multi-unit buildings (i.e. school, church, community center, apartments):	
Pedestrian Signs	
Maximum Size	12 s.f.
Quantity	1 per each public building entrance
Maximum Height	6 foot if ground mounted 12 foot if building mounted
Location	Mounted on a wall within ten feet of the entrance, or mounted on the ground within 20 feet of the entrance feature

3. *Temporary Signs.* The total allowable temporary signs is based on the lot frontage, including front and street side lot lines. The total allowance may be allocated to multiple signs, subject to the limits for each sign type in Table 9-3 and EMC § 16-9-5.D.

Table 9-3: Temporary Signs - Residential

Total Allowance	
18 square feet total sign allowance, or 0.18 square feet for every one foot of street frontage for lots over 100 feet of frontage, up to a maximum of 48 square feet.	
Temporary Sign	
Quantity	Total allowance may be allocated to multiple signs 120 day limit for period where more than two signs displayed

Table 9-3: Temporary Signs - Residential	
<i>Maximum Size</i>	12 s.f per sign 18 s.f per sign for lots 100 feet to 200 feet of frontage 24 s.f per sign for lots with over 200 feet of frontage
<i>Maximum Height</i>	5 feet if ground mounted 20 feet or top of the wall, whichever is less if mounted on a building
<i>Location</i>	On private property. See EMC § 16-9-5.D

B. Nonresidential Signs. The following signs are permitted in nonresidential zone districts (M-, MU-B-, and I-). All planned unit developments and specific plans containing a nonresidential component shall follow these standards, unless specifically amended through the PUD or regulating plan.

1. *Building or Ground Signs.* The total allowable building and ground signs is based on the lot frontage, including front and street side lot lines. The total allowance may be allocated to multiple signs, subject to the limits for each sign type in Table 9-4.

Table 9-4: Building and Ground Signs - Nonresidential		
Total Allowance	M- Districts	MU-B- and I- Districts
<i>< 100 feet of frontage</i>	1.5 s.f. / each 1 foot; but at least 100 s.f.	2.0 s.f. / each 1 foot; but at least 100 s.f.
<i>101 feet – 250 of feet frontage</i>	1.0 s.f. / each 1 foot	1.25 s.f / each 1 foot
<i>> 250 feet of frontage</i>	0.4 s.f / each 1 foot	0.6 s.f. / each 1 foot
Ground Sign		
<i>Maximum Size</i>	125 s.f.	
<i>Quantity</i>	1 per lot frontage, Plus up to two secondary ground signs on lots with more than 100 feet of frontage. Secondary ground signs count toward the total sign allowance and are limited to no more than 10% of the total sign allowance for each accessory ground sign.	
<i>Maximum Height</i>	25 feet	
<i>Location</i>	Setback 15 feet from curb or edge of street, and 3 feet from a sidewalk, whichever is greater. Shall be located on private property in all cases. See EMC § 16-9-5.A.	
Building Sign		
<i>Maximum Size</i>	125 s.f	
<i>Quantity</i>	1 per street-facing building elevation Plus up to 3 secondary building signs Secondary building signs count toward the total sign allowance and are limited to no more than 15% of the total sign allowance for each secondary building sign.	
<i>Height</i>	No taller than the wall for flat roofs, or no taller than the roof deck or eave line for pitched roofs. See EMC § 16-9-5.B.	
<i>Location</i>	Attached to the building. See EMC § 16-9-5.B and EMC § 19-9-6.B.	

2. **Pedestrian Signs.** Pedestrian signs are allowed based on the extent of building frontages and primary entrances of the principal building, subject to the limits in Table 9-5

Table 9-5 Pedestrian Signs - Residential	
Total Allowance	
Based on the extent of street-facing building frontage for all frontages designed according to EMC § 16-5-4.B.	
Frontage Signs	
<i>Quantity</i>	1 per 50 feet of building frontage, or 1 per storefront tenant, whichever is greater.
<i>Maximum Size</i>	6 s.f.
<i>Location</i>	Mounted directly on the surface of the wall, awning or canopy, or if hanging below, at least 7 feet 6 inches clear from the sidewalk below the sign.
Building Entrance Sign	
<i>Quantity</i>	1 per primary business entrance.
<i>Maximum Size</i>	8 s.f.
<i>Location</i>	Mounted flush to the wall, or if projecting may project up to four feet off the wall but must be at least 7 feet 6 inches clear form the sidewalk below the sign, and shall be within ten feet of the entrance.

3. **Temporary Signs.** The total allowable temporary signs is based on the lot frontage, including front and street side lot lines. The total allowance may be allocated to multiple signs, subject to the limits for each sign type in Table 9-6 and EMC § 16-9-5.D.

Table 9-6: Temporary Signs - Nonresidential	
Total Allowance	
25 square feet total sign allowance, or 0.25 square feet for every one foot of street frontage for lots over 100 feet of frontage, up to a maximum of 100 square feet.	
Temporary Sign	
<i>Quantity</i>	Total allowance may be allocated to multiple signs 120 day limit for period where more than 2 signs displayed
<i>Maximum Size</i>	16 s.f per sign. 32 s.f per signor lots 100 feet to 200 feet of frontage. 48 s.f per sign for lots with over 200 feet of frontage.
<i>Maximum Height</i>	15 feet if ground mounted 30 feet or top of the wall, whichever is less if mounted on a building.
<i>Location</i>	On private property. See EMC § 16-9-5.D.

16-9-5 Standards for Specific Signs

The standards in this Section are supplemental standards, in addition to the general standards in Tables 9-1 through 9-6 and applicable to specific sign types.

- A. **Ground Signs.** Ground signs are subject to the following additional limitations:
1. Ground signs shall be located within a landscape area at least three feet in all directions from the base of the sign.
 2. Ground signs shall be separated from any other ground sign on abutting property a by at least the height of the tallest sign.

3. Ground signs and bases shall be constructed with durable, quality materials that complement the building or are integrated into the landscape and other site elements in terms of material, colors, and ornamentation.
 4. Ground signs shall be accompanied by a landscape plan that integrates the sign area into the overall site, softens the visibility of the structural elements, and improves the appearance of the sign and property from the streetscape.
- B. Building Signs.** Buildings signs are subject to the following additional limitations:
1. Signs attached to a building may only extend above the highest portion of the wall plane of the façade it is mounted on up to ten feet or 25% of the height of the sign area, whichever is less. No portion of a building wall may be built above the roofline, that serves no other structural or architectural purpose, other than to mount a sign or expand the sign area allowance.
 2. Signs attached to a building shall not project more than 12 inches off the surface, except projecting signs meeting the following additional limitations:
 - a. Projecting wall signs may extend from and be perpendicular to the wall up to six feet, but no closer than five feet to the back of the curb.
 - b. Projecting signs shall be at least eight feet above grade.
 - b. Only one projecting sign is permitted per building
 - c. Projecting signs shall be no larger than 50 square feet.
- C. Multi-story Building Signs.** Buildings over 75 feet tall shall be permitted an additional building sign, that does not count to the total sign allowance and number, based on the following:
1. Signs shall be permitted for each façade, but the sign allowance shall not be transferable to any other sign, any other façade, or any other location on the wall.
 2. Electronic message display signs shall not be permitted for these additional signs.
 3. Signs shall be located at the top story of the building, or on the roof but below the highest access structural element of the building. Additional structural elements shall not be constructed to expand the location or total allowance are of the sign.
 4. The permitted sign area shall be based on Table 9-7, Multi-Story Building Signs.

Table 9-7: Multi-Story Building Signs	
Total Allowance	<i>Based on the height of the building and the horizontal building frontage at the elevation where the sign is placed</i>
75 feet – 100 feet tall	5 s.f. / each 1 foot of building frontage
101 feet – 150 feet tall	6 s.f. / each 1 foot of building frontage
> 150 feet tall	7 s.f / each 1 foot of building frontage

- D. Temporary Signs.** Temporary signs are subject to the following additional limitations:
1. The total area allowance for temporary signs in Table 9-3 or 9-6 may be allocated to multiple, signs provided:
 - a. No single sign exceeds the maximum area per sign.
 - b. The limitation periods for multiple signs are not exceeded.
 - c. Signs shall not be grouped or arranged to have the effect of a larger permitted sign or otherwise be coordinated as a single sign.
 2. Temporary signs shall not be illuminated or painted with a light-reflecting paint.
 3. Temporary signs shall be constructed of rigid material, designed to resist quick deterioration from the elements, and securely anchored to not pose a distraction or hazard. Non-rigid materials (such as banners) shall be secured by a support or frame to avoid distraction of flapping.

4. No temporary sign shall be displayed for more than 150 consecutive days, without 60 days intervening. Relocation of a temporary sign, or removal and replacement with a substantially similar sign does not expand the time period for the temporary sign.
 5. The Director may require the removal of any temporary sign that pertains to an expired event, or may refrain from enforcement of the duration or time limits for any temporary sign related to an event that has been extended beyond the control of the owner.
- E. **Multi-tenant Buildings and Sites.** Any building or site with multiple tenants shall be subject to the following:
1. Only one ground sign shall be permitted to be shared by all tenants. Multi-tenant sites with more than 150 feet of frontage may have a second ground sign. Multi-tenant signs shall not count toward the total sign allowance, provided all other signs are building or pedestrian signs.
 2. Building signs may be apportioned to any tenant with a separate exterior entrance and apportioned to their percentage of the street-facing elevation. In the case where all tenants share a common entrance the building signs may be apportioned to no more than two signs per street-facing elevation.
 3. A sign plan shall demonstrate coordination of all signs on the building, to allow sufficient flexibility for the replacement of signs or new tenants without the need for a new sign plan, unless a completely new sign design concept is proposed for the entire building or site.
- F. **Drive-Through Service Facilities.** Drive through service facilities may have two signs along the drive-through lane, provided that each sign is limited to one face and shall not eight feet in height and 35 square feet in area. Signs shall be located according to the accessory use standards in EMC § 16-4-4.E.
- G. **Portable Pedestrian Signs.** Portable pedestrian signs (“A frame”, “sandwich board” or “T-frame”) may be placed in the public right-of-way, or areas of a site associated with service areas, for any permitted retail or service use provided:
1. No more than one sign per public building entrance.
 2. The sign is limited to eight square feet, and shall be no wider than three feet and not taller than four feet.
 3. The sign is placed within 20 feet of the main entrance of the building or service area of a business, and at least two feet from any curb.
 4. The sign is placed on or near a sidewalk, and otherwise associated with pedestrian routes to and from the business.
 5. The sign shall maintain at least six feet clear passage for pedestrians on the sidewalk, and is otherwise not put in any location that creates visual obstructions or safety hazards for users of the right-of-way.
- H. **Dynamic or Electronic Message Displays.** Dynamic or electronic message displays may be incorporated into permitted signs and are subject to the following additional limitations:
1. Only one display shall be permitted for each street frontage.
 2. All other signs on the property shall conform to the standards of this Chapter.
 3. Displays shall only be used for permitted non-residential uses, and shall be setback at least 100 feet from any residential use, except in the MU-B districts the display shall be setback 100 feet from any residentially zoned property. Portions of a sign use for dynamic or electronic display shall be further limited in the following districts:
 - a. R-1 and R-2 districts – ten square feet maximum.
 - b. MU-R-3, M-1 and M-2 – 20 square feet maximum.
 - c. MU-B and I- districts – area of general sign allowance.
 4. Only static display is permitted with at least ten seconds between changes in display and no more than 0.3 second for transitions.

5. Changes may occur only by solve, fade or instantaneous change. Scrolling, flashing, rolling, window shading or other similar effects, or any other flashing or appearance of movement is prohibited.
6. Displays shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to dim according to ambient light conditions and keep the illumination to no more than 0.3 footcandles over ambient lighting conditions.
 - a. Lighting shall be measured perpendicular to the sign at a distance dependent on the overall sign area.
 - b. Unless standard industry practices dictate a different measure or method, the distance shall be the square root of 100s time the sign area. (i.e. a 50 square foot sign should be measure from 70.7 feet perpendicular to the sign.).
7. Applications for sign permits containing an electronic display shall include the manufacturer's specifications and cd/m² rating.
8. Signs shall not include any business message that is not on the same lot or premises as the sign, and shall not direct attention to a business, product or service sold or offered off premises.
9. Any sign that malfunctions causing flashing, motion, or other violations of this Chapter shall be turned off as soon as possible, but in no case longer than 24 hours. The sign shall not be turned on again until prepared to operate according to these standards.
10. The City shall have the right to enter the property and view the programmed specifications of the sign to determine compliance with these provisions in accordance with the sign permit issued for the sign.

16-9-6 General Standards - All Signs

A. Public Health, Safety and Maintenance

1. All signs shall be designed, constructed, located, and maintained in a manner that is compliant with all electrical, fire, and building codes, and any other industry standards for public safety of signs, so that the sign does not present any potential risk to public safety in the judgment of the Building Official or the Director.
2. No sign shall be designed or located in a way where it can imitate or be confused with an official government sign for traffic direction or any other public safety symbol.
3. Signs shall not obstruct visibility of pedestrians and vehicles with sight triangles. Monument signs over three feet high or pole signs with less than eight feet clearance shall not be located in the following areas:
 - a. At street intersections, a triangle measured 30 feet from the point of intersection along each intersection curb line,
 - b. At street and alley intersections, a triangle measured 25 feet along the curb line from the center of the alley, and 25 feet deep on the centerline of the alley.
 - c. The City traffic engineer may establish any other sight distance for these locations and for signs related to access points based on the sight distance provisions of EMC § 16-3-4.D.2.
4. Any sign projecting over a walkway, active area in front of a building, or other area where people may pass shall maintain at least 7.5 feet vertical clearance.
5. No sign, sign structure, or associated grounds shall present any dilapidated state or condition that may impact the relationship to or appearance from the public right-of-way or adjacent property.

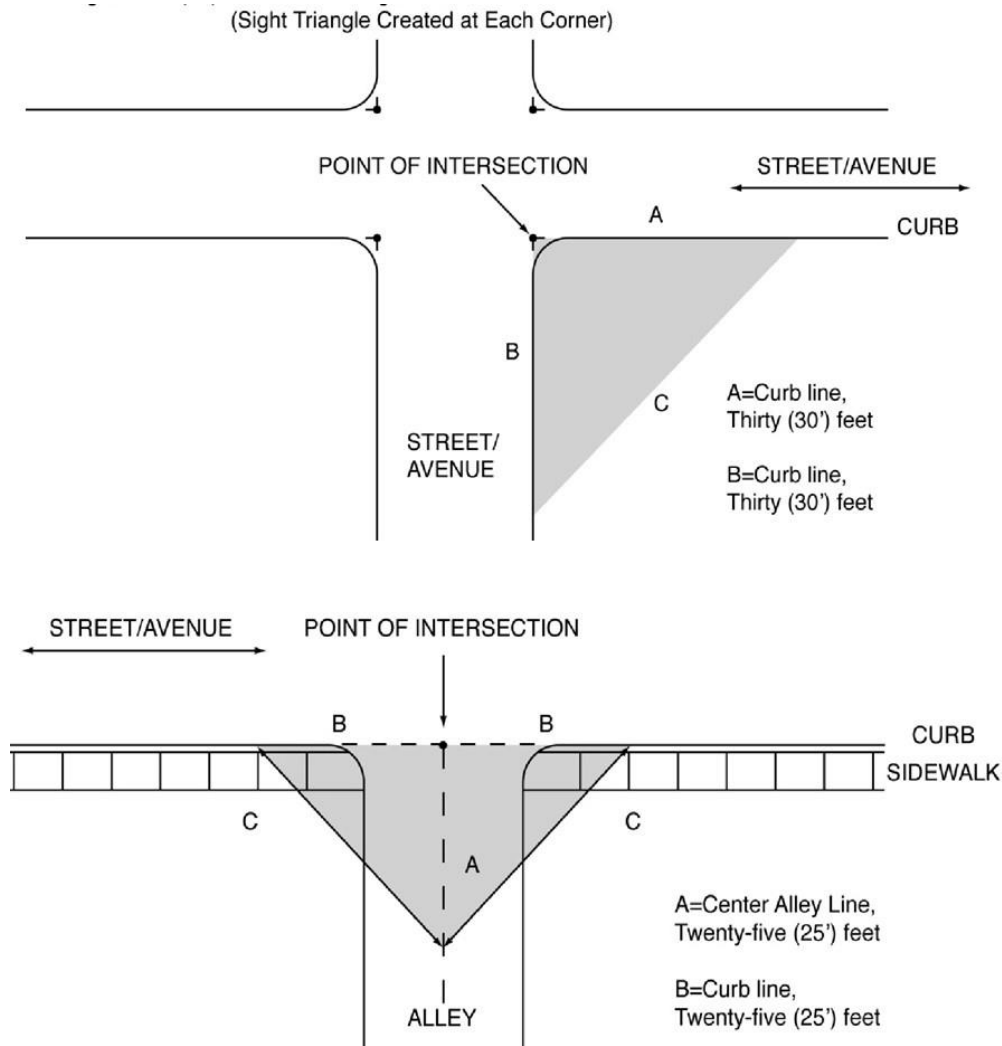


Figure 9-5. Sign sight triangles shall be based on the curb line at intersections of streets and shall be based on the curb line and centerline for the intersection of alleys and streets.

B. General Design

1. *Placement.* The location of all permanent signs shall be incorporated into the architectural design of the building according to the following principles:
 - a. Placement of signs should be considered part of the overall facade design and composition.
 - b. Sign locations should align with major architectural features such as marquees, building name plates, storefront sign bands, cornices and parapets, entrance features, windows, canopies, and other similar architectural features.
 - c. Signs shall not be placed where they obstruct any significant building design feature, including windows, architectural details, trim, and ornamentation.
2. *Durability and Appearance.* All permanent signs shall be designed to convey durability and a quality appearance according to the following principles:
 - a. Materials, particularly for the frames, casings or bases of signs, should be chosen to complement the architecture of the building, and coordinate with other accent materials or architectural details of the building

- b. Simple two- and three-color contrasting colors schemes should be used between the color of the background, letters, and accents to ensure legibility and quality appearances. Fluorescent colors should be limited to accents and typically less than 10% of the sign area.
- c. Buildings and sites that have multiple building or ground signs should coordinate all signs using one or more consistent coordinating element, such as similar fonts, colors, sign scale or shapes, backgrounds, or casing and framing material.
- d. All signs and any surrounding grounds or landscape shall be maintained in good condition, free of any debris, weeds, disrepair, or other unsightly conditions.

C. Specific Designs Prohibited

- 1. No sign shall be placed on any vehicle or trailer visible from the right-of-way, where the sign and the vehicle or trailer is located specifically to avoid the standards or criteria of this Chapter.
- 2. No sign shall be attached to any public utility pole or installed within the public right-of-way, except:
 - a. Official government signs exempt from these standards according to EMC § 16-9-3.B;
 - b. Signs attached to and projecting from buildings and meeting all other standards of this Chapter;
 - c. Portable pedestrian signs meeting the limited license and exception in EMC § 16-9-5.G; or
 - d. Signs otherwise licensed by the City through special events or management of the design and use of the right-of-way, apart from the Unified Development Code.
- 3. No sign shall include balloons, streamers, pennants, or other air activated elements and animated elements, whether animated by mechanical, electrical, or environmental means.
 - a. This limitation shall not apply to pedestrian signs, provided any animated element shall apply to the overall pedestrian sign allowances.
 - b. This provision shall not apply to prohibit flags, temporary signs, or electronic message displays meeting the standards of this Chapter, or to signs approved in association with a special event permit.
- 4. Any sign with a business message shall be located on the lot of the business activity and shall not direct attention to a business, product or service sold or offered off premises, except signs for multi-tenant premises, which must be associated with the site and located in common areas controlled by the businesses or property owners' associations.

D. Illumination

- 1. Any illumination shall be designed to eliminate glare or any other negative impacts on surrounding rights-of-way and property. In general, any direct source of light shall not be visible from the public street or adjacent property.
- 2. Light from an illuminated sign shall not spill onto adjacent properties. The light reading at any point within ten feet from and adjacent private property shall be less than one foot-candle.
- 3. External light sources shall be directed and shielded to conceal the light source and illuminate only the surface of the sign.
- 4. External illumination of a signs ten feet high or more shall only occur from the top down.
- 5. The maximum luminance of any sign shall be 750 candelas per meter squared (cd/m²).
- 6. No light source shall cause any glare, flashing, movement, or other distraction to traffic.
- 7. Exposed incandescent, neon, or tube lighting, or other integral illumination where the light source is the sign, shall be limited to window signs mounted to the inside of the building, or used only as an accent of less than 10% of the sign area.

Chapter 10 Floodplain Regulations

- 16-10-1 Authority and Purpose
 - 16-10-2 Jurisdiction and Applicability
 - 16-10-3 Uses
 - 16-10-4 Administration
 - 16-10-5 Floodplain Development Permit
 - 16-10-6 Floodplain Regulations
 - 16-10-7 Development In Floodways
 - 16-10-8 Minimum Floodproofing Criteria
 - 16-10-9 Special Flood Hazard Area Amendments
 - 16-10-10 Subdivision Plats
 - 16-10-11 Floodplain Appeals and Variances
 - 16-10-12 Enforcement
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16-10-1 Authority and Purpose

- A. **Statutory Authority.** The legislature of the State has in Title 29, Article 20 C.R.S., as amended, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry by minimizing flood losses.
- B. **Findings of Fact.**
1. The flood hazard areas of the City are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
 2. These flood losses are caused by the cumulative effect of obstructions in special flood hazard areas that cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately anchored, elevated, floodproofed or otherwise protected from flood damage.
- C. **Purpose.** It is the purpose of this Chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
1. Protect human life and health;
 2. Protect property and minimize damage to critical facilities infrastructure and other public facilities such as water, sewer, and gas mains; electrical and communications stations; and streets and bridges located in floodplains;
 3. Minimize expenditure of public money for costly flood control projects;
 4. Protect the natural areas required to convey flood flows so that they develop in a manner consistent with reasonable floodplain management;
 5. Protect and preserve the water-carrying characteristics and capacities of all watercourses, including gulches, sloughs, and artificial water channels used for the conveyance of storm and floodwater;
 6. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 7. Minimize prolonged business interruptions;

8. Help maintain a stable tax base by providing for the sound use and development of flood prone areas to minimize future flood blight areas; and
9. Ensure that flood hazard information is publicly available to potential buyers.

D. **Methods of Reducing Flood Losses.** In order to accomplish its purposes, this Chapter uses the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage; and
5. Prevent or regulate the construction of flood barriers, including fences and walls, which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

16-10-2 Jurisdiction and Applicability

A. **Applicability.** The provisions of this Chapter shall apply to all land within the City defined as:

1. The special flood hazard areas identified by the Federal Emergency Management Agency "FEMA" in a scientific and engineering report entitled "Flood Insurance Study - Arapahoe County, Colorado, and Incorporated Areas" with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps ("FIRM and/or FBFM") and any revisions thereto. All revisions to the FIRMs and/or FBFMs applicable to land within the City and issued by FEMA through a Letter of Map Revision ("LOMR") or Physical Map Revision ("PMR") are hereby deemed adopted by the City as of the effective date of the LOMR or PMR.
2. All revisions to the FIRMs and/or FBFMs and/or flood boundary-floodway maps applicable to land within the City and issued by FEMA through a Letter of Map Revision ("LOMR") or Physical Map Revision ("PMR") shall be conveyed to the City Council by written technical report within sixty (60) days of having been received by the City.
3. The boundaries of the West Harvard Gulch Flood Hazard Area as shown on Sheets 13 and 14 in a report entitled "Flood Hazard Area Delineation, Harvard Gulch, West Harvard Gulch, and Dry Gulch" dated December 1979 by Gingery Associates, Inc., and approved by the Colorado Water Conservation Board on January 30, 1980.
4. Flood Hazard Area delineated as Harvard Gulch and Dry Gulch prepared by Matrix Design Group in February of 2017, and approved by the Colorado Water Conservation Board on January 23, 2018.
5. Floodproofing Study and Outfall System Plan (OSP) Update prepared by Calibre Engineering on June 11, 2019 and revised on March 17, 2020.

The above official flood studies are hereby adopted by reference and declared to a part of this Title, including any updates or latest official versions of these studies or maps.

B. **Basis for Establishing Special Flood Hazard Areas.** The City hereby establishes floodplains and floodways whose boundaries are those of the designated 100-year floodplain, special flood hazard areas and the designated floodways as are shown or tabulated in the Flood Insurance Study for the City of Englewood and on the above referenced studies.

C. **Compliance.** No structure or land located in a special flood hazard area shall hereafter be constructed, located, extended, converted, altered or have its use changed without full compliance with the terms of this Chapter and all other applicable regulations. These regulations meet the minimum requirements set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.

1. *Floodplain Development Permit.* A floodplain development permit shall be required prior to commencement of any construction or other development to ensure conformance with the provisions of this chapter.
 2. *Certificate of Compliance.*
 - a. No vacant land shall be occupied or used and no building shall be hereafter erected, altered, or moved on the floodplains of any watercourse, nor shall such buildings be occupied, until a certificate of compliance has been issued by the Floodplain Administrator.
 - b. The applicant shall submit a certification by a registered Colorado professional engineer to the Floodplain Administrator that the finished fill and building floor elevations, floodproofing measures, or other protection factors were accomplished in compliance with the provisions of this Chapter. This certification shall also state whether or not the structure contains a basement. Within 15 days after receipt of such certification from the applicant, the Floodplain Administrator shall issue a certificate of compliance only if the building or premises and the proposed use thereof, conform with all of the requirements of this Chapter.
- D. **Abrogation and Greater Restrictions.** The regulations of this Chapter shall be construed as being supplementary to the regulations imposed on the same lands by the underlying zone classification. This Chapter is not intended to repeal, abrogate, or impair any existing easement, covenants, or deed restrictions. However, where this Chapter and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall apply.
- E. **Interpretation.** In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, shall be liberally construed in favor of the City, and shall be deemed neither to limit nor repeal any other powers granted under state statutes.
- F. **Warning and Disclaimer Liability.** The degree of flood protection intended to be provided by this Chapter is considered reasonable for regulatory purposes and is based on engineering and scientific considerations. Larger floods may occur on occasions, or the flood height may be increased by man-made obstacles or natural causes, such as ice jams, and bridge, culvert, and drainage openings restricted by debris.
- This chapter does not imply that the areas outside of special flood hazard areas or land uses permitted within such areas will always be free from flooding or flood damages. This Chapter shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.
- G. **Severability.** See EMC § 16-1-7 (Severability).

16-10-3 Uses

- A. **Permitted Uses.** The following open uses shall be permitted within a special flood hazard area to the extent that they are not prohibited in a particular area by any underlying zone district classification:
1. Agricultural uses, such as general farming and the raising of plants, flowers, and nursery stock.
 2. Public and private recreational uses such as parks, swimming areas, golf courses, driving ranges, picnic grounds, fishing, and hiking and biking trails not requiring permanent or temporary structures designed for human habitation.
 3. Utility facilities such as: flowage areas, transmission lines, pipelines, water monitoring devices, roadways and bridges.

4. All uses allowed by the underlying zone district classification within a special flood hazard area shall be permitted as long as the use complies with conditions set forth in EMC § 16-10-5.B.
- B. **Similar Uses.** Uses very similar in nature to permitted uses may be allowed by the Floodplain Administrator, provided that they are consistent with the provisions of this Chapter.
- C. **Nonconforming Uses.** Existing nonconforming uses in a special flood hazard area may be modified, altered, or repaired to incorporate floodproofing measures; but such nonconforming uses shall not be expanded.

16-10-4 Administration

- A. **Floodplain Administrator.** The City Manager or designee shall be the Floodplain Administrator and shall enforce the provisions of this Chapter and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management. The Department of Public Works shall provide the Floodplain Administrator with a technical review of all applications to build within the floodplain or a drainage way prior to the issuance of a floodplain development permit.
- B. **Duties and Responsibilities.** The Floodplain Administrator's duties and responsibilities shall include the following:
 1. Maintain and hold open for public inspection all records pertaining to the provisions of this Chapter. For all new or substantially improved structures the Floodplain Administrator shall maintain the following information:
 - a. The actual elevation (in relation to mean sea level) of the lowest floor (including basement).
 - b. The actual elevation (in relation to mean sea level) to which the structure has been floodproofed.
 - c. The floodproofing certifications required in EMC § 16-10-8.
 2. Review all applications within 15 working days for floodplain development permits required by this Chapter. Such review shall:
 - a. Determine whether such construction or development is located within a special flood hazard area.
 - b. Assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
 - c. Determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
 - d. Consider the following:
 - (1) The danger that materials may be swept onto other lands to the injury of others.
 - (2) The danger to life and property due to flooding or erosion damage.
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - (4) The importance of the services provided by the proposed facility to the community.
 - (5) The availability of alternative locations for the proposed use that is not subject to flooding or erosion damage.
 - (6) The compatibility of the proposed use with existing and anticipated development.
 - (7) The relationship of the proposed use to the Comprehensive Plan.

- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (9) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 - (10) The costs of providing governmental services during and after flood such as sewer, gas, electrical, and water systems, and streets and bridges.
 - (11) Flood barriers, including fences, which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
3. Review all building permit applications for construction or development in a special flood hazard area within 15 working days. Approval of a building permit shall be deemed to neither limit nor repeal any other powers granted under state statutes. Applications for building permits shall be reviewed on a case-by-case basis to:
 - a. Determine if the proposed development is located in a special flood hazard area.
 - b. Assure the building site will be reasonably safe from flooding.
 - c. Assure all necessary permits have been obtained from the federal, state, or local governmental agencies from which prior approval is required.
 - d. Assure all new construction and substantial repairs, improvements, or alterations shall be made in accordance with the minimum floodproofing criteria specified in EMC § 16-10-8, or elevation criteria in EMC § 16-10-5.B.2.
 - e. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this Chapter, including proper elevation of the structure.
4. Interpret, where needed, the exact location of the boundaries of special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Any person contesting the location of the boundary shall be given a reasonable opportunity to present a case to the Floodplain Administrator and to submit supporting technical evidence. The decision of the Floodplain Administrator may be appealed as provided in EMC § 16-10-11.
5. When base flood elevation data has not been provided in accordance with EMC § 16-10-6, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer this Chapter.
6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
7. When a regulatory floodway has not been designated, the Floodplain Administrator shall require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the City's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the City.
8. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, the Floodplain Administrator may approve certain development in Zones A1-30, AE, AH, on the FIRM which increases the water surface elevation of the base flood by more than one-half foot, provided that the City first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfill the requirements of such revisions as established under the provisions of Section 65.12 and receives FEMA approval.
9. Shall keep a copy of the Flood Insurance Study (FIS), DFIRMS, FIRMS on file and available for public inspection.

16-10-5 Floodplain Development Permit**A. Floodplain Development Permit Process.**

1. *Application.* A Floodplain Development Permit shall be obtained before a building permit may be issued or construction or development begins on lands within a special flood hazard area as identified in EMC § 16-10-2,A. Application for a floodplain development permit shall be made on forms provided by the City and may include, but is not limited to: Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of proposed landscape alterations; existing and proposed structures; fill, storage of materials, and drainage facilities; and the location of the foregoing in relation to special flood hazard areas. Specifically, the following information is required:
 - a. Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;
 - b. Elevation (in relation to mean sea level) to which any nonresidential structure shall be floodproofed;
 - c. A certificate from a registered Colorado professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of EMC § 16-10-8; and
 - d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
2. *Decision of Floodplain Administrator is to be Based on Certain Factors.* The determination of the Floodplain Administrator on each floodplain development permit shall be based on applicable provisions of this Chapter 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 floodwaters and the effects of wave action, if applicable, expected at the site;
 - h. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
 - i. The relationship of the proposed use to Englewood Forward Comprehensive Plan, as amended.
3. *Floodplain Administrator Decisions on Permits for Public Facilities or Utility Development in a Floodway.* Subject to EMC § 16-10-78, the Floodplain Administrator shall act on an application for public facilities or utility development in a floodway within 30 days from receiving the application.
4. *Conditions Attached to Development Permits.* Upon consideration of the factors listed above and the purposes of this Chapter, the Floodplain Administrator shall attach such conditions, in addition to those required by the floodplain development permit, as are necessary to further the purposes of this Chapter. Such conditions may include specifications for, without limitation because of, specific enumeration, modification of waste disposal methods and facilities, landscaping, period of operation, operational controls, sureties, deed restriction, and adequate floodproofing.

B. Floodplain Development Permit Criteria.

1. *Structures Accessory to Open Uses.* Structures accessory to open uses permitted in EMC § 16-10-3, whether temporary or permanent, may be permitted only upon a determination by the Floodplain Administrator that:
 - a. Structures will not be designed for human habitation.
 - b. Structures will have low flood damage potential.
 - c. The structure or structures, if permitted, will be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters.
 - (1) Whenever possible, structures will be constructed with the longitudinal axis parallel to the direction of flow of floodwaters.
 - (2) So far as is practicable, structures will be placed so that their longitudinal axis are approximately on the same line as those of adjoining structures.
 - (3) Structures will be firmly anchored to prevent the structure or building from floating away and thus threatening to further restrict bridge openings and other restricted sections of the stream or river.
 - (4) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - (5) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - (6) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
2. *Other Structures, Temporary or Permanent, to be Occupied by People.* Other structures, whether temporary or permanent, which are to be occupied by people, may be permitted only upon a finding by the Floodplain Administrator that:
 - a. Such structures shall comply with EMC § 16-10-5; and EMC § 16-10-8.
 - b. The lowest floor, including the basement, of any structure to be erected, constructed, reconstructed, or moved on or within a special flood hazard area, shall be constructed at or above a point 1 foot above the 100-year flood elevation for the particular area and the fill shall extend at such elevation at least 15 feet beyond the limits of any structure or building erected thereon.
 - c. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and to withstand hydrodynamic loads.
3. *Fills or Deposition of Materials.* Fills or deposition of materials may be permitted only upon a finding by the Floodplain Administrator that:
 - a. Any fill or deposition of materials will comply with applicable sections of this code or any other city code, standard, or specification.
 - b. The fill or deposition of materials will have some beneficial purpose and the amount thereof will not be greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the final dimensions of the proposed fill or other material and the use to which the filled land will be put.
 - c. The fill or deposition of materials does not encroach on that portion of the floodplain, which would have significant and perceptible flow during the flood, and which for that reason would help convey the floodwaters.
 - d. The fill or other materials will be protected against erosion by riprap, strong vegetative cover, or bulkheading.
4. *Storage or Processing of Materials.* The storage or processing of materials that are buoyant, flammable, explosive, or in time of flooding, could be injurious to human, animal

or plant life, shall be above the flood protection elevation for the particular area or floodproofed in compliance with EMC § 16-10-8. Solid waste disposal facilities, such as salvage yards or areas for the dumping of refuse or the storage of non-operable vehicles, shall not be permitted.

16-10-6 Floodplain Regulations

The following regulations shall apply to all uses within a special flood hazard area, notwithstanding that such uses may be specifically permitted under the terms of this Chapter:

- A. **Flood Protection Elevation or Height.** The flood protection elevation or height shall correspond to a point 1 foot above the base flood elevation or "flood profile" shown on or attached to the FIRM.
- B. **Flood-Carrying Capacity.** No floodplain uses shall adversely affect the efficiency of, or unduly restrict the capacity of any channel, any tributary to any main stream, drainage ditch, or any other drainage facility or systems; nor shall any watercourse be altered or restricted unless the flood-carrying capacity of the watercourse shall be maintained.
- C. **General Standards.** In all special flood hazard areas the following provisions are required for all new construction and substantial improvements:
1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
 3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
 4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
 6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and,
 7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
 8. All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. 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.
- D. **Specific Standards.** In all special flood hazard areas where base flood elevation data has been provided as set forth in EMC §§ 16-10-2.B, 16-10-4.B.4, or 16-10-10.D, the following provisions are required:
1. *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 1 foot above the base flood elevation. A registered

Colorado professional engineer, architect, or land surveyor shall certify and submit the elevation of the lowest floor, including basement, to the Floodplain Administrator.

2. *Nonresidential Construction.* With the exception of Critical Facilities, outlined in EMC § 16-10-6.H, new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to 1 foot above the base flood elevation or together with attendant utility and sanitary facilities, be designed so that at 1 foot above the base flood elevation, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A registered Colorado professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this Subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

3. *Enclosures.* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable 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 Colorado professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of 2 openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than 1 foot above grade.
 - c. 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. *Manufactured Homes.*
 - a. *Zones A1-30, AH and AE:* All manufactured homes that are placed or substantially improved on sites (i) outside of a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision; or (iii) in an expansion to an existing manufactured home park or subdivision; or (iv) in an existing manufactured home park or subdivision on which manufactured home has incurred "substantial damage" as a result of a flood, shall be elevated 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), are elevated 1 foot above the base flood elevation and are securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

This Subsection shall apply in an expansion to an existing manufactured home park or in an existing manufactured home park where the repair, reconstruction, or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced.

- b. *Zones A1-30, AH, and AE:* Manufactured homes, in an existing manufactured home park, not subject to the provisions of 4.a. above shall be elevated so that either:

- (1) The lowest floor of the manufactured home and electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities (including ductwork) are 1 foot above the base flood elevation, or
- (2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

Manufactured homes shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes shall be elevated and anchored to resist flotation, collapse, and lateral movement. 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.

5. *Recreational Vehicles.* Recreational vehicles placed on sites within Zones A1-30, AH, and AE shall either:
 - 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 of EMC § 16-10-5.B and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this Subsection. 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.

E. **Standards for Areas of Shallow Flooding (AO/AH Zones).** Located within special flood hazard areas established in EMC § 16-10-2.A are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. *Residential Structures:* All new construction and substantial improvements shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least 1 foot above the depth number specified in feet on the FIRM (at least 3 feet if no depth number is specified).

Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

2. *Non-residential Structures:* With the exception of Critical Facilities, outlined in EMC § 16-10-6.H, all new construction and substantial improvements shall:
 - a. Have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least 1 foot above the depth number specified in feet on the FIRM (at least 3 feet if no depth number is specified), or;
 - b. Together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least 1 foot above the base flood level 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.

Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer or architect. Such certification shall be submitted to the Floodplain Administrator.

3. Within Zones AH or AO, adequate drainage paths around structures on slopes shall be required to guide floodwaters around and away from proposed structures.

F. Alteration of a Watercourse. 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 of Englewood 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 Floodway conditions 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 EMC § 16-10-6.D.
7. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

G. Properties Removed from the Floodplain by Fill. 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 1 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 1 foot above the Base Flood Elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facility be designed so that the structure or addition is watertight to at least 1 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.

- H. **Standards for Critical Facilities.** 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. It is the responsibility of the City to identify and confirm that specific structures in the community meet the following criteria. 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.
1. *Essential Services.* 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:
 - a. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and emergency operation centers);
 - b. 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);
 - c. Designated emergency shelters;
 - d. 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 conduit);
 - e. 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
 - f. 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).
 - g. Exemptions.
 - (1) 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.
 - (2) Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the City 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 Section, 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 on an as-needed basis upon request.
 2. *Hazardous Materials.* Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.
 - a. *These facilities may include:*
 - (1) Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);

- (2) Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
- (3) Refineries;
- (4) Hazardous waste storage and disposal sites; and
- (5) Above ground gasoline or propane storage or sales centers.

Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, and the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010) also known as Extremely Hazardous Substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification." 40 C.F.R. § 302 (2010) and OSHA regulation "Occupational Safety and Health Standards." 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation of this ordinance, but exclude later amendments to or editions of the regulations.

b. *Specific exemptions to this category include:*

- (1) Finished consumer products within retail centers and households containing hazardous materials intended for household use and agricultural products intended for agricultural use.
- (2) Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction, by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority), that a release of the subject hazardous material does not pose a major threat to the public.
- (3) Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this Section.

- 3. *At-risk Population.* At-risk population facilities include medical care, congregate care, and schools. These facilities consist of:
 - a. Elder care (nursing homes);
 - b. Congregate care serving 12 or more individuals (day care and assisted living);
 - c. Public and private schools (preschools, K-12 schools), before-school and after-school care serving 12 or more children);

- 4. *Vital to Restoring Normal Services.* Facilities vital to restoring normal services including government operations. These facilities consist of:
 - a. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);
 - b. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to the City 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 entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this ordinance, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the City on an as-needed basis upon request.

5. *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 this ordinance, protection shall include one (1) 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 2 feet above the Base Flood Elevation.

6. *Ingress and Egress for New Critical Facilities.* New Critical Facilities shall, when practicable as determined by the City, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

16-10-7 Development in Floodways

Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State of Colorado has adopted Floodway standards that are more stringent than the FEMA minimum standard (see definition of Floodway in EMC § 16-13-3. Located within special flood hazard areas established in EMC § 16-10-2.A are area designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles, and erosion potential, the following provisions shall apply:

- A. Prohibit encroachments, including fill, new construction, additions outside of the structure's existing footprint, substantial improvements, and other development unless it has been demonstrated through hydrologic and hydraulic analyses performed by a registered Colorado professional engineer in accordance with standard engineering practice that the proposed encroachments shall not result in any increase in flood levels (a No-Rise Certification is required) during the occurrence of the base flood discharge.
- B. If Subsection A., above, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Section. The Floodplain Administrator shall act on an application in the manner above described within 30 days from receiving the application.
- C. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community 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.

16-10-8 Minimum Floodproofing Criteria

- A. All new construction and substantial improvements of non-residential structures within zones A-AE on the FIRM that do not have the lowest floor, including basement, elevated to or above the base flood level shall be floodproofed. All floodproofed structures, together with attendant utility and sanitary facilities, shall be so designed that below the base flood level, the structure is

watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. The Floodplain Administrator shall require that the applicant submit a plan or document certified by a registered Colorado professional engineer that the floodproofing measures are consistent with the flood protection elevation for the particular area.

- B. Floodproofing measures include the following:
1. Anchorage to resist flotation and lateral movement.
 2. Installation of watertight doors, bulkheads and shutters.
 3. Reinforcement of walls to resist water pressures.
 4. Use of waterproof paints, membranes, or mortars to reduce seepage of water through walls.
 5. Addition of mass or weight to structures to resist flotation.
 6. Installation of pumps to lower water levels in structures.
 7. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 8. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into the floodwaters.
 9. Pumping facilities for subsurface drainage systems for buildings to relieve external foundation wall and basement floor pressures.
 10. Construction to resist rupture or collapse caused by water pressure or floating debris.
 11. Cutoff valves on sewer lines or the elimination of gravity flow basement drains.
 12. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
 13. Other floodproofing measures certified by a registered Colorado professional engineer to be consistent with the flood protection elevation for the particular area.
- C. Where a non-residential structure is intended to be made watertight below the base flood level, a registered Colorado professional engineer shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of EMC § 16-10-5.

16-10-9 Special Flood Hazard Area Amendments

The boundaries of the Special Flood Hazard Areas shall be subject to periodic review and shall be amended in the manner provided by law, to conform to any revised, corrected or additional hydrological data available from Federal, State or regional agencies or from a consulting engineer retained by the City.

16-10-10 Subdivision Plats

- A. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be designed to minimize flood damage.
- B. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- C. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- D. Base flood elevation data shall be provided for subdivision proposals and other proposed developments including the placement of manufactured home parks and subdivisions that contain at least 50 lots or 5 acres, whichever is less, if not otherwise provided pursuant to EMC § 16-10-2.B and EMC § 16-10-4.

- E. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet requirements of EMC § 16-10-5.

16-10-11 Floodplain Appeals and Variances

- A. General. The Planning and Zoning Commission shall hear and decide appeals and requests for variances from the requirements of this Chapter.
1. Appeals and floodplain variance requests shall be processed pursuant to the general zoning appeals and variances requirements of Chapter 2.
 2. Those aggrieved by the final decision of the Commission may appeal such decision by appropriate legal action to a court of record having jurisdiction. Such appeal shall be filed no more than 30 days from the date of the Commission's final decision.
- B. **Appeals.** The Commission shall hear and decide appeals only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Chapter.
- C. **Variances.**
1. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 2. Any applicant to whom a variance is granted to build the lowest floor elevation below the base flood elevation shall be given written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
 3. Variances may be issued for new construction and substantial improvements to be erected on a lot of acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant items EMC § 16-10-4.B.2 have been fully considered. As the lot size increases beyond 0.5 acre, the technical justification required for issuing the variance increases.
 4. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 5. In passing upon a Floodplain Variance application, the Commission shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this Title.
 6. **Criteria for Considering a Floodplain Variance.** The Commission shall grant a Floodplain Variance only upon a showing of good and sufficient cause and determination that:
 - a. The variance is the minimum necessary, considering the flood hazard, to afford relief;
 - b. Failure to grant the Floodplain Variance would result in exceptional hardship to the applicant; and
 - c. The granting of a Floodplain Variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws.
 7. Upon consideration of the above and the intent of this Chapter, the Commission may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Chapter.

16-10-12 Enforcement

No structure or land shall hereafter be constructed, located, extended, converted, or altered without being in full compliance with the terms of this Chapter and other applicable regulations. Enforcement of the provisions of this Chapter shall be pursuant to EMC § 16-1-9.

Chapter 11 Wireless Communications Facilities (WCFs)

16-11-1	Statement of Purpose and Intent
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16-11-1 Statement of Purpose and Intent

In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the Council finds that these regulations are necessary to:

- A. Establish a local policy concerning wireless communications providers and services;
- B. Promote competition in the provision of wireless communications services;
- C. Minimize unnecessary local regulation of wireless communications providers and services;
- D. Establish guidelines, standards and timeframes for the exercise of local authority with respect to the regulation of wireless communications providers and services;
- E. Facilitate the provision of wireless communications services to the residents and businesses of the City;
- F. Minimize adverse visual effects of towers and other wireless communications facilities through careful design and siting standards;
- G. Avoid potential personal injury and damage to adjacent properties from tower failure through structural standards and setback requirements;
- H. Encourage and maximize the use of existing and approved towers, buildings and other structures to accommodate new wireless communications facilities in order to reduce the number of towers needed to serve the community;
- I. Assure that all wireless communications companies providing wireless communications facilities or services within the City comply with the Englewood Municipal Code;
- J. Secure fair and reasonable compensation to the City and its residents for the use of any appropriate public property for use as a site for wireless communications facilities; and
- K. Enable the City to discharge its public trust consistent with rapidly evolving federal and state regulatory policies, industry competition, and technological development.

(Ord. 04-5)

16-11-2 Applicability and Exemptions

Except as specifically provided below, the requirements set forth in this Chapter shall apply to all WCFs within the City. The City shall have the authority to waive any requirement or standard set forth in this Chapter, if the City makes a determination that the specific requirement or standard is preempted by federal or state law. In case of any conflict between the requirements of this Chapter and any zoning

district regulations, the provisions of this Chapter shall control. The requirements set forth in this Chapter shall not apply to:

- A. **Amateur Radio Antennas.** This Chapter shall not govern any tower, or the installation of any antenna, owned and operated by a federally licensed amateur radio station operator in accordance with FCC rules, so long as all other requirements of the zoning districts are met.
- B. **Pre-existing WCFs.** Any WCF for which a permit has been properly issued prior to the effective date of this Chapter shall not be required to meet the requirements of this Chapter, other than the requirements of EMC § 16-11-3(A), 16-11-3(E) and 16-11-3(F). Changes and additions to pre-existing WCFs (including trading out of antennas for an equal number of antennas) shall meet applicable requirements of this Chapter.
- C. **Miscellaneous Antennas.** Antennas used for reception of television, multi-channel video programming and radio such as OTARD antennas, television broadcast band antennas, and broadcast radio antennas, provided that the requirement that the height be no more than the distance from the base to the property line are met. The City has the authority to approve modifications to the height restriction related to OTARD antennas and OTARD antenna structures, if in the reasonable discretion of the City, modifications are necessary to comply with federal law

16-11-3 Operational Standards

- A. **Federal Requirements.** All WCFs shall meet the current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission and any other agency of the federal government with the authority to regulate WCFs. If such standards and regulations are changed, then the owners of the WCF governed by this Chapter shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency. Failure to meet such revised standards and regulations shall constitute grounds for the removal of the WCF at the owner's expense.
- B. **Radio Frequency Standards.** All WCFs shall comply with federal standards for radio frequency emissions. The City may require that the owner or operator of the WCF provide information demonstrating compliance. If such information is not sufficient, in the reasonable discretion of the City, to demonstrate compliance, the City may require and the owner or operator of the WCF shall submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site, and which compares the results with established federal standards. If, upon review, the City finds that the facility does not meet federal standards, the City may require corrective action within a reasonable period of time, and if not corrected, may require removal of the WCF. Any reasonable costs incurred by the City, including reasonable consulting costs to verify compliance with these requirements, shall be paid by the applicant.
- C. **Signal Interference.** All WCFs shall be designed and sited so as not to cause interference with the normal operation of radio, television, telephone and other communication services utilized by adjacent residential and non-residential properties; nor shall any such facilities interfere with any public safety communications. The applicant shall provide a written statement ("Signal Interference Letter") from a qualified radio frequency engineer, certifying that a technical evaluation of existing and proposed facilities indicates no potential interference problems.
- D. **Legal Access.** In all applications for WCFs outside of the right-of-way, the applicant shall demonstrate that it owns or has lease rights to the Site.
- E. **Operation and Maintenance.** To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with standards contained in applicable local

building and safety codes. If upon inspection, the City determines that a WCF fails to comply with such codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the WCF, the owner shall have 30 days from the date of notice to bring such WCF 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 WCF into compliance within said time period, the City may remove such WCF at the owner's expense. No hazardous materials shall be permitted in association with WCFs, except those necessary for the operations of the WCF and only in accordance with all applicable laws governing such materials.

F. **Abandonment and Removal.** If a WCF has not been in use for a period of three months, the owner of the WCF shall notify the City of the non-use and shall indicate whether re-use is expected within the ensuing three months. Any WCF that is not operated for a continuous period of six months shall be considered abandoned. The City, in its sole discretion, may require an abandoned WCF to be removed. The owner of such WCF shall remove the same within 30 days of receipt of written notice from the City. If such WCF is not removed within said 30 days, the City may remove it at the owner's expense and any approved permits for the WCF shall be deemed to have expired.

G. **Building Codes; Safety Standards.**

1. To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with standards contained in applicable local building codes; the applicable standards for WCFs that are published by the Telecommunication Industry Association and Electronic Industries Association, as amended from time to time; and all applicable codes adopted by the City.
2. In addition to any other applicable standards and requirements, the following shall apply to all WCFs:
 - a. Sufficient anti-climbing measures must be incorporated into each WCF to reduce potential for trespass and injury. By way of example, and not of limitation, security fencing pursuant to EMC § 16-11-4(E)(4)(d), together with a lack of pegs on the bottom portion of a tower, shall be considered sufficient anti-climbing measures.
 - b. No guy wires employed may be anchored within the area in front of any primary structure on a parcel.
 - c. At least ten feet (10') of horizontal clearance must exist between any antenna and any power line, unless more clearance is required to meet Colorado Public Utilities Commission Standards.
 - d. WCFs shall be designed and/or sited so that they do not pose a potential hazard to nearby residences or surrounding properties or improvements. WCFs shall be designed and maintained to withstand, without failure, the maximum forces expected from wind, tornadoes, hurricanes, and other natural occurrences, when the WCF is fully loaded with antennas, transmitters, and other communications facilities and equipment, and camouflaging; or, in the case of existing towers, when the tower is loaded with the antennas, transmitters, and/or other communications facilities at the time of passage of this Chapter.
3. If, upon inspection, the City concludes that a WCF fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of such a WCF, the owner shall have 30 days to bring such WCF into compliance with such standards. If the owner fails to bring such WCF into compliance within said thirty (30) days, the City may remove such WCF at the owner's expense. Compliance shall be provided pursuant to any applicable codes.

H. **Prohibited Use.** Advertising or communication of any visual messages from a Tower or Antenna is prohibited, with the exception of safety related messages.

16-11-4 Design Standards

The requirements set forth in this Section shall apply to the location and design of all WCFs governed by this Chapter as specified below; provided, however, that the City may waive any one or more of these requirements if it determines that the goals of this Chapter are better served thereby. WCFs shall be designed and located to minimize the impact on surrounding properties and residential neighborhoods and to maintain the character and appearance of the City, consistent with other provisions of the EMC.

- A. **Camouflage/Concealment.** All WCFs and any related accessory equipment shall, to the maximum extent possible, use concealment design techniques, and where not possible utilize camouflage design techniques. Camouflage design techniques include, but are not limited to using materials, colors, textures, screening, undergrounding, landscaping, or other design options that will blend the WCF to the surrounding natural setting and built environment.
1. To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with standards contained in applicable local building codes; the applicable standards for WCFs that are published by the Telecommunication Industry Association and Electronic Industries Association, as amended from time to time; and all applicable codes adopted by the City.
 2. A concealment design may include the use of alternative tower structures should the City determine that such design meets the intent of the EMC and the community is better served thereby.
 3. All WCFs, such as antennas, vaults, equipment rooms, equipment enclosures, and towers shall be constructed of non-reflective materials (visible exterior surfaces only).
- B. **Siting.**
1. No portion of any WCF may extend beyond the property line.
 2. WCFs shall be required to be designed and constructed to permit the facility to accommodate WCFs from at least two wireless communications providers on the same WCF unless the City approves an alternative design. No WCF owner or operator shall unfairly exclude a competitor from using the same facility or site.
 3. WCFs shall be sited in a location that does not reduce the parking for the other principal uses on the parcel below EMC standards.
 4. WCFs shall not encroach into any sight triangles.
 5. **Setbacks and Separation.**
 - a. In residential zones, WCFs and related accessory equipment must not be closer than the greater of the minimum building setback or, for towers, 100 percent of the Tower height from the adjoining lot line.
 - b. In non-residential zones, WCFs and related accessory equipment must satisfy the minimum zoning district setback requirements. If land in a nonresidential zone abuts a residential zone with an incompatible use, WCFs must not be closer than the greater of the minimum building setback or, for towers, 100 percent of the Tower height from the adjoining lot line.
 - c. Towers over 60 feet in height shall not be located within one-quarter mile from any existing tower that is over 75 feet in height, unless the applicant has shown to the satisfaction of the City that there are no reasonably suitable alternative sites in the required geographic area which can meet the applicant's needs.
- C. **Lighting.** WCFs shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the WCF is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, the City may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding

views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences.

D. Landscape and Fencing Requirements.

1. WCFs shall be sited in a manner that does not reduce the landscaped areas for the other principal uses on the lot or parcel, below any applicable EMC standards including without limitation, planned unit development standards.
2. For ground mounted WCFs, the site of the WCF shall be landscaped with a buffer of plant materials that effectively screen the view of the WCF from adjacent residential property. The standard buffer shall consist of the front, side, and rear landscaped setback on the perimeter of the Site.
3. In locations where the visual impact of the WCF would be minimal, the landscaping requirement may be reduced or waived in whole or in part by the City.
4. Existing mature tree growth and natural landforms on the Site shall be preserved to the maximum extent possible. In some cases, such as WCFs sited on large, wooded lots, natural growth around the site perimeter may be sufficient to buffer.
5. No trees larger than four inches in diameter measured at four and one-half feet high on the tree may be removed, unless authorized by the City. To obtain such authorization the applicant shall show that tree removal is necessary, the applicant's plan minimizes the number of trees to be removed and any trees removed are replaced at a ratio of two to one.

E. Specific Design Requirements. Additional design requirements shall be applicable to the types of WCFs as specified below:

1. Base Stations:
 - a. Base stations shall be architecturally compatible with respect to attachments, and colored to match the building or structure to which they are attached;
 - b. The maximum protrusion of such facilities from the building or structure face to which they are attached shall be two feet;
 - c. Wall mounted WCFs shall not extend above the roofline unless mounted to a penthouse; and
 - d. Roof mounted WCFs shall be approved only where an applicant demonstrates a wall mounted WCF is inadequate to provide service and shall be evaluated for approval based upon the following criteria:
 - i. Roof mounted whip antennas shall extend no more than 12 feet above the parapet of any flat roof or ridge of a sloped roof or penthouse to which they are attached;
 - ii. Roof mounted panel antennas shall extend no more than seven feet above the parapet of a flat roof or ridge of a sloped roof to which they are mounted; and
 - iii. Other roof mounted related accessory equipment shall extend no more than seven feet above any parapet of a flat roof upon which they may be placed, and shall not be permitted on a sloped roof.
2. Alternative Tower Structures (ATS) and Small Cell Facilities Generally:
 - a. ATS shall be designed and constructed to look like a building, facility, or structure typically found in the area, in order that the WCF is Concealed.
 - b. Height or size of the proposed ATS or small cell facility should be minimized as much as possible and shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of 60 feet;
 - c. ATS shall be sited in a manner that is least obtrusive to residential structures and residential district boundaries;

- d. ATS should take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses;
 - e. ATS and small cell facilities shall be compatible with the surrounding topography, tree coverage, and foliage;
 - f. ATS and small cell facilities shall be designed utilizing design characteristics that have the effect of concealing where technically feasible and generally reducing or eliminating visual obtrusiveness; and
 - g. Visual impacts of the proposed ingress and egress shall be minimized.
3. Alternative Tower Structures and Small Cell Facilities located in the right-of-way. In addition to the general requirements of subsection (E)(2), above:
- a. No ATS pole shall be higher than 35 feet including any cannister or antennas located on top of a pole;
 - b. No pole or structure shall be more than ten feet higher (as measured from the ground to the top of the pole or structure) than any existing utility or traffic signal within 500 feet of the pole or structure;
 - c. Any new pole for ATS or Small Cell Facilities shall be separated from any other existing WCF facility by a distance of at least six hundred (600) feet, unless the new pole replaces an existing traffic signal, street light pole, or similar structure determined by the City;
 - d. With respect to pole-mounted components, small cell facilities shall be located within an existing or replacement utility or streetlight pole; or be located within a new pole, if there are no reasonable alternatives;
 - e. ATS shall be concealed consistent with other existing natural or manmade features in the right-of-way within 1,000 feet of the location where the ATS will be located;
 - f. To the extent reasonably feasible, ATS shall be consistent with the size and shape of the pole-mounted equipment installed by communications companies in the same zone district on utility poles within 2,000 feet of the ATS;
 - g. When placed near a residential property, any ATS or small cell facilities must be placed in front of the common side yard property line between adjoining residential properties. In the case of a corner lot, the facility must be placed in front of the common side yard property line adjoining residential properties, or on the corner formed by two intersecting streets;
 - h. Small cell facilities shall:
 - i. Be designed such that antenna installations on traffic signals are placed in a manner so that the size, appearance, and function of the signal will not be considerably altered; and
 - ii. Be designed such that all antennas, mast arms, equipment, and other facilities are sized to minimize visual clutter, and where possible, concealed within the structure; and
 - iii. Be consistent with the size and shape of the pole-mounted equipment installed by communications companies on utility poles near the ATS; and
 - iv. Be designed such that any ground mounted equipment be installed in an underground or partially underground equipment vault (projecting not more than thirty-six (36) inches above grade), or co-located within a traffic cabinet of a design approved by the City, unless a use by special review is obtained subject to the requirements of the EMC; and
 - v. Not alter vehicular circulation or parking within the right-of-way or impede vehicular, bicycle, or pedestrian access or visibility along the right-of-way; and
 - vi. Comply with the federal Americans With Disabilities Act and all applicable local, state, and federal law and regulations; and
 - vii. Not be located or maintained in a manner that causes unreasonable interference. Unreasonable interference means any use of the right-of-

way that disrupts or interferes with its use by the City, the general public, or other person authorized to use or be present upon the right-of-way, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the right-of-way that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to public health, safety, or welfare.

4. Towers:
 - a. Towers shall either maintain a galvanized steel finish, or, subject to any applicable FAA standards, be painted a neutral color so as to reduce visual obtrusiveness as determined by the City;
 - b. Tower structures should use existing landforms, vegetation, structures, and use materials, colors, textures, screening that have the effect of reducing or eliminating visual obtrusiveness to aid in concealing the facility from view or blending in with the surrounding built and natural environment, and;
 - c. Monopole support structures shall taper from the base to the tip;
 - d. All towers shall be enclosed by security fencing or wall at least six feet in height and shall also be equipped with an appropriate anti-climbing device. No security fencing or any portion thereof shall consist of barbed wire or chain link material; and
 - e. Towers shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of the zoning district or 150 feet, whichever is less;
 - f. Towers should be sited in a manner that is least obtrusive to residential structures and residential district boundaries where feasible;
 - g. Towers should take into consideration the uses on adjacent and nearby properties and the compatibility of the tower to these uses;
 - h. Visual impacts of the proposed ingress and egress shall be minimized;
 - i. No new towers shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing WCFs can accommodate the needs that the applicant proposes to address with its Tower application. Evidence submitted to demonstrate that no existing WCFs can accommodate these needs may consist of the following:
 - i. No existing WCFs are of sufficient height and are located within the geographic area required to meet the applicant's engineering requirements;
 - ii. Existing WCFs do not have sufficient structural strength to support applicant's proposed WCF;
 - iii. Locating on existing WCFs would cause electromagnetic interference with the facilities on the existing WCFs or the existing WCFs would cause interference with the applicant's proposed WCF; or
 - iv. The applicant demonstrates that there are other limiting factors that render existing WCFs unsuitable for collocation.
 - j. No Towers shall be permitted in the right of way.
5. Related Accessory Equipment. Related Accessory Equipment for all WCFs shall meet the following requirements:
 - a. All buildings, shelters, cabinets, and other accessory components shall be grouped as closely as technically possible;
 - b. The total footprint coverage area of the WCF's Related Accessory Equipment shall not exceed 350 square feet;
 - c. No related accessory equipment or accessory structure shall exceed 12 feet in height; and
 - d. Related accessory equipment shall be located out of sight whenever possible by locating behind parapet walls or within equipment enclosures. Where such alternate locations are not available, the related accessory equipment shall be

concealed where technically feasible or otherwise camouflaged in a manner appropriate for the specific site.

16-11-5 Review Procedures and Requirements

No new WCF shall be constructed and no collocation or modification to any WCF may occur except after a written request from an applicant, reviewed and approved by the City in accordance with this Section.

All WCFs shall be reviewed pursuant to the following procedures:

- A. **Submittal Requirements.** Each applicant for a WCF shall be required to submit:
1. Completed application form;
 2. Submittal fee;
 3. Signal Interference Letter (EMC § 16-11-3(C));
 4. Inventory of existing sites (EMC § 16-11-5(B)); and
 5. A stamped report by a State of Colorado registered professional engineer, or a verified statement from a qualified radio frequency engineer, demonstrating or assuring that the site will be in full compliance with federal radio-frequency emissions standards for wireless facilities.
 6. Initial demonstration of compliance with EMC § 16-11-3(G)(2)(d), provided via submission of a report to the City prepared by a structural engineer, licensed in the State of Colorado, describing the WCF, specifying the number and type of antennas it is designed to accommodate, providing the basis for the calculations done, and documenting the actual calculations performed.
- B. **Inventory of Existing Sites.** Each applicant for a WCF shall provide to the City a narrative and map description of the applicant's existing or then currently proposed WCFs within the City, and outside of the City within one mile of its boundaries. In addition, the applicant shall inform the City generally of the areas of the City in which it believes WCFs may need to be located within the next three years. The inventory list should identify the site name, site address, and a general description of the facility (e.g., rooftop antennas and ground mounted equipment). This provision is not intended to be a requirement that the applicant submit its business plan, proprietary information, or make commitments regarding locations of WCFs within the City. Rather, it is an attempt to provide a mechanism for the City and all applicants for WCFs to share general information, assist in the City's comprehensive planning process, and promote collocation by identifying areas in which WCFs might be appropriately constructed for multiple users.
- C. **Applications for Base Stations, Alternative Tower Structures, and Alternative Tower Structures within Right-of-Way.** Each application for a base station, alternative tower structure, or alternative tower structure within right-of-way shall be reviewed and considered for approval by the City for conformance to this Chapter. Except for WCFs in the right-of-way that meet all requirements of this Chapter, WCFs in zoning districts I-1 and I-2, and eligible facilities requests, the City may refer the application to Planning and Zoning Commission for approval.
- D. **Applications for Towers.** With the exception of zoning districts I-1 and I-2, Towers may be permitted only as a conditional use approved by Planning and Zoning Commission. Such towers shall be reviewed for conformance to this Section using the use by special review procedures set forth in EMC § 16-2-9 in conjunction with the applicable requirements in EMC § 16-11-9. All applications for towers shall demonstrate that other alternative locations such as base stations or alternative tower structures are not viable options.

E. Timeframes for Review.

1. All WCFs, other than those specified below in subsections (F)-(H) shall be reviewed according to the following timeframes:
 - a. Review of an application to collocate a facility other than a small cell facility on an existing tower or base station: 90 days.
 - b. Review of an application to deploy a small cell facility on a new structure: 90 days.
 - c. Review of an application to deploy a WCF other than a small cell facility on a new structure: 150 days.
 - d. Review of an application for a new tower, base station, or alternative tower structure: 150 days.
2. Tolling the Timeframe for Review. The relevant review timeframe begins to run when the application is filed with the City, and may be tolled only by mutual agreement or where the City determines that an application is incomplete.
 - a. To toll the timeframe for incompleteness, the City shall provide written notice to the applicant within 30 calendar days of receipt of the application, specifically delineating all missing documents or information required in the application;
 - b. Upon providing the notice of incompleteness to the applicant, the timeframe for review pauses. The timeframe for review begins running again when the applicant makes a supplemental written submission in response to the City's notice of incompleteness; and
 - c. Following a supplemental submission, the City will notify the applicant within ten (10) business days whether the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in subparagraph b(i) of this subsection. In the case of a second or subsequent notice of incompleteness, the City may not specify missing documents or information that were not delineated in the original notice of incompleteness.

F. Specific Review Procedures for collocating Small Cell Facilities on Existing Towers or Base Stations. Within ten business days of receipt of an application for a small cell facility, the City shall provide written comments to the applicant determining completeness of the application and setting forth any modifications required to complete the application to bring the proposal into full compliance with the requirements of this subsection.

1. To toll the timeframe for incompleteness, the City must provide written notice to the applicant within ten business days of receipt of the application, specifically delineating all missing documents or information required in the application.
2. The timeframe for review resets to zero when the applicant makes a supplemental written submission in response to the City's notice of incompleteness.
3. Following a supplemental submission, the City will notify the applicant within ten business days whether the supplemental submission provided the information identified in the original notice delineating missing information. If the application remains incomplete, the timeframe is tolled pursuant to the procedures identified in subparagraphs (1) and (2) of this paragraph. In the case of a second or subsequent notice of incompleteness, the City may not specify missing information or documents that were not delineated in the original notice of incompleteness.

G. Specific Review Procedures for Eligible Facilities Requests.

1. Application. Eligible facilities requests for collocation on or modification of an existing tower or base station shall be considered a use by right subject to administrative review and determination by the City. The City shall prepare, and from time to time revise and

make publicly available, an application form which shall be limited to the information necessary for the City to consider whether an application for collocation or modification is an eligible facilities request. Such information may include, without limitation, whether the project:

- a. Result in a substantial change to the physical dimensions of the site; or
- b. Violate a generally applicable law, regulation, or other rule reasonably related to public health and safety.

The application may not require an applicant to demonstrate a need or business case for the proposed modification or collocation.

2. Time frame for EFR review. Subject to the tolling provisions below, an application for an eligible facility request shall be approved within 60 days of the date of the request unless it the City determines that it does not qualify as an eligible facilities request. Upon receipt of an application for an eligible facility request pursuant to this subsection, the City shall review such application to determine whether the application so qualifies.
 3. Tolling the Timeframe for EFR Review.
 - a. The 60 calendar day review period begins to run when the application is filed with the City, and may be tolled only by mutual agreement or where the City determines that an application is incomplete:
 - i. To toll the timeframe for incompleteness, the City must provide written notice to the applicant within 30 calendar days of receipt of the application, specifically delineating all missing documents or information required in the application;
 - ii. Upon notice of incompleteness to the applicant, the timeframe for review pauses. The timeframe for review begins running again when the applicant makes a supplemental written submission in response to the City's notice of incompleteness; and
 - iii. Following a supplemental submission, the City will notify the applicant within ten business days whether the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in subparagraphs (i) and (ii) of this subsection. In the case of a second or subsequent notice of incompleteness, the City may not specify missing documents or information that were not delineated in the original notice of incompleteness.
 - b. If the City fails to approve or deny an eligible facility request within the time frame for review (accounting for any tolling), the request shall be deemed granted; provided that this 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.
 4. Interaction with Telecommunications Act 47 U.S.C. Section 332(c)(7). If the City determines that the applicant's request is not an eligible facilities request, the applicant shall be advised as to the relevant provisions of the EMC that govern the process to consider the request, and whether the EMC requires any additional information to be submitted in order for the request to be considered complete. If the applicant subsequently indicates an intent for the proposal to be considered under the relevant Section of the EMC and submits all required information, the presumptively reasonable timeframe under Section 332(c)(7), as set forth in applicable federal and state law will begin to run from submittal of the required information under the applicable provision of the EMC.
- H. Decision. Any decision to approve, approve with conditions, or deny an application for a WCF shall be in writing, supported by substantial evidence in a written record, and shall be provided to the applicant within ten days of the decision. If the approval is for a concealed WCF, the written decision shall specifically identify that the WCF is a concealed facility.

16-11-6 General Guidelines and Requirements

- A. **Principal or Accessory Use.** WCFs may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of WCFs on such lot. Where a new lot or leasehold parcel has been created from a larger parcel, for purposes of determining whether the installation of a tower or WCF complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the larger lot from which the new lot was created shall control. Towers that are constructed and antennas that are installed in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a nonconforming use or structure.
- B. **Modification.** Existing approved WCFs may be modified, and the power output of existing antennas on an approved facility may be increased, provided the standards and procedures outlined in ANSI Standard and C-95.1 or any amendments or revisions thereto, OST Bulletin No. 65 and Electronics Industries Associations EIA-RS 222(E) or the latest revision or amendment thereof; or such current standards as may be approved by the FCC are complied with.
1. The City may request copies of plans depicting such modification and other evidence necessary to demonstrate that such modifications are in compliance with the provisions of this Section, and a permitted use approval.
 2. The City must be notified at least 30 days prior to any modification which increases the wind or weight loading capacity, height or footprint of a tower, and may request copies of plans which depict such modifications and indicate compliance with the provisions of this Section, and with the permitted use approval. Depending upon the nature of the modifications, such modifications may require conditional use approval pursuant to EMC § 16-2-9.
- C. **Compliance with Applicable Law.** Notwithstanding the approval of an application for collocation as described in this Chapter, all work done pursuant to WCF applications must be completed in accordance with all applicable building and safety requirements as set forth in the EMC, and any other applicable regulations. In addition, all WCF applications shall comply with the following:
1. Comply with any permit or license issued by a local, state, or federal agency with jurisdiction of the WCF;
 2. Comply with easements, covenants, conditions and/or restrictions on or applicable to the underlying real property;
 3. Be maintained in good working condition and to the standards established at the time of application approval or as otherwise required by applicable law; and
 4. Remain free from trash, debris, litter, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than ten (10) days from the time of notification by the City or after discovery by the owner or operator of the site.

16-11-7 Building Permits

Towers, antennas, and telecommunications facilities and base stations are considered structures, and these structures as well as WCF attachments to these structures requiring issuance of a building permit. In connection with the issuance of a permit for a tower, antenna or telecommunications facility or other WCF, and in order to provide the City with accurate and current information concerning entities that own or operate telecommunications facilities within the City; to assist the City in enforcement of this Section; to assist the City in the collection and enforcement of any licensed fees or charges that may be due the City; and to assist the City in monitoring compliance with local, state and federal laws, the applicant shall, prior to a permit being issued, submit the application information described in EMC § 16-11-5, to the City Manager or designee.

(Ord. 04-5)

16-11-8 Specific Permitted Uses

- A. Locating WCFs is permitted on City owned property in any zoning district so long as all other requirements of the zoning district are met.
- B. Installing an antenna on an existing tower including the placement related accessory equipment, so long as said additional antenna adds no additional height to said existing tower, does not project outward a distance of more than 14 feet, and is consistent with any applicable conditions of approval for that site, which previously have been imposed by the City.
- C. Installing an antenna on an existing alternative tower structure, including the placement of related accessory equipment, so long as said additional Antenna adds no more than fifteen feet (15') of additional height to the existing structure, does not project outward a distance of more than 14 feet, and is consistent with any applicable conditions of approval for that site, which previously have been imposed by the City, unless it defeats the concealment elements of the Site; provided, however, that if the installation of an antenna or any other related accessory equipment on top of an existing structure causes an increase in the maximum height limitation within the zoning district in which the structure is located, such use shall still be considered a specific permitted use so long as the related accessory equipment adds no more than 15 additional feet to the height of the structure and are adequately screened to the satisfaction of the City Manager or designee.
- E. Locating an alternative tower structure in all zoning districts, so long as all other requirements of the zoning district, Table 4-1, and EMC § 16-11-4, are met.

(Ord. 04-5)

16-11-9 Conditional Uses

- A. **Applicability.** This Section's provisions shall govern the issuance of conditional use permits for WCFs allowed only as conditional uses in EMC § 16-4, (Table 4-1). These provisions and criteria are in addition to the general provisions and criteria governing conditional uses stated in EMC § 16-2-9.
- B. **General Provisions.**
 - 1. In granting a conditional use permit, the City may impose conditions to the extent it concludes such conditions are necessary to minimize any adverse effect of the proposed telecommunication facility on adjoining properties.
 - 2. Any information of an engineering nature that the applicant submits, whether civil, mechanical, structural, or electrical, shall be certified by a Colorado Registered Professional Engineer. Any information submitted relating to radio frequency emissions shall be certified by a qualified radio frequency engineer.
- C. **Factors Considered in Granting Conditional Use Permits for Towers.** In addition to the criteria set forth in EMC § 16-2-9, the City shall consider the following factors in determining whether to issue a conditional use permit for a tower or antenna:
 - 1. Height of the proposed tower or height of proposed antenna on a tower or alternative tower structure;
 - 2. Proximity of the tower to residential structures and residential district boundaries;
 - 3. Nature of uses on adjacent and nearby properties;
 - 4. Surrounding topography;
 - 5. Surrounding tree coverage and foliage;

6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness such as concealment or camouflage design techniques;
7. Proposed ingress and egress;
8. An evaluation of the applicant's plans for development of its WCFs on the site which is the subject of the application, as well as those plans on file from other wireless communications service providers;
9. An evaluation of the technical reports and materials submitted by the application;
10. Compliance with this Chapter, as applicable;
11. Availability of suitable existing towers and other structures;
12. Any other information that the City deems reasonably necessary in connection with the review of the application.

(Ord. 04-5)

16-11-10 Financial Guaranty Requirement

The City may require the applicant to post a performance bond, letter of credit, or other financial guaranty satisfactory to the City Manager or designee, at the time a building permit is issued, in an amount to be set by the City, reasonably related to the costs that may be incurred by the City should the applicant fail to comply with any of its obligations pursuant to this Chapter concerning maintenance or removal of abandoned facilities. The bond shall remain in effect for a period of ten years from the date of building permit issuance.

(Ord. 04-5)

16-11-11 City Authorization to Enter and Maintain Facilities

The City may enter onto the property and undertake any maintenance activities so long as:

- A. The City Manager or designee has provided the applicant written notice requesting the work needed to comply with this Chapter and providing the applicant at least 45 days to complete it; and a follow up notice of default specifying failure to comply within the time period permitted, and indicating the City's intent to commence the required work within ten days of the notice.
- B. The applicant has not filed an administrative appeal pursuant to EMC § 16-2-12, within thirty days of the notice of the City's intent to commence the required work. If an appeal is filed, the City shall be authorized to enter the property and perform the necessary work if the appeal is dismissed or final action on it is taken in favor of the City.
- C. Notwithstanding anything contained in this Chapter to the contrary, the City shall not be required to provide the notice described herein if there is a significant risk to the public health and safety requiring immediate remedial measures.

(Ord. 04-5)

Chapter 12 Historic Preservation

- 16-12-1 Purpose
- 16-12-2 Designation of Landmarks and Districts
- 16-12-3 Amendment of Designation
- 16-12-4 Revocation of Designation
- 16-12-5 Criteria
- 16-12-6 Alteration, Relocation, or Demolition
- 16-12-7 Exemptions

16-12-1 Purpose

This Chapter establishes standards for the designation of historic districts and landmarks for the educational, cultural, and economic benefit of Englewood citizens. Due to various pressures that may result in the destruction, impairment, or alteration of historic resources that reflect elements of Englewood's cultural and architectural heritage, it is the intent of this Chapter to:

- A. Preserve and protect buildings, structure, sites and areas that are reminders of past eras, events, and person(s) important in local, state or national history; which provide significant examples of architectural styles of the past; which are unique or irreplaceable assets to the city and its neighborhoods; which provide for this and future generations examples of the physical surroundings in which past generations lived; or which are archaeologically significant;
- B. Develop and maintain the appropriate environment for such buildings, structures, sites, and areas, reflecting varied architectural styles and distinguished phases of Englewood's history;
- C. Promote public health, safety, and welfare by encouraging the protection and preservation of historically significant resources; and
- D. Stabilize and improve property values by conserving historic properties.

16-12-2 Designation of Landmarks and Districts

- A. **Nominations.** Applications for a nomination for designation as a historic property/landmark ("landmark") or historic properties/district ("district") may be made by the following:
 - 1. The owner(s) of the property (collectively, "owner");
 - 2. A member of the Historic Preservation Commission; or
 - 3. A member of the City Council.
 - 4. All landmark nominations shall be accompanied by written consent to the nomination from the owner(s) of the property. In the case of a district nomination, 65% of the property owners within the proposed district shall provide written consent to the nomination. No nomination shall be considered by the Historic Preservation Commission unless such written consent is provided along with the application.

Within 30 days of receipt of a district nomination, the City shall provide written notice to all properties within a district nominated for designation with a copy of the nomination application, the effects of the district designation, and a provision advising property owners of the hearing procedures outlined in this Chapter.

- B. **Application.** Applications shall be submitted to the City on a form approved by the Historic Preservation Commission. The application fee shall be established by ordinance and maintained in the City's rate and fee schedule.

- C. **Public Hearing.**
1. Within 45 days after an application is determined complete or within a time frame agreed upon by the applicant and the City, a public hearing shall be held by the Historic Preservation Commission.
 - a. The Historic Preservation Commission shall provide notice of the date, time, and location of the public hearing to the applicant, the owner or owners of record, the owners of adjacent properties and, if known, to other persons having a legal or equitable interest in the properties or district nominated for designation at least 15 days prior to the hearing.
 - b. A legal notice indicating the nature of the hearing, the property involved, and the time, date, and place of the scheduled public hearing, shall be published in the City's publication of record at least 15 days prior to the hearing.
 - c. The notice shall be posted at the property's physical location at least 15 days prior to the hearing.
 2. A hearing may be continued. If the hearing is continued, the time, date, and place of the continuation shall be established and announced to those present when the current session is to be adjourned. In no case can a hearing be continued for more than 30 days without the applicant's express consent.
 3. Reasonable opportunity shall be provided for all interested parties to express their opinions regarding the proposed designation.
- D. **Historic Preservation Commission Review.**
1. The Historic Preservation Commission shall review the application and evidence submitted at the public hearing for conformance with the established criteria for designation under Section 16-12-5 and with the purposes of this Chapter.
 2. The Historic Preservation Commission shall recommend approval, approval with conditions, or denial of the application.
 3. The Historic Preservation Commission shall set forth in writing its findings of fact which constitute the basis of its recommendation.
 4. The Historic Preservation Commission may continue the nomination process if the Commission finds that additional information is necessary to make a recommendation. If the hearing is continued, the time, date, and place of the continuation shall be established and announced to those present when the current session is to be adjourned. In no case can a hearing be continued for more than 30 days without the express consent of the applicant.
 5. The Historic Preservation Commission shall forward its recommendation to the City Council for final review.
- E. **City Council Proceedings.**
1. Within 30 days after receipt of the Historic Preservation Commission's recommendation, the City Council shall hold a public hearing on the application to consider adopting by ordinance those properties qualifying for designation.
 2. The City Council shall review the application for conformance with this Title.
 3. The City Council shall approve, approve with conditions or deny the application and shall issue written findings based on the Historic Preservation Commission's recommendations. City Council shall adopt an ordinance following the approval of an application designating a landmark or district.
 4. The City shall provide a copy of the decision of the City Council's final action to the applicant and owner(s).
 5. The City Council's decision shall be final, subject only to judicial review in the Arapahoe County District Court.
- F. **Recording of Designation.** Within 30 days of the effective date of an ordinance designating a landmark or district, the City Clerk shall record the ordinance with the Arapahoe County Clerk and Recorder.

- G. **Records.** The City shall maintain a current record of all landmarks and districts and pending designations.
- H. **Resubmission.** If the City Council denies an application, no person shall submit an application for the same property for at least one year from the effective date of the final action on the denied application, unless the denial was based on a request for additional information.

16-12-3 Amendment of Designation

A landmark or district may be amended to add features or properties to such landmark or district under the procedures prescribed in this Chapter.

16-12-4 Revocation of Designation

- A. If a landmark or district has been altered to a degree that it no longer retains its historic integrity, the owner may apply to the Historic Preservation Commission for a revocation of the designation or the Commission shall recommend revocation of the designation to the City Council in the absence of the owner's application to do so. The revocation application shall be reviewed under the same procedures described in this Chapter.
- B. Upon the Historic Preservation Commission's recommendation to revoke a designation, the Commission shall promptly notify the owners of the landmark or district, and the City shall cause to be prepared an ordinance including the legal description of the affected landmark or district stating notice of the revocation, and schedule the ordinance for City Council review. Upon adoption by the City Council, the ordinance shall be recorded. The final determination will be made by Council, based on the recommendation of the Historic Preservation Commission.

16-12-5 Criteria

- A. **Properties.** The following criteria shall apply to determine whether a property should be designated as a landmark:
1. Whether the property is associated with events that are significant in the history of the City, Arapahoe County, the State of Colorado, or the United States.
 2. Whether the property is associated with persons significant in the history of Englewood.
 3. Whether the property has distinctive characteristics of a type, method of construction, architectural style, or period, or represents the work of a master builder or architect.
 4. Whether the property has yielded, or is likely to yield, important archaeological discoveries in prehistory or history.
 5. Whether the property is a visual feature or has visual features identifying an area or neighborhood or consists of structures historically and geographically associated with an area.
 6. The age of the property. Properties to be considered for landmark designation are typically at least 50 years old. However, exceptions can be made for younger properties that have demonstrated historic significance when the above criteria are applied.
 7. The physical integrity of the property, including: location; design; setting; materials; workmanship; and association.
 8. Any property listed as a City or Arapahoe County Landmark or listed on the State or National Register of Historic Places.
- B. **Districts.** The following additional criteria shall apply to determine whether a district has architectural or historic significance:

1. Whether the district includes properties that do not contribute to the significance of the district, but the noncontributing elements do not noticeably detract from the district's sense of time, place, and historical development, evaluating the noncontributing elements for their magnitude of impact by considering their size, scale, design, location, and information potential.
2. Whether the district boundaries are defined by visual changes, historical documentation of different associations or patterns of development, or evidence of changes in site type or site density as established through testing or survey.
3. Any district designated as a historic district by Englewood, Arapahoe County, or by the State or National Register of Historic Places.

16-12-6 Alterations, Relocation, or Demolition

A. Requirements.

1. Before performing any construction, alteration, relocation or demolition involving the exterior of any landmark or property within a district, the owner must first submit the proposed work to the Historic Preservation Commission and request a Certificate of Appropriateness
2. The City shall review any building or demolition permit application received to determine whether the property is a landmark or located in a district and if so, whether a Certificate of Appropriateness has been issued and whether the proposed work conforms thereto. If so, the City shall process it without further action. If no Certificate of Appropriateness has been issued or if the City determines that the permit application does not conform to such, the City shall not issue a permit until a Certificate of Appropriateness has been issued and the permit application conforms thereto.

B. Application.

1. An application for a Certificate of Appropriateness shall be submitted by the owner to the city on a form approved by the Historic Preservation Commission. The application shall include relevant information, including without limitation: a description of the type of work proposed and its effect or impact upon the landmark or district, and plans and specifications showing the proposed exterior appearance, with finishes, materials, samples of materials, and architectural design and detail.
2. If the City determines the application is complete, the City shall promptly refer the application to the Historic Preservation Commission. If the City determines the application is incomplete, the applicant shall be advised of the reasons in writing within 30 days of submittal.

- C. **Hearing.** Within 45 days after an application is determined complete by the City, or within a time frame agreed upon by the applicant and the City, the Historic Preservation Commission shall hold a public hearing on the application. Such notice and hearing shall be conducted in conformance with the procedures set forth in Section 16-12-2.C.

D. Review Criteria.

1. The proposed alteration shall comply with any design guidelines adopted by the City and the Secretary of the Interior's Standards for the Treatment of Historic Properties.
2. For non-contributing properties within a district, the proposed alteration shall be: compatible with the property's current design, materials, features, size, scale and proportion, and massing; or compatible with the district's design, materials, features, size, scale and proportion, and massing.
3. Infill construction within districts shall be differentiated from the landmark, but shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the district and its environment.

- E. **Historic Preservation Commission Review.**
1. The Historic Preservation Commission shall approve the application, approve the application with conditions, or deny the application.
 2. The Historic Preservation Commission shall set forth in writing its findings of fact which constitute the basis of its recommendation. If the Historic Preservation Commission denies the application, the Commission shall notify the applicant in writing. Such denial shall state the reasons for the denial and the procedures for appeal to the City Council.
 3. If the Historic Preservation Commission approves or approves the application with conditions, the Commission shall issue a Certificate of Appropriateness. If approved with conditions, such conditions shall be stated in writing in the Certificate of Appropriateness.
 4. If an application for a Certificate of Appropriateness is denied, no person may submit a subsequent application for the same alteration or construction within one year from the date of the final action upon the earlier application.
- F. **Appeal of Denial of Certificate of Appropriateness.**
1. If a Certificate of Appropriateness is denied by the Historic Preservation Commission, the applicant may appeal the denial to the City Council by filing a written notice with the City Clerk within 15 days after receipt of the Commission's denial.
 2. Within 45 days after an appeal is received by the City Clerk, or within a time frame agreed upon by the applicant and the City, a public hearing shall be held by the City Council. The public hearing shall conform to the procedures as set forth in EMC § 16-12-2.C.
 3. The City Council shall consider the notice of appeal, the Historic Preservation Commission's reasons for denial of the application, the comments related thereto made during the Commission hearing, and any evidence (including new evidence) it deems relevant to the application.
 4. The decision of the City Council shall be final.

16-12-7 Exemptions

- A. **General.**
1. If an application for a Certificate of Appropriateness is denied, the owner may request an exemption pursuant to this Section.
 2. The application shall be submitted to the City for consideration on a form provided by the Commission. The applicant shall have the burden of proof to establish hardship.
 3. If the city determines the application is complete, the City shall promptly refer the application to the Commission. If the City determines the application is incomplete, the applicant shall be advised of the reasons in writing within 30 days of submittal.
 4. Certificate of Appropriateness exemptions are granted only to the specific owner and are not transferable.
- B. **Criteria for Economic Hardship Exemption.** The following criteria shall be considered:
1. The structural soundness of any buildings or structures on the property and their potential for rehabilitation.
 2. The economic feasibility of rehabilitation or reuse of the existing property in the case of a proposed demolition.
 3. For investment or income-producing properties, the ability to obtain a reasonable rate of return on the property in its present condition, or in a rehabilitated condition pursuant to the requirements of this Title.
 4. For non-income producing properties consisting of owner-occupied single-family dwellings or non-income producing institutional properties not solely operating for profit, the ability to maintain or to convert the property to a reasonable residential or institutional use in its present condition or in a rehabilitated condition or the ability to transfer the property for a reasonable rate of return.
 5. The consideration for economic hardship shall not include any of the following:

- a. Willful or negligent acts by the owner;
 - b. Purchase of the property for substantially more than its market value;
 - c. Failure to perform normal maintenance and repairs;
 - d. Failure to diligently solicit and retain tenants;
 - e. Failure to prescribe a rental amount which is reasonable; or
 - f. Failure to provide normal tenant improvements.
- C. **Safety/Accessibility Hardship.** An owner requesting an exemption based on a safety/accessibility hardship must show that the application of the criteria creates a situation that is substantially inadequate to meet the applicant's needs because of specific safety or accessibility issues.
- D. **Decision.**
1. If the Historic Preservation Commission deems the criteria of this Chapter are met, the Commission shall issue an order of exemption.
 2. If the Historic Preservation Commission deems the criteria of this Chapter are not met, the Commission shall deny the exemption request, stating the reasons for the denial and the procedures for appeal to the City Council.
- E. **Appeal of Denial of Exemption.**
1. If an exemption is denied by the Historic Preservation Commission, the applicant may appeal the denial to the City Council by filing a written notice of appeal within 15 days of the date of the Commission's denial.
 2. The City Council shall hold a public hearing to consider the appeal, and consider any evidence (including new evidence) it deems relevant to the application.
 3. The City Council shall apply the criteria in this Section in making its decision.
 4. The decision of the City Council shall be final.

Chapter 13 Definitions

- 16-13-1 Description of Uses
- 16-13-2 Defined Terms
- 16-13-3 Floodplain Definitions
- 16-13-4 Wireless Communication Facilities Definitions

16-13-1 Description of Uses

This Section provides descriptions of uses of land and buildings associated with Table 4-2 Allowed Uses. It is organized by categories and types of uses. Categories are general groupings of uses with similar characteristics, and types based on common physical or operational characteristics, with some types including more specific types based on the scale or typical format. Where a proposed use is not generally listed or appears to meet the description of more than one use type, the Director shall interpret the most equivalent described use category and/or type, considering:

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

Any uses that may not be interpreted as equivalent to a use in Table 4-2 is not anticipated by these regulations and may only be allowed by an amendment to the development code.

A. Residential Uses

1. *Household Living.* Residential occupancy of a dwelling unit by a household, with tenancy arranged on a monthly or longer basis. Household living occurs in a variety of types based on the scale and format of buildings and arrangement of dwelling units.
 - *One-unit Dwelling.* A residential building designed for one principal dwelling unit. One-unit dwellings include variations based on the lot size to accommodate a detached house building type.
 - *Multi-unit Dwelling.* A residential building designed for two or more principal dwelling units. Multi-unit dwellings include variations based on the building type and scale, including duplexes, multi-unit houses, row houses, or apartments.
 - *Live / Work Dwelling.* A combination of residential commercial activity located in a dwelling unit or sharing the same building as a dwelling sharing a common wall or with direct access between the residential and commercial elements, and where each is intended as a principal use.
 - *Manufactured or Small Format Home Communities.* A parcel of land planned and designed for multiple home sites for the placement of manufactured, mobile or other small homes, and used for the principal dwelling of households for long-term residency. These communities include internal common areas, circulation systems and accessory uses and facilities to support the community. Dwellings may either be

located on home sites designated within a larger project or on single lots owned through appropriate condominium procedures or platted under certain conditions.

2. *Group Living.* Residential occupancy of a structure by a group of people that do not meet the definition of a household, with tenancy arranged on a monthly or longer basis. Group living structures typically have a common eating area for residents, and they may receive some level of care, training, or services associated with their residency. Group living occurs in a variety of types based on the scale and format of buildings, arrangement of dwelling units, and the degree or intensity of associated services.
 - *Group Home- Small.* The use of a residential building as a single primary dwelling which provides permanent residence, supervision, and other services for up to eight unrelated persons with intellectual and developmental disabilities, behavioral or mental health disorders as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, or disabled persons as defined by C.R.S. § 24-34-301 and such additional necessary persons employed in the care and supervision of such handicapped or disabled persons. "Handicap" and "disability" have the same legal meaning. Disabled shall not include more than one person required to register as a sex offender pursuant to C.R.S § 18-3-412.5, as amended. Residential group homes for disabled persons, particularly as they relate to recovering (not presently using) alcoholics and persons with drug addictions, are also included.
 - *Residential Care – Limited.* A residential building or grouping or residential buildings where multiple dwellings are used as the permanent residence of individuals that require a limited level of assistance, medical care, therapy, or supervisions for daily living activities, or where shared social and recreational activities provide a common amenity for residents who are infirm or aged. Support services are accessory to the residential use and character of the buildings and area, and do not require 24-hour staffing, other than security. Typical examples include assisted living, co-housing, group homes larger than eight individuals or that otherwise do not meet the criteria for Group Home - Small, and retirement communities.
 - *Residential Care - General.* A residential or institutional building, or group of buildings, designed to provide a primary or interim residence and health care for persons who require care on a full-time basis due to age or infirmity. Meals, medical support, rehabilitative services, social and recreational activities are provided on site with facilities and professional staff. Typical examples include nursing homes, long-term care facility, treatment centers, continuing care facility, congregate care communities, or hospices.
 - *Residential Care - Institutional.* A residential or institutional building, or group of buildings, designed and operated to provide interim or temporary housing, 24 hour care, and supervision for residents of more than eight persons who are at risk or in need of special support services. Typical examples include halfway house, rehabilitative residence, protective housing, or shelters.
 - *Boarding House - General.* A residential building occupied by the owner or a resident manager, with four or more tenant rooms where non-household members may share residency on a monthly or longer basis. The owner / resident manager and/or service staff may provide housekeeping, meals, or other management of shared living facilities as an accessory service to the dwelling. Typical examples include larger co-housing complexes, single-room occupancy buildings, dormitories, and fraternity or sorority houses.

B. Public / Institutional Uses

1. **Assembly.** An institutional or civic use designed to serve the community for regular or periodic events, including worship, civic, social, recreation, or entertainment, and accessory uses associated with organized activities, including child care, concession services, education, and recreation events. They can be available to the public at large, by voluntary affiliation, or for private organizations limited by membership.
 - **Assembly – Neighborhood (< 300 capacity and < one acre lot).** A place of public assembly designed and located to serve immediately adjacent uses and nearby neighborhoods, or be accessory to other uses and typically designed for less than 300 people. All buildings and facilities are located on less than 1 acre. Examples include a small neighborhood association clubhouse or recreation center, common meeting rooms or meeting halls, or small religious facilities.
 - **Assembly – Community (300-600 occupants or one to five acres).** Places of public assembly designed and located to serve community or civic needs of a broad vicinity and typically designed for 300 – 800 people. All buildings and facilities fit on a lot or are arranged in a small campus of between 1 and 5 acres. Examples include a community/recreation center, small event hall or large religious facility.
 - **Assembly – Hall / Auditorium (600+ occupants or five + acres).** Places of public assembly designed and located to serve community or civic needs of the city or region and typically designed for more than 600 people. Buildings and facilities require large lots or campuses that are difficult to integrate into the surrounding block structure, are disruptive to connected development patterns, and require special siting and civic design considerations. Examples include an auditorium, large event hall, major worship hall or campus, or convention and conference center.
2. **Civic and Institutional Buildings.** The use of land and buildings to serve public or community interest through government or non-profit agencies through cultural, social, or educational offerings, or for the administrative operations of organizations providing these services.
 - **Government and City.** Facilities for the operation or services of local, state, or federal government, except that when located in residential areas they are directly related to serving the needs of the immediate area and require proximity to the service area. Examples include post offices, emergency response facilities (police, fire, and medical), transportation services, and administrative or operational offices and structures associated with a public service
 - **Library, public.** A public facility for the use, but not sale, of literary, musical, artistic, or reference.
 - **Museum, cultural.** A building having public significance because of its architecture or former use or occupancy; or serving as a repository for a collection of nature, scientific, or literary curiosities, or objects of interest, or works of art, and accessory sales related to the subject matter or activities on the site (i.e., museum gift shop small scale sit-down restaurants or cafes.
 - **School.** Building or group of buildings designed to provide structured, seasonal or year-round education opportunities for the community. Schools are typically integrated into the surrounding context and development pattern as a civic amenity (whether single buildings or a campus), based on the scale of the facilities. Typical examples include elementary or secondary public or private schools, colleges and

universities, or other special purpose or specific-need schools with a course of study and education environment similar to that of public schools.

3. **Park and Open Space.** Any parcel or area of land or water unimproved with any residential, commercial, or industrial uses and dedicated or reserved for public and/or private use and enjoyment, or public lands managed by a public entity for the conservation or stewardship of resources. Specific uses and purposes include agricultural, recreational, educational, cultural, scenic or environmental purposes, and the land is characterized by open or natural landscape features.
 - **Athletic Field.** Land, often requiring equipment, owned by a unit of government and designed for outdoor games and sports such as lacrosse, baseball, football, and soccer.
 - **Community garden** A private or public facility for the cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or household.
 - **Park, Trail or Civic Space.** A public, common, or private open areas designed and used for both active or passive recreation. (See EMC § 16-3-5 for specific designs and types.)
4. **Telecommunications.** Facilities designed to transmit analog or digital voice or communications information between or among points using electromagnetic signals via antennas, microwave dishes, and similar structures. Supporting equipment includes buildings, shelters, cabinets, towers, electrical equipment, parking areas, and other accessory development. Specific types of facilities include:
 - **Alternative Tower Structure.** Any man-made trees, clock towers, bell steeples, light poles, water towers, and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.
 - **Antenna.** Any transmitting and/or receiving device used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunications signals, or other communications signals. "Antenna" includes whip antenna, microwave antenna, and sectorized panel antenna.
 - **Tower Structure.** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like.
5. **Utility.** A service use owned by a governmental entity or any entity defined as a public utility for any purpose by the state public utilities commission, and used in connection with the distribution, collection, or transmission of energy, water, sanitary sewerage, communication, or municipal services on a local level. All utilities may be further limited by site design and landscape standards of this Code, or more specifically regulated and permitted by licensing agencies, franchise agreements, or specific conditions and design requirements of any easement authorizing the location of facilities. For the purposes of this Title, utility facilities are further classified as follows:
 - **Minor Utility Facility.** Small-scale facilities that provide utilities necessary to support development either within a specific sub-area of the city or the immediate vicinity of the facility. This use typically involves the construction or installation of only minor structures. Employees typically are not located at the site. Examples include electric

transformer stations; gas regulator stations; telephone exchange buildings; well, water, and sewer pumping stations, power lines; storm drainage facilities; pump stations and hydrants; switching boxes; and other structures to serve adjacent properties. A minor utility facility may be either a principal or accessory use of land, but does not include accessory facilities serving the customary needs of uses, buildings, and land in the zoning district through required improvements in easements, rights-of-way, or private service lines.

- Major Utility Facility. Large-scale facilities typically serving utilities to the region, the entire City, or a significant sub-area of the City, which normally entails the construction of new buildings or structures, and that often have employees at the site. Major utility facilities have potential major impacts on an area or City by virtue of their appearance, noise, size, traffic generation, externalities, or other operational characteristics. Examples include water works, reservoirs, power or heating plants, energy/power transmission lines, power generating plants, and sewage or wastewater treatment plant.

C. Commercial Uses

1. *Adult Use.* Principal or accessory uses for sale, rental, display or other offering of live entertainment, dancing or material which is distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to "specified sexual activities" or "specified anatomical areas" as the primary attraction to the premises. Types of adult uses include:
 - *Adult Arcade.* An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors or similar 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 an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas".
 - *Adult Bookstore.* A place where books, magazines, motion pictures, videos, prints, photographs, periodicals, recordings, novelties and devices, or any of these things, which have as their primary or dominant theme, matter depicting, illustrating, describing or relating to specified sexual activities, are sold, rented or offered for sale to adults.
 - *Adult Cabaret.* A nightclub, bar, restaurant, or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas".
 - *Adult Dancing Establishment.* A business that features dancers displaying or exposing "specified anatomical areas".
 - *Adult Entertainment or Service Facility.* An adult bookstore, adult motion picture booth, adult motion picture theater, adult dancing establishment, adult cabaret, or adult arcade.
 - *Adult Motion Picture Booth.* An enclosed area within an adult motion picture theater designed or used for the viewing by one or two persons of motion pictures which

have as their primary or dominant theme, matters depicting, illustrating or relating to "specified sexual activities".

- *Adult Motion Picture Theater.* An enclosed building, or a portion or part of an enclosed building, or an open-air theater designed to permit viewing by patrons seated in automobiles, used for presenting on a regular basis, film material which has as its primary or dominant theme, matters depicting, illustrating or relating to "specified sexual activities" for observation by adult patrons thereof, and includes any hotel or motel, boarding house, rooming house, or other lodging for transient customers.

2. *Animal Care / Sales.* Commercial service and retail use that provide the sale, care, or boarding of domesticated animals that is further refined by the scale and intensity of the operations, as follows:

- *Animal Care - Limited (< 2K, no boarding).* A small office or shop providing animal care or sales. The use involves less than 2,000 square feet of commercial area, and all activities occur indoors (except routine daily pet care). Examples include a veterinary office, small pet store, or small pet grooming or training,
- *Animal Care – Small (2K – 10K or limited boardings).* An office or store providing animal care or sales, and where any overnight boarding is limited to that necessary for medical care or observation. The use involves less than 10,000 square feet of commercial space and limited outdoor activity areas necessary to accommodate the care animals. Examples include a veterinary clinic, large pet store, or large pet grooming or training
- *Animal Care – General (>10K or boarding).* A large office or store providing animal care or sales, or any use offering routine daily care for animals, whether less than 24 hours or overnight boarding. The use involves more than 10,000 square feet of commercial space, or in the case of routine daily animal care involves any combination of indoor and outdoor space where multiple animals are cared for daily. Examples include a large pet store, large grooming or training facility, animal hospital, or any animal daycare, kennel, or boarding service
- *Animal Shelter –* A facility used to house or contain stray, homeless, abandoned, or unwanted animals that may be owned, operated, or maintained by a for-profit or non-profit enterprise.

3. *Entertainment and Recreation.* Commercial service uses engaged in the business of providing daily or regularly scheduled activities for entertainment, leisure, training and instruction, or recreation, offered to the public at large, through individual membership, or through group arrangements. This use type is further refined by the scale, format and intensity as follows:

- *Entertainment and Recreation – Indoor / Limited (< 10K).* An indoor entertainment and recreation use that involves a building less than 10,000 square feet. Examples include a small bowling alley, billiard hall, a small theater, or dance or yoga studio.
- *Entertainment and Recreation - Indoor / General (10K - 20K).* An indoor entertainment and recreation use that involves a building that is between 10,000 and 20,000 square feet or more. Examples include a small sports and recreation center, larger arcade or game center, or a moderate sized theater complex,

- *Entertainment and Recreation - Indoor / Large (20K+)*. An indoor entertainment and use that involves a building that is 20,000 square feet or more. Examples include a large bowling alley, a sports and recreation center, a large theater or theater complex, or skating rink.
 - *Recreation/Entertainment – Outdoor*, Any outdoor entertainment and recreation use, where a commercial business offers the grounds use of patrons. Examples include racquet club, miniature golf, driving range, golf course, batting cages, sports and athletic complex, or band shell or amphitheater.
4. *Food and Beverage Service*. A specific service and retail use engaged in the business of serving prepared food and/or beverages to the public for immediate consumption. The serving of alcoholic beverages is accessory to this use but may be further regulated by business and liquor licenses. Whether the use includes drive-through facilities is regulated by the accessory use provisions and site design standards for the district and street. Food and Beverage Service are further refined by scale, format and intensity based on the following:
- *Restaurant – Limited (< 2K)*. A small-scale restaurant under 2,000 square feet of commercial area, located in a small or mixed-use building or sometimes associated with other uses, such as a cafe, lunch counter, walk-up window or similar small retail sales food outlet.
 - *Restaurant – General (2K+)*. A moderate or large-scale restaurant with over 2,000 square feet of commercial area, and typically includes separate kitchen dining facility, a large accessory bar and entertainment areas and accessory craft manufacturing or packaged retail sales of food and beverages.
 - *Restaurant – Take-out / Delivery Only*. A restaurant without patron seating or a dining area, and where any on-site consumption is primarily geared to walk-up or drive-up business, or where the service is geared only to carry-out or delivery of food and beverages to be consumed off-site.
 - *Brew Pub*. A retail establishment that manufactures not more than 74,000 gallons / 2,400 barrels of malt liquor or fermented malt beverages on its licensed premises, each calendar year.
 - *Caterer*. A service consisting of preparation and delivery of food and beverages for off-site consumption, without provision for on-site pickup or consumption.
5. *Lodging*. Commercial uses providing accommodations for temporary overnight occupancy on a less than monthly basis, and accessory uses associated with typical guest services such as food service, recreation or similar accommodations to support overnight guests. Lodging is refined to the following scales based on building type, format, and intensity of use:
- *Bed and Breakfast (up to five rooms)*. A small residential building used for commercial short-term lodging with shared living space between the operator as the primary occupant and the patrons. The use includes no more than five bedrooms or eight guests, and where meals may be offered to overnight guests for compensation.
 - *Hotel*. A commercial building containing guest rooms used for commercial short-term lodging, and where no provision is made for cooking in any guest room.

- *Hotel, Extended Stay.* A specific type of visitor accommodation use. A commercial building containing guest rooms used for commercial short-term lodging, in which access to guest rooms is primarily through lobbies, courts or halls, and where provisions may be made for cooking in guest rooms.
6. *Marijuana Uses.* Uses involved in the production, distribution, prescription, or sale of cannabis for treatment of medical conditions as defined in the Colorado Constitution Article XVIII, Section 14.
- *Medical Marijuana Center.* A person licensed pursuant to Article 11-104 of Title 44 C.R.S. to operate a business as described in Article 11 of Title 44 C.R.S. that sells Medical Marijuana to registered patients or Primary Care-Givers as defined in Section 14 of Article XVIII of the State Constitution, but is not a Primary Care-Giver.
 - *Medical Marijuana Optional Premises Cultivation.* A person licensed pursuant to Article 11 of Title 44 C.R.S. to operate a business as described in Article 11 of Title 44 C.R.S.
 - *Medical Marijuana Infused Products Manufacturer.* A person licensed pursuant to Article 11 of title 44 C.R.S. to operate a business as described in Article 11 of Title 44 C.R.S.
7. *Medical Service.* Commercial services uses providing medical, dental, or physical health or wellness care to the public. This use type is further categorized by the following formats:
- *Medical Service – Limited (< 10K).* A medical care use offering routine outpatient services, that occupies less than 10,000 square feet of diagnostic or treatment area, includes no surgical or in-patient facilities, and operates in normal business hours. Examples include a small doctor or dentist office, eye-care center, or urgent care center that is accessory to a larger retail or pharmacy use.
 - *Medical Service– General (10K – 30K).* A medical care use offering routine outpatient services, or provides diagnostic testing, laboratory services, and limited custom fabrication of medical supplies. The use occupies between 10,000 and 30,000 square feet for research, diagnostic, or treatment areas, includes no inpatient facilities, and operates in normal business hours. Examples include a larger doctor or dentist group practice, small clinic or analytical lab, or small outpatient urgent care or surgical center.
 - *Medical Care – Large (> 30K).* A medical care use offering a full range of services, that occupies more than 30,000 square feet for diagnostic or treatment areas, and may include emergency care, surgical services, or other inpatient treatment. The use may include accessory retail, food service, pharmacy or wellness/fitness uses. Examples include hospitals, large clinics or analytical labs, regional medical campuses or centers.
8. *Office.* Commercial uses focused on employment and engaged in the administrative, technical, or management aspects of business or professional services that typically do not have frequent or unscheduled on premise interaction with the public or clients. Examples include accountants, lawyers, architects, engineers, insurance, or other professional or administrative services. Office uses are further refined by the scale and format of buildings based on the following:

- *Office – Limited (< 10K or < 33% of mixed-use projects).* An office use less than 10,000 square feet of commercial area, within a small building or occupying a portion of a mixed-use building or site with a floor area of all non-residential uses is less than 33% of other uses in the building or on the site.
 - *Office – General (10K – 30K).* An office use between 10,001 and 30,000 square feet of commercial area, typically within one moderate-sized building.
 - *Office – Large. (> 30K).* An office use with more than 30,000 square feet, typically within one large building or involving more than one building in a campus pattern.
9. *Personal Service.* Commercial uses engaged in the business of providing personal or instructional services to the public that may include frequent or unscheduled interaction with clients or customers on-premises. Examples include a barbershop or beauty saloon, travel agency, fitness services, tailor, repair of household goods, print shop, delivery outlets, bank, or personal financial services. Personal service uses are further refined by scale, intensity and format based on the following:
- *Personal Service – Limited (< 2K or < 33% of mixed-use projects).* A personal service use less than 2,000 square feet of commercial area, within a small building or occupying a portion of a mixed-use building or site where all nonresidential uses have floor area less than 33% of other uses in the building or on the site.
 - *Personal Service– Small (2K – 10K).* A personal service use between 2,001 and 10,000 square feet of commercial area, located in a small building.
 - *Personal Service – General (10K – 20K).* An office use between 10,001 and 20,000 square feet of commercial area, typically within one moderate-sized building or part of a large mixed-use building.
 - *Personal Service – Large (> 20K).* A service use more than 20,000 square feet, typically in a large, freestanding building or part of a large mixed-use project
10. *Personal Service – Other.* Personal service uses that either due to typical formats or due to the nature or scale of the operation, warrant locations or design considerations different than general personal service uses. Use types include:
- *Crematorium.* A service establishment containing properly installed, certified apparatus intended for, or used for, the act of cremation.
 - *Mortuary.* A building used for the preparation of the deceased for burial and the display of the deceased, and ceremonies connected therewith before burial or cremation.
 - *Tattoo and Body Piercing.* Any corporation, company, partnership, or individual that offers or performs tattooing or body piercing for any fee, charge, or remuneration of any kind. For the purposes of this Title, this does not include establishments performing ear piercing as an incidental service to the permitted principal use.
 - *Temporary Employment Business.* Any person, firm, partnership, association or corporation that maintains a central location where day laborers assemble and are dispatched to work for a third-party user.
 - *Check Cashing Facility.* An establishment that for compensation engages in the business of cashing checks, warrants, drafts, money orders, or other commercial

paper serving the same purpose. This classification does not include a state or federally chartered bank, savings association, credit union, or industrial loan company. Further, this classification does not include establishments selling consumer goods, including consumables, where the cashing of checks or money orders is incidental to the main purpose of the business.

- *Studio (Radio / TV Recording, Film).* A facility for broadcasting live or pre-recorded programs by radio and/or television; and/or recording on records, tapes, videotapes, or other suitable recording media. Such facility may perform activities necessary for recording programming and receiving of radio and/or television signals. Such facility shall not engage in production of consumer products.
- *Dependent Care.* A principal commercial use 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, excluding schools, in-home care service operated accessory to an employment use, or other principal use.

11. *Retail.* Commercial uses primarily engaged in the sale, lease, or rental of products to the general public with frequent interaction of patrons or consumers on premises. Retail uses are further refined by scale, intensity and format based on the following types:

- *Retail – Limited (< 2K or 33% of mixed-use buildings / projects).* A small-scale retail use with under 2,000 square feet of commercial area, or a building where all nonresidential uses have floor area less than 33% of other uses in the building or on the site.
- *Retail – Small (2K - 10K).* A retail use with at least 2,000 but less than 10,000 square feet of commercial area, typically located in a small building or a multi-tenant, mixed-use building.
- *Retail – General (10K - 20K).* A moderate-scale retail use at least 10,000 but less than 20,000 square feet of commercial area, typically located in a moderate free-standing building or a large multi-tenant or mixed-use building.
- *Retail – Large (> 20K).* A large-scale retail use with at least 20,000 square feet of commercial area in a large, freestanding or part of a large mixed-use project.

12. *Retail – Grocery Store.* A specific retail use selling food, produce, and household products for general household consumption, including a significant portion of inventory in fresh produce, baked goods, meats, or seafood. Accessory sales of prepared food for on-site consumption is limited to no more than 20% of the transactions. These uses often serve as a key anchor for neighborhood and community centers which justifies slightly larger scale than other general retail uses, provided they can still fit into the block structure, development pattern, and public-realm framework of the area. To accommodate this, retail grocery store is further refined by scale and format as follows:

- *Grocery – Market (< 20K).* A small grocery offering limited selection of products or specialty foods or produce in a small-scale format under 20,000 square feet. Examples include a corner store, butcher shop, produce market, or urban-format groceries.
- *Grocery – Small (20K – 50K).* A mid-sized grocery offering a range of food and household products, and limited accessory services in a mid-sized building format, at least 20,000 square feet but less than 50,000 square feet. Examples include a neighborhood market or traditional-scale full-service grocery stores.

- *Grocery – General (> 50K).* A large grocery store offering a wide range of food and household products and associated accessory services in a large-scale format. Examples include a large-format grocery or supermarket, or a similar function housed within a larger warehouse retail store.
13. *Retail and Sales- Other.* Retail and sales uses that warrant location or design considerations different than general retail and sales uses either due to typical formats or due to the nature or scale of the operation. Use types include:
- *Consignment Store – Large.* A specific type of retail stores that offers sale of used or off-market merchandise, including household goods, apparel, furniture, books, or appliances for retail sale or through buy-back or other contingencies. This use is 12,000 square feet or more.
 - *Consignment Store – Small.* A specific type of retail stores that offers sale of used or off-market merchandise, including household goods, apparel, furniture, books, or appliances for retail sale or through buy-back or other contingencies. This use is less than 12,000 square feet.
 - *Liquor Store.* A specific type of retail sales and service (sales) use. A state-licensed, retail establishment selling packaged alcoholic liquors (including beer, wine, and spirituous liquors) for consumption off site.
 - *Retail – Outdoor and Equipment Sales.* A specific retail use where the primary business is associated with merchandise that typically must be displayed outside and on a year-round basis. Examples include a garden center, a lumber yard, or a small machine or equipment sales.
 - *Auction House.* Any establishment in which is carried on the business of auctioning articles for sale by public outcry and where such items offered for auction are sold immediately to the highest bidder.
 - *Internet Sales Location.* A specific type of retail sales and service use. A retail establishment acting as a sales broker that accepts new or used goods for sale on an internet auction site. The establishment may be open to the general public for viewing and sale of items. Storage is limited to those items accepted for sale.
 - *Pawnbroker.* An establishment regularly engaged in the business of making contracts for purchase or purchase transactions in the course of business.
 - *Greenhouse / Nursery.* An establishment where flowers, shrubs, vegetables, trees, and other horticultural and floricultural products are grown both in open and enclosed buildings for either retail sale or wholesale distribution.
15. *Vehicle and Equipment Uses.* Commercial uses that include the sale, rental, or maintenance of motor vehicles or similar large-scale equipment which have a scale or format oriented to the vehicles and large equipment, typically including large parking areas, and outdoor storage or circulation of vehicles and equipment. Use types include:
- *Automobile Gas and Service Station.* A commercial use designed to supply motor vehicles with gasoline or other fuel source, oils, greases, and other minor replacement parts, or engaged in the limited repair, maintenance, inspection, or diagnostic of passenger vehicles, excluding bodywork or salvage restoration.

- *Automobile Mechanic, Repair – Limited.* A commercial use engaged in the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles, not including body or fender work.
- *Automobile Mechanic, Repair - Body Shop.* A commercial use designed for service, repair, and restoration of vehicles, including major repairs and bodywork.
- *Automobile Pawn Broker.* A person regularly engaged in the business of making contracts for automobile purchase or automobile purchase transactions in the course of business.
- *Automobile, RV, Boat, or Equipment Sales / Rental.* A commercial use designed for the display, sale, leasing, or rental of new or used motor vehicles, recreational vehicles, boats, or similar large equipment. Any repair or service work is accessory to the sale, leasing or rental of operable vehicles and equipment.
- *Car Wash and Automobile Detailing.* A commercial service use that washes, cleans, or refurbishes motor vehicles, whether through self-service, mechanical service, or personal service, and whether as a principal use or an accessory use to another commercial use.
- *Commercial / Public Parking (Surface or Structure).* A commercial use using any building, structure, or area of land primarily for the temporary storage or parking of vehicles.

D. **Manufacturing / Industrial Uses**

1. *Wholesale – Sales and Distribution.* An establishment primarily engaged in the sale or distribution of goods and materials in large quantity to retailers or other businesses for resale to individual or business customers, or the sale, storage, and delivery of large items directly to customers from distribution centers.
2. *Industrial Services.* A business engaged in service to other businesses and industries, or engaged in services to the general public but where industrial equipment or processes are necessary for service, or where services are dispatched from a central location for storage of vehicles, equipment, or merchandise. Examples include plumbing, exterminators, HVAC repair, utility contractors, janitorial services, commercial laundry services, or other similar business.
 - *Contractors Office or Fleet Services.* A small, centralized location for industrial service uses, where administrative offices, dispatch services, and limited on-site storage of equipment and fleet vehicles can occur during non-business hours.
 - *Industrial Services – Light.* A small-scale or low-impact industrial service use with limited outdoor storage needs, where surface parking, vehicle storage, and general storage needs are similar to other industrial or commercial uses, and where areas dedicated to storage of equipment and vehicles during non-business hours can occur indoors, or in well-screened areas.
 - *Industrial Services – General (10 – 25 vehicle fleet).* An industrial service use where outdoor storage or warehouse storage is necessary, or with a vehicle fleet is between 11 and 25 vehicles,

- *Industrial Services – Heavy.* A large-scale industrial service use that may produce a higher degree of adverse impacts (e.g. noise, glare, dust, odor, or vibrations), or which may need substantial outdoor storage, large warehouses, or significant parking and storage for vehicles or equipment.
 - *Vehicle / Fleet Maintenance Facility.* An industrial service use that provides mechanical and repair services to commercial vehicles, large equipment, or other similar services, whether the service is offered to other businesses with large vehicles and equipment or whether it is accessory to the business maintaining its own fleet and equipment.
3. *Manufacturing.* A use engaged processing, fabrication, packaging, or assembly of goods, from raw materials or partially completed secondary materials. Products may be finished or semi-finished, and are typically stored and shipped to other areas for distribution to businesses, consumers or retail outlets, although limited accessory sales, display, or customer service areas may be provided.
- *Manufacturing – Limited / Artisan.* A small-scale manufacturing use producing primarily finished products with limited need for storage of materials or finished products. The use produces no negative byproducts such as smoke, odor, dust or noise discernable from outside of the building, and deliveries and distribution are made by general consumer delivery services requiring no special large truck access. Products or services are often made available to the public on premises generating customer activity. Examples include artists' studios, small bakeries, or small wood or metal shops.
 - *Manufacturing – Limited / Craft Alcoholic Beverages.* A small manufacturing use that produces malt liquors or fermented malt beverages (not including a commercial brew pub), and is licensed by the appropriate state and federal authorities, but where a portion of the premises is dedicated to retail sales, service, or tasting rooms. Examples include brewery, distillery, winery, or vintner's restaurant. (See C.R.S 12-47-103, 402, 403, and 420)
 - *Manufacturing – Light.* A manufacturing use that produces little or no byproducts such as smoke, odor, dust, or noise discernable from beyond the property; limited outside storage may be necessary, and distribution and delivery or distribution needs require occasional large truck access. Examples include research labs or facilities, small equipment or commodity assembly, non-retail laundry services, commercial bakery, or food and beverage processing.
 - *Manufacturing – Heavy.* An industrial use manufacturing from previously prepared materials or some raw materials into other materials or finished products. The activities may produce byproducts such as noise, dust, smoke, or odor, but are mitigated to limit impacts beyond the property boundary. Outside storage and activities may be necessary, and distribution and delivery needs involve frequent or large truck access. Examples include large-scale manufacturing or fabrication plants, large equipment assembly, metal fabrication plants, chemical laboratories or other similar high-intensity manufacturing or distribution operations.
4. *Warehousing / Storage.* An industrial or commercial use involved in the temporary keeping of goods and products for interim or long-term periods or for distribution to other businesses and industries, including any logistic services related to this business such as labeling, bulk packaging, inventory control, or light assembling. This use may support their own business, be offered as a service to other businesses in the chain of

production, or provide a service to the public at-large for storage of personal or household items.

- *Fuel Storage.* Storage of fuels as a principal use of land in above ground or below ground storage containers designed for wholesale distribution or mass consumption.
 - *Indoor Storage.* A warehousing / storage use where all activities occur indoors except for the limited loading and unloading of inventory at discrete loading docks. Examples include indoor self-storage, warehouses and distribution centers, and long-term garages
 - *Outdoor Storage.* A warehousing / storage use access to storage areas or actual storage of materials may occur outdoors. Examples include boat or RV storage, towing service storage yard, or similar industrial supply storage yards.
5. Waste / Salvage. A use that receives solid or liquid wastes for disposal on site, or for storage and processing for further distribution of disposed items. Specific use types include:
- *Automobile Wrecking / Salvage Yard.* A business engaged in wrecking and dismantling, storage, sale, or dumping of dismantled, obsolete, or wrecked vehicles.
 - *Commercial Incinerator.* An engineered apparatus used to burn waste substances and in which all the combustion factors, temperature, retention time, turbulence and combustion air, can be controlled.
 - *Hazardous Waste Handling.* A facility where the principal use is to collect, store, or processes waste that is ignitable (combustible or flammable), corrosive, reactive (explosive), or toxic and requires special handling to avoid illness or injury to persons or damage to property or the environment, or any other manufacturing or industrial use where the process or byproducts could produce these hazards and otherwise needs to be contained and treated to protect the general public health and safety.
 - *Recycling Operation, Enclosed or Unenclosed.* A facility that collects, stores, processes and distributes waste materials that can be treated and returned to a condition in which they may again be used for production or consumption. Recycling operations may be “enclosed” where all activities other than remote and discrete loading areas are indoors, or they may be unenclosed, where a portion of the collection, storage, or processing occurs outside.
 - *Sanitary Service.* Any property used for permanent disposal by abandonment, discarding, dumping, reduction, burial, incineration, or any other means and for whatever purpose, of garbage, trash, refuse, waste material of any kind, junk, discarded machinery, or vehicles or parts thereof.
 - *Waste Transfer Station.* A facility or structure where trash is collected, including appropriate structures and mechanical equipment for the collection, compaction, and/or loading of trash.

16-13-2 Defined Terms

All terms used in this Code shall have their plain and commonly accepted meaning, based upon the context of their use in the Code. The following terms shall have the meaning given below, and may be more specifically described, limited, or qualified within the standards of this Code. Some chapters may

have specific definitions where the terms have a particular or technical meaning specific to the interpretation of that Chapter.

Abandonment: The relinquishment of property or a cessation of the use of the property with the intention neither of transferring rights to the property to another person(s) nor of resuming the use of the property or the use.

Abut and/or Adjoin: To physically touch or border upon or to share a common property line.

Access: A way or means of approach to provide physical entrance to a property.

Accessory Structure: A detached, subordinate structure, the use of which is clearly incidental and related to that of the principal structure or use of the land, and which is located on the same lot as that of the principal structure or use.

Accessory Use: A subordinate use, clearly incidental and related to the principal structure, building or use of land, and, unless otherwise allowed by this Title, located on the same lot as that of the principal structure, building, or use.

Adjacent/Adjoining Lot or Land: A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

Adjacent Property: Property that has a common boundary line with, or that is separated from a parcel proposed for development by public right-of-way.

Adverse Impact or Effect: Any of the following:

- (A) A condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site proposed for development or on off-site property or facilities.
- (B) A condition that creates, imposes, or leads to a nuisance on a site proposed for development or on off-site property or facilities.
- (C) A condition that creates, imposes, aggravates, or leads to a negative aesthetic condition on a site proposed for development or on off-site property or facilities. For example, a proposed building that blocks a scenic view corridor or a commercial building whose height and mass is out of scale and proportion with adjacent residential buildings.

Alley: A public way less in size than a street, not designed for general travel, which is used primarily as a means of access to the rear of residences and business establishments, abutting upon it, and which affords a secondary means of access.

Alteration, Structural: An alteration of a building or structure which alteration affects some portion of the building or structure in a vital and substantial manner and changes its characteristic appearance; the term denotes change or substitution in a substantial particular.

Amendment: Any addition, deletion, or revision of the text of this Title or any addition, deletion, or revision of the Official Zoning Map adopted after public hearings.

Annexation: The incorporation of a land area into the City of Englewood with a resulting change in the City boundaries.

Annual: A plant that completes its lifecycle in one growing season.

Appeal: A request for review by a higher authority of the final decision made by the decision-making body on an application for development.

Appeal, Administrative: An appeal where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made by an administrative official or agency based on, or made in the application of, the standards or enforcement of this Title in a specific situation, with limited necessity for reference to general goals and policies of this Title or the Comprehensive Plan.

Applicant: Unless otherwise specified, an owner or other person with a legal property interest, including heirs, successors, and assigns, or an owner's authorized agent, who has filed an application for subdivision or development.

Area: The term "area" is synonymous with the word "tract," which is a piece of land capable of being described with such precision that its location may be established and boundaries definitely ascertained.

Automobile: Any motor vehicle.

Awning: A shelter supported entirely from the exterior wall of a building and of a type that can be retracted, folded, or collapsed against the face of the supporting building.

Banner: An accessory sign made of cloth, canvas, plastic, fabric, or flexible material of any kind with only such material for backing. National flags, state or municipal flags, shall not be considered banners.

Basement: An area below the first floor, having part, but no more than one-half of its height above grade, and with a floor to ceiling height of not less than seven feet. This term shall not include "garden level."

Basement (for floodplain purposes): See EMC § 16-13-3 Floodplain Definitions.

Berm: A mound of earth, or the act of pushing earth into a mound, usually for the purpose of shielding or buffering uses, or to control the direction of water flow.

Bicycle Lane: A portion of a street right-of-way designated for the use of bicycle traffic.

Bicycle Path: A paved or otherwise surfaced off-street lane designated for bicycle traffic.

Bikeway: A pathway, which may be paved and separated from streets and sidewalks, designed to be used by bikers.

Block: A tract of land bounded by platted streets, public parks, cemeteries, railroad rights-of-way, shore lines, or corporate boundaries of the City.

Block Face: A lot or lots fronting on one side of a block. The "same" block face includes only those lots fronting on the same side of the block as the subject property. The "facing block face" includes those lots located on a different block from the subject property/lot, but located directly across the street from and fronting the same street as the subject property/lot and bounded by the same intersecting streets as the subject property's block.

Board: The Board of Adjustment and Appeals of the City of Englewood.

Boarder: An individual, other than a member of the household occupying the dwelling unit or a part thereof, who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.

Boundary Line: Every separation, natural or artificial, which marks the confines or line of division of two contiguous parcels of land.

Brightness: For the purpose of sign illumination, brightness is the visual sensation related to the intensity of light emanating from the face of a sign.

Buffering: Methods such as extra deep lots, increased setbacks, landscaping, fencing, or berming to separate properties or uses that may have potential adverse impacts upon one another.

Building: Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or chattels. When any portion thereof is completely separated from every other portion thereof by a division wall without openings, then each such portion shall be deemed to be a separate building.

Building, Detached: A building having no party wall in common with another building.

Building Envelope: The three-dimensional space within which a structure is permitted to be built on a lot and which is defined by maximum height regulations, yard setbacks, and sky exposure (bulk) plane regulations.

Building Footprint (Building Coverage): That area or portion of a lot which is occupied or covered by all buildings on that lot.

Building Frontage: The horizontal linear dimension of a building facade, or portion occupied by a use that faces a public street. A corner use shall be permitted to use the secondary facade to determine total "building frontage."

Building Line: The actual line at which a building is constructed, and the location of other elements on the lot or adjacent lots may refer to this line extended outward from the building to the sides of the lot.

Building Line, Required Front: The portion (usually expressed as a percentage) of the lot frontage required to be occupied by the front facade of a principal structure, or other specifically permitted substitutes which may include accessory structures or landscape associated with the frontage design.

Building, Principal: A building in which is conducted the principal use of the lot on which it is situated.

Building Site: See definition of "Lot."

Bulk: The size of buildings or other structures and their relationships to each other and to open areas and lot lines, and therefore includes: (a) the size of buildings or other structures, and (b) the area of the lot upon which a residential building is located, and the number of dwelling units or rooms within such building in relation to the area of the lot, and (c) the shape of buildings or other structures, and (d) the location of exterior walls of buildings or other structures in relation to lot lines, to other walls of the same building, to legally required windows, or to other buildings or other structures, and (e) all open areas relating to buildings or other structures and their relationship thereto.

Caliper: The inch diameter of the trunk of a tree measured four feet above grade.

Canopy: A roof-like structure supported by the building and a minimum of one stanchion.

Carport: A one-story structure entirely open on one or more sides used for vehicle parking or storage.

Centerline: The centerline of a street or alley that has been fully dedicated to its required width. Where all of the required width of public right-of-way exists in an offset or angular manner or has not been dedicated, the City Engineer shall determine the alignment of the centerline.

Change of Use: Any use that substantially differs from the previous use of a building or land.

Channel: A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water that is flowing within the limits of the defined channel.

City: The City of Englewood, Colorado.

Collector Street System: A system of one or more collector street(s) that allows traffic to be distributed to at least two arterial streets.

Commercial Vehicle: Any vehicle designed, maintained or used primarily for the transportation of property.

Commission: The Planning and Zoning Commission of the City of Englewood, Colorado.

Common (Party) Wall: See definition of "Party Wall."

Compatibility: The characteristics of different uses or activities or designs that allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass, and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access, and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor, building materials, and building architecture. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.

Complete Application: An application form required by this Title, and all accompanying fees, submittal documents, and exhibits, including all items or exhibits specified by the City Manager or designee during a pre-application conference. An application shall be considered "complete" only upon certification by the Director or designee, pursuant to EMC § 16-2-1.

Comprehensive Plan: The City Comprehensive Plan developed by the Commission and adopted by the Council for the physical development of the City, which includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

Conditional Use: A use permitted in a particular zone district only upon showing that such use in a specified location, will comply with all conditions and standards for the location or operation of such use as specified in this Title and authorized by the Commission.

Condominium. A form of ownership in which the interior floor space of a unit or area is owned individually, and the structure, common areas and facilities are owned by all of the owners on a proportional, undivided basis, and where all other physical attributes of the building and site beyond ownership units meet the standards of these regulations.

Contiguous: Lot or land is contiguous when at least one boundary line of one lot/parcel of land touches a boundary line or lines of another lot/parcel of land.

Council: The City Council of the City of Englewood, Colorado.

Cul-de-sac: A short street having one end open to traffic and being terminated at the other end by a vehicular turnaround.

Decibel: A unit of sound pressure level.

Deciduous: Plants that drop their leaves before becoming dormant in winter.

Decision-Making Body: The entity or body (typically the Council, Commission, Board, City Manager or designee, or other administrative staff) authorized to approve or deny a land development application or permit required under this Title.

Density: The number of families, persons, or dwelling units per acre of land.

- (A) *Gross Density:* The number of families, persons, or dwelling units per gross acre of land. Gross acreage is the total land area, including public rights-of-way.
- (B) *Net Density:* The average number of families, persons, or dwelling units per net acre of land. Net acreage is the total land area less land area devoted to public rights-of-way.

Detached Structure: A structure having no party wall in common with another structure.

Developer: The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

Development: Any man-made change to improved or unimproved real estate, including the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

Development Agreement: Contracts between a developer and the City of Englewood in connection with any discretionary development approval, including without limitation rezoning, subdivision, or PUD approval. Development agreements may include provisions clarifying the phasing of construction, the timing, location and financing of infrastructure, reimbursement for oversized infrastructure, vesting of property rights for periods beyond the three year statutory term, assurances that adequate public facilities (including roads, water, sewer, fire protection and emergency medical services) will be available as they are needed to serve the development, and mitigation of anticipated impacts of the development on the general public.

Development (for floodplain purposes): See EMC § 16-13-3, Floodplain Definitions.

Development Review Team (DRT): An ad hoc review body that conducts pre-application meetings as needed consisting of representatives from city departments as requested by the applicant or required by the City Manager or designee. The DRT provides responses to the proposed application and comments are forwarded to the applicant for consideration in a final application.

Director: Director of the Community Development Department.

Divide or Division: Any act which would have the effect, either legally or practicably, of causing a separation of a single tract or parcel of realty into two or more tracts, parcels, lots, or sites.

Drainage:

- (A) Surface water runoff.
- (B) The removal of surface water or ground water from land by drains, grading, or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development; the means for preventing or alleviating flooding.

Driveway: An improved and maintained way providing vehicular access from the public street to a parking area, garage or carport, or to other uses.

Dwelling: Any building or portion of building that is used as the residence of one or more households, but not including visitor accommodations, clubs, hospitals, tents, or similar uses providing transient or temporary accommodation.

Dwelling Unit: One or more rooms and a single kitchen and at least one bathroom, designed, occupied, or intended for occupancy as separate quarters for the exclusive use of a single household, for household living purposes (i.e., sleeping, living, cooking, and sanitary purposes), located in a dwelling.

Easement: A grant of one or more of the property rights by the property owner to and/or for the use of the public, a corporation or another person or entity.

Eaves: The projecting lower edges of a roof overhanging the wall of a building.

Education Institution: A specific type of school use. Facilities include elementary or secondary public or private schools, parochial schools irrespective of denomination and having a course of study substantially equivalent to that of a public school, private schools having a course of study substantially equivalent to that of a public school, colleges and universities, professional schools, business or trade schools, and special schools for the blind and/or physically disabled. Exception: business or trade schools are classified under commercial uses as a distinct type of school use. See definition of "School."

Egress: An exit.

Encroachment: Any obstruction in a delineated floodway, right-of-way, or adjacent land.

Enlargement, or to Enlarge: An "enlargement" is an addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. To "enlarge" is to make an enlargement.

Environmental Assessment: An evaluation of the environmental condition of property consisting of the following three phases:

- (A) "Phase I Assessment" shall, at a minimum, consist of physical examinations and review of historical ownership of the property and adjacent property, as stated in the American Society for Testing and Materials (ASTM) Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, designation E 1527-00 (as amended), and culminate in a written report of findings, including a recommendation on whether a Phase II assessment is necessary.
- (B) "Phase II Assessment" shall, at a minimum, consist of a physical examination of the property, and adjacent property if feasible, including an examination of any facilities, processes, and practices thereon; such physical examination shall include any tests and samplings of soil, water, air, vegetation, facilities or any improvements as required by the City as a result of information provided in the Phase I assessment to determine the presence or absence of hazardous substances on the property. A Phase II assessment shall comply with the American Society for Testing and Materials (ASTM) Standard Practice for Environmental Site Assessments: Phase II Environmental Site Assessment Process, designation E 1903-97 (as amended). This phase shall culminate in a written report of findings on any testing and sampling results as well as a recommendation on whether any remediation is necessary, and, if so, a description thereof. The reporting shall be subject to compliance with federal, state, and local regulations or requirements.
- (C) "Phase III Assessment" shall, at a minimum, consist of remediation of hazardous substances on the property as recommended by a Phase II assessment, subject to compliance with federal, state, and local regulations or requirements.

Erosion: The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice, and gravity.

Evaluation: A process to measure the success of an activity and how closely the results meet the anticipated outcome defined as part of the initial phase of the activity.

Excavation: Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

Existing Grade or Elevation: The vertical location of the ground surface prior to excavating or filling.

Existing Use: The use of a lot or structure at the time of the enactment of this Title.

Extension: An increase in the amount of existing floor area used for an existing use within an existing building. To "extend" is to make an extension.

Exterior Wall: The most exterior part of a wall; any wall that defines the exterior boundaries of a building or structure.

FAA: The Federal Aviation Administration.

Facade: The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

FCC: The Federal Communications Commission.

Fence: An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Fill: Sand, gravel, earth, or other materials of any composition whatsoever placed or deposited by artificial means.

Final Approval or Decision: The last official action of the decision-making body, taken on a development plan which has been given preliminary approval, after all conditions and requirements have been met, and the required improvements have been installed or guarantees properly posted for their installation, or approval conditioned upon the posting of such guarantees.

Finish Elevation: The proposed elevation of the land surface of a site after completion of all site preparation work. See definition of "Grade, Finished."

Fire Lane: That portion of a street right-of-way or a paved or otherwise surfaced off-street lane designated to assure access by emergency vehicles.

Flag: Any fabric, or similar material containing distinctive colors, patterns, or designs, attachable at one edge to a staff or cord. All other such devices shall be considered banners.

Floor Area: The sum of the areas of the several floors of the structure, as measured by the exterior faces of the walls, including fully enclosed porches and the like as measured by the exterior limits thereof, but excluding:

- (A) Garage space which is in the basement of a building or, in the case of garage space accessory to a dwelling, is at grade;
- (B) Basement and cellar areas devoted exclusively to uses accessory to the operation of the structure; and
- (C) Areas elsewhere in the structure devoted to housing mechanical equipment customarily located in the basement or cellar such as heating and air conditioning equipment, plumbing, electrical equipment, laundry facilities, and storage facilities.

Frontage: The area of a lot between the front building line and the front lot line that establishes the primary relationship between the building and site and the public streetscape.

Garage: An accessory building or portion of a principal building that is intended or used primarily for the storage of motor vehicles, and which is enclosed in such a manner that the stored or parked motor vehicle is contained entirely within the building.

Garage, Attached: A structure intended for the storage of motor vehicles with a party wall in common with a habitable space/room, as defined herein, within the principal structure.

Garage, Detached: Any garage which does not meet the definition of attached garage in this Title.

Garage, Front-Loaded: A private residential garage that is accessed from a street other than an alley and that has garage doors parallel to the access street.

Garage, Private: A garage that is not operated for gain and in which no business is conducted.

Garage, Side-Loaded: A private residential garage that is accessed from a street other than an alley and that has garage doors perpendicular to the access street.

Glare: The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Grade: The degree of rise or descent of a sloping surface.

Grade, Building: In cases where all walls of the principal building are more than five feet from the nearest street line, the mean elevation of the ground adjoining the building on all sides; and in all other cases, the mean elevation of the nearest sidewalk.

Grade, Finished: The final elevation of the ground surface after development.

Ground Cover: Grasses or other plants grown to keep soil from being blown or washed away.

Ground Floor Area: The floor area of the ground floor of a building.

Ground-Mounts: The typical ground-mounted satellite has the antenna mounted on a pole that is at least three feet deep in the ground, encased in concrete at least eight inches in diameter. The cable to the receiver is buried in the ground between the antenna and the structure.

Guest or Visitor Off-Street Parking: An off-street parking space provided for temporary use of guests of, or visitors to, occupants or tenants of the building, whether for social, business, or professional reasons.

Guideline: An advisory regulation, where compliance is not mandatory but is strongly encouraged. The City may require justification for any discretionary decision, but non-compliance will not subject an applicant or a development to the enforcement and penalty provisions of this Title. Guidelines are indicated by use of the terms "may" or "should."

Habitable Space/Room: Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space.

Height: Building or structure height is the vertical distance of a building or structure, as measured from the average elevation of the finished grade at the corners of the building or structure base, to the highest point of the building or structure. When referring to a tower or other similar structure, height is measured from the average ground level to the highest point on the tower or other structure, even if said highest point is an antenna. When referring to a fence or wall, height is the distance of the vertical surface measured from finished grade to the top of the vertical surface.

Historic Building: A building or structure designated by Council, that is worthy of rehabilitation, restoration, and preservation because of its cultural, architectural and/or historical significance to the City.

Historic District: A geographically definable area that possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development.

Historic Preservation. The protection, rehabilitation, and restoration of districts, sites, buildings, structures, and artifacts significant in Englewood or Colorado history, architecture, or culture.

Household: A household includes one or more persons related by blood, marriage, adoption, civil union or committed partnership, or legal guardianship, including foster children, living together in a dwelling unit; or up to up to 4 adults of any relationship and their minor children or legal dependents living in a dwelling unit.

Illegal Use: Any use, whether of a building or other structure, or of a tract of land, in which a violation of any provision of this Title has been committed or shall exist.

Impermeable: Not permitting the passage of water.

Impervious Material: A surface that has been compacted or covered with a layer of materials so that it is highly resistant to infiltration by water. Impervious materials include, but are not limited to, surfaces such as compacted sand, limerock, or clay; asphalt, concrete, driveways, retaining walls, stairwells, stairways, walkways, decks and patios at grade level, and other similar structures.

Ingress: Access or entry.

Kiosk: A freestanding structure upon which temporary information and/or posters, notices and announcements are posted.

Kitchen: An area within a dwelling unit equipped with such electrical or gas hook-up that would also enable the installation of a range, oven or like appliance, including microwaves, for the preparation of food and also containing either or both a refrigerator and sink.

Land Use: A description of how land is occupied or utilized.

Landscape Area: Land set apart for the planting of grass, shrubs, trees, or similar living plants. Such land may include trees and plants arranged in a formal pattern to support outside gathering and include other constructed elements such as a plaza, pedestrian area ,fences, walls or nonorganic displays integral to the design of the space.

Loading Space: An off-street space or berth on the same site with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

Local Law Enforcement Agency: Any marshal's office, police agency, or sheriff's office within jurisdiction in the locality in which the customer enters into a contract for purchase or a purchase transaction related to a pawnbroker or secondhand dealer land use.

Lot: A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit.

Lot Area: The area of a horizontal plane bounded by the front, side, and rear lot lines.

Lot, Building: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Title, having not less than the minimum area and width required by this Title for a lot in the district in which such land is situated, and having its principal frontage on a street or on such other means of

access as may be determined in accordance with the provisions of the law to be adequate as a condition of the issuance of a building permit for a building on such land.

Lot, Corner: A lot at the junction of and abutting upon two or more intersecting streets, having an interior angle of intersection of not more than one 135 degrees.

Lot Coverage: The percentage of total lot area which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, excluding projecting roof eaves. It is calculated by dividing the square footage of structure cover by the square footage of the lot. Unless specifically exempted by this Code, above, the term "structure" includes private walkways, driveways, and other paved surface areas used or intended for parking vehicles (e.g., parking pads).

Lot Depth: The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

Lot, Interior: A lot other than a corner lot.

Lot Line, Front: The line separating the lot from the street.

Lot Line, Rear: The line which most nearly qualifies as the line most distant and opposite from the front lot line; where the line is irregularly shaped, a line perpendicular to the mean direction of the side lot lines, and at least ten feet in length within the lot.

Lot Line, Side: Any lot line other than a front lot line or a rear lot line.

Lot Lines: The lines bounding a lot.

Lot, Minimum Area of: The smallest lot area established by this Title on which a use or structure may be located in a particular zone district.

Lot of Record: A lot that is part of an approved plat, the map of which has been recorded in the office of the Arapahoe County Clerk and Recorder.

Lot, Reverse Frontage: A through lot that is not accessible from one of the parallel or nonintersecting streets upon which it fronts.

Lot, Reverse Corner: A corner lot having its side street line substantially a continuation of the front lot line of the first lot to its rear.

Lot, Through: A lot, other than a corner lot, having frontage on more than one street.

Lot Width: The distance between the side lot lines, measured along the setback line as established by this Title, or if no setback line is established, the distance between the side lot lines measured along the street line.

Major Architectural Detail: Distinguishable design features of the facade of the building such as windows, doors, balconies, columns, or patterns or designs formed at the time of construction by the building material.

Major Street: The street controlled by a stop or yield sign.

Manager or City Manager: The Englewood City Manager or designee.

Manufactured Home: Any one-unit dwelling that: (1) Is a factory-built home; and (2) is at least 24 feet in width and 36 feet in length; and (3) is installed on an engineered permanent foundation; and (4) has a

pitched roof; and (5) is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., as amended (commonly referred to as the "HUD Code"); and (6) meets or exceeds, on an equivalent performance engineering basis, as defined by C.R.S. 31-23-301(5)(a)II et seq., as amended standards established by the Uniform Building Code, as amended and adopted by the City.

Manufactured Home Space: A plot of ground within a manufactured home park, designed for the accommodation of one manufactured home.

Manufactured Home Stand: That part of an individual manufactured home space that has been planned and improved for the placement of the manufactured home and additions or attachments thereto.

Marquee: A permanent roof-like structure attached to and supported by the building on which it is located.

Master Street Plan: Part of the City Comprehensive Plan showing location and classification of principal traffic ways.

Maximum Extent Possible Practicable: Under the circumstances, reasonable efforts have been undertaken to comply with the regulation or requirement, that the costs of compliance are not feasible and clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from the noncompliance. Economic considerations may be taken into account but shall not be the overriding or determining factor.

Mean: The average of a number of figures computed by adding all of the figures and dividing by the number of figures.

Micro-cell: Means a low power telecommunications facility used to provide increased capacity in high telecommunication demand areas, often to improve coverage in areas of weak coverage. Microcells communicate with the primary facility in a coverage area via fiber optic cable, microwave, or land line.

Microwave Antenna: A dish-like antenna used to link communication sites together by wireless transmission of voice or data.

Minor Street: The street not controlled by a stop or yield sign.

Mixed-Use Development: The development of a tract of land or building or structure with two or more different principal uses, such as, but not limited to, residential, office, manufacturing, retail, public or entertainment, in a compact urban form. In a mixed-use development, the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of vehicular and pedestrian access and parking areas.

Monopole: A structure composed of a single spire used to support telecommunications equipment.

Motor Vehicle: Any self-propelled vehicle which is designed primarily for travel on the public highways and which is generally and commonly used to transport persons and property over the public highways, but the term does not include motorized bicycles as defined in The Model Traffic Code for Colorado Municipalities as adopted. For purposes of the offenses described in C.R.S. as adopted for farm tractors operated on streets and highways, "motor vehicle" includes a farm tractor that is not otherwise classified as a motor vehicle.

Mulch: Nonliving organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture.

Multi-Phase or Phased Development: A development project that is constructed in stages, each stage being capable of existing independently of the others.

New Construction: Structures for which the "start of construction" commenced on or after the effective date of this Title.

Noise: Any sound which is unwanted or which causes or tends to cause an adverse psychological or physiological effect on human beings.

Nonconforming Building or Structure: Unless otherwise exempt by this Code, a structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to this Title, but which fails by reason of such adoption, revision, or amendment, to conform to the present requirements of the zone district in which such structure or building is located.

Nonconforming Lot: A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Title, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements.

Nonconforming Use: A use or activity which was lawful prior to the adoption, revision, or amendment to this Title, but which fails, by reason of such adoption, revision, or amendment, to conform to the present requirements of the zone district in which such use is located.

Nonconformity: Generally, a nonconforming use, sign, lot, structure, or building.

Noxious Matter: Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

Obstruction: Any dam, wall, embankment, levee, dike, pile, abutment, soil material, bridge, conduit, culvert, building, wire, fence, refuse, fill, structure or other matter in, along, across or projecting into any channel, watercourse, or flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching debris carried by such water, or that is placed where the flow of water might carry the same downstream.

Occupancy: The purpose for which a building is used or intended to be used. "Change of occupancy" is not intended to include change of tenants or proprietors unless the new use of the building would classify it in a different occupancy group.

Occupancy Permit: A required permit allowing occupancy of a building or structure after it has been determined that all of the requirements of applicable ordinances have been met.

Odorous Matter: Any material that produces an offensive or objectionable olfactory response in a human being.

Official Map: A legally adopted map that shows the location and width of proposed streets, public facilities, and public areas, and drainage rights-of-way.

Official Zoning Map: A map of the City that depicts the various zone districts in the City, adopted by the Council, and incorporated by reference as a part of this Title.

Off-Street Parking Space: A storage area for a motor vehicle that is directly accessible to an access aisle, street, or alley, and which is not located on a dedicated street right-of-way.

On-Street Parking Space: A temporary storage area for a motor vehicle that is located on a dedicated street right-of-way.

100-Year Flood: A flood of such magnitude as may reasonably be expected to be equaled or exceeded on an average of once every 100 years; the term also means that level of flooding having a one percent probability of occurrence in any year.

Open Space, Common: Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate. Common open space shall not include driveways, sidewalks, and parking areas.

Organic: Referring to or derived from living organisms.

Overlay Zones: A set of zoning requirements that is described in this Title, is mapped, and is imposed in addition to those of the underlying district. Developments within the overlay zone must conform to the requirements of both zones or the more restrictive of the two.

Owner: An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

Parapet Wall: That part of any wall that extends entirely above the roof line.

Park: A specific type of parks and open space use. A noncommercial, nonprofit facility or land owned by the City, the State of Colorado, or another unit of government that is used or intended to be used for recreation, education, or cultural use, including both active or passive recreation. This use type includes public golf courses. See definition of "Parks and Open Space."

Parking Area: A portion of a lot, tract, or parcel that is used, or is intended to be used, for the off-street parking of motor vehicles. A driveway may or may not serve as a parking area, subject to compliance with this Title's standards. A parking area (e.g., a surface parking lot) may be a principal use of land, or may be accessory to a principal use of land.

Parking Area, Surface (Operable Vehicles): A specific type of vehicle and equipment use. An area, other than a street or alley, designed or used primarily for the temporary parking of vehicles. See definition of "Vehicle and Equipment."

Parking Facility, Structure (Operable Vehicles): A specific type of vehicle and equipment use. A structure designed or used primarily for the temporary parking of vehicles. See definition of "Vehicle and Equipment."

Parking (To Park): The standing of a vehicle, whether occupied or not, otherwise than very briefly for the purpose of and while actually engaged in loading or unloading property or passengers.

Parking Pad: Areas surfaced with impervious material that are located between the front building wall of a dwelling and the adjoining street, and which are typically used to park operable vehicles off the street. A "parking pad" does not include a driveway.

Parking Space: A surfaced area, enclosed or unenclosed, sufficient in size to store one automobile, together with a driveway connecting the parking space with a street, road or alley and permitting ingress and egress of that automobile without the necessity of moving any other automobile.

Particulates: Finely divided solid or liquid particles in the air or in an emission, including dust, smoke, fumes, mist, spray and fog.

Party (Common) Wall: A common or shared structural separation between abutting dwelling, business, or industrial units or buildings, which may be centered on one building lot or between abutting dwelling, business or industrial units or buildings on either side of a lot line, the main purpose of which is to act as a

support for the building and as a positive fire separation between the contiguous dwelling units or buildings.

Perennial: A plant that regrows from the same root stock year after year.

Performance Standard: A criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire, and explosive hazards and glare or heat generated by or inherent in uses of land or buildings.

Person: An individual, firm, co-partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit.

Pervious Surface: Any material that permits full or partial absorption of storm water into previously unimproved land.

Plaza: An open space that may be improved and landscaped; usually surrounded by streets or buildings.

Police Department: The Police Department for the City of Englewood.

Pollutant: Any introduced gas, liquid, and/or solid that makes a resource unfit for a specific purpose.

Pollution: The presence of matter or energy whose nature, location, or quantity produces undesired environmental effects.

Porch: A roofed open area, which may be glazed or screened, usually attached to or part of and with direct access to or from, a building.

Premises: A lot, parcel, or plot of land, together with the buildings and structures thereon.

Principal Structure or Building: The main or primary structure or building in which the principal use of a property is conducted or operated.

Processing: A course or method of operation, effecting a change in form, contour, chemical composition, physical appearance or otherwise by artificial or natural means.

Public Building: Any building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county, or municipality, without reference to the ownership of the building or of the realty upon which it is situated.

Public Hearing: A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

Public Notice: The advertisement of a public hearing in a newspaper designated by City Council as the City's official newspaper, or on the City's official website or the posting of the property, or the mailing of written notice, indicating the time, place and nature of a public hearing.

Public Sidewalk Sale: Community event or celebration allowing the use of public sidewalks by Englewood merchants in front of their business as authorized by the City Manager or designee.

Railroad Right-of-Way: A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

Rear Yard: An open space, including driveways and parking areas, unoccupied other than by permitted accessory buildings or uses, extending from the rear building line of a principal building to the rear lot line, between the side building lines, projected to the rear lot line.

Recreational Vehicle: A vehicular-type, portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Recyclable Material: Reusable materials including, but not limited to, metals, glass, plastic, wood, and paper that are intended for remanufacturing or reconstitution. Recyclable materials do not include junk, rubbish, refuse, or hazardous waste.

Redevelopment: Development of a site where 50 percent or more of the existing structure(s) is retained and incorporated into the new structure.

Remediate or Remediation: Action or measures taken, or to be taken, by the City or the property owner, whether directly by the owner or by the City, or through a contractor or agent of the owner or of the City, which purpose is to lessen, clean-up, remove, ameliorate, dispose of, vitiate, or mitigate any hazardous substances existing on the property to such standards, specifications, or requirements as may be established or required by the Environmental Protection Agency, the Colorado Department of Health, any authorized local agency, or the City.

Residence: A home, abode, or place where an individual is actually living at a specific point in time.

Residential Development: New residential development, redevelopment of an existing dwelling, or substantial expansions or alterations to an existing dwelling.

Restoration: The replication or reconstruction of a building's original architectural features.

Retaining Wall: A structure constructed to hold back or support an earthen bank.

Reuse: A use for an existing building or parcel of land other than for which it was originally intended.

Reverberation: The persistence of sound in an enclosed or confined space after the sound source has stopped.

Right-of-Way: The right of one person, or several persons, or of the community at large to pass over the land of another.

Riprap: A facing of masonry or the like for protecting an embankment. Riprap shall consist of field stone or rough unhewn quarry stone as nearly rectangular as is practicable. Broken concrete masonry or concrete pavement may be used if approved by the Director of Public Works. The stone shall have a specific gravity of at least 2.25 and shall be resistant to the action of air and water. Flaking or fragmental rock will not be permitted. Stones shall have a minimum thickness of three inches and a minimum volume of one (1) cubic foot and at least fifty percent (50%) by weight shall have a volume of two cubic feet or more. The riprap shall be placed to conform to the specifications of the Director of Public Works.

Roof: The outside top covering of a building.

Roof and/or Building-Mounted Telecommunications Facilities: Telecommunications facilities supported entirely by a building other than a building accessory to a telecommunications facility.

Roofline: A horizontal line intersecting the highest point of a roof. In the case of a flat roof, the uppermost line of the roof of the building; in the case of an extended facade or parapet, the uppermost height of said facade or parapet.

Roof, Shed: A roof with one slope.

Root Barrier System: A physical or chemical barrier that prohibits or discourages lateral root growth under sidewalks and other hardscape areas.

Sanitary Service: A specific type of waste/salvage use. Any property used for permanent disposal by abandonment, discarding, dumping, reduction, burial, incineration, or any other means and for whatever purpose, of garbage, trash, refuse, waste material of any kind, junk, discarded machinery, vehicles or parts thereof. See definition of "Waste/Salvage."

Satellite Dish Antenna: The satellite receive-only earth station antenna consists of: (1) dish antenna which receives communication from satellites in orbit; (2) a low-noise amplifier (1na) at the focal point of the receiving component; and (3) a coaxial cable to carry the signal to the satellite receiver, which transforms the low-frequency signal to a television signal.

Satellite Receiver: The satellite receiver resembles a stereo receiver or amplifier with an array of knobs and controls. It is usually located near the TV set and allows tuning of any of the channels coming from the satellite. Another control rotates the dish to select which satellite at which to aim the antenna.

Screening: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Sectorized Panel Antenna: An array of antennas generally rectangular in shape that are used to transmit and receive telecommunications signals.

Semi-Trailer: Any wheeled vehicle, without motive power, which is designed to be used in conjunction with a truck tractor so that some part of its own weight and that of its cargo load rests upon or is carried by such truck tractor, and which is generally and commonly used to carry and transport property over the public highways.

Setback: The distance required by this Title to be established between a lot line and closest projection of a building or structure (including driveways and parking areas as required by this Title), measured along a line at right angles to the lot line. Setbacks shall be unobstructed from the ground to the sky except as otherwise specifically allowed in this Code.

Setback, Front: A setback that extends across the full width of a lot or site, the depth of which is the distance between the front lot or property line and the furthestmost projection of a building or structure along a line at right angles to the front lot line, excluding allowable projections set forth in this Code.

Setback, Rear: A setback that extends across the full width of a lot or site, the depth of which is the distance between the rear lot line and the furthestmost projection of a building or structure along a line at right angles to the rear lot line, excluding allowable projections set forth in this Code.

Setback, Side: A setback on that portion of a lot that is not adjacent to a private or public street. It extends from the rear line of the required front setback, or the front property line of the site where no front setback is required, to the front line of the required rear setback, or the rear property line of the site where no rear setback is required, the width of which is the distance between the side lot or property line and a line parallel thereto on the site.

Setback Line: That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.

Shrub: A self-supporting woody perennial plant of low or medium height characterized by multiple stems and branches continuous from the base, usually not more than ten feet in height at maturity.

Sidewalk: A paved, surfaced, or leveled area, parallel to and usually separated from the street, used as a pedestrian path, or which otherwise provides pedestrian circulation and access to important destinations and principal building entrances within a site.

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

Sign: Any object or graphic representation used to advertise, identify, inform, provide direction or attract attention to any idea, person, institution, organization, business, product, service, event or location, by any means including but not limited to: words, letters, graphics, motion, illumination or projected image.

Sign, Animated: Any sign or part of a sign that changes physical position by any movement or rotation or that gives the visual impression of such movement. Wind-driven, changeable copy, electronic message displays, and flashing signs shall not be considered animated signs.

Sign Area: The entire face of a sign including the surface and any framing, trim or molding, but not including the supporting structure.

Sign, Electronic Message Display (EMD): A sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs, or a flipper matrix.

Sign, Ground: Any sign supported by poles, uprights, braces, footers, or foundation extending from the ground but not attached to any part of a building.

Sign, Monument: A ground sign supported by and integrated with a solid base of footers, or foundation, as opposed to being mounted to poles, posts or other supports.

Sign, Multi-Tenant: A sign that serves as a common or collective sign for two or more uses on the same premises.

Sign, Nonconforming: Any sign lawful when erected but which, on the effective date of this Title or amendment to, does not conform to the limitations established by this Title.

Sign, Pole: A ground sign affixed, attached, or erected on a freestanding pole, post, or other support that is not itself an integral part of or attached to a building or structure.

Sign, Portable: Any accessory sign designed to be easily moved that is not permanently affixed to a building, structure, or embedded in the ground.

Sign, Projecting: Any sign, other than a wall sign or marquee sign, generally affixed at right angles to a building or wall in such a manner that its leading edge extends more than 18 inches beyond the surface of such building or wall.

Sign, Roof: A sign erected upon and extending above the roofline or parapet of the building or structure.

Sign, Sandwich Board: A movable accessory sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member.

Sign, Wall: A sign attached to, painted on, or erected against a wall of a building, the face (display surface) of which is parallel to the facade of the building and which extends no more than eighteen inches from the wall.

Sign, Window: A sign posted, applied or affixed in or on a window which sign can be seen through the window from the exterior of the structure but excludes merchandise in a display window.

Signable Area: That area of a building facade up to the roofline or top of the wall that is free of windows and doors or major architectural detail.

Single Ownership: Ownership by one or more persons in any form of ownership of a lot or lots partially or entirely in the same ownership.

Small Animal: Dogs, cats, rodents, birds, reptiles, fish, and any other species of domestic animal that is sold or retained as a household pet, but does not include skunks, nonhuman primates, and other species of wild (typically not domesticated), exotic, or carnivorous animals that may be further restricted in the Englewood Municipal Code.

Solid: As relates to the development of fences, walls, and visual barriers, "solid" means a vertical surface with less than 50 percent open space.

Specified Anatomical Areas: As used herein, shall mean and include any of the following:

- (A) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or
- (B) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: As used herein, shall mean and include any of the following:

- (A) Human genitals in a state of sexual stimulation or arousal;
- (B) Acts of human ademitism, analingus, bestiality, cunnilingus, coprophilia, fellation, flagellation, frottage, masochism, masturbation, sadism, sadomasochism, sexual intercourse, sodomy or urolagnia; and
- (C) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

Start of Construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Station Area Standards and Guidelines: Refers to the specific document containing detailed development and design standards and guidelines applicable to development in the subject station area and adopted by the City of Englewood, as amended from time to time.

Storage: Safekeeping of goods in a warehouse or other place of depository.

Storm Water Detention: Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells or any combination thereof.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use.

Street: Any public right-of-way for the free passage of persons, trade and commerce, and which affords a principal means of access to property abutting along its length. This term does not include private roads.

Street, Design Type. A reference to the design attributes of a specific segment of the street, regardless of the functional class, and including lane widths, number of lanes, parking, streetscape, and sidewalks. Street design types allow the design of segments of streets to transition and relate better to the context and anticipated abutting land uses, without disrupting the overall role of the street in the functional classification system.

Street, Functional Classification. A system of categorizing streets based on their role in the overall street network, considering traffic volumes, traffic speeds, and continuity of the street. These include arterial, collector, and local.

Street Frontage: The linear distance along a property line adjacent to a public or private street.

Street Furniture: Any man-made, aboveground items that are usually found in street rights-of-way, including benches, kiosks, plants, canopies, shelters, lights and phone booths.

Streetscape. The scene that may be observed or the area designed for activity along a street, including both natural and non-natural components, including vegetation, buildings, paving, plantings, lighting fixtures and miscellaneous structures.

Structurally Altered: The making of a substantial change in the construction, identity, and use of the present building.

Structure: Anything constructed or erected that requires location upon or under the ground or attached to something having location upon or under the ground.

Structure, Permanent: A structure that is built of such materials and in such a way that it would commonly be expected to last and remain useful for a period of time.

Structure, Temporary: A structure that is built of such materials and in such a way that it would commonly be expected to have a relatively short life, or is built for a purpose that would commonly be expected to be relatively short, or any structure intended for nonpermanent use or occupancy.

Subdivider: Any person or other entity, or any agent thereof, dividing or proposing to divide realty.

Subdivision: Any division of land, lot, tract, or parcel into two or more lots, parcels, plats, sites, or other division of land for the purpose of sale, lease, offer or development, whether immediate or future. The term "Subdivision" also includes the creation of condominiums, townhome communities, and other forms of airspace ownership or air-right subdivisions, as described and defined in C.R.S. 38-33-101, et seq., as amended.

Surface Water: Water on the earth's surface exposed to the atmosphere as rivers, lakes, or streams.

Swimming Pool: Any structure, portable or permanent, containing a body of water 12 inches or more in depth, intended for recreational purposes, including a wading pool; but not including an ornamental reflecting pool or fish pond or similar type of pool not to be used for swimming or wading.

Tent/Canopy: A temporary structure or enclosure, the roof of which and/or one-half or more of the sides are constructed of silk, cotton, canvas, fabric, or a similar pliable material.

Topography: The configuration of a surface area showing relative elevations.

Trail: A tract of land designated and used by the public for walking, hiking, biking, and/or horseback riding, including a facility for the parking of motor vehicles that provides safe access to the trail (trail head).

Trailer: Any wheeled vehicle, without motive power having an empty weight of more than 2,000 pounds, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to carry and transport property over the public highways.

Tree, Evergreen: A plant with foliage that persists and remains green year round, which can be a specific type of large or small tree depending on species.

Tree, Large: A large deciduous (foliage that sheds annually) woody plant that normally grows with a main trunk and has a mature height of 30 feet or more and where the understory is clear of branches and leaves below 10 to 15 feet, resulting in shaded usable areas during spring and summer months, and sunlit useable areas during fall or winter months.

Tree, Small or Ornamental: A small deciduous tree planted primarily for its ornamental value or for screening and which will typically be smaller than a canopy tree approximately 15 to 30 feet in height.

Truck: Any motor vehicle equipped with a body designed to carry property and which is generally and commonly used to carry and transport property over the public highways.

Use: Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or, any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

Variance: A grant of relief from the requirements of this Title that permits construction in a manner that would otherwise be prohibited by this Title.

Vegetative Protection: Stabilization of erosive or sediment producing areas by covering the soil with permanent or short-term seeding, mulching or sodding.

Vehicle: Any device which is capable of moving itself, or being moved, from place to place upon wheels or endless tracks; but such term shall not mean or include any farm tractor or any implement of husbandry designed primarily or exclusively for use and used in agricultural operations, or any device moved by muscular power, or moved exclusively over stationary rails or tracks, or designed to move primarily through the air.

Vehicle, Motor: A self-propelled device used for transportation of people or goods over land surfaces and licensed as a motor vehicle.

Vested Property Right: The right to undertake and complete the type and intensity of development and use of property under the terms and conditions of an approved site-specific development plan for a period of three years from the date of approval. Vested property rights may include the number and type of units or the type and amount of square footage of development described on an approved site-specific development plan, but shall not include any aspect of the site-specific development plan that does not directly affect the type or intensity of use, such as but not limited to signage, landscaping, streets, utilities, parking, or drainage.

Violation: Generally, the failure of a land use, building, structure, or other development to be fully compliant with this Title's requirements.

Visual Barrier: A solid (opaque) vertical surface other than a fence or wall, such as an evergreen hedge or other landscaping that for at least three months of a year has foliage that creates a solid surface.

Wall:

- (A) The vertical exterior surface of a building.
- (B) Vertical interior surfaces that divide a building's space into rooms.

Whip Antenna: An antenna that is cylindrical in shape. Whip antennas can be directional or omnidirectional and vary in size depending upon the frequency and gain for which they are designed.

Window Area: The area of all windows on the first floor of a building that faces or is visible from one public right-of-way.

Work of Art: All forms of original creations of visual art, including but not limited to: (1) sculpture, in any material or combination of materials, whether in the round, bas-relief, high relief, mobile, fountain, kinetic, or electronic; or (2) painting, whether portable or permanently fixed, as in the case of murals; or (3) mosaics; or (4) photographs; or (5) crafts made from clay, fiber and textiles, wood, glass, metal, plastics, or any other material, or any combination thereof; or (6) calligraphy; or (7) mixed media composed of any combination of forms or media; or (8) unique architectural stylings or embellishments, including architectural crafts; or (9) environmental landscaping; or (10) restoration or renovation of existing works of art of historical significance.

Xeriscape: Landscape methods that conserve water through drought-tolerant plants and planting techniques.

Yard: An existing open space, other than a court, on the same lot with a principal building or structure, that is open, and unoccupied by buildings. A "yard," in contrast to a "setback," is the open space on a lot that is established by the actual placement of a principal building and accessory structures; in some cases, the resulting yard may be greater in area than a required minimum setback.

Yard, Front: A yard extending across the full width of the lot between the front lot line and the nearest line or point of the principal building.

Yard, Rear: A yard extending across the full width of the lot between the rear lot line and the nearest line or point of the principal building.

Yard, Required: See definition of "Setback."

Yard, Side: A yard between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot line, as may be.

Zone District: An area within which certain uses of land and buildings are permitted and certain others are prohibited, yards and other open spaces are required, lot areas, building height limits and other requirements are established, all of the foregoing being identical to all of the properties within the zone district.

16-13-3 Floodplain Definitions

The following terms shall have the specific meaning given when used in Chapter 10, Floodplain Regulations.

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-hundred flood." The term does not imply that the flood will necessarily happen once every one-hundred 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-chance-annual-flood). The term does not imply that the flood will necessarily happen once every five-hundred years.

500-Year Floodplain: The area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

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

Area of Shallow Flooding: A designated AO, AH, or VO zone on the City's Flood Insurance Rate Map (FIRM) with a 1% chance or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood: A flood having a one percent chance of being equaled or exceeded in any given year.

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 a building having its floor sub-grade (below ground level) on all sides.

Channel: The physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

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 EMC § 16-10-6.H 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 manmade change in improved and 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 or materials.

Digital Flood Insurance Rate Map (DFIRM): FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

Elevated Building: For insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by (i) foundation walls, shear walls, posts, piers, pilings, columns, 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 and openings sufficient to facilitate the unimpeded movement of floodwaters.

Existing Construction: For the purposes of determining flood insurance rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain regulations adopted by the City.

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA: 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 inland or tidal waters, and/or
- (B) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Damage Potential: The susceptibility of a specific land use at a particular location to damage by flooding, and the potential of the specific land use to increase off-site flooding or flood related damages.

Flood Insurance Rate Map (FIRM): The official map on which the Federal Insurance Administration has delineated both special flood hazard areas and the risk premium zones applicable to the City of Englewood.

Flood Insurance Study (FIS): The official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

Flood Profile: A graph or longitudinal profile showing the relationship of the water surface elevation of a flood event to location along a stream or river.

Flood Protection Elevation: An elevation one foot above the elevation of "flood profile" of the 100-year flood under existing channel and floodplain conditions. It is one foot above the elevation of the flood for a special flood hazard area as shown on the City's official Flood Insurance Rate Maps maintained in the office of Public Works.

Floodplain or Flood-Prone Area: Any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

Floodplain Development Permit: A permit required before construction or development begins within any special flood hazard area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this floodplain management ordinance.

Floodplain Management: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain regulations.

Flood-prone Area: Any land area susceptible to being inundated by water from any source (see definition of flooding).

Floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures, primarily for the reduction or elimination of flood damage to lands, water, and sanitary facilities, structures, and their contents.

Floodway: The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base 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. 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.

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 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 Interior; or
- (D) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior; or
 - 2. 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 Elevation (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 thereof. 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 of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such

enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 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. 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: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1988 or other datum, to which base flood elevations shown on the City's Flood Insurance Rate Map are referenced.

National Flood Insurance Program (NFIP): A federal program that authorizes the sale of federally subsidized flood insurance in participating communities.

Natural Drainage: The pattern of surface and stormwater drainage from a particular site before the construction or installation of improvements or prior to any regrading.

New Construction: For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain regulation adopted by the City and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

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).

Recreational Vehicle: A vehicle which is:

- (A) Built on a single chassis;
- (B) 400 square feet or less when measured at the largest horizontal projections;
- (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 the City of Englewood 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 a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. 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, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

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% of the market value of the structure before the damage occurred).

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (A) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions, or
- (B) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Violation: The failure of a structure or other development to be fully compliant with the City's floodplain regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in NFIP Standards Sections 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5), as amended, is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation: The height, in relation to the National American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplain.

Watercourse: A channel, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir, or lake in which storm runoff and floodwater flows either regularly or infrequently. This includes major drainageways for carrying urban storm runoff.

16-13-4 Wireless Communication Facility Definitions

The following terms shall have the specific meaning given when used in Chapter 11, Wireless Communication Facilities.

Alternative Tower Structure. Any man-made trees, clock towers, bell steeples, light poles, water towers, farm silos, or similar alternative design mounting structures that conceal where technically feasible the presence of WCFs to make them architecturally compatible with the surrounding area pursuant to this Chapter. A stand-alone pole in the right-of-way that accommodates Small Cell Facilities is considered an Alternative Tower Structure provided it meets the concealment standards of this Chapter. Alternative Tower Structures are not considered Towers, for the purposes of this Chapter.

Antenna. Any device used to transmit and/or receive radio or electromagnetic waves such as, but not limited to panel antennas, reflecting discs, microwave dishes, whip antennas, directional and non-directional antennas consisting of one or more elements, multiple antenna configurations, or other similar devised and configurations.

Antennas, Panel. An array of antennas, rectangular in shape, used to transmit and receive telecommunication signals.

Antenna, Whip. A single antenna that is cylindrical in shape and omni-directional.

Base Station. A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The definition of Base Station does not include or encompass a Tower as defined herein or any equipment associated with a Tower. Base Station does include, without limitation:

- (A) Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the City under this Chapter, has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
- (B) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks) that, at the time the relevant application is filed with the City under this Section, has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

The definition of Base Station does not include any structure that, at the time the relevant application is filed with the City under this Chapter, does not support or house equipment described in paragraphs (A) and (B) above.

Camouflage or Camouflage Design Techniques. Measures used in the design and siting of Wireless Communication Facilities with the intent to minimize or eliminate the visual impact of such facilities to surrounding uses. A WCF Site utilizes Camouflage Design Techniques when it (i) is integrated as an architectural feature of an existing structure such as a cupola, or (ii) is integrated in an outdoor fixture such as a flagpole, while still appearing to some extent as a WCF. This definition does not include the use of Concealment design elements so that a facility looks like something other than a wireless Tower or Base Station.

Collocation.

- (A) For the purposes of Eligible Facilities Requests, means the mounting or installation of transmission equipment on an Eligible Support Structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- (B) For the purposes of facilities subject to shot clocks governed by 47 U.S.C. Sec. 332, means attachment of facilities to existing structures, regardless of whether the structure or location has previously been zoned for wireless facilities.

Concealment. Utilization of elements of stealth design in a facility so that the facility looks like something other than a wireless Tower or Base Station. Language such as "stealth," "camouflage," or similar in any permit or other document required by the Englewood Municipal Code is included in this definition to the extent such permit or other document reflects an intent at the time of approval to condition the site's approval on a design that looks like something else. Concealment can further include a design which mimics and is consistent with the nearby natural, or architectural features (such as an artificial tree), or is incorporated into (including without limitation, being attached to the exterior of such facility and painted to match it) or replaces existing permitted facilities (including without limitation, stop signs or other traffic signs or freestanding light standards) so that the presence of the WCF is not apparent. This definition does not include conditions that merely minimize visual impact but do not incorporate Concealment design elements so that the facility looks like something other than a wireless Tower or Base Station.

Eligible Facilities Request. Any request for modification of an Existing Tower or Base Station that does not Substantially Change the physical dimensions of such Tower or Base Station involving:

- (A) Collocation of new Transmission Equipment.
- (B) Removal of Transmission Equipment.
- (C) Replacement of Transmission Equipment.

A request for modification of an Existing Tower or Base Station that does not comply with the generally applicable building, structural, electrical, and safety codes or with other laws codifying objective standards reasonably related to health and safety, or does not comply with any relevant federal requirements, is not an Eligible Facilities Request.

Eligible Support Structure. Any Tower or Base Station as defined in this Section, provided that it is Existing at the time the relevant application is filed with the City under this Chapter.

Equipment Cabinets. A cabinet or building used to house equipment used by wireless communications providers at a Wireless Communications Facility. This definition does not include relatively small electronic components, such as remote radio units, radio transceivers, amplifiers, or other devices mounted behind antennas, if they are not used as physical containers for smaller, distinct devices.

Existing. For purposes of this Chapter, a constructed tower or base station that was reviewed, approved, and lawfully constructed in accordance with all requirements of applicable law as of the time of an eligible facilities request, provided that a tower that exists as a legal, non-conforming use and was lawfully constructed is existing for purposes of this definition.

OTARD (over the air receiving device) means:

- (A) An antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one meter or less in diameter; or
- (B) An antenna that is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instruction television fixed services, and local multipoint distribution services, and that is one meter or less in diameter or diagonal measurement; or
- (C) An antenna that is designed to receive television broadcast signals. OTARD antenna structure: Any pole, tower, or other structure designed and intended to support an OTARD Antenna.

Related Accessory Equipment. The transmission equipment customarily used with, and incidental to Wireless Communication Facilities antennas, including by way of example, coaxial or fiber-optic cable, regular and backup power supply and remote radio units.

Right-of-Way. In the context of Chapter 11, any public street or road that is dedicated to public use for vehicular traffic except for those rights-of-way owned by the Colorado Department of Transportation within the City limits.

Site. In the context of this Chapter, for towers and eligible support structures, a site means the current boundaries of the leased or owned property surrounding the tower or eligible support structure and any access or utility easements currently related to the Site. For alternative tower structures, base stations and small cell facilities in the right-of-way, a site is further restricted to that area comprising the base of the structure and to other related accessory equipment already installed on the ground.

Small Cell Facility. A Wireless Communications Facility where 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 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 enclosure, back-up power systems, grounding equipment, power transfer switch and cut-off switch.

Substantial Change. A modification substantially changes the physical dimensions of an eligible support structure if after the modification, the structure meets any of the following criteria:

- (A) For towers, it increases the height of the tower by more than ten 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, as measured from the top of an existing antenna to the bottom of a proposed new antenna; for other eligible support structures, it increases the height of the structure by more than ten percent or more than ten feet, whichever is greater, as measured from the top of an existing antenna to the bottom of a proposed new antenna;
- (B) For towers, it involves adding an appurtenance to the body of the tower that would protrude 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; for eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- (C) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, as determined on a case-by-case basis based on the location of the eligible support structure but not to exceed four cabinets per application; or for base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure;
- (D) It entails any excavation or deployment outside of the current site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site.
- (E) For any Eligible Support Structure, it would defeat the Concealment elements of the Eligible Support Structure by causing a reasonable person to view the structure's intended stealth design as no longer effective;
- (F) For any Eligible Support Structure, it does not comply with record evidence of conditions associated with the siting approval of the construction or modification of the Eligible Support Structure or Base Station equipment, unless 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 paragraphs (A), (B), and (C) of this definition.

For purposes of determining whether a substantial change exists, changes in height are measured from the original support structure in cases where deployments are or will be separated horizontally, such as on building rooftops; in other circumstances, changes in height are measured from the dimensions of the tower or base station, inclusive of approved appurtenances and any modifications that were approved prior to February 22, 2012.

Tower. Any structure that is designed and built for the sole or primary purpose of supporting any FCC-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. The term includes radio and television transmission towers, self-supporting lattice towers, guy towers, monopoles, microwave towers, common carrier towers, cellular telephone towers and the like. Alternative tower structures and small cell facilities in the rights-of-way are not towers.

Transmission Equipment. Equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with 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.

Wireless Communications Facility or WCF. A facility used to provide personal wireless services as defined at 47 U.S.C. Section 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the EMC. A WCF includes an antenna or antennas, including without limitation, directions, omni-directions and parabolic antennas, base stations, support equipment, small cell facilities, alternative tower structures, and towers. It does not include the support structure to which the WCF or its components are attached if the use of such structures for WCFs is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or handheld radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of Chapter 11.