Development Code Redraft

Glenwood Springs

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CLARION

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Article 070.010: General Provisions

070.010.010 Title and References

This document is Title 070 of the Municipal Code of the City of Glenwood Springs. It shall be officially known and cited as the "Glenwood Springs Development Code," and is referred to internally in this document as "this Code" and "this Title."

070.010.020 Effective Date

This Code shall become effective on August 16, 2018.

070.010.030 Purpose and Intent

(a) Purpose

The general purpose of this Code is to protect the public health, safety, and welfare of the city and to implement the policies, goals, and strategies adopted by the City of Glenwood Springs, including those set forth in the Glenwood Springs Comprehensive Plan.

(b) Intent

More specifically, this Code is intended to create the best built environment for the city by:

(1) Promoting orderly, efficient, and integrated development within the city;

(2) Providing for a variety of housing and neighborhood types and densities at a range of housing costs, including affordable workforce housing;

(3) Regulating the development and use of land based upon the impact of such development or use on surrounding areas or the city;

(4) Providing minimum standards for the design and improvement of land, subdivision, and development to ensure that each building site is capable of accommodating a structure devoted to the intended use of the land;

(5) Guarding against loss from natural hazards such as flooding, falling rock, landslides, snowslides, debris flow, and unstable soils;

(6) Ensuring equitable processing of development proposals by providing uniform procedures and standards; and

(7) Providing a legally accepted record of lot lines, easements, and dedications in accordance with this Code and Colorado law.

070.010.040 Authority, Applicability, and Jurisdiction

(a) Authority

This Code is adopted pursuant to the authority in the Glenwood Springs Municipal Charter and C.R.S. §29-20-101 et seq. (Colorado Land Use Control Enabling Act) and §31-23-301 et seq., as amended.

(b) General Applicability

This Code shall apply to all land, buildings, structures, and uses located within the City of Glenwood Springs, as those terms are defined in Article 070.070: *Rules of Construction and Definitions*, unless an express exemption is granted within this Code.

(c) Compliance Required

(1) No permit, certificate, or approval of any use that is subject to this Code shall be issued or granted by any department, agency, City official, or City employee without a finding of substantial compliance with this Code having been issued by the appropriate review authority.

(2) Unless otherwise stated in this Code, no building or structure shall be erected, converted, enlarged, reconstructed, or altered without a determination of substantial compliance with this Code.

(3) No lot of record that did not exist on the effective date of this Code shall be created by subdivision or otherwise unless it complies with this Code.

(d) Municipal Code and Municipal Charter

(1) Whenever any provision of this Title conflicts with other provisions of the Municipal Code, the stricter provision, as determined by the City Attorney, shall govern.

(2) If any provisions of this Title conflict with the Municipal Charter, the Charter shall govern.

(e) Emergency Powers

The City Council may authorize any deviation from this Code during a local emergency. Local emergencies shall be declared by resolution of the City Council. Any deviations from this Code during such emergency shall be authorized by resolution of the City Council without a requirement for notice or public hearing, and shall be temporary and of set duration.

070.010.050 Severability

Unless expressly provided otherwise, if any portion of this Code or the application of this Code is found to be invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining portions or applications of this Code that can be given affect without the invalid portion or application; provided such remaining portions or applications are not determined by the court to be inoperable, and to this end ordinances are declared to be severable.

070.010.060 Transition from Prior Regulations

(a) Development Approvals

Any development approved under regulations in effect prior to the effective date of this Code may be carried out under the terms and conditions of the approval and the development standards in effect at the time of approval, provided the approval has not expired and the development complies with any applicable standards of this Code regarding ongoing operations and maintenance. If the prior approval expires, is revoked, or otherwise becomes invalid, any subsequent development of the site shall be subject to the procedures and standards of this Code.

(b) Pending Applications

A development application that has been determined to be complete pursuant to 070.060.030(d)(5) prior to the effective date of this Code may be decided under the regulations in effect when the application was determined to be complete, or may be reviewed and decided under this Code at the request of the applicant. Applications shall not be processed under a combination of prior regulations and this Code.

(c) Prior Violations

If a development or activity in violation of the prior development regulations fully complies with this Code, it shall no longer be deemed a violation. Unpaid fees and/or penalties from prior enforcement of violations are still valid and shall remain the responsibility of the violator under the prior regulations.

070.010.070 Nonconformities

(a) Purpose

The purpose of this 070.010.070 is to regulate and limit the development and continued existence of uses, structures, lots, signs, and use characteristics such as parking and landscaping, that were lawfully established prior to the effective date of this Code, but that no longer conform to the requirements of this Code. All such situations are collectively referred to in this Section as "nonconformities." While nonconformities may continue, the provisions of this Section are designed to curtail substantial investment in nonconformities to bring about their eventual elimination in order to preserve the integrity of this Code and the goals of the City of Glenwood Springs.

(b) Regulations Applicable to All Nonconformities

(1) Authority to Continue

Nonconformities may continue to be used and occupied, subject to regulations as to the maintenance of premises and conditions of operations set forth in this Section, or unless such nonconformity is terminated as provided in this Section.

(2) Determination of Nonconformity Status

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

(3) Maintenance and Minor Repair

a. Minor repairs and maintenance of nonconformities are permitted and encouraged, provided that the repairs and maintenance do not increase the degree of nonconformity. Minor repairs and maintenance include the following:

   1. Repairs necessary to maintain and to correct any damage or deterioration to the structural soundness of, or the exterior or interior appearance of, a building or structure without expanding the height or footprint of the building or structure, unless compliant with this Code;
   2. Maintenance of land to protect against and mitigate health and environmental hazards;

3. Repairs that are required to remedy unsafe conditions; and
4. Repairs necessary to comply with current building code requirements.

b. Repairs and maintenance within a waterway or area of special flood hazard shall comply with 070.040.020(d).

(4) Change of Ownership or Tenancy

Changes in ownership, tenancy, or management of property with an existing nonconformity may occur, but such nonconformities shall continue to be subject to the standards of this 070.010.070.

(5) Compliance to the Maximum Extent Practicable

Where compliance with the requirements of this Section is precluded by a lack of sufficient developable area due to the size of the lot, the layout of existing development, or the presence of significant wetlands, floodplains, watercourses, hazard areas, or other significant environmental constraints, the applicant shall comply with the requirements of this Section to the maximum extent practicable, as determined by the Director.

(c) Nonconforming Uses

Nonconforming uses of land or structures are subject to the following additional limitations:

(1) Limitations on Continuation of Nonconforming Uses of Land or Structures

a. A nonconforming use may be extended throughout the same building, provided that:
   1. No structural alteration of the building (or portion of such building containing the nonconforming use in the case of buildings with multiple uses) shall be permitted;
   2. No additional dwelling units shall be permitted in the building; and
   3. No additional nonresidential units and/or uses shall be permitted.

b. Any existing occupied single-family residential dwelling that is deemed to be a nonconforming use may make improvements to the main and accessory structures so long as improvements do not increase the degree of nonconformity or increase the height or building footprint.

c. No additional structure not conforming to the requirements of this Code shall be erected in connection with the nonconforming use of land or structure.

d. Whenever a nonconforming use of land or a building has been discontinued for a period of one year, future use of land or building shall comply with this Code.

(2) Change of Use

a. A nonconforming use may be changed to another nonconforming use, provided the Director determines that the new use creates no greater impacts on surrounding properties and is no more intensive than the use it replaces, and no structural alterations to the building are required to accommodate such change. A nonconforming use that has been changed to a less nonconforming use pursuant to this subsection may not subsequently be changed back to a more nonconforming use.

b. A nonconforming use, if changed to a conforming use, may not subsequently be changed back to any nonconforming use unless otherwise permitted by this Code.

(d) Nonconforming Structures

Nonconforming structures are subject to the following additional limitations:

(1) A nonconforming structure may be expanded provided that any such expansion shall be in full compliance with this Code.

(2) No nonconforming structure may be enlarged or altered in a way that increases the nonconformity of the structure, but any structure or portion of a structure may be altered to decrease the nonconformity of the structure.

(3) A nonconforming structure that has been damaged or destroyed by fire or other causes may be restored to its original condition, provided that such work is commenced within one year of such event and completed within 18 months of such event. By written request from the property owner, the Director may grant one extension of either the work commencement and/or the completion of work time period.

(e) Nonconforming Lots

Nonconforming lots are subject to the following additional limitations:

(1) A structure situated on a nonconforming lot shall be considered a nonconforming structure, subject to the provisions of this 070.010.070.

(2) A nonconforming lot that was made nonconforming by virtue of enactment of this Code may be used for construction of a building allowed in the applicable zoning district, provided that all other zoning district and dimensional standards are met.

(f) Nonconforming Site Features

(1) Applicability

a. For purposes of this subsection, the term "nonconforming site feature" includes any driveway, off-street parking or loading area, landscaping, buffer, screening, or exterior lighting element that lawfully existed per regulations in place prior to the effective date of this Code, as well as the lack of any such feature required by subsequently enacted City regulations.

b. A nonconforming site feature may continue to exist even though it does not conform to current applicable standards of this Code, subject to the requirements of this subsection.

c. No action shall be taken that increases the degree of the nonconformity of a site feature.

(2) Nonconforming Parking

a. Continuation of Nonconforming Parking

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

1. Any change or expansion of any use or structure shall only be permitted if the additional number of parking spaces required by such change or expansion is provided in accordance with 070.040.060, *Off-Street Parking and Loading*.

2. Nonconforming parking areas shall not be expanded, except pursuant to paragraph b below.

b. **Upgrading Nonconforming Parking**

1. Nonconforming off-street parking facilities shall be upgraded to comply with this Code's minimum parking space requirements when the following development activities occur:

   i. An addition to or expansion of one or more structures that, over a two-year period, would increase the total gross floor area of the structures by more than 50 percent; or

   ii. A remodeling of one or more structures that, over a two-year period, would cost more than 50 percent of the current assessed value of the structures.

2. Nonconforming off-street parking facilities shall be upgraded to comply with this Code's parking lot landscaping requirements pursuant to paragraph (3) below.

(3) **Nonconforming Buffers, Landscaping, Screening, and Exterior Lighting**

Nonconforming buffers, landscaping, screening elements, and exterior lighting shall be upgraded to comply with this Code's applicable standards for such features if the site containing the nonconforming site feature is proposed for any of the following development activities:

a. An increase in the total square footage of the vehicular use area, including parking, loading, circulation, and driveway areas;

b. A structural addition that increases the combined total gross floor area of all existing structures by more than 500 square feet or 20 percent, whichever is less;

c. Building elevation changes involving 50 percent or more of the exterior walls of a roofed structure on the property within a two-year period, excluding minor cosmetic maintenance such as painting, replacing lighting fixtures, or replacing awnings or signs;

d. Any tenant change of a stand-alone nonresidential structure that also involves substantial building elevation changes as determined by the Director, excluding minor cosmetic maintenance such as painting, replacing lighting fixtures, or replacing awnings or signs;

e. Any tenant change of a nonresidential structure that is the anchor tenant of the property that also involves substantial building elevation changes as determined by the Director, excluding minor cosmetic maintenance such as painting, replacing lighting fixtures, or replacing awnings or signs;

f. Expansion of outdoor operations, storage, or display areas on a site containing nonconforming buffers or screening that increases the gross square footage of such areas by a certain percentage shall require upgrading to offset a corresponding percentage of the buffer or screening nonconformity.

(g) Nonconforming Signs

Nonconforming signs shall comply with 070.040.110(m), *Nonconforming Signs*.

(h) Illegal Nonconformities

An illegal nonconformity exists when:

(1) A nonconforming structure is destroyed or substantially destroyed by an intentional act of the owner or an agent without a proper permit. If this occurs, the nonconforming structure shall lose its nonconforming status and thereafter shall be required to be in conformity with existing codes. If a nonconforming use was also in the structure, the nonconforming use and all site

improvements shall lose their nonconforming status and be required thereafter to come into compliance with existing codes.

(2) A use, structure, or site improvement occurs to a nonconformity without being lawfully authorized in accordance with the provisions of this Section. Such use and/or structure shall therefore cease all operations until such time that the required plans and/or permits are approved.

070.010.080 Enforcement

(a) Purpose

This 070.010.080 establishes procedures through which the City of Glenwood Springs seeks to ensure compliance with the provisions of this Code and obtain corrections for violations of this Code. This Section also sets forth the remedies and penalties that apply to violations of this Code.

(b) Violations

Any person who violates any provision of this Code shall be deemed guilty of a Code violation punishable in accordance with 070.010.080(e). Each of the following activities constitutes a violation of this Code:

(1) Activity Inconsistent with this Code

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

(2) Activity Inconsistent with a Permit or Approval

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

(3) Illustrative Examples of Violations

Examples of violations of this Code include, but are not limited to:

a. Increase of the density or intensity of any use of land or structure except in accordance with the requirements of this Code;

b. Reduction or diminishment of lot area, setbacks, vegetative buffers, open space, or other standards below the minimum requirements set forth in this Code;

c. Creation, expansion, replacement, or change of a nonconformity inconsistent with this Code;

d. Failure to install, improve, or maintain any public or private improvements required by the terms of any permit or approval;

e. Failure to abide by conditions of any approval or agreements executed in association with an approval; and

f. Failure to comply with applicable requirements for a certificate of occupancy or building permit.

(c) Continuing Violations

Any violation of this Code shall be considered a separate offense for each day during any portion of which any violation of this Code is continued past the date of the issuance of notice of violation, with each violation punishable in accordance with 070.010.080(e).

(d) Enforcement Actions

(1) Responsibility for Enforcement

This Code shall be administered and enforced by the Director, Building Official, and City Engineer, or such other person as may be designated by the Director.

(2) Investigation

Whenever the Director receives a written, signed complaint alleging a violation of this Code or a permit or approval issued under this Code, the Director shall investigate the complaint and inform the complainant in writing of his or her findings and any actions that have been, or will be taken.

(3) Persons Liable

The owner, tenant, or occupant of any building or land, or any part thereof, and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Code or a permit or approval issued pursuant to this Code, may be held responsible for the violation and be subject to the penalties and remedies provided in this Section.

(4) Procedures Upon Discovery of Violations

a. If the Director finds that any provision of this Code is being violated, the Director shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Director's discretion.

b. If the person responsible for the violation does not take action to correct the violation within 30 days of the first notice, a final written notice shall be sent by certified mail with return receipt required to the owner of record of the subject property, or to the homeowners association, as applicable. The final written notice shall state the action the Director intends to take if the violation is not corrected and shall advise that the Director's decision or order may be appealed to the City Council, pursuant to 070.060.070(c).

c. Following an appeal to the City Council for failure to file a timely appeal of a decision, or notwithstanding the foregoing, when a delay would seriously threaten the effective enforcement of the Code, or pose a danger to the public health, safety, and welfare, the Director may immediately issue an order for compliance by personal service, posting of the property, or certified mail with return receipt required to the owner of record of the subject property, or to the homeowners association, as applicable, and seek enforcement through the municipal court as authorized below.

(5) Continuation of Prior Enforcement Actions

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

(e) Penalties and Remedies

Unless otherwise provided in this Code, the Director, Building Official, or City Engineer, or such other person as may be designated by the Director, shall have the power to enforce this Code subject to the following penalties:

(1) Fines

Any violation of this Code shall be subject to a fine of not more than $1,000. Each day's continuing violation shall be a separate and distinct offense.

(2) Deny, Withhold, or Revoke Entitlements

a. The issuing/approval authority shall have the power to deny, withhold, or revoke permits for violation of this Code or violations of any conditions of approval.

b. The issuing/approval authority shall hold a hearing to determine the nature and extent of the alleged violation and shall have the power to deny, withhold, or revoke the permit issued to the violator, to require the violator to take corrective measures, or to direct employees or agents of the City to enter onto the premises and to take the corrective measures required by the authority, the cost to be borne by the violator. If the issuing/approval authority is the Director, then the hearing shall be held at the Planning Commission.

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

   1. There is a departure from the approved plans, specifications, limitations, or conditions as required under the entitlement;
   2. The entitlement was established by false representation;
   3. The entitlement was issued in error; or
   4. There is any other violation of this Code.

(3) Stop-Work Orders

a. The Director, Building Official, or City Engineer may issue a stop-work order whenever any building, structure, site, or portion of a building, structure, or site is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, in substantial violation of any state or local building law, or in a manner that endangers life or property.

b. The Director, Building Official, or City Engineer may issue a stop-work order on any property with an uncorrected violation of this Code or approval issued under this Code.

c. A stop-work order shall be in writing and directed to the person doing the work, and shall specify the provision of this Code or other law in violation.

d. If a stop-work order is issued, no work shall proceed on any building, structure, site, or portion of a building, structure, or site subject to the order except to correct a violation or to comply with the order.

e. Once conditions cited in the stop-work order have been adequately addressed, the Director, Building Official, or City Engineer shall rescind the stop-work order.

(f) Continuation of Prior Enforcement Actions

Nothing in this Section shall be construed to prevent the City from pursuing any other remedies it may have for violations of this Code.

Article 070.020: Zoning Districts

070.020.010 General Provisions

(a) Zoning Districts Established

Table 020.1 lists the zoning districts established by the City's adoption of the Official Zoning Map.

Table 020.1: Zoning Districts Established

Zoning Districts	Section
Residential Districts	
RR – Rural Residential	070.020.030
RL – Residential Low-Density	070.020.040
RM1 – Residential Medium-Density	070.020.050
RM2 – Residential Multifamily Limited	070.020.060
RH – Residential High-Density	070.020.070
RT – Residential Transitional	070.020.080
Commercial and Mixed-Use Districts	
M1 – Mixed-Use Corridor	070.020.090
M2 – Mixed-Use Core	070.020.100
M3 – Mixed-Use Regional	070.020.110
CO – Commercial	070.020.120
RE – Resort	070.020.130
Other Nonresidential Districts	
I1 – Light Industrial	070.020.140
I2 – River Industrial	070.020.150
IN – Institutional	070.020.160
HP – Hillside Preservation	070.020.170

(b) Official Zoning Map

(1) Incorporation of Map

a. The location and boundaries of the zoning districts established by this Code are shown on the official "Zoning District Map of the City of Glenwood Springs" ("Official Zoning Map") which is incorporated into this Code.

b. The zoning district map shall be identified by signature of the Mayor, shall be attested by the City Clerk, and shall bear the seal of the City and the date of adoption.

c. The zoning district map shall be located in the office of the Director.

(2) Zoning District Boundaries

a. Except where otherwise necessary, zoning district boundaries shall follow the City's corporate limits, section lines, lot lines, right-of-way lines, or extensions of such lines.

b. Where a zoning district boundary divides a lot or parcel, the location of such boundary, unless indicated by dimension, shall be determined by the scale of the zoning district map by the Director.

c. Where a zoning district boundary coincides with a right-of-way line and that right-of-way line is abandoned, the zoning district boundary shall then follow the centerline of the former right-of-way.

d. Land that is not part of a public railroad or utility right-of-way and that is not indicated as being in any zoning district shall be considered to be included in the most restrictive adjacent zoning district even when such zoning district is separated from the land in question by a public railroad or utility right-of-way.

(3) Boundary Clarification

In the event that a zoning district boundary is unclear or disputed, the Director shall determine the location of the boundary. Such determination is subject to an appeal to the City Council pursuant to 070.060.070(c), *Appeals*.

(4) Amendments to the Map

Amendments to the boundary of any zoning district shall require a rezoning pursuant to 070.060.040(a), *Rezoning*, and shall promptly be entered on the zoning district map. A list of rezoning ordinances with number and date shall be kept on file in the office of the Director.

(c) Organization of the Zoning Districts in this Article

(1) Base Zoning Districts

a. Sections 070.020.030 through 070.020.170 follow a common structure for describing the purpose and intent for each base zoning district, the applicable dimensional standards, and any district-specific standards.

b. Each base zoning district includes an illustration demonstrating the dimensional requirements for that district. The illustrations are not intended to represent a specific location, but rather reflect the general character of the district.

c. Each base zoning district includes a table of dimensional standards summarizing the most pertinent dimensional standards applicable to each district. The labels in the table correspond to the applicable illustration. These tables are illustrative only and do not identify all standards that may apply to a particular development.

d. Each base zoning district also contains a table cross-referencing other applicable key standards such as uses allowed in the district and the general and specific standards applicable to all development. These tables are illustrative only and do not identify all standards that may apply to a particular development.

(2) Planned Unit Development

The Planned Unit Development District in 070.020.180 describes the applicable standards for that district. Establishment of a Planned Unit Development follows the procedures in 070.060.040(b), *Rezoning to PUD*.

070.020.020 Summary of Dimensional Standards

(a) Residential Districts

Table 020.2: Summary of Residential Dimensional Standards

	RR	RL	RM1	RM2	RH	RT
Lot Standards, Minimum						
Lot area	40,000 sf	20,000 sf	6,000 sf	--	--	--
Lot area, lots created prior to March 1, 1965			5,000 sf			
Lot area, single-family detached	--	--	--	5,000 sf	4,500 sf	5,000 sf
Lot area, attached dwellings sharing common wall	--	--	7,500 sf	2,500 sf/unit	2,250 sf/unit	2,500 sf/unit
Landscaped area (for multifamily dwellings)	--	--	--	20 percent	20 percent	20 percent
Setbacks, Minimum						
Front (from arterial streets)	50 feet	50 feet	30 feet	30 feet	15 feet	15 feet
Front (from other streets)	25 feet	25 feet	20 feet	20 feet	10 feet	10 feet
Side	10 feet	10 feet[1]	5 feet	5 feet[2]	5 feet[2]	5 feet[2]
Rear	25 feet	25 feet	15 feet	10 feet	10 feet	10 feet
Building Standards, Maximum						
Building height	27 feet	27 feet	27 feet	27 feet	40 feet	40 feet

Notes:
[1] Or one-half the height of the principal building, whichever is greater.
[2] For attached dwellings sharing a common wall, interior side setbacks may be permitted at zero feet.

(b) Mixed-Use and Commercial Districts

Table 020.3: Summary of Mixed-Use and Commercial Dimensional Standards

	M1	M2	M3	CO
Lot Standards, Minimum				
Lot area	None	None	None	None
Landscaped area	15 percent	None	15 percent	10 percent
Setbacks				
Front, minimum	5 feet	None	None	5 feet
Front, maximum (from arterials)	60 feet	40 feet	40 feet	60 feet
Front, maximum (from other streets)	25 feet	20 feet	25 feet	40 feet
Side, minimum	5 feet	None	None	5 feet
Rear, with alley, minimum	10 feet	None	None	10 feet
Rear, without alley, minimum	7.5 feet	None	None	7.5 feet
Building Standards, Maximum				
Building height	40 feet	40 feet (60 feet by special review)	60 feet	40 feet

(c) Other Nonresidential Districts

Table 020.4: Summary of Other Nonresidential Dimensional Standards

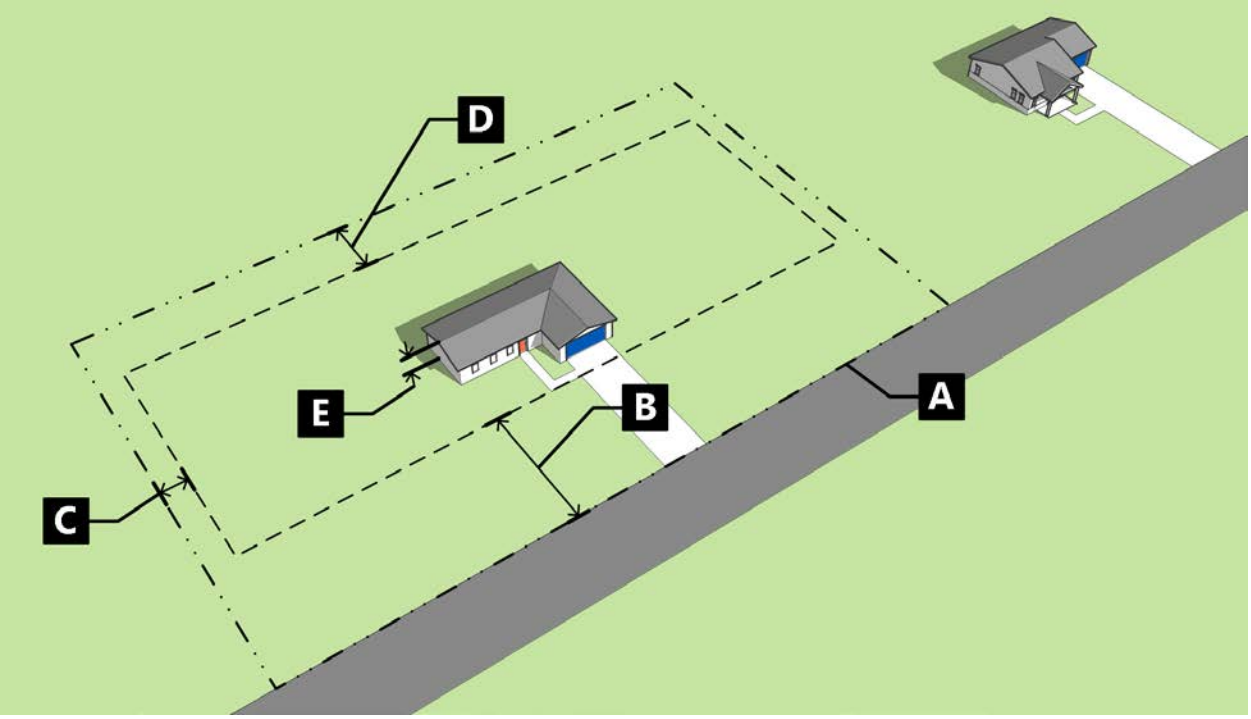
	RE	I1	I2	IN	HP
Lot Standards					
Lot area, minimum	None	10,000 sf	None	None	5,000 sf
Landscaped area, minimum	10 percent	20 percent	20 percent	10 percent	20 percent
Density, maximum	--	--	--	--	- Areas on a lot with slopes up to 20 percent: 1 du/ 10,000 sf - Areas on a lot with slopes greater than 20 percent: see 070.040.020(b).
Setbacks					
Front, minimum	5 feet	20 feet	20 feet	15 feet	15 feet
Front, maximum	60 feet	--	--	--	--
Side, minimum	5 feet	10 feet	5 feet	5 feet	5 feet
Rear, minimum	10 feet	10 feet	10 feet	5 feet	15 feet
Building Standards, Maximum					
Building height	60 feet	40 feet	40 feet	40 feet	27 feet

070.020.030 Rural Residential (RR) District

(a) Purpose

The RR district is intended to accommodate very low-density, large-lot single-family residential uses with some limited agricultural uses. The district is intended to provide a transition between surrounding rural lands in the County on large parcels of land and more urbanized areas.

Figure 020-1: RR District Dimensional Standards



(b) Standards

Table 020.5: RR District Dimensional Standards

Lot Standards, Minimum		
A	Lot area (sq ft)	40,000
Setbacks, Minimum		
B	Front (from arterial streets) (ft)	50
	Front (from other streets) (ft)	25
C	Side (ft)	10
D	Rear (ft)	25
Building Standards, Maximum		
E	Building height (ft)	27

Other Key Standards

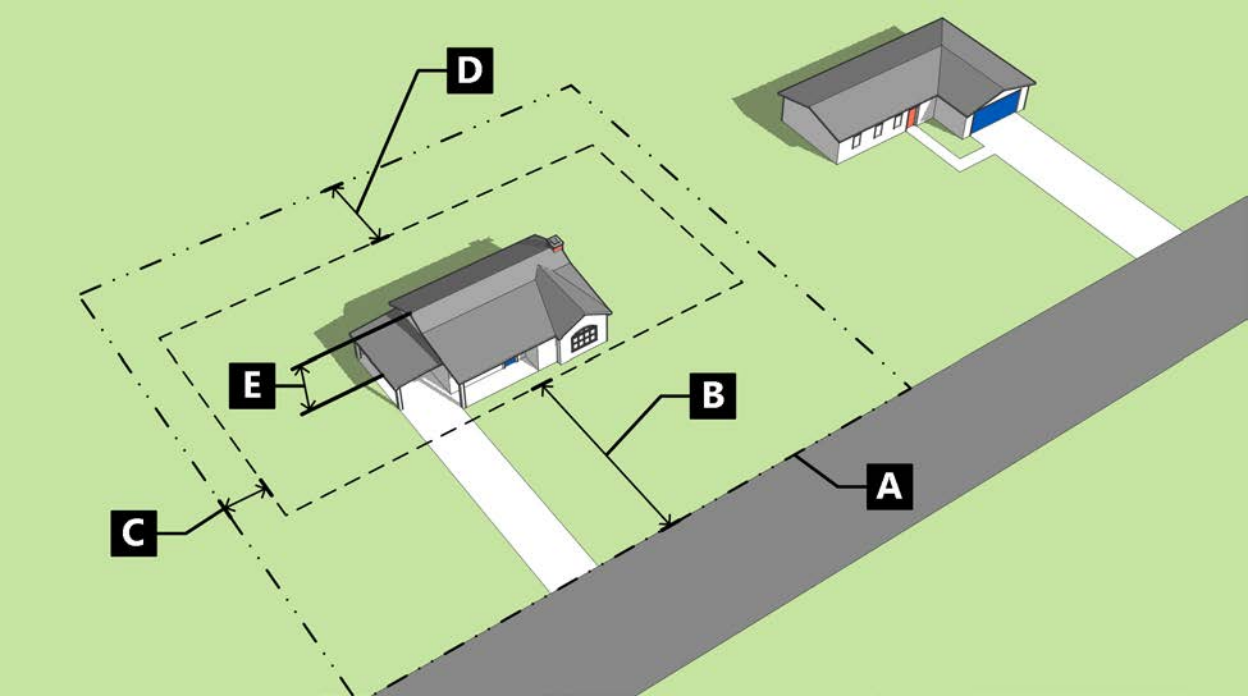
Measurements and Exceptions	070.020.190
Table of Allowed Uses	070.030.020
Use-Specific Standards	070.030.030
Development Standards	
Landscaping, Screening, and Fencing	070.040.050
Off-Street Parking and Loading	070.040.060
Residential Site and Building Design	070.040.080

070.020.040 Residential Low-Density (RL) District

(a) Purpose

The RL district is intended to accommodate low-density, primarily single-family residential uses. The RL district can be used as a transitional district between large-lot rural development and medium-density residential neighborhoods.

Figure 020-2: RL District Dimensional Standards



(b) Standards

Table 020.6: RL District Dimensional Standards		
Lot Standards, Minimum		
A	Lot area (sq ft)	20,000
Setbacks, Minimum		
B	Front (from arterial streets) (ft)	50
	Front (from other streets) (ft)	25
C	Side (ft)	10
D	Rear (ft)	25
Building Standards, Maximum		
E	Building height (ft)	27

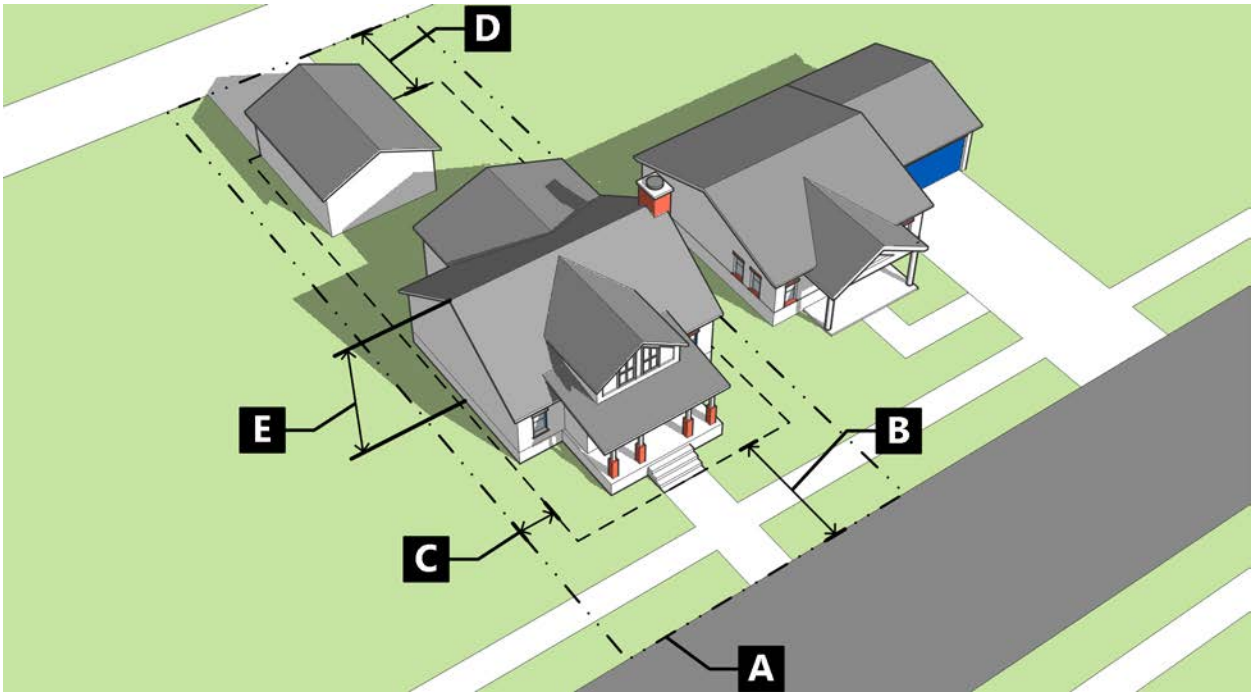
Other Key Standards	
Measurements and Exceptions	070.020.190
Table of Allowed Uses	070.030.020
Use-Specific Standards	070.030.030
Development Standards	
Landscaping, Screening, and Fencing	070.040.050
Off-Street Parking and Loading	070.040.060
Residential Site and Building Design	070.040.080

070.020.050 Residential Medium-Density (RM1) District

(a) Purpose

The RM1 district is intended to accommodate medium-density, primarily single-family uses on smaller- to medium-sized lots. The RM1 district is intended to transition from low-density single-family residential districts to multifamily development districts.

Figure 020-3: RM1 District Dimensional Standards



(b) Standards

Table 020.7: RM1 District Dimensional Standards		
Lot Standards, Minimum		
A	Lot area (sq ft)	6,000
	Lot area (sq ft), lots created prior to March 1, 1965	5,000
	Lot area (sq ft), attached dwellings sharing common wall	7,500
Setbacks, Minimum		
B	Front (from arterial streets) (ft)	30
	Front (from other streets) (ft)	20
C	Side (ft)	5
D	Rear (ft)	15
Building Standards, Maximum		
E	Building height (ft)	27

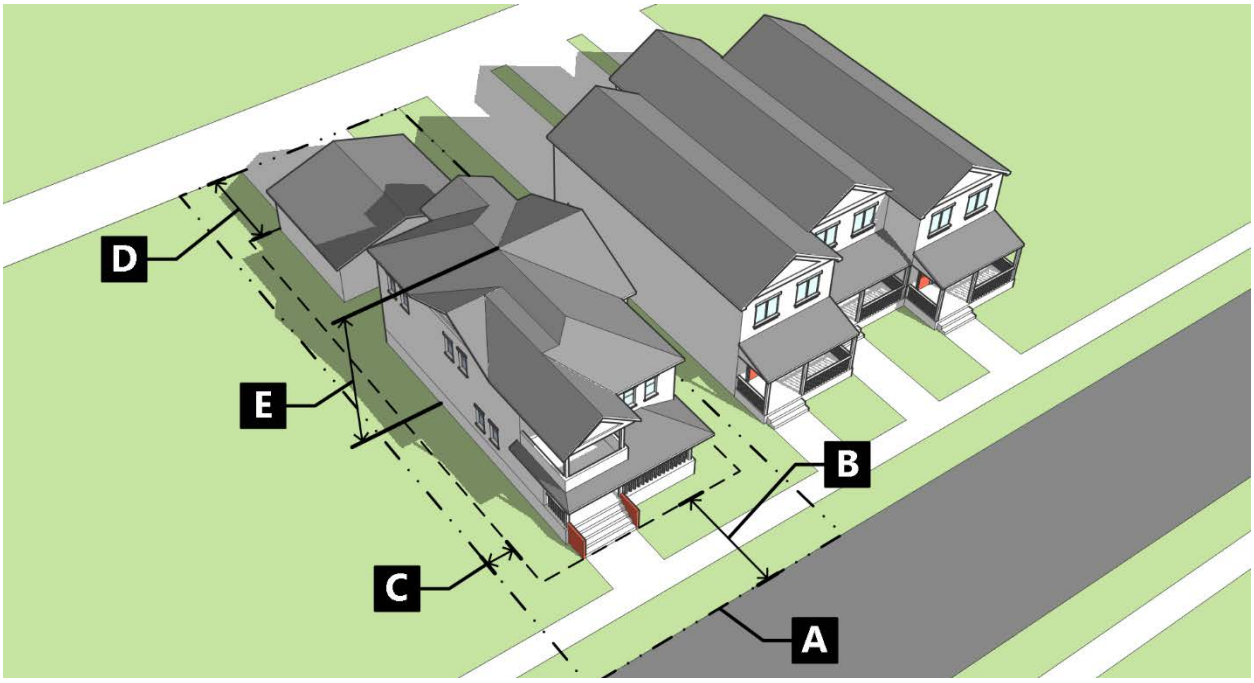
Other Key Standards	
Measurements and Exceptions	070.020.190
Table of Allowed Uses	070.030.020
Use-Specific Standards	070.030.030
Development Standards	
Landscaping, Screening, and Fencing	070.040.050
Off-Street Parking and Loading	070.040.060
Residential Site and Building Design	070.040.080

070.020.060 Residential Multifamily Limited (RM2) District

(a) Purpose

The RM2 district is intended to accommodate medium-density single-family and limited multifamily residential uses. The RM2 district allows for a more diverse housing stock, including smaller multifamily uses such as two-family dwellings and townhomes, and can provide a transition between single-family districts and high-density residential districts.

Figure 020-4: RM2 District Dimensional Standards



(b) Standards

Table 020.8: RM2 District Dimensional Standards

Lot Standards, Minimum		
A	Lot area, single-family detached (sq ft)	5,000
	Lot area, attached dwellings sharing common wall (sq ft)	2,500 per unit
	Landscaped area (for multifamily dwellings) (%)	20
Setbacks, Minimum		
B	Front (from arterial streets) (ft)	30
	Front (from other streets) (ft)	20
C	Side (ft)	5 [1]
D	Rear (ft)	10
Building Standards, Maximum		
E	Building height (ft)	27

Other Key Standards

Measurements and Exceptions	070.020.190
Table of Allowed Uses	070.030.020
Use-Specific Standards	070.030.030
Development Standards	
Landscaping, Screening, and Fencing	070.040.050
Off-Street Parking and Loading	070.040.060
Residential Site and Building Design	070.040.080

Note: [1] For attached dwellings sharing a common wall, interior side setbacks may be permitted at zero feet.

070.020.070 Residential High-Density District (RH) District

(a) Purpose

The RH district is intended to accommodate various housing types ranging from single-family detached on small lots to multifamily dwellings. The RH district is intended to transition between established neighborhoods and more intense commercial or other nonresidential districts.

Figure 020-5: RH District Dimensional Standards

(b) Standards

Table 020.9: RH District Dimensional Standards

Lot Standards, Minimum		
A	Lot area, single-family detached (sq ft)	4,500
	Lot area, attached dwellings sharing common wall (sq ft)	2,250 per unit
	Landscaped area (for multifamily dwellings) (%)	20
Setbacks, Minimum		
B	Front (from arterial streets) (ft)	15
	Front (from other streets) (ft)	10
C	Side (ft)	5 [1]
D	Rear (ft)	10
Building Standards, Maximum		
E	Building height (ft)	40

Other Key Standards

Measurements and Exceptions	070.020.190
Table of Allowed Uses	070.030.020
Use-Specific Standards	070.030.030
Development Standards	
Landscaping, Screening, and Fencing	070.040.050
Off-Street Parking and Loading	070.040.060
Residential Site and Building Design	070.040.080

Note: [1] For attached dwellings sharing a common wall, interior side setbacks may be permitted at zero feet.

070.020.080 Residential Transitional (RT) District

(a) Purpose

The RT district is intended to provide for transitional areas consisting of primarily residential uses at varied densities, with limited commercial uses that are compatible with surrounding neighborhoods. The RT district is intended to serve as a transitional buffer between residential and nonresidential zoning districts.

Figure 020-6: RT District Dimensional Standards

(b) Standards

Table 020.10: RT District Dimensional Standards		
Lot Standards, Minimum		
A	Lot area, single-family detached (sq ft)	5,000
	Lot area, attached dwellings sharing common wall (sq ft)	2,500 per unit
	Landscaped area (for multifamily dwellings) (%)	20
Setbacks, Minimum		
B	Front (from arterial streets) (ft)	15
	Front (from other streets) (ft)	10
C	Side (ft)	5 [1]
D	Rear (ft)	10
Building Standards, Maximum		
E	Building height (ft)	40

Other Key Standards	
Measurements and Exceptions	070.020.190
Table of Allowed Uses	070.030.020
Use-Specific Standards	070.030.030
Development Standards	
Landscaping, Screening, and Fencing	070.040.050
Off-Street Parking and Loading	070.040.060
Residential Site and Building Design	070.040.080

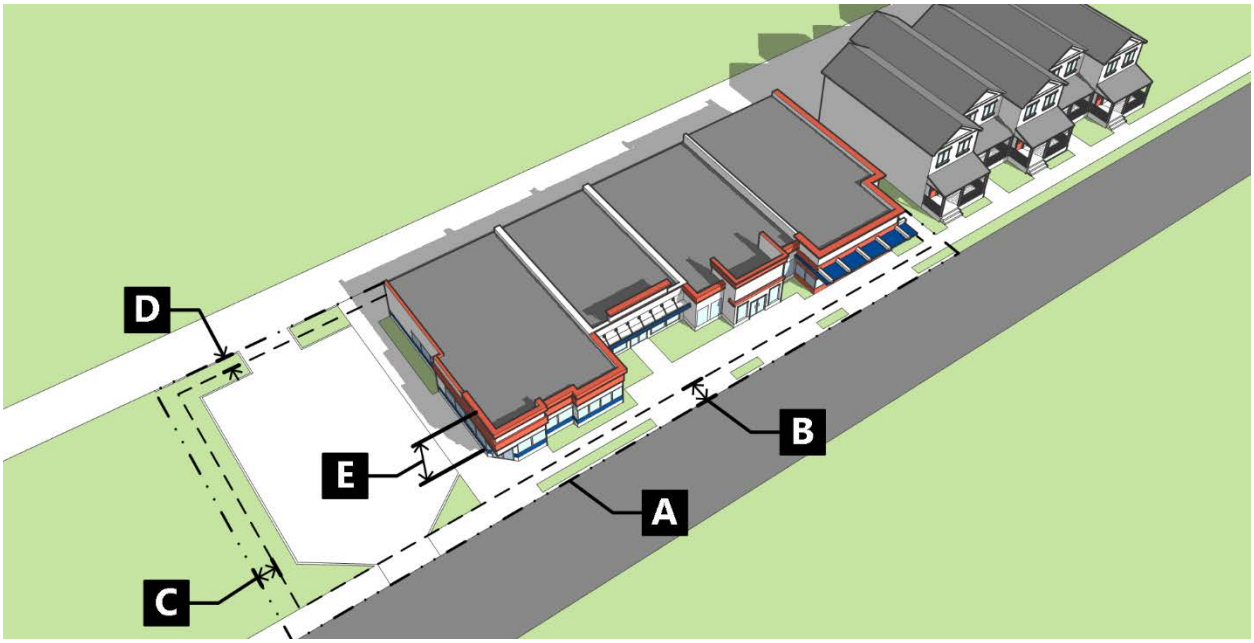
Note: [1] For attached dwellings sharing a common wall, interior side setbacks may be permitted at zero feet.

070.020.090 Mixed-Use Corridor (M1) District

(a) Purpose

The M1 district is intended to accommodate mixed-use development with walkable and active streetscapes on Glenwood's primary roadways. The mix of uses in the M1 district is intended to accommodate lighter-intensity commercial districts with limited auto-oriented uses compatible with surrounding residential neighborhoods. The M1 district is also intended to offer a diverse mix of housing opportunities at varying densities.

Figure 020-7: M1 District Dimensional Standards



(b) Standards

Table 020.11: M1 District Dimensional Standards

Lot Standards, Minimum		
A	Lot area (sq ft)	None
	Landscaped area (%)	15
Setbacks, Minimum		
B	Front, min (ft)	5
	Front, max (from arterials) (ft)	60
	Front, max (from other streets) (ft)	25
C	Side, min (ft)	5
D	Rear, with alley, min (ft)	10
	Rear, without alley, min (ft)	7.5
Building Standards, Maximum		
E	Building height (ft)	40

Other Key Standards

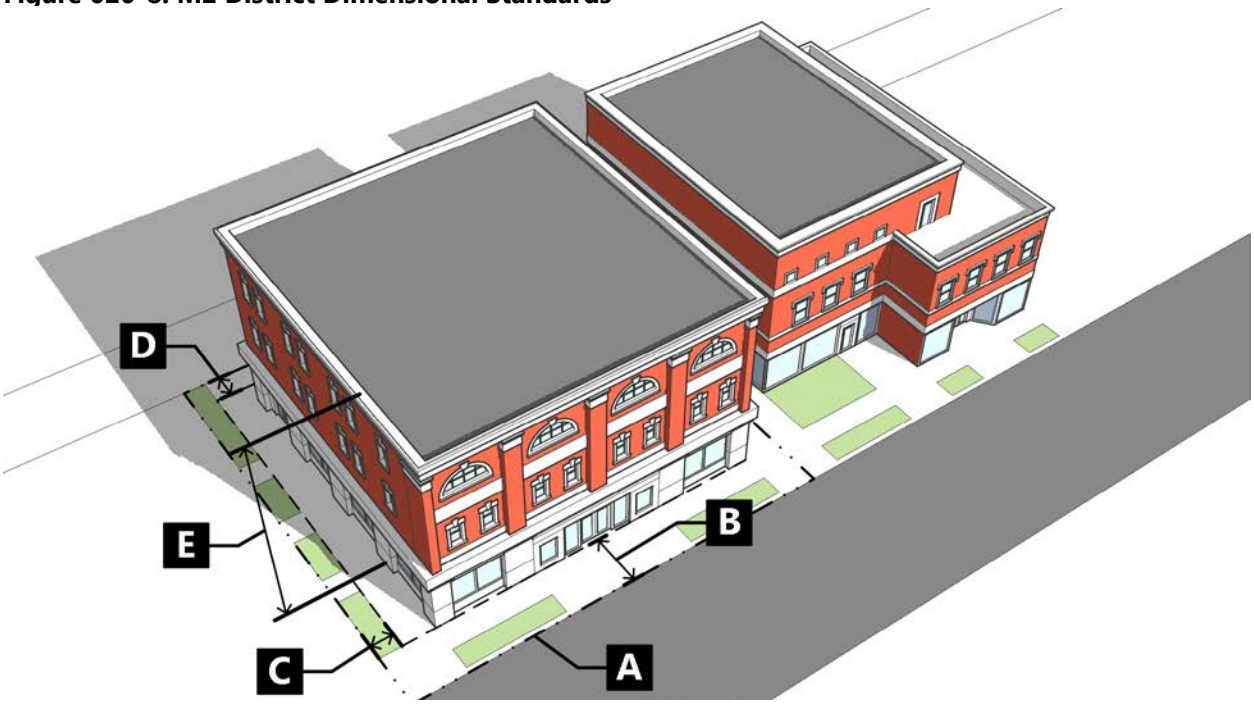
Measurements and Exceptions	070.020.190
Table of Allowed Uses	070.030.020
Use-Specific Standards	070.030.030
Development Standards	
Landscaping, Screening, and Fencing	070.040.050
Off-Street Parking and Loading	070.040.060
Nonresidential and Mixed-Use Site and Building Design	070.040.090

070.020.100 Mixed-Use Core (M2) District

(a) Purpose

The M2 district is intended to accommodate walkable and active development within Glenwood's core commercial areas, including but not limited to central downtown. The M2 district includes the most recognizable and prominent areas of Glenwood Springs and therefore places an emphasis on high-quality building and site design, as well as the surrounding streetscape. The M2 district is intended to allow for a mix of residential and nonresidential uses while ensuring compatibility with surrounding established neighborhoods.

Figure 020-8: M2 District Dimensional Standards



(b) Standards

Table 020.12: M2 District Dimensional Standards

Lot Standards, Minimum		
A	Lot area (sq ft)	None
	Landscaped area (%)	None
Setbacks, Minimum		
B	Front, min (ft)	None
	Front, max (from arterials) (ft)	40
	Front, max (from other streets) (ft)	20
C	Side, min (ft)	None
D	Rear, min (ft)	None
Building Standards, Maximum		
E	Building height (ft)	40[1]

Other Key Standards

Measurements and Exceptions	070.020.190
Table of Allowed Uses	070.030.020
Use-Specific Standards	070.030.030
Development Standards	
Landscaping, Screening, and Fencing	070.040.050
Off-Street Parking and Loading	070.040.060
Nonresidential and Mixed-Use Site and Building Design	070.040.090

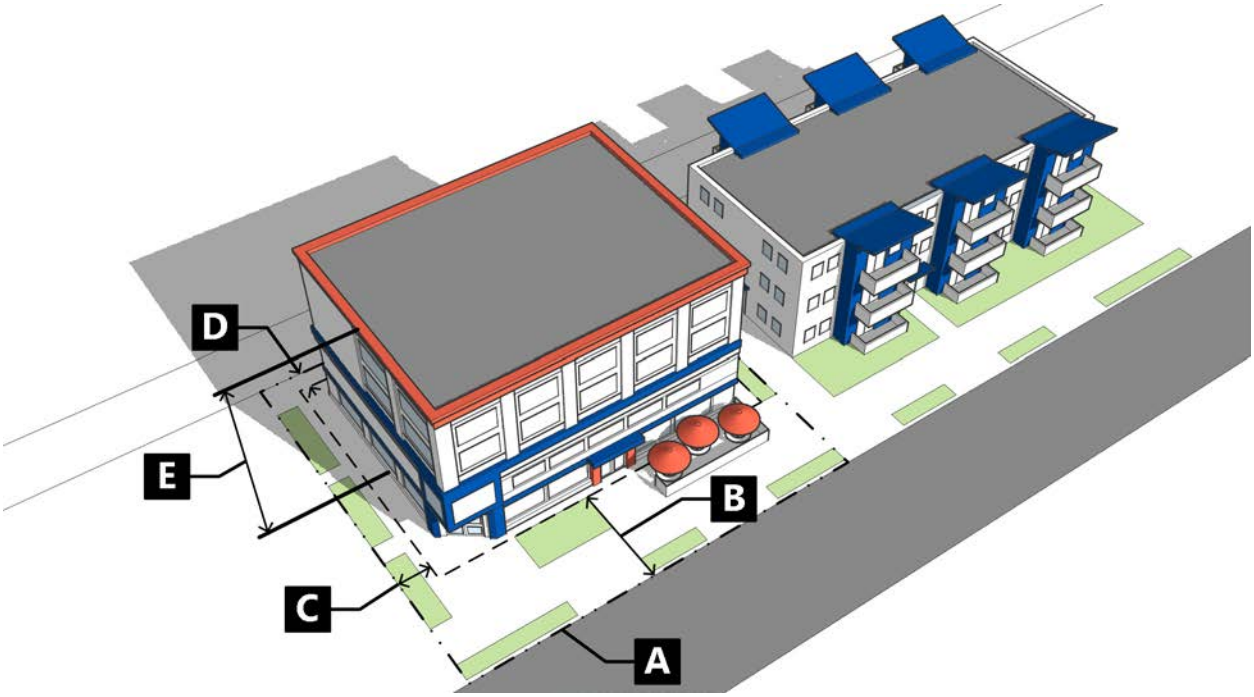
Note: [1] 60 feet max building height by special review

070.020.110 Mixed-Use Regional (M3) District

(a) Purpose

The M3 district is intended to accommodate large-scale mixed-use development and redevelopment with an emphasis on walkability and active ground-floor uses. The M3 district allows for regional-scale employment, retail, and medium- to high-density residential opportunities with a focus on high-quality building and site design and a clear street organization for easy access for multi-modal movement.

Figure 020-9: M3 District Dimensional Standards



(b) Standards

Table 020.13: M3 District Dimensional Standards		
Lot Standards, Minimum		
A	Lot area (sq ft)	None
	Landscaped area (%)	15
Setbacks, Minimum		
B	Front, max (from arterials) (ft)	40
	Front, max (from other streets) (ft)	25
C	Side, min (ft)	None
D	Rear, min (ft)	None
Building Standards, Maximum		
E	Building height (ft)	60

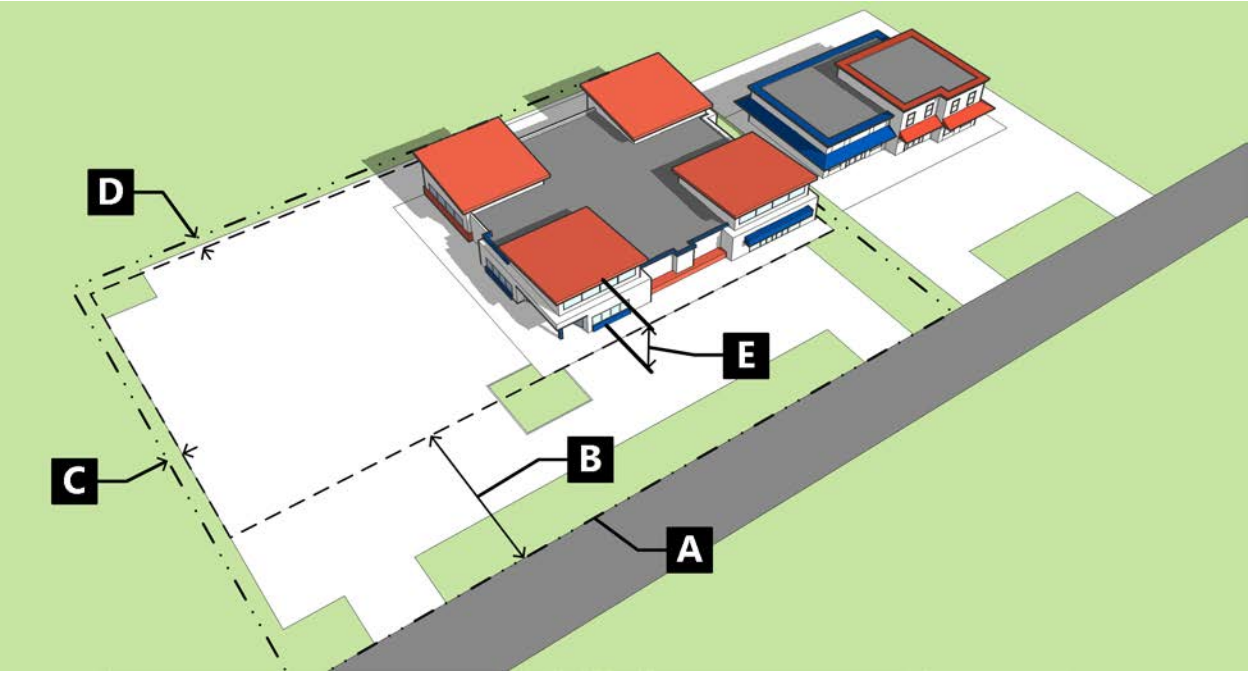
Other Key Standards	
Measurements and Exceptions	070.020.190
Table of Allowed Uses	070.030.020
Use-Specific Standards	070.030.030
Development Standards	
Landscaping, Screening, and Fencing	070.040.050
Off-Street Parking and Loading	070.040.060
Nonresidential and Mixed-Use Site and Building Design	070.040.090

070.020.120 Commercial (CO) District

(a) Purpose

The CO district is intended to accommodate general commercial uses with some limited residential uses. The CO district provides a transition between mixed-use and/or residential districts and more intense industrial districts, and allows some typically auto-oriented or major corridor uses.

Figure 020-10: CO District Dimensional Standards



(b) Standards

Table 020.14: CO District Dimensional Standards

Lot Standards, Minimum		
A	Lot area (sq ft)	None
	Landscaped area (%)	10
Setbacks, Minimum		
B	Front, min (ft)	5
	Front, max (from arterials) (ft)	60
	Front, max (from other streets) (ft)	40
C	Side, min (ft)	5
D	Rear, with alley, min (ft)	10
	Rear, without alley, min (ft)	7.5
Building Standards, Maximum		
E	Building height (ft)	40

Other Key Standards

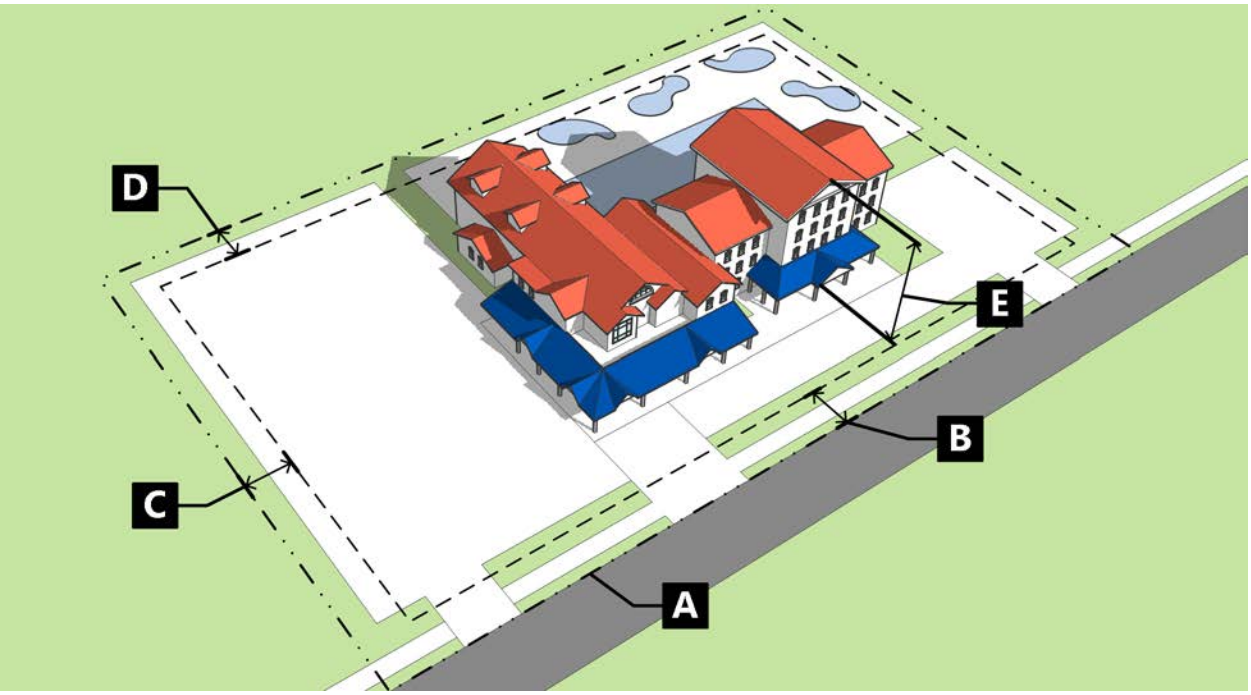
Measurements and Exceptions	070.020.190
Table of Allowed Uses	070.030.020
Use-Specific Standards	070.030.030
Development Standards	
Landscaping, Screening, and Fencing	070.040.050
Off-Street Parking and Loading	070.040.060
Nonresidential and Mixed-Use Site and Building Design	070.040.090

070.020.130 Resort (RE) District

(a) Purpose

The RE district is intended to accommodate high-intensity commercial development with flexibility in terms of allowable uses and dimensional standards to accommodate for primary and accessory resort development uses. The RE district is intended to apply to properties that are relatively isolated from adjacent properties due to physical and/or natural features.

Figure 020-11: RE District Dimensional Standards



(b) Standards

Table 020.15: RE District Dimensional Standards

Lot Standards, Minimum		
A	Lot area (sq ft)	None
	Landscaped area (%)	10
Setbacks, Minimum		
B	Front, min (ft)	5
	Front, max (ft)	60
C	Side, min (ft)	5
D	Rear, min (ft)	10
Building Standards, Maximum		
E	Building height (ft)	60

Other Key Standards

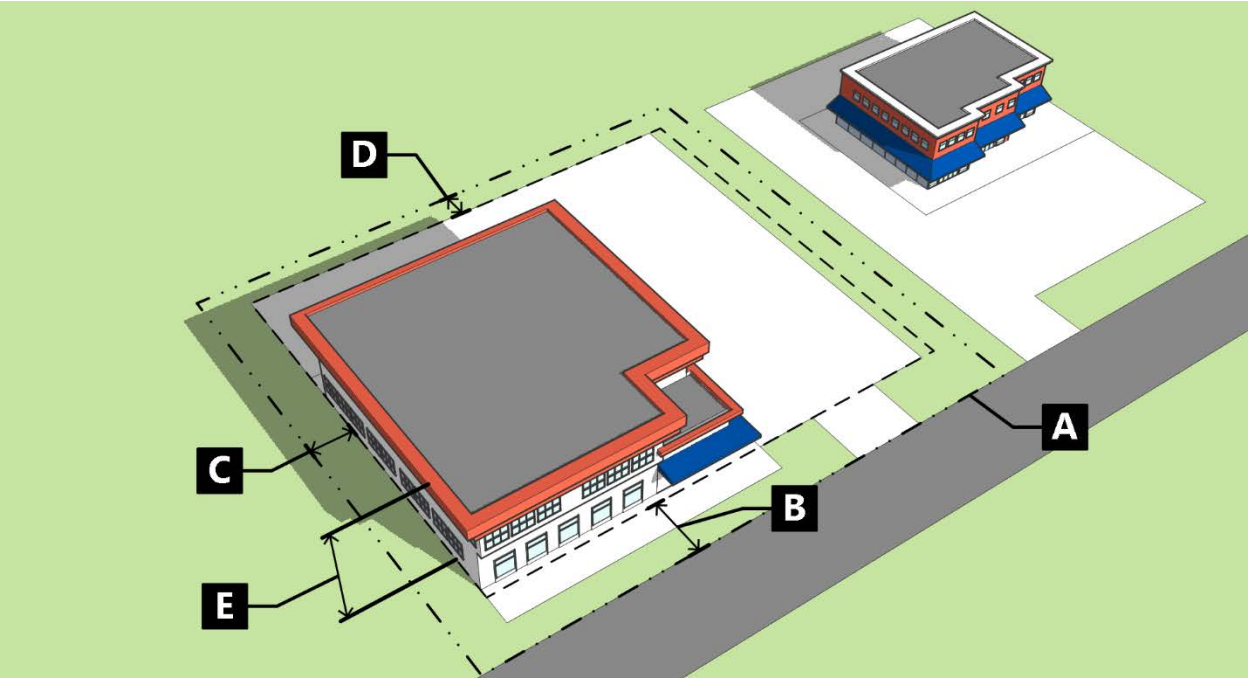
Measurements and Exceptions	070.020.190
Table of Allowed Uses	070.030.020
Use-Specific Standards	070.030.030
Development Standards	
Landscaping, Screening, and Fencing	070.040.050
Off-Street Parking and Loading	070.040.060
Nonresidential and Mixed-Use Site and Building Design	070.040.090

070.020.140 Light Industrial (I1) District

(a) Purpose

The I1 district is intended to accommodate a diverse mix of office, service, commercial, and lower-intensity industrial uses with limited impacts on adjacent neighborhoods. The allowable uses in the I1 district take place mostly indoors, with minimal outdoor storage and assembly. This district may include research and development operations and small-scale manufacturing uses.

Figure 020-12: I1 District Dimensional Standards



(b) Standards

Table 020.16: I1 District Dimensional Standards

Lot Standards, Minimum		
A	Lot area (sq ft)	10,000
	Landscaped area (%)	10
Setbacks, Minimum		
B	Front, min (ft)	20
C	Side, min (ft)	10
D	Rear, min (ft)	10
Building Standards, Maximum		
E	Building height (ft)	40

Other Key Standards

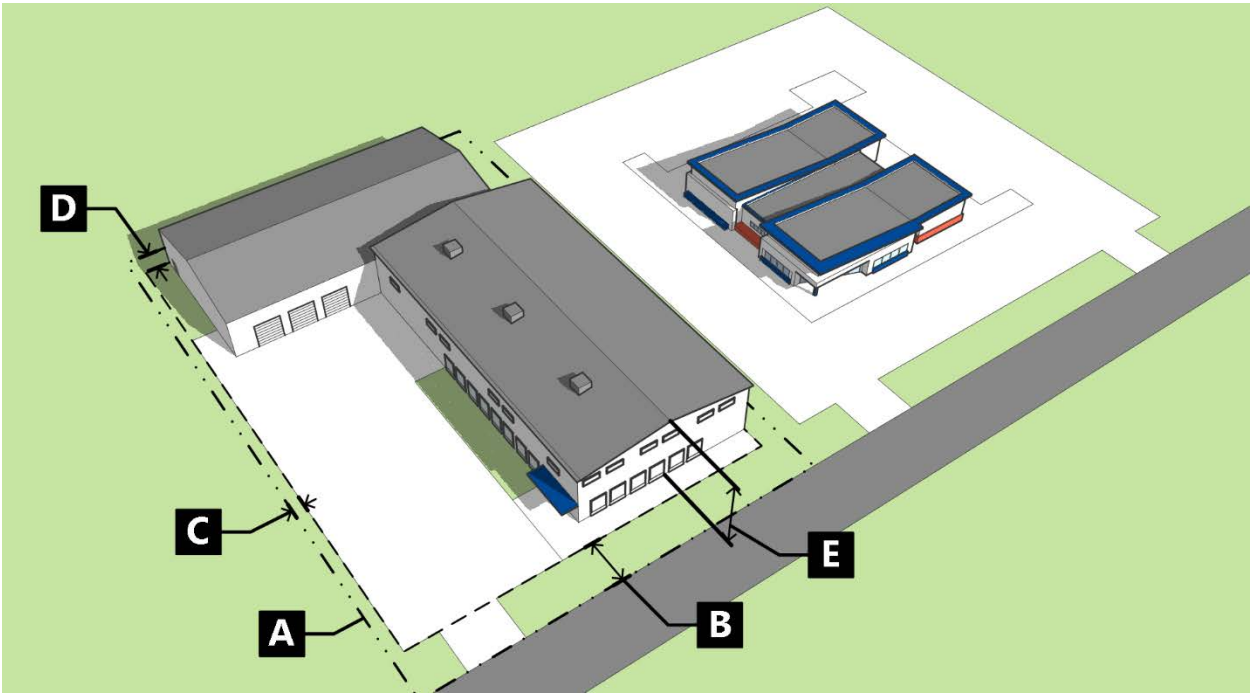
Measurements and Exceptions	070.020.190
Table of Allowed Uses	070.030.020
Use-Specific Standards	070.030.030
Development Standards	
Landscaping, Screening, and Fencing	070.040.050
Off-Street Parking and Loading	070.040.060
Nonresidential and Mixed-Use Site and Building Design	070.040.090

070.020.150 River Industrial (I2) District

(a) Purpose

The I2 district is intended to accommodate a variety of industrial and commercial uses in highly visible areas near Glenwood's river corridors. The I2 district is intended to place greater emphasis on aesthetics and compatibility in these sensitive areas.

Figure 020-13: I2 District Dimensional Standards



(b) Standards

Table 020.17: I2 District Dimensional Standards

Lot Standards, Minimum		
A	Lot area (sq ft)	None
	Landscaped area (%)	10
Setbacks, Minimum		
B	Front, min (ft)	20
C	Side, min (ft)	5
D	Rear, min (ft)	10
Building Standards, Maximum		
E	Building height (ft)	40

Other Key Standards

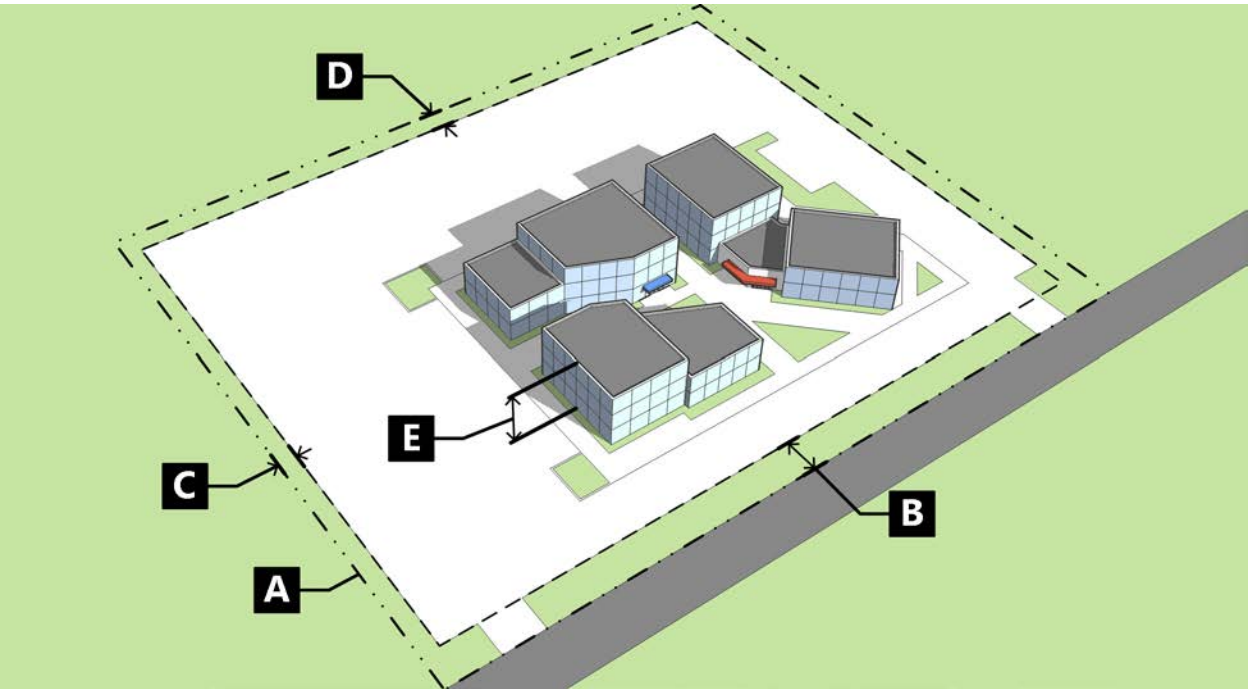
Measurements and Exceptions	070.020.190
Table of Allowed Uses	070.030.020
Use-Specific Standards	070.030.030
Development Standards	
Landscaping, Screening, and Fencing	070.040.050
Off-Street Parking and Loading	070.040.060
Nonresidential and Mixed-Use Site and Building Design	070.040.090

070.020.160 Institutional (IN) District

(a) Purpose

The IN district is intended to accommodate public and quasi-public uses and activities with unique operational and site characteristics. Uses in the IN district generally include essential services or activities to the city such as community centers, hospitals, and municipal operations. The IN district is intended to offer greater flexibility to base dimensional standards by requiring use of the Master Plan procedure (070.060.050(b)) or the Location and Extent procedure (070.060.050(d)).

Figure 020-14: IN District Dimensional Standards



(b) Standards

Table 020.18: IN District Dimensional Standards		
Lot Standards, Minimum		
A	Lot area (sq ft)	None
	Landscaped area (%)	10
Setbacks, Minimum		
B	Front, min (ft)	15
C	Side, min (ft)	5
D	Rear, min (ft)	5
Building Standards, Maximum		
E	Building height (ft)	40

Other Key Standards	
Measurements and Exceptions	070.020.190
Table of Allowed Uses	070.030.020
Use-Specific Standards	070.030.030
Development Standards	
Landscaping, Screening, and Fencing	070.040.050
Off-Street Parking and Loading	070.040.060
Nonresidential and Mixed-Use Site and Building Design	070.040.090

070.020.170 Hillside Preservation (HP) District

(a) Purpose

The HP district is intended to provide for the protection and sensitive development of hillsides. The HP district recognizes the importance of Glenwood's hillside areas in terms of their prominence and character within the city. The HP district is intended to allow for reasonable use of hillsides, while protecting the natural and visual character of the surroundings. More specifically, the purpose of the HP district is to:

(1) Minimize the negative environmental and visual effects of mass cut-and-fill of large pads and excessive terracing through retention of the natural topography of the hillsides;

(2) Prevent soil erosion and landslides;

(3) Provide safe circulation of vehicular and pedestrian traffic to and within hillside areas and to provide access for emergency vehicles necessary to serve the hillside areas;

(4) Preserve visually significant slope banks, ridge lines, rock outcroppings, native plant materials, natural hydrology, and other areas of visual significance;

(5) Encourage innovative architectural, landscaping, circulation, and site design that serve to preserve the significant natural resources and visual character of the city;

(6) Protect the public from natural hazards caused by unstable slopes and soils, debris flow, erosion and other geologic hazards of hillside development; and

(7) Minimize the threat and subsequent damage of wildfire through safe building practices.

(b) Standards

(1) Dimensional Standards

Table 020.19: HP District Dimensional Standards

Lot Standards		
	Lot area, minimum	5,000 square feet
A	Density, maximum (for areas on a lot with slopes up to 20%)	1 dwelling unit per 5,000 square feet
	Density, maximum (for areas on a lot with slopes greater than 20%)	*See 070.040.020(b)*
	Landscaped area, minimum	20 percent
Setbacks, Minimum		
B	Front	15 feet
C	Side	5 feet
D	Rear	15 feet
Building Standards, Maximum		
E	Building height	27 feet

Notes:

(2) Additional Hillside Standards

Development in the HP district shall comply with the standards in Section 070.040.020(b), *Hillside Development*.

070.020.180 Planned Unit Development (PUD) District

(a) Purpose

Planned unit developments (PUDs) are intended to allow for greater flexibility in the application of zoning and development standards than would otherwise be achieved through a base zoning district in exchange for greater benefit to the City of Glenwood Springs.

(b) Establishment of a PUD District

PUD districts shall be established pursuant to the procedures in 070.060.040(b), *Rezoning to PUD*. Development in a PUD district shall be subject to the standards included in and/or referenced in an approved PUD plan.

(c) Applicability of Development Standards

(1) Unless specifically modified by the PUD plan during the rezoning to PUD procedure, the PUD shall comply with all standards in this Code.

(2) Where the PUD standards conflict with the standards in this Code, the regulations of the approved PUD plan shall control.

(3) PUDs shall provide common open space as required by 070.040.040, *Common Open Space*.

070.020.190 Measurements and Exceptions

(a) Purpose

The purpose of this section is to provide uniform requirements for measuring dimensional standards and to list any exceptions to the dimensional standards in this Code.

(b) Lot and Site Requirements

(1) Minimum Lot Dimensions

a. Any lot that is created, developed, used, or occupied shall meet the minimum lot dimensions for the applicable zoning district unless otherwise established in this Code.

b. No land needed to comply with the minimum lot dimensions or other standards in this Code shall be sold or leased away from such lot.

c. New lots shall meet the lot dimensions in this Article and shall comply with 070.040.030, *Site Development and Improvement Standards*.

(2) Number of Principal Buildings or Uses per Lot

a. No lot shall contain more dwellings than are permitted by the applicable zoning district.

b. Multiple buildings may be permitted on a single lot if each building and site development complies with this Code.

(c) Setbacks

(1) Measurement of Setbacks

a. Generally

Setbacks shall be measured as follows:

1. Setback, Front

The minimum horizontal distance that a structure must be setback from the front lot line. The front setback extends across the full width of the lot.

2. Setback, Rear

The minimum horizontal distance that a structure must be setback from the rear lot line. The rear setback extends across the full width of the lot.

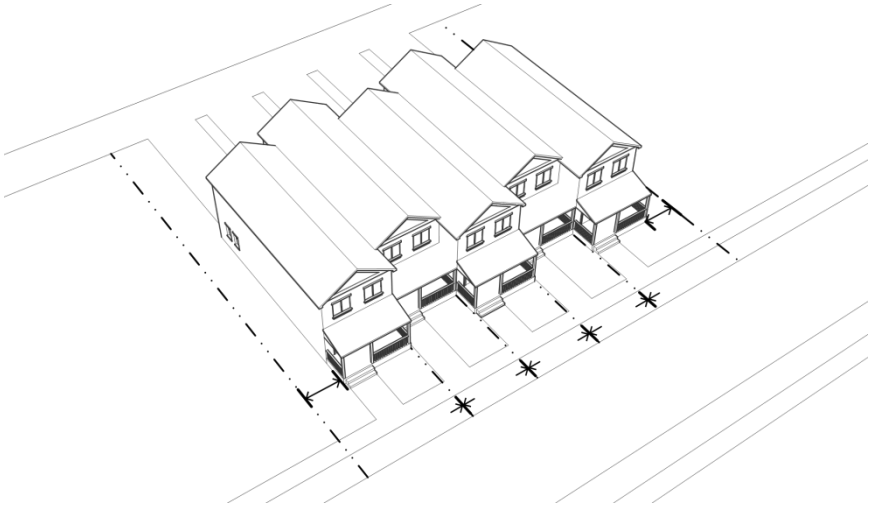
3. Setback, Side

The minimum horizontal distance that a structure must be setback from a side lot line. The side setback extends the full depth of the lot from the front property line to the rear property line.

b. Single-Family Dwelling, Townhouse

Single-family townhouse dwellings sharing a common wall shall not be required to comply with side setback requirements except for the outside walls of the end units. (Figure 020-15)

Figure 020-15: Measuring Setbacks for Attached Single-Family



(2) Contextual Setbacks

a. Front

Where a vacant lot is adjacent to existing structures that do not meet the minimum front setback requirements for that zoning district, the front setback for the vacant lot shall be established as the lesser of the median average or mean average front setback of existing structures on that block.

b. **Rear**

1. For Original Townsite lots, where development is proposed that will be adjacent to existing structures that do not meet the minimum rear setback requirements for that zoning district, the rear setback for the vacant lot shall be established as the lesser of the median average or mean average rear setback of existing structures on that block.
2. Also see 070.040.080(d)(2), *Dimensional Standards*, for limitations on placement of accessory structures in rear yards.

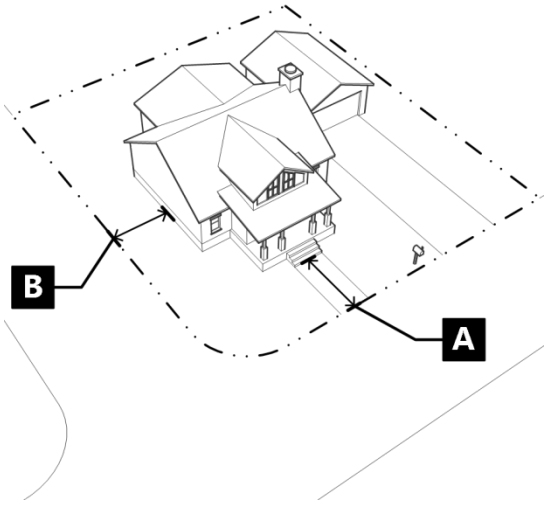
(3) Double-Frontage Lots

In the case of double-frontage lots, front setbacks shall apply to all frontages.

(4) Corner Lots

On corner lots, the required front yard setback shall be observed along the street upon which the address is assigned (see measurement "A" in Figure 020-16), and a side yard setback shall be observed along the remaining street (see measurement "B" in Figure 020-16).

Figure 020-16: Measuring Setbacks on Corner Lots



(5) Sight Distance Triangle Requirement

On corner lots where a front and side yard are required, no wall, fence, structure, sign, or any plant growth shall obstruct the sight lines of motor vehicle drivers and no such obstruction shall be over 42 inches tall. Sight distance triangle lines shall be determined by the City Engineer as prescribed in the Engineering Standards.

(6) Exceptions to Setback Standards

The features listed in Table 020.20 shall be permitted to project into the required setbacks of the applicable zoning district. The exceptions apply to all zoning districts unless otherwise stated.

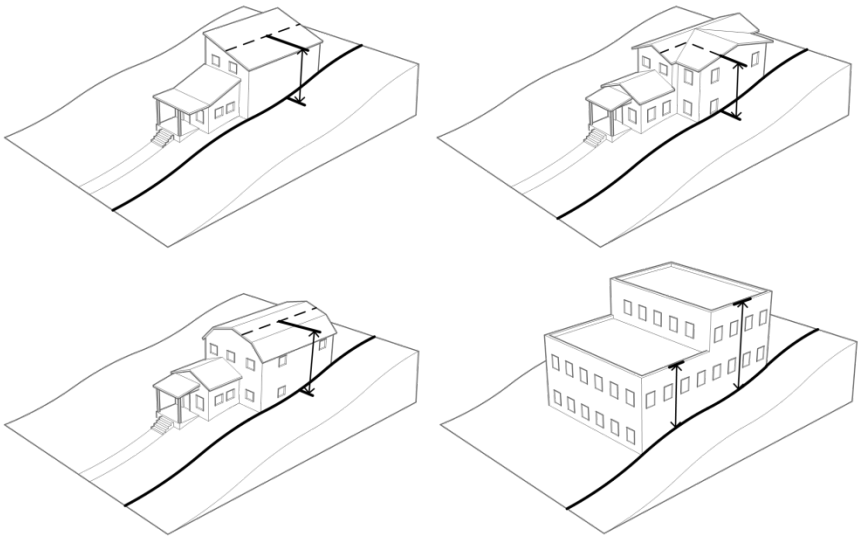
Table 020.20: Authorized Exceptions to Setback Standards	
Accessibility ramps	May be located within required yards. Ramps shall be removed within three months after the need for such ramp is removed. Ramps shall not be located in the public right-of-way without approval by the City.
Front porches and stoops	May encroach 10 feet into required front yard provided such porch or stoop is a minimum of 65 percent open (including screens and/or windows) on the front and each side and is no closer than 10 feet from the front property line.
Ground-mounted solar panels	May encroach five feet into required side and rear yards provided no element is located closer than two feet from any property line.
Ground-mounted mechanical equipment	May encroach five feet into required side and rear yards provided no element is located closer than two feet from any property line and the equipment complies with screening standards in 070.040.050(f), *Screening, Fences, and Walls*.
Roof eaves and other incidental architectural features	May encroach 18 inches into a required yard.
Storage sheds	In residential districts, storage sheds less than 120 square feet in size may be placed up to, but not closer than three feet from a rear or side property line provided they are not placed on a permanent foundation or over an easement.
Uncovered balconies and fire escapes	May encroach 18 inches into required side yard; four feet into required front or rear yard.
Uncovered porches, slabs, patios, walks, and steps	May encroach into required yards by any amount provided all components of the encroachment are no greater than 30 inches above ground level.

(d) Building Height

(1) Measurement

Height shall be measured as the vertical distance above finished grade measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the midpoint of the highest gable of a pitched or hipped roof. (See examples in Figure 020-17)

Figure 020-17: Examples of Building Height Measurement



(2) Exceptions to Height Requirements

The features listed in Table 020.21 shall be permitted to project beyond the maximum height requirements of the applicable zoning district.

Table 020.21: Authorized Exceptions to Maximum Height Standards

Elevator tower	May extend up to 10 feet above the maximum height requirement.
Spires, belfries, cupolas, domes, towers, or similar inhabitable ornamentation	May be 25 percent greater than the allowed height with approval from the Director.
Parapet walls	May extend 30 inches above the maximum height requirement for residential buildings containing two or more dwelling units and for mixed-use and other nonresidential buildings.
Rooftop mechanical equipment	Except for building-mounted wireless communication facilities, rooftop mechanical equipment may extend five feet above the maximum height requirement provided the equipment complies with screening requirements in 070.040.050(f)(1).
Roof-mounted solar panels	May extend five feet above the maximum height requirement.
Transmitting antennas	Pursuant to 070.030.030(g).

Article 070.030: Use Regulations

070.030.010 Purpose and Organization of this Article

This article identifies the land uses allowed in the Glenwood Springs zoning districts and establishes the standards that apply to certain uses (use-specific standards). The article is organized as follows:

(a) 070.030.020, *Table of Allowed Uses*, lists the uses allowed by zoning district, cross-references applicable use-specific standards, and provides parking standards.

(b) 070.030.030, *Use-Specific Standards*, establishes the unique standards applicable to certain land uses.

(c) 070.030.040, *Accessory Uses and Structures*, establishes standards applicable to uses and structures that are accessory to the primary use of the property and/or structure.

(d) 070.030.050, *Temporary Uses and Structures*, establishes standards applicable to non-permanent (temporary) structures and uses.

070.030.020 Table of Allowed Uses

Table 030.1 lists the uses allowed within each base zoning district. Each listed use is defined in *070.070.020, Definitions of Use Categories and Specific Use Types*.

(a) Explanation of Use Permissions

(1) Permitted Uses by Right

A "P" designation in a cell within Table 030.1 indicates that the use is allowed by right in the respective zoning district. Permitted uses are subject to all other applicable standards in this Code.

(2) Special Use Permit Required

An "S" designation in a cell within Table 030.1 indicates that the use is allowed in the respective zoning district only with approval of a special use permit pursuant to 070.060.050(e), *Special Use Permit*. Uses requiring special use permits are also subject to all other applicable standards in this Code. The "S" designation does not constitute authorization or ensure that a special use permit will be approved for that use. Each special use permit application shall be evaluated on its own merit based on the approval criteria in 070.060.050(e)(3)e.2.

(3) Prohibited Uses

A blank cell in Table 030.1 indicates that the use is prohibited in the respective zoning district.

(4) Use-Specific Standards

Regardless of whether or not a use is allowed by right or with approval of a special use permit, additional standards may be applicable to that use. Such use-specific standards are identified and cross-referenced in the last column of Table 030.1.

(b) Use for Other Purposes Prohibited

Approval of a use listed in Table 030.1, and compliance with applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed in Table 030.1, and approved under the appropriate process, is prohibited.

(c) Table Organization

In Table 030.1, land uses and activities are classified by general "use categories" and specific "use types" based on common functional, product, or physical characteristics such as the type and intensity of activity, the type of customers or residents, operation requirements, how goods or services are sold or delivered, and typical site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within the categories. Certain uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are an indexing tool and are not regulatory.

(d) Classification of New and Unlisted Uses

The following procedures shall apply if an application is submitted for a use category or use type that is not specifically listed in Table 030.1. Submission and approval of such an application shall be required prior to approval of any other permit or development approval associated with the use.

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

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

(2) Establish Use-Specific Standards if Necessary

During the initial determination, the Director shall also determine whether or not additional use-specific standards are necessary to reduce potential impacts to the surrounding properties or the community.

(3) Notice of Determination

The Director shall send a written notification of the use category and use type determination to the applicant, the Planning Commission, and the City Council within five days of such determination. The determination shall become effective 14 days after written notification is sent.

(4) Post-Determination Actions

a. Appeals of the Director's determination shall be made following the procedures under 070.060.070(c), *Appea*.

b. If the determination of an appropriate use category and use type results in a finding that the use, structure, or activity will be a common use or would create confusion by remaining unlisted, the Director may initiate an application for a Code Amendment pursuant to 070.060.040(c), *Code Amendment*, to revise Table 030.1 accordingly. Until final action is taken on the Code Amendment application, the use determination by the Director shall be binding.

(e) Table of Allowed Uses

Table 030.1: Table of Allowed Uses

P = permitted by right **S** = special use permit required **Blank** = use prohibited

Use Category	Use Type / Districts →	RR	RL	RM1	RM2	RH	RT	M1	M2	M3	CO	RE	I1	I2	IN	HP	Use-Specific Standards	Required Minimum Parking
RESIDENTIAL USES																		
Household Living	Dwelling, live-work						P	P	P	P	P	P	P	P			070.030.030(c)(2)	1 per dwelling unit
	Dwelling, multifamily				P	P	P	P	P	P	P	P					070.030.030(c)(1)	1.5 per dwelling unit, plus 1 guest space per each 5 dwelling units
	Dwelling, townhouse				P	P	P	P	P	P	P	P				S	070.030.030(c)(1)	1.5 per dwelling unit, plus 1 guest space per each 5 dwelling units
	Dwelling, single-family detached	P	P	P	P	P	P	P	P		P	P				S	070.030.030(c)(1)	1 per dwelling unit
	Dwelling, two-family		S	S	P	P	P	P	P		P					S	070.030.030(c)(1)	1.5 per dwelling unit
	Mobile home park					S	S	S			P						070.030.030(c)(3)	1 per dwelling unit
	Accessory dwelling unit	P	P	P	P	P	P	P	P		P	P				S	070.030.040(d)(1)	1 per unit
Group Living	Convalescent or nursing home					S	S	P	P		P	P			P			1 per 3 beds
	Personal care boarding home	S	S	S	S	S	S	S	S		S	S			S	S	070.030.030(c)(4)	2 per dwelling unit
PUBLIC, INSTITUTIONAL, AND CIVIC USES																		
Community and Cultural Facilities	Assembly	S	S	S	S	S	S	P	P		P	P	P		P	S		1 per 250 square feet
	Civic building		S	S	S	S	S	P	P	P	P	P	P	P	P			1 per 300 square feet
	Club or lodge						S	P	P	P	P	P						1 per 300 square feet
	Community centered board facility						P											Based on demand study, see 070.040.060(c)(5)
Adult and Child Care Facilities	Adult day care				S	S	S	P	P	P	P	P			P	S		1 per 300 square feet
	Child care center	S	S	S	S	S	S	P	P	P	P	P			S		070.030.030(d)(1)	1 per 250 square feet
	Child day care home, large	S	S	S	S	S	S	P	P		P	P					070.030.030(d)(2)	3 per dwelling unit
	Child day care home, small	P	P	P	P	P	P	P	P		P	P	S			P		2 per dwelling unit
Educational Facilities	School	S	S	S	S	S	S	P	P	P	P	P	S		P	S		High school: 4 per classroom All others: 1.5 per classroom
Health Care Facilities	Hospital						P	P	P	P	P				P			1 per 400 square feet
	Medical or dental clinic						P	P	P	P	P	P		P	P			1 per 250 square feet
Parks and Open Space	Park, playground, and open space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		No requirement

Table 030.1: Table of Allowed Uses

P = permitted by right **S** = special use permit required **Blank** = use prohibited

Use Category	Use Type / Districts →	RR	RL	RM1	RM2	RH	RT	M1	M2	M3	CO	RE	I1	I2	IN	HP	Use-Specific Standards	Required Minimum Parking
Transit Uses	Transit stop	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		Based on demand study, see 070.040.060(c)(5)
	Transit terminal or station							S	P	P	P		P	P	P			Based on demand study, see 070.040.060(c)(5)
COMMERCIALUSES																		
Agriculture and Animal-Related Services	Commercial farming, animal husbandry, and plant husbandry	S														P		No requirement
	Community garden	P	P	P	P	P	P	S	S	S	S	S			S	P		No requirement
	Kennel							S			S		S	S			070.030.030(e)(1)	1 per 1,000 square feet
	Sale of produce or plants raised on premises (excluding marijuana uses)	P	P	P	P	P	P	P	P	S	P	S	P	P	S	S	070.030.030(e)(2)	No requirement
	Veterinarian hospital or clinic							S	S	S	S	S	P	P	P		070.030.030(e)(3)	1 per 250 square feet
Adult Entertainment Establishments	Adult entertainment establishment													S			070.030.030(e)(4)	1 per 200 square feet
Food and Beverage Establishments	Bar, lounge, or tavern						S	P	P	P	P	P	P	P		S	070.030.030(e)(5)	1 per 200 square feet
	Microbrewery, distillery, or winery							P	P	P	P	P	P	P		S	070.030.030(e)(6)	1 per 200 square feet seating/tasting area, plus 1 per 500 square feet production area
	Restaurant						S	P	P	P	P	P	S	P		S		1 per 200 square feet
	Restaurant, with drive-through							S		S	S					S		1 per 200 square feet
Funeral and Interment Services	Cemetery					S	S	S	S	S	S	S	P	P	P			1 per 400 square feet of building area
	Funeral home, columbarium, crematorium, or mortuary					S	S	S	S	S	S	S	P	P	P			1 per 250 square feet
Lodging Facilities	Accessory tourist rental	P	P	P	P	P	P	P	P	P	P	P				P	070.030.030(e)(7)	Per residential use standards
	Bed and breakfast	S	S	S	S	P	P	P	P	P	P	P				S	070.030.030(e)(8)	1 space per guest room, plus 1 space for the owner/manager
	Boarding house					S	S	P	P	P	P	S				S		1 space per guest room, plus 1 space for the owner/management
	Hotel, motel, hostel, or lodge						S	P	P	P	P	P				S		1 space per guest room

Table 030.1: Table of Allowed Uses

P = permitted by right **S** = special use permit required **Blank** = use prohibited

Use Category	Use Type / Districts →	RR	RL	RM1	RM2	RH	RT	M1	M2	M3	CO	RE	I1	I2	IN	HP	Use-Specific Standards	Required Minimum Parking
	Short-term rental	P	P	P	P	P	P	P	P	P	P	P				P	070.030.030(e)(9)	Per residential use standards
Maintenance and Repair Services	Repair facility, major							P	S	S	P		P	P				1 per 1,000 square feet
	Repair facility, minor							P	P	P	P		P	P				1 per 500 square feet
Marijuana Establishments	Medical marijuana business, excluding cultivation							S	S	S	S			S			070.030.030(e)(10)	1 per 300 square feet
	Retail marijuana establishment, excluding cultivation							S	S		S			S			070.030.030(e)(11)	1 per 300 square feet
Office, Business, and Professional Services	Administrative, professional, or government office					P	P	P	P	P	P	P	P	P	P			1 per 300 square feet
	Bank or financial institution					P	P	P	P	P	P	P	P	P	P		070.030.030(e)(12)	1 per 300 square feet
	Printing and copying establishment						S	P	P	P	P	P	P	P	P			1 per 400 square feet
Personal Services	Commercial laundry and dry cleaning										P		P	P				1 per 400 square feet
	Personal service, general < 1,500 sq. ft.						P	P	P	P	P	P	P	P	P		070.030.030(e)(13)	1 per 400 square feet
	Personal service, general ≥ 1,500 sq. ft.						S	P	P	P	P	P	S	S	S		070.030.030(e)(13)	1 per 400 square feet
	Self-service laundry						S	P	P	P	P	P	P	P	P			1 per 400 square feet
Recreation and Entertainment, Indoor	Indoor recreation facility					S	S	P	P	P	P	P	P	P	P			1 per 400 square feet
Recreation and Entertainment, Outdoor	Commercial outdoor recreation use	S	S	S	S	P	P	P	P	P	P	P	P	P	P	S		1 per 400 square feet building area, plus 1 per 10,000 square feet site area
	Commercial outdoor recreation-concentrated							S	S	S	S	S	S	S	S	S		Based on demand study, see 070.040.060(c)(5)
	Golf course or country club	P	P	P								P				S		4 per hole, plus 1 per 250 square feet clubhouse area
	Recreational vehicle park					S	S	S	S		S					S	070.030.030(e)(14)	
Retail Sales	Building materials and supply store							P	P	P	P		P	P				1 per 400 square feet
	Convenience store							P	P	P	P	P	S	S	S			1 per 300 square feet
	Flea market or swap meet							S			P	P						Based on demand study, see 070.040.060(c)(5)
	Grocery store							P	P	P	P	P						1 per 300 square feet

Table 030.1: Table of Allowed Uses

P = permitted by right **S** = special use permit required **Blank** = use prohibited

Use Category	Use Type / Districts →	RR	RL	RM1	RM2	RH	RT	M1	M2	M3	CO	RE	I1	I2	IN	HP	Use-Specific Standards	Required Minimum Parking
	Liquor store							P	P	P	P						070.030.030(e)(15)	1 per 300 square feet
	Lumber yard										P		P	S				Based on demand study, see 070.040.060(c)(5)
	Pawn shop							P	P	P	P							1 per 300 square feet
	Retail, general <1,500 sq. ft.						P	P	P	P	P	P	S	P	S		070.030.030(e)(16)	1 per 400 square feet
	Retail, general ≥1,500 sq. ft.						S	P	P	P	P	P	S	P	S		070.030.030(e)(16)	1 per 300 square feet
	Retail, shopping center									P	S			S				1 per 300 square feet
Vehicles and Equipment	Automotive fuel sales and service station							S		P	S	S	S	S	S		070.030.030(e)(17)	1 per fueling pump, plus 1 per 400 square feet retail and office area
	Automotive parts and accessories sales							P	S	P	P		P	P				1 per 400 square feet
	Automotive repair shop							P			P		S	P				1 per 500 square feet, plus 3 per repair bay
	Automotive sales or leasing							S	S	S	P		P	P			070.030.030(e)(18)	1 per 500 square feet sales area, plus 2 per repair bay
	Automobile wash							S		S	S	S	S	S				1 per 300 square feet retail and office area, plus 3 stacking spaces per service lane and 1 stacking space per detailing bay if separate from wash bay/lane)
	Parking as a principal use						S	S	S	S	S	S	S	S	S	S		No requirement
	Equipment sales and rental							P	S	S	P		P	P				1 per 300 square feet
	Mobile home sales							P			P			P				No requirement
INDUSTRIAL USES																		
Industrial Services	Airport / aviation-related business												S					Based on demand study, see 070.040.060(c)(5)
	Asphalt or concrete batch plant												P					Based on demand study, see 070.040.060(c)(5)
	Motor or rail freight terminal												S	S				Based on demand study, see 070.040.060(c)(5)
	Natural resource extraction or processing												S					Based on demand study, see 070.040.060(c)(5)

Table 030.1: Table of Allowed Uses

P = permitted by right **S** = special use permit required **Blank** = use prohibited

Use Category	Use Type / Districts →	RR	RL	RM1	RM2	RH	RT	M1	M2	M3	CO	RE	I1	I2	IN	HP	Use-Specific Standards	Required Minimum Parking
	Printing or publishing facility							S	S		P		P					1 per 300 square feet office and retail area, plus 1 per 1,000 square feet all other building area
	Research and development facility							P	P	P	P		P	P	P			1 per 300 square feet office and retail area, plus 1 per 1,000 square feet all other building area
Manufacturing and Production	Brewery or bottling plant							P	S	S	P	S	P	P	S		070.030.030(f)(1)	Based on demand study, see 070.040.060(c)(5)
	Fabrication, manufacturing, and testing facility							S	S	S	S	S	S	P			070.030.030(f)(2)	Based on demand study, see 070.040.060(c)(5)
	Food processing and packing plant												P	S				Based on demand study, see 070.040.060(c)(5)
	Craft Manufacturing							P	P	P	P	P	P	P	P			
Marijuana Establishments	Marijuana cultivation, with or without retail business or medical establishment													S			070.030.030(f)(3)	1 per 1,000 square feet storage, warehousing, and distribution area, plus 1 per 35 square feet manufacturing, assembly, packing, preparation, plus 1 per 300 square feet for retail sales and office area
Storage and Warehousing	Bulk materials or machinery storage												P					Based on demand study, see 070.040.060(c)(5)
	Contractor offices and equipment storage yards							P			P		P	P				1 per 400 square feet of building area used as office
	Mini-warehouse or storage							S			P		P	S			070.030.030(f)(4)	3 spaces, plus 1 per resident caretaker
	Storage of hazardous liquids and gasses										S		S	S				Based on demand study, see 070.040.060(c)(5)
	Warehousing										P		P	S				Based on demand study, see 070.040.060(c)(5)
Waste and Salvage	Salvage yard													S				Based on demand study, see 070.040.060(c)(5)

Table 030.1: Table of Allowed Uses

P = permitted by right **S** = special use permit required **Blank** = use prohibited

Use Category	Use Type / Districts →	RR	RL	RM1	RM2	RH	RT	M1	M2	M3	CO	RE	I1	I2	IN	HP	Use-Specific Standards	Required Minimum Parking
Utilities	Commercial television, radio, or microwave tower												S	S				No requirement
	Geothermal heat exchange						P	P	P	P	P	P	P	P	P	P		No requirement
	Wastewater treatment facility										S				S			No requirement
	Wind power generation tower							S		S	S	S	S	S	S			No requirement
WIRELESS COMMUNICATION FACILITIES																		
	Alternative tower structure in right-of-way	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	070.030.030(g)	No requirement
	Alternative tower structure not in right-of-way	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	070.030.030(g)	No requirement
	Base station in right-of-way	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	070.030.030(g)	No requirement
	Base station not in right-of-way	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	070.030.030(g)	No requirement
	Eligible facilities request	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	070.030.030(g)	No requirement
	Small cell facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	070.030.030(g)	No requirement
	Tower	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	070.030.030(g)	No requirement
ACCESSORY USES																		
	Backyard chickens	P	P	P	P	P	P	P			P						070.030.040(d)(2)	No requirement
	Home occupation	P	P	P	P	P	P	P	P	P	P	P				P	070.030.040(d)(3)	No requirement
	Outdoor storage, accessory							S		S	S	S	S	S	S			No requirement
	Parking structure						S	S	S	S	S	S	S	S	P			No requirement
	Warehousing							P		P	P	P	P	P	P			Based on demand study, see 070.040.060(c)(5)
TEMPORARY USES																		
	Temporary sales and structures					P	P	P	P	P	P	P	P	P	P			Determined at time of temporary use permit.
	Temporary special event							P	P	P	P	P	P	P	P		070.030.050(e)	

070.030.030 Use-Specific Standards

(a) Generally

(1) Applicability

Use-specific standards shall apply to all zoning districts unless otherwise noted.

(2) Cross-References in Table of Allowed Uses

All uses with use-specific standards as indicated in the right-hand column of Table 030.1 shall comply with the applicable standards in this 070.030.030. All development shall also comply with the applicable standards in Article 070.040: *Development Standards*.

(3) Resolution of Conflicting Standards

In case of a conflict between these use-specific standards and the standards in Article 070.040:070.040.010 *Development Standards,* these use-specific standards shall apply unless otherwise noted.

(b) Performance Standards for All Uses

(1) Air Quality

a. Uses that emit any air contaminant as defined by the federal government, State of Colorado, or Garfield County, shall comply with all applicable federal, state, and county standards concerning such emissions and with any other emission standards adopted by the City.

b. No zoning approval or special use permit issued with respect to any use requiring a permit from a federal, state, county, or City agency with jurisdiction shall be valid until it has been certified to the City that the appropriate permits have been issued to the user and that the use is in compliance with all applicable air pollution laws.

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

(2) Hazardous Materials Storage and Use

a. General

1. The land use impacts for facilities that store or use hazardous materials in excess of the exempt amounts or maximum allowable quantities in control areas as specified in the Building and Fire Code are declared to be potentially harmful to the public health, safety, and welfare, or potentially damaging to the property values of adjacent properties.
2. A special use permit shall be required for any commercial or industrial use involving the storage, handling, or use of hazardous materials when the quantity is in excess of the exempt amount or maximum allowable per control area, as specified in the Building or Fire Code.

b. Combustibles and Explosives

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

c. **Gases**

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

(3) **Excessive Heat and Humidity**

Uses and activities shall not produce any unreasonable, disturbing, or unnecessary emissions of heat or humidity at the property line of the site on which they are situated that cause material distress, discomfort, or injury to a reasonable person.

(4) **Odors**

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

(5) **Light and Glare**

All uses shall comply with the standards in 070.040.100, *Exterior Lighting*.

(6) **Noise**

All uses shall comply with the standards in Article 100.070 of the Municipal Code, *Regulation of Noise*.

(7) **Vibration**

No use or activity shall produce vibrations that are perceptible without instruments at the property line for more than three minutes in any one hour of the day between the hours of 7:00 a.m. and 8:00 p.m. Monday through Friday, or 8:00 am and 6:00 pm Saturday and Sunday.

(8) **Evidence of Compliance**

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

(c) Residential Uses

(1) **Household Living, Generally**

Except for single-family detached dwellings, each dwelling unit shall have a separate entrance or window facing a street frontage.

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

a. Residential areas shall be located on upper floors above non-residential areas, or in the rear of the building behind non-residential areas.

b. The non-residential use shall be owned and operated by a resident of the live-work dwelling unit.

(3) Mobile Home Park

a. Size of a Mobile Home Park

The area of a mobile home park shall be large enough to accommodate the designated number of mobile home spaces, necessary streets and roadways, parking areas for motor vehicles, and required drainage and stormwater facilities.

b. Size and Placement of Mobile Home Spaces

1. Each independent mobile home space shall contain a minimum area of 2,500 square feet and shall be at least 40 feet wide.
2. Each dependent mobile home space shall contain a minimum area of 1,000 square feet and shall be at least 25 feet wide.
3. Where angular or modular spaces are provided in a mobile home park, each such space shall contain a minimum area of 3,000 square feet and shall be at least 45 feet wide.
4. Each mobile home space shall abut on a driveway or other access with unobstructed access to a street.
5. Each mobile home shall be placed upon a space in the mobile home park so that:
   i. It is completely within the designated mobile home space;
   ii. There is a minimum of 15 feet between mobile homes;
   iii. It is not located within 10 feet of an exterior boundary of the mobile home park;
   iv. It is not located within 25 feet of a public right-of-way;
   v. It does not obstruct any roadway, walkway, or easement;
   vi. It is not located within five feet from any roadway in the mobile home park; and
   vii. No independent mobile home is located on a dependent mobile home space.

c. Access

Access roads within the mobile home park shall be provided for each mobile home space. Each access road shall provide for continuous forward movement, shall connect with a street or highway, and shall have a minimum width of 25 feet when mobile home spaces are on one side only. When mobile home spaces are on both sides of the access road, such road shall have a minimum width of 40 feet.

d. Provisions for Dependent Mobile Homes

Mobile home parks with dependent mobile homes shall accommodate such mobile homes by providing service buildings, sanitary facilities, and laundry facilities per the Municipal Code.

(4) Personal Care Boarding Home

Prior to issuing a special use permit for a personal care boarding home, the following conditions shall be met:

a. The applicant shall provide evidence of preliminary approval by the State of Colorado, Department of Public Health & Environment;

b. No structural or exterior decorative additions shall be allowed that will alter the residential character of the home or be otherwise incompatible with surrounding residences, except for those necessary to provide accessibility meeting ADA requirements;

c. No other similar home-based use shall be allowed on the property including child or adult day care and boarding homes;

d. Residents, exclusive of employed caregivers, shall not have their own personal vehicles on site, including the public street;

e. The home shall have one kitchen and there shall be no provision for cooking in any other room, other than providing an alternative area for minimal food preparation such as heating or reheating food and beverages;

f. There shall be the appropriate number of licensed caregivers on site on a 24-hour basis to properly care for residents, per State of Colorado licensing requirements; and

g. The home shall comply with all other city, state, and federal laws and regulations.

(d) Public, Institutional, and Civic Uses

(1) Child Care Center

A child care center shall comply with the following conditions:

a. The applicant shall provide documentation of preliminary approval from the State of Colorado, Department of Human Services; and

b. Buffering of play areas through the use of fencing or a landscape screen in compliance with the height restrictions of this Code may be required when play areas are adjacent to residential uses.

(2) Child Day Care Home, Large

A large child day care home shall comply with the same requirements for a child care center in paragraph (1) above.

(e) Commercial Uses

(1) Kennel

a. All animals shall be confined within an enclosed area or on a leash at all times.

b. All boarded animals shall be kept within a totally enclosed structure between the hours of 10:00 p.m. and 7:00 a.m.

c. Any open or exercise run shall be at least 50 feet from any adjoining property in a residential zoning district.

(2) Sale of Produce or Plants Raised on Premises

a. The sale of produce or plants shall only include those grown on-site.

b. The sale of produce or plants shall not include marijuana or marijuana products.

c. No permanent structures shall be erected for sale of produce or plants.

(3) Veterinarian Hospital or Clinic

A veterinarian hospital or clinic shall comply with the same requirements for a kennel in paragraph (1) above.

(4) Adult Entertainment Establishment

a. Applicability and Intent

These standards are intended to regulate sexually oriented businesses, promote the health, safety, morals, and general welfare of the citizens of the city, and establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the city, thereby helping to reduce and eliminate the adverse secondary effects from such sexually oriented businesses. These standards have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of these standards to restrict or deny access by adults to sexually oriented materials protected by the First Amendment of the U.S. Constitution or the Colorado Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of these standards to condone or legitimize the distribution of obscene material. These standards shall not apply to those areas of an adult motel that are private rooms.

b. Location Standards

1. No adult entertainment use shall be located within 500 feet of the exterior boundary of any residential zoning district, church, public or private school, child care center, public community center, park, fairground, recreation center, publicly owned or maintained building opened for use by the general public, alcoholic beverage establishment located in the city at which alcoholic beverages are offered for sale for consumption on the premises, or area designated as an urban renewal project area pursuant to Section 31-25-107, C.R.S. Further, no adult entertainment use shall be located within 200 feet of any arterial or major collector roadway.
2. No adult entertainment use shall be located within 1,000 feet of any other adult entertainment use, whether such adult entertainment use is within or outside the city boundaries.
3. The method of measurement for the 1,000-foot restriction shall be computed by direct measurement from the exterior boundary of any area identified in these location requirements, or from the nearest property line of the property upon which an adult entertainment business or establishment, or other adult entertainment use is conducted, to the nearest property line of the property whereon the building in which an adult entertainment use is to occur.
4. Only one adult entertainment establishment use shall be permitted per building or, in other words, no building, premises, structures or other facility that contains any sexually oriented business shall contain any other kind of sexually oriented business therein.

c. Nonconforming Adult Entertainment Establishments

1. Any adult entertainment establishment operating at the effective date of this Code in violation of any relevant provisions of Title 050 or Title 070 of this Code shall be deemed a nonconforming use. An adult entertainment establishment that is deemed a nonconforming use shall be permitted to continue operating for an amortization period of six months. Such nonconforming adult entertainment use shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. Notwithstanding the foregoing, any adult entertainment

establishment deemed a nonconforming use shall apply for a license provided for by Article 050.070 of the Municipal Code within 30 days of the effective date of this ordinance, or be subject to the relevant penalty provisions set forth herein and in Article 050.070 of the Municipal Code.

2. An adult entertainment establishment lawfully operating as a conforming use pursuant to the receipt of zoning approval and obtaining a license is not rendered a nonconforming use by the location, subsequent to the grant or renewal of an adult entertainment establishment license, of any area identified in the location requirements above within the specific distancing requirements noted.

d. Site Layout and Design Standards

1. Advertisements, displays or other promotional material depicting adult entertainment uses shall not be shown or exhibited to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.
2. All building openings, entries and windows shall be located, covered or screened to prevent a viewing to the interior from any public or semi-public area; for new construction, the building shall also be oriented to minimize any possibility of viewing the interior from public or semi-public areas.

e. Conduct and Operations

1. No licensee, manager, or employee mingling with the patrons of sexually oriented businesses or serving food or drinks shall be nude or in a state of nudity. It is a defense to prosecution for a violation of this Section that an employee of a sexually oriented business exposed any specified anatomical area during the employee's bona fide use of a restroom or during the employee's bona fide use of a dressing room that is accessible only to employees.
2. No licensee, manager, or employee shall encourage or knowingly permit any person on the premises to engage in specified sexual activities, which conduct involving specified sexual activities is unlawful and shall be subject to criminal penalties, as set forth in the Municipal Code.
3. It shall be unlawful for an adult entertainment establishment and/or a sexually oriented business to be opened for business, or for the licensee or any employee of a licensee to allow patrons upon licensed premises or permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service or solicit a service between the hours of 1:00 a.m. and 9:00 a.m. of any particular day. Further, it shall be unlawful and a person commits a misdemeanor if, working as an employee of a sexually oriented business, regardless of whether a license has been issued for said business under this ordinance, engages in a performance, solicits a performance, makes a sale, solicits a sale, provides a service, or solicits a service between the hours of 1:00 a.m. and 9:00 a.m. of any particular day.
4. It shall be unlawful for an adult entertainment establishment and/or sexually oriented business or for the licensee or any employee of a licensee, regardless of whether a license has been issued for said business under this ordinance, to knowingly allow any patron upon the premises to engage in a specified sexual activity while on said premises. It shall also be unlawful for any licensee or employee of an adult entertainment establishment, regardless of whether a license has been issued for said

business under this ordinance, to engage in a specified sexual activity while on the premises of said adult entertainment establishment.

5. No one under 21 years of age shall be admitted to any adult entertainment establishment where live nude entertainment and performances are featured, which live nude entertainment is characterized by the exposure of specified anatomical areas. Further, no one under 18 years of age shall be admitted to any adult entertainment establishment of any kind; and the foregoing minimum age limitations also apply to any employees, agents, servants or independent contractors working on the premises during the hours when adult entertainment is being presented.

f. **Violations and Penalties**

1. Any person who operates or causes to be operated an adult entertainment establishment and who violates any provision contained in this Section or does not have a valid license is subject to a suit for injunction and is subject to civil and criminal penalties.
2. Except for the amortization period set forth hereinabove, each day of operation in violation of any provision of this ordinance shall constitute a separate offense.
3. Any adult entertainment establishment that engages in repeated or continuing violations of these regulations shall constitute a public nuisance. For purposes of these regulations, repeated violations shall mean three or more violations of any provision set forth herein within one year dating from the time of a new violation, and a continuing violation shall mean a violation of any provision set forth herein lasting for three or more consecutive days.
4. Notwithstanding any other remedies at law or equity, the City Attorney may bring an action in the District Court for an injunction against the operation of such establishments in a manner that violates any of the provisions set forth herein.

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

a. Bars, lounges, or taverns within 100 feet of a residential zoning district require a special use permit.

b. Bars, lounges, or taverns within 100 feet of a residential zoning district shall close any outdoor seating areas between the hours of 10:00 p.m. and 7:00 a.m.

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

a. Microbreweries, distilleries, or wineries within 100 feet of a residential zoning district require a special use permit.

b. Microbreweries, distilleries, or wineries within 100 feet of a residential zoning district shall close any outdoor seating areas between the hours of 10:00 p.m. and 7:00 a.m.

(7) **Accessory Tourist Rental**

a. **Applicability and Intent**

The requirements of this subsection shall apply to any residential dwelling unit or a portion of a residential dwelling within the city. This subsection is applicable within a Planned Unit Development unless specifically identified as a prohibited use by the Planned Unit Development.

b. Owner Responsibilities

1. The owner of the property or a resident manager must reside within one of the bedrooms within the dwelling unit which is to be used as the accessory tourist rental and shall be present on the premises for the duration of the rental.
2. The owner shall collect and pay all applicable local, state, and federal taxes including sales and lodging taxes.
3. The owner is responsible for ensuring the accessory tourist rental meets all applicable local, state, and federal regulations. For example, §38-45-101 C.R.S. et seq. requiring carbon monoxide alarms in a residential property.
4. The owner is responsible for obtaining all required licenses in accordance with Title 050 of the Municipal Code.

c. Use and Occupancy Restrictions

1. Parties renting the designated bedroom for transient rental shall have access to a private or shared full bathroom.
2. Guest stays may only occur within the dwelling unit that the owner or resident manager occupies.
3. The use is limited to one designated bedroom with a maximum occupancy for two people.
4. The bedroom used for guest stays shall not include a kitchen or partial kitchen.
5. Occupancy of the accessory tourist rental shall not exceed the occupancy allowed for single family use as defined in the Municipal Code, i.e. one or more persons living together on the premises of a dwelling unit, but it shall not include more than five persons unrelated by blood or marriage. Occupancy limits shall be established by International Property Maintenance Code (IPMC) and shall be listed on the accessory tourist rental permit.
6. Residential units eligible for an accessory tourist rental permit shall not be issued or hold permits for another land use that would further impact traffic at the site of the accessory tourist rental, including special use permits for another land use per the applicable zoning designation of the property, or a license or permit issued through another regulatory agency; except that properties issued a special use permit for a single family dwelling in the Hillside Preservation district or home occupation permit shall be eligible for an accessory tourist rental permit.
7. On properties with an accessory dwelling unit, only the primary dwelling on the property shall be eligible for an accessory tourist rental permit and the owner or resident manager must reside in the dwelling unit used as the accessory tourist rental.
8. In a multifamily building under single ownership, no more than 10 percent but at least one unit may be permitted as an accessory tourist rental provided the owner or the resident manager occupies the accessory tourist rental.

d. Operation

1. All vehicles associated with the single family residence and accessory tourist rental use shall be parked in designated parking areas, such as driveways and garages, or on-street parking, where permitted. No parking shall occur on lawns or sidewalks.

2. The owner shall be responsible for ensuring that the accessory tourist rental complies with Section 100.010.060 of the Municipal Code, *Garbage, Refuse, and Trash Collection*. Owners and resident managers shall make arrangements for proper garbage, refuse, and trash collection.
3. The following information must be posted in a prominent and visible location in the designated bedroom permitted as an accessory tourist rental:
   i. City of Glenwood Springs' license(s) and accessory tourist rental permit;
   ii. Contact information for owner and/or resident manager, including phone number for 24-hour response to emergencies;
   iii. Description of location of fire extinguishers and emergency egress; and
   iv. Any other information deemed necessary by the Director or Building Official to ensure the public's health and safety.
4. All advertising of an accessory tourist rental, including advertising on website vacation booking sites, shall display the City of Glenwood Springs accessory tourist rental permit number and business license number.

e. **Permit Procedures**

1. **Limitation to Either Short-Term Rental or Accessory Tourist Rental**

   A property owner may not be issued both an accessory tourist rental permit and a short-term rental permit on the same property at the same time; however, should an owner wish to change the use of a permitted accessory tourist rental, he or she may do so by filing an application for a short-term rental permit in accordance with 070.030.030(e)(9). Upon issuance of a new short-term rental permit, the pre-existing accessory tourist rental permit is automatically revoked.

2. **Application Requirements**

   The owner shall submit the application on the form provided by the Director and shall pay the application fee set by City Council resolution.

3. **Issuance of Permit**

   All accessory tourist rental uses shall require a permit from the Director. Such permit shall only be issued after the residential dwelling unit and bedroom designated for transient lodging has been approved in accordance with the Municipal Code. The accessory tourist rental permit shall specify any terms and conditions of the permit. All permits shall be issued to the owner of the property. A change in ownership shall necessitate the issuance of a new permit. Permits shall be issued for a period of two years and shall expire at the end of odd numbered years.

4. **Revocation of Permit**

   An accessory tourist rental permit may be revoked at any time by the Director without following the hearing process in Section 070.010.080(e)(2) should it be determined that the use is not being operated in compliance with this Section or any other section of the Municipal Code.

   An accessory tourist rental permit shall be revoked automatically upon the property owner's third conviction of a violation of a provision in Articles 100.010 or 100.020 with respect to the accessory tourist rental.

5. **Penalties for Violations**

Any violation of this Section shall be subject to a fine of $250 for the first offense, $500 for the second offense, $750 for the third offense, and $1,000 for the fourth offense and all subsequent offenses. Each day's continuing violation shall be a separate and distinct offense.

A permit holder who fails to collect lodging taxes on an accessory tourist rental during the permit period shall not be permitted to renew the permit for the next two year permit cycle.

(8) **Bed and Breakfast**

a. **Location and Compatibility**

1. Bed and breakfasts shall only be permitted in a building of a residential character. Any modifications made to the building to accommodate the bed and breakfast use shall be compatible with the architectural character of the structure and with the character of the neighborhood.
2. Bed and breakfast lodging shall not be allowed in any dwelling unit(s) permitted as an Accessory Dwelling Unit.

b. **Number of Bedrooms**

The total number of bedrooms, including the bedrooms occupied by permanent residents of the building, shall be limited to five.

c. **Operation**

1. The structure shall be owner-occupied or shall be occupied by a resident manager.
2. Guest stays shall be limited to a maximum of 30 days.
3. Any kitchen and dining facilities shall not be operated in the manner of a commercial restaurant and shall serve only residents and guests. No cooking facilities such as stoves, hot plates, or microwave ovens are permitted in the guest rooms.
4. Any signage on the subject property shall be non-illuminated, shall architecturally compliment the principal structure, and shall comply with applicable sign regulations in 070.040.110, *Signs*.
5. Other than serving guests, a bed and breakfast shall not conduct any other commercial activities such as for-profit private parties or receptions, retail sales, or similar activities.

(9) **Short-Term Rental**

a. **Intent**

The City of Glenwood Springs recognizes that there are benefits to allowing owners of residential units within the city to rent their dwelling units for periods of time less than 30 days. Short-term rental of dwelling units bring additional visitors to the city, can allow owners to recoup housing costs, and provides revenues for the City through the additional tax collections. The provision of short-term rentals offers additional diversification to the resort and travelling professional accommodations market. However, due to the potential for adverse impacts, short-term rentals must be regulated by the City to protect the health, safety, and welfare of owners, neighbors, and visitors.

b. Applicability

1. The requirements of this subsection shall apply to any residential dwelling unit within the city. This subsection is applicable within a Planned Unit Development unless the short-term rental of property is specifically identified as a prohibited use by the Planned Unit Development.
2. This subsection does not apply to any dwelling unit permitted as an Accessory Dwelling Unit.
3. The City of Glenwood Springs is not a party to and does not enforce any private covenants. Private covenants may restrict the ability for owners to engage in short-term rentals.

c. Owner Responsibilities

1. The owner shall designate a natural person located within a 30 minute distance of the short term rental who is available 24 hours per day, seven days per week, to serve as the local responsible party for the short term rental and to immediately respond to any issues arising from the short-term rental. The designated responsible party may be the owner of the property. The owner shall notify the Director in writing of the designation of the responsible party within five days of such designation or modification of any such designation.
2. The owner or responsible party shall collect and pay all applicable local, state, and federal taxes including sales and lodging taxes.
3. The owner or responsible party is responsible for ensuring the short-term rental meets all applicable local, state, and federal regulations. For example, §38-45-101 C.R.S. et seq. requiring carbon monoxide alarms in residential property.
4. The owner or responsible party is responsible for obtaining all required licenses in accordance with Title 050 of the Municipal Code.

d. Use and Occupancy Restrictions

1. Occupancy limitations of a short term rental shall be established by the International Property Maintenance Code (IPMC) and shall be indicated on the short term rental permit.
2. On properties with an accessory dwelling unit, only the primary dwelling on the property shall be eligible for a short-term rental permit.
3. In a multifamily building under single ownership, no more than 10 percent but at least one unit may be permitted as a short-term rental.
4. In all areas outside the City's General Improvement District (GID), as the GID may be amended from time to time, the total number of short-term rentals shall be limited to 5 percent of the City's total free market residential units as determined by the State Demography Office. In addition, a short-term rental unit shall be located a minimum of 250 feet from any other short-term rental unit. This 250 foot limitation shall not apply to units in a multifamily building under single ownership or to units that received permits prior to the effective date of this subsection or to timely renewals of such permits. However, the 5 percent cap on short term rentals includes existing permitted units.
5. Within the GID, as it may be amended from time to time, the total number of short-term rentals shall be limited to 18 percent of the GID's total free market residential

units as determined by the Garfield County Assessor. In a multi-family building under single ownership, no more than two units may be permitted as a short-term rental. GID short term rental permits shall not count towards the total permit number identified under Paragraph 4 above.

e. **Operation**

1. All vehicles associated with the short-term rental use shall be parked in designated parking areas, such as driveways and garages, or on-street parking, where permitted. No parking shall occur on lawns or sidewalks.
2. The owner shall be responsible for ensuring that the short-term rental complies with Section 100.010.060 of the Municipal Code, *Garbage, Refuse, and Trash Collection*. Owners and resident managers shall make arrangements for proper garbage, refuse, and trash collection.
3. The following information must be posted in a prominent and visible location in the short-term rental:
   i. City of Glenwood Springs' license(s) and short-term rental permit;
   ii. Contact information for owner and/or resident manager, including phone number for 24-hour response to emergencies;
   iii. Description of location of fire extinguishers and emergency egress; and
   iv. Any other information deemed necessary by the Director or Building Official to ensure the public's health and safety.
4. All advertising of a short-term rental, including advertising on website vacation booking sites, shall display the City of Glenwood Springs short-term rental permit number and business license number.

f. **Permit Procedures**

1. **Limitation to Either Short-Term Rental or Accessory Tourist Rental**

   A property owner may not be issued both a short-term rental permit and an accessory tourist rental permit on the same property at the same time; however, should an owner wish to change the use of a permitted short-term rental permit, he or she may do so by filing an application for an accessory tourist rental permit in accordance with 070.030.030(e)(7). Upon issuance of a new accessory tourist rental permit, the pre-existing short-term rental permit is automatically revoked.

2. **Application Requirements**

   The owner shall submit the application on the form provided by the Director and shall pay the application fee set by City Council resolution.

3. **Issuance of Permit**

   All short-term rental uses shall require a permit from the Director. Such permit shall only be issued after the short-term rental application has been approved in accordance with the Municipal Code. The short-term rental permit shall specify any terms and conditions of the permit. All permits shall be issued to the owner of the property. A change in ownership shall necessitate the issuance of a new permit. Permits shall be issued for a period of two years and shall expire at the end of odd numbered years.

4. **Neighborhood Notification**

   Upon issuance of short-term rental permit, the property owner shall be responsible for mailing public notification of the permit to owners of all real property within 250 feet of any boundary or edge of the subject property or parcel. The property owner shall provide certification to the director that property notice has been provided, including a signed affidavit. The format of such certification shall be established by the Director.

5. **Revocation of Permit**

   A short-term rental permit may be revoked at any time by the Director without following the hearing process in Section 070.010.080(e)(2) should it be determined that the use is not being operated in compliance with this Section or any other section of the Municipal Code. A short-term rental permit shall be revoked automatically upon the property owner's third conviction of a violation of a provision in Articles 100.010 or 100.020 with suspect to the short-term rental.

6. **Penalties for Violations**

   Any violation of this Section shall be subject to a fine of $250 for the first offence, $500 for the second offense, $750 for the third offense, and $1,000 for the fourth offense and all subsequent offenses. Each day's continuing violation shall be a separate and distinct offense.

   A permit holder who fails to collect lodging taxes on a short-term rental during the permit period shall not be permitted to renew the permit for the next two year permit cycle.

(10) **Medical Marijuana Business**

a. **Purpose**

   The City Council intends to regulate the use, acquisition, production, and distribution of medical marijuana in a manner consistent with Article XVIII, Section 14 of the Colorado Constitution, Article 43.3 of Title 12 Colorado Revised Statutes and any other applicable laws and regulations of the state. Nothing within this article is intended to promote or condone the production, use, sale, or distribution of medical marijuana other than in compliance with applicable state law.

b. **License Required**

   Medical marijuana businesses shall comply with the City Code Article 050.080.

c. **Location of a Licensed Business**

   Medical marijuana businesses shall be located in areas of the city only as allowed in the City Code. No medical marijuana business shall be located:

   1. Within 500 feet of any existing public or private school facility where classes are held for children aged kindergarten through the 12th grade. The distance shall be computed by a straight line measurement from the nearest property line of the school property to the nearest property line of the site housing the medical marijuana business; or
   2. Within 900 feet of another medical marijuana business or any retail marijuana establishment. A medical marijuana business may locate on the same licensed premises as a retail marijuana establishment of the same class and same ownership,

only if the licensed premises is located to meet the distance requirements from other medical marijuana businesses and retail marijuana establishments. This distance shall be computed by a straight line measurement between property lines of the sites housing the two facilities.

3. In any zoning district not specifically allowed by the City Code.

d. **Requirements Related to Operation of a Medical Marijuana Business**

1. Medical marijuana businesses shall meet all operational criteria for the procurement, dispensing, labeling, sanitation, security, and any other criteria as required by the state pursuant to the Colorado Medical Marijuana Code and the City Code Article 050.080.
2. In addition, all medical marijuana businesses shall comply with the following local restrictions:
   i. Medical marijuana businesses shall limit their hours of operation to between 8:00 a.m. and 7:00 p.m. Monday through Sunday or as otherwise limited by state law;
   ii. Medical marijuana businesses shall apply for a sign permit through the Community Development Department. All exterior signage associated with a medical marijuana business will meet the standards established in the Colorado Medical Marijuana Code and in the City Code. In addition, no sign associated with a medical marijuana business shall use the word "marijuana," "cannabis," or any other word or phrase commonly understood to refer to marijuana or a graphic/image of any portion of a marijuana plant, or paraphernalia associated with medicinal marijuana use unless immediately preceded by the word "medical" or the message of such sign includes the words "for medical use" or "for medicinal purposes" in letters that are no smaller than the largest letter on the sign; and
   iii. Marijuana plants, products, accessories, and associated paraphernalia contained in a medical marijuana facility shall not be visible from a public sidewalk, public street or right-of-way, or any other public place.
   iv. No discernible odor shall be projected beyond the exterior walls of the licensed premises.

(11) **Retail Marijuana Establishment**

a. **Purpose**

The City Council intends to allow state-licensed retail marijuana establishments to exist in Glenwood Springs in accordance with Article XVIII, Section 16 of the Colorado Constitution, Article 43.4 of Title 12 Colorado Revised Statutes, and any other applicable state laws and regulations as well as the additional local licensing requirements and other restrictions set forth in the Glenwood Springs Municipal Code. Nothing within this Article is intended to promote or condone the production, use, sale, testing or distribution of marijuana other than in compliance with applicable state law.

b. **License Required**

Retail marijuana establishments shall comply with City Code Article 050.090.

c. **Location of Licensed Establishment**

Retail marijuana establishments shall be located only in areas of the city as allowed in the City Code. No retail marijuana establishment shall be located:

1. Within 500 feet of any existing public or private school facility where classes are held for children aged kindergarten through the 12th grade. The distance shall be computed by a straight line measurement from the nearest property line of the school property to the nearest property line of the site housing the retail marijuana establishment;
2. Within 900 feet of another retail marijuana establishment or a medical marijuana business. A retail marijuana establishment may locate on the same licensed premises as a medical marijuana business of the same class and same ownership, only if the licensed premises is located to meet the distance requirements from other retail marijuana establishments and medical marijuana businesses. This distance shall be computed by a straight line measurement between property lines of the sites housing the two facilities; and
3. In any zoning district not specifically permitted by the City Code.

d. **Requirements Related to Operation of a Retail Marijuana Establishment**

1. Retail marijuana establishments shall meet all operational criteria for the procurement, display, dispensing, labeling, sanitation, security, and any other criteria as required by the state pursuant to the CRMC and the City Code Article 050.090.
2. In addition, all retail marijuana establishments shall comply with the following local restrictions:
   i. Hours of operation shall be limited to between 8:00 a.m. and 7:00 p.m. Monday through Sunday; and
   ii. A sign permit shall be obtained through the Community Development Department. All exterior signage associated with a retail marijuana establishment will meet the standards established in the CRMC and in the City Code.
   iii. Storage of retail marijuana shall be considered an accessory use. Not more than 25 percent of the licensed premises of a retail marijuana business shall be used for such purposes.
   iv. No discernible odor shall be projected beyond the exterior walls of the licensed premises.

(12) **Bank or Financial Institution**

a. In the M1, CO, RE, I1, I2, and IN districts, drive-through services require a special use permit.
b. In the M2 district, drive-through services are prohibited.

(13) **Personal Service, General**

a. In the M1, CO, RE, I1, I2, and IN districts, drive-through services require a special use permit.
b. In the M2 district, drive-through services are prohibited.

(14) **Recreational Vehicle Park**

a. **Dimensional Standards**

Table 030.2: RV Park Dimensional Standards

Maximum density	15 RV spaces per acre

Table 030.2: RV Park Dimensional Standards

Minimum RV space size	1,500 square feet
Minimum setback from RV to residential zoning district	50 feet
Minimum RV setbacks (to any accessory structure or to another RV space):	
Front	20 feet
Side	10 feet
Rear	15 feet
Minimum distance between RVs and accessory structures	10 feet
Minimum setback from access road and internal drives to RVs or accessory structures	5 feet
Maximum height of accessory structures	Lesser of two stories or 27 feet

b. Laundry Drying and Outdoor Storage Yards

Laundry drying yards and outdoor storage yards shall be screened from view by an opaque hedge, wall, or fence not less than six feet in height.

c. Driveways and Access

1. Each recreational vehicle space shall front upon a common driveway of not less than 24 feet in width which shall be lighted, paved, and maintained in a dust-proof condition. All entry driveways to the recreational vehicle park shall have clear and unobstructed access to a public street, and shall be lighted, paved, and maintained in a dust-proof condition.
2. There shall be one common access to the recreational vehicle park, and there shall be no individual access to an individual recreational vehicle space from any public street or alley. Additional emergency access may be required at the discretion of the City.

d. Parking and Storage

No recreational vehicle, accessory recreational vehicle, boat, or other vehicle shall be stored or parked unattached on a drive within a recreational vehicle park. Special storage areas for such accessory vehicles shall be clearly designated within the recreational vehicle park and shall be screened from view by an opaque hedge, wall, or fence not less than six feet in height.

e. Park Models

Recreational vehicle spaces for park models shall not exceed 35 percent of the total number of recreational vehicle spaces in the park. Under no circumstances shall park models be used as permanent residences within a recreational vehicle park.

f. Accessory Structures

All accessory structures shall be permanently constructed and shall have a consistent architectural style.

g. Snow Removal

Recreational vehicle parks designed, occupied, and used for business between November and May of a calendar year shall provide adequate areas for storage of snow.

h. Pet Area

A separate pet walking area shall be located within the recreational vehicle park and shall be maintained in a sanitary condition.

i. **RV Space Landscaping**

A minimum of one five-gallon shade tree shall be planted per recreational vehicle space in the general vicinity of the space. The trees shall be selected to have a mature height of between 20 and 30 feet and a mature canopy of 10 to 20 feet. Existing landscaping shall be preserved whenever possible and may be credited to offset the requirements set forth in this subsection.

j. **Operation**

The owner of any recreational vehicle park shall comply with the following operational requirements:

1. **Park Rules and Regulations**

The park owner shall disseminate to all park users written rules and regulations which are consistent with the requirements of the special use permit and with the requirements of this Code.

2. **24-Hour Management**

The park owner shall provide 24-hour on-site management of the park at all times the park is in use.

3. **Park Use**

Except as set forth herein, the owner shall restrict park access and the use of accessory recreational facilities in the park to the occupants of the recreational vehicle spaces and their confirmed guests. Accessory recreational facilities in the park may be rented on a contract basis to other groups, but shall not be open for general public use.

4. **Trash Collection**

Dumpsters shall be emptied daily during the months of May through September and twice weekly during the months of October through April.

(15) **Liquor Store**

Drive-through services are prohibited in all zoning districts except for the M2 and CO districts.

(16) **Retail, General**

In the I2 district, retail sales exceeding 10 percent of the gross floor area of the structure and/or site shall require a special use permit.

(17) **Automotive Fuel Sales and Service Station**

The following types of modifications to the site and use require a special use permit and approval from the Fire Department:

a. Change of the number of fuel pumps;

b. Change of the location of fuel pumps; and

c. Change in the type of service or location of bulk fuel tanks.

(18) **Automotive Sales or Leasing**

a. In the M2 district, automotive sales and leasing, including vehicles for sale, shall take place entirely indoors.

b. No vehicles for sale or lease may be parked or stored in the public right-of-way.

(f) Industrial Uses

(1) Brewery or Bottling Plant

a. In the M1, M2, M3, and RE districts, production, processing, and storage of all materials and equipment shall be located entirely within an enclosed building.

b. Loading and unloading of the manufactured products shall not occur between the hours of 9:00 p.m. and 8:00 a.m.

(2) Fabrication, Manufacturing, and Testing Facility

a. This use shall not include the testing of marijuana products.

b. In the M1, M2, M3, and RE districts, fabrication, manufacturing, and testing facilities shall be limited to no more than 10,000 gross building square footage and shall occur entirely within an enclosed building.

c. Except in the I2 district, loading and unloading of production material and manufactured products shall not occur between the hours of 9:00 p.m. and 8:00 a.m.

(3) Marijuana Cultivation

No marijuana cultivation facility shall be located:

a. Within 500 feet of any existing public or private school facility where classes are held for children aged kindergarten through the 12th grade. This distance shall be computed by a straight line measurement from the nearest property line of the school property to the nearest property line of the site housing the marijuana cultivation facility; or

b. Within 900 feet of another marijuana cultivation facility, medical marijuana business, or retail marijuana establishment. This distance shall be computed by a straight line measurement between property lines of the sites housing the two facilities.

c. No discernible odor shall be projected beyond the exterior walls of the licensed premises.

(4) Mini-Warehouse or Storage

a. Design

1. Doors to individual storage units shall not face any abutting street frontage.
2. One-story buildings shall be a maximum of 15 feet in height.

b. Other Activities

No other residential or nonresidential activities shall take place on the premises other than the rental of storage units.

c. Outdoor Storage

Outdoor storage shall not be permitted other than for boats, trailers, or vehicles, which shall be stored in screened areas. Screening for such areas shall comply with 070.040.050(f).

(g) Wireless Communication Facilities

(1) Purpose

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

a. Provide for the managed development and installation, maintenance, modification, and removal of wireless communications infrastructure in the city with the goal of having the fewest number of wireless communication facilities ("WCF") required to complete a network without unreasonably discriminating against wireless communications providers of functionally equivalent services including all of those who install, maintain, operate, and remove WCFs;

b. Promote and protect the public health, safety, and welfare by reducing the visibility of WCFs to the fullest extent possible through techniques including but not limited to camouflage design techniques and undergrounding of WCFs and the equipment associated therewith;

c. Develop smaller, less intrusive WCFs to supplement existing larger WCFs;

d. Utilize wall mounted panel antennas;

e. Construct roof mounted antennas only when wall mounted antennas will not provide adequate service or are not otherwise feasible;

f. Locate towers in non-residential areas, in a manner that minimizes the total number of towers needed throughout the community;

g. Promote the colocation of WCFs on new and existing sites;

h. Locate antennas and towers, to the extent possible, in areas where the adverse impact on the community is minimized;

i. Enhance the ability of wireless communications service providers to provide such services to the community quickly, effectively, and efficiently;

j. Effectively manage WCFs in the right-of-way; and

k. Manage amateur radio facilities and over-the-air receiving devices in the city.

(2) Applicability

a. Base Stations, Alternative Tower Structures, Small Cell Facilities, and Towers

The requirements in this subsection shall apply to all WCF applications for base stations, alternative tower structures, small cell facilities, and towers as defined in 070.030.030(g)(7), *Definitions*, and further addressed herein.

b. Exemptions

The requirements set forth in this subsection shall not apply to:

1. Amateur Radio Antennas

Amateur radio antennas that are owned and operated by a federally licensed amateur radio station operator or are used exclusively for receive-only antennas, provided that the height be no more than the distance from the base of the antenna to the property line is met.

2. Pre-Existing WCFs

Any WCF for which a permit has been properly issued prior to November 1, 2017, shall not be required to meet the requirements of this subsection, other than the operational standards set forth in this subsection. Changes and additions to pre-existing WCFs (including trading out of antennas for an equal number of antennas) shall meet applicable operational standards set forth in this subsection.

3. **Miscellaneous Antennas**

Antennas used for reception of television, multi-channel video programming and radio such as over the air reception devices ("OTARD") antennas, television broadcast band antennas, and broadcast radio antennas, provided that any requirements related to special uses of this Code and the requirement that the height be no more than the distance from the base to the property line are met. The Director has the authority to approve modifications to the height restriction related to OTARD antennas and OTARD antenna structures, if in the Director's reasonable discretion, modifications are necessary to comply with federal law.

(3) **Operational Standards**

a. **Federal Requirements**

All WCFs shall meet the current standards and regulations of the Federal Aviation Authority ("FAA"), the FCC and any other agency of the federal government with the authority to regulate WCFs. If such standards and regulations are amended, then the owners of the WCF governed by this subsection 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. If concerns regarding compliance with radio frequency emissions standards for a WCF have been made to the City, the City may request that the owner or operator of the WCF provide information demonstrating compliance. If such information suggests, in the reasonable discretion of the City, that the WCF may not be in compliance, the City may request and the owner or operator of the WCF shall then 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 pursuant to this section. Any reasonable costs incurred by the City, including reasonable consulting costs to verify compliance with these requirements, shall be paid by the owner or operator.

c. **Signal Interference**

All WCFs shall be designed and sited, consistent with applicable federal regulations, 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 from a qualified radio frequency engineer, certifying that a technical evaluation of existing and proposed facilities indicates no potential interference problems and shall allow the City to monitor interference levels with public safety communications during this process. Additionally, the owner or operator shall notify the City at least 10 calendar days prior to the introduction of new service or changes in existing service, and shall allow the City to monitor interference levels with public safety communications during the testing process.

d. **Legal Access**

In all applications for WCFs an applicant must warrant and represent that it has the written agreement of the owner of the property which is the subject of the application for legal access to and from the WCF and the applicant must also warrant and represent that it will have legal access to the utilities to operate and maintain the WCF.

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 concludes 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's building official 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.

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 form the City. If the 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.

(4) **Design Standards**

The requirements set forth in this subsection shall apply to the location and design of all WCFs governed by this section as specified below; provided, however, that the City may waive these requirements it if determines that the goals of this section are better served thereby. To that end, WCFs shall be designed and located to minimize the impact on the surrounding area and to maintain the character and appearance of the city, consistent with other provisions of the Code.

a. **Camouflage/Concealment**

All WCFs and any transmission equipment shall, to the extent possible, use camouflage design techniques including, but not limited to the use of materials, colors, textures, screening, undergrounding, landscaping, or other design options that will blend the WCF to the surrounding natural setting and built environment. Design, materials, and colors of WCFs shall be compatible with the surrounding environment. Designs shall be compatible with structures and vegetation on the same parcel and adjacent parcels.

1. Camouflage design may be of heightened importance where findings of particular sensitivity are made (e.g. proximity to historic or aesthetically significant structures, views, and/or community features). In such instances where WCFs are located in areas of high visibility, they shall (where possible) be designed (e.g., placed underground, depressed, or located behind earth berms) to minimize their profile.

2. The camouflage design may include the use of alternative tower structures should the director determine that such design meets the intent of the Code and the community is better served thereby.
3. All WCFs, such as antennas, vaults, equipment rooms, equipment enclosures, and tower structures shall be constructed out of non-reflective materials (visible exterior surfaces only).

b. Wall-Mounted WCFs

Wall-mounted WCFs shall not extend above the roofline unless mounted to a penthouse.

c. Roof-Mounted WCFs

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:

1. 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;
2. 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
3. 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.

d. Hazardous Materials

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.

e. Siting

1. No portion of any WCF may extend beyond the property line of the lot upon which it is located.
2. *Colocation*. WCFs may be required to be designed and constructed to permit the facility to accommodate WCFs from at least two wireless service 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 location.
3. WCFs shall be sited in a location that does not reduce the parking for the other principal uses on the parcel below Code standards.

f. 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.

g. Landscaping and Fencing

1. WCFs shall be sited in a manner that does not reduce the landscaped areas for the other principal uses on the parcel, below Code standards.
2. WCFs 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 altogether by the director.
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 a sufficient 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 director. 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 2 to 1.

h. Noise

Noise generated on the site shall not exceed the standards permitted in the Code, except that a WCF owner or operator shall be permitted to exceed Code noise standards for a reasonable period of time during repairs, not to exceed two hours without prior authorization from the City.

i. Additional Design Requirements

Additional design requirements shall be applicable to the various types of WCFs as specified below:

1. Base Stations

If an antenna is installed on a structure other than a tower, such as a base station (including, but not limited to the antennas and accessory equipment) it shall be of a neutral, non-reflective color that is identical to, or closely compatible with, the color of the supporting structure, or uses other camouflage/concealment design techniques so as to make the antenna and related facilities as visually unobtrusive as possible.

2. Alternative Tower Structures and Small Cell Facilities

i. Shall be designed and constructed to look like a building, facility, or structure typically found in the area;

ii. Height or size of the proposed alternative tower structure 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;

iii. Shall be sited in a manner that is least obtrusive to residential structures and residential district boundaries;

iv. Shall take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses;

v. Shall be compatible with the surrounding topography, tree coverage, and foliage;

vi. Shall be designed utilizing design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and

vii. 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**

The following requirements apply in addition to those set forth in 070.030.030(g)(4)i.2:

i. Shall be no higher than 35 feet;

ii. Shall be no more than 10 feet higher (as measured from the ground to the top of the pole) than any existing utility or traffic signal within 500 feet of the pole or structure;

iii. Any new pole for an alternative tower structure or small cell facility shall be separated from any other existing WCF facility by a distance of a least 600 feet, unless the new pole replaces an existing traffic signal, street light pole, or similar structure determined by the Director;

iv. Pole-mounted components shall be located on an existing utility pole serving another utility; or be located on a new utility pole where other utility distribution lines are aerial, if there are no reasonable alternatives;

v. Shall be camouflaged/concealed consistent with other existing natural or manmade features in the right-of-way near the location where the alternative tower structure will be located;

vi. Shall, to the extent feasible, be consistent with the size and shape of pole-mounted equipment installed by communications companies on utility poles near the alternative tower structure;

vii. Shall, when located near a residential property, 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;

viii. Shall 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;

ix. Facility antennas, mast arms, equipment, and other facilities shall be sized to minimize visual clutter;

x. Any ground mounted equipment shall be installed in an underground or partially underground equipment vault (projecting not more than 36 inches above grade), or co-located within a traffic cabinet of a design approved by the Director; and

xi. Shall 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. Must comply with the federal Americans with Disabilities Act and all applicable local, state, and federal law and regulations. No alternative tower structure nor small cell facility may 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 this 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**

i. 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;

ii. Tower structures should use existing land forms, vegetation, and structures to aid in screening the facility from view or blending in with the surrounding built and natural environment;

iii. Monopole support structures shall taper from the base to the tip;

iv. All towers, excluding towers in right-of-way, 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;

v. 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 60 feet. Towers in right-of-ways shall not exceed 35 feet in height and shall meet all of the design requirements of alternative tower structures in the right-of-way;

vi. Towers should be sited in a manner that that is least obtrusive to residential structures and residential district boundaries where feasible;

vii. Towers should take into consideration the uses on adjacent and nearby properties and the compatibility of the tower to these uses;

viii. Towers should be designed utilizing design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and

ix. Visual impacts of the proposed ingress and egress shall be minimized.

x. 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 WCF can accommodate these needs may consist of the following:

a. No existing WCFs are of sufficient height and are located within the geographic area required to meet the applicant's engineering requirements;

b. Existing WCFs do not have sufficient structural strength to support applicant's proposed WCF;

c. The applicant's proposed WCFs would cause electromagnetic interference with the WCFs on the existing WCFs or the existing WCF would cause interference with the applicant's proposed WCF; and

d. The applicant demonstrates that there are other limiting factors that render existing WCFs unsuitable for colocation.

xi. A tower, located outside of the right-of-way, shall meet the greater of the following minimum setbacks from all property lines:

a. The setback for a principal building within the applicable zoning;

b. Twenty-five percent of the facility height, including WCFs and transmission equipment; or

c. The tower height, including antennas, if the tower is in or adjacent to a residential district or residential zoned property.

d. Towers over 40 feet in height shall not be located within one-quarter mile from any existing tower that is over 40 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.

5. **Related Accessory Equipment**

Accessory equipment for all WCFs shall meet the following requirements:

i. All buildings, shelter, cabinets, and other accessory components shall be grouped as closely as technically possible;

ii. The total footprint coverage area of the WCF's accessory equipment shall not exceed 350 square feet;

iii. No related accessory equipment or accessory structure shall exceed 12 feet in height; and

iv. Accessory equipment, including but not limited too remote radio units, 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 accessory equipment shall be camouflaged or concealed.

(5) **Review Procedures and Requirements**

No new WCF shall be constructed and no colocation or modification to any WCF may occur except after a written request from an applicant, reviewed and approved by the Director in accordance with this subsection. All WCFs shall be reviewed pursuant to the procedures set forth in this subsection:

a. **Submittal Requirements**

In addition to an application form, signal interference letter, and payment of all application and review fees, as established by resolution of City Council, each applicant shall submit a scaled site plan, photo simulation, scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate qualified professionals, showing the location and dimension of all improvements, including information concerning topography, radio frequency coverage, tower height, setbacks, drives, parking, fencing, landscaping, adjacent uses, drainage, and other information deemed by the director to be necessary to assess compliance with this section.

b. **License Fee**

No new WCF facility shall be constructed or colocated upon any tower or other structure in a right-of-way without first negotiating and agreeing to the payment of a license fee not to exceed the amount that would be authorized of an entity regulated pursuant to 47 U.S.C. § 224.

c. **Inventory of Existing Sites**

1. Each applicant for a WCF shall provide to the director 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 (for example, 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 colocation by identifying areas in which WCFs might be appropriately constructed for multiple users.

2. The City may share such information with other applicants applying for administrative approvals or special use permits under this section or other organizations seeking to locate WCFs within the jurisdiction of the City, provided however, that the City is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

d. Special Use Permit Required

1. In all zoning districts, applications for base stations and alternative tower structures not within the right-of-way, and towers may be permitted only upon acquisition of a special use permit in accordance with 070.060.050(e), *Special Use Permit*.
2. All applications for towers shall demonstrate that other alternative design options such as base stations or alternative tower structures are not viable options as determined by the City. Notwithstanding anything in this subsection to the contrary, no towers located in the right-of-way shall exceed 35 feet in height.

e. Applications for Base Stations and Alternative Tower Structures within Right-of-Way

In all zoning districts, each application for a base station or alternative tower structure within the right-of-way shall be reviewed and considered for approval by the Director for conformance with this subsection and the applicant’s execution of a license agreement as approved by the Director.

1. Appeal of Director Decision

Applicants may appeal the Director’s decision by submitting a written notice of appeal to the City Manager within 10 calendar days of the date of the Director's decision. The notice of appeal must specifically set forth the grounds for appeal and include all documentation the applicant deems relevant. The City Manager shall within 10 business days of receipt of the notice of appeal and after review of all documentation submitted by the applicant and the Director’s decision issue a final decision which may affirm, overturn or modify the Director’s decision.

2. Referral to Planning and Zoning Commission

Except for WCF’s in the right-of-way that meet all requirements of this subsection, the Director may refer the application to Planning and Zoning Commission for special use permit review if the Director finds the proposed WCF to have a significant visual impact (e.g., proximity to historic or designated view corridors, or on significant

community features), or otherwise is substantially incompatible with the structure on which the WCF will be installed, or it does not meet the clear intent of this subsection.

f. Review Procedures for Eligible Facilities Requests

1. Application

In all zoning districts, eligible facilities requests shall be considered a use by right subject to administrative review and determination by the Director. The City shall prepare, and make publicly available, an application form which shall be limited to the information necessary for the City to consider whether an application is an eligible facilities request. Such information may include, without limitation, whether the request:

i. Would result in a substantial change;

ii. Violate a generally applicable law, regulations, or other rule reasonably related to public health and safety.

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

2. Type of Review

Upon receipt of an application for an eligible facilities request pursuant to this section, the Director shall review such application to determine whether the application so qualifies.

3. Timeframe for Review

Subject to the tolling provisions of 070.030.030(g)(5)f.4, *Tolling of the Timeframe for Review*, within 60 days of the date on which an applicant submits an application seeking approval under this section, the City shall approve the application unless it determines that the application is not covered by this subsection.

4. Tolling of the Timeframe for Review

The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement of the City and the applicant, or in cases where the director determines that the application is incomplete:

i. To toll the timeframe for incompleteness, the City must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application;

ii. 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 10 days that 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 paragraph i above. 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.

5. **Failure to Act**

   In the event the City fails to act on a request seeking approval for an eligible facilities request under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant becomes effective when the applicant notifies the City in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

6. **Interaction with Telecommunications Act Section 332(c)(7)**

   If the City determines that the applicant's request is not an eligible facilities requests set forth in this subsection the presumptively reasonable timeframe under Section 332(c)(7), as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of the City's decision that the application is not a covered request. To the extent such information is necessary, the City may request additional information from the applicant to evaluate the application under Section 332(c)(7) reviews.

g. **Abandonment and Removal**

Prior to approval, affidavits shall be required from the owner of the property and from the applicant acknowledging that each is responsible for the removal of a WCF that is abandoned or is unused for a period of six months.

h. **Decision**

Any decision to approve, approve with conditions, or deny an application for a WCF, shall be in writing and supported by substantial evidence in a written record. The applicant shall receive a copy of the decision.

i. **Compliance with Applicable Law**

Notwithstanding the approval of an application for colocation as described herein, all work done pursuant to WCF applications must be completed in accordance with all applicable building and safety requirements as set forth in the Code 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; and
4. Remain free from trash, debris, litter, noxious weeds, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than 10 calendar days from the time of notification by the City or after discovery by the owner or operator of the site.

j. **Compliance Report**

Upon request by the City, the applicant shall provide a compliance report within 45 days after installation of a WCF, demonstrating that as installed and in operation, the WCF complies with all conditions of approval, all applicable Code requirements and standard regulations.

(6) Special Use Permit Standards for Approval

In addition to the design standards set forth in this subsection, WCFs, subject to acquisition of a special use permit shall be reviewed in accordance with the procedure set forth in 070.060.050(e), *Special Use Permit*, subject to the following criteria:

a. Base Stations

1. Such facilities shall be architecturally compatible with respect to attachments, and colored to match the building or structure to which they are attached;
2. The maximum protrusion of such facilities from the building or structure face to which they are attached shall be six feet;
3. Wall-mounted WCFs shall not extend above the roofline unless mounted to a penthouse; and
4. Roof-mounted WCFs shall be approved only where an applicant demonstrates a wall mounted WCF is inadequate to provide service and 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 transmission 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.

b. Alternative Tower Structures

1. Such structures shall be architecturally compatible with the surrounding area;
2. Height or size of the proposed alternative tower structure should be minimized as much as practically possible;
3. WCFs shall be sited in a manner that evaluates the proximity of the facility to residential structures and residential district boundaries;
4. WCFs shall take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses;
5. Compatibility with the surrounding topography;
6. Compatibility with the surrounding tree coverage and foliage;
7. Compatibility of the design of the site, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
8. Impact on the surrounding area of the proposed ingress and egress, if any.

c. All Other Towers

The City shall within the framework of the review criteria set forth in this subsection consider the following factors in determining whether to issue a special use permit, although the City may waive or reduce the burden on the applicant of one or more of these criteria if the City concludes that the goals of this subsection are better served thereby.

1. Height or size of the proposed tower;

2. Proximity of the tower to residential structures and residential district boundaries;
3. Nature of uses on adjacent and nearby properties;
4. Compatibility with the surrounding topography:
5. Compatibility with the 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;
7. Proposed ingress and egress; and
8. 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 WCF can accommodate these needs may consist of the following:
   i. No existing WCFs with a suitable height 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. The applicant's proposed WCFs would cause electromagnetic interference with the WCFs on the existing WCFs or the existing WCF would cause interference with the applicant's proposed WCF; and
   iv. The applicant demonstrates that there are other limiting factors that render existing WCFs unsuitable for colocation.

(7) **Definitions**

For purposes of this subsection, the following terms shall be defined as follows:

a. **Alternative Tower Structure**

Man-made trees, clock or water towers, bell steeples, light poles, buildings, and similar alternative design mounting structures that are compatible with the natural setting and surrounding structures, and camouflage or conceals the presence of antennas or towers so as to make them architecturally compatible with the surrounding area. This term also includes any antenna or antenna array attached to an alternative tower structure or a stand-alone pole in the right-of-way that accommodates small cell facilities to the extent the pole meets the camouflage and concealment standards of 070.030.030(g), *Wireless Communication Facilities*.

b. **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 devices and configurations. Exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of wireless communications signals.

c. **Antenna, Dish**

Dish (parabolic or cylindrical) antennas used for microwave and satellite transmission and reception for commercial purposes. This definition shall not apply to wireless cable satellite dish antennas or dish antennas less than one meter measured diagonally.

d. Base Station

1. A structure or equipment at a fixed location that enables Federal Communications Commission ("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 includes, without limitation:
   i. 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 pursuant to this Article 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; and
   ii. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks) that, at the time the relevant application is filed with the City 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.
2. The definition of "base station" does not include any structure that, at the time the application is filed with the City under 070.030.030(g), *Wireless Communication Facilities*, does not support or house equipment described herein in sub-paragraphs i and ii of this definition.

e. Camouflage, Concealment, or Camouflage Design Techniques

A WCF which is camouflaged or utilizes camouflage design techniques when any measures are used in the design and siting of WCF's 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, or (iii) uses a design which mimics and is consistent with the nearby natural, or architectural features (such as an artificial tree) or is incorporated into 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 readily apparent.

f. Colocation

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.

g. 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: (i) colocation of new transmission equipment, (ii) removal of transmission equipment, or (iii) replacement of transmission equipment.

h. **Eligible Support Structure**

Any tower or base station as defined in this Code, provided that it is existing at the time the relevant application is filed with the City under 070.030.030(g), *Wireless Communication Facilities*.

i. **Existing**

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.

j. **OTARD**

An over-the-air receiving device.

k. **OTARD Antenna**

1. 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
2. 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 (iii)
3. An antenna that is designed to receive television broadcast signals.

l. **OTARD Antenna Structure**

Any pole, tower, or other structure designed and intended to support an OTARD antenna.

m. **Site (for towers other than towers in the right-of-way and eligible support structures)**

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. A site, for other towers in the right-of-way, is further restricted to that area comprising the base of the structure and to other related accessory equipment already deployed on the ground.

n. **Small Cell Facility**

A WCF where each antenna is located inside an enclosure of no more than three (3) 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 (3) cubic feet; and primary equipment enclosures are no larger than seventeen (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.

o. **Substantial Change**

A modification that substantially changes the physical dimensions of an eligible support structure, which meets any of the following criteria:

1. For towers other than alternative tower structures in the right-of-way, it increases the height of the tower by more than 10 percent or by the height of one additional

antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent or more than 10 feet, whichever is greater;

2. For towers other than towers in the right-of-way, 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;
3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or for towers in the right-of-way and 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 10% larger in height or overall volume than any other ground cabinets associated with the structure;
4. For any eligible support structure, it entails any excavation or deployment outside the current site; or would impair the concealment elements of the eligible support structure; or
5. For any eligible support structure, it does not comply with 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 (1), (2), and (3) of this definition; and
6. For any eligible support structure, it 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 it does not comply with any relevant federal requirements.

p. **Tower**

Any structure that is designed and constructed primarily built for the sole or primary purpose of supporting one or more any Federal Communications Commission ("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 self-supporting lattice towers, guy towers or monopole towers. The term also includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and such other similar structures.

q. **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.

r. 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 Code. A WCF includes an antenna or antennas, including without limitation, directions, omni-directional and parabolic antennas, base stations, support equipment, 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 hand-held radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of 070.030.030(g), *Wireless Communication Facilities*.

070.030.040 Accessory Uses and Structures

(a) Purpose

The purpose of this section is to establish minimum standards for accessory uses that are incidental and customarily subordinate to principal uses. These standards are established to minimize adverse impacts on surrounding properties and the community.

(b) Accessory Uses and Structures Allowed

All principal uses allowed in a zoning district per Table 030.1: Table of Allowed Uses, shall be deemed to include those accessory uses, structures, and activities typically associated with that use, unless specifically prohibited in this section. Typical accessory uses and structures are identified in 070.070.020, *Definitions of Use Categories and Specific Use Types*. Accessory uses are subject to the standards in this section and any applicable use-specific standards for the associated principal use in 070.030.030.

(c) General Standards for Accessory Uses and Structures

(1) Compliance with this Code

Accessory uses and structures are subject to the dimensional standards in Article 070.020: *Zoning Districts*, and the development standards in Article 070.040, unless otherwise stated in this section.

(2) Ownership

Accessory structures and uses shall be under the same ownership as the principal structure and use. The property shall use the same utility meter with the exception of an accessory dwelling unit.

(3) Relationship to Principal Uses and Structures

a. Any accessory use or structure shall be conducted and located on the same lot as the principal use and structure.

b. Unless otherwise allowed by this Code, an accessory use or structure shall not be established prior to the establishment of the principal use or structure.

c. No accessory use or structure shall be allowed unless the primary structure or use is being used.

(4) Size of Accessory Structures

Unless otherwise stated in this Code, the maximum size for an accessory structure shall be 1,000 square feet. The maximum total for all accessory structures, not including Accessory Dwelling Units, on a lot shall be 1,000 square feet.

(5) Dimensional Standards for Accessory Structures

a. Accessory structures shall not be located in a required front yard.

b. Accessory structures may be located in a required rear yard provided that not more than forty (40) percent of the required rear yard is covered. The required rear yard area shall be calculated by taking the full width of the lot by the minimum rear setback distance

based on the applicable zoning district and are set forth in Article 070.020: Zoning Districts, measured horizontally from the rear lot line.

c. Accessory structures shall observe a 10-foot setback from the rear lot line when such line abuts an alley, or a seven-and-one-half-foot setback where there is no alley.

d. Accessory structures shall observe a five-foot setback from side lot lines.

e. Accessory structures shall not be located over a recorded easement or over any known utility.

(6) Outdoor Storage

Outdoor storage associated with any accessory use or structure is prohibited.

(d) Additional Standards for Specific Accessory Uses and Structures

(1) Accessory Dwelling Units

a. Purpose and Intent

The intent of this subsection is to promote small rental housing units in the form of accessory dwelling units on lots with detached single-family dwellings, to increase the stock of attainable rental housing in the community, use available land more efficiently, and minimize the additional infrastructure that must be provided to support such rental units. These standards are established to minimize impacts to the surrounding residential neighborhoods and the community.

b. Applicability

These standards apply to all accessory dwelling units. Private covenants, conditions, or restrictions on any development, subdivision, or use of land do not preclude compliance with this section.

c. Ownership

An accessory dwelling unit shall not be sold independently of the principal dwelling on the parcel.

d. Where Permitted

1. Accessory dwelling units are allowed in zoning districts according to Table 030.1, *Table of Allowed Uses*.
2. Accessory dwelling units are allowed within a planned unit development unless specifically identified as a prohibited use by the planned unit development.
3. Accessory dwelling units are allowed by right within a historic district only when they are internal to an existing residential dwelling or existing accessory structure.
4. Accessory dwelling units shall only be permitted on a lot where a detached single-family dwelling exists or will be constructed concurrently with the accessory dwelling unit.

e. Compatibility

Colors, materials, and design of the accessory dwelling unit shall be substantially the same as the principal dwelling.

f. Four-Sided Design

For new construction, a minimum of two architectural features listed below shall be incorporated into the overall design on each side of the accessory dwelling unit. Architectural features appropriate for achieving this standard may include:

1. Covered porches;
2. Balconies;
3. Prominent entry features;
4. Windows;
5. Door openings;
6. Distinct variations in color (not a slight variation of a similar hue, such as beige or pastel);
7. Variations in materials;
8. Variations in building height;
9. Variations in roof form;
10. Dormers
11. Projected or recessed building walls; or
12. Another architectural feature as approved by the Director.

g. Number and Size of Accessory Dwelling Units

Accessory dwelling units shall comply with all of the following:

1. Only one accessory dwelling unit shall be permitted per parcel.
2. The gross floor area of an accessory dwelling unit shall be no less than 300 square feet of living area and no more than 1000 square feet living area. For purposes of this standard, "living area" shall be calculated by excluding the following areas from the overall gross building area:
   i. The thickness of the exterior walls;
   ii. Garage areas;
   iii. Basement areas where the ceiling height measured from the floor is less than six feet; and
   iv. Any other building areas where the floor to ceiling height is either less than five feet or area is not accessible by a stairway.
3. The area of an accessory dwelling unit shall not exceed 55 percent of the area of the principal dwelling. The percentage used to demonstrate compliance with this requirement shall be determined by dividing the proposed building area of the accessory dwelling unit measured in square feet by the proposed building area of the principal dwelling measured in square feet. Where a portion of the principal dwelling is to be converted to an accessory dwelling unit, the size of the principal dwelling used in the calculation shall be its square footage after subtracting the building area of the accessory dwelling unit.

4. Unit Size Exception: The limitations of f.3 above shall not apply to Accessory Dwelling Units located within the footprint of an existing home as long as the Accessory Dwelling Unit is not larger than 50% of the existing structure, including the basement, up to the maximum allowed gross floor area in f.2. For example, if a home has a 1,000 square foot basement, an Accessory Dwelling Unit could be established in this space if the principal dwelling also contains at least 1,000 square feet

h. Dimensional Standards

1. The accessory dwelling unit shall comply with the applicable zoning district requirements unless otherwise noted in 070.030.040(c)(5)c.
2. A detached accessory dwelling unit shall be located in the rear yard or side yard of the principal building.
3. Front yard exception. A detached accessory dwelling unit may be located in the front yard under the following conditions:
   i. All other code requirements are met; and
   ii. The existing primary structure is located within fifteen feet of the rear lot line; or
   iii. An accessory dwelling unit is proposed within or on top of a legally conforming garage that exists in the front yard where the ADU will not increase the building footprint.
4. Accessory dwelling units may be located in the required rear yard provided that not more than sixty (60) percent of the required rear yard is covered.
5. Accessory dwelling units may observe a minimum five-foot setback from the rear lot line with the following conditions:
   i. Five-foot rear yard setbacks shall receive approval from the Electrical Superintendent and Public Works Director for overhead and underground utility clearance; and
   ii. Roof eaves or other incidental architectural features may not encroach into the five foot setback.
   iii. Administrative adjustments to reduce the setback further are not allowed.
6. The height of a detached accessory dwelling unit shall not exceed twenty-seven (27) feet.

i. Preservation of Existing Structures

Conversion of an existing legal non-conforming structure to an accessory dwelling unit is allowed, provided that the conversion does not increase the non-conformity.

j. Utilities and Dedications

Any costs associated with any utility service or line extension upgrade shall be borne by the developer. An accessory dwelling unit may be metered independently from the primary dwelling. If an unmetered property requests a meter for an accessory dwelling unit, the entire property shall become metered. System improvement fees shall be charged as required by 070.040.030(g), *Dedications and Impact Fees*, or as established by City Council. Also see 080.060, *System Improvement Fees*.

(2) Backyard Chickens

The following requirements, restrictions, and standards shall apply to backyard chicken use:

a. Applicability

Chicken coops are allowed as an accessory use only on those parcels where the principal use of the parcel meets one of the configurations listed in this subparagraph. An existing chicken coop shall cease to be allowed where the principal use of the parcel is altered to no longer meet one of the following configurations:

1. Detached single-family dwelling;
2. Detached single-family dwelling with either one attached or one detached accessory dwelling unit;
3. A two-family dwelling (duplex) where both dwelling units are held in common ownership; or
4. A school or community centered board facility.

b. Where Permitted

1. Backyard chickens are allowed in zoning districts according to Table 030.1, *Table of Allowed Uses*.
2. Backyard chickens are allowed within a planned unit development unless specifically identified as a prohibited use by the planned unit development.

c. Number

1. One backyard chicken permit shall be allowed per parcel.
2. There shall be a maximum of six hens allowed.
3. Roosters are prohibited.

d. Site Layout and Design

1. Parcels must be a minimum of 5,000 square feet in size.
2. A chicken coop shall be located so that it has the least amount of impact to adjacent dwellings and properties. Therefore, a chicken coop shall only be located in a rear yard, have a rear yard setback of 10 feet when the rear lot line abuts an alley, or a seven and one-half foot rear yard setback when there is no alley. Chicken coops shall have a side yard setback of at least five feet. In addition to the rear and side yard setbacks, a chicken coop shall be located no closer than 10 feet to any structure with habitable space on adjacent properties.
3. The footprint of a chicken coop and enclosed Run shall not exceed 120 square feet. The maximum height of the chicken coop shall be eight feet. A chicken coop shall either have a floor raised a minimum of three feet, or must incorporate hardware cloth that has openings one-half inch or less throughout the mesh which is buried to a minimum of one foot around the perimeter of the coop. Chicken coops and runs shall be completely enclosed with wire or other material to contain the chickens and prevent wildlife intrusion.
4. Chicken coops and runs shall be surrounded on all sides by electrified fencing, except for any side abutting a solid wall or structure. The electrified fencing shall consist of two strands of electrified wire placed at approximately 12 inches and three feet above the floor of the chicken coop and either attached directly to the chicken coop or within one foot of the exterior of the chicken coop. All chicken coop access doors shall also be protected by the electric fencing. The energizer for the fencing shall be an

alternating current (AC) system with at least 0.7 joules of current. If a solar system is utilized it must be capable of at least 0.7 joules. Use of 12 to 14 gauge high-tensile galvanized steel wire is recommended for the electric fencing. A system consisting of more than two electrified wires with an alternating hot/ground setup is preferred. The system shall be functioning at all times that hens are housed within the chicken coop. Additional electrified fencing layouts may be required if it is determined that the level of protection is not adequate. The electrified fencing shall be signed to warn humans of its presence.

5. Any fencing surrounding a chicken coop or run shall be buried at least one foot below grade to prevent predators from gaining access under the fence

e. **Operation**

1. Chickens shall not be permitted to "free range." Chickens shall be further protected by being enclosed within the chicken coop from dusk till dawn.
2. Chicken feed shall be kept within the residence or garage so that it can be secured from rodents and other wildlife.
3. No slaughtering of chickens may occur outside of the residence or garage.
4. Chicken coops and runs shall be maintained in a clean fashion to prevent odors, and chicken manure shall be removed and stored in a sealed container or removed from the property immediately. Spillage and leftover feed must be removed daily to prevent rodent propagation and odors.

f. **Permit Procedures**

1. **Application Requirements**

   The owner shall submit an application on the form provided by the Director and shall pay the application fee set by City Council resolution.

2. **Issuance of Permit**

   i. All backyard chicken uses shall require a permit from the Director. Such permit shall only be issued after the backyard chicken application has been approved in accordance with the Municipal Code. The backyard chicken permit shall specify any terms and conditions of the permit. All permits shall be issued to the owner of the property. A change in ownership shall necessitate issuance of a new permit.

   ii. Any pre-existing keeping of chickens is illegal and therefore must comply with this section or be removed.

3. **Revocation of Permit**

   A backyard chicken permit may be revoked at any time by Director should it be determined that the use is not being operated in compliance with this section or any other section of the Municipal Code.

(3) **Home Occupations**

a. **Purpose and Intent**

The intent of these home occupation standards is to provide a framework identifying the type and level of business activity considered acceptable in a residence. These standards

are established to protect the character of neighborhoods in residential zoning districts from adverse impacts associated with business activities.

b. Applicability

The requirements of this subsection shall apply to any business, occupation, or commercial activity undertaken for compensation within a residence. The requirements of this subsection do not apply to home offices, provided there are no employees, and no client visits.

c. Number of Home Occupations

No more than one home occupation shall be permitted on a lot.

d. Floor Area of Home Occupation

A home occupation shall not use more than 30 percent of the total floor area of the dwelling and all accessory buildings.

e. Residential Compatibility

1. A home occupation shall be incidental and subordinate to the use of the property for residential purposes, shall not change the residential character of the property, and shall not create the appearance or impact of commercial activity to the surrounding neighborhood.
2. No structural or decorative additions shall be allowed to accommodate a home occupation that will alter the residential character of the home or otherwise be incompatible with surrounding residences.

f. Outdoor Storage Prohibited

Outdoor storage of materials or equipment related to a home occupation is prohibited.

g. Resident Operated

The home occupation shall be operated by a resident of the property.

h. Parking and Deliveries

1. The home occupation shall be limited to the parking and storage of one vehicle associated with the home occupation on the property or nearby streets. Such vehicle may be a pickup truck or van of up to one-and-a-half ton capacity, or a personal passenger vehicle. The parking and storage of vehicles on the property or nearby streets containing or intended to transport hazardous or explosive materials such as gasoline, oil, oxygen tanks, or contaminated water is prohibited. The parking and storage on the property or nearby streets of construction vehicles and equipment, including but not limited to, excavators, graders, rollers, and trailers, is also prohibited.
2. Delivery vehicles used to deliver to or pick up goods from the home occupation are limited to passenger vehicles, mail carriers, and express carriers. Semi-tractor trailers shall not be used for deliveries to home occupations.

i. Client and Employee Visitation

1. Visits by clients and off-site employees to the premises of the home occupation shall be limited to the hours of 8 a.m. to 6 p.m.
2. The home occupation shall not generate more than a combined total of six client or off-site employee visits per day.

3. No more than a combined total of two clients or off-site employees shall be present on the premises at any one time.

j. **Business License**

The operator of a home occupation shall first obtain a business license from the City if applicable.

k. **Utilities and Municipal Services**

A home occupation shall not cause a demand upon public utilities or other municipal services different from or in excess of that which is typically associated with a residence.

(4) **Sale of Produce or Plants Raised on the Premises**

See 070.030.030(e)(2).

070.030.050 Temporary Uses and Structures

(a) Purpose

The purpose of this section is to establish standards and permitting procedures for temporary uses and structures and to minimize the impacts such uses and structures may have on surrounding properties or the community. These standards are also intended to ensure that temporary uses and structures are discontinued upon the expiration of a set time period, and do not involve the construction or alteration of any permanent building or structure.

(b) Temporary Uses and Structures Allowed

Table 030.1: Table of Allowed Uses, lists the allowed temporary uses and structures. Uses and structures not listed in the table require approval under the procedure in 070.030.020(d), *Classification of New and Unlisted Uses*.

(c) Permit Required

Prior to establishing a temporary use or structure, a temporary use permit shall be approved pursuant to the following procedures:

(1) **Application Requirements**

The owner shall submit the application on the form provided by the Director and shall pay the application fee set by City Council resolution.

(2) **Issuance of Permit**

All temporary uses shall require a permit from the Director. Such permit shall only be issued after the temporary use has demonstrated compliance with the standards set forth in (d) below. The temporary use permit shall specify any terms and conditions of the permit. Permits shall be issued for a period of time as set forth in (d) below.

(3) **Revocation of Permit**

A temporary use permit may be revoked at any time by the Director should it be determined that the use is not being operated in compliance with this Section or any other section of the Municipal Code.

(d) General Standards for All Temporary Uses and Structures

(1) Compliance with this Code

Temporary uses and structures are subject to the dimensional standards in Article 070.020: *Zoning Districts*, and the development standards in Article 070.040: *Development Standards*, unless otherwise stated in this Section.

(2) Compatibility

a. The allowance of such use will not be detrimental to the public health, safety, and general welfare, and the use is compatible with the purpose and intent of the specific zoning district in which it will be located.

b. The use is compatible in intensity, characteristics and appearance with existing land uses in the immediate vicinity of the proposed location, and the use, value, and qualities of the uses surrounding the proposed location will not be adversely affected by the use or activities with it. Factors such as location, access, traffic generation, noise, light, dust control and hours of operation will be considered.

(3) Where Permitted

a. Merchandise shall not be displayed within 30 feet of the intersection of the curb line of any two streets; within the required setback area of the parcel on which the use is to be located; within 10 feet of any curb cut; or within 50 feet of any structure primarily used as a residence.

b. Permanent retail businesses may display their merchandise in the area outside and immediately adjacent to their buildings. If the sidewalk or the pedestrian way in front of the building is used for display of merchandise, a minimum width of four feet must be maintained for pedestrian passage.

c. A temporary use or structure shall not be located on publicly-owned property, including rights-of-way, unless the applicant first obtains a revocable license to encroach pursuant to 070.060.050(f).

(4) Required Licenses

The applicant has all licenses required by this Code and by state law, including a sales tax license, and department of health approval for food sales.

(5) Operation and Development Standards

a. Adequate off-street parking is provided to serve the use, and the use does not displace the required off-street parking spaces or loading areas of the principal permitted uses on the site or interfere with the flow of traffic.

b. The proposed use and structure has a neat and clean appearance.

c. Trash and rubbish resulting from the use shall be completely contained on the approved site and shall be properly disposed of daily.

d. Proposed lighting shall not glare onto adjoining properties or onto public streets.

e. Noise makers of any kind, including amplifiers, shall adhere to the City's noise requirements in Article 100.070 of the Municipal Code.

f. Temporary uses and structures shall comply with all other applicable development standards in this Code.

(6) **Time Limits**

a. A temporary use permit shall be valid for a maximum time period of 14 consecutive calendar days. Such permit may be renewed up to three times in any calendar year.

b. The following uses may be granted temporary use permits for an extended time period beyond the limitation set forth in paragraph a:

1. Christmas tree sales – up to 30 consecutive days;
2. Agricultural and produce sales – up to 120 consecutive days; or
3. Retail food sales – up to 120 consecutive days.

(e) Additional Standards for Temporary Special Events

Temporary special events shall comply with all licensing requirements, including sales tax, and shall obtain a special community event permit in accordance with Title 050 of the Municipal Code.

Article 070.040: Development Standards

070.040.010 Purpose

This article includes standards that regulate the physical layout and design of development within Glenwood Springs to ensure the protection of the health, welfare, safety, and quality of life. These standards address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the comprehensive plan vision for a more attractive, efficient, and livable community.

070.040.020 Sensitive Area Protection

(a) General Provisions

(1) **Purpose**

This 070.040.020 is intended to protect and enhance the natural features that contribute significantly to Glenwood Springs's quality and character, including but not limited to the varying topography and hillsides, floodplains, wetlands, viewsheds, and other significant features. This section also is intended to ensure that land subject to natural hazards such as flooding, falling rock, landslides, mud flows, or snowslides is not approved for development without appropriate consideration by the City of potential conditions and safeguards to help protect life, health, and property.

(2) **Applicability**

This section shall apply to any proposed development that requires one or more of the following:

a. Any development permit required by 070.060.050, *Development Permits*, including:
   1. Site/Architectural Plan Review (070.060.050(a));
   2. Master Plan (070.060.050(b));
   3. Construction Plans (070.060.050(c));
   4. Location and Extent Review (070.060.050(d));
   5. Special Use Permit (070.060.050(e)); and/or
   6. Right-of-Way Encroachment License (070.060.050(f)).
b. A variance required by 070.060.070(a), *Variance*;
c. A permit for excavation and/or grading, as required by the Engineering Standards;
d. A building permit for construction of a new building or structure; or
e. A building permit for addition, alteration, or repair of an existing building or structure, the value of which exceeds 50 percent of the assessed value of the building or structure.

(3) **Additional Submittal Requirements**

a. In order to evaluate and ensure compliance with the standards in this section, the Director may require existing conditions reports and other technical reports and plans, as set forth in the Administrative Manual, that identify slopes, soil conditions, floodplains, geologic hazards, and other sensitive features present on the site, and that recommend steps to mitigate any hazards in order to comply with this Code.

b. Such reports shall be prepared to standards adopted by the City Engineer. Best practices to mitigate such hazards recommended in such reports shall be required. Geotechnical and geologic reports shall be prepared by a licensed professional engineer.

(4) Limits of Disturbance

a. Establishment of Limits of Disturbance

Except for properties in the Downtown Core, for every development subject to this section the applicant shall establish "limits of disturbance" that indicate the specific area(s) of a site within which construction and development activity shall be contained. The limits of disturbance shall be shown on the site/architectural plan.

b. Criteria for Establishing Limits of Disturbance

In establishing limits of disturbance, the following criteria and standards shall be considered and applied, as well as applicable requirements from the City's Engineering Standards:

1. Minimize visual impacts from the development, including but not limited to screening from adjacent and downhill properties, ridgeline area protection, and protection of scenic views;
2. Erosion prevention and control, including but not limited to protection of steep slopes and natural drainage channels;
3. Fire prevention and safety, including but not limited to location of trees and vegetation near structures;
4. Preservation of significant trees or vegetation;
5. Conservation of water including but not limited to preservation of existing native vegetation, reduction in amounts of irrigated areas, and similar considerations;
6. Wildlife habitat protection, including but not limited to preservation of critical wildlife habitat and identified migration corridors and routes;
7. Stream corridor and wetland protection and buffering; and
8. Preservation of the maximum amount of the site's natural topography, tree cover, and vegetation.

c. Maximum Limits of Disturbance

1. Single-Family Detached Residential Uses

For single-family detached residential uses subject to the requirements of 070.040.020(b), *Hillside Development*, the limits of disturbance for an individual single-family detached residential use and any accessory structure shall not exceed 50 percent of the total gross area of the underlying lot or lots, or 20,000 square feet, whichever is less. For most single-family residential development, limits of disturbance will cover the area(s) needed to provide the building sites for the principal structure and any major accessory structure(s), plus the area(s) necessary to provide an access driveway and necessary septic systems, utilities, services, and drainage facilities.

2. All Other Developments

For all other types of development, including planned unit developments, the limits of disturbance, including parking areas and accessory buildings and structures, shall be

determined on a case-by-case basis, as determined by setback, common open space, landscaping, and other requirements of this Code.

3. **On-Site Wastewater Treatment Systems**

   For all types of development, leach fields constructed in connection with an on-site sewer system shall not be counted toward the maximum limits of disturbance provided the leach field is revegetated with native vegetation in accord with state onsite wastewater treatment regulations.

d. **Location of Limits of Disturbance**

1. **Zero Lot Lines**

   Where appropriate to preserve or to protect steep slopes or other natural features, a structure may be located on a lot in such a manner that one or both of the side facades of a structure rest directly on a lot line. This provision shall not be interpreted to exempt a structure from any applicable building and fire code provisions or requirements.

2. **Contiguity**

   Limits of disturbance necessary to accommodate proposed development may be non-contiguous in order to best meet the criteria and standards set forth in this Section.

3. **Clustering**

   Clustering of building pads and parking areas within a building site is strongly encouraged and may be required to minimize the size of the limits of disturbance and to maintain the maximum amount of open space in the development.

e. **Modification of Limits of Disturbance**

The Director has discretion to administratively increase the limits of disturbance by a maximum of 20 percent where applicable, provided one of the following criteria is met:

1. The modification is designed to yield:
   i. More effective preservation of existing mature trees, vegetation, riparian areas, rock outcrops, or other significant natural features of the site;
   ii. Less visual impact on the property or on the surrounding area; or
   iii. Better protection of wildlife habitat; or,
2. Strict application of the standard(s) would render a site undevelopable.

(5) **Clustering**

Clustering of development in sensitive areas is strongly encouraged and may be required to meet the requirements of this Section. (Figure 040-1)

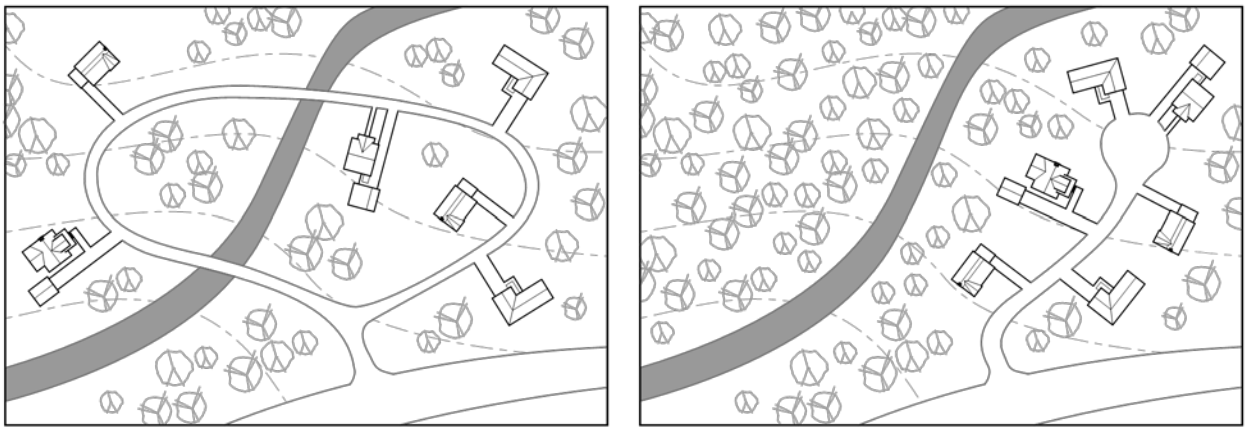
a. **When Allowed**

Minimum lot size may be reduced through clustering of development if the applicable decision-making body finds that:

1. The clustering proposal, compared with a more traditional site development plan, better attains the policies and objectives of this Article, such as providing more open space, preserving existing trees and vegetation coverage, and preserving sensitive environmental areas such as stream corridors, slide areas, wetlands, and steep slopes;

2. The clustering proposal will have no significant adverse impact on adjacent properties or development, or the applicant has agreed to adopt appropriate mitigation measures such as landscaping, screening, illumination standards, and other design features as recommended by the Director to buffer and protect adjacent properties from the proposed clustered development;
3. The architecture, height, building materials, building colors, and other design features of the development are compatible with adjacent properties or development and blend with the surrounding natural landscape; and
4. The clustering proposal meets all other applicable requirements set forth in this Article or in other applicable ordinances or regulations.

Figure 040-1: Clustering



b. **Minimum Lot Size Reduction**

Minimum lot sizes required for the underlying zoning district in Article 070.020: *Zoning Districts*, may be reduced by up to 25 percent for lots within cluster developments that satisfy the above standards.

c. **Pre-Application Conference Required**

Any applicant proposing to reduce minimum lot sizes through clustering shall be required to attend a pre-application conference pursuant to 070.060.030(b), *Pre-Application Conference*, prior to submitting a development application.

(6) **Interpretation**

The provisions of this 070.040.020 shall be deemed to be minimum requirements. Nothing in this Section shall impair the obligations of or interfere with private agreements in excess of the minimum requirements. Where this Section imposes a restriction different from that imposed by other applicable provisions of law, contract, or deed, the more restrictive provision shall control.

(7) **Disclaimer of Liability**

This 070.040.020 is intended to provide some degree of protection to life, safety, and property. It is based on scientific and engineering considerations that are continually being developed and proven. Compliance with this Section cannot ensure freedom from risk to life, safety, or property. This Section shall not create liability on the part of the City or any officer or employee of the City for any damage that may result from reliance on this Section or any administrative decision lawfully made pursuant to this Code.

(b) Hillside Development

(1) Purpose

The purpose of this subsection is to:

a. Minimize the negative environmental and visual effects of mass cut-and-fill of large pads and excessive terracing through retention of the natural topography of the hillsides;

b. Prevent soil erosion and landslides;

c. Provide safe circulation of vehicular and pedestrian traffic to and within hillside areas and to provide access for emergency vehicles necessary to serve the hillside areas;

d. Preserve visually significant slope banks, ridge lines, rock outcroppings, native plant materials, natural hydrology, and other areas of visual significance;

e. Encourage innovative architectural, landscaping, circulation, and site design that serve to preserve the significant natural resources and visual character of the city;

f. Protect the public from natural hazards caused by unstable slopes and soils, debris flow, erosion and other geologic hazards of hillside development; and

g. Minimize the threat and subsequent damage of wildfire through safe building practices.

(2) Applicability

This subsection shall apply to any of the application types listed in 070.040.020(a)(2), *Applicability (Sensitive Area Protection)*, that meet any of the following criteria:

a. Hillside Preservation District

Any proposed development in the Hillside Preservation district; see 070.020.170.

b. Slopes

Any proposed development on a lot with average slopes in excess of 20 percent within the limits of disturbance area.

c. Areas of Geologic Hazard

Any proposed development in Areas of Geologic Hazard, which consists of the Hazard Avoidance Districts and Hazard Mitigation Districts as defined in 070.040.020(c)(2)b, *Establishment of Geological Hazards Districts*.

(3) Lot and Density/Intensity Requirements

a. Minimum Lot Size

All development subject to this subsection shall comply with the minimum lot size and lot width standards required in the underlying zone district and with other development standards in this Article 070.040: *Development Standards*.

b. Allowed Density/Intensity

1. Residential Development

The maximum number of residential units permitted within areas subject to the Hillside Development standards shall be pursuant to Table 040.1 below. In addition, a detached accessory dwelling unit may be allowed so long as the limits of disturbance does not exceed 50 percent of the total gross area of the underlying lot or lots, or 20,000 square feet, whichever is less.

Table 040.1: Allowed Residential Development

Average Slope of Overall Site (within LOD)	Residential: Allowable Units
20% to 25%	1 dwelling unit per 10,000 square feet
25% to 30%	1 dwelling unit per 20,000 square feet

2. **Nonresidential Development**

   The maximum amount of nonresidential gross square footage permitted within areas subject to the Hillside Development standards shall be the square footage allowed by the zoning district. Nonresidential buildings are prohibited on slopes greater than 20 percent; however, open decks and support structures for existing buildings may be constructed.

3. **Calculating Density/Intensity**

   For the purposes of calculating density/intensity, only the average slope within the proposed area within the limits of disturbance of a specific lot or parcel shall be considered.

c. **Prohibition of Development on Steep Slopes**

No development, including clearing, excavation, and grading, shall be allowed where the average slope within the limits of disturbance is greater than 30 percent. Structures shall be set back from ascending or descending slopes greater than 30 percent in accordance with the requirements of the current adopted building code.

d. **Consolidation of Substandard Lots**

1. **General Rule: Consolidation Required**

   Two or more lots or parcels subject to these Hillside Development standards shall be considered to be a single, undivided lot or parcel for the purposes of this Code, if all the following factors apply:

   i. The lots or parcels are contiguous;

   ii. The lots or parcels are in single and common ownership and are of record on the effective date of this Code;

   iii. No structures are located on the lots or parcels;

   iv. All or part of the lots or parcels do not meet the minimum lot area or lot width requirements set forth in the base zoning district; and

   v. Such lots have not been improved with individual and separate connections to municipal water or sewer systems.

   No portion of such lots or parcels subject to this consolidation provision shall be used or sold in a manner that renders compliance with the lot width and lot area requirements set forth in this subsection less feasible.

2. **Exception**

   Notwithstanding the general rule for consolidation set forth in c above, if a lot or parcel that would otherwise be subject to the general consolidation rule meets the minimum lot area or lot width requirements set forth in the underlying zone district, then consolidation shall not be required.

e. Slope Calculations

1. Slope shall be calculated as the vertical rise in feet measured over a horizontal distance, expressed as a percentage. Slope calculations shall not include areas outside the limits of disturbance.
2. The applicant shall indicate on a site/architectural plan the limits of proposed development and disturbance and shall include the calculation of the average slope of that area.

(4) Site Development Standards

a. Building Envelope and Site Design Generally

Building envelopes and setbacks shall be determined on the basis of natural landforms, vegetation, and underlying geology. The designation of the limits of disturbance, which shall include all structures and access areas, shall be designed to avoid and minimize disturbance to sensitive areas and geologic and natural vegetative features. Natural vegetation, rock outcroppings, and significant landforms shall be retained to the maximum extent practicable. Flexibility and creativity are encouraged in designing development around existing features.

b. Protection from Potential Hazards

All proposed development shall be designed to protect the public from the potential hazards of drainage, debris flow, rock fall, fire, and erosion. Projects shall be designed with existing features in order to minimize disturbance to, and therefore mitigation of, surficial hillside geology.

c. Access Roads

New roads shall comply with the street standards in 070.040.070, *Access and Circulation*. Such access shall be approved by the Fire Department and the City Engineer.

d. Fire Hazard Mitigation

1. Brush and vegetated areas shall be cleared and maintained according to the Fire Department.
2. New vegetation shall be fire- and drought-resistant species.
3. Roofs, overhangs, and exposed balconies shall be fire-rated according to the adopted Fire Code.
4. Water supply, fire breaks, and access shall be approved by the Fire Department.
5. Buildings shall be sited so that fire hazard clearing zones will not affect mature vegetation.

e. Viewshed Protection

Proposed development shall retain the essential visual qualities of the site so that views from public open space areas, rights-of-way, and other public places will not be negatively impacted. In designing a proposed development, applicants shall adhere to the following principles:

1. Following construction, off-site views of retaining walls, structures, parking areas, and landscaping on the development site shall be minimized.
2. The disturbance areas shall be reclaimed as soon as possible after construction ends.

f. Geology, Soils, and Grading

Development shall be designed to reduce the potential for soil erosion and slope degradation during and after construction. In addition to meeting the standards of 070.040.020(a)(5), *Clustering*, the following standards shall apply:

1. A grading permit shall be required for disturbance in excess of 1,000 square feet. Grading plans shall be submitted and reviewed according to the City's Engineering Standards.
2. Structures shall be designed to step down with the existing topography. To the maximum extent feasible, building designs that require extensive cut and fills shall not be allowed.
3. Except for driveways, cut-and-fill slopes shall be entirely contained within a lot (i.e., natural grade at the lot lines shall be maintained).
4. Sharp angles shall be rounded off, in a natural manner, at the top and ends of cut and fill slopes (within approximately five feet of the sharp angle) unless steep angles are a natural character of the site. Where this would damage tree root systems, the amount of rounding off may be reduced and shrubs used instead to hide the transition.
5. The subdivider and/or property owner shall maintain in perpetuity and repair (or supply a program for preventative maintenance) of manufactured slope areas, erosion control devices, retaining walls, drainage structures and fire prevention measures as specified in an approved development.
6. Trees and vegetation shall be maintained to provide slope stability and prevent visual scarring wherever possible. When this requirement conflicts with fire hazard mitigation such as defensible space, appropriate mitigation shall be provided as determined by the Fire Department and the Director. A revegetation landscape plan is required for disturbed site areas.
7. Final contours and slopes shall reflect existing landforms to the maximum extent practicable.
8. The grade of a lot shall not be raised or lowered more than four feet at any point for construction of any structure or improvement, except:
    i. The site's original grade may be raised or lowered a maximum of six feet if retaining walls are used to reduce the steepness of man-made slopes, provided that the retaining walls comply with the requirements set forth in this subsection.
    ii. Grade changes or retaining walls up to six feet may be allowed if necessary to construct a driveway from the street to a garage or parking area,
    iii. For the purposes of this subsection, basements and buildings set into a slope are not considered to lower the natural grade within their footprint.

g. Retaining Walls and Fencing

1. Generally, a retaining wall shall be no higher than six feet, except that a wall varied in height to accommodate a variable slope shall have an average height no greater than four feet and a maximum height no greater than eight feet in any 60-foot length. A higher wall is permitted:
    i. Where used internally at the split between one- and two-story portions of a building; and

ii. Where substantially hidden from public view at the rear of a building, where it may not exceed the eave height of the building.

2. Visible retaining walls and fencing shall be designed to maintain human scale and reduce the visual impact of cut lines on the hillside through the use of indigenous materials, terracing and aligning construction with the natural topography.
3. Indigenous materials and/or earth-toned concrete shall be used, and terraced to match existing terrain.
4. Terraced walls and retaining structures should incorporate landscaping, if approved by the City Engineer.
5. Retaining walls and fencing shall comply with all standards in 070.040.050(f)(3), *Retaining Wall Standards*.

h. **Water Supply**

Water supply and pressure shall be adequate to serve both residential and emergency services pursuant to the adopted Fire Code.

i. **Drainage**

1. Natural drainage courses shall not be disturbed by construction activity, and natural runoff shall be maintained unless approved by the City Engineer.
2. A drainage plan prepared by a licensed professional engineer shall be submitted in accordance with the City's Engineering Standards.

(5) **Building Design Standards**

a. **Structure Design Generally**

Building massing and roof lines shall be designed to blend with the natural terrain. When possible, the massing of the structure shall be broken up using the slope and terrain to vary the exterior dimensions.

b. **Ground Plane**

1. Buildings that firmly meet the ground convey an appearance of greater permanence and are strongly encouraged.
2. To the maximum extent feasible, placing buildings on piers such that exterior walls do not continue down to the ground shall be prohibited because of aesthetic and energy efficiency concerns. This requirement shall not apply in areas of waterways and areas of special flood hazard.

c. **Building Mass and Scale**

1. To the maximum extent feasible, building design shall incorporate changes in the planes of walls and changes in the slope and height of roof lines to add variety, create visual interest, and minimize scale.
2. Building mass and wall lines shall be broken up to conform to existing slope and avoid unbroken expanses of building mass and walls that can intrude into the natural setting and dominate a site.

d. **Building Colors**

1. Colors that enhance the natural colors of the building materials shall be used in developing an overall color scheme. Predominant tones on exterior walls shall tend

toward neutral colors such as warm earthy hues, dark green of forests, greys and grey-brown of the mountains, the tan of grasses, and similar colors. Bright, harshly contrasting color combinations shall be avoided.

2. Exterior building, roofing, and exposed rooftop mechanical equipment shall be warm or dark earth-toned colors with low reflectivity.
3. Color and intensity of color proposed for all exterior building and roofing materials, including exposed rooftop mechanical systems such as HVAC equipment, roof vents, air handling/exchange units, shall be subject to approval by the Planning and Zoning Commission and/or City Council, as applicable.
4. Exterior building and roofing colors shall not include white, off-white, high-intensity primary colors, and/or fluorescent colors.

e. **Building Materials**

1. Primary building materials shall be selected for their ability to withstand Glenwood Springs' variable mountain climate. Materials with demonstrated durability include, but are not limited to:
   i. Brick;
   ii. Stone;
   iii. Cementitous siding products;
   iv. Log construction;
   v. Cast concrete; or
   vi. Other comparable materials as approved by the Director.
2. Exterior Insulation and Finish Systems (EIFS) shall not be utilized in high-traffic areas, such as at primary building entrances, where it may be easily damaged.

f. **Parking Areas**

1. Parking lots and detached garages accessory to residential uses shall be located so that they can be screened to blend into the natural environment and will not require backing onto an arterial or collector street.
2. To the maximum extent feasible, parking lots and detached garages accessory to residential uses shall be located where they can be screened so they do not dominate the streetscape. Parking facilities shall be designed to follow the existing topography and to provide adequate snow storage areas.

(c) Development in Areas of Geologic Hazard

(1) Purpose

The purpose of this Subsection 070.040.020(c) is to promote the public health, safety, and general welfare and to minimize public and private losses due to geologic conditions in specific areas by regulations designed to:

a. Protect human life, safety and property;
b. Minimize damage to public facilities and utilities;
c. Minimize the need for relief and clean-up operations due to geologic events with their accompanying public and private costs;

d. Minimize the need for expensive mitigation measures to protect public and private property; and

e. Alert property owners and potential buyers of geologic hazards existing in certain areas so that they may protect their own property and avoid endangering the property of others.

(2) **General Provisions**

a. **Types of Geologic Hazards**

As used in this subsection, the term "geologic hazard" shall include the following hazards, as defined in Colorado Geological Survey Open File Report 78-10 ("C.G.S. 78-10"):

1. "Corrosive soils" are potentially corrosive to concrete and steel.
2. "Debris flow hazard" means severe and moderate debris flow hazard.
   i. "Severe debris flow hazard" poses possible serious damage to structures and risk to life, and mitigation is necessary.
   ii. "Moderate debris flow hazard" poses possible minor damage to structures and risk to life. Mitigation is recommended and may be required and major cleanup is probable.
3. "Landslide hazard" is shown in areas of identified landslide features. Slides are mostly older features but have potential for reactivation.
4. "Rockfall hazard criteria" includes an identifiable source area for rocks and the presence of fallen rocks with intermediate diameters of two feet or more.
5. "Slope instability" denotes areas of past and current mass wasting processes.

b. **Establishment of Geological Hazards Districts**

There are hereby created within the City the following Geologic Hazards Districts:

1. **Hazard Avoidance District**

This district includes undeveloped parcels with the potential or presence of severe debris flow, and/or rockfall. The district also includes developed parcels with the potential or presence of severe geologic hazards where additional development will significantly increase the risk of damage from the hazard or significantly increase the cost to the community of mitigating the hazard.

2. **Hazard Mitigation District**

This district includes parcels with severe geologic hazards where significant development already exists and where additional development will not significantly increase the risk of damage from the hazard nor significantly increase the cost to the community of mitigating the hazard. It also includes areas with the potential or presence of moderate debris flow, and/or rockfall hazards.

c. **Geologic Hazards District Map**

The locations and boundaries of the Geologic Hazards Districts established by this subsection shall be those established by the official report entitled "Geologic Hazards of the Glenwood Springs Metropolitan Area" as released by the C.G.S. 78-10. The geologic hazards maps that accompany C.G.S. 78-10 are hereby adopted as the "official geologic hazards maps" and shall be maintained along with accompanying sensitive area reports by the Office of the City Engineer. These maps shall serve as official reference in case of

dispute regarding the location of hazards, and the City Engineer's interpretation of these maps shall be final. The maps shall be interpreted by the City Engineer as follows:

1. **Hazard Avoidance Districts**
   i. Undeveloped parcels lying entirely or partly in any area identified as a severe hazard zone on the Map of Debris Flow Fan Deposits and Hazards and/or the General Geologic Hazards Map.
   ii. Developed parcels identified as lying entirely or partly in any area identified as a severe hazard zone on the aforesaid maps where the City Engineer has determined that additional development will increase the risk of damage from the hazards and/or significantly increase the cost to the community of mitigating the hazards.
2. **Hazard Mitigation Districts**
   i. Parcels lying entirely or partly in any area identified as a moderate hazard zone on the Map of Debris Flow Fan Deposits and Hazards and/or the General Geologic Hazards Map.
   ii. Developed parcels identified as lying entirely or partly in any area identified as a severe hazard zone on the aforementioned maps where the City Engineer has determined that additional development will not increase the risk of damage from the hazard and/or will not significantly increase the cost to the community of mitigating the hazard.

d. **Annexation of Land Within an Area of Geologic Hazard**

Upon annexation of any land within an area of geologic hazard, as determined on the official geologic hazards maps, such land shall be added to the appropriate geologic hazards district, and all provisions of this subsection shall apply.

(3) **Geologic Hazards District Standards**

a. **Hazard Avoidance Districts**

No improvement, building, structure, excavation, dumping, or backfill shall be placed, built, undertaken or approved in a Hazard Avoidance District except for fences, geologic stabilization structures, or paths for nonmotorized use unless, before application for a development permit or, if no development permit is required, for a grading or building permit, the applicant demonstrates to the City Engineer and the Director by clear and convincing evidence that one of the following conditions is met:

1. The land to be affected does not lie within an area of severe debris flow, rockfall hazard, or a drainage basin contributing to any such hazard, as shown on the official geologic hazards maps, and the proposal is in conformance with the purposes of this subsection.
2. The severe hazard does not exist on the subject site in the proposal and is in conformance with the purposes of this subsection. Such a determination shall require detailed analysis of the area by a qualified geologist and an engineering geology report, which report may be submitted by the City to the Colorado Geologic Survey for review. For purposes of this provision, the area" means the site of the proposed development as well as adjacent land and upslope drainage basins as necessary to compare the area analysis with the official geologic hazards maps. Upon submittal of

this report by the applicant, application may be made for a development, grading, or building permit, but such a permit shall not be issued until the City Engineer and the Director have determined that the conditions of this paragraph are met.

3. The proposed development meets all of the following conditions:
   i. It will include no human habitation;
   ii. It will not require City water, wastewater, streets or other public service;
   iii. It will not increase the hazard to other public or private property; and
   iv. It is consistent with the intent and purposes of this Article.
4. The subject site lies within an area with rockfall hazard but not debris flow and not within a drainage basin contributing to any such hazard as shown on the official geologic hazards maps. In the case of such a determination by the City Engineer, a mitigation plan shall be required before issuance of a development, grading or building permit. The mitigation plan shall be produced and certified by a qualified engineer and shall demonstrate to the City Engineer and the Director by clear and convincing evidence that rockfall damage will be prevented by a catchment wall or other means.

b. Hazard Mitigation Districts

1. Applicability

All new structures and additions or improvements subject to this subsection and proposed in a hazard mitigation district shall be subject to the requirements of 070.040.020(c)(3)b.2, *Standards*, unless before application for a development permit, or, if no development permit is required, for excavation or building permit, the applicant demonstrates to the City Engineer and the Director by clear and convincing evidence that one of the following conditions is met:

i. The land to be affected does not lie within an area of severe or moderate debris flow, rockfall hazard, or a damage basin contributing to any such hazard as shown on the official geologic hazards maps.

ii. The severe or moderate hazards as specified in C.G.S. 78-10 do not exist on the subject site and the proposal is in conformance with the purposes of this subsection. Such a determination shall require detailed analysis of the area by a qualified geologist in an engineering geology report, which report may be submitted by the City to the Colorado Geological Survey for review. For purposes of this provision, "the area" means the site of the proposed development, as well as the adjacent land and upslope drainage basin as necessary to compare the area analysis with the official geologic hazard maps. Upon submittal of this report by the applicant, application may be made for a development, excavation, or building permit, but such permit shall not be issued until the City Engineer and the Director have determined that the conditions of this subparagraph are met.

2. Standards

i. In areas with moderate or severe debris flow hazard as shown on the official geologic hazards maps, before issuance of a development permit or, if no development permit is required, an excavation or building permit, the applicant shall demonstrate to the City Engineer and the Director by clear and convincing evidence that any structure or grading change that may divert debris flow or

floodwaters from the subject property will not increase hazards to other public or private properties. Such a determination shall require an engineering geology report produced and certified by a qualified engineer.

ii. Before issuance of a building permit, the applicant shall demonstrate to the City Engineer and the Building Official by clear and convincing evidence that all applicable requirements in the City's Engineering Standards are met.

(4) Public Improvements in Areas of Geologic Hazard

Public improvements, including but not limited to streets, water, wastewater, and electrical services, will not be extended into the Hazard Avoidance District, except where:

a. An area or a proposed development meets one of the conditions of 070.040.020(c)(3)a, Hazard Avoidance Districts; or

b. The public good is better served by the extension which shall be in compliance with the City goals and policies. Such determination shall be made by the City Council upon a recommendation from the Planning Commission.

(d) Development in Waterways and Areas of Special Flood Hazard

(1) Findings of Fact

a. 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, of which adversely affect the public health, safety and general welfare of the public.

b. These flood losses are created by the cumulative effect of obstructions in floodplains which 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 elevated, flood-proofed, or otherwise protected from flood damage.

(2) Statement of Purpose

It is the purpose of this Subsection 070.040.020(d) to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed to:

a. Protect human life and health;

b. Minimize expenditure of public money for costly flood control projects;

c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

d. Minimize prolonged business interruptions;

e. Minimize damage to critical facilities, infrastructure and other public facilities such as water, sewer and gas mains, electric and communication stations, and streets and bridges located in floodplains;

f. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner so as to minimize future flood blight areas; and

g. Ensure that potential buyers are notified that property is located in a flood hazard area.

(3) Methods of Reducing Flood Losses

In order to accomplish its purposes, this Subsection uses the following methods:

a. 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;

b. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

c. Control the alteration of natural floodplains, stream channels and natural protective barriers, which are involved in the accommodation of flood waters;

d. Control filling, grading, dredging and other development which may increase flood damage; and

e. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(4) Lands to Which this Subsection Applies

This Subsection shall apply to all areas of Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of the City.

(5) Basis for Establishing Areas of Special Flood Hazard

The special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for the City of Glenwood Springs," dated October 15, 1985, with an accompanying Flood Insurance Rate Map (FIRM) and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this Title. The Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this Subsection and may be supplemented by studies designated and approved by the City. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, FIRMs and/or FBFMs on file and are available for public inspection.

(6) Establishment of Floodplain Development Permit

A floodplain development permit shall be required to ensure conformance with the provisions of this Subsection.

(7) Compliance

No structure or land shall hereafter be located, altered or have its use changed within the Special Flood Hazard Area without full compliance with the terms of this Subsection and other applicable regulations. Nothing herein shall prevent the City from taking such lawful action as is necessary to prevent or remedy any violation. These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.

(8) Abrogation and Greater Restrictions

This Subsection is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Subsection and another provision of this Code, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(9) Interpretation

In the interpretation and application of this Subsection, all provisions shall be:

a. Considered as minimum requirements;

b. Liberally construed in favor of the governing body; and

c. Deemed neither to limit nor repeal any other powers granted under state statutes.

(10) Warning and Disclaimer of Liability

The degree of flood protection required by this Subsection is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by manmade or natural causes. This Subsection does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Subsection shall not create liability on the part of the City, any official or employee thereof, for any flood damages that result from reliance on this Subsection or any administrative decision lawfully made thereunder.

(11) Designation of the Floodplain Administrator

The City Engineer is hereby appointed as Floodplain Administrator to administer, implement and enforce the provisions of this Subsection and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

(12) Duties and Responsibilities of Floodplain Administrator

Duties of the Floodplain Administrator shall include, but not be limited to the following:

a. Maintain and hold open for public inspection all records pertaining to the provisions of this Subsection, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certificate required by 070.040.020(d)(13).

b. Review, approve, or deny all applications for floodplain development permits required by adoption of this Subsection.

c. Review floodplain development permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

d. Review permits for proposed development to ensure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

e. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this Subsection, including proper elevation of the structure.

f. Where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

g. When Base Flood Elevation data has not been provided in accordance with 070.090.060, 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 the provisions of this Subsection.

h. For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, 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.

i. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, the City may approve certain development in Zones A1-30, AE, AH, on the City's 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), fulfills the requirements for such revisions as established under the provisions of Section 65.12, and receives FEMA approval.

j. Notify, in riverline situations, adjacent communities and the State Coordinating Agency which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.

k. Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(13) **Permit Procedures**

a. **Application**

Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions and elevations of proposed landscape alterations; existing or proposed structures, including the placement of manufactured homes and the location of the foregoing in relation to Special Flood Hazard Area. Additionally, the following information is required:

1. Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;
2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
3. A certificate from a registered Colorado Professional Engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria in 070.040.020(d)(16)b;
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and
5. Maintain a record of all such information in accordance with 070.040.020(d)(12).

b. **Approval Criteria**

Approval or denial of a floodplain development permit by the Floodplain Administrator shall be based on all of the provisions of this Subsection and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;

6. 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;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
10. The relationship of the proposed use to the comprehensive plan for that area.

(14) **Variance Procedure**

a. The Planning and Zoning Commission ("Commission") shall hear and render judgment on requests for variances from the requirements of this Subsection.
b. The Commission shall hear and render judgment on an appeal 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 Subsection. Such appeals shall be subject to the procedures set forth in 070.060.070(c).
c. Any person or persons aggrieved by the decision of the Commission may appeal such decision in the courts of competent jurisdiction upon completing the administrative procedures set forth in 070.060.070(c).
d. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
e. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this Subsection.
f. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the requirements of 070.090.130 have been fully considered. As the lot size increases beyond the one-half acre, the technical justifications required for issuing the variance increases.
g. Upon consideration of the factors noted above and the intent of this Subsection, the Commission may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Subsection as stated in 070.040.020(d)(2), *Statement of Purpose*.
h. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
i. 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.
j. Prerequisites for granting variances:
    1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
    2. Variances shall only be issued upon:

i. A showing of good and sufficient cause;

ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with this Code or the City goals, policies and plans.

k. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the Base Flood Elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

l. Variances may be issued for new constructions and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

1. The criteria outlined in subsections 070.040.020(d)(14)a- i are met, and
2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(15) **General Standards**

In all areas of special flood hazards, the following standards are required:

a. 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 hydrostatic and hydrodynamic loads, including the effects of buoyancy;

b. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

c. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

d. 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;

e. All manufactured homes shall be installed using methods and practices which minimize flood damage. For 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.

f. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

g. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and

h. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(16) Specific Standards

In all Special Flood Hazard areas where Base Flood Elevation data has been provided as set forth in 070.040.020(d)(5), 070.040.020(d)(12)g, and/or 070.040.020(d)(21), the following provisions are required:

a. Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the Base Flood Elevation. Upon 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.

b. Nonresidential Construction

1. With the exception of Critical Facilities outlined in 070.040.020(d)(22), new construction and substantial improvement 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 one foot above the Base Flood Elevation; or, together with attendant utility and sanitary facilities, shall: be designed so that at one 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.
2. 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. Such certifications shall be maintained by the Floodplain Administrator, as set forth in 070.040.020(d)(13).

c. Enclosures

1. 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.
2. 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:
   i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
   ii. The bottom of all openings shall be no higher than one foot above grade.
   iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

d. Manufactured Homes

1. All manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE on the City's FIRM on sites: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision on which a manufactured home has incurred *substantial damage* as the result of a flood, 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 to one foot above the Base Flood Elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
2. All manufactured homes placed or substantially improved on sites in existing manufactured home parks or subdivision within Zones A1-30, AH and AE on the City's FIRM that are not subject to the provisions of the previous paragraph shall be elevated so that either: (1) the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are one 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 shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

e. Recreational Vehicles

1. All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the City's FIRM sites either: (1) be on the site for fewer than 180 consecutive days; (2) be fully licensed and ready for highway use; or (3) meet the permit requirements of 070.040.020(d)(13), and the elevation and anchoring requirements for "manufactured homes" in paragraph d above.
2. 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.

f. Prior Approved Activities

Any activity for which a floodplain development permit was issued by the City or a CLOMR was issued by FEMA prior to the effective date of this Subsection may be completed according to the standards in place at the time of the permit or CLOMR issuance and will not be considered in violation of this Subsection if it meets such standards.

(17) Standards for Areas of Shallow Flooding (AO/AH Zones)

Located within the Special Flood Hazard Area established in 070.040.020(d)(5), are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three 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:

a. **Residential Construction**

All new construction and substantial improvements of residential structures must 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 one foot above the depth number specified in feet on the City's FIRM (at least three feet if no depth number is specified). Upon 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.

b. **Nonresidential Construction**

1. With the exception of Critical Facilities, outlined in 070.040.020(d)(22), all new construction and Substantial Improvements of non-residential structures, must 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 one foot above the depth number specified in feet on the City's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one 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. A registered Colorado Professional Engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Subsection, as proposed in 070.040.020(d)(13), are satisfied.
2. Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures.

(18) **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 070.040.020(d)(25)). Located within Special Flood Hazard Areas established in 070.040.020(d)(5) are areas designated as Floodways. Since the Floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

a. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory Floodway unless it has been demonstrated through hydrologic and hydraulic analysis performed by a licensed Colorado Professional Engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a No-Rise Certification) in flood levels within the city during the occurrence of the base flood discharge.
b. If paragraph a above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of 070.040.020(d)(15) through 070.040.020(d)(22).
c. Under the provisions of 44 CFR Chapter 1, Section 65.12 of the National Flood Insurance Regulations, the City may permit encroachments within the adopted regulatory floodway

that would result in an increase in Base Flood Elevations, provided that the City first applies for a CLOMR and floodway revision through FEMA.

(19) Alteration of a Watercourse

For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:

a. 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.

b. Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.

c. 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.

d. Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.

e. All activities within the regulatory floodplain shall meet all applicable federal, state and City floodplain requirements and regulations.

f. Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is not more than a 0.00 foot rise in the proposed conditions compared to existing conditions Floodway resulting from the project, otherwise known as a No-Rise Certification, unless the City first applies for a CLOMR and Floodway revision in accordance with 070.040.020(d)(15) through 070.040.020(d)(22).

g. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

(20) 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:

a. Residential Construction

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

b. Nonresidential Construction

The lowest floor (including basement), electrical, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with

structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(21) Standards for Subdivision Proposals

a. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.

b. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet floodplain development permit requirements of 070.040.020(d)(6), 070.040.020(d)(13), and the provisions of 070.040.020(d)(15) through 070.040.020(d)(22).

c. Base Flood Elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to 070.040.020(d)(5) or 070.040.020(d)(12).

d. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

e. 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 or eliminate flood damage.

(22) 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 City at any time before, during and after a flood.

a. Classification of Critical Facilities

1. It is the responsibility of the city to identify and confirm that specific structures meet the following criteria: Critical Facilities are classified under the following categories: (a) essential services (b) hazardous materials (c) at-risk populations, and (d) vital to restoring normal Services.
2. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines. These facilities consist of:
   i. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and emergency operation centers);
   ii. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctor's offices, and non-urgent care medical structures that do not provide these functions;
   iii. Designated emergency shelters;
   iv. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables and conduits);

v. Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and

vi. Air transportation lifelines (airports [municipal and larger], helicopter pads and structures serving emergency functions, and associated infrastructure [aviation control towers, air traffic control centers, and emergency equipment aircraft hangars]).

vii. Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenance.

viii. 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 Subsection, 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.

3. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxins and/or water-reactive materials. These facilities may include:

i. Chemical and pharmaceutical plants (chemical plants, pharmaceutical manufacturing);

ii. Laboratories containing highly volatile, flammable, explosive, toxins and/or water-reactive materials;

iii. Refineries;

iv. Hazardous waste storage and disposal sites; and

v. Above ground gasoline or propane storage or sales centers.

vi. 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 workplace, 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 Subsection, but exclude later amendments to or editions of the regulations. Specific exemptions to this category include:

a. Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.

b. 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.

c. Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

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

vii. 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 school (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children.

viii. 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, City administration and management, maintenance and equipment centers);

b. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

c. 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 Subsection, 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.

b. **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 Subsection, protection shall include one of the following:

1. Location outside the Special Flood Hazard Area; or
2. Elevation of the lowest floor or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two feet above the Base Flood Elevation.

c. **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.

(23) **Amendments**

Any amendments of this Subsection or the maps or studies incorporated herein shall be subject to and governed by the provisions of 070.040.020(d)(5).

(24) **Development in Waterways and Areas of Special Flood Hazard**

No improvement, building, structure, excavation, dumping or backfill shall be placed, built, undertaken or approved within a 30-foot setback area horizontally from the high water mark of any river or live stream, except for bridges, paths for non-motorized use, irrigation structures or flood control and erosion protection devices.

(25) **Definitions Related to Floodplain Regulations**

Unless specifically defined below, words or phrases used in this Subsection shall be interpreted so as to give them the meaning they have in common usage and to give this Subsection the most reasonable application.

a. **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 of flood). The term "one percent chance flood" is synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every one hundred years.

b. **100-Year Floodplain**

The area of land susceptible to being inundated as a result of the occurrence of a 100-year flood.

c. **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 of flood). The term does not imply that the flood will necessarily happen once every 500 years.

d. **500-Year Floodplain**

The area of land susceptible to being inundated as a result of the occurrence of a 500-year flood.

e. **Addition**

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

f. **Alluvial Fan Flooding**

A fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

g. **Area of Shallow Flooding**

A designated Zone AO or AH on a Community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist; where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

h. **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.

i. **Basement**

Any area of a building having its floor sub-grade (below ground level) on all sides.

j. **Channel**

The physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

k. **Channelization**

The artificial creation, enlargement, or realignment of a stream channel.

l. **Code of Federal Regulations (CFR)**

The codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation.

m. **Community**

Any political subdivision in the state of Colorado that has authority to adopt and enforce floodplain management regulations through zoning, including but not limited to, cities, towns, unincorporated areas in the counties, Indian tribes, and drainage and flood control districts.

n. **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.

o. **Critical Facility**

A structure or related infrastructure but not the land on which it is situated, as specified in 070.090.210, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the City at any time before, during and after a flood.

p. **Development**

Any manmade change in improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.

q. **DFIRM Database (usually spreadsheets containing data and analyses that accompany DFIRMs)**

The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

r. **Digital Flood Insurance Rate Map (DFIRM)**

The FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

s. **Elevated Building**

A non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

t. **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 Management Regulations adopted by the City.

u. **Expansion to 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).

v. **Federal Register**

The official daily publication for Rules, proposed Rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

w. **FEMA**

The Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

x. **Flood or Flooding**

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of water from channels and reservoir spillways;
2. The unusual and rapid accumulation or runoff of surface waters from any source; or
3. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

y. **Flood Insurance Rate Map (FIRM)**

An official map of a Community, on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the Community.

z. **Flood Insurance Study (FIS)**

The official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

aa. **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.

bb. **Floodplain Administrator**

The City Engineer, who is the City official designated to administer and enforce the floodplain management regulations.

cc. **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 the city, the City shall require permits for all proposed construction or other development in the City 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 Subsection.

dd. **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 management regulations.

ee. **Floodplain Management Regulations**

Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

ff. Flood Control Structure

A physical structure designed and built expressly or partially for the purpose of reducing, redirecting or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

gg. Floodproofing

Any combination of structural and/or non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

hh. Floodway (Regulatory Floodway)

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 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 (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

ii. 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.

jj. Functionally Dependent Use

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

kk. Highest Adjacent Grade

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

ll. Historic Structure

Any structure that is:

1. 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;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
3. Individually listed on the state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    i. By an approved state program as determined by the Secretary of the Interior; or
    ii. Directly by the Secretary of the Interior in states without approved programs.

mm. **Letter of Map Revision (LOMR)**

FEMA's official revision of an effective Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs) or the Special Flood Hazard Area (SFHA).

nn. **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.

oo. **Levee**

A manmade embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

pp. **Levee System**

A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

qq. **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.

rr. **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*.

ss. **Manufactured Home Park or Subdivision**

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

tt. **Mean Sea Level**

For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a Community's Flood Insurance Rate Map are referenced.

uu. **Material Safety Data Sheets (MSDS)**

A form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

vv. **National Flood Insurance Program (NFIP)**

FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

ww. **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 Flood Plain Management Regulations adopted by the City.

xx. **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 show on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

yy. **Physical Map Revision (PMR)**

FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features**.**

zz. **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.

aaa. **Special Flood Hazard Area**

The land in the floodplain within a Community subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

bbb. **Start of Construction**

The date the building permit was issued, including substantial improvements, provided that 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 the first placement of permanent construction of a structure on a site, such as the pouring of slab

or footings, installation of piles, 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.

ccc. **Structure**

A walled and roofed building including a gas or liquid storage tank, which is principally above ground as well as a manufactured home.

ddd. **Substantial Damage**

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

eee. **Substantial Improvement**

Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the *start of construction* of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred *substantial damage* regardless of the actual repair work performed. The term does not however, include either:

1. 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
2. Any alteration of an historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

fff. **Threshold Planning Quantity (TPQ)**

A quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

ggg. **Variance**

A grant of relief from the requirements of this Subsection when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner that would otherwise be prohibited by this Subsection. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

hhh. **Violation**

The failure of a structure or other development to be fully compliant with the City's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance with Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) of the National Flood Insurance

Program regulations is presumed to be in violation until such time as that documentation is provided.

iii. **Water Surface Elevation**

The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

070.040.030 Site Development and Improvement Standards

(a) Purpose

This Section is intended to ensure that, for all subdivision and for every development requiring a development permit, the developer shall:

(1) Provide, pay for, and install or cause to be installed, where needed: water distribution systems, storm drain structures, wastewater lines, pumps and appurtenant devices, curbs and gutters, street base course material and wearing course material, bridges, electrical transformers, street lights, underground communications systems and wiring, gas distribution systems, fire hydrants, fire alarms and other fire-control devices, street signs and traffic-control devices;

(2) Preserve or replace trees, shrubs, ground cover and other vegetation, and structures;

(3) Stabilize soil and prevent erosion and culverts or other devices to enclose open ditches and inhibit access to them by children;

(4) Reserve and dedicate to the City of lands or easements are made where needed by the nature of the development for public purposes, including, but not limited to: utility easements and easements for drainage purposes, pedestrian easements, parkland or fees in lieu of such dedications;

(5) Delay or phase development if necessary to ensure that the City can provide necessary municipal services and facilities; and

(6) Ensure the completion of installation of curbs, gutters, street paving, and other improvements and to ensure that dedications are made.

(b) Applicability

(1) General

Unless exempted in paragraph (2) below, this Section shall be applicable to:

a. All subdivision of land within the city that results in the partitioning, dividing, combining, or altering of any lot, parcel, or tract of land, including subdivisions created by an exercise of the power of eminent domain by an agency of the state or the City; and

b. All development requiring a development permit.

(2) Exemptions

The standards of this Section shall not apply to:

a. Creation or realignment of an easement; and

b. Adjustment of the boundary line or the transfer of land between two adjacent property owners that does not result in the creation of any additional parcels.

(c) Engineering and Construction Plans

(1) Registered Engineer

It shall be the responsibility of the developer to have an engineer registered in the State of Colorado prepare a complete set of engineering plans in accordance with all applicable City codes for the construction of all required improvements. Such plans shall be in conformance with the approved preliminary plat and/or development permit.

(2) City Engineer Approval

All plans and supporting engineering reports for improvements required by this Section shall be reviewed and approved by the City Engineer. All improvements shall be in accordance with the approved preliminary plat and/or development permit and all City standards, policies, and requirements.

(d) Nonconforming Design, Improvements, and Dedications

(1) General Rule: Conformity Required

Except as otherwise provided in this Code, any development that is not in conformance with the requirements of this Section for design, improvements, or dedications shall be made to conform with such requirements before being issued a development permit or a building permit for construction of a new building.

(2) Exception Regarding Streets

a. Where a development borders an existing nonconforming street, street layout and design requirements may be waived by the City Engineer for development proposals where no new streets will be designed or constructed, provided that such waiver is not detrimental to public safety or to the intent and purpose of this Code. Any such waiver shall be expressly stated in the conditions of the development permit.

b. Development on a lot bordering a street that does not meet minimum right-of-way width may be allowed where vehicular access to the lot is available from other than the nonconforming street.

c. Where the only vehicular access to a lot is a street that does not meet the minimum right-of-way width, a dedication shall be required that will increase the street right-of-way width by one-half the deficient amount.

(e) Site Development and Improvement Standards

(1) Drainage Plan

Every development plan shall include a drainage plan that meets the requirements of the City's Engineering Standards.

(2) Erosion and Sediment Control, Slope Stabilization, and Revegetation Plan

Every development plan shall include an erosion and sediment control plan that meets the requirements of the City's Engineering Standards.

(3) Lot and Block Design

a. Lot Size and Access

1. Each lot in a development shall be designed to provide an adequate, accessible building site for a structure devoted to the intended use of the land.
2. Lot sizes shall be in conformance with applicable zone district regulations or Planned Unit Development regulations. Where individual water or sewage systems are proposed for each lot, lot sizes shall be in conformance with standards of the Colorado Department of Public Health and Environment.

b. Solar Access

Lots and blocks shall be designed to afford the maximum solar access to each building site.

1. Lot Orientation

i. All residential development is strongly encouraged to consider siting to maximize solar access for individual units as well as for parking areas and internal streets.

ii. To the maximum extent feasible, a minimum of 50 percent of the single-family lots in a subdivision shall:

a. Have a north-south dimension of 90 feet or more; and

b. Have a front lot line that is oriented within 30 degrees of a true east-west axis.

2. Lots Adjacent to Railroad Right-of-Way

If any part of a residential development borders an active railroad right-of-way, lots adjacent to such right-of-way shall either have a minimum depth of 150 feet or be provided with a landscaped 50-foot buffer strip adjacent to the railway or a parallel street adjacent to the railway. No dwelling unit shall be located within 50 feet of the active railroad right-of-way.

(4) Uniform Street Standards

Design and improvement of streets shall comply with the City's Engineering Standards.

(5) Water Distribution

The water main distribution system of a development shall be designed to connect with the City water system, to be compatible with the existing system and to make water available to each lot in the proposed development. Fire hydrants shall be located to ensure protection to each lot based on utilization of existing City firefighting equipment and shall be approved by the Fire Chief.

(6) Wastewater Collection

a. Where the City wastewater collection system is within 400 feet of an existing wastewater main collection system, the wastewater collection system shall connect with the City system and provide service to each lot in the proposed development. Design of the system shall be the responsibility of the developer. The system shall be designed as required in the City's Engineering Standards and is subject to the approval of the City Engineer.

b. When the City wastewater collection system is not within 400 feet of an existing wastewater main collection system, the developer shall be responsible for installation of a wastewater

collection system for the development. Such system shall meet all federal, state, and local laws and regulations concerning design and installation of the system.

(7) Underground Utilities

a. All wires, cables or other equipment for the distribution of electric energy and telecommunication signals, with the exception of transformers, meters, junction boxes, and like equipment, shall be placed underground where practicable.

b. Where subdivisions or developments are approved along or with crossing existing overhead power and communications facilities, energy and telecommunications may be obtained from these existing facilities. The connections to these facilities shall be placed underground unless otherwise approved by the Public Works Department due to economic, engineering, or aesthetic reasons.

c. Utility easements and rights-of-way shall be provided in the subdivision or development meeting the requirements of City systems for the installation and maintenance of energy distribution, telecommunication facilities, water, wastewater, and storm drainage facilities.

(f) Assurance and Acceptance of Public Improvements

(1) Assurance for Completion of Public Improvements

a. The development permit shall set forth the plan, method, and parties responsible for the installation of all required public improvements and shall make reasonable provision for the completion of said improvements in accordance with design and time specifications.

b. Except when sufficient security has been posted in accordance with f below, the improvements required by the Engineering Standards shall be installed by the developer or his/her successor and shall be approved by the City Engineer prior to the issuance of a building permit for the construction of any building in the development.

c. The City, at its sole discretion, shall determine when such improvements shall be constructed in the event the developer or his/her successor posts security for such improvements.

d. The developer, or his/her successor, shall be responsible for posting sufficient security in accordance with f below for the improvements required by the Engineering Standards prior to the issuance of a building permit for the construction of any building in the development. Under no circumstances shall these improvements be installed without the prior written approval from the City, which approval shall be contingent upon the developer submitting a sufficient maintenance plan which shall include provisions for adequate irrigation and fertilization techniques to ensure sustenance of such improvements. In the event such improvements require replacement, at the sole discretion of the City, prior to the issuance of a certificate of occupancy, the developer, or his/her successor shall be required to make or fund such replacements. The City, at its sole discretion, shall determine when such improvements shall be constructed in the event the developer, or his/her successor, posts security for such improvements.

e. The applicant shall be responsible for the cost of all public improvements in the development unless otherwise provided in this Code.

f. In cases where strict application of the requirements of b above and d above would place undue hardship on the applicant for a building permit, he/she may provide security approved by the City Attorney and by the City Manager to cover the cost of completion of

the required improvements and the maintenance of any incomplete street sections which might be involved. This security shall be to ensure to the City that the improvements are installed in the event that the applicant fails to install them as agreed. As improvements are completed, the applicant may apply to the City Manager for release of all or part of the security, which release shall also be approved by the City Engineer and the City Attorney.

g. The developer or his/her successor shall retain, at his/her sole expense, a licensed professional engineer for appropriate on-site construction inspections to ensure that all improvements as set forth in b above and d above are installed as required, pursuant to City standards and specifications. The engineer shall certify, in writing, to the City Engineer that the improvements were installed in compliance with the approved development plan or subdivision agreement pursuant to City standards and specifications, and as-built drawings, prepared in accordance with the Engineering Standards, shall be provided prior to issuance of a certificate of occupancy.

(2) Acceptance by City of Public Improvements

All public improvements including streets, alleys, water mains, and wastewater mains as specified in the development permit, shall be guaranteed for two years from the date of the City's acceptance. Until such improvements have been accepted by the City, the applicant shall be responsible for maintenance thereof. A bond or other security, in an amount determined by the City Manager to cover the cost of maintenance of improvements before acceptance, shall be posted by the applicant before the City accepts any public improvements. Acceptance of public improvements shall be requested by the applicant of the City Manager and shall be granted only after the City Approves the certification required in 070.040.030(f)(1)g above.

(g) Dedications and Impact Fees

(1) General Requirements

Dedication of land and easements shall be made by means of a subdivision plat or deed. Dedications shall be made to fulfill the foregoing requirements for utility easements, drainage easements, pedestrian easements, streets, and alleys. In addition, land shall be dedicated to the City to be used for parks and recreation, in accordance with the provisions of 070.040.030(g)(2) below.

(2) Parkland Dedication

For every residential development, the City shall require the dedication of certain sites for parks and recreation use in accordance with the provisions of this subsection.

a. Description

1. Dedicated park land may include floodplain lands, national and state historical or natural features, and proposed public areas set aside in state, regional, county or City comprehensive plans. Land dedicated shall not include sites for technical, private or public schools or public agencies; sites for service organizations that are not open to the general public; and sites unsuitable for public use due to steep slopes, rock formations, adverse topography, utility easements, or other features that may be harmful to health and safety.
2. A minimum of 80 percent of park land dedicated shall have a slope of not greater than 20 percent and shall lend itself to utilization for public recreation purposes including,

but not limited to, the following: play fields, tennis courts, picnic sites, trails, and boating areas.

3. Wherever a development proposal includes any part of a bikeway, hiking trail, pedestrian path or skiing trail designated on the City's trail system as identified in the City's Rivertrail Master Plan, the developer shall dedicate a public easement in compliance with the plan. This land may be included as part of the required parkland dedication.

b. Amount

Park land shall be dedicated in the ratio of 0.007 acres per resident or seven acres per 1,000 residents of the proposed development, to be computed as follows:

1. 3.5 residents per single-family dwelling unit;
2. 3.0 residents per two-family dwelling unit; and
3. 2.5 residents per multi-family dwelling unit.
4. 1.25 residents per accessory dwelling unit (ADU).

c. Applicability

1. Pre-Existing Development and Redevelopment

Except where there is an increase in intensity of use from a prior approval, the City Council shall waive all parkland dedication requirements where previous arrangements have been made and approved at the time of annexation, subdivision, or development of the same property. In the event that there is an increase in intensity of use, an applicant shall only be required to dedicate additional lands based on the ratio of the existing approved intensity of use or development to the proposed new use or development.

2. New Development

i. The provisions of this subsection shall apply to all new residential development, including the residential component of mixed-use development.

ii. Where mixed-use development (commercial/industrial/institutional and residential use) is proposed, the parkland dedication requirement shall be calculated based on the adopted residential per-acre value.

d. Partial Waiver of Dedication Requirements

1. Private Recreation Facilities

The total acreage required to dedicated park lands may be reduced by up to 50 percent in exchange for provision of private recreation facilities in the development if the Planning Commission finds all of the following:

i. The private recreation facilities offered will fulfill a major portion of the recreational demands of the residents of the proposed development;

ii. The private recreation facilities will be completed at the same time as or prior to the housing facilities in the development;

iii. The private recreation facilities will be maintained as such for a minimum period of ten years; and

iv. Adequate provisions are made so that paragraphs ii and iii above are ensured.

2. **Partial Waiver**

The Planning Commission may recommend, and the City Council may authorize, a partial waiver of the parkland dedication requirements. The City Council may authorize a partial waiver of parkland dedication requirements of up to 25 percent of the calculated requirements, subject to the finding that one or more of the following community goals can be satisfied:

i. The application can provide deeded access by easement or fee title to public lands, river corridors, or other public facilities.

ii. The application proposes public on-site recreational and/or active and passive open space amenities that exceed the minimum requirements as required by this Code.

iii. The application proposes to construct improvements to the City's trail system as identified in the Rivertrail Master Plan, or other applicable plans, goals or policies and is consistent with the design standards contained therein.

iv. The perpetual protection of private lands with important view corridors, natural habitat or river bank via the conveyance of a conservation easement as provided for by state statute.

v. The contribution of improvements to an existing City park or recreation facilities, on a dollar-for-dollar basis.

vi. The contribution to off-site greenway and streetscape improvements, on a dollar-for-dollar basis.

e. **Fees in Lieu of Dedication**

1. **Applicability**

i. In the event parkland is not needed within the area of development due to the size of the development or due to the close proximity of other parkland to the development, the City Council may require the applicant to pay the City a fee in lieu of land dedications or to transfer other property owned by the applicant to the City for use as parkland.

ii. The amount of a cash payment required shall be based on the number of acres of parkland dedication that otherwise would be required, less any reductions for private recreation facilities as provided above.

2. **Fee In Lieu Calculation**

i. A fee in lieu of parkland dedication shall be determined by an appraisal provided and paid for by the applicant to determine the property's value. All appraisals shall be no more than six months old and shall be prepared by a qualified appraiser;

ii. A contract purchase price on the subject property may be substituted at the determination of the City Council; or

iii. Based on a per-acre value for residential land in an amount to be adopted by the City Council by ordinance.

3. **Payment**

i. If the City Council determines to accept other property not within the development instead of or as a partial payment toward the cash payment

required hereunder, the value of the other property shall be its market value, as determined by a qualified appraiser selected jointly by the City and the applicant. The cost of such appraiser shall be paid by the applicant.

ii. Payment in lieu of land dedication shall be required as a condition of the development permit and made prior to issuance of a building permit.

iii. Such payment shall be placed in a recreation fund to be established and maintained by the City for the acquisition and improvement of land for parks, playgrounds, and recreation areas in the City that may benefit the residents of the City in general, as well as those of the proposed subdivision.

(3) Fisherman's Easement

a. When a development or subdivision fronts on a river or creek within the city, a public fisherman's easement may be requested and may be included as a portion of the required parkland dedication. A fisherman's easement shall typically consist of a ten-foot wide corridor centered on the normal high water line of the river. A wider easement may be requested where topography warrants.

b. The City Council and/or the Planning Commission shall consider input from the Parks and Recreation Commission and the River Commission in reviewing parkland dedications for riverfront properties.

c. The City or a property owner may request that a habitat protection easement substitute for a fisherman's easement where the riparian or adjacent habitat is sensitive and may be damaged by human intervention. Any request shall be accompanied by a report prepared by a qualified biologist or ecologist documenting the negative impacts of human encroachment. The report shall also address maintenance, monitoring, and stewardship of the easement. The City Council and/or Planning Commission shall render a decision based on a goal of protecting habitat. Parkland credit shall be given for the habitat protection easement.

(4) School Land Dedication

a. Applicability

To help offset the financial impact of new residential development on the school district serving the residents of the City, any new residential or mixed-use development within the City shall dedicate land or make payments in lieu of such land dedication in accordance with the provisions of this subsection.

b. Amount Required

1. The standard for school land dedication shall be LAND AREA PROVIDED PER STUDENT x STUDENTS GENERATED PER DWELLING UNIT = LAND TO BE DEDICATED.
2. The land dedication requirement shall be 1,776 square feet of land per potential student.
3. The number of students generated per type of dwelling unit shall be based on the following table:

Table 040.2: Students per Dwelling Unit Type

Dwelling Unit Type	Students per Unit
Single-family units	0.55
Two or more attached unit	0.375
Accessory dwelling unit	0.00

c. **Fee in Lieu of Dedication**

If it is determined that there is no appropriate land for school use available in a development, a fee in lieu of dedication may be made by multiplying the amount of land to be dedicated by the fair market value of land in the development or based on a per-acre value in amount to be established by the City Council by resolution and set forth in the City's fee schedule, whichever is less.

1. The City shall determine the value of lands in the City annually for the calculation of in-lieu-of payments. Such determination may require appraisals of land costs within a proposed development. The value of lands shall be established on a per-acre basis and converted to a per-square-foot basis for the purpose of in-lieu-of payment calculations.
2. Fee in lieu of land dedication shall be required as a condition of the development permit and made prior to issuance of a building permit.

d. **Acceptance of Dedication or Fee**

1. The City reserves the right to waive or vary the dedication requirements in this subsection when a development provides affordable housing.
2. The City shall consult the District in determining whether dedicated land is appropriate for school purposes and whether a fee in lieu of dedication is required. Such determination shall be the sole decision of the City and the District.
3. Within 30 days following receipt of each fee in-lieu-of land dedication for schools, the City shall pay the fee directly to the District. The District shall use the fees for the purchase of land or the construction of new facilities within the Glenwood Springs attendance area.

(5) **Fire and Emergency Services Impact Fee**

In order to help offset the financial impacts of new development on the residents of the City, all new development shall pay a fire and emergency services impact fee as provided for in this subsection.

a. **Purpose**

The purpose of this subsection is to:

1. Provide a rational system for identifying and mitigating growth-related costs associated with growth and development and the expansion of emergency services and facilities made necessary by land development activities, a growing population and economic activity levels;

2. Ensure that the impact fees established by this subsection are based on, and do not exceed, the cost of providing additional capital improvements necessitated by new development; and
3. Regulate the use and development of land to ensure that new development bears a roughly proportionate share of the cost of capital expenditures necessary to provide adequate emergency services within the City.

b. **Applicability**

Any new residential or commercial construction within the City that requires a building permit shall be required to pay an emergency services impact fee in the manner and amount set forth in this subsection.

c. **Time for Payment of Impact Fee**

Payment of the emergency services impact fee shall be made to the Fire Department prior to issuance of a building permit. No building permit shall be issued until proof of payment of the emergency services impact fee is provided to the Building Department. Nothing herein shall prevent the prepayment of all or a portion of applicable emergency services impact fees at the time of development or subdivision approval.

d. **User of Impact Fees**

1. All impact fees collected pursuant to this subsection shall be used for capital improvements as defined in (a)(2) above.
2. The City may enter into an intergovernmental agreement with the applicable emergency service providers regarding the method of collection and administration of the impact fee program.

e. **Calculation of Emergency Services Impact Fee and Credit for Improvements**

1. The emergency services impact fee shall be calculated as follows:
2. Upon approval by the City, the City shall calculate the amount of any credit that may be granted to any developer for the amounts due or to become due for capital improvements installed, purchased, and paid for by such developer when such capital improvements offset the need or amount of the impact fee that would otherwise be required.

f. **Unpaid Impact Fees**

The City reserves the right to withhold or revoke any permits, certificates or other such approvals for which the payment of impact fees is delinquent.

070.040.040 Common Open Space

(a) Purpose

Common open spaces are set aside for the use and enjoyment of a development's residents, employees, or users. Common open space serves numerous purposes, including preservation of natural areas and resources, ensuring greater resident access to open areas and recreation, reducing the heat island effect, enhancing stormwater quality, and providing public health benefits. Goals and requirements for common open space complement this Code's requirements for dedicated parkland, and serve similar purposes.

(b) Applicability

(1) General

Unless new development is expressly exempted in accordance with (2) below, the standards in this section shall apply to all new development subject to:

a. Planned Development Rezoning (070.060.040(b));
b. Special Use Permit (070.060.050(e));
c. Major Subdivision Preliminary Plat Approval (070.060.060(b));
d. Minor Subdivision Plat Approval (070.060.060(a));
e. Major Site/Architectural Plan Approval (070.060.050(a)(5)); or
f. Minor Site/Architectural Plan Approval (070.060.050(a)(4)).

(2) Exemptions

The following development is exempt from the standards of this Section:

a. Properties located in the M2 zoning district;
b. Condominiumization or subdivision of existing residential and nonresidential units; and
c. Development of a single-family detached or duplex dwelling on an existing lot.

(c) Required Common Open Space Area

(1) Required Total Common Open Space Area

A development shall provide the minimum area of common open space identified in Table 040.3, based on the development's base zoning district and use classification.

Table 040.3: Required Common Open Space

Use Classification	Minimum Total Common Open Space Area (as percentage of development site area)
Residential Uses	20%
Mixed-Uses	15%
Institutional Uses	10%
Commercial Uses	10%
Industrial Uses	5%

The total amount of land set aside as common open space shall not be less than the applicable percentage in the above table, unless the City Council makes an individualized finding that supports an alternate requirement. Any such alternate requirement shall be reasonably related to the impacts upon the City's parks and recreation system and infrastructure that will be generated by the residents and users of the subject development.

(2) Allowable Common Open Space Areas

The features and areas identified in Table 040.4 shall be credited towards compliance with the common open space requirements of this Section. They are listed generally in order of priority.

Table 040.4: Allowable Common Open Space Areas

Area Counted as Common Open Space	Description	Design and Maintenance Requirements
Natural Resource and Hazard Areas		
	Natural water features (including lakes, ponds, rivers, streams, rivers, wetlands, drainageways), riparian buffers, flood hazard areas, existing tree canopy and specimen trees, steep slopes, and important wildlife habitat areas, including such areas used for required public recreation area	• Preservation of any existing natural resource and hazard areas shall have highest priority for locating open space. • Maintenance is limited to the minimum removal and avoidance of hazards, nuisances, or unhealthy conditions. • See sensitive area protection standards (070.040.020).
Active Recreational Areas		
	Land occupied by areas and facilities used for active recreational purposes, such as pools, playgrounds, tennis courts, jogging trails, ball fields, and clubhouses, including required public recreation area	• Land shall be compact and contiguous unless used to link or continue an existing or planned open space resource. • Areas shall have at least one direct access to a building or to a street, bikeway, or walkway accessible to the public or the development's occupants and users.

Stormwater Management Devices		
	Up to 75 percent of land area occupied by stormwater management devices (including retention and detention ponds and other bioretention devices), when such features are treated as an open space site amenity	To qualify, stormwater management devices shall support passive recreation uses by providing access and pedestrian elements such as paths and benches.
Formal Plantings and Gardens		
	Formally planned and regularly maintained open areas that provide passive recreation opportunities, including arranged plantings, gardens, gazebos, and similar structures, as well as roof gardens	• Formal plantings and gardens shall have at least one direct access to a building, or to street, bikeway, or walkway accessible to the public or the development's occupants and users. • Such features shall be oriented to surrounding development.
Squares, Forecourts, Plazas, Courtyards, and Outdoor Dining Areas		
	Squares, forecourts, plazas, courtyards, and outdoor dining areas that provide gathering places or active and passive recreational opportunities	• Squares, forecourts, plazas, courtyards, and outdoor dining areas shall be at least 200 square feet, but no more than one acre, in area. • Such features shall have at least one direct access to a principal building, or to a street, bikeway, or walkway accessible to the public or the development's occupants and users. • Surrounding principal buildings shall be oriented toward the square, forecourt, plaza, or outdoor dining area where possible.
Required Buffer and Landscape Areas		
	All areas occupied by required buffers and landscaping, except interior parking lot landscaping and planting strips between the sidewalk and street. Buffers required within front setbacks or along public rights-of-way to screen parking (070.040.060(h)(6)c.3.i) shall count as common open space.	See landscaping standards (070.040.050).

(3) Areas Not Allowable as Required Common Open Space

The following areas shall not be counted towards required common open space:

a. Areas containing drainage and geologic hazard improvements;

b. Private yards not subject to an open space or conservation easement;

c. Street rights-of-way or private access easements, including sidewalks located within those rights-of-way or easements;

d. Open parking areas and driveways;

e. Land covered by structures, unless designated for active recreational uses;

f. Decks, porches, patios, and balconies reserved for individual dwelling units;

g. Designated outdoor storage areas; and

h. Stormwater ponds not located and designed as a site amenity (for example, with low fencing, vegetative landscaping, gentle slopes, fountain or other visible water circulation device, and pedestrian access or seating).

With the exception of trails, spaces with any dimension of less than 15 feet shall not count toward satisfying the common open space requirement.

(4) Design Standards for Common Open Space

Areas used as a required common open space shall meet the following design standards:

a. Design Generally

The design, siting, grades, and solar access of the proposed common open space shall be such that the space is amenable to active and passive recreation; shall relate to the overall design of the site; and shall not be determined solely by those areas left over after the selection of the location for the building, parking areas, utilities, and other necessary site improvements. In addition, the design and siting of common open space located in commercial areas should minimize negative impacts of surrounding commercial activity or traffic on the enjoyment of the space by the residents as much as is feasible.

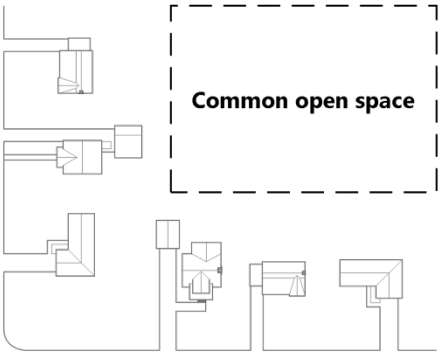
b. Location

To the maximum extent practicable, required common open space shall be located and configured to include, protect, or enhance as many of the allowable types of common open space shown in Table 040.4 as possible, with a priority generally reflecting the order in which the types are listed in the table.

1. Required common open space shall be located to be readily accessible and useable by occupants and users of the development. Where possible, a portion of the open space should provide focal points for the development through prominent placement or easy visual access from streets.

2. The common open space shall be directly accessible to all residential units, to the maximum extent practicable. For example, clustering units around a common open space provides greater accessibility to each residential unit and is preferable to locating the open space at the end of a row of units where it is less accessible to many of the units. (Figure 040-2)

Figure 040-2: Common Open Space



3. If the development site is adjacent to existing or planned parks, greenways, or other public open space, required common open space shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge the park, greenway, or other public open space.
4. If the development contains, or adjoins an existing or planned transit station, required common open space shall, to the maximum extent practicable, adjoin the transit station site or be integrated with the transit station or other open space adjoining the transit station in accordance with any City-adopted plans for the transit station area. Such required common open space shall be furnished with at least three of the following types of community amenities:
   i. Benches or seating areas;
   ii. Raised landscape planters;
   iii. Shade structures;
   iv. Public art (e.g., sculptures, murals, water elements, carvings, frescos, mosaics, mobiles);
   v. A courtyard;
   vi. Decorative shelters for transit riders (as approved by the Director); or
   vii. Similar community amenities approved by the Director.

c. Configuration

1. Required common open space areas shall be compact and contiguous unless a different configuration is needed to continue an existing trail or accommodate preservation of natural features.
2. With the exception of trails, common open space shall be consolidated into one large space where possible and shall not be fractured into small sizes and irregular shapes that do not function well for recreation.

d. Setbacks and Easements

Setbacks and easements generally shall not count toward satisfying the common open space requirement; however, the Director shall have the authority to waive this requirement upon finding that the setback or easement area is consistent with the intent and design

requirements of this Section and has sufficient solar access and landscaping to be amenable to recreation.

e. **Connections to Public Trails, Parks, and Other Recreation Areas**

Applicants are encouraged to use common open space to connect to public trails and public parks and recreation areas wherever possible. For example, connections to the River Trail, nearby parks, publicly owned open spaces, or connections that make short cuts from the end of a cul-de-sac to a neighboring through street with a sidewalk are desirable. If not dedicated to the public, these connections shall qualify as common open space, subject to the approval of the Director.

(5) **Development Within Required Common Open Space Areas**

Development within required common open space areas shall be limited to that appropriate to the purposes of the type(s) of common open space (see Table 040.4).

(6) **Ownership, Management, and Maintenance of Common Open Space**

a. Required common open space area shall be managed and maintained as permanent open space through one or more of the following options:

1. Open space may be held in common ownership by the owner(s) of the development, who will be responsible for managing and maintaining the land for its intended open space purposes.
2. Open space areas may be conveyed to a property owners' or homeowners' association that holds the land in common ownership and will be responsible for managing and maintaining the land for its intended open space purposes.
3. Open space areas may be conveyed to a third-party beneficiary such as an environmental or civic organization that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended open space purposes.

b. Easements may be established on those parts of individually owned lots including open space areas that require the areas to be managed consistent with their intended open space purposes and prohibit any inconsistent future development. Any options involving private ownership of required common open space area shall include association by-laws, deed restrictions, covenants, or other legal instruments that ensure continued use of the land for its intended open space purposes and provide for the continued and effective management, operation, and maintenance of the land and facilities. Such instruments shall be approved by the City as sufficient to comply with this standard before or conjunction with approval of any subdivision plat for the development, or any permit approval (if no subdivision approval is required).

c. Responsibility for managing and maintaining common open space areas lies with the owner of the land comprising the areas. Failure to maintain common open space areas in accordance with the approved development shall be a violation of this Code. Identification of who bears responsibility for managing and maintaining common open space areas shall be shown on any recorded subdivision plat for the development or any approved development permit (if no subdivision approval is required).

(7) Alternative Options for Meeting Common Open Space Requirements

a. Off-Site Provision

1. In lieu of providing required common open space area on a development site in accordance with 070.040.040(c), the developer may, with the approval of the City Council in accordance with the criteria in paragraph 3 below, provide all or some of required common open space on land outside the development site. No development application proposing off-site provision of required common open space shall be approved unless and until the City Council approves such proposal (even where the application would normally be decided by City staff or another board).
2. Where off-site provision of required common open space is proposed, the application shall include a map showing the location, boundaries, and topography of the site, as well as any additional information necessary to ascertain the site's suitability as common open space.
3. Any approved off-site common open space shall be shown as reserved or dedicated open space on a plat of the property containing the common open space. The City Council's decision on whether to approve off-site provision of required common open space shall be based on the following criteria:
   i. Whether the proposed off-site common open space would meet the design standards for required common open space in 070.040.040(c)(4);
   ii. Whether the proposed off-site common open space is located sufficiently close to the development site to meet the open space needs of the occupants and users of the development; and
   iii. Whether the proposed off-site common open space would contribute more to meeting the open space needs of the occupants and users of the development than on-site provision of the common open space or the City's use of in-lieu payments to acquire and develop parks, greenways, and other open space areas in the vicinity of the development.

b. Fee in Lieu of Providing Required Common Open Space

1. In lieu of providing required common open space area on a development site in accordance with 070.040.040(c), the developer may, with the approval of the City Council (for PUD, Major Subdivision Preliminary Plat, Major Site/Architectural Plan, or Special Use) or Director (for Minor Subdivision Plat or Minor Site/Architectural Plan), make a payment to the City in lieu of providing all or a portion of the required common open space or public recreation area.
2. The amount of such in-lieu payment shall be the product of the number of acres of required common open space area, as appropriate, that is proposed and approved for the in-lieu payment option multiplied by the pre-development fair market value per acre of land making up the development site. The development application shall include an appraisal or other documentation acceptable to the City as showing the development site's predevelopment fair market value.
3. If the City disagrees with the pre-development fair market value submitted by the applicant, such value shall be determined by a special appraisal committee made up of one professional appraiser appointed by the applicant, one professional appraiser appointed by the City Manager, and one professional appraiser appointed by the

initial two committee members. The committee shall view the site, hear the contentions of both the applicant and the City, reach a conclusion by majority vote, and submit a written certification of its conclusion to the applicant and City Manager within 30 days after the final member of the committee is appointed. The costs of the committee shall be borne by the applicant.

4. The developer shall make the in-lieu fee payment before recordation of any subdivision plat for the development or issuance of any development permit for the development (if no subdivision approval is required)—provided, however, that the payments may be phased in accordance with an approved phasing plan for the development.
5. The City shall deposit any in-lieu fee into a special fund that shall be used only for the acquisition or development of parks, greenways, and other open space areas that will serve occupants and users of the development. Such areas may also serve other developments in the immediate area.
6. The decision on whether to approve a fee in lieu of providing required common open space shall be based on the following criteria:
    i. The extent to which the size, shape, topography, geology, soils, and public accessibility of the development site makes it impractical to provide required common open space that complies with 070.040.040(c)(4), *Design Standards for Common Open Space*;
    ii. Whether the in-lieu payment option provides the additional design flexibility needed to accommodate allowable higher-intensity development in the downtown, or allowable higher-intensity development on substantially constrained sites elsewhere in the City; and
    iii. Whether the City's use of an in-lieu payment would better meet the open space and recreational needs of occupants and users of the development than on-site provision, or any proposed off-site provision, of the required common open space.

070.040.050 Landscaping, Screening, and Fencing

(a) Purpose

The purpose of this Section is to ensure that landscaping, screening, and fencing is provided to:

(1) Protect and enhance the visual appeal of Glenwood Springs;

(2) Contribute to high-quality development;

(3) Improve air quality;

(4) Buffer potentially incompatible neighboring land uses;

(5) Mitigate the environmental and visual impacts of surface parking areas; and

(6) Protect residential and commercial property values.

(b) Applicability

(1) New Development and Redevelopment

These standards shall apply to all new development or redevelopment unless otherwise exempted by paragraph (2).

(2) Exemptions

a. Single- and two-family residential uses except 070.040.050(d), *Streetscape Requirements* and 070.040.050(f)(2), *Fence Standards*.

b. Mixed-use or nonresidential uses on a lot that is less than 5,000 square feet shall be exempt from this Section.

c. Expansion of existing structures or uses by less than 25 percent gross floor area provided that any existing compliant landscaping remains unaltered.

(c) General Landscaping Standards

(1) Minimum Landscaped Site Area

a. The minimum percentage of site area required to be landscaped is established for each zoning district in 070.020.020, *Summary of Dimensional Standards*.

b. Except for areas with native vegetation cover, any part of a site not used for building coverage, parking areas, driveways, sidewalks, or other site improvements shall be landscaped.

(2) Type and Amount of Plant Material

a. Trees and other plant material shall be provided according to *Table 040.5: Minimum Plant Material and Standards*.

b. Existing landscaping may be used to satisfy the landscaping requirements, except that preservation of existing trees shall comply with 070.040.050(c)(4).

c. Artificial trees, shrubs, turf, or plants shall not be used to satisfy any of the requirements of this Section.

d. Where fractional number results, the number of trees, shrubs, or perennials shall be rounded to the next highest whole number.

Table 040.5: Minimum Plant Material and Standards

Plant Material	Minimum Amount	Species and Size Standards
Trees	One tree per 400 square feet of site area required to be landscaped in addition to those required for parking areas	**Deciduous**: minimum caliper 2.5 inches (understory ornamental trees may be two-inch caliper)
		Evergreen: **(a)** minimum height of six feet; **(b)** shall not exceed 50 percent of total required trees; **(c)** if provided, 10 percent of evergreen trees shall have a minimum height of 10 feet.
		Shrub substitution: Up to 50 percent of required trees may be substituted with shrubs (above required amount) at a rate of 10 shrubs = one tree. All such shrubs shall comply with the standards in this table.
Shrubs	One shrub per 100 square feet of site area required to be landscaped in addition to those required for parking areas	**(a)** at least 20 percent of required shrubs shall be an evergreen species; **(b)** shall be a minimum of five gallons in size and shall grow to a minimum height of one foot at maturity; **(c)** if used for screening requirements in 070.040.050(f), shall grow to a minimum height of four feet at maturity.
Perennials	One perennial per 50 square feet of site area required to be landscaped	**(a)** shall be a minimum of one gallon in size; **(b)** shrubs (above required amount) may be substituted for perennials at a rate of one shrub = 5 perennials.

(3) Location of Required Plant Material

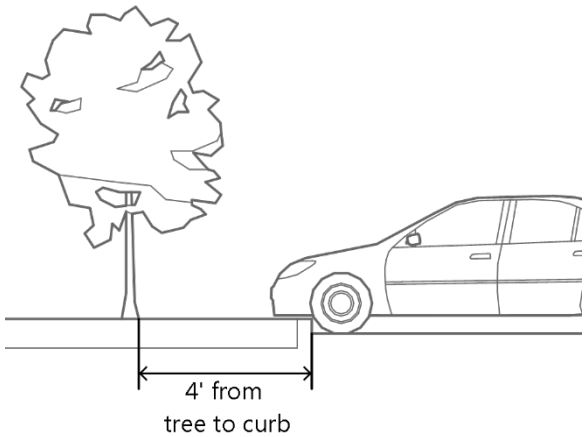
a. Required trees, shrubs, and perennials shall be planted in required setbacks, parking areas, and along building foundations.

b. When planted in required setback areas or along building foundations, trees may be either uniformly spaced or placed in irregular groupings.

c. Landscaping or other obstructions within a sight distance triangle shall comply with the height restrictions in 070.020.190(c)(5), *Sight Distance Triangle Requirement*.

d. Trees shall be planted at least four feet away from overhanging vehicles. (Figure 040-3)

Figure 040-3: Vehicle Overhang



(4) Credits for Tree Preservation

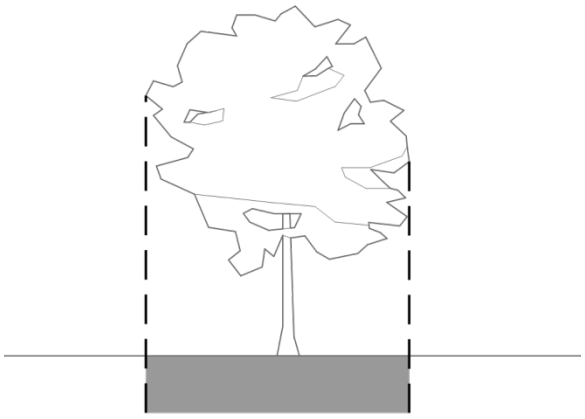
a. Amount of Tree Preservation Credit

1. The number of trees preserved can be credited toward the total number of trees required for the development to meet the landscaping requirements of this Section. Credit shall be applied on a one-for-one basis, unless the Director approves an alternate ratio to encourage tree preservation.
2. The Director shall determine whether or not credit shall be granted for existing trees.
3. Tree species that are not acceptable to receive credit under this standard include, but are not exclusive of Siberian and Chinese Elm, Russian Olive, Tamarisk, and other species that are listed on the Garfield County Vegetation Management Department's most current noxious weed list.

b. Procedure for Evaluating Existing Trees

1. Existing trees intended for preservation shall be evaluated by a licensed arborist prior to submitting and application for development, or prior to issuance of a grading or building permit. The arborist's written evaluation shall include an assessment of the likelihood of the survivability of the trees based on proximity to any grading activity on the site and recommendations for tree preservation during grading and construction activities.
2. Based on the licensed arborist's evaluation, the development may receive credit for existing trees provided that all of the following criteria are met:
   i. The trees are each a minimum of four inch caliper in size;
   ii. Any grading, digging, and/or site preparation activities shall not be permitted within the drip line (Figure 040-4) of the trees intended for preservation; and

Figure 040-4: Drip Line



   iii. Trees intended for preservation shall be shown on the landscape plan with caliper size and drip line noted.

(d) Streetscape Requirements

(1) Minimum Streetscape Elements

Streetscape elements shall be provided according to Table 040.6: *Minimum Streetscape Requirements*.

Table 040.6: Minimum Streetscape Requirements

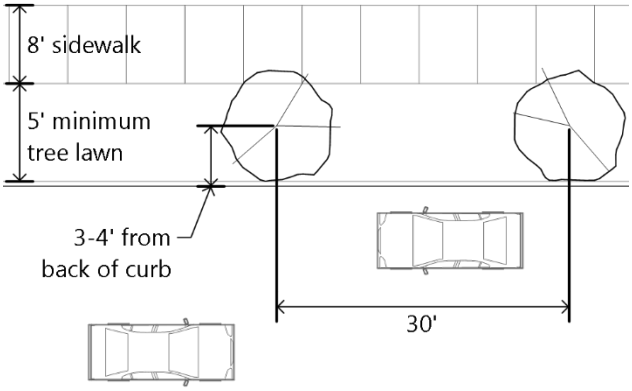
	Minimum Amount (Residential)	Minimum Amount (In the Downtown Core)	Minimum Amount (Other Mixed-Use and Nonresidential)	Other Standards
Street Trees	One tree per 75 feet street frontage	**Residential**: One tree per 35 feet street frontage; **Mixed-Use**: One tree per 50 feet street frontage	One tree per 50 feet street frontage	**(a)** trees shall meet city specifications pursuant to Article 090.040, Streets and Sidewalks; **(b)** evergreen trees are prohibited as street trees in the planting strip; **(c)** where overhead utility lines are present, select a variety of tree that, at maturity, grows no higher than the lowest utility line; **(d)** trees shall be spaced 30 feet apart on center unless alternative spacing is approved by the Director.
Planting Strip	Minimum five feet in width (from back edge of curb)	Minimum five feet in width (from back edge of curb); however, the Director may waive this requirement based on existing conditions along the block face provided landscape elements are used to define the edge of the property in the absence of a planting strip.	Minimum five feet in width (from back edge of curb)	**(a)** shall include a combination (at least two) of the following: trees, shrubs, grasses, native plants, drought-tolerant or low-water plants, perennials, annuals, or turf; **(b)** in the Downtown Core, grasses or turf may only be used for residential or mixed-use development; **(c)** up to 40 percent of the planting strip may be hard surfaced with concrete, brick, composite pavers, stone, or rock-type mulch.
Amenities	None	Per Director discretion based on the needs for a particular block	None	Amenities shall be designed and installed pursuant to the streetscape manual.

(2) Location of Street Trees

a. Unless otherwise permitted in this Section, street trees shall be located within the designated planting strip.

b. Where no planting strip is present or where utilities prevent trees from being planted in the designated planting strip, trees may be planted on the development parcel, in an area ranging from three to seven feet behind the property line nearest to the public right-of-way.

Figure 040-5: Location of Street Trees



(e) Parking Area Landscaping

See 070.040.060(h)(6), *Parking Area Landscaping*.

(f) Screening, Fences, and Walls

(1) Screening Standards

a. Credits Toward Required Landscaping

Any landscaping provided to meet screening standards will be credited towards the overall landscaping requirements enumerated in this Section.

b. Screening Loading and Outdoor Storage Areas

Loading and outdoor storage areas shall be screened from view of public rights-of-way and from adjacent residential land uses or districts using any one or a combination of fences, walls, berms, or landscaping that is at least six feet in height and provides a permanent, opaque, year-round screen.

c. Screening Refuse Containers

1. Enclosures Required

Refuse containers shall be located within an enclosure.

2. Location

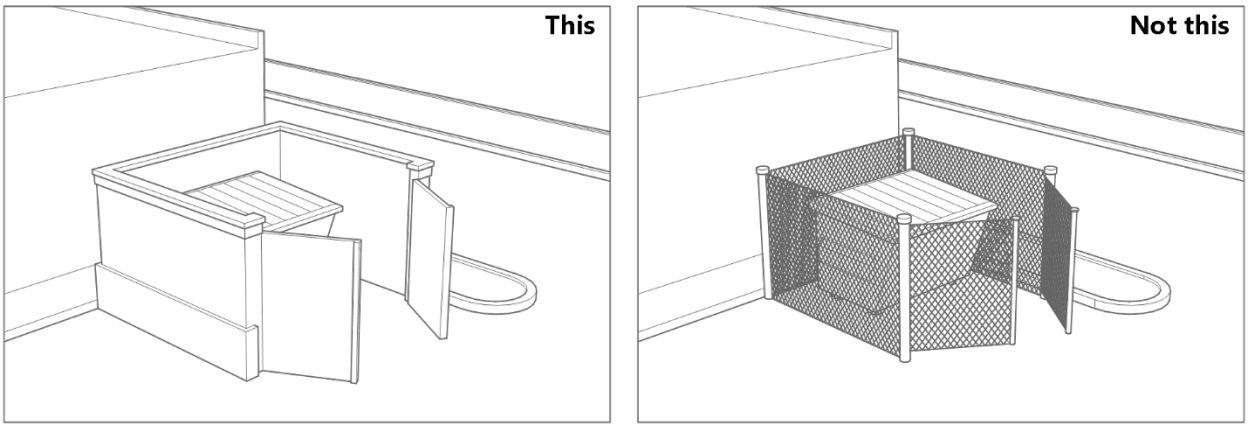
Refuse container enclosures shall be located at the rear of the property to the extent practicable and shall be sited to allow for easy vehicular access such that access does

not require backing movements onto public rights-of-way, with the exception of alleys.

3. **Design and Materials**

   Refuse container enclosures shall be of sufficient height to screen containers, but shall not exceed six feet in height unless screening a refuse container taller than six feet. Such enclosures shall be visually compatible with materials used on the primary building. In no case shall enclosures consist of chain link or corrugated metal. Refuse containers shall comply with the provisions set forth in Article 100.010.060 of the Municipal Code. (Figure 040-6)

Figure 040-6: Refuse Container Enclosures



4. **Landscaping**

   Landscaping shall be used to soften the appearance of the enclosure where such enclosure is located within a side yard or can be viewed from public rights-of-way.

d. **Screening Mechanical and Utility Equipment**

All mechanical and utility equipment including but not limited to air-conditioning, heating and soft water tanks, television antennas, satellite dishes, security apparatus, transformers, and electric and gas meters shall be integrated into the building design, screened from public view or enclosed in a suitable accessory structure, pursuant to the following standards:

1. **Location**

   i. Ground-mounted mechanical and utility equipment shall be located outside of sight distance triangles in order to avoid obscuring vision at intersections.

   ii. To the extent practicable, ground mounted mechanical and utility equipment shall be located out of view of public rights-of-way, customer entrances, and other public areas.

2. **Design**

   i. **Materials**

   Materials used for screening purposes shall be wood or masonry. The use of split face concrete block is prohibited unless otherwise approved by the Director through the alternative compliance procedure.

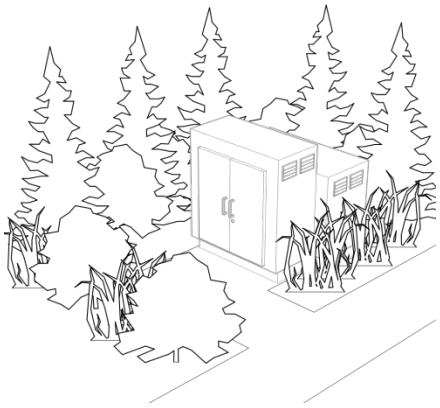
ii. Ground-Mounted Equipment

Ground-mounted mechanical and utility equipment located within view of customer entrances or public rights-of-way shall be integrated into the overall site design, the architectural design of the building, and screened from public view using one or a combination of the following: (Figure 040-7)

a. Decorative wall, fence, or enclosure that is constructed of materials that are compatible with the overall architectural design of the development and of a height that is not less than the height of the equipment to be screened; or

b. Landscaping that is of sufficient height at maturity and of opacity to effectively soften and screen the equipment, and that is integrated into the overall landscaping plan.

Figure 040-7: Screening Ground-Mounted Equipment



iii. Fire Hydrants

a. Ensure that plants and other screening mechanisms do not block access to a fire hydrant.

b. Setbacks shall be maintained to each side of all fire hydrants as required in the Engineering Standards.

iv. Roof-Mounted Equipment

a. Roof-mounted equipment shall be an integral part of the building's overall architectural design and shall be screened from view to the extent practicable from public rights-of-way, residential land uses, public parking areas, and/or adjacent properties using parapet walls or other means of screening. When reviewing the type and amount of screening, the Director shall consider the following:

   1. The proximity of the development to surrounding residential land uses and the visual impact that roof-mounted equipment may have upon those surrounding residential land uses.

   2. The number and size of roof-mounted equipment. The greater the number and/or size, the more screening may be warranted.

b. Roof-mounted equipment shall be neutral earth toned colors that have a matte finish and that are compatible with the primary building façade. In no

case shall rooftop mechanical equipment be galvanized, shiny, white, off-white, or other light colors that can be observed from a distance.

(2) **Fence Standards**

a. **Location and Design**

1. Fences other than those used for screening pursuant to 070.040.050(f)(1), and that are constructed within the front yard setback, along corner side lot lines, or are adjacent to a public right-of-way, shall be at least 60 percent transparent.
2. Fences located in a required front yard setback shall be no more than four feet in height.
3. Fences located in a required side or rear yard setback shall be no more than six feet in height.
4. Fences shall conform to maximum height requirements when located within a sight distance triangle, as defined in 070.020.190(c)(5), *Sight Distance Triangle Requirement*.

b. **Fencing Materials**

1. Fencing material shall be compatible with the overall site design, the primary building, and landscaping. Acceptable materials include but are not exclusive of the following:
   i. Natural stone;
   ii. Brick;
   iii. Stucco;
   iv. Wood;
   v. Decorative concrete block;
   vi. Metal, as in wrought iron;
   vii. Wooden picket fences for residential applications provided the pickets or vertical slats are not more than four inches apart on center; and
   viii. Chain link provided that the chain link is vinyl coated green, brown, or black, used in conjunction with tightly spaced plant material that provides a dense screen between the fence and adjacent public right-of-way, and is not otherwise prohibited below.
2. The following fencing materials are prohibited:
   i. Except in the I1 and I2 zoning districts, chain link fencing when located in the front yard or in a side yard that is adjacent to and visible from a public right-of-way;
   ii. Corrugated or ribbed metal;
   iii. Corrugated plastic;
   iv. Plastic and vinyl; and
   v. Barbed wire.

c. **Fencing Color**

1. Fencing shall be low reflective, and earth-toned in color.
2. Fences constructed of metal, wrought iron, or similar material may be black.

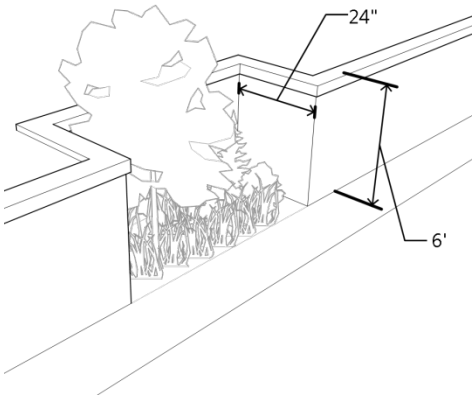
3. Galvanized, shiny, white, off-white, or other light colors that can be observed from a distance are prohibited except that white or off-white wooden picket fences shall be permitted for residential applications.

(3) Retaining Wall Standards

a. Location and Design

1. Retaining walls shall be designed in accordance with applicable building codes, Engineering Standards, and applicable standards in 070.040.020, *Sensitive Area Protection*.
2. Retaining walls shall not exceed six feet in height, as measured from natural grade to the top of the wall, except for the exceptions to accommodate varying slopes as provided in 070.040.020(b)(4)g, *Retaining Walls and Fencing*, or when terracing is provided pursuant to 070.040.050(f)(3)b, *Terracing Required*.
3. Retaining walls that are over four feet in height shall be designed by a State of Colorado licensed structural engineer.
4. Retaining walls that are over 30 feet in length shall incorporate the following elements to minimize the overall mass of the wall:
   i. Recessions and/or projections that have a minimum wall plane change of 24 inches and have the effect of casting shadows. (Figure 040-8)

Figure 040-8: Retaining Wall Design



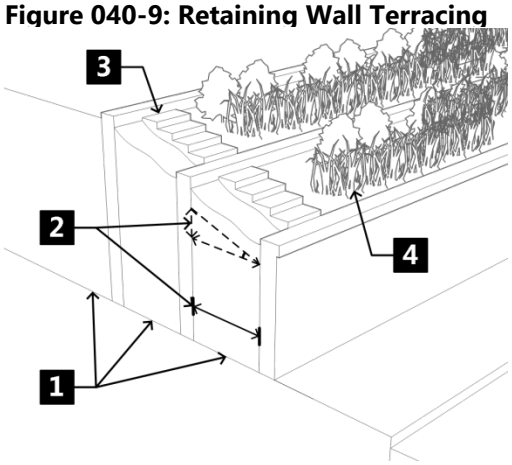
   ii. Landscaping at a minimum shall include trees, shrubs, ornamental grasses and/or and perennials and be of sufficient quantity to add visual interest and to minimize the impact of the structure as viewed from neighboring properties or the public right-of-way. The Director may approve alternative designs to soften retaining walls to reduce the amount of water behind such walls provided the intent of this Section is met. Alternative designs shall be processed according to 070.040.050(g)(2).
5. Retaining walls shall be designed such that the structure conforms to the existing natural terrain.
6. Retaining walls shall conform to maximum height requirements when located within a sight distance triangle.

b. Terracing Required

The Director may allow retaining walls that exceed six feet in height if they are terraced to minimize visual impacts on residents, neighboring properties, and the public realm by: (Figure 040-9)

1. Limiting terracing to three tiers;
2. Providing a minimum terrace width of four feet between any two six-foot retaining walls with a maximum slope of 3:1 to create pockets for landscaping. The Director may approve reduced terrace depths where site constraints limit the amount of space available to accommodate the minimum required width;
3. Access points, such as stairs, shall be incorporated into the retaining wall for the purposes of maintaining landscaping; and
4. Permanently landscaping or re-vegetating terraces created between retaining walls to screen walls and provide visual interest unless soil conditions are determined by a licensed engineer to be unsuitable due to geologic hazards.

Figure 040-9: Retaining Wall Terracing



Annotations correspond with paragraph numbers in the preceding text

c. Materials and Color

1. Retaining walls shall be compatible with the overall site design, the primary building, and landscaping and shall coordinate with rock formations or exposed soil from surrounding hillsides.
2. Retaining walls shall be constructed of the following materials:
   i. Natural stone;
   ii. Concrete keystone blocks with integral earth-toned color; or
   iii. Another material that meets the intent of this standard as determined by the Director.
3. When located adjacent to a public right-of-way or when visible from adjacent commercial or residential land uses, the use of railroad ties and timber is prohibited.

d. **Landscape Buffer as an Alternative**

1. Where terracing or other mitigation measures are not feasible due to site size or other constraints, a densely landscaped buffer shall be provided as an alternative on the downhill side of the wall.
2. Appropriate spacing of vegetation and landscaping shall be determined by the Director, dependent upon the species selected; however, spacing shall be such that trees will form a dense screen within five years of planting.
3. The Director may approve alternative landscape buffer configurations and plantings where insufficient space exists to meet the above landscape buffer standards.
4. The Director may waive the above standards for alternative landscape buffers if retaining walls will not be visible from neighboring sites, the interior of the proposed structure, and the primary street frontage; and the applicant can demonstrate that views of the retaining wall will be fully screened by the primary structure or a free-standing parking garage structure.

(g) Landscaping Evaluation Procedure

(1) Landscape Plan

a. All development except for single-family detached houses and duplexes shall provide a landscape plan demonstrating compliance with the standards in this Section shall be provided in a form established by the Director.

b. Review and evaluation of the landscape plan shall be pursuant to the specific application procedure pursuant to Article 070.060: *Administration and Procedures*.

(2) Alternative Compliance

a. For developments with severely hydrocompactive soils, especially those present around building foundations, the Director may approve landscaping and related irrigation design alternatives that meet the overall intent of this Section but that address the special characteristics of these soil types. The Director may require a statement from a licensed geotechnical engineer that specifically addresses the hydrocompactive soil issue as it relates to compliance with the requirements in this subsection for the City to consider an alternative landscaping design.

b. For developments where other exceptional physical limitations of either existing building location or site dimensions result in impractical or impossible application of this Section, then the Director may approve landscaping, screening, fencing, and wall alternatives that meet the intent of this Section.

(h) Installation and Maintenance

(1) Timing of Installation

The developer shall install all landscape improvements including operable irrigation systems prior to receiving a Certificate of Occupancy. This requirement may be modified by the Director if security is provided and the developer identifies an alternative timeframe for landscaping and/or irrigation system installation. The amount of security shall be based on itemized cost estimates of all landscaping and irrigation system improvements, as well as related labor costs. Itemizations shall be generated from a qualified landscape architect, irrigation system specialist, and/or a local or regional landscaping nursery or garden center.

(2) Irrigation System Design

Irrigation systems shall be professionally designed by a landscape architect or irrigation specialist. When available, raw water shall be utilized for irrigation. Irrigation systems shall be designed to prevent water from spraying on impervious surfaces adjacent to landscape areas, shall utilize drip irrigation where appropriate to minimize run-off from sprinklers, and shall incorporate moisture sensors to reduce water consumption.

(3) Maintenance

The owner of the property and his/her successors, heirs, and assigns, are responsible for the proper maintenance of the landscaped area, screening, fencing, and parking lot subject to the approved landscape plan. All landscape and parking areas shall be maintained free of trash. Landscaping shall be continuously maintained, including all necessary watering, weeding, pruning, and pest control.

(4) Protection of Existing Vegetation

a. No existing live trees with a caliper size of 14 inches or greater may be removed without approval of the Director and Parks and Recreation Director.

b. Planting strips or areas, walkways, fences, hedges, or walls shall be protected from vehicles and maintenance equipment by curbs, bollards, wheel stops, or other means.

(5) Replacement of Dead or Diseased Plant Material

Replacement of dead or diseased plant material shall be of equivalent species or material, as specified in the approved Landscape Plan. Replacement shall occur at the time of removal or, if necessary, the next planting season. In any event, replacement shall occur within one year from the time of removal.

(6) Maintenance of Trees in Public Right-of-Way

Trees located within the public right-of-way or on public property shall be maintained in accordance with Section 090.050.030 of the Municipal Code.

070.040.060 Off-Street Parking and Loading

(a) Purpose

The purpose of this 070.040.060 is to ensure that safe and convenient parking areas are provided to:

(1) Respond to transportation and access demands of various land uses throughout the city;

(2) Avoid and mitigate traffic congestion;

(3) Avoid and mitigate the adverse visual impact of large concentrations of exposed parking and of separate garage or carport structures;

(4) Reduce stormwater runoff, reduce heat island effect from large expanses of pavement, and improve water quality;

(5) Provide necessary access for service and emergency vehicles; and

(6) Provide for safe and convenient interaction between vehicles and pedestrians.

(b) Applicability

(1) New Development

Unless otherwise exempted by 070.040.060(b)(2) , the standards in this Section shall apply to all development and land uses established after the effective date of this Code.

(2) Exemptions from Parking Requirements

The following shall be exempt from the parking standards in 070.040.060(c) and 070.040.060(d), but shall comply with parking area design standards if parking is provided:

a. Properties within the boundaries of the Glenwood Springs General Improvement District No. 1980, or as amended;

b. Nonresidential uses in any zoning district on properties containing less than 5,000 square feet of lot area; or

c. Expansions of existing structures or uses by less than 25 percent gross floor area provided that any existing off-street parking remains unaltered.

(3) Fee in Lieu of Off-Street Parking

a. Prior to the issuance of the building permit or a change in use of the property, the developer of a property may submit an application to the Director for payment of fee in lieu of off-street parking requirements. The submitted application shall be presented by the Director to City Council for a determination as to whether sufficient public parking to serve the proposed structure or use exists, or can be made available to serve the structure or use. This determination shall be at the sole discretion of the City Council who may approve or disapprove the application.

b. The fee in lieu shall be established by resolution of the City Council in an amount that is calculated to approximate the cost of obtaining, developing, and maintaining a public parking space.

c. All fees in lieu paid pursuant to this subsection shall be deposited in a separate fund, which fund may be used to undertake future projects to accommodate parking demand. These fees may not be used for the general expenses of the City.

(4) Change in Use

Unless otherwise stated, off-street parking and loading shall be provided for any change of use that would result in a requirement for more parking or loading spaces than the existing use as defined in this section. An applicant may pay a fee in lieu of providing required off-street parking pursuant to 070.040.060(b)(3), *Fee in Lieu of Off-Street Parking*.

(5) Parking as an Accessory Use

Parking is allowed in all zoning districts as an accessory use except that parking lots as a principal use shall only be allowed with approval of a special use permit and limited to zoning districts pursuant to Table 030.1: Table of Allowed Uses.

(c) Calculation of Off-Street Parking and Loading Requirements

(1) Area Measurements

a. All parking and loading requirements that are based on square footage shall be calculated on the basis of the floor areas of the subject use.

b. Structured parking within a building shall not be counted in the computation of gross floor area as it pertains to the required parking spaces.

c. For the purpose of calculating maximum parking spaces, the following shall not be counted in such calculation:

1. Accessible parking;
2. On-street parking;
3. Structured parking; or
4. Vanpool and carpool parking.

(2) Fractions

When the calculation of off-street parking spaces results in a fraction, the required parking shall be rounded to the next highest whole number.

(3) Off-Street Parking and Loading for Multiple Uses

Lots containing more than one activity or uses shall provide off-street parking and loading in an amount equal to the total of the requirements for all subject activities or uses, unless the Director approves a parking alternative pursuant to subsection 070.040.060(e).

(4) Off-Street Parking and Loading for Unlisted Uses

For uses not expressly listed in Table 030.1: Table of Allowed Uses, the Director is authorized to:

a. Apply the off-street parking and loading requirements specified in Table 03.1 for the listed use most similar to the proposed use based on public parking demand, nature of the use, number of employees, and any other factors deemed appropriate by the Director; or

b. Establish the off-street parking and loading requirements based on local or national best practices or by reference to standards or resources such as the Institute of Traffic Engineers, Urban Land Institute, the International Council of Shopping Centers, the American Association of State Highway and Transportation Officials, the American Planning Association; or

c. Establish the off-street parking and loading requirements based on a parking and loading demand study prepared by the applicant according to subsection 070.040.060(c)(5).

(5) Discretionary Requirements Based on Demand Study

Uses in Table 030.1: Table of Allowed Uses, that reference this paragraph have varied parking and loading demands, making it difficult to specify a single standard for off-street parking or loading requirements. With an application for a use that is subject to this paragraph, the Director shall apply the off-street parking and loading standards on the basis of a demand study prepared by the applicant. Such study shall estimate the parking and loading demand based on recommendations of the Institute of Traffic Engineers, Urban Land Institute, the International Council of Shopping Centers, the American Association of State Highway and Transportation Officials, the American Planning Association, or other acceptable source of parking demand data for uses and/or combinations of uses of comparable activities, scale, bulk, area, and location.

(d) Number of Off-Street Parking Spaces Required

(1) Minimum Number of Off-Street Parking Spaces Required

The number of off-street parking spaces required shall be pursuant to the corresponding use type in Table 030.1: Table of Allowed Uses.

(2) Accessible Parking

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

(3) Maximum Parking Spaces Allowed

In nonresidential and mixed-use districts, uses shall not provide off-street parking spaces in an amount more than 125 percent of the minimum parking spaces required pursuant to Table 030.1: Table of Allowed Uses, unless:

a. The use is "automotive sales or leasing" or "transit terminal or station;"

b. The applicant submits a parking demand study to the Director pursuant to 070.040.060(c)(5);

c. The proposed development has unique or unusual characteristics such as high sales volume per floor area or low parking turnover, that create a demand exceeding the maximum ratio and that typically does not apply to comparable uses, with authorization from the Director; and

d. Additional landscaping is provided in an amount equal to the percentage above the maximum parking ratio allowed.

(e) Parking Alternatives

The Director may adjust or approve alternatives to the off-street parking spaces required by Table 030.1: Table of Allowed Uses, pursuant to the following standards:

(1) Cumulative Maximum Reduction for Parking Alternatives

The maximum reduction of required off-street parking spaces by any single parking alternative or combination of parking alternatives in this section shall be 30 percent.

(2) Shared or Off-Site Parking

a. The Director may approve reduced parking requirements for mixed-use and shared facilities, or off-site parking, if the applicant demonstrates that the peak parking demands for such uses and facilities occur at different times either daily or seasonally.

b. To be eligible for such reduction, the applicant shall prepare a demand study pursuant to 070.040.060(c)(5).

c. For shared parking for mixed-use buildings and/or developments, the total parking provided shall not be less than the required parking for the residential use.

d. Shared parking facilities shall be located within 500 feet (measured along a legal pedestrian route) of the entrance to each building for which the shared parking is provided.

e. Shared and/or off-site parking areas shall be located on a site with the same or more intensive zoning district than required for the principal uses served by the parking area.

f. No off-site parking areas shall be located in a residential zoning district.

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

h. Shared parking areas or facilities shall require a shared parking agreement to be recorded prior to issuance of a building permit for new development or a certificate of occupancy for existing buildings. If such agreement is revoked by any party, then the required off-street parking spaces shall be provided pursuant to this Code.

(3) Structured Parking

The Director may approve reduced off-street parking requirements up to 20 percent for developments providing structured parking.

(4) On-Street Parking

The Director may approve reduced off-street parking requirements on a one-to-one basis for on-street parking spaces adjacent to a proposed development. The on-street parking shall be available for public use. Elimination of on-street parking for any reason may result in a requirement for the applicant to provide additional off-street parking to comply with this Code.

(5) Tandem Parking

Tandem parking is allowed for any residential parking area, and for vehicle sales and leasing uses. The Director may also approve tandem parking for employee parking areas for uses nonresidential uses requiring fewer than 10 parking spaces pursuant to Table 030.1: Table of Allowed Uses.

(6) Compact Vehicle Parking

a. Up to 20 percent of the total number of required parking spaces may be used for compact vehicle parking, provided that the total number of required off-street parking spaces is provided on site.

b. In the case where one or more other parking alternatives in this section have been approved by the Director, compact vehicle parking may be provided for up to 10 percent of the required off-street parking spaces.

c. Spaces designated as compact vehicle parking shall be identified as such by means of a permanent sign.

(7) Proximity to Transit

The Director may approve reduced parking requirements up to 20 percent for development located within 750 feet of an active transit stop.

(8) Bus Passes, Carpool, Car Share, or Telecommuting Program

The Director may approve reduced parking requirements up to 20 percent for businesses offering reimbursed transit passes or that have an active carpool, vanpool, car share parking, and/or telecommuter program in place.

(9) Bicycle Parking Beyond Required

The Director may approve reduced parking requirements for applicants providing bicycle parking at a higher rate than required by subsection 070.040.060(f). Such reduction may be approved at a ratio of up to one off-street vehicle space reduction per five short-term bicycle spaces provided beyond the minimum required, and up to one off-street vehicle space reduction per three long-term bicycle spaces provided.

(f) Bicycle Parking

(1) Applicability

a. Unless exempted by b below, all multifamily and nonresidential development shall provide bicycle parking according to this subsection.

b. Automobile dealerships, fleet services, and any use classified as "industrial" pursuant to Table 030.1: Table of Allowed Uses, shall not be subject to these bicycle parking requirements.

(2) Number of Bicycle Parking Spaces Required

Table 040.7: Required Bicycle Parking

Amount of Vehicle Parking Provided	Number of Required Bicycle Parking Spaces
Fewer than 50 spaces	3
51-100 spaces	6
101-150 spaces	9
More than 150 spaces	9, plus 1 space per each 50 vehicle spaces provided after the first 150 spaces

(3) Location of Bicycle Parking Spaces

a. Short-Term Users

Bicycle parking for short-term users, intended for use by customers or clients for a period of two hours or less, shall be located within 50 feet of the principal building entrance.

b. Long-Term Users

All other bicycle parking shall be located on site, in a well-lit area, and shall be within view of employee offices and building entrances unless such parking is provided inside the building in which case the bicycle parking is not required to be within view of employee offices and building entrances.

c. Multiple Building Developments

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

(4) Design of Bicycle Parking Spaces

a. Bicycle parking areas shall not be used for any other purposes.

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

c. Bicycle parking spaces shall maintain an access aisle of at least five feet and clear of all obstructions.

d. Adequate lighting shall be provided for the bicycle parking area for security.

e. Bicycle rack structure and placement shall be designed to:

1. Enable the entire frame of the bicycle and one or both wheels to be secured (not just one wheel);
2. Keep the frame of the bicycle upright while parked;
3. Be positioned to allow both front-in and back-in bicycle parking.

(g) Loading Requirements

(1) Number and Size of Loading Berths Required

Uses requiring shipping and receiving of materials or goods that do not have access to an adjacent alley shall provide off-street loading according to the following standards:

Table 040.8: Required Off-Street Loading Berths

Gross Floor Area	Minimum Number of Berths Required	Minimum Size of Each Loading Berth
Less than 20,000 square feet	None	N/A
20,000 to 49,999 square feet	1	10 feet x 25 feet
50,000 to 100,000 square feet	2	10 feet x 25 feet
More than 100,000 square feet	2, plus 1 additional berth for every 100,000 square feet beyond the first 100,000 square feet	14 feet x 50 feet

(2) Location of Loading Areas

a. Except for properties in the I1 and I2 zoning districts, loading areas shall not be located in the front yard.

b. Loading areas shall be separated from pedestrian areas.

(h) Parking and Loading Area Use and Design

(1) Use of Parking and Loading Areas

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

(2) Location of Parking and Loading Areas

a. Proximity to Structure and/or Use

For multifamily dwellings and nonresidential uses, off-street parking spaces shall be located within 500 feet of the development parcel, as measured by pedestrian access from the building entrance or use. Off-site parking may be approved by the Director subject to the requirements in 070.040.060(e)(2).

b. Location on a Site

Parking areas shall be located on a site pursuant to the site design standards in 070.040.080(d)(3)and 070.040.090(d)(3).

(3) Parking Area Layout

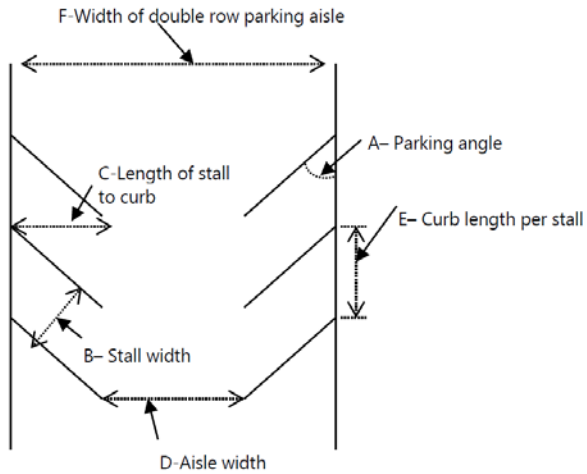
a. Parking Stall and Aisle Design

Parking areas shall be designed according to the Engineering Standards.

Table 040.9: Parking Space and Drive Aisle Layout

A Parking Angle (in degrees)	B Stall Width	C Length of Stall to Curb	D Aisle Width	E Curb Length per Stall	F Width of Double Row with Aisle
0 °	8 feet 6 inches	22 feet	12 feet	22 feet	29 feet
10 °	9 feet	9 feet	12 feet	23 feet	30 feet
20 °	9 feet	15 feet	11 feet	26 feet 3 inches	41 feet
30 °	9 feet	17 feet 3 inches	11 feet	18 feet	45 feet 6 inches
45 °	9 feet	19 feet 8 inches	13 feet	12 feet 7 inches	52 feet 5 inches
60 °	9 feet	21 feet	18 feet	10 feet 4 inches	60 feet
70 °	9 feet	21 feet	19 feet	9 feet 6 inches	61 feet
80 °	9 feet	20 feet 3 inches	24 feet	9 feet 1 inch	64 feet 3 inches
90 °	9 feet	19 feet	24 feet	9 feet	62 feet
Compact (90 °)	8 feet	16 feet	24 feet	9 feet	56 feet

Figure 040-10: Parking Stall and Aisle Dimension Measurements



(4) Parking and Loading Area Surfacing

All parking and loading areas shall be paved with an impervious surface such as concrete or asphalt unless otherwise approved by the City Engineer. Permanent surfacing shall be installed prior to receiving a certificate of occupancy unless otherwise approved by the Director.

(5) Snow Storage Areas

Snow storage shall be provided on site for all unenclosed parking, circulation, loading, sidewalk and other paved areas, and shall conform to the following:

a. Unless otherwise prohibited by this Code, snow may be stored in landscape areas and parking areas provided that accumulated snow does not restrict access and circulation and is not stored in a manner to obscure sight lines at driveways, sidewalks, or other access points to public or private rights-of-way or fire lanes.

b. No minimum amount of additional snow storage area is required; however, applicants shall designate on site/architectural plans those paved areas that may be used for snow storage when necessary. Up to 10 percent of the required off-street parking spaces and 100 percent of those parking spaces in excess of those required under this section may be used as snow storage.

c. Parking areas shall be designed to adequately provide for snow storage and removal.

d. Public rights-of-way shall not be used for snow storage.

e. Snow storage shall not be within 30 feet of the high water mark of a live stream or river or within 10 feet of the top of a river or stream bank which slope is steeper than three horizontal to one vertical (3:1), unless it is discharged into a filtration system approved by the City Engineer.

f. Snowmelt runoff shall be addressed in accordance with the City's Stormwater Drainage and Erosion Control standards pursuant to the City's Engineering Standards.

g. A program for off-site snow removal may be approved by the Director following written request by the applicant.

(6) Parking Area Landscaping

a. Amount Required

1. Parking area landscaping shall be provided according to Table 040.9: Parking Area Landscaping Requirements.
2. Interior parking lot landscaping shall count toward overall site landscaping required by 070.040.050, *Landscaping, Screening, and Fencing*, but shall not be counted to satisfy minimum common open space requirements pursuant to 070.040.040, *Common Open Space*.

Table 040.10: Parking Area Landscaping Requirements [1]

	Minimum Amount (Lots with fewer than 20 spaces)	Minimum Amount (Lots with 20 or more spaces)	Other Standards
Total Parking Area Designated for Landscaping	10 percent of total surface parking area	20 percent of total surface parking area	
Interior Parking Area Designated for Landscaping	10 square feet per parking space		
Landscaped Islands; Peninsulas, Tree Diamonds, Bioswales, Rain Gardens	Minimum nine feet wide		**(a)** no more than 50 percent of any landscape area shall be nonliving ground cover; **(b)** landscaped islands, diamonds or peninsulas shall be raised and contained within masonry, concrete, or other nonporous curb that is a minimum of six inches in height **(c)** bioswales and rain gardens shall be sized in accordance with recommendations contained in a drainage plan, study or report as prepared by a licensed engineer.
Terminus Islands	Not required	**Single-loaded parking:** 50 percent of parking blocks, rows, or groups shall terminate in an island; each island shall be a minimum of 90 square feet **Double-loaded parking:** 50 percent of parking blocks, rows, or groups shall terminate in an island; each island shall be a minimum of 180 square feet	**(a)** terminus islands shall be distributed across parking areas to the extent practicable; **(b)** landscaped islands shall be raised and contained within masonry, concrete, or other nonporous curb that is a minimum of six inches in height; and **(c)** nonliving ground cover shall not exceed 50 percent of the required landscaping area.
Planting Materials	Trees, shrubs, ground cover, xeriscaping		Trees shall be planted at a rate of 1 tree per 8 parking spaces and shall be located throughout the parking lot such that at maturity, the parking lot will be shaded, to the greatest extent practicable.
Planting Strip	Pursuant to 070.040.060(h)(6)c.3, *Screening Parking Areas and Drive Aisle*		Additional parking area screening shall be provided pursuant to 070.040.060(h)(6)c.3, *Screening Parking Areas and Drive Aisle*

(1) Structured parking is exempt from Table 040.10: Parking Area Landscaping Requirements

b. Planting Materials

1. Trees and other planting materials in parking areas shall comply with the size and species requirements in Table 040.5: Minimum Plant Material and Standards.
2. To the extent possible, sod alternatives such as xeric ground cover plants including native grasses, ornamental ground covers, buffalo grass and fescue shall be used in place of sod. Sod shall not be utilized in the following conditions:
   i. On slopes steeper than 3:1 rise over run ratio; or
   ii. Within interior and terminus parking lot landscape islands.

c. Parking Area Landscaping Design

1. Breaking up Parking Spaces into Blocks

Parking area interior landscaping shall be distributed to physically break up blocks of parking spaces through the use of one or a combination of landscape islands, bioswales, continuous landscape strips, or alternative method that achieves the result of shading parking areas as required in Table 040.10: Parking Area Landscaping Requirements, except that vehicle spaces that are designated as display or storage for automobile sales dealerships or automobile rental agencies or other fleet services, and other uses as determined by the Director, shall be allowed to have vehicle spaces in a tandem arrangement provided the minimum interior landscape requirements and all other applicable Code requirements are met.

2. Tree Characteristics

i. A minimum of 75 percent of the trees selected for planting within parking lot landscaped islands shall be one or more variety of trees having widely branching growth habit and that reach a mature height of at least 30 feet. No tree shall be used that is prohibited in the administrative manual.

3. Screening Parking Areas and Drive Aisles

i. Within Front Setback Areas or Along Public Rights-of-Way

a. Where parking areas, including drive aisles are located in front yard setback areas, or border public rights-of-way, a densely landscaped buffer shall be provided that is:
   1. Located between the parking area and the adjacent public right-of-way it is intended to screen; and
   2. A minimum of six feet wide and protected by a masonry, concrete, or other nonporous curb that is a minimum of six inches in height; and
   3. Of a continuous length that is at least equal to the length of the adjacent parking area or drive aisle it is intended to screen; and
   4. Landscaped with a combination of trees, shrubs, and/or perennials.

b. Alternative parking area buffer width may be allowed by the Director for properties in the Downtown Core where parking areas may be better screened using low walls (three to four feet) instead of a six-foot wide buffer.

ii. **Within Side or Rear Setback Areas Adjacent to a Residential Use or District**

Where parking areas and/or drive aisles are located in required side or rear setback areas, and is adjacent to a residential land use or zoning district, the development shall provide a physical and visual buffer that includes one or more of the following:

a. A continuous, raised border that is located between the parking area and/or drive aisle and the property line bordering the residential land use or zoning district, that is densely landscaped with trees, shrubs, and/or perennials, and that is a minimum of six feet wide and protected by a masonry, concrete, or other nonporous curb that is a minimum of six inches in height;

b. An earthen berm that is landscaped with trees, shrubs and/or perennials and that is at least 10 feet wide and of sufficient height to screen the parking area and/or drive aisle from view of bordering residential land uses or districts;

c. A hedge that is not less than three and one-half feet or more than six feet in height at maturity and is of sufficient opacity to screen the parking area and/or drive aisle from view of bordering residential land uses or districts;

d. A fence that is not less than three and one-half feet or more than six feet in height and is of sufficient opacity to screen the parking area and/or drive aisle from view of bordering residential land uses or districts;

e. Any combination of the treatments a through d above that meet the intent of this Section as determined by the Director.

4. **Pedestrian Circulation**

Walkways and sidewalks within parking areas shall comply with the standards in 070.040.070(f), *Pedestrian Circulation*.

(7) **Parking Area Lighting**

Parking area lighting shall be provided pursuant to 070.040.100, *Exterior Lighting*.

(8) **Parking Structures**

The visual impacts of a parking structure shall be minimized through compliance with the following standards:

a. Vehicles in a parking structure shall be screened to minimize visibility from the street.

b. Parking structures shall be located in the rear of lots when feasible, reserving the street frontage for commercial uses.

c. Parking structures shall blend in with the traditional architectural characteristics of buildings in the surrounding area.

1. The façade of the structure shall be brick, stone, or other masonry material compatible with adjacent structures.

2. If the parking structure is set back 10 feet or less from a public right of way, the façade shall be designed to match the height of existing structures.

3. Horizontal and vertical elements shall be aligned with those of adjacent buildings.

d. Parking structures shall provide adequate space for active uses at the sidewalk. This shall be accomplished by either locating parking below grade, with commercial space above, or by lining the face of the garage with a row of commercial uses.

e. Vehicular entrances shall be located to minimize vehicle/pedestrian conflicts.
   1. Automobile entrances shall be located on secondary streets or alleys, to the maximum extent feasible.
   2. Pedestrian entrances shall be designed to be welcoming and easily identifiable.

f. Parking structures shall be designed to utilize topography.
   1. On narrow sites, structures shall consider using a lower deck with no internal ramp to avoid cut and fill.
   2. Parking structures shall be terraced into hillsides to minimize site disturbance.

g. Parking structures shall be designed so that quick access exists and clear, separated pedestrian routes are provided to the outside. Signage shall be provided that clearly identifies pedestrian routes both inside and outside the parking structure.

h. Where visible from a public right of way, structured parking shall be screened or wrapped on upper floors with architectural details and materials to screen vehicles. Screening methods may include but are not exclusive of:
   1. Architectural screens or panels
   2. Landscape plantings;
   3. Art wall surfaces;
   4. Articulation; or
   5. Textured glass.

(i) Administration of Parking and Loading Requirements

(1) Development of new parking areas or the expansion of existing parking areas shall be submitted on a parking plan (included with a site/architectural plan) and reviewed pursuant to the applicable procedures in Article 070.060: *Administration and Procedures*.

(2) Construction of or modification to any required parking area shall comply with this Code and shall require plans approved by the Director.

070.040.070 Access and Circulation

(a) Purpose

The purpose of this Section is to support the creation of a highly connected transportation system within the city in order to:

(1) Provide choices for drivers, bicyclists, and pedestrians;

(2) Increase effectiveness of local service delivery and reduce emergency service times;

(3) Connect neighborhoods to each other and to local destinations such as employment, schools, parks, and shopping centers;

(4) Reduce vehicle miles of travel and travel times;

(5) Improve air quality;

(6) Mitigate the traffic impacts of new development; and

(7) Avoid the creation of large, isolated tracts without routes for through traffic or pedestrian and bicycle connections.

(b) Applicability

Except as otherwise provided in this Section, the standards in this Section apply to all new development.

(c) Multimodal Transportation System

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

(d) Developer Responsibility for Access and Circulation Improvements

(1) On-Site Circulation

a. If a street is proposed within a development site, the developer shall provide roadway, bikeway, sidewalk, and other access and circulation improvements in accordance with the standards in this Section and the City's Engineering Standards, and shall dedicate any required rights-of-way or easements as determined necessary by the City.

b. If a development site includes the proposed corridor of a street designated on an adopted plan, the development shall incorporate a provision of the street into the design of the development, and shall dedicate right-of-way that meets the right-of-way width standards for the street, as determined by the City. If a transportation impact analysis shows that the development itself is expected to generate sufficient traffic to warrant design of the street as a major or minor thoroughfare, as defined in the City's Engineering Standards, the developer shall be responsible for constructing the street (including any bikeway, sidewalk, and other associated access and circulation improvements) in accordance with this Section's standards for a major or minor thoroughfare, as appropriate; otherwise, the

developer shall be responsible for constructing the street (including any bikeway, sidewalk, and other associated access and circulation improvements) to meet at least those standards required for a collector street.

(2) Off-Site Circulation

If a development site fronts on and obtains vehicular access from an existing street, the developer shall be required to dedicate additional right-of-way along the street frontage or in the vicinity of the development and to provide roadway, bikeway, sidewalk, and other access and circulation improvements within the street right-of-way that are reasonably necessary to ensure the safe, convenient, efficient, and orderly accommodation of vehicular and pedestrian traffic demands and impacts generated by the proposed development. Such improvements may include, but are not limited to, turn lanes, deceleration and acceleration lanes, widening or paving of substandard roadways, medians, bikeways, sidewalks, sidewalk ramps and crossings, street lights, bus shelters, and the relocation or improvement of utility lines and facilities needed to accommodate street improvements. The extent of required dedications and improvements related to the abutting street shall be as required by the traffic impact analysis for vehicular access. For pedestrian access and bicycle circulation, the dedications and improvements shall be roughly proportional to the traffic demands and impacts generated to and along that street by the proposed development.

(e) Streets, Alleys, and Vehicular Circulation

(1) Uniform Street Standards

All streets and related improvements shall be constructed in accordance with the standards in the City's Engineering Standards.

(2) Layout and Design

a. The street pattern shall be designed to afford safe and convenient access to all lots.

b. The street pattern shall have a logical relationship to topography.

c. Streets shall be aligned to afford maximum solar access to each building site.

d. Where a proposed development borders a major or minor arterial, street intersections with the arterial street shall be at intervals of one-quarter mile or greater.

(3) Circulation Plan

a. Applications for Subdivision Preliminary Plat Approval (070.060.060(b)), Major Site/Architectural Plan Approval (070.060.050(a)(5)), or Minor Site/Architectural Plan Approval (070.060.050(a)(4)), shall include a circulation plan that addresses street connectivity, emergency and service vehicle access, parking movements, accommodation of loading operations, turning radii, traffic calming measures where future "cut-through" traffic is likely, and similar issues.

b. The Director and/or the City Engineer may waive the requirement for a circulation plan upon determining that a proposed development is expected to have no impact on circulation or proposes no change in existing circulation patterns. This provision shall not be construed to exempt development that includes additional parking, driveways, or substantial modifications to the existing pedestrian network.

(4) Public Street Connectivity

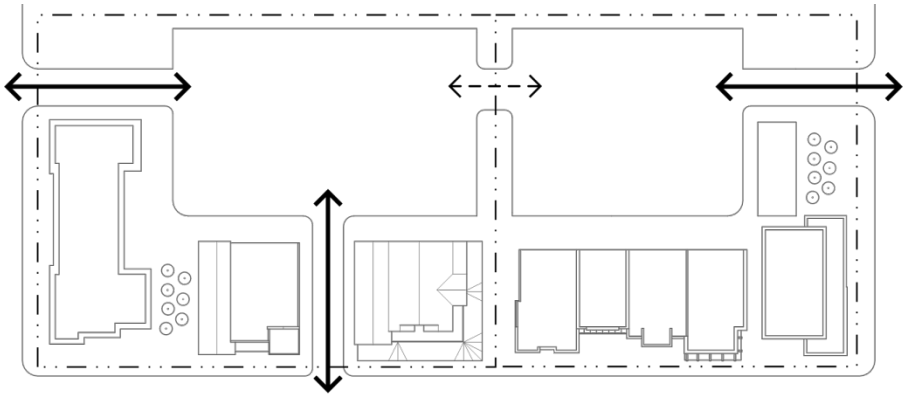
a. Purpose

Street and block patterns should include a clear hierarchy of well-connected streets that distribute traffic over multiple streets and avoids traffic congestion on principal routes. Within each development, the access and circulation system should accommodate the safe, efficient, and convenient movement of vehicles, bicycles, and pedestrians through the development, and provide ample opportunities for linking adjacent neighborhoods, properties, and land uses. Local neighborhood street systems are intended to provide multiple direct connections to and between local destinations such as parks, schools, and shopping. These connections should knit separate developments together, rather than forming barriers between them.

b. Standards

1. The vehicular access and circulation for a development shall incorporate the continuation and connection of public streets and associated rights-of-way that have been extended or connected to the boundary of the development site from existing or approved abutting developments.
2. The vehicular access and circulation for a development shall provide for the extension or connection of proposed internal public street roadways and associated rights-of-way to those boundaries of the development site whenever such extensions or connections are or may be necessary to ensure that the development site or the abutting property will have:
   i. At least two vehicular access points to and from an external through street system, plus one additional vehicular access point for each additional 2,000 vehicles per day, or fraction thereof, expected to be generated by the proposed development or by the maximum allowable development of the abutting property;
   ii. Convenient and efficient access by vehicles needed to provide police, fire, and emergency services; and
   iii. Convenient and efficient access by vehicles needed to provide other public services.

Figure 040-11: Parking Lot Connectivity



3. Unobstructed, direct, and convenient access for vehicles to and from a public street shall be provided for all off-street parking spaces. Access from any parking area to a public street shall be designed according to the Engineering Standards.
4. Roadway extensions and connections to abutting properties shall be spaced at intervals along each principal boundary direction (north, south, east, west) that do not exceed the maximum block length established by City standards.
5. An extension or connection of a public street roadway and right-of-way to an abutting property shall also include the extension or connection of associated bikeways or sidewalks.
6. The Director and/or the City Engineer may require the provision of a temporary turnaround at the end of a roadway extension on determining that the turnaround is needed to facilitate traffic flow or accommodate emergency vehicles pending the roadway's connection to other roadways.
7. The Director and/or the City Engineer may waive or modify the requirements or standards for extension or connection of a public roadway from or to abutting property on determining that such extension is impractical or undesirable because it would:
    i. Require crossing a significant physical barrier or environmentally sensitive area (e.g., railroads, watercourses, floodplains, wetlands, steep slopes);
    ii. Require the extension or connection of a proposed internal public street to an abutting property with existing development whose design makes it unlikely that the street will ever be part of a network of public streets (for example, the abutting existing development has no public streets, or there are no "stubbed-out" street rights of way or open corridors between the proposed development site and public streets in the abutting development to accommodate a current or future extension or connection);
    iii. Require the extension or connection of a proposed internal public street to an abutting property owned by a government or public utility to which vehicular access is restricted, or other property to which vehicular access is restricted by a conservation easement; or
    iv. Require the extension or connection of a proposed internal public street to an abutting property that is developed or zoned for a use whose level and type of generated traffic would be incompatible with the proposed development—provided, however, that residential, institutional, and commercial uses shall generally be deemed compatible.

c. Cross Access between Abutting Development

To facilitate vehicular access between abutting developments, encourage shared parking, and minimize access points along streets, new single-family townhouse, multifamily, nonresidential, and mixed-use development shall comply with the following standards:

1. The internal vehicular circulation system shall be designed to allow for vehicular cross-access between the development's common vehicle use areas and common vehicle use areas in an abutting single-family townhouse, multifamily, nonresidential, or mixed-use development, or to the boundary of abutting vacant land zoned to allow single-family townhouse, multifamily, nonresidential or mixed-use development.

2. Required vehicular cross access between the abutting lots shall be provided through the use of a service street (if the lots front on a major thoroughfare right-of-way), a single two-way driveway or drive aisle, or two one-way driveways or aisles that are sufficiently wide to accommodate traffic by automobiles, service vehicles, loading vehicles, and emergency vehicles.
3. The Director, in conjunction with the City Engineer, may waive or modify the requirement for vehicular cross access on determining that such cross access is impractical or undesirable because it would require crossing a significant physical barrier or environmentally sensitive area (for example, railroad, watercourse, floodplain, wetlands, steep slopes), or would create unsafe conditions or impeded the application of other design requirements in this Code.
4. Easements allowing cross access to and from properties served by a vehicular cross-access, along with agreements defining maintenance responsibilities of property owners, shall be recorded with the County Clerk and Recorder's Office before issuance of a Building Permit for the development.

d. Cul-de-Sacs and Dead-End Streets Discouraged

Permanent cul-de-sacs and dead-end streets shall generally be used only when topography, the presence of natural features, and/or vehicular safety factors make a vehicular connection impractical. Such cul-de-sacs and dead-end streets shall comply with the City's Engineering Standards.

(5) Driveways and Access

a. General

1. Every lot shall have access that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles, as well as for those needing access to the property in its intended use.
2. All driveway entrances and other openings onto streets shall be constructed so that:
   i. Vehicles may safely enter and exit from the lot in question;
   ii. Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized; and
   iii. Joint driveways are desirable whenever possible in order to minimize the number of access points to streets and access easements.

b. Residential

In addition to the above general requirements, all residential development shall be subject to the following:

1. There shall be no direct driveway access (ingress or egress) from any single-family residential lots to any arterial street or highway unless no other legal access alternative is available.
2. Multi-family development sites greater than five acres shall include a minimum of two through-access drives. An exception may be made where a site is landlocked by existing development or other physical constraints, or where existing natural features on the site require the use of protective measures that would otherwise make a second access drive infeasible.

c. Nonresidential

In addition to the above general requirements, all nonresidential development shall be subject to the following:

1. All non-residential buildings, structures, and parking and loading areas shall be physically separated from all non-arterial or collector streets by vertical curbs and other suitable barriers and landscaping to prevent unchanneled motor vehicle access. Each property shall not have more than two access ways to any one street unless approved by the City Engineer.
2. Each access shall comply with the City's Engineering Standards.

d. Access onto State Highways

As provided by Section 43-2-147, C.R.S., as amended, any development requiring access onto a state highway shall obtain a permit for such access from the Colorado Department of Transportation before the issuance of a development permit by the City. Any development with the potential to increase volume on a state highway by 20 percent or more may also be referred to the Colorado Department of Transportation for comment, at the discretion of the City Engineer or Director.

(f) Pedestrian Circulation

(1) Sidewalks Required

a. Where Required

1. Sidewalks shall be provided by the developer to allow convenient pedestrian access through or across the development and joining with pedestrian ways of adjacent properties.
2. Sidewalks shall be installed on both sides of all arterials, collector streets, and local streets (including loop streets and cul-de-sacs), and within and along the frontage of all new development and redevelopment, excluding those redevelopments with building elevation changes that involve 50 percent or less of the exterior walls of a roofed building within a 2-year period, commencing upon issuance of the building permit or other required permit, structural additions of less than 500 square feet on a single lot, and/or building elevation changes that are for the purpose of minor cosmetic maintenance.

b. Fee in Lieu of Sidewalks

Where the existing right-of-way adjacent to a development is substandard or insufficient for providing sidewalk according to the City Engineer or where there is a discontinuity of the sidewalk system, the developer may, with approval by the City Engineer or Director, pay a fee in lieu of providing all or a portion of the required sidewalk. The amount of such in-lieu payment shall be set by City Council resolution. All fees paid pursuant to this section shall be deposited in a separate fund, which fund may be used to undertake future projects to accommodate pedestrian improvements. These fees may not be used for the general expenses of the City.

c. Exemption

Sidewalks are not required on local streets in districts where the minimum lot size is one acre or greater or in steep-slope areas where sidewalks on one side of the street may be

approved to reduce excessive slope disturbance, adverse impacts on natural resources, and potential soil erosion and drainage problems according to the Director and/or City Engineer, and on a limited list of local streets maintained in the Engineering Standards where the City has determined that one or no sidewalk shall be installed.

d. **Design and Materials**

1. Sidewalks shall conform to the City's Engineering Standards.
2. Sidewalks shall be at least eight feet wide in nonresidential and mixed-use zoning districts, and five feet wide in residential zoning districts.
3. Sidewalks shall be separated from the back edge of curb pursuant to the streetscape standards in 070.040.050(d).
4. Alternative paving materials within residential developments may be approved by the Director and/or City Engineer.

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

a. All commercial, industrial, and multi-family development shall provide a network of safe, reasonably direct and convenient on-site pedestrian walkways with a minimum width of five feet to and between the following areas:

1. Entrances to each commercial and multi-family building on the site (including pad site buildings), parking areas, and open spaces;
2. Public sidewalks or walkways on adjacent properties that extend to the boundaries shared with the subject development; and
3. Adjacent public transit station areas, transit stops and shelters, public parks, greenways, schools, community centers, and shopping areas.

b. On-site pedestrian walkways and crosswalks to motorists and pedestrians shall be identified through the use of one or more of the following methods:

1. Changing paving material, patterns, or paving color (does not include the painting of the paving material);
2. Changing paving height;
3. Decorative bollards;
4. Raised median walkways with landscaped buffers;
5. Stamped or stained concrete; and/or
6. Distinct lighting.

c. At least one walkway within the development shall provide a direct link between the primary customer entrance and the sidewalk adjacent to the principal public right-of-way. Additional walkways may be required for developments on sites larger than two acres.

d. Walkways shall meet minimum requirements under the Americans with Disability Act: Standards for Accessible Design.

e. For the comfort and convenience of pedestrians and customers, when designing walkways internal to the development, the City encourages the inclusion of landscaping treatments such as benches, trash receptacles, shade trees and/or other vegetative cover. A landscaped walkway will count towards general site landscaping requirements set forth in 070.040.050, *Landscaping, Screening, and Fencing*.

(g) Bicycle Circulation

(1) Required Bicycle Access

a. All new development, except individual lot development of a single-family detached or two-family dwelling, shall be served by an internal bicycle circulation system (including shared roadway lanes, widened outside roadway lanes, bike lanes, shoulders, and/or separate bike paths) that permits safe, convenient, efficient, and orderly movement of bicyclists among the following origin and destination points within the development:

1. Bicycle parking facilities or areas near the primary entrance(s) of principal buildings (or the buildable area of lots, for subdivisions), as well as any adjacent transit station areas, transit stops and shelters, , public parks, greenways, schools, community centers, and shopping areas;
2. Any designated or planned bus stops and shelters; and
3. Recreation facilities and other common use area and amenities.

b. The development's internal bicycle circulation system shall also permit safe, convenient, efficient, and orderly movement of vehicles between the development's internal origin and destination points and adjacent parts of an existing or planned external, community-wide bicycle circulation system, as well as any adjacent transit stations, bus stops and shelters, public parks, trails, greenways, schools, community centers, and shopping areas.

c. Sidewalks shall not be used to satisfy the bicycle circulation requirement.

(2) Bike Lanes Required

a. All new development except individual lot development of a single-family detached or two-family dwelling (including subdivisions for such dwellings) shall provide bike lanes within the development site and along the frontage of the development site with an existing street where bikes lanes are called for by the comprehensive plan or other City-adopted plans addressing transportation (unless an existing bike lane meeting City standards is already in place). The Director and/or the City Engineer may allow alternatives to this requirement where compliance is impractical.

b. Required bike lanes shall be provided within the right-of-way of the street unless the City Engineer determines that location within the right-of-way is not practicable or preferable—in which case, alternatives may be allowed by the Director and/or the City Engineer.

c. Bike lanes shall conform to the Engineering Standards.

070.040.080 Residential Site and Building Design

(a) Purpose

This Section is intended to:

(1) Promote high-quality residential development and construction;

(2) Protect the character of Glenwood Springs' established residential neighborhoods;

(3) Promote new residential developments that are distinctive, have character, and relate and connect to established neighborhoods;

(4) Encourage a variety of housing choices for Glenwood Springs residents;

(5) Provide variety and visual interest in the exterior design of residential buildings;

(6) Protect and enhance property values; and

(7) Enhance the residential streetscape and diminish the prominence of garages and parking areas.

(b) Applicability

(1) General

a. This Section shall apply to:

1. Development of any structure that will contain only residential uses, including single-family detached dwellings, two-family dwellings, single-family townhouse dwellings, and multi-family dwellings;

2. An addition or renovation to an existing structure that will contain a residential use where the total gross floor area of the proposed addition is 50 percent or more than that of the total gross floor area of the existing structure before addition or renovation; and

3. Structures that are exclusively residential and are included as part of a multi-building mixed-use development.

b. In cases where building modifications are subject to these standards, only the modification shall be subject to compliance with this Section. For purposes of this standard, "modifications" shall not include routine maintenance and repair of a building, changes to signage, or general repairs to a surface parking area, changes to landscaping, or other features on the parcel. The Director shall determine if a modification shall be subject to these standards.

c. All standards in this 070.040.080 that apply to "multi-family" shall apply to multi-family dwellings and single-family townhouse dwellings.

(2) Exceptions

This Section shall not apply to the following:

a. Development of any structure that will contain a mix of nonresidential and residential uses (which are subject instead to 070.040.090, *Nonresidential and Mixed-Use Site and Building Design*), including live-work dwellings;

b. An addition or renovation project where the total gross floor area of the proposed addition is less than 50 percent of the total gross floor area of the existing structure before addition or renovation;

c. Properties subject to the Hillside Development standards;

d. Subdivision or condominiumization of existing structures;

e. Properties subject to the Glenwood Meadows Annexation and Development Agreement; or

f. Accessory dwelling units (which are subject to the standards in 070.030.040(d)(1), *Accessory Dwelling Units*).

(3) Planned Unit Developments

a. Development of a residential structure within any new Planned Unit Development established after the effective date of this Code shall be subject to this 070.040.080, unless alternative residential site and building design standards are adopted as part of the PUD approval that, in the determination of the Director, are at least equal to the standards set forth in this section.

b. Development of a residential structure within an existing Planned Unit Development established prior to the effective date of this Code is exempt from this 070.040.080.

(c) Administration

(1) Alternative Equivalent Compliance

a. Purpose and Scope

To encourage creative and unique design, "alternative equivalent compliance" allows development to occur in a manner that meets the intent of this section, yet through an alternative design that does not strictly adhere to the section's standards. This is not a general waiver of regulations. Rather, this authorizes a site-specific plan that is equal to or better than the strict application of the standard.

b. Applicability

The alternative equivalent compliance procedure is available only for the standards in 070.040.080(e), *Residential Building Design and Character*, and 070.040.080(e)(10), *Supplemental Architectural Design Standards: Downtown Core*.

c. Alternative Equivalent Compliance Meeting Required

An applicant proposing alternative equivalent compliance shall request and attend an alternative equivalent compliance meeting prior to submitting application materials for the applicable permit(s), to determine the preliminary response from the Director. Based on the response, the application shall include sufficient explanation and justification, in both written and graphic form, for the requested alternative compliance. The Director may require that the applicant provide additional drawings and/or material samples in order to better understand the need for the proposed alternative.

d. Decision-Making Responsibility

Final approval of any proposed alternative compliance shall be the responsibility of the decision-making body responsible for deciding upon the application. Administratively approved projects proposing alternative compliance shall receive written approval of the alternative compliance from the Director.

e. Criteria

Alternative equivalent compliance may be approved if the applicant demonstrates that following criteria have been met by the proposed alternative:

1. Achieves the intent of the subject standard to the same or better degree than the subject standard;
2. Advances the goals and policies of this Code to the same or better degree than the subject standard;
3. Results in benefits to the community that are equivalent to or exceed benefits associated with the subject standard; and
4. Imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this Code.

f. **Effect of Approval**

Alternative equivalent compliance shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests.

(2) **Site/Architectural Plan Review Process**

a. Review for compliance with these standards shall occur at the time of site/architectural plan review. Where site/architectural plan review is not required, review for compliance with these standards shall occur prior to issuance of a building permit.

b. Interpretations as to applicability or design requirements contained within this Section shall be the responsibility of the Director. Appeals of the Director's interpretations shall be heard according to the process set forth in 070.060.070(c), *Appea.*

(d) Residential Site Design Standards

(1) **General Intent**

These residential site design standards are generally intended to:

a. Encourage the use of creative site planning and design techniques that complement Glenwood Springs' unique topographic features;

b. Protect the established character of the city's residential neighborhoods while allowing for the natural evolution of the city's neighborhoods through renovations, infill, and redevelopment;

c. Reinforce and continue to allow the variation in streetscape character found in Glenwood Springs' neighborhoods;

d. Protect the privacy and solar access of neighboring residents in areas where infill and redevelopment and higher-density development are likely to occur over time;

e. Promote a more compact and pedestrian-friendly pattern of residential development, especially in mixed-use areas and along travel corridors that have traditionally been occupied by auto-oriented commercial development; and

f. Reduce the visual impacts of surface parking on the city's street frontages.

(2) **Dimensional Standards**

a. **Front Yard Setbacks**

For all residential development, front yard setbacks are based on the applicable zoning district and are set forth in Article 070.020: *Zoning Districts*.

b. Side Yard Setbacks

1. For all residential development, side yard setbacks for primary structures are based on the applicable zoning district and are set forth in Article 070.020: *Zoning Districts*.
2. Side yard setbacks for garages and other buildings accessory to residential uses shall be a minimum of five feet, provided the garage does not exceed one story in height. A zero-foot side setback may be used to accommodate a common garage that is shared across a side lot line. Garages that exceed one story in height shall comply with the setback applicable to primary structures.

c. Rear Yard Setbacks

1. For all residential development, rear yard setbacks are based on the applicable zoning district and are set forth in Article 070.020: *Zoning Districts*.
2. An accessory structure that does not include a living unit may be located in a rear yard, provided that not more than 40 percent of the rear yard is covered. Such building shall observe a ten-foot setback from the rear lot line when such line abuts an alley, or a 7½- foot setback where there is no alley.

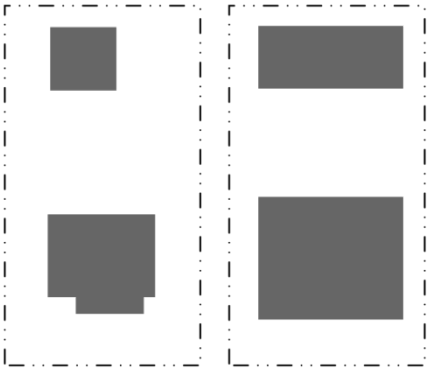
d. Lot Coverage

1. Maximum Lot Coverage

For infill residential development, maximum lot coverage shall be 50 percent of the total lot area, or 25 percent above the existing lot coverage, whichever is less. (Figure 040-11: Maximum Lot Coverage Example Calculations)

Figure 040-12: Maximum Lot Coverage Example Calculations

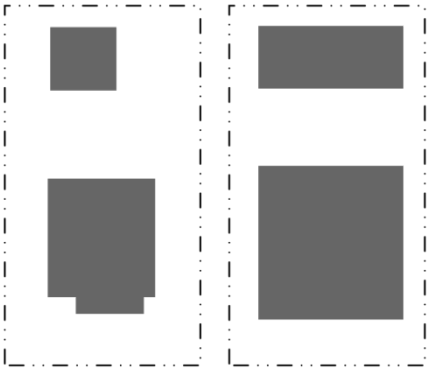
Example A



Existing lot and structures | Existing lot with infill development

Lot size: 6,000 sf
Existing lot coverage: (1,250/6,000)= 21%
Allowable lot coverage: 21% + 25% = 46%
Allowable lot coverage in square feet:
46% x 6,000sf = 2,800 sf

Example B



Existing lot and structures | Existing lot with infill development

Lot size: 6,000 sf
Existing lot coverage: (1,850/6,000)= 30%
Allowable lot coverage: 50%
Allowable lot coverage in square feet:
50% x 6,000sf = 3,000sf

2. **Lot Coverage in Sensitive Areas**

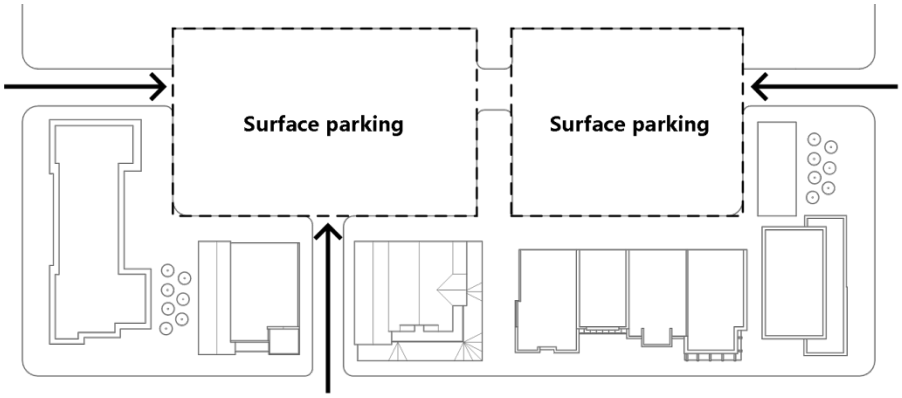
   In areas subject to 070.040.020, Sensitive Area Protection, lot coverage may be further limited by the establishment of limits of disturbance as required by 070.040.020(a)(4), *Limits of Disturbance*.

(3) **Surface Parking Configuration and Location**

a. **Generally**

1. For all residential development, off-street parking within the front yard setback (not including parking within a driveway) is prohibited.
2. For multi-building developments, surface parking lots shall be internalized in building groupings and located away from street frontages.

Figure 040-103: Surface Parking in Multi-Building Developments



3. No parking space shall be located closer than five feet from a window or door of a habitable structure.

b. **Additional Standards in the Downtown Core**

1. Established parallel or diagonal parking configurations along downtown residential streets, along with associated tree lawns, shall be maintained in new developments to help buffer automobile traffic and provide a safe environment for pedestrians on the sidewalk.
2. Off-street parking areas that do not connect to an alley are prohibited within residential neighborhoods, in order to minimize disruption to the single-family character of the neighborhood.
   i. If providing off-street parking is unavoidable for multi-family residential located in a residential neighborhood, it shall be located behind or to the side of the building.

ii. New curb cuts and off-street parking and driveways located in front yard setbacks compromise the residential character of the street frontage and are prohibited.

3. Front-loading garages are inconsistent with the historic character of downtown residential neighborhoods and are prohibited. New garages shall be set back from the primary structure and accessed from an alley.

(4) Refuse Containers

a. General

Refuse containers shall comply with Article 100.010 of the Municipal Code.

b. Design and Materials: Multi-family

Dumpsters and refuse containers shall be located within the footprint of a building, or shall meet the following standards:

1. Dumpsters and refuse containers shall be located on a non-porous surface and within a four-sided, opaque enclosure that completely screens the dumpster or container and accumulated trash.
2. Enclosures shall be a maximum of six feet in height and shall have gated access for the collection of waste materials.
3. Dumpster and refuse container enclosures shall incorporate compatible materials, colors, and architectural details that are compatible with the primary associated residential buildings.
4. The use of chain-link fencing as screening is prohibited.

c. Location: Multi-family

Enclosures shall be located to minimize visual and impacts and odors on the primary street frontage and neighboring residents to the maximum extent feasible.

(e) Residential Building Design and Character

(1) General Intent

These residential building design standards are generally intended to:

a. Promote context-sensitive infill and redevelopment that complements, rather than detracts, from the city's small-town character;
b. Avoid repetitive patterns of residential development;
c. Reinforce the diversity of architectural styles that exists within Glenwood Springs;
d. Increase the predictability of infill and redevelopment requirements and resulting development for residents and the development community;
e. Maximize the quality, value, and longevity of Glenwood Springs' neighborhoods through the use of durable materials that will minimize maintenance costs and improve the overall appearance of the development;
f. Ensure that the massing and height of infill and redevelopment are compatible with neighboring residential development; and
g. Reduce the visual impacts of street-oriented garages and promote a more pedestrian-friendly environment in Glenwood Springs' residential neighborhoods.

(2) Building Orientation

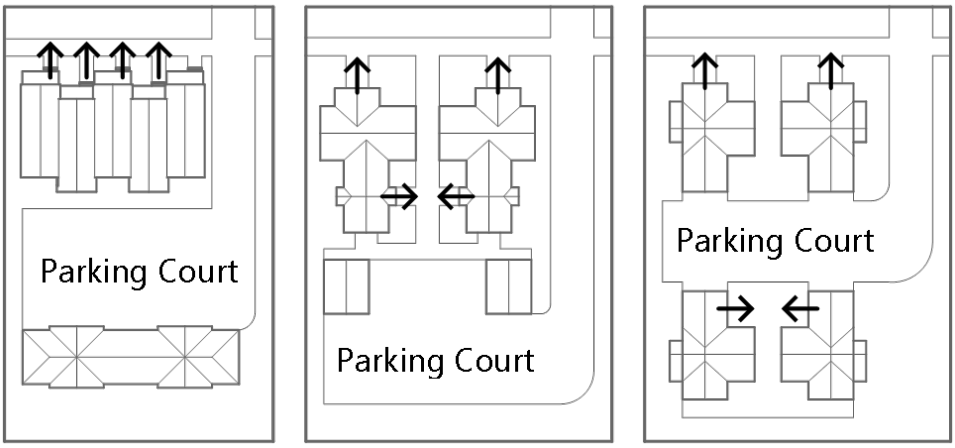
a. Single-Family and Duplex Residential

1. The orientation of the primary entrance and façade of single-family and duplex residential dwellings shall be consistent with the established pattern along the block face.
2. No single-family residential structure shall be sited diagonally or otherwise skewed on the lot.

b. Multi-Family Residential

1. All units with frontage along the primary street shall have an entrance that faces the street. Multi-family buildings located with multiple street frontages, as would be typical on a corner lot or with larger developments on corner lots, shall provide entrances to units along each street frontage.
2. To the maximum extent feasible, the primary entrance and façade of individual buildings within a multi-family development shall be oriented towards:
   i. Primary, internal or perimeter streets; or
   ii. Common open space, such as interior courtyards, parks, or on-site natural areas or features with a clearly defined and easily accessible pedestrian circulation system. (Figure 040-13)

Figure 040-11: Building Orientation: Multi-Family



(3) Variety of Housing Types

Development parcels encompassing more than three acres shall incorporate a minimum of two housing types. Development parcels larger than six acres shall incorporate a minimum of three housing types. The following housing types may be used to satisfy these standards:

a. Detached single-family dwellings;
b. Accessory dwelling units;
c. Two-family dwellings;
d. Single-family townhouse dwellings; or

e. Multi-family dwellings other than two-family or townhouse dwellings. (Figure 040-14)

Figure 040-15: Variety of Housing Types

(4) **Architectural Variety**

A continuous row of identical homes or multi-family buildings along a block is prohibited. Individual structures shall be differentiated through distinctions in the architectural features required in (5)c below in combination with requirements for varied garage orientation in (9) below, *Garages*. (Figure 040-15) This provision is not intended to prohibit a row of attached townhouses, provided that each individual unit is architecturally distinguished from adjacent units through distinctions in the architectural features required in (5)c below.

Figure 040-12: Architectural Variety

(5) Four-Sided Design

a. Although the front facade of a building is expected to be the primary focal point in terms of level of architectural character and features, all sides of a residential building shall incorporate architectural detailing that complements the front facade and provides visual interest. Blank walls void of architectural detailing are prohibited except where required by the fire code. (Figure 040-16)

Figure 040-17: Four-Sided Design

b. For the purposes of satisfying this standard, a minimum number of the architectural features listed below shall be incorporated into the overall design on each side of the building.

1. For each single-family residential structure, a minimum of three different architectural features; and
2. For each multi-family residential structure, a minimum of five different architectural features.

c. Architectural features appropriate for achieving the standard in paragraph b above may include:

1. Covered porches;
2. Balconies,
3. Prominent entry features;
4. Windows;
5. Door openings,
6. Distinct variations in color (not a slight variation of a similar hue, such as beige or pastel);
7. Variations in materials;
8. Variations in building height;
9. Variation in roof form;
10. Dormers;
11. Projected or recessed building walls; or
12. Another architectural feature as approved by the Director.

(6) Building Materials

a. Primary Materials

1. Primary building materials shall be selected for their ability to withstand Glenwood Springs' variable mountain climate. Materials with demonstrated durability include, but are not limited to:
   i. Brick;
   ii. Stone;
   iii. Cementitous siding products;
   iv. Wood and log construction;
   v. Cast concrete; or
   vi. Other comparable materials as approved by the Director.
2. Exterior Insulation and Finish Systems (EIFS) shall not be utilized in high-traffic areas, such as at primary building entrances, where it may be easily damaged.

b. Accent Materials

The creative use of accent building materials to provide variety and visual interest is encouraged.

(7) Building Colors (Multi-Family Only)

a. The predominant exterior colors on multi-family buildings shall be earth tones to minimize the visual impact of these buildings.
b. Darker accent colors shall be utilized on garage door surfaces to minimize their visual prominence.
c. White or other highly reflective colors are prohibited.
d. The use of bright or highly reflective metal finishes shall be limited to accent materials.

(8) Transitions to Existing Residential

Any new residential structure that will be located adjacent to an existing residential dwelling or residential zoning district shall comply with the standards in this subsection, in addition to complying with all other general residential design standards above.

a. Minimization of Use Impacts

New residential development shall be designed to minimize impacts on existing homes and the privacy of residents to the maximum extent feasible by:

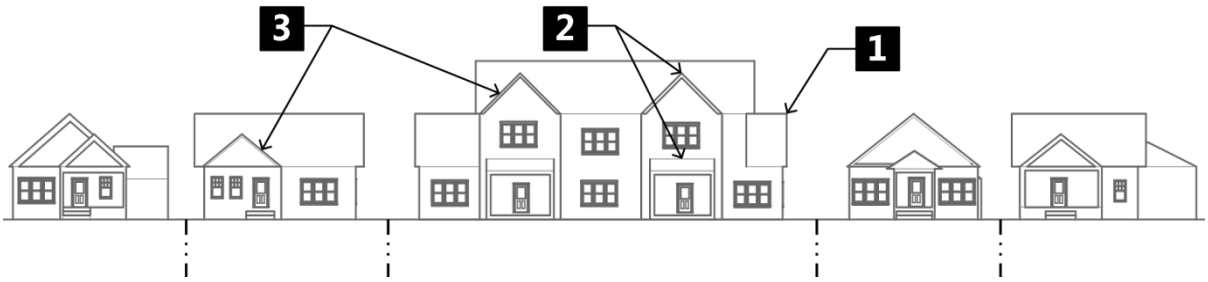
1. Locating off-street surface parking lots, loading, and service areas away from a shared property line and screening them from neighboring residences;
2. Locating sources of audible noise (e.g., heating and air conditioning units) away from building facades that face lower intensity uses;
3. Placing windows on the new development so as to maintain privacy by avoiding direct lines of sight into neighboring homes; and
4. Orienting porches, balconies, and other outdoor living spaces away from neighboring homes.

b. Height Transitions

A new building with a height that exceeds that of an adjacent existing dwelling by one story or more shall provide a transition using at least three of the following techniques: (Figure 040-17)

1. "Stepping down" building height and mass along the shared property line to meet the height of the existing neighboring home along a minimum of 50 percent of the new building's length. The "stepped-down" portion of the new building shall be a minimum of ten feet in width and depth. This option is available only where the existing residential building is located along the property line adjacent to the new building;
2. Providing variations in the side building wall and/or roof form so that new structures have a comparable scale as neighboring homes along the shared property line;
3. Utilizing a roof pitch and overhang similar to that of the neighboring structures; and
4. Utilizing dormers and sloping roofs to accommodate upper stories.

Figure 040-18: Height Transitions



c. Massing and Form: (Multi-Family Only)

Multi-family development located on a block face where more than 75 percent of existing homes are single family shall employ one or more of the following techniques to help reduce the overall bulk and mass of individual buildings and help maintain a lower-intensity residential character along the street frontage: (Figure 040-18)

1. Breaking up the mass of the multi-family building by stepping back the façade (minimum two feet deep and one foot feet wide) for every 30 feet of building frontage, so that the building appears from the street to be separate homes;
2. Organizing units around a central courtyard that maintains the impression of the traditional side yard setback between units along the street frontage; or
3. Designing the multi-family building so that the massing, arrangement of architectural elements, and use of exterior materials gives the appearance of a large single-family home.

Figure 040-19: Massing and Form: (Multi-Family Only)

(9) Garages, Storage and Accessory Structures

a. Alley-oriented Garages

Where an alley exists, new garages serving new residential development shall be located at the rear of the lot and accessed from the alley.

b. Street-oriented Garages

1. For single-family residential dwellings, street-oriented garages shall not comprise more than 50 percent of the front width of the front façade.
2. For all residential development, garages that protrude towards the street in front of the primary façade of the structure are prohibited. All street-oriented garages shall be either: (Figure 040-19)
   i. Recessed a minimum of ten feet behind the front façade of the dwelling portion of the structure (including side-oriented garages) or a front porch or porte-cochere that is a minimum of five feet deep by eight feet long, or
   ii. Recessed a minimum of two feet beneath a second floor bay or balcony that extends the length of the garage door(s), roof overhang, or decorative roof element.
3. Where attached garages are provided for multi-family dwellings, landscaped islands or peninsulas shall be provided between every two units' garage doors unless the soils or geotechnical report does not permit landscaping near the foundation. Such islands or peninsulas shall have minimum dimensions of four feet wide by ten feet in length.

4. Other garage configurations may be warranted by site constraints, such as topographic features and/or access limitations, and may be administratively approved as determined by the Director.

Figure 040-20: Street-Oriented Garages

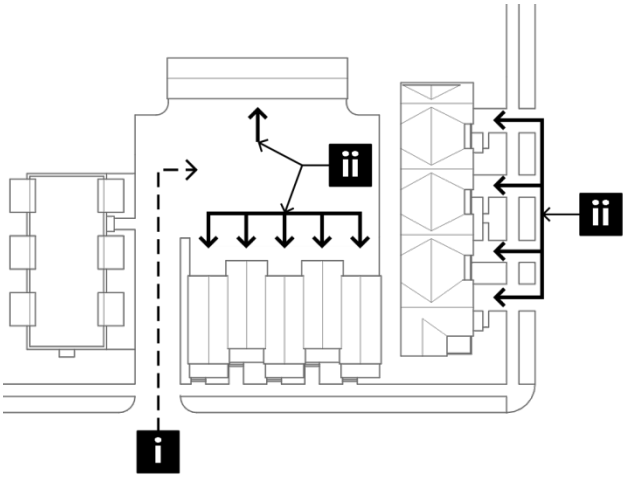
c. Additional Garage Standards for Multi-Family

1. Garage Variety and Location

i. Residential developments with five or more units shall incorporate a variety of garage configurations (e.g., street-oriented, side-loaded, alley-loaded, tandem) to minimize the visual impact resulting from long, uninterrupted rows of garages.

ii. For multi-building developments, garage entries shall be internalized in building groupings and located away from street frontages or accessed using an alley.

Figure 040-21: Garage Variety and Orientation



2. **Tuck-Under Garages**

   Tuck-under garages for multi-family residential buildings shall be recessed a minimum of one foot beneath a second floor bay or balcony that extends the length of the garage door(s).

3. **Free-standing Garage Structures**

   Free-standing garage structures that have four or more two-car garage bays and/or exceed 90 feet in length shall incorporate one or more of the following to break up their appearance and increase their functionality: (Figure 040-21)

   i. Dwelling units above designated garage spaces;

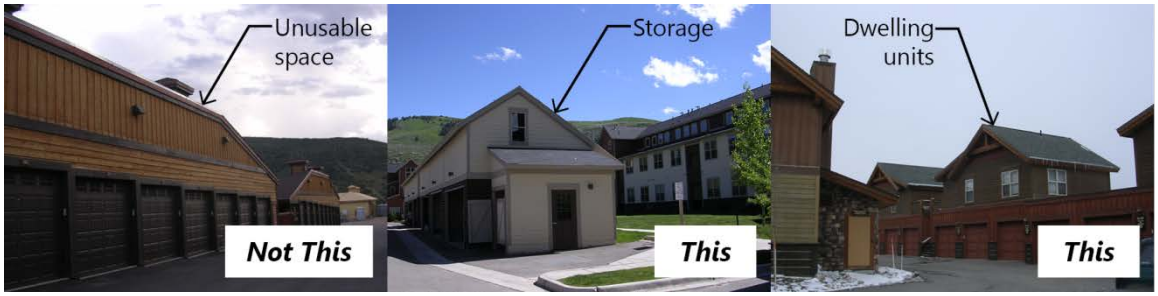
   ii. Storage facilities above designated garage spaces; or

   iii. A 'green' or living roof on sites with varied topography, where:

      a. Free-standing garage structures may be "tucked" into or are adjacent to a slope; or

      b. Where roof surfaces are clearly visible from residences or a public right-of-way above.

Figure 040-22: Free-Standing Garage Structures - Multi-Family



d. **Other Accessory Buildings**

   For multi-family development, free-standing garages and other accessory structures (including but not limited to grouped mailboxes, storage and maintenance facilities, recreational facilities, picnic shelters, and gazebos) shall incorporate materials, scale, colors, architectural details, and roof slopes that are compatible with the primary multi-family buildings, except that flat and shed roofs are prohibited.

e. **Storage Space**

   Multi-family developments shall provide a minimum of 1 cubic foot of enclosed storage space per 3 square feet of gross floor area per unit. For units that are 600 square feet gross floor area or less, there shall be a minimum of 200 cubic feet of storage space. Storage may be provided through one or more of the following:

   i. Increased garage dimensions that allow for storage in front of parked vehicles;

   ii. Storage units incorporated above detached garage structures or within the multi-family building;

   iii. Storage closets within units, not including bedroom closets, kitchen cabinets, and food storage areas; or

   iv. Detached storage buildings or sheds.

(10) Supplemental Architectural Design Standards: Downtown Core

In addition to complying with the above standards that are generally applicable to all residential development, development of any residential structure in the Downtown Core shall comply with the following standards. For the purposes of evaluating the surrounding neighborhood context for these standards, consideration shall be given to predominant characteristics of existing structures along the same block face of the subject application. Where any standards in this subsection conflict with the standards generally applicable to all residential development, the standards in this subsection shall control.

a. Building Height, Scale, Massing, and Form

New structures and additions shall be simple rectangular forms similar to those found historically. A similarity of building forms contributes to the visual continuity of downtown residential neighborhoods. New structures shall maintain a similar lot coverage and width of existing homes along the same block face to respect the traditional single-family scale of downtown neighborhoods.

b. Building Additions

1. Additions shall be distinguishable from the original building through subtle changes in material or construction techniques.
2. Additions shall appear visually subordinate to the original building.
3. When additions taller than the main building are necessary, they shall be set back from the front façade.

c. Architectural Details

1. Projects shall incorporate architectural details compatible with the existing historic buildings in the surrounding neighborhoods.
2. All elevations on new buildings shall be articulated with windows, insets and other architectural details compatible with the character of surrounding development.

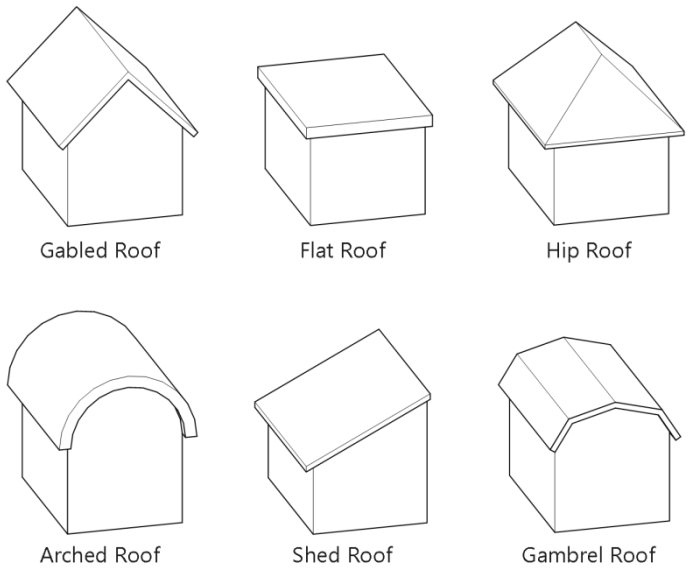
Figure 040-23: Architectural Details

3. Solid walls without windows on any side of a structure are prohibited, except where required by the fire code.
4. Multi-family dwellings in the Downtown Core shall have the appearance of being a single-family dwelling, with similar structural proportions, window spacing, and decorative elements. Building fronts of new multi-family developments shall include articulations such as bays, insets and porches traditionally found on historic homes in the Downtown Core. For purposes of this section, “historic homes” includes individual

landmarks, contributing properties to designated historic districts, and properties that are eligible for listing in the National Register of Historic Places.

5. Roof forms shall appear similar to those seen traditionally in downtown neighborhoods (Figure 040-23).
   i. Sloping roofs such as shed, gabled, and hipped roofs with a minimum roof pitch of 6:12 are appropriate roof forms.
   ii. Flat or mansard rooflines as a primary roof form detract from the neighborhood's visual continuity and shall not be used. The Director may consider exceptions for proposed new structures that will replicate historic styles such as Art Deco or Moderne, which have flat roofs.

Figure 040-24: Roof Forms



d. Building Materials

1. Exterior wall finishes for new buildings shall utilize building materials similar in scale, texture, and finish to those found on historic homes within the Downtown Core. New materials of similar scale, texture, and finish are also appropriate.
2. Horizontal clapboard siding or brick is appropriate for use in residential infill projects.
3. The use of decorative shingles shall be limited to use on dormers or in gables.

e. Color

1. White, off-white, fluorescent, metallic, or other high-intensity colors are prohibited.
2. The use of bright or highly reflective metal finishes shall be limited to accent materials.

070.040.090 Nonresidential and Mixed-Use Site and Building Design

(a) Purpose

This Section is intended to promote high-quality building design and is intended to:

(1) Protect and enhance the visual interest, character, and quality of nonresidential and mixed-use areas;

(2) Ensure compatibility between residential neighborhoods and adjacent commercial and mixed-use areas;

(3) Mitigate negative impacts created by the scale and bulk of large buildings;

(4) Promote an environment that is friendly toward multiple modes of transportation and accommodates varying ages and abilities; and

(5) Protect and enhance property values and encourage further investment and reinvestment.

(b) Applicability

(1) General Applicability

This Section shall apply to the following:

a. Development of any structure that will contain a nonresidential use or a mix of nonresidential and residential uses; and

b. An addition or renovation to an existing structure that will contain a nonresidential use where the total gross floor area of the proposed addition is 50 percent or more than that of the total gross floor area of the existing structure before addition or renovation. In cases where modifications are subject to these standards, only the modification shall be subject to compliance with this Section. For purposes of this standard, "modifications" shall not include routine maintenance and repair of a building, changes to signage, or general repairs to a surface parking area, changes to landscaping, or other features on the parcel. The Director shall determine if a modification shall be subject to these standards.

(2) Exemptions

This Section shall not apply to the following:

a. An addition or renovation project to an existing structure that will contain a nonresidential use where the total gross floor area of the proposed addition is less than 50 percent of the total gross floor area of the existing structure before addition or renovation; and

b. Properties subject to the Glenwood Meadows Annexation and Development Agreement.

(3) Special Review Uses

All nonresidential special review uses located within the zone districts enumerated in Article 070.030: *Use Regulations*, shall comply with this 070.040.090, in addition to any special review use performance standards of the applicable zone district, and the general special review approval criteria in 070.060.050(e)(3)e.2.

(4) Planned Unit Developments

a. Development of a nonresidential or mixed-use structure within any new Planned Unit Development established after the effective date of this Code shall be subject to this

Section, unless alternative nonresidential/mixed-use site and building design standards are adopted as part of the PUD approval that, in the determination of the Director, are at least equal to the standards set forth in this Section.

b. Development of a residential structure within an existing Planned Unit Development established prior to the effective date of this Code is exempt from this Section.

(c) Administration

(1) Site/Architectural Plan Review Process

a. Review for compliance with these standards shall occur at the time of site/architectural plan review. Where site/architectural plan review is not required, review for compliance with these standards shall occur prior to issuance of a building permit.

b. Interpretations as to applicability or design requirements contained within this Section shall be the responsibility of the Director. Appeals of the Director's interpretations shall be heard according to the process set forth in 070.060.070(c), *Appea*.

(2) Alternative Equivalent Compliance

a. Purpose and Scope

To encourage creative and unique design, "alternative equivalent compliance" allows development to occur in a manner that meets the intent of this Section, yet through an alternative design that does not strictly adhere to the Section's standards. This is not a general waiver of regulations. Rather, this authorizes a site-specific plan that is equal to or better than the strict application of the standard.

b. Applicability

The alternative equivalent compliance procedure is available only for the standards in 070.040.090, *Nonresidential and Mixed-Use Site and Building Design*.

c. Alternative Equivalent Compliance Meeting Required

An applicant proposing alternative equivalent compliance shall request and attend an alternative equivalent compliance meeting prior to submitting application materials for the applicable permit(s), to determine the preliminary response from the Director. Based on the response, the application shall include sufficient explanation and justification, in both written and graphic form, for the requested alternative compliance. The Director may require that the applicant provide additional drawings and/or material samples in order to better understand the need for the proposed alternative.

d. Decision-Making Responsibility

Final approval of any proposed alternative compliance shall be the responsibility of the decision-making body responsible for deciding upon the application. Administratively approved projects proposing alternative compliance shall receive written approval of the alternative compliance from the Director.

e. Criteria

Alternative equivalent compliance may be approved if the applicant demonstrates that following criteria have been met by the proposed alternative:

1. Achieves the intent of the subject standard to the same or better degree than the subject standard;

2. Advances the goals and policies of this Code to the same or better degree than the subject standard;
3. Results in benefits to the community that are equivalent to or exceed benefits associated with the subject standard; and
4. Imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this Code.

f. **Effect of Approval**

Alternative equivalent compliance shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests.

(d) Nonresidential and Mixed-Use Site Design Standards

(1) General Intent

The general intent of these site design standards is to:

a. Ensure development relates to the physical characteristics of the site;
b. Ensure building scale, orientation, and design relates to the surrounding uses and streets, and creates a cohesive visual identity and an attractive street scene;
c. Ensure site design for efficient pedestrian, bicycle, transit, and vehicular circulation patterns, and create a high-quality pedestrian environment;
d. Promote design environments built to "human scale," which means that buildings and objects are designed in size and shape to be optimized for pedestrian use;
e. Ensure delivery, trash, and loading facilities are located so as not to impede regular vehicular and pedestrian circulation and access routes; and
f. Ensure safe and efficient access between buildings and parking areas.

(2) Building Organization and Location

a. **Building Orientation**

Buildings shall be sited parallel to public rights-of-way, to the maximum extent practicable.

b. **Climatic Conditions**

Local climatic conditions shall be considered when designing the orientation of new buildings. For example, north-facing facades are especially susceptible to winter snow and ice accumulation, and entries may require special treatment. Snow shed from roofs and snowpiling zones along streets shall be considered in arranging building elements on the site. Adequate solar access shall be considered when planning outdoor spaces, with shade and relief from glare provided by landscaping and overhead structures.

c. **Primary Entrance**

1. The primary entrances to a building shall be clearly identified.
2. Buildings shall be oriented so that the principal building entrance faces the principal street or the street providing main access to the site.
3. Where there are multiple buildings on a development parcel, at least one building shall be oriented with an entrance facing the principal street or the street providing main access to the site.
4. A corner site may orient its primary entry towards the corner for emphasis.

d. Corner Lots

1. Scale and Massing

Structures shall relate to the scale and massing of the buildings on each of the respective streets.

2. Building Entries

When a structure is located on a corner lot, prominent entries shall be designed for both façades along the street edge or a single prominent entry shall be turned 45 degrees to face the corner. The primary entrance shall not be oriented to an interior court.

3. Courtyards

When designing interior courtyards for buildings on corner lots, a minimal amount of street frontage shall be utilized. Courtyards shall not extend across the entire front of the property. Instead, a building shall be located flush with the property line on the street side.

4. Focal Points

i. To visually and physically anchor street intersections, buildings located on corner lots shall provide a focal point within a box formed from lines extending 30 feet away from intersecting property lines. The focal point shall include one or more of the following elements:

   a. A primary building. In the case where a primary building includes drive-in and/or drive-through lanes, or gasoline pumping bays, the bays and/or queuing lanes shall not be located within the focal point.

   b. Decorative architectural wall that is between 30 and 36 inches tall and complies with any other sight distance triangle restrictions in 070.020.190(c)(5), *Sight Distance Triangle Requirement*.

   c. An architectural feature that is a minimum of the height of the building and a maximum of the height restriction for the zoning district (for example, a clock tower, spire, or other decorative roof form). These architectural features shall not contain signs or logos in any form.

   d. Public art or sculpture within a landscaped area.

   e. Fountains or other water feature within a landscaped area.

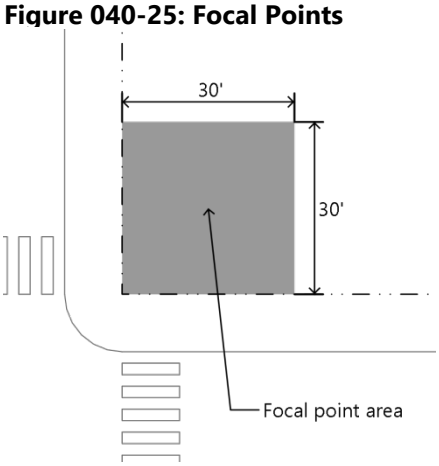
   f. Public plaza or open space with landscaping, a low decorative wall to visually and physically separate the space from nearby traffic lanes, and other pedestrian-oriented amenities such as benches. The low decorative wall shall match or complement the building exterior in materials and colors.

ii. Signs may be located within this focal point area provided that they are incorporated with another focal point element enumerated above. Signs shall comply with 070.040.110, *Signs*.

iii. For all focal point options, the sufficiency of proposed pedestrian-oriented amenities and landscaping shall be determined by the Director. All such features shall meet all applicable requirements of this Code, including but not limited to the general landscaping, building materials and color, and signage standards.

iv. The Alternative Equivalent Compliance process in 070.040.090(c)(2) may be used to consider alternatives from this requirement where strict compliance would result in unsafe or inadequate access, where the lot has less than 50 linear feet of frontage, and/or where the site has unique topographical characteristics that make it infeasible to locate at least one of the listed focal point elements. (Figure 040-24)

Figure 040-25: Focal Points



(3) Surface Parking Configuration and Location

a. In the mixed-use and other nonresidential districts, except in the Downtown Core, no more than 30 percent of the total number of off-street parking spaces provided shall be located between the principal building and the front property line.

b. No parking space shall be located closer than five feet from a window or door of a habitable structure.

c. No portion of a parking space, loading space, or maneuvering area shall be provided in any required landscape area, sidewalk, or other pedestrian or bicycle path.

d. Surface parking shall not be located in a focal point area.

(4) Parking Structures

The visual impacts of a parking structure shall be minimized through compliance with the standards in 070.040.060(h)(8), *Parking Structures*.

(5) Refuse Containers

a. General

Refuse containers shall comply with Article 100.010 of the Municipal Code.

b. Design and Materials

Dumpsters and refuse containers shall be located within the footprint of a building, or shall meet the following standards:

1. Dumpsters and refuse containers shall be located on a non-porous surface and within a four-sided, opaque enclosure that completely screens the dumpster or container and accumulated trash.
2. Enclosures shall be a maximum of six feet in height and shall have gated access for the collection of waste materials.

3. Dumpster and refuse container enclosures shall incorporate compatible materials, colors, and architectural details that are compatible with the primary associated residential buildings.
4. The use of chain-link fencing as screening is prohibited.

c. **Location**

Enclosures shall be located to minimize visual and impacts and odors on the primary street frontage and neighboring properties and uses to the maximum extent feasible.

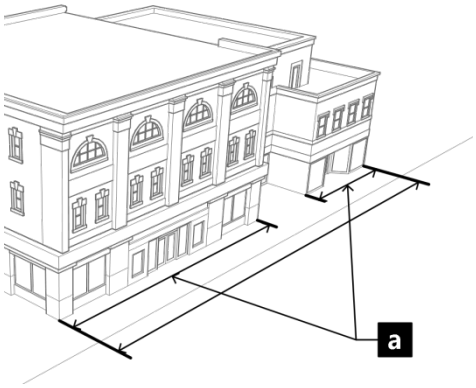
(6) **Supplemental Site Design Standards: Downtown Core**

Development of any nonresidential or mixed-use structure in the Downtown Core shall comply with the general site layout and building design standards set forth above, plus the standards of this subsection.

a. **Building Edge to Sidewalk**

A minimum of 75 percent of the building edge shall be located adjacent to the sidewalk edge (e.g., zero setback). (Figure 040-25)

Figure 040-26: Zero Setback



Annotations correspond with paragraph numbers in the preceding text

b. **Building Entrances**

The building entrance shall appear similar in scale and character to those used historically, both in the location of the building entrance and also in how the entrance area is distinguished from the rest of building by materials, size, projections or recessions, and other techniques.

(e) Nonresidential and Mixed-Use Building Design Standards

(1) General Intent

a. The general intent of these building design standards is to encourage creative design that:

1. Preserves Glenwood Springs' small-town atmosphere;
2. Enhances the visual and physical qualities of Glenwood Springs;
3. Considers how the building relates to the site, neighboring properties, and the community;
4. Provides strong pedestrian orientation by visually connecting the building's interior with the public exterior;
5. Creates prominent, well-proportioned customer entrances;
6. Uses high quality, long lasting materials with a proven ability to withstand Glenwood Springs' environment;
7. Promote building designs and construction practices that are sustainable and adaptable to multiple uses for extended building lifecycles; and
8. Incorporates a palette of colors that adds visual interest to the development parcel and that is compatible with the surrounding natural environment.

b. The general intent of these building design standards is to discourage:

1. Buildings that are out of scale or have little physical or visual connection to the street, neighboring properties, or the community;
2. Building elements, materials, and colors that are out of character with the community, that are inherently associated with brand identification, or that are designed to function as signs;
3. Minimal or no physical pedestrian connections between the building and public street; and/or
4. Large expanses of blank, flat wall surfaces.

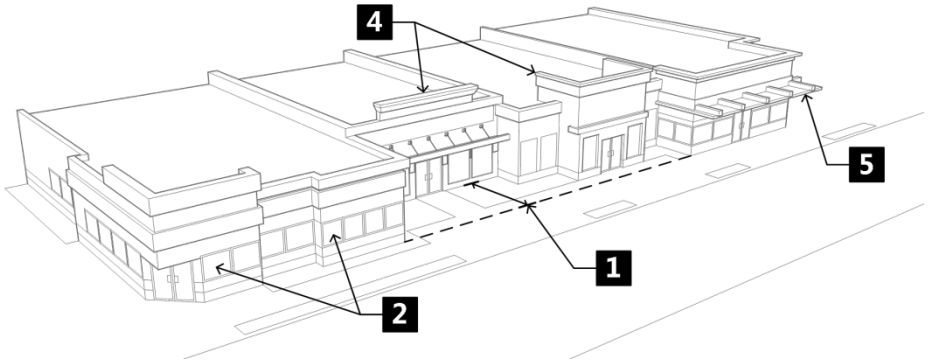
(2) Building Elevations

a. Horizontal and Vertical Articulation Required

No building elevation, regardless of exterior wall plane setback or the location of interior walls, shall exceed 30 feet in length without incorporating at least three of the following elements:

1. Projections, recessions, or reveals such as, but not limited to, columns, pilasters, cornices, and bays, and having a change of wall plane that is a minimum of 24 inches in depth and that has the effect of casting shadows;
2. Glazed windows and doors, if used to comply with this standard shall comprise not less than 30 percent of the elevation of which they are a part. See also 070.040.090(e)(3), *Windows, Doors, and Customer Entrances*, for additional requirements;
3. Change in texture and/or masonry pattern;
4. Change in building, parapet, or roofline height. If used to comply with this standard, the minimum change in roofline shall be two feet; and/or
5. Awnings, canopies, or marquees extending at least four feet beyond the building face.

Figure 040-27: Horizontal and Vertical Articulation



Annotations correspond with paragraph numbers in the preceding text

b. **Alternative Designs**

An equivalent design that provides pedestrian interest by dividing the façade into horizontal and vertical planes and is in proportion to the height and width of the entire building may be approved through the Alternative Equivalent Compliance process. However, design elements used to fulfill this standard shall not consist solely of color variations.

c. **Building Design as Signage**

Building elevations and/or elements used to comply with these standards shall not function as signs. The incorporation of certain design elements that are unique or symbolic of a particular business shall be unobtrusive and secondary to the overall architectural design.

d. **Building Elevations Facing Public Rights-of-Way**

Building elevations that face public rights-of-way, parking lots, or adjacent residential land uses shall include glazed windows and doors as one of the required elements enumerated in paragraph a above. See also 070.040.090(e)(3), *Windows, Doors, and Customer Entrances*, for additional requirements.

e. **False Windows and Doors**

Building elevations not adjacent to residential land uses, public rights-of-way, or parking lots, or that do not have a customer entrance, may use false windows and/or doors to fulfill the requirement in paragraph a above. The windows and/or doors, whether functional, false, or a combination of functional and false windows and/or doors, shall make up a minimum of 30 percent of the elevation of which they are a part and shall have a minimum six-inch change of wall plane from the primary wall in order to provide shadow or sense of depth.

(3) **Windows, Doors, and Customer Entrances**

a. In order to create a sense of transparency and to visually connect the building's interior with the public exterior, primary and secondary customer entrances shall be clearly defined, highly visible and feature a minimum of two of the following treatments:

1. Recessions and/or projections with a minimum change in wall plane of 24 inches;
2. Display windows that are located immediately adjacent to the customer entrance and that are in proportion to the overall façade of which they are a part;

3. Canopies, porticos, overhangs, awnings, or marquees with a minimum projection of four feet and of a width that at minimum spans the customer entrance;
4. Raised, corniced parapets located over the customer entrance with a minimum projection of four feet and that span at least the width of the customer entrance door; or
5. Outdoor patios with customer seating and landscaping that at a minimum includes perennials, shrub plantings, and/or ornamental trees. Landscaping provided to meet this standard shall be credited towards the general minimum landscaping requirements as set forth in 070.040.050, *Landscaping, Screening, and Fencing*.

b. To preserve views and to provide a clear sense of connection into and out of the building, window and door glazing shall be transparent or have a low-reflectivity. Mirror-like windows are prohibited.

(4) Roofs

a. To reduce the visual impact of roof mass, no roofline along any building elevation shall exceed 50 feet in length without a visual variation that incorporates:
   1. Projections, recessions, dormers that alter the vertical or horizontal plane of the roof by at least two feet; or
   2. Change in roof height of at least two feet; or
   3. Another architectural feature approved through the Alternative Equivalent Compliance process.

b. Mansard roofs, or roofs having a mansard-like appearance, are prohibited.

c. Flat roofs shall be concealed by parapets that are in proportion to the overall building design and that are generally of sufficient height to conceal rooftop mechanical systems that are in view from public rights-of-way, residential land uses, public parking areas, and/or adjacent properties. Parapets shall not exceed the maximum building height as established in Article 070.020: *Zoning Districts*, except where allowed by 070.020.190(d)(2), *Exceptions to Height Requirements*.

(5) Building Materials

a. Primary Exterior Wall Materials

Building materials shall be high-quality and long-lasting and shall have a proven ability to withstand Glenwood Springs' intense sunlight and temperature extremes. The primary exterior building wall material, consisting of at least 70 percent of the elevation to which it is applied, shall be one or more of the following:

1. Brick;
2. Natural and cultured stone;
3. Wood;
4. Stucco, including synthetic stucco;
5. Metal, excluding metal with exposed rivets, seams or fasteners, ribs and batons; or
6. Concrete, excluding smooth-faced gray concrete block, painted concrete block and pre-cast ribbed concrete panels.
7. Another material that meets the intent of this standard if approved through the Alternative Equivalent Compliance process.

b. **Accent Exterior Wall Materials**

Exterior building walls shall consist of one or more of the following materials provided that the sum total of the materials enumerated below comprise no more than 30 percent of the elevation to which it is applied:

1. Smooth-faced gray concrete block, painted concrete block, or pre-cast ribbed concrete panels. However, when used in combination with the allowance above for concrete as a primary exterior wall material, the concrete in its entirety may not exceed 70 percent of the elevation to which it is applied.
2. Metal with exposed seams, rivets or fasteners, ribs and batons. However, when used in combination with the allowance above for metal as a primary exterior wall material, the metal in its entirety may not exceed 70 percent of the elevation to which it is applied.
3. Glass, when used as a curtain wall or when designed to span multiple floors.

c. **Exterior Wall Materials Generally**

1. All sides of the building shall be constructed using materials that are compatible with, or of equal or greater quality, as those used on elevations with customer entrances, facing public rights-of-way, or surface parking areas.
2. Highly reflective building materials shall not be used.

d. **Roofing Materials**

1. Acceptable roofing material includes the following:
   i. Rubber membrane or EPDM (ethylene propylene diene monomer).
   ii. Built up or modified bitumen roofing systems.
   iii. Asphalt shingles.
   iv. Metal, standing seam.
   v. Clay tile.
   vi. Another material approved through the Alternative Equivalent Compliance process.
2. Roofing materials shall not include corrugated metal panels.

(6) **Building and Roofing Colors**

a. Color and intensity of color proposed for all exterior building and roofing materials, including exposed rooftop mechanical systems such as HVAC equipment, roof vents, air handling/exchange units, shall be warm or dark earth-toned colors with low reflectivity.
b. Exterior building and roofing colors shall not include white, off-white, high-intensity primary colors, and/or fluorescent colors.

(7) **Supplemental Building Design Standards: Downtown Core**

Setbacks, orientation, and heights of new buildings in the Downtown Core shall be similar to those found on the same block face and shall comply with the following additional standards:

a. **Building Scale and Massing**

1. Building scale and massing shall respect the scale and massing of existing buildings along the block face.
2. The height of new buildings shall vary as follows

i. Variation shall be used in building roof and parapet heights to add visual interest and reduce boxy or monolithic building masses.

ii. Upper floors of a large building mass shall be stepped back from the street or an adjacent residential zone to reduce looming effect.

iii. Step back distances and proportions shall be varied to avoid monotonous, uniform, tiered "wedding cake" appearance.

3. Featureless backs of buildings shall not be located adjacent to the Roaring Fork or Colorado River. To encourage active uses in this area, all design standards applicable to street frontage structures shall also be applicable to the back of a building in this area.

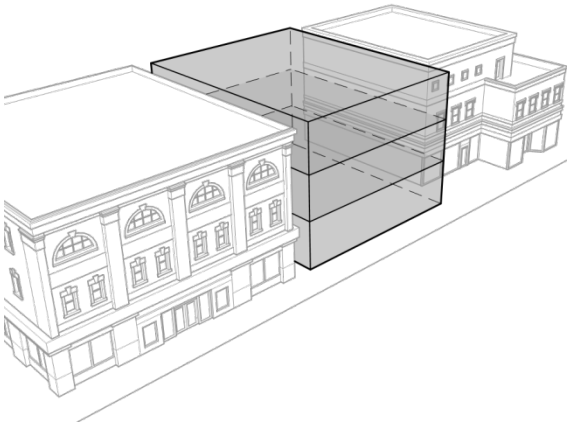
b. Building Height

1. Floor heights in new buildings shall be similar to those of existing historic buildings in the downtown commercial core. (Figure 040-27)

   i. The level of the first floor shall be at or near grade level at the entrance.

   ii. The first floor shall appear to be a full floor in height.

Figure 040-28: Building Floor Heights



2. Structures directly adjacent to residential buildings shall "step-down" in height on the abutting edge to match the height of the adjacent structure.

c. Roof Design

1. The alignment of horizontal elements along the block face, including parapets and cornices, shall be maintained along the entire façade to provide a continuous visual line along the block.

   i. This alignment occurs most successfully when buildings are similar in height.

   ii. Window sills and moldings are examples of other building elements that shall be aligned.

2. The primary roof form shall appear to be flat, as traditionally found on the city's downtown commercial structures. A parapet shall conceal roofs.

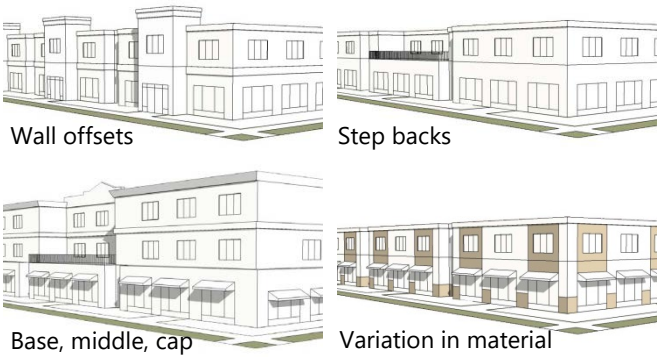
3. Roof design shall be consistent with those of historic buildings in the commercial Downtown Core.

4. Roofs are encouraged to be activated with decks or vegetation. Roof decks are appropriate to take advantage of views. Green roofs, or "living roofs," are appropriate to bring visual interest to highly visible roofs, as well as contribute to sustainability principles.
5. Roofs shall be designed to manage snowfall, using methods that appropriately prevent injuries from snow or ice falling from buildings.
6. Monolithic roof design is not appropriate. See also requirements under Building Articulation.

d. Building Articulation

1. Vertical and horizontal articulation techniques shall be used to establish a sense of scale in the design of a larger building. Articulation techniques include, but are not limited to:
   i. Wall offsets;
   ii. Step backs;
   iii. Base, middle, and cap design; and
   iv. Variation in material (Figure 040-28).

Figure 040-29: Building Articulation Techniques



2. Vertical articulation shall be used to express traditional façade widths were a new larger building is adjacent to existing, smaller-scale buildings.
3. To minimize apparent mass, new buildings shall be divided into bays through projections and/or recesses (minimum two feet deep and one foot wide) at a minimum of every 25 feet in order to be compatible with the character of historic building frontages. Civic structures may vary in front width and shall be reviewed on an individual basis for compatibility.
4. Buildings shall have a clearly articulated architectural distinction between the street level and upper floors, expressed through detailing, changes in materials, and fenestration. One or more belt courses shall be used to help distinguish between floors.

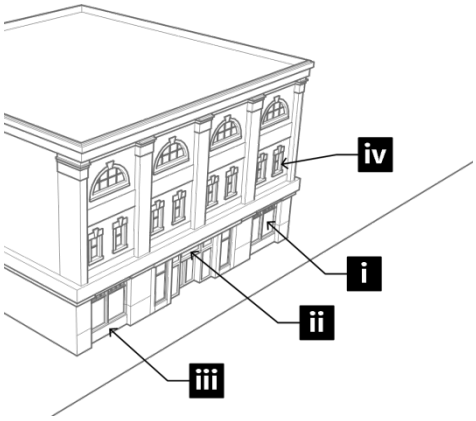
e. Floor Distinctions

Buildings shall have a clearly articulated architectural distinction between the street level and upper floors, expressed through detailing, changes in materials, and fenestration. One or more belt courses shall be used to help distinguish between floors.

f. Commercial-Oriented Building Design

1. The ground-level street frontage of every nonresidential and mixed-use building in the Downtown Core shall be primarily dedicated to commercial uses.
2. New commercial storefront buildings shall incorporate the following character-defining elements: (Figure 040-29)
   i. Display windows: The main portion of glass on the storefront.
   ii. Glass transom: The upper portion of the display, separated from the main display window by a frame.
   iii. Kickplate: Found beneath the display window. Sometimes called a bulk-head panel.
   iv. Upper-story windows: Windows located above the street level. These usually have a vertical orientation, and appear to be less transparent than the large expanse of glass in the storefront below.

Figure 040-30: Commercial-Oriented Building Design



Annotations correspond with paragraph numbers in the preceding text

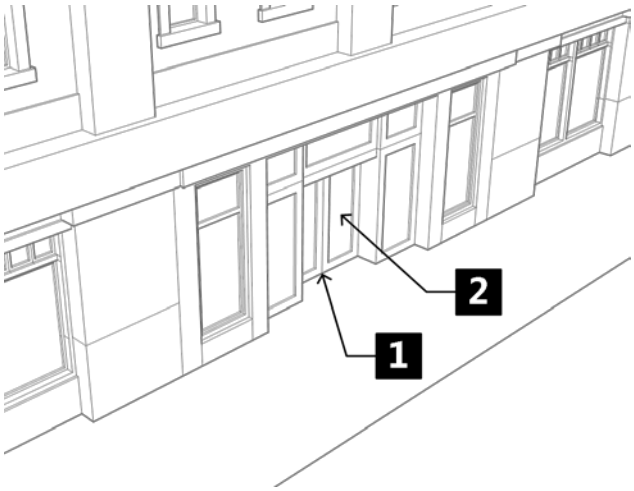
g. Windows and Transparency

1. Windows shall be located and spaced to express the rhythm and visual continuity found in historic buildings in the Downtown Core.
   i. Horizontal spacing shall be consistent between windows on a floor.
   ii. Windows shall be vertically aligned on upper and lower floors.
2. The size and proportion of windows shall be in the range of heights and width as found in historic buildings in the Downtown Core.
3. The first floor of the primary façade shall be 65 to 80 percent transparent glass.
4. Windows shall be designed windows to create depth and shadow on a façade.
   i. Upper floors shall be perceived as being more opaque than the lower floor.
   ii. Highly reflective or darkly tinted glass is prohibited.

h. Building Entry

1. The primary building entrance shall be recessed; doors that are flush with the sidewalk are prohibited.
2. Doors shall be made of at least 40 percent glass.
3. Accent colors shall be used on the door(s) to encourage pedestrian activity.

Figure 040-31: Building Entry



Annotations correspond with paragraph numbers in the preceding text

i. Awnings, Canopies, and Marquees

1. Awnings and canopies shall be canvas with a matte finish. Awnings with high gloss finishes are prohibited. Marquees may by constructed in metal but shall be painted or shall have a matte finish.
2. Rigid frame awnings and canopies may be used, but shall stop at the top section and shall not be included in the valance.
3. Illuminated, plastic awnings and canopies are prohibited.
4. Awning and canopy colors shall be compatible with the overall color scheme of the façade. Solid colors or subtle striped patterns shall be used.
5. Awnings and canopies for rectangular openings shall be simple shed shapes. Rounded or bull-nose awnings and canopies shall only be allowed over arched openings.
6. Marquees shall be located only over the primary public entrance into a building.
7. Awnings, canopies, or marquees that span continuously across more than one structural bay or storefront shall not be allowed.
8. Poles or posts supporting awnings, canopies, or marquees shall not be allowed.
9. Awnings, canopies, or marquees shall not project more than five feet from the building façade to which they are attached.
10. Awnings, canopies, or marquees shall maintain an eight-foot height clearance above a public sidewalk, or other publically owned space. Additional height clearance may be

required if an awning, canopy, or marquee is located over a public right-of-way, including an alley way.

j. Building Materials and Colors

1. Primary materials shall be similar in character to those used traditionally on downtown commercial structures by complying with the following standards:
   i. Brick and masonry, known for their durability, were traditionally found on historic commercial structures in downtown. New materials shall demonstrate similar durability and compatibility. The use of split face concrete block is prohibited, but may be approved through the Alternative Equivalent Compliance procedure.
   ii. Diagonal wood siding shall not be used.
   iii. Cinder block is acceptable for interior walls, but shall not be used as an exposed material on building façades facing streets, alleys, or undeveloped lots.
2. Accent materials shall be similar to those used historically. Wood was traditionally used for trim elements on commercial storefronts while stone, painted metal, terra cotta, ceramic tile, and rounded plaster were used in detailing.

070.040.100 Exterior Lighting

(a) Purpose

The purpose of this Section is to provide for exterior lighting that enhances safety, preserves the city's nighttime character, and improves the ability to view the nighttime sky from within the city. This Section is intended to decrease light pollution, increase energy efficiency, and promote high quality lighting design as it relates to the built environment. The lighting regulations are also intended to:

(1) Ensure that parking areas, public gathering places, and other public places have adequate outdoor illumination;

(2) Ensure that light levels are uniform to enhance night vision and security;

(3) Minimize adverse impacts on public safety and neighborhood enjoyment due to excessive glare;

(4) Minimize spillover of light onto adjacent or nearby properties; and

(5) Minimize the effects of skyglow.

(b) Applicability

(1) General

All exterior lighting devices shall be installed in conformance with this Section 070.040.100, the building code, the electrical code, and other applicable City codes under appropriate permit and inspection.

(2) Exemptions

The following types of exterior lighting are exempt from the requirements of this Section 070.040.100, provided they shall not create glare to motorists or result in light trespass onto adjacent properties:

a. Holiday lighting;

b. Twinkle lighting located on trees, bushes, or landscape features in the commercial zone district;

c. Bistro lighting located in a commercial zone district; and

d. Special events that have been issued a temporary use permit.

(c) Lighting Districts Established

The city is divided into the following three lighting districts within which specific standards and limitations are indicated throughout this section:

(1) Lighting District 1

The standards for this lighting district shall apply to the CO, M1, M3, I1, I2, and IN zoning districts.

(2) Lighting District 2

The standards for this lighting district shall apply to the RH, RT, M2, and RE zoning districts.

(3) Lighting District 3

The standards for this lighting district shall apply to the RR, RL, RM1, RM2, and HP zoning districts.

(d) Demonstration of Compliance

(1) Lighting Plan Required

Unless expressly exempt from the lighting plan requirement in paragraph (2), all new multifamily, mixed-use, or nonresidential developments shall provide a lighting plan with the applicable land use application and/or building permit.

(2) Exempt from Lighting Plan Requirement

Properties in Lighting District 3 are exempt from the lighting plan requirement, provided:

a. No more than one freestanding lighting fixture (not attached to a building or structure) shall be installed; and

b. Installed lighting meets the remaining standards of this Section.

(e) Prohibited Lighting Types

The following types of exterior lighting are prohibited unless allowed elsewhere in this Code:

(1) Unshielded lights, lamps, or floodlights that produce glare and light trespass in excess of that allowed in Table 040.10;

(2) Lights affixed to the top of a roof, except where required by building code;

(3) Lights that flash, move, revolve, blink, flicker, vary in intensity, change color, or use intermittent electrical pulsation, except for holiday lighting pursuant to 070.040.100(b)(2)a;

(4) Mercury vapor and low-pressure sodium lighting;

(5) Linear lighting as defined in Article 070.070: *Rules of Construction and Definitions*; and

(6) Upward directed lighting that allows spillage into the sky.

(f) General Lighting Requirements for All Lighting Districts

(1) On-Site Lighting Level

Maximum on-site illumination, including spillage from doorways, signs, and windows, shall not exceed 10 foot-candles, unless otherwise allowed in this Code.

(2) Light Trespass

a. Maximum Allowed

The maximum measured light levels shall not exceed those provided in Table 040.10:

Table 040.11: Maximum Lighting Trespass Levels

Lighting District	Point A (foot-candles)	Point B (foot-candles)
District 1	5.0	3.0
District 2	0.5	0.2
District 3	0.3	0.1

b. **Measurement**

1. **Methodology**

i. Light trespass shall be measured at grade level unless otherwise noted. Two measurements shall be taken: one at any point along the property line (point A), and one taken 10 feet (measured perpendicular to property line) onto the property being trespassed (point B). Where grade changes or obstructions prohibit measurements at the same grade level, measurements shall be taken on the same horizontal plane.

ii. Lighting measurements shall be taken under normal conditions. Measurements to determine compliance shall not be taken when conditions are present that will influence the outcome of measurements including snow, snowpack, rain, fog, or other influences.

2. **Cumulative Light Readings**

Light sources from a property shall be measured as cumulative of all sources on the subject property, except for internally illuminated signs.

3. **Transitions between Lighting Districts**

i. Where properties in District 1 are separated by City streets in District 2, the trespass levels shown in Table 040.10 may be exceeded on streets in the M2 zoning district only. Where M2 zoning is across the street from other zoning or lighting districts, the levels in Table 040.10 shall apply at the center line of the street.

ii. The maximum light level for light trespass in any lighting district that borders a different lighting district shall be the lower of the two, along that border only. Where separated by a public street or right-of-way, the levels shall apply at the center line of the street adjacent to the light source.

(3) **Lighting Controls**

a. **Extinguish Lighting at Night**

All exterior lighting, except lighting specifically exempted in 070.040.100(b)(2), *Exemptions*, and security lighting as provided for in 070.040.100(f)(5) below shall be extinguished one hour after close of business, or 10:00 pm, whichever is later.

b. **Motion Sensors**

Motion sensors may be used where the sensor is triggered by activity within the property lines and shall only be used with incandescent, fluorescent, LED lighting, or halogen lamps.

c. **Timer/Photocell Combinations**

Timer/Photocell combinations that activate the light source at dusk and turn off lighting at a specific time may be used at front entries for nonresidential uses.

(4) **Surface Parking Area Lighting**

a. **Fixtures**

All lighting for surface parking lots and upper uncovered decks of parking structures shall be full cut-off fixtures.

b. **Standards**

Parking area lighting shall comply with the standards in Table 040.11: Parking Area Lighting Standards:

Table 040.12: Parking Area Lighting Standards

Lighting District	Mounting Height	Minimum light level at grade (foot-candles)	Maximum light level at grade (foot-candles)
District 1	35 feet	0.7	7
District 2	20 feet	0.3	3
District 3	*Not allowed. Public or quasi-public facilities shall comply with the district 2 standards.*		

1. **Parking Area Lighting in Lighting District 3**

   Parking area lighting shall be prohibited except for public or quasi-public facilities requiring exterior parking lot illumination. Such facilities shall comply with the parking area lighting standards for district 2 as indicated in Table 040.11: Parking Area Lighting Standards.

2. **Parking Areas Bordering Districts 2 and 3**

   Where a parking lot is located on a property in district 1 and shares a common lot line with a property located in districts 2 or 3, parking area lighting shall comply with specifications for light levels and pole heights for district 2 as indicated in Table 040.11: Parking Area Lighting Standards.

(5) **Security Lighting**

a. **Applicability**

Security lighting shall be allowed in all lighting districts. The need for security lighting shall be demonstrated as part of any development permit application package.

b. **Standards**

1. **Examples of Appropriate Security Lighting Techniques**

   i. Recessed lights under a canopy.

   ii. Full cut-off fixtures on parking lot poles.

   iii. Fully shielded wall packs or other fixtures.

   iv. Floodlights that are down-directed, fully shielded, and are controlled by motion sensors.

2. **Fixtures**

   i. Security lighting fixtures shall be fully shielded and directed only to the designated area.

   ii. Security lighting shall not be directed above a horizontal plane through the top of the lighting fixture.

   iii. Security lighting fixtures shall include shields that prevent the light source from being visible from adjacent properties and roadways to the maximum extent practicable.

3. **Light Levels**

   i. Security lighting may illuminate ingresses and egresses of buildings up to a level eight feet above grade or the bottom of doorways, windows, or entries, whichever is greater.

ii. Security lighting on a parcel in district 1 that shares a common lot line with a parcel located in districts 2 or 3 shall comply with specifications for light levels and maximum mounting heights as noted in district 2.

iii. Security lighting for entrances, stairways and loading docks shall not exceed five foot-candles at the designated area illuminated. Parking lot lighting used for after-hours security shall not exceed three foot-candles at the designated area illuminated.

(6) Building Façade Lighting

a. Applicability

1. Lighting District 1

In lighting district 1, building façades may be illuminated if the illumination is part of the overall design of the building, adds to the visual quality of the surrounding neighborhood, and does not produce glare or illumination of nearby streets or properties. Building façades that face districts 2 and 3 that do not have a primary public entrance shall not be illuminated.

2. Lighting Districts 2 and 3

In lighting districts 2 and 3 building façades and roofs shall not be illuminated except for those structures having exceptional symbolic or historic significance in the community or buildings in the M2 zoning district pursuant to paragraph 3 below. Existing lighting on structures that are listed in the National Register of Historic Places are exempt from this subsection.

3. Building Lighting in the Downtown Core

In the Downtown Core, lighting shall be used as it was used historically in the area as follows:

i. Low-scale, decorative lighting may be used to accent architectural details or building entries.

ii. Lights shall not be focused upward to light the façade or used to dominate a façade or the street.

b. Standards

A design for the illumination of a building shall be submitted with the lighting plan as part of the applicable development application and shall comply with the following:

1. Lighting fixtures shall be carefully located, directed, and shielded so that light is directed only onto the building façade.
2. Lighting fixtures shall not be directed towards streets or roads, other properties, or the sky.

(7) Lighting of Walkways and Common Areas

Lighting for walkways, parks, and other common areas shall be illuminated to a minimum of two-tenths of a foot-candle and a maximum of three foot-candles. Such lighting shall be down-directed. Such lighting shall be included with the lighting plan submitted with an applicable development permit application.

(8) Canopy Lighting for Automotive Fuel Sales and Service Station

Canopies shall be illuminated so that the minimum horizontal illuminance at grade level is at least five foot-candles. The maximum horizontal illuminance under canopies shall be 25 foot-candles.

a. Light fixtures mounted on canopies shall be installed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy or the fixture.

b. Lights shall not be mounted on the top or sides of the canopy. The sides (fascias) of the canopy shall not be illuminated for any purpose, with the exception of internally illuminated signage which shall comply with 070.040.110(g)(4)c, *Internally Illuminated Signs*.

(9) Lighting of Outdoor Recreation and Entertainment Facilities

a. Hours of Operation

Exterior lighting of recreation or entertainment event facilities shall be turned off no later than one hour after the end of the event.

b. Illumination Standards

Where outdoor recreation and/or entertainment areas are to be illuminated, lighting fixtures shall be mounted and directed no higher than 62 degrees up from vertical so that no direct illumination extends off the site.

(10) Street Lighting

a. Applicability

1. Street lighting associated with a development application submitted pursuant to Article 070.060: *Administration and Procedures*, shall be provided by the applicant or developer and approved by the Electric Department Superintendent or the Director of the Public Works Department before installation.
2. Street lights on private streets are required to be part of an overall lighting plan that is subject to the approval of the Electric Department Superintendent or the Director of the Public Works Department. If the Superintendent or Director determines that the expertise of a professional lighting consultant/engineer is required to determine compliance with this subsection, the City shall have the option of hiring a professional lighting consultant, selected by the City, funded by the applicant or developer.

b. Standards

1. IES Guidelines

i. Street lighting shall conform to the guidelines as published by the Illuminating Engineering Society (IES), provided that lighting levels do not exceed levels specified in the guidelines by more than two-tenths of a foot-candle.

ii. Uniformity ratios shall not exceed that suggested by the IES guidelines.

iii. The lighting plan submitted with the applicable development permit shall include a street lighting plan that demonstrates compliance with IES standards for fixtures to be used; the type and wattage of lamps (bulbs); the proposed mounting heights; and spacing.

iv. All street lighting fixtures shall be full cut-off fixtures.

v. Bistro lighting shall not be allowed as street lighting for purposes of this subsection.

2. **Mounting Height**

Mounting heights shall not exceed 16 feet for fixtures that do not protrude over streets and 30 feet for fixtures that do protrude over the street.

3. **Location**

i. Street lights shall be located in the public right-of-way, except for street lights provided along private streets.

ii. Streets with a sidewalk along only one side of the street shall have street lights located on the same side of the street with the sidewalk.

(11) **Installation and Maintenance**

a. **Compliance with Building Code and other Applicable Codes**

Exterior lighting fixtures shall comply with the building code and other applicable codes as adopted by the City.

b. **Maintenance**

Exterior lighting shall be maintained in good structural condition at all times.

c. **Electrical Service Underground**

New electrical service required for exterior lighting shall be located underground unless the fixtures are directly mounted on utility poles.

(g) Supplemental Lighting Standards – District 1

The following supplemental standards shall apply to Lighting District 1:

(1) **Fixtures**

a. **Shielding**

Fixtures shall be full cut-off.

b. **Decorative Fixtures**

Low-wattage landscape lighting, bollards, and other hidden light sources that create hidden effects may be allowed as background lighting and in certain applications pursuant to 070.040.100(f)(7).

(2) **Height**

Exterior lighting shall not exceed a maximum height of 12 feet unless such lighting is:

a. Street lighting provided by the City and/or a public entity;

b. Used for parking and vehicle circulation areas, outdoor sales/display areas, security, or other types of lighting addressed elsewhere in this Section;

c. Building-mounted lighting directed downward at a sign or building façade; or

d. Fully shielded lighting on above-grade decks or balconies.

(h) Supplemental Lighting Standards – Districts 2 and 3

The following supplemental standards shall apply to Lighting Districts 2 and 3:

(1) Fixture Shielding

a. Freestanding fixtures shall be full cut-off.

b. Floodlight fixtures and lamps shall be focused on the task, fully shielded, down-directed, and screened from adjacent properties to prevent glare and trespass pursuant to Table 040.10. Floodlight intensity shall not exceed 2,000 lumens per bulb and shall not exceed 4,000 lumens per fixture, with a maximum of two bulbs per fixture.

c. All other exterior fixtures shall be fully shielded or shall comply with the following:

   1. A fixture that allows light to escape above the horizontal (90 degrees from vertical) shall have frosted lenses or lamps and the total light output shall not exceed 505 lumens.

   2. A fixture that does not allow light to escape above the horizontal shall have frosted lenses or lamps and the total light output shall not exceed 750 lumens.

(2) Height

Freestanding exterior lighting shall not exceed 12 feet in height. Parking lot lighting shall comply with 070.040.100(f)(4).

(3) Common Area Entrances

Photocells may be used at entrances to common areas on multifamily residential properties.

070.040.110 Signs

(a) Purpose

(1) The City Council recognizes that signs are necessary means of visual communication for the public convenience and that uses and activities have the right to identify themselves by using signs that are accessory and incidental to the use on the property where the signs are located.

(2) The purpose of this Section is to:

a. Minimize incompatibility between signs and their surroundings;

b. Recognize distinct geographic districts within the city that possess unique characteristics of physical location, building design, land use patterns, and pedestrian and vehicle circulation;

c. Provide for signs within reasonable limitations, consistent with the goals and objectives of the community, to retain the special character and economic advantages that rest largely on the quality of the community's appearance;

d. Protect the public from hazardous conditions by prohibiting signs that are structurally unsafe or obscure, distract the vision of motorists, or compete or conflict with necessary traffic signs and warning signals;

e. Eliminate hazards caused by the size and placement of signs and reduce the possibility of injuries to those coming near or under signs;

f. Promote the health, safety and public welfare of the city, its residents and its visitors;

g. Regulate signs in accordance with the City's policies and with the U.S. and Colorado Constitutions; and

h. Protect the right to free speech by the display of messages on signs through content-neutral regulations.

(b) Applicability

(1) All signs and support structures shall conform to the requirements of this Section and all other applicable provisions of this Code.

(2) No sign shall be displayed, installed, constructed, altered, moved, or improved within the City limits until the City has issued a permit, unless the sign or sign activity is designated as not requiring a permit pursuant to 070.040.110(d).

(3) All face changes, except those identified in 070.040.110(d)(1), require a permit.

(4) Developments and/or properties with approved sign plans shall not be subject to these standards, except that the procedures for obtaining a sign permit shall apply.

(c) Savings and Severability

(1) Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.

(2) If any clause, subsection, or other part of the application of this Section shall be held by any court of competent jurisdiction to be unconstitutional or invalid, it is the intent of the City that such clause, subsection, or other part of the application of this Section shall be considered eliminated and not affecting the validity of the remaining clauses, sections, or applications remaining in full force and effect.

(d) Signs Not Requiring a Sign Permit

(1) Sign Activities Not Requiring a Permit

The following sign activities shall not require a permit:

a. The ordinary preventative maintenance of a lawfully existing sign that does not involve a change of placement, size, lighting, or height.

b. The repainting of a lawfully existing sign.

c. The changing of copy on marquees, reader boards, and similar changeable copy signs on permitted or existing legal nonconforming signs.

(2) Balloons

Inflatable balloons shall not require a sign permit. Replica and/or synthetic balloons shall be considered a temporary sign and shall comply with the number, size, and location standards in 070.040.110(f)(4).

(3) Development Site Signs

Development site signs shall be allowed without a sign permit subject to the following:

a. Number Allowed

One sign along each lot line frontage on a street, not to exceed a total of two signs per frontage.

b. Size

Development site signs shall not exceed 32 square feet per sign.

c. Location and Design

Development site signs:

1. Shall not be located within 10 feet of any lot line unless attached to a development site barrier or fence; and
2. Shall not be illuminated.

d. Duration

Development site signs may be erected and maintained for a period not to exceed 30 days prior to commencement of development activities and shall be removed within 14 days of termination of development activities.

(4) Directional Signs

Directional signs shall be allowed without a sign permit pursuant to the following:

a. Shall not exceed four signs per property, plus one sign per entryway from a public right-of-way;

b. Shall not exceed four square feet of sign area per face; and

c. Shall not exceed 42 inches in height.

(5) Feather Flags

Feather flags shall be allowed without a sign permit pursuant to the following:

a. Shall not be located in the public right-of-way;

b. Shall not be located in a sight distance triangle; and

c. Shall be limited to three per street frontage per property.

(6) **Flags**

Flags, not including feather flags, shall be allowed without a sign permit pursuant to the following:

a. Flags shall be affixed to a flagpole or affixed to a building;

b. The height of all flagpoles shall not exceed the allowed building height in the applicable zoning district; and

c. Flags shall not exceed 40 square feet.

(7) **Gas Pump and External Vending Machine Signs**

Signs on gas pump islands and external vending machines shall be allowed without a sign permit provided the total signage on each gas pump island or external vending machine does not exceed 16 square feet.

(8) **Historic Designation Signs**

Signs placed on an historic building identifying the structure as a local, state, or federal historic landmark shall be allowed without a sign permit pursuant to the following:

a. Shall be affixed to the wall of the historic building or property; and

b. Shall not exceed six square feet.

(9) **Historic Signs**

Any sign designated as an historic landmark by the City Council shall be allowed without a sign permit pursuant to the following:

a. **General**

1. Any sign designated as an historic landmark by the City Council pursuant to Article 070.050: *Historic Preservation*, shall be exempt from the nonconforming signs and dimensional standards of this subsection.

2. Historic signs will be debited against the total allowable signage for the building or use unless it is a ghost sign that does not pertain to the business or building upon which it exists.

b. **Historic Landmark Criteria**

Alterations to signs that are designated historic landmarks shall be reviewed for compliance with the criteria in 070.050.040(f).

c. **Ghost Signs**

Historic signs may include ghost signs.

d. **Attributes**

An historic sign may be restored to its original condition and location with the exception of animation and flashing components, which are prohibited.

(10) **Holiday Decorations**

Holiday decorations shall be allowed without a sign permit provided such decorations comply with 070.040.100, *Exterior Lighting*.

(11) **Home Occupation Signs**

Home occupation signs shall be allowed without a sign permit but shall not exceed one sign per property and shall not exceed a maximum sign area of six square feet.

(12) **Incidental Vehicle Signs**

Signs placed on or affixed to vehicles or trailers where the sign is incidental to the primary use of the vehicle or trailer shall be allowed without a sign permit provided they are not placed on or affixed to vehicles or trailers that are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way.

(13) **Information Signs**

Informational signs guiding persons to facilities intended to serve the public, provided as a courtesy to the public, and/or signs providing instruction to persons using a facility or property shall be allowed without a sign permit provided such signs do not exceed three square feet.

(14) **Integral Signs**

Any inscription carved into stone or similar material that is integral to a building, such as those commonly found on cornerstones, stamped into sidewalks, or identified by plaques or tablets, shall be allowed without a sign permit pursuant to the following:

a. Shall not exceed four square feet; and
b. Shall not exceed six feet in height.

(15) **Interior Signs**

Signs located entirely within the interior of a building shall be allowed without a sign permit pursuant to the following:

a. Shall not cover more than 30 percent or eight square feet, whichever is greater, of any window panel;
b. Shall not be permanently affixed to any window surface; and
c. Shall not contain flashing lights visible from a public street.

(16) **Nonvisible Signs**

Signs that are not visible beyond the boundaries of the lot or parcel upon which they are located and/or from any public right-of-way shall be allowed without a sign permit. The Director shall determine whether such sign is visible from a public right-of-way.

(17) **Public Signs**

Signs required or installed by or on behalf of the local and/or state government, or signs erected or required by other government agencies, utilities, or special districts, including address signs, signs for traffic, schools, safety, railroad crossing, wayfinding, historic interpretation signs, civic and special events, seasonal banners, public notices, and other official and legal notices, are exempt from the standards and permit requirements specified in this Section. Public signs shall be consistent with design standards in this section to the extent practicable, and shall not include any signs prohibited pursuant to 070.040.110(e).

(18) **Temporary Off-Premises Directional Signs**

Temporary off-premises directional signs shall be allowed without a permit pursuant to the following:

a. Shall not exceed 24 square feet of total temporary off-premises directional signage on any property;

b. Shall not exceed a height of 42 inches;

c. May be located within the public right-of-way provided such signs:

1. Are not displayed for more than one week before an event or more than one week after an event;
2. Are located within a planting strip when such planting strip exists;
3. Do not obstruct any portion of a sidewalk or walkway;
4. Are not located within a sight distance triangle; and
5. Are not located in a median, roundabout, or any travel lane of any street or thoroughfare.

(19) **Wind Signs**

Wind signs shall be allowed without a sign permit provided they are not animated or otherwise powered by any source other than the wind.

(20) **Yard Signs**

a. Yard signs, except for temporary yard signs, are allowed without a sign permit pursuant to the following:

1. **In Residential Zoning Districts**

i. Shall not exceed more than four signs per property at any one time;
ii. Shall not exceed 24 square feet total yard signage on any property;
iii. Shall not exceed a height of 42 inches;
iv. Shall not be located in the public right-of-way;
v. Shall be located at least five feet from any property line; and
vi. Shall not be displayed for a period of more than 90 days per calendar year.

2. **In All Other Zoning Districts**

i. Shall not exceed more than four signs per property at any one time;
ii. Shall not exceed 24 square feet total yard signage on any property;
iii. Shall not exceed a height of six feet, or 42 inches if placed within a sight distance triangle;
iv. Shall not be located in the public right-of-way; and
v. Shall not be displayed for a period of more than 90 days per calendar year.

(e) Prohibited Signs

The following signs are expressly prohibited within all districts unless otherwise stated in this Section:

(1) **Distracting or Unsafe Signs**

Any sign that:

a. Is structurally unsafe or constitutes a hazard to safety or health by reason of inadequate maintenance or dilapidation;

b. Is capable of causing electrical shocks to persons likely to come into contact with it;

c. In any way obstructs the view of, or may be confused with an official traffic sign, signal or device or any other official government regulatory or informational sign;

d. Uses any words, phrases, symbols, or characters implying the existence of danger or the need for stopping or maneuvering of a motor vehicle or creates, in any other way, an unsafe distraction for vehicle operators, bicyclists, or pedestrians, except as provided in 070.040.110(d)(2), *Balloons*.

e. Obstructs the view of vehicle operators, bicyclists, or pedestrians entering a public roadway from any parking area, service drive, public driveway, alley, or other thoroughfare;

f. Is located or painted on trees, rocks, retaining walls, fences, light poles, utility poles, or natural features, except where required by law or allowed by this Code;

g. Causes any direct glare into or upon any public right-of-way, adjacent lot, or building other than the building to which the sign may be accessory;

h. Create optical illusion of movement by means of a design that presents a pattern capable of reversible perspective, giving the illusion of motion or changing of copy; or

i. Obstructs any window or door opening used as a means of egress, prevents free passage from one part of a roof to any other part, interferes with an opening required for legal ventilation, or is attached to or obstructs any standpipe, stairway, ladder, fire escape, or fire hydrant.

(2) **Abandoned Signs or Sign Structures**

Any sign or sign structure on a property that is vacant, unoccupied, or where the use has been discontinued for a period of three months or more, or any sign or sign structure that pertains to an event or purpose that no longer applies, shall be deemed abandoned.

(3) **Animated or Moving Signs**

Signs with visible moving, revolving, or rotating parts (including "air dancer" or "tube man" signs); or visible mechanical movement of any description or other apparent visible movement achieved by electronic or mechanical means, including automatic electronically controlled copy changes, except for holiday decorations pursuant to 070.040.110(d)(10), time-temperature-date signs, and rotating cylinder signs.

(4) **Banners and Inflatable Signs**

Except as temporary signs pursuant to 070.040.110(f).

(5) **Beacons and Search Lights**

Other than for emergency purposes or by permission of the Director.

(6) **Electronic Message Signs**

(7) **Flashing Signs**

Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color or use intermittent electrical pulsations, with the exception of holiday decorations pursuant to 070.040.110(d)(10).

(8) **Obscene or Illegal Activity Signs**

Signs containing statements, words, or pictures of an obscene, indecent, or immoral character, such as will offend public morals or decency or that includes messages of illegal activity in accordance with state or local laws.

(9) **Off-Premises Signs**

Except for temporary off-premises directional signs pursuant to 070.040.110(d)(17) or otherwise approved through an off-premises sign permit pursuant to 070.040.110(k)(2).

(10) **Portable Signs**

Portable signs, except as authorized in Table 040.12: Summary of Permanent Sign Standards.

(11) **Signs in Public Right-Of-Way**

Any sign placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on, over, or across any public street, right-of-way, property, or thoroughfare, shall be prohibited unless authorized by the City Council or the City Manager. Authorized signs in the public right-of-way shall comply with 070.040.110(g)(5).

(12) **Signs on Parked Vehicles**

Signs placed on or affixed to vehicles and/or trailers that are parked on a public right-of-way, or parked on a private property so as to be visible from a public right-of-way.

(13) **Signs with Auditory Messages**

Signs with auditory messages except those related to public safety or otherwise allowed in 070.040.110(d) or 070.040.110(h)(4).

(14) **Signs with Projected Copy**

Such as motion pictures, film slides, holographs, or other similar images.

(15) **Unlawful Signs**

Any sign unlawfully erected or maintained.

(f) Temporary Sign Standards

Temporary signs may be allowed pursuant to the following:

(1) **Applicability**

a. These standards apply to non-permanent signs and other signs with limited duration unless otherwise stated in this section.

b. These standards shall not apply to temporary public signs.

(2) **Generally**

a. Temporary signs, except for temporary yard signs, shall not be displayed for more than 45 days prior to the start of an event or more than 45 days after the conclusion of an event; and

b. Temporary signs, except for temporary yard signs, shall be limited to three times per calendar year per property for single-tenant properties and three times per calendar year per tenant for multi-tenant properties.

(3) **Banners**

a. **Number and Size**

1. Only one temporary banner is allowed per use.
2. Temporary banners shall not exceed 36 square feet.

b. **Location**

1. Temporary banners may be attached or freestanding. When freestanding, temporary banners shall be located at least 10 feet from any property line.
2. Temporary banners shall not be located above the roofline of any building.
3. Temporary banners shall not exceed 42 inches in height when located within a sight distance triangle.

(4) **Inflatable Signs**

a. **Number and Size**

1. Only one inflatable sign is allowed per property.
2. Inflatable signs shall not exceed 200 square feet.
3. Inflatable signs shall not exceed 20 feet in height.

b. **Location**

1. Inflatable signs may be attached or freestanding, but shall be located at least 10 feet from any property line.
2. Inflatable signs shall not be located above the roof line of any building.

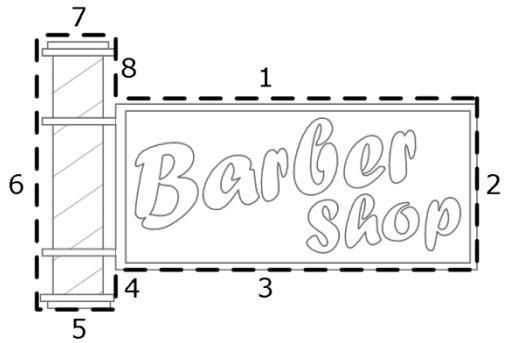
(g) General Sign Regulations

(1) **Sign Area Measurement**

a. **Single-Faced Signs**

Sign area shall be determined by calculating the area inside the outer limits of a sign. The sign area includes the area of the smallest geometric figures having eight or fewer segments that encompass the face of the sign, including copy, border, and nonstructural trim.

Figure 040-32: Street-Oriented Garages



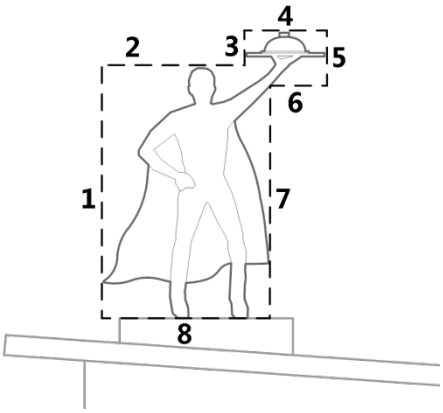
b. **Double-Faced Signs**

Signs other than wall signs may be back-to-back with two sign faces, and each face may have an area not to exceed the maximum stated for each respective sign type.

c. **Three-Dimensional Signs**

Three-dimensional figures shall be calculated on the largest possible silhouette cross-section encompassed by the smallest plane geometric figure having eight or fewer segments. (Figure 040-32)

Figure 040-33: Three-Dimensional Sign Area



(2) **Sign Height Measurement**

Sign height shall be determined by calculating the vertical distance between the lowest elevation of the ground abutting the sign and level of the highest point of the sign.

(3) **Materials and Safety**

a. **Materials**

1. Permanent signs shall be constructed of durable materials and installed to comply with applicable City codes. Permanent signs shall not be made of paper, cloth, canvas (except for awning/canopy/marquee signs), cardboard, wallboard, or other similar nondurable materials.
2. No sign shall be erected or painted upon utility poles, light poles, retaining walls, fences, rocks, trees, or natural features except where expressly allowed by this Code.

b. **Overhangs**

The lowest point of a sign that extends over an area intended for pedestrian use shall be at least eight feet above the finished grade below it. The lowest point of a sign that extends over an area intended for vehicular use shall be at least 14 feet above the finished grade below it.

c. **Sight Distance Triangles**

No sign shall obstruct the view in any direction at the intersection of a street or with an alley or driveway.

(4) **Illumination**

a. **Generally**

Illuminated signs are allowed pursuant to the following:

1. Illumination sources are shielded so as not to shine onto surrounding areas.

2. Illumination on the surface of an illuminated sign, measured at the brightest point ten feet from the surface of the sign, shall not exceed five foot-candles.
3. No illumination source shall create a traffic hazard or distraction to operators of motor vehicles on public streets.
4. Illuminated signs shall be prohibited in residential zoning districts.
5. Any illuminated sign visible from and located within 300 feet of any lot in a residential zoning district shall be turned off no later than 10:00 p.m., or one hour after the close of business, whichever is later.
6. Pole signs adjacent to Highways 6 and 82 shall not illuminate any sign face directed away from Highways 6 and 82.

b. **Externally Illuminated Signs**

To the maximum extent practicable, fixtures used to illuminate signs shall be top-mounted and directed downward onto the sign surface and the light source shall not be directly visible from adjacent properties or the public right-of-way.

c. **Internally Illuminated Signs**

1. For internally illuminated signs, dark background colors with light lettering shall be used.
2. For internally illuminated awning/canopy/marquee signs, such illumination shall not exceed five foot-candles when measured six inches from the awning/canopy/marquee.
3. Internally illuminated awning/canopy/marquee signs shall be prohibited in the Downtown Core.

(5) **Projection Within or Above Public Right-of-Way**

Any sign projecting within or above the public right-of-way shall obtain a right-of-way encroachment license pursuant to 070.060.050(f)(3).

(h) Specific Sign Type Standards

(1) **Signs for Secondary Entrances or Entrances on an Alley**

a. Buildings or businesses with a secondary public entrance on an alley or public walkway shall be allowed an additional attached sign at such secondary entrance at a rate of one-fifth of a square foot of sign area per linear foot of building frontage. The allowance for such secondary signs is per building, not per tenant.

b. Buildings that front and have sole access on an alley shall be allowed a total sign area equal to that allowed for a similar sign on a building frontage pursuant to Table 04.14.

(2) **Attached Signs**

a. **Wall Signs**

Wall signs are allowed as indicated in Table 040.12: Summary of Permanent Sign Standards. Wall signs shall comply with the following additional standards:

1. Shall be designed to be consistent and compatible with the building to which the signs are attached, including proportional scale and compatible design, materials, and color.

2. Shall be located on the side of a building that abuts a street, parking area, or other area open to the general public and that has a public entrance to the building.

b. **Projecting Signs**

Projecting signs are allowed as indicated in Table 040.12: Summary of Permanent Sign Standards. Signs projecting over public property shall not project more than five feet from the face of the building.

c. **Roof Signs**

Roof signs are allowed as indicated in Table 040.12: Summary of Permanent Sign Standards.

d. **Awning/Canopy/Marquee Signs**

Awning, canopy, and marquee signs are allowed as indicated in Table 040.12: Summary of Permanent Sign Standards. Signs displayed on canopies, awnings, and marquees that are located more than 12 inches away from the building façade shall comply with the following additional standards:

1. Signs shall not project above or below the face of the canopy, awning, or marquee, except for suspended signs and individual letters or other content on top of a marquee sign.
2. Sign content shall not project more than 12 inches from a canopy or marquee that such sign is attached to.
3. Signs on awnings shall not project beyond the surface of the awning.

e. **Suspended Signs**

Suspended signs are allowed as indicated in Table 040.12: Summary of Permanent Sign Standards. Suspended signs hanging from the underside of an awning, canopy, or marquee shall not extend beyond the edge of such structure.

f. **Changeable Copy Signs**

Changeable copy signs are allowed as indicated in Table 040.12: Summary of Permanent Sign Standards. Changeable copy signs that project from the façade of the building by more than 15 inches shall be considered projecting signs and shall comply with the standards for such in Table 040.12: Summary of Permanent Sign Standards, and 070.040.110(h)(2)b.

(3) **Freestanding Signs**

a. **Freestanding Signs, Generally**

Freestanding signs, except portable signs, are allowed as indicated in Table 040.12: Summary of Permanent Sign Standards. Freestanding signs shall comply with the following additional standards:

1. Shall be designed to be consistent and compatible with the building to which the signs are attached, including proportional scale and compatible design, materials, and color.
2. Shall be placed within a landscaped area equal in size to the area of the sign face or shall be located within an improved area clearly oriented toward pedestrians such as a seating, dining, or landscaped entry area.

b. **Monument Signs**

Monument signs are allowed as indicated in Table 040.12: Summary of Permanent Sign Standards. The height of the monument sign base on which the sign is attached shall not exceed 50 percent of total sign height.

c. **Pole Signs**

1. Pole signs are allowed as indicated in Table 040.12: Summary of Permanent Sign Standards. Sign copy on a pole sign shall be contained within a single border; except that one accessory reader board within a sign border may be separate provided the reader board contains less than 50 percent of the allowable sign area. The bottom of the sign area shall be no less than eight feet above the average elevation of the ground, except within the sight triangle.
2. Pole signs shall incorporate a single pole as support.
3. Pole signs shall be placed within a landscaped area equal in size to the area of the sign face or, with the approval of the Director, shall be located within an improved area clearly oriented toward pedestrians such as a seating, dining, or landscaped entry area. For purposes of this subsection only, landscaped area shall mean an area designed, constructed, and maintained to include natural materials such as live plant materials and wood, stone, or earth.

d. **Portable Signs**

Portable signs are allowed as indicated in Table 040.12: Summary of Permanent Sign Standards.

(4) **Drive-Through Facility Signs**

Drive-through signs are allowed as indicated in Table 040.12: Summary of Permanent Sign Standards. Drive-through facility signs shall:

a. Be limited to one face per sign; and
b. Shall be of a similar design using similar colors and materials as other freestanding signs associated with the use.

(i) Summary of Permanent Sign Standards

(1) **Applicability**

This subsection establishes the allowed permanent sign types. Permanent signs shall also comply with other standards within this section, and other applicable federal, state, and local standards.

(2) **Summary of Permanent Sign Standards Table**

a. Signs shall only be allowed in the areas designated in Table 040.12: Summary of Permanent Sign Standards.
b. Sign districts identified in Table 040.12 are described in 070.040.110(j).
c. All signs shall comply with 070.020.190(c)(5), *Sight Distance Triangle Requirement.*

(3) **Nonresidential Uses in Residential Zone Districts.**

Nonresidential uses shall be allowed signage subject to the requirements of a through d below. Home occupation signs shall not be considered nonresidential uses for purposes of this subsection.

a. Number, Maximum. One attached or one freestanding sign shall be allowed.

b. Sign Area, Maximum. Ten square feet.

c. Sign Height, Maximum. 42 inches.

d. Sign Location. Detached signs shall observe a minimum five-foot setback from any property line.

Table 040.13: Summary of Permanent Sign Standards

Sign Type	Where Allowed	Number of Signs, Maximum	Sign Area, Maximum	Sign Height, Maximum	Sign Location
Attached Signs					
Wall	Residential applications in all sign districts	One per building	One square foot per linear foot of building frontage	Top of wall	
	Mixed-use and nonresidential applications in all sign districts	**Single-tenant**: Two total wall, projecting, or roof signs; one per building frontage **Multi-tenant**: One wall, projecting, or roof sign per tenant or use of a building	Total sign area shall not exceed the greater of 25 square feet or: **Single-tenant:** One square foot per linear foot of building frontage **Multi-tenant:** Two square feet per linear foot of building frontage; no individual sign shall exceed one square foot per linear foot of the largest building frontage for an individual tenant	Top of wall	Wall signs may be located on walls or parapets See additional standards for properties in Downtown Core: 070.040.110(j)(3)
Projecting	Mixed-use and nonresidential applications in all sign districts	**Single-tenant**: Two total wall, projecting, or roof signs; one per building frontage **Multi-tenant**: One wall, projecting, or roof sign per tenant or use of a building	Total sign area shall not exceed the greater of 25 square feet or: **Single-tenant:** One square foot per linear foot of building frontage **Multi-tenant:** Two square feet per linear foot of building frontage; no individual sign shall exceed one square foot per linear foot of the largest building frontage for an individual tenant	Minimum clearance of eight feet above a sidewalk and 14 feet above an alley; shall not extend above the roof line of a building (except for designated historic signs)	
Roof	Downtown – south sign district	**Single-tenant**: Two total wall, projecting, or roof signs; one per building frontage **Multi-tenant**: One wall, projecting, or roof sign per tenant or use of a building	Total sign area shall not exceed the greater of 25 square feet or: **Single-tenant:** One square foot per linear foot of building frontage **Multi-tenant:** Two square feet per linear foot of building frontage	Shall not exceed the allowed building height for the applicable zoning district	Shall not project into a required yard
Awning, canopy, or marquee	Mixed-use and nonresidential applications in all sign districts	One per awning or canopy per street frontage; one marquee sign per property	Shall not exceed 30 percent of the width of the projection multiplied by the vertical height of the projection. (***Example****: a 10-foot wide by three-foot tall awning [30 sf] could have a maximum sign area of nine square feet*); letter height shall not exceed one foot.	Shall maintain a minimum clearance of eight feet above a sidewalk and 14 feet above an area intended for vehicular use	Sign content is allowed to extend above a canopy or marquee (but not an awning) pursuant to 070.040.110(h)(2)d

Table 040.13: Summary of Permanent Sign Standards

Sign Type	Where Allowed	Number of Signs, Maximum	Sign Area, Maximum	Sign Height, Maximum	Sign Location
Suspended	Mixed-use and nonresidential applications in all sign districts	One per building entrance; maximum one per tenant	Four square feet	Shall maintain a minimum clearance of eight feet above a sidewalk and 14 feet above an area intended for vehicular use	Shall not project beyond the limits of the awning, marquee, or canopy to which they are attached; shall be separated from other suspended signs by 12 feet
Freestanding Signs					
Freestanding monument	Residential applications in commercial zoning districts	One freestanding sign per street frontage, up to a total of two signs per subdivision or development access	100 square feet	Six feet	Setback five feet from property lines
	Mixed-use and nonresidential applications in all sign districts	One freestanding monument sign per street frontage per property	**Hwy 6 and 82 sign districts**: 200 square feet **Downtown districts:** 64 square feet **Others**: 120 square feet	Eight feet	Setback a minimum of 10 feet from back of curb or back of pavement; shall be separated from other permanent detached signs by at least 25 feet
Freestanding pole	Midtown, West Sixth Street, West Highway 6, South Highway 82, and Red Mountain sign districts	One freestanding pole sign per street frontage per property	**Hwy 6 and 82 sign districts**: 200 square feet **Others**: 120 square feet	**Hwy 6 and 82 sign districts**: 20 feet **Others**: 16 feet The bottom of the sign area shall be at least eight feet above the ground elevation.	Setback a minimum of 10 feet from back of curb or back of pavement; shall be separated from other permanent detached signs by at least 25 feet
Freestanding changeable copy	*Only allowed as accessory part of a pole or monument sign*		Shall not exceed 50 percent of allowable sign area	*See applicable standards for pole or monument sign*	

Table 040.13: Summary of Permanent Sign Standards

Sign Type	Where Allowed	Number of Signs, Maximum	Sign Area, Maximum	Sign Height, Maximum	Sign Location
Portable	All sign districts	One per tenant with street frontage See additional standards for properties in Downtown Core 070.040.110(j)(3)	Eight square feet	Four feet	Shall maintain five feet sidewalk clearance; shall be located directly in front of tenant space and not off-premises; shall be separated from other portable signs by 15 feet. Signs shall not be affixed to street lights, traffic poles, sign posts, or other site or landscape features. See additional standards for properties in Downtown Core 070.040.110(j)(3).
Other Sign Types					
Transit stop sign	*Shall be designed as part of the shelter and/or bench design*				
Drive-through facility sign	Wherever drive-through uses are allowed, pursuant to Table 030.1	Two additional freestanding signs	48 square feet each	Six feet	Shall be located adjacent to drive-through lane(s); shall not be located within 50 feet of a residential zoning district
Historic signs	*See 070.040.110(d)(9)*				

(j) Sign District Standards

(1) Purpose and Intent

This subsection recognizes seven geographic districts within the city with unique characteristics based on physical location, building design, pedestrian and vehicle circulation, and land uses. The intent of this subsection and district identification is to ensure the appropriate number and design of signs that are compatible with the characteristics of each sign district.

(2) Sign Districts

a. Downtown – South

1. Location

This district includes property located between the Colorado River (on the north) and Fourteenth Street (on the south) along Grand Avenue and, to a lesser degree, between

the Roaring Fork River (on the west) and Blake Street (on the east) within the Original Town Site.

2. **Building Types**

   The predominant building type in this district consists of single- and multi-tenant occupancy, historic storefront-type buildings abutting directly on the sidewalks of Grand, Colorado and Cooper Avenues and Seventh, Eighth and Ninth Streets. Buildings, often multi-tenant, on single lots of 25-foot width are typical. Building heights vary from one to three stories.

3. **Land Use**

   Street-level use is dominated by hospitality retail and eating and drinking establishments. Professional services and residential uses occupy upper floors. This district also includes buildings occupied by government administrative offices and services. Primary user orientation is to the pedestrian with secondary orientation to vehicular traffic.

4. **Other Characteristics**

   Vehicle speeds throughout this district are less than 25 miles per hour.

b. **Downtown – North**

1. **Location**

   This district includes property located along Sixth Street from the east side of Laurel Street and the Laurel roundabout to its eastern terminus. The district is accessible from I-70 interchange 116; however, visibility from I-70 is limited. Portions of this district are the community's first point of contact for most visitors.

2. **Building Types**

   The district is dominated by the historic Hotel Colorado and Hot Springs Pool. The district also includes a mix of single- and multi-story buildings of varying building heights.

3. **Land Use**

   Street-level uses are primarily tourist-oriented retail and restaurants. Primary user orientation is to the pedestrian with a secondary orientation to vehicular traffic.

4. **Other Characteristics**

   Vehicle speeds throughout this district generally are less than 25 miles per hour. To the north of the Sixth Street commercial area is one of the city's oldest residential neighborhoods.

c. **Midtown**

1. **Location**

   This district includes property located along and accessible from Grand Avenue between Fourteenth Street and Twenty-Third Street.

2. **Building Types**

   Single-tenant, local retail buildings predominate in this district, with secondary multi-tenant, strip or two-story office buildings. Valley View Hospital, a multi-story, multi-building complex, is two blocks east of Grand Avenue.

3. **Land Use**

   In addition to the hospital and other health care-related services, this district also contains a mix of hospitality and restaurants, and regional and local retail uses. Primary user orientation is to vehicular and transit traffic with limited pedestrian attention.

4. **Other Characteristics**

   Vehicle speeds throughout this district are 25 to 35 miles per hour.

d. **West Sixth Street**

1. **Location**

   This district includes property located along and accessible from Sixth Street, west of Laurel Street and the Laurel roundabout, to Devereux Road. Although this district is immediately accessible from Interstate 70 interchange 116, visibility from I-70 is limited. The eastern portion of this district is often the community's first point of contact for visitors.

2. **Building Types**

   The district includes a mix of single- and multistory buildings with single- and multi-tenant occupancy. Building heights range from one to three stories.

3. **Land Use**

   Primary street-level uses are auto-oriented tourist businesses including restaurants and a concentration of hotels and motels. Primary user orientation is vehicular traffic, with secondary pedestrian and transit users.

4. **Other Characteristics**

   Vehicle speeds throughout the district are less than 25 miles per hour.

e. **Highway 82 – South**

1. **Location**

   This district includes property located south of Twenty-Third Street along the Highway 82 corridor.

2. **Building Types**

   The character of development is predominantly single-story, single-tenant buildings, with some strip development. It is dominated by the Roaring Fork Market Place, a large multi-tenant, single-story retail development. Buildings in this district are generally single-story.

3. **Land Use**

   This district contains a mix of local and regional retail uses, with limited hospitality uses. Primary user orientation is to vehicular and transit traffic, with very limited pedestrian attention.

4. **Other Characteristics**

   Vehicle speeds of 35 to 45 miles per hour and a proliferation of curb cuts contribute to the auto-oriented nature of businesses within this district.

f. **Highway 6 – West**

1. **Location**

   This district includes commercially zoned property located north of the railroad right-of-way, west of Devereux Road. The district is immediately accessible from I-70 interchange 114; visibility from I-70 is very high.

2. **Building Types**

   The character of development in this district is primarily single-story, single-tenant uses, with some multi-tenant buildings, strip retail, auto dealerships, gasoline stations, fast food establishments, and single-and two-story motels.

3. **Land Use**

   Primary uses are regional retail and hospitality. Orientation is to vehicular and transit traffic, with limited pedestrian attention.

4. **Other Characteristics**

   Vehicle speeds throughout this district should be less than 40 miles per hour on Highway 6 and less than 65 miles per hour on Interstate 70. Commercial uses are very visible from adjacent residential neighborhoods to the north. Length of strip development contributes to lack of definition within district.

g. **Red Mountain**

1. **Location**

   This district includes property located south of the railroad right-of-way, generally west of the Devereux Road bridge. The district is accessible from I-70 interchange 114. Visibility from I-70 is high.

2. **Building Types**

   The character of development in this district is primarily single-story, single-tenant uses, strip retail, and multi-story hotels. This district is dominated by the Glenwood Meadows shopping area.

3. **Land Use**

   Orientation primarily is to vehicular traffic. Primary uses are retail, light industrial, and hospitality. The district includes the city's community center and a regional bus service maintenance facility and park-and-ride.

4. **Other Characteristics**

   The district is highly visible from West Glenwood and from the Oasis Creek and Highlands neighborhoods. Vehicle speeds throughout this district vary from 25 to 45 miles per hour to 65 miles per hour on Interstate 70.

(3) Additional Standards in the Downtown Core

a. General

1. Signs shall be less prominent than the overall building composition; and
2. Signs shall be in character with the material, color, and detail of the historic context of downtown Glenwood.

b. Materials

1. Highly reflective materials shall not be used; and
2. Unpainted wood and other unfinished materials shall not be used.

c. Illumination

1. Internally-illuminated signs including freestanding electronic message signs are prohibited;
2. Awnings and canopies shall not be illuminated;
3. Non-flashing neon signs shall be allowed; and
4. Marquees may be illuminated provided the lights are fully shielded and directed downwards.

d. Wall Sign Standards

Wall signs on multi-story buildings shall be located within the traditional sign band area, which is generally between the first- and second-floor windows.

e. Portable Sign Standards

1. **Number**

   Ground-floor tenants without street frontage are allowed one sign, pending compliance with the requirements of this subsection.

2. **Location**

   i. Portable signs shall be located not more than four feet from the building face; and

   ii. Portable signs may be located on the public sidewalk in areas where the sidewalk width is eight feet wide or greater.

3. **Design**

   i. Portable signs shall be constructed of materials that present a finished appearance. Portable signs shall have a designed, finished edge of solid wood or metal. Signs shall not be constructed of rough-cut plywood; plastic signs are not allowed.

   ii. Sign frames shall be painted or stained wood, metal with a matte finish; plastic frames are prohibited.

   iii. Portable sign bases shall be properly weighted, with the weight elements incorporated into the overall design of the sign. Use of improvised measures such as concrete blocks and sandbags to secure signs is prohibited.

   iv. Portable signs including frames shall not be white or neon-colored. Black or other dark colors are preferred.

(k) Sign Review and Approval Procedures

(1) Standard Sign Permit

a. Applicability

A standard sign permit shall be required pursuant to 070.040.110(b).

b. Procedure

The Director shall evaluate sign permit applications and issue standard sign permits on a form designated by the Director.

(2) Off-Premises Sign Permit

a. Applicability

This subsection shall apply to all off-premises signs except for temporary off-premises directional signs.

b. Procedure

Off-premises sign permits shall require a public hearing before the Planning Commission. The Planning Commission shall review and approve, approve with conditions, or deny the off-premises sign permit in accordance with the following approval criteria:

1. The off-premises sign will not harm the public or impair the intent or purposes of the Municipal Code or the City's goals or policies; and
2. A significant hardship will result without such off-premises sign.

c. Additional Standards

1. The off-premises sign shall comply with the applicable size, height, placement, and number of signs permitted on the property where the off-premises sign is to be located. The off-premises sign size shall be counted against the sign size and type allowed on the property on which it is displayed.
2. If the off-premises sign is proposed in the public right-of-way, such sign shall require compliance with 070.060.050(f), *Right-of-Way Encroachment License*.

(3) Master Sign Plan

a. Applicability

A master sign plan shall be required for multi-tenant buildings and commercial developments containing more than one building.

b. Procedure

1. Applicants shall submit a master sign plan to the Director for approval upon application for a sign permit. If the master sign plan meets all the conditions of this subsection, then it may be approved by the Director.
2. A master sign plan shall be approved prior to the issuance of a building permit for all new buildings, additions, or renovations and prior to the issuance of any sign permit for an individual business. The master sign plan shall run with a multi-use building property and not with individual tenants.

(l) Sign Installation and Maintenance

(1) Compliance to Building Code and other Applicable Codes

Signs and sign structures shall comply with the building code and other applicable codes as adopted by the City.

(2) Maintenance

a. Signs shall be maintained in good structural condition at all times.

b. The Director shall inspect and may order the painting, repair, alteration, or removal of a sign that constitutes a hazard to safety, health, or public welfare because of inadequate maintenance, dilapidation, or disrepair under the notice to repair or remove procedure in paragraph c below.

c. The Director shall notify the sign owner or property owner by certified mail of the duty to alter or remove and that such person has 30 days from the date of the notice, or such longer period as the Director finds is reasonably necessary, to complete such alteration or removal.

(m) Nonconforming Signs

(1) Continuation of Nonconforming Signs

Any existing individual sign that exceeds the maximum area or height limitations of this Code by no more than 10 percent shall be considered a conforming sign. At the time such sign is replaced, altered, or renovated, it shall comply with all requirements of this Code.

(2) Termination of Nonconforming Signs

a. The right to maintain a nonconforming sign terminates immediately upon any of the following:

1. Abandonment of a sign, including sign copy and/or logos and graphics, for a continuous period of 90 days;
2. Any further violation of this Code;
3. Destruction or damage of the sign to the extent that the cost of restoration to its condition before the occurrence exceeds 50 percent of the total cost of reconstructing the entire sign; or
4. Determination by the Director and Building Official that the sign is an immediate hazard to the public health, safety, and welfare because of disrepair, unsafe mounting, imminent dislodging, or other safety factors.

b. Any party wishing to appeal a determination concerning the termination of a nonconforming sign or request a variance from the requirements of this subsection may appeal the determination to the Director and may appeal the Director's decision to the Planning Commission.

070.040.120 Affordable and Workforce Housing

(a) In General

RESERVED

(b) Voluntary Provisions

(1) Deed-Restricted Development

a. Applicability

Any new development of for-rent residential units in the city may voluntarily with the City enter into an affordable housing deed-restriction agreement consistent with the terms and conditions of this subsection 070.040.120(b)(1).

b. Deed Restriction

The deed restriction provided for in this subsection shall be recorded by the owner of the property burdened thereby and remain a covenant and restriction running with the property for a period of 30 years unless otherwise terminated.

c. Affordability

1. The gross rental price, including utility allowance and non-optional fees, of any deed-restricted unit shall not, at the time of leasing, exceed the maximum rents established according to Colorado Housing and Finance Authority, Colorado County Income and Rent Table, for 120 percent of the Garfield County Area Median Income.
2. The average of all deed-restricted units in a development shall not exceed 100 percent of the maximum rents established according to the Colorado Housing and Finance Authority, Colorado County Income and Rent Table, as determined at the time each individual unit was leased.

d. Impact Fees

The deed restriction shall provide for a waiver of the following impact and improvement fees required by this Code according to the percentage of new for-rent units restricted thereby:

1. Any water or sewer tap fee required under 080.040.010(c) or 080.030.010(c), respectively.
2. Any water or sewer system improvement fee required under Article 080.060.
3. Any school land dedication required under 070.040.030(g)(4), *School Land Dedication*.
4. Any fire and emergency service impact fees required under 070.040.030(g)(5), *Fire and Emergency Services Impact Fee*.
5. Any parkland dedication fees required under 070.040.030(g)(2)), *Parkland Dedication*.

Said fees shall be calculated and determined prior to development and remain unpaid, in abeyance, to be depreciated over a period of 30 years from the issuance of a certificate of occupancy for the unit(s). Straight line depreciation shall be used. Any restricted party that knowingly fails to adhere to the requirements of the deed restriction or this 070.040.120(b)(1) for any portion of a year shall be required to immediately pay the remaining un-depreciated impact and improvement fees upon 30 days' written notice from

the City. The restricted party's failure to pay such amount upon notice shall result in an automatic lien upon the property plus a penalty of ten percent of the amount owed, plus the reasonable costs of fees, including attorney fees, spent in collection. Said lien shall thereafter be collected as provided in Section 080.010.100 of the Code.

e. Occupancy Requirement

1. Primary occupants shall sign an affidavit of qualification and be qualified to rent a deed-restricted unit under this 070.040.120(b)(1) according to any of the following criteria:
   i. Employed to primarily work at a physical location within the 81601 postal zip code;
   ii. Directly employed by a company that has its principal office located within the 81601 postal zip code;
   iii. Enrolled as a full-time student at a local educational institution;
   iv. Being 65 years of age or greater; or
   v. Receiving social security disability benefits.

   Qualifying occupants may have roommates not employed within the 81601 postal zip code or by a company not having its principal office within the 81601 postal zip code.
2. No occupant of a deed-restricted unit shall engage in any business activity on or in the unit, except as allowed under 070.030.040(d)(3), *Home Occupations*, of this Code.
3. In the rental and occupancy of the units, there shall be no discrimination on the basis of age, race, creed, color, sex, sexual orientation, disability, religion, national origin, marital status, gender identity, or affiliation.
4. When a unit becomes vacant, the owner shall promptly make it available and actively market said unit for lease to another qualified occupant in accordance with the deed restriction and any rental guidelines adopted by the City.
5. Each unit shall only be leased and occupied by residents who will utilize the unit as his or her principal place of residence. A "principal place of residence" shall mean the dwelling in which one's habitation is fixed and to which a person, whenever he or she is absent, has a present intention of returning after a departure or absence there from.
6. In the event the employment or student enrollment status of the occupant of any unit is altered so as to no longer meet the qualifications of this subsection, said occupant shall be permitted to reside in the unit under the same terms and conditions of the unit lease, except that no extension of the lease term shall be granted.

f. Market Conversion

The owner of a deed-restricted unit may convert a unit to rent or sale at market rate upon written notice to the City. Upon market conversion, the owner shall record an amendment to the deed restriction for the termination thereof. Upon the first rental or sale of any such converted unit, the owner shall pay to the City the amount of any and all proportional, amortized, and depreciated impact and improvement fees then outstanding.

g. Reporting Requirement

The owner of a deed-restricted unit shall annually, between December 1 and December 15, provide a report and proof to the City or its designated representative agency of its

compliance with the rental requirements set forth in this subsection for the prior twelve-month period. Said report shall contain, at a minimum:

1. The number of deed-restricted units rented pursuant to this subsection;
2. The period each unit was rented and the status by which the were occupant(s) qualified under the deed restriction;
3. The monthly rental price; and
4. The taxes, special assessments, and homeowners' association and management fees, and any other fees or charges, including common utilities, assessed to each unit.

(c) Housing Units Developed Under Prior Inclusionary Housing Program

All housing units developed under the provisions of the inclusionary housing program repealed by Ordinance 21, Series of 2017, shall remain subject to the terms and conditions of approval previously agreed upon, including the applicability of the Glenwood Springs Community Housing Guidelines as administered by the Garfield County Housing Authority.

(d) Repealer

Any ordinance or resolutions or parts thereof in conflict with Ordinance 21, Series of 2017, are hereby repealed to the extent of such conflict only.

Article 070.050: Historic Preservation

070.050.010 Purpose

The purpose of this Article is to:

(a) Designate, preserve, protect, enhance, and perpetuate sites, structures, objects, districts, historic signage, and historic mural art that reflect outstanding elements of the city's historic, architectural, social, archaeological, artistic, economic, political, and cultural heritage;

(b) Promote civic pride of the past;

(c) Promote the use of outstanding historical or architectural sites, structures, objects and districts for the education, stimulation, pride, and welfare of the people of the city;

(d) Enhance or improve the historic and aesthetic vitality of sites, structures, objects and districts;

(e) Enhance the visual character of the city by encouraging new design and construction that complements the city's historic buildings, objects, sites and districts;

(f) Strengthen the city's economy by protecting and enhancing attractions for visitors;

(g) Conserve valuable material and energy resources through the ongoing use and maintenance of the existing built environment;

(h) Protect property values within the city by publically recognizing and appreciating historic properties, including those that are not landmarked; and

(i) Promote and encourage continued private ownership and utilization of such sites, structures, objects, and districts.

070.050.020 Designation of Local Landmarks and Historic Districts

(a) Authorization

Pursuant to the procedures set forth in this Section, the City Council may:

(1) Designate as a landmark an individual structure or other feature or an integrated group of structures and features on a single lot or site having special historical or architectural value.

(2) Designate as an historic district an area containing a number of structures having special historical or architectural value.

(b) Procedures for Designating Local Landmarks and Historic Districts

(1) Authority to Submit Application

A nomination for designation may be made by the Glenwood Springs Historic Preservation Commission ("GSHPC"), City Council, property owners, or any organization with a recognized interest in historic preservation.

a. Landmark nominations for a single property shall be accompanied by written consent of all record owners on a form provided by the Director.

b. District nominations shall include a petition supporting the nomination and signed by the owners of at least 50 percent of the land area proposed to be included within the district.

(2) Application Content

The application shall be submitted to the Director on a form established by the Director. The applicant bears the burden of demonstrating compliance with application requirements.

(3) Application Submittal and Review Schedule

The Director shall establish a submittal and review schedule for landmark and historic district nomination applications and shall include that information in the Administrative Manual. The Director may amend the schedule to ensure effective and efficient review under this Code.

(4) Determination of Application Acceptance

a. The Director shall determine whether an application is complete and, if the application is complete or incomplete within five business days of submittal and provide written notification of such determination to the applicant. A complete application shall be processed according to the procedures in this Article. An incomplete application shall not be processed or reviewed. Any deficiencies noted by the Director shall be addressed by the applicant and the representative commissioner, when appropriate, prior to resubmitting the application.

b. The Director shall review the application with respect to:

   1. Its relationship to this Code, goals and policies; the Comprehensive Plan of the City; and the landmark criteria set forth in this Article; and
   2. The effect of the designation upon the surrounding neighborhood.

c. The Director shall prepare a written staff report. The staff report shall state whether the application complies with Code requirements and shall include a recommendation to the GSHPC.

d. The Director shall submit a copy of the staff report to the applicant, the GSHPC, and the commissioner who aided in the application, if appropriate, and shall make the staff report and related materials available for public review according to the following timeframes:

   1. For hearings before the GSHPC, the staff report shall be distributed no later than the Friday prior to the scheduled GSHPC hearing where the application is to be heard.
   2. For hearings before the City Council, the staff report shall be distributed no later than nine days prior to the scheduled City Council hearing where the application is to be heard.

(5) GSHPC Public Hearing

a. Scheduling

The Director shall schedule a public hearing for either a regularly scheduled or special meeting of the GSHPC. Notice of the time, date, place, and subject matter of the hearing shall be given pursuant to 070.060.030(f), *Scheduling and Notice of Public Hearings*.

b. Action

The GSHPC shall review the application for conformance with the established criteria for designation pursuant 070.050.020(f), *Criteria for Designation*, and shall take one of the following actions:

1. Recommend that the City Council approve the application for a landmark or historic district designation; or

2. Recommend that City Council deny the application for a landmark or historic district designation; or
3. Continue the hearing to a future GSHPC meeting with a request for additional information necessary to make a decision to approve or deny.

(6) **City Council Procedures**

a. **Notice of Public Hearing**

The City Council shall hold a public hearing on the landmark application. Notice of the time, date, place, and subject matter of the hearing shall be given pursuant to 070.060.030(f), *Scheduling and Notice of Public Hearings*.

b. **Review and Decision**

The City Council shall review the landmark application for conformance with the established criteria set forth in this Article and and shall affirm, reverse, or amend the GSHPC recommendation.

c. **Notification**

When a landmark or historic district has been designated by the City Council, the Community Development Department shall:

1. Provide the owner of each property so designated written notification of such decision by the GSHPC and City Council outlining the reasons for such designation, the obligations and restrictions created by such designation and the procedures for appeal. The letter shall also contain a requirement that the owner and his/her successors or assigns notify the GSHPC prior to:
   i. Preparation of plans for the reconstruction or alteration of the exterior of improvements located on such property; or
   ii. Preparation of plans for the construction, relocation, or demolition of exterior improvements on such property.
2. Record an ordinance designating the property as a landmark or historic district and listing the individual properties included therein. The ordinance shall include a description of the characteristics of the landmark or historic district which justify its designation, a description of the particular features that should be preserved, and a legal description of the property or boundaries of the district.

(7) **Appeal**

A party aggrieved or adversely affected by any decision by the City Council may seek review of the decision in the courts in accordance with state law.

(c) Revocation of Landmark Designation

(1) If a designated landmark has been lawfully removed or demolished, the owner may apply to the GSHPC for a revocation of the respective landmark designation. The revocation application shall be reviewed under the same procedures described hereinabove.

(2) The revocation of a landmark designation may be approved if there is a determination that, without the demolished building or feature, the site as a whole no longer meets the criteria for designation. The GSHPC shall make a recommendation to the City Council to approve or deny the revocation of the landmark designation. Upon the City Council's decision to revoke a

designation, an ordinance that includes the legal description of the affected property and stating reasons for the revocation shall be adopted and duly recorded pursuant to the Charter.

(d) Amendment of Designation

Designation of a landmark or historic district may be amended to add features or property to the site or district under the procedures set forth in 070.050.020, *Designation of Local Landmarks and Historic Districts*.

(e) Limitation on Resubmission and Reconsideration of Proposed Designation

When the City Council denies a historic district or landmark site designation application, no person shall submit an application that is the same or substantially the same for at least six months from the date of the final action on the original proposal.

(f) Criteria for Designation

Properties eligible for designation must be at least 50 years old and possess both significance and physical integrity.

(1) Significance

Sites, buildings, objects, or properties eligible for local landmark or historic district designation must possess significance in at least one of the following categories:

a. Historical Significance

The site, building, object, or property:

1. Has character, interest and integrity and reflects the heritage and cultural development of the city, state, or nation;
2. Is associated with an important historical event; or
3. Is associated with an important individual or group who contributed in a significant way to the political, social, and/or cultural life of the community.

b. Architectural Significance

The building, object, or property:

1. Embodies distinctive characteristics of a type, period or method of construction;
2. Represents the work of a craftsman or architect whose work is distinguishable from others by its characteristic style and quality;
3. Possesses high artistic values or design concepts; or
4. Represents a significant and distinguishable entity whose components may lack individual distinction.

c. Informational Significance

The site, building, object, or property has yielded, or may be likely to yield information important in history or prehistory.

(2) Integrity

A property that is eligible for designation must retain physical qualities that date from the period when the property attained its significance. Integrity is based on the degree to which a property retains all or some of seven qualities associated with location, design, setting,

materials, workmanship, feeling, and association. All seven qualities need not be present for a property to be eligible as long as the overall sense of past time and place are evident. For archaeological sites, integrity is determined based on the degree to which remaining evidence can provide important information.

a. **Location**

The place where the historic property was constructed or the place where the historic event occurred.

b. **Design**

The combination of elements that create the form, plan, space, structure, and style of a property.

c. **Setting**

The character of the place in which the property is located. Setting refers to the historic property's relationship to surrounding buildings, features, and open space.

d. **Materials**

The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.

e. **Workmanship**

The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.

f. **Feeling**

A property's expression of the aesthetic or historic sense of a particular period of time.

g. **Association**

The direct link between an important historic event or person and a historic property.

070.050.030 Historic Sites and Districts Inventory

(a) Inventory of Designated Landmark Sites and Districts and Pending Designations

The Community Development Department shall maintain a current record of all designated landmark sites and historic districts and any pending designations.

(b) Interim Control Under Pending Designations

No person shall receive a building permit to construct, alter, remove, or demolish any building or object proposed for landmark designation or contributing building or object within a proposed historic district after an application has been filed to initiate the designation of such landmark or district. No such building permit shall be approved while proceedings are pending on such designation, such period time not to exceed 60 days. Penalties for violations of this section shall be as set forth in 070.010.080, *Enforcement*.

(c) Structures of Merit

The GSHPC may approve a list of structures of historical or architectural merit that have not been designated as landmarks and are not situated in designated historic districts, but that may be considered for future designation. The GSHPC may add to this list from time to time in order to recognize and encourage the protection, enhancement, and use of such structures. Nothing in this Section shall be construed to impose any regulations or controls upon, or to provide incentives or awards to, structures of merit solely because they are included on the list.

(d) Recognition of Landmarks and Structures of Merit

The GSHPC may recommend, with City Council approval, such steps as it deems desirable to recognize the merit of and to encourage the protection, enhancement, perpetuation and use of, any listed structure or of any designated landmark or any structure in a designated historic district by, without limitation, issuing certificates of recognition and authorizing plaques to be affixed to the exteriors of such structures.

070.050.040 Landmark Alteration Certificate

(a) Landmark Alteration Certificate Required

Owners intending to reconstruct, improve, demolish, or in any way significantly alter or change the exterior appearance or the exterior characteristics of improvements on real property that is designated as a landmark or proposed landmark, or in a designated or proposed historic district, shall first obtain a landmark alteration certificate for the proposed work under this Section, as well as any other permits required by this Article or the Code.

(b) Pre-Application Conference

(1) Purpose

The pre-application conference is intended to provide an opportunity for the owner or applicant to meet with City staff to review applicable submittal requirements, review procedures, and to identify any issues associated with the proposed alteration.

(2) Procedure

Pre-application conferences shall follow the following procedures:

a. Request

The applicant shall submit a request for a pre-application conference to the Director.

b. Scheduling

The Director shall schedule the pre-application conference and notify appropriate staff and the applicant of the time and location of the conference.

c. Required Information

At least five days prior to the scheduled pre-application conference, the applicant shall submit:

1. A completed planning application;
2. Proof of ownership;

3. A written description of the proposed project; and
4. Conceptual drawings showing the location, layout, and primary elements of the proposal.

(c) Application Submittal and Handling

(1) Application for an alteration certificate shall be made by the property owners(s), or with the written consent of the property owner(s) on such form as established by the Director. The applicant bears the burden of demonstrating compliance with application requirements.

(2) The Director shall establish a submittal and review schedule for landmark alteration certificates and shall include that information in the Administrative Manual. The Director may amend the schedule to ensure effective and efficient review under this Code.

(3) The Director shall determine whether the application is complete or incomplete within five business days of submittal and provide written notification of such determination to the applicant. A complete application shall be processed according to the procedures in this Article. An incomplete application shall not be processed or reviewed. Any deficiencies noted by the Director shall be addressed by the applicant prior to resubmitting the application.

(d) Staff Review and Action

The Director shall distribute the complete application to appropriate staff and a subcommittee of the GSHPC consisting of two rotating regular members. Within 10 business days after a complete application is filed, staff and the GSHPC subcommittee shall determine whether the proposed work would have a significant impact upon or be potentially detrimental to the landmark or historic district pursuant to the review criteria in 070.050.040(f), *Criteria for Review of a Landmark Alteration Certificate*.

(1) No Significant Impact

If it is determined that there would be no significant impact or potential detriment, a landmark alteration certificate shall be issued to the applicant and the GSHPC shall be notified of such issuance.

(2) GSHPC Referral

If either the staff member or one of the GSHPC's subcommittee members determines that the proposed work would create a significant impact or potential detriment, the application shall be referred to the GSHPC as set forth in 070.050.040(e), *Landmark Alteration Certificate Public Hearing*.

(e) Landmark Alteration Certificate Public Hearing

The GSHPC shall hold a public hearing to review landmark alteration certificates referred by the GSHPC subcommittee within 45 days after the completed application is filed. Notice of the time, date, place, and subject matter of the hearing shall be given pursuant to 070.060.030(f), *Scheduling and Notice of Public Hearings*. The GSHPC shall take one of the following actions at the meeting:

(1) Grant the landmark alteration certificate upon a determination that the application meets the established criteria set forth in this Section and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as set forth in 070.050.060(d), *Adoption of Secretary of the Interior's Standards*.

(2) Deny the landmark alteration certificate upon a determination that the application does not meet the established criteria set forth in this Section and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as set forth in 070.050.060(d)*, Adoption of Secretary of the Interior's Standards*.

(3) Continue the hearing to a future GSHPC meeting with a request for additional information necessary to made a decision.

(f) Criteria for Review of a Landmark Alteration Certificate

(1) The GSHPC may approve proposed exterior alterations to any landmark or contributing building within a designated historic district upon finding that the proposed alterations would not detrimentally alter, destroy, or adversely affect any significant architectural or landscape feature that contributes to the landmark designation. The GSHPC must find that the proposed alterations are visually compatible with the designated landmark in terms of design, finish, material, scale, mass, and height. When the alteration is to a contributing building in a designated historic district, the GSHPC must also find that the alterations are visually compatible with adjacent contributing properties.

(2) The GSHPC shall use the following criteria to determine compatibility:

a. The effect upon the general historical and architectural character of the landmark or the landmark district.

b. The architectural style, arrangement, texture, and material of existing and proposed improvements and their relation and compatibility to the landmark or the sites, structures, and objects in the landmark district.

c. The effect of the proposed work in creating, changing, or destroying the exterior characteristics of the site, structure, or object upon which such work is done.

d. The effect of the proposed work upon the protection, enhancement, perpetuation, and use of the landmark or landmark district.

e. The extent to which the proposed work meets the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as set forth in 070.050.060(d), *Adoption of Secretary of the Interior's Standards*.

(g) Criteria for Reviewing Structure Relocation

In addition to the alterations criteria in 070.050.040(f) above, the GSHPC shall use the following criteria when considering landmark alteration certificate applications for relocating a landmark or a contributing building or object within a historic district:

(1) Documentation showing that the landmark cannot be rehabilitated or reused on its original site for any reasonable beneficial use of the property and relocation is necessary to preserve its character and integrity.

(2) The contribution the landmark makes to its present setting.

(3) A structural report submitted by a Colorado-licensed structural engineer that adequately demonstrates that the landmark can be moved without significant physical damage.

(4) The degree to which orientation, setting, and general environment of the new location are comparable to those of the historic location and are compatible with the landmark's significance.

(5) The landmark is the last surviving property most importantly associated with a particular historic event or an important aspect of a historic person's life and where relocation is necessary to preserve the landmark. The phrase "most importantly associated" means that it must be the single surviving property that is most closely associated with the event or with the part of the person's life for which he or she is significant.

(6) The degree to which the landmark's design values or historical associations are directly dependent on its location where any move will cause the property to lose its integrity and prevent it from conveying its significance.

(7) The landmark is an object that was designed to move or is a property that was frequently moved during its historic use and the new location is a historically-appropriate setting whereby the landmark retains its integrity of setting, design, feeling, and association. Such properties include automobiles, railroad cars, and engines.

(8) The moved landmark is not a portion or fragment of a larger resource. Moving only a portion of a landmarked building or object permanently alters integrity of design, setting, materials, workmanship, and location.

(h) Criteria for Reviewing Structure Demolition

(1) Review Criteria for Total Demolition

Applicants requesting a landmark alteration certificate for total demolition must provide data to clearly demonstrate that the situation meets the following four criteria:

a. The building is structurally unsound.

b. The building cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property.

c. The building cannot be practically moved to another site in the city.

d. The applicant demonstrates that the proposal mitigates to the greatest extent practicable the following:

   1. Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur; and

   2. Any impact to the historical or architectural significance importance of other buildings located on the property and to adjacent landmarks or contributing buildings within an historic district.

e. In the case of archaeological sites, consideration will be given to whether information can be recovered as part of the demolition.

(2) Review Criteria for Partial Demolition

In addition to the alterations criteria in 070.050.040(f) above, the GSHPC shall use the following criteria when considering alteration certificates for partial demolitions of landmarks or contributing buildings within a designated historic district.

a. The partial demolition is required for the renovation, restoration, or rehabilitation of the landmark; and

b. The applicant has mitigated, to the greatest extent possible, impacts to the historical or architectural significance of other landmarks on the property; and

c. The partial demolition would not destroy the architectural or historical integrity of the landmark such that the property would no longer qualify as a landmark or contributing building in an historic district.

(i) Denial of Landmark Alteration Certificate

(1) A denial of a landmark alteration certificate shall be accompanied by a statement of the reasons for the denial and the procedures for appeal to the City Council. The GSHPC may make recommendations to the applicant concerning changes to the proposal. The applicant may resubmit an amended application, reapply for a building or demolition permit that takes into consideration the recommendations of the GSHPC, or appeal said denial to the City Council.

(2) If an application for a landmark alteration certificate is denied, no person may submit a subsequent application for the same construction, alteration, removal, or demolition within six months from the date of the final action upon the earlier application.

(j) Issuance of Landmark Alteration Certificate

The Director shall issue a landmark alteration certificate if an application has been approved by the GSHPC subcommittee, GSHPC, or City Council.

(1) Time Limit

Upon approval an application for a landmark alteration certificate, the applicant shall apply for a building permit conforming to the certificate within 180 days thereafter, as applicable.

(2) Record of Demolished and Moved Properties

Prior to the issuance of a permit for demolition, moving, or removal, the City may require the applicant to provide information about the building, including current photographs.

(k) Exemptions from Landmark Alterations Certificate

If a request for a landmark alteration certificate does not conform to the applicable criteria, an applicant may request an exemption from the certificate requirements from the GSHPC. If a request for a landmark alteration certificate does not conform to the applicable criteria, the applicant must submit adequate documentation and/or testimony to establish qualification for at least one of the listed exemptions below. The data provided by the applicant must be substantiated by either professionals in an applicable field or by providing documentation of how the information was obtained. The applicant shall have the burden of proof to establish hardship. The GSHPC may request additional information from the applicant as necessary to make informed decisions.

(1) Economic Hardship Exemption

The following standards that describe factors, evidence, and testimony will be considered by the GSHPC:

a. The structural soundness of the landmark and its suitability for rehabilitation.

b. The economic feasibility of rehabilitation or reuse of the existing property in the case of a proposed demolition.

c. The current level of economic return on the property in relation to the following:

1. The amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant, and the person from whom the property was purchased.
2. A substantial decrease in the fair market value of the property that would result in the event that the landmark alteration certificate was denied.
3. The fair market value of the property at the time the application was filed.
4. Real estate taxes for the previous three years.
5. Annual gross and net income, if any, from the property for the previous three years; itemized operating and maintenance expenses for the previous three years; and depreciation deduction and annual cash flow before and after debt service, if any, for the previous three years.
6. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, during the previous three years.
7. All appraisals obtained within the previous three years by the owner or applicant in connection with the purchase, financing, or ownership of the property.
8. Any state or federal income tax returns on or relating to the property for the previous three years.

d. The marketability of the property for sale or lease, considered in relation to any listing of the property for sale or lease, and the price asked and offers received, if any, within the previous two years. This determination can include testimony and relevant documents regarding:
   1. Any real estate broker or firm engaged to sell or lease the property;
   2. Reasonableness of the price or rent sought by the applicant; and
   3. Any advertisements placed for the sale or rent of the property by the owner or applicant.

e. The lack of feasibility of alternative uses that can earn a reasonable economic return for the property as considered in relation to the following:
   1. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any buildings/structures on the property and their suitability for rehabilitation.
   2. At least three estimates indicating the cost of the proposed construction, alteration, relocation, or demolition and estimates of any additional cost that would be incurred to comply with the recommendations of the GSHPC or City Council for changes necessary for the issuance of landmark alteration certificate.
   3. Testimony from a Colorado-licensed engineer or architect with experience in rehabilitation as to the economic feasibility of rehabilitation or reuse of existing building/structures on the property.

f. Studies and evaluations conducted at the applicant's expense that shall identify impact of economic incentives and/or funding available to the applicant through federal, state, City, or private programs in relation to a five-year pro forma of projected revenues and expenses of the reasonable uses or revenues that takes into consideration the utilization of incentives programs available.

g. Any community organizations, preservation groups, other associations and private citizens that wish to comment on a submission made under the financial hardship provision.

h. Conduct to be excluded from review. Demonstration of economic hardship by the owner shall not be based on conditions caused by or resulting from the following:
   1. Willful or negligent acts by the owner;
   2. Purchasing the property for substantially more than market value;
   3. Failure to perform normal maintenance and repairs;
   4. Failure to diligently solicit and retain tenants; or
   5. Failure to prescribe a rental amount which is reasonable.

(2) **Undue Hardship**

An applicant requesting an exemption based on undue hardship must show that the application of the criteria creates a situation substantially inadequate to meet the applicant's needs because of specific health and/or safety issues.

(3) **Inability to Use**

One year after denial of a demolition permit, if no feasible use or ownership is found for the structure, the owner may request a waiver of all or a part of the restraint of demolition. The GSHPC will include the following factors in its consideration of the request:

a. Documented evidence of applications and written correspondence, including written consultations, illustrating efforts made by the property owner to make necessary repairs, to find an appropriate user or to find a purchaser for the property; and
b. The adequacy of the property owner's efforts to locate available assistance for making the property functional without demolition.

(l) Appeals

Anyone aggrieved by any decision of the GSHPC may file an appeal pursuant to the procedures set forth in 070.060.070(c), *Appea*.

(m) Unsafe or Dangerous Conditions Exempted

Nothing in this Section shall be construed to prevent any measures of construction, alteration, removal or demolition necessary to correct the unsafe or dangerous condition of any structure, feature or parts thereof when such condition is declared unsafe or dangerous by the Community Development Department or Fire Department and where the proposed measures have been declared necessary by the City Manager to correct the condition, as long as only such work that is absolutely necessary to correct the condition is performed. Any temporary measures may be taken without first obtaining a landmark alteration certificate under this Article, but a certificate is required for permanent alteration, removal, or demolition.

(n) Stop-Work Order

Whenever an action has been initiated for which a landmark alteration certificate is required but has not been approved or issued, the City shall make every reasonable effort to contact the property owner, lessee, and/or occupant to notify them of the application for landmark alteration certificate process. The Community Development Department may issue a stop-work order as necessary to halt an action that requires a landmark alteration certificate. The City may issue the stop-work order by written notice delivered by certified mail, or in person.

070.050.050 Property Maintenance Required

(a) Prevent Deterioration

The City Council intends to preserve from deliberate or inadvertent neglect the exterior portions of designated landmarks and all interior portions thereof whose maintenance is necessary to prevent deterioration of any exterior portion. No owner of any landmark shall fail to prevent significant deterioration of the exterior of the structure or special feature beyond the condition of the structure on the effective date of the designating ordinance.

(b) Compliance with City Codes

No owner and/or lessee of any landmark or structure in an historic district shall fail to comply with all applicable provisions of this Section and other ordinances of the City regulating property maintenance.

(c) Owner Notification

Before the City Attorney files a complaint in Municipal Court for failure to maintain the property on the landmark site or historic district, the City shall notify the property owner of the need to repair, maintain or restore the property, shall assist the owner in determining how to preserve the property, and shall give the owner 45 days in which to commence the tasks. In the event a building permit is required, work shall commence 45 days after issuance of a building permit.

070.050.060 Administration

(a) Economic Incentives

Owners of properties that have been landmarked pursuant to Article 070.050 and that are used for residential purposes may receive a rebate on the City's general operating mill levy, not including fire bonds. The rebate will occur after the property owner presents to the City's Finance Director a receipt from the Garfield County Treasurer's office showing that the property taxes have been paid for the year the rebate is requested.

(b) Gifts, Grants and Funding

The GSHPC may, subject to appropriations by the City Council or other income, employ clerical and technical assistants or consultants, may apply for and accept grants, money gifts or gifts of services, and may hold or expend the same for all or any of the purposes of historic preservation in the City. A non-lapsing fund for gifts and grants shall be established by the City. Appropriations from the City Council shall be managed in accordance with City policies and shall lapse each year if unexpended.

(c) Limitations

This Article shall not repeal, annul or in any way impair or remove the necessity of compliance with any other ordinance, law, or regulation. Where this Article imposes a higher and/or stricter standard, the provisions of this Article shall prevail. The GSHPC shall not review permit applications for alterations to interior spaces, so long as the proposed work neither has an effect on the exterior appearance of the building nor compromises the structural integrity of the building.

(d) Adoption of Secretary of the Interior's Standards

The Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (36 CFR Part 67, as amended) shall be hereby adopted as it relates to the rehabilitation and alteration of landmarks and contributing buildings in an historic district.

(1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining exterior characteristics of the building, its site, and environment.

(2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

(3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

(4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

(5) Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

(6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

(7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

(8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

(10) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Article 070.060: Administration and Procedures

070.060.010 Purpose and Organization of this Article

(a) The purpose of this Article is to provide consistent, equitable procedures for the review of development proposals and to ensure that proposed development will be in accordance with the purposes and standards of this Code.

(b) This Article describes the review and approval procedures for application for land use and development in the city, and is divided into the following sections:

(1) 070.060.030, *Common Review Procedures,* describes the standard procedures that apply to most development application types.

(2) 070.060.040 through 070.060.070 contain specific information on each application type within four categories (ordinance amendments, development permits, subdivision procedures, and flexibility and relief procedures), including approval criteria and any additions or modifications to the common review procedures.

(3) 070.060.080, *Review and Decision-Making Bodies,* describes the review and decision-making authorities, including the City Council, Planning Commission, Director, Development Review Committee (DRC), and other City officials.

070.060.020 Summary Table of Development Review Procedures

Table 060.1: Summary of Development Review Procedures, lists the development applications authorized by this Code. For each type of application, the table indicates whether public notice is required, whether a pre-application conference is required, and the role of City review and decision-making bodies.

Table 060.1: Summary of Development Review Procedures

KEY: R= Review and Recommendation D= Review and Decision A= Appeal ✓ = required

Procedure		Code Reference	Notice			Pre-App. Neigh. Meeting	Pre-Application Conference	Review and Decision-Making Bodies			
			Published	Mailed	Posted			Staff	DRC	Planning Comm.	City Council
ORDINANCE AMENDMENTS											
Rezoning		070.060.040(a)	✓	✓	✓	✓	✓	R	R	R	D
Rezoning to Planned Unit Development (PUD)		070.060.040(b)	✓	✓	✓	✓	✓	R	R	R	D
Code Amendment (Text)		070.060.040(c)	✓					R	R	R	D
Annexation		070.060.040(d)	*Per Colorado statutes*								
DEVELOPMENT PERMITS											
Site/ Architectural Plan Review	**Admin.**	070.060.050(a)(3)	Note [1]				✓	D	R	A	
	Minor	070.060.050(a)(4)	✓	✓	✓		✓	R	R	D	A
	Major	070.060.050(a)(5)	✓	✓	✓	✓	✓	R	R	R	D
Optional Master Plan		070.060.050(b)	✓	✓	✓	✓	✓	R	R	R	D
Construction Plans		070.060.050(c)					✓	D	R[2]	A	
Location and Extent		070.060.050(d)	✓	✓	✓		optional	R	R	D	
Special Use Permit		070.060.050(e)	✓	✓	✓		✓	R	R	D[4]	A[4]
ROW Encroachment License		070.060.050(f)	✓				optional	D[2]	R	A	D[3]
Floodplain Development Permit		070.040.020(d)					optional	D		A	
SUBDIVISION PROCEDURES											
Minor Subdivision		070.060.060(a)					✓	D	R	A	
Preliminary Plat		070.060.060(b)	✓	✓	✓	✓	✓	R	R	R	D
Final Plat		070.060.060(c)					✓	D	R	A	
Condominiumization		070.060.060(d)	*Procedure depends on number of condominium units. See 070.060.060(d).*								
Vacation of ROW		070.060.060(e)	✓	✓	✓		✓	R	R	R	D
FLEXIBILITY AND RELIEF PROCEDURES											
Variance		070.060.070(a)	✓	✓	✓		✓	R	R	D	
Administrative Adjustment		070.060.070(b)					optional	*Considered by decision-maker for associated application*			
Appeal		070.060.070(c)	✓	✓	✓		optional	R		*According to previous rows in this table*	

Notes:
[1] Administrative Site/Architectural Review involving five or more units is required to follow public noticing procedures in 070.060.030(f)(3).
[2] Director has discretion to refer the application to the DRC.
[3] Director has approval authority for non-permanent right-of-way encroachments. All others require Council approval.
[4] Special Use Permits involving Medical Marijuana Business, Retail Marijuana Establishment, and Marijuana Cultivation uses require hearings before the Planning and Zoning Commission and City Council. The Planning and Zoning Commission has review and recommending authority and City Council has review and decision-making authority.

070.060.030 Common Review Procedures

(a) General

This Section describes the standard procedures and rules applicable to all development applications unless otherwise stated in this Code. Common review procedures include six steps, as shown below in Figure 060-1, not all of which are applicable to every development application. Application-specific procedures in 070.060.040 through 070.060.070 identify additional procedures and rules beyond those in this Section.

Figure 060-1: Summary of Common Review Procedures

(b) Pre-Application Conference

(1) Purpose

The pre-application conference is intended to provide an opportunity for the applicant to meet with City staff and the Development Review Committee (DRC) to review applicable submittal requirements, review procedures, and to identify any issues associated with the proposed development concept.

(2) When Required

A pre-application conference is required according to Table 060.1: Summary of Development Review Procedures.

(3) Procedure

Pre-application conferences shall follow the following procedures:

a. Request

The applicant shall submit a request for a pre-application conference to the Director.

b. Scheduling

The Director shall schedule pre-application conferences and notify appropriate staff and the applicant of the time and location of the conference.

c. Required Information

At least ten days prior to the scheduled pre-application conference, the applicant shall submit the following materials at a minimum:

1. A draft of a complete application;
2. A written description of the proposed project;
3. Conceptual drawings showing the location, layout, and primary elements of the proposal; and
4. Proposed uses, location of uses, and densities proposed.

d. **Conference Determinations**

City staff attending the pre-application conference shall identify concerns or factors the applicant should consider related to the scope, features, and potential impacts of the project as they relate to this Code, adopted building or engineering standards, or other policies or regulations enforced by the City and/or other public entities. City staff shall also indicate to the extent possible whether additional approval procedures are required for the proposed project, such as a variance or administrative adjustment.

(4) Effect

Any information or discussions held at the pre-application conference shall not be binding on the City or the applicant. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action to attach that condition to a development approval.

(c) Pre-Application Neighborhood Meeting

(1) Purpose

The purpose of the pre-application neighborhood meeting is to allow residents, businesses, and organizations in the area surrounding a proposed development project an early opportunity to learn about the project details and to provide feedback to the applicants before significant funds have been spent on project design and engineering.

(2) Applicability

A pre-application neighborhood meeting shall be required as indicated in Table 060.1: Summary of Development Review Procedures.

(3) Notification

Notification of the required pre-application neighborhood meeting shall be sent by mail or electronically to those registered neighborhood groups that have boundaries including the proposed project site, and to property owners within 300 feet of the exterior boundaries of project site, at least 15 days prior to the meeting date.

(4) Meeting Specifics

a. City staff may attend the meeting, but are not required to attend nor facilitate the meeting.

b. The applicant shall present information about the proposed land uses, dimensional standards, location of buildings, and overall site layout and design. Detailed engineering is not required. The material presented shall be adequate to describe the project features without the need for the applicant to have retained architects, engineers, or consultants.

c. The applicant shall only be required to hold one meeting if required, but may agree to conduct additional meetings before or after filing an application.

(5) Summary Required with Application Submittal

Details of the meeting, including proof of notification, a meeting summary, and a list of meeting attendees, as well as copies of any exhibits used at the meeting shall be provided with the project application.

(d) Application Submittal and Handling

(1) Authority to Submit Application

a. Unless expressly stated otherwise in this Code, a development application shall be submitted by:

1. The owner, contract purchaser, or any other person having a recognized property interest in the land on which development is proposed; or
2. A person authorized to submit the application on behalf of the owner, contract purchaser, or other person having a recognized property interest in the land, as evidenced by a letter or document signed by the owner, contract purchaser, or other person.

b. If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such persons shall sign the application or a letter or document consenting to the application.

c. No application shall be submitted prior to attending a pre-application conference, if required per Table 060.1: Summary of Development Review Procedures.

(2) Application Content

The application shall be submitted to the Director on a form established by the Director. The applicant bears the burden of demonstrating compliance with application requirements.

(3) Application Fees

a. Application fees shall be paid at the time of submittal according to the type of application on the development review fee schedule. The fee schedule shall be established by resolution of the City Council and reviewed on an annual basis.

b. In the event the Director determines that it is necessary to utilize the services of a consultant not on staff, the Director may impose additional fees associated with such outside consultant.

(4) Application Review Timeline

The Director shall establish a review timeline for development applications and shall include that information in the Administrative Manual. The Director may amend the timeline to ensure effective and efficient review under this Code.

(5) Determination of Application Completeness

The Director shall determine whether the application is complete or incomplete within five business days of submittal and provide written notification of such determination to the applicant. A complete application shall be processed according to the procedures in this Article. An incomplete application shall not be processed or reviewed. Any deficiencies noted by the Director shall be addressed by the applicant prior to resubmitting the application.

(6) Abandoned Applications

If an application has not been resubmitted to address staff-noted deficiencies within six months, such application shall be deemed abandoned. Abandoned applications shall require a new pre-application conference and may be subject to additional fees.

(7) Minor Application Revisions

An applicant may revise an application after receiving notice of compliance deficiencies following staff review according to 070.060.030(e), or on requesting and receiving permission from an advisory or decision-making body after that body has reviewed, but not yet taken action on, the application. Revisions shall be limited to changes that directly respond to specific requests or suggestions made by staff or the advisory or decision-making body, as long as they constitute only minor additions, deletions, or corrections and do not include significant substantive changes to the development proposed in the application, as determined by the Director. All other application revisions shall be processed as a new application.

(8) Application Withdrawal

a. After an application has been accepted for review, the applicant may withdraw the application at any time by submitting a letter of withdrawal to the Director.

b. An applicant is not entitled to a refund of application fees for withdrawn applications. However, the Director may refund fees not expended during the first round of staff review if the application is withdrawn within 10 days of acceptance and prior to preparation or distribution of any official written comments.

(e) Staff Review and Action

(1) Referral to Development Review Committee, Staff, and Review Agencies

The Director shall distribute the complete application to appropriate staff, the Development Review Committee (DRC), and appropriate review agencies per the Administrative Manual.

(2) Staff Review and Application Revisions

Staff and/or the DRC shall review the application and submit recommendations and comments to the applicant in a form established by the Director. The applicant shall attend a meeting with the appropriate staff as determined by the Director to discuss staff and/or DRC recommendations and comments. The application will not move forward for further review until the Director determines that the applicant has adequately responded to the City's recommendations and comments.

(3) Applications Subject to Staff Recommendation

a. Staff Report

If an application is subject to staff review and recommendation to the Planning Commission and/or City Council per Table 060.1: Summary of Development Review Procedures, staff shall prepare a written staff report. The staff report shall state whether or not the application complies with requirements of this Code, the Municipal Code, and with applicable Engineering Standards, and shall include a recommendation for consideration by the appropriate decision-making body.

b. **Distribution and Availability of Application and Staff Report**

The Director shall submit a copy of the staff report to the applicant and the advisory and/or decision-making body, and shall make the staff report and related materials available for public review according to the following timeframes:

1. For hearings before the Planning Commission, the staff report shall be distributed no later than the Friday prior to the scheduled Planning Commission hearing where the application is to be heard.
2. For hearings before the City Council, the staff report shall be distributed prior to the scheduled City Council hearing where the application is to be heard.

(4) **Applications Subject to Staff Decision**

a. **Decision**

1. If an application is subject to staff review and a final decision by the Director, the Director shall make a decision based on the review standards applicable to the application type. The decision shall be in writing and shall clearly state reasons for a denial or for conditions of approval.

2. **Finality of Decision**

i. For all application types except administrative site/architectural plans, the Director's decision is immediately final.

ii. For administrative site/architectural plans, the Director shall regularly make available to the Planning Commission a record of pending applications. The Commission may elect to call up such applications within 10 days of providing notice, pursuant to 070.060.050(a)(2)c, *Referral and Call-Up Procedures*. The Director shall decide such applications that are not called up following the end of the 10-day period.

iii. Within three business days following any decision by the Director, the Director shall provide written notification of such decision to the Planning Commission and City Council.

b. **Conditions of Approval**

Any conditions of approval shall be limited to conditions necessary to ensure compliance with the requirements of this Code and shall relate to the anticipated impacts of the proposed development.

(f) Scheduling and Notice of Public Hearings

(1) **Scheduling**

a. If an application is subject to a public hearing per Table 060.1: Summary of Development Review Procedures, the Director shall schedule the public hearing for either a regularly scheduled meeting or special meeting of the appropriate decision-making body.

b. The public hearing shall be scheduled to allow sufficient time to prepare a staff report per 070.060.030(e)(3).

(2) Public Hearing Notice

a. General Notice Requirements

All public hearings required by this Code shall be preceded by the notices identified in Table 060.1: Summary of Development Review Procedures.

b. Responsibility of Party Seeking Hearing

The applicant or other person seeking the public hearing shall be responsible for the accuracy of and proper publication, mailing, and posting of notice of the public hearing, and such persons shall bear all costs incurred in connection with giving notice of the public hearing.

(3) Notice Format and Content

a. Published and Mailed Notice

1. Required published or mailed notices shall:
   i. Identify the application type;
   ii. Describe the nature and scope of the proposed project;
   iii. Identify the location subject to the application;
   iv. Identify the date, time, and location of the hearing being noticed;
   v. Identify where and when the application and associated materials may be inspected; and
   vi. Indicate opportunity to appear at the public hearing.
2. Published notice shall appear twice in a newspaper of general circulation in the city. The first notice shall appear at least 10 days but not more than 15 days prior to the scheduled hearing. The second notice shall appear exactly seven days following publication of the first notice.
3. Mailed notices shall be sent via first class mail to all property owners as listed in the records of the Garfield County tax assessor's office within 300 feet of the subject property, as measured from property boundaries.

b. Posted Notice

1. Required posted notice shall include at least one sign on the subject property at least 10 days prior to the public hearing. Required sign(s) shall be provided by the City. The applicant shall be responsible for posting the required sign(s). The sign(s) shall be clearly visible from adjacent streets or public rights-of-way and shall remain on the property until after the hearing.
2. The Director may require additional signs based on access and configuration of the property.
3. Required posted notice shall:
   i. Identify the application type;
   ii. Describe the nature and scope of the proposed project;
   iii. Identify the date, time, and location of the hearing being noticed; and
   iv. Identify a telephone number for additional information.

c. **Notice to Mineral Estate Owners and Lessees**

The applicant shall provide notice by certified mail, return receipt requested, to all mineral owners and lessees on the subject property for development applications in accordance with C.R.S. §24-65.5-103. Such notice shall be provided not less than 30 days prior to the initial public hearing, or not less than 30 days prior to the final decision if the application does not require a public hearing. The burden of determining mineral estate owners and lessees shall be on the applicant.

d. **Certification of Notice**

The applicant shall provide certification that proper notice has been provided, including photographic evidence (for posted notices) and a signed affidavit. The format of such certification shall be established by the Director. The applicant shall submit the certification to the Director prior to the scheduled public hearing.

(4) **Constructive Notice**

a. **Minor Defects in Notice Shall Not Invalidate Proceedings**

Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed.

b. **Failure to Receive Notice Shall Not Invalidate Action**

Failure of a party to receive written notice shall not invalidate subsequent action. If questions arise at the public hearing regarding the adequacy of notice, the decision-making body shall make a formal finding as to whether there was substantial compliance with the notice requirements of this Code.

(g) Review and Decision (Planning Commission and/or City Council)

(1) **Hearing, Review, and Decision**

a. The application shall be subject to review, hearings, recommendations, and decisions as indicated in Table 060.1: Summary of Development Review Procedures.

b. If the application is subject to a public hearing, the applicable review body shall hold a public hearing on the application in accordance with 070.060.030(h), *Public Hearing Procedures,* and 070.060.080, *Review and Decision-Making Bodies*.

c. The applicable review body shall consider the application, relevant support materials, staff report, and any evidence and public comments from the public hearing (if required).

d. The applicable review body shall approve, approve with conditions, or deny the application based on the applicable approval criteria listed in the application-specific procedures. The body may also continue the hearing or refer the application to another authority as provided in 070.060.050(a)(2)c, *Referral and Call-Up Procedures*.

e. If the review involves a quasi-judicial hearing, the recommendation or decision (as applicable) shall be based only on the record of the public hearing; shall be in writing; shall include findings of fact based on competent, material, and substantial evidence presented

at the hearing; shall reflect the determination of contested facts; and shall state how the findings support compliance with applicable review standards.

f. The applicable review body shall clearly state the factors considered in making its recommendation or decision, as well as the basis or rationale for the recommendation or decision.

g. Within three business days following any decision by the Planning Commission, the Director shall provide written notification of such decision to the City Council.

(2) Conditions of Approval

a. Where this Code authorizes a review body to approve or deny an application subject to applicable criteria, the review body may approve the application with conditions necessary to bring the proposed development into compliance with this Code or other regulations, or to mitigate the impacts of that development on surrounding properties and streets.

b. Conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development or shall be based upon standards duly adopted by the City. Such conditions may include those necessary to carry out the purpose and intent of the Comprehensive Plan, other adopted City plans, and this Code. No conditions of approval shall be less restrictive than the requirements of this Code, except where the Code expressly allows deviations.

c. Any condition of approval that requires an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of applicants shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts. The City shall bear the burden of determining such impacts.

d. During its consideration, the decision-making body may consider alternative potential conditions, and no discussion of potential conditions shall be deemed an attempt or intent to impose any condition that would violate the federal or state constitutions, statutes, or regulations. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body unless and until the decision-making body takes formal action to attach that condition to a development approval.

e. City Council may modify conditions recommended by the Planning Commission prior to making a decision.

f. Unless otherwise provided in this Code, any representations of the applicant in submittal materials or during public hearings shall be binding as conditions of approval.

(h) Public Hearing Procedures

Public hearings required by this Code shall be conducted according to 070.060.080, *Review and Decision-Making Bodies*, the bylaws established by the respective bodies, and in compliance with state law.

(i) Post-Decision Actions and Limitations

(1) Notice of Decision

a. Within 10 days after a final decision on an application, the Director shall provide written notification of the decision via personal delivery, electronic mail, or first-class mail to the applicant and shall make a copy of the decision available to the public in a conspicuous location such as the official meeting notice board in City Hall.

b. If the review involves a quasi-judicial hearing, the Director shall, within 10 days after a final decision on the application, also provide a written notification of the decision via personal delivery, electronic mail, or first-class mail to the owner(s) of the subject site, and any other person that submitted a written request for a copy of the decision before its effective date.

(2) Appeal

a. A party aggrieved or adversely affected by any decision by the City Council may seek review of the decision in the courts in accordance with state law.

b. A party aggrieved by other final decisions may appeal the decision in accordance with the procedures in 070.060.070(c).

(3) Expiration of Approval

a. An application approval shall be valid as authorization for the approved activity unless it expires in accordance with expiration time periods provided in this article.

b. A change in ownership of the land shall not affect the established expiration time period of an approval.

c. The Director may grant extensions of the expiration time period for up to one year, following a written request that explains reasonable cause for such extension, prior to the expiration date. The Director shall determine whether or not there is reasonable cause for the requested extension. Further extensions shall be subject to the approval of the decision-making body for the original application.

(4) Modification or Amendment of Approval

Unless otherwise provided in this Code, any modification of an approved plan, permit, or condition of approval shall require a new application that is submitted and reviewed in accordance with the full procedure and fee requirements applicable to the particular type of the original application.

(5) Limitation on Subsequent Similar Applications

Following denial of an application, the decision-making body shall not decide on applications that are the same or substantially similar within one year of the previous denial. This waiting period may be waived by the decision-making body provided that:

a. There is a substantial change to circumstances, or new information available, relevant to the issues or facts considered during the previous application review; or

b. The new application is materially different from the previous application.

(j) Vested Rights

(1) Purpose

The vested rights procedure provides the mechanism for approval of vested real property rights pursuant to state statutes C.R.S. Article 68 of title 24, as amended. Nothing in this subsection is intended to create a vested property right, but only to implement the provisions of state law.

(2) Applicability

a. Vested property rights may be obtained through approval of the following site-specific development plans:

1. Master Plan, 070.060.050(b);

2. Administrative Site/Architectural Plan, 070.060.050(a)(3);
3. Minor Site/Architectural Plan, 070.060.050(a)(4);
4. Major Site/Architectural Plan, 070.060.050(a)(5);
5. Planned Unit Development, 070.060.040(b); or
6. Final Plat, 070.060.060(c).

b. No other plan, plat, or similar document shall be considered a site-specific development plan.

(3) Vested Rights Procedure

Additions or modifications to the common review procedures of this Section 070.060.030 are noted below.

a. Pre-Application Conference

A pre-application conference shall be held in accordance with 070.060.030(b). The pre-application conference for the applicable site-specific development plan shall be held concurrently with the pre-application conference for vested rights.

b. Application Submittal and Handling

1. A vested rights request shall be included with an application for the site-specific development plan, which application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 070.060.030(c).
2. If the applicant seeks approval of a site-specific development plan to create vested property rights, such plan shall include a statement that it is being submitted for designation as a site-specific development plan. Failure to include such statement shall result in no vested property rights being created by the approval of the site-specific development plan.

c. Staff Review and Action

1. The Director and DRC shall review the vested rights application and prepare a staff report and recommendation in accordance with 070.060.030(e). The recommendation for vested rights shall be incorporated into the staff report for the applicable site-specific development plan.
2. For applications decided by the Director, vested rights shall be included with the official decision per the applicable site-specific development plan procedure.

d. Scheduling and Notice of Public Hearings

If required, the applicable site-specific development plan application shall be scheduled for a public hearing before the Planning Commission and/or City Council and noticed in accordance with 070.060.030(f). Hearings on vested rights may occur concurrently with the applicable site-specific development plan.

e. Review and Decision (Planning Commission and/or City Council)

1. Planning Commission Review, Recommendation, and/or Decision

If required for a site-specific development plan, the Planning Commission shall review the site-specific development plan application and make a recommendation and/or decision in accordance with 070.060.030(g). If the Planning Commission is the

deciding authority, the Planning commission shall make one of the decisions according to the procedures for that site-specific development plan.

2. **City Council Review and Decision**

   If required for a site-specific development plan, the City Council shall review the site-specific development plan application and make a decision in accordance with 070.060.030(g). The City Council shall make one of the decisions according to the procedures for that site-specific development plan.

f. **Post-Decision Actions and Limitations**

Post-decision actions and limitations in 070.060.030(i) shall apply with the following modifications:

1. **Effect of Approval**

   i. For the purpose of determining the date upon which a vested property right shall be deemed established, a site-specific development plan shall be deemed approved upon the date of final action by the City according to the procedures set forth in this Article.

   ii. Approval of a site-specific development plan shall not constitute an exemption from or waiver of any other standards of this Code pertaining to the development and use of property adopted prior to the approval of a site-specific development plan.

2. **Amendments to Site-Specific Development Plans**

   Any subsequent amendment to the site-specific development plan shall not extend or otherwise affect the duration of the vested property right unless the Planning Commission or City Council makes such a finding in its approval of the amendment.

3. **Notice of Approval**

   Within 14 days after the approval of a site-specific development plan, the applicant shall publish in the city's official newspaper a notice describing the type and intensity of use approved and the specific parcels of property affected, and stating that a vested property right has been created according to state law. The applicant shall provide a copy of the notice to the Director.

070.060.040 Ordinance Amendments

(a) Rezoning

(1) Purpose

a. The purpose of the rezoning procedure is to make amendments to the Official Zoning Map of the City of Glenwood Springs to reflect changes in public policy, changed conditions, or to advance the welfare of the city. The zoning classification of any parcel in the city may be amended using this procedure. The purpose is neither to relieve particular hardships nor to confer special privileges or rights on any person. Rezonings should not be used when a special use permit, variance, or administrative adjustment could be used to achieve a similar result.

b. Changes to the characteristics of zoning districts (such as setback requirements) and development standards (such as parking requirements) shall be processed as Code amendments according to 070.060.040(c).

(2) Applicability

A rezoning may be approved by the City Council following review and recommendation by the Planning Commission. A rezoning to a Planned Unit Development is a distinct type of amendment to the Official Zoning Map and shall follow the procedures in 070.060.040(b).

(3) Rezoning Procedure

Figure 060-2 identifies the applicable steps from the common review procedures in 070.060.030 that apply to the review of rezonings. Additions or modifications to the common review procedures are noted below.

Figure 060-2: Summary of Rezoning Procedure

a. Pre-Application Conference

A pre-application conference shall be held in accordance with 070.060.030(b).

b. Pre-Application Neighborhood Meeting

A pre-application neighborhood meeting shall be held in accordance with 070.060.030(c).

c. Application Submittal and Handling

1. The rezoning application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 070.060.030(d). The application shall include all required information as indicated in the Administrative Manual and any additional information requested during the pre-application conference.
2. In addition to the persons authorized to submit an application listed in 070.060.030(d)(1), the Planning Commission may initiate a rezoning application following discussion at any Planning Commission meeting.
3. When multiple parcels are proposed for rezoning, a separate application for each property shall be submitted unless the Director approves a consolidated application during the pre-application conference.

d. Staff Review and Action

The Director and DRC shall review the application and prepare a staff report and recommendation in accordance with 070.060.030(e).

e. Scheduling and Notice of Public Hearings

1. The rezoning application shall be scheduled for public hearings before the Planning Commission and City Council and noticed in accordance with 070.060.030(f).
2. For City-initiated rezonings, affected property owners shall be notified by first class mail of the intended zoning change and public hearing(s) at least 15 days prior to the public hearing date.

f. Review and Decision (Planning Commission and/or City Council)

1. Planning Commission Review and Recommendation

The Planning Commission shall review the rezoning application and recommend approval or denial in accordance with 070.060.030(g) and the criteria in subsection 3, below. The Planning Commission may also continue the hearing to a regular Planning Commission meeting or a special hearing with a date certain with the requirement that the applicant submit changes or additional information necessary to determine compliance with the approval criteria. Additional continuances may only be granted in extraordinary situations.

2. City Council Review and Decision

The City Council shall review the rezoning application and act to approve or deny the rezoning in accordance with 070.060.030(g) and the criteria in paragraph 3 below. The City Council may also continue the hearing to a regular City Council meeting or special hearing scheduled for a date certain with the requirement that the applicant submit changes or additional information necessary to determine compliance with the approval criteria. Additional continuances may only be granted in extraordinary situations.

3. **Rezoning Approval Criteria**
   i. In reviewing a proposed rezoning, the Planning Commission and City Council shall consider whether:
      a. The rezoning is consistent with the City's comprehensive plan and the purpose of this Code;
      b. The rezoning is consistent with the proposed purpose statement of the proposed zoning district;
      c. Substantial changes in the subject area warrant a zoning change; and/or
      d. The intensity of development in the new zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood.
   ii. The approval criteria above shall not apply to legislative rezonings by the City Council.
4. **Protest Procedure**
   i. Any owner of property affected by a proposed rezoning may protest the rezoning pursuant to the statutory requirements of C.R.S. §31-23-305.
   ii. A protest against a rezoning shall be filed with the municipal clerk at least 24 hours in advance of the City Council decision on the rezoning decision.
   iii. A protest against a rezoning shall be signed by the owners of 20 percent or more of the area included in such proposed rezoning, or of the area of those lots within 200 feet of the property proposed for rezoning.
   iv. In the case of a protest against a rezoning, approval shall require three-fourths vote of the City Council for a rezoning to become effective.
5. **Concurrent Review**
   An applicant may request a development permit or subdivision approval concurrent with a rezoning.

g. **Post-Decision Actions and Limitations**

Post-decision actions and limitations in 070.060.030(i) shall apply with the following modifications:

1. Following approval of a rezoning by City Council, the Director shall prepare a revision to the Official Zoning Map.
2. Following approval of a rezoning, the Director shall record the amendment map and ordinance with the Garfield County Clerk and Recorder as soon as practicable.

(b) Rezoning to PUD

(1) Purpose

The zoning classification of any parcel may be changed to a Planned Unit Development (PUD) pursuant to this subsection. The purpose of a rezoning to a PUD is to achieve greater flexibility than allowed by the strict application of the Code while providing greater benefit to the City and to ensure efficient provision of services and utilities. The PUD procedure shall not be used when a special use permit, variance, administrative adjustment, or rezoning to an existing base zoning district could achieve a similar result.

(2) Applicability

An application to rezone to a PUD may be submitted for any contiguous area of two acres or more within any combination of zoning districts. A PUD may be initiated by anyone owning at least 50 percent of the land within the area affected by the proposed PUD.

(3) Rezoning to PUD Procedure

Figure 060-3 identifies the applicable steps from the common review procedures in 070.060.030 that apply to the review of rezoning to PUDs. Additions or modifications to the common review procedures are noted below.

Figure 060-3: Summary of Rezoning to PUD Procedure

a. Pre-Application Conference

A pre-application conference shall be held in accordance with 070.060.030(b). In addition, the applicant shall provide the following conceptual materials related to the proposed PUD to help determine whether or not a PUD is the appropriate procedure for the applicant and the City:

1. Proposed uses;
2. Number and type of dwelling or commercial units (as applicable);
3. Floor area of all buildings;
4. Floor area of each use for mixed-use buildings (if applicable);
5. Proposed parking capacity and configuration; and
6. General site planning layout and phasing.

b. Pre-Application Neighborhood Meeting

A pre-application neighborhood meeting shall be held in accordance with 070.060.030(c).

c. Application Submittal and Handling

1. The PUD application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 070.060.030(c).
2. An application for rezoning to a PUD shall include submittal requirements as specified by the Director, which shall include a PUD plan. Approval of the PUD plan is required prior to approval of a development permit in a PUD district.
3. Development permit applications may be submitted concurrently with a PUD application.

   i. **Concurrent Subdivision Review**

   A subdivision application submitted under 070.060.060 may be reviewed concurrently with an application for rezoning to PUD. A preliminary plat for a PUD shall only be approved following approval of the rezoning to PUD.

   ii. **Concurrent Vested Rights Review**

   A vested rights application submitted under 070.060.030(j) may be reviewed concurrently with an application for rezoning to PUD. Applicants seeking vested rights shall comply with the procedures under 070.060.030(j).

d. Staff Review and Action

The Director and DRC shall review the application and prepare a staff report and recommendation in accordance with 070.060.030(e).

e. Scheduling and Notice of Public Hearings

The rezoning to PUD application shall be scheduled for public hearings before the Planning Commission and City Council, and noticed in accordance with 070.060.030(f).

f. Review and Decision (Planning Commission and/or City Council)

1. **Planning Commission Review and Recommendation**

   The Planning Commission shall review the PUD application and recommend approval, approval with conditions, or denial in accordance with 070.060.030(g) and the approval criteria in paragraph 3 below.

2. **City Council Review and Decision**

   i. The City Council shall review the PUD application and act to approve, approve with conditions, or deny the PUD in accordance with 070.060.030(g) and the approval criteria in paragraph 3 below. The City Council may also remand the PUD application back to the Director or the Planning Commission for further consideration.

   ii. If the City Council remands the application back to the Director or Planning Commission, additional public hearings may be required before final adoption.

3. **PUD Approval Criteria**

   In reviewing a proposed PUD, the Planning Commission and City Council shall consider whether and to what extent the proposed PUD:

   i. Meets the approval criteria for rezonings, per 070.060.040(a)(3)f.3;

   ii. Addresses a unique situation, provides substantial benefit to the City, or incorporates innovative design, layout, or configuration resulting in quality over

what could have been accomplished through strict application of a base zoning district or other standards of this Code;

iii. Meets all applicable standards of this Code not expressly modified by the PUD application; and

iv. If the PUD provides residential uses, includes varied types of housing and densities.

4. **Approval of PUD Plan**

The approved PUD zoning and the approved PUD plan along with all exhibits are inseparable, and a PUD shall not be established without the approval of the related PUD plan.

g. **Post-Decision Actions and Limitations**

Post-decision actions and limitations in 070.060.030(i) shall apply with the following modifications:

1. **Effect of Approval**

The regulations in this Code remain applicable to all PUD development unless expressly modified by an approved PUD.

2. **Expiration of a PUD**

A PUD shall remain valid until a PUD is subsequently amended or rezoned to another zoning district in accordance with this Code.

3. **Reconsideration after Three Years of No Development**

If the applicant does not establish vested rights for a PUD pursuant to 070.060.030(j), and no development has occurred on the site in three years following the approval date of the PUD, the Director may initiate a public hearing process to consider whether the property shall be rezoned to its prior zoning classification or another zoning classification.

4. **Recording Required**

Following approval of a PUD, the applicant shall submit final copies of the PUD plans to the Director. The Director shall record the PUD and the zoning amendment map and ordinance with the Garfield County Clerk and Recorder as soon as practicable.

5. **PUD Plan Amendments**

i. Except as provided below for minor amendments, an approved PUD Plan may only be amended by submitting an amended PUD plan pursuant to 070.060.030(i)(4).

ii. Minor amendments to an approved PUD Plan may be approved by the Director if the proposed amendment complies with the following criteria:

a. The amendment shall not change the ratio of residential units to square feet of non-residential building square footage by more than 10 percent.

b. The number of residential units shall not be increased by more than 10 percent.

c. The gross square footage of non-residential building area shall not be increased by more than 10 percent.

d. The amendment shall not change the allowed uses listed in the approved PUD plan.

e. The number or location of vehicular access points shall not be changed in a way that negatively impacts public safety or the flow of traffic onto public streets.

f. The numeric standards in the PUD plan shall not be revised by more than would be allowed through the administrative adjustment procedure in 070.060.070(b).

(c) Code Amendment

(1) Purpose

This subsection describes the review and approval procedures for amending the text of this Code to respond to changed conditions or changes in public policy, or to advance the general welfare of the city.

(2) Applicability

An amendment to the text of this Code shall be initiated by the Director, the Planning Commission, or the City Council.

(3) Code Amendment Procedure

Figure 060-4 identifies the applicable steps from the common review procedures in 070.060.030 that apply to the review of Code amendments. Additions or modifications to the common review procedures are noted below.

Figure 060-4: Summary of Code Amendment Procedure

a. **Application Submittal and Handling**

An application for an amendment to the Code shall be prepared by the Director. If the amendment is initiated by the Planning Commission or City Council, the Director shall prepare the application at the request of the Planning Commission or City Council.

b. **Staff Review and Action**

The Director and the DRC shall review the application and prepare a staff report and recommendation in accordance with 070.060.030(e).

c. **Scheduling and Notice of Public Hearings**

The Code amendment application shall be scheduled for public hearings before the Planning Commission and City Council in accordance with 070.060.030(f), and noticed in accordance with Subsection 070.060.030(f)(3)a.1 and 2.

d. **Review and Decision (Planning Commission and/or City Council)**

1. **Planning Commission Review and Recommendation**

The Planning Commission shall review the Code amendment application and recommend approval, approval with conditions, or denial of the amendment in accordance with 070.060.030(g) and the approval criteria in paragraph 3 below.

2. **City Council Review and Decision**

i. The City Council shall review the Code amendment application and approve, approve with conditions, or deny the amendment in accordance with 070.060.030(g) and the approval criteria in paragraph 3 below. The City Council may also remand the Code amendment application back to the Director or the Planning Commission for further consideration.

ii. If the City Council remands the application back to the Director or Planning Commission, additional public hearings may be required before final adoption.

3. **Code Amendment Approval Criteria**

A Code amendment is a legislative decision by the City Council. Prior to recommending approval or approving a proposed Code amendment, the Planning Commission and City Council shall consider whether and to what extent the proposed amendment:

i. Is consistent with the Comprehensive Plan and other City policies;

ii. Does not conflict with other provisions of this Code or other provisions in the Glenwood Springs Municipal Code;

iii. Is necessary to address a demonstrated community need;

iv. Is necessary to respond to substantial changes in conditions and/or policy; and

v. Is consistent with the general purpose and intent of this Code.

e. **Post-Decision Actions and Limitations**

Post-decision actions and limitations in 070.060.030(i) shall apply with the following modifications:

1. Approval of a Code amendment authorizes the approved revision to the text only. A Code amendment shall not authorize specific development activity.

2. A Code amendment shall remain valid until the revised text of the Code is subsequently amended in accordance with this subsection.

(d) Annexation

(1) Purpose

This section describes the procedure for annexing new land into the city.

(2) Applicability

This section applies to all petitions to annex new land into the city.

(3) Annexation Procedure

a. Annexation of land into the city shall comply with the procedures and other provisions of C.R.S. § 31-12-101 et seq.

b. The final annexation plan shall conform to applicable state statutes, shall be consistent with the Comprehensive Plan, and shall include all information required by the City to evaluate whether and to what extent the annexation impacts the city and the public health, safety, and welfare of the city.

c. Annexations may be considered concurrently with zoning and development permits; however, no development permit for land proposed for annexation into the City shall become effective until the related annexation is approved by the City Council.

(4) Annexation Policies

Annexation of land into the City is a legislative act of City Council. The City Council shall annually review its policy regarding annexation to inform the public of the City Council's willingness to consider potential annexations.

070.060.050 Development Permits

(a) Site/Architectural Plan Review

(1) Purpose

This subsection describes the process by which proposed development is reviewed for compliance with the development and design standards of this Code. The site/architectural plan review procedure ensures that potential impacts of development are considered before submittal of an application for construction plan approval (pursuant to the City of Glenwood Springs Engineering Standards) or issuance of a building permit.

(2) Applicability

a. Exemptions

The following are exempt from the site/architectural plan review procedure, but are subject to the standards of this Code:

1. A change in use that does not involve or require other development (such as new or expanded buildings, additional parking, etc.);
2. Conversion of non-residential building area into up to five dwelling units, or mixed-use building area into up to five dwelling units, without changing the existing building footprint or increasing the building area;

3. Alteration, repairs, or additions to existing buildings that increase the gross floor area by less than 25 percent;
4. Tenant improvements that do not increase gross floor area or building height, increase the density or intensity of use, or affect other development standards (such as parking or landscaping requirements);
5. Construction of a single-family detached or two-family dwelling, additions to such dwellings, and structures accessory to such dwellings; and
6. Construction or erection of accessory buildings, fences, hedges, or walls.

b. Thresholds for Site/Architectural Plan Review Type

1. Table 060.2 describes the applicable site/architectural plan review type (administrative, minor, and major), unless exempted from the site/architectural plan review procedure under paragraph a above.
2. Residential thresholds are based on the new dwelling units added, not the total number of dwelling units (existing plus new).

Table 060.2: Site/Architectural Plan Review Thresholds[1]

Type of Development	Administrative Site/Architectural Plan (Director)[2]	Minor Site/Architectural Plan (Planning Commission)	Major Site/Architectural Plan (City Council)
Residential	1 to 8 new dwelling units	9 to 24 new dwelling units	Any new development on site larger than 10 acres; 25 or more new dwelling units
Nonresidential	Less than 10,000 square feet gross floor area	At least 10,000 and no more than 30,000 square feet gross floor area	Any new development on site larger than 10 acres; development of greater than 30,000 square feet gross floor area
Mixed-Use	1 to 8 new dwelling units and less than 10,000 square feet nonresidential gross floor area	9 to 24 new dwelling units or at least 10,000 and no more than 30,000 square feet nonresidential gross floor area	Any new development on site larger than 10 acres; 25 or more new dwelling units or greater than 30,000 square feet nonresidential gross floor area
Parking as a Principal Use, or Parking Structure	Up to 25 vehicle spaces	26 or more spaces	Parking structure

Notes:
[1] Notwithstanding the thresholds above, any development requiring dedication of land to the City shall be processed as a major site/architectural plan.
[2] Administrative Site/Architectural Review involving five or more units is required to follow public noticing procedures in 070.060.030(f)(3).

c. Referral and Call-Up Procedures

1. Administrative Site/Architectural Plans

i. Director Referral to Planning Commission

a. The Director may refer administrative site/architectural plans to the Planning Commission for a final decision.

b. After reviewing a referred administrative site/architectural plan, the Planning Commission shall vote to make a final decision or to refer the administrative site/architectural plan to the City Council for a final decision.

ii. **Planning Commission Call-Up**

a. The Director shall regularly make available to the Planning Commission a record of pending applications for administrative site/architectural plans.

b. Plans to add three or more new residential units may be called up by the Planning Commission for a final decision. If at least three members of the Planning Commission request that the Planning Commission make the final decision on any such application within 10 days of receiving such notice, the Director shall inform the applicant of such decision. The Director shall schedule the application to be considered at the next regularly scheduled Planning Commission meeting.

c. The Director shall provide public notice in accordance with 070.060.030(f).

2. **Minor Site/Architectural Plans**

i. **Planning Commission Referral to City Council**

The Planning Commission may refer minor site/architectural plans to the City Council for a final decision. The Director shall inform the applicant of such decision to refer the application and shall provide public notice and schedule the application to be considered at the next regularly scheduled City Council meeting.

ii. **City Council Call-Up**

The Director shall regularly make available to the City Council a record of pending applications for minor site/architectural plans. If at least three members of the City Council request that the City Council make the final decision on any such application on or before the next regular Council meeting but not less than 10 days of the Director providing such notice, the Director shall inform the applicant of such decision. The Director shall provide public notice and schedule the application to be considered at the next regularly scheduled City Council meeting.

d. **Concurrent Review**

1. **Special Use Permit, Administrative Adjustment, or Subdivision Plat**

An application for site/architectural plan approval may be submitted and reviewed concurrently with an application for a special use permit, administrative adjustment, or subdivision plat. In such a case, decisions can be made on the concurrent applications at the same public hearing provided that the appropriate approval body shall not decide the site/architectural plan approval application until after an official decision is made on the special use permit, administrative adjustment, or subdivision plat.

2. **Construction Plans**

i. An application for administrative site/architectural plan approval may be submitted and reviewed concurrently with an application for construction plan review. In such a case, the Director shall review the construction plan application

concurrently with the site/architectural plan application, but the Director shall not decide the construction plan approval until after the site/architectural plan decision is made by the appropriate approval body.

ii. The choice to submit construction plans concurrently with an associated administrative site/architectural plan is at the applicant's discretion, and the applicant shall be responsible for making any necessary changes to the construction plans based on the site/architectural plan approval.

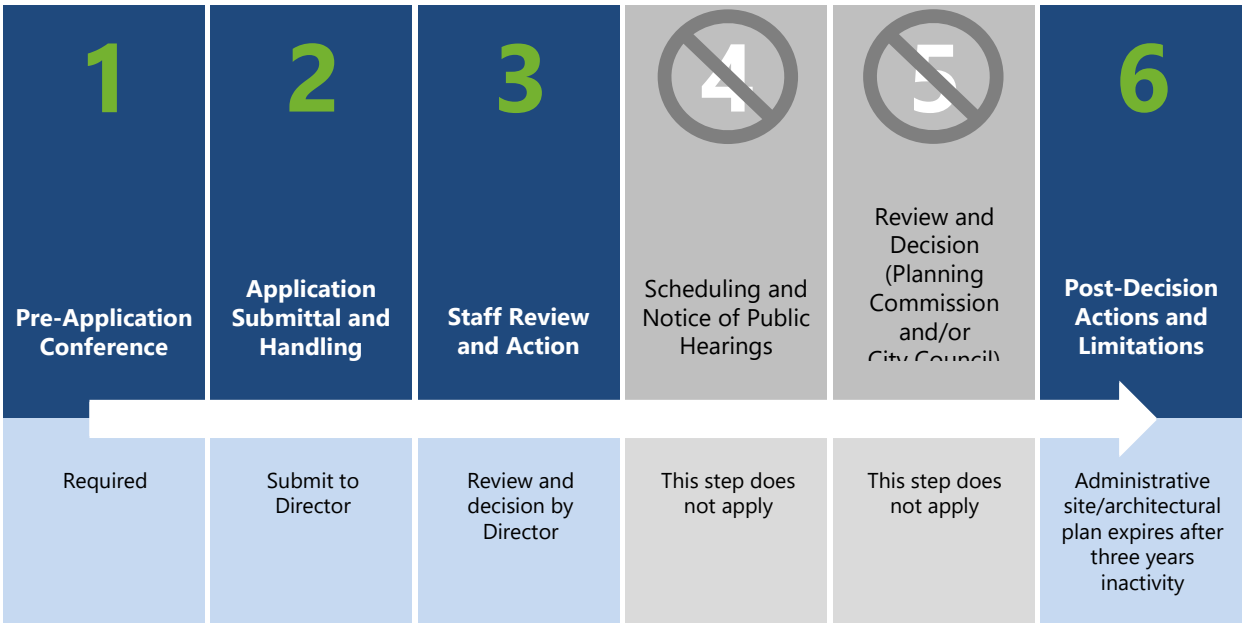
3. **Vested Rights**

If the applicant is seeking vested rights with an administrative, minor, or major site/architectural plan, such vested rights may be reviewed concurrently with an application for an administrative, minor, or major site/architectural plan. Applicants seeking vested rights shall comply with the procedures under 070.060.030(j).

(3) **Administrative Site/Architectural Plan Review Procedure**

Figure 060-5 identifies the applicable steps from the common review procedures in 070.060.030 that apply to the review of administrative site/architectural plans. Additions or modifications to the common review procedures are noted below.

Figure 060-5: Summary of Administrative Site/Architectural Plan Procedure



a. **Pre-Application Conference**

A pre-application conference shall be held in accordance with 070.060.030(b)

b. **Application Submittal and Handling**

The administrative site/architectural plan application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 070.060.030(d). Construction plan applications submitted concurrently with administrative site/architectural plans shall include the required materials per the City's Engineering Standards.

c. Staff Review and Action

1. The Director shall review the administrative site/architectural plan application and approve, approve with conditions, or deny the administrative site/architectural plan in accordance with 070.060.030(e) and the approval criteria in 070.060.050(a)(4).
2. Prior to making a decision, the Director may refer the application to the DRC pursuant to 070.060.030(e)(1), *Referral to Development Review Committee, Staff, and Review Agencies.*
3. The Director may refer the application to the Planning Commission pursuant to 070.060.050(a)(2)c.

d. Post-Decision Actions and Limitations

1. Filing of Site/Architectural Plan

An approved site/architectural plan shall be filed with the Community Development Department within 60 days of its approval.

2. No Building Permit without Approval

No building permit shall be issued until the administrative site/architectural plan and associated construction plans have been approved pursuant to this subsection.

3. Expiration of Approval

Unless vested rights are approved pursuant to 070.060.030(j), administrative site/architectural plan approval shall expire if the authorized use or construction is not substantially underway within three years after the date of the administrative site/architectural plan approval, or an extension is granted pursuant to 070.060.030(i)(3).

4. Minor Changes Allowed

Development authorized by an administrative site/architectural plan approval may incorporate minor changes from the approved site/architectural plan without the need for a new application (as required by 070.060.030(i)(4), provided that the Director determines that the proposed changes:

i. Could be approved under the allowable administrative adjustments pursuant to 070.060.070(b), had they been requested with the original application;

ii. Comply with the standards of this Code;

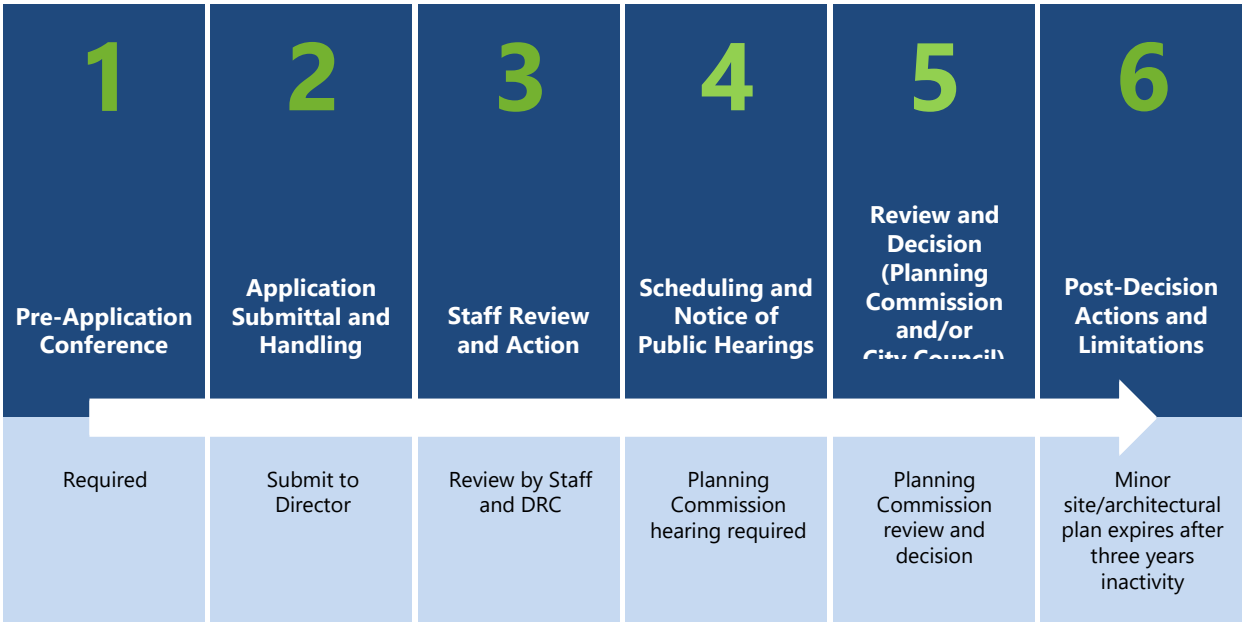
iii. Are necessary to meet conditions of approval; and/or

iv. Would not significantly alter the function, form, intensity, character, demand on public facilities, or impact on adjacent properties as approved with the administrative site/architectural plan.

(4) Minor Site/Architectural Plan Review Procedure

Figure 060-6 identifies the applicable steps from the common review procedures in 070.060.030 that apply to the review of minor site/architectural plans. Additions or modifications to the common review procedures are noted below.

Figure 060-6: Summary of Minor Site/Architectural Plan Procedure



a. **Pre-Application Conference**

A pre-application conference shall be held in accordance with 070.060.030(b).

b. **Application Submittal and Handling**

The minor site/architectural plan application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 070.060.030(d). Construction plan applications submitted concurrently with minor site/architectural plans shall include the required materials per the City of Glenwood Springs Engineering Standards.

c. **Staff Review and Action**

The Director and DRC shall review the minor site/architectural plan application and prepare a staff report and recommendation in accordance with 070.060.030(e).

d. **Scheduling and Notice of Public Hearings**

The minor site/architectural plan application shall be scheduled for a public hearing before the Planning Commission, and noticed in accordance with 070.060.030(f).

e. **Planning Commission Review and Decisions**

The Planning Commission shall review the minor site/architectural plan application and approve, approve with conditions, or deny the minor site/architectural plan in accordance with 070.060.030(g) and the approval criteria in 070.060.050(a)(6). Alternatively, the Commission may refer the application to the City Council pursuant to 070.060.050(a)(2)c.2.i.

f. **Post-Decision Actions and Limitations**

1. **Filing of Site/Architectural Plan**

An approved site/architectural plan shall be filed with the Community Development Department within 60 days of its approval. Failure to meet the filing deadline shall require payment of an additional processing fee prior to issuance of certificates of occupancy pursuant to the Administrative Manual.

2. **No Building Permit without Approval**

   No building permit shall be issued until the minor site/architectural plan and associated construction plans have been approved pursuant to this section.

3. **Expiration of Approval**

   Unless vested rights are approved pursuant to 070.060.030(j), minor site/architectural plan approval shall expire if the authorized use or construction is not substantially underway within three years after the date of the minor site/architectural plan approval, or an extension is granted pursuant to 070.060.030(i)(3).

4. **Minor Changes Allowed**

   Development application authorized by a minor site/architectural plan approval may incorporate minor changes from the approved site/architectural plan without the need for a new application (as required by 070.060.030(i)(4), provided that the Director determines that the proposed changes:

   i. Could be approved under the allowable administrative adjustments pursuant to 070.060.070(b), had they been requested with the original application;

   ii. Comply with the standards of this Code;

   iii. Are necessary to meet conditions of approval; and/or

   iv. Would not significantly alter the function, form, intensity, character, demand on public facilities, or impact on adjacent properties as approved with the minor site/architectural plan.

(5) **Major Site/Architectural Plan Review Procedure**

Figure 060-7 identifies the applicable steps from the common review procedures in 070.060.030 that apply to the review of major site/architectural plans. Additions or modifications to the common review procedures are noted below.

Figure 060-7: Summary of Major Site/Architectural Plan Procedure

a. **Pre-Application Conference**

A pre-application conference shall be held in accordance with 070.060.030(b).

b. **Pre-Application Neighborhood Meeting**

A pre-application neighborhood meeting shall be held in accordance with 070.060.030(c).

c. **Application Submittal and Handling**

The major site/architectural plan application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 070.060.030(d). Construction plan applications submitted concurrently with major site/architectural plans shall include the required materials per the City's Engineering Standards.

d. **Staff Review and Action**

The Director and DRC shall review the major site/architectural plan application and prepare a staff report and recommendation in accordance with 070.060.030(e).

e. **Scheduling and Notice of Public Hearings**

The major site/architectural plan application shall be scheduled for public hearings before the Planning Commission and City Council, and noticed in accordance with 070.060.030(f).

f. **Review and Decision (Planning Commission and/or City Council)**

1. **Planning Commission Review and Recommendation**

The Planning Commission shall review the major site/architectural plan application and recommend approval, approval with conditions, or denial of the major site/architectural plan in accordance with 070.060.030(g) and the approval criteria in 070.060.050(a)(6). The Planning Commission may also remand the application back to the Director for further consideration.

2. **City Council Review and Decision**

The City Council shall review the major site/architectural plan application and approve, approve with conditions, or deny the major site/architectural plan in accordance with 070.060.030(g) and the approval criteria in 070.060.050(a)(6).

g. **Post-Decision Actions and Limitations**

Post-decision actions and limitations in 070.060.030(i) shall apply with the following modifications:

1. **Filing of Site/Architectural Plan**

An approved site/architectural plan shall be filed with the Community Development Department within 60 days of its approval.

2. **No Building Permit without Approval**

No building permit shall be issued until the major site/architectural plan and associated construction plans have been approved pursuant to this section.

3. **Expiration of Approval**

Unless vested rights are approved pursuant to 070.060.030(j), major site/architectural plan approval shall expire if the authorized use or construction is not substantially underway as determined by the Director within three years after the date of the major

site/architectural plan approval, or an extension is granted pursuant to 070.060.030(i)(3).

4. **Minor Changes Allowed**

Development authorized by a major site/architectural plan approval may incorporate minor changes from the approved site/architectural plan without the need for a new application (as required by 070.060.030(i)(4), provided that the Director determines that the proposed changes:

i. Could be approved under the allowable administrative adjustments pursuant to 070.060.070(b), had they been requested with the original application;

ii. Comply with the standards of this Code;

iii. Are necessary to meet conditions of approval; and/or

iv. Would not significantly alter the function, form, intensity, character, demand on public facilities, or impact on adjacent properties as approved with the major site/architectural plan.

(6) Approval Criteria for All Site/Architectural Plan Types

In reviewing a proposed site/architectural plan application, the Director, Planning Commission, and/or City Council shall consider whether:

a. The site/architectural plan is consistent with the general purpose and intent of this Code;

b. The site/architectural plan is consistent with the dimensional, design, development, and all other standards of this Code;

c. The site/architectural plan is consistent with any previously approved plat, PUD, or any other precedent land use approval; and

d. The site/architectural plan is consistent with the Comprehensive Plan and other adopted City policies and plans.

(b) Master Plan

(1) Purpose

The master plan procedure provides a mechanism for review of large and/or complex development projects meeting the standards of this Code and not requiring a rezoning or PUD. The master plan procedure is optional, and provides the ability to obtain preliminary approval from City Council of a development concept (including circulation, open spaces, land uses, density and intensity, and project phasing) so that subsequent approvals may be considered administratively.

(2) Applicability

a. General

Master Plan approval is not required. An applicant may submit an application for a master plan approval provided the application meets at least one of the following:

1. The application site includes a contiguous area of at least five acres;
2. The application site is located within the downtown, the hospital complex, or within a secondary center according to the Comprehensive Plan;
3. The application proposes development containing at least 50,000 square feet of nonresidential gross floor area;

4. The application proposes development containing at least 100 dwelling units; and/or
5. The application proposes to phase the development.

b. **Concurrent Review**

1. **Rezoning, Special Use Permit, or Subdivision Plat**
   A master plan application may be submitted and reviewed concurrently with an application for rezoning, special use permit, or any subdivision plat.

2. **Vested Rights**
   If the applicant is seeking vested rights with a master plan, such vested rights may be reviewed concurrently with an application for a master plan. Applicants seeking vested rights shall comply with the procedures under 070.060.030(j).

c. **Subsequent Site/Architectural Plan Review**
   Following approval of a master plan, any subsequent site/architectural plan review shall follow the administrative site/architectural plan procedures according to 070.060.050(a)(3), regardless of the size of the proposed development.

(3) **Master Plan Procedure**

Figure 060-8 identifies the applicable steps from the common review procedures in 070.060.030 that apply to the review of master plans. Additions or modifications to the common review procedures are noted below.

Figure 060-8: Summary of Master Plan Procedure

a. **Pre-Application Conference**
   A pre-application conference shall be held in accordance with 070.060.030(b).

b. **Pre-Application Neighborhood Meeting**
   A pre-application neighborhood meeting shall be held in accordance with 070.060.030(c).

c. Application Submittal and Handling

The master plan application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 070.060.030(d).

d. Staff Review and Action

The Director and DRC shall review the master plan application and prepare a staff report and recommendation in accordance with 070.060.030(e).

e. Scheduling and Notice of Public Hearings

The master plan application shall be scheduled for public hearings before the Planning Commission and City Council and noticed in accordance with 070.060.030(f).

f. Review and Decision (Planning Commission and/or City Council)

1. Planning Commission Review and Recommendation

The Planning Commission shall review the master plan application and recommend approval, approval with conditions, or denial of the master plan in accordance with 070.060.030(g) and the approval criteria in paragraph 3 below. The Planning Commission may also remand the application back to the Director for further consideration.

2. City Council Review and Decision

The City Council shall review the master plan application and approve, approve with conditions, or deny the master plan in accordance with 070.060.030(g) and the approval criteria in paragraph 3 below.

3. Approval Criteria

In reviewing a master plan application, the Planning Commission and the City Council shall determine whether and to what extent:

i. The master plan is consistent with the general purpose and intent of this Code;

ii. The proposed land uses, densities, and intensities are consistent with the Comprehensive Plan and applicable zoning districts;

iii. The proposed development is consistent with the dimensional, design, development, and all other standards of this Code; and

iv. The proposed development provides adequate mitigation for anticipated adverse impacts to surrounding neighborhoods and the city.

g. Post-Decision Actions and Limitations

Post-decision actions and limitations in 070.060.030(i) shall apply with the following modifications:

1. Effect of Approval

Master plan approval authorizes the subsequent submittal of site/architectural plan applications for all development consistent with the approved master plan through the administrative site/architectural plan procedures according to 070.060.050(a)(3). Master plan approval does not itself authorize specific development activity. If the Director determines, in the consideration of a site/architectural plan application pursuant to this section, that such development is not consistent with the approved

master plan, the Director shall process the application as a minor or major site/architectural plan, as applicable, based on the type of development proposed.

2. **Expiration of Approval**

   Unless vested rights are approved pursuant to 070.060.030(j), master plan approval shall automatically expire if no application for a site/architectural plan has been approved within three years after the date of master plan approval or an extension is granted pursuant to 070.060.030(i)(3).

3. **Modifications to an Approved Master Plan**

   i. Subsequent applications may propose development that differs from the approved master plan in minor ways, without first amending the master plan in accordance with 070.060.030(i)(4), if the Director determines that the proposed development:

      a. Is consistent with the Comprehensive Plan;
      b. Complies with all applicable standards of this Code;
      c. Complies with all applicable original conditions of approval; and
      d. Would not result in significant change to the development's general function, form, intensity, character, demand on public facilities, and impact on adjacent properties.

   ii. The following types of development constitute changes to an approved master plan and shall require approval in accordance with 070.060.030(i)(4):

      a. A change to an original condition of approval;
      b. An increase in residential density or nonresidential floor area by more than 20 percent; and
      c. An increase greater than 10 percent in the amount of land devoted to nonresidential uses.

(c) Construction Plans

(1) Purpose

The construction plans procedure provides a mechanism for the City to review and approve technical drawings associated with approved development applications and to ensure compliance with this Code and the City's Engineering Standards.

(2) Applicability

a. General

Approval of construction plans pursuant to this section is required for any type of development prior to issuance of a building permit, a grading or excavation permit, or a floodplain development permit. Approval of construction plans pursuant to this section is also required for any application that includes infrastructure or utility improvements unless such improvements are guaranteed by a separate agreement with the City.

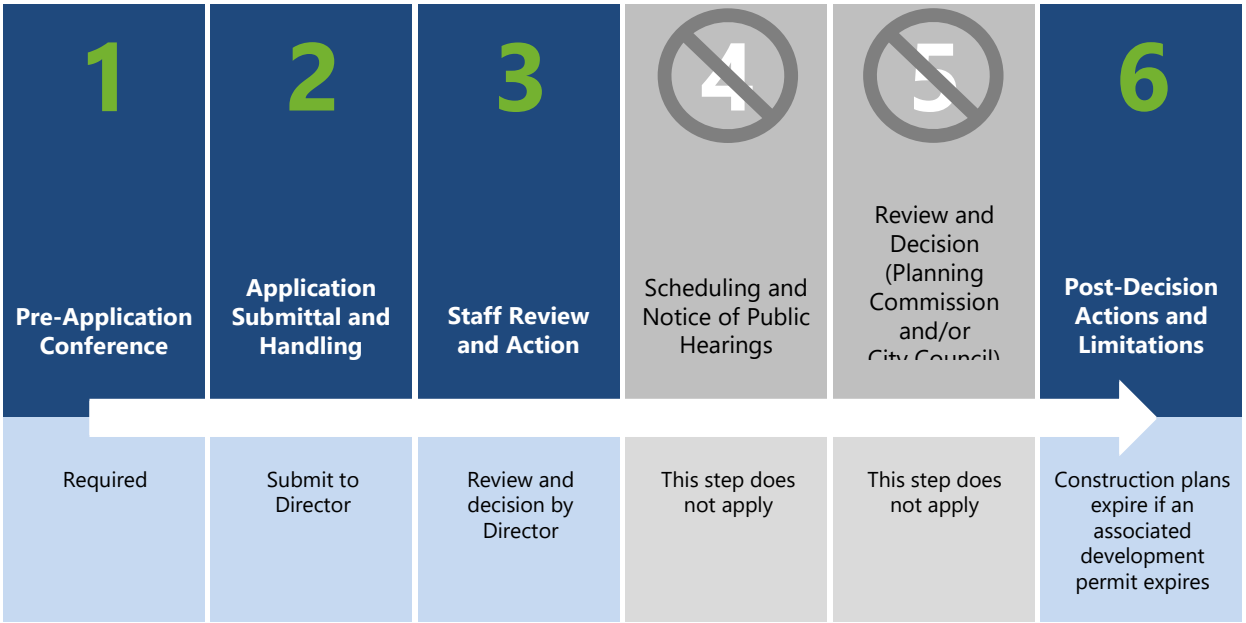
b. Concurrent Review

An application for construction plans approval may be submitted concurrently with an application for any site/architectural plan approval.

(3) Construction Plan Procedure

Figure 060-9 identifies the applicable steps from the common review procedures in 070.060.030 that apply to the review of construction plans. Additions or modifications to the common review procedures are noted below.

Figure 060-9: Summary of Construction Plans Procedure



a. Pre-Application Conference

A pre-application conference shall be held in accordance with 070.060.030(b).

b. Application Submittal and Handling

Construction plans shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 070.060.030(d).

c. Staff Review and Action

1. Director Review and Decision

The Director shall review the construction plans in accordance with 070.060.030(e) and shall approve, approve with conditions, or deny the construction plan application according to the approval criteria below.

2. Construction Plans Approval Criteria

In reviewing and approving construction plans, the Director shall determine that:

i. Required infrastructure and utility improvements have been approved by the appropriate agency;

ii. The construction plans comply with all applicable standards in this Code;

iii. The construction plans comply with the City's Engineering Standards;

iv. The construction plans comply with other applicable City standards and policies; and

v. The construction plans comply with requirements and conditions of approval for any prior approvals.

d. **Post-Decision Actions and Limitations**

Post-decision actions and limitations in 070.060.030(i) shall apply with the following modifications:

1. **Effect of Approval**

Construction plans approval authorizes the subsequent submittal of a building permit application or permit for other site-disturbance activities, such as a grading or excavation permit or a floodplain development permit.

2. **Expiration of Approval**

Construction plans approval shall automatically expire at the time an associated building permit application expires. Construction plans without an associated building permit application shall not expire.

3. **Modifications to Approved Construction Plans**

A minor modification to an approved construction plan may be approved by the Director, provided that the applicant demonstrates that the proposed modification:

i. Does not affect the overall development concept;

ii. Does not impede or prevent construction of infrastructure serving the development and/or a larger area;

iii. Will not result in substantially greater maintenance costs for the City;

iv. Is necessary to accommodate best management practices or to remedy construction difficulties; and

v. Is consistent with the approved associated site/architectural plan (if applicable).

4. **Inspections**

City staff may inspect sites authorized by construction plans to determine whether development activities are consistent with approved plans and whether any additional protection measures are necessary to mitigate adverse impacts.

(d) Location and Extent Review

(1) Purpose

The location and extent review procedure provides the City an opportunity to review projects proposed by a public or quasi-public entity in relation to the applicable policies and goals of the Comprehensive Plan, and to inform any public or quasi-public entity of the City's reasonable expectations for land use and development. Location and extent review is mandated by state law, C.R.S. §§ 30-28-110 and 22-32-101 et seq.

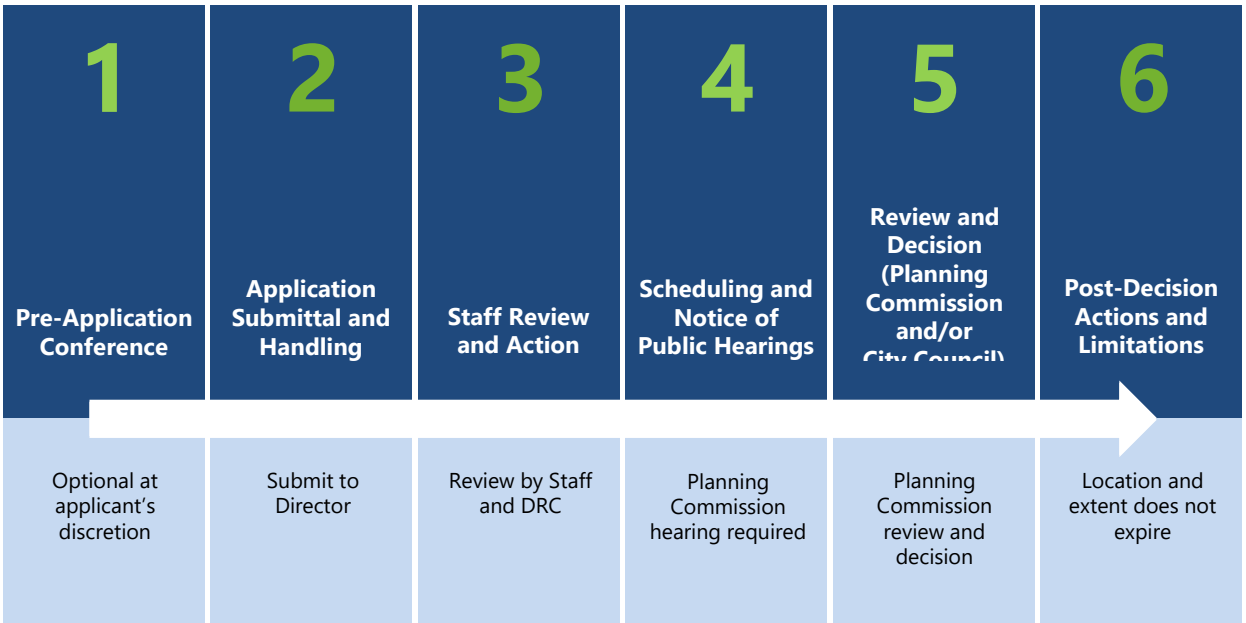
(2) Applicability

A location and extent review is required when projects are proposed by publicly or privately owned utilities or political subdivisions of the state such as charter or public schools, transportation districts, or special districts when funding is provided by taxpayers and considered to be political subdivisions of the state.

(3) Location and Extent Procedure

Figure 060-10 identifies the applicable steps from the common review procedures in 070.060.030 that apply to the location and extent review. Additions or modifications to the common review procedures are noted below.

Figure 060-10: Summary of Location and Extent Procedure



a. Pre-Application Conference

An optional pre-application conference may be held in accordance with 070.060.030(b) at the applicant's discretion.

b. Application Submittal and Handling

The location and extent application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 070.060.030(d).

c. Staff Review and Action

The Director and DRC shall review the location and extent application and prepare a staff report and recommendation in accordance with 070.060.030(e).

d. Scheduling and Notice of Public Hearings

The location and extent application shall be scheduled for a public hearing before the Planning Commission and noticed in accordance with 070.060.030(f).

e. Review and Decision (Planning Commission and/or City Council)

1. Planning Commission Review and Decision

The Planning Commission shall review and approve, approve with conditions, or deny the location and extent application in accordance with 070.060.030(g) and the

approval criteria in paragraph 3 below. The Planning Commission may also remand the application back to the Director for further consideration.

2. **Board of Education Hearing at Planning Commission's Request**

   For proposed location and extent applications involving a public or charter school, the Planning Commission may request a public hearing before the Board of Education.

3. **Location and Extent Approval Criteria**

   In reviewing a proposed location and extent application, the Planning Commission shall consider whether or not the proposed location and extent:

   i. Is consistent with the Comprehensive Plan and other City plans and policies;

   ii. Is consistent with the general purpose and intent of this Code; and

   iii. Minimizes adverse impacts to the health, safety, and welfare of the inhabitants of the surrounding areas and the city.

f. **Post-Decision Actions and Limitations**

Post-decision actions and limitations in 070.060.030(i) shall apply, except that Development authorized by a location and extent approval may incorporate minor changes from the approved location and extent plan without the need for a new application (as required by 070.060.030(i)(4), provided that the Director determines that the proposed changes:

1. Could be approved under the allowable administrative adjustments pursuant to 070.060.070(b), had they been requested with the original application;
2. Are necessary to meet conditions of approval; and/or
3. Would not significantly alter the function, form, intensity, character, demand on public facilities, or impact on adjacent properties as approved with the location and extent.

(e) Special Use Permit

(1) Purpose

The special use permit procedure provides a mechanism for the City to evaluate proposed development and land uses that have unique or widely varying operating characteristics or unusual features. This procedure is intended to ensure compatibility with surrounding areas and that adequate mitigation is provided for anticipated impacts.

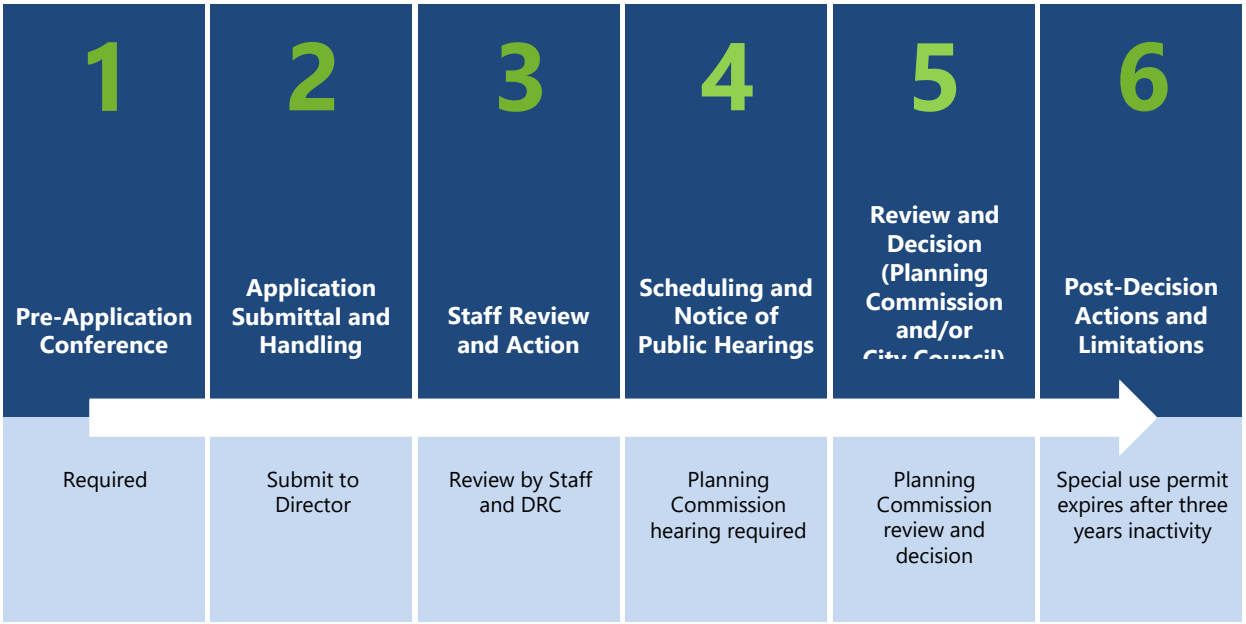
(2) Applicability

A special use permit is required for certain land uses as specified in Table 030.1: Table of Allowed Uses.

(3) Special Use Permit Procedure

Figure 060-11 identifies the applicable steps from the common review procedures in 070.060.030 that apply to the review of special use permits. Additions or modifications to the common review procedures are noted below.

Figure 060-11: Summary of Special Use Permit Procedure



a. **Pre-Application Conference**

A pre-application conference shall be held in accordance with 070.060.030(b).

b. **Application Submittal and Handling**

The special use permit application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 070.060.030(d).

c. **Staff Review and Action**

The Director and DRC shall review the special use permit application and prepare a staff report and recommendation in accordance with 070.060.030(e).

d. **Scheduling and Notice of Public Hearings**

The special use permit application shall be scheduled for public hearings before the Planning Commission and noticed in accordance with 070.060.030(f).

e. **Review and Decision (Planning Commission and/or City Council)**

1. **Planning Commission Review and Decision**

The Planning Commission shall review and approve, approve with conditions, or deny the special use permit application in accordance with 070.060.030(g) and the approval criteria in paragraph 2 below. The Planning Commission may also remand the application back to the Director for further consideration.

2. **Special Use Permit Approval Criteria**

In reviewing a proposed special use permit application, the Planning Commission shall consider whether:

i. The use will be compatible with the surrounding area;

ii. The impacts of the use on surrounding areas have been adequately minimized;

iii. The use will be consistent with the general purpose and intent of this Code;

iv. The use will comply with all applicable standards of this Code;

v. The use is in conformance with the Comprehensive Plan and other City plans and policies; and

vi. The use minimizes adverse impacts to the health, safety, and welfare of the inhabitants of the surrounding areas and the city.

f. **Post-Decision Actions and Limitations**

Post-decision actions and limitations in 070.060.030(i) shall apply with the following modifications:

1. **Expiration of a Special Use Permit**

A special use permit shall expire if the authorized use or construction is not substantially underway within three years after the date of special use permit approval, or an extension is granted pursuant to 070.060.030(i)(3).

2. **Expansion or Enlargement**

Expansion or enlargement of a special use shall require a new application, unless the Director determines that:

i. The expansion or enlargement is not expected to increase potential negative impacts to surrounding property or the city; and

ii. The expansion or enlargement will not require adjustments to any standards greater than allowed through the administrative adjustment procedures in 070.060.070(b).

3. **Transfer of Special Use Permit**

Unless otherwise provided in the conditions of approval for a special use permit, a special use permit may be transferred to another person to operate the same use, in the same building(s), on the same property, and under the same terms of the permit.

(f) Right-of-Way Encroachment License

(1) Purpose

The right-of-way encroachment license procedure provides a mechanism for the City to evaluate proposed encroachments of private property or structures into publicly owned rights-of-way, such as streets, sidewalks, and/or other City property. This procedure is intended to ensure that adequate mitigation is provided for anticipated impacts.

(2) Applicability

A right-of-way encroachment license is required for any private use or structure proposed to be located within the City's right-of-way or on other City property.

a. **Administrative Review**

Encroachments that are not permanent in nature; are located in the air space above the City's right-of-way; or are less than one foot in projection, including awnings, landscaping, balconies, and sidewalk signs, shall be subject to administrative review by the Director.

b. **City Council Review**

Encroachments into the City's right-of-way not eligible for administrative review shall require City Council review.

(3) Right-of-Way Encroachment License Procedure

Figure 060-12 identifies the applicable steps from the common review procedures in 070.060.030 that apply to the review of right-of-way encroachment licenses. Additions or modifications to the common review procedures are noted below.

Figure 060-12: Summary of Right-of-Way Encroachment License Procedure

a. Pre-Application Conference

An optional pre-application conference may be held in accordance with 070.060.030(b) at the applicant's discretion.

b. Application Submittal and Handling

The right-of-way encroachment license application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 070.060.030(d). Additionally, the application shall be accompanied by a map or plat showing the location and dimensions of the encroachments, and any parcels of land affected by the proposed encroachment.

c. Staff Review and Action

1. The Director and DRC shall review the right-of-way encroachment license application.
2. If the right-of-way encroachment is determined to require City Council approval, the Director shall prepare a staff report and recommendation in accordance with 070.060.030(e).
3. If the right-of-way encroachment can be approved administratively, the Director shall approve, approve with conditions, or deny the right-of-way encroachment license based on the criteria in subsection e.2 below.

d. Scheduling and Notice of Public Hearings

If required, the right-of-way encroachment license application shall be scheduled for a public hearing before the City Council and noticed in accordance with subsection 070.060.030(f)(3)a.2

e. Review and Decision (Planning Commission and/or City Council)

1. City Council Review and Decision

The City Council shall review the right-of-way encroachment license application and approve, approve with conditions, or deny the right-of-way encroachment license in accordance with 070.060.030(g) and the approval criteria in paragraph 2 below.

2. Right-of-Way Encroachment License Approval Criteria

In reviewing the proposed right-of-way encroachment license, the Director and City Council shall consider whether or not the proposed encroachment:

i. Furthers the City's land use and utility goals and objectives;

ii. Could be reasonably accommodated on the applicant's own property and outside of the City's right-of-way;

iii. Compromises public safety, health, and welfare of the community;

iv. Compromises access to other public and/or private lands; and

v. Is necessary based on a hardship created by the applicant.

f. Post-Decision Actions and Limitations

Post-decision actions and limitations in 070.060.030(i) shall apply with the following modifications:

1. No license to encroach may be assigned without the prior written consent of the approval body (City Council or the Director), together with an executed indemnity agreement that indemnifies the City from any and all damages to property or persons resulting from the encroachment.
2. Upon construction of an approved encroachment, the applicant shall provide the City with as-built drawings of all encroachment structures in the format specified by the Director.
3. For those encroachments that are reviewed and approved by City Council, the applicant shall obtain and provide the City with a copy of an umbrella liability policy covering the encroachment area and in limits of no less than $1,000,000.00. Such policy shall be renewed by the applicant for the life of the encroachment, and a copy of each new policy shall be furnished to the City upon the anniversary date of the license to encroach. Failure to provide the policy as required shall automatically nullify the license to encroach without necessity of further notice and shall require the applicant's removal of the encroachment at the applicant's sole expense. Should the applicant fail to remove the encroachment within a reasonable time, the City may declare the encroachment a public nuisance, undertake removal, and attach a lien to the applicant's property for the costs of the removal.

070.060.060 Subdivision Procedures

(a) Minor Subdivision

(1) Purpose

The minor subdivision procedure is used to evaluate proposed subdivisions that will create few lots or involve minimal adjustments to approved final plats. The minor subdivision procedure also provides an administrative process to correct plat errors and adjust property boundaries.

(2) Applicability

a. The minor subdivision procedure shall apply to:
   1. Properties within an approved preliminary plat;
   2. Subdivisions creating three or fewer lots or 10 or fewer condominium units within a single plat; and
   3. Condominiumizations within an existing building that do not include land dedication.

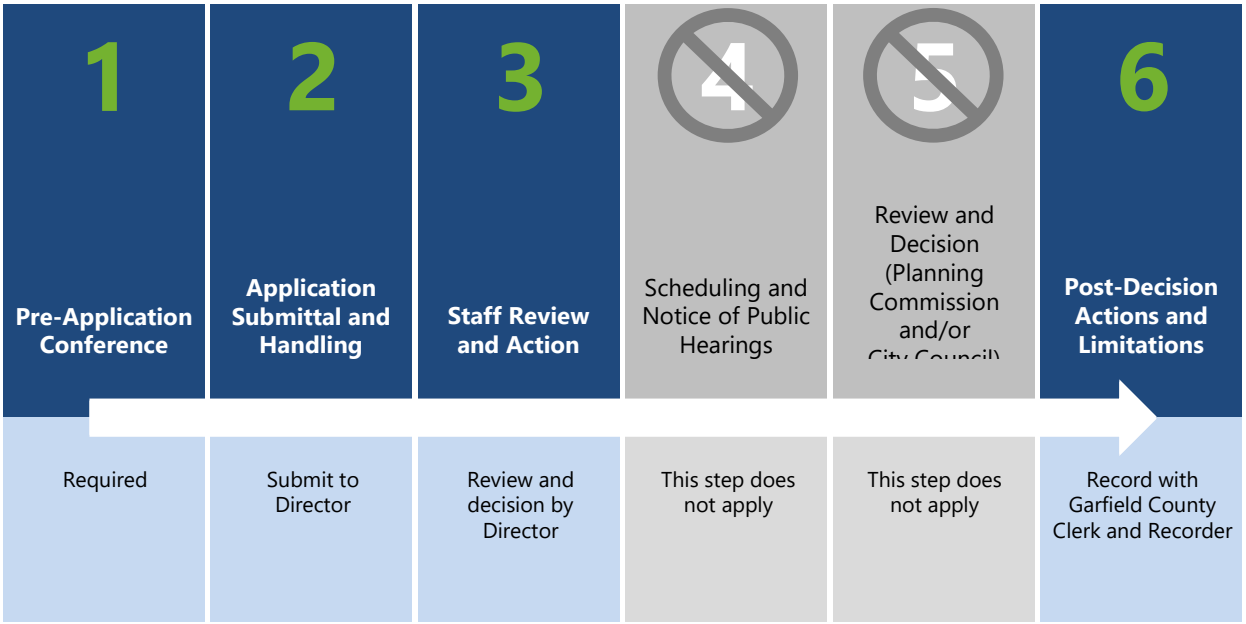
b. The following are eligible to be processed as a minor subdivision, provided that subparagraph a is met:
   1. Consolidation of two or more lots into a single lot on a single previously recorded final plat; or
   2. Boundary or lot line adjustments to an approved final plat; or
   3. Correction of errors on an approved final plat.

c. Any subdivision requiring dedication of right-of-way, other public tracts, or public improvements to the City shall be submitted to the City Council for acceptance or denial of the dedication.

(3) Minor Subdivision Procedure

Figure 060-13 identifies the applicable steps from the common review procedures in 070.060.030 that apply to the review of minor subdivisions. Additions or modifications to the common review procedures are noted below.

Figure 060-13: Summary of Minor Subdivision Procedure



a. **Pre-Application Conference**

A pre-application conference shall be held in accordance with 070.060.030(b).

b. **Application Submittal and Handling**

The minor subdivision application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 070.060.030(d).

c. **Staff Review and Action**

1. **Review and Decision**

The Director and DRC shall review the minor subdivision application and the Director shall approve, approve with conditions, or deny the minor subdivision based on the criteria below.

2. **Minor Subdivision Approval Criteria**

In reviewing a minor subdivision application, the Director shall consider whether the minor subdivision:

i. Is consistent with the Comprehensive Plan;

ii. Is consistent with the intent of the underlying zoning district;

iii. Complies with applicable dimensional, development, and design standards in this Code;

iv. Does not affect a recorded easement without approval from the easement holder;

v. Will not result in adverse impacts to surrounding property; and

vi. Will not limit the City's ability to effectively provide facilities or services.

d. **Post-Decision Actions and Limitations**

Post-decision actions and limitations in 070.060.030(i) shall apply and the Director shall record the approved minor subdivision with the Garfield County Clerk and Recorder as soon as practicable.

(b) Preliminary Plat

(1) Purpose

The preliminary plat procedure provides a mechanism for the City to review an overall plan for a proposed subdivision to ensure compliance with this Code, the Comprehensive Plan, and the adequate provision of facilities and services in the city.

(2) Applicability

A preliminary plat is required if the proposed subdivision:

a. Is on land that has not been platted;

b. Will produce four or more lots;

c. Will include the dedication of public right-of-way, other public tracts, or public improvements not determined to be eligible for minor subdivision processing; or

d. Is not eligible to be processed as a minor subdivision, pursuant to 070.060.060(a)(3).

(3) Preliminary Plat Procedure

Figure 060-14 identifies the applicable steps from the common review procedures in 070.060.030 that apply to the review of preliminary plats. Additions or modifications to the common review procedures are noted below.

Figure 060-14: Summary of Preliminary Plat Procedure

a. **Pre-Application Conference**

A pre-application conference shall be held in accordance with 070.060.030(b).

b. Pre-Application Neighborhood Meeting

A pre-application neighborhood meeting shall be held in accordance with 070.060.030(c).

c. Application Submittal and Handling

The preliminary plat application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 070.060.030(d).

d. Staff Review and Action

The Director and DRC shall review the preliminary plat application and prepare a staff report and recommendation in accordance with 070.060.030(e).

e. Scheduling and Notice of Public Hearings

The preliminary plat application shall be scheduled for public hearings before the Planning Commission and City Council and noticed in accordance with 070.060.030(f).

f. Review and Decision (Planning Commission and/or City Council)

1. Planning Commission Review and Recommendation

The Planning Commission shall review the preliminary plat application and recommend approval, approval with conditions, or denial of the preliminary plat in accordance with 070.060.030(g) and the approval criteria in paragraph 4 below. The Planning Commission may also remand the application back to the Director for further consideration.

2. City Council Review and Decision

The City Council shall review the preliminary plat application and approve, approve with conditions, or deny the preliminary plat in accordance with 070.060.030(g) and the approval criteria in paragraph 4 below.

3. Conditions of Approval

If the preliminary plat is approved with conditions, those conditions and the standards of this Code shall be met prior to approval of a final plat.

4. Preliminary Plat Approval Criteria

In reviewing a preliminary plat application, the Planning Commission and City Council shall consider whether the preliminary plat:

i. Is consistent with the Comprehensive Plan;

ii. Will comply with the applicable zoning district standards;

iii. Will comply with the use, dimensional, design, and development standards in this Code;

iv. Provides a layout of lots, streets, blocks, driveways, utilities, drainage, and other public facilities and services designed to minimize the amount of disturbance to sensitive areas and/or community assets;

v. Provides evidence of public water and sewer system connections;

vi. Identifies and adequately mitigates known natural hazard areas; and

vii. If applicable, proposes reasonable project phasing in terms of infrastructure capacity.

g. Post-Decision Actions and Limitations

Post-decision actions and limitations in 070.060.030(i) shall apply with the following modifications:

1. Expiration of Approval

Preliminary plat approval shall expire if a final plat has not been recorded within one year after the date of the preliminary plat approval, or an extension is granted pursuant to 070.060.030(i)(3).

2. Phased Final Platting

Whenever a preliminary plat is approved for development of the subdivision in phases, the City Council may provide the periods of time allowed for final plat approval of each phase of the development after the first.

h. Concurrent Review with Site/Architectural Plan

Preliminary plat applications may be submitted and reviewed concurrently with an application for a site/architectural plan pursuant to 070.060.050(a)(2)d.

(c) Final Plat

(1) Purpose

The final plat procedure completes the subdivision process and ensures compliance with the approved preliminary plat and applicable standards in this Code.

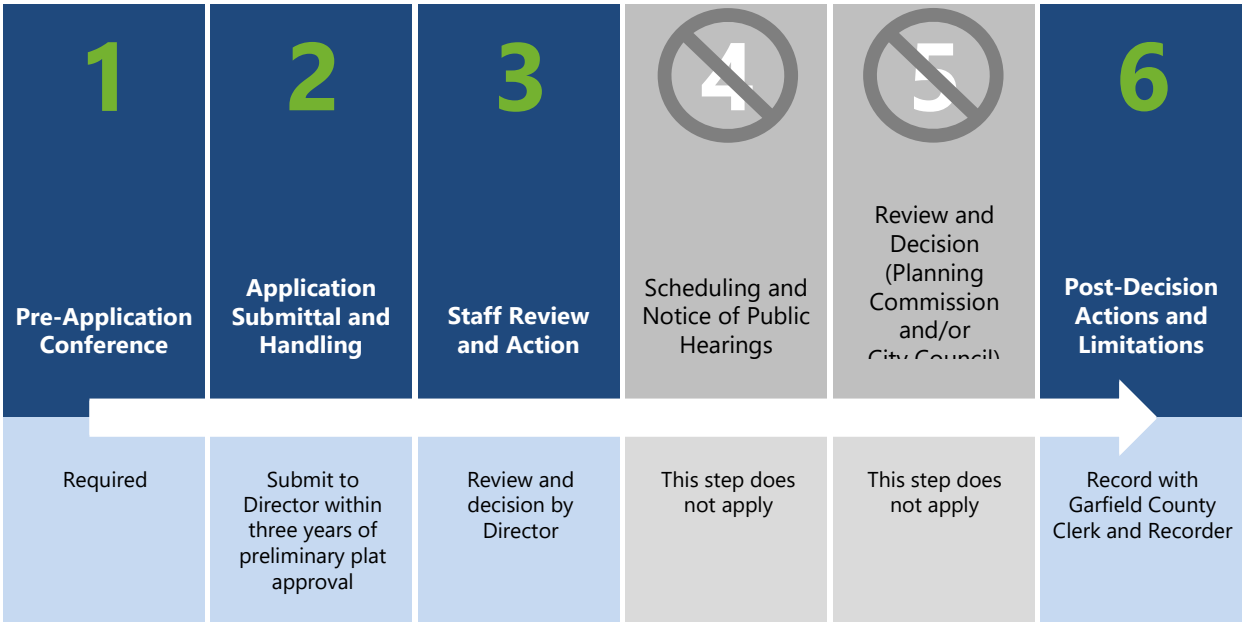
(2) Applicability

The final plat procedure applies to all subdivisions in the city unless otherwise stated in this Code.

(3) Final Plat Procedure

Figure 060-15 identifies the applicable steps from the common review procedures in 070.060.030 that apply to the review of final plats. Additions or modifications to the common review procedures are noted below.

Figure 060-15: Summary of Final Plat Procedure



a. **Pre-Application Conference**

A pre-application conference shall be held in accordance with 070.060.030(b).

b. **Concurrent Vested Rights Review**

If the applicant is seeking vested rights with the final plat, such vested rights may be reviewed concurrently with an application for a final plat. Applicants seeking vested rights shall comply with the procedures under 070.060.030(j).

c. **Application Submittal and Handling**

The final plat application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 070.060.030(d) with the following modifications:

1. Unless vested rights are approved pursuant to 070.060.030(j), the final plat application shall be submitted within three years of preliminary plat approval.
2. The final plat may reflect the entire areas covered by a preliminary plat or any part thereof.

d. **Staff Review and Action**

1. **Director Review and Decision**

The Director and DRC shall review the final plat application and shall approve, approve with conditions, or deny the final plat based on the criteria below.

2. **Final Plat Approval Criteria**

In reviewing a final plat application, the Director shall consider whether:

i. The final plat conforms to the approved preliminary plat, including any conditions of approval;

ii. The development will substantially comply with all requirements of this Code; and

iii. The development will comply with the applicable technical standards and specifications adopted by the City.

e. **Post-Decision Actions and Limitations**

Post-decision actions and limitations in 070.060.030(i) shall apply and the Director shall record the approved final plat with the Garfield County Clerk and Recorder as soon as practicable following approval.

(d) Condominiumization

(1) Purpose

The condominiumization procedure provides a mechanism to ensure that condominium subdivisions and conversions will comply with the applicable provisions of this Code.

(2) Applicability

a. Condominiumization resulting in the creation of 10 or fewer condominium units shall follow the procedures for a minor subdivision pursuant to 070.060.060(a).

b. Condominiumization resulting in the creation of 11 or more condominium units shall follow the procedures for a preliminary plat pursuant to 070.060.060(b)(3).

c. Any condominiumization requiring a dedication of right-of-way, other public tracts, or public improvements to the City shall be submitted to the City Council for acceptance or denial of the dedication. If the condominiumization application is processed as a minor subdivision, then the City Council shall only make a decision on the proposed dedication(s).

(3) Condominiumization of Existing Structure

When reviewing a proposal to condominiumize an existing structure, the Director, Planning Commission, and/or City Council may require the subject property to come into compliance with this Code and ordinances as necessary to safeguard the public health, safety, and welfare.

(e) Vacation of Right-of-Way

(1) Purpose

The vacation of right-of-way procedure provides a mechanism for vacating rights, interests, or title of the City in and to any right-of-way located in the city.

(2) Applicability

a. The vacation of right-of-way procedure applies to any request to vacate rights, interest, or title of right-of-way within the city. Title to vacated roadways shall be in accordance with Colorado law.

b. For the purpose of the vacation of right-of-way procedures contained in paragraph (e), utility easements shall not be considered rights-of-way.

(3) Vacation of Right-of-Way Procedure

Figure 060-16 identifies the applicable steps from the common review procedures in 070.060.030 that apply to the review of vacations of right-of-way. Additions or modifications to the common review procedures are noted below.

Figure 060-16: Summary of Vacation of Right-of-Way Procedure

a. **Pre-Application Conference**

A pre-application conference shall be held in accordance with 070.060.030(b).

b. **Application Submittal and Handling**

The vacation of right-of-way application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 070.060.030(d). Additionally, the application shall be accompanied by a map or plat showing the location and dimensions of the areas to be vacated, any parcels of land affected by the proposed vacation, and a legal description for the proposed vacation.

c. **Staff Review and Action**

The Director and DRC shall review the vacation of right-of-way application and prepare a staff report and recommendation in accordance with 070.060.030(e).

d. **Scheduling and Notice of Public Hearings**

The vacation of right-of-way application shall be scheduled for public hearings before the Planning Commission and City Council, and noticed in accordance with 070.060.030(f).

e. **Review and Decision (Planning Commission and/or City Council)**

1. **Planning Commission Review and Recommendation**

The Planning Commission shall review the vacation of right-of-way application and recommend approval, approval with conditions, or denial of the vacation of right-of-way in accordance with 070.060.030(g) and the approval criteria in paragraph 3 below. The Planning Commission may also remand the application back to the Director for further consideration.

2. **City Council Review and Decision**

   The City Council shall review the vacation of right-of-way application and approve, approve with conditions, or deny the vacation of right-of-way in accordance with 070.060.030(g) and the approval criteria in paragraph 3 below..

3. **Vacation of Right-of-Way Approval Criteria**

   In reviewing the proposed vacation of right-of-way, the Planning Commission and City Council shall consider the following:

   i. The vacation of right-of-way is consistent with the Comprehensive Plan;
   ii. The vacation of right-of-way will comply with the applicable zoning districts standards;
   iii. The vacation of right-of-way will comply with use, dimensional, design, and other development standards in this Code;
   iv. The right-of-way has never been formally opened or used as a City street, has never been used for park or governmental purposes, or has been abandoned and removed;
   v. All portions of the right-of-way to be vacated are within the city;
   vi. None of the right-of-way to be vacated constitutes a boundary line between two counties or the boundary of the City; and
   vii. No land adjoining the right-of-way to be vacated shall be left, as a result of the vacation, without an established public road connecting to another established public road.

f. **Post-Decision Actions and Limitations**

   Post-decision actions and limitations in 070.060.030(i) shall apply and the Director shall record the approved vacation of right-of-way with the Garfield County Clerk and Recorder as soon as practicable following approval.

070.060.070 Flexibility and Relief Procedures

(a) Variance

(1) Purpose

The variance procedure is intended to provide limited relief from the requirements of this Code where strict application of the Code would result in exceptional practical difficulty or undue hardship preventing the use of the land as otherwise allowed by the Code. The variance procedure is not intended to allow a use in a zoning district where it is not currently permitted, or to alleviate inconveniences or financial burdens imposed on landowners.

(2) Applicability

Any property owner seeking relief from this Code may request a variance when the strict application of the Code would result in an undue hardship. The following two options are available for seeking a variance:

a. **Concurrent Variance Application**

   An applicant may request a variance concurrently with an associated development permit application by submitting a request for variance as part of the overall application package.

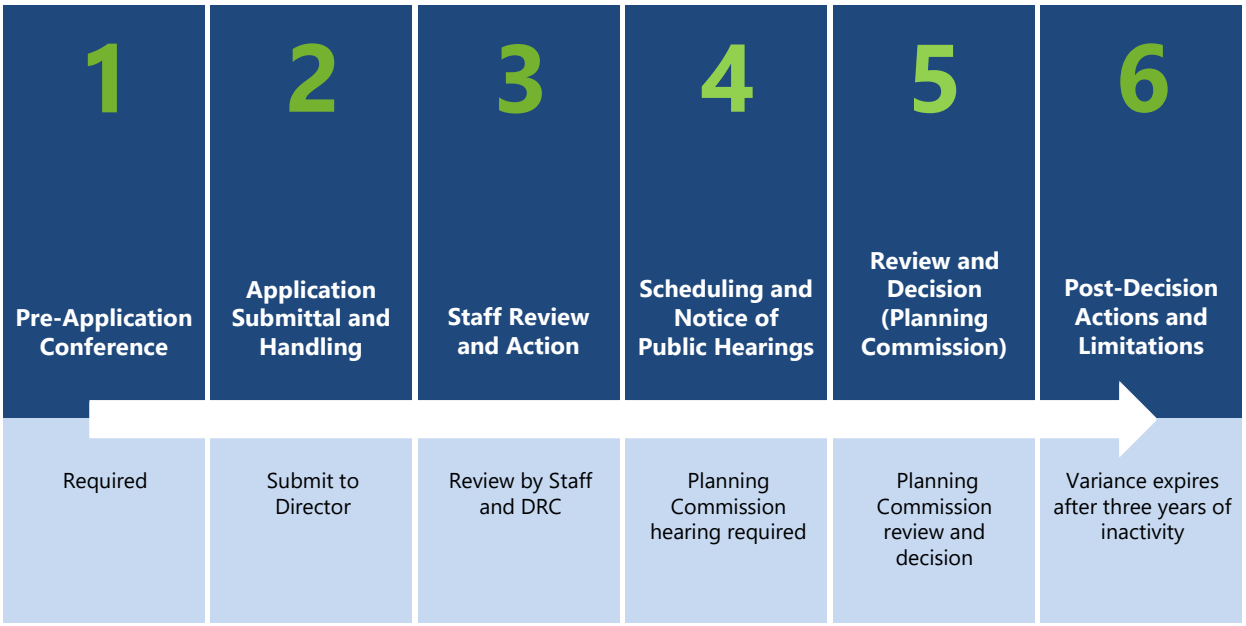
b. **Independent Request for Variance**

An applicant may request a variance independent of any other development application through the process in 070.060.070(a)(3) below.

(3) **Variance Procedure**

Figure 060-17 identifies the applicable steps from the common review procedures in 070.060.030 that apply to the review of variances made independently from an associated development application. Additions or modifications to the common review procedures are noted below.

Figure 060-17: Summary of Variance Procedure



a. **Pre-Application Conference**

A pre-application conference shall be held in accordance with 070.060.030(b).

b. **Application Submittal and Handling**

The variance application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 070.060.030(d).

c. **Staff Review and Action**

The Director and DRC shall review the variance application and prepare a staff report and recommendation in accordance with 070.060.030(e).

d. **Scheduling and Notice of Public Hearings**

The variance application shall be scheduled for a public hearing before the Planning Commission and noticed in accordance with 070.060.030(f).

e. **Planning Commission Review and Decision**

1. **Review and Decision**

i. The Planning Commission shall review the variance application and shall approve, approve with conditions, or deny the variance in accordance with 070.060.030(g)

and the criteria in paragraph 2 below. The Planning Commission may also remand the application back to the Director for further consideration.

ii. The Planning Commission's decision shall be based only on the record of the public hearing and shall be reduced to writing, include findings of fact based on competent, material, and substantial evidence presented at the hearing, reflect the determination of contested facts, and state how the findings support compliance with applicable review standards.

iii. The Planning Commission shall clearly state the factors considered in making its decision, as well as the basis or rationale for the decision.

2. **Variance Approval Criteria**

In reviewing a variance application, the Planning Commission shall find that all of the following exist:

i. The subject property has an exceptional shape, topography, building configuration or other exceptional site condition that is not a general condition throughout the zone district;

ii. The strict application of the Code standards for which a variance is sought would produce undue hardship;

iii. The applicant did not create the hardship by his/her own actions;

iv. The variance requested does not harm the public and does not impair the intent or purposes of this Code, goals, and policies, including the specific regulation for which the variance is sought;

v. The variance request demonstrates exceptional hardship not related to purposes of convenience or financial burden;

vi. The variance request will not violate building or fire code requirements; and

vii. The variance is the minimum variance that will afford relief of the subject standards of the Code.

f. **Post-Decision Actions and Limitations**

1. **Notice of Decision**

Within five business days following any decision by the Planning Commission, the Director shall provide written notification of such decision to the City Council.

2. **Recording Required**

Following approval of a variance, the Director shall record the variance with the Garfield County Clerk and Recorder as soon as practicable.

3. **Expiration of Variance**

If the property owner has not commenced development or obtained the required permits to carry out the approved variance within three years of the variance approval, the variance shall automatically expire unless an additional extension of up to three years is granted upon request by the Planning Commission.

4. **Non-Transferable**

An approved variance shall apply only to the property or structure described in the approval and shall not be transferable to any other property or structure.

(b) Administrative Adjustment

(1) Purpose

The administrative adjustment procedure is intended to allow minor modifications or deviations from the dimensional or numeric standards of this Code with approval by the Director. Administrative adjustments are intended to provide greater flexibility when necessary, without requiring a formal zoning amendment or variance. The administrative adjustment procedure is not a waiver of current standards of this Code and shall not be used to circumvent the variance procedure.

(2) Applicability

a. Table of Allowable Administrative Adjustments

An application for an administrative adjustment that is not related to a request for "reasonable accommodation" under the Federal Fair Housing Act or the Religious Land Use and Institutionalized Persons Act may request only the types of adjustments shown in Table 060.3, *Allowable Administrative Adjustments*.

Table 060.3: Allowable Administrative Adjustments

Code Standard	Allowable Administrative Adjustment (maximum percentage)
Site Standards	
Lot area, minimum	15
Lot coverage, maximum	15
Block length, maximum	15
Lot Dimensional Standards	
Front setback, minimum	15
Side setback, minimum	15
Rear setback, minimum	15
Encroachment into setback pursuant to Table 020.20, *Authorized Exceptions to Setback Standards*, maximum	15
Building Standards	
Building height, maximum (excludes wireless communication facilities)	15
Accessory building height, maximum (excludes wireless communication facilities)	15
Separation between buildings, minimum	15
Projection into height requirement pursuant to Table 020.21, *Authorized Exceptions to Maximum Height Standards*, maximum	15
Development Standards	
Number of required parking spaces, maximum or minimum	15
Lighting height, maximum	15
Sign height, maximum	15
Fence or wall height, maximum	15 (one foot maximum)
Minimum landscaping requirements	15

b. **Reasonable Accommodations Under the FFHA**

1. In response to a written application identifying the type of housing being provided and the portions of the Federal Fair Housing Act that require that reasonable accommodations be made for such housing, the Director is authorized to take any of the following actions in order to provide reasonable accommodations without the need for a rezoning or variance:
   i. Modify any facility spacing, building setback, height, lot coverage, or landscaping requirement by no more than ten percent; or
   ii. Reduce any off-street parking requirement by no more than one space.
2. The Director may approve a type of reasonable accommodation different from that requested by the applicant if the Director concludes that a different form of accommodation would satisfy the requirements of the Federal Fair Housing Act with fewer impacts on adjacent areas. The decision of the Director shall be accompanied by written findings of fact as to the applicability of the Fair Housing Act, the need for reasonable accommodations, and the authority for any reasonable accommodations approved. Requests for types of accommodation that are not listed above may only be approved through a variance or rezoning process.

c. **Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA)**

The Director may grant administrative adjustments in order to eliminate a substantial burden on religious exercise as guaranteed by the Federal Religious Land Use and Institutionalized Persons Act of 2000, as amended. In no circumstance shall the Director approve an adjustment that allows a religious assembly use, or any uses, structures, or activities accessory to it, in a zoning district where this Code prohibits such use or accessory use, structure, or activity.

(3) **Limitations on Administrative Adjustments**

a. Except when requested as a reasonable accommodation for Federal Fair Housing Act ("FFHA") purposes, a request for an Administrative Adjustment shall not be used to further modify a development standard that, as applied to the subject property, already qualifies as an exception to, or modification of, a generally applicable development standard required under Article 070.040: *Development Standards*.

b. The administrative adjustment procedure shall not apply to any proposed modification or deviation that results in:
   1. An increase in the overall project density;
   2. A change in permitted uses or mix of uses;
   3. A deviation from the standards in 070.030.030, *Use-Specific Standards*;
   4. A deviation from the standards in 070.040.020, *Sensitive Area Protection*;
   5. A deviation from building or fire codes;
   6. A deviation from the City's Engineering Standards;
   7. Requirements for public roadways, utilities, or other public infrastructure or facilities; or
   8. A change to a development standard where that same standard was already modified through a separate administrative adjustment or variance.

(4) Administrative Adjustment Procedure

a. Application Submittal and Handling

1. An application for an administrative adjustment shall only be submitted and reviewed concurrently with an application for a special use permit, temporary use permit, site/architectural plan approval (administrative, minor, or major), or plat approval (minor, preliminary, final, or condominium).
2. Each code standard in Table 060.3 shall be considered a separate administrative adjustment request as it relates to the approval criteria in 070.060.070(b)(5), but multiple adjustments may be considered in one administrative adjustment application.

b. Review and Decision

1. Where the concurrently reviewed application requires review and approval by the Director, the Director shall review the application and shall approve, approve with conditions, or deny the adjustment based on the criteria in 070.060.070(b)(5). The Director may refer the administrative adjustment to the DRC prior to making a decision.
2. Where the concurrently reviewed application requires review and approval by the Planning Commission or City Council, the Commission or Council, as applicable, shall review and decide the administrative adjustment application based on the criteria in in 070.060.070(b)(5).

c. Effect of Approval

Approval of an administrative adjustment authorizes only the particular adjustment of standards approved, and only to the subject property of the application.

d. Expiration of Administrative Adjustment

An administrative adjustment shall automatically expire if the associated development application is denied or if approval of the concurrently reviewed application expires, is revoked, or otherwise deemed invalid.

(5) Administrative Adjustment Approval Criteria

In reviewing a proposed administrative adjustment, the decision-making body shall consider whether and to what extent the adjustment:

a. Will not result in incompatible development;

b. Will not result in adverse impacts unless adequately mitigated; and

c. Is of a technical nature and is required to:

1. Compensate for an unusual site condition;
2. Eliminate a minor inadvertent failure to comply with a Code standard; or
3. Protect a sensitive resource, natural feature, or community asset.

(c) Appeals

(1) Purpose

The appeal procedure establishes a mechanism for appealing decisions made in the administration or enforcement of this Code.

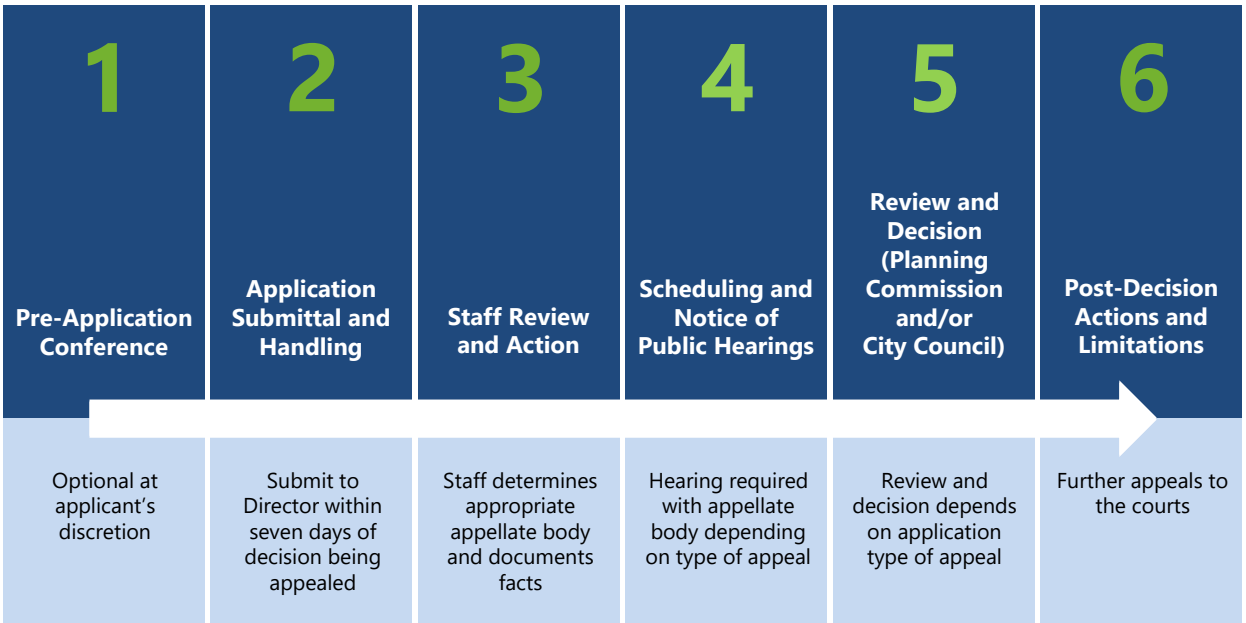
(2) Applicability

Any interested party may appeal a decision made in the administration or enforcement of this Code to the appropriate appellate body as indicated in Table 060.1: Summary of Development Review Procedures, except that appeals of decisions by City Council shall be made to the District Court in accordance with state law.

(3) Appeal Procedure

Figure 060-18 identifies the applicable steps from the common review procedures in 070.060.030 that apply to the review of appeals. Additions or modifications to the common review procedures are noted below.

Figure 060-18: Summary of Appeal Procedure



a. Pre-Application Conference

An optional pre-application conference may be held in accordance with 070.060.030(b) at the applicant's discretion.

b. Application Submittal and Handling

The appeal application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 070.060.030(d), with the following modifications:

1. Burden of Proof on Appellant

The party making the appeal (the appellant) shall have the burden of proving the necessary facts to warrant reversal or amendment of the decision being appealed. Such proof shall include applicable specific section references within this Code and shall be provided with the application.

2. Time Limit

Appeals shall be made in writing and filed with the Director within seven days of the decision being appealed.

3. **Stay of Proceedings**

   An appeal automatically stays all proceedings from further action on the subject decision unless the decision-making authority from whom the appeal is taken certifies to the appellate body, after the appeal application has been filed, that by reason of facts stated in the certificate, a stay would create adverse impacts to the health, safety, or welfare of the city or would cause imminent peril to life and property, in which case proceedings shall not be stayed absent a restraining order which may be granted by the appellate body.

c. **Staff Review and Action**

The Director shall review the appeal application and prepare a staff report in accordance with 070.060.030(e), with the following modifications:

1. Staff review of the appeal shall only confirm that the application is complete and that the appeal is heard by the appropriate authority.
2. The staff report shall identify the relevant facts and procedural history, the decision that is the subject of the appeal and the action requested by the appellant on appeal.
3. The staff report shall not make a formal recommendation on the merits of the appeal but may advise the appellate body of the actions it may take in response to the appeal.

d. **Scheduling and Notice of Public Hearings**

The appeal shall be scheduled for a public hearing before the appropriate appellate body and noticed in accordance with 070.060.030(f).

e. **Review and Decision**

1. The appropriate decision-making body shall consider the following in determining whether to affirm, reverse, or amend a decision or interpretation made by another decision-making body:
   i. The facts stated in the application, as presented by the appellant and/or the Director;
   ii. The requirements and intent of the applicable standards from this Code compared to the decision that is being appealed;
   iii. Consistency with the Comprehensive Plan.
2. The appellate body may reverse a previous decision in whole or in part, or may modify the order, requirement, decision, or determination appealed from.
3. The appellate body may attach conditions of approval on any appeal to ensure the health, safety, and welfare of the city.

f. **Post-Decision Actions and Limitations**

Post-decision actions and limitations in 070.060.030(i) shall apply. Any further appeals from City Council shall be made to the courts in accordance with state law.

070.060.080 Review and Decision-Making Bodies

(a) City Council

The City Council shall have all powers granted it by the Municipal Charter. Where not limited by the Charter or the Constitution of the State of Colorado, the City Council shall have such additional powers granted to cities of the same class by the statutes of the State of Colorado. In the administration and enforcement of this Code, the City Council has the review and decision authority as shown in Table 060.1: Summary of Development Review Procedures.

(b) Planning Commission

(1) Duties and Authority

The Planning Commission shall have the review and decision authority as shown in Table 060.1: Summary of Development Review Procedures, pursuant to the application-specific procedures outlined in this Code. The Planning Commission also has the powers and duties permitted under Colorado law, C.R.S. §31-23-201 et seq.

(2) Members and Terms of Office

a. The Planning Commission shall consist of seven members, whom shall be citizens of the city.

b. The terms of office shall be in accordance with 020.020.040 of the Municipal Code.

(3) Staff Participation on the Planning Commission

The City Manager may appoint a member of staff to assist the Planning Commission as necessary to fulfill their duties as provided for in 020.020.030.

(c) City Administration

(1) City Manager

The City Manager shall have the responsibility for administering this Code and shall be responsible for appointing the Director, establishing the duties and responsibilities of the Director, and overseeing the actions of the Director.

(2) Development Review Committee

The Development Review Committee (DRC) shall have the review and decision-making authorities listed in Table 060.1: Summary of Development Review Procedures.

(3) Director

The Director shall have the review and decision-making responsibilities listed in Table 060.1: Summary of Development Review Procedures, and elsewhere in this Code.

Article 070.070: Rules of Construction and Definitions

070.070.010 Rules of Construction

The rules of construction from the Municipal Code, 010.010.020, shall apply with the following modifications:

(a) Meanings and Intent

All provisions, terms, phrases, and expressions in this Code shall be construed according to the general purpose set forth in 070.010.030, *Purpose and Intent*, and the specific purpose statements elsewhere in this Code. If a specific section provides a different meaning of a term defined for general purposes in this Article, the specific section's meaning and application shall control.

(b) Headings, Illustrations, and Text

In case of any difference of meaning or implication between the text of this Code and any heading, caption, figure, illustration, table, or map, the text shall control.

(c) Lists and Examples

Unless otherwise indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar are intended to provide examples and are not exhaustive lists of all possibilities.

(d) Mandatory and Discretionary Terms

The words "shall," "must," and "will" are mandatory in nature, establishing an obligation to comply. The words "may" and "should" are permissive in nature.

(e) Conjunctions

Unless the context clearly suggests otherwise, conjunctions shall be interpreted as follows:

(1) "And" indicates that all connected items apply; and

(2) "Or" indicates that one or more of the connected items apply.

(f) Tenses and Plurals

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

(g) Computation of Time

References to days are calendar days unless otherwise stated. The time in which an act is to be done shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or a holiday observed by the City, that day shall be excluded.

(h) Delegation of Authority

Whenever a provision requires the head of a department or another officer or employee of the City to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate that responsibility to others.

(i) Technical and Non-Technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

(j) References to Other Regulations, Publications, and Documents

Whenever reference is made to this Code or any other resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of this Code or any other such regulation (as amended), resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

(k) Term Not Defined

In the event there is a term used in this Code that is not defined in this chapter, the Director shall have the authority to provide a definition based upon the definitions used in accepted sources.

070.070.020 Definitions of Use Categories and Specific Use Types

(a) Residential Uses

(1) Household Living

Uses in this category are characterized by residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Common accessory uses include recreational activities, gardens, personal storage buildings, and residential parking.

a. Dwelling, Live-Work

A dwelling unit combining both a residential living space and also an integrated work space principally used by one or more of the residents. The unit typically has a storefront, workspace or studio, and public display area on the ground floor, with residential located either on the upper floor or in the back of the workspace.

b. Dwelling, Multifamily

A building located on a single lot containing three or more dwelling units, each of which is designed for one family, with separate housekeeping and cooking facilities for each. Multifamily dwellings are often stacked vertically, sharing both common vertical and horizontal walls and ceilings. Multifamily dwellings do not include those uses meeting the definition of single-family townhouse dwelling.

c. **Dwelling, Townhouse**

A building that contains three or more dwelling units, each having primary ground floor access to the outside and are attached to each other by common party walls without openings.

d. **Dwelling, Single-Family Detached**

One building on one lot designed to be occupied by not more than one family.

e. **Dwelling, Two-Family**

One building on one lot designed as a single structure that contains two separate dwelling units, each of which is designed to be occupied as a separate residence by one family or household.

f. **Mobile Home Park**

Any plat of ground upon which two or more mobile homes are located and occupied for dwelling or sleeping purposes, regardless of whether or not a charge is made for such accommodations.

g. **Accessory Dwelling Unit**

A separate, complete, dwelling unit containing separate facilities for sleeping, cooking, and sanitation that is contained within or attached to a detached single-family dwelling, or detached from it on the same property.

(2) **Group Living**

Uses in this category are characterized by residential occupancy of a structure by a group of people who do not meet the definition of "household living." Tenancy is arranged on a month-to-month or longer basis and the size of the group may be larger than a family. Group living usually includes common eating areas for residents, and residents may receive care, training, or treatment. Caregivers often reside at the site. Accessory uses commonly include recreational facilities, personal storage buildings, gardens, and parking.

a. **Convalescent or Nursing Home**

An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals whom are unable to care for themselves.

b. **Personal Care Boarding Home**

An assisted living residence that provides room and board to not less than three and not more than six adults 18 years of age or older and who, because of impaired capacity for independent living, elect protective oversight, personal services, and social care but do not require 24 hour nursing or medical care. Personal care boarding homes shall not serve clients requiring a secured environment as defined by 6 C.C.R. 1011-1, Section 1.102, and shall not include residential facilities for those living together as a result of prior criminal offenses.

(b) Public, Institutional, and Civic Uses

(1) **Community and Cultural Facilities**

Uses in this category include buildings and facilities owned, operated, or occupied by a governmental or non-profit entity providing a service to the public.

a. **Assembly**

A facility intended primarily for organized services, meetings, events, or programs to benefit, educate, entertain, or promote discourse, with membership not required for participation. Examples include community centers, places of worship, meeting or lecture halls, or exhibition rooms. If an assembly use is ancillary to another principal use, and has a gross floor area of less than 5,000 square feet, it is considered part of that use and is not considered a separate principal use.

b. **Civic Building**

Any noncommercial public building housing uses for the purpose of promoting the general health, safety, and welfare of the citizens of Glenwood Springs. Some civic buildings are also considered government offices.

c. **Club or Lodge**

An organization and its premises operating on a membership basis for the promotion of interests of the members including facilities for business organizations; facilities or spaces for physical exercise and recreational activities; civic, social, and fraternal organizations, and other similar organizations, but which shall not include a club for the smoking or other consumption of medical or retail marijuana or marijuana products.

d. **Community-Centered Board Facility**

An administrative facility maintained or operated by a Community Centered Board as authorized in 27-10.5-101 et seq. C.R.S. as amended, where the Community Centered Board provides case management services to persons with developmental disabilities, determines eligibility of those persons within a specified geographical areas, serves as the single point of entry for persons to receive services and support, and provides authorized services and support to those persons either directly or by purchasing services and supports from service agencies.

(2) **Adult and Child Care Facilities**

Uses in this category include temporary care facilities on a less than 24-hour basis for adults and children of varying ages. Activities include supervision, education, and recreation for care facility participants. Accessory uses commonly include recreation, personal storage buildings, and parking.

a. **Adult Day Care**

A facility, whether in a private home or institutional setting, providing temporary care and supervision for persons 18 years of age or older. Care is provided for periods of less than 24 hours a day and does not include overnight care.

b. **Child Care Center**

A facility that is maintained for the whole or part of a day for the care of five or more children who are 18 years of age or younger and who are not related to the owner, operator, or manager of the facility, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes facilities commonly known as day care centers, school-age child care centers, before and after school programs, nursery schools, kindergartens, preschools, day camps, summer camps, and centers for developmentally disabled children and those facilities that give 24-hour care for children and includes those facilities for children under the age of six

years with stated educational purposes operated in conjunction with a public, private or parochial college or a private or parochial school; except that the term shall not apply to any kindergarten maintained in connection with a public, private or parochial elementary school system of at least six grades or operated as a component of a school district's preschool program operated pursuant to the Colorado Preschool and Kindergarten Program Act, 22-28-101, *et seq*. of the Colorado Revised Statutes, as amended. The term shall not include any facility licensed as a family child care home or foster care home.

c. **Child Day Care Home, Large**

A family child care home that provides care for seven to 12 children. Child care may be provided to children from 24 months to 13 years of age. This does not prohibit the care of children ages 13 to 18. Care may be provided to no more than two children under the age of two whether or not older siblings are in care.

d. **Child Day Care Home, Small**

A type of family care home that provides less than 24-hour care for two or more children on a regular basis in a place of residence. Children in care are from different family households and are not related to the caregiver. Care may be provided for six children from birth to 13 years of age with no more than two children under two years of age. This does not prohibit the care of children ages 13 to 18. Care also may be provided for no more than two additional children of school age attending full-day school. School-age children are children enrolled in a kindergarten program a year before they enter the first grade and children six years of age and older. Residents of the home under 12 years of age who are on the premises and all children on the premises for supervision are counted against the approved capacity, except where specifically indicated otherwise. A family child care licensee may be approved to care for three children under two years of age with no more than two children under 12 months, including the caregiver's own children per the state's requirements.

(3) **Educational Facilities**

Uses in this category include public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, including colleges and college campuses. Accessory uses commonly include play areas, cafeterias, recreation areas, auditoriums, and day care facilities.

a. **School**

Any public or private school meeting all requirements of the compulsory education laws of the state and providing instruction to students in kindergarten through grade 12 and that are licensed through the State of Colorado. This does not include home-schooling facilities that are located within residential structures or other structures on a part-time basis.

(4) **Health Care Facilities**

Uses in this category are characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, and parking or other amenities primarily for the use of employees in the firm or building.

a. **Hospital**

A state-licensed facility providing accommodation and medical care of sick and injured persons, not including group-care institutions or medical and dental clinics.

b. **Medical or Dental Clinic**

A facility for the examination and treatment of human outpatients provided that patients are not kept overnight.

(5) **Parks and Open Space**

Uses in this category focus on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures. Accessory uses may include clubhouses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking.

a. **Park, Playground, and Open Space**

Land designated for parks and recreation uses or to be left in a generally natural state, regardless of whether it is owned by a public entity or whether it is open to the general public.

(6) **Transit Uses**

Uses in this category are primarily associated with the operation of public transportation services and facilities. Accessory uses may include limited convenience retail, cafeterias, parking, and personal storage.

a. **Transit Stop**

An area posted as a place where transit passengers board or exit.

b. **Transit Terminal or Station**

A passenger terminal or loading facility for a private or public transit system, including a private shuttle service.

(c) Commercial Uses

(1) **Agriculture and Animal-Related Services**

This category includes agricultural and farming activities, including nurseries and facilities for processing and selling agricultural products. Agricultural uses involve farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal husbandry. Animal-related uses include the boarding and care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas.

a. **Commercial Farming, Animal Husbandry, and Plant Husbandry**

The land use of animal husbandry, farming, cultivation of crops, dairying, pasturage, floriculture, horticulture, viticulture, aquaculture, hydroponics, together with necessary accompanying accessory uses, buildings, or structures for housing, packing, treating, or storing said products. This definition includes associated dwellings for those involved in agricultural uses.

b. **Community Garden**

A public or not-for-profit area for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family. Incidental sales are permitted.

c. **Kennel**

A facility where the training, grooming, or boarding of dogs, cats, or other animals is conducted as a business.

d. **Sale of Produce or Plants Raised on Premises**

A sales table or kiosk of locally grown food crops and goods or non-food ornamental crops such as flowers, that is located at the site of a community garden or agricultural property and operates during the time of year coinciding with the growing season. Does not include any marijuana-related use.

e. **Veterinarian Hospital or Clinic**

An establishment for licensed practitioners engaged in practicing veterinary medicine, dentistry, or surgery.

(2) **Adult Entertainment Establishments**

Uses in this category include entertainment that is distinguished or characterized by an emphasis on material depicting, describing, or relating to specified sexual activities or specified anatomical areas.

a. **Adult Entertainment Establishment**

An adult bookstore, adult mini motion picture theatre, adult motion picture theatre, adult motion picture arcade, adult cabaret, adult drive-in theatre, adult live entertainment arcade, or adult services establishment.

(3) **Food and Beverage Establishments**

Uses in this category include establishments that serve prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking.

a. **Bar, Lounge, or Tavern**

An eating and drinking establishment providing or dispensing by the drink for on-site consumption fermented malt beverages, and/or malt, special malt, vinous, or spirituous liquors, and in which the sale of food products is secondary. A bar, lounge, or tavern may include the provision of live entertainment and/or dancing; however, shall not include any adult entertainment.

b. **Microbrewery, Distillery, or Winery**

A small brewery, cidery, distillery, or winery serving beer, wine, or other alcohol for consumption onsite or sale of the same for consumption off the premises, but is not sold to other drinking establishments or restaurants. A limited quantity, up to 25 percent of total annual production, may be sold to wholesalers. Such uses may operate in conjunction with a bar, lounge, or tavern and/or a restaurant.

c. **Restaurant**

A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building.

d. **Restaurant, with Drive-Through**

A commercial establishment where food and beverages are prepared, served, and consumed either within the principal building, or ordered by customers at a walk-up or drive-up counter to be consumed on or offsite.

(4) **Funeral and Interment Services**

Uses in this category include establishments for the preparation of the deceased for burial and the display of the deceased and rituals connected with, and conducted before, burial or cremation.

a. **Cemetery**

Land used or intended to be used for the burial of human remains and dedicated for cemetery purposes. Cemetery purposes include columbaria, crematoriums, mausoleums, and mortuaries operated in conjunction with the cemetery.

b. **Funeral Home, Columbarium, Crematorium, or Mortuary**

An establishment for the preparation of the deceased for burial and the display of the deceased and rituals connected with, and conducted before, burial or cremation. This definition includes other undertaking establishments such as columbaria, crematoria, and may include a facility for the permanent storage of cremated remains of the dead. This use type does not include cemeteries.

(5) **Lodging Facilities**

Uses in this category include facilities where lodging, meals, and other services are provided to transient visitors and guests for a fee for a defined period of time less than 30 days per instance. Accessory uses may include storage, cafeterias, limited retail, health and recreation facilities, and parking or other amenities.

a. **Accessory Tourist Rental**

The rental for monetary compensation of not more than one bedroom for transient lodging to guests in those residential dwelling units that contain a minimum of two bedrooms and are owner-occupied or occupied by a resident manager.

b. **Bed and Breakfast**

A detached single-family dwelling, that is owner-occupied or occupied by a resident manager, where individual bedrooms are offered as single accommodations to guests for transient lodging and which facility includes incidental eating and drinking service from a single kitchen serving only residents and guests and is not operated in the manner of a commercial restaurant, or as a facility for commercial activities such as for-profit private parties or receptions, retail sales or similar activities. Bed and breakfasts shall have a minimum of two bedrooms available for lodging and one bedroom available for the owner or manager residing on site.

c. **Boarding House**

A building or portion of a building, other than a hotel, motel, or multifamily dwelling wherein non-transient lodging and/or meals are provided in bedrooms, sleeping units, or efficiency dwelling units, for six or more persons for compensation. Such compensation may include money, services, or other things of value.

d. **Hotel, Motel, Hostel, or Lodge**

A building or group of buildings where transient lodging is offered in bedrooms, sleeping rooms, and dwelling units. The building or buildings may include accessory facilities such as parking, restaurants, meeting rooms, on-site check in lobbies, recreation areas or similar facilities commonly associated with lodging. The term hotel/motel does not include Bed and Breakfast, Short-Term Rental or an Accessory Tourist Rental.

e. **Short-Term Rental**

The rental of an entire dwelling unit for monetary consideration for a period of time less than 30 consecutive days, not including a bed and breakfast, residency unit, boarding or rooming house, or hotel, motel, hostel, or lodge. This definition does not include offering the use of one's property where no fee is charged or collected.

(6) **Maintenance and Repair Services**

Uses in this category include those engaged in repair or maintenance of equipment, home appliances, and building components. Accessory uses may include fleet and employee parking and storage yards.

a. **Repair Facility, Major**

Repair, rebuilding, and painting of agricultural, industrial, implements, and equipment not customarily used in the home but excluding automobile and vehicular repair.

b. **Repair Facility, Minor**

The maintenance and rehabilitation of appliances customarily used in the home including washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances, vacuum cleaners, and hair dryers.

(7) **Marijuana Establishments**

Uses in this category are primarily engaged in cultivating, manufacturing, testing, and sales of medical and/or retail marijuana.

a. **Medical Marijuana Business, Excluding Cultivation**

Marijuana that is grown, produced, manufactured, sold, transmitted, or dispensed for medical use to the extent permitted by Article IVIII, Section 14 of the Colorado Constitution, Article 43.3 of Title 122 C.R.S., and any other applicable state or city law or regulation. The term "medical marijuana business" shall not include the private possession, distribution, and medical use of marijuana and cultivation of up to six plants by an individual patient or caregiver for one patient in the residence of the patient to the extent permitted by Article XVIII, Sec. 14 o the Colorado Constitution, Article 43.3 of Title 12 C.R.S. and any other applicable state or city law or regulation. The presence of more than six marijuana plants on a property shall constitute a "medical marijuana business" regardless of the number of patients residing on the property.

b. **Retail Marijuana Establishment, Excluding Cultivation**

The retail sale, storage, product manufacturing or testing of marijuana to the extent permitted by Article XVIII, Section 16 of the Colorado Constitution and in various provisions of the Colorado Retail Marijuana Code, Article 43.4 of Title 12, C.R.S., and any other applicable state or city law or regulation.

(8) Office, Business, and Professional Services

Uses in this category provide executive, management, administrative, governmental, or professional services, but do not sell merchandise except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

a. Administrative, Professional, or Government Office

A building in which services are performed including administrative, professional, governmental, or clerical operations. This use includes accessory uses such as restaurants, coffee shops, and limited retail sales.

b. Bank or Financial Institution

An establishment that provides retail banking, mortgage lending, and financial services to individuals and businesses, and including check-cashing facilities. Accessory uses may include automatic teller machines, offices, and parking.

c. Printing and Copying Establishment

An establishment that reproduces, in printed form, individual orders from an individual, business, profession, service, industry, or government organization.

(9) Personal Services

Uses in this category provide individual services related to personal needs directly to customers at the site of the business, or that receive goods from or return goods to the customer, which have been treated or processed at that location or another location.

a. Commercial Laundry and Dry Cleaning

An establishment engaged in dry-cleaning, laundry, and linen services for the public or for businesses or institutions. This use includes pressing, repair, and dry-cleaning primarily for pick-up from and distribution to customers located off-site.

b. Personal Service, General

An establishment that provides repair, care, maintenance or customizing of wearing apparel or other personal articles or human grooming services and includes such uses as beauty/barber shops, dry cleaning pickup, shoe repair, alterations, spas, and tanning salons.

c. Self-Service Laundry

An establishment providing washing, drying, or dry-cleaning machines on the premises for rental use to the general public. This definition includes automatic, self-service only, or hand laundries.

(10) Recreation and Entertainment, Indoor

Uses in this category provide recreation and entertainment activities entirely within a building. Accessory uses may include limited retail, concessions, parking, and maintenance facilities.

a. Indoor Recreation Facility

A commercial recreational use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletic and health clubs, auditorium, bowling alley, community center, conference center, exhibit hall, gymnasium, library, movie

theater, museum, performance theater, pool or billiard hall, skating rink, swimming pool, and tennis court.

(11) Recreation and Entertainment, Outdoor

Uses in this category provide recreation and entertainment activities mostly outdoors or partially within a building. Accessory uses may include limited retail, concessions, parking, and maintenance facilities.

a. Commercial Outdoor Recreation Use

A commercial recreational use conducted entirely or partially outside of a building, characterized by potentially moderate impacts on traffic, the natural environment and the surrounding neighborhood, including athletic field; miniature golf; skateboard park; swimming, bathing, wading and other therapeutic facilities; tennis, handball and basketball courts; batting cages; and trampoline facilities.

b. Commercial Outdoor Recreation Use - Concentrated

[reserved]

c. Golf Course or Country Club

A club organized and operated for social and outdoor recreation purposes including golf courses, hunting and fishing, or other similar uses. This definition includes incidental accessory uses and structures.

d. Recreational Vehicle Park

An outdoor facility designed for overnight accommodation of human beings in motorized vehicles, rustic cabins and shelters, or trailers for recreation, education, naturalist, or vacation purposes. Office, retail, and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.

(12) Retail Sales

Uses in this category are involved in the sale, lease, or rent of new or used products directly to the general public, but not specifically or exclusively for the purpose of resale. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging, or repair of goods for on-site sale.

a. Building Materials and Supply Store

An establishment engaged in the storage, distribution, and sale of building materials such as brick, tile, cement, insulation, floor covering, lighting, plumbing supplies, electrical supplies, cabinetry and roofing materials. Accessory uses may include repair or delivery services and outside sale of plants and gardening supplies.

b. Convenience Store

A small retail establishment designed and stocked to sell primarily food, beverages, and other household supplies to customers for offsite use or consumption.

c. Flea Market or Swap Meet

An indoor or outdoor premises where the primary use is the sale of new or used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment in small quantities, in broken stalls, lots or parcels, not in bulk, for the use or consumption by the immediate purchaser in a building, open air, or

partly enclosed booths or stalls not within a wholly enclosed building. This definition shall not include wholesale sales establishments or rental services establishments, but shall include personal service establishments, food services establishments, and auction establishments. This definition does not pertain to retail sidewalk sales or garage sales.

d. **Grocery Store**

A retail establishment that primarily sells food, but may also sell convenience and household goods for offsite use or consumption.

e. **Liquor Store**

A retail establishment operating under a valid retail liquor store license that sells sealed alcoholic beverages for offsite consumption. A liquor store may sell other items allowed under the Colorado Liquor Code, C.R.S. §12-47-101 *et seq.*

f. **Lumber Yard**

An establishment for the sale of lumber and other materials customarily used in the construction of buildings and other structures, which includes facilities for outdoor storage.

g. **Pawn Shop**

An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker). Retail sales also take place of primarily used items.

h. **Retail, General**

A facility or area for the retail sale of general merchandise or food to the general public for direct use and not for wholesale. This use includes but is not limited to sale of general merchandise, appliances, clothing and other apparel, convenience and specialty foods, dry goods, flowers and household plants, hardware and similar consumer goods.

i. **Retail, Shopping Center**

A development that includes more than one multiple-tenant or single-tenant retail facility, or other retail use located on a development site or on a combination of development sites.

(13) **Vehicles and Equipment**

Uses in this category include a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. Accessory uses may include incidental repair and storage and offices.

a. **Automotive Fuel Sales and Service Station**

An establishment primarily engaged in selling gasoline and lubricating oils and which may sell other convenience merchandise or perform minor repair work.

b. **Automotive Parts and Accessories Sales**

An establishment that sells primarily new parts, tires, and other accessories for automobiles, light trucks, motorcycles, and similar vehicles. This definition does not include establishments dealing primarily in used parts, including junk or salvage operations.

c. **Automotive Repair Shop**

The servicing of automobiles, including mechanical work, body work, and painting, entirely within a building.

d. **Automotive Sales or Leasing**

The sale, display, lease, rental, or storage of light motor vehicles, including automobiles, vans, light trucks, light trailers, boats, ATVs, snowmobiles, and recreational vehicles. This definition shall not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots available for short-term use.

e. **Automobile Wash**

A facility for the cleaning of automobiles or other motor vehicles, operated by the public or by on-site employees, whether or not in conjunction with other goods or services provided to customers.

f. **Parking as a Principal Use**

The ownership, lease, operation, or management of a commercial surface parking lot, above-ground structure, or below-ground structure in which fees are charged.

g. **Equipment Sales and Rental**

The sales and rental of supplies and equipment primarily intended for homeowner use and minor residential gardening and construction projects, but not including car or truck rentals. All maintenance of equipment shall be conducted within an enclosed building.

h. **Mobile Home Sales**

The sale, display, lease, rental, or storage of mobile homes.

(d) Industrial Uses

(1) Industrial Services

Uses in this category include the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Contractors and similar uses perform services off-site. Few customers come to the site. Accessory activities may include sales, offices, parking, and storage.

a. **Airport / Aviation-Related Business**

Any area of land that is used or intended for use for the landing or take-off of aircraft, and any appurtenant areas that are used or intended for use for airport buildings or other airport facilities or rights-of-way, including taxi-ways, aircraft storage and tie-down areas, hangers, helipads, and other related buildings and open spaces. Aviation-related businesses utilize aircraft and require close proximity to the airport to function, including, but not limited to: aircraft servicing, fueling, or leasing; private aviation clubs or associations; and tours or transportation companies.

b. **Asphalt or Concrete Batch Plant**

A facility that manufactures or prepares bituminous paving materials, aggregate concrete, or bulk cement.

c. **Motor or Rail Freight Terminal**

A facility in which goods shipped by truck or rail are loaded, unloaded, or transferred between trucks and trains for shipping or distribution, together with incidental storage, maintenance, and administrative offices.

d. **Natural Resource Extraction or Processing**

The extraction and processing of minerals, sand, gravel, and ores, from their natural occurrences and the distribution of extracted materials.

e. **Printing or Publishing Facility**

A commercial facility that reproduces a large quantity of copies or books and other printed material including newspapers and magazines, including the storage and transshipment of such goods.

f. **Research and Development Facility**

A facility including research, synthesis, analysis, development and testing laboratories, including the fabrication, assembly, mixing, and preparation of equipment and components necessary to the conduct of such activities.

(2) **Manufacturing and Production**

Uses in this category include all transformative processes, regardless of whether or not the new product is finished or semi-finished. This use category includes firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, constructed, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, such activity is a subordinate part of sales. Relatively few customers come to the manufacturing site. Accessory uses may include retail sales, offices, storage, cafeterias, employee amenities, parking, warehousing, and repair facilities.

a. **Brewery or Bottling Plant**

A facility in which processing and production of beverages occurs, including canning, bottling, and packaging for sale and/or distribution to retailers, drinking establishments, restaurants, or wholesalers. This use may include on-site consumption (a tasting room) as an accessory use.

b. **Fabrication, Manufacturing, and Testing Facility**

Uses and facilities involving assembling, distributing, fabricating, manufacturing, packaging, printing, processing, publishing, recycling, repairing, servicing, storing, or wholesaling of goods or products.

c. **Food Processing and Packing Plant**

The sorting, treatment, or preparation of food products for sale or as inputs to further processing. Examples include bakeries and baking plants; cold storage establishments; creamery operations, and frozen food lockers. This use does not include commercial feedlots, meatpacking, poultry dressing, stockyards, fat rendering, or the tanning, cutting, curing, cleaning or storing of green hides or skins.

d. **Craft Manufacturing**

An indoor facility for the assembly of hand-fabricated parts or hand-fabrication of custom or craft products using predominately hand tools or domestic-scaled mechanical or other equipment including but not exclusive of blacksmith or metal work; makers of clocks, saddles, boats, cabinets, furniture, 3-d printing.

(3) Marijuana Establishments

Uses in this category are primarily engaged in cultivating, manufacturing, testing, and sales of medical and/or retail marijuana.

a. Marijuana Cultivation, with or without Retail Business or Medical Establishment

The retail sale, cultivation, storage, product manufacturing or testing of marijuana to the extent permitted by Article XVIII, Section 16 of the Colorado Constitution and in various provisions of the Colorado Retail Marijuana Code, Article 43.4 of Title 12, C.R.S., and any other applicable state or city law or regulation.

(4) Storage and Warehousing

Uses in this category are engaged in the storage or movement of goods for themselves or other businesses. Goods are generally delivered to other businesses or the final consumer, except for some will-call pickups. There are typically few customers present. Accessory uses may include offices, truck fleet parking, and maintenance areas.

a. Bulk Materials or Machinery Storage

An establishment engaged in the storage of oils, lubricants, grains, mineral products, machinery, or other goods or commodities not defined elsewhere in this Code as a specific type of warehousing or storage.

b. Contractor Offices and Equipment Storage Yards

A building and related outdoor areas used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor. This use may include showrooms and shops for the display and sale of electrical, plumbing, heating, air conditioning, sheet metal, and other material in connection with contracting services.

c. Mini-Warehouse or Storage

A building or group of buildings that are rented and designed, through individual compartments or controlled stalls for self-service storage purposes.

d. Storage of Hazardous Liquids and Gasses

A facility or site engaged in the storage and handling of flammable or otherwise hazardous materials, liquids, waste, or gasses.

e. Warehousing

A building used primarily for the storage and distribution of goods and materials. This use shall include incidental accessory uses including offices, showrooms, and limited retail sales.

(5) Waste and Salvage

Uses in this category receive solid or liquid wastes from others for disposal on the site or for transfer to another location. The category includes uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Waste and salvage uses also include uses that receive hazardous wastes from others. Accessory uses may include recycling of materials, offices, and repackaging and shipment of by-products.

a. **Salvage Yard**

A lot, parcel, development site, structure, or business operation that is primarily used for sales of, processing, or dismantling junk or similar material.

(6) **Utilities**

Uses in this category includes all lines, buildings, easements, passageways, or structures used or intended to be used by any public or private utility related to the provision, distribution, collection, transmission, or disposal of power, oil, gas, water, sanitary sewage, communication signals, or other similar services at a local level.

a. **Commercial Television, Radio, or Microwave Tower**

A structure for the transmission of broadcasting of radio, TV, microwave, or radar signals.

b. **Geothermal Heat Exchange**

Equipment for the collection of geothermal energy and its conversion to electrical energy for use on the same property or for incidental sale to a public utility.

c. **Wastewater Treatment Facility**

A facility used to collect and treat wastewater for a defined services area that typically has employees on site.

d. **Wind Power Generation Tower**

A wind energy conversion system which is elevated by means of a monopole tower and is not located on another supporting structure. Guyed, lattice, or other non-monopole style towers shall not meet this definition.

(e) Accessory Uses and Structures

a. **Backyard Chickens**

The non-commercial keeping, raising, and/or housing of chicken hens as an accessory use of property.

b. **Home Occupation**

A business, occupation, or activity undertaken for compensation within a residence in a residential zoning district and that is incidental to the use of that structure as a dwelling unit. A home occupation shall not be interpreted to include the following uses: kennels, veterinary clinics, pet animal breeding operations; medical clinics, dental clinics, hospitals; restaurants, clubs, drinking establishments; motor or recreational vehicle repair, storage, rental, painting, or wrecking; adult entertainment establishments; undertaking or funeral parlors; medical marijuana business; on-site retail sales of items made or produced off-site; or retail marijuana establishments.

c. **Outdoor Storage, Accessory**

The incidental keeping of goods, materials, or equipment in a location not enclosed by walls and a roof.

d. **Parking Structure**

A structure below and/or above grade, constructed and used for the temporary parking or motor vehicles.

(f) Temporary Uses and Structures

a. Temporary Sales and Structures

An impermanent structure or land area intended for temporary and/or seasonal sales, with the intent to discontinue the use and structure upon the expiration of a set time period.

b. Temporary Special Event

A temporary use of land for the purposes of a public or private event including circuses, carnivals, parties, fairs, or other celebrations that may reasonably attract large crowds.

070.070.030 All Other Terms Defined

Abandoned Sign
A sign that depicts or refers to a product, use, service, activity, condition, or person that has changed in such a fashion that the sign is no longer a correct identification or description that no longer exists at the location referred to in the sign or that no longer exists in any way or at any place. Signs in good repair of licensed seasonal uses shall not be classified as *abandoned signs*.

Accent Material
Material covering 30 percent or less of the exterior wall elevations.

Access Way
A driveway of any length of which the purpose is to provide vehicular access between the public right-of-way and parking areas located on a lot.

Accessory Structure
A detached subordinate structure located on the same lot as the principal building, the use of which is incidental to the principal building or use of the lot. Unless approved as an accessory dwelling unit that meets the standards of 070.030.040(d)(1), *Accessory Dwelling Units*, such structure shall not be used for living or sleeping quarters in a residential zoning district.

Active Transit Stop
A transit stop with current regularly scheduled service.

Addition
An extension or increase in floor area or height of an existing building or structure.

Adjacent
The condition where two or more parcels share common property lines or where two parcels are separated only by an alley, easement, or street.

Administrative Adjustment
A development approval authorizing limited deviations from certain provisions of this Code's dimensional or numerical development standards that is reviewed by the Director under 070.060.070(b).

Administrative Manual
A manual containing details regarding the development review procedures, information for potential applicants, and development review forms.

Alley
A minor or secondary right-of-way that provides only a secondary means of access to abutting property and that is used primarily for vehicular service to the back or side of properties that otherwise front on a street.

Alteration
Any construction or renovation to an existing structure other than a repair or addition.

Animated or Moving Sign
A sign or any portion of a sign that has any moving, rotating, or otherwise physically animated sign or that gives the illusion of a change of position.

Applicant
A person whom submits a development application requesting a development permit or approval authorized by this Code.

Architectural Feature
A part, portion, or projection of a building or structure that contributes to its character or style, exclusive of signs, that is not necessary for the structural integrity of the building or to make a building habitable.

Attached Sign
Any sign painted, incorporated in, or fixed to the building and any sign consisting of cutout letters or devices affixed to the building with no background design on the building and extending no more than 12 inches.

Average Elevation of Ground
The average elevation between two points, 20 feet either side of the centerline of the sign parallel to the sign face.

Awning
A movable shelter or shading device supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

Awning/Canopy/Marquee Sign
A sign displayed on the surface of an awning, canopy, or marquee.

Balcony
An unenclosed platform structure supported by and projecting from or inset into the exterior of a building gaining sole access from said building, and designed and intended for either decorative purposes or lounging, dining, and similar activities.

Banner Sign
A temporary sign made of fabric or any non-rigid material with no enclosing framework.

Bioswale
A long, channeled depression or trench that receives rainwater runoff (as from a parking lot) and has vegetation (such as grasses, flowering herbs, and shrubs) and organic matter (such as mulch) to slow water infiltration and filter out pollutants.

Bistro Lighting
Any ornamental lighting of low voltage (12 volts or less per bulb) located primarily for the benefit of business patrons and employees or in common gathering spaces.

Block
A unit of land bounded by streets or by a combination of streets and parks or open space, railroad rights-of-way, waterways, or any barrier to the continuity of development.

Block Face
Individual or collection of properties abutting one side of a street or public right-of-way and lying between the two nearest intersecting streets or rights-of-way, or intersecting right-of-way and railroad right-of-way, un-subdivided land, water course, or City boundary. Corner properties may be considered to be located on more than one block face.

Buffer
Open spaces, landscaped areas, fences, walls or any combination of the same, used to physically separate or screen one use or property from another to visually shield or block noise, lights, or other nuisances.

Building
Any permanent structure built for the shelter or enclosure of persons, animals, materials, or personal property of any kind, not including a porch, deck, fence, retaining wall, or similar non-enclosed structure. All buildings shall be considered "structures"; however, not all structures shall be considered buildings. *See definition for "structure*."

Building Envelope
Lines enclosing a horizontal and vertical space where a building is to be constructed, which lines indicate the maximum exterior dimensions of the proposed building but do not necessarily depict the shape of the exterior walls of the building.

Building Form
The shape and structure of a building as distinguished from its substance or material.

Building Frontage.
The horizontal, linear dimension of that side of a building that abuts a street, parking area, mall or other circulation area open to the general public and that has either a main window display of the business or a public entrance to the building.

Building Height
The vertical distance above finished grade measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the midpoint of the highest gable of a pitched or hipped roof. See 070.020.190(d), *Building Height*, for additional details and exceptions.

Building Mass
The three-dimensional bulk of a building height, width, and depth.

Building Official
The Building Inspector for the City or his/her designee.

Building Scale
The size and proportion of a building as distinguished from its substance or material.

Building, Accessory
A building or structure that is subordinate or incidental to, and on the same lot or on a contiguous lot in the same ownership, as the principal building or use on the property.

Building, Principal
A building from which the principal use of the lot is conducted and/or located.

Canopy
A permanent, flat-roof shelter covering a sidewalk, driveway, or other similar area, that may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extended from the ground.

Capital Improvements

a) Fire protection or emergency medical, rescue and ambulance service planning, preliminary architectural and engineering services, architectural and engineering design studies, land surveys, land acquisition, site improvements and off-site improvements associated with new or expanded facilities used for fire protection or emergency medical, rescue and ambulance service;

b) Construction of buildings and facilities used for fire protection or emergency medical, rescue and ambulance services; and

c) Purchase of fire suppression or emergency medical, rescue and ambulance apparatus and equipment, including communications equipment, with an average useful life of at least five years, necessary to adequately protect and defend new development and its inhabitants.

Certificate of Occupancy
A document issued by the Building Official pursuant to the Building Code that allows the occupancy and use of buildings and structures, certifying that such buildings, structures, and uses have been constructed and will be used in compliance with the Municipal Code.

Character
Those attributes, qualities, and features that make up and distinguish a development or neighborhood and give such development or neighborhood a sense of purpose, function, definition, and uniqueness.

Chicken Coop
An enclosed and secured facility for housing chicken hens.

City
The City of Glenwood Springs, in the County of Garfield and State of Colorado.

City Code
The City of Glenwood Springs Municipal Code, as amended.

Civic Use
Any use intended to be conducted in a facility or upon land that is owned and operated for public use by school districts, a place of worship, or by a city, county, state, or the federal government.

Code
This Development Code, Title 070 of the Glenwood Springs Municipal Code, as amended.

Commercial Development
Any development activity except development activity intended solely for residential or civic use.

Compact Vehicle Parking
A vehicle parking space whose dimensions are smaller than a standard vehicle parking space, and that is intended to be occupied by smaller vehicles.

Compatibility
The characteristics of different uses, activities, or designs that allow such uses, activities, or designs to be located near or adjacent to each other without adverse impacts. Some elements affecting compatibility include height, scale, mass, and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor, and architecture. Compatibility does not mean "the same as."

Compatible or Compatibility
Consistent with, harmonious with and/or enhancing the mixture of complementary architectural styles either of the architecture of an individual structure or the character of the surrounding structures. The delicate historic character and scale of districts may be overwhelmed and disrupted by buildings out of proportion to those surrounding structures or styles which do not respect the existing historic neighborhood.

Comprehensive Plan
The Comprehensive Plan for the City, stating the goals, recommendations, and policies as adopted by the Planning Commission and City Council.

Condominium
A common interest community in which portions of the real estate are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate ownership portions. A common interest community is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Condominium Unit
A physical portion of the common interest community which is designated for separate ownership or occupancy and the boundaries of which are described in or determined from the declaration. If a unit in a cooperative is owned by a unit owner or is sold, conveyed, voluntarily or involuntarily encumbered, or otherwise transferred by a unit owner, the interest in that unit which is owned, sold, conveyed, encumbered, or otherwise transferred is the right to possession of that unit under a proprietary lease, coupled with the allocated interests of that unit, and the association's interest in that unit is not thereby affected.

Condominiumization
The division of a building or buildings and land into separate interests, normally called *condominium units* for the purpose of sale. Condominiumization shall comply with the standards and procedures in 070.060.060(d).

Construction or Construct
The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

Construction Plans
Technical engineered drawings demonstrating compliance with this Code, the Building Code, and the City of Glenwood Springs Engineering Standards. Review and approval of construction plans shall be pursuant to 070.060.050(c).

Contiguous
In contact with or sharing a common border, boundary, or property line.

Contributing
A "contributing" property adds to the historic architectural qualities, historic associations, or archaeological values for which the district is significant because: a) it was present during a period of significance and possesses historic integrity reflected in its character at that time or it is capable of yielding important information about the period; b) it independently meets the National Register criteria; and c) it meets the Glenwood Springs Historic Preservation criteria.

Contributing Building Structure, Site/Area, or Object
A building, structure, site/area, or object that reflects the historical or architectural character of an historic district, as defined by GSHPC designation pursuant to 070.050.020, *Designation of Local Landmarks and Historic Districts*.

Copy
Any words, letters, figures, designs, symbols, fixtures, or colors, or motion, illumination, or projected images.

Cornice
A horizontal molding projecting along the top of a wall.

Crosswalk
A pedestrian pathway that cuts across a block to facilitate pedestrian access to adjacent streets and properties.

Deciduous
A plant that drops all leaves once per year.

Deck
A roofless outdoor space built as an above ground platform, freestanding or attached, projecting from the wall of a structure and supported by posts or pillars.

Demolition by Neglect
Neglect in the maintenance of any building resulting in any one or more of the following:

a) The deterioration of a building to the extent that it creates or permits a hazardous or unsafe condition as determined by the Building Department.

b) The deterioration of a building characterized by one or more of the following:

    1. Those buildings which have parts thereof which are so attached that they may fall and injure members of the public or property.
    2. Deteriorated or inadequate foundation.
    3. Defective or deteriorated floor supports or floor supports insufficient to carry imposed loads with safety.
    4. Members of walls or other vertical supports that are insufficient to carry imposed loads with safety.
    5. Members of ceiling, roof, ceilings, and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.
    6. Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration.
    7. Any fault, defect, or condition in the building which renders the same structurally unsafe or not properly watertight.

Demolition or Demolish
Any act or process that destroys in part or in whole a landmark or a structure within a historic district.

Density
A ratio of dwelling units to gross land area.

Design Standard
A requirement for a minimum level of site and/or building quality, as set forth in 070.040.080, *Residential Site and Building Design*, and 070.040.090, *Nonresidential and Mixed-Use Site and Building Design*.

Developer
Any person, firm, partnership, joint venture, limited liability company, association, or corporation who participates as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of a subdivision or development.

Development
The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, logging, excavation, landfill or land disturbance; or any use or extension of use that alters the character of the property.

Development Code
Title 070 of the Glenwood Springs Municipal Code, as amended.

Development Permit
Any of the approvals authorized by 070.060.050, *Development Permits*, including site/architectural plan review, master plan, construction plans, location and extent review, and special use permit.

Development Review Committee
The Development Review Committee (DRC) of the City of Glenwood Springs.

Development Site Sign
An on-premises sign in connection with a development in progress.

Development, Mixed-Use
A building or group of buildings, planned as a unified and complimentary whole, and containing both residential and nonresidential uses.

Directional Sign
Any on-site sign that directs the necessary movement of pedestrians or vehicular traffic without reference to the name of the business, products sold or services offered. This definition includes signs locating public facilities such as rest rooms and emergency facilities.

Director
The Director of the Department of Community Development charged with the administration and enforcement of this Code, or the duly authorized representative of the Director.

Disturbed Area
Any grading, scraping, excavating, trenching, filling of land, dumping of fill materials (including but not limited to dumping of soil, concrete, and construction debris), bulk outdoor storage, clearing of trees or vegetation, and any construction in preparation for development, reconstruction, or significant alteration of a structure.

Dormer
A window set upright in a sloping roof. Also used to refer to the roofed projection in which such window is set.

Downtown Core
Area of land located south of the Colorado River, north of 13th Street, east of School Street, and west of Cleveland Avenue, and including North Glenwood, generally east of Laurel Avenue. The area includes Block 1 – 67, Glenwood Springs Original Town Site as platted in 1913, excluding outlots 1 through 33; and includes the South Addition as platted in 1936.

Driveway
A private access way providing access between a street and destinations points within an adjacent property.

Dwelling or Dwelling Unit
A building or portion of a building designed and intended to be used by a person or family for private residential occupancy. A dwelling has its own separate entrance, permanent plumbing, and is equipped with facilities for sleeping, bathing, and cooking.

Easement
A grant by a property for use of land for designated private or public purposes by another agency or the public.

Electronic Message Sign
A sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means, including animated graphics and video.

Elevation
The external faces of a building; also a mechanically accurate "head-on" drawing of any one face of a building or object, without any allowance for the effect of the laws of perspective.

Eligible
A property that has been determined by the State Historic Preservation Officer or the National Parks Service, Department of the Interior, to meet the National Register of Historic Places Criteria for Evaluation.

Emergency Service Provider
A governmental entity providing fire protection, emergency medical, rescue and ambulance services or any combination of such services.

Emergency Services
Fire protection, emergency medical, rescue and ambulance services or any combination of such services.

Emergency Services Impact Fee
A fee for fire protection or emergency medical, rescue and ambulance service established by 070.040.030(g)(5).

Encroachment
A private improvement, structure, or obstruction extending into or located within, upon, above, or under any public right of way or public easement.

Engineering Standards
City of Glenwood Springs Engineering Standards.

Evergreen
A plant that retains leaves and/or needles year-round.

Exterior Architectural Appearance
The architectural character and general composition of the exterior of a structure, including but not limited to the kind, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs, and appurtenant elements.

Façade
Any side of a building that faces a street or open space. The *front façade* is the front or principal face of a building.

Fence
A man-made barrier of any material or combination of materials erected to enclose, screen, or separate areas.

Finished Grade
The final elevation of the ground surface after completion of authorized development and associated man-made alterations of the ground surface such as grading, grubbing, fillings, or excavating.

Fire Protection
The prevention and extinguishment of fire, protection of life and property from fire, and enforcement of municipal, county, district and state fire prevention codes.

Fixture
A complete lighting unit, consisting of a lamp, reflector, refractor or lens, wiring and sockets.

Fixture Height or Mounting Height
The vertical distance from the ground directly below the centerline of the fixture to the lowest direct light-emitting part of the fixture.

Flag
Any fabric containing distinctive colors, patterns, or symbols used as an emblem, symbol, standard, or decoration and which is hoisted on a permanent flagpole or otherwise displayed from a building.

Floodlight
A light fixture equipped with a reflector or reflector type bulb designed to broadly light a scene or object with minimal control. The beam spread of floodlights may range from "spot" lights of 10 to 20 degrees to "floods" with angles of 35 or more degrees.

Floor Area
The total habitable horizontal area of all floors in a building. Bathroom, toilet compartments, closets, halls, storage or utility space, garages, and similar areas are not considered habitable space.

Flush-Mounted or Recessed Fixture
A fixture that is mounted above the ceiling (or behind a wall or other surface) with the opening of the fixture even with the surface.

Foot-Candle (fc)
A measure of light falling on a given surface or a unit of illumination of a surface that is equal to one lumen per square foot. One foot-candle is equal to the amount of light generated by one candle shining on a square foot surface one foot away. Foot-candles can be measured both horizontally and vertically by a foot-candle or light meter. Foot-candles shall be measured at grade level by a digital light meter, unless otherwise noted in 070.040.100, *Exterior Lighting*.

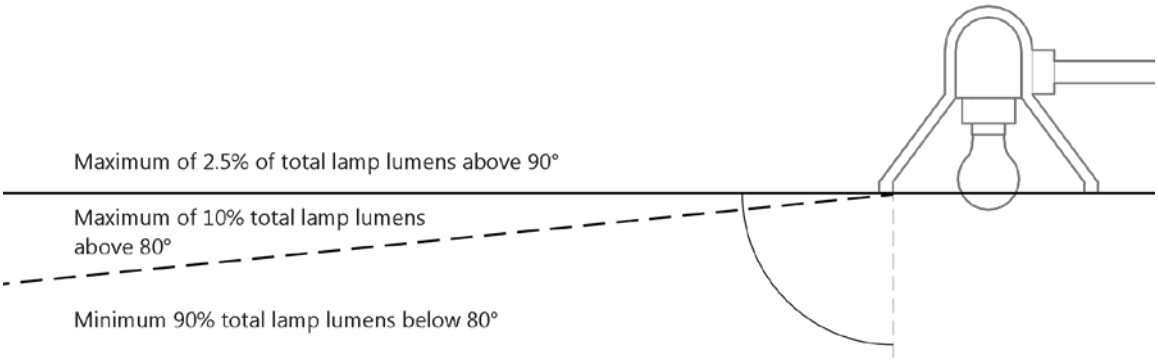
Footprint
For purposes of this Code, the physical area covered by a building or structure.

Free Range
Chicken hens being allowed to move about within an open area on the property without the benefit of a chicken coop or run.

Freestanding Sign
Any sign that is structurally separate from the building housing the use to which the sign pertains.

Full Cut-Off Fixture
A fixture light distribution where a maximum of two and one-half percent of the total lamp lumens may be emitted 90 degrees above the lowest point of a sphere; a maximum of 10 percent of the total lamp lumens may be emitted between 80 and 90 degrees above the lowest point of a sphere; and 90 percent of the total lamp lumens must fall below 80 degrees of the lowest point of a sphere. (Figure 070-1)

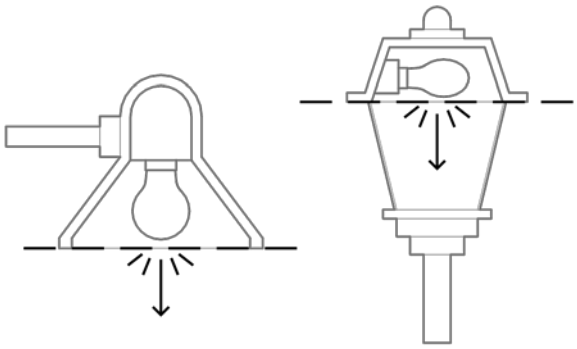
Figure 070-1: Full Cut-Off Fixture



Fully Shielded Light

Light fixtures shielded or constructed so that no light rays are directly emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report. The fixture must also be properly installed and adjusted to effectively down direct light in order to comply with the definition. Exemptions from this definition may be allowed for aesthetic lighting elements, such as shades with perforated patterns and opaque diffusers. (Figure 070-2)

Figure 070-2: Fully Shielded Light



Gable Roof

A pitched roof with a ridge and vertical ends.

Ghost Sign

An old sign which may or may not be applicable to the building or use where it is located that appears faded and is not maintained. Ghost signs must be designated as historical signs. Ghost signs usually appear on masonry structures and the image appears when wet.

Glare

An intense light that is overpowering and visually unpleasant.

Grade, Finished

The average of the ground elevations at the center of all walls of a building, following completion of site grading. If a wall is parallel to and within five feet of a sidewalk, finished grade is measured at the sidewalk.

Gross Floor Area

The total square footage of all finished and unfinished and enclosed floors of the building, including but not limited to living areas, garages, storage, utility spaces, and enclosed porches. Crawl spaces are not included in gross floor area calculations.

GSHPC

The Glenwood Springs Historic Preservation Commission.

Hardship

A condition by which the property in question cannot be put to reasonable use under existing regulations, subject to a showing of proof under 070.060.070(a), *Variance*.

Heat Island Effect

Developed or built up areas that are hotter than undeveloped or rural areas due to the sun's effect on dry exposed surfaces such as roofs and pavement. Heat islands typically occur during the day and at night, and are stronger during the hot summer months.

Height, Building
See "Building Height."

Height, Sign
For freestanding signs, the vertical distance between the average elevation of the ground adjoining the sign and the level of the highest point of the sign.

High Intensity Discharge Light Source (HID)
A light source characterized by an arc tube or discharge capsule that produces light, with typical sources being metal halide, high pressure sodium, and other similar types which are developed in accordance with accepted industry standards.

Hip Roof
A roof with sloped ends instead of vertical ends.

Historic Building, Improvement, Structure, Site, or Object
A building, structure, site, or object that that has been designated by the City Council pursuant to Article 070.050: *Historic Preservation*, as a local landmark or as contributing to a local historic district; or that is officially designated or has been determined eligible to be on the national or state registers of historic places.

Historic Designation Sign
A sign, designated by the City Council, as having historical significance to the City.

Historic District
An area designated as an "historic district" by ordinance of the City Council, which may contain within definable geographic boundaries one or more landmarks, and which may have within its boundaries other properties, improvements or structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmarks located within the historic district.

Holiday Decorations
Ornamental materials temporarily displayed on traditionally accepted holidays.

Holiday Lighting
Lighting displays from November 15 through February 28 of the following year.

Illuminating Engineering Society (IES)
The Illuminating Engineering Society is an association of professionals in the field of lighting and related professions. Its membership is made up of engineers, architects, designers, manufacturers, contractors, distributors, utility personnel, educators, students, and scientists.

Illumination, Direct
Lighting by means of an unshielded light source, including neon tubing but not including electronic message signs, that is effectively visible as part of a sign, where light travels directly from the source to the viewers' eyes.

Illumination, Indirect
Lighting by the surface of a light source that is directed at the reflecting surface in such a way as to illuminate the sign from the front or a light source that is primarily designed to illuminate the entire building façade upon which a sign is displayed, but does not include lighting that is primarily used for purposes other than sign illumination, including without limitation, parking lot lights or lights inside a

building that may silhouette a window sign that are not primarily installed to serve as illumination of a sign.

Illumination, Internal
Lighting by means of a light source that is within a sign having a translucent background and silhouettes opaque letters or designs, or that is within letters or designs that are themselves made of translucent material.

Impervious Surface
An asphalt, concrete, or other surface that is not a component of a porous paving system.

Improvements
For the purposes of this Code, the community public works and facilities determined to be necessary in relation to proposed development, including, but not limited to; access drives, landscaping, parking facilities, sanitary sewers, site and street lighting, storm drainage facilities, street facilities, traffic control facilities, and water facilities. All required improvements shall comply with current requirements and standards as established in this Code and other applicable sections of the Municipal Code.

Infill Residential
Residential development on a parcel or tract of land that shares a common lot line with at least two existing single-family homes and is located within a residential zoning district. Infill development generally occurs on lots that are already subdivided, and that are less than one acre in size and located within established single-family neighborhoods; however, some larger parcels may also be included in this definition.

Inflatable Sign
Any sign of non-rigid material that utilizes air or other gases, either under pressure or heated, to maintain its shape.

Interior Sign
See "*window sign*."

Lamp
A bulb, an outer glass envelope, and metal base enclosing a filament or arc tube and electrodes.

Landmark
A property or structure designated as a *landmark* by ordinance of the City Council, pursuant to procedures prescribed herein, that is worthy of rehabilitation, restoration and preservation because of its historic and/or architectural significance to the City.

Landmark Alteration Certificate
A certificate issued after approval of plans for alteration, construction, removal or demolition of a landmark or of a structure within an historic district.

Landscape Elements
Annual plants, benches, chairs, perennial plants, planters, shrubs, statuaries, trees, yard ornaments, and similar elements.

Landscape Strip
A landscaped area located within the public right-of-way between the sidewalk and the edge of curb or pavement.

Landscape, Landscaping
Live plant materials or areas designed, planted, preserved, and maintained with live plant materials, including perennial ground covers, trees, shrubs, and grasses.

Legally Subdivided
Land that has been the subject of a plat filed with the Garfield County Clerk and Recorder that legally establishes boundaries or lot lines or for which a subdivision approval has been issued.

Light Pollution
The excess illumination of the nighttime environment that results in the loss of visibility of the stars.

Light Source
The element of a lighting fixture that is the point of origin of the lumens emitted by the fixture.

Light Trespass
The shining of light produced beyond the boundaries of the property on which it is located, where light is produced by a light fixture or reflected light.

Limits of Disturbance
The specific area(s) of a site established pursuant to 070.040.020(a)(4), *Limits of Disturbance*, within which construction and development activity shall be contained. The limits of disturbance shall be shown on the site/architectural plan and shall include all principal and accessory buildings and structures, driveways, septic fields, and areas used during construction activities.

Linear Lighting
The use of visible or concealed light sources, including neon tubes, fluorescent tubing, and other surface-mounted or recessed light sources that describe or outline the features of a structure such as the roofline, all or part of the perimeter, the façade, walls, soffit, or other structural component, that results in the attraction of attention to the feature or structure. Lighting of drive-under canopies with a light band a maximum of 10 inches in width and that emit a light level of one and one-half foot-candles or less, measured 10 feet from the source, are exempted from this definition.

Lot
A unit, plot, or parcel of land or assemblage of contiguous parcels of land as established by survey, plat, or deed.

Lot Coverage
The percentage of a lot area occupied by the ground area of principal and accessory buildings or structures.

Lumen
A measure of light energy generated by a light source. Manufacturers list lumen ratings for all their lamps. Average lumen ratings are slightly lower than initial lumen ratings, as all light sources produce less light as they age.

Marquee
A permanent, rigid, flat, roof-like structure attached to and wholly supported by a building, and projecting over the primary entrance to a building.

Marquee Sign
A sign depicted upon, attached to, or supported by a marquee.

Masonry
Stonework, brickwork, or concrete masonry unit (CMU) bonded with mortar by a mason.

Master Plan
An optional procedure for large and complex projects whereby an applicant may obtain overall entitlements of a development project prior to submitting for site/architectural plan and/or construction plan approval pursuant to the procedures in 070.060.050(b), *Master Plan*.

Master Sign Plan
A comprehensive sign program for a multi-use building or multi-building commercial development.

Maximum Extent Feasible
As determined by the Director, no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining "maximum extent feasible."

Maximum Extent Practicable
The degree to which a project meets an adopted standard in which all possible efforts to comply with the standard or to minimize harmful or adverse effects have been undertaken by the applicant, but full compliance cannot be achieved, and no feasible or practical alternative exists. Economic considerations may be taken into account, but shall not be the overriding factor determining "maximum extent practicable."

Mean Average
The mean average is calculated by summing all values in a series and dividing by the number of values in that series. For example, the mean average of the values 5, 7, 9, and 11 is 8 (5+7+9+11 / 4 or 32/4 = 8).

Mechanical and Utility Equipment
Mechanical and utility equipment includes, but is not limited to transformers, air conditioning units, heating and soft water tanks, television antennas/satellite dishes, security apparatus, and electric and gas meters. Mechanical and utility equipment does not include solar panels.

Median Average
The median average is calculated by taking the "middle" value of all values in a series. For example, the median average of the values 5, 7, 8, 9, and 10 is 8 (two values are below 8 and two values are above 8). In the case where there is an even number of values, the median average shall equal the mean average of the middle two values. For example, the median average of the values 5, 7, 9, and 11 is 8 (mean average of 7 and 9, or 9+7/2 = 8).

Minor Subdivision
Any subdivision meeting the applicability standards in070.060.060(a), *Minor Subdivision*.

Mobile Home, Dependent
Means a mobile home that has no toilet, bathtub or shower facilities.

Mobile Home, Independent
Means a mobile home that has a toilet and a bathtub or shower.

Mobile Home Space
Means a plot of ground within a mobile home park designated for the accommodation of one mobile home.

Monument Sign
A freestanding ground sign typically containing design elements such as a base, columns, borders, topper, or cap specifically intended for the display of the sign.

Multi-Family Development
A structure or part thereof designed exclusively for occupancy by two or more families and commonly referred to as a duplex (two-family dwelling), triplex, fourplex, townhouse, or apartment house.

Multi-Tenant Building
Any nonresidential building with more than one tenant or use. The issuance of multiple sales tax licenses by the City is not necessarily a criteria to determine multiuse building status.

Natural Grade
The vertical elevation of the existing ground surface prior to excavation, filling, or disturbance.

Neighboring
A lot or parcel of land that shares a common lot line(s) with another lot or parcel of land. A property that shares only a corner with another property is excluded from this definition.

Nonconforming Lot
A lawfully established lot created prior to adoption of this Code that does not comply with the minimum lot size requirements of this Code.

Nonconforming Sign
A lawfully established sign constructed or installed prior to adoption of this Code that does not comply with the sign regulations of this Code.

Nonconforming Sign
Any sign that was lawfully erected and maintained under prior codes but that does not meet the provisions of this Code.

Nonconforming Site Feature
Any driveway, off-street parking and loading, landscaping, buffer, screening, or exterior lighting that lawfully existed prior to adoption of this Code but does not comply with the driveway, off-street parking and loading, landscaping, buffer, screening, or exterior lighting standards of this Code.

Nonconforming Structure
A lawfully established building or structure constructed or installed prior to adoption of this Code that does not comply with the area, height, or placement regulations of this Code.

Nonconforming Use
A use that lawfully existed prior to adoption of this Code, but does not comply with the terms of this Code.

Nonconformity
An existing use, structure, lot of record, or sign that was lawfully established prior to the effective date of this Code and that does not conform to one or more provisions of this Code.

Nonconformity, Illegal
An existing use, structure, lot of record, or sign that does not conform with one or more provisions of this Code and that was not lawfully established before the effective date of this Code.

Noncontributing
A "noncontributing" property does not add to historic architectural qualities, historic associations, or archaeological values, usually because of alterations, additions or other changes. If the property no longer possesses integrity reflecting its character at the time or is incapable of yielding information about the period, then it is considered *noncontributing*. Many buildings are rated *noncontributing* simply because the building was constructed within the last 50 years.

Non-Infill Residential
Residential development, on a parcel not zoned residential or on a parcel or tract of land, zoned residential, which shares common lot lines with fewer than two existing single-family homes. Non-infill development will generally occur in non-residential zone districts or on residentially-zoned parcels located outside of established single-family neighborhoods; however, some parcels greater than one acre in size located in established single-family neighborhoods may also be included in this definition.

Nonliving Ground Cover
Any material used in landscaping including, but not limited to, concrete, gravel, bark, mulch, asphalt, stone and brick.

Nonstructural Trim
The molding, battens, caps, nailing strips, latticing, cut-outs, letters, and other nonessential structures that are attached to the sign structure.

Occupancy
The purpose for which a building or structure is used or intended to be used; and, in the case of residential uses, such term can also refer to the number of persons who reside within a building, dwelling unit, or other structure.

Off-Premises Sign
Any off-premises sign, including without limitation, a billboard or general outdoor advertising device, that directs attention to a use, product, service, or activity conducted, sold or offered elsewhere than on the same property or within the same building upon which such sign is located.

Off-Site Parking
A site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas that is located outside the subject property boundary.

Off-Street Parking
Parking that is not located in a public or private right-of-way.

Open Space
An area or areas suitable for passive and/or active recreational use, that provides visual relief to developed areas or that is set aside to protect water, air, wildlife habitat, vegetation, or significant or scenic views providing benefit to the particular development, surrounding environment, and/or surrounding community.

Open Space, Active
Common open space improved with permanent recreational facilities such as trails, playground equipment, ball courts, or playing fields.

Open Space, Common
A type of open space reserved for the use of the residents of a development or subdivision and their guests for passive and/or active recreation.

Open Space, Passive
Common open space lacking permanent recreational improvements.

Open Space, Private
The outdoor living area adjoining a dwelling unit or owned by or otherwise limited to the use of the residents of a particular dwelling unit. Examples include private patios, courtyards, and yard areas.

Ordinary Repairs and Maintenance
Work done on a building in order to correct any deterioration of, decay of or damage to a building or any part thereof in order to restore the same as nearly as practical to its condition prior to such deterioration, decay or damage.

Orient
To bring in relation to, or adjust to, the surroundings, situation, or environment; to place with the most important parts facing in certain directions; and/or to set or arrange in a determinate position.

Owner of Record
The person, corporation, or other legal entity listed as owner on the records of the County Clerk and Recorder.

Parapet
The extension of the main walls of a building above the roof level.

Parcel
An area within legally described boundaries under common ownership and capable of being separately conveyed.

Park Models
A trailer-type recreational vehicle designed to provide temporary accommodation for recreation, camping, or seasonal use. Park models are not intended to be permanently affixed to the property as a residence.

Parking Area
A contiguous area provided for parking, including driveways, maneuvering space, parking lot landscaping areas, snow storage areas, and other ancillary space in addition to vehicle parking spaces.

Parking Demand
The total number of off-street parking spaces needed to park the vehicles associated with the operations of and individuals present at a particular site, use, or structure.

Permanent Sign
Any sign that is permanently affixed or attached to the ground or to any structure.

Phasing
A plan for construction of a development in portions over time, including time ranges that shall be specified in the development application.

Photocell
A type of resistor that can be used to detect light. Also commonly known as a CdS (Cadmium-Sulfide) cell, photoresistor, or LDR (light dependent resistor).

Planned Unit Development (or PUD)
A development designed to accommodate varied types of development in patterns or layouts not otherwise permissible in other zoning districts established by this Code. Planned Unit Developments are designed to provide additional amenities or benefits to the City in return for flexibility in the design, layout, and dimensions of the development. Approval of a PUD shall require a rezoning pursuant to 070.060.040(b), *Rezoning to PUD*.

Planning Commission
The Planning and Zoning Commission of the City of Glenwood Springs.

Plat
A map delineating the subdivision of land, commonly showing lots, blocks, streets, and other features relevant to the development of land pursuant to this Code, used as an instrument for recording real estate interests with the Garfield County Clerk and Recorder.

Pole Sign
A freestanding sign erected on a frame, mast, or pole that is affixed to the ground and not attached to any building.

Porch
Any gallery, veranda, piazza, portico, or similar protection from the main wall of a building and covered by a roof, other than a carport, with no opaque side enclosures (except screens and handrails) that is more than 36 inches in height.

Porous Paving System
A system providing erosion control, softening hard surfaces, reducing stormwater/snowmelt runoff, and/or providing green space. The system includes concrete, plastic, or other systems which may incorporate grass or other landscaped spaces.

Portable Sign
Any sign not permanently attached to the ground or a building, not including signs attached to vehicles, except vehicles parked specifically for the purpose of signage.

Premises
The land, building, or portion of the building occupied by the land use or activity being conducted.

Primary Material
Material covering 70 percent or more of the exterior wall elevations.

Primary Street
The street from which the development faces or is accessed. Primary street frontages do not include alleys, interior parking courts, or other secondary access points.

Principal Use
The primary or predominant use of any lot, building, or structure.

Projecting Sign
A sign attached to a building or extending in whole or in part 15 inches or more horizontally beyond the façade of a building to which the sign is attached, but does not include a marquee sign.

Public Hearing
A formal meeting held under public notice intended to inform the public and obtain public input.

Public Improvements
Any improvement, facility, or service, together with its associate site and any right-of-way necessary to provide transportation, drainage, utilities, or similar essential services and facilities, that is usually owned and operated by a government entity or agency.

Public Sign
A sign required by the local and/or state government, or signs erected or required by other government agencies, utilities, or special districts, including address signs, signs for traffic, schools, safety, railroad crossing, wayfinding, civic and special events, public notices, and other official and legal notices.

Reader Board
An accessory sign cabinet contained within a distinct border that allows for changeable copy.

Recreation, Active
Outdoor leisure activities requiring permanent recreational improvements to the area in which they are performed. These areas are intensively used and may include improvements such as trails, playground equipment, ball courts, or playing fields.

Recreation, Passive
Outdoor leisure activities that do not require permanent recreational improvements to open space areas. Examples include picnicking, hiking unimproved trails, enjoyment of scenery, and play in open grassy areas.

Recreational Vehicle
Means a portable structure not more than eight feet wide and 35 feet long that is designed for extended highway travel, to be driven as or pulled by a private vehicle which requires no special permit for the same, and which is intended as a portable dwelling for vacation and recreational purposes only; or a camp car, motorhome or tent trailer, with or without motor power, and identified as a recreational vehicle by the manufacturer.

Redevelopment
Development on a tract of land with existing structures where all or a majority of the existing structures would be razed and a new structure or structures built.

Reflected Light
The light that is reflected off surfaces, becoming a secondary light source.

Related Accessory Equipment
The transmission equipment customarily used with, and incidental to WCF antennas, including by way of example, coaxial or fiber-optic cable, regular and backup power supply and remote radio units.

Relocation
Any relocation of a structure on its site or to another site.

Repair
The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

Required Rear Yard
A yard extending the full width of the lot, the depth of which is measured in the horizontal setback distance, based on the applicable zoning district and are set forth in Article 070.020: Zoning Districts, from the rear lot line.

Rezoning
A change in the zoning district classification applied to land by the Zoning Map, reviewed and decided by the City Council under 070.060.040(a), *Rezoning*.

Right-of-Way
Any strip or area of land, including surface, overhead, or underground, granted by deed, easement, dedication, prescription, or lease, for construction and maintenance according to designated use, such as for streets and highways, drainage ditches, irrigation canals, etc.

Roof Form
The shape of a roof, of which there are many variations. The most common roof forms are sloped roofs (roofs constructed of flat sections that are sloped) and flat roofs. Sloped roofs include side gable roofs or

end gable roofs (based on whether the gable ends are on the sides or front and back of the building), and may have dormers. The edges of flat roofs (particularly along the front of a building) are commonly defined by parapets and/or cornices.

Roof Sign
A sign painted on the roof of a building, supported by poles, uprights, or braces, extending from the roof of a building, or projecting above the roof of a building, but does not include a sign projecting from or attached to a façade wall.

Run
When associated with backyard chickens, a "run" is an enclosed and secured facility where chicken hens are able to move around more freely than within a chicken coop.

Screening
A method of visually shielding or obscuring a nearby structure, building, or use on an abutting or adjacent property or lot from another by fencing, walls, berms, or densely planted vegetation.

Setback
The minimum distance between a lot line and a building or structure required by this Code.

Shared Parking
The joint use of a parking area by more than one use.

Sidewalk
Any portion of the street between the curb, or the lateral line of the roadway and the adjacent property line, intended for the use of pedestrians.

Sight Distance Triangle
The area around an intersection where no obstructions above 42 inches in height are permitted, and as specifically determined by the City Engineer as prescribed in the Engineering Standards.

Sign
Any object or device or part of an object or device situated outdoors that is used to identify, direct, or attract attention to an object, person, institution, organization, purpose, product, service, contract, event, or location by means of copy. Examples include: words, letters, figures, designs, symbols, fixtures, colors, motion, illumination, or projected images that are visible from any street, alley, or other public right-of-way.

Sign Area
The entire area contained within the face of a sign, including all ornamentation or decoration used to attract attention. The sign area shall be the sum of the area of all letters, words, or symbols that can be contained in lines forming the smallest plane geometric shapes around all such letters, words, or symbols having eight or fewer segments.

Sign on a Parked Vehicle
A sign placed on or affixed to vehicles and/or trailers that are parked on a public right-of-way, public property or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product, use, service, or activity or direct people to a property.

Sign Structure
Any supports, uprights, braces, or framework of a sign.

Significance
The value placed on a building relating to its architectural or historical importance, as defined by Article 070.050: *Historic Preservation*.

Single-Tenant Building
A building occupied by one tenant or use.

Site/Architectural Plan
A plan drawn to scale showing uses and structures proposed for a lot or parcel.

Site/Architectural Plan Approval
Approval of site/architectural plans according to the procedures in 070.060.050(a).

Site-Specific Development Plan
A plan that has obtained final development approval under the standards and procedures contained in this Code, and that describes with reasonable certainty the type and intensity of use for a specific parcel or parcels of property, and includes all terms and conditions of approval. A site-specific development plan includes only the following application types:

a. Master Plan;
b. Administrative Site/Architectural Plan;
c. Minor Site/Architectural Plan;
d. Major Site/Architectural Plan;
e. Planned Unit Development; and
f. Final Plat.

Special Use Permit
A permit issued pursuant to 070.060.050(e), *Special Use Permit*, for uses designated in the allowable use table (Table 030.1) as requiring special use permit approval.

Start of Construction
The date the building permit was issued, including substantial improvements, provided that 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 the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, installation of piles, construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation.

Stop Work Order
An order issued by the Director that directs the person responsible for an activity in violation of this Code to cease and desist such activity.

Street
Any highway, street, avenue, or common place or square, bridge, viaduct, underpass, overpass, tunnel or causeway, dedicated to the city or otherwise devoted to common public use, excluding alleys.

Street, Private
A way of access to two or more parcels of land that is open to vehicular ingress and egress, and that is owned and maintained by affected property owners, but that is not considered to be a driveway.

Streetscape
Landscape materials located adjacent to street rights-of-way intended to enhance, soften, or screen the view of a building, structure, or land use.

Structure
Anything that is constructed or erected and located on or under the ground, or attached to something fixed to the ground, including a walled and roofed building, wall, fence, pergola, and/or a gas or liquid storage tank that is principally above ground.

Subdivision
The division of a lot, tract, or parcel of land into two or more lots, sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, including any resubdivision. In some contexts, the term "subdivision" may also describe the process of subdividing land or the land subdivided.

Substantial Compliance
Unless a specific permit or process establishes different criteria, a permit or plan substantially complies with the applicable approval criteria if the proposed use or development: does not significantly (i) alter the basic relationship of the proposed development to adjacent property; (ii) change the uses permitted; (iii) increase the maximum density, floor area ratio, or height; (iv) decrease the amount of required off street parking; or (v) reduce the minimum yards required at the boundary of the site.

Suspended Sign
A sign suspended from the ceiling of an awning, marquee, or canopy.

Tandem Parking
A parking space in which two vehicles are parked end-to-end or stacked vertically using lift equipment and in which one vehicle must be moved before the second vehicle can access a street, driveway, alley, parking lot, or parking garage driving aisle.

Temporary Sign
A sign, banner, or similar device or display that is intended for a limited duration of display.

Temporary Use
Any outdoor retail and/or wholesale sales use on a short-term basis, including, but not limited to: produce stands, peddlers, solicitors, hawkers, itinerant merchants, and transient merchants, and excluding temporary promotions or sidewalk sales by permanent businesses on their own property.

Temporary Use Permit
A permit issued pursuant to 070.030.050, *Temporary Uses and Structures*.

Time-Temperature-Date Sign
A sign that displays the current time, outdoor temperature, date of the month, or any combination of that information.

Tract
An area, parcel, site, piece of land, or property that is the subject of a development application. For subdivisions, the term is used for units of land created for and limited by deed restriction or dedication to a specific use, including access, utility placement, open space, or natural resource areas.

Traffic-Control Sign
Any government sign used to direct or control the movement of motor vehicles and/or pedestrians within public streets, alleys, or rights-of-way.

Tree Lawn
See "landscape strip."

Twinkle Lighting
String lighting of low voltage (not greater than 2.5 volts per light).

Uniformity Ratio
The ratio of average illumination to minimum illumination (unless noted otherwise).

Use
The utilization of land and property as permitted by this Code. Allowable uses for each zoning district are listed in Table 030.1.

Variance
A development permit authorizing a deviation from the standards of this Code where strict application of this Code results in a hardship due to circumstances with a particular lot and that is reviewed and decided pursuant to 070.060.070(a), *Variance*.

Vertical Foot-Candles
A measurement of illuminance intensity on a vertical surface, such as a wall or billboard.

Vested Property Right
The right to undertake and complete the development and use of property under the terms and conditions of a site-specific development plan and any accompanying permit or agreement.

Walkway
An off-street hard-surfaced walk or raised pedestrian path.

Wall Sign
A sign displayed upon or against the wall of an enclosed building, where the exposed face of the sign is in a plane parallel to the plane of the wall and extends no more than 15 inches horizontally from the face of the wall.

Wetland
An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wind Sign
A sign consisting of one or more flags, pennants, ribbons, spinners, streamers, captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind.

Window Sign
A sign that is painted on, applied, or attached to, or located within 15 inches of the interior of a window and that can be seen through the window from the exterior of the structure, but excludes merchandise included in a window display.

Yard Sign
A non-permanent sign constructed of paper, vinyl, plastic, wood, metal, or other material that is intended to be displayed for a limited duration.

Zoning District
A specific delineated area on the Zoning Map within which uniform standards govern the use, placement, spacing, size, and form of land and buildings.

Zoning Map
The official zoning map as adopted by the City of Glenwood Springs.