

## Article 4. Zoning District & Uses

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### 4.01 Zoning Districts

- A. **Intent.** To carry out the purposes of this code, the following districts are established, with the intent given for the character of specific areas, the development patterns and context, and the types or intensity of uses and buildings.

**Table 4-1: Zoning Districts & Intent**

<i>District &amp; Intent</i>	<i>Relationship to Comprehensive Plan</i>
<p><b>A/R – Agriculture / Residential.</b> The A/R district is intended for little or no development. These districts allow agriculture and associated uses, and include rural density residential living with detached houses on very large lots. Due to the development patterns and inefficiency of providing city services, this area receives only limited infrastructure investment and is therefore used as a “pre-development” district to either preserve open and rural lands, or hold areas until more coordinated, compact, and efficient growth and development can occur.</p>	Limited application as a pre-development area.
<p><b>RE and AE– Rural Estate and Agriculture Estate.</b> The RE and AE districts is are intended for very low density residential living with detached houses on larger lots. These districts permit limited farming, agriculture and similar, less intense rural uses that are compatible with low density living. Due to the dispersed development intensity, this area receives lower levels of infrastructure and public service, and should be very limited in application based on the Comprehensive Plan, unless used in association with planned conservation or agricultural preservation patterns.</p>	Limited application on the edges of areas. Planned applications for conservation or agricultural preservation.
<p><b>R-1 - Single-Family Residential.</b> The R-1 district provides residential living (detached houses) in low-density suburban neighborhood settings with access to supporting uses such as schools, churches, parks and other public facilities.</p>	General application in low-density residential areas or limited application to provide larger lots at the edges of walkable neighborhoods.
<p><b>R-1A - Single- and Two-Family Residential.</b> The R-1A district provides residential living (detached houses and duplexes) in low-density suburban neighborhood settings, with access to supporting uses such as schools, churches, parks and other public facilities. This district may also be used in limited applications to provide larger lots in, walkable neighborhoods, when integrated with other zoning districts that provide additional housing types and access to activity centers.</p>	General application in low-density residential areas or limited application to provide larger lots at the edges of walkable neighborhoods.
<p><b>R-1B – City Neighborhood Residential.</b> The R-1B district provides residential living in compact, walkable neighborhood settings (limited range of small-scale residential building types), and integrates supporting uses such as schools, churches, parks and other public facilities that reinforce residential neighborhoods. This district should be close and connected to zoning districts that provide a broader range of housing types and access to downtown and other activity centers.</p>	General application in moderate density residential and as the predominant component of walkable neighborhoods, typically near downtown or other walkable activity centers and destinations.

**Table 4-1: Zoning Districts & Intent**

<i>District &amp; Intent</i>	<i>Relationship to Comprehensive Plan</i>
<p><b>R-2 – Mixed-Density Residential.</b> The R-2 district provides residential living (wide range of small-scale residential building types) in a compact, walkable neighborhood settings allowing a mix of housing options at strategic locations which transition to complimentary and supporting non-residential uses. A well-designed public realm provides the focal point to integrate a variety of building types with a consistent neighborhood character.</p>	<p>General application in moderate and high-density areas, as a complimentary component of walkable neighborhoods or the predominant residential component of downtown, mixed use areas, and transit-served nodes.</p>
<p><b>R-3 – Multiple Family Residential.</b> The R-3 district provides residential living in a moderate-density pattern in suburban neighborhoods located in areas that have transitions between lower-density neighborhoods or more intense non-residential uses and where a high level of accessibility, public amenity and support services are immediately available.</p>	<p>General application in high-density areas</p>
<p><b>MH – Manufactured and Small-Format Housing District.</b> The MH district provides residential living for smaller format manufactured, mobile, or other small format residences in a planned community that shares common amenities located in areas that have transitions between lower-density neighborhoods or more intense, non-residential uses and where a high level of accessibility, public amenity and support services are immediately available. See Section 5.08. Manufactured and Small-Format Housing District.</p>	<p>Limited application on a project specific basis, considering context and design.</p>
<p><b>DT – Downtown.</b> The DT district provides a broad range of retail, entertainment and civic uses and supporting office, service, and residential uses in a compact and walkable format. This district preserves the historic “main street” scale and small town character of Brighton. It is the vibrant heart of the community with a high level of civic design, walkable urban patterns, and a concentration of diverse, small-scale uses.</p>	<p>General application for Downtown Brighton.</p>
<p><b>MU – Mixed Use.</b> The MU district provides a mix of retail, service, employment, entertainment and civic uses in a walkable setting. The district includes three variants based on scale and intensity of development:</p> <ul style="list-style-type: none"> <li>• MU-NC Neighborhood Center - intended for small-scale, neighborhood serving activity centers tightly integrated with and serving the daily needs of adjacent neighborhoods (typically under 10 acres);</li> <li>• MU-CC Community Center – providing daily, discretionary and entertainment in a format that is an active destination for broader community, and designed in a way that compliments higher-density neighborhoods (typically 10 to 30 acres); and</li> <li>• MU-E/REC - providing for regional shopping, employment, or institutional uses, arranging them as the heart of a multi-modal regional destination (typically larger than 30 acres).</li> </ul> <p>Each of these areas requires a high level of accessibility, public amenity and civic design to serve as the organizing element of a broad range of uses and building types.</p>	<p>MU-NC - General application for mixed use commercial, commercial, or any format where commercial uses support surrounding areas in a walkable context.</p> <p>MU – CC General application mixed use commercial in the Urban Centers, or the edges of downtown, or commercial areas along major arterials</p> <p>MU-RC – Limited application in association with the strategic location of large scale retail, instructional or employment uses.</p>
<p><b>C-O – Commercial Office.</b> The C-O district provides administrative, professional and limited personal services in a low or moderate intensity format that can be compatible with adjoining residential districts or low-intensity uses. It is generally located near residential neighborhoods an along minor arterial streets.</p>	<p>General allocation in commercial areas or as support uses on the edges of mixed use centers.</p>
<p><b>C-1 – Local Retail.</b> The C-1 district provides small-scale retail, service, civic and employment uses to support suburban or walkable neighborhoods. It is generally located near residential neighborhoods an along minor arterial streets.</p>	<p>General allocation in commercial areas, or as support uses on the edges of mixed use centers.</p>
<p><b>C-2 – Restricted Retail and Services.</b> The C-2 district provides a wider variety of small and moderate scale retail, service, civic and employment uses. It is centrally located and along arterial streets or intersections, and where transitions and buffers between lower-density residential and low-intensity uses are possible.</p>	<p>Limited application in commercial areas along corridors, and where mixed-use designations may not accommodate uses.</p>

**Table 4-1: Zoning Districts & Intent**

<i>District &amp; Intent</i>	<i>Relationship to Comprehensive Plan</i>
<p><b>C-3 – General Retails &amp; Services.</b> The C-3 district provides wide range retail, service and employment uses at a scale, intensity or in a format that requires a high level of vehicle accessibility and visibility, typically along corridors or major intersections, and is not easily integrated with other land uses or development patterns. Planned versions of this district can yield campus or mixed-use district patterns that are oriented to internal open space systems or other focal points of development.</p>	<p>Limited application in commercial areas along major thoroughfares and where mixed-use designations may not accommodate uses.</p>
<p><b>BP – Business Park.</b> The BP district provides planned business, employment and light manufacturing uses, and supporting services arranged in a campus development pattern around common amenities, well-designed open space systems, and internal circulation systems. It is typically along corridors or major intersections and not easily integrated with other land use patterns.</p>	<p>Limited application based on specific campus designs, and where mixed-use designations may not accommodate uses.</p>
<p><b>I-1 – Light Industrial.</b> The I-1 district provides primarily service, employment, manufacturing and distribution uses at a scale, intensity and format that won't have significant impact on adjacent uses, and which can mix with supporting and compatible service and retail uses.</p>	<p>General application in industrial areas, and limited application on the edges of Mixed-use Community Centers or Mixed-use Regional Centers</p>
<p><b>I-2 – Heavy Industrial.</b> The I-2 district provides for the broadest scope of service, manufacturing and distribution uses that are generally not compatible with residential or commercial activity due to the scale, operation, intensity or impacts of activities, or due to the high level of transportation access and support infrastructure required of the business.</p>	<p>Limited application in industrial areas or other locations on major regional freight routes.</p>
<p><b>S4GW, S4CR, O, ME, FC, PL.</b> See Section 4.05, Special Purpose and Overlay Districts.</p>	

- B. **Official Zoning Map.** The boundaries of the districts are shown on the official Zoning Districts Map on file with the Community Development Department. Electronic copies and files of this map shall reference the “Official Copy” on file with the Community Development Department, but any copy should be verified with the Department before materially relying on any electronic or other representative copy of the map.

## 4.02 Allowed Uses

- A. **Use Table.** In order to implement the intent of each zoning district, facilitate complimentary transitions between districts, and to regulate a variety of compatible uses within zoning districts each district is permitted the uses indicated in Table 4-2. The table identifies uses as:
1. Permitted uses (P) subject to general district and building standards.
  2. Conditional uses (C) subject to the review process and criteria in Section 2.07.
  3. Other accessory or temporary uses may be permitted according to the standards of Section 4.03, Accessory Uses.
  4. Uses listed in the table, or more specific types of uses generally enabled in the table, may be subject to specific standards or limits in Section 4.04, Use-specific Standards.
  5. Uses in the table are more specifically described in Section 11.01, Description of Uses.



Table 4-2: Zoning Districts & Uses																											
P Permitted subject to general district building and site design standards. C Conditional use, subject to discretionary review process in 2.07. blank use not allowed	Residential Districts									Mixed-use Districts			Commercial Districts					Industrial Districts		Special Purpose & Overlay Districts							
	A/R	AE	RE	R1	R1A	R1B	R2	R3	MH	DT	MU-NC	MU-CC	MU-R/EC	CO	C1	C2	C3	BP	I1	I2	S4CR	S4GW	ME	FC	PL	OPEN	
										P		C	P			C	P	P	P	P					P	C	
										P		P	P	C	C	P	P	P	P	P	P					P	C
													C					C	C	C	C				C	C	
										C	C	C	C	C	C	P	P	P	P	P	P			C	C	P	
	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	P	P											C											P	P		
													C						C	P	P				C		
												C	C				C	C	P	P				C	C	P	
																		C	P	P				C	C	P	
					</																						

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	A/R	AE	RE	R1	R1A	R1B	R2	R3	MH	DT	MU-NC	MU-CC	MU-R/EC	CO	C1	C2	C3	BP	I1	I2	S4CR	S4GW	ME	FC	PL	OPEN
Medical Care – Campus / Complex (100K+)												P				P	P								P	
Medical Care – Rehabilitation Clinic									C		C	C				C	C	C								
Office – Small (under 10 K)							C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P			P	
Office – General (10 – 50K)										P	C	P	P	C	C	P	P	P	P	P			P	P		
Office – Large (50-100K)										C		P	P			P	P	P								
Office – Complex/Campus (100K+)												P				P	P									
Outdoor Sales - Limited												C	P			C	P	C	P	P						
Outdoor Sales – General													P				P	C	P	P						
Outdoor Sales - Large												C				C		P	P							
Recreation and Entertainment – Indoor, Limited									P	P	P	P	P	P	P	P	P	P	P	P	P	P			C	
Recreation and Entertainment – Indoor, General									P		P	P				P	P		P	P					C	
Recreation and Entertainment – Indoor, Large									C			P				P			P	C					C	
Recreation and Entertainment – Outdoor, Limited									C	C	P	P		C	P	P	C	P	P				P	P	P	P
Recreation and Entertainment – Outdoor General,											C	P			C	P	C	P	P			C	C	C	C	C
Recreation and Entertainment – Outdoor, Large												C				C				C				C	C	C
Recreation and Entertainment – Campground	C	C										P											C	C	C	C
Restaurant – Small (under 3K)							C	C	C	P	P	P	P		P	P	P	P	P	P		P				
Restaurant – General (3K-5K)										P	P	P	P		C	P	P	C	P			P				
Restaurant – Large (5K+)										C		P	P			P	P									
Restaurant – Bar										C	C	P	P		C	C	C	C								
Service – Small (under 3K)							C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P				
Service – General (3K – 10K)										P		P	P			P	P	P	P	P						
Service – Large (10K +)										C	C	P				P										
Vehicle – Gas Station, Small (up to 8 pumps)										P	P	P	P		P	P	P	P	P	P		P			C	
Vehicle - Gas Station, General (up to 16 pumps)										C		C	P			P	P	P	P	P					C	
Vehicle – Gas Station, Large ( up to 24 pumps)												C					P			P	P					
Vehicle – Gas Station, Truck Stop (24+ pumps)																			P	P						
Vehicle – Service & Repair, Limited									C	C	P	P		C	P	P	P	P	P	P					C	
Vehicle – Service & Repair, General											C	P			P	P	P	P	P	P					C	
Vehicle – Service & Repair, Major											C	P			C	P			P	P						
Pawn Shop															C	C			C	P						
Check Cashing Business											C	P	P			C	C									

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	A/R	AE	RE	R1	R1A	R1B	R2	R3	MH	DT	MU-NC	MU-CC	MU-R/EC	CO	C1	C2	C3	BP	I1	I2	S4CR	S4GW	ME	FC	PL	OPEN	
<i>Bail Bonds Business</i>												C	C														
<i>Sexually oriented business</i>																			C								
<b>Industrial Uses</b>																											
<i>Manufacturing – Artisan / Limited</i>	P	P				C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P						
<i>Manufacturing - Light</i>									C			P					C	C	P	P							
<i>Manufacturing - General</i>																			P	P							
<i>Manufacturing - Heavy</i>																				C							
<i>Mineral Extraction</i>																							P	P			
<i>Asphalt Concrete mixing plant</i>																			C	P			C	C	C		
<i>Storage and Warehousing – Personal, Indoor</i>												P						P	P	P							
<i>Storage and Warehousing – Personal, Outdoor</i>												C						C	P	P							
<i>Storage and Warehousing – Commercial, Indoor</i>																			P	P	P						
<i>Storage and Warehousing – Outdoor, Minor</i>																			C	C	P			P	C	C	C
<i>Storage and Warehousing – Outdoor, Major</i>																			C	P			P	C	C	C	
<i>Storage of Gasses or Liquefied Petroleum</i>	P	P	C									C				C	C	P	P			P	C	C			
<i>Railroad / Freight Yard</i>																			P	P				C	C		
<i>Oil and Gas – Drilling</i>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
<i>Waste Processing – General</i>																C			P	P					C		
<i>Waste Processing - Landfill</i>																			C	C			C	C	C		
<i>Waste Processing – Junk yard / salvage Yard</i>																				C							
<b>Agriculture Uses</b>																											
<i>Agri-tourism</i>	P	P																							P		
<i>Roadside Stands</i>	P	P	P																				P	P	P	P	
<i>Farmers Market</i>	P	P	P						P		P	P			P	P	P	P	P				P	P	P	P	
<i>Farming – Small/Limited</i>	P	P	P																				P	P			
<i>Farming - General</i>	P	P	C																				C	C			
<i>Farming – Large / Industrial</i>	C	C																		C			C				
<i>Fish Hatchery</i>																			P	P			C	C	C		
<i>Nursery – Greenhouse, Small</i>	P	P							C		C	P			C	P			P								
<i>Nursery – Greenhouse, Large</i>	P	P										P				P			P	P							

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	A/R	AE	RE	R1	R1A	R1B	R2	R3	MH	DT	MU-NC	MU-CC	MU-R/EC	CO	C1	C2	C3	BP	I1	I2	S4CR	S4GW	ME	FC	PL	OPEN
<i>Animal Care – Animal hospital, livestock</i>	C	C																	P	P						
<i>Grain Elevator</i>	P	P																	P	P				C		
<b>Wireless Communication Facility (See 10.04)</b>																										
<i>Roof and Wall Mounted WCF</i>							C		C	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P
<i>Small Cell WCF &amp; Alt. Tower Structure in ROW</i>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<i>Alternative Tower Structure not within ROW</i>							C		C	C	P	P	C	C	P	P	P	P	P	P			P	P	P	P
<i>Tower</i>											C	C			C	C	C	C	C	C			C	C	C	C



### 4.03 Accessory Uses

In addition to the general use and development standards applicable to all districts, permitted uses may include other accessory uses. This section provides basic performance standards for all accessory uses and some specific standards for particular accessory uses.

- A. **Accessory Uses, Generally.** All principal uses shall include accessory uses subject to the following general standards:
1. The use and any structure is clearly incidental and subordinate to an allowed use and customarily associated with the allowed use.
  2. The use is on the same lot as the principal use or otherwise clearly associated with an active principal use.
  3. The use is compatible with the general character of the area and comparable in scale and intensity to uses of other property in the vicinity.
  4. No use or structure may be constructed, maintained or conducted in a way that produces noise, vibration, noxious odor or material, any visible light, glare or other visible impacts that are harmful, damaging or disturbing to the adjacent property.
  5. Any structures or site design elements to support the use can be screened or located to minimize impact on adjacent property or are not significantly different from what is typical for other allowed uses in the district.
  6. There are no unusual traffic patterns or increases in operational activity that impact the use and design of streets and public spaces differently than other allowed uses.
  7. All uses and structures are conducted in a way that is consistent with the intent and objectives of all other design and development standards applicable to the property.
- B. **Accessory Dwelling.** Accessory dwellings shall be accessory to a primary residential use on the lot and subject to the following additional standards:
1. One accessory dwelling may be permitted per lot only when associated with a detached house or duplex.
  2. Accessory dwelling units may be located in a detached accessory building or located within the principal building (such as an attic or basement apartment).
  3. The accessory dwelling shall not exceed 50 percent of the living area of the principal dwelling or 1,200 square feet, whichever is less.
  4. One additional parking space shall be provided on site, although this provision may be waived by the Director if the context and circumstances of each dwelling unit prove the space unnecessary.
  5. The property owner shall occupy either the principal or accessory dwelling as their permanent residence. The City may alternate ownership arrangements where a reputable property management agency controls the property and has provided assurances of on-going maintenance.
  6. The accessory dwelling shall be designed to maintain the architectural design, style, appearance and character of the principal building, and whether within the principal building or in a detached structure, shall ensure that the accessory dwelling is clearly subordinate to the principal dwelling through the location of parking, access, building entrances and other design features that accommodate the dwelling.
  7. The applicant shall demonstrate proof of adequate utility services for both the principal and accessory unit in order to not pay an additional tap fee. In any case where the applicant has not provided proof, the Director may require a waiver to be signed by the applicant or require that an additional tap be provided and fee be paid.
  8. A detached accessory structure shall meet all development and design standards for the lot in Article 5.
- C. **Home Occupation.** Home occupations shall meet all of the following standards:

1. The occupation shall be limited to residents of the dwelling and no non-resident employees. If the resident applicant is not the homeowner, the homeowner shall provide a notarized authorization with the permit application.
2. No more than 25% of the floor area of any one floor of the dwelling unit shall be utilized for a home occupation except as may be required for state-licensed family child care homes.
3. Any materials or equipment used in the home occupation shall be stored within an enclosed structure.
4. No alteration of the exterior of the principal residential building or site shall be made which changes the residential character of the building or site.
5. Signs shall be limited to 1 non-illuminated sign, no more than 2 square feet, and within at least 10 feet of the primary entrance.
6. No traffic shall be generated by the home occupation that is abnormal to a residential neighborhood. Any deliveries shall be from vehicles 16 feet or less or rated 8,000 pound gross vehicle weight or less, except for limited larger vehicles at a frequency typical of the principal residential use.
7. All activity shall be conducted with an enclosed living area or the garage, except as required for state-licensed family child care homes.
8. No equipment, machinery or operation shall be used in such activities that is perceptible off the premises because of noise, smoke, odor, dust, radiation, electrical interference or vibration.
9. No home occupation shall produce on a regular or repeated basis quantities or types of refuse not customarily associated with a normal residential use in that zone district.
10. Only up to 10 customer or patron visits per day shall be permitted and limited to between the hours of 7 a.m. and 7 p.m. There is no restriction on the number of customers or patrons visiting at any given time, so long as the total number of visits per day does not exceed 10 and all other specific and general accessory use criteria are met. All parking necessary for the use shall be confined to the garage, driveway or street directly in front of the dwelling.
11. The operation of any wholesale or retail business is prohibited unless it is conducted entirely by mail or sales are transacted no more than once per week (i.e. Tupperware party). Incidental sales of products associated with a services shall be permitted (e.g. instructional books sold in conjunction with music lessons).
12. Any person operating a home occupation shall obtain a home occupation permit from the Community Development Department, and submit any other local, state or federal government or agency licenses necessary for the proposed business. The Director shall either issue the permit or notify the applicant in writing as to why the permit does not meet these standards. The Director may condition the permit on any specific conditions necessary to ensure these standards are met and maintained.
13. Permits shall be valid for up to 1 year, may be revoked at any time for non-compliance with these standards or conditions, and shall be void if the applicant ceases engaging in the home occupation or does not reside on the premises for more than 60 days.
14. Specific home occupations conditions:
  - a. Garage sales are limited no more than 4 per year and 3 days per event.
  - b. Family Child Care Homes shall receive all required a state licenses. Family child care homes are carried on within a residence for compensation, providing care and supervision for children who are away from their homes any part of the day. They may be operated between the hours of 6 a.m. and 7 p.m. These homes are divided into the following two categories:
    - (1) *Exempt*: Family child care homes that qualify for a State of Colorado licensure exemption according to Section 26-6-103, C.R.S. Exempt family child care homes shall not require a home occupation permit.
    - (2) *Small*: Family child care homes limited to the full- or part-time care of not more than 6 children at one time, including those of the operator under the age of 12, and not more than 2 additional children, for before- and after-

- school care. Small family child care homes are allowed permitted to the general accessory use standards
- (3) *Large:* Family child care homes limited to the full- or part-time care of 7 to 12 children at one time, including those of the operator under the age of 12. Large family child care homes shall require a Conditional Use Permit subject to the procedures and criteria in Section 2.07.
- c. Firearms sales shall submit with their license a statement verifying the following:
- (1) No firearms, ammunition, or accessories shall be sold or offered for sale on the premises;
- (2) The exchange of firearms shall only be conducted at gun shows, pursuant to all applicable firearms laws and regulations.
- (3) No firearms, ammunition, parts or supplies related to the home occupation shall be kept on the premises, except those kept for the private use of the permit holder and unrelated to the business.
- (4) No repair, service or gunsmithing shall be conducted.
- (5) In the event that federal or state law prohibits the exchange of firearms merchandise outside of the dwelling in which the home occupation is conducted, any permit for firearms sales shall become void.
15. Prohibited home occupations. The following shall not be allowed as home occupations:
- a. Animal and pet-related services, including a veterinarian, grooming, kennel or animal daycare;
- b. Bed and breakfast or boarding or rooming house;
- c. Clinics, hospitals, or residential care services
- d. Cosmetology services (barber shop or beauty parlor)
- e. Repair services related to automobiles, motorcycles, large household appliances or other large-scale machinery;
- f. Restaurants;
- g. Dispatching of more than 1 vehicle to and from the residential premises (i.e. towing services, repair service, taxis, etc.)
- D. **Urban Agriculture.** Urban agriculture is permitted as an accessory use in all residential districts except R-2 and R-3, and in the O district, subject to the provisions of Section 6-4-900 of the Brighton Municipal Code.
- E. **Outdoor Storage, Non-residential.** Accessory outdoor storage may be permitted in the non-residential districts subject to the following standards:
1. In the CO, C-1, C-2, C-3, DT, MU-NC, MU-CC, MU-E/RC and I-1 districts, the storage area shall be located behind the front building line of the principal building.
2. The storage area shall be fully screened from residential property or public spaces according to the standards and design requirement of Section 8.03, and no materials shall be stacked higher than the screening.
3. The storage area shall be located on the most remote section of the site or building as possible, but no closer than 30 feet to any street or right-of-way in any in all cases.
4. Storage areas shall be limited to:
- a. No more than 200 square feet in the CO, C-1 or DT, and MU-NC districts.
- b. No more than 30% of the building footprint in the C-2, C-3, MU-CC and MU-E/RC district.
- c. No more than 100% of the building footprint in the I-1 district.
5. The storage area shall be paved per the requirements for parking lots, except a stabilized dust-free surface may be used in the I-1 district.
6. Alternatives to these accessory use limits may only be approved by the Director through site plan review procedures in Section 2.06.
- F. **Outdoor Display and Service Areas.** Outdoor display and service areas accessory to an allowed retail or service use are allowed subject to the following conditions:

1. Outdoor display and areas shall be located on the same lot as the principal use or along the street frontage immediately abutting the use in the case of street front buildings.
2. The area shall be limited to no more than 20% of the ground floor area of the principal use.
3. Display and service areas shall not be arranged where they interfere with pedestrian or building access or clear vision areas. At least 5 feet clear or at least 50% of the width any sidewalk, whichever is greater, shall be maintained for any display or service areas located on a sidewalk.
4. The area may be located in parking areas, provided it does not interfere with adequate parking and circulation of the entire site. The permanence of any structures shall be considered in evaluating the impact on adequate parking needs for the site.
5. The area shall be screened from view along any property line abutting a residential use or district according to Section 8.03.
6. A site plan shall be provided for any outside display or service area more than 400 square feet, lasting more than seven consecutive days, or more than four separate occurrences per year. A site plan shall show the location, area, and dimensions of the display area, and specifications for all lighting, fencing, screening or temporary or permanent structures.
7. In reviewing the site plan, conditions or performance standards to mitigate excess noise, visual or operational impacts may be added by the Director to address specific sites or contexts.
8. Any outdoor display area more than 1,000 square feet or that does not meet the conditions of this sub-section may only be approved through the Conditional Use Permit procedures and criteria in section 2.07.

G. **Accessory Drive-Through.** Drive-through or drive-up service accessory to an allowed retail or service use is permitted subject to the following standards, provided it is not otherwise prohibited by a specific plan or standard for a particular area.

1. The service area shall not substantially expand the traffic or vehicle circulation otherwise necessary for the site. In general, the service area shall use the same entrance and exit from the site as the principal use, unless a more remote or discrete service off an alley or secondary street better meets this criteria.
2. Avoid potential pedestrian/vehicle conflicts on the site and along the streetscape. No access shall be provided on any street designed to walkable street standards in Section 3.01. (Pedestrian / Mixed Use Street, Avenue, or Boulevard street types). Use of alleys, internal access and the rear of buildings for drive-through services is required to preserve the streetscape design and development patterns of these areas.
3. Service areas and windows shall be located on the most remote wall possible, considering adjacencies to public-streetscapes, residential property or other sensitive land use and urban design characteristics of the context. Additional screening or buffers may be required beyond the standards of Section 8.03 in order to ensure compatibility.
4. No service area or pick up window shall be located within 100 feet of any residentially zoned property unless enhanced site design or operational limits demonstrate visual and noise impacts are mitigated.
5. Adequate stacking spaces for automobiles shall be provided to eliminate any impact on public streets. Circulation, stacking and other access issues shall be designed in a manner that has the least impact on pedestrians entering the principal building both from public streets and from internal streets or parking areas.
6. Signs, speakers or lighting elements shall not be visible or audible from the public right-of-way or adjacent residential property. Additional screening or buffers may be required beyond the standards of Section 8.03.
7. Any drive through facility in the DT, MU-NC, C-O, C-1, and BP district shall require a Conditional Use Permit subject to the procedures and criteria in Section 2.07.

8. The Director may require any other drive-through service area that does not clearly meet these standards and criteria to be reviewed subject to the procedures and criteria for Conditional Use Permits in Section 2.07.
- H. **Transit Facilities.** Any site providing transit facilities as part of a development site and not in the right-of-way in association with a public streetscape design, shall meet the following standards:
  1. Facilities shall be located along major transportation thoroughfares in association with routes and stops of the transit agency. Access points and stop shelter locations shall be along the perimeter, and the structures may have exceptions to any setback requirements in order to prioritize convenient access for pedestrians and transit riders.
  2. Shelter design and location should be coordinated with the Regional Transportation District (RTD).
  3. Structures should be constructed to be architecturally and aesthetically compatible with the structures in the development, and in particular the nearest adjacent off-site structures.
  4. Accommodations for bicycle parking and access shall be made in association with the transit facilities, designed and located in a manner that best integrates with the broader bicycle transportation systems in the area.
- I. **Swimming Pools.** Swimming pools accessory to an allowed are permitted subject to the following standards:
  1. No swimming pool may be located in any required front yard.
  2. All swimming pools shall be completely enclosed by a fence at least 6 feet high, with no openings large enough to permit children to pass through, other than gates or doors equipped with self-latching devices on the top and inside of the gate or door. The fence may enclose the pool area, the entire lot subject to Section 8.03 standards, or a portion of the lot with the pool area for public or semi-public pools.
  3. Wading pools with a maximum depth of 14 inches do not require fencing.
- J. **Temporary Uses.** Uses conducted on private property that may not otherwise be interpreted as being permitted by Table 4-2, and the general accessory uses in Section 4.03.A, may be permitted through a Temporary Use Permit.
  1. **Types.** Temporary uses generally meet one of the following types:
    - a. **Short-term:**
      - i. Trade shows, auctions or farmers markets, or other events where the commercial property grounds are set up for large-scale events or sales on a temporary basis.
      - ii. Community recreation or entertainment events such as art fairs, carnivals or festivals.
      - iii. Promotional ventures or special commercial events such as tent sales or seasonal holiday sales events.
    - b. **Long-term:**
      - i. Construction Offices
      - ii. Sales Offices
      - iii. Temporary construction yards
  2. **Duration.** Temporary uses may be permitted to operate according to the following:
    - a. Short-term temporary use permits shall have a specified start and end date not more than 90 days per year or be based on a schedule that includes no more than 90 days per year, unless a longer period is approved by the Director.
    - b. Long-term temporary use permits shall have a specified start and end date of not more than one year (365 days), unless a longer period is approved by the Director.

3. **Permit.** An application for a permit shall be submitted by the owner, or an agent of the owner with written permission from the owner at least 10 days prior to the desired issue date.
  - a. Temporary use permit applications shall include the following:
    - i. The applicant shall submit a complete description of the event or activity, including anticipated traffic, hours and peak times of operation, access and circulation plans, the ability to accommodate fire and police access, and any need for special protection or other public safety, health and welfare needs.
    - ii. The applicant shall submit a plan identifying the extent of the grounds, gathering places and circulation routes, any streets or public spaces to be dedicated to the event, the location of all structures, equipment or other accessory facilities, and any utility needs for these structures, equipment or fixtures.
4. **Criteria.** A temporary use permit shall be evaluated based on the following, in addition to all other general procedures and criteria for conditional permits in Section 2.07:
  - a. The proposed use is of a scale, intensity and format that is ordinarily occurring in the vicinity considering the size, anticipated traffic, hours of operation and duration of the event.
  - b. The anticipated traffic and parking can be handled by the existing street network, site access and lot layout, or the applicant has demonstrated sufficient management strategies and procedures to mitigate any potential negative effects on the area.
  - c. The degree of potential negative impacts on adjacent property, and in particular the likelihood of the event violating the general District Performance Standards in Section 4.06. The applicant may submit mitigation plans for any potential impacts, including limiting hours of operation, neighborhood meeting plans or other evidence of limiting impacts on surrounding property owners or residents.
  - d. The Director or Chief Building Official may impose any other conditions on a permit necessary to protect the health, safety and welfare.

#### 4.04 Use-Specific Standards

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

- A. **Group Homes.** In districts where group homes are a permitted or conditional use, they shall meet the following conditions to ensure they are integrated into neighborhoods, have a non-institutional nature, and maintain the residential character of neighborhoods.
  1. Group homes shall meet all of the residential design standards applicable in the particular district, and any alterations to support the group living shall be done in a discrete way in accordance with those standards.
  2. No group home shall be located less than 750 from another existing group home, except that the Director may waive the is requirement if separated by a restricted access highway, community scale park or other large open space or barrier.
- B. **Manufactured Homes.** In any district where a detached house is permitted, a manufactured home shall be permitted subject to the same restrictions, setbacks, use and residential design standards as any other dwelling unit of similar density and use. Using engineering calculations or tests, following commonly accepted engineering practices, all components and subsystems of

manufactured homes must perform to meet health, safety and functional requirements to the same extent as required for other dwelling units of similar density and use by the applicable building and fire codes adopted by the City. This distinguishes manufactured homes as a construction technique rather than a building type. Manufactured homes are subject to the following additional standards, except where permitted as part of a Manufactured or Small-Format Housing Community in the MH district.

1. Minimum size shall be 24 feet in width and 900 square feet of floor space on the main level above grade.
2. Must be installed on an engineered permanent foundation with drawings engineered and stamped by a state-licensed engineer.
3. Must have brick, wood or cosmetically equivalent exterior siding that is compatible with the surrounding neighborhood. Pictures, samples and/or detailed description of intended exterior siding must accompany the building permit application.
4. Evidence must be supplied to the City with the building permit application that the manufacturer has met or exceeds all minimum UBC, UPC, UMC and NEC standards for residential construction as per the currently adopted Municipal Code.
5. All manufactured homes shall have a gable roof with a minimum pitch of 4 inches of vertical rise for every 12 inches of horizontal run. These gabled roofs must be engineered and built to withstand a snow load of 30 pounds per square foot, and the entire home must be able to withstand wind shears of 85 miles per hour.

C. **Lodging – Bed & Breakfast.** In districts where lodging – bed & breakfast is a permitted or conditional use, it shall meet the following standards.

1. The use is in or within ¼ mile of the downtown or other mixed-use center, such that guests may experience the convenience of nearby retail, office, entertainment and recreation amenities;
2. The owner or the applicant shall occupy a residence on the site and must demonstrate a sufficient ability for site maintenance and property management;
3. Guests must pay based on a daily rental rate, and must limit their stay to no more than 14 days;
4. There shall be no more than 5 guest rooms;
5. Meals may only be served to guests. No cooking facilities are allowed in the guest rooms.
6. One off-street parking space shall be provided per guest room, however shall be sited to meet all frontage design and site design standards applicable in the district.

D. **Crematoriums.** Crematoriums are a specific type of service use, and in districts where service uses are enabled, crematoriums - whether a principal use or an accessory use to a principal use (e.g., funeral home, parlor with cremation services) - shall be meet the following standards:

1. To the maximum extent possible, the discharge device (smokestack) shall be screened from view, using architecturally integrated screening units, roof parapets or sloped roof forms that appear as integral elements in the overall building design.
2. All activity relating to the deceased shall be handled discretely and screened from public view to the maximum extent possible, including delivery, handling, removal, transfer and storage of the remains. The method of screening may include any of the following: fencing, walls and/or landscaping consistent with that used elsewhere within the development, as determined at the time of approval.
3. The crematorium shall not be used for the disposal of any waste materials, including medical or industrial.
4. Pet crematoriums shall be limited to the preparation and cremation of pets.
5. A licensed funeral home or parlor operating an approved crematorium may perform cremation services for other licensed funeral homes or parlors.
6. The crematorium shall secure and keep current all necessary approvals, permits and certifications from applicable state and federal agencies.

- E. **Tattoo and Body Piercing Establishments.** Tattoo and body piercing uses are a specific type of service use, and in districts where service uses are a permitted or conditional use, any tattoo and body-piercing establishment shall meet the following standards:
1. No establishment shall perform tattooing and/or body piercing services within the City unless the establishment has received a City license to operate.
  2. A separate and enclosed area, away from public view, shall be established within the business for tattooing and/or body piercing on or near the male or female genitals. At no time shall tattooing and/or body piercing procedures be performed within public view that exposes male or female genitalia.
  3. The establishment shall comply at all times with the Colorado Department of Public Health and Environment State Board of Health Rules and Regulations for Body Art Establishments and the Colorado House Bill 00-1246, also known as the "Body Art Act," as the same may be amended from time to time.
  4. Client consent forms, explanation of risks and outcomes and aftercare instructions shall be available in both English and Spanish.
- F. **Gun and Archery Shooting Ranges.** Gun and archery shooting ranges are a specific type of recreation and entertainment Use (indoor or outdoor), and in districts where recreation and entertainment uses are a permitted or conditional use, gun and archery shooting ranges shall meet the following standards.
1. They shall require a Conditional Use permit subject to the procedures and criteria of Section 2.07, even when recreation and entertainment uses are a permitted use.
  2. A gun shooting range shall comply with the current National Rifle Association standards for shooting range design, provided, however, that no conditional use permit may be issued until the City Council has determined that the use will not constitute a hazard to the health, safety or general welfare of the public or be or create a public nuisance. Approval of the conditional use may vary these standards where the applicant has demonstrated that the proposed facility includes alternative designs and features, either natural or manmade, which will otherwise mitigate the potential adverse impacts to the health, safety and welfare of owners or users of neighboring properties, users of the shooting range, and the general public. Application for a conditional use permit for a gun shooting range, whether indoor or outdoor shall include specifications of the types of firearms, ammunition and shooting to be allowed, such as trap, skeet, muzzle loader, high power rifle, small bore rifle, pistol, action pistol, etc.
  3. The City Council may prescribe rules and regulations, from time to time, for the construction and operation of gun and archery shooting ranges, including proof of public liability insurance and may cancel or refuse to renew said permit for violation of such rules and regulations.
  4. Pistol and rifle firing range design shall include sufficient land area under control of the applicant for a safety fan (direct fire zone, safety zones and ricochet zones) to accommodate the ballistics of the highest-powered firearms and ammunition to be used on the range. Such geographic areas shall be based on current National Rifle Association guidelines for shooting range design. Such spatial requirements may be reduced in consideration of natural topographic features or manmade improvements, including but not limited to, backstop and side berms, bullet traps, ricochet catchers, and overhead or ground safety baffles, which will provide sufficient safety measures to protect adjacent properties.
  5. Shortfall Zone is the area of a shotgun firing range where spent shotgun shot falls to the earth and where development, other than trap or skeet houses or the equivalent facilities for other types of shotgun events, and human occupancy, other than operators of the trap, skeet or equivalent facilities, is prohibited during active shooting.
  6. Sound abatement shields or barriers shall be installed on outdoor gun shooting ranges located within one-half (½) mile of a residential building or one-quarter (¼) mile from a commercial building, unless significant natural barriers exist.
  7. All backstops shall have sufficient depth of sand or other similar soft earthen material that is free of rocks, stones and other hard objects that may result in bullet ricochets. All



manmade berms shall be vegetated to reduce the potential for erosion. A manmade, mechanical backstop may be substituted upon approval of City Council. All backstops and berms shall be maintained to perform their intended functions.

8. No firearm may be discharged outdoors between sunset and 8:00 a.m., Monday through Saturday, and between sunset Saturday and 9:00 a.m. on Sundays and holidays. The City Council reserves the right to establish more restrictive time limits as a condition of approval.
9. The applicant must comply with all applicable federal and state regulations and requirements for development of a gun and archery shooting range.

**G. Recreation and Entertainment – Outdoor.** In districts where recreation and entertainment – outdoor is a permitted or conditional use, it shall meet the following conditions:

1. For sites that do not include a principal building, accessory buildings shall be setback at least 50 feet from the front lot line and any adjacent residential district and 20 feet from any adjacent non-residential district. Any principal building shall meet the building development and design standards of the particular district, and accessory buildings may then meet the accessory building standards applicable to any other permitted use and building.
2. Any accessory building or structure shall be setback from any property line a distance of at least the same as its height and no more than 50 feet tall.
3. Hours of operation shall not extend beyond midnight in non-residential areas and 10:00 p.m. in areas within 500 feet of residential zoning districts.
4. Any use proposing building locations, building or structure heights, or hours of operation different from these standards shall require a Conditional Use Permit according to the procedures and criteria in Section 2.07.

**H. Storage & Warehousing - Outdoor.** In districts where storage and warehousing - outdoor is a permitted or conditional use, it shall meet the following standards (See Section 4.03 for accessory outdoor storage standards):

1. Storage areas shall either be located behind the principal building, or screened from view from the streetscape and public spaces with a fence, landscape buffer, or combination of these spaces.
2. Except for in the I-2 district, outdoor storage shall be screened from view of adjacent property by any combinations of buildings, fences or landscape buffers to be not visible at eye level from adjacent property.
3. All outdoor storage shall be screened from residential property according to the landscape and buffer requirements of Section 8.03.
4. Exceptions to these screening requirements may be approved by the Director through the Site Plan process.

**I. Landfills.**

1. *Temporary Clean Landfill.* The dumping of nonorganic clean fill which will not degrade ground water (i.e. consisting of dirt, gravel, rocks, concrete, brick, etc.) shall be allowed as a temporary use in all zoning classifications. Clean fill shall be completed within 90 days after the initial date of the issuance of the temporary permit and be covered with 18 inches of topsoil.
  - a. A temporary permit may be obtained from the Building Department upon the filing of an application requesting a temporary use and accompanied by a fifty-dollar application fee.
  - b. The Building Department may impose conditions, bonding and insurance necessary for the health, safety and welfare of the inhabitants of the surrounding area.

- c. A temporary permit shall be subject to reissue and shall be issued for land less than 5 acres in size, requiring less than 15 feet of fill and for dry pits only.
  - d. A site plan shall include the location and a sketch elevation to scale of all lighting fixtures that will be used to illuminate the site for evening play. These fixtures must be of sufficient size and number to adequately illuminate the site without casting direct light on neighboring properties or public rights-of-way.
2. *Sanitary Landfills.* A public or private dump shall not be operated within the meaning of these regulations without first having obtained a certificate of designation from the City Council and subject to conditions set forth below.
- a. *Permit and Application Requirements.*
    - (1) The application for a permit to operate shall set forth the location of the site and facility, the type of site and facility, the type of processing to be used, the hours and days of operation, the method of supervision, the rates to be charged and any other information pertaining to the operation, care and maintenance of said site and facility.
    - (2) A report prepared in accordance with the Colorado Department of Public Health and Environment regulations concerning such a site and facility and a recommendation from the Department for approval.
    - (3) Prior to the City Council public hearing, the property shall be posted for a period of 15 days. The signs shall be posted in conspicuous locations visible from the public rights-of-way.
    - (4) Application fee of \$150.00, and an annual permit fee of \$300.00
    - (5) A permit to operate a public or private sanitary landfill site shall be issued for periods of time and subject to conditions as determined by the City Council.
    - (6) The permittee shall post a performance bond with the City as determined by the City Council to insure compliance with standards of these regulations.
    - (7) The permittee shall provide liability insurance in the sum required by the City Council.
    - (8) The City Council shall have the power to cancel permits for violations of any of these regulations or conditions imposed by the City Council. Upon at least ten (10) days notice to the permittee, the Council shall hold a hearing to determine the nature and extent of the alleged violation and shall have the power, upon good cause, to cancel or revoke the permit and to require corrective measures to be taken.
  - b. *Operation Standards.* The following are minimum standards to be observed by all permittees, private or public:
    - (1) A sign shall be posted at the entrance stating the operating days, hours and restrictions. Dumping shall not be permitted when wind velocity exceeds 35 miles per hour.
    - (2) All dumps shall have wire fences no less than 8 feet high with posts not less than 10 feet apart. All fences shall be of mesh type with meshes not exceeding 2 inches by 2 inches and be made with at least 14-gauge wire.
    - (3) Fence rows and adjacent areas shall be cleaned periodically to remove accumulated debris.
    - (4) Burning shall not be permitted.
    - (5) Only garbage which is dry and wrapped shall be permitted.
    - (6) Dumping of automobiles and automobile bodies shall not be permitted.
    - (7) The maximum length of trees or logs permitted to be dumped shall not exceed 6 feet. Said logs shall be not less than 6 feet below the surface of the dump upon completion.

- (8) The refuse deposit shall be covered with 6 inches of dirt at intervals as determined by the City Engineer.
- (9) Each fill site shall be filled to grade, allowing for settling, and shall be topped with a minimum of 2 feet of clean soil. Final surface of the site should be graded to prevent ponding of water.
- (10) Sanitary facilities for personnel shall be provided.
- (11) Telephone or radio communication shall be provided.
- (12) No toxic chemicals, radioactive materials, materials contaminated by radioactive substances or explosives shall be disposed of in sites not specifically designated by the Council for that purpose.
- (13) Waste deposited shall be compacted into layers as determined by the City Engineer.
- (14) The operator shall provide for prevention of water pollution.
- (15) The operator shall provide for the control of flies, mosquitoes, rodents and other disease vectors at disposal site.
- (16) The operator shall provide for the control of dust and obnoxious odors.

#### 4.05 Special Purpose & Overlay Districts

##### A. South 4<sup>th</sup> Street Overlay District (S4).

1. *Intent.* The South 4<sup>th</sup> Street Overlay District is intended to allow a broader range of uses in a scale and format that is compatible with the residential character of the area. It allows small-scale and neighborhood-compatible commercial for reuse of residential structures and small-scale commercial buildings at key nodes. It is divided into a “gateway” portion (S4GW), primarily at the transition to downtown and at Bromley Lane, to promote development that creates greater activity and serves as signature entry to the neighborhood and a “corridor” portion (S4CR) that preserves the neighborhood scale and character for the edges of surrounding neighborhoods and length of the corridor.
2. *Applicability.* The South 4<sup>th</sup> Street Overlay District is an overlay district that applies in addition to the base zoning district for areas designated on the official zoning map. Specifically it applies to all property abutting 4<sup>th</sup> Street between Bridge Street and Bromley Lane, and is further designated as “gateway” and “corridor” as indicated on the official zoning map
3. *Uses.* The South 4<sup>th</sup> Street District is specifically intended to promote the adaptive reuse of residential structures with limited, small-scale and neighborhood compatible structures, while preserving the residential character of the area and residential uses within the corridor. Table 4-2 provides uses allowed in the S4GW and S4CC district and overrides the uses permitted in the base zoning districts.
4. *Development Standards.* The development standards applicable to the base zoning districts shall apply, except that the allowed building types and frontage types are specifically modified in Section 6.04.D. Specifically, the S4GW district shall allow C-1 building types, follow the non-residential design standards, and require Street-front or Terrace frontages, and the S4CR district allows R-1-B building types, follows residential design standards, and requires terrace or Neighborhood Yard frontage types.
5. *Performance Standards.* In addition to all other building and site design standards, the following specific performance standards apply in the S4 district.
  - a. Any use designated a conditional use in the S4 district shall be restricted to buildings up to 2,000 feet or up to 3,000 feet on corner lots.

- b. Any storage areas or trash bins shall be located behind the building and towards the back of the lot so they are not visible from 4<sup>th</sup> Street and otherwise screened from adjacent property according to the standards in Article 8.

**B. Open Space District (O).**

1. *Intent.* The Open Space district is intended to implement the Open and Civic Space system identified in Article 3 and ensure that a wide range of open and civic spaces are integrated into the development patterns of the City, appropriate to the context or inherent natural features of the area.
2. *Applicability.* The Open Space district can apply as an overlay district or as a special purpose district for areas designated on the official zoning map and typically applies to public, common or private lands that are part of the Open and Civic Space systems designated in Article 3. In cases where it applies as an overlay district, the standards of the O district control. In cases where it is applied as a special purpose district, the O district standards apply, but should any change in the O district occur, the property shall revert to the A/R zoning district standards, unless another district is specifically designated at that time. The purpose is to protect property from future development, without carefully considering how it affects the Open and Civic Space system and integrate into surrounding areas.
3. *Uses.* The Open Space district preserves open spaces from development and the uses designated in Table 4-2 shall control in the O district. Also note that all parks and open spaces are allowed in all districts, and it is not necessary to be in the O district to develop portions of the Open and Civic Space system.
4. *Development Standards.* The Open Space district is intended for development of public, common, or private open spaces as part of the Open and Civic Space System. Development shall occur according to the design types specified in Section 3.02. The O district may include accessory buildings or structures, only to the extent they support the essential function of the open spaces. In these cases, all buildings and sites shall be compatible with the scale and architectural character of the adjacent uses and surrounding area. For example, accessory structures on O districts in commercial and mixed-use areas shall follow the non-residential building and design standards, and accessory structures in O districts in residential and neighborhood areas shall follow the residential building and design standards.

**C. Mineral Extraction District (ME).**

1. *Intent.* The Mineral Extraction district is intended to allow limited use of property for the specific purpose of mineral extraction, subject to following all federal, state or local rules, guidelines or industry standards that protect the public health, safety and welfare, and subject to proper mitigation, operation, and reclamation of the lands for other uses once the mineral extraction is complete. The district promotes the reasonable and uniform limitations, safeguards and controls for the conservation and wise utilization of natural resources and for rehabilitation of excavated land.
2. *Applicability.* The Mineral Extraction district can apply as an overlay district or as a special purpose district for areas designated on the official zoning map. In cases where it applies as an overlay district, the standards of the base zoning district control, and the ME district standards supplement those standards to the extent necessary to permit proper mineral extraction. In cases where it is applied as a special purpose district, the ME district standards apply, but should any change in the ME district occur, the property shall revert to the A/R zoning district standards, unless another district is specifically

designated at that time. In all cases, the ME district should convert to the Open Space (O) district upon reclamation of the mineral extraction areas.

3. **Uses.** The Mineral Extraction district includes land designated as containing commercially feasible mineral deposits in sufficient size parcels and in areas where extraction and rehabilitation can be undertaken while still protecting the health, safety and welfare of the inhabitants of the area and the City. In cases where the location of the District or use abuts other zoning or use, use of land, structures, excavation and rehabilitation may be restricted to be compatible and protect the adjoining areas. The uses designated in Table 4-2 are permitted in the ME district, or supplement any other uses permitted in the any underlying zoning district in cases where it is designated as an overlay district.
4. **Development Standards.** No permanent structures may be constructed on mineral conservation districts, except fences, without demonstrating by competent proof that either minerals are not of commercial quantity and quality, or that such construction will not prohibit eventual extraction. Where structures are allowed, the minimum requirements of the R--1 or C-1 District shall be followed where applicable, except by special or conditional use permit.
5. **Excavation and Rehabilitation Plan.** The extraction of commercial mineral deposits with necessary accessory uses shall be allowed in Mineral Extraction district only in conformance with an approved excavation and rehabilitation plan. The plan shall contain the following in the required number of copies.
  - a. A detailed description of the method of operation of excavation and rehabilitation to be employed, including any necessary accessory uses.
  - b. An excavation plan showing the areas to be mined with accompanying time schedules, fencing, depth and other pertinent factors.
  - c. A detailed rehabilitation plan showing detailed proposed rehabilitation with time schedules, including finished contours, grading, sloping, types, placement, and amount of revegetation, after-use plans and any other proposed factors.
  - d. A water report and evaluation prepared by a registered engineer analyzing the effect and/or feasibility of both ground and surface water.
  - e. A drainage report and drainage plan prepared by a registered engineer with consideration of natural drainage, drainage during excavation and drainage after rehabilitation such that the proposed rehabilitation and excavation will have no adverse effect in excess of natural conditions (where applicable, the report should consider floodway and flood storage aspects).
  - f. Any additional information as may be requested by the Community Development Department.
  - g. Upon approval, the excavation and rehabilitation plan should be filed as a Planned Resource Development Plan with bonding and insurance deemed necessary by the City Council to insure compliance with both the excavation and rehabilitation plans as approved. Any change in either plan shall be prohibited unless amended by approval of the City Council after review by the Planning Commission.
  - h. The procedure for consideration of any request change in the plans shall be the same as for a zone change.
6. **Operation Standards for All Mining Operations.** Mining and necessary accessory uses shall be subject to the following conditions:
  - a. A permit to excavate issued by the State of Colorado.
  - b. No excavation or deposit of overburden within 25 feet to the boundary of adjacent property, easement, irrigation ditch or right-of-way unless by written

- agreement of the owner or owners of such property, easement, irrigation ditch or right-of-way.
- c. No excavation within 125 feet of any existing residence unless by written agreement of the owner and occupants of such residence.
  - d. Haulage roads within the premises shall be maintained in a reasonably dust-free condition.
  - e. Hours of operation shall be 6:00 a.m. to 10:00 p.m.
  - f. All sand and gravel shall be excavated in such a manner as to leave an average of 2 feet of undisturbed sand or gravel to provide a water gearing strata, unless the rehabilitation plan provides for a permanent lake.
  - g. In no event shall a slope of less than 2:1 be left for dry pit or a slope of less than 3:1 to a depth of 8 feet and 2:1 thereafter be left for a wet pit, when operations are completed.
  - h. The operator shall submit a route plan to the Director of Infrastructure & Public Works and receive permission to use for haulage any public right-of-way not designed for such haulage by reason of load limit, dust, right-of-way or pavement width, or other relevant factors. He or she may place reasonable restrictions on such right-of-way use.
  - i. The floor of excavated pits, whether wet or dry, shall be left in a reasonably smooth condition.
  - j. The operator shall not excavate, store, overburden or excavate material, or dike in such a manner as to increase any drainage or flooding on property not owned by the operator or damage to public facilities.
  - k. Prior to starting excavation, the operator shall fence gravel pit operations with a V-mesh or chain link fence to a height of 72 inches topped with 3 strands of barbed wire canted at a 45 degree angle outward. The operator may fence the entire area immediately or fence only areas of excavation; however, no fencing shall be removed until rehabilitation has been completed.
  - l. All operations shall conform to noise, vibration and other performance and development standards.
  - m. All air emissions shall conform to standards established by the Tri-County District Health Department and the Colorado Department of Health and Public Environment.
  - n. All water uses and discharge shall conform to standards established by the State Water Pollution Control Commission.
  - o. Except for pits designated as sanitary landfills by certificate of designation, all slopes shall be stabilized and land remaining above the natural water level revegetated.
  - p. Upon completion of the rehabilitation plan, the applicant shall apply to the City Council for release of collateral and approval of the complete rehabilitation plan and application for the appropriate zone district.
  - q. City Council shall have the power to cancel the plan for violation of any of these regulations or conditions imposed by the City Council. Upon at least 10 days' notice to the owner and operator, the City Council may hold a hearing to determine the nature and extent of the alleged violation and shall have the power upon good cause to cancel or revoke the plan and to require corrective measures to be taken.

**D. Flood Control District (FC).**

- 1. *Intent.* The Flood Control district is intended to protect areas that are susceptible to periodic or occasional inundation due to natural weather cycles, rare weather events, or changing weather and climate patterns. This district preserves the ecological functions of water courses, wetlands, and areas susceptible to floods and protects or limits any

investments in and around these areas. The district implements the national Flood Insurance Program for the City of Brighton.

2. *Applicability.* The Flood Control district can apply as an overlay district or as a special purpose district for areas designated on the official zoning map. In cases where it applies as an overlay district, the standards of the FC district override all standards and uses of the base zoning district that are contrary. In cases where it is applied as a special purpose district, the FC district standards apply, but should any change in the flood boundary or FC district occur, the property shall revert to the A/R zoning district standards, unless another district is specifically designated at that time.
3. *Uses.* The Flood Control district is specifically intended to promote low impact uses that preserve the function of floodways and to ensure that any structures built in the area are protected from inundation and do not alter flood patterns. Table 4-2 identifies uses permitted in the FC district and overrides any permitted uses of any base zoning districts.
4. *Development Standards.* The standards in Section 10.02. shall control all development in the FC district.

**E. Public Lands District (PL).**

1. *Intent.* The Public Land is intended to provide public and semi-public facilities and uses in an convenient locations, efficient formats, and in a manner that protects the character and context of the surrounding areas that the uses serve.
2. *Applicability.* The Public Lands district can apply as an overlay district or as a special purpose district for areas designated on the official zoning map. In cases where it applies as an overlay district, the standards of the base zoning district apply, and the PL standards only override those standards to the extent necessary for the specific public use and building. In cases where it is applied as a special purpose district, the PL district standards apply, but should any change in the flood boundary or PL district occur, the property shall revert to the R-1 zoning district standards, unless another district is specifically designated at that time.
3. *Uses.* The Public Lands district is specifically intended to promote necessary public services in close proximity to the lands, uses and buildings they support. In general the uses of the base zoning district and pediment adjacent zoning districts are permitted, and Table 4-2 presents additional permitted uses, provided they are implemented with site and building designs that are sensitive to the context, surrounding uses and development patterns.
4. *Development Standards.* Development of buildings in the PL district shall follow the standards in this section. Additionally, all buildings and sites shall be compatible with the scale and architectural character of the adjacent uses and surrounding area. For example, PL districts and uses in commercial and mixed-use areas shall follow the non-residential building and design standards, and PL districts and uses in residential and neighborhood areas shall follow the residential building and design standards.
  - a. *Lot size.* At least 20,000 square feet, and at least 100 feet wide
  - b. *Setbacks:*
    - (1) *Front.* 50 feet.
    - (2) *Side.* 15 feet; except 50 feet adjacent to any street.
    - (3) *Rear.* 15 feet except equal to the height of the building if abutting residential, up to 50 feet max.
  - c. *Building Height.* 60 feet.

#### 4.06 District Performance Standards

All principal and accessory uses in non-residential districts shall be operated in a manner that meets the performance standards in Table 4-3, Non-residential District Performance Standards.

<b>Table 4-3: Non-residential District Performance Standards</b>				
	C-O, C-1, BP, and MU-NC	C-2, C-3,DT, MU- CC, MU-E/REC	I-1	I-2
Noise levels during business hours (7AM-10PM)	65db	70db	75db	80db
Noise levels during quiet hours (10PM – 7AM)	45db	55db	65db	80db
No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.	☑	☑		
No smoke or particulate matter shall be produced that is a number I or darker on the Ringelmann chart	☑	☑	☑	
Dust, fly ash, radiation, gases, heat, glare or other effects shall not be produced which are obviously injurious or damaging to humans or property beyond the property line;	☑	☑	☑	☑
Vibration or concussion which is perceptible without instruments at the property line shall be prohibited	☑	☑	☑	
Lighting measured at the property line adjacent to right-of-way	1.0 FC	1.5 FC	1.0 FC	1.0 FC
Lighting measured at the property line adjacent to residential uses	0.1 FC	0.5 FC	0.1 FC	0.1 FC
Lighting measured at the property line adjacent to the same or more intense zoning districts	1.5 FC	2.0 FC	2.0 FC	2.0 FC