



**Clear Creek/I-76  
Comprehensive  
Development Plan  
and  
Intergovernmental  
Agreement  
For The Clear Creek/I-76  
Joint Planning Area**



# **Clear Creek/I-76 Comprehensive Development Plan and Intergovernmental Agreement For The Clear Creek/I-76 Joint Planning Area**

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Adopted By:  
Planning Commission  
City Of Arvada & Jefferson County  
July 28, 1993

City Council  
City Of Arvada  
September 20, 1993

Board Of County Commissioners  
Jefferson County  
October 12, 1993

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# ARTICLE 1, GENERAL INFORMATION

## Section 1.1. INTRODUCTION

The Clear Creek/I-76 Comprehensive Development Plan (CDP) was jointly developed and adopted by Jefferson County and the City of Arvada to guide development in the Clear Creek/I-76 area. The Clear Creek/I-76 Community Plan, on which this CDP is based, was the product of a citizen participation process conducted jointly by the city and county. This CDP identifies specific development and operational standards intended to carry out the policies recommended in the Community Plan. Because approximately one-half of the Clear Creek/I-76 area lies within the City of Arvada and the other half is an enclave of unincorporated land under county jurisdiction, the city and county have signed an Intergovernmental Agreement (IGA) stipulating that this CDP will guide the future growth and development in both the city and county portions of the Clear Creek/I-76 area. (The Clear Creek/I-76 Plan Area IGA was adopted by the City of Arvada on September 20, 1993 and can be obtained at the City of Arvada Department of Planning, 8101 Ralston Rd., Arvada, CO 80002. The IGA was adopted by Jefferson County on October 12, 1993 and can be obtained from the Jefferson County Planning Department, 100 Jefferson County Parkway, Suite 3550, Golden, CO 80419.)

This CDP does not by itself alter existing zoning or development regulations in the Clear Creek/I-76 Plan area. The provisions of the CDP will apply only to properties, either in the city or county, whose owners request a change in zoning. In the absence of such a request, current property zone designations and regulations will remain in place.

For this CDP to take effect in a comprehensive manner, in a manner that will assure consistency in regulation in the entire plan area, both the city and the county would have to officially rezone the entire Plan area in accord with the CDP.

## Section 1.2. CLEAR CREEK/I-76 AREA

The Clear Creek/I-76 area, approximately one square mile in size, is located on the eastern edge of Jefferson County. The City of Arvada portion of the area lies in the southeast corner of the city. Primarily industrial and commercial in nature, the area is bordered on the south, west, and north sides by residential neighborhoods. Its position as one of the few industrial districts in the west Denver metro area, its excellent transportation links, and the presence of developed infrastructure make the Clear Creek/I-76 area an attractive location for industrial/commercial development.

## Section 1.3. INTENT

This CDP is intended to accomplish the following with respect to development in the Plan area:

- provide both the city and county portions of the Plan area with a uniform set of development standards that carry out the policies contained in the Clear Creek/I-76 Community Plan;
- establish controls which achieve a reasonable balance between the need to protect community health, safety, and welfare, on the one hand, and the need to encourage business growth, on the other;
- effect a change in the basis of land use regulation from traditional use-based zoning to a more flexible performance-based system that focuses on impacts of development;
- establish standards which allow a broad range of industrial/commercial land uses in the interior of the Plan area but which protect the adjacent peripheral residential areas from any negative impacts of those uses;
- foster development of incubator-type business space;
- allow the transition of certain areas from residential to non-residential uses in a manner that protects remaining residences;
- ensure that development will not create significant negative impacts on the groundwater and surface water;
- encourage certain street improvements which will facilitate industrial/commercial growth and beautify and identify the area.

## Section 1.4. APPLICABILITY OF RELATED DOCUMENTS

Unless specifically addressed in this CDP, otherwise applicable city or county regulations apply, depending upon whether a property being developed is in the city or county. In cases where federal or state requirements apply, the most current regulations shall be adhered to.

## Section 1.5. HOW TO USE THIS CDP

This CDP has been developed to provide specific land use, development, and operational standards for properties that develop in the Clear Creek/I-76 Plan Area. To determine the standards which apply to a use within the Plan area, the reader must first look at the CDP Map in Article 2. This map identifies five Plan subareas. Section 2.2 sets forth any prohibited uses for the five subareas and describes the general intent which underlies the development and operational standards for each subarea.

The standards governing land development and use are separated into "Development Standards," Article 4, and "Operational Standards," Article 5. To facilitate locating the specific development standards that apply within a given Plan subarea, the development standards are presented in tabular form, indicating any differences in standards across subareas. The development standards are treated under four general headings: "Density/Intensity," Section 4.2; "Building and Site Design," Section 4.3; "Screening," Section 4.4; and "Circulation," Section 4.7.

## Section 1.6. AMENDMENTS

Amendments to this CDP can occur only as specified in the IGA adopted by both the city and the county.

# ARTICLE 2, PLAN SUBAREAS

## Section 2.1. SUBAREA MAP

This CDP divides the Plan area into six subareas with varying ranges of allowed uses and differing development and operational standards. Those subareas are depicted in Figure 2.1, the Clear Creek/I-76 Subarea Map [8 1/2" X 11" map to be inserted], which is hereby incorporated into this CDP. The Subarea Map delineates the following five subareas:

Subarea A - Interior

Subarea B - North Side of W. 60th Ave.

Subarea C - W. 52nd Ave. and Sheridan Blvd.

Subarea D - W. 53rd Ave. and Ingalls St. Residential Subdivisions

Subarea E - West Side of Marshall/Lamar St.

## Section 2.2. SUBAREA PROHIBITED USES AND DEVELOPMENT INTENT

### Section 2.2.1. Subarea Prohibited Uses

Table 2.2.1 lists prohibited land uses by subarea.

Table 2.2.1 - Subarea Prohibited Uses

Subarea	Prohibited Uses
A	New dwellings <sub>1,2</sub> Churches <sub>3</sub> Group homes <sub>3</sub> Schools Salvage, autowrecking and junk yards adjacent to a perimeter street.
B	Salvage, autowrecking and junk yards
C	New one-family dwellings <sub>1</sub> , salvage, autowrecking and junk yards
D	New dwellings <sub>1</sub>
E	New one-family dwellings <sub>1</sub> , salvage, autowrecking and junk yards

*Note: Off-premises signs (including billboards) are prohibited in all subareas (see Article 6, Signs).*

### 2.2.2. Notes for Table 2.2.1.

- Existing one-family dwellings may be expanded, however, no new units may be constructed. New mobile homes may be moved into an existing mobile home park. New mobile home parks and multifamily structures are allowed in Subarea C.
- A residence accessory to a principal nonresidential use(s) is allowed for a caretaker or security personnel for the principal permitted use. All development standards listed in Article 4 must be satisfied.
- Expansion of existing churches and group homes is allowed on frontage lots on the south side of W. 60th Ave. and on the east side of Marshall/Lamar.

### Section 2.2.3. Subarea Development Intent

A. Subarea A - Interior

Subarea A is intended to serve as the industrial and commercial core of the Plan area. It will accommodate the widest range of land uses, with minimal requirements for site improvements and impact mitigation. Outdoor storage standards are intended to allow a maximum of outdoor storage with a minimum of screening.

The development standards for this subarea provide that property being developed adjacent to the existing residential subdivisions (i.e., Subarea D) in the southwest quadrant of the subarea mitigate adverse impacts upon those residences.

Although not mandated by this document, owners of property adjacent to Ralston Creek are encouraged to maintain the natural vegetation and setting along the creek and, if possible, provide further plantings to enhance provision of food and habitat for wildlife. Ralston Creek represents a significant wildlife ecosystem worthy of attention and enhancement.

B. Subarea B - North Side of W. 60th Ave.

It is intended that property owners in Subarea B be allowed to develop or redevelop their properties as either residential or non-residential uses. However, the development standards seek to preserve the predominantly single-family residential appearance of this subarea, so as to protect the homes located immediately to the north. Any nonresidential use must result in an appearance that is similar in percent of lot coverage, scale, setbacks, and architectural character to a single-family residence. Although a wide range of nonresidential uses is allowed, the standards strictly control the impacts of those uses. Any uses not capable of mitigating adverse impacts will not be allowed.

This subarea encompasses all lots on the north side of W. 60th Ave. which have frontage on W. 60th Ave. However, any lots not having frontage on W. 60th Ave. shall also be included within this subarea if all three of the following conditions apply:

- The lot shares two property boundaries with a W. 60th Ave. frontage lot or lots that have transitioned to non-residential or multifamily residential use and the amount of each property line shared with the W. 60th frontage lot is greater than 50 percent of the total distance of the property line of the non-frontage lot.
- The lot has vehicular access off of Jay St., Ingalls Circle., Harlan St., Gray St., Fenton St., or Depew St.
- The centerline of the existing or proposed driveway providing vehicular access to the lot lies no more than 200 linear feet from the northerly right-of way line of W. 60th Ave.

C. Subarea C - Northwest Corner of West 52nd Ave. and Sheridan Blvd.

This subarea, with its proximity to I-76 and location on a well-traveled street, has potential for higher quality commercial/office development. It is expected that this subarea might attract hotels/motels, offices, restaurants and other commercial uses drawn by the subarea's locational amenities. For this reason the development standards place greater restrictions on outside storage, operational impacts and aesthetics than are found in Subarea A ("Interior").

Architectural design and building materials must be of high quality and must illustrate cohesive design elements throughout the subarea.

D. Subarea D - West 53rd Ave. and Ingalls St. Residential Subdivisions

This residential subarea lies within the largely industrial/commercial "Interior" subarea. In order to reduce incompatibility of uses in the "Interior", the residences in this subarea should be allowed to transition to nonresidential use.

The standards provide for transitional uses that are similar in appearance and impacts to the existing residential uses. In this way, the standards seek to preserve land values and quality of life of residents while at the same time allowing for conversion of uses.

Special care is, however, taken to protect the residences in this subarea from any adverse impacts from adjacent properties located in Subarea A. When this subarea has transitioned to 100 percent nonresidential uses, the development standards for Subarea A ("Interior") will apply.

E. Subarea E - West Side of Marshall/Lamar St.

The character of this subarea is currently predominantly retail/office/light industrial to the south and industrial to the north. The subarea should continue to develop as a mixed use nonresidential and multifamily area.

The development standards for this subarea are intended primarily to address the problem of adverse impacts upon the residences located immediately to the west. Of particular concern is the problem of trucks serving Marshall/Lamar St. businesses using the residential streets to the west.

## 2.3. RULES FOR INTERPRETATION OF SUBAREA BOUNDARIES

Where uncertainty exists as to the boundaries of subareas as shown on the Official Clear Creek/I-76 Subarea Map, the following rules shall apply and be administered by the Planning Department with final authority to determine inclusion within a subarea resting with either the City Council or Board of County Commissioners, as appropriate.

A. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines. In the event of a change that is directly or indirectly the result of human actions, the district boundary shall be construed to follow the new centerline.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as parallel to or extensions of features named in Paragraphs A and B above shall be so construed. Distances not specifically indicated on the Official Subarea Map shall be determined by the scale of the map.

D. Where physical or cultural features existing on the ground are at variance with those shown on the Official Subarea Map, or in other circumstances not covered by A through C above, the Board of Adjustment shall interpret the subarea boundaries.

E. Where a district boundary line divides a lot which has a single ownership at the time of the adoption of this CDP by the city and the county, the Board of Adjustment may permit as a Special Exception the extension of the regulations for either portion of the lot, not to exceed fifty (50) feet beyond the subarea boundary into the remaining portion of the lot.

# ARTICLE 3, DEVELOPMENT PLANS

## Section 3.1. INTENT

The intent of this Article is to provide guidelines for the approval of Development Plans which are required for specific uses. The purpose of requiring Development Plans is to minimize the potentially hazardous, deleterious or objectionable effects of these uses and ensure compliance with the standards herein.

## Section 3.2. APPLICABILITY

This Article of the CDP shall be applicable to all uses except single or two-family dwellings.

## Section 3.3. PLANNING REQUIREMENTS

The Development Plan shall consist of the graphic plans and written information required to ensure compliance with the standards in this CDP. Other plan submittals that are applicable to a particular development may be required, in the opinion of the Planning Director and based upon the CDP. The applicable prohibitions and requirements of Articles 2, 4, and 5 must be met in addition to the requirements listed in this section. Any of the required items specified in this section may be waived by the Planning Director if it is determined that such item is not necessary for appropriate review of the Development Plan. The following planning relationships, principles, and requirements shall apply and will be provided for on the Development Plan.

### A. Screening

The site plan map shall indicate any screening required in Section 4.4. The map shall indicate whether any fences utilized for screening will exceed 8 feet in height.

### B. Structures

The Development Plan shall depict existing and proposed building locations, tied to a property corner, and shall include elevations of all proposed structures and improvements, including freestanding signs and fences. For proposed development in Subareas B, C, and D, the Development Plan shall indicate the type and style of exterior wall finish, type of shingles, stairs, and architectural appendages, equipment screening, and other design features of the structure. The general use to which each structure or portion of a structure will be put and, if applicable, number of dwelling units shall also be shown. Plans for all structures with two or more floors shall show the floor elevations in relation to adjacent grade. All structures shall conform to the location and size limitations prescribed for the plan subarea in which the property is located unless a variance is granted by the Board of Adjustment.

### C. Outdoor Storage and Outdoor Retail Display

The Development Plan shall depict any portions of the lot to be used for outdoor storage or outdoor retail display.

#### D. Landscaping

Accompanying each Development Plan required by this Article shall be a detailed landscape plan showing the location, type, by both common and botanical name, and size of existing, and required plant materials, method of irrigation, and maintenance. This plan shall include a planting schedule indicating the timing of the planting and when said landscaping will be completed. Landscaping must be done according to schedule to obtain a certificate of occupancy from the city or to satisfy any performance guarantee required by the county. See Sections 4.4 and 4.7 for required landscaping/screening and landscaped borders.

#### E. Drainage

Each Development Plan shall include a detailed drainage plan which conforms to city or county drainage standards and which shall be approved by the city or County Engineer for accommodating both internal and external storm flows. If approval to waive the drainage report has been given, this should be shown on the Plan as well as the existing and proposed land contours. There shall also be a time schedule for implementation of these plans. All drainage facilities must be constructed prior to obtaining a Certificate of Occupancy from the city or must satisfy any Performance Guarantee required by the county.

#### F. Lighting

There shall be a lighting plan showing all external lights and their lighting capacity.

#### G. Fire Protection

There shall be shown on the Development Plan provisions for fire protection. This shall include but not be limited to provisions for ingress and egress, water mains, and fire hydrants. Approval of a Development Plan shall only occur after referral to the applicable fire department or district. The fire district will review development plans for compliance with storage, use, handling, and separation requirements for all blasting agents, combustible fibers, combustible liquids, or compressed gases.

#### H. Public Services and Utilities

A written statement shall demonstrate the availability of public facilities, services, and either public utilities or an approved potable water supply and wastewater treatment system. This statement shall also address any potential adverse effects on the city or county Capital Improvement Program.

#### I. Off-street Parking and Internal Circulation

The Development Plan shall contain an off-street parking and internal circulation plan which indicates the following:

1. Boundaries of the property where the proposed use is to be located.
2. Purpose, size, location and use of the structures for which the parking spaces are required.
3. Layout of driveways, parking and loading spaces.
4. Any required screening for parking areas.

This plan shall also indicate the proposed movement of vehicles, goods, and pedestrians, and the location of any and all easements and adjacent rights-of-way. Any special engineering features and traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern must be shown.

#### J. Development Impacts

The Development Plan shall contain a statement specifically addressing how the applicant will comply with the Operational Standards set forth in Article 5. The statement shall also describe the intended use or uses of the property, any specific activities or processes which might violate the Operational Standards, and any proposed mitigation measures that will be necessary to avoid violation of a standard. This statement of potential impacts shall also state whether there is any intent to use, store, process, or manufacture any hazardous materials as such materials are identified on a list supplied by the city or county, as appropriate. For any development that is to occur within Subareas B or D, the Development Plan shall contain information necessary to determine the vehicular traffic impacts of a proposed use, in terms of both average daily trips and expected heavy truck traffic.

Note: Any change in use and/or increase of the development impacts of a site will require a new or amended Development Plan approval. This requirement shall apply to any modification of any item required to be shown on the site development plan.

### **Section 3.4. APPLICATION PROCEDURES**

The Development Plan, in the number of copies specified by either the city or county and meeting the requirements of this Article, shall be submitted to the Planning Department. The site plan and, if required, the landscape plan shall be blue-line or black-line copies 24" by 36" in size with an indication of map scale and true North. Staff review for completeness of the application shall be completed within seven working days from the date of initial submittal. In order to expedite the Development Plan approval process, all applicants are encouraged to meet with Planning Department staff prior to initial application to discuss the items that will be required for the applicant's Development Plan submittal.

### **Section 3.5. DEVELOPMENT PLAN REFERRALS**

Upon accepting a complete application, the staff planner shall notify the applicant as to the number of plan copies required for referral to appropriate referral agencies. The staff planner shall be responsible for mailing referral packets to referral agencies. Such agencies shall have a period of 14 calendar days in which to respond. In the event a neighborhood meeting is deemed necessary pursuant to Section 3.6 below, the staff planner shall make available to the applicant the required sign(s) for posting notice when the applicant submits the required number of plan copies for referral. The sign(s) must be displayed on the property for a minimum of 21 days prior to the neighborhood meeting.

### **Section 3.6. NEIGHBORHOOD MEETINGS**

A neighborhood meeting shall be required by the Director of Planning for any proposed Development Plan if the Director determines that it will have a significant neighborhood impact. If a neighborhood meeting is required, it shall be the responsibility of the applicant to establish the meeting and notify all property owners and homeowner associations, within 600 feet of the applicant's property, if the neighboring property is a residential use or residentially zoned, and within 300 feet if the neighboring property is a nonresidential use or zoned as such. The applicant shall provide to the Planning Department a notarized mailing affidavit stating that the mailing notice has been completed and providing a list of the parties notified. The mailed notices must be postmarked no later

than 21 calendar days in advance of the neighborhood meeting. It shall be the responsibility of the applicant to schedule, provide convenient and suitable accommodations for, and conduct the meeting. The purpose of this meeting shall be to inform neighboring property owners of the details of the proposed Development Plan, how the developer intends to meet the standards contained in this CDP, and to receive public comment on the Development Plan. A member of planning staff of the appropriate jurisdiction shall attend the meeting.

### **Section 3.7. APPROVAL OF THE DEVELOPMENT PLAN**

- A. The authority for approval of a development plan lies solely with the Planning Director.
- B. If a neighborhood meeting has been required, the Planning Director shall either approve or disapprove the Development Plan, or return the Plan for correction, no later than seven calendar days after the meeting is held. If the developer makes changes to the Development Plan after the neighborhood meeting, the Planning Director shall make a decision no later than seven calendar days after the revised Development Plan is submitted. If no neighborhood meeting is required, the Planning Director shall approve, disapprove, or return the Development Plan for correction no later than seven calendar days after the expiration of the referral agency response period described in Section 3.5, above. If the Planning Director has not acted by the deadline set forth herein, the Development Plan shall be deemed denied.
- C. In the event that the approved Development Plan is in conflict with any other officially approved city or county plans, the approved Development Plan will control. City or county approval of any plan or other document which is in conflict with the approved Development Plan shall not constitute a waiver by the city or county of any portion of the approved Development Plan, nor shall the city or county be estopped from enforcing any provision or requirement of the approved Development Plan.
- D. If there are corrections to be made, the Development Plan shall not be approved until the specified number of copies of the corrected plan have been filed with the Planning Department. No building permits shall be issued until a copy of the approved

Development Plan has been filed in the Planning Department, and then a certificate of occupancy shall only be issued upon completion of all elements of the plan, except that such certificates may be issued for individual uses in a development that includes multiple uses at such time as the individual structures and appurtenant improvements are completed in accordance with the applicable codes of the city or county. This option may be exercised by both city and county.

E. Prior to approving any Development Plan, the Planning Director and, as appropriate in the case of an appeal, the City of Arvada Planning Commission or Jefferson County Board of Adjustment shall make a finding that the location, size, design and operating characteristics of the proposed Development Plan are in accord with the applicable provisions of this CDP. In making such a finding, the approving authority shall give specific consideration to:

1. The availability of public facilities, services and utilities, including whether the proposed Development Plan would have a materially adverse effect on the city or county capital improvements program and would require a level of city or county facilities and services greater than that which is currently available or is provided for in the capital improvements program; and
2. Whether the proposed Development Plan complies with all other governmental codes and regulations, and all other required government permits or licenses have been obtained.

Note: Neither the city nor the county is responsible for determining whether the Plan complies with the non-city and non-county codes and regulations.

F. If any land dedications or public improvements are required as a condition of approval of the Development Plan, no building permit shall be issued until all required deeds or sureties for such improvements have been submitted to the Planning Department and are approved.

### **Section 3.8. APPEAL**

In the event an applicant is aggrieved by the determination of the Planning Director, the applicant may appeal to the Planning Commission or county Board of Adjustment, as appropriate, pursuant to the applicable city or county procedures.

## **ARTICLE 4, DEVELOPMENT STANDARDS**

### **Section 4.1. INTRODUCTION**

The intent of this CDP is to shift from traditional use-based zoning regulations to more flexible development standards that focus upon impacts of development. The Development Standards in this Article 4 and the Operational Standards in Article 5 are together intended to control the impacts of various land uses upon neighboring uses. The Development Standards in this article concentrate upon development design elements which impact nearby properties and the community in general. The Operational Standards address those impacts that arise out of the particular activities and operations of a land use.

The standards in this Article are grouped under several different headings, each reflecting separate facets of development design. For ease of use, the basic information on the applicability of standards is presented in tabular form. Important supplemental information for each standard is listed in a Notes section following each table. Each note is designated by a subscript number located in the column heading for a standard or next to the standard for a particular subarea or subareas. See Article 8, "Definitions", for definitions of any of the terms used in column headings.

## Section 4.2. DENSITY/INTENSITY

### Section 4.2.1. Table of Density/Intensity Standards

The Density/Intensity standards in Table 4.2.1. shall apply as indicated for each subarea.

**Table 4.2.1. - Density/Intensity**

Subarea	Max. % Building Coverage <sub>1</sub>	Minimum Building Setbacks <sub>3,4</sub>			Min. % Open Space <sub>10</sub>	Max. Building Height <sub>12</sub>	Max. % Outdoor Storage <sub>14</sub>	Max. % Outdoor Retail Display <sub>21</sub>
		F <sub>5</sub>	S	R				
A	75	10 <sub>6</sub>	5 <sub>7,8</sub>	10 <sub>8,9</sub>	0	Unlimited	100 <sub>15,16</sub>	100
B	40	20	10	10	35	35	10 <sub>15,16,17,18</sub>	0
C	50	20 <sub>6</sub>	5 <sub>7</sub>	10	10	Unlimited	0 <sub>19</sub>	75 <sub>22</sub>
D	35 <sub>2</sub>	20	10	10	30 <sub>11</sub>	35 <sub>13</sub>	10 <sub>15,16,17,18,20</sub>	0
E	50	10	10	10	20	35	50 <sub>15,16</sub>	75

N/A = Not applicable

### Section 4.2.2. Notes for Density/Intensity Table 4.2.1.

#### Maximum Percentage of Building Coverage

1. Maximum percentage of building coverage is indicated as a percentage of total lot area.
2. When this subarea (D) has transitioned to 100 percent non-residential uses, the Subarea A limitation for maximum building coverage shall apply.

#### Minimum Building Setbacks

3. Minimum building setback is indicated in linear feet.
4. No building except mini-structures (see "Definitions") shall be erected in any required setback or within 10 feet of another building. Mini-structures shall not be permitted in a required front setback.
5. Dumpsters and trash containers shall not be placed within a front setback.
6. Front setbacks for properties abutting Sheridan Boulevard, W. 52nd Avenue, or Ralston Road shall be 25 feet from the property line. Front setback may be reduced to zero feet except adjacent to W. 60th Avenue, W. 52nd Avenue, Marshall/Lamar streets, Ralston Road, or Sheridan Blvd. as long as the requirements of Section 4.4.1. and 4.7.1. are met.
7. Side setbacks on property lines adjacent to public rights-of-ways shall be 10 feet.
8. Side or rear setbacks abutting a neighboring residence in Subarea D shall be 20 feet.
9. Subarea A properties abutting residential uses in Subarea D (West 53rd Avenue and Ingalls Street residential subdivisions) shall maintain a 40-foot building setback from the abutting lot line if the height of the building in Subarea A exceeds 35 feet.

#### Minimum Open Space

10. Minimum open space is indicated as a percentage of total lot area.
11. When this subarea (D) has transitioned to 100 percent non-residential use, the Subarea A minimum open space requirement shall apply.

#### Maximum Building Height

12. Maximum building height is indicated in linear feet.

13. When this subarea (D) has transitioned to 100 percent non-residential use, the Subarea A building height requirement shall apply.

#### Maximum Outdoor Storage

14. Maximum outdoor storage is indicated as a percentage of total lot area.
15. Outdoor storage adjacent to W. 52nd Avenue, W. 60th Avenue, Marshall/Lamar, Sheridan Blvd. or to a residence use in Subareas B, D, or E excludes junk yards, salvage yards and auto wrecking yards.
16. Outdoor storage may not exceed the height of the required screen fence in Subareas B and D.

Within Subarea E and in Subarea A, if adjoining a residential use in Subarea D there is no height limit on the outdoor storage when it is screened from view above grade at the closest point of the adjacent residential structure.

Within Subarea A and Subarea E, there will be no height restriction for machinery, vehicles, and cranes licensed, leased, and/or titled to a business conducted on the property.

17. No outdoor storage is allowed within the front yard of any property.
18. Outdoor storage is allowed up to, but not more than, 500 square feet per lot.
19. Storage is restricted to an enclosed structure that is integrated structurally and architecturally with the main structure. Limited and/or temporary outdoor storage (exclusive of junk yards, autowrecking yards and salvage yards) shall be approved by the Planning Director, as part of the original Development Plan or as an amendment to the original Development Plan, under the following conditions:
  - a. The developer submits to the Planning Department a Development Plan or a Development Plan amendment indicating the location and extent of the limited and/or temporary outdoor storage;
  - b. It occupies an area of no more than 1% of the lot area;
  - c. It is limited in duration to no more than 60 days within a calendar year;
  - d. It is screened from adjacent rights-of-ways and any adjacent residential uses by a building or opaque wall or fence a minimum of 6 feet high.

If these criteria are met, the Planning Director shall issue a written approval of the limited and/or temporary storage in question.

Limited and/or temporary outdoor storage (exclusive of junk yards, auto wrecking yards and salvage yards) which does not fall within the above criteria may be approved by the controlling jurisdiction through a conditional use/special use review process.

In this subarea, certain items defined as "Outdoor Retail Display" (see Footnotes 21 and 22 under "Maximum % Outdoor Retail Display" and Article 8, Definitions) do not fall within the definition of "Outdoor Storage" and are therefore allowed.

20. When this subarea (D) has transitioned to 100 percent non-residential uses, the Subarea A limitation on percent and height of outdoor storage shall apply.

#### Maximum % Outdoor Retail Display

21. Maximum outdoor retail display is indicated as a percentage of total lot area.

22. With respect to Subarea C, such merchandise shall consist of only licensed and/or titled vehicles and trailers, boats, pools and spas, and landscape and building materials. Additional merchandise categories may be approved by the controlling jurisdictions through a conditional use/special use review process.

**Section 4.3. BUILDING AND SITE DESIGN**

Section 4.3.1. Table of Building and Site Design Standards

The building and site design standards in Table 4.3.1 shall apply as indicated for each subarea.

**Section 4.3.1. - Building and Site Design**

Subarea	Building Appearance	Loading, Docks, Service Areas	Lighting	Fences & Divisional Structures	Underground Utilities	Revegetation
A	N/R		Applies to all subareas: Glare <sub>6</sub> , Pole lights <sub>7</sub> , Building mounted lights <sub>8</sub>	Applies to all subareas: General <sub>9</sub> , Corner lots <sub>10</sub> , Height <sub>11</sub> , Materials <sub>12</sub> , Prohibited fences <sub>13</sub> , Swimming pool <sub>14</sub> , Setbacks <sub>15</sub>	Applies to all subareas: General <sub>16</sub> , Exceptions <sub>17</sub> , Existing facilities <sub>18</sub> , Hardship waiver <sub>19</sub>	Applies to all subareas <sub>20</sub>
B	Mechanical equipment <sub>1</sub> , Siding <sub>2</sub> , Projections <sub>3</sub> , Facade treatment <sub>4</sub>	Location <sub>5</sub>				
C	Mechanical equipment <sub>1</sub> , Siding <sub>2</sub>					
D	Mechanical equipment <sub>1</sub> , Siding <sub>2</sub> , Projections <sub>3</sub> , Facade treatment <sub>4</sub>	Location <sub>5</sub>				
E	Mechanical equipment <sub>1</sub>					

N/R = No Requirement

Section 4.3.2. Notes for Building and Site Design Table 4.3.1.

**Building Appearance**

1. Mechanical Equipment:

All rooftop mechanical equipment including electronic equipment, all types of vents, and all public utilities on all nonresidential buildings shall be completely screened for their height or camouflaged by similar materials and architectural style or painting treatment as used on the balance of the building when such equipment is viewed from a distance of less than 200 feet at a height of 5 feet above ground level.

2. Siding:

Exterior siding may be of finish grade wood, plastic or metal which simulates the appearance wood siding, glass, natural or synthetic stone, brick, stucco, or textured block. Siding material must be continued down to within 9 inches of finished grade on any elevation.

3. Projections:

All building projections, including, but not limited to, chimneys, flues, vents, gutters, and down spouts, shall match in color the permanent color of the surface from which they project or match the building's trim color.

4. Facade Treatment:

No facade of a building may exceed 35 feet in length unless a change in surface material or surface plane is incorporated.

Loading Docks/Service Areas

5. Loading docks and service areas are prohibited within the front yard.

Lighting

6. Lighting shall not cast glare on adjacent properties or public rights-of-way.

7. Pole lights shall be downcast cutoff type, not to exceed 20 feet in height.

8. Building mounted lights must be directed downward or toward the building.

Fences and Divisional Structures

9. A fence or divisional wall is permitted in any subarea with the issuance of a fence permit approved by the appropriate city or county department, in accordance with the following provisions:

10. Corner Lots:

a. At the time of application for a fence permit, the applicant must designate front, side and rear yards on the permit.

b. Fences on corner lots must comply with the provisions of Section 4.7.2. "Requirements for Visibility at Intersections", of this CDP.

11. Height:

No fence, divisional wall, or retaining wall structures shall exceed 8 feet in height, unless one of the following applies:

a. The fence is part of a public tennis court, baseball field, or other similar public recreation use. In these cases, the fence may be 12 feet in height if located behind the front setbacks; or

b. The Planning Director approves an increase in height under the provisions of Section 4.4.1., governing the screening of outdoor storage in Subarea A.

12. Materials:

Fences or divisional walls shall be constructed of wood, brick, stone, stucco over concrete block, split-faced or fluted block, metal wire, or wrought iron. Sheet plastic, sheet metal (including corrugated metal), and plywood fencing shall not be allowed. Chain link fences with either wood or plastic slats shall not be allowed as a required screening fence.

13. Prohibited Fences:

Electrified and barbed wire fences are prohibited. The only exception to this shall be the placement for reasons of security of four-strand barbed wire on top of an 8-foot fence in Subareas A, C and in D when 100% transitioned.

14. Swimming Pools:

All swimming pools shall be enclosed with at least a 5-foot fence with a self-locking gate.

15. Setbacks:

In Subareas B, C, D, and E, and on the perimeter of Subarea A along W. 52nd Avenue, Marshall/Lamar Street, and W. 60th Avenue, solid/ opaque fences over 36" in height and open fences over 48" in height must meet the subarea front setback requirements.

Underground Utilities

16. General:

All electric and communication utility lines and services, and all street lighting circuits, except as hereinafter provided, shall be installed underground, and street lighting shall be provided by means of standard ornamental fixtures.

17. Exceptions:

Excepted from the Requirements of the foregoing and this Article shall be the following:

- a. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts and other facilities necessarily appurtenant to such underground and street lighting facilities may be placed above ground within the utility easement provided, or within the street or other public place as appropriate;
- b. All facilities reasonably necessary to connect underground facilities to existing or permitted overhead or over-ground facilities;
- c. Overhead electric transmission and distribution feeder lines and overhead communication long distance, trunk and feeder lines, existing or new;
- d. It shall not be necessary to remove or replace existing utility facilities used or useful in serving the development.

18. Existing Facilities:

The provisions of this Article shall not apply to existing facilities and structures.

19. Hardship Waiver:

If there are unusual circumstances that would make compliance with the aforementioned underground utilities regulations an unreasonable hardship, the Planning Director may grant a waiver.

Revegetation

20. All soil and vegetation disturbed during construction and not covered by impervious surfaces shall be revegetated or if within county jurisdiction, stabilized as required by the Jefferson County erosion control regulation.

**Section 4.4. SCREENING**

Section 4.4.1. Table of Screening Standards

The screening standards in Table 4.4.1 shall apply only as indicated for each subarea.

**Table 4.4.1. - Screening**

Subarea	Parking Areas from .....		Outdoor Storage from .....		Outdoor Retail Display from Adjacent R.O.W. <sub>5,6</sub>	Dumpsters	Loading Docks from Adjacent Residences
	Adjacent R.O.W.	Adjacent Residences	Adjacent R.O.W.	Adjacent Residences			
A	Type I <sub>1</sub>	Type II <sub>3</sub>	Type III	Lot line, adjacent to Subarea D Type IV	N/R	Type V <sub>7</sub>	Type II <sub>8</sub>
B	Type I <sub>2</sub>	Type II	Type IV <sub>4</sub>	Type IV <sub>4</sub>	N/A	Type V	Type II
C	Type I	Type II	N/A	N/A	Type I+	Type V	Type II
D	Type I <sub>2</sub>	Type II	Type IV <sub>4</sub>	Type IV <sub>4</sub>	N/A	Type V	Type II
E	Type I	Type II	Type IV	Type IV	Type I+	Type V	Type II

+ Adjacent to R.O.W. and also dispersed over 7% of display area's impervious surfaces

\* Descriptions of Screening Types I-V are contained in Section 4.4.2.

\*\* N/R = No requirement, N/A = Not applicable

\*\*\* Required screening should be planned in conjunction with any required landscape borders.

\*\*\*\* Screening notes are contained in Section 4.4.3.

**Section 4.4.2. Screening Types**

Any screening involving plantings should, to the greatest extent possible, make use of xeriscape techniques, and where needed, include some method of irrigation. The use of any fence or wall for screening shall be in accord with the standards set forth in Section 4.3.1., "Fences and Divisional Structures".

The following minimum sizes apply wherever landscaping is required:

- Deciduous shade trees - 2" caliper
- Evergreen trees - 6' height
- Ornamental trees - 1" caliper
- Shrubs - 5 gallon container

**A. Type I - Parking Lot/Right-of-Way Screening**

Any one of the following techniques may be used to satisfy the requirement for Type I - Parking Lot/Right-of-Way Screening:

**1. Deciduous trees with masses of shrubs.**

Within a minimum 7-foot wide strip, provide a solid planting of shrubs (maximum spacing of 5 feet on center) with a minimum of one tree every 30 linear feet for the length of the planting. There must be at least one tree for each planted area. Within 10 feet of any automobile driving lane interior to the project, shrubs may not exceed 3 feet in height. No more than 10 percent of the ground surface area shall be exposed gravel or mulch.

**2. Deciduous trees with berm.**

Within a minimum 18-foot wide strip, provide a minimum 3-foot high earth berm. A minimum of one tree every 30 linear feet must be planted. No more than 10 percent of the ground surface area shall be exposed gravel or mulch.

**3. Deciduous trees and earth berm with retaining wall.**

Within a minimum 9-foot wide strip, provide a minimum 3-foot high berm that is held back by a retaining wall. A minimum of one tree every 30 linear feet must be planted. No more than 10 percent of the ground surface area shall be exposed gravel or mulch.

4. Deciduous trees with wall or fence.

Within a minimum 7-foot wide strip, provide a minimum 3-foot high wall or opaque fence. A minimum of one tree every 30 linear feet must be planted. No more than 10 percent of the ground surface area shall be exposed gravel or mulch.

B. Type II - Visual Barrier Screening

Any one of the following techniques may be used to satisfy the requirement for Type II - Visual Barrier Screening:

1. A fence or wall in combination with deciduous trees, evergreen trees, and ground cover.

Within a minimum 7-foot wide strip, provide one tree for every 350 square feet of area. A minimum of 50 percent of the total number of trees must be evergreen. No more than 10 percent of the ground surface area shall be exposed gravel or mulch. Landscaping shall be used in combination with a 6-foot tall opaque fence or wall.

2. Evergreen trees as solid mass.

Within a minimum 20-foot wide strip, plant evergreen trees in a triangulated pattern at a minimum spacing of 20 feet on center, with an average overall density of at least one tree for every 300 square feet of area.

3. Deciduous trees in combination with medium-to-tall (3'-6') evergreen or densely twigged deciduous shrubs.

Within a minimum 15-foot wide strip, provide at least one continuous row of evergreen shrubs (minimum 5 feet tall within 5 years of initial planting) planted at minimum spacing of 5 feet on center, and deciduous trees planted at an average of one tree every 20 linear feet.

4. Earth mounding/berms in combination with deciduous and evergreen trees, shrubs, and ground cover.

Within a minimum 25-foot wide strip, provide a berm a minimum of 36 inches tall, with a maximum slope of 3:1, which contains a minimum overall plant density of one tree and two shrubs for every 400 square feet of area. No more than 10 percent of the ground surface area shall be exposed gravel or mulch. A minimum of 50 percent of the trees must be evergreen.

C. Type III - Outdoor Storage Screening in Subarea A

Any one of the techniques set forth below may be used to satisfy the requirement for Type III - Outdoor Storage Screening in Subarea A:

1. An opaque fence or wall no more than 8 feet, in height. The fence may exceed 8 feet in height where the difference in grade between the right-of-way and the outdoor storage makes a taller fence necessary.

2. Evergreen trees as a solid mass.

Within a minimum 20-foot wide strip, evergreen trees placed in a triangulated pattern at a minimum spacing of 20 feet on center, with an average overall density of at least one tree for every 300 square feet of area.

3. A solid evergreen hedge, 6 feet in height.
4. An earth berm in combination with either "1," "2," or "3," above.

The height requirement for any of these three optional combinations shall be reduced by the height of the berm.

D. Type IV - Outdoor Storage Screening in Subareas Other Than A

Outdoor storage shall be screened from adjacent rights-of-way and properties by means of an opaque fence or wall no more than 8 feet,

in height. Where screening is from an adjacent right-of-way, the perimeter of the fence or wall must be landscaped with a 7-foot wide strip containing a minimum of one tree for every 150 square feet of lot area.

E. Type V - Dumpster Screening

Screening shall consist of a solid fence or wall 6 feet in height. The access to this enclosure must be screened with an opaque gate.

Screening fences and walls shall be made of the same or compatible finish materials as the buildings to which they are accessory.

Section 4.4.3. Notes for Screening Table 4.4.1.

Parking Areas

1. Standard applies only to properties adjacent to W. 52nd Avenue, W. 60th Avenue, Marshall/Lamar Street, or Sheridan Blvd.
2. "Driveway parking" (see Article 8, "Definitions") is not considered a "parking area" for purposes of this section and therefore is not required to be screened.

3. Adjacent to a residence in Subarea D, parking areas must be screened.

Outdoor Storage

4. The objects stored within the allowable outdoor storage area cannot exceed the height of the required screen fence.

Outdoor Retail Display

5. See Section 4.2.1., "Density/Intensity," for maximum lot area that may be used for outdoor retail display.
6. Any proposed outdoor retail display shall be indicated on the Development Plan required under Article 3.
7. Dumpsters visible from W. 52nd Avenue, W. 60th Avenue, Marshall/Lamar, Sheridan Blvd., or adjacent to a residence in Subarea D, must be screened.

Loading Docks

8. Loading docks facing a residence in Subarea D must be screened.

**Section 4.5. EXCEPTIONS TO SCREENING REQUIREMENTS IN SUBAREAS A AND C**

In Subareas A and C, property owners shall not be responsible for any screening from public view from elevated roadways or elevated sections of roadways, specifically Highway I-76, the proposed Ralston Road extension, Sheridan Blvd., and Marshall/Lamar streets. The grade differential between the elevated roadway and the properties in these two subareas makes screening of these subarea properties ineffectual.

**Section 4.6. LANDSCAPE MAINTENANCE**

The owner of any property on which landscaping is required under Sections 4.3. or 4.4. of this CDP shall be responsible for maintaining such landscaping in proper condition.

**Section 4.7. CIRCULATION/STREETSCAPE**

Section 4.7.1. Table for Circulation/Streetscape

The Circulation/Streetscape Standards in Table 4.7.1. shall apply as indicated for each subarea.

**Table 4.7.1. - Circulation/Streetscape**

Subarea	Required Dedication by Street Classification <sub>1</sub>				Required Landscape Borders by Street Classification <sub>6</sub>			Required Off-Street Parking	Provisions for People with Disabilities <sub>16</sub>	Requirements for Visibility at Intersections	
	Local		Collector		Arterial	Local <sub>7</sub>	Collector <sub>8</sub>				Arterial <sub>8</sub>
	Roadway	Sidewalk/ <sub>2</sub>	Roadway	Sidewalk/ <sub>2</sub>	Roadway and Sidewalk/ Utilities						
A	17'7"	3'6" <sub>2</sub>	22'6"	12'6" for W. 56th Ave. <sub>3</sub> W. 60th Ave. <sub>3</sub> W. 54th Ave. <sub>4</sub> Harlan St. <sub>4</sub> Marshall/ Lamar <sub>3</sub>	55'	N/R	Applies only on: W. 56th Ave. W. 60th Ave. Marshall/ Lamar <sub>9</sub>	Applies	Applies to all subareas: Required number of spaces <sub>10</sub> Size & location <sub>11</sub> Dual use <sub>12</sub> Surfacing <sub>13</sub> Design <sub>14</sub> Bicycle parking <sub>15</sub>	Must comply with current Americans with Disabilities Act (ADA) and: Parking <sub>17</sub> Curb ramps <sub>18</sub> Building entrances <sub>19</sub>	Applies to all subareas: General requirements <sub>20</sub> Method of measurement <sub>21</sub> Minimum sight distance <sub>22</sub>
B	17'7"	7'5"	22'	12'6" on W. 60th Ave. <sub>3</sub>	55'	N/R	Applies	Applies			
C	17'7"	7'5"	N/A	12'6"	55'	Applies	Applies	Applies			
D	17'7"	3'6" <sub>2</sub>	N/A	N/A	55'	N/R	N/A	Applies			
E	17'7"	7'5"	22'6"	12'6" on Marshall/ Lamar Streets <sub>3</sub>	55'	N/R	Applies	Applies			

N/R = Not required    N/A = Not applicable    All dedication requirements shown are minimums

**Section 4.7.2. Notes for Circulation/Streetscape Table 4.7.1.**

**Required Dedication by Street Classification**

1. Required dedication reflects one-half of right of way section of a street. One-half of the street section shall be construed to be within a subarea if the street is adjacent to a subarea boundary. Roadway consists of that portion of the street, back-of-curb to back-of-curb.

The requirements imposed by this section are subject to the findings of the city engineer and administrative review as provided in the Arvada Municipal Code. Right-of-way dedication must be made at the time of Development Plan approval unless another arrangement is approved by the city or county engineer.

2. This is a right-of-way for utilities/signage, only. No sidewalk is required.

3. A 5-foot detached sidewalk plus 6 inches for signage at back of sidewalk may be placed in an easement.

4. A 5-foot attached sidewalk and 2.5 feet at back of sidewalk for utilities/signage may be placed in dedicated right-of-way.

5. A 6.5-foot attached sidewalk and 2.5 feet at back of sidewalk for utilities/signage may be placed in dedicated right-of-way.

**Landscape Borders**

6. Landscape border shall consist of a minimum average of one tree for every 30 linear feet of street frontage. No more than 10 percent of the ground surface area shall be exposed gravel or mulch.

The following minimum sizes apply wherever landscaping is required:

- Deciduous shade trees - 2" caliper
- Evergreen trees - 6' height
- Ornamental trees - 1" caliper
- Shrubs - 5 gallon container

7. Required landscaping shall be installed within an 8.5-foot planting area located directly behind the sidewalk. This planting area will encompass 3.5 feet of dedicated R.O.W. and 5 feet of private property.

8. Required landscaping shall be installed within dedicated R.O.W. Between the back of the curb and the street side of a detached sidewalk. For a collector street, the planting area shall be 7 feet. For an arterial street, the planting area shall be 10 feet.

9. Required landscaping shall be installed within a 5.5-foot planting area located directly behind the sidewalk. This planting area shall encompass 3.5 feet of dedicated R.O.W. and 5 feet of private property.

**Required Off-street Parking Areas**

10. Required number of spaces.

In an effort to alleviate undue congestion on streets, to protect the public's interest and investment, and to ensure the traffic-carrying capacities of our streets, off-street parking and loading spaces shall be required for all land uses. If ambiguity arises concerning the number of spaces required, the classification shall be the same as for a comparable use as determined by the Planning Department.

The following requirements shall be used when computing off-street parking spaces unless modified by the approving authority.

LAND USE	NUMBER OF REQUIRED SPACES
<b>Residential</b>	
1) One family and two family	2 per dwelling unit
2) Apartments	2 per dwelling unit
3) Condominiums/Townhouses generally.	2.2 per dwelling unit
Efficiency units (up to 35% of total number of dwelling units in the project)	1 per efficiency unit
Efficiency units (in excess of 35% of total number of dwelling units in the project) 1.5 per efficiency unit	
4) Multi-unit Senior Citizens housing (in excess of 35% of total number of dwelling units in the project)	1.0 per 2 units

<u>LAND USE</u>	<u>NUMBER OF REQUIRED SPACES</u>
<b>Commercial</b>	
1) General Retail 5.0 per 1,000 sq. ft. gross floor area (GFA)	5.0 per 1,000 sq. ft. gross floor area (GFA)
2) Shopping Center	
Neighborhood - 10,000 to 50,000 sq. ft.	4.0 per 1,000 sq. ft. GFA
Community - 50,000 to 250,000 sq. ft.	4.5 per 1,000 sq. ft. GFA
Regional - 250,000 and over	5.0 per 1,000 sq. ft. GFA
3) Restaurant	1.0 per 3 seats
4) Fast Food Restaurant	1.0 per 4 seats
5) Bowling Alley	5.0 per alley
6) Hotel and Motel	1.0 per room
Restaurant with hotel or motel	10 per 1,000 sq. ft.
Conference room	.5 per seat
Convention area	30 per 1000 sq. ft.
7) Funeral Home	1.0 per 4 seats
8) Theater	1.0 per 3 seats
9) Bar/Lounge	1.0 per 3 seats
10) Bank/Savings & Loan	4.0 per 1,000 sq. ft. GFA
11) Day Care Center	1.0 per staff member plus 5 guest stalls
12) Miniature Golf Course	2.0 per hole
13) Amusement Enterprises	5.5 per 1,000 sq. ft. GFA
14) Private Club & Health Club	4 per court plus 1 per 200 sq. ft. of remaining floor area
15) Greenhouse in excess of 200 sq. ft.	5.0 per 1,000 sq. ft. GFA
16) Transient Merchant	3
<b>Professional Office</b>	
1) General Office or Office in Industrial area	3.3 per 1,000 sq. ft. GFA
2) Unified Office Park	3.3 per 1,000 sq. ft. GFA
3) Medical or Dental Office	5.0 per 1,000 sq. ft. GFA
4) Laboratory	1.0 per employee
5) Radio or T.V. Studio	5.5 per 1,000 sq. ft. GFA
<b>Public and Quasi-Public Land Uses</b>	
1) Church	1.0 each 5 sanctuary seats
2) Public library	1.0 each 300 sq. ft. GFA
3) Studio for fine arts, art gallery, exhibit hall, museum, reading room, community center	1.0 each 300 sq. ft. GFA
4) Charitable institution	2.0 each full time employee
5) Hospital, sanitorium, nursing home, rest home, convalescent home	1.0 each full time employee plus 1.0 each 3 beds
<b>Recreational</b>	
1) Golf course or Country Club	6 per hole
<b>Educational</b>	
1) Elementary	1.0 each faculty and staff
2) Junior High School	1.0 each faculty and staff
3) Senior High School	1.0 each faculty and staff plus 1 for each 5 class seats
4) Business college/trade school	1.0 each student and/or instructor
5) Preschool or nursery school	1.0 each faculty and staff
<b>Industrial</b>	
1) Manufacturing	2.0 per 3 employees per shift
2) Warehousing	2.0 per 3 employees per but in no event less than 2 spaces per 1,000 sq. ft. GFA
3) Office portion of warehousing	3.3 per 1,000 sq.ft. GFA

## 11. Size and Location

a. **Size.** Standard off-street parking spaces shall be a minimum of 9 feet in width and not less than 18.5 feet in length.

b. **Clearance.** If parking stalls are covered, a minimum of 7 feet of clearance shall be provided.

## 12. Dual Use

Mixed Land Uses. Off-street parking required for developments which incorporate mixed land uses may be shared if it is demonstrated in the Development Plan submittals that sharing of the same parking spaces is feasible. Peak parking demands for each land use must be complementary.

## 13. Surfacing

All off-street parking spaces and access drives shall be improved with an asphaltic, concrete or equivalent surface and shall be graded and drained in accordance with the city or county drainage standards. A concrete drain pan should be used to carry accumulated water runoff and must be used in publicly maintained areas such as alleys. The property owner shall be responsible for providing an adequate access drive surface to ensure that site gravel/dirt is not transported/deposited on the right-of-way.

## 14. Design

The illustrations in Diagram 2 are intended to serve as a guide in designing parking areas; and, unless modified by the approving authority, shall be considered the minimum acceptable standard. All one-way drive lanes shall be a minimum of 12 feet in width, and all two-way drive lanes shall be a minimum of 20 feet in width.

See "Typical Parking Stall Layout".

## 15. Bicycle Parking

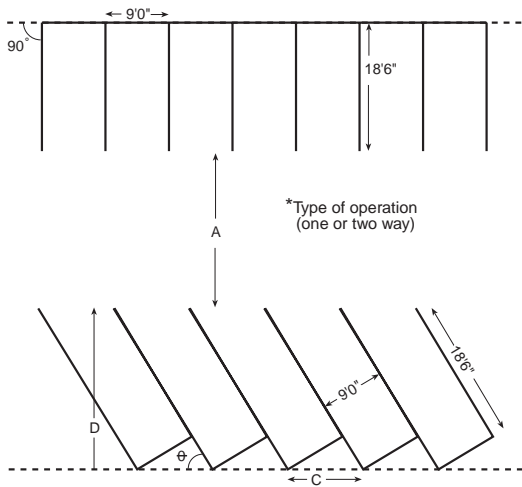
The following land uses in all subareas shall provide secure parking facilities for bicycles. The following spaces are required as minimums for each land use. Automobile parking may be reduced by one stall if the minimum bicycle parking is provided:

a. Unified shopping center	10 spaces
b. Office complex; office park	5 spaces
c. Fast food restaurant	5 spaces
d. Amusement enterprise	5 spaces
e. Theater	10 spaces
f. Public library	10 spaces
g. Recreation center	10 spaces
h. Museums, community centers	10 spaces
i. Schools (public)	
Elementary	50 spaces
Junior high	100 spaces
High school	50 spaces

## 16. Provisions for People with Disabilities

All developments shall comply with the provisions of applicable federal and state laws governing the design, maintenance, and construction of facilities for the purpose of assisting access to individuals with disabilities. The requirements in notes 17-19 are the minimum requirements imposed to assist individuals with disabilities. Approval of development or use of property pursuant to this Article does not constitute certification or representation by the city or the county that the approved development conforms or complies with the minimum standards imposed by federal and state law. To the extent that the city's or county's requirements are less stringent than applicable federal and state laws, the federal and state requirements shall control.

**Typical Parking Stall Layout**



**Space Requirements at Various Parking Angles**

Type of Operation	Parking Angle	Stall Width	Depth of Stall Perpendicular to Aisle	Aisle Width	Stall Width Parallel to Curb
	"-0"	"W"	"D"	"A"	"C"
One-way	0°	22'0"	8.0'	12.0'	22.0'
Two-way	0°	22'0"	8.0'	24.0'	22.0'
One-way	45°	9.0'	19.5'	13.0'	12.7'
Two-way	45°	9.0'	19.5'	24.0'	12.7'
One-way	60°	9.0'	20.5'	18.0'	10.4'
Two-way	60°	9.0'	20.5'	24.0'	10.4'
	90°	9.0'	18.5'	24.0'	9.0'

Where combinations are used, the most restrictive requirement applies.

**17. Parking**

a. In industrial developments, a minimum of two accessible spaces per parking lot for all lots with a total capacity of 100 cars or less. For all parking lots with a total capacity of more than 100 cars, there shall be a minimum of four parking accessible spaces; or two spaces per freestanding building, whichever is more.

b. In professional office and commercial developments, the following requirements must be met:

- 1) - Buildings with less than 10,000 square feet of GFA shall provide 1 accessible parking space per building.
- Buildings with at least 10,000 but less than 60,000 square feet of GFA shall provide 2 accessible parking spaces per building.
- Buildings with 60,000 square feet or more of GFA shall provide 4 accessible parking spaces per tenant with over 60,000 square feet GFA.

2) A minimum of one accessible parking space and curb ramp, if a curb exists, located every 200 feet of lineal feet of building frontage.

c. In multi-family developments, the following requirements must be met:

No. of Units	No. of Accessible Spaces
1 - 3	0
4 - 14	1
15 - 21	2
22 - 28	3
29 - 35	4
36 - 42	5

(for each additional 6 units, the required number of spaces increases by 1)

2) These accessible parking spaces will be specifically assigned first to the accessible residential unit. Any extra spaces will remain unassigned.

d. For non-residential uses requiring off-street parking other than commercial, professional office or industrial uses, one accessible space for people with disabilities must be provided for each 50 parking spaces required for the use.

e. Location

1) These accessible spaces should be placed as close as possible to a major entrance of a building or function, preferably no more than 100 feet away.

2) In cases where the accessible parking spaces are separated from the building entrance by a drive aisle, a painted crosswalk and stop sign must be installed in the drive aisle.

f. The accessible parking space size shall be as follows:

- 1) Paired spaces shall be 9.5 feet wide and 18.5 feet long with a 5-foot common access aisle between them.
- 2) Individual spaces shall be 15 feet wide and 18.5 feet long.

All accessible spaces shall be delineated with both signs and striping as illustrated in this CDP.

g. All accessible spaces shall be kept clear of snow, mud, debris, and any other impediment regardless of weather or other conditions.

**18. Curb Ramps**

a. Where curbs exist or other barriers are present, curb ramps shall be provided. Ramps shall have a gradient of 8.5% (1:12) unless physical conditions prohibit. In such cases, the maximum gradient permitted shall be 12% (1:9).

b. For paired accessible parking spaces, the curb ramp shall be centered on the 5-foot common access aisle.

c. For individual accessible spaces, the curb ramp shall be on the right edge of the space (the passenger side of the vehicle when parked head in), unless approved in an alternate location by the Planning Director. However, at no time shall a curb cut and ramp be in the center front of the accessible space for people with disabilities.

**19. Building Entrances**

Building entrances shall be designed with doorways having a minimum opening of 32 inches. There shall be no grade change at doorway thresholds.

**Requirements for Visibility at Intersections**

**20. General Requirements.**

In any subarea, on any corner lot, nothing shall be erected, placed, parked, planted or allowed to grow in such a manner as to impede visibility at the intersection.

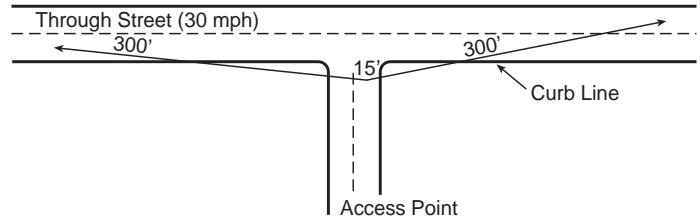
**21. Method of Measurement.**

Sight distance shall be measured from the center of the approach lane at a point 15 feet behind the curb line to the center of the nearest approaching traffic lane for each direction.

22. Minimum Sight Distance.

The following minimum sight distance shall be provided at all access point locations:

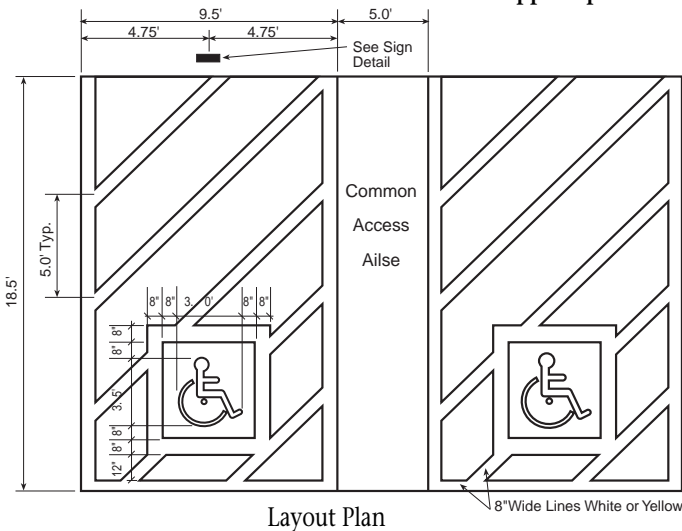
Speed	Minimum Sight Distance
45 mph	450 ft.
40 mph	400 ft.
35 mph	350 ft.
30 mph	300 ft.
25 mph	250 ft.



Upon recommendation by the Traffic Engineer, these distances may be modified where safe, accepted engineering practice would indicate that a modified visibility distance either greater or lesser, would be acceptable or necessary for public health, safety or welfare.

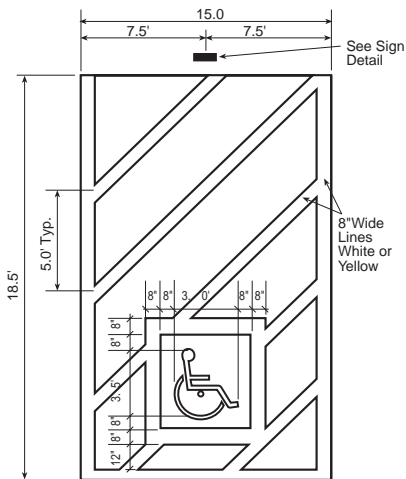
**Handicapped Parking**

**Paired Handicapped Spaces**

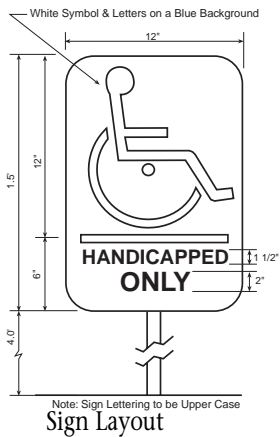


Layout Plan

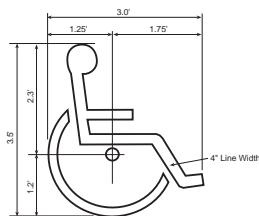
**Typical Signing and Striping**



Layout Plan



Sign Layout



Symbol Layout

**Section 4.8. EXPANSION OF EXISTING BUILDINGS**

**Section 4.8.1 Intent**

In order to facilitate the physical expansion of the base building square footage of existing commercial and industrial uses in all subareas, this section sets forth more limited developer requirements in the case of business seeking limited physical expansion of a premises.

**Section 4.8.2 Building Expansion of 25 Percent or Less**

The following requirements will not apply when expansion of an existing structure is expanded by 25 percent or less, either in one expansion or a cumulation of expansions over time:

1. Right-of-way dedications (Section 4.7.1)
2. Public improvements (sidewalk and roadway requirements which are contained in other city and county regulations)
3. Landscape borders (Section 4.7.1)

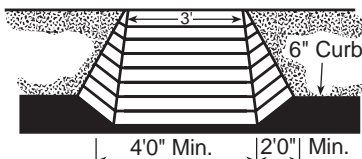
However, an expansion greater than 2,500 square feet shall qualify for this exemption only if the Planning Director determines that the expansion will not cause an increase in vehicular traffic requiring traffic improvements to public streets.

The base building square footage figure for determining degree of expansion shall be gross floor area as of the date of adoption of this CDP by the applicable jurisdiction. Expansion may be to existing buildings or may be the addition of new buildings.

**Section 4.8.3 Building Expansion of More Than 25 Percent**

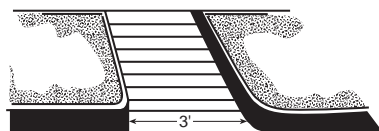
Any owner wanting to expand more than 25% must meet all applicable requirements.

**Flared Ramp**



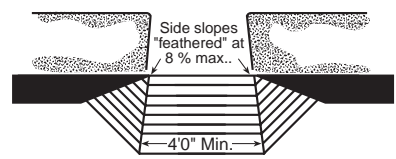
Avoid "up" greater than one half inch wherever ramp meets adjacent paving at top or bottom.

**Ramp With Continuous Curb**



Corrugated Lines in ramps should be avoided since they can hold water in freezing weather and become icy.

**Extended Ramp**



Use of this ramp shall be avoided where it would interfere with site drainage, drive or firelane.

# ARTICLE 5, OPERATIONAL STANDARDS

## Section 5.1. INTENT

While this CDP allows a mix of uses within the Plan area, the standards in this Article are intended to control operations which might have adverse impacts upon adjacent uses and upon the public in general. These standards apply to all uses in all subareas.

## Section 5.2. DRAINAGE

A. Drainage ditches shall be kept clean and free of any obstacles and in accordance with the storm water quality provisions of the Arvada City Code (Chapter 15, Article IV). No substances other than storm water runoff and stipulated other substances may be discharged into the storm drainage system.

## Section 5.3. TRAFFIC GENERATION

A. Vehicle trip generation

With respect to uses in Subareas B and D, no nonresidential use shall be allowed which is expected to generate more than more than 48 weekday vehicle trips per day. Expected average vehicle trips for a proposed use shall be determined by reference to the current edition of the Institute for Transportation Engineers' "Trip Generation" manual.

B. Truck traffic

With respect to uses in Subareas B and D, nonresidential uses shall not generate more than an average of four vehicle trips per week of semi-trailer trucks in AASHTO vehicle classifications WB-40, WB-50, and WB-60. For a proposed use, expected trip generation for the purposes of this standard shall be determined by a developer's certified estimate of trip generation by such trucks.

C. Vehicular access to Subarea E businesses

With respect to any use within Subarea E, vehicular access for uses fronting on Marshall/Lamar Street should not be allowed onto or from Newland Street or Newland Way, to the west.

## Section 5.4. GLARE AND HEAT

No direct or sky-reflected glare, whether from floodlights, reflective glass, or from high temperature processes such as combustion or welding or otherwise, or shall be permitted that is visible at the lot line. These regulations shall not apply to signs or floodlighting of parking areas otherwise permitted by this CDP. There shall be no emission or transmission of heat or heated air which is discernible at the lot line.

## Section 5.5. VIBRATION

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at the property line or at any point beyond the property line, nor shall such vibration cause damage to structures on adjacent properties.

## Section 5.6. SMOKE AND AIR POLLUTION EMISSIONS

No person shall emit or cause to be emitted into the atmosphere any air contamination or emission of any air contaminant that is in violation of any federal, state, city or county requirements. Further, all uses shall comply with the provisions of the Colorado Clean Air Act. This standard will be enforced by the entity with jurisdiction to enforce the regulation in question.

## Section 5.7. ODORS

No condition or operation which results in the creation of odors, vapors or gaseous emissions of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be permitted. If a use begins to create such conditions, it shall be stopped immediately or so modified as to remove the odor. Any complaint or enforcement action taken under this standard shall comply with the public notice and hearings provisions of the Colorado Revised Statutes.

## Section 5.8. NOISE CONTROL

No person shall operate or cause or permit to be operated any stationary source of noise which creates a sound pressure level that exceeds the limits set forth in Table I for more than 90 percent of any measurement period. This measurement shall not be less than 10 minutes when measured at the property boundary or at any point within the property affected by the noise.

TABLE 5.8 SOUND PRESSURE LEVEL LIMIT dB(A)

Subarea	Day	Night
	7:00 a.m.-9:00 p.m.	9:00 p.m.-7:00 a.m.
A	75	75
B	55	50
C	60	55
D	55	50
E	60	55

When a noise source can be identified and its noise is measured in more than one subarea, the sound pressure level limits of the most restrictive subarea shall apply at that subarea boundary.

## Section 5.9. ELECTROMAGNETIC RADIATION

Any introduced source of electromagnetic radiation must meet the standards recommended by the American National Standards Institute, the Colorado Radiation Control Act or any more restrictive standard applicable to a particular activity. However, nothing in this provision shall prevent the use of speed detection devices by any authorized government agency or appointed group.

## Section 5.10. FIRE AND EXPLOSION

The requirements of the Uniform Building and adopted Fire Codes shall be met for all storage, use, or manufacture of blasting agents, combustible fibers, combustible liquids or compressed gases. The applicable fire district shall have jurisdiction to enforce its fire code.

## Section 5.11. MATERIALS HANDLING

No person shall cause or permit any materials to be handled, transported, or stored in a manner which allows or may allow particulate matter to become airborne in violation of federal, state, or local air pollution regulations, nor to allow liquid matter to seep or drain into or onto the ground in violation of any federal, state, or local groundwater protection or clean water regulations.

## **Section 5.12. OUTDOOR STORAGE AND WASTE DISPOSAL**

- A. No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground in violation of the Uniform Fire Code requirements, as amended;
- B. All materials or wastes stored outdoors which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored only in closed, impermeable trash containers;
- C. Toxic and hazardous materials and chemicals shall be stored, secured and maintained so that there is no contamination of ground, air, or water sources. Provisions shall be made so that all lubrication and fuel substances shall be prevented from leaking and/or draining onto the property.
- D. Notwithstanding anything contained herein, all treatment, storage, disposal, or transportation of hazardous waste and radioactive waste shall be in conformance with all federal and state statutes, codes and regulations.

## **Section 5.13. REPORT BY EXPERT CONSULTANTS**

At the time of rezoning or change of use, the applicant for a proposed use shall demonstrate that the use will comply with the requirements of the CDP operational standards. The city or county Planning Director may require any applicant to retain, at its own expense, an expert consultant or consultants to verify that the use will comply with the CDP operational standards, or to advise how a proposed use can be brought into compliance with the CDP operational standards if the use fails to comply as proposed. Such consultants shall be fully qualified to give the required information and shall be acceptable to the jurisdiction's Planning Director.

## **Section 5.14. PROCEDURE IN THE CASE OF AN EXISTING USE**

Operation of a use which is approved pursuant to this CDP shall meet all applicable conditions of this CDP and all conditions of approval. All remedies and enforcement authorities which otherwise exist shall be available.

# **ARTICLE 6, SIGNS**

## **Section 6.1. INTENT**

The purpose of the sign regulations shall be to coordinate the type, placement and physical dimensions of signs (see Article 8, "Definitions") within the Plan area; to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance; to allow for special circumstances; and to guarantee equal treatment through accurate record keeping and uniform enforcement.

It is further the intent of this Article to encourage signs which are attractive and compatible with the adjacent property, which will preserve and enhance property values within the community and provide for the public's safety, and which will preserve the environmental character of the community. It is also intended that sign graphics are regulated to prevent overload of visual stimuli and to promote safe visual perception from a moving vehicle.

Properly regulated signage can create an atmosphere of prosperity, stimulate commercial activity, and help provide for a healthy tax base.

## **Section 6.2. GENERAL SIGN REGULATIONS**

### **A. Scope**

The provisions in this Article shall apply to all signs, including signs not requiring a permit.

### **B. Right-of-Way**

No sign shall be allowed in any public right-of-way except for governmental signs and projecting and wall signs which meet all the requirements under Section 6.6.

### **C. Location**

No sign, excluding governmental signs and logos, shall be located on any premises other than the premises on which is located the use to which the sign applies.

### **D. Visibility at Intersections**

No sign may be located within the area required to maintain visibility at intersections as defined in Section 4.7.

### **E. Unimpaired Traffic Visibility**

No sign shall be located to impair traffic visibility. The direct or reflected illumination of a sign shall not create a traffic hazard.

## **Section 6.3. MEASUREMENT OF SIGN DIMENSIONS**

### **A. Sign Area (Face) Measurement**

The sign area (face) shall be determined by measuring the perimeter of the area using a continuous rectilinear perimeter of not more than eight straight lines which encloses any writing, representation, lines, emblems, or figures contained within all modules together with any air space, materials or colors forming an integral part or background of the display or material used to differentiate such sign from the structure against which the sign is placed. Architectural features, structural supports and landscape elements shall not be included within the sign area measurement unless they are used as a background for a sign.

### **B. Freestanding Base Measurement**

The sign area of a freestanding sign shall include, in addition to the sign face area, any portion of the freestanding sign structure which exceeds one and one-half times the area of the sign face. The base shall be any structural component of the sign, including raised landscape planter boxes.

### **C. Sign Faces Counted**

Where there are not more than two faces of a ground sign and where the faces are back to back, parallel or at less than a 90 degree angle, the total area of the largest face shall determine the area of the sign.

### **D. Freestanding Sign Setback Measurement**

The required setback for freestanding signs shall be the distance between the sign's leading edge and the property line.

### **E. Sign Height Measurement**

The height of a sign is the vertical distance measured from grade below the sign to the uppermost point of the sign structure. Natural grade surrounding the sign may not be altered in order to exceed sign height limits.

## **Section 6.4. SIGNS NOT SUBJECT TO PERMIT - EXEMPT SIGNS**

Due to their small size, temporary nature, limited aesthetic impact and strong community interest in identifying land uses, locations and historic structures, the following signs may be erected without a sign permit so long as they meet all applicable standards of this Article, and construction and safety standards of the city or county, as appropriate.

### A. Signs on Vehicles and Trailers

All signs on vehicles or trailers which are incidental to the primary use of the vehicle or trailer; however, within the city any such sign must comply with the provisions of Section 9.4.L the City of Arvada's Zoning Ordinance.

### B. Commemorative Signs

Sign, tablet, or plaque which does not exceed a total of two square feet. Only one sign per premises shall be exempt.

### C. Noncommercial Signs

Noncommercial signs which do not exceed one per premises and are not more than six square feet of sign area per face and six feet in height.

### D. Flags

1. Flags of the United States.
2. Flags and insignias of the State of Colorado, the City of Arvada, and Jefferson County when displayed on the premises.
3. No more than three flags shall be exempt for each premises.

### E. Governmental Signs

As defined in Article 8.

### F. Holiday Decorations

Temporary decorations or displays clearly customary and associated with United States, the state, local or religious holiday celebrations which in no way identify a product, business, or enterprise.

### G. Informational Signs

Signs which instruct the movement of pedestrians and traffic within private property and include information such as no parking, handicapped parking, loading area, self-service and/or restrooms. Informational signs shall not exceed five square feet per face and seven feet in height. Informational signs shall bear no advertising matter.

### H. Logos

Logos, pennants, or insignias up to four square feet in size of nations, an organization of nations, states, cities, fraternal, religious and civic organizations, or any educational institutions, except when used in connection with a commercial promotion or as an advertising device.

### I. Private Sale Signs

One on-premises private sale sign per street frontage which does not exceed four square feet per face. Signs shall be displayed only during the sale or event specified.

### J. Real Estate Signs

One sign is permitted per street frontage on the property being advertised. Real estate signs in Subareas B and D shall not exceed five square feet of sign area per face and four feet in height. Real estate signs in Subareas A, C and E shall not exceed 20 square feet of sign area per face and six feet in height.

### K. Temporary Signs

As permitted in Subareas A, C and E in Section 6.6.1.

### L. Window Signs

Except as provided in Section 6.6.1.D.

## **Section 6.5. PROHIBITED SIGNS**

The following signs are not permitted in any subarea except as provided in Section 6.6.1.D.

### A. Moving Signs

Any moving sign of which all or any part is in motion greater than eight revolutions per minute by any means, including fluttering or rotating. Also prohibited are other moving signs set in motion by movement of the atmosphere. This does not include those flags outlined as permitted within this Article.

### B. Flashing Signs

Any sign displaying flashing or intermittent lights, or lights of varying intensity, except those portions of a sign indicating time and temperature or electronic changeable copy signs with intermittent lights due to the change of copy.

### C. Roof Signs

Except as part of a planned sign program as provided for in Section 6.6.1.B.

### D. Off-Premises Signs

### E. Portable Signs

Except as provided for in Section 6.6.1.D.

### F. Light Bulbs

### G. Signs Causing Glare

No lighting which causes any direct glare into or upon any residential building or premises adjacent to the building to which the sign relates shall be allowed on any sign.

### H. Freestanding Signs Made of Impermanent Material

Signs of a nonpermanent nature such as cardboard, paper, cloth, plastic or similar material except as provided in Section 6.6.1.D.

## **Section 6.6. SIGN REGULATIONS FOR NONRESIDENTIAL USES**

### Section 6.6.1. Subareas A, C, and E

#### A. Basic Sign Regulations

Every business desiring signs as allowed by right in this Article may apply for a sign permit, and a permit shall be issued if all the provisions in this section are met.

##### 1. Total Allowable Sign Area

The total sign area for all permitted signs shall not exceed .75 square foot per linear foot of building frontage for the first two-hundred linear feet of building frontage, plus .50 square foot per linear foot of building frontage thereafter. No more than two sides of a building may be counted as building frontage. The total sign area for all sign faces shall be deducted from the total allowable sign area. However, each premises shall be, at a minimum, entitled to one freestanding sign per street frontage of 32 square feet maximum in size per face, and one wall sign of 40 square feet maximum in size per street frontage, so long as all other requirements of the sign code are met. Each business within a multi-tenant complex shall be entitled to one wall sign of 40 square feet maximum in size per street frontage.

## 2. Freestanding Signs

- a. Number: One per street frontage per premises, each of which signs shall be located on each street frontage. Exceptions to these limitations may be granted under an approved planned sign program.
- b. Sign area: All freestanding signs must be ten feet from the property line. All freestanding signs set back more than ten feet from the property line shall be allowed two square feet of sign area per foot of setback (in excess of the initial ten feet) up to a maximum of 60 square feet per face.
- c. Height: Ten feet in height for all signs set back ten feet from the property line, then one foot of height for each two feet of setback thereafter up to a maximum height of 25 feet. However, should it be adequately demonstrated that the only feasible location for a freestanding sign is within the clear visibility at intersection area due to the location of existing buildings, entrances and parking, or shallowness of the lot, staff may allow a freestanding sign up to a maximum height of 14 feet.
- d. Setback: For purposes of determining the allowable sign area and height of a freestanding sign, the setback of a freestanding sign shall be measured from the property line.
- e. Sign modules: Maximum of three.
- f. Changeable copy: If an electric or electronic message board is used, any message displayed must remain for a period of not less than five seconds. No more than one-third of total sign area may consist of changeable copy.
- g. Freestanding sign area bonus: To encourage design excellence, the maximum sign area for freestanding signs for all uses as set forth in this section may be increased by ten percent if the freestanding sign is designed to integrate with the building structure and landscaping. The sign will be considered integrated with the building structure if the same or similar building materials and colors are used. If discrepancy occurs, the planning director shall make the final decision.

## 3. Wall Signs

- a. Location: A wall sign or signs shall only be located on a signable wall.
- b. Number: Each business shall be entitled to one wall sign per signable wall.
- c. Sign area: 15% of signable wall up to a maximum of 100 square feet.
- d. Height: No wall sign or sign support shall extend above the roof line or parapet wall of the building to which the wall sign is attached. No wall sign shall be allowed on a roof with an angle less than 45 degrees or in such a manner as to be silhouetted against the sky as viewed five feet above grade at the property line.
- e. Wall sign bonus: A ten percent bonus shall be provided if all wall signs within a single or multi-tenant complex are individual, lettered signs.

## 4. Projecting Signs

- a. Location: A projecting sign shall only be located on a signable wall, except a projecting sign is not allowed on the same street frontage as a freestanding sign.
- b. Number: One per street frontage or business.

- c. Sign area: Projecting signs shall not exceed 15 square feet in sign area per face with a maximum of 30 square feet for all faces.
- d. Projection: Projecting signs shall not extend more than five feet from a building nor extend beyond the curbline of any street or off-street parking area.
- e. Clearance: Projecting signs shall provide a minimum of eight feet of clearance from the ground to the bottom edge of the sign when located over a public or private sidewalk.
- f. Height: The maximum height of projecting signs shall be 25 feet and shall not extend above the roofline or parapet wall of the building to which it is attached.

## 5. Awning Signs

- a. Location: Awning signs shall not be allowed above the first story of a building.
- b. Sign area: The maximum amount of sign area allowed on an awning per street frontage shall be 32 square feet, excluding banding and striping.
- c. Clearance: When extended over either a private or a public sidewalk, the minimum clearance from the lowest point of the awning to the top of pavement shall be eight feet. No awning sign shall be allowed to project over a private or public vehicular way.

## B. Planned Sign Program Regulations

Owners or tenants of a premise desiring signs which vary from the basic sign regulations as contained in Section 6.6.1.A. may apply for approval of a planned sign program for the entire premises.

### 1. Total Allowable Sign Area

The total allowable sign area for all signs shall be based upon the requirements contained in subsection A.1. of this section.

### 2. Freestanding Signs

- a. Number: One per street frontage per premises. For a premises with more than 500 feet of street frontage, one additional freestanding sign shall be allowed.
- b. Sign area: All freestanding signs must be set back ten feet from the property line. All freestanding signs set back more than ten feet from the property line shall be allowed 3.3 square feet of sign area per foot of setback up to a maximum of 100 square feet per face.
- c. Height: One foot of height for each foot of setback up to a maximum height of 25 feet.
- d. Setback: For purposes of determining the allowable sign area and height of a freestanding sign, the setback of a freestanding sign shall be measured from the property line.
- e. Freestanding sign area bonus: There shall be a maximum bonus of ten percent if the freestanding sign is designed to integrate with the building structure and landscaping. The sign will be considered well integrated with the building structure if the same or similar building materials and colors are used. If discrepancy occurs, the planning director shall make the final decision.
- f. Separation: Minimum 75 linear feet between any two freestanding signs on the same premises.
- g. Sign modules: A maximum of three.
- h. Changeable copy: Changeable copy signs may be allowed as part of a freestanding sign if the changeable copy sign is designed to be an integral part of the sign. If an electric or electronic message board is used, any message displayed must remain for a period of not

less than five seconds. No more than one-third of the sign area may consist of changeable copy.

### 3. Wall Signs

- a. Location: A wall sign or signs shall only be located on a signable wall.
- b. Number: No limit with approval of a planned sign program.
- c. Sign area: 15 percent of a signable wall up to a maximum of 150 square feet.
- d. Height: No wall sign or sign support shall extend more than one-third the width of the sign above a roofline or above a parapet wall of a building to which the wall sign is attached. No wall sign shall be allowed on a roof with an angle less than 45 degrees or in such a manner as to be silhouetted against the sky from the street, except as provided in this section.
- e. Wall sign bonus: A ten percent bonus over maximum sign area shall be provided if all wall signs within a single or multi-tenant complex are individual, lettered signs.

### 4. Projecting Signs

- a. Number: No limit with approval of a planned sign program.
- b. Sign area: No limit with approval of a planned sign program.
- c. Projection: No limit with approval of a planned sign program.
- d. Clearance: Projecting signs shall provide a minimum of eight feet of clearance from the ground to the bottom edge of the sign when located over a public or private sidewalk.
- e. Height: The maximum height of projecting signs shall not extend above the roofline or parapet wall of the building to which it is attached.

### 5. Awning Signs

- a. Location: Awning signs shall not be allowed above the first story of a building.
- b. Sign area: All signs on awnings shall be integrated into the overall design of the awning so as to present a unified appearance.
- c. Design: Whenever a sign is placed on an awning, the awning shall be integrated into the overall design of the building to present a unified architectural theme.

### 6. Freestanding Directory Signs

Freestanding directory signs are allowed on premises with more than four uses and provided that each of the following are met:

- a. Number: One directory sign shall be allowed per pedestrian entry, not to exceed two directory signs per project.
- b. Sign area: The maximum sign area shall be 12 square feet per sign face, with a maximum of 24 square feet for all faces.
- c. Height: Directory signs shall not exceed six feet in height.
- d. Setback: Directory signs shall be setback a minimum of 50 feet from a public right-of-way and shall be located to best serve its intended function.

### 7. Menu Boards

Both freestanding and wall menu board signs are allowed in conjunction with restaurant drive-through, under the following restrictions:

- a. Number: The maximum number of menu board signs allowed per site shall be two.

- b. Sign area: The maximum sign area of a menu board shall be 25 square feet. For wall-mounted menu board signs, this area shall be in addition to all other wall-mounted signs.

- c. Height: The maximum height of a menu board sign shall be six feet.

### 8. Entry/Exit Signs

Entry/exit signs which contain advertising material, provided the entry/exit sign does not exceed four square feet and the area in advertising is included in the allowable square footage for freestanding signs.

### 9. Flags or Pennants

Flags or pennants may be located on the tops of walls of a building so long as they are affixed to permanent poles no more than three feet in height and are architecturally integrated into the design of the building and into the sign program. No more than four such flags or pennants may be displayed on each wall of the building. All faces of such flags or pennants will be counted as part of the allowable sign area.

### 10. Planned Sign Program Requirements

An application form for a planned sign program shall include allowable square footage, sign locations, sizes, materials, colors, lighting, lettering type and structural support, and such other information as may be requested by the Planning Department. The sign program shall be designed to show unity and coordinate all signs within the project to a building and all other signs on the premise. The following sign characteristics shall be considered when identifying unity and coordination: material, color, height, lettering style, sign type, shape, lighting and location on a building.

### 11. Review Procedure

The Planning Department shall review the planned sign program and shall approve the application if it meets the findings required in subsection B.12. of this section.

### 12. Findings Required

A planned sign program shall not be approved unless the Planning Director finds that the proposed signs are unified and coordinated with:

- a. other signs included in the planned sign program. This shall be accomplished by incorporating four common visual design elements chosen by the applicant, such as material, letter style, colors, illumination, sign type, sign shape, or location on a building.
- b. the building they identify. This may be accomplished by utilizing materials, colors, or design motif included in the building being identified.
- c. Findings of the Planning Director shall be put in writing.

### 13. Appeal of a Planning Director's Decision

Should the applicant for a planned sign program not be satisfied with the decision of the Planning Director, the applicant shall have the right to request that the city Planning Commission or county Board of Adjustment, as appropriate, review and approve the proposed planned sign program. Such a request shall be made within 30 days of issuance of the Planning Director's findings. The Planning Director shall place the proposed sign program on the appeal body's agenda no later than 60 days from the date of the request for Planning Commission review and approval.

The decision of the Planning Director shall be upheld unless the appropriate appeal body finds that the Planning Director findings are clearly erroneous, arbitrary, or capricious.

#### C. Sign Regulations for Structures With Minimal Building Setback Along a Street Right-of-Way

This section shall apply when a building or structure is set back 15 feet or less from the property line.

1. Number: Except as otherwise specified in this section, a premises with a structure which is set back 15 feet or less from property line shall be allowed one wall sign per street frontage pursuant to Section 6.6.1.A., or may develop a planned sign program pursuant to Section 6.6.1.B., with no specific limit on the number of signs so long as the cumulative total of area in signs does not exceed the total area allowed pursuant to this section.

2. Sign area: Except as otherwise specified in this section, the total cumulative sign area for a structure which is set back 15 feet or less from the property line shall be ten percent of the first floor facade area, or 32 square feet, whichever is greater.

#### D. Temporary Signs

Only the following temporary signs are allowed:

1. Portable signs: The following portable signs are allowed, provided that not more than two types of portable signs may be used at one time and that the cumulative total time for all portable signs for each business does not exceed 60 days per calendar year:

- a. Balloons, FAA-licensed hot air balloons and air-filled facsimiles;
- b. Valances or other wind-powered devices, except as provided in Section 6.6.1.B.;
- c. Searchlights;
- d. Banner(s) which do not cumulatively exceed 100 square feet in total sign area.

2. Location: All temporary signs allowed pursuant to this section shall be attached to the business's building frontage and shall not extend more than 20 feet from the front of the building or over any vehicular way or parking area.

#### E. Project Identification Signs

1. Sign area: The maximum sign area of a project identification sign shall be 35 square feet. The sign area shall only include the extreme limits of lettering, except when the structure (other than a wall) to which the sign is attached or affixed exceeds one and one-half times the area of the sign face, in which case all additional surface area will be included in the sign area measurement. Logos of projects up to four square feet in size shall not be counted as part of the sign area.

2. Number: There shall be no more than two signs per project entry from an arterial or collector street. Identification signs shall be counted as a freestanding sign for the premises on which it is located.

3. Design: Wall signs shall be designed to present a unified and coordinated appearance and be integrated into the overall design of the wall. The following sign characteristics shall be considered when identifying unity, coordination and integration: material, color, height, shape, and location on the wall.

4. Height: Freestanding signs shall be a maximum of six feet in height.

5. Lighting: Any lighting shall be indirect.

6. Maintenance: All applicants shall provide adequate assurance acceptable to the city or county, as appropriate, that the sign and the lot on which it is located will be maintained.

#### Section 6.6.2. Subareas B and D

##### A. Total Allowable Sign Area

The total sign area for all permitted signs shall not exceed six square feet.

##### B. Wall Signs

1. Location: A wall sign shall only be located on a signable wall.
2. Number: Each business shall be entitled to one wall sign per signable wall.
3. Sign area: No wall sign shall exceed six square feet in sign area.
4. Height: The maximum height of a wall sign shall be ten feet.
5. Lighting: Lighting shall be from a concealed source; no backlighting or neon.

##### C. Projecting Signs

1. Location: A projecting sign shall only be located on a signable wall.
2. Number: Each business shall be entitled to one projecting sign per signable wall.
3. Projection: Projecting signs shall not extend more than five feet from a building nor extend beyond the curblineline of any street or off-street parking area.
4. Clearance: Projecting signs shall provide a minimum of eight feet of clearance from the ground to the bottom edge of the sign when located over a public or private sidewalk.
5. Height: The maximum height of projecting signs shall be 12 feet and shall not extend above the roofline or parapet wall of the building to which it is attached.
6. Lighting: Lighting shall be from a concealed source; no backlighting or neon.

### **Section 6.7. SIGN REGULATIONS FOR MULTIFAMILY RESIDENTIAL USES IN SUBAREAS B, C AND E**

#### A. Total Allowable Signs and the Total Allowable Sign Area

The total allowable sign area for all permitted signs shall not exceed 35 square feet.

##### 1. Freestanding Signs

- a. Number: One per street frontage per premises, located on each street frontage.
- b. Sign area: All freestanding signs must be set back 10 feet from the property line and shall be entitled to 32 square feet of sign area. All freestanding signs set back more than ten feet from the property line shall be allowed 3.3 square feet of sign area per foot of setback up to a maximum of 50 square feet.
- c. Height: Eight feet.
- d. Setback: For purposes of determining the allowable sign area and height of a freestanding sign, the setback of a freestanding sign shall be measured from the property line.

e. Location: All freestanding signs shall be located on the premises so as to be compatible with required landscaping, including street trees at maturity, so that the public's view of the sign will not be obstructed.

## 2. Wall Signs

a. Location: A wall sign or signs shall only be located on a signable wall.

b. Number: Each business shall be entitled to one wall sign.

c. Sign area: No wall sign shall exceed 50 square feet in sign area.

d. Height: No wall sign or sign support shall extend above 25 feet.

## Section 6.8. MAINTENANCE

All signs shall be maintained in good condition at all times. All signs shall be kept neatly finished and repaired, including all parts and supports. The city building official or county Zoning Administrator or his or her authorized representative shall inspect and shall have authority to order the painting, repair, alteration, or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.

## Section 6.9. ABANDONED/OBSOLETE SIGNS

Any sign which is associated with a business which is no longer being conducted or a product no longer being offered from the premises on which the sign is located shall, if within county jurisdiction have the sign face altered so that the message is no longer visible to the public, or if within city jurisdiction, shall be removed, within 90 days upon the cessation of such business or sale of such product. This Section 6.9 shall not apply to any sign associated with a vacant business or property which is advertised and marketed for sale or lease provided that the sign and the property is maintained in conformance with all applicable provisions of this comprehensive development plan and other applicable laws of the jurisdiction in which the property is located.

## Section 6.10. NONCONFORMING SIGNS

### A. Termination of Legal Nonconforming Signs

A legal nonconforming sign shall either be amortized as prescribed in Section 6.10.C., or comply with this Article, or be removed if any one of the following conditions occur:

1. If a change of use occurs, as defined in this title, or the type of use terminates for 90 days or longer;
2. The nonconforming sign becomes a hazard or a danger as defined in Section 3.02 of the Uniform Code for the Abatement of Dangerous Buildings and is not brought into compliance pursuant to subsection B.1.b of this section.
3. The use or building with which the nonconforming sign is associated expands, either at one instance or over a cumulation of instances, its building gross floor area, outdoor retail/display area, or outdoor storage area by at least 25 percent of the gross floor area at the time of this Article's adoption;
4. The structural support of a nonconforming sign is altered to the extent that a building permit is required;
5. The nonconforming sign structural support and/or nonconforming sign module is substantially modified to the extent that a building permit is required and the original material is replaced;

6. The nonconforming sign is relocated on the same or different premises and will still be in noncompliance with this chapter;

7. The nonconforming sign is damaged or destroyed and the cost of reconstruction or repair is 60 percent or more of its depreciated value at the time it is damaged or destroyed.

### B. Prohibited, Illegal Nonconforming, Hazardous and Abandoned Signs - Enforcement Procedures

1. Notification of Unlawful Signs. No prohibited, illegal nonconforming, abandoned, or hazardous signs shall be allowed within the city or county, nor continued by variance.

a. Notice Required. Notice shall be by the applicable procedures of the appropriate jurisdiction.

b. Hazardous Signs. Hazardous signs are declared a nuisance and shall not be allowed within the city or county. Notice shall be given pursuant to this section and shall require hazardous sign removal or repair to bring the sign into conformance with this chapter within ten days of receipt of the notice or personal service.

2. Failure to Comply. If the owner of the property on which such nonconforming sign is located fails to comply with the requirements of this section within the time specified, the city or county, as appropriate, shall initiate enforcement action to bring the nonconforming sign into conformance.

### C. Amortization

The right to keep, own, use, maintain, or display a sign prohibited by the terms of the rezoning in accordance with this article as a nonconforming sign shall cease and terminate in accordance with the following schedule:

1. Any existing nonconforming sign for which a sign permit has been issued pursuant to previously adopted sign regulations, excluding prohibited signs, which sign exceeds only the maximum sign area for each sign or maximum height limitations of this Article, as specified in Section 6.6., by 20 percent or less shall be considered a conforming sign. However, should said sign structure be replaced or renovated, excluding routine maintenance, said sign shall lose its conforming status and shall comply with all requirements of this Article.

2. All existing signs regulated under Section 6.5. shall be brought into conformity with this Article within 90 days, effective on the date the property is rezoned in accord with this CDP. Signs erected more than three years before the effective date of this CDP are not presumed to be illegal merely because a sign permit is not on file with the Building Department. Other factors including the size, setback, height, and applicable regulations on the date of erection or installation of the sign will be considered in determining whether or not a sign was illegal when erected or installed.

3. All nonconforming signs which have been approved by the city or county through special review processes or issued a sign permit which does not meet the requirements of this Article shall be considered legal nonconforming signs, shall comply with the provisions of the sign code as required in this section and shall be subject to amortization.

4. All existing nonconforming signs except those specified in subsections 1 and 2 of this subsection shall be brought into compliance with the requirements of this Article no later than a date specified by the Board of Adjustment.

5. Any existing sign which is brought into compliance with this section within four years from the date of adoption of this CDP, shall be entitled to a ten percent sign area bonus.

### **Section 6.11. APPROVAL PROCEDURES**

#### **A. Sign Permit Required**

1. Except as provided in Section 6.4., it shall be unlawful to display, erect, relocate, change the message (except for changeable message signs), size or orientation of any sign without first filing with the city or county, as appropriate, an application in writing and obtaining a sign permit.

2. When a sign permit has been issued by the city or county, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of said permit without prior approval of the city or county. A written record of such approval shall be entered upon the original permit application and maintained in the building permit files of the appropriate building department.

#### **B. Application for Permit and Submittal of Plans, Specifications and Other Data**

Permit application procedures and plan submittal requirements shall be those of the appropriate jurisdiction.

Note: Approval of a sign permit will not require an amendment to the Development Plan unless the proposed sign will exceed the CDP standards.

#### **C. Interpretation**

1. The provisions of this Article are not intended to abrogate any easements, covenants, or other existing agreements which are more restrictive than the provisions of this Article.

2. Whenever the application of this Article is uncertain due to ambiguity of its provisions, the question shall be referred to the Board of Adjustment for determination. The Board of Adjustment shall then authorize signing which best fulfills the intent of this Article.

3. If any section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

#### **E. Fee Required**

The application for a sign permit under this section shall be accompanied by a fee established by the appropriate jurisdiction.

### **Section 6.12. ENFORCEMENT, LEGAL PROCEDURES, AND PENALTIES**

Enforcement, legal procedures, and penalties shall be in accordance with the requirements of the applicable jurisdiction.

### **Section 6.13. VARIANCES**

Applications for a variance from the terms of this Article shall be reviewed by the Board of Adjustment.

### **Section 6.14. APPEALS**

A decision of the County Zoning Administrator or the Arvada Zoning Enforcement Officer relative to the enforcement provisions of this Article may be appealed to the Board of Adjustment.

## **ARTICLE 7, FLOODPLAIN**

### **Section 7.1. PURPOSE**

This Article is intended to provide the means and the guidelines to promote the public health, safety, and general welfare, to minimize public and private losses in areas subject to flood hazards, and to promote wise use of the floodplain. This Article has been established with the following purposes intended:

- A. To reduce the hazards of flood to human life, health and property;
- B. To protect floodplain occupants from a flood which is or may be caused by their own, or other land use;
- C. To protect the public from the burden of avoidable financial expenditures for flood control and relief;
- D. To protect the storage capacity of floodplains and to assure retention of sufficient floodway areas;
- E. To protect the hydraulic characteristics of the small water-courses, including gulches, sloughs and artificial water channels used for conveying flood waters;
- F. To protect individuals from purchasing floodplain lands for purposes which are not in fact suitable;

#### **Section 7.1.1. Methods of Reducing Flood Losses**

In order to accomplish its purposes, this Article includes methods and provisions for:

- 1. Restricting or prohibiting uses which are dangerous to public life, health or property due to flood waters or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- 2. Restricting uses which are particularly susceptible to flood damage;
- 3. Requiring permitted floodplain uses, including public facilities which serve such uses, to be protected against floods by flood proofing and providing general flood protection at the time of initial construction or reconstruction;
- 4. Regulating the manner in which a structure, may be constructed in floodplain areas;
- 5. Regulating the method of construction of water supply and sanitation systems so as to prevent disease, contamination and unsanitary conditions;
- 6. Delineating and describing areas that could be inundated by floods;
- 7. Regulating the method of construction and pattern of development within all uses in the floodplain;
- 8. Regulating the alteration of natural floodplains, stream channels and natural protective barriers which help accommodate or channel floodwaters;

9. Regulating or prohibiting filling, grading, development, dredging and unnecessary encroachments which may increase flood damage or prevent water carrying capacity;
10. Encouraging passive uses such as greenbelt, open space, agricultural, recreation facilities and riding trails in floodplain areas.

## **Section 7.2. GENERAL PROVISIONS**

### Section 7.2.1. Jurisdiction

This Article shall apply to all lands within the City of Arvada and Jefferson County that would be inundated by the 100 year flood as shown on the Official Floodplain Maps of the city and county.

### Section 7.2.2. District Types

The Flood Regulatory District covers the 100 year floodplain. The Flood Regulatory District has been subdivided into the Floodway District and the Flood Zone District as defined in Article 8, Definitions.

The Floodway District and Flood Zone District are not a separate Zoning District, but are an overlay over the Plan Area. In addition to meeting the conditions of the underlying Plan subarea, any property to be developed in the floodplain must meet the conditions of the applicable Floodway District and Flood Zone District.

### Section 7.2.3. Adoption of Official Floodplain Maps

The location and boundaries of the Flood Regulatory District, Floodway District, and Flood Zone District established by this Article for properties lying within the City of Arvada are based upon technical data in a scientific and engineering report by the Federal Emergency Management Agency entitled, "Flood Insurance Study, City of Arvada, Colorado, Jefferson and Adams Counties," dated February 19, 1992, and the accompanying Flood Insurance Rate Maps. For properties within the jurisdiction of Jefferson County, the location and boundaries of said districts are based upon a Federal Emergency Management Agency report entitled, "The Flood Insurance Study for Unincorporated Jefferson County, Colorado," dated August 5, 1986, and amended July 4, 1989, with an accompanying Flood Insurance Rate Map. This information is incorporated on the Official Floodplain Maps of the City of Arvada and Jefferson County, which maps are hereby adopted into this CDP. Said maps and studies, together with everything shown thereon and all amendments thereto, shall be as much a part of this Article as if fully set forth and described herein. Each change in the Official Floodplain Maps shall be subject to the amendment procedure as required in Section 7.6.4., Mapping Disputes, or Section 1.6 of this CDP.

### Section 7.2.4. Boundaries

The boundaries of the Flood Regulatory District, Floodway District and the Flood Zone District shall be determined from information on the Official Floodplain Maps and in the Flood Insurance Study which are kept on file in the Office of the City Engineer, City of Arvada, and in the Jefferson County Planning and Zoning Department. The boundary lines on the map shall be determined by the use of the scale appearing on the map. For the purpose of final determination of the floodplain boundaries, the base flood elevations on the 100-year flood profile shall control. The base flood elevations shall be as shown on the flood profiles and tabulations in the Flood Insurance Study as revised, and on the Official Floodplain Maps. Where there is a conflict between the boundary lines illustrated on the map and actual field conditions, the dispute shall be settled according to Section 7.6.4, Mapping Disputes, of this Article.

For those areas in the Flood Regulatory District, where base flood elevations have not been determined, including Flood Zone A within the Flood Zone District, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevations and floodway data available from any Federal, State, or other source as criteria for determining final floodplain boundaries and administering rules, regulations and requirements within the floodplain as set forth in Sections 7.3, 7.4 and 7.5, of this Article.

### Section 7.2.5. Interpretation

In the interpretation and application of this Article, the provisions of this Article shall be held to be minimum requirements and shall be liberally constructed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by the Colorado Revised Statutes.

### Section 7.2.6. Compliance

No structure or land shall hereafter be constructed, developed, located, extended, converted or altered without full compliance with the terms of this Article and other applicable regulations.

### Section 7.2.7. Abrogation and Greater Restrictions

This Article is not intended to repeal, abrogate, annul or impair any existing easements, covenants, deed restrictions, provision of law or ordinance, or any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued in conformity with law, relating to the use of building or property. However, where this Article and another easement, covenant, deed restriction, provision of law or ordinance, rule, regulation or permit conflict or overlap, the more stringent restriction shall apply.

### Section 7.2.8. Applicability

The provisions as set forth in this Article for the Flood Regulatory District, Floodway District, and Flood Zone District shall apply to all lands in the City of Arvada and Jefferson County located within the 100-year floodplain, where base flood elevations have been or are to be determined in accordance with Section 7.2.4, Boundaries, and as delineated on the Official Floodplain Maps signed by the Mayor of the City of Arvada and the City Clerk and as designated and approved by the Colorado Water Conservation Board.

### Section 7.2.9. Warning and Disclaimer of Liability

The degree of flood protection intended to be provided by this Article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Article does not imply the areas outside floodplain area boundaries or land uses permitted within such areas will always be totally free from flooding or flood damages. Nor shall this Article create a liability on the part of or cause of action against the City of Arvada or Jefferson County.

## **Section 7.3. FLOOD REGULATORY DISTRICT - GENERAL STANDARDS**

In all areas within the 100-year floodplain as designated in the Flood Regulatory District which includes the Floodway District and the Flood Zone District, the following general standards shall apply:

### Section 7.3.1. Anchoring

A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the

structure and capable of resisting the hydrostatic and hydrodynamic loads.

B. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Specific requirements may be:

1. Over-the-top ties at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side; and
2. Frame ties at each corner of the manufactured home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side; and
3. All components of the anchoring system must be capable of carrying a force of 4,800 pounds; and
4. Any additions to the manufactured home must be similarly anchored.

#### Section 7.3.2. Construction Materials and Methods

A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

#### Section 7.3.3 Utilities

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

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

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

#### Section 7.3.4 Subdivision Proposals

A. All subdivision proposals shall be consistent with the need to minimize flood damage;

B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

D. Base flood elevation data shall be provided for all subdivision proposals and other proposed development.

#### Section 7.3.5. Flood Proofing

All flood proofing measures mandated in this Article shall be subject to the requirements of Section 7.6.5, Establishment of Floodplain Development Permit, and Section 7.5.1.C, Non-Residential Structures. A Professional Engineer registered in the State of Colorado shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Article and the design is consistent with the flood protection elevations for the particular area as shown by the flood profile, flood velocities, and other factors associated with the flood protection elevation. Such certifications shall be provided to the Floodplain Administrator as set forth in Section 7.6.6.D. In addition to the flood proofing measures described elsewhere in this Article, others may include:

- A. Installation of watertight doors, bulkheads and shutters.
- B. Reinforcement of walls to resist water pressure.
- C. Use of paints, membranes, or mortars to reduce seepage of water through walls.
- D. Addition of mass or weight to structures to resist flotation.
- E. Installation of pumps to lower water levels in structures.
- F. Pumping facilities for subsurface drainage systems of building to relieve external foundation, wall and basement floor pressures.
- G. Construction to resist rupture or collapse caused by water pressure or floating debris.
- H. Cutoff valves on sewer lines or the elimination of gravity flow basement drains.

### **Section 7.4. FLOODWAY DISTRICT REGULATIONS**

As defined in Article 8, Definitions, of this CDP, the floodway delineates the channel of a gulch or other watercourse and the adjacent land that must be reserved in order to discharge the 100-year flood without cumulatively increasing the base flood water surface elevation more than one foot at any one point.

#### Section 7.4.1. Special Provisions

The following regulations shall apply to all uses within the Floodway District, notwithstanding that such uses may be specifically permitted under the terms of this Article.

A. The flood protection elevation or height shall correspond to a point one (1) foot (2 feet for residential structures) above the base flood elevation shown on or attached to the flood map for a particular area.

B. No structure or temporary structure, fill, including fill for roads and levees, deposit, obstruction, storage of materials, or other floodplain uses which acting alone or in combination with existing or future floodplain uses, shall be permitted that affects the efficiency of the floodplains. It shall be presumed that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream.

C. No floodplain uses shall affect the efficiency of or restrict the capacity of the channel or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems.

D. No developments or improvements shall be allowed within the Floodway District that would result in any increase in flood levels during the occurrence of the base flood discharge within the community.

#### Section 7.4.2. Description of Permitted Uses

The following open uses shall be permitted within the Floodway District to the extent that they are also permitted in a particular Plan subarea as described in Article 4 of this CDP.

- A. Agricultural uses such as: General farming, pasture, truck farming, sod farming, and wild crop harvesting;
- B. Industrial-Commercial uses such as: Parking areas and airport landing strips;
- C. Public and private recreation uses not requiring permanent or temporary structures designed for human habitation, such as: Parks, golf courses, driving ranges, picnic grounds, wild life and nature preserves, shooting preserves, target ranges, trap and skeet ranges, hunting, fishing and biking areas;
- D. Uses substantially similar in nature to permitted uses may be allowed provided that they are consistent with the provisions of this Article;
- E. Structures accessory to open uses permitted in Section 7.4.2., Paragraphs A, B, C, D, and E, whether temporary or permanent, subject to submittal of building plans to the Floodplain Administrator, for approval in accordance with Section 7.6.5, Establishment of Floodplain Development Permit, which:
  - 1. Will not be designed for human habitation; and
  - 2. Will have a low flood damage potential; and
  - 3. If permitted, will be constructed and placed on the building site so as to offer the minimum obstruction to the flow waters;
    - a. Whenever possible, structures will be constructed with the longitudinal axis parallel to the direction of the flow of flood waters, and
    - b. Insofar as feasible, structures will be placed so their longitudinal axis are approximately on the same line as those of adjoining structures, and
  - 4. Will be firmly anchored to prevent the structure or building from floating away thus threatening to further restrict bridge openings and other restricted sections of the stream or river.

## **Section 7.5 FLOOD ZONE DISTRICT REGULATIONS**

As defined in Article 8, Definitions, of this CDP, the Flood Zone District represents the area that is inundated in the 100-year flood, that may serve as a temporary storage area for the floodwaters and that lies landward of the floodway.

### **Section 7.5.1. Special Provisions**

- A. No fill, structure, deposit or other floodplain uses shall be permitted that adversely affects the efficiency of any channels or floodways of any tributaries to the main stream or river; drainage ditches; or any other drainage facilities or systems.
- B. Residential Construction
  - 1. New construction and substantial improvement of any residential structure within or moved into the Flood Zone District, shall have the lowest floor (including basement), constructed at or above a point two (2) feet above the base flood elevation, or, if within Flood Zone AO, at or above a point two (2) feet above the depth number specified in feet on the Official Floodplain Maps (the depth number shall be at least two (2) feet if it is not specified on the maps). A residential structure shall be any structure which is designed for human habitation.

- 2. Within Zones AH and AO in the Flood Zone District, adequate drainage paths shall be constructed around structures on slopes to guide flood waters around and away from proposed structures.
- C. Non-Residential Construction
  - 1. New construction and substantial improvements of any commercial, industrial, or other non-residential structure within or moved into the Flood Zone District shall either:
    - a. have the lowest floor (including basement) constructed at or above the Flood Protection Elevation, or if within Flood Zone AO, at or above the depth number specified in feet on the Official Floodplain Maps (at least two feet if no depth number is specified); or,
    - b. together with attendant utility and sanitary facilities shall: (i) be flood proofed to or above the Flood Protection Elevation, (ii) be flood proofed below the base flood elevation such that the structure is watertight with walls substantially impermeable to the passage of water; (iii) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and (iv) be certified by a Colorado registered professional engineer that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the Floodplain Administrator as set forth in Section 7.6.6.D.
  - 2. Within Zones AH and AO in the Flood Zone District, adequate drainage paths shall be constructed around structures on slopes to guide flood waters around and away from proposed structures.
- D. Manufactured Homes
  - 1. Manufactured homes shall be anchored in accordance with Section 7.3.1 Paragraph B.
  - 2. All manufactured homes or those to be substantially improved shall conform to the following requirements:
    - a. Require that manufactured homes that are placed or substantially improved on a site (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) 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 is constructed at or above a point two (2) feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
    - b. Require that manufactured homes to be placed or substantially improved on sites in existing manufactured home parks or subdivisions that are not subject to the provision in (a) above be elevated so that either (i) the lowest floor of the manufactured home is constructed at or above a point two (2) feet above the base flood elevation, or (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
  - 3. Any manufactured home park or manufactured home subdivision within the limits of the Flood Regulatory District shall file an evacuation plan with the appropriate Disaster Preparedness Authority indicating alternate vehicular access and escape routes.

## E. Recreational Vehicles

1. Recreational vehicles shall either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements and elevation and anchoring requirements for resisting hydrostatic forces.

F. The storage or processing of materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal or plant life, shall be at or above a point two (2) feet above the base flood elevation for a particular area, or adequately flood proofed in accordance with provisions in this Article.

G. Building plans for any project or construction within the Flood Zone District must be submitted to the Floodplain Administrator, for approval, in accordance with Section 7.6.5, Establishment of Floodplain Development Permit, to insure that said project or construction will not adversely affect the Flood Regulatory District.

H. Any structure permitted in the Flood Zone District pursuant to this Article shall be firmly anchored to prevent the structure or building from floating away thus threatening to further restrict bridge openings and other restricted sections of the stream or river.

### Section 7.5.2. Permitted Uses

Any uses permitted by the CDP in the Plan Subarea, in conformance with the preceding Special Provisions, may be permitted by the Floodplain Administrator, in the Flood Zone District subject to the following conditions:

A. If the Floodplain Administrator disallows a requested use through a Floodplain Development Permit, that is permitted by the CDP, the applicant may follow the procedures outlined in Section 7.6.7, Variance and Appeal Procedure.

B. The Floodplain Administrator may also require the applicant to follow the procedure outlined in Section 7.6.5., Establishment of a Floodplain Development Permit for certain uses in the Flood Zone District when said action appears to be in the public interest, and where the health, safety, and welfare of the public may be in question.

## **Section 7.6. ADMINISTRATION**

### Section 7.6.1. Nonconforming Uses

The existing lawful use of a structure or premises which is not in conformity with the provisions of this Article may be continued subject to the following conditions:

A. No such use shall be expanded or enlarged except in conformity with the provisions of this Article. The flood protection elevation, however, shall only be to the base flood elevation.

B. No structural alteration, addition, or repair to any nonconforming structure over the life of the structure shall exceed fifty (50) percent of the current value of the structure.

C. If such use is discontinued for twelve (12) consecutive months, any future use of the building and premises shall conform to this Article.

D. Any alteration, addition, or repair to any non conforming structure permitted pursuant to the Section 7.6.5 Paragraph C, shall be protected by flood proofing measures pursuant to Section 7.3.5, of this Article.

E. A lawful use made nonconforming by the provisions of this Article may be continued.

F. Conversion of attached enclosed structures, i.e., conversion of attached garage to family room or basement remodeling shall not be subject to the elevation requirement provided Section 7.6.1.B is not violated.

### Section 7.6.2. Floodplain Administrator

As appropriate, the City Engineer or the County Zoning Administrator or his designated representative, is the Floodplain Administrator and shall administer the provisions of the Article.

### Section 7.6.3. Building Permit

No building or other structure shall be erected, moved, added to, or structurally altered, including the placement of a mobile home, without a permit issued by the city Building Division or county Building Department. No building permit shall be issued for any construction, development, or storage of materials, in the Flood Regulatory District, Flood Zone District, or Floodway District until a Floodplain Development Permit has been obtained from the Floodplain Administrator per Section 7.6.5.

All proposed developments to be located within the Flood Regulatory District shall be reviewed by the Floodplain Administrator to assure that applicants have obtained all necessary permits from the governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

### Section 7.6.4. Mapping Disputes

All mapping disputes on the location of the district boundary on the Official Floodplain Maps shall be subject to the decision of the Floodplain Administrator under the conditions and submittal requirements as set forth in Section 7.6.5., Establishment of a Floodplain Development Permit. In all cases the person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Floodplain Administrator and to submit his own additional technical evidence if he so desires. The Floodplain Administrator shall not allow deviations from the boundary line as mapped unless the evidence clearly and conclusively establishes that the mapped location of the line is incorrect, then the procedures outlined in Section 7.6.4. and Section 1.6 of this CDP shall apply. The applicant may appeal the decision of the Floodplain Administrator under the provisions of Section 7.6.7., Variance and Appeal Procedure.

### Section 7.6.5 Establishment of a Floodplain Development Permit

Prior to any construction, development or storage of materials within the Flood Regulatory District, Floodway District or Flood Zone District, a Floodplain Development Permit shall be obtained from the Floodplain Administrator.

#### A. Submittal Requirements

Application for a Floodplain Development Permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to:

1. Plans in duplicate, drawn to scale and certified by a registered Colorado Professional Engineer, competent in open channel hydraulics, which accurately locate the floodplain proposal with respect to the district limits, channel of stream, existing floodplain developments, together with all pertinent information such as the nature of the proposal, legal description of the property, fill limits and elevations, and flood measures.

2. The applicant shall also be required to furnish such of the following additional information as is deemed necessary by the Floodplain Administrator for the evaluation of the effects of the proposal upon flood flows and floodplain storage and to render a decision on the proposed floodplain use:

- a. Valley cross sections showing the channel of the stream, the floodplain adjoining each side of the channel, cross sectional area to be occupied by the proposed development, and high water information.
- b. Plan, surface view, showing elevations or contours, of the ground; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply and sanitary facilities, soil types and other pertinent information.
- c. A profile showing the slope of the bottom of the channel or thalweg of the stream.
- d. Water surface profiles based on backwater analysis.
- e. Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
- f. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures.
- g. Elevation in relation to mean sea level to which any structure has been flood proofed.
- h. Certification by a Colorado registered professional engineer that the flood proofing methods for any non-residential structure meet the flood proofing criteria in Section 7.5.1.C.
- i. Description of the extent to which any water course will be altered or relocated as a result of proposed development.

B. Factors upon which the Decision of the Floodplain Administrator Shall be Based

1. The determination of the effects of the proposed project with respect to the objectives and purposes of this Article as stated in Section 7.1., Statement of Purpose.
  2. The determination that all necessary permits have been obtained by the applicant from Federal, State, or local governmental agencies from which prior approval is required.
  3. The determination that if the proposed development is within the floodway, encroachment provisions in accordance with Section 7.4, Floodway District Regulations, are met.
- C. The Floodplain Administrator shall act on an application in the manner proposed within sixty (60) days from receiving the application. The applicant may appeal the decision of the Floodplain Administrator under the provisions of Section 7.6.7., Variance and Appeal Procedure. Failure to act within sixty (60) days shall be deemed approval of the application.

D. Conditions Attached to Floodplain Development Permits

Upon consideration of the factors listed above and the purposes of this Article, the Floodplain Administrator may attach such conditions in addition to those required by Floodplain Development Permit, as he deems reasonably necessary in furthering the purposes of this Article. Such conditions may include specifications for, without limitation because of specific enumeration, modification or other waste disposal methods and facilities, landscaping, periods of

operation, operational controls, sureties, deed restrictions, and adequate flood proofing.

#### Section 7.6.6. Duties and Responsibilities of the Floodplain Administrator

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

- A. Review of all Floodplain Development Permit applications in accordance with Section 7.6.5., of this Article.
- B. Determination of final floodplain boundaries in accordance with Section 7.2.4., Boundaries, of this Article.
- C. Review of all mapping disputes in accordance with Sections 7.6.4 and 7.6.5., of this Article.
- D. Obtaining and Maintaining Floodplain Information:
  1. Obtain and record the actual elevation (in relation to mean sea level) of all new or substantially improved structures, and whether or not the structure contains a basement.
  2. For all new or substantially improved flood proofed structures:
    - a. Verify and record the actual elevations (in relation to mean sea level) to which the structure has been flood proofed.
    - b. Maintain the flood proofing certification required in Sections 7.3.5., 7.5.1.C., and 7.6.5. of this Article.
  3. Maintain for public inspection all records pertaining to the provisions of this CDP.
- E. For any alteration of watercourses:
  1. Notify the Colorado Water Conservation Board and adjacent communities prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
  2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that flood-carrying capacity is not diminished.

#### Section 7.6.7. Variance and Appeal Procedure

Variance and appeal procedures of the applicable jurisdiction shall be followed.

- A. The variance and appeal process shall include consideration of all technical evaluations, all relevant factors, standards specified in other sections of this Article, and the following:
  1. the danger that materials may be swept onto other lands to the injury of others;
  2. the danger to life and property due to flooding or erosion damage;
  3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
  4. the importance of the services provided by the proposed facility to the community;
  5. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  6. the compatibility of the proposed use with the existing and anticipated development;
  7. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

8. the safety of access to the property in times of flood for ordinary and emergency vehicles;
9. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
10. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public

utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.

**B. Conditions for Variances**

The conditions for variances shall be determined by the applicable jurisdiction.

# **ARTICLE 8, DEFINITIONS** (16/29/93)

## **Section 8.1. INTRODUCTION**

The purpose of this Article is to provide a clear understanding of the wording and methodology of this Comprehensive Development Plan.

## **Section 8.2. "A"**

### **APPEAL OF ADMINISTRATIVE DECISIONS**

A duty of the Board of Adjustment to hear and decide the appeals where it is alleged there is an error in any order, requirement, decision or determination made by any administrative official in the enforcement of this Comprehensive Development Plan.

### **ALLEY**

A public right of way which is a narrow way, not over 20 feet in width, which is used primarily as a means of access to the rear of residences or business establishments and which generally affords only a secondary means of access to the property abutting along its length.

### **AMUSEMENT ENTERPRISE**

Any indoor or outdoor place which is maintained or operated for the amusement, patronage or recreation of the public to include any coin-controlled amusement device of any description, commonly known as baseball, football, pinball amusements, miniature golf course or driving range.

### **APARTMENT HOUSE**

See *Multiple Dwelling* under *Dwelling*.

### **APPEAL**

For purposes of Article 7 only, a request for review of the Floodplain Administrator's interpretation of any provisions of this ordinance or a request for a variance. See Article 3, Section 3.8 (Development Plan Appeal).

### **ARCHITECTURAL APPENDAGE**

Appendages such as fireplaces, roof overhangs, cornice or bay windows that are a part of structures.

### **AREA OF SPECIAL FLOOD HAZARD**

As defined by the Federal Emergency Management Agency, the land in a floodplain subject to a one percent chance of flooding in a given year. (See also: *Flood Regulatory District*)

### **ARTERIAL STREET**

A thoroughfare designated on the city's or county's Comprehensive Plan as an expressway or parkway. Design Standards for arterial streets shall conform to the applicable jurisdiction's street ordinance or street design standards for all subareas.

### **AURA**

Arvada Urban Renewal Authority.

### **AUTOMOBILE IMPOUNDMENT YARD**

Any lot, plot, parcel of land or contiguous parcels of land used for the purpose of storing damaged, wrecked, inoperable, operable, or impounded automobiles. This use shall not include storing scrap metals, processing yards, automobile dismantling yards, junk yards, or sale or storage of any vehicle parts.

### **AUTOMOBILE WRECKING YARD**

A building, structure, parcel of land, or portion thereof, where two or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building, or structure used for wrecking or storing of such motor vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods, articles, or merchandise.

### **AWNING SIGN**

Awning sign means a sign that is painted on or attached to either an awning or canopy that is otherwise permitted by this CDP.

## **Section 8.3. "B"**

### **BANNER**

Banner means a sign which is constructed of cloth, canvas, fabric, or other light material, with or without frames.

### **BASE FLOOD**

The flood having a one percent chance of being equalled or exceeded in any given year. (See also: *One Hundred Year Flood*)

### **BILLBOARD**

See *Off-premise Signs*.

### **BLOCK**

A tract of land bounded by platted streets, public parks, cemeteries, railroad rights of way, shorelines or corporate boundaries of the city.

### **BLASTING AGENT**

Any material or mixture consisting of a fuel and oxidizer, intended for blasting, not otherwise classified as an explosive, in which none of the ingredients are classified as explosives, provided that the finished product, as mixed or packaged for use or shipment, cannot be detonated by means of a No. 8 test blasting cap when unconfined. Materials or mixtures classified as nitrocarbonitrates by the Department of Transportation regulations shall be included in this definition.

## **BOARD OF ADJUSTMENT**

A body appointed by the City Council of Arvada or by the Board of County Commissioners of Jefferson County to hear Administrative Review, appeals, variances, or special exceptions regarding the Comprehensive Development Plan. The Board of Adjustment may also be referred to as “Board” in the Comprehensive Development Plan.

## **BUFFERING**

Methods such as landscaping, fencing or berming to separate properties or uses that have potential negative impacts.

## **BUILDING**

A structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property.

## **BUILDING AREA**

The total area, measured on a horizontal plane, of the main grade level of the principal building and all accessory buildings, excluding: uncovered porches, terraces, steps, parking areas and other paved areas.

## **BUILDING COVERAGE**

The percentage of the building area in relation to the total lot area.

## **BUILDING ELEVATION**

A projection of a building plane, including the roof, wall, and all architectural appendages.

## **BUILDING FACE**

The total area of a building elevation, excluding the area of the roof.

## **BUILDING FOOTPRINT**

The total area, measured on a horizontal plane, of the principal building.

## **BUILDING FRONTAGE**

Building frontage means the side of the building which aligns with a street or parking lot which building side fronts on the street which serves as primary access to the building.

## **BUILDING HEIGHT**

The vertical distance from the point of measurement on the ground to the highest point of coping of a flat roof or to the decline of a mansard roof or to the average height of the highest gable of a pitched or hip roof. The measurement may be taken from the highest adjoining sidewalk or ground surface within a five-foot horizontal distance along the exterior wall of the building, when such sidewalk or ground surface is not more than ten feet above grade. See Diagram 1.

## **BUILDING SEPARATION**

The distance from one building to another on the same or adjacent building sites or lots, excluding architectural appendages.

## **BUILDING SETBACK**

The distance from the property boundary to a building wall excluding architectural appendages.

## **BUNKER**

A self-contained, four-sided, opaque divisional structure or concrete vault.

## **Section 8.4. “C”**

### **CERTIFICATE OF OCCUPANCY**

A certificate issued by the city's or county's chief building official after final inspection, when it is found that the building, structure and/or development complies with all requirements and all provisions of the Uniform Building Code and approved plans.

### **CHAIN LINK FENCE**

A fence composed of wire mesh, typically forming “woven squares” approximately two inches in width.

### **CHANGEABLE COPY SIGNS**

Changeable copy sign means a sign which displays words, lines, logos, or symbols which can change to provide different information. Changeable copy signs include computer signs, reader boards with changeable letters, and time and temperature units.

### **CHANNEL**

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

### **CHARITABLE ORGANIZATIONS**

All sales by churches, clubs, lodges, parent-teacher associations, student organizations, youth organizations and organizations chartered by the state as nonprofit corporations, provided that such sales are infrequently conducted, that no regular place of sale is maintained and that all proceeds from such sales are used for the activities of the organization conducting the sale.

### **CHIEF BUILDING OFFICIAL**

That official designated by the appropriate jurisdiction as the official responsible for accepting, reviewing and approving or rejecting plans for building or occupancy and applications for building and occupancy permits and for the interpretation and enforcement of regulations related thereto.

### **CHILD CARE FACILITY**

A commercial establishment for the daily care of children.

### **CITY**

City of Arvada, Colorado.

### **COLLECTOR STREET**

A primary street designed to collect traffic from neighborhoods and transport the traffic to major arterials. Design standards for collector streets shall conform to current adopted city or county regulations for all subareas.

### **COMBUSTIBLE FIBERS**

Readily-ignitable and free-burning fibers, such as cotton, sisal, henequen, ixtle, jute, hemp, tow, cocoa fiber, oakum, baled waste, baled wastepaper, kapok, hay, straw, excelsior, spanish moss and other readily ignitable materials.

### **COMBUSTIBLE LIQUID**

Any liquid having a flash point at or above 140°F, and below 200°F, and also known as Class III liquids.

## **COMMEMORATIVE SIGN**

A sign, tablet or plaque commemorating or memorializing a person, event, and/or structure. Such a sign may be placed on the property while structural or site alteration or repair is taking place, or during the period of active continuous construction. The sign may display only the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

## **COMMERCIAL**

Synonym for “business”.

## **COMMERCIAL RECREATION**

Any use or development, either public or private, providing amusement, pleasure, or sport.

## **COMPRESSED GAS**

Any mixture or material having in the container either an absolute pressure exceeding 40 pounds per square inch at 70°F, or an absolute pressure exceeding 104 pounds per square inch at 130°F, or any liquid flammable material having a vapor pressure as defined in Section 1.424 of the Uniform Fire Code exceeding 40 pounds per square inch at 100°F.

## **CONSTRUCTION OFFICE**

A mobile trailer, home, or any temporary structure used by a construction contractor as an office during construction of a subdivision or structure.

## **CORNER LOT**

A lot abutting upon two or more streets at their intersection or upon two parts of the same street and where in either case the interior angle formed by intersection of the street lines does not exceed 135°.

## **COUNTY**

Jefferson County, Colorado.

## **CUL-DE-SAC**

A permanently constructed dead-end street with provisions to allow complete turn-around movement at dead-end within dedicated right of way.

## **CURB CUT**

A street curb depression intended to provide ingress and egress to a property.

## **Section 8.5. “D”**

### **DAY NURSERY SCHOOL**

A school designed to provide daytime care in accordance with state licensing requirements.

### **DAY CARE HOME**

A facility licensed by the State of Colorado for the purpose of providing care and training for a child or children not related to the caretaker for more than two full consecutive days on a regular weekly basis. All day care homes shall be operated in conformance with the “minimum rules and regulations of children’s day care homes,” issued by the Colorado Department of Social Services, Division of Public Welfare.

## **DEAD-END STREET**

A street having no exit or turn-around within a right of way.

## **DEVELOPMENT**

For the purposes of Article 7 only, **development** shall mean any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations within the Flood Regulatory District.

## **DEVELOPMENT PARCEL**

One or more lots, tracts, or parcels that are contiguous to each other and are planned, developed, owned or managed as a unit.

## **DIVISIONAL STRUCTURE**

A fence, wall, hedge, or retaining wall.

## **DOMESTIC ANIMAL**

Includes dogs, cats, rodents, birds, reptiles, pot-bellied pigs weighing less than 70 pounds and any other species of animal which is sold or retained as a household pet, but does not include skunks, nonhuman primates and other species of wild, exotic or carnivorous animals that may be further restricted in this chapter.

## **DOWNCAST LIGHTING**

On-site illumination which is constructed, located, and aligned in such a manner as to restrict a cone of illumination to ground surface areas within the boundaries of the site and to prevent such illumination sources from being visible from abutting properties and public roadways.

## **DRIVE-IN ESTABLISHMENT**

An establishment which is designed to provide, either wholly or in part, service to customers while they remain in their automobiles parked upon the premises.

## **DRIVE-IN RESTAURANT**

An establishment designed, in whole or in part, to take, fill, and deliver orders of food or beverages to customers while they remain in their automobiles.

## **DWELLING**

Any building or part thereof, occupied, in whole or in part, as the home, residence, or sleeping place of one or more persons, either continuously, permanently, temporarily, or transiently.

- A. *One-family Dwelling*: Occupied by only one family.
- B. *Two-family Dwelling*: Occupied by two families.
- C. *Multiple Dwelling*: Occupied by three or more families.

## **DWELLING UNIT**

One or more rooms connected together, but structurally divided from all other rooms in the same structure and constituting a separate, independent housekeeping unit for permanent residential occupancy by humans, with facilities for sleeping, cooking and eating, with sanitary facilities.

## **Section 8.6. “E”**

### **EASEMENT**

A recorded interest in the land of another which entitles the holder thereof to some use, privilege, or benefit on said land.

## **ELDERCARE FACILITY**

A facility providing daytime care for the elderly.

## **ENCROACHMENT LINES**

A line parallel to the streamflow where allowed development will not obstruct flood flows. Such lines are established by assuming that the area landward (outside) of the encroachment lines may be ultimately developed in such a way that will not be available to convey flood flows. The stream channel and adjoining floodplains between these lines will be maintained as open space and will be adequate to convey the 100-year flood without adversely increasing flood heights, such increase under any conditions not exceeding one foot.

## **ENGINEER**

The Arvada City Engineer or the Jefferson County Traffic Engineer.

## **EQUAL DEGREE OF ENCROACHMENT**

This is established by considering the effect of encroachments on hydraulic efficiency of the floodplain along a significant reach of the stream on both sides.

## **ESTABLISHMENT**

A place of business, industry or professional office with its furnishings and staff.

## **EXISTING BUILDING OR IMPROVEMENT**

A building or improvement that is existing or under construction at the time underlying property is zoned.

## **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION**

A manufactured home park 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) are completed before the effective date of Article 7, Floodplain, of this Comprehensive Development Plan.

## **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).

## **EXPLOSIVES**

- A. Substances determined to be Class A and Class B explosives as classified by the U.S. Department of Transportation.
- B. Nitrocarbonitrate substances (blasting agent) as classified by the U.S. Department of Transportation.
- C. Any material designated as an explosive by the State Fire Marshall.
- D. Certain Class C explosives as designated by the U.S. Department of Transportation.

## **Section 8.7. "F"**

### **FAST FOOD RESTAURANT**

An establishment whose principal business is the sale of pre-prepared or rapidly prepared food to the customer in a ready to consume state for consumption either within the restaurant building

or for carry out with consumption off the premises, and whose design or principal method of operation includes two or more of the following characteristics:

- A. The elimination, in whole or in part, of table service, thus requiring customers to place orders at the counter where the orders are filled.
- B. The food is usually served in edible containers or in paper, plastic or other disposable containers.
- C. The facilities for on premises consumption of food are insufficient for the volume of food sold by the establishment.
- D. The restaurant provides a drive-up facility for placing and receiving food orders.

## **FLAG**

Any fabric containing distinctive colors, patterns, or symbols used as symbol of a government, political subdivision or other entity.

## **FLAMMABLE LIQUID**

Any liquid having a flash point below 140°F, and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100°F.

Flammable liquids shall be divided into two classes of liquids as follows:

Class I liquids shall include those having flash points below 100°F, and may be subdivided as follows:

Class I A: Flash points below 73°F, and having a boiling point below 100°F.

Class I B: Flash points below 73°F, and having a boiling point at or above 100°F.

Class I C: Flash points at or above 73°F, and below 140°F.

Class II: Flash points at or above 100°F.

When artificially heated to temperatures equal to or higher than their flash points, Class II and Class III liquids shall be subject to the applicable requirements for Class I and Class II liquids. The provisions in this CDP shall also be applied to high flash point liquids which otherwise would be outside of its scope when they are so heated.

## **FLAMMABLE MATERIAL**

Any material that will readily ignite from common sources of heat or material that will ignite at a temperature of 600°F. or less.

## **FLAMMABLE SOLID**

A solid substance other than one classified as an explosive, which is liable to cause fires through friction, through absorption of moisture, through spontaneous chemical changes or as a result of retained heat from the manufacturing or processing.

## **FLOOD**

Water from a river, stream, water course, ocean, lake or other body of standing water that temporarily overflows or inundates adjacent lands and which may affect other land and activities through stage elevation, backwater or increased ground water level.

## **FLOOD INSURANCE RATE MAP (FIRM)**

An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated areas in the floodplain subject to inundation of the base flood and the risk premium zones based on the technical data in the Flood Insurance Study.

## **FLOOD INSURANCE STUDY**

The official report provided by the Federal Emergency Management Agency (FEMA) that includes flood profiles, the flood boundary floodway map, and the water surface elevation of the base flood.

## **FLOODPLAIN**

The area adjoining a river, stream, water course, lake or other body of standing water which has been or may be covered temporarily by flood waters. The floodplain as defined by the Federal Emergency Management Agency means any land area susceptible to be inundated by water from any source.

## **FLOODPLAIN ADMINISTRATOR**

The City Engineer or Zoning Administrator, or his designated representative.

## **FLOOD PROFILE**

A graph or a longitudinal profile showing the relationship of the water surface elevation of the flood event to location along a stream or river.

## **FLOOD-PROOFING**

A combination of structural provisions, changes or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures and contents of buildings in a floodplain area.

## **FLOOD PROTECTION ELEVATION**

The elevation of one foot (2 foot for residential structures) above the base flood elevation for the Flood Regulatory District as shown on the flood profiles and tabulations in the Flood Insurance Study and on the Official Floodplain Maps in the office of the City Engineer.

## **FLOOD REGULATORY AREA**

That portion of the floodplain subject to inundation by the base or 100-year flood. The 100-year floodplain limits are computed under existing channel and floodplain conditions. Its length or reach is determined by natural bounds such as a lake or by structures such as a dam or bridge or by political or legal bounds.

## **FLOOD REGULATORY DISTRICT**

That area represented by the Flood Regulatory Area which has been approved by the Colorado Water Conservation Board and shown as Flood Zones A, AE, AH, AO and A99 on the Flood Insurance Rate Map and the Official Floodplain Maps in the office of the city and county.

## **FLOOD STAGE**

For the purpose of this ordinance, the term is used to mean the height or elevation of a flood as referred to some datum. For other purposes, it is commonly used to refer to the elevation at which a stream will overtop its normal stage banks.

## **FLOOD ZONE A**

That portion of the Flood Regulatory Area that is inundated by the 100-year flood as shown on the Official Floodplain Maps. No base flood elevations have been determined for this zone.

## **FLOOD ZONE AE**

That portion of the Flood Regulatory Area that is inundated by the 100-year flood as shown on the Official Floodplain Maps. Base flood elevations have been determined for this zone.

## **FLOOD ZONE AH**

That portion of the Flood Regulatory Area that is inundated by the 100-year flood as shown on the Official Floodplain Maps 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 flood is characterized by ponding or sheet flow. Base flood elevations have been determined for this zone.

## **FLOOD ZONE AO**

That portion of the Flood Regulatory Area that is inundated by the 100-year flood as shown on the Official Floodplain Maps 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 flood is characterized by ponding or sheet flow. Average depths have been determined for this zone.

## **FLOOD ZONE A99**

That portion of the Flood Regulatory Area that is inundated by the 100-year flood as shown on the Official Floodplain Maps that is to be protected from the 100-year flood by Federal flood protection system under construction. No base flood elevations have been determined for this zone.

## **FLOOD ZONE AREA**

That portion of the regulatory area that is inundated by the 100-year flood and may serve as a temporary storage area for these flood waters, and that lies landward of the floodway. This area shall include Zones A, AE, AH, AO, and A99 as shown on the Official Floodplain Maps and as defined in this Article.

## **FLOOD ZONE DISTRICT**

That area represented by the Flood Zone Area which has been hydraulically defined and shown on the Official Floodplain Maps in the offices of the city and the County.

## **FLOODWAY DISTRICT**

The portion of the Flood Regulatory Area defined as the channel of a gulch or other watercourse and the adjacent land that must be reserved in order to discharge the 100-year flood without cumulatively increasing the base flood water surface elevation more than one foot at any one point.

## **FREESTANDING SIGN**

Any sign supported by structures or supports that are placed on or anchored in the ground and are not attached to any building or structure.

## **FRONT YARD**

The horizontal distance from the front property line to the face of the building, excluding appendages, overhangs and eaves. The front yard will include at the minimum, the front yard setback area.

## **FRONTAGE OR STREET FRONTAGE**

Street frontage means a property line which abuts a public right-of-way that provides public access to or visibility to the premises.

## **Section 8.8 “G”**

### **GRADE**

The lowest point or elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the

property line. When the property line is more than five feet from the building, between the building and a line five feet from the building.

### **GROUP HOME**

A residence in which six or more individuals, who are not capable of living independently, can live together and receive supportive services and are supervised by persons who live in the residence. A Group Home shall have not more than twelve residents, including supervisory personnel. A Group Home must be licensed by an agency of the State of Colorado, or of the political subdivisions, or a state-licensed child placement agency, as a group home, receiving home, or similar care facility.

### **GROUP HOMES FOR THE DEVELOPMENTALLY DISABLED**

A state-licensed group home for the developmentally disabled which serves not more than eight developmentally disabled persons and appropriate staff. 'Developmentally disabled' means those persons having cerebral palsy, multiple sclerosis, mental retardation, autism, asthma and epilepsy.

### **GROSS FLOOR AREA (GFA)**

The total area in square feet of all floors of a building measured from exterior walls.

## **Section 8.9. "H"**

### **HELIPORT, PRIVATE USE**

An area provided for the landing or taking off of a helicopter. A private use heliport is any heliport that restricts usage to the owner or persons authorized by the owner. Private use heliports may be owned by individuals, companies, or corporations. The private use classification also applies to a heliport used by a police department, fire district, or a hospital.

### **HOME OCCUPATIONS**

Occupations such as dressmaking, handicrafts, laundering, one-chair beauty or barber shops, one-family distributorships for household products and cosmetics delivered to customers in the residential area and including a professional occupation of a resident of the premises, but not including a nursing home, tourist home, massage parlor or similar establishment offering service to the general public and provided that such occupations meet all of the following requirements, unless modified by county, state or federal requirements:

- A. The use is clearly incidental and secondary to the use of the property for dwelling purposes.
- B. The use is conducted entirely within a dwelling and not in any accessory building and is carried on only by inhabitants thereof.
- C. The entrance to the space devoted to such use shall be from within the dwelling.
- D. The use does not occupy more than one-fourth of one floor of the dwelling.
- E. No stock-in-trade is kept or commodities sold except such as are made on the premises. This does not preclude the storage of stock or commodities which are sold off the premises.
- F. The use does not require internal or external alteration or involve construction features or use of mechanical equipment not customary in dwelling.

G. The use is limited to electric motors for power, with a total limitation of three horsepower.

H. The use does not change the character of the dwelling or adversely affect the uses permitted in a residence district nor does it display or create outside the building any external evidence, either on the property or on the street, of the operation of the home occupation, except for the permitted sign.

I. The use creates no additional traffic and requires no additional parking space.

J. Name plate signs are permitted.

### **HOSPITAL**

An institution providing health services, primarily for in patients and medical or surgical care of the sick or injured, including related facilities such as laboratories, out-patient facilities, training facilities, central service facilities and staff offices.

### **HOUSING FOR ELDERLY PERSONS**

As intended for apartment buildings for elderly, a residential building or buildings designed for the use and occupancy of any person, married or single, who is 60 years of age or over. Such buildings shall not contain equipment for surgical care, or for the treatment of disease or injury, other than for emergency first-aid care. Said buildings are permitted at a higher density than other multiple dwellings due to a smaller required parking ratio.

## **Section 8.12. "J"**

### **JUNK YARDS**

A building structure, or parcel of land, or portion thereof, used for collecting, storage, or sale of waste paper, rags, scrap metal, rubber tires, bottles, or discarded material. Where such materials are a byproduct of a permitted use, such activity shall be considered outdoor storage.

## **Section 8.13. "K"**

### **KENNEL**

Any premises, except where accessory to an agricultural use, where domestic animals, such as dogs and cats, are boarded, trained or bred.

## **Section 8.14. "L"**

### **LOCAL STREET**

A typically narrow street designed to afford access to persons of a specific neighborhood to their property and not a high traffic carrier. Design standards for local streets shall conform to the adopted city street ordinance, or county development standards for all subareas.

### **LOT**

A parcel of land, whether or not platted, in single ownership and not divided by a street.

### **LOT COVERAGE**

The percentage of the lot area that is occupied by all covered structures.

### **LOT, INTERIOR**

A lot other than a corner lot.

## **LOWEST FLOOR**

For purposes of Article 7 only, shall mean the lowest floor of the lowest enclosed area (including basement). 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 Article 7.

## **LOW IMPACT HOUSING**

Housing types that have minimal impacts on the community infrastructure as measured by lower trip generation rates than typical multi-family developments as defined by the ITE Trip Generation Manual, smaller number of school age children in the development, smaller unit sizes than normal multi-family units, fewer off-street parking spaces, or smaller household size. Examples of potentially low impact housing are housing for the elderly or housing for the handicapped.

## **LOW PROFILE SIGN**

A low profile sign is a freestanding sign not exceeding 10 feet in height and not exceeding 32 square feet in area.

## **Section 8.15. "M"**

### **MANUFACTURED HOME**

For purposes of Article 7 only, shall mean 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 attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

### **MARQUEE OR CANOPY**

A roof-like structure which projects from the wall of a building and overhangs the public way.

### **MAXIMUM OUTDOOR RETAIL DISPLAY**

Outdoor retail display of certain merchandise for sale, lease, or rental to the general public. Such merchandise shall consist only of licensed and/or titled vehicles and trailers, boats, pools, spas, landscape and building materials. With respect to Subareas A, C, and E, such retail display shall not fall within the definition of "Outdoor storage". Additional merchandise categories may be approved by the controlling jurisdiction through a conditional use/special use review process.

### **MINING**

The development or extraction of a mineral from its natural occurrences on affected land. The term includes, but is not limited to, open mining and surface operation and the disposal of refuse from underground and in situ mining. The term includes the following operations on affected lands: transportation concentrating; milling; evaporation; and other processing. The term does not include: the exploration and extraction of natural petroleum in a liquid or gaseous state by means of wells or pipe or the extraction of geothermal resources.

### **MINI-STRUCTURE**

Portable type structures (220 square feet or less) such as storage sheds, prefabricated greenhouses, elevated and non-elevated play enclosures. These types of buildings or structures are exempt from side and rear yard requirements,

However, the structures may not be placed in a manner that interferes with any easement or right of way.

### **MIXED-USE DEVELOPMENT**

A single building containing more than one type of land use or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

### **MOBILE HOME**

Any detached single-family dwelling with all the following characteristics:

- A. Designed for long-term occupancy and containing sleeping accommodations, a flush toilet, tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
- B. Designed to be transported on its own wheels.

### **MOTEL AND HOTEL**

A building or group of buildings which contain living or sleeping accommodations for transient occupancy which may or may not have individual entrances from outside.

### **MUSEUM**

A non-profit, non-commercial establishment operated as a repository for a collection of nature, scientific or literary curiosities or objects of interest or works of art, not including the regular sale or distribution of the objects collected.

## **Section 8.16. "N"**

### **NFPA**

National Fire Protection Association.

### **NEW CONSTRUCTION**

For purposes of Article 7 only, shall mean structures for which the "start of construction" commenced on or after the adoption of the CDP and includes any subsequent improvements to such structures.

### **NEW MANUFACTURED HOME PARK OR SUBDIVISION**

Means 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 the floodplain management regulations contained in this CDP.

### **NON-COMBUSTIBLE**

A building construction material which, in the form in which it is used, is either one of the following:

- A. Material of which no part will ignite and burn when subjected to fire. Any material conforming to Uniform Building Code Standard No. 4-1, shall be considered non-combustible.
- B. Material having a structural base of non-combustible material as defined in Paragraph A above, with a surfacing material not over one-eighth inch thick, which has a flame-spread rating of 50 or less. "Non-combustible" does not apply to surface finish materials. Material required to be non-combustible for reduced clearances to flues, heating appliances or other sources of high temperature shall

refer to material conforming to Paragraph A above. No material shall be classed as non-combustible which is subject to increase in combustibility or flame-spread rating beyond the limits herein established, through the effects of age, moisture or other atmospheric conditions.

**NONCONFORMING STRUCTURE**

An existing building or structure which does not conform with the provisions of Articles 4, 5, 6 and 7.

**NONCONFORMING USE**

Any building or land lawfully occupied by a use as of the date of rezoning in conformance with this CDP or amendment thereto which does not conform after the passage of this CDP or amendment thereto with the use requirements of the subarea in which it is situated.

**NON-MOTORIZED VEHICLE**

Vehicles which are powered by means other than internal combustion engines or electric motors.

**NURSERY**

Any land used to raise trees, shrubs, flowers and other plants for sale or for transplanting.

**NURSING HOME**

A home licensed by the State of Colorado for the aged, chronically or incurably ill persons in which five or more such persons not of the immediate family are provided with food and shelter or care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

**Section 8.17. "O"**

**OCCUPANCY**

The purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

**OFF-PREMISE SIGNS**

Off-premises sign means a sign which directs attention to a business, product, service or entertainment conducted, sold or offered at a location other than on the premises on which the sign is located.

**ONE HUNDRED YEAR FLOOD**

The flood that has a statistical frequency of occurrence of once every 100 years determined for an analysis of floods on a particular water course and other water courses in the same general region. It has about a one percent chance of occurring in any given year.

**OFF-STREET LOADING AND UNLOADING SPACE**

An off-street parking stall required for loading or unloading.

**OPEN SPACE**

That space which is suitable primarily for the private or public use, including space available for recreation or landscaping. Such space must be at least 75% open to the sky, free of automobile traffic, parking, outdoor storage, and undue hazard.

**OPEN STORAGE**

See *Outdoor Storage*.

**ORDINARY HIGH-WATER MARK**

The highest point on the bank of a normal stage channel at which the level has been for a sufficient period of time to leave a definite mark.

**OUTDOOR RETAIL DISPLAY**

Outdoor retail display of certain merchandise for sale, lease, or rental to the general public.

**OUTDOOR STORAGE**

Storage of any materials, merchandise, stock, supplies, machines, operable and/or impounded vehicles, equipment, manufacturing materials, or chattels of any nature which are not kept in a structure having at least four walls and a roof, regardless of how long such materials are kept on the premises. With respect to Subareas A, C, and E, certain items are considered "Outdoor Retail Display" and subject to different restrictions than "Outdoor Storage". (See *Outdoor Retail Display*, above.) Junk yards, salvage yards, and auto wrecking yards are considered separate categories of outdoor storage with more restrictive locational criteria. Consult definitions and "Table 4.2.1. - Density/Intensity" to determine appropriate restrictions.

**ORIGINAL SEALED CONTAINER**

The container a product was originally shipped in from the manufacturer, with a capacity of not more than 55 gallons.

**Section 8.18. "P"**

**PARKING AREA**

An area, other than a street or alley, designed or used primarily for secondary access and the temporary parking of vehicles.

**PARKING STALL**

A surfaced area, enclosed in the main building or in an accessory building or unenclosed.

**PENNANTS**

Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series and designed to move in the wind.

**PERMITTED USE**

Land uses permitted in accordance with the standards in this CDP.

**PLANNING COMMISSION**

For the purposes of this ordinance, the City Zoning Commission is the Planning Commission, duly appointed by the City Council. The County Planning Commission is appointed by the Board of County Commissioners.

**PLANNING DIRECTOR**

The person appointed by the City Manager for the City of Arvada and by the Director of Administrative Services for Jefferson County as the director of the Planning Department.

**PLANNED UNIT DEVELOPMENT (PUD)**

A process of development within the city by which tracts of land may be developed through an overall approach in conformance with the provisions of this Comprehensive Development Plan.

**PRESCHOOL**

A day care and education center for seven or more children aged five years and under, licensed by the State of Colorado.

## **PRIMARY MANUFACTURING**

Establishments engaged in the initial processing or treatment of raw material or manufacturing of products which require additional processing, fabrication or assembly for ultimate use by the consumer.

## **PROFESSIONAL OFFICE**

The office of a person or persons engaged in any occupation, vocation, or calling, not purely commercial, mechanical, or agricultural in which a professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an act founded thereon.

## **PROJECTING SIGN**

Projecting sign means a sign that is wholly or partly dependent upon a building for support and which projects horizontally more than fifteen inches from such building.

## **PROPERTY LINE**

The legally described boundary line that indicates the limits of a parcel, tract, lot or block for the purpose of delineating ownership and setback requirements.

## **PUBLIC BUILDING**

Any building held, used or controlled exclusively for public purposes by any department or branch of government: state, county, municipality or special district, without reference to the ownership of the building or of the realty upon which it is situated.

## **PUD-BPR**

Planned Unit Development - Business, Professional Office, and Residential Zoning District, as adopted by the City of Arvada.

## **Section 8.19. "Q" and "R"**

### **REACH**

A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the floodplain where flood heights are primarily controlled by man-made or natural floodplain obstructions or restrictions. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most likely be a reach.

### **REAR YARD**

The horizontal distance from the rear property line to the face of the building, excluding appendages, overhangs, and eaves.

### **RECREATIONAL VEHICLE**

Means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

### **RECYCLING BANK**

A structure designed to receive and temporarily store recyclable materials prior to delivery to a permanent disposal site, or shipment to others for reuse, and/or processing into new products. The structure may or may not be automated, attended, permanent, or reimburse depositors.

## **RECYCLING STATION**

A facility designed to be a collection point where only recyclable materials are sorted and/or temporarily stored prior to delivery to a permanent disposal site, or shipment to others for reuse, and/or processing into new products. This facility can be a temporary and/or mobile, profit or not-for-profit operation, not accessory to the principal permitted use or a permanent installation which is the principal permitted use.

## **REGIONAL SHOPPING CENTER**

A retail shopping area in excess of 30 acres (divided by no interior public streets) containing at least one major retail store of over 100,000 square feet of gross leasable area and additional retail area.

## **RESEARCH, DEVELOPMENT, TESTING**

Research, development and testing laboratories that do not involve the mass manufacture, fabrication, processing or sale of products. Such uses shall not violate any odor, dust, smoke, gas, noise, radiation, vibration or similar pollution standard as specified herein.

## **RESERVOIRS, RAW WATER**

Any water retention structure which requires a permit by the Colorado State Engineer's office.

## **REST HOME**

An establishment, licensed by the State of Colorado, operated for the purpose of providing domiciliary care for a group of persons who are unable to provide such care for themselves and who are not in need of medical or nursing treatment except in the case of temporary illness.

## **RESTAURANT**

An establishment designed to cater to or accommodate the consumption of food which does not provide curbside or automobile food service.

## **RIGHT-OF-WAY**

A strip of land for public purpose such as utilities, roads, streets, pedestrian walkways, bicycle paths and alleys.

## **ROADWAY**

See "Street".

## **ROOF SIGN**

Any sign erected or constructed wholly on or over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

## **Section 8.20. "S"**

### **SALVAGE YARD**

A building, structure, or parcel of land, or portion thereof, used for salvaging parts, equipment, supplies, or other articles from vehicles, boats, appliances, machinery, or other similar items.

### **SANITARIUM**

A health station, retreat, or an institution for the recuperation and treatment of persons suffering from physical or mental disorders.

### **SECONDARY MANUFACTURING**

Establishments engaged in the manufacture of products for final utilization or consumption. This usually involves the secondary processing, fabrication, or assembly of semi-finished products from a primary manufacturing industry.

**SETBACK**

A. **Front:** A line parallel with a front lot line of a lot, tangent to that part of a building situate on such lot (other than an open fire escape or stairway, a chimney, or a one-story unenclosed porch) which is closest to such lot line and intersecting two other lot lines of such lot.

B. **Rear:** A line parallel with a rear lot line of a lot, tangent to that part of a building situate on such lot which is closest to such rear lot line and intersecting two other lot lines of such lot.

C. **Side:** A line parallel with a side lot line of a lot, tangent to that part of a building situate on such lot which is closest to such side lot line and intersecting two other lot lines of such lot.

**SHOW OR MODEL HOMES**

A completed housing unit located in a subdivision and used for the sole purpose of selling similar units within the same subdivision and used for this purpose only until all units within said area are sold.

**SIDE YARD**

The horizontal distance from the side property line to the face of the building, including appendages, overhangs, and eaves.

**SIGN**

Sign means any object, device, or structure, or part thereof, situated on any building, structure, or surface which advertises, identifies, directs or attracts the attention of the public to a business, institution, product, organization, event, location, or which communicates information to the public by any means, including, but not limited to, words, letters, graphics, fixtures, symbols, colors, motion, illumination and projected images.

**SIGNIFICANT BIOLOGICAL ACTIVITY**

Areas that are essential to the propagation or survival of a species including areas required for nesting, calving, breeding, raising of young or significant food or water sources for animals.

**SPECIAL EXCEPTION**

A permitted use in specific districts with approval of the Board of Adjustment.

**STABLE (PRIVATE)**

A building for housing domestic animals when not conducted as a business.

**STABLE (PUBLIC)**

A building housing domestic use animals which are kept for remuneration, hire or sale.

**START OF CONSTRUCTION**

For purposes of Article 7 only, means the date the building permit was issued, provided the actual start was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing 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.

**STORAGE CAPACITY OF A FLOODPLAIN**

The volume of space above an area of floodplain land that can be occupied by flood water of a given stage at a given time, regardless of whether the water is moving.

**STREET**

A public thoroughfare, avenue, road, boulevard, parkway, way, drive, lane, circle, or private easement providing the primary means to access and egress from property abutting its length.

**STRUCTURALLY ALTERED**

The making of a substantial change in the construction, identity, and/or use of the present building.

**STRUCTURE**

Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, excluding those specific structures defined as mini-structures, or divisional structures. For purposes of Article 6 only, "Structure" shall mean a walled and roofed building or manufactured home that is principally above ground.

**SUBAREA**

A specific area within the CDP.

**SUBSTANTIAL DAMAGE**

For purposes of Article 7 only, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT**

For purposes of Article 7 only, 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. This term 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 to assure safe living conditions; or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**Section 8.21. "T"****TEMPORARY OUTDOOR SALE**

Any sale made by a person, firm or corporation engaging in the temporary business of selling goods, wares of merchandise from a tent, truck, vending cart or other area outside of a permanent

structure on property owned or leased by the person, firm or corporation. The temporary outdoor sales, except those conducted by charitable organizations as defined in "Charitable Organizations", must be secondary to or incidental to the principal permitted use or structure existing on the property, and not incompatible with the intent of the district. The outdoor sale of Christmas trees is exempt from this definition.

#### **TENT**

Any structure, enclosure, or shelter constructed of canvas or pliable material supported by any manner except by air or the contents it protects.

#### **THROAT OF CURB**

That portion of the curb cut measured across the narrowest section of the curb cut.

#### **TRANSIENT MERCHANT**

Any person, firm or corporation, whether as owner, lessee or employee, whether a resident of the city or not, who engages in a temporary business of selling prepared food items from a vending cart. The person, firm or corporation so engaged is not relieved from complying with provisions of this ordinance relating to transient merchants merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

This definition shall not apply to anyone selling as part of an organized community event.

#### **TRASH TRANSFER STATION**

A solid waste facility designed to compact, sort and/or temporarily store municipal-type refuse prior to delivery to a permanent disposal site, or shipment to others for reuse and/or processing into new products.

#### **TRAVEL TRAILER**

A vehicle standing on wheels which is used for recreational living or sleeping.

### **Section 8.22. "U"**

#### **USE**

Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied; or any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

#### **USE BY RIGHT**

A use which is permitted in any subarea in this CDP.

#### **USE VARIANCE**

A variance authorizing the property to be used for a purpose prohibited by the ordinance, as distinguished from a variance in lot area, yard size, building height or other dimensional bulk requirements.

### **Section 8.23. "V" and "W"**

#### **VAPOR PRESSURE**

The pressure measured in pounds per square inch, absolute, exerted by a volatile fluid as determined by the "Standard Method of Test for Vapor or Pressure of Petroleum Products", Reid Method, ASTM D32355.

#### **VARIANCE**

Deviations from the terms of this CDP as will not be contrary to public interest and owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship.

#### **VENDING CARTS**

Vending cart shall mean any box or container with wheels which is not propelled or moved by an engine. Trailers of any type are not vending carts.

#### **WALL SIGN**

Wall sign means a sign fastened to or painted on a wall of a building or structure in such a manner that the wall is the supporting structure for, or forms the background surface of, the sign and which does not project more than fifteen inches from such building or structure.

#### **WATERCOURSE**

A channel, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir or lake in which storm runoff and flood water flows either regularly or infrequently. This includes major drainageways for carrying urban storm runoff.

#### **WINDOW SIGNS**

Window sign means a sign that is applied to or attached to the exterior or interior of a window or located in such manner within a building that it is visible from the exterior of the building through a window, but excludes merchandise in a window display.

### **Section 8.24. "X", "Y" and "Z"**

#### **YARD**

An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

#### **ZONING COMMISSION**

For the purposes of this CDP, the City Zoning Commission serves as the Planning Commission, and the County Planning Commission functions as the Zoning Commission, appointed by the City Council and the Board of County Commissioners, respectively.

#### **ZONING ENFORCEMENT OFFICER**

An appointed administrative official of the city or county who implements and interprets this adopted CDP.

It was moved by Commissioner NELSON that the following Resolution be adopted:

**Before The Planning Commission  
County Of Jefferson  
State Of Colorado  
Resolution**

IN THE MATTER OF:

CDP93-1, Proposed Comprehensive Plan for the Clear Creek/I-76 Community Plan Area

WHEREAS after a hearing before the Planning Commission on July 28, 1993, based on the evidence, testimony, exhibits and recommendation of the Jefferson County Planning Department, comments of public officials, agencies and citizens of the County, comments from other interested parties, and subject to the modifications discussed in the hearing, the Planning Commission hereby finds:

1. That such plan provides for mutual cooperation between Jefferson County and the City of Arvada for long-range joint planning for the Clear Creek/I-76 Area; and
2. That the proposed plan is in the best interest of the citizens of Jefferson County.

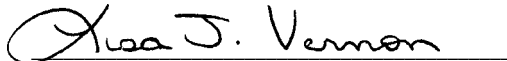
NOW, THEREFORE, be it resolved that the Jefferson County Planning Commission hereby recommends APPROVAL of the Comprehensive Development Plan for the Clear Creek/I-76 Community Plan area and recommends that the Board of County Commissioners enter into such agreement.

Commissioner HODGE seconded the adoption of the foregoing Resolution, and upon a vote of the Planning Commission as follows:

Commissioner NELSON	-	Aye
Commissioner HODGE	-	Aye
Commissioner ROUSSELOT	-	Aye
Commissioner HANNAY	-	Aye
Commissioner DITGES	-	Aye
Commissioner NICOL	-	Aye
Commissioner WEINSTEIN	-	Aye

the Resolution was adopted by unanimous vote of the Planning Commission of the County of Jefferson, State of Colorado.

I, LISA J. VERNON, Executive Secretary of the Jefferson County Planning Commission do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Jefferson County Planning Commission at a regular hearing held in Jefferson County, Colorado, on July 28, 1993.



Lisa J. Vernon,  
Executive Secretary

Commissioner Laura moved that the following Resolution be adopted:

**Before The Board Of County Commissioners  
Of The County Of Jefferson  
State Of Colorado**

**Resolution No. Cc93-731**

Case Nos.: CDP93-1 And IGA93-1

Applicant: Jefferson County And City Of Arvada Initiated

Location: Clear Creek/I-76 Joint Planning Area

Purpose: Adoption Of The Clear Creek/I-76 Comprehensive Development Plan

And Authorization For Chairman To Execute The Clear Creek/I-76 Intergovernmental Agreement

WHEREAS, the Planning Department of Jefferson County and the City of Arvada have proposed the adoption of the Clear Creek/I-76 Comprehensive Plan and have proposed execution of the Clear Creek/I-76 Intergovernmental Agreement for the Clear Creek/I-76 Joint Planning Area; and

WHEREAS, a public hearing was held by the Jefferson County Planning Commission on July 28, 1993, at which time the Planning Commission did, by formal resolution, recommend approval of the proposed Comprehensive Development Plan for the Clear Creek/I-76 Community Plan Area and recommend that the Board of County Commissioners enter into an agreement with the City of Arvada to adopt the Comprehensive Development Plan; and

WHEREAS, after notice as provided by law, a public hearing was held by this Board on October 5, 1993, at which time this matter was continued until October 12, 1993, for decision; and

WHEREAS, based on the evidence, testimony, exhibits, recommendations of the Jefferson County Planning Commission, comments of the Jefferson County Planning Department, comments of public officials and agencies, and comments from all interested parties, this Board finds as follows:

1. That publication and public notice was provided for the hearings before the Planning Commission and the Board of County Commissioners of Jefferson County.
2. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at those hearings.
3. That the Intergovernmental Agreement for the Clear Creek/I-76 Joint Planning Area provides for mutual cooperation between Jefferson County and the City of Arvada for long-range joint planning for the Clear Creek/I-76 Area by requiring the City and the County to adhere to the Comprehensive Development Plan for development proposals in this area.
4. That it is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the residents of Jefferson County to adopt said Comprehensive Development Plan and to execute said Agreement.
5. That each of the factors set forth above is adequate independently to support this resolution.

NOW, THEREFORE, BE IT RESOLVED that the Comprehensive Development Plan for the Clear Creek/I-76 Community Plan Area and the amendments as set forth in Exhibits "A", "B" and "C" attached hereto and incorporated herein by reference, be and hereby are approved. This Plan shall be effective as of October 20, 1993, and shall apply to all applications for rezoning filed after the adoption of this Resolution.

BE IT FURTHER RESOLVED, that the Chairman of the Board of County Commissioners is authorized to execute the Intergovernmental Agreement between Jefferson County and the City of Arvada in the form attached hereto as Exhibit "D".

Commissioner Miller seconded the adoption of the foregoing Resolution. The roll having been called, the vote was as follows:

Commissioner Gary D. Laura	AYE
Commissioner Betty J. Miller	AYE
Commissioner John P. Stone, Chairman	AYE

The Resolution was adopted by unanimous vote of the Board of County Commissioners of the County of Jefferson, State of Colorado.

Dated: October 12, 1993

# **INTERGOVERNMENTAL AGREEMENT**

## **Between The County Of Jefferson And The City Of Arvada: Clear Creek/I-76 Comprehensive Development Plan**

### **1993**

This Intergovernmental Agreement, herein referred to as the "Agreement," is made and entered into by and between the County of Jefferson, State of Colorado, a body politic and corporate, hereinafter referred to as the "County" and the City of Arvada, a Colorado municipal corporation, hereinafter referred to as the "City."

#### **1. RECITALS AND PURPOSE**

1.1 WHEREAS, Article 20 of Title 29 of the Colorado Revised Statutes, as amended, authorizes City and County governments to enter into intergovernmental agreements for the purpose of adopting mutually binding and enforceable comprehensive development plans; and

1.2 WHEREAS, pursuant to Article 20, Title 29, Colorado Revised Statutes, as amended, the General Assembly of the State of Colorado has authorized and encouraged local governments to cooperate or contract with other units of government for the purpose of planning and regulating the development of land, including the joint exercise of planning, zoning, subdivision, building, and related regulations; and

1.3 WHEREAS, Part 2 of Article 1 of Title 29 of the Colorado Revised Statutes, as amended, authorizes and enables government of the State of Colorado to enter into cooperative agreements or contracts; and

1.4 WHEREAS, Article XIV, Section 18(2) of the Constitution of the State of Colorado provides that nothing in the Constitution shall be construed to prohibit the State or any of its political subdivisions from cooperating or contracting with one another or with the government of the United States to provide any function, service or facility lawfully authorized to each of the cooperating or contracting units, including the sharing of costs, the imposition of taxes, or the incurring of debt; and

1.5 WHEREAS, the County and City have defined the Clear Creek/I-76 Joint Planning Area as an area of mutual interest, the boundaries of which are delineated on Exhibit A attached hereto and incorporated herein; and

1.6 WHEREAS, it is the mutual goal of the County and City that the area set forth on Exhibit A be annexed into the City at such time as it is eligible for annexation; and

1.7 WHEREAS, it is in the best interests of the citizens of Jefferson County that the future growth in the Clear Creek/I-76 Joint Planning Area occur in an orderly manner according to a comprehensive development plan agreed upon by the County and City.

NOW, THEREFORE, in consideration of the above recitals and of the mutual promises, covenants, and agreements contained herein, the County and the City agree:

#### **2. DEFINITIONS**

The following terms shall be defined as set forth below.

##### **2.1 CLEAR CREEK/I-76 JOINT PLANNING AREA**

The area in which the CDP shall apply as more fully set forth in this Agreement. The boundaries of the area are delineated on Exhibit A. Portions of the area are inside the City and portions are within unincorporated Jefferson County. All of the area is located within Jefferson County.

##### **2.2 CLEAR CREEK/I-76 COMPREHENSIVE DEVELOPMENT PLAN ("CDP")**

The Comprehensive Development Plan for the Clear Creek/I-76 Joint Planning Area to be adopted by the County and the City pursuant to Article 20, Title 29, C.R.S., which is attached hereto and incorporated herein as Exhibit B.

#### **3. CLEAR CREEK/I-76 COMPREHENSIVE DEVELOPMENT PLAN**

3.1 That the Board of County Commissioners of the County and the City Council of the City

shall adopt, after notice and hearing, the CDP. The CDP shall be mutually enforceable and binding on the County and City for any property within the area set forth on Exhibit A which is zoned or rezoned after the effective date of this Agreement. The adoption of the CDP by the County and City does not constitute approval of a development plan or zoning, rezoning or platting of the property within the area set forth on Exhibit A.

3.2 That any master plans, zoning plans, ordinances or regulations, subdivision regulations, development regulations or other land use regulations adopted or amended by the County or City after the effective date of this Agreement shall be in conformance with the provisions of the CDP to the extent such plans, ordinances or regulations apply to any property within the Clear Creek/I-76 Joint Planning Area and to the extent the subject matter of such plans, ordinances or regulations is addressed by the provisions of the CDP. Concurrent with the City's consideration and adoption of the CDP, the City shall consider and adopt amendments to its new ARTICLE 12 zoning ordinance and any other applicable provisions of its zoning ordinance or regulations to be applied to the Clear Creek/I-76 Joint Planning Area. Such amendments to the City's zoning ordinance shall bring its zoning ordinance into conformance with the CDP.

3.3 If any property within the Clear Creek-I-76 Joint Planning Area is rezoned or annexed and zoned after the effective date of this Agreement, said zoning shall be in conformance with the CDP. Thereafter, the provisions of the CDP shall control all decisions by

the appropriate governing body pertaining to zoning, rezoning, subdivision, platting, and building permit and development plan approvals for such property. To the extent provisions of any master plan adopted by the County or City conflict with the CDP for the Clear Creek/I-76 Joint Planning Area the CDP shall control.

3.4 If the CDP is silent as to a particular land use matter or land use procedure, existing local land use regulations and procedures within the appropriate jurisdiction shall control.

3.5 That any review of the CDP by the City Planning Commission or the County Planning Commission shall be at the discretion of their individual governing bodies.

3.6 That the limitations, restrictions, standards and all other provisions of the CDP shall continue to control within the Clear Creek/I-76 Area, even if jurisdiction over that area is transferred from the County to the City or from the City to the County.

3.7 That the CDP may be rescinded only upon mutual agreement or amended only upon mutual agreement and adoption by the governing bodies of the County and City after notice and public hearing, in conformance with Section 29-20-105(2), C.R.S., as amended.

3.8 That after final acceptance of rezoning applications; preliminary, final or corrected plat submittals; and/or acceptance of development plans by the Planning Department of the governmental entity having jurisdiction of the property subject to the provisions of the CDP as provided in Subsection 3.3 *supra*, said application and plans shall be referred, within 3 working days of receipt, to the other jurisdiction and the fire district of record.

3.8.1 The entity to which an application is referred shall advise the referring body of its opinion as to the conformance of the application with the CDP consistent with the referral comment periods otherwise allowed by the existing regulations of the referring entity. In the case of development plans, the period shall be twenty-one (21) days unless otherwise specified by the existing regulations of the referring entity or unless the planning directors of the City and County agree to additional time. If the entity receiving the referral fails to respond within the designated referral comment period, then the referral entity may consider the other jurisdiction to have determined the document conforms to the CDP.

3.8.2 If the County and City disagree as to whether an application or submittal conforms with the CDP, the application shall be reviewed jointly by the planning directors of the County and the City.

3.8.3 The planning directors shall, within twenty-one (21) days attempt to resolve any conflicts between the County and City and shall provide their recommendation concerning the application's or submittal's conformance with the CDP to each governing body after said twenty-one (21) day period.

3.8.4 No final public hearing shall be held or final decision shall be made as to any matter under review pursuant to Section 3.8.2 until such time as the recommendation required in Section 3.8.3 has been provided or the time period set forth in Section 3.8.3 has lapsed.

3.9 If the County rezones or plats property within the Clear Creek/I-76 Joint Planning Area in conformance with the CDP and the property is subsequently annexed to the City, the City shall adopt

zoning for the property essentially the same as is in effect in the County, and the City shall accept and enforce the plat in the form approved and recorded by the County.

3.9.1 The County shall assign and the and the City shall assume the County's rights under the Subdivision Improvements Agreement and , thereafter, the City shall enforce the provisions of the Subdivision Improvements Agreement.

3.9.2 At the option of the City, the City may require completion of all public improvements prior to finalization of annexation in lieu of assuming the County's rights and obligations under the Subdivision Improvements Agreement.

3.9.3 If a building permit has been issued, but a final inspection or Certificate of Occupancy, where appropriate, has not been issued, the County Building Department shall complete all inspections and the issuance of a Certificate of Occupancy, where appropriate, unless the County and the City agree otherwise. All such final inspections and issuances of Certificates of Occupancy shall be binding upon the City.

3.9.4 The County agrees that it will not establish a vested property right, as provided by Article 68 of Title 24 of the Colorado Revised Statutes, for any property within the Clear Creek/I-76 Joint Planning Area for a duration of more than three years, nor shall the County authorize any extension beyond three years once a vested property right is established unless agreed by the County and City.

#### **4. ANNEXATION**

4.1 That to the extent permitted by Colorado Revised Statutes, the City shall annex all properties for which they receive a petition for annexation within the Clear Creek/I-76 Joint Planning Area. The County shall not challenge such annexations if the annexations are in conformance with the CDP and the Colorado Municipal Annexation Act of 1965. The City shall annex all public or private rights of way, streets or alleys, all transportation rights of way or areas, all lakes, reservoirs, streams, or other natural or artificial waterways or public lands, which is within or abuts the boundaries of the area being annexed and the City shall not artificially delete a strip of property or divide property to avoid annexation of rights of way, public or private rights of way, streets or alleys, transportation rights of way or areas, lakes, reservoirs, streams, other natural or artificial waterways or public lands. Annexation of county-owned open space shall not obligate the County to transfer ownership of or responsibility for such open space to the City, nor shall the City be obligated to assume ownership of or responsibility for such open space.

4.2 With the exception of existing County streets and rights of way, the City shall not be required pursuant to this Agreement to annex property intended to be dedicated or granted to the City which does not comply with City policy for dedication or acceptance or which has been determined by the Colorado Department of Health to exceed State standards for hazardous substances as defined in Section 29-22-101(1), Colorado Revised Statutes, as amended, and in Section 9601(14) of Title 42 of the United States Code, as amended, unless the existing property owner(s) agree(s) to hold harmless and indemnify the City from any and all liability resulting from hazardous substances on the property. Once such property is brought into compliance with the applicable City policy or State standards for hazardous substances, the City shall be required to annex the property.

4.3 That to the extent permitted by Colorado Revised Statutes, the City shall annex any unincorporated property that is an enclave within the Clear Creek/I-76 Joint Planning Area as that term is defined in Section 31-12-106, Colorado Revised Statutes, as amended.

4.4 That any annexation agreement or any other agreement between the City and any property owner within the Clear Creek/I-76 Joint Planning Area shall conform with the CDP.

4.5 For any property annexed by the City within the Clear Creek/I-76 Joint Planning Area, the County hereby waives the requirement of Section 31-12-108.5 of the Colorado Revised Statutes that the City file an annexation impact report with the County if the City provides a zoning referral to the County as required by Section 3.8 which includes the following: a map of the area to be annexed that describes the boundaries of all municipalities within one mile of the area to be annexed, and all information on the rezoning proposal to permit the County to evaluate conformance with the CDP. Within the time limit for filing an annexation impact report set forth in the Municipal Annexation Act of the 1965, the City shall also provide a final draft of any annexation agreement.

4.6 The City shall consider changes to its annexation policies to facilitate the annexation of property within the Clear Creek/I-76 Joint Planning Area, and shall specifically study changes to its policies concerning providing and financing water services in order to facilitate such annexation.

## **5. SERVICES**

5.1 The County and City may enter into a separate agreement whereby the City may provide law enforcement services and street maintenance services within unincorporated areas of Jefferson County and the County may provide law enforcement services and street maintenance services within City boundaries subject to the terms and conditions contained in said separate agreement, which agreement shall, at a minimum, contain specific provisions defining the level of services to be provided and the respective costs of such services. Any such agreement shall also be approved by the City Police Chief, the City Public Works Director, the Jefferson County Sheriff, and the Jefferson County Department of Highways and Transportation, as appropriate.

5.2 The City and County shall provide reciprocal indemnifications, which shall obligate each entity to defend and hold the other entity harmless from and against any and all liability claims or causes of action related to or arising out of the provision of any services by the City or County within the jurisdiction of the other entity pursuant to this Agreement.

5.3 The City and County shall jointly study and consider revisions to their general circulation improvement requirements that would apply to the Clear Creek/I-76 Joint Planning Area, including alignment of intersections, turning radii for trucks, sidewalks, bikeways, and streetscape so that uniform regulations apply within this area.

## **6. ENFORCEMENT**

6.1 The only parties to this Agreement who may enforce the Agreement in District Court are the governing bodies of the County and City; such enforcement includes but is not limited to specific performance or injunctive relief. An action for damages shall not be a permissible remedy for any enforcement of Sections 3 or 4. Venue for any and all legal actions regarding this Agreement shall lie in the District Court in and for the County of Jefferson, State of Colorado.

## **7. GENERAL PROVISIONS**

### **7.1 NOTICES AND REFERRALS**

Notices or referrals pursuant to Section 3.8 above shall be deemed to have been sufficiently given for all purposes if sent by certified mail or registered mail, postage and fees prepaid, addressed to the party to whom such notice is to be given at the address set forth below, or at such other address as has been previously furnished in writing, to the other party or parties. Such notice shall be deemed to have been given when deposited for delivery by the United States Postal Service.

If to the County:

Chairman, Board of County Commissioners  
Judicial and Administrative Facility  
100 Jefferson County Parkway  
Golden, Colorado 80419  
Jefferson County Manager  
Judicial and Administrative Facility  
100 Jefferson County Parkway  
Golden, Colorado 80419

If to the City:

City Manager  
City of Arvada  
8101 Ralston Rd.  
Arvada, Colorado 80002

### **7.2 SEVERABILITY**

If one or more provisions of this agreement shall be invalid, illegal or unenforceable in any respect, the remaining provisions contained herein shall not in any way be affected or impaired thereby, unless any provisions within Sections 3 or 4 are found to be invalid, in which event the entire Agreement shall be void.

### **7.3 INSTRUMENTS OF FURTHER ASSURANCE**

The County and City covenant that they will to the extent permitted law do, execute, acknowledge and deliver or cause to be done, executed, acknowledged, and delivered such acts, instruments and transfers as may reasonably be required for the performance of their obligations hereunder.

### **7.4 ASSIGNMENT**

This Agreement shall not be assignable.

### **7.5 BINDING EFFECT**

This Agreement shall inure to the benefit of, and be binding upon, the parties, their respective legal representatives and successors.

### **7.6 WAIVER OF BREACH**

A waiver by any party to this Agreement or the breach of any term or provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach by either party.

7.7 EFFECTIVE DATES

After the public hearings, approval, and adoption of this Agreement and the CDP by both the County and the City, this Agreement will become effective, mutually enforceable, and binding as to the County and the City. This Agreement shall extend to any amendments to the CDP mutually agreed on and adopted by the County and the City, as provided herein.

7.8 TERM

This Agreement shall become void after 100 percent of the property has been annexed to the City.

7.9 PARAGRAPH CAPTIONS

The captions of the paragraphs are set forth only for the convenience and reference of the parties and are not intended in any way to define, limit or describe the scope or intent of this Agreement.

**8. SIGNATURES**

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in their respective names and attested by their duly authorized officers, all on the respective dates indicated below.

**COUNTY OF JEFFERSON, STATE OF COLORADO, a body politic and corporate**

By: John P. Stone  
Title: Chairman of the Board of County Commissioners

ATTEST:  
By: Kristen R. Helfer  
Title: Clerk to the Board of County Commissioners

DATE: 10/12/93

APPROVED AS TO FORM:  
By: Claire Levy  
Title: Assistant County Attorney

**CITY OF ARVADA, A COLORADO MUNICIPAL CORPORATION**

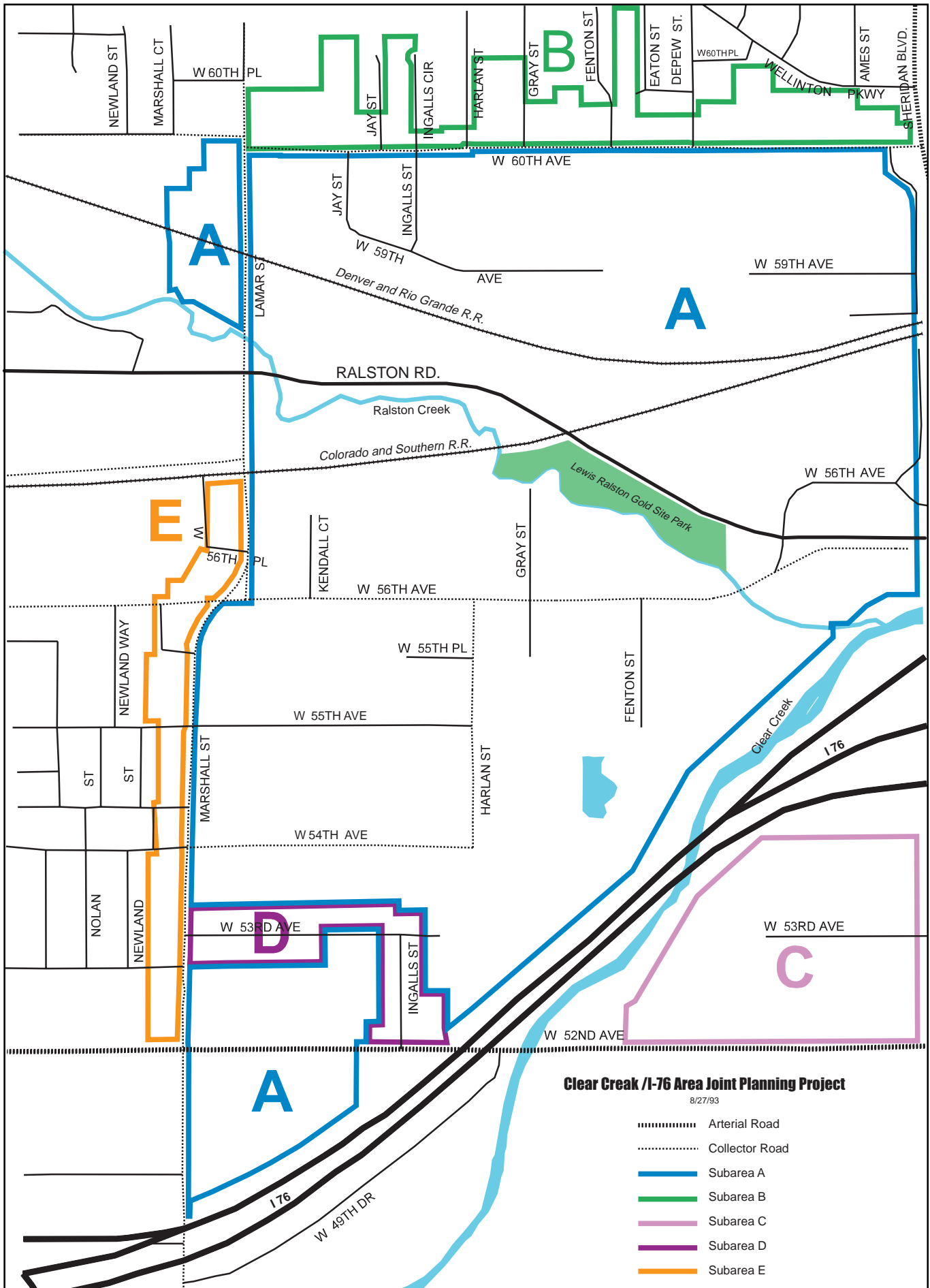
By: Robert Frie  
Title: Mayor

ATTEST:  
By: Diana K. Tangsrud  
Title: City Clerk

DATE: 9/20/93

APPROVED AS TO FORM:  
By: R. Widner  
Title: Assistant City Attorney





**Clear Creek / I-76 Area Joint Planning Project**

8/27/93

- ..... Arterial Road
- ..... Collector Road
- ..... Subarea A
- ..... Subarea B
- ..... Subarea C
- ..... Subarea D
- ..... Subarea E