

COUNCIL BILL NO. 22-063
ORDINANCE NO. 4810

AN ORDINANCE AMENDING CERTAIN PROVISIONS WITHIN THE LAND
DEVELOPMENT CODE, OF THE ARVADA CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. Chapter 3, Use Regulations, of the Land Development Code, of the Arvada City Code is hereby amended:

Section 3-1-5-3 Short-Term Rentals is hereby amended in its entirety to read as follows:

- A. *“License Required.* Short Term Rental is prohibited within the City unless a license has been duly issued therefore pursuant to this Section 3-1-5-3 and in compliance with the Code, including without limitation, Chapter 98, Article V, Division 2, Lodging License.
- B. *Application.*
 - 1. *Requirements.* An application for a license shall be submitted to the Director and shall be signed by the fee owner of record of the property to be licensed or an individual authorized in writing by the fee owner of record. All license applications shall be submitted on a form supplied by the Director, which shall include such information as is reasonably necessary for the Director to act on such application, together with an application fee as authorized under Section 74-31 of the Code. The applicant must specify which portions of the Dwelling Unit, Dwelling Unit or Accessory Dwelling Unit, Residential ("ADUR") will constitute the licensed premises available for use by renters. A license is not valid until the application fee is paid and accepted by the City.
 - 2. *Certification.* The applicant shall self-certify that the information on the application is accurate and truthful under penalty of perjury under the laws of the State of Colorado. Applicants shall inform the Director in writing of any material change to the information submitted on an application for a license within 30 calendar days of such change.
- C. *Term of License and Renewal.* Licenses issued pursuant to this Section shall be valid for a period of one calendar year from the date of issuance. Licenses must be renewed annually. Applications for renewals of a Short Term Rental license are subject to all application, fees, licensing, and operation requirements set forth in this Section that apply to new licenses. In the Financial Officer's discretion, after consultation with the Director, the Financial Officer may impose conditions upon a license at the time of renewal to address non-compliance with the terms of the license, the provisions of this Section, or any other applicable provision of federal, state, or local law. Failure to comply with such conditions may result in suspension, revocation, or non-renewal of the license.
- D. *License Regulations.*
 - 1. *Compliance.* The licensee shall comply with all applicable Code provisions and state and federal law including, but not limited to, Chapter 18, Buildings and Building Regulations, Chapter 38, Article III, Nuisances, and Chapter 98, Taxation.

2. *Restrictions.* The licensee shall ensure that renters of a Short Term Rental Unit shall only be allowed access to the portions of the Dwelling, Dwelling Unit or ADUR identified in the license.
3. *Local Contact Person.* The licensee must designate on the application a local contact person who shall be available to respond within one hour of being notified by the city of a complaint about the condition of the property or the conduct of short term tenants. The local contact person must be available to respond as set forth herein 24 hours per day, seven days per week during any term the Short Term Rental Unit is occupied by or rented to a short term tenant, must be able to provide access to the licensed premises, and must be authorized to make decisions about the licensed premises. The local contact may be an individual or an organization or company that specializes in such services and otherwise meets the requirements of this Section. Should the local contact change, the licensee must, within seven days of the change, update the license on file with the city.
4. *Brochures.* Each Short Term Rental Unit shall provide two brochures to its guests:
 - a. The first brochure shall include the licensee's contact information, the local contact party's contact information, and any necessary emergency contact information. The brochure shall also provide information pertinent to the neighborhood where the Short Term Rental Unit is located including, but not limited to, parking restrictions, trash collection schedule, relevant water restrictions, fire evacuation routes, and any other information, as required by the Director, applicable to the Short Term Rental Unit and the surrounding neighborhood.
 - b. The second brochure will be provided by the City and include relevant local ordinances, rules, and regulations that apply to all residences in the City. The licensee must display the City's brochure in each Short Term Rental Unit as it is made available and updated by the City.

E. *Licensing Requirements.*

1. *Number of Short Term Rentals Units per lot.* Licensees are limited to one Short Term Rental Unit per property. If a property contains more than one legal Dwelling, Dwelling Unit or ADUR, only one Dwelling, Dwelling Unit or ADUR on such lot is eligible for licensure as a Short Term Rental Unit.
2. *Permitted structures.* Short Term Rental Units are allowed in primary and accessory structures with finished living space. All structures shall comply with the regulations for primary and accessory structures, including maximum size, height, lot coverage, and setbacks, for the property's zoning district. In the case of a multifamily property, the licensee is allowed one Short Term Rental Unit. In the case of condominiums or buildings held in similar common ownership, each licensee shall be limited to one Short Term Rental Unit per property.
3. *Reservations.* Only one Short Term Rental reservation to one party at a time is allowed.
4. *Parking requirements.* One additional on-site parking space shall be required if a portion of a primary structure is used for Short Term Rental.

5. *Safety requirements.* Each Short Term Rental Unit shall be equipped with an operational smoke detector, carbon monoxide detector, and fire extinguisher on the licensed premises.
 6. *Occupancy.* The occupancy of a Short Term Rental Unit shall not exceed the total number of unrelated persons that are otherwise permitted to occupy property in the City.
 7. *Prohibited uses.* Use of the Short Term Rental Unit for any commercial or large social events or gatherings, such as weddings, is prohibited.
 8. *Trash collection.* The licensee shall maintain weekly residential trash collection services for the Short Term Rental Unit.
 9. *Number of days in use.* No Short Term Rental may be occupied by guests for more than 240 days in any 365 day period. Upon renewal of the license, the licensee shall provide to the City the number of days that the Short Term Rental was occupied by guests during the previous 365 days. The licensee shall certify that the number reported is accurate.
 10. *Number of Short Term Rentals per Licensee.* No applicant may operate more than three individual properties as short term rentals within the City at any one time. Licensee shall certify compliance with this requirement on each application submitted to the City.
- F. *Refusal to Grant, Suspension, Revocation, Nonrenewal of License.* The Director may refuse to grant an initial license, or suspend, revoke, or not renew any license requested or issued pursuant to this Section if the Director determines that any of the following have occurred: (i) fraud, material misrepresentation or false statement in the initial application for the license or any renewal application; or (ii) failure to comply with the terms or conditions of the license, the provisions of this Section, or any other application provision of federal, state, or local law including, but not limited to, the Arvada City Code.
1. *Authority.* In addition, the Director may issue any order reasonably calculated to ensure compliance with this Section.
 2. *Remedies.* The Director's authority under this Section is in addition to any other authority the Director has to enforce this Section, and election of one remedy by the Director shall not preclude resorting to any other remedy as well.
 - a. The Director shall not accept a new application from the same licensee for the same Dwelling, Dwelling Unit or ADUR after revocation of a license:
 - (i) For at least one year following the revocation; and
 - (ii) Unless the applicant demonstrates compliance with all applicable laws and licensing requirements.
 3. *Appeal.* An applicant or licensee may appeal any decision to refuse to grant, not renew, or suspend his or her license to the City Manager within 14 days from the City providing notice of the decision. The City Manager's decision shall be final.
 4. *Administrative Hearing.* A licensee may appeal any decision to revoke his or her license through the City's Administrative Hearing procedure as provided in Chapter 2,

Article V, Division 3 of the Arvada City Code. The appeal must be received within 14 days from the City providing notice of the revocation.

G. *Administration.* The Financial Officer and Director shall administer the provisions of this Article and are authorized to jointly promulgate rules and regulations for its administration and implementation.

1. *Authority to Inspect.* The Director may inspect the property, dwelling, dwelling unit, or ADUR prior to the issuance of a license or a license renewal to ensure compliance with the provisions of this Section or with any other applicable local, state, or federal laws. The Director may inspect the licensed premises for the purpose of investigating and determining compliance with the requirements for a license issued under this Section, the provisions of this Section, or with any other applicable local, state, or federal law. Where any part of the property, dwelling, dwelling unit, ADUR, or licensed premises consists of a locked area, such area shall be made available for inspection as provided hereunder, without delay, upon request. Refusal to allow an inspection may result in the non-issuance of a license, or in the suspension, revocation, or non-renewal of the license for that licensed premises.

a. *Right of Entry.* Where it is necessary to make an inspection to enforce the provisions of this code during a license period, or where the Director has reasonable cause to believe that there exists in a property, dwelling, dwelling unit, or ADUR a condition that is contrary to Arvada City Code that makes the dwelling or property unsafe, dangerous, or hazardous, the Director is authorized to enter the property, dwelling, dwelling unit, or ADUR at reasonable times to inspect, provided that if such property, dwelling, dwelling unit, or ADUR be occupied that credentials be presented to the occupant and entry requested. If such property, dwelling, dwelling unit, or ADUR is unoccupied, the Director shall first make a reasonable effort to locate the owner or local contact person and request entry. If entry is refused, the Director shall have recourse to the remedies provided by law to secure entry.

2. *Violations and Penalty.* It shall be unlawful for any person to violate a provision of this section. Violators shall be subject to the penalties as contained in section 1-5 of the Arvada City Code and may also be subject to civil remedies. A separate offense shall be deemed committed upon each day such person is in violation of this chapter unless otherwise provided in this chapter.”

The remaining portions of Chapter 3 shall remain unchanged.

Section 2. Chapter 4, Environmental and Site Design, of the Land Development Code, of the Arvada City Code is hereby amended:

Section 4-5-2-9 Fleet Vehicle Parking is added to read as follows:

“4-5-2-9 Fleet Vehicle Parking

- A. **Generally.** The maximum number of parking spaces allowed for fleet vehicles shall be as set out in this Section. Spaces used for fleet vehicles are in addition to the minimum parking requirements. Uses requiring fewer than 25 fleet parking spaces shall be exempt.
- B. **Maximum Number of Fleet Vehicle Parking Spaces.** The calculation to determine the maximum number of fleet vehicle parking spaces in the allowed zoning districts is as follows:
1. In the CG zoning district, the maximum number shall be no more than 50 percent of the minimum required parking spaces, as identified in Section 4-5-2-1, Calculation of Required Parking Spaces.
 2. In the IL zoning district, the maximum number shall be no more than 100 percent of the minimum required parking spaces, as identified in Section 4-5-2-1, Calculation of Required Parking Spaces.
 3. In the IG zoning district, the maximum number shall be no more than 200 percent of the minimum required parking spaces, as identified in Section 4-5-2-1, Calculation of Required Parking Spaces.”

The remaining portions of Chapter 4 shall remain unchanged.

Section 3. Chapter 6, Signs, of the Land Development Code, of the Arvada City Code is hereby amended:

Table 6-1-5-1A: Wall Signs is hereby amended in its entirety to read as follows:

Table 6-1-5-1A: Wall Signs				
Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Applied or Painted Wall Sign				
Max. #	1 for single family, duplex or multiplex form: 1 per principal building. All other forms: 1 per establishment Single family detached, duplex or multiplex form: 8 sf. max.	Not limited	1 per building elevation	1 per building elevation
Max. Sign Area (Total Per Building Elevation)	All other forms: 1 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted, max. 32 sf.; a minimum of 30 sf., if establishment frontage is less than 30 lf.	1.5 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted.	1 sf. per 2 lf. of building elevation, minus the area of other wall signs on same elevation	Residential Building: 1 sf. Nonresidential Building: 1 sf. per 2 lf. of building elevation, minus the area of other wall signs on same elevation

Table 6-1-5-1A: Wall Signs

Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Allowed Lighting	External	External	External	None
Mural Wall Sign				
Max. #	1 per building May be allowed on entire elevation	1 per building May be allowed on entire elevation	1 per building May be allowed on entire elevation	Not allowed
Max. Sign Area	subject to the Design Guidelines for OT			-
Allowed Lighting	External	External	External	-
Other Standards	a. Murals shall not be placed on a building that is exclusively for a residential use. b. Murals shall not: i. Project more than 2 in. in the OT sign district and 6 in. in all other sign districts from the plane of the wall upon which it is painted or to which it is affixed and shall not extend above the top of the wall upon which it is painted or to which it is affixed; and ii. Cover or interrupt major architectural features, such as doors, exits, and windows. c. The property owner shall not be compensated for the display of the mural or the right to place the mural on a site.			-
Bulletin Board Attached to Building Wall				
Max. #	1 per principal building entrance	1 per principal building entrance	1 per principal building entrance	Residential Building: Not allowed Nonresidential Building: 1 per principal building entrance
Max. Sign Area (Per Sign)	6 sf.	12 sf.	6 sf.	6 sf.
Allowed Lighting	External	External	External	None
Other Standards	Not allowed above an elevation of 8 ft. above adjacent grade	Not allowed above an elevation of 8 ft. above adjacent grade	Not allowed above an elevation of 8 ft. above adjacent grade	Residential Building: Not allowed Nonresidential Building: Not allowed above an elevation of 8 ft. above adjacent grade
Cabinet Wall Signs or Dimensional Wall Signs (Primary)				
Max. #	Dimensional wall sign only; cabinet wall signs are not allowed. Single family detached, duplex or multiplex form: 1 per principal building.	Not limited	1 per building elevation	Residential Building: Not allowed Nonresidential Building: 1 per building (dimensional wall sign)

Table 6-1-5-1A: Wall Signs

Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Max. Sign Area (Per Sign)	All other forms: 1 per establishment Single family detached, duplex or multiplex form: 8 sf. max. All other forms: 1 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted max. 32 sf.; a minimum of 30 sf. if establishment frontage is less than 30 lf.	Dimensional wall signs: 1.5 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted Cabinet wall signs: 1 sf. per 2 lf. of establishment frontage of the building elevation upon which the sign is mounted, not to exceed 60 sf.	32 sf.	only; cabinet wall signs are not allowed) Residential Building: Not allowed Nonresidential Building: 12 sf.
Allowed Lighting	External or halo	External or internal	External or internal	None
Other Standards	Not allowed on building elevations that are located within 10 feet of a property line of a single-family detached or duplex residential use	Not allowed if primary fin sign is also present on the same building elevation Not allowed on building elevations that are located within 24 feet of a property line of a single-family detached or duplex residential use	Not allowed if primary fin sign is also present on the same building elevation Not allowed on building elevations that are located within 24 feet of a property line of a single-family detached or duplex residential use	None
Cabinet Wall Signs or Dimensional Wall Signs (Secondary)				
Max. #	1 per principal building entrance (dimensional wall sign only; cabinet wall signs are not allowed)	1 per principal building entrance	1 per principal building entrance	Not allowed
Max. Sign Area (Per Sign)	4 sf.	48 sf.	6 sf.	NA
Allowed Lighting	External or halo	External or internal	External or internal	None
Other Standards	Must be located above ground floor principal building entrance No part of the sign shall be located more than 15 ft. above adjacent grade	Must be located above ground floor principal building entrance No part of the sign shall be located more than 15 ft. above adjacent grade	Must be located above ground floor principal building entrance No part of the sign shall be located more than 15 ft. above adjacent grade	NA

Table 6-1-5-1A: Wall Signs				
Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	Not allowed if secondary fin sign is also present above the same entrance	Not allowed if secondary fin sign is also present above the same entrance	Not allowed if secondary fin sign is also present above the same entrance	

The remaining portions of Chapter 6 shall remain unchanged.

Section 4, Chapter 8, Development Review Process, of the Land Development Code, of the Arvada City Code is hereby amended:

Section 8-2-3-11 Review by Director is hereby amended to add a subsection J to read as follows:

“J. Call Ups.

1. Prior to the effective date of any decision by the Director on a Track 1 application, any member of the City Council may move to call up the development application for consideration within seventeen days of the Director’s decision.
2. If the motion passes, the application shall be brought before the City Council as a public hearing as soon as practicable following the date on which the decision was made for review and consideration in accordance with the criteria provided in this LDC.
3. The City Council shall have the authority to approve, approve with conditions, modify, or reverse the decision of the Planning Director. The City Council may also remand the application back to the Director with direction for further consideration.”

8-2-4-3 Specific Requirements by Notice Type is hereby amended in its entirety to read as follows:

A. “Mailed Notice.

1. *Mailing List.* The Applicant shall submit a mailing list to the Director, including the names and addresses of all property owners of record of all properties within the Area of Notification described below. If there are homeowners associations and/or neighborhood organization registered with the City within the Notice Area, the Applicant shall also notify them. The list shall be compiled from the names and addresses that appear in the records of the applicable County Assessor not more than 30 days before the date the list is submitted to the Director.
2. *Method of Mailing.* Mailed notice shall be mailed first-class, postage pre-paid by the Applicant, at the Applicant’s expense, to all property owners on the mailing list.
3. *Affidavit of Compliance.* An affidavit of the Applicant’s compliance with the mailing notice requirements shall be provided to the Director prior to the decision or public hearing to which the notice relates.

4. *Preparation/Timing of Notice.* When the provisions of this Code require that written or mailed notice be provided, the Applicant shall be responsible for preparing the written notice, and for mailing the notice at the Applicant's expense. All written notice shall be mailed at least fifteen days prior to the public hearing. Notices shall be prepared pursuant to a written notice form provided by the City.
 5. *Deadlines.* For decision-making Tracks 2 through 5 and Track 8, mailed notices shall be postmarked no later than 15 days before a neighborhood meeting, a public hearing, or an appeal hearing. For decision-making Tracks 1, 6, or 7, mailed notice of administrative application shall be postmarked no later than five days after acceptance of an application. For a notice of administrative decision, mailed notice shall be postmarked no later than ten days prior to the decision date.
 6. *Notice Area.*
 - a. For purposes of public hearings before the City Council or the Planning Commission, Notice of Administrative Application, and Administrative Decision (if required), notice shall be mailed to all property owners that are within 1,000 feet of the boundary of the property that is the subject of the application if the property is less than five acres in size, or 1,500 feet of the boundary of the property that is the subject of the application if it is five acres or greater in size, except as otherwise provided herein. Ownership information shall be obtained from the applicable County Assessor's Office(s). Where an adjacent property is owned by a subdivision or condominium association, notification shall be to the board of directors of such association, and in addition, to the owners of all units immediately adjacent to the subject property. For street and alley right-of-way and public vehicular access easement vacations, mailed (written) notice shall be sent to all owners of property abutting the right-of-way or access easement to be vacated. Written notice shall also be mailed to any homeowners associations and other neighborhood organization with a known interest in the subject area, or to others who have filed a timely request to receive written notice. The Director shall have the ability to reduce the notice distance by up to 500 feet for applications determined to have a minimal impact on surrounding properties.
 - b. *Notices for Board of Adjustment.* For purposes of public hearings before the Board of Adjustment, notice shall be mailed to all property owners that are adjacent to the property that is the subject of the application. Ownership information shall be obtained from the applicable County Assessor's Office(s). Where an adjacent property is owned by a subdivision or condominium association, notification shall be to the board of directors of such association, and in addition, to the owners of all units immediately adjacent to the subject property.
 - c. *Changes to Notification Area.* The Director shall have the sole discretion to expand or contract the notification area based on a consideration of the complexity of the project, the geographic reach of potential adverse impacts, the extent of neighborhood compatibility issues, and similar factors.
- B. **Published Notice.** When the provisions of this Code require that notice be published, the City shall be responsible for preparing the content of the notice, and the City shall ensure that notice is published in a newspaper of general circulation in the City, at the Applicant's

expense. Notice shall be published at least 15 days prior to any public hearing by the Planning Commission or Board of Adjustment, and at least seven days prior to any public hearing by the City Council.

C. Posting Requirements.

1. *Signs to be Posted by Applicant.* Posted notice shall be provided on signs provided by the City at the Applicant's expense. It is the Applicant's responsibility to post the sign(s) on the subject property and ensure that they remain in place from the date of posting to the date of the public hearing.
2. *Minimum Requirements.* Posted notice shall be provided with one sign per street frontage of the applicable property. Additional posting may be required at the Director's discretion. Signs shall be located so that they are clearly visible from the adjoining street. Applicants shall remove all notification signs within one week after the public hearing.
3. *Deadline for Posting.* Notices shall be posted not less than 15 days before the public hearing date.
4. *Affidavit of Compliance.* An affidavit of the Applicant's compliance with the posted notice requirements shall be provided to the Director prior to the public hearing.
5. *Posting Log/Maintenance of Signs.* The Applicant shall be responsible for checking the posted signs each day of the posting period and for keeping a log, to be filed with the City at the time of, or prior to, any public hearing on the matter. If a sign has been removed, destroyed, or has fallen, the sign shall be replaced by the Applicant within 48 hours or by the close of the next business day, whichever period is longer. The Applicant shall sign a statement that the sign(s) were checked daily by the Applicant or the Applicant's representative, and the above-stated procedures were followed. Failure to comply with the required posting procedure may require the public hearing to be rescheduled. Such delays shall not prejudice the City regarding the City's compliance with required times to act set forth in this Code.
6. *City-Initiated Rezoning That Affects Multiple Ownership.* The posting of signs shall not be required when an amendment to the Official Zoning Map is initiated by the City and affects multiple ownerships. At the City's option, notice of a rezoning that affects multiple ownerships may be posted at City Hall.

- D. Internet Requirements.** The Director will create and maintain web pages upon which the Director may provide timely notice of applications. If a notice is missed by the Director, it shall not void the hearing or approval."

Section 8-3-5-3 Site Plan is hereby retitled and amended in its entirety to read as follows:

"8-3-5-3 Site Plan and Site Plan Amendment

- A. Generally.** The purpose of the Site Plan or Site Plan Amendment is to ensure compliance with the development and design standards and provisions of this Code, while encouraging quality development in the City reflective of the goals, policies, and objectives found in the Comprehensive Plan.

- B. **Site Plans.** All applicable provisions of this Division apply unless specifically listed. A Site Plan is required before a building permit may be issued for all development in the City except those listed below:
1. Single family detached homes or duplex units in a subdivision of nine or fewer lots within a residential zoning district and that are not part of land for which a Master Development Plan has been approved;
 2. Permitted additions to existing single-family detached dwellings or duplex units; and
 3. Interior improvements and tenant finish.
- C. **Approval Criteria.** A Site Plan or Site Plan Amendment shall be reviewed for compliance with the following criteria:
1. The application complies with the applicable standards of this LDC, other adopted City regulations, any approved Master Plan that includes the property, and any conditions specifically applied to development of the property by the Planning Commission or City Council in a prior decision affecting the property;
 2. The application is consistent with the Comprehensive Plan;
 3. The City's existing infrastructure and public improvements, including but not limited to its water, wastewater, street, trail, and sidewalks systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the degree practicable;
 4. The application will preserve and protect natural areas, ridgelines, swales, natural landforms, water quality and wildlife habitat of riparian corridors, wetlands and floodplains affected by the proposed development and integrates those areas into site design where practicable;
 5. The application will improve or expand multi-modal connections with adjacent sites, neighborhoods, and urban centers;
 6. The application is similar to surrounding uses in terms of size, scale and building façade materials;
 7. The application mitigates any adverse impacts on the surrounding area to the degree practicable;
 8. Within the MX, R6, R13 and R24 zoning districts, townhome and multifamily residential uses shall provide appropriate amenities, including recreational facilities, pedestrian facilities, unique aesthetic features and quality design; and
 9. If the application includes residential uses and was granted Conditional Use approval:
 - a. The number of residential units proposed is within five percent of the number of units presented during the Conditional Use review; and
 - b. The project shall be substantially similar in design to the conceptual plan presented during the Conditional Use review in terms of the following:
 - i. Building height(s) and location(s),
 - ii. Parking location and number of spaces,
 - iii. Landscape areas and bufferyards, and
 - iv. Small urban park location(s) (if applicable)."

The remaining portions of Chapter 8 shall remain unchanged.

Section 5. Chapter 11, Measurements, Rules of Construction, and Definitions, of the Land Development Code, of the Arvada City Code is hereby amended:

Division 11-3-3 Definitions is amended or definition is added to read as follows, all defined words not listed here, remain unchanged.

“Fleet Vehicles

A group of motor vehicles, such as cars, vans, and/or trucks, excluding semi-trailer trucks, owned or leased by a business, government agency, or other organization rather than by an individual or family. Examples are vehicles operated by public utilities, governmental entities, and businesses that utilize vehicles to deliver goods to customers, provide off-site services, or for sales representatives to travel to clients.”

“Heavy Logistics Center

A wholesaling, warehousing, and/or distribution use that provides a central location for receiving, storing and distributing raw materials, semi-finished goods, or finished goods. Heavy logistics centers may be warehouses in which goods are stored (a.k.a. “product warehouses”), or truck terminals in which goods are transferred between trucks or between trucks and trains or other transportation modes (a.k.a. “truck terminals” or “logistics centers”), or moving warehouses (including indoor storage of portable on-demand storage containers), or wholesaling operations (but not wholesale membership clubs in which memberships are available to the general public). Heavy logistics centers are expected to generate at least 76 heavy truck trips per day. Warehousing and distribution uses that involve fewer than 76 heavy truck trips per day are classified as Light Industry.”

“Heavy Truck

A truck with a gross vehicle weight rating of greater than 16,000 pounds.”

“Heavy Truck Trip

A heavy truck trip involves the inbound or outbound movement of the truck on a site, with each movement being considered a single trip.”

“Light Industry

Uses that involve research and development, assembly, remanufacturing, compounding, packaging, testing, or treatment of products, generally from previously prepared materials or components, with limited outside storage and limited external impacts or risks such that the use is not defined as heavy industry or heavy logistics center. Light industry also includes wholesaling, warehousing, and distribution uses that involve fewer than 76 heavy truck trips per day. For illustrative purposes, light industrial uses include:

1. Assembly, testing, repair, or refurbishing of products, instruments, electronics, office and computing machines, and fixtures using pre-manufactured components;
2. Offices of general contractors; specialty subcontractors; tradesmen; or telecommunications providers which include:
 - a. Overhead door access to indoor storage of tools, parts, and materials;

- b. Parking of commercial vehicles or a fleet of cars, vans, or light trucks that are used in the business; or
- c. Limited outdoor storage areas;
- 3. Food production (*e.g.*, commercial kitchen or bakery) and packaging, but not:
 - a. Meat processing involving butchering of large animal carcasses;
 - b. Medical marijuana-infused products manufacture; and
 - c. Restaurants;
- 4. Beverage production (non-alcoholic) and bottling;
- 5. Furniture making or refinishing;
- 6. Manufacture of textiles or apparel;
- 7. Screen printing of apparel (except low volume screen printing at a retail store);
- 8. Printing and publishing, except copy centers, and except printing presses that require a Stationary Source permit or Title V of the Clean Air Act permit for air emissions;
- 9. Research, development, and testing laboratories (*e.g.*, for development of products, equipment, or materials), if not classified as office, general or professional, or heavy industry;
- 10. Disassembly of consumer electronics and / or appliances into component parts, where all operations and storage are within an enclosed building;
- 11. Manufacture of glass products (*e.g.*, window panes, bottles and jars), including hand-blown products;
- 12. Fabrication of building materials such as countertops, drywall, and cut stone (if not classified as heavy industry);
- 13. Manufacture or compounding of pharmaceutical products, dietary supplements, health and beauty products, and herbal products;
- 14. Packaging of products; or
- 15. Storing, selling, and/or distributing merchandise for or to retailers; industrial, commercial, institutional, or professional business users; or wholesalers, except that wholesale membership clubs that offer memberships to the general public are not light industrial uses.”

The remaining portions of Chapter 11 shall remain unchanged.

Section 6. Should any provision of this ordinance be declared by a court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 7. This ordinance shall take effect five days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED this 1st day of August, 2022.

PASSED, ADOPTED AND APPROVED this 19th day of September, 2022.

Marc Williams
Marc Williams, Mayor

ATTEST:

Kristen R. Rush
City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney:

BY: Emily Grogg Rm

Publication Dates: August 4, 2022
 September 22, 2022

REDLINE/STRIKEOVER VERSION

FOR INFORMATION ONLY -- NOT PART OF THE ORDINANCE

Underlined indicates new material
~~Strikethrough~~ indicates deleted material

3-1-5-3. Short-term rentals.

- A. *License Required.* Short Term Rental is prohibited within the City unless a license has been duly issued therefore pursuant to this Section 3-1-5-3 and in compliance with the Code, including without limitation, Chapter 98, Article V, Division 2, Lodging License.
- B. *Application.*
1. An application for a license shall be submitted to the Director and shall be signed by the fee owner of record of the property to be licensed or an individual authorized in writing by the fee owner of record. All license applications shall be submitted on a form supplied by the Director, which shall include such information as is reasonably necessary for the Director to act on such application, together with an application fee as authorized under Section 74-31 of the Code. The applicant must specify which portions of the Dwelling Unit, Dwelling Unit or Accessory Dwelling Unit, Residential ("ADUR") will constitute the licensed premises available for use by renters.
 2. The applicant shall self-certify that the information on the application is accurate and truthful under penalty of perjury under the laws of the State of Colorado. Applicants shall inform the Director in writing of any material change to the information submitted on an application for a license within 30 calendar days of such change.
- C. *Term of License and Renewal.* An application fee shall be received by the City prior to issuance of a license. Licenses issued pursuant to this Section shall be valid for a period of one calendar year from the date of issuance. Licenses must be renewed annually. Applications for renewals of a Short Term Rental license are subject to all application, fees, licensing and operation requirements set forth in this Section that apply to new licenses. In the Financial Officer's discretion, after consultation with the Director, the Financial Officer may impose conditions upon a license at the time of renewal to address non-compliance with the terms of the license, the provisions of this Section, or any other applicable provision of federal, state, or local law. Failure to comply with such conditions may result in suspension, revocation, or non-renewal of the license.
- D. *License Regulations.*
1. The licensee shall comply with all applicable Code provisions and state and federal law including, but not limited to, Chapter 18, Buildings and Building Regulations, and Chapter 38, Article III, Nuisances, and Chapter 98, Taxation.
 2. The licensee shall ensure that renters of a Short Term Rental Unit shall only be allowed access to the portions of the Dwelling, Dwelling Unit or ADUR identified in the license.

During the term that a Short Term Rental Unit is occupied by a short-term tenant, the owner and/or the local contact person designated by the owner shall be available 24 hours per day, seven days per week, for the purpose of responding within one hour to complaints regarding the condition or operation of the Short Term Rental Unit or the conduct of short term tenants. If the local contact person designated by the owner changes, then the owner shall update the license on file within five business days. For the purposes of this section, "local contact person" means an individual located within 30 miles of the Short Term Rental Unit, during the entire length of the Short Term Rental period, who has access to the licensed premises and is authorized to make decisions regarding the licensed premises.

4. Each Short Term Rental Unit shall provide two brochures to its guests:

- a. The first brochure shall include the licensee's contact information, the local contact party's contact information, and any necessary emergency contact information. The brochure shall also provide information pertinent to the neighborhood where the Short Term Rental Unit is located including, but not limited to, parking restrictions, trash collection schedule, relevant water restrictions, fire evacuation routes, and any other information, as required by the Director, applicable to the Short Term Rental Unit and the surrounding neighborhood.
 - b. The second brochure will be provided by the City and include relevant local ordinances, rules, and regulations that apply to all residences in the City. The licensee must display the City's brochure in each Short Term Rental Unit as it is made available and updated by the City.
- E. *Licensing Requirements.*
 1. *Number of Short Term Rentals Units per lot.* If a lot contains more than one legal Dwelling, Dwelling Unit or ADUR, only one Dwelling, Dwelling Unit or ADUR on such lot is eligible for licensure as a Short Term Rental Unit.
 2. *Permitted structures.* Short Term Rental Units are allowed in primary and accessory structures with finished living space. All structures shall comply with the regulations for primary and accessory structures, including maximum size, height, lot coverage, and setbacks, for the property's zoning district. In the case of a multifamily property, the property owner is allowed one Short Term Rental Unit. In the case of condominiums or buildings held in similar common ownership, each owner shall be limited to one Short Term Rental Unit per property.
 3. *Reservations.* Only one Short Term Rental reservation to one party at a time is allowed.
 4. *Parking requirements.* One additional on-site parking space shall be required if a portion of a primary structure is used for Short Term Rental.
 5. *Safety requirements.* Each Short Term Rental Unit shall be equipped with an operational smoke detector, carbon monoxide detector, and fire extinguisher on the licensed premises. The Director or his or her designee may inspect the Dwelling, Dwelling Unit or ADUR prior to issuance of a license and during the term of any license issued to verify compliance with such requirements, Code provisions and state and federal law. Refusal by the applicant to allow such inspection shall be grounds for denial, non-renewal or revocation of a license.
 6. *Occupancy.* The occupancy of a Short Term Rental Unit shall not exceed the total number of unrelated persons that are otherwise permitted to occupy property in the City.
 7. *Prohibited uses.* Use of the Short Term Rental Unit for any commercial or large social events or gatherings, such as weddings, is prohibited.
 8. *Trash collection.* The owner shall maintain weekly residential trash collection services for the Short Term Rental Unit.
 9. *Number of days in use.* The maximum number of days per calendar year that a Short Term Rental may be occupied by guests is 240. By December 31st of each calendar year, the Owner shall provide to the City the number of days that the Short Term Rental was occupied by guests during the previous 365 days. The Owner shall certify that the number reported is accurate.

Number of Short Term Rentals per Owner. No applicant may operate more than three individual properties as short term rentals within the City at any one time. By December 31st of each calendar year, the Owner shall certify that the number operated is in accordance with this regulation.
- F. *Refusal to Grant, Suspension, Revocation, Nonrenewal of License.* The Director may refuse to grant an initial license, or suspend, revoke, or not renew any license requested or issued pursuant to this Section if the Director determines that any of the following have occurred: (i) fraud, material misrepresentation or false statement in the initial application for the license or any renewal application; or (ii) failure to comply with the

terms or conditions of the license, the provisions of this Section, or any other application provision of federal, state, or local law including, but not limited to, the Arvada City Code.

1. If the Director finds that a violation of any provision of this Section exists, the Director, after notice to the licensee, may take any one or more of the following actions to remedy the violation:
 - a. Impose a civil penalty according to the following schedule:
 - (i) For the first violation of the provision, \$150.00;
 - (ii) For the second violation of the same provision, \$300.00; and
 - (iii) For the third violation of the same provision, \$1,000.00.
 - b. Revoke the license;
 - c. Issue any order reasonably calculated to ensure compliance with this Section.
2. The Director's authority under this Section is in addition to any other authority the Director has to enforce this Section, and election of one remedy by the Director shall not preclude resorting to any other remedy as well.
 - a. The Director shall not accept a new application from the same licensee for the same Dwelling, Dwelling Unit or ADUR after revocation of a license:
 - (i) For at least one year following the revocation; and
 - (ii) Unless the applicant demonstrates compliance with all licensing requirements.
3. All licensed premises shall be subject to inspection by the Director or his or her designee for the purpose of investigating and determining compliance with the requirements for any license issued under this Section. Where any part of the licensed premises consists of a locked area, such area shall be made available for inspection as provided hereunder, without delay, upon request. Refusal to allow an inspection may result in the license being revoked subject to the following Subsection 5.
34. An applicant or licensee may appeal any decision to grant, not renew, or suspend his or her application or license to the City Manager within 14 consecutive calendar days from the City providing notice of the decision. The City Manager's decision shall be final.
45. An applicant may appeal any decision to revoke his or her license through the City's Administrative Hearing procedure as provided in Chapter 2, Article V, Division 3 of the Arvada City Code. Appeals must be received within 14 consecutive calendar days from the City providing notice of the revocation.

Administration. The Financial Officer and Director shall administer the provisions of this Article and are authorized to jointly promulgate rules and regulations for its administration and implementation.

Table 6-1-5-1A: Wall Signs

Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Applied or Painted Wall Sign				
Max. #	1 for single family, duplex or multiplex form: 1 per principal building. All other forms: 1 per establishment	Not limited	1 per building elevation	1 per building elevation
Max. Sign Area (Total Per	Single family detached, duplex or	1.5 sf. per 1 lf. of establishment frontage of the	1 sf. per 2 lf. of building elevation, minus the area of	Residential Building: 1 sf.

Table 6-1-5-1A: Wall Signs

Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Building Elevation)	multiplex form: 8 sf. max. All other forms: 1 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted, max. 32 sf.; a minimum of 30 sf., if establishment frontage is less than 30 lf.	building elevation upon which the sign is mounted.	other wall signs on same elevation	Nonresidential Building: 1 sf. per 2 lf. of building elevation, minus the area of other wall signs on same elevation
Allowed Lighting	External	External	External	None
Mural Wall Sign				
Max. #	1 per building May be allowed on entire elevation	1 per building May be allowed on entire	1 per building May be allowed on entire elevation	Not allowed
Max. Sign Area	subject to the Design Guidelines for OT			-
Allowed Lighting	External	External	External	-
Other Standards	a. Murals shall not be placed on a building that is exclusively for a residential use. b. Murals shall not: i. Project more than 2 in. in the OT sign district and 6 in. in all other sign districts from the plane of the wall upon which it is painted or to which it is affixed and shall not extend above the top of the wall upon which it is painted or to which it is affixed; ii. Cover or interrupt major architectural features, such as doors, exits, and windows; and iii. Contain text covering more than 3% of the mural area. c. The property owner shall not be compensated for the display of the mural or the right to place the mural on a site.			-
Bulletin Board Attached to Building Wall				
Max. #	1 per principal building entrance	1 per principal building entrance	1 per principal building entrance	Residential Building: Not allowed Nonresidential Building: 1 per principal building entrance
Max. Sign Area (Per Sign)	6 sf.	12 sf.	6 sf.	6 sf.
Allowed Lighting	External	External	External	None

Table 6-1-5-1A: Wall Signs

Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Other Standards	Not allowed above an elevation of 8 ft. above adjacent grade	Not allowed above an elevation of 8 ft. above adjacent grade	Not allowed above an elevation of 8 ft. above adjacent grade	Residential Building: Not allowed Nonresidential Building: Not allowed above an elevation of 8 ft. above adjacent grade
Cabinet Wall Signs or Dimensional Wall Signs (Primary)				
Max. #	Dimensional wall sign only; cabinet wall signs are not allowed. Single family detached, duplex or multiplex form: 1 per principal building. All other forms: 1 per establishment	Not limited	1 per building elevation	Residential Building: Not allowed Nonresidential Building: 1 per building (dimensional wall sign only; cabinet wall signs are not allowed)
Max. Sign Area (Per Sign)	Single family detached, duplex or multiplex form: 8 sf. max. All other forms: 1 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted max. 32 sf.; a minimum of 30 sf. if establishment frontage is less than 30 lf.	Dimensional wall signs: 1.5 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted Cabinet wall signs: 1 sf. per 2 lf. of establishment frontage of the building elevation upon which the sign is mounted, not to exceed 60 sf.	32 sf.	Residential Building: Not allowed Nonresidential Building: 12 sf.
Allowed Lighting	External or halo	External or internal	External or internal	None
Other Standards	Not allowed on building elevations that are located within 10 feet of a property line of a single-family detached or duplex residential use	Not allowed if primary fin sign is also present on the same building elevation Not allowed on building elevations that are located within 24 feet of a property line of a single-family detached or duplex residential use	Not allowed if primary fin sign is also present on the same building elevation Not allowed on building elevations that are located within 24 feet of a property line of a single-family detached or duplex residential use	None
Cabinet Wall Signs or Dimensional Wall Signs (Secondary)				
Max. #	1 per principal building entrance	1 per principal building entrance	1 per principal building entrance	Not allowed

Table 6-1-5-1A: Wall Signs				
Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Max. Sign Area (Per Sign)	(dimensional wall sign only; cabinet wall signs are not allowed)			
	4 sf.	48 sf.	6 sf.	NA
Allowed Lighting	External or halo	External or internal	External or internal	None
	Must be located above ground floor principal building entrance	Must be located above ground floor principal building entrance	Must be located above ground floor principal building entrance	
Other Standards	No part of the sign shall be located more than 15 ft. above adjacent grade	No part of the sign shall be located more than 15 ft. above adjacent grade	No part of the sign shall be located more than 15 ft. above adjacent grade	NA
	Not allowed if secondary fin sign is also present above the same entrance	Not allowed if secondary fin sign is also present above the same entrance	Not allowed if secondary fin sign is also present above the same entrance	

8-2-3-11 Review by Director

J. Call Ups.

1. Prior to the effective date of any decision by the Director on a Track 1 application, any member of the City Council may move to call up the development application for consideration within seventeen days of the Director's decision.
2. If the motion passes, the application shall be brought before the City Council as a public hearing as soon as practicable following the date on which the decision was made for review and consideration in accordance with the criteria provided in this LDC.
3. The City Council shall have the authority to approve, approve with conditions, modify, or reverse the decision of the Planning Director. The City Council may also remand the application back to the Director with direction for further consideration."

8-2-4-3 Specific Requirements by Notice Type is hereby amended in its entirety to read as follows:

A. "Mailed Notice.

- Mailing List.* The Applicant shall submit a mailing list to the Director, including the names and addresses of all property owners of record of all properties within the Area of Notification described below. If there are homeowners associations and/or neighborhood organization registered with the City within the Notice Area, the

- Applicant shall also notify them. The list shall be compiled from the names and addresses that appear in the records of the applicable County Assessor not more than 30 days before the date the list is submitted to the Director.
2. *Method of Mailing.* Mailed notice shall be mailed first-class, postage pre-paid by the Applicant, at the Applicant's expense, to all property owners on the mailing list.
 3. *Affidavit of Compliance.* An affidavit of the Applicant's compliance with the mailing notice requirements shall be provided to the Director prior to the decision or public hearing to which the notice relates.
 4. *Preparation/Timing of Notice.* When the provisions of this Code require that written or mailed notice be provided, the Applicant shall be responsible for preparing the written notice, and for mailing the notice at the Applicant's expense. All written notice shall be mailed at least fifteen days prior to the public hearing. Notices shall be prepared pursuant to a written notice form provided by the City.
 5. *Deadlines.* For decision-making Tracks 2 through 5 and Track 8, mailed notices shall be postmarked no later than 15 days before a neighborhood meeting, a public hearing, or an appeal hearing. For decision-making Tracks 1, 6, or 7, mailed notice of administrative application shall be postmarked no later than five days after acceptance of an application. For a notice of administrative decision, mailed notice shall be postmarked no later than ten days prior to the decision date.
 6. *Notice Area.*
 - a. For purposes of public hearings before the City Council or the Planning Commission, and Notice of Administrative Application, notice shall be mailed to all property owners that are within 500 feet of the boundary of the property that is the subject of the application, except as otherwise provided herein. Ownership information shall be obtained from the applicable County Assessor's Office(s). Where an adjacent property is owned by a subdivision or condominium association, notification shall be to the board of directors of such association, and in addition, to the owners of all units immediately adjacent to the subject property. For street and alley right-of-way and public vehicular access easement vacations, mailed (written) notice shall be sent to all owners of property abutting the right-of-way or access easement to be vacated. Written notice shall also be mailed to any homeowners associations and other neighborhood organization with a known interest in the subject area, or to others who have filed a timely request to receive written notice.
 - b. *Notices for Board of Adjustment.* For purposes of public hearings before the Board of Adjustment, notice shall be mailed to all property owners that are adjacent to the property that is the subject of the application. Ownership information shall be obtained from the applicable County Assessor's Office(s). Where an adjacent property is owned by a subdivision or condominium association, notification shall be to the board of directors of such association, and in addition, to the owners of all units immediately adjacent to the subject property.
 - c. *Changes to Notification Area.* The Director shall have the sole discretion to expand or contract the notification area based on a consideration of the

complexity of the project, the geographic reach of potential adverse impacts, the extent of neighborhood compatibility issues, and similar factors.

- B. **Published Notice.** When the provisions of this Code require that notice be published, the City shall be responsible for preparing the content of the notice, and the City shall ensure that notice is published in a newspaper of general circulation in the City, at the Applicant's expense. Notice shall be published at least 15 days prior to any public hearing by the Planning Commission or Board of Adjustment, and at least seven days prior to any public hearing by the City Council.
- C. **Posting Requirements.**
 - 1. *Signs to be Posted by Applicant.* Posted notice shall be provided on signs provided by the City at the Applicant's expense. It is the Applicant's responsibility to post the sign(s) on the subject property and ensure that they remain in place from the date of posting to the date of the public hearing.
 - 2. *Minimum Requirements.* Posted notice shall be provided with one sign per street frontage of the applicable property. Additional posting may be required at the Director's discretion. Signs shall be located so that they are clearly visible from the adjoining street. Applicants shall remove all notification signs within one week after the public hearing.
 - 3. *Deadline for Posting.* Notices shall be posted not less than 15 days before the public hearing date.
 - 4. *Affidavit of Compliance.* An affidavit of the Applicant's compliance with the posted notice requirements shall be provided to the Director prior to the public hearing.
 - 5. *Posting Log/Maintenance of Signs.* The Applicant shall be responsible for checking the posted signs each day of the posting period and for keeping a log, to be filed with the City at the time of, or prior to, any public hearing on the matter. If a sign has been removed, destroyed, or has fallen, the sign shall be replaced by the Applicant within 48 hours or by the close of the next business day, whichever period is longer. The Applicant shall sign a statement that the sign(s) were checked daily by the Applicant or the Applicant's representative, and the above-stated procedures were followed. Failure to comply with the required posting procedure may require the public hearing to be rescheduled. Such delays shall not prejudice the City regarding the City's compliance with required times to act set forth in this Code.
 - 6. *City-Initiated Rezoning That Affects Multiple Ownership.* The posting of signs shall not be required when an amendment to the Official Zoning Map is initiated by the City and affects multiple ownerships. At the City's option, notice of a rezoning that affects multiple ownerships may be posted at City Hall.
- D. **Internet Requirements.** The Director will create and maintain web pages upon which the Director may provide timely notice of applications. If a notice is missed by the Director, it shall not void the hearing or approval. “

8-3-5-3 Site Plan and Site Plan Amendment

- A. **Generally.** The purpose of the Site Plan or Site Plan Amendment is to ensure compliance with the development and design standards and provisions of this Code, while

encouraging quality development in the City reflective of the goals, policies, and objectives found in the Comprehensive Plan.

- B. **Site Plans.** All applicable provisions of this Division apply unless specifically listed. A Site Plan is required before a building permit may be issued for all development in the City except those listed below:
1. Single family detached homes or duplex units in a subdivision of nine or fewer lots within a residential zoning district and that are not part of land for which a Master Development Plan has been approved;
 2. Permitted additions to existing single-family detached dwellings or duplex units; and
 3. Interior improvements and tenant finish.
- C. **Approval Criteria.** A Site Plan or Site Plan Amendment shall be reviewed for compliance with the following criteria:
1. The application complies with the applicable standards of this LDC, other adopted City regulations, any approved Master Plan that includes the property, and any conditions specifically applied to development of the property by the Planning Commission or City Council in a prior decision affecting the property;
 2. The application is consistent with the Comprehensive Plan;
 3. The City's existing infrastructure and public improvements, including but not limited to its water, wastewater, street, trail, and sidewalks systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the degree practicable;
 4. The application will preserve and protect natural areas, ridgelines, swales, natural landforms, water quality and wildlife habitat of riparian corridors, wetlands and floodplains affected by the proposed development and integrates those areas into site design where practicable;
 5. The application will improve or expand multi-modal connections with adjacent sites, neighborhoods, and urban centers;
 6. The application is similar to surrounding uses in terms of size, scale and building façade materials;
 7. The application mitigates any adverse impacts on the surrounding area to the degree practicable; and
 8. Within the MX, R6, R13 and R24 zoning districts, townhome and multifamily residential uses shall provide appropriate amenities, including recreational facilities, pedestrian facilities, unique aesthetic features and quality design.

Section 11-3-3 Definitions

Fleet Vehicles

A group of motor vehicles, such as cars, vans, and/or trucks, excluding semi-trailer trucks, owned or leased by a business, government agency, or other organization rather than by an individual or family. Examples are vehicles operated by public utilities, governmental entities, and businesses that utilize vehicles to deliver goods to customers, provide off-site services, or for sales representatives to travel to clients.

Heavy Logistics Center

A wholesaling, warehousing, and/or distribution use that provides a central location for receiving, storing and distributing raw materials, semi-finished goods, or finished goods. Heavy logistics centers may be warehouses in which goods are stored (a.k.a. “product warehouses”), or truck terminals in which goods are transferred between trucks or between trucks and trains or other transportation modes (a.k.a. “truck terminals” or “logistics centers”), or moving warehouses (including indoor storage of portable on-demand storage containers), or wholesaling operations (but not wholesale membership clubs in which memberships are available to the general public). Heavy logistics centers are expected to generate at least 50 semi-trailer truck trips per day. Warehousing and distribution uses that involve fewer than 50 semi-trailer truck trips per day are classified as Light Industry.

Heavy Truck

A truck with a gross vehicle weight rating of greater than 16,000 pounds.

Heavy Truck Trip

A heavy truck trip involves the inbound or outbound movement of the truck on a site, with each movement being considered a single trip.

Light Industry

Uses that involve research and development, assembly, remanufacturing, compounding, packaging, testing, or treatment of products, generally from previously prepared materials or components, with limited outside storage and limited external impacts or risks such that the use is not defined as heavy industry or heavy logistics center. Light industry also includes wholesaling, warehousing, and distribution uses that involve fewer than 50 semi-trailer truck trips per day. For illustrative purposes, light industrial uses include:

1. Assembly, testing, repair, or refurbishing of products, instruments, electronics, office and computing machines, and fixtures using pre-manufactured components;
2. Offices of general contractors; specialty subcontractors; tradesmen; or telecommunications providers which include:
 - a. Overhead door access to indoor storage of tools, parts, and materials;
 - b. Parking of commercial vehicles or a fleet of cars, vans, or light trucks that are used in the business; or
 - c. Limited outdoor storage areas;
3. Food production (*e.g.*, commercial kitchen or bakery) and packaging, but not:
 - a. Meat processing involving butchering of large animal carcasses;
 - b. Medical marijuana-infused products manufacture; and
 - c. Restaurants;
4. Beverage production (non-alcoholic) and bottling;
5. Furniture making or refinishing;
6. Manufacture of textiles or apparel;
7. Screen printing of apparel (except low volume screen printing at a retail store);
8. Printing and publishing, except copy centers, and except printing presses that require a Stationary Source permit or Title V of the Clean Air Act permit for air emissions;

9. Research, development, and testing laboratories (*e.g.*, for development of products, equipment, or materials), if not classified as office, general or professional, or heavy industry;
10. Disassembly of consumer electronics and / or appliances into component parts, where all operations and storage are within an enclosed building;
11. Manufacture of glass products (*e.g.*, window panes, bottles and jars), including hand-blown products;
12. Fabrication of building materials such as countertops, drywall, and cut stone (if not classified as heavy industry);
13. Manufacture or compounding of pharmaceutical products, dietary supplements, health and beauty products, and herbal products;
14. Packaging of products; or
15. Storing, selling, and/or distributing merchandise for or to retailers; industrial, commercial, institutional, or professional business users; or wholesalers, except that wholesale membership clubs that offer memberships to the general public are not light industrial uses.