

PLANNING SESSION COMMUNICATION

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| Meeting Date: May 21, 2024 | Agenda Item: {{section.number}}{{item.number}} | Agenda Location: BRIEFINGS | <input type="checkbox"/> 1 st Reading <input type="checkbox"/> 2 nd Reading |
| Subject: Development Code Update – Review of Draft Article 3 (Zoning Districts) and Article 4 (Use Standards) | | | |
| Department Head Review: Randy Grant, City Development Director | | Approved by: Brett Henry, Interim City Manager | Ordinance previously introduced by: _____ |
| Presenter(s): Karen Widomski, Long Range Planning Manager; Jackie Berg, Consultant from Houseal Lavigne Associates; Lori Hight, Senior Planner | | | |

SYNOPSIS:

The city is in the process of updating Chapter 18 of the Thornton City Code, known as the Development Code. The project consultant will provide an overview of two revised draft Development Code articles (Article 3 - Zoning Districts and Article 4 - Use Standards). The Code is being updated to promote the health, safety, and general welfare of the public, and to implement the Thornton Comprehensive Plan in accordance with the vision of the community.

RECOMMENDATION:

Staff recommends Alternative No. 1, direct staff to present draft Articles 3 and 4 of the new Development Code at a public hearing for Council to consider a resolution accepting the key changes reflected in the draft Code language. Approval of the resolution would not constitute adoption of the Code language and the draft articles would not take effect until an ordinance to consider adoption of the entire updated Development Code is presented to the Planning Commission and City Council at public hearings in 2025.

BUDGET/STAFF IMPLICATIONS:

The Major Development Code Update project has a total approved budget of \$500,000. The budget includes the cost of contracting with the consulting firm Houseal Lavigne and city costs related to community engagement and public notification.

ALTERNATIVES:

1. Direct staff to present draft Articles 3 and 4 of the new Development Code at a public hearing for Council to consider a resolution accepting the key changes reflected in the draft Code language. Approval of the resolution would not constitute adoption of the Code language and the draft articles would not take effect until an ordinance to consider adoption of the entire updated Development Code is presented to the Planning Commission and City Council at public hearings in 2025.

2. Direct staff to make changes to draft Articles 3 and/or 4 and present the changes at a future Planning Session prior to presenting a resolution approving the key changes of the draft articles at a public hearing.
3. Take other action as directed by Council.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

SECTION 1: OVERALL PROJECT BACKGROUND

Major Development Code Update Project Background

Thornton's Development Code, codified as Chapter 18 of the Thornton City Code, contains the regulations that guide development in the city. This includes the requirements, standards, limitations, and performance expectations for land uses in the city. It defines the type of zoning that impacts development in the city. The Development Code has not been comprehensively updated since 1992, although numerous amendments have addressed specific issues. Many changes have occurred in the community, best management practices and industry standards since 1992, making it necessary to undertake a thorough review and major update of the entirety of the Development Code since the current regulations contain standards that are outdated and difficult to administer. The city engaged the consulting firm of Houseal Lavigne Associates to assist with the update. The overall intent of this project is to align the Development Code with Thornton's 2020 Comprehensive Plan. It is also intended to make the Code more user friendly, remove or update antiquated requirements and standards, increase efficiency in the development review process, incorporate newer development concepts, and improve aesthetics, among other aspects.

SECTION 2: CURRENT PROJECT PHASE BACKGROUND

The project team is currently working on 'Task 4' of the overall Development Code Update which includes rewriting the City Code Chapter 18 articles pertaining to Zoning Districts (new Article 3), included as **Attachment A**, and Use Standards (new Article 4), included as **Attachment B**, as well as updating the city's official Zoning Map. Article 3 establishes the city's zoning districts including their purpose and dimensional standards. Article 4 establishes the allowed principal, accessory, and temporary uses in each district, including how they are regulated and required supplemental standards. The final Zoning Map will not be approved and adopted until the entire Development code is finalized and adopted by ordinance.

Zoning Background

The Development Code establishes the zoning districts that can be used in the city. Broadly, these include three types of zoning categories.

- **Base Zone Districts**. The city has categorical residential and nonresidential districts based on traditional Euclidean Zoning. Base limits for development are established in each zone district. The established districts each have defined parameters regarding land use, building heights, setbacks, and other development standards. By establishing the "box" that development must stay within, traditional zoning is based on the desire to protect against incompatible land uses. The United States government developed "A Standard State Zoning Enabling Act" (SSEA) which established basic state and zoning standards in the 1920's to address concerns and ensure that increasing industrial operations did not infringe on single-family residences and that increased building heights in large cities did not negatively impact adjacent properties. Overall, the intent is to establish a clear, predictable framework for development, ensuring stability and uniformity across neighborhoods.

- *Planned Development Zoning.* The city also uses Planned Development (PD) zoning which is a land use planning and zoning technique that allows for greater flexibility in the development of land compared to traditional zoning regulations. Each applicant essentially creates their own zone district. PDs are designed to accommodate developments that currently do not fit within the strict guidelines of the city's base zoning. The primary goal of PD zoning is to encourage creative, extraordinary developments that are better suited to the specific characteristics of a site and the needs of the community. PD zoning also allows the city to require a higher quality design standard than the base zoning. However, the majority of development in the city now requires a PD because the city's base district standards are outdated. While this allows flexibility, it makes the process longer and more complicated. Over the past six years, approximately 78% of all zoning applications in Thornton were for PD zone districts. Of those cases, 55% were amendments to previously approved PDs. The entitlement process requires a high level of the applicant's time and money to prepare and process their application. This also requires more staff time than development applications for base zone districts that do not require a lot of negotiation. Approval of a PD can be less certain due to apprehension about deviations from the standard zoning regulations or resistance to aspects of the proposal. PDs may limit the ability to make significant changes in the future that do not align with the original design. PDs may struggle to adapt to evolving community needs. Updating the city's base zone districts to accommodate modern development forms and uses can significantly reduce the need for PD zoning.
- *Overlay Zoning.* Overlay zoning is a special additional zone district placed over existing base zone(s). It is essentially a second district layer on the zoning map. It can be used to establish unique standards for specific areas. It can add additional standards on top of the standards of the base zone district. Alternatively, it can supersede or replace the standards of the base zone district. Overlay standards often control building architecture and design, allowable density, development patterns, and other aspects of building that make the underlying district unique. Overlay zoning can be used to promote specific community goals such as affordable housing, economic revitalization, historic preservation, and environmental protection. This allows for targeted policies in areas where they are most needed. The city currently has one overlay district, the North Washington Subarea Overlay District. The purpose of this overlay is to provide land use restrictions within the North Washington Subarea because this area of the city has development potential which requires unusually complex coordination of land uses with transportation and open space.

Components of Zoning – Dimensional Standards

Each zone district contains standards that limit the sizes of new buildings and general development. These differ between zone districts to ensure development is appropriate for the context of the area. For example, a district that is primarily intended for higher-density apartments will have different dimensional standards than a district intended primarily for single-family homes. The dimensional standards provide controls such as the maximum height of a building, how far it needs to be set back from property lines (setbacks), minimum lot width and lot size, and how much of the lot can be covered with structures and surfaces.

Components of Zoning – Use Regulations

The Code specifies which land uses are allowed in each zone district. Uses are considered to be principal uses, accessory uses, or temporary uses. In each zone district, uses may be permitted by right, through a Specific Use Permit (SUP) which is proposed to be renamed to Special Use Permit, a Limited Use Permit, or prohibited. An SUP and Limited Use apply additional discretion to the approval

of certain uses based on their potential impacts to the surrounding area. Additionally, uses may have supplemental provisions to mitigate potential negative impacts and promote compatibility with the surrounding area.

SECTION 3: OVERVIEW OF DRAFT ARTICLE 3 AND 4

Following is a summary of each of the zoning districts included in the proposed new Article 3 - Zoning Districts that identifies changes from existing district standards as well as uses allowed in each district. The complete list of allowable land uses and supplementary standards is included in Article 4 - Use Standards. Both draft articles are attached for review. The articles are still undergoing work and revisions but include the substantial regulations needed to be considered. The project team will continue to refine the drafts and incorporate any changes requested by Council prior to presenting a resolution to consider acceptance of the draft language.

General Proposed Zoning Changes:

- No property is being rezoned to a different zoning district
 - Some zone districts are being renamed and some standards are being updated, but no property is being rezoned to a different type of zoning district
- No changes are proposed to the Eastlake Districts
- Few to no changes are proposed to Legacy Districts
- General changes for other zoning districts:
 - Density regulated by development and design standards (such as lot size, setbacks, or landscaping requirements) rather than specifying a maximum density limit
 - Minimum building size requirements removed
 - For Accessory Dwelling Units (ADUs), the size limitation is proposed to change from a maximum of 1,000 square feet to a maximum size of 50% of the principal residence. Additionally, a home occupation would be allowed in an ADU
- “Lot coverage” requirement updated to Impervious Surface Coverage”
- Updates to use allowances as follows:
 - Change to interpretation of “Limited Uses”. An administrative Limited Use Permit will be required that considers a use’s potential impacts on the surrounding area and alignment with the Comprehensive Plan. It is also used to apply specific requirements for certain uses within specific zoning districts. For example, the size of some commercial uses is limited when they are located in the proposed Residential – High Density District.
 - “Specific Uses” and “Specific Use Permit” renamed to “Special Uses” and “Special Use Permit” to be more consistent with the terminology used by most cities.

Proposed Legacy Districts

During the research and development of the amended zoning districts, it was determined that several of the city’s existing zoning districts have become out of alignment with the city’s current Comprehensive Plan. Whether through changing market conditions in Thornton or shifts in development patterns over time, it was determined that the Single-Family Detached (SFD), Manufactured Home (MH), Planned Development (PD), City Center (CC), Employment Center (EC), Mineral Conservation (MC), and Industrial (I) Districts should become “Legacy” Zone Districts.

A Legacy Zone District is an existing zoning district that will continue to have the same zoning standards prescribed in the Code today with few or no changes. However, no new property will be zoned to a Legacy District after the date of adoption of the new Development Code because these districts would not meet the needs of future development or the vision of the Comprehensive Plan.

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The names of the districts would be amended to be Single-Family Detached Legacy (SFD-L), Manufactured Home Legacy (MH-L), Planned Development Legacy (PD-L), City Center Legacy (CC-L), Employment Center Legacy (EC-L), Mineral Conservation Legacy (MC-L, and Industrial Legacy (I-L). The CC-L, EC-L, MC-L, MH-L, and I-L Districts have no changes and are therefore not discussed further in this report.

Residential Districts - Overview

The following residential zoning districts are identified in the new Code in addition to any other Legacy Districts identified above.

- Residential Estate (RE) - existing district with no changes proposed
- Single-Family Detached Legacy (SFD-L) - name reclassification from existing Single-Family Detached (SFD)
- Manufactured Home Legacy (MH-L) - name reclassification from existing Manufactured Home (MH)
- Residential - Low Density (RL) - proposed new zoning district
- Residential - Mid Density (RM) - name reclassification from existing Single-Family Attached (SFA)
- Residential – High Density (RH) - name reclassification from existing Multifamily (MF)

Residential districts that have changes are described further below.

Single-Family Detached Legacy District (SFD-L)

This district accommodates the continuation of development and uses on property currently zoned SFD. Reclassifying the SFD District to a Legacy District will have minor impact on existing development. No SFD-L property would be required to rezone to another district and all new development and redevelopment on SFD-L property could still develop under the SFD-L standards which are consistent with current SFD standards with one exception to proposed setback changes. Currently, pre- and post-1996 SFD-zoned subdivisions have different setbacks. To create consistent setbacks for all SFD-zoned properties in the city, setbacks would be:

- For accessory structures: 5-foot side and rear setback
- For primary structures: 5-foot interior side setback, 15-foot street side and rear setback, and 15-foot front setback to porch or 20-foot front setback with no porch

Allowable uses are consistent with the existing SFD District.

- Primary uses
 - Single-family detached homes
 - Accessory Dwelling Units (accessory to primary residence only)
- Supporting uses (list may not be exhaustive)
 - Daycare
 - Library
 - Park
 - Post office
 - Public safety facility
 - Religious institution

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Residential – Low Density (RL)

RL is proposed as a new zoning district to accommodate low density residential neighborhoods that allow for smaller single-family detached homes on smaller lots than the Single-Family Detached Legacy (SFD-L) District. The RL District also provides opportunity for gentle density infill with allowance for duplexes that complement existing housing and provide appropriate transitions that preserve the character of existing abutting SFD neighborhoods including massing, orientation, and scale. Although the Development Code Update would create the option for the new RL District, no land is being zoned to RL as part of the code update. A property owner would need to apply to the city to rezone property to RL.

Typical uses allowed in the RL District include:

- Primary Uses
 - Single-family detached homes (allowance for smaller lots than SFD-L District)
 - Duplexes (either on same lot or one unit per lot)
 - Accessory Dwelling Units (accessory to primary detached home only)
- Supporting uses are substantially similar to the SFD-L District with the following notable exceptions:
 - Accessory Commercial Unit may be allowed by Limited Use Permit
 - Supporting indoor entertainment/cultural facilities and institutional uses like civic meeting facilities may be allowed by Special Use Permit

Residential – Mid Density (RM)

This Single-Family Attached (SFA) District is proposed to be renamed to Residential – Mid Density District (RM) and will be amended to accommodate an expanded range of medium density housing choices. No RM property would be rezoned to a different type of zoning district as part of this code update. New development in the RM District shall be thoughtfully integrated, walkable, and interconnected to services and amenities. Infill development in the RM District should complement existing housing and provide appropriate transitions that preserve the character of existing neighborhoods including massing, orientation, and scale.

Typical uses allowed in the RM District include:

- Primary Uses
 - Single-family detached homes
 - Accessory Dwelling Units (accessory to primary detached home only)
 - Duplex (either on same lot or one unit per lot)
 - Triplex/Quadplex
 - Townhomes
- Notable supporting uses include:
 - Entertainment/Cultural Facilities (by SUP)
 - Institutional uses like Civic Meeting Facilities and Assisted Living/Long-Term Care (by SUP)

Notable changes from SFA District include:

- For infill development in neighborhoods with established detached homes, allowance for attached homes would only be at the intersection of neighborhood streets
- Allowance for smaller lot sizes to accommodate modern housing types, diversify housing options, and enable construction of more affordable homes. Proposed minimum lot areas per dwelling unit are as follows:
 - Single-family detached homes: 2,500 sf (w/an alley) or 4,500 sf with front garage
 - Attached homes with alleys: 1,300 sf per unit
- Increase in the minimum lot size requirement for attached homes with front garages from 2,000 sf to 3,000 sf to provide adequate driveway space and safer streets
- Orientation and site design requirements for townhomes including:
 - Primary entrance facing street or courtyard
 - Additional off-street parking located to rear or interior side of townhome cluster
- To increase housing choice and diversify the look and appeal of developments, new development consisting of at least five acres would be required to provide at least two, and preferably three, distinct types of housing based on locations identified in the Comprehensive Plan
 - Allows for some exceptions

Residential – High Density (RH)

This Multifamily (MF) District is proposed to be renamed to Residential – High Density District (RH) and will be amended to accommodate an expanded range of higher density housing types in close proximity to commercial uses to increase lifestyle options. No RH property would be rezoned to a different type of zoning district as part of this code update. New development in the RH District shall be thoughtfully integrated, walkable, and interconnected to services and amenities. Supporting nonresidential uses that provide services and amenities to the predominantly residential development may be permitted in this district. Infill development in the RH District should complement existing housing and provide appropriate transitions that preserve the character of existing neighborhoods including massing, orientation, and scale.

Typical uses allowed in the RH District include:

- Primary Uses
 - Duplexes (either on same lot or one unit per lot)
 - Accessory Dwelling Uses (accessory to existing primary detached homes only. New development does not allow for detached homes and therefore doesn't allow for ADUs)
 - Triplex/Quadplex
 - Townhomes
 - Multi-Unit Buildings with/without Ground Floor Commercial
 - Live-work Unit
- Notable supporting uses include:
 - Well-integrated, low impact commercial uses may be allowed by SUP including general commercial, office, and professional services less than 3,500 square feet, Artisan Manufacturing, Bar/Lounge/Tavern, and Accessory Commercial Units.
 - Entertainment/Cultural Facilities (by SUP or Limited Use)

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- Institutional uses like Civic Meeting Facilities and Assisted Living/Long-Term Care (by SUP)

Notable changes from MF District include:

- Would not allow new single-family detached homes
- Allowance (but not requirement) for some neighborhood-scale commercial and office uses, including live-work units, accessory commercial units, and apartments with ground floor commercial
- Allowance for smaller lot sizes to accommodate modern housing types, diversify housing options, and enable construction of more affordable homes. Proposed minimum lot areas per dwelling unit are as follows:
 - Proposed minimum lot size for attached homes or live-work units with alleys is 1,300 sf
 - Increase in the minimum lot size requirement for attached homes with front garages from 2,000 sf to 3,000 sf to provide adequate driveway space and safer streets
- Orientation and site design requirements for townhomes including:
 - Primary entrance facing street or courtyard
 - Additional off-street parking located to rear or interior side of townhome cluster
- To increase housing choice and diversify the look and appeal of developments, new development consisting of at least five acres would be required to provide at least two, and preferably three, distinct types of housing based on locations identified in the Comprehensive Plan
 - Allows for some exceptions

Mixed-Use Districts - Overview

The new Code proposes to retain the Mixed-Use (MU) and Transit-Oriented Development (TOD) Districts with some changes.

Mixed-Use District (MU)

MU is an existing zoning district that was established in 2009 to allow for the development of an integrated mix of higher density residential and nonresidential uses. However, to date, no property has been zoned to MU. Therefore, the standards of this district are being amended to encourage its use in locations consistent with the Comprehensive Plan. The MU District is still intended to accommodate development that includes a compact and compatible mix of residential and nonresidential uses either within the same building, such as apartments with ground floor stores or offices, or in separate buildings in close proximity. Development in this district is intended to create a unique, pedestrian-friendly environment where people can live, shop, work, and play. The city is not zoning any property to MU as part of this Development Code Update. A property owner would need to apply to rezone property to this district.

Notable changes from existing MU District include:

- Requirements and standards are being simplified to provide greater flexibility
- Allowance for a wider range of housing types such as attached townhomes and live-work units
- Single-family detached homes will no longer be permitted in the MU zone district since development is intended to have compact form

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- Allowance for some new commercial uses being proposed in the new Development Code Update such as food truck courts, small-scale artisan manufacturing (where appropriate) and temporary pop-up retail or restaurants and farmers markets
- Limitations on nonresidential uses greater than 3,500 square feet

Transit-Oriented Development (TOD)

TOD is an existing zoning district that was established in 2010 in anticipation of the construction of the N Line and the development potential for land around the N Line Stations in Thornton. However, to date, no property has been zoned to TOD. Therefore, the standards of this district are being amended to encourage its use in locations consistent with the Comprehensive Plan and the city's adopted Station Area Master Plans. The TOD District is still intended to promote compact, pedestrian-oriented development in proximity to transit stations. The TOD District is intended to increase convenient access to transit services. TOD encourages a compatible mix of residential and nonresidential uses either within the same building, such as apartments with ground floor stores or offices, or in separate buildings in close proximity, with higher density and intensity uses located closest to the station. The city is not zoning any property to TOD as part of this Development Code Update. A property owner would need to apply to rezone property to this district.

Notable changes from existing TOD District include:

- Requirements and standards are being simplified to provide greater flexibility
- Encourages, but does not require a mix of residential and nonresidential uses
- Permitted residential uses are mostly higher density housing such as apartments with or without ground floor commercial. However, lower intensity townhomes and Live-Work units are also permitted
- Appropriate transitions in density and intensity are required to preserve the character of existing adjacent neighborhoods including massing, orientation, and scale. Additional guidelines for development are contained in the city's adopted Station Area Master Plans
- Allowance for some new commercial uses being proposed in the new Development Code Update such as food truck courts, small-scale artisan manufacturing, and temporary pop-up retail or restaurants and farmers markets

Commercial and Employment Districts - Overview

The following commercial and employment zoning districts are identified in the new Code in addition to any Legacy Districts identified above.

- Neighborhood Commercial (NC) - name reclassification from existing Neighborhoods Services (NS)
- General Commercial (GC) - name reclassification from existing Community Retail (CR)
- Regional Commercial (RC) - existing district with no name change proposed
- Business Park (BP) - existing district with no name change proposed

Changes to these districts are described further below.

Neighborhood Commercial (NC)

The Neighborhood Services District (NS) is proposed to be renamed to Neighborhood Commercial (NC) to better reflect the commercial nature of the district and to create conformity in the naming of all the commercial districts. No NC property would be rezoned to a different type of zoning district as part

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of this code update. The NC District accommodates small-scale nonresidential development and activity centers to serve the convenience shopping, service, and office needs of nearby residents. Examples include local personal services, restaurants, cafes, and small stores. Development in this district shall consist primarily of nonresidential uses but may allow for buildings that include both a residential and nonresidential use to expand employment opportunities and activate commercial areas throughout the day, in locations consistent with the Comprehensive Plan. New development in the NC District shall be human scale, compact, pedestrian-oriented, multimodally connected to surrounding development, and include public gathering space.

Notable changes from existing NS District include:

- Potential allowance for supporting residential uses that are incorporated within buildings with a commercial component, including live-work units and residential units above ground floor commercial or office uses. These uses are limited to 25 percent of the site and would require a Special Use Permit which applies additional discretion to the approval based on potential impacts to surrounding areas. This brings uses close together which enlivens commercial areas throughout the day and allows people to access convenient shopping and services within easy walking distance to their homes
- To encourage more pedestrian-friendly and attractive commercial development, new drive-throughs will no longer be permitted in the NC Zone District. This would not impact any existing drive-through uses. New restaurants and banks would still be allowed but they would not have a drive-through component
- Potential allowance for some uses greater than 3,500 square feet (sf), only with special standards that consider compatibility and impacts on surrounding uses such as larger restaurants and professional service offices.
- Allowance for other new uses being added to the Development Code including Artisan Manufacturing, Commercial Kitchens (by SUP) and Food Truck Courts (by SUP).
- Site orientation standards are proposed to change, examples include:
 - New development will be required to bring buildings closer to the street and sidewalk with a pedestrian entrance from the street
 - Patio dining will be permitted
 - Parking will be required behind or beside a building, not in front to improve the appearance of development in the city

General Commercial (GC)

The Community Retail District (CR) is proposed to be renamed to General Commercial (GC) to create conformity in the naming of all the commercial districts. No NC property would be rezoned to a different type of zoning district as part of this code update. The GC District accommodates mid-scale, citywide-serving, nonresidential development and activity centers. The GC District is intended to preserve opportunities for commercial uses over the long-term to maintain the fiscal viability of the city. Examples of “nonresidential activity centers” include multiple commercial uses together, larger personal service uses, restaurants, bars, and cafes, light manufacturing with sales, and other commercial and office uses. Development in this district shall consist primarily of nonresidential uses but may allow for buildings that include both a residential and nonresidential use to expand employment opportunities and activate commercial areas throughout the day, in locations consistent with the Comprehensive

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Plan. New development in the GC District shall be pedestrian-oriented, provide multimodal connectivity to surrounding development, and include public gathering space.

Notable changes from existing CR District include:

- Potential allowance for supporting residential uses that are incorporated within buildings with a commercial component, including live-work units and residential units above ground floor commercial or office uses. These uses are limited to 25 percent of the site and would require a Special Use Permit which applies additional discretion to the approval based on potential impacts to surrounding areas. This brings uses close together which enlivens commercial areas throughout the day and allows people to access convenient shopping and services within easy walking distance to their homes.
- Allowance for other new uses being added to the Development Code including Artisan Manufacturing, Commercial Kitchens and Food Truck Courts.
- New drive-throughs would be considered “accessory uses” to the principal use. This means that a use such as a restaurant would be permitted by right, but if it wanted a drive-through, the drive-through component would be considered through a special permitting process. This would not impact any existing drive-through uses. Drive-throughs would also be tucked behind buildings to make the development more attractive and safer for pedestrians, cyclists, wheelchairs, and other modes of transportation.
- New vehicle fueling stations and car washes would now require a Special Use Permit for approval instead of being allowed by right which would allow the Planning Commission to consider their impact on the surrounding neighborhood.
- Site orientation standards are proposed to change, examples include:
 - New development will be required to bring buildings closer to the street and have access from a front sidewalk
 - Patio dining will be permitted
 - Reduced setbacks; increase in building height allowance from 35 to 45 feet
 - Parking will be required behind or beside a building, not in front to improve the appearance of development in the city

Regional Commercial (RC)

RC is an existing district that is being amended to better align with the Comprehensive Plan. The RC District is intended to accommodate large-scale, region-serving nonresidential development and activity centers. Examples of appropriate development in this district include places like the Denver Premium Outlets, large commercial uses with large product storage needs, warehouses, and other large format commercial and office uses. The RC District is intended to create regional destinations and allows limited high density residential development as a supporting use to help activate nonresidential areas throughout the day, in locations consistent with the Comprehensive Plan. Any new land zoned to Regional Commercial shall be located at highly visible and accessible locations along I-25 and E-470 to facilitate convenient access and minimize traffic congestion while supporting multimodal transportation options through internal and external site connections. No RC property would be rezoned to a different type of zoning district as part of this code update.

Notable changes from existing RC District include:

- Potential allowance for supporting residential uses including live-work units and apartments with or without ground floor commercial/office uses up to 25% of the total land area of the development site. These uses would require a Limited Use Permit which applies additional discretion to the approval based on potential impacts to surrounding areas. This brings uses closer together which enlivens commercial areas throughout the day, increases consumer demand to support businesses, and allows people to access convenient shopping and services within easy walking distance to their homes.
- New drive-throughs would be considered “accessory uses” to the principal use. This means that a use such as a restaurant would be permitted by right, but if it wanted a drive-through, the drive-through component would be considered through a special permitting process. This would not impact any existing drive-through uses. Drive-throughs would also be tucked behind buildings to make the development more attractive and safer for pedestrians, cyclists, wheelchairs, and other modes of transportation.
- New vehicle fueling stations would now require a Special Use Permit for approval instead of being allowed by right which would allow the Planning Commission to consider their impact on the surrounding neighborhood.
- Allowance for new uses that activate the area throughout the day to provide more shopping, dining and entertainment options for people such as food truck courts, pop-up retail or restaurants, artisan manufacturing, and outdoor patio dining.

Business Park (BP)

BP is an existing district that is being amended to better align with the Comprehensive Plan. The BP District is intended to accommodate clustered areas of primary employment that complement and enhance the image and identity of the city. Examples of appropriate development include corporate campuses, business parks (like Washington Square Business Park) and other larger employment-based users and supporting commercial uses. New development in the BP District should vary in intensity, with higher intensity development, including warehouses, located in limited areas along I-25 and E-470. No BP property would be rezoned to a different type of zoning district as part of this code update.

Notable changes from existing BP District include:

- Expanded allowances for commercial and industrial uses in the BP District like Artisan Manufacturing, and Brewery, Winery, or Distillery
- Allowance for some uses only with special standards and additional approval consideration through SUP or Limited Use Permit such as Warehouses for Distribution or Storage
 - Warehouses located outside of the Comprehensive Plan “Employment Center – Warehousing Overlay” Future Land Use Designation are restricted to a size of 150,000 square feet per tenant and have a dock door to building ratio restriction of 1 dock door per 4,500 square feet.
- Heavy Industrial Indoor uses would be allowed “by right” instead of SUP because the Fire Department has existing requirements that cover concerns. These uses have supplemental standards that require them to comply with the Fire Department.
- To encourage more pedestrian-friendly and attractive commercial development, new drive-throughs will no longer be permitted in the BP Zone District. This would not impact any existing

drive-through uses. New restaurants and banks would still be allowed but they would not have a drive-through component.

Planned Development Zoning - Overview

The new Code proposes to reclassify Planned Development (PD) Districts as Legacy Districts and introduces a new Planned Development Overlay (PD-O) option to accommodate special development needs.

Planned Development Legacy (PD-L)

All existing PDs in the city would become Legacy Districts. No new land in the city would be able to apply for PD-L zoning. All new proposed development would need to use a base zoning district and could request a Planned Development Overlay (PD-O) as described below. The proposed changes to the city's base zone districts should remove the common needs for PDs. This change will not impact any development already zoned PD. Existing PD standards would continue to apply to existing development. Amendments could still be made to existing PD standards.

Planned Development Overlay (PD-O)

PD-O is intended to be an overlay district applied over a base zoning district. The PD-O District is being offered to achieve high quality, creative, and innovative land planning and site design that furthers the objectives of the city, but which cannot be achieved through the strict application of the development and design standards of the base zone district or other regulations in the Development Code. The PD-O District provides a process by which customized development and design standards may be approved that meet the needs and character of the site-specific features and context of the district in compliance with the Comprehensive Plan.

Property requesting unique standards would apply the PD-O over a base zoning district and would not be able to create an entirely new zoning district. Each PD-O must meet objectives including:

- Compliance with the goals of the Comprehensive Plan and other guiding policy documents,
- Creating a unique “sense of place” for the development,
- Ensuring that design is highly integrated and connected to allow for walking and biking in addition to other forms of transportation,
- Providing for a diversity of land uses in compliance with the Comprehensive Plan,
- Inclusion of open space,
- Preservation of landscape, and archeological and historic features,
- Providing an amenity or element that meets a city goal such as environmental sustainability, affordable housing, or “accessible” housing designed for people who have trouble with steps or who use wheelchairs or walkers beyond what is required by the Building Code.

The PD Overlay would follow the rezoning procedures set forth in the Development Code. However, the review of a PD-O is anticipated to be more efficient for both the applicant and the city than the current PD zoning process.

Eastlake Base Zoning Districts

The city is retaining all of the existing Eastlake Districts. In 2003, unique zoning districts specific to the area known as Eastlake were established to preserve the unique, small-town character of this historic

neighborhood. The city is not proposing any amendments to the Eastlake Zone Districts as part of the Development Code Update.

Other Base Zoning Districts

The city is retaining the following zone districts with limited or no changes

Development Reserve (DR)

DR is an existing zoning district used solely for newly annexed land where there is no immediate or anticipated change of use. It allows the continuation of any existing use(s) and allows very limited new development to occur prior to the site being rezoned to a standard base zoning district for the development of new land uses. No changes are proposed to this district.

Agricultural (AG)

AG is an existing zoning district used for agricultural purposes and to which urban services may not yet be available. It is anticipated that land in the AG District will eventually be rezoned for new development in conformity with the city's Comprehensive Plan. No changes are proposed to this district.

Parks and Open Space (POS)

POS is an existing zoning district intended to provide, preserve, and enhance public and private open space, natural and improved parks, and other public amenities and recreational areas in locations consistent with the Comprehensive Plan and other adopted master plans. These areas serve many functions including providing opportunities for outdoor recreation; incorporating appropriate public amenities; preserving scenic qualities; protecting sensitive or fragile environmental areas; and preserving the capacity and water quality of the storm water drainage system. No changes are proposed to this district.

Civic Institutional (CI) – name reclassification from Office/Institutional (OI)

The existing Office/Institutional District is proposed to be renamed to Civic Institutional (CI) to better describe the intent of the district. The purpose of the CI District is to accommodate larger-scale public or semi-public uses, municipal facilities, educational facilities, utilities, and noncommercial places of assembly. The CI District should be located near residential uses to serve the community while also ensuring sufficient vehicular and pedestrian access is provided. No significant changes are proposed to this district except to consider its use for future civic type of uses. No property is currently zoned OI.

SECTION 4: NEXT STEPS

Anticipated Planning Commission and Council Meetings

- May 22, 2024: Planning Commission Session – Articles 3 & 4 Code review
- June/July 2024: Planning Commission public hearing for Articles 3 & 4
- July/August 2024: City Council public hearing for Articles 3 & 4

Anticipated Public Outreach

- Late May-June: Communications campaign to inform public about draft code articles and provide ability to provide feedback through the project website or email
- June 1, 2024: Thorntonfest outreach
- June 6, 2024: Thornton Joint Taskforce Meeting update

Next Project Phase – Task 5

- June 2024 – Project team anticipates starting drafting of the next Code articles including:
 - General Development Standards
 - Building and Site Design Standards
 - Landscape and Buffer Standards
 - Access and Mobility Standards

ATTACHMENTS:

Attachment A: Draft Development Code Article 3 - Zoning Districts; Attachment B: Draft Development Code Article 4 - Use Standards; Attachment C: Working Code Definitions