

# WHAT IS ZONING

Zoning is a legal instrument that places certain controls over privately-owned land to protect the health, safety, and general welfare of the public. Zoning consists of a zoning map which delineates different zoning classifications and written regulations which provide the standards for each zone.

Brighton's updated LUDC has 20 zones along with 6 special purpose and overlay districts that supplement regulations (overlay) or provide issue-specific zoning districts (special purpose). The written regulations specify building development standards including building placement, orientation, height, and design standards; and other site design criteria including access, parking, landscape, screening and signs. Additionally, the Land Development Code includes exceptions to the general standards, such as allowances for porches to project into the required setback. It also provides procedures for citizens to request variances to the requirements or special exceptions.

Brighton's zoning designations can be classified into five general land use categories. Within each category, each zone describes a different density level or intensity of use.

- **Residential Districts** permit a variety of housing types at low to high density levels.
- **Mixed-use Districts** permit a variety of retail, employment, entertainment, and cultural uses in addition to residential.
- **Commercial Districts** allow for a variety of commercial uses ranging from small retail and office establishments to more auto-related business uses.
- **Industrial Districts** allow for a variety of very light to heavy manufacturing uses, as well as office uses that have a large employment base.
- **Special Purpose & Overlay Districts** accommodate specialized or unique uses and development types.

To identify allowed uses and applicable use standards for property under this code, use the following steps:

1. Find the Zoning of your property.
2. If you are changing any physical elements of your property that impact subdivision regulations (i.e. lot boundaries, easements/utilities or open spaces beyond your property, or improvements in rights of way), consult Article 3., Subdivision Regulations.
3. Permitted uses – refer to Table 4-2 to determine allowed uses. How each use is categorized is described in Section 11.02.
4. Consider if your use requires any specific conditions or procedures. "C" requires a CUP in Section 2.07; uses that have specific standards are listed in Section 4.04; standards specific to certain accessory uses are in 4.03.
5. Determine your building and development standards for your specific zoning district, context or building type (Article 5 for residential, Article 6 for non-residential).
6. Identify other site development standards that may be applicable: Access & Parking (Article 7); Landscape and Site Design (Article 8); and Signs (Article 9).
7. Consider what process to review your plans:
  - Rezoning or platting (changing the legal or physical disposition of my property – Planning Commission and possibly City Council review);
  - Conditional uses (discretionary process to ensure specific conditions are met – typically just Planning Commission review);
  - Permit (administrative and technical reviews – typically just staff).

## ACCESSORY DWELLINGS

Accessory Dwellings, more commonly known as granny flats, second units, in-law quarters, etc. are self-contained dwelling units within or attached to a single-family dwelling or in a detached building on the same lot as the primary dwelling unit. These units provide complete independent living facilities. For specific code requirements, refer to Accessory Dwelling, Section 4.03.B.

**Locations Allowed.** Accessory dwellings are allowed in the following residential zones (A/R, AE, RE, R1, R1A, R1B and R2) if in compliance with all of the development standards contained in 4.03(B). Accessory dwellings are not allowed within non-residential districts, however residential uses are permitted in mixed-use building types. Accessory Dwellings are allowed when the site is developed with one, detached house or with one duplex. Accessory dwelling units may be located in a detached accessory building or located within the principal building (such as an attic or basement apartment).

**Size Allowances.** The accessory dwelling cannot exceed 50 percent of the living area of the principle dwelling or 1,200 square feet, whichever is less. For example, a site with a primary dwelling of 2,300 square feet, the maximum size of the accessory dwelling could not exceed 1,150 square feet.

**Parking.** One additional parking space shall be provided on site. This requirement may be waived by the Director if the context and circumstances of each dwelling unit

prove the space unnecessary.

**Ownership.** The property owner must occupy either the principal or accessory dwelling as their permanent residence. The City may alternate ownership arrangements. For exceptions, contact city staff.

**Design Standards.** The accessory dwelling must be designed to maintain the architectural design, style, appearance and character of the principal building. The accessory dwelling must be clearly subordinate to the principal dwelling though the location of parking, access, building entrances and other design features that accommodate the dwelling.

**Utilities.** The applicant must demonstrate proof of adequate utility services for both the principal and accessory unit. Check with the Utilities Department at 303-655-2009.

**Lot standards.** For a detached accessory unit, all development and design standards for the lot must be met as outlined in Article 5, Section 5.02.E.



## Review Process

Residential Design Standards and Building Permit.

## RESIDENTIAL FENCING

Fences and walls provide safety and security, screening, and architectural enhancements to sites and buildings. The City of Brighton has regulations governing fences and walls to assure objectives of providing privacy can be met while maintaining visible yards along the public street and minimizing undesirable obstruction of views. When installing a fence, the following design objections shall be met.

1. Fences and wall designs shall consider the context of the area, the location on the site, and the desired functions.
2. Fences and walls with prominent publicly visible locations require higher design standards, accompaniment of landscape to soften the expanse, or a combination of both.
3. Fences and walls in walkable contexts or nearest pedestrian facilities require a lower profile, more open design, or both.
4. Fences and walls in prominent public places should complement the design of the site and the architecture of the associated building.
5. Fences and walls shall be designed and located sensitive to the massing and design relationship, and other impacts to adjacent property.

**Standards.** The following standards apply to fence height and location. Refer to Section 5.05 for specific standards.

### • Height

Fences and walls shall meet the height limits outlined in the table below. The height shall include any retaining wall or berm that a fence is built on.

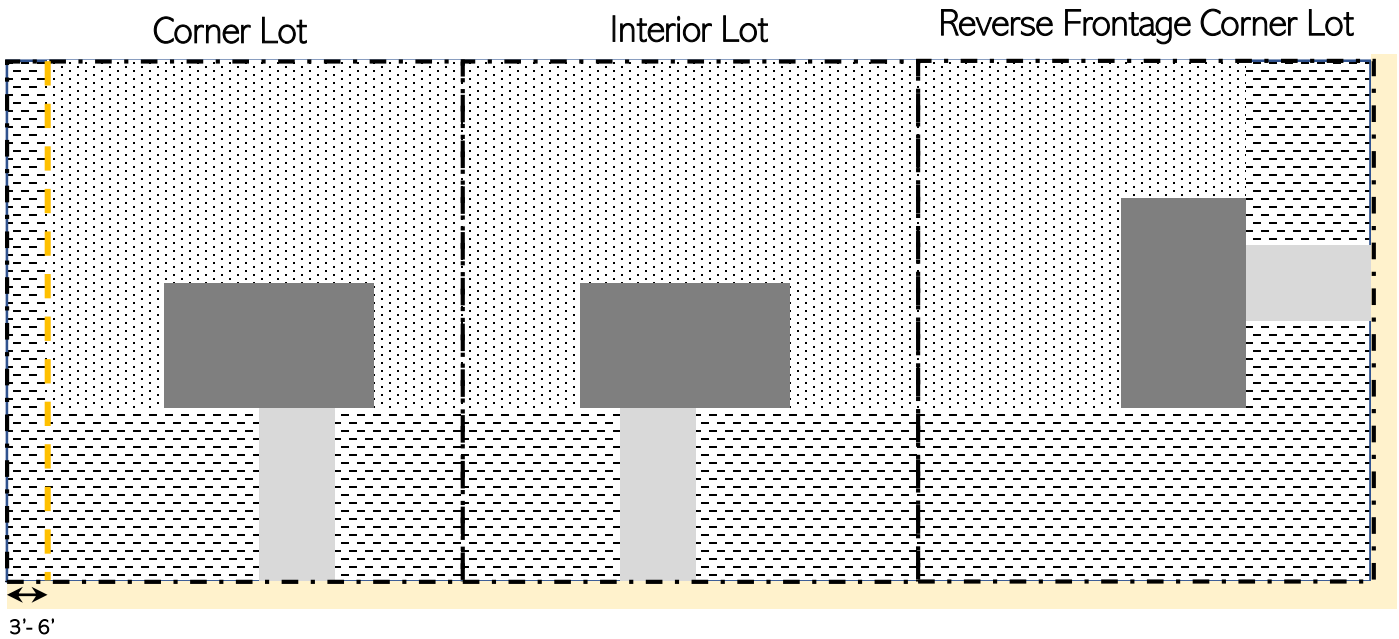
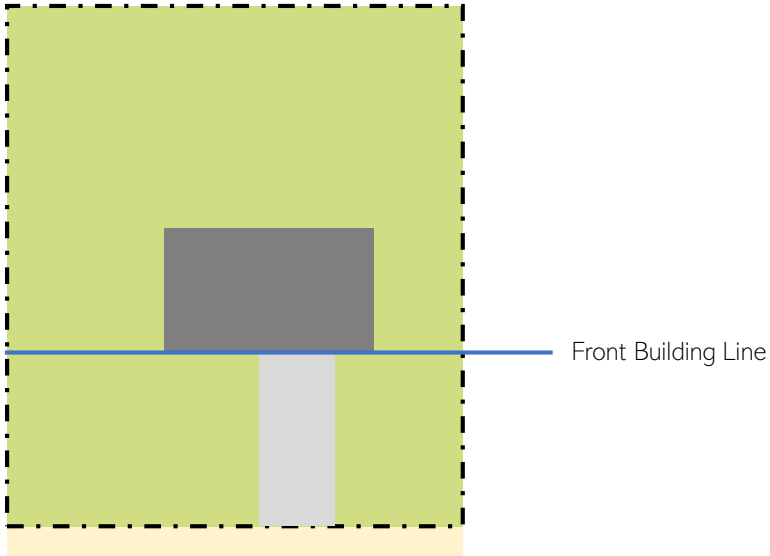
<p><b>Front</b></p>	<ul style="list-style-type: none"> <li>• 3' high if solid</li> <li>• 4' high if at least 50% open</li> <li>• Any front fencing on a collector street or higher shall be installed under Home Owner's Association design standards to maintain uniform frontages on all lots.</li> </ul>
<p><b>Side and Rear</b></p>	<ul style="list-style-type: none"> <li>• 6' if behind front building line. Please refer to the image on the next page.</li> <li>• Meet the front fencing standards for all areas in front of the front building line, or within 3 feet of any sidewalk.</li> </ul>
<p><b>A/E and A/R</b></p>	<ul style="list-style-type: none"> <li>• Fencing associated with an agricultural use in the A/E and A/R districts may be up to 6' high</li> <li>• Barbed wire or electrified fencing shall only be used where necessary to protect agricultural operations and resources.</li> </ul>
<p><b>Residential Perimeter</b></p> <p>Any fence more than 3' high, less than 75% open, and within 50' the right of way.</p>	<ul style="list-style-type: none"> <li>• Only allowed under ownership of the Home Owner Association, or City or other government entity.</li> <li>• Requires low maintenance, high-quality, aesthetic design:               <ul style="list-style-type: none"> <li>○ Metal, brick or treated wood</li> <li>○ At least 3 rails</li> <li>○ Masonry posts at least every 60'; 2' x 2' with sloped column cap</li> </ul> </li> <li>• No more than 60' of perimeter; remainder of 40% breaks include intersecting streets, common or public open space, pedestrian entryways, or private lot fences meeting the front or side street fence standards.</li> <li>• No more than 400' without a break (pedestrian or vehicle access or other similar opening).</li> <li>• No more than 100' without offsets in plane at least 40' long               <ul style="list-style-type: none"> <li>○ 8' deep with landscape clusters; or</li> <li>○ 4' deep with fence that is at least 75% open</li> </ul> </li> </ul>

### • Location

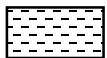
1. Fences shall be located at least 18 inches away from any right-of-way, or from any easement for access associated with the edges of the right-of-way or other connections that are part of the access and circulation strategy.
2. Fences shall be at least 3' from any sidewalk on a on a side street, unless designed to the front fence standards.
3. Fences shall be at least 6' from any sidewalk on a collector street or higher, or at least 10' if the sidewalk is attached.
4. All fences or walls located along adjacent lot lines shall be constructed so that either:
  - (a) The face of the fence is on the property line; or
  - (b) The face of the fence is at least 3' from the property line. Any areas set back 3' or more from the property line, which could become enclosed by other similarly located fences or walls, shall provide at least one gate for access and maintenance equipment.

# RESIDENTIAL FENCING

Fences and walls height and setback standards for a typical residential corner lot, interior lot, and reversed frontage lot. This is a simplified illustration and does not show all of the required location standards.



--- Property Line



3-foot high if solid; 4-foot high is at least 50% open



6-feet

## ACCESSORY BUILDINGS



A residential accessory building is a structure that is subordinate to and located on the same lot as a principal building. The use of the accessory building is incidental to the use of the principal building or to the use of the land. The following standards relate to the number, location, setback, height and size applicable to accessory buildings in zones A/R, RE/AE, R-1, R-1A, R-1B, R-2, and R-3. For specific standards, refer to Accessory Buildings, Section 5.02.E.

Individual lots must maintain the required open space standards specified in Table 5-2, (Lot Open Space), regardless of the permitted principal and accessory building allowances.

	Accessory buildings 200 SF or less	Accessory buildings over 200 SF
Number	1 per lot, or 1 per 5,000 SF of lot; up to a maximum of 3	No more than 1 per lot, except that apartment complexes in the R-3 district may have 1 per principal building.
Location	<ul style="list-style-type: none"> <li>Located at least 10' from the principal building, or other distance specified by applicable building codes.</li> <li>The accessory building must be located behind the rear building line of the principal building</li> </ul>	<ul style="list-style-type: none"> <li>Located at least 10' from the principal building, or other distance specified by applicable building codes.</li> <li>The accessory building must be located behind the front building line and at least 60' from the front lot line.</li> </ul>
Setbacks	<ul style="list-style-type: none"> <li>Side Setback: No closer than 3' from the side lot line.</li> <li>Rear Setback: No closer than 3' from the rear lot line.</li> </ul>	<ul style="list-style-type: none"> <li>Side Setback: At least 5' from the side lot line, except that on corner lots they shall have the same street-side setbacks as the principal building.</li> <li>Rear Setback: At least 10' from the rear lot line, except that an accessory garage accessed from an alley may be setback 5' from the rear lot line.</li> </ul>
Height	The height of the accessory building may be up to 12' tall.	<p>The height of the accessory building may be up to 1.5 stories, or no higher than the principal building, whichever is less. The following specific massing standards apply:</p> <ul style="list-style-type: none"> <li>The first story wall height shall be no more than 10' above the finished floor, except that gables, dormers or other subordinate walls may support the roof structure.</li> <li>The roof peak or other top of structure shall not exceed 24' above finished floor for pitched roofs with a 6:12 pitch or greater and no more than 16' for flat or shed roofs below a 6:12 pitch.</li> </ul>
Size	200 SF or less	Maximum footprint of 400 SF or 50% of the principal building footprint, whichever is greater, but no more than 1,600 SF.
Design	<ul style="list-style-type: none"> <li>Design standards are not required for accessory buildings less than 200 SF.</li> </ul>	<p>The accessory building must be constructed with materials, architectural details and style, and roof forms that are compatible with the principal building.</p> <p>Accessory buildings may be attached to the principal building by an open roofed structure, an enclosed breezeway, or other manner that ensures it is clearly a secondary and subordinate mass from the principal building.</p>



## HOME BASED BUSINESS

A home based business is a business activity conducted within a dwelling and/or accessory structure as a subordinate use to the primary residential use of the property. Home based businesses should not change the residential character of a neighborhood and must limit the impacts of the business to surrounding residents. The following considerations must be met in order to conduct a home based business. For businesses that can not meet the standards specified below, it is recommended the business locate in a commercial zone. For specific standards, please refer to Home Occupation, Section 4.03.C.

Considerations for opening a home based business are as follows:

1. Home based businesses are limited to residents of the dwelling or tenants of the dwelling with permission from the homeowner.
2. The home based business is subordinate to the residential use of the dwelling and the space necessary to operate the business is limited, except as may be required for state-licensed family child care homes.
3. Any materials or equipment associated with the home based Business need to be stored within an enclosed structure.
4. The residential building and site must maintain its residential character.
5. Signs are limited to 1 non-illuminated sign, no more than 2 square feet, and within at least 10 feet of the primary entrance.
6. The home based business cannot generate traffic or deliveries that are not typical of a residential use.
7. All business activity must be conducted indoors, except as required for state-licensed family child care homes.
8. The business cannot use equipment or machinery that creates noise, smoke, odor, dust, radiation, electrical interference or vibration, that can be detected beyond the property.
9. The home based business should only produce refuse that is typical of a normal residential use in that zone district.
10. Customer or patron visits are limited to a maximum of 10 per day, between the hours of 7 a.m. and 7 p.m.
11. All parking necessary for the use shall be confined to the garage, driveway or street directly in front of the dwelling.
12. Wholesale or retail business are not allowed unless conducted entirely by mail.

### Procedure

Any person proposing a home based business must file an application with the Community Development Department, as well as any other local, state or federal government or agency licenses necessary for the proposed business. The Director shall either issue the permit or notify the applicant in writing as to why the permit does not meet these standards. The Director may also condition the permit on any specific conditions necessary to ensure these standards are met and maintained.

### Frequently Asked Questions

#### When is a license required?

Any time a citizen conducts a business from their home or uses their home address as the place of business, they must obtain a home based business permit.

#### How long is the license valid?

A home based business permit is valid for up to 1 year but may be revoked at any time for non-compliance with these standards or conditions. The permit shall also be void if the applicant ceases engaging in the home based business or does not reside on the premises for more than 60 days.

#### Are there any activities that are not eligible for a home based business?

The following activities are not allowed as home based businesses: animal and pet-related services; bed and breakfast/ boarding/ rooming house; clinics, hospitals, or residential care services; cosmetology services; repair services related to automobiles, motorcycles, large household appliances or other large-scale machinery; restaurants; dispatching of more than 1 vehicle to and from the residential premises (i.e. towing services, repair service, taxis, etc.).