

ORDINANCE NO. 3.01.116, Series of 2018

TITLE: A BILL FOR AN ORDINANCE TO REPEAL SECTION 13.10.160, TO RENUMBER SECTION 13.10.161 TO 13.10.160, AND TO AMEND SECTION 13.10.160 OF THE PARKER MUNICIPAL CODE CONCERNING RESIDENTIAL DESIGN MINIMUMS

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. Section 13.10.160 of the Parker Municipal Code is repealed in its entirety.

Section 2. Section 13.10.161 of the Parker Municipal Code is renumbered to Section 13.10.160 and amended to read as follows:

13.10.160 Residential design minimums.

(a) Intent. The intent of this Section is to require single-family detached units and paired units (as defined in the Town of Parker Design Standards for Commercial, Industrial and Multiple-Family Projects) that front or are located along the same side of a public street, private internal street, or public or private open space, or greenways be designed to provide a varied street scene, architectural variety, and to eliminate the reuse or repetition of identical or substantially similar building designs in close proximity to each other.

(b) Applicability. This Section shall apply to all new single-family detached units and paired units in the Town.

(1) A paired unit or units developed on separate legal lots of record, as a part of a larger subdivision, shall be subject to this Section.

(2) A paired unit or units that are developed as a part of a multiple-family development that is located on the same legal lot of record is not subject to this Section, but is subject to Section 13.10.200 of this Chapter.

(c) Building variation requirements.

(1) Identical or similar single-family detached units may not be repeated more frequently than every sixth (6th) unit along the same side of any street in a residential subdivision.

(2) Identical or similar paired units may not be repeated more frequently than every fourth (4th) building (each building contains two (2) units) along the same side of any street in a residential subdivision.

(3) Units shall be considered similar if they have similar building mass, building form, same roofline, or are the same building type or building plan. Design standards for what shall be considered similar building mass and building form are contained in the Residential Design Minimums Handbook, which is contained in Subsection (m) below.

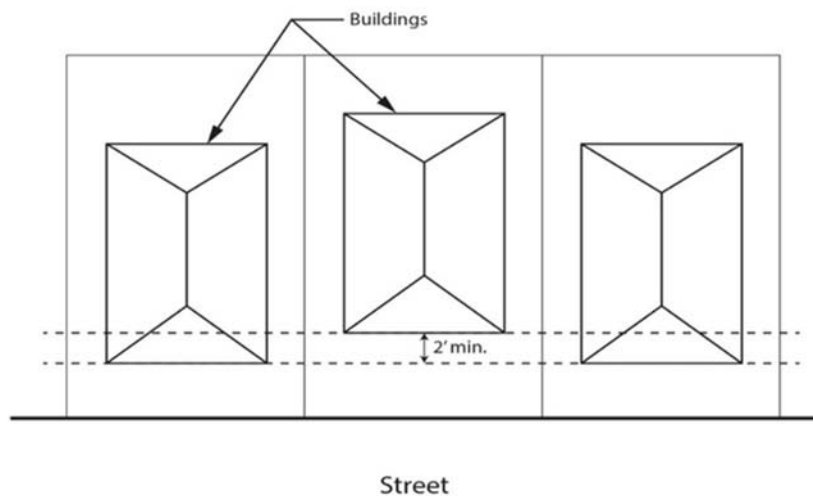
(d) Soffit design. No roof overhang or soffit, as measured from the finished side of the siding or premium material of the structure to the inside of the fascia board, shall be less than eight (8) inches, unless: the structure embodies architectural styles of an historical nature; for example, a Santa Fe style which has a flat roof without any overhang; or a Tudor style which has a roof pitch of a ten (10) vertical inch rise over a twelve (12) horizontal inch run (10/12) or greater. Requests for such an exemption shall be presented to the Planning Department prior to the issuance of a building permit, and documentation may be required.

(e) Building trim.

(1) Trim around windows shall be a minimum of three and one-half (3½) inches wide, and trim around doors shall be a minimum of two (2) inches wide. If premium materials such as brick or stone are used on the front of a structure, the premium material need not be used on the other sides.

(2) Trim details such as special moldings, colors and related details shall be used in the same manner on all sides of the structure as they appear on any side of the structure. However, shutters and muntins, including any detail exclusively associated with the use of shutters and muntins, may be used on the front without being carried to the other sides.

(f) The front building setback of one (1) lot shall be varied by a minimum of two (2) feet from the front building setback of any unit adjacent on either side of the subject lot.



Example of front building setback variation

(g) Creation of residential design plan. A residential design plan shall be created for the entire filing, as provided in the Residential Design Minimums Handbook.

(h) Approval of residential design plan - submittal requirements. Approval of a residential design plan for the entire subdivision shall be required prior to issuance of a building permit for any residential structure within the subdivision. For each subdivision, the applicant shall submit the following information to the Planning Department electronically through the Town's electronic permitting system:

(1) A complete copy of the residential design plan.

(2) Separate copies of the front and rear building elevations for each model unit that will be constructed in a filing. The respective building elevations and roof plan shall be included on the same page. Only one (1) set of elevations and roof plan shall be shown on any page. All elevations shall be accurately drawn using an identical scale of not less than $1/8" = 1'$. Roof plans shall be no smaller than $1/16" = 1'$.

(3) Application fee. The applicant shall submit an application fee as established by resolution of the Town Council.

(i) Residential design plan - review process.

(1) All proposed models in the residential design plan shall be evaluated for similarities and differences.

(2) The Planning and Building Departments shall confer regarding the similarities and differences between the proposed models.

(j) After review, if the Planning Department finds that the residential design plan complies with this Section, the Planning Department shall approve the residential design plan.

(k) Building permit. The Planning and/or Building Departments shall review the proposed permit for compliance with the approved residential design plan. Applications in compliance with the approved residential design plan shall be approved for a building permit.

(l) Appeals.

(1) If a building permit or certificate of occupancy is denied based on the failure of a residential unit to meet the design minimums set forth in this Section, the aggrieved owner may appeal to the Town Council after a hearing and recommendation by the Planning Commission.

(2) The appeal shall follow the same procedure as a request for a variance, but both the Planning Commission and the Town Council shall limit their consideration to whether the decision of the Planning and/or Building Department was arbitrary and capricious based on the evidence presented.

(3) If the Town Council finds that the decision of the Planning and/or Building Department was arbitrary and capricious, the decision shall be reversed and remanded with instructions. If the Town Council sustains the denial of the building permit or certificate of occupancy, the Town Council's decision shall be final.

(m) Residential Design Minimums Handbook.

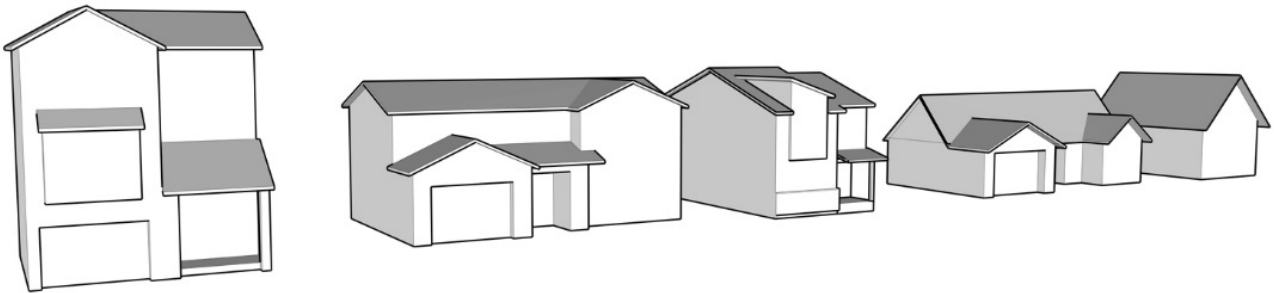
Intent: The Residential Design Minimums described in this Section were adopted to prevent the repetition of the same or similar single-family detached units and paired units that front or are located along the same side of a public street, internal private street, or public or private open space or greenway. To accomplish this purpose, this Section sets forth the parameters for building mass and form, and building variation requirements that are approved to place models into groups. A chart will be used to place models within a subdivision. Models for lot placement are evaluated, as provided in this Handbook.

- (1) Criteria for placement of model homes includes:
- a. Substantially different building mass and building form, and
 - b. Building variation requirements:
 - 1. Substantially different roof type.
 - 2. Elevation plane variation.
 - 3. Exterior surface material schemes and color palettes.

(2) Building mass and form resulting in differences in building composition (vertical bays and a pattern of openings).

a. Building mass: Considered to be the outline of the unit. Massing denotes the basic primary mass and the overall scale, shape and proportion of the unit. This is determined by the height, width and depth of the unit.

b. Building form: Form includes building elements and horizontal/vertical breaks of a unit. The style of the unit includes ranch, tri-level or two-story structures, as depicted in the following diagrams.

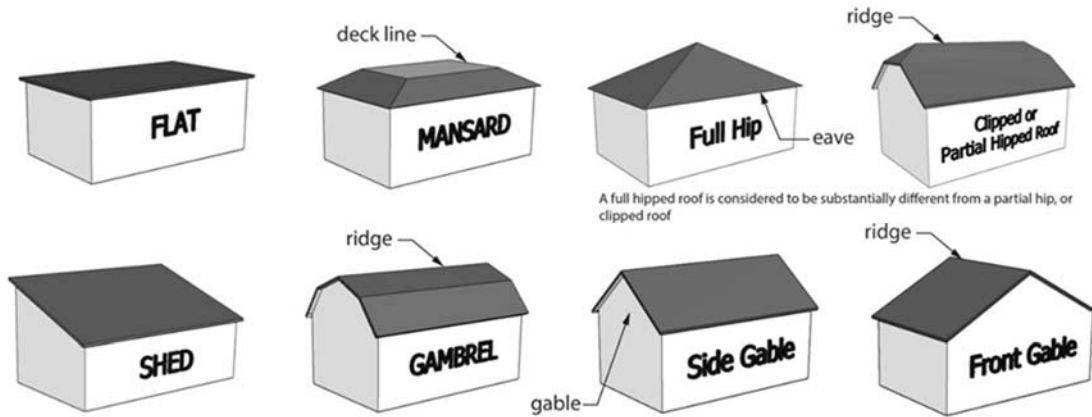


Example of single-family detached units showing differences in building mass and form.

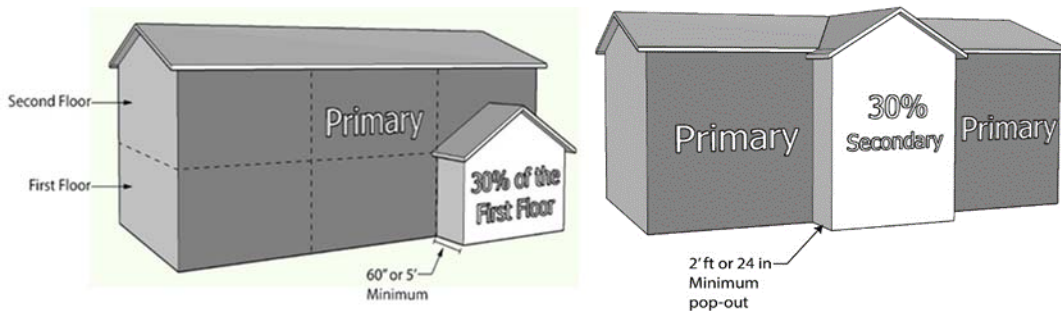


Example of paired units showing differences in building mass and form.

- (3) Building variations requirements:
- a. Substantially different roof type: Roof types consist of mansard, hip (full or clip), flat, gambrel, gable and front-to-back (shed style), as depicted in the following diagram.



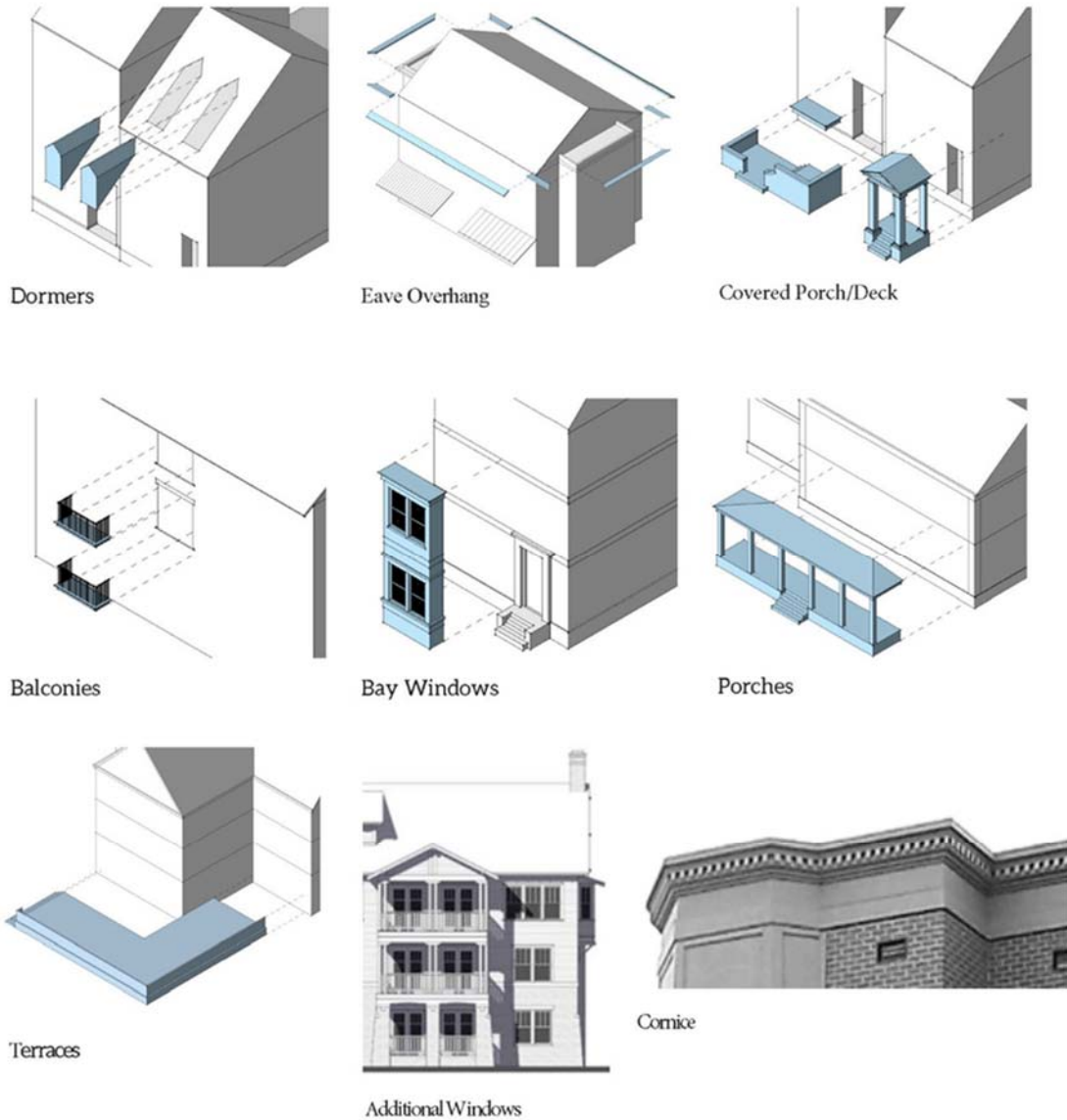
b. Elevation plane variation: The elevation plane is identified as the exterior wall of the structure. For an elevation plane to be considered substantially different from another model, the secondary plane must project at least sixty (60) inches from the primary plane and constitute at least thirty percent (30%) of the first-floor elevation plane (excluding planes with garage doors) or the secondary plane must project at least twenty-four (24) inches from the primary plane and constitute at least thirty percent (30%) of the entire elevation plane (first and second floors), as depicted in the following diagram:



c. Exterior building elements and palettes: Exterior building elements and palettes include architectural details and materials on a structure that are used to create a distinctive differentiation between structures and shall be used to distinguish the entire structure including the rear. Exterior building elements for buildings that contain paired units include the addition of the following to the building (examples of these elements can be found in the multiple-family design standards contained in the Town of Parker Design Standards for Commercial, Industrial, and Multiple-Family Projects):

1. Covered porch/deck.
2. Additional windows.
3. Eave overhang.

4. Cornice.
5. Dormers.
6. Balconies.
7. Bay windows.
8. Terraces.



Examples of Exterior Building Elements

d. Exterior building palettes include the use of substantially different building materials to make the unit appear different. The material differences shall be substantial in nature, *i.e.*, a) base change from brick to stone; b) material change

and/or variation on upper portion of a structure from siding; or c) architectural detailing.



Examples of base, middle, and top building material changes

(4) Creation of Residential Design Plan (Matrix): This Paragraph identifies the system for the placement of unit models on lots throughout a subdivision.

a. Single-family detached units: In order for single-family detached units to be located next to each other, they shall meet the following:

1. Substantially different building mass and form (*i.e.*, a ranch can be placed next to a two-story home and a 40-foot-wide home can be placed next to a 50-foot-wide home).

2. If building mass and form are similar, then two (2) of the following three (3) criteria shall be satisfied:

- a) substantially different roof type;
- b) elevation plane variation; or
- c) exterior surface material schemes and color palettes.

b. In order for a single-family detached unit to be placed three (3) lots away in either direction, it must meet the following: If building mass and form are similar, then one (1) of the following three (3) shall be satisfied:

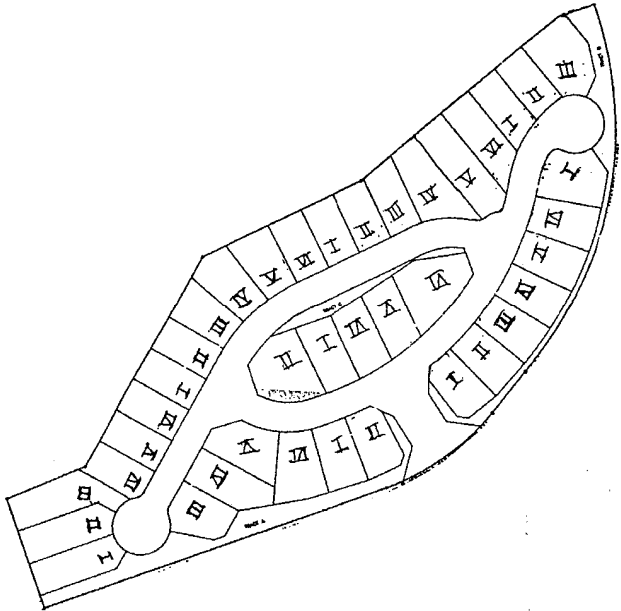
- 1. substantially different roof type;
- 2. elevation plane variation; or
- 3. exterior surface material schemes and color palettes.

c. Matrix for models.

1. Lot designation for each model. Based on the above criteria, the models are placed within Lots I – VI.

Lot Model I	Lot Model II	Lot Model III
Lot Model IV	Lot Model V	Lot Model VI

2. Once the model numbers of each type of unit are categorized for each lot, these models are then laid out onto the subdivision map for the filing being developed.



Example of Single-Family Detached Unit Lot Designation. NOTE: The numerical sequence I, II, III, IV, V and VI must be maintained.

d. Paired Units: In order for buildings containing paired units to be located next to each other, the buildings must meet the following:

1. Substantially different building mass and form (*i.e.*, a ranch building can be placed next to a two-story building and a 40-foot-wide building can be placed next to a 50-foot-wide building).
2. If building mass and form are similar, then two (2) of the following three (3) criteria shall be satisfied:
 - a) substantially different roof type;

- b) elevation plane variation; or
- c) exterior surface material schemes and color palettes.

3. The following shall be followed for paired units to be placed two (2) lots away in either direction:

a) If building mass and form are similar, then one (1) of the following three (3) shall be satisfied:

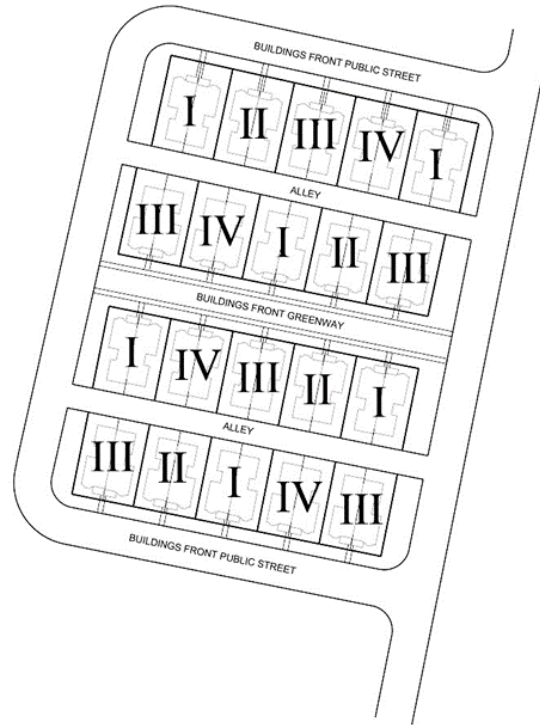
- 1) substantially different roof type;
- 2) elevation plane variation; or
- 3) exterior surface material schemes and color palettes.

b) Matrix for models.

1) Lot designation for each model. Based on the above criteria, the buildings containing paired units are placed within Lots I – IV.

Lot I Model	Lot II Model
Lot III Model	Lot IV Model

2) Once the model numbers of each type of building containing paired units are categorized for each lot, these models are then laid out onto the subdivision map for the filing being developed.



Example of Paired Unit Lot Designation. Note: Each Roman numeral represents one (1) building that contains two (2) attached units.

(5) Breaks in street scenes for both single-family detached units and paired units. A break in a street scene is classified as a separation of twenty-five (25) feet or more which separates lots from one another. The separation can be a tract for open space, greenway, park or a street intersection. When a break in the street scene occurs, the matrix numbering can start over. This means that the same model can be placed next to each other when a break in the street scene occurs.

(6) Amendments for both single-family detached units and paired units. Changes to the approved Residential Design Plan (Matrix) shall be requested in writing and shall include the following:

- a. Legal description and address of proposed change; and
- b. Street scene showing the front and rear elevations of the model constructed or planned to be constructed on either side of the model. The models should be shown for a minimum of six (6) lots on either side of the proposed amendment for a single-family detached unit and four (4) building lots for paired units, excluding any breaks.

Section 3. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this

Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 4. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 5. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney