



TOWN COUNCIL STUDY SESSION AGENDA
May 26, 2020
5:30 PM

I. Town Council Items

II. Study Session Items

1. Pine Curve and PACE Lot 2 Zoning Discussion - Fussa - 30 minutes
2. Council Election Districts Discussion - Maloney - 30 minutes



MEMORANDUM

TO: Michelle Kivela

FROM: Bryce Matthews, Planning Manager
John Fussa, Community Development Director

DATE: May 26, 2020

SUBJECT: Pine Curve, PACE Lot 2 and Hein Center Tract Q Zoning Discussion

ISSUE:

Town Council Members Cheryl Poage and Jeff Toborg have requested a discussion of the zoning for the Pine Curve, PACE Lot 2 and Hein Center Tract Q properties. The requested discussion will include consideration of rezoning the properties to PF - Public Facilities.

FISCAL/BUDGET IMPACT:

N/A

BACKGROUND:

The Town Council and P3 Urban Renewal Authority (URA) Board initiated the My Mainstreet project in 2017. The purpose of the project was to update the community vision for Downtown and seek public input about the types of uses residents would like to see on four (4) Town and P3 owned properties along Mainstreet. This effort resulted in the Town Council approval of the My Mainstreet Strategic Framework for the future use and development of these properties in November, 2018.

The Town and P3 URA are now in the implementation phase of the My Mainstreet project. This phase has involved marketing the four (4) original properties and The Schoolhouse vacant property for sale to the private sector for future development. The initial marketing effort involved a listing agreement with a commercial real estate broker, NavPoint Real Estate Group, that has expired. The current marketing effort is limited to listing the properties on the CoStar real estate web site.

The My Mainstreet properties including the Pine Curve and PACE Lot 2 sites are currently zoned Greater Downtown District - Historic Center. The Hein Center Tract Q site also has the same zoning. The Historic Center zoning allows a range of uses typically found in a downtown setting including:

Uses Permitted By-Right: general office, retail, services and sales; eating/ drinking establishments; institutional

uses such as libraries; public parks, open space and playgrounds; and residential/accommodations (hotels/inns)

Uses Permitted by Special Review: educational facilities, assisted living/nursing homes, conference centers, indoor recreation, movie theaters and parking garages

The PF-Public Facilities zoning allows a range of typical public uses including:

Uses Permitted By-Right: accessory buildings, community/recreation centers, drainage, fire protection facilities, mass transit facilities, parks, open space and playgrounds, public schools and water/sewer facilities

Uses Permitted by Special Review: cemeteries, mining quarries and outdoor training facilities for police/fire

The Parker 2035 Master Plan designates the Pine Curve, PACE Lot 2 and Hein Center Tract Q as part of the East Downtown Gateway which is described as a mixed-use neighborhood at p. 6.12. The Mainstreet Master Plan identifies these properties as part of Old Town and describes the properties as part of the future mixed-use area at p. 50-51.

RECOMMENDATION:

For discussion

REQUESTED DIRECTION:

For discussion purposes

ATTACHMENT:

1. Dev Standards and Guidelines - Historic Center (PDF)_201409161509176055
2. 13.04.160__PF_Public_Facilities_District.
3. Town of Parker Zoning_Greater Downtown and Environs_TC Study Session May 26
4. Version 2_CD_Presentation_Rezoning_Pine Curve-PACE Lot 2_May 26 TC SS

TOWN OF PARKER

GREATER DOWNTOWN DISTRICT: STANDARDS AND GUIDELINES FOR DEVELOPMENT WITHIN THE HISTORIC CENTER

Adopted October 21, 2002
Modified March 3, 2003
Modified July 7, 2008
Modified November 17, 2008
Modified February 2, 2009

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EXHIBITS

Exhibit 1	Greater Downtown and Design Districts Map
Exhibit 2	Historic Center Design District Map

TABLES

Table 1	Land Use Matrix for the Historic Center
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1.0 GENERAL PROVISIONS

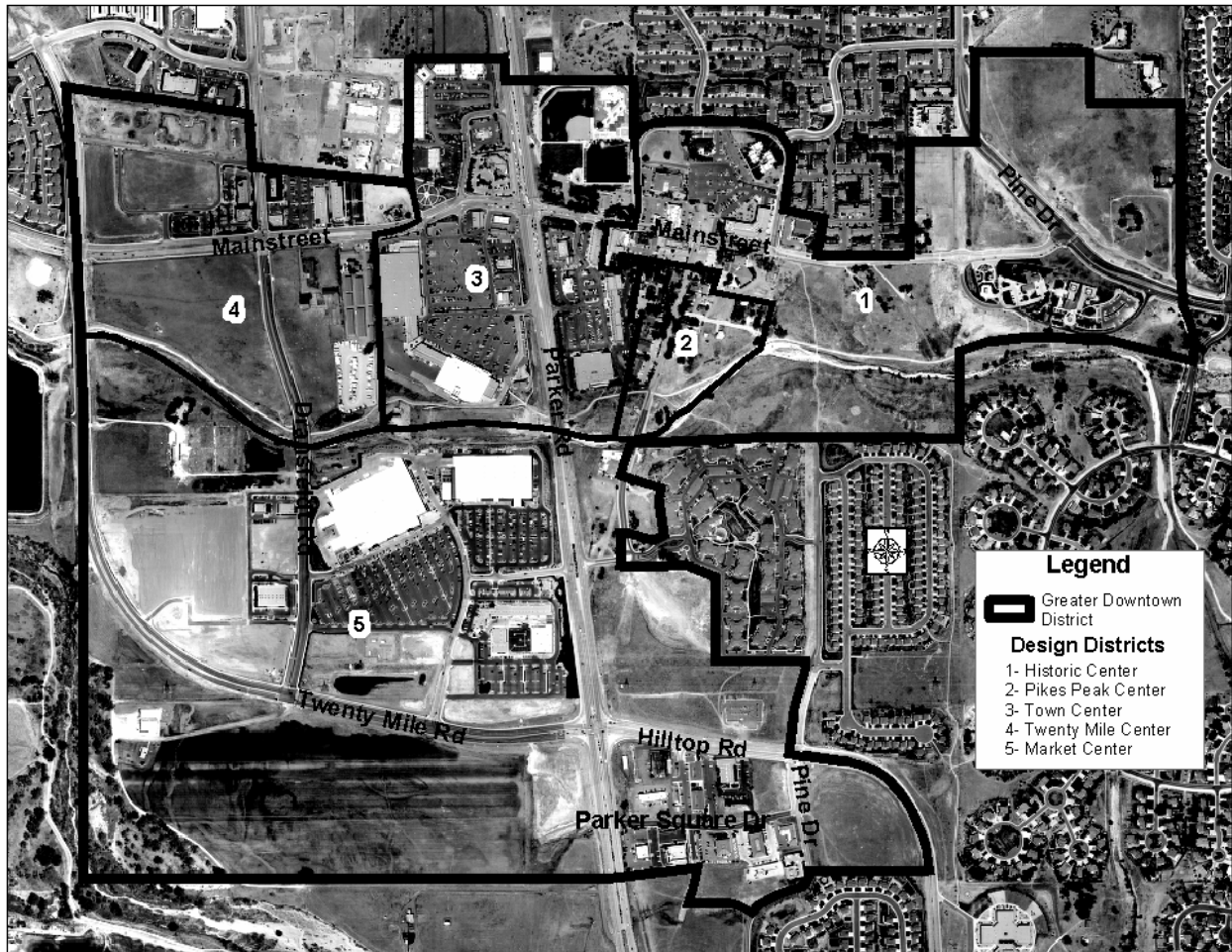
1.1 BACKGROUND

Since the early 1990's the Town of Parker has been engaged in an on-going effort to ensure the economic health of Parker's downtown area. In June of 2001, the Town Council appointed the Downtown Task Force to develop a plan that detailed both short- and long-range improvements to the downtown area and identified ways to implement those improvements. After several public open house sessions, a design charette and working sessions, the Parker Downtown Strategic Action Plan (the "Plan") was finalized and formally endorsed during public meetings by both the Planning Commission and Town Council in May of 2002. One of the action items identified in the Plan was the development of standards and guidelines for Parker's commercial core otherwise known as the "Greater Downtown". This document is a direct outcome of this effort.

1.2 GEOGRAPHIC REGIONS

The Greater Downtown Zoning District, as illustrated in Exhibit 1, covers the geographic region of Parker's commercial core. Within the Greater Downtown District, five separate "Design Districts" are established – Historic Center, Pikes Peak Center, Town Center, Twenty Mile Center and Market Center. Although similar characteristics exist across the Districts, each is unique in character, which is reinforced by distinct design requirements.

EXHIBIT 1
GREATER DOWNTOWN AND DESIGN DISTRICTS



1.3 APPLICABILITY

Each Design District has its own stand alone document that outlines intent statements, standards and guidelines for development.

This document (the “Guide”) is applicable to all development within the Historic Center Design District.

1.4 PURPOSE AND GOALS OF THE GUIDE

The purpose of this Guide is to provide direction that will foster quality development throughout the Historic Center as it relates to the Greater Downtown District.

The application of the intent statements, standards and guidelines is intended to achieve the following objectives.

- To establish a practical, interconnected system of streets, parks and walkways that allows easy orientation and convenient access for all modes of transportation.
- To utilize natural open spaces, such as gulches, and developed public spaces, parks and plazas, to organize and coordinate development.
- To accommodate a broad mix of development types that encourages alternative transportation, especially walking and transit use.
- To provide common usable open space that is of mutual benefit to surrounding property owners, businesses and residents.
- To construct the early phases of development in a manner that establishes a pattern and character for the long-term evolution of the Historic Center.
- To create a built environment that is in scale and character with pedestrian oriented activities.
- To provide opportunities to increase Parker’s retail competitiveness within its trade area.
- To encourage the long-term sustainability and vitality of Greater Downtown, including the creation of opportunities for new retail development and sales tax generation.
- To ensure that future growth proceeds in a manner consistent with the vision of the community developed through the Downtown Strategic Action Plan process.

1.5 SCOPE AND ORGANIZATION OF THE GUIDE

The Guide is written as Intent Statements, Standards and Guidelines, to be observed as follows.

Intent Statements set forth the goals for development within the Historic Center. The Standards and Guidelines provide direction as to how the goals may be achieved.

Standards are objective criteria that provide specific direction based on the related Intent Statement. Standards are used to define issues considered critical to achieving the Intent. Standards use the term “shall” to indicate that compliance is required unless it can be demonstrated that an acceptable alternative meets one or more of the following conditions:

- the alternative better achieves the stated Intent;
- the Intent will not be achieved by application of the Standard in this circumstance;
- the effect of other Standards or Guidelines will be improved by not applying this Standard;
or
- unique site factors make the Standard impractical.

Guidelines provide further considerations that promote the goals defined by the Intent Statements. Guidelines use the term “should” or “may” to denote that they are considered pertinent to achieving the stated intent but allow discretion based on site and project conditions. Achieving Guidelines may help in identifying alternative approaches to achieving Standards. Guidelines are strongly considered if there is a request to waive a related Standard.

1.6 DEFINITIONS

Unless otherwise specifically provided, the words and phrases used in this Guide shall be defined by the Town of Parker Land Development Code (the “Code”), Chapter 13.02, as amended. Words, phrases and terms not defined in the Code shall be given usual and customary meanings except where the context clearly indicates a different meaning.

1.7 SITE PLAN STANDARDS AND PROCEDURES

The site plan standards and procedures contained in Chapter 13.06 of the Land Development Code, as amended, shall apply to any project within the Historic Center.

1.8 RELATIONSHIP OF THE GUIDE TO OTHER REGULATIONS

The provisions of this Guide shall prevail and govern the development within the Historic Center except where the provisions are silent or do not clearly address a specific subject. In such cases, the provisions of the Code, as amended, shall prevail where applicable. When there are conflicts between this Guide and the Code, the Community Development Director shall resolve the conflict and determine the applicable requirement.

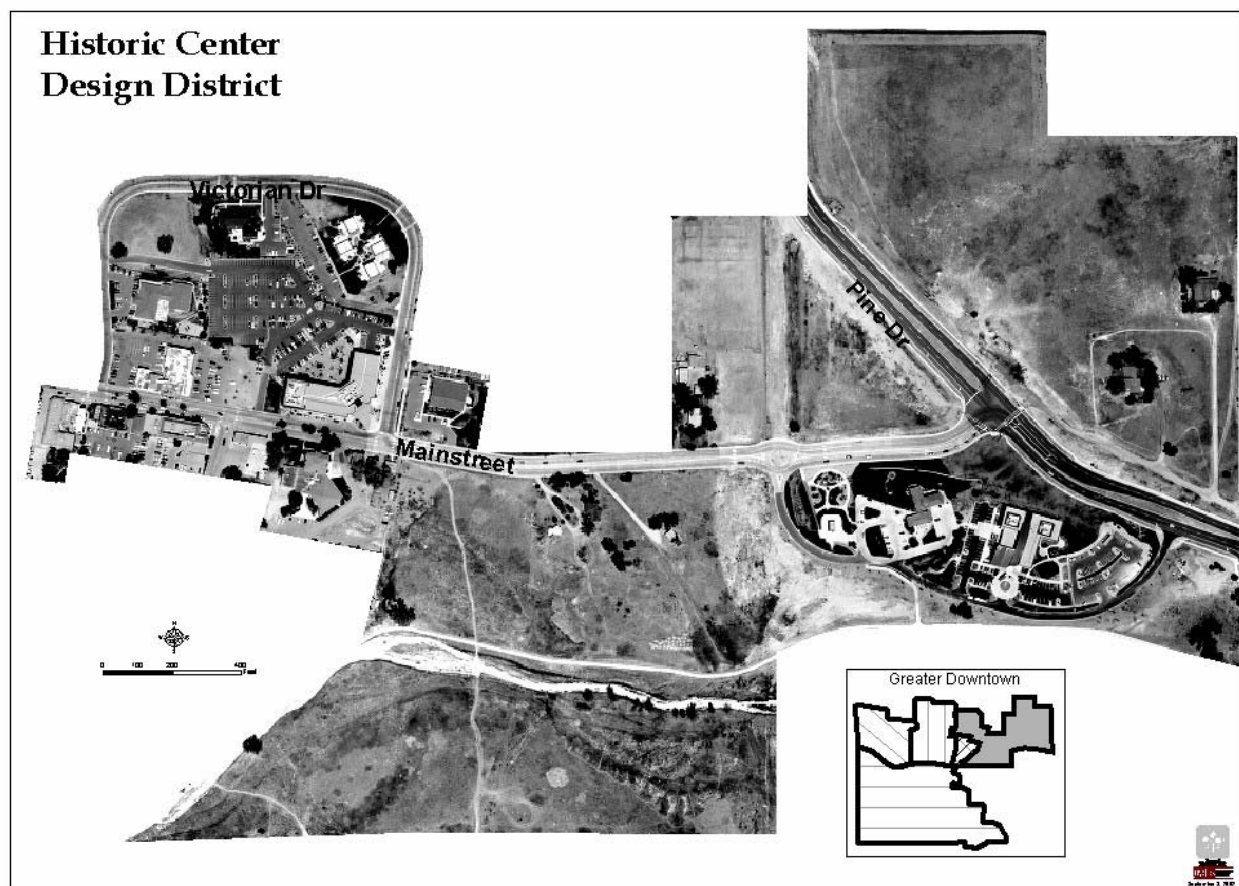
1.9 INTERPRETATION

The Community Development Director is responsible for the interpretation and application of the provisions of this Guide and the Land Development Code. Any appeal of the Community Development Director's interpretation and application of the provisions of this Guide shall be in accordance with the procedures contained in Chapter 13.01.130 of the Land Development Code, as amended.

2.0 LOCATION

The boundary of the Historic Center Design District is illustrated in Exhibit 2.

EXHIBIT 2 HISTORIC CENTER DESIGN DISTRICT



3.0 LAND USES

3.1 TABLE OF LAND USES

Land uses are divided into categories – permitted, special review and not permitted. Table 1 specifies those applicable land uses for the Historic Center.

3.2 USES PERMITTED BY SPECIAL REVIEW

Activities itemized in Table 1 as “special review” may be permitted upon approval by the Town Council following a public notice and hearing as outlined in the Land Development Code, Chapter 13.04.200, as amended.

3.3 USES NOT ITEMIZED

Uses not itemized in Table 1 or not reasonably similar to listed uses shall not be allowed unless and until the use is interpreted by the Town in compliance with the Land Development Code, Chapter 13.04.220, as amended.

3.4 ACCESSORY USES AND BUILDINGS

Accessory uses or buildings shall be allowed, provided that all of the conditions outlined in the Land Development Code, Chapter 13.04.170 as amended, are met.

3.5 HOME OCCUPATIONS

A home occupation shall be allowed as a permitted accessory use, provided that all of the conditions outlined in the Land Development Code, Chapter 13.04.180 as amended, are met.

3.6 TEMPORARY STRUCTURES AND USES

Temporary and seasonal uses and structures shall be allowed, provided that all of the conditions outlined in the Land Development Code, Chapter 13.04.210 as amended, are met.

TABLE 1
LAND USE MATRIX FOR THE HISTORIC CENTER

Residential/Accommodations

- Residential dwelling units located above the street-level floor (for sale, lease, or rent)	Permitted*
- Residential dwelling units for owners, caretakers, or employees	Permitted*
- Single-family detached	Not Permitted
- Single-family attached, condominiums, or townhouses	Permitted*
- Lodging establishments (hotel, motel, inn, or bed and breakfast)	Special Review

General Office, Retail, Services and Sales

- Professional offices	Permitted
- Financial services, such as banks and brokerages	Permitted
- Retail shopping establishments	Permitted
- Commercial services establishments, including printing and publishing	Permitted
- Research and development facilities	Permitted
- Specialty goods and service establishments	Permitted
- Grocery store	Permitted
- Convenience service establishments	Permitted
- Convenience stores with gas pumps	Not Permitted
- Motor vehicle filling stations, with or without car wash	Not Permitted
- Mortuaries and/or crematoriums	Special Review
- Greenhouses, plant nurseries (retail)	Not Permitted
- Greenhouses, plant nurseries (wholesale)	Not Permitted
- Building material sales without outdoor storage	Not Permitted
- Building material sales with outdoor storage	Not Permitted
- Personal services, such as salon, beauty shop, spas	Permitted
- Small animal veterinary clinic/hospital, dog training/grooming, kennels or pet day care (indoor)	Not Permitted
- Small animal veterinary clinic/hospital, dog training/grooming, kennels or pet day care (outdoor)	Not Permitted

Eating and Drinking Establishments

- Restaurant (with indoor and outdoor seating) with or without liquor service	Permitted
- Restaurant with drive through	Not Permitted
- Take out and delivery	Permitted
- Lounge, bar, or microbrewery	Permitted

Institutions

- Educational facilities (private and public)	Special Review
- Day care center, preschool, nursery	Permitted
- Place of worship	Permitted
- Government facilities	Permitted
- Nursing homes, hospitals, minor emergency centers, or extended care facilities	Special Review
- Assisted and independent living centers	Special Review
- Library	Permitted
- Conference center or meeting hall	Special Review

* Residential development of up to ten (10) total units per acre is permitted. Greater densities shall require Special Review.

Motor Vehicle Related Equipment Sales and Service Operations

- Automobile sales (new and used)	Not Permitted
- Automobile and truck services and repair with no outdoor storage of vehicles	Not Permitted
- Automobile and truck services and repair with outdoor storage of vehicles	Not Permitted
- Tire sales and repair (indoor)	Not Permitted
- Motorized equipment sales, leasing, rental, services and repairs as an accessory activity	Not Permitted
- Car wash (automatic or self service)	Not Permitted
- Light machinery repair	Not Permitted
- Light manufacturing or assembly of small equipment, parts, or supplies	Not Permitted
- Automotive body shop	Not Permitted

Recreation, Amusement and Entertainment

- Indoor recreational activities, such as bowling, skating, arcade	Special Review
- Cultural facility, such as a museum, stage theatre, or amphitheater	Special Review
- Indoor movie theater	Special Review
- Outdoor recreation activities, such as miniature golf, batting cage	Special Review
- Health club (with public or private memberships)	Special Review
- Circus, carnival, farmers market, or outdoor concert	Special Review
- Public park, playgrounds, or open space	Permitted
- Trail and trail head	Permitted

Transportation/Parking Structures/Storage

- Recreational vehicle storage	Not Permitted
- Self-storage units, provided no flammable or hazardous materials are kept on the premises	Not Permitted
- Commercial outdoor storage, screened from view	Not Permitted
- Parking garages (public and private)	Special Review
- Public transportation facility, such as shuttle service or park and ride	Permitted

Utilities/Alternative Energy

- Antennas that do not conflict with Federal Aviation Administration requirements (CMRSs)	Special Review
- Treatment plant	Not Permitted
- Public utility major facility	Special Review
- Water storage facility	Special Review
- Wind or solar energy conversion system	Special Review

4.0 SITE PLAN

4.1 CHARACTER STATEMENTS

The following general character statements are not intended to mandate specific regulations, but rather to provide an overall vision for the Historic Center.

4.1.1 Role

The Historic Center is where the enhancement and interpretation of Parker's historical architectural characteristics are actively pursued. The original downtown on Mainstreet is one of the most important distinguishing characteristics of Parker. This area gives heart and authenticity to the entire town. It is a historic mixed-use district that includes neighborhood and specialty shopping, professional office, cultural events, civic uses, restaurants and residential uses.

4.1.2 Architectural Character

The architectural character of the Historic Center provides for historically-referenced storefront architecture primarily oriented to Mainstreet. Architecture should interpret and enhance the local historical character and equally create pedestrian orientation and walkability. New buildings and renovations should also respect and respond to existing and planned public spaces. Amenities such as plazas, pocket parks and restaurants with outdoor seating are highly desirable and are encouraged. Continuous, high quality streetscapes that provide for continuous walks, ample landscaping and pedestrian furnishings and amenities are highly desirable and encouraged.

Building architecture and signage is intended to be rich in detail, material, texture, craft and color in order to create a human scale and level of interest that reinforces the interest of the shop fronts themselves.

4.1.3 Pedestrian and Vehicular Traffic Characteristics

The Historic Center is the core designed for pedestrian activity. Streets and open spaces must create attractive pedestrian environments. On-street parking is essential in order to provide obvious access to shops, and to generate additional pedestrian activity on the street. Streets should be comfortable for pedestrians, and limited to slow moving traffic.

4.1.4 Plazas, Parks and Open Spaces

The use of plazas, pocket parks and open spaces serve to create a stronger sense of community throughout the Historic Center and are designed to draw pedestrians to areas where active and passive recreational uses are encouraged. They serve as social gathering places and provide a sense of place and community, further enhancing the character of Parker's historic downtown.

4.2 SITE COVERAGE

Intent:

- *To provide for a balance between functional and visual needs of the property.*
- *To ensure that site coverage follows an organized, coordinated plan that achieves a successful balance of intensity, activity and identity.*
- *To the extent possible, incorporates all current, proposed and anticipated development, on and off-site.*

Standards:

- There is no specific standard for lot size to building coverage ratio, other than as described below:
 - Residential development of up to ten (10) total units per acre is permitted. Greater densities shall require Special Review.
 - A minimum of fifteen (15) percent of the total site area shall be designated for landscaping, plazas, pocket parks and/or open space.

Guidelines:

- The lot size and building coverage ratio should be compatible with existing development and historical development patterns of the Historic Center.

4.3 BUILDING ORIENTATION**Intent:**

- *To orient front facades and main entries toward streets and plazas.*
- *To define or visually contain the three dimensional space of the street or public open space.*
- *To reinforce the character and quality of streets through the development of buildings that provide orientation and access toward the street.*
- *To maintain an interesting, exciting and continuous street façade and storefront along the street.*
- *To promote sun and sky exposure to public streets and public areas.*
- *To promote the development of buildings that encourages pedestrian activity through the incorporation of pedestrian oriented uses at the ground level street frontage.*

Standards:

- Buildings shall orient facades and main entries toward all primary public streets, as well as any new public streets within the Historical Center.
- Primary public streets shall include Mainstreet, Pine Drive, Pikes Peak Drive and Victorian Drive.
- The configuration of building entrances and overall building form must establish a pedestrian oriented environment.
- Active interior areas shall face onto streets and sidewalks to enliven the street with activities and make safe, pleasing walking environments.

Guidelines:

- The majority of the building's front façade should be oriented parallel to the street on which it fronts.
- Building frontages and storefronts should be as continuous as possible along the street.
- Buildings should be sited in such a way as to create active outdoor spaces.
- Buildings and landscape features should be oriented to frame views of special buildings and open spaces.
- Primary building entries should be oriented toward streets. Where multiple tenants occupy a building(s), shared entries are encouraged which provide direct access to the street and sidewalk. Rear entrances may be allowed where appropriate.
- Streets should not be lined by blank walls and should be viewable from active interior spaces to provide informal surveillance of the street.

4.4 BUILDING SETBACKS**Intent:**

- *To create a reasonably continuous building edge to the street, that defines an exterior spatial enclosure helpful in achieving intensity, activity and identity.*
- *To create a "main street" configuration that enlivens commercial areas by encouraging window shopping and streetside activity.*

- *Bring buildings to property lines adjacent to the street/sidewalk without significant setbacks to create street enclosure.*

Standards:

- Buildings shall line a street, at or near the public right-of-way, to the greatest extent possible.
- The front setback required is zero (0) feet; however, consideration will be given for a relaxed setback when adjacent development is not positioned along the street edge.
 - o A setback tolerance will also be considered for outdoor dining areas, pedestrian activity zones or plazas as long as the treatment within the setback complements the sidewalk or pedestrian circulation system in design.
- Where a front setback landscape perimeter area occurs between a building frontage and a street right-of-way, it shall be designed to extend the pedestrian amenities of the street, such as increased walkway widths, areas for outdoor café/restaurant seating, increased sidewalk widths to allow window shopping out of the stream of pedestrian traffic, and space for the temporary display of a retailer's goods.
- There is no side or rear setback.
- Buildings shall be setback a minimum of twenty (20) feet from the 100-year floodplain as shown on the most recent FEMA map.

Guidelines:

- Building setbacks from non-arterial streets should be minimized.
- Setbacks should reflect the desired character of the area and bring buildings close to the sidewalk.
- Provide a building edge for the majority of the street frontage, to the greatest extent possible.
- Buildings should be sited to create active outdoor spaces.

4.5 BUILDING HEIGHT

Intent

- *To reflect the desired character within the Historic Center.*
- *To concentrate pedestrian activity through density and provide visual interest and urban character by allowing upper floors with residential or office uses.*
- *Use building height and massing to emphasize important corners, designate points of entry and create a density to differentiate the Historic Center from the surrounding Design Districts.*
- *To ensure that scale relationships between adjacent and surrounding existing buildings is maintained.*
- *To promote sun and sky exposure to public streets and public areas.*

Standards:

- Buildings may not exceed four (4) stories or sixty (60) feet in height, whichever is more restrictive. Building height shall be measured from the average finished grade to the mid point of a pitched roof or the top of a flat roof (not including parapet). Mechanical equipment and associated screening are excluded from the building height requirement.
- Additional height allowances for building height and architectural detailing such as pediments, clock towers, etc..., shall require special review.
 - o Additional height allowances shall be based on the design, materials and appropriateness of the request in its proposed location.
- Taller buildings adjacent to lower buildings shall establish scale relationships with lower, neighboring buildings through methods such as: compatible horizontal alignment of architectural features and fenestration, and height and form transitions from one building to another.

Guidelines:

- Lower building heights or upper level stepbacks are encouraged on the south or east side of the street or public open space in order to provide more sun penetration to the ground level.

4.6 SITE ACCESS**4.6.1 Vehicular Access and External Circulation****Intent:**

- *To balance the needs and viability of the pedestrian as well as the car.*
- *To reduce automobile speeds to promote improve pedestrian accessibility and safety while continuing to accommodate safe vehicular movement.*
- *To establish a logical and practical system of streets and vehicular circulation patterns that facilitate simple, direct and fully interconnected access throughout the Historic Center and that ties into the established pattern of arterial and collector streets.*
- *To complement the function and pattern of arterial and collector streets.*
- *To provide convenient, interconnected access to all lots and development parcels that allow dispersion of local traffic without encouraging “cut-through” to non-local destinations.*
- *To coordinate automobile, pedestrian and bicycle movement to equally ensure efficiency and safety for all modes.*

Standards:

- All public streets shall conform to applicable Town adopted street standards.
- Access points to development shall be designed to tie into the established pattern of public streets.
- Vehicular circulation shall establish a logical pattern that facilitates simple, direct and fully interconnected access to public streets. Local streets shall have travel and parking lanes sufficiently narrow to slow traffic and allow trees to form a pleasing canopy over the street, while providing for access of automobiles and emergency and service vehicles.
- Intersections within the Historic Center shall be designed to facilitate both pedestrian and vehicular movement.

Guidelines:

- The street pattern should be simple, avoiding winding roads, dead end streets and cul-de-sacs.
- Streets should contribute to the Historic Center’s unique identity.
- The street system should provide multiple and parallel routes within the Historic Center and between the Historic Center and other Design Districts.
- An arterial street should not be the only route to and from the Historic Center.
- Alleys should be used to serve residential and commercial developments within the Historic Center to allow for visual relief for the streetscape and allow vehicular access to individual parcels.
- Unless absolutely necessary, additional turning lanes at intersections should be avoided to minimize pedestrian crossing dimensions.
- Shared vehicle entries between adjacent lots are strongly encouraged.

4.6.2 Pedestrian Access and External Circulation**Intent:**

- *The Historic Center is designed for pedestrian activity. Streets, plazas and open spaces must create attractive pedestrian environments.*
- *To design a safe, convenient and inter-connected system of pedestrian walks along all streets and through all private development sites and open space areas.*
- *To minimize conflicts between automobiles, pedestrians and bicyclists.*
- *To provide pedestrian connections to trails and other circulation networks.*

- *To provide continuous opportunities for pedestrian movement through the development.*
- *To enhance pedestrian safety and comfort by providing clearly defined routes from the public sidewalk to primary building entries, trail connections and schools.*
- *To ensure that walkways are sufficient in size to be inviting and provide a safe and pleasant experience for the pedestrian.*
- *To provide a quality of paving materials and patterns consistent with the quality of the surrounding architecture and open space.*

Standards:

- Pedestrian circulation shall be designed and located to minimize conflict with vehicular movement.
- Pedestrian system continuity shall be provided regardless of the street discontinuity.
- Where possible, the primary pedestrian path system shall coincide with the street system. Diagonal short cuts through parks, plazas and greens are an exception and encouraged.
- Pedestrian systems shall connect with existing and planned thoroughfares, public parks and civic facilities, where appropriate.
- Safe pedestrian crossings across arterials and collectors shall be provided where pedestrian movement is anticipated.
- Sidewalks are required on all streets within the Historic Center.
 - o Commercial and mixed-use settings shall provide for a minimum width of eighteen (18) feet that include at least two (2) activity zones: an amenity or buffer zone where street trees, street and pedestrian lights, and other street furniture are located; and a walking zone with a minimum width of eight (8) feet, clear of obstructions.
 - o Residential settings shall provide for a minimum width of eighteen (18) feet that include at least two (2) activity zones: an amenity or buffer zone where street trees, street and pedestrian lights, and other street furniture are located; and a walking zone with a minimum width of five (5) feet, clear of obstructions and shall parallel the public street.
 - o All sidewalks shall align block to block and connect with those on adjacent properties.
- For commercial and mixed-use buildings that do not front a street, walkways, a minimum width of fifteen (15) feet, shall be provided along the full length of a building along any façade featuring a customer entrance.
- Pedestrian paths through parking lots shall be distinguishable from the driving aisles and other paved surfaces by differentiation in materials, texture and/or color.
- Walkways to parking are required within a development to provide a safe and pleasant experience for the pedestrian, where appropriate.
- Any development located adjacent to parks, public spaces, public facilities, or transit stops shall make sufficient pedestrian connections to ensure the coherent movement of pedestrians, bikes and cars between the development and the public amenity.

Guidelines:

- When pedestrian amenities such as plazas and seating areas are incorporated along the walkway, the width of the sidewalk should accommodate such additional uses.
- Walkways and pedestrian routes through parking lots should be avoided.

4.6.3 Bicycle Access and External Circulation

Intent:

- *To provide a safe, direct and attractive system of interconnected bikeways and bike routes throughout the area.*
- *To accommodate bicycle access by directly or indirectly providing defined routes to bicycle parking facilities.*
- *To minimize conflicts between automobiles, pedestrians and bicyclists.*
- *To encourage and facilitate bicycling as an alternative means of transportation for local trips.*

Standards:

- Bicycle access shall be provided between bicycle trails and on-site bicycle parking areas.
- Bicycle trails shall be sufficient in size to be inviting and provide a safe and pleasant experience for the bicyclist.
- Major destinations such as parks, schools, employment areas and shopping shall be accessible by bicycle.

Guidelines:

- Bicycle circulation should connect and align with pre-existing and planned off-site bicycle routes.
- Crossings at intervening streets should be located where safe means for crossing can be provided.

4.6.4 Access to Public Transit**Intent:**

- *To encourage public transit use.*
- *To reduce auto trips within the Historic Center and surrounding Design Districts.*
- *To integrate land use planning with transportation planning.*
- *To allow for frequent, safe and convenient transit nodes within the Historic Center.*

Standards:

- Standards for transit stops shall be established in cooperation with RTD.
- The pedestrian and bicycle system must provide clear, comfortable and direct pedestrian access to existing transit (bus) stops and future transit stops.
- Transit stop locations shall provide shelter for pedestrians, convenient passenger loading zones and bicycle storage.
- Streets shall be designed to facilitate safe pedestrian crossings to transit stops.
 - o Accessibility to transit stops must be given high priority in the design of streets.
 - o Street crossing placement, design and markings should recognize the need by transit riders for fast and flexible access to the stop.
 - o Provide sufficient auto and pedestrian visibility distances, stop signs and clearly marked pedestrian crossings.

Guidelines:

- Direct paths to transit stops should be lined with activities and shade.
- The configuration of parking shopping and pedestrian routes should reinforce access to transit.

4.7 FUNCTIONING OF PLAZAS, POCKET PARKS AND OPEN SPACE**Intent:**

- *To create a stronger sense of community through more intensified use of open spaces.*
- *To encourage walking, bicycling and other recreational activities through the creation of public, outdoor spaces in the form of plazas, pocket parks and open spaces.*
- *To create public spaces that serves the community as alternative pedestrian circulation and pedestrian friendly destinations.*
- *To create parks, plazas and open spaces that are fundamental features of livable and enjoyable neighborhoods.*

Standards:

- A minimum of fifteen (15) percent of the total site area shall be designated for landscaping, plazas, pocket parks and/or open space.
- Any public park, square or plaza shall have at least twenty-five (25) percent of its perimeter abutting a street and/or public pedestrian trail/path.

- All open spaces accessible by the general public shall be open a minimum of twelve (12) hours per day.
- Public parks and plazas shall reflect and reinforce the character of the Historic Center, and be appropriate to their setting, location and use.
- Park and plaza landscaping shall provide adequate shade for comfortable mid-day summer use and sunny areas for winter use.
- All public and private open space not used for recreation shall be attractively landscaped with plant material and hard surfaces that complement the architectural materials used on adjacent structures.

Guidelines:

- Public parks and plazas should be designed for functional active and/or passive uses.
- Public spaces should be designed to accommodate such uses as fairs and markets, performances, as well as casual activities, people watching and children's play.
- Parks, plazas and open spaces should function as "town squares" suitable for public gatherings, public events, as well as recreation.
- Private open space may be fenced or otherwise controlled for security.

4.8 INTERNAL PEDESTRIAN ACCESS AND CIRCULATION

Intent:

- *To provide pedestrian circulation continuity within the development and to adjoining properties and circulation networks with minimum conflict with vehicular movement.*
- *To provide walkways that are sufficient in size to be inviting and provide a safe and pleasant experience for the pedestrian.*

Standards:

- Adequate and sufficient pedestrian circulation shall be provided, where appropriate, to ensure connectivity within the development and to the adjoining properties and circulation network with minimum conflict with vehicular movement.
- Walkways within a site shall be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination, and shall not be located and aligned solely based on the outline of a parking lot configuration.
- Walkways shall provide for a minimum of a five (5) foot clear walking zone.
- Pedestrian crossings shall be distinguished from driving surfaces through the use of durable surface materials such as pavers, bricks, or scored, colored concrete to enhance pedestrian safety as well as the attractiveness of the walkways.
- Signs, signals, lighting, median refuge areas, landscaping and/or other means of traffic calming devices shall also be incorporated at pedestrian crossings, as necessary to promote safety.
- Pedestrian amenities, such as furnishings, lighting and/or landscaping are required to create a safe and pleasant experience for the pedestrian.
- Walkways and sidewalks shall be properly maintained and free from obstructions, impediments and hazards.

Guidelines:

(none)

4.9 RELATIONSHIP TO ADJOINING PARCELS

Intent:

- To coordinate grading and infrastructure improvements.
- To ensure that development grading creates the perception of a continuous development and an intricate part of the Historic Center as a whole.
- To maximize infrastructure efficiencies and minimize duplicate facilities.

Standards:

- All development shall respect and complement existing (or approved, planned) development on adjoining sites.
- Coordinate topography, stormwater conveyance/detention and landscaping between adjoining parcels.

Guidelines:

- Discontinuous topography and stormwater conveyance that result in large retaining walls along property boundaries or multiple, disconnected stormwater facilities are strongly discouraged.

4.10 RELATIONSHIP TO SULPHUR GULCH AND OTHER NATURAL FEATURES**Intent:**

- *To provide adequate access for pedestrians, and where appropriate bicyclists, to the Sulphur Gulch trail system.*
- *To integrate visual and physical connections from adjacent development to Sulphur Gulch.*
- *To protect significant natural features and resources in order to minimize the impacts of development on the environment.*
- *To provide visual relief by maintaining natural features.*

Standards:

- All development shall demonstrate that sufficient pedestrian access is provided to the Sulphur Gulch trail or shall develop a hard-surface path, a minimum of eight (8) feet wide, to connect the development with the existing path. This pedestrian path shall meet ADA guidelines as well as any adopted standards imposed by the Town to ensure safe access by pedestrians and bicyclists throughout the Greater Downtown District.
- Major pedestrian entries that continue the system of pedestrian paths, allowing people to travel from Sulphur Gulch to other destinations within downtown shall be integrated into any development within the Historic Center.
- The topography of development parcels adjoining Sulphur Gulch shall provide smooth grade transitions to the Gulch topography.
- Major creeks, riparian habitat and other significant environmental features shall be conserved as open space amenities.
- Protect natural habitats and ensure that natural features become an integral part of the community.
- Buildings shall be setback a minimum of twenty (20) feet from the 100-year floodplain as shown on the most recent FEMA map.
- Site improvements shall minimize cut and fill in order to preserve the general character of the existing terrain.

Guidelines:

- Building groupings should provide openings or pocket parks to allow pedestrian paths to pass between buildings to allow better access from Sulphur Gulch to destinations within the Historic Center.
- Retaining walls and steep slopes that isolate the Gulch from development are strongly discouraged.

5.0 ARCHITECTURAL DESIGN

5.1 BUILDING CHARACTER

Intent:

- *To design buildings in a manner that reflects the architectural character of the Historic Center.*
- *To express the building's function, internal organization and/or structure.*
- *To create a visually comfortable and familiar environment.*
- *To create buildings that provide human scale, interest and variation.*
- *To promote architectural creativity.*
- *To incorporate art and/or ornament into the building exterior expression.*
- *To create visually pleasing, human scale environments that reinforce the historical character of the district.*
- *No project should appear to dominate an entire street or block.*

Standards:

- Projects shall create the appearance of being in continuity and scale with structures historically found in the district through variation in floor level, facades, roof forms, massing and architectural details.
- At street level, no project shall appear to dominate an entire street or block.
- An overall sense of continuity shall be created through massing, roof types and materials.
- Building materials shall convey durability and permanence and should be suited to Parker's climate.

Guidelines:

(none)

5.2 BUILDING FORM AND MASSING

Intent:

- *To encourage building forms that will define orderly and regular street spaces, compatible relationships to adjoining sites and an urban character.*
- *To create buildings that provide human scale, interest and variation in their overall form.*
- *To emphasize important components of a building, such as an entry, or a special internal space.*
- *To encourage quality renovations and commercial conversions.*
- *To promote sun and sky exposure to public streets, plazas and open space.*

Standards:

- Building conversions shall be durable and lend themselves to commercial reuse once vacated by the original tenant.
- To ensure visibility from the street and to take advantage of lot size, traditional buildings shall be simple, rectangular in form and corners at ninety (90) degree angles, especially along Mainstreet.
- Conversions and renovations of buildings to retail or office use shall meet standards similar to that of new construction, including building and fire codes, handicap accessibility, utilities, parking, lighting, screening, signage, landscaping and streetscape improvements (i.e., sidewalks and curbing).
- New buildings and additions shall be delineated both vertically and horizontally to reflect traditional patterns and convey a human scale.
- New buildings shall be divided into "modules" that appear similar in scale to buildings seen traditionally.
- Floor to floor heights shall appear to be similar to those seen traditionally.
- The overall scale and design of buildings in the Historic Center shall be compatible with one another.

Guidelines:

- Building forms should respond to important gateway locations and view termini.
- Multi-story structures ranging from two (2) to four (4) stories are encouraged.
- Significant variations in building scale or architectural design are discouraged.
- Landscaping should be consolidated into useable “urban” plazas with seating, decorative paving and lighting accents.

5.3 ROOF FORM

Intent:

- *To use roof forms that contributes to the overall image of high quality and permanence as well as create visual interest.*

Standards:

- Roof forms shall match those of existing and traditional buildings, as appropriate.
- Hipped roofs are limited to corner treatment or shed additions extending from the rear of the building.
- Flat roofs shall include a substantial number of ornamental elements. Such elements shall include, but not be limited to, peaked or sloped façade elements, cornices, and/or vertical parapets when facing all street sides, parking lots, internal vehicular and pedestrian access routes, and pedestrian corridors.

Guidelines:

- Flat roofs are encouraged.

5.4 BUILDING FAÇADE

Intent:

- *To design all building facades with high quality design, materials and detailing.*
- *To avoid large areas of undifferentiated or blank facades.*
- *To provide human scale and detailing on sides that face streets, internal circulation networks and public spaces.*
- *To create visual interest through the interplay of light and shadow.*
- *To promote articulation in building form to create visual interest.*

Standards:

- Facades and/or forms that face streets and public spaces shall exhibit high levels of design, detailing and material quality.
- Rear and side façades shall be designed to be compatible with the front façade.
- Building fronts shall be similar in scale to traditional commercial storefronts, typically between twenty-five (25) to forty (40) feet in width along Mainstreet.
- Building facades in excess of fifty (50) feet shall be articulated every twenty-five (25) to forty (40) feet. Articulation is achieved by including building columns (structural and/or ornamental), window placement and other architectural detailing.
- Renovations to existing commercial storefronts and new infill development on Mainstreet shall exemplify the same proportions as on traditional commercial buildings. Large expanses of glass for display windows on the lower level shall be incorporated with smaller, punched, evenly spaced windows on the upper floors.

Guidelines:

- Only when a façade faces an alley or service court, is largely unseen from a public street or open space, or is screened by other means, should that façade be composed of a more utilitarian level of quality.

5.5 CONSTRUCTION MATERIALS**Intent:**

- *To use materials complimentary to those found in the traditional buildings within the Historic Center.*
- *To establish consistently high levels of material detail, durability and quality consistent with the urban character of streets and open space.*
- *To use materials that convey a sense of quality, and attention to detail.*
- *To encourage material palettes that emphasize the urban character of the Historic Center with color, texture and durability.*
- *To utilize materials of a quality, durability and scale appropriate to pedestrian activity and context.*
- *To encourage the use of new, quality materials while still retaining the overall architectural character found within the Historic Center.*

Standards:**5.5.1 Exterior Walls**

- Siding materials shall be limited to lap siding or masonry. Segmented horizontal siding such as wood or cementitious siding is appropriate when the maximum exposed dimension is eight (8) inches; three and one-half (3 1/2) inches is preferred. The use of logs and natural stone is acceptable.
- Architectural precise concrete is a recommended primary building material.
- Treated, color metal materials and Exterior Installation Finish Systems (EIFS) may be allowed as architectural accents.
- Exterior building materials shall not include the following: split shakes, rough sawn or board and batten wood, smooth-faced gray concrete block, painted concrete block, tilt-up concrete panels, field painted or pre-finished standard corrugated metal siding, standard single or double tee concrete systems, modular paneled materials, concrete masonry units (CMU), masonite, or aluminum and vinyl.
- All sides of the building shall include materials consistent with those on the front.
- Highly reflective materials are prohibited.
- Applicants are required to submit a sample material board.

5.5.2 Windows

- The use of clear glass (90 percent light transmission) is strongly encouraged for storefront windows.
- Tinted glass may be used for energy conservation on south and west facing walls when it can be demonstrated that it does not detract from the character of the Historic Center.
- Reflective glass shall not be permitted.

5.5.3 Roof Materials

- Visible roof surfaces shall be of durable materials such as metal, flat tile, slate, or architectural grade asphalt shingles. Wood shingles are prohibited.

5.5.4 Colors

- All building and visible roof colors shall be presented to the Town during the site plan process phase of the planning submittal. Samples shall be affixed to a board and labeled according to use and location on the proposed building.
- Color choices for all buildings shall be made from those allowed within the range delineated according to the Munsell color notion system from the Munsell Book of Color on display in the Planning Department.
- The Munsell system of color notion is broken into three categories: hue, chroma, and value. Chroma is the only characteristic with one set limit, which is as follows: Body color is limited to a maximum chroma of four (4). Trim color is limited to a maximum chroma of six (6). Accent color is limited to a maximum chroma of eight (8). (If yellow or red is used, body color is limited to a maximum chroma of eight (8), trim color is limited to a maximum chroma of eight (8), and accent color is limited to a maximum chroma of ten (10)).
- Colors not in compliance with chroma requirements may be approved by Special Review.
- Visible roof surfaces shall not be of intensely bright, reflective colors that distract from the street or pedestrian corridor. Flat, dark colors are encouraged.
- Metal roofs shall be dark, non-reflective colors.
- Bright colors are inappropriate and are strongly discouraged.

Guidelines:

(none)

5.6 ARCHITECTURAL DETAILS

Intent:

- *The architectural style, finish, and detailing should distinguish the Historic Center from other Design Districts and from surrounding development.*
- *To convey a historical quality with “character defining features”.*

Standards:

5.6.1 Doors

- Clearly identify the primary entrance through the use of awning, change in roofline, or other architectural features to define the entry.
- Recessed building entrances shall be incorporated into building facades that front Mainstreet.
- All front entry doors shall have windows and be a minimum of thirty (30) percent transparent.
- Doors facing a street shall parallel the street unless parcel and building occupy a corner lot abutting two primary streets, in which case, the door may be positioned at a 45-degree angle to the corner. Front entry doors on corner lots may be located on the corner of the building.
- Door openings shall be trimmed appropriately for the style of the building.

5.6.2 Windows

- Display windows of traditional buildings are usually separated by architectural detailing that reflects the building structure and helps to break up large expanses of glass. Vertical columns and/or structural piers can be essential to establishing a design character that adds interest to the overall building façade.
- Mullions shall be applied in a traditional manner to large expanses of glass.

- Upper story windows shall be vertically oriented and uniformly spaced along all exposed facades. Second story windows on traditional buildings typically have a ratio of width-to-height of one-to-two.
- All windows located along the upper floor of buildings shall be double hung windows or resemble this type of window.
- Storefront windows should be located a minimum of eighteen (18) inches from the sidewalk grade to accommodate a traditional bulkhead. Maximum bulkhead height shall not exceed thirty-six (36) inches.
- Upper floor windows shall be divided into individual units and not consist of a “ribbon” of glass.
- Shading devices and techniques shall be used to reduce interior glare, conserve energy and contribute to visual interest.

5.6.3 Awnings

- Awnings shall exhibit traditional awning form. Awnings shall be triangular in section with a valance of eight (8) inches maximum, extending at an acute angle to the building façade. Different awning designs may be approved by special review where the applicant can demonstrate that the awning design meets the intent of this Section.
- The awning shall be proportional to the storefront and not obscure architectural and ornamental detailing.
- The top edge of the awning shall align with the top of the window or align with the framing that separates the transom from the main display window to help strengthen visual continuity along the street.
- Back-lit awnings are prohibited.
- Awnings are encouraged to be a solid color and to be made of canvas or similar non-reflective material. Awnings may be fixed or operable.
- Awnings on buildings that have a zero (0) foot setback shall not project more than five (5) feet into the public right-of-way. Any projection into the public right-of-way must be approved by the Director of Public Works.
- Detail of proposed awnings shall be submitted with the building elevations.

5.6.4 Ornamental Detailing

- Include simplified interpretations of traditional architectural detailing such as parapets, cornices, window arches, brackets, railings and similar details appropriate to the style of the building. Ornamental details shall include EIFS, metal, precast concrete, stone, masonry or wood. Wood or a molded synthetic substitute may be considered an acceptable option for new or renovated buildings. For development fronting Mainstreet, ornamental caps or cornices at the top of the façade are encouraged because such details lend a “finished” look to the building.
- Buildings higher than one story shall have architectural delineation between floors along the primary and secondary street elevations to help promote traditional building scale.
- Buildings occupying a corner lot shall include window, door, and ornamental detailing on all sides fronting streets.

Guidelines:

(none)

5.7 PARKING STRUCTURES

Intent:

- *To minimize the visual impact of parking on the pedestrian experience, and the street environment.*
- *To increase pedestrian activity and interest along the street by locating active uses at the street level of parking structures.*

- *To design the garage facades visible so that they are compatible in character and quality with adjoining buildings.*
- *To create visually interesting facades.*
- *To avoid large areas of undifferentiated or blank facades.*
- *To provide human scale and detail.*

Standards:

- Entrances shall be clearly identified and easily accessible.
- Parking garages shall have all pedestrian entrances directly onto a sidewalk.
- Facades shall conceal or effectively minimize the impact of parked cars and light sources from the exterior view for the full height of the structure.
- Openings shall be vertically and horizontally aligned.
- Each building façade oriented to the street or public space shall include architectural variety and scale through the use of such elements as: expressions of building structure; patterns of windows, door or other openings that provide surface variation through change in plane; change in color; change in texture; change in material module or pattern; art, signs or ornament integral with the building.
- Parking structures shall incorporate architectural materials and details similar to those buildings adjacent to and typically found in the Historic Center.
- Landscaping around parking structures should be designed to screen parked cars on the ground floors of such structures and to minimize the impact of headlights on nearby areas.
- Parking structures shall screen all head-in parking with a continuous wall no less than 42 inches high in front of the vehicles. The wall shall be constructed of materials that are equal to or equivalent in quality to the facades of the garage building.
- Multi-story parking structures (three (3) levels or more) with facades facing public streets shall consider incorporation of other uses at ground levels, or design ground level bays and drive aisles and floor to floor heights to accommodate future conversion to retail or commercial uses on facades facing public streets or active open space.

Guidelines:

- Whenever possible, “active” development buildings should wrap around the parking garage.
- Sloping ramps should not be visible within the street façade of any parking structure.

6.0 SCREENING OF MECHANICAL EQUIPMENT, DUMPSTERS AND SERVICE AREAS

Intent:

- *To effectively mitigate negative visual and acoustic impacts of mechanical equipment, dumpsters and service areas.*

Standards:

- Screening walls, coverings, and/or fences shall use architectural elements, materials, colors, and designs that conform to or complement the predominant materials, colors, and elements of the building or landscaping to which it is accessory.
- All mechanical equipment and associated screening shall be integrated with the color and architectural design of the subject building.
- Only synthetic stucco, metal, EIFS or wood panels for screening are permitted, unless it can be demonstrated that other materials are detailed with sufficient care and quality to provide a high quality, long term appearance.
- Roof-mounted mechanical equipment shall be screened equal to or greater in height than the equipment and an integral part of the building's architectural design.
- All roof-mounted equipment shall be painted flat, dark colors.
- Screen walls shall be of a quality that is equivalent in visual appearance to the building materials.
- Wall-mounted mechanical equipment shall be designed and colored to blend with the color and architectural design of the subject building.
- Wall-mounted mechanical equipment that protrudes more than six (6) inches from the outer building wall shall be screened from view by structural features that are compatible with the architecture in materials and quality, where appropriate.
- All ground level mechanical equipment, service areas, storage areas and loading docks shall be screened from public view using opaque fencing or a combination of fencing and plant material. Treated wood, masonry partitions, screens, or evergreen hedges shall be used. Screen walls or fences shall conceal mechanical/electrical equipment from pedestrians.
- Screening of service areas will ensure that rear entrances and parking areas are safe, attractive and clean.
- Dumpsters and garbage storage areas shall be screened from view from public rights-of-way, all residential properties and from primary entries of adjoining non-residential properties.
- Dumpsters and garbage storage areas shall be screened on all sides by a wall sufficient in height to visually conceal the facility with access provided through a gate.
- Dumpster enclosures shall be constructed of durable exterior materials and shall be architecturally and visually compatible with the primary structure.
- Dumpster enclosures and screening shall be maintained in good working order.
- Dumpster gates shall remain closed except when trash pick-ups occur.
 - o Applicants shall be responsible for coordinating with a solid waste disposal provider on matters relating to interior dimensions, locations and access.

Guidelines:

- If the screening walls for ground mounted mechanical equipment exceed four (4) feet in height the equipment location should be relocated to a less visible location on site. Screening will still be required.

7.0 LIGHTING, FENCES AND SITE FURNISHINGS

7.1 SITE LIGHTING

Intent:

- *To create a well balanced, integrated lighting plan for public and private properties that enhances vehicular and pedestrian visibility while minimizing lighting glare and contrast.*
- *To provide a safe and secure environment for pedestrians and vehicular traffic.*
- *To minimize light pollution and light trespass.*
- *To promote continuity and character throughout the Historic Center.*

Standards:

- In addition to the following standards, Chapter 13.10.140 of the Land Development Code, as amended, applies.
- Vehicular and pedestrian lighting shall be provided throughout all vehicular and pedestrian circulation areas to promote safety.
- Outdoor building lighting, pedestrian lighting and street lighting must be uniform throughout the Historic Center to promote continuity and character throughout the area.
- Sidewalks and secondary pedestrian walkways shall be lit using lighting fixtures identified as the standard pedestrian light fixture by the Town.
- New development, redevelopment and site improvements shall apply the Town adopted five (5) globe light standard in appropriate locations along primary streets and pedestrian walkways.
- Off-street parking lots shall be lit for safety purposes. Fixtures shall correspond to other site lighting elements and include specific features that minimize light pollution onto adjacent parcels, such as full cut-off fixtures.
- Lighting shall be coordinated with the building entrances, signage and pedestrian access. Front building facades shall be the dominant element and shall not be overpowered by other light sources.
- Balance the color and intensity of lighting among different building features. Avoid blue fluorescent lighting.
- Lighting shall be designed to minimize light pollution and light trespass.

Guidelines:

(none)

7.2 PARKING LOT LIGHTING

Intent:

- *To illuminate the parking lot for traffic safety and personal security in a consistent, attractive, unobtrusive manner that minimizes off-site impacts.*

Standards:

- Light sources shall be concealed and shielded with an angle not exceeding ninety (90) degrees to minimize the potential for glare and unnecessary diffusion on adjacent property.
- All freestanding luminaries within a parking lot shall be the same height.
- The height of the luminaire shall not be greater than the height of the building, but at no time shall exceed thirty (30) feet.
- The style of light standards and fixtures within parking areas shall be consistent with the style and character of architecture proposed on the site. Poles shall be anodized (or otherwise coated) to minimize glare from reflection and the light source.
- Lights in foreground spaces, such as building entrances and plaza seating areas, shall utilize decorative, Parker-style streetlights that define the space, are appropriate for pedestrian areas and are without glare.

- Lighting that may be confused with warning, emergency or traffic signals is prohibited.
- Parking lot lighting fixtures shall be setback from the property line at least equal to the total height of the luminary unless the light fixtures are sharp cut-off, directional throw luminaires that reduce off-site glare more than would be possible with a full-directional fixture located within the parking.

Guidelines:

- When feasible, illumination shall be located within divider medians or terminal islands.

7.3 FENCES AND WALLS

Intent:

- *To provide for the coordination of design and location of walls and fences to maximize the positive interrelationship of buildings, public streets and open space.*
- *To screen or buffer service areas, refuse containers and utility fixtures from views from streets, open space and adjacent properties.*
- *To provide security from private and common space not open to the general public.*
- *To avoid the predominance of long, unarticulated street facing walls or fences and prevent “fence canyons”.*

Standards:

- Fences and walls shall use architectural elements, materials, colors, and designs that conform to or complement the predominant materials, colors, and elements of the building or landscaping to which it is accessory.
- Gates are to be of materials, design, and color compatible with their associated walls or fences.
- Typical vertical board or palisade fences are not allowed if viewable from the street.
- Barbed wire, concertina wire and razor wire style security barriers are not allowed.
- Retaining walls shall be cast in place concrete or integrally colored keyed block.
- Retaining wall systems shall be consistent on adjoining parcels.
- Landscape timbers and railroad tie walls are not permitted.
- Retaining walls shall not exceed four (4) feet in height.
- Fences shall not exceed a linear distance of fifty (50) feet without a change in materials for a distance of five (5) feet or incorporating a projection or recess of three (3) feet or more.

Guidelines:

(none)

7.4 SITE FURNISHINGS

Intent:

- *To provide seating in private or open spaces accessible to the public.*
- *To provide trash receptacles at areas where pedestrian activity is expected.*
- *To provide consistency and durability in the design of site elements such as railings, bollards, tree grates, benches and trash receptacles.*
- *To ensure high quality design.*
- *To maintain a clean, safe environment.*

Standards:

- Seating shall be durable, comfortable, attractive, and easy to maintain.
- Street furniture, including trash receptacles, shall relate in appearance, design and color.
- Trash receptacles shall have covered tops and sealed bottoms.
- Site furnishings and trash receptacles should be firmly attached to paving to avoid vandalism.

- Site furnishings and trash receptacles shall be dark in color and have a design that is in character with the Historic Center
- Trash receptacles shall not be overfilled to the point that they will not close. Trash shall be removed on a regular basis.

Guidelines:

Trash receptacles should be conveniently located near benches, and other activity nodes, but not placed directly adjacent to benches.

7.5 PARKER-STYLE LIGHT ENHANCEMENT

Intent:

- To create a unique neighborhood district identity by allowing streetlight enhancements.
- To distinguish and promote the unique historic character identity of the Pikes Peak Center.
- To foster a sense of community and a place of interest among the property owners, businesses and the public.
- To ensure complimentary, consistency and durability in the chosen style and design of the enhancement for the District.

Standards:

- Enhancements shall be attached to existing privately owned Parker-style 5 globe streetlights.
- One enhancement for each Parker-style 5 globe streetlight shall be allowed.
- Enhancements shall be separated by a minimum of one hundred feet (100') apart, unless separated by a public right-of-way.
- Location of enhancements on the light shall be oriented the same throughout the district (and shall be directed toward the sidewalk, toward the street or centered).
- All enhancements shall use the same type of attachment devices throughout the district.
- There shall be a minimum of a seven foot (7') clearance between the bottom of the enhancement and the sidewalk or such greater clearance as required by applicable state or federal law.
- Enhancements shall not impede onto any right-of way.
- Enhancements shall be a maximum of four (4) square feet and shall be of proportionate size so as to not visually overpower the Parker-style 5 globe streetlight of which it is attached.
- Enhancement material shall be metal with a durable finish such as a powder-coat finish.
- Enhancements shall not be illuminated.
- The district shall use only one (1) design enhancement for the entire district and the design shall have a minimum of sixty percent (60%) area as decorative/artistic and the remainder area may be text.
- Enhancements shall not be solid and shall be designed and constructed incorporating wind venting in order to withstand wind pressure.
- Enhancement text may only be that of the chosen district identification name with no commercial logo or message.

Guidelines:

(none)

7.5.1 PARKER-STYLE LIGHT ENHANCEMENT PROGRAM APPROVAL PROCESS

Intent:

- To provide clear information regarding the application submittal requirements and the approval process.
- Applicant, as defined for this process, shall be a recognized organization of property owners that represent the district or shall be a group of property owners representing more than fifty (50) percent of the legal parcels within the district who have each signed a Letter of Authorization.

Application Process:

- Applications for the Parker-Style Light Enhancement Program shall be processed through the Community Development Department.
- Parker-Style Light Enhancements shall be approved by Planning Commission.
- If an enhancement program has already been approved by Planning Commission and additional enhancements are requested, any additional enhancement request may be approved by the Community Development Director or Planning Commission subject to the following criteria:
 - o Any additional enhancements shall be identical in size, style, design, color and text as the originally approved program.
 - o The standards for Parker-style Light Enhancements have been met.
 - o No more than a twenty percent (20%) increase of the originally approved enhancements shall be allowed to be approved by the Community Development Director.
- Submittal Requirements:
 - o A completed application form with original signature(s).
 - o Application review fee.
 - o Color elevation details, to scale, of the proposed enhancements.
 - o A site plan exhibit indicating the proposed locations.
 - o Any other supplemental materials deemed necessary by the Community Development Director.

7.5.2 PARKER-STYLE LIGHT ENHANCEMENT PROGRAM MAINTENANCE***Intent:***

- To ensure the compliance of proper care and upkeep of the light enhancements.

Standards:

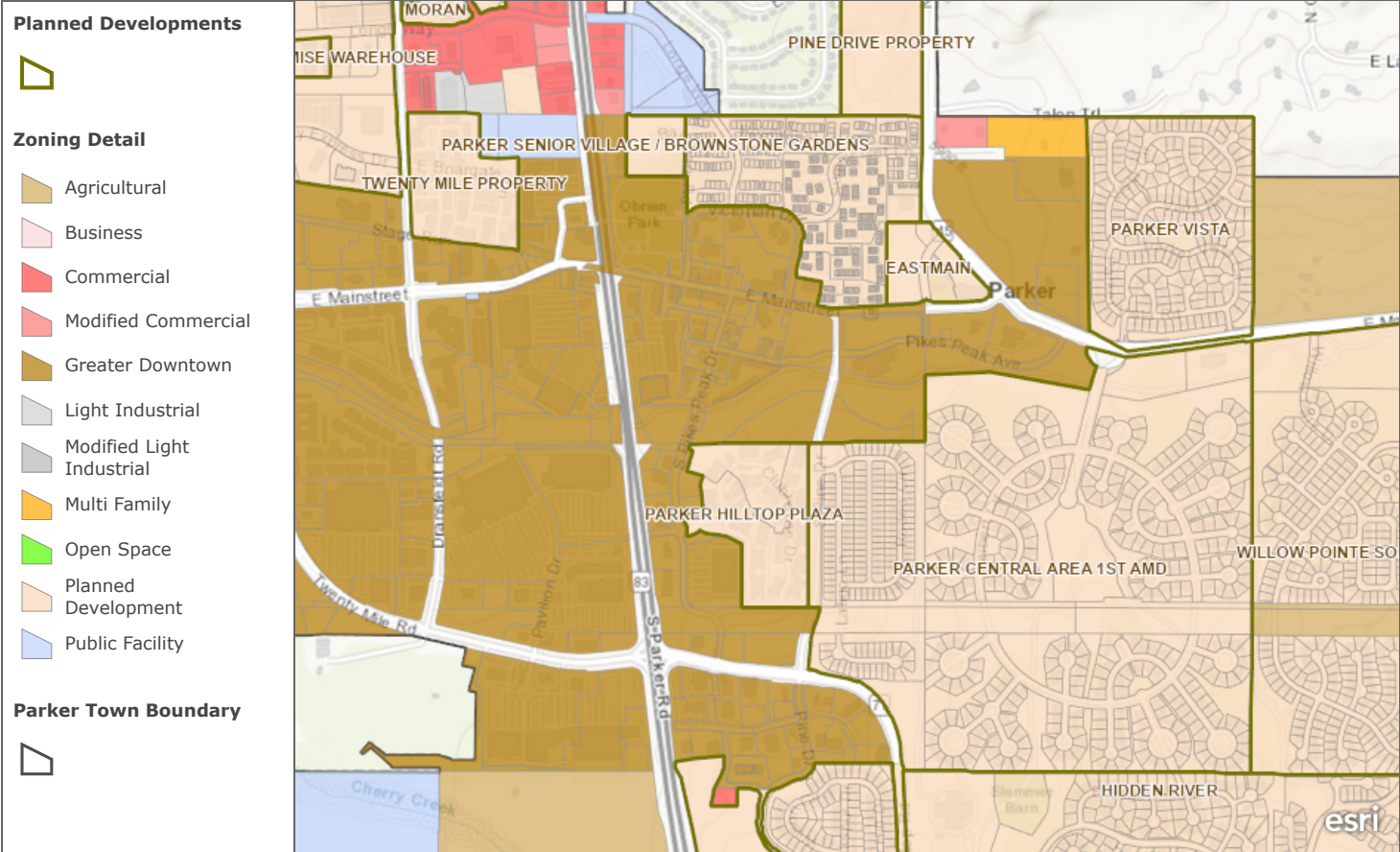
- The property owner shall be responsible for maintenance and shall have a continuing obligation to comply with building code requirements.
- The property owner shall provide the proper upkeep of the enhancements including attachments, paint finish, text/lettering. Peeling paint and or lettering shall not be allowed.
- Any non-conforming enhancement shall be subject to revocation of the program and removal by the Town.

13.04.160 - PF—Public Facilities District.

- (a) Intent. Areas dedicated to, purchased or generally acquired by a public or quasi-public entity including, but not limited to, the Town, Parker Water and Sanitation District, Cottonwood Water and Sanitation District, Parker Fire Protection District, Douglas County or any additional special district or regional service authority located within the jurisdiction of the Town.
- (b) General requirements.
 - (1) All uses within this zone district shall be subject to the site plan provisions outlined in Chapter 13.06 of this Title.
 - (2) Setbacks, building heights and other development criteria shall be determined during site plan review scheduled before the Planning Commission. The setback shall be a minimum of twenty-five (25) feet when adjoining a residential district.
- (c) Uses permitted by right.
 - (1) Accessory buildings and uses as described in Section 13.04.170.
 - (2) Community centers and other buildings for public assembly.
 - (3) Drainage and flood control structures.
 - (4) Fire protection facilities.
 - (5) Mass transit facilities.
 - (6) Open space.
 - (7) Parks, playgrounds and other outdoor recreation uses.
 - (8) Public office buildings.
 - (9) Public schools.
 - (10) Public water and sewer facilities.
 - (11) Recreation centers for public use.
- (d) Uses permitted by special review.
 - (1) Caretaker's residence.
 - (2) Cemeteries.
 - (3) Mining quarries, sand and gravel operations and similar extractive land uses.
 - (4) Outdoor training facilities for police and fire personnel.

(Ord. 3.321 §§9, 10, 2016; PLDO Art. IV §16)

Town of Parker Zoning



Town of Parker Zoning and Planned Developments

County of Douglas, CO, Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA

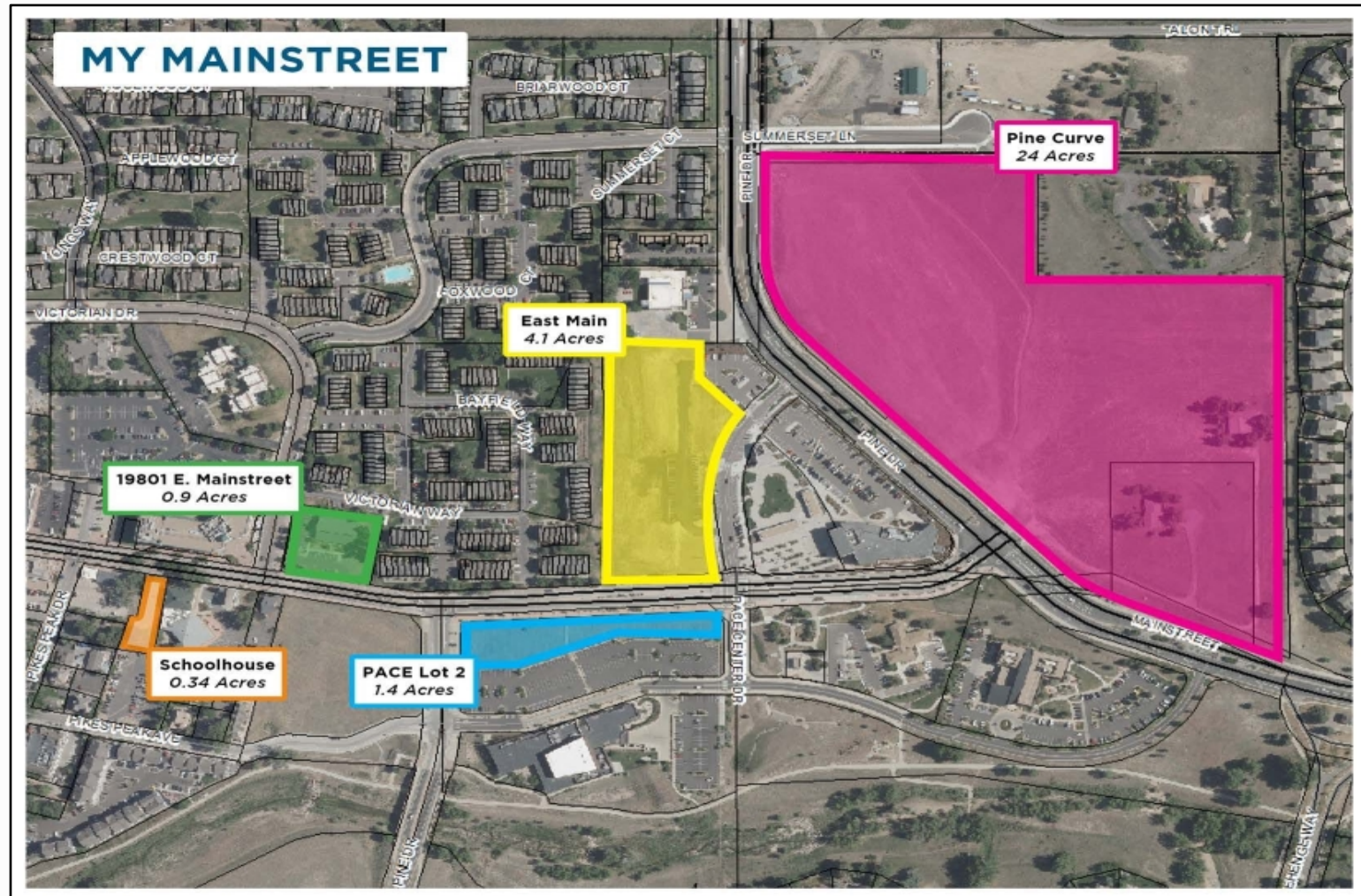
Town Council Meeting

May 26, 2020

Zoning Discussion
Pine Curve, PACE Lot 2
& Hein Center Tract Q



Area Map



COMMUNITY DEVELOPMENT
DEPARTMENT



PARKER
COLORADO

Town Council Request

- **Request:** Council Members Poage and Toborg asked for discussion of rezoning Pine Curve, PACE Lot 2 and Hein Center Tract Q
- **Existing Zoning:** Greater Downtown District
- Historic Center
- **Proposed Rezoning:** PF - Public Facilities



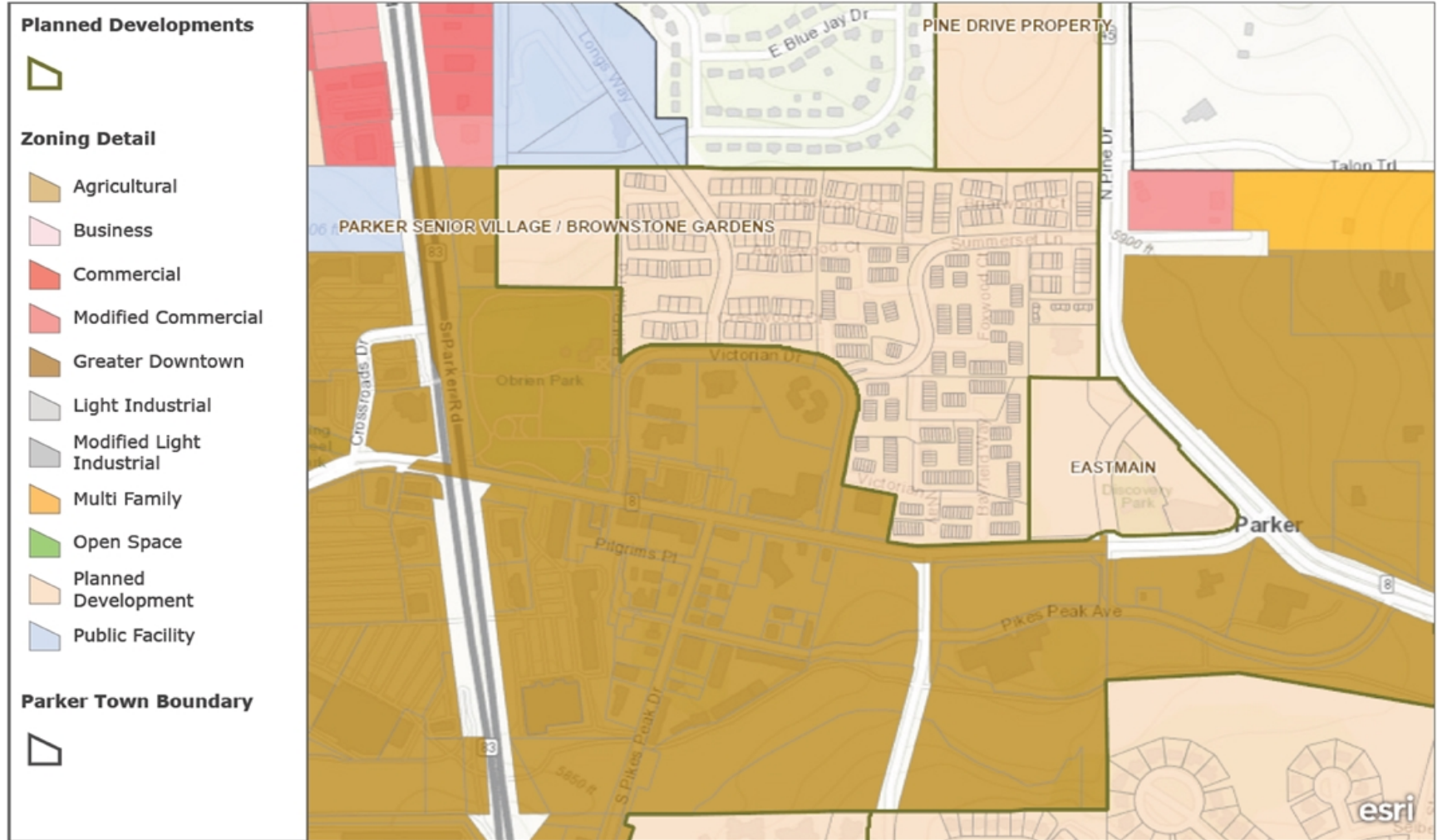
Master Plan - Policy

- **Goals/Strategies:** *“Attract desirable land uses, businesses that activate and further the vision of Mainstreet as the cultural, economic and social hub of our Town...”*
- **East Downtown Gateway:** *“...a mixed-use neighborhood that includes uses such as residential, office, government, arts/culture, restaurants, retail, services and parks, open space and public gathering places.”*
- **Mainstreet Master Plan:** *“Expand role of Mainstreet corridor into a year round, all-day destination through development, active land uses, employment, events and activities creating a solid... economy.”*
- **Land Use Recommendations:** *“Attract active uses, fill in the gaps, increase critical mass...”*
- **Public Services & Facilities:** *“Plan for and construct an adequate number of Town facilities to meet the needs of our growing community...”*



Zoning - Map

Town of Parker Zoning



COMMUNITY DEVELOPMENT
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Zoning - Regulations

Greater Downtown District - Historic Center

- ***By-Right:*** Allows retail, restaurants, offices, services, inns/hotels, parks/ open space/playgrounds and residential
- ***Special Review:*** Allows educational facilities, hospitals, conference centers, movie theaters and parking garages

PF - Public Facilities

- ***By-Right:*** Allows community centers, drainage, fire facilities, mass transit, parks/open space/playgrounds, public offices, recreation centers
- ***Special Review:*** Allows caretaker's residence, cemeteries, mining/quarries and outdoor training facilities



Potential Options

Discussion Topic

- **Rezone:** Rezone some or all of properties to PF-Public Facilities for future public use, facilities
- **Replat:** PACE Lot 2 may be replatted to separate the vacant land on Mainstreet from parking lot without rezoning

Other Options

- **No Action:** Leave zoning as-is and let My Mainstreet continue, run its course
- **Bank the Land:** Leave zoning as-is but remove Pine Curve, PACE Lot 2 from My Mainstreet. Tract Q not for sale
- **Reevaluate:** Pause My Mainstreet and reevaluate in 2021

Next Steps?

- **Town Council Direction:** *Stay the course or change approach?*
- **More Discussion/Review:** *Is more information and review needed. If yes what?*
- **Goals/Objectives:** *What does Council wish to accomplish?*
- **Vision:** *Does Council support the vision or want to change it?*





MEMORANDUM

TO:

FROM: Carol Baumgartner, Town Clerk
Jim Maloney, Town Attorney

DATE: May 26, 2020

SUBJECT: Council Election Districts Discussion

ISSUE:

Whether the Town desires to initiate the procedures for establishing election districts within the Town.

FISCAL/BUDGET IMPACT:

None at this time.

BACKGROUND:

The Mayor and Town Council are currently elected "at large" by the entire electorate of the Town. In other words, the Town has one voting district. The Town Charter contains the procedure for establishing additional districts. Attached is a memorandum that briefly describes a process for establishing additional districts.

RECOMMENDATION:

REQUESTED DIRECTION:

No action is being requested by Town staff.

ATTACHMENT:

1. ELECTION DISTS-FINAL 20200526 SS mtg

MEMORANDUM

TO: Mayor and Town Council

FROM: Carol Baumgartner, Town Clerk
James S. Maloney, Town Attorney

DATE: May 26, 2020

RE: Election Districts/Study Session

The Town of Parker Home Rule Charter (the "Charter") provides the procedure for establishing election districts within the Town. Specifically, Section 2.6 of the Charter provides as follows:

The Town shall constitute one (1) voting district, provided that the Council may, for the convenience of voters, establish additional districts in the manner provided by ordinance. The districts so established by ordinance shall remain for subsequent elections unless provided otherwise by ordinance. Districts shall be contiguous and compact wherever possible and shall have approximately the same number of voters.

Similarly, Section 2.2 of the Charter provides:

The Council may by ordinance establish the method for the registration of electors, the qualifications and compensation of election judges and clerks, and the boundaries of election districts. The Council may by ordinance establish an Election Commission with such powers, duties, terms and qualifications as provided by such ordinance.

Currently, the Town has one voting district and the Mayor and Councilmembers are elected "at large" by the entire electorate. As indicated above, the Charter allows for the creation of additional districts and the establishment of boundaries of such districts by ordinance. Although there are only a few basic requirements to establishing voting districts, these requirements are complicated to implement and the process may be complicated and politically charged.

An election district must be compact and contain the approximate same number of voters as other districts. There must be racial equality and the preservation of communities of interest both within and among the election districts. The boundary of a district must be contiguous to the boundary of another district. Districts once established must remain for subsequent elections, unless modified by ordinance.

There are a couple of possible combinations available for establishing districts. Some jurisdictions provide that some Town Council members are elected at large, with the balance of the members elected by district. While other jurisdictions elect exclusively from districts.

If the Town Council desires to consider the creation of districts, there are a couple of options. The Town Council could establish a nonbinding advisory committee made up of registered electors of the Town to review the issue of whether the Town should be divided into election districts, which was the method that the Town Council used when considering this issue in 2004. In the alternative, the Town Council can move forward with establishing districts. If the Town Council proceeds with the later, Town Council may want to consider the following procedure for establishing districts:

(1) Town Council could establish by ordinance an Election Commission as authorized by Section 2.6 of the Charter (the "Commission") to study various data as described below and recommend district boundaries. The Commission could utilize the Town Clerk for expertise on voting districts and the Town's Department of Community Development for expertise on the Town's boundaries generally, including residential subdivisions/neighborhoods. Town Council should set a reasonable time limit for the Commission to undertake its mission and to report its conclusions.

(2) The Commission could assemble precinct, census and other information on Parker's population. The Commission could digest such data and determine as accurately as possible the aggregate quantity and geographic distribution of Parker's residents. The Commission could further estimate both the population and number of registered voters in each precinct. As you are aware, the 2020 census is in process and the results should be available in April of 2021.

(3) The Commission could divide the Town into council districts with each district containing a whole number of precincts. Where possible, the Commission could consider natural communities of interest and diversity of representation in developing district boundaries.

(4) The Commission could recommend to Town Council where district boundaries should lie. Such Commission recommendation could include a report showing the locations of precinct/recommended district boundaries in Parker. The report should provide the reasons why the Commission chose its recommended district boundaries. The report could also indicate population estimates for each recommended district. If possible, the report could include one or more alternative plans for district boundaries and the reasons why the Commission rejected the alternatives.

(5) Town Council could analyze the Commission's report and recommendations. If Town Council chooses to proceed with dividing the Town into districts, the Town Council would need to adopt an ordinance establishing the boundaries of the new election districts.

I have attached an article that was published in the Colorado Lawyer concerning the process for municipal redistricting, which process is almost identical to establishing districts in the first instance. I was directed to this article by the Colorado Municipal League as a good summary of the process for establishing districts. Please let me know how you would like to proceed.

Redistricting: A Municipal Perspective

by Kendra L. Carberry

This column provides information to attorneys dealing with various state and federal administrative agencies, as well as attorneys representing public or private clients in the areas of municipal, county, and school or special district law.

This article addresses municipal redistricting issues, such as constitutional and statutory requirements; provides guidelines for municipal redistricting; and discusses the effect of redistricting on current elected officials.

As a result of the 2000 federal census, many municipalities across the state will be forced to redraw municipal ward and district boundaries. Several considerations impact municipal redistricting, including constitutional doctrines, judicially imposed requirements, election regulations, and local legislation. This article outlines the applicable law and practical considerations for municipalities that are attempting to redistrict before the 2002 election cycle begins.

General Legal Considerations

The legal considerations impacting municipal redistricting can be divided into three general categories: (1) constitutional doctrines; (2) judicially imposed mandates or non-constitutional requirements; and (3) restrictions regarding political gerrymandering. It is the legislative branch, rather than the judicial branch, that has the primary duty and responsibility for redistricting at all levels of government, including federal, state, and local.

Although the legal requirements for redistricting are quite strict, the role of the courts in reviewing redistricting decisions is narrow.¹ This is true because redistricting is legislative in nature. A reviewing court is limited to measuring the redistricting plan against constitutional standards.² The test for a redistricting plan is whether the plan as adopted passes constitutional muster,

not whether a better redistricting plan could have been designed.³

Constitutional Doctrines

The first constitutional doctrine governing redistricting often is referred to as "one person-one vote."⁴ The concept of one person-one vote arises out of the Equal Protection Clause of the U.S. Constitution.⁵ The doctrine requires that districts be drawn so that "as nearly as practicable one [person's] vote in a congressional election is to be worth as much as another's."⁶ Voting districts should be as equal in population as possible, although mathematical precision is not required.⁷

The second constitutional mandate is racial equality, which also stems from the Fourteenth Amendment. Minority voting strength cannot purposely be diluted by a redistricting plan. As a general rule, "minority voting strength is impermissibly diluted when large concentrations of minority population are unnecessarily fragmented and disbursed."⁸

Non-Constitutional Considerations

In addition to constitutional constraints, state and federal courts have adopted a number of non-constitutional redistricting requirements, including the following: compactness, contiguity, and preservation of communities of interest.⁹ During the redistricting process, municipalities must consider these judicially imposed mandates.

Compactness: The goal is to determine the smallest circle into which the

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voting district can be circumscribed and to compare the ratio of the area of the district inside the circle to the area of the circle itself.¹⁰ The closer these figures come to a one-to-one ratio, the more compact the district. However, in any dispute between compactness and equality of population, equality of population is the primary goal.¹¹ In other words, if districts need to be substantially different in geographical size to achieve equal population, true compactness is not required.

Contiguity: This requirement is quite straightforward. It simply dictates that no part of one district may be completely separate from any other part of the same district.¹²

Preservation of Communities of Interest: Communities of interest are "distinctive units which share common concerns with respect to one or more identifiable features such as geography, demography, ethnicity, culture, socio-economic status, or trade."¹³ In Colorado, community of interest considerations also may include agricultural or industrial identity, water issues, transportation concerns, and growth rate comparisons.¹⁴

Political Gerrymandering

The third facet of redistricting law is political gerrymandering. Unconstitutional political gerrymandering occurs when a redistricting plan improperly divides a group of voters who share a common ethnic, racial, or religious background, and "their common interests are strong enough to be manifested in political action."¹⁵ For example, in the Arizona case of *Klahr v. Williams*, it was held that a redistricting plan that split the Navajo nation was unconstitutional political gerrymandering.¹⁶ For a violation to exist, a court must find, at a minimum, a "recognized protectable group" of voters with "homogenous interests."¹⁷

Municipal Ward and Precinct Boundaries

Municipal redistricting involves three different boundary classifications: general election precincts, municipal election precincts, and wards. Each of these is discussed below.

General Election Precincts

A general election precinct is defined by the Uniform Election Code as "an area with established boundaries within a political subdivision used to establish election districts."¹⁸ General election precincts

must be established by each county clerk, subject to the approval of the board of county commissioners, "as is convenient for the eligible electors of the county."¹⁹ The number of general election precincts in a particular county depends on whether the county uses paper ballots, voting machines, or electronic voting.²⁰

In early 2002, the boundaries of general election precincts must be redrawn to comply with state representative and senatorial district reapportionment, as well as the results of the federal census.²¹ By statute, state reapportionment must be completed by February 15, 2002.²² Once state reapportionment is complete, each board of county commissioners "shall redraw the general election precincts in such county to ensure that no general election precinct is contained within more than one state representative, state senatorial, or congressional district."²³ General election precincts based on reapportionment must be redrawn by March 20, 2002.²⁴

Municipal Election Precincts

The creation of municipal election precincts for municipal elections is mandated by the Municipal Election Code, which states: "The governing body of each municipality shall divide the municipality into as many election precincts for municipal elections as it deems expedient for the convenience of electors. . . ." ²⁵ In addition, there must be a relationship between municipal precinct boundaries and general precinct boundaries: "Municipal election precincts shall consist of one or more whole general election precincts wherever practicable, and clerks and governing bodies shall cooperate with the county clerk and recorder and board of county commissioners of their county to accomplish this purpose."²⁶ Thus, municipalities should wait for counties to redraw general election precinct boundaries before coming to a final decision on municipal precinct boundaries.

Under the Uniform Election Code, changes in precinct boundaries for nonpartisan elections (including municipal elections) must be completed no later than twenty-five days prior to the election.²⁷ Under the Municipal Election Code, changes in precinct boundaries must be completed at least ninety days before an election.²⁸

Wards

A ward is "a district, the boundaries of which have been established pursuant to . . . [C.R.S. §§] 31-2-104 or 31-4-104, from which a member of the governing body of

a city or town is elected."²⁹ Each statutory city must be divided by the city council into wards.³⁰ On the contrary, no statute requires that statutory towns be divided into wards. Clearly, if there are no wards, municipal redistricting is not an issue. However, new towns may be divided into wards upon incorporation.³¹ Home rule municipalities may be divided into wards or voting districts if the home rule charter so provides. Some home rule municipalities in Colorado have "at large" council members as well as council members from several wards; in these cases, redistricting is required.

The boundaries of wards may not be changed more than once in six years, unless "change is necessary to conform to constitutional requirements."³² Further, the boundaries of wards may be changed only by majority vote of all members elected to the governing body.³³

Under the Municipal Election Code, in municipalities having wards, no municipal election precinct or part of a precinct may be located within more than one ward, and each ward must contain at least one municipal election precinct.³⁴ Changes in ward boundaries must be completed at least ninety days prior to an election.³⁵

The Uniform Election Code does not specifically address modifications to ward boundaries. However, other deadlines in the Uniform Election Code make it necessary to complete ward boundary changes at least ninety days before an election. For example, under the Uniform Election Code, nomination petitions may be circulated ninety-one days prior to an election.³⁶ If a candidate does not know what ward he or she represents, it will be impossible to circulate a nomination petition for the appropriate ward. Therefore, ward boundary changes must be finalized as early as possible, regardless of which election code applies.

Precinct and Ward Map

After new precinct and ward boundaries are established, the precinct and ward map must be amended. Under the Municipal Election Code, all changes in municipal election precincts and wards must be reported to the county clerk, with a corrected map, as soon as possible after the changes are made.³⁷ Under the Uniform Election Code, all changes in election precincts for nonpartisan elections must be reported to the county clerk within ten days of the change, and a corrected map must be transmitted to the county clerk as soon as possible after the changes are made.³⁸

Effect of Redistricting on Current Elected Officials

Unfortunately, there is no consistent rule as to whether current elected officials are immediately affected by redistricting. Instead, the impact of redistricting on elected officials depends on whether the municipality is: (1) a statutory town, (2) a statutory city, or (3) a home rule municipality. If the municipality is home rule, the impact of redistricting on current elected officials also depends on any applicable home rule charter provisions.

Common Law Principles

Where no statute or home rule charter provision states otherwise, common law principles dictate the effect of redistricting on current elected officials. Under the common law, qualifications of candidates for office are determined at the time they begin their term of office.³⁹ Redistricting that changes the residence of incumbent members of a legislative body does not affect those members' current term of office.⁴⁰ Stated another way, candidates carry their residence with them throughout the entire term of office to which they were elected.⁴¹

Statutory Towns

Because no statute governs residence changes for elected officials of statutory towns, the common law applies. Thus, all current elected officials may complete their current terms of office, even if their residence is affected by a change in ward boundaries.

Statutory Cities

For statutory cities, the effect of redistricting on current elected officials is governed by statute: "If any councilman [sic], during the term of his [or her] office, removes from or becomes a nonresident of the ward in which he [or she] was elected, he [or she] shall be deemed thereby to vacate his [or her] office, effective upon the adoption by the city council of a resolution declaring such vacancy to exist."⁴² [Emphasis added.] If a city council member moves from a residence located within his or her ward to a residence located in a different ward, that council member will automatically vacate his or her office.

This rule for statutory cities represents a stark difference from the common law. Arguably, a city council simply could refuse to adopt a resolution creating the vacancy, thus allowing the council member

to serve out his or her term despite the statute. However, this refusal could be seen as ignoring the statutory mandate, and could be a basis for legal challenge.

Home Rule Municipalities

In the absence of a conflicting charter provision, the common law principles discussed above would apply to home rule municipalities, and current elected officials would maintain their positions despite a change in residence caused by re-

districting. However, some home rule charters contain provisions stating that residency is an ongoing obligation for elected officials. For example, if a council member lives in and is elected from District 1, but then, as a result of redistricting suddenly resides in District 2, he or she is automatically removed from the council and a vacancy is created.

Many home rule charters state that an elected official becomes ineligible to serve only if he or she "moves from the district

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... Bart Starr

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or ward" from which the official was elected. It is unclear whether the phrase "moves from the district" includes circumstances where a district boundary moves, rather than the elected official.

Comparison with State and County Elected Officials

If any county commissioner, during the term of his or her office, "moves from the district" in which he or she resided when elected, a vacancy is created.⁴³ Under the plain language of this statute, there is a reasonable argument that when a commissioner's resident district changes because of redistricting, no vacancy is created if the commissioner does not physically "move" his or her residence.

The statutes for state offices follow the common law. For example, CRS § 2-2-504 provides that nothing in the congressional reapportionment plan "shall be construed to cause the removal of any senator from his office for the term for which he was elected." State senators that remain in office after reapportionment are called "hold-over senators," and their districts are referred to as "holdover districts."⁴⁴

Due Process

Colorado courts have not specifically addressed the issue of due process as it applies to redistricting. However, in other jurisdictions, when a public officer is involuntarily removed from office before the expiration of his or her term because of redistricting, due process (in the form of notice and a hearing) is not required. For example, in *Tarrant County v. Ashmore*, the Texas Supreme Court held that the county commissioners had the legislative authority to redistrict, even if it resulted in removal of incumbent justices of the peace, and that no hearing was required: "We cannot conclude that the officers involved in this suit were wrongfully deprived of a trial-type adjudication of relevant facts, since there were no adjudicative facts to be determined."⁴⁵ Likewise, in *Pick v. Nelson*, the Nebraska Supreme Court ruled that formation of municipal districts is a legislative, rather than judicial, process and, therefore, no constitutional due process is required.⁴⁶

Procedures for Municipal Redistricting

Those Colorado municipalities with wards or districts are responsible for complying with the legal requirements discussed herein. The following municipal redistricting procedures are suggested to assist with that objective.

Determine if Redistricting Is Required

The first step for every Colorado municipality is to find the population of each ward or district in the 2000 federal census, and calculate the percentage difference between the smallest district and the largest district. For municipalities, the generally accepted standard for deviation between the smallest district and the largest district is 10 percent.⁴⁷ The allowable percentage of deviation may be reduced by future litigation over redistricting on the basis of the 2000 census, so a smaller percentage is preferable.

The actual determination of whether redistricting is required should be made by the governing body in consultation with the municipal attorney. Together, the governing body and the municipal attorney should take into account all relevant circumstances, such as the percentage difference in population between districts or wards in other Colorado municipalities, historic population differences, potential growth areas, and potential annexations.

Appoint Redistricting Commission

Redistricting is a complicated, controversial, and politically charged process. Therefore, it may be helpful to form a redistricting commission to oversee the redistricting process and draft a redistricting plan. Because no statute governs the appointment of a redistricting commission, if a municipality decides to form such a commission, the number of members and duties should be established by ordinance or resolution of the governing body. For example, in smaller municipalities, the "commission" may consist of one or more municipal employees or independent volunteers. Some municipalities may find it helpful to appoint a private consultant to assist in the redistricting process.

The redistricting commission should accept input from residents. It is particularly prudent to include in the process individuals with different backgrounds or areas of residence within the municipality. Like other appointed commissions, all meetings of the redistricting commission must be open to the public.⁴⁸

Implement Redistricting Guidelines

The governing body should adopt and implement redistricting guidelines to be followed by the redistricting commission. The following redistricting guidelines are standard, and should be considered in the order listed:

- 1) one person-one vote (population equality);
- 2) no minority vote dilution or political gerrymandering;
- 3) coordination with general election precincts;
- 4) compactness;
- 5) contiguity; and
- 6) preservation of communities of interest.

The order of the guidelines is based on the legal import of each consideration. For example, the most stringent constitutional requirement is population equality, so that is the first guideline. The later guidelines are less crucial, but nevertheless must be considered.

Establish Timeline for Redistricting

Either the governing body or the redistricting commission should establish a timeline for redistricting. The timeline should include all redistricting meeting dates, as well as the date for submittal of a final redistricting plan or plans. In for-

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mulating the timeline, it is important to leave enough time before the next election to adjust precinct boundaries, if necessary.

Formulate Redistricting Plan Following Criteria

In formulating the redistricting plan, the redistricting commission should maintain a complete record demonstrating how each redistricting criterion was considered, perhaps by checklist. If a private consultant is hired to assist with redistricting, the consultant should have a copy of the criteria, and any report should include specific consideration of each criterion.

It may be beneficial for the redistricting commission to develop two or more alternative redistricting plans to be presented to the governing body. In addition to giving the governing body a choice, this approach creates a good record for a reviewing court to consider if a legal challenge is filed. If possible, all redistricting plans should include statements or evidence as to how each of the redistricting guidelines was considered, and whether each criterion has been satisfied. The plans should contain factual support along with detailed explanations.

Present Proposed Redistricting Plan to Municipal Governing Body

The redistricting plan or plans should be presented to the governing body at a public hearing after notice, and the governing body should give residents and other interested parties an opportunity to be heard. The final plan must be adopted by ordinance, because under Title 31 and many home rule charters, district boundaries may be changed only by ordinance.⁴⁹ More important, the revision of district boundaries should be a legislative determination for purposes of judicial review.

Determine Effect of Redistricting on Current Elected Officials

After the redistricting plan is finally adopted, the governing body must determine what effect, if any, the redistricting plan has on current elected officials. As discussed earlier, this depends on whether the municipality is a statutory city, statutory town, or home rule municipality.

In statutory cities, if any member of the city council no longer resides in his or her

ward as a result of redistricting, a vacancy is created and the governing body should adopt a resolution recognizing such vacancy.⁵⁰ The vacancy should be filled in the same manner as any other vacancy on the governing body is filled—namely, by election or appointment.⁵¹

In statutory towns, the governing body should make a legislative determination as to whether a loss of residence due to redistricting will create an immediate vacancy, or whether the incumbent will be permitted to serve the remainder of his or her term. This determination may be made by ordinance or resolution. If a vacancy is created, the vacancy may be filled either by appointment of the governing body or by election.⁵²

In home rule municipalities, the impact of the redistricting plan depends on the home rule charter. If the home rule charter creates an automatic vacancy, the vacancy should be filled as other vacancies are filled. If the home rule charter is silent on this issue, the governing body should legislatively determine by ordinance or resolution whether current elected officials will be affected by a change in residence caused by redistricting.



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Conclusion

Municipal redistricting involves a number of constitutional and statutory mandates. Municipalities should commence the redistricting process as soon as possible to ensure compliance with such mandates. The guidelines and strategies discussed in this article should help practitioners when advising municipalities on municipal redistricting and its various legal implications.

NOTES

1. *Wise v. Lipscomb*, 434 U.S. 1329, 1332 (1977).
2. *In re Reapportionment of Colorado General Assembly*, 828 P.2d 185, 189 (Colo. 1992), citing, *In re Reapportionment of Colorado General Assembly*, 647 P.2d 191, 194 (Colo. 1982); accord *Kallenberger v. Buchanan*, 649 P.2d 314, 318 (Colo. 1982) (legislative enactments such as redistricting are presumed to be constitutional).
3. *In re Pennsylvania Congressional Districts Reapportionment Cases*, 567 F.Supp. 1507, 1517 (M.D.Pa. 1982), *aff'd* *Simon v. Davis*, 463 U.S. 1219 (1983).
4. *Reynolds v. Sims*, 377 U.S. 533 (1964).
5. U.S. Const. Amend. XIV.
6. *Wesberry v. Sanders*, 376 U.S. 1, 7-8 (1964).
7. *Reynolds*, *supra*, note 4 at 577.
8. *Carstens v. Lamm*, 543 F.Supp. 68, 85-86 (D.Colo. 1982).
9. Another consideration in redistricting cases generally is the preservation of county and municipal boundaries. However, this issue usually is not applicable to municipal redistricting, because there are no internal boundaries to preserve within municipalities.
10. *Carstens*, *supra*, note 8 at 87; see also *Allen v. Board of County Comm'rs*, 497 P.2d 1026, 1028 (Colo. 1972) (relating to county commissioner districts).
11. *Allen*, *supra*, note 10.
12. *Carstens*, *supra*, note 8 at 87.
13. *Id.* at 91.
14. Colo. Const. Art. V, § 47(3).
15. *Karcher v. Daggett*, 462 U.S. 725, 750 (1983).
16. *Klahr v. Williams*, 339 F.Supp. 922 (D.Ariz. 1972).
17. *Kawamoto v. Okata*, 868 P.2d 1183, 1187 (Haw. 1994).
18. CRS § 1-1-104(30).
19. CRS § 1-5-101(1).
20. CRS § 1-5-101(2) and (3).
21. CRS § 1-5-101(1).
22. CRS § 2-2-506(1)(a.5)(I).
23. CRS § 2-2-506(1)(a).
24. CRS § 2-2-506(1)(a.5)(II). This deadline applies notwithstanding any contrary deadlines in CRS §§ 1-5-101 or -102.
25. CRS § 31-10-502(1)(a).
26. CRS § 31-10-502(1)(a)(part).
27. CRS § 1-5-104(1) and (4).
28. CRS § 31-10-502(2)(a).
29. CRS § 31-1-102(14).
30. CRS § 31-4-104.
31. CRS § 31-2-104(1).
32. *Id.*
33. *Id.*
34. CRS § 31-10-502(1)(a).
35. CRS § 31-10-502(2)(a).
36. CRS § 1-4-805.
37. CRS § 31-10-502(2)(b).
38. CRS § 1-5-104(2).
39. *Cox v. Starkweather*, 260 P.2d 587, 591 (Colo. 1953).
40. *Tomblin v. Bivens*, 149 S.E.2d 284, 292 (W.Va. 1966), accord *Childress County v. Sachse*, 310 S.W.2d 414, 420 (Tex. Civ.App. 1958).
41. *Burkhart v. Sine*, 489 S.E.2d 485, 489 (W.Va. 1997).
42. CRS § 31-4-106.
43. CRS § 30-10-306(1).
44. Colo. Const. Art. V, § 3.
45. *Tarrant County v. Ashmore*, 635 S.W.2d 417, 423 (Tex. 1982), *cert. denied*, *Ashmore v. Tarrant County*, 459 U.S. 1038 (1982).
46. *Pick v. Nelson*, 528 N.W.2d 309, 316 (Neb. 1995).
47. See *White v. Regester*, 412 U.S. 755 (1973), and later cases relying on *Regester*.
48. CRS § 24-6-402(2)(b).
49. CRS § 31-4-104.
50. CRS § 31-4-106.
51. CRS § 31-4-108(2)(b).
52. CRS § 31-4-303. ■

DU College of Law Co-Sponsors the International Legal Studies Program Annual Conference Saturday, March 23, 2002, in Denver

The University of Denver ("DU") College of Law is co-sponsoring the 2002 International Legal Studies Program Annual Conference. The Carnegie Foundation and the American University Law School are the other sponsors. The Conference, also known as the "Sutton Colloquium," will be held on Saturday, March 23, at the DU College of Law, 1900 Olive St., Denver. The Sutton Colloquium will include three panel sessions: "Terrorism and International Law and Policy"; "Ethnic Conflicts and Indigenous Peoples"; and "Self-Determination and Secession." For complete information or to register for the event, contact Nancy Nones at (303) 871-6276.

University of Denver College of Law Offers Complete "Law-in-Spanish" Program

In the fall of 2000, the University of Denver ("DU") College of Law debuted as a test course "International Business Transactions," conducted in Spanish. Due to very favorable response, that class has evolved into a full-fledged legal program taught in Spanish to students who are proficient in the language. The "Law-in-Spanish" program is the first of its kind in the United States, and provides law students with training to represent non-native English speakers in their local community or to conduct international legal transactions in a foreign language. In addition to the "International Business Transactions" class, the school offers "Counseling and Negotiating"; "Doing Business in Mexico"; and "Legal Drafting in Spanish." A fifth course in Spanish, "Introduction to the Civil Law System," is in the developmental stages. Additionally, a special website for the program is being created: www.law.du.edu/lawinspanish/. For complete information about the program, contact Professor Valeria Elliott at (303) 871-6169. Courses are open to non-students for CLE credits.