



Do you have city planning questions not related to the Solarium?

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## Solarium - Proposed Additions of Permitted Use (APU) – 1<sup>st</sup> Neighborhood Meeting

### Questions on the Solarium APU's? -- Staff Planner:

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### What is an APU?

Land Use Code Section 1.3.4 (underlining added):

*(A) **Purpose Statement.** The purpose of the Addition of Permitted Use process is to allow for the approval of a particular land use to be located on a specific parcel within a zone district that otherwise would not permit such a use. Under this process, an applicant may submit a plan that does not conform to the zoning, with the understanding that such plan will be subject to a heightened level of review, with close attention being paid to compatibility and impact mitigation. This process is intended to allow for consideration of unforeseen uses and unique circumstances on specific parcels with evaluation based on the context of the surrounding area. The process allows for consideration of emerging issues, site attributes or changed conditions within the neighborhood surrounding and including the subject property. For residential neighborhoods, land use flexibility shall be balanced with the existing residential character. Projects are expected to continue to meet the objectives of any applicable sub-area plan and City Plan. The process encourages dialogue and collaboration among applicants, affected property owners, neighbors and City Staff.*

### Addition of Permitted Use (APU) Review Process Highlights:

1. Conceptual Review meeting required with City Staff(completed)
2. Two neighborhoods meeting required (first required prior to their formal submittal)
3. Formal submittal and staff review required. (Staff provides a recommendation to P&Z and Council)
4. 2<sup>nd</sup> neighborhood meeting occurs.
5. Planning and Zoning Board Hearing – provides a recommendation to City Council.
6. City Council Hearing -- Final Decision maker for these proposed APU's.

### Input from residents: Can occur at any time in the process. Most common ways input is provided:

- Input provided by residents at neighborhood meetings;
- Letter provided before the hearings (all letters received are provided to the Board and Council);
- Speaking to Board or Council directly during public testimony);

**Please call me if you have questions!**

**Addition of Permitted Use Criteria (see Section 1.3.4 of the Land use Code)** (The following criteria is used by staff, P&Z and Council when considering these proposed APU's):

- (a) Such use is appropriate in the zone district to which it is added.
- (b) Such use conforms to the basic characteristics of the zone district and the other permitted uses in the zone district to which it is added.
- (c) The location, size and design of such use is compatible with and has minimal negative impact on the use of nearby properties.
- (d) Such use does not create any more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences or any more traffic hazards, traffic generation or attraction, adverse environmental impacts, adverse impacts on public or quasi-public facilities, utilities or services, adverse effect on public health, safety, morals or aesthetics, or other adverse impacts of development, than the amount normally resulting from the other permitted uses listed in the zone district to which it is added.
- (e) Such use will not change the predominant character of the surrounding area.
- (f) Such use is compatible with the other listed permitted uses in the zone district to which it is added.

**Information about the Low Density Mixed-Use Neighborhood Zone District:**

Land Use Code Division 4.5 - Low Density Mixed-Use Neighborhood District (L-M-N) – below are the permitted uses and purpose statement for this Zone District:

(A) **Purpose.** The Low Density Mixed-Use Neighborhood District is intended to be a setting for a predominance of low density housing combined with complementary and supporting land uses that serve a neighborhood and are developed and operated in harmony with the residential characteristics of a neighborhood. The main purpose of the District is to meet a wide range of needs of everyday living in neighborhoods that include a variety of housing choices, that invite walking to gathering places, services and conveniences, and that are fully integrated into the larger community by the pattern of streets, blocks, and other linkages. A neighborhood center provides a focal point, and attractive walking and biking paths invite residents to enjoy the center as well as the small neighborhood parks. Any new development in this District shall be arranged to form part of an individual neighborhood.

Typically, Low Density Neighborhoods will be clustered around and integral with a Medium Density Mixed-Use Neighborhood with a Neighborhood Commercial Center at its core. For the purposes of this Division, a neighborhood shall be considered to consist of approximately eighty (80) to one hundred sixty (160) acres, with its edges typically consisting of major streets, drainageways, irrigation ditches, railroad tracks and other major physical features.

(B) **Permitted Uses.**

(1) **(staff approval, no hearing required):** The following uses are permitted in the L-M-N District, subject to basic development review, provided that such uses are located on lots that are part of an approved site-specific development plan:

(a) **Accessory/Miscellaneous Uses:**

- 1. Accessory buildings.
- 2. Accessory uses.
- 3. Urban agriculture.

4. Off-site construction staging.
  5. Wireless telecommunication equipment.
- (b) Any use authorized pursuant to a site-specific development plan that was processed and approved either in compliance with the Zoning Code in effect on March 27, 1997, or in compliance with this Code (other than a final subdivision plat, or minor subdivision plat, approved pursuant to Section 29-643 or 29-644 of prior law, for any nonresidential development or any multi-family dwelling containing more than four [4] dwelling units), provided that such use shall be subject to all of the use and density requirements and conditions of said site-specific development plan.
- (c) Any use which is not hereafter listed as a permitted use in this zone district but which was permitted for a specific parcel of property pursuant to the zone district regulations in effect for such parcel on March 27, 1997; and which physically existed upon such parcel on March 27, 1997; provided, however, that such existing use shall constitute a permitted use only on such parcel of property.
- (d) **Institutional/Civic/Public Uses:**
1. Neighborhood parks as defined by the Parks and Recreation Policy Plan.
- (e) **Residential Uses:**
1. Shelters for victims of domestic violence for up to fifteen (15) residents.
  2. Short term primary rentals.

**(2) The following uses are permitted in the L-M-N District, subject to administrative review (Hearing Officer):**

- (a) **Residential Uses:**
1. Single-family detached dwellings.
  2. Two-family dwellings.
  3. Single-family attached dwellings.
  4. Two-family attached dwellings.
  5. Any residential use consisting in whole or in part of multi-family dwellings (limited to eight [8] or less dwelling units per building) that contain fifty (50) dwelling units or less, and seventy-five (75) bedrooms or less.
  6. Group homes for up to eight (8) developmentally disabled or elderly persons.
  7. Mixed-use dwellings.
  8. Extra occupancy rental houses with four (4) or more tenants.
- (b) **Institutional/Civic/Public Uses:**
1. Places of worship or assembly with a building footprint which does not exceed a total of twenty-five thousand (25,000) square feet.
  2. Public and private schools for college, university, vocational and technical education, provided they are located within five hundred (500) feet of East Vine Drive or railroad property abutting and parallel to East Vine Drive.
  3. Minor public facilities.
  4. Parks, recreation and other open lands, except neighborhood parks as defined by the Parks and Recreation Policy Plan.

5. Cemeteries.
6. Community facilities.
7. Neighborhood support/recreational facilities.
8. Seasonal overflow shelters.

(c) **Commercial/Retail Uses:**

1. Bed and breakfast establishments with six (6) or fewer beds.
2. Child care centers.
3. Neighborhood centers consisting of at least two (2) of the following uses: mixed-use dwelling units; retail stores; convenience retail stores; personal and business service shops; small animal veterinary facilities; offices, financial services and clinics; community facilities; neighborhood support/recreation facilities; schools; child care centers; limited indoor recreation establishments; open-air farmers markets; and places of worship or assembly, dog day care, music studio, micro brewery/distillery/winery.
4. Adult day/respite care centers.

**(3) The following uses are permitted in the L-M-N District, subject to Planning and Zoning Board review:**

(a) **Residential Uses:**

1. Mobile home parks.
2. Group homes, other than allowed in subparagraph (2)(a)5 above.
3. Any residential use consisting in whole or in part of multi-family dwellings that contain more than eight (8) units per building, or more than fifty (50) dwelling units, or more than seventy-five (75) bedrooms.

(b) **Institutional/Civic/Public Uses:**

1. Public and private schools for elementary, intermediate and high school education, and for vocational and technical training.
2. Golf courses.
3. Long-term care facilities.
4. Places of worship or assembly with a building footprint which exceeds a total of twenty-five thousand (25,000) square feet.
5. Wildlife rescue and education centers, provided that they are located within one thousand (1,000) feet of East Vine Drive.

(c) **Commercial/Retail Uses:**

1. Neighborhood centers consisting of one (1) or more of the following uses: standard and fast food restaurants (without drive-in or drive-through facilities); artisan and photography studios and galleries; or convenience retail stores with fuel sales that are at least three-quarters ( $\frac{3}{4}$ ) mile from any other such use and from any gasoline station; grocery store, health and membership club, provided that such use or uses are combined with at least one (1) other use listed in subparagraph (B)(2)(c)3 above.

2. Enclosed mini-storage facilities, provided that they are located on property adjoining the railroad property abutting and parallel to East Vine Drive, and are located within five hundred (500) feet of such railroad property.
3. Limited indoor recreation establishments, provided that they are located within five hundred (500) feet of East Vine Drive or of the railroad property abutting and parallel to East Vine Drive.
4. Offices, financial services, clinics and artisan and photography studios and galleries which are not part of a neighborhood center.

(d) **Industrial Uses** (provided they are located within five hundred [500] feet of East Vine Drive):

1. Workshops and custom small industry.
2. Light industrial (production, assembly, packaging).

(e) **Industrial Uses:**

1. Small scale and medium scale solar energy systems.

(C) **Prohibited Uses.** All uses that are not (1) expressly allowed as permitted uses in this Section or (2) determined to be permitted by the Director or the Planning and Zoning Board pursuant to Section 1.3.4 of this Code shall be prohibited. (Section 1.3.4 is the Addition of Permitted Use Process)