



LAND USE CODE



ARTICLE 1

GENERAL PURPOSE and PROVISIONS

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ARTICLE 1

GENERAL PURPOSE and PROVISIONS

DIVISION 1.1 ORGANIZATION OF LAND USE CODE

The City of Fort Collins Land Use Code is organized into seven (7) Articles as follows:

Article 1: General Purpose and Provisions

Article 2: Zone Districts

Article 3: Building Types

Article 4: Use Standards

Article 5: General Development and Site Design

Article 6: Administration and Procedures

Article 7: Rules of Measurement and Definition

The General Purpose and Provisions contained in **Article 1** address the organization of this Land Use Code (“LUC” or “Code”); its title, purpose and authority and the relationship to the Code of the City of Fort Collins.

All zone districts within the City of Fort Collins and their respective list of permitted uses, prohibited uses, and development standards for particular uses are described in **Articles 2 and 4**. These zone districts directly relate to the Zoning Map and Zone Districts established in Article 6.

Articles 3 and 5 establish standards that apply to all types of development applications unless otherwise indicated. Collectively, these articles are known as the general development standards and address standards for environmental and historic resource protection (see also, Code of the City of Fort Collins Chapter 14), site, building, and infrastructure design, compact urban growth, and transportation and circulation.

Article 6, Administration and Procedures, guides the reader through the procedural and decision-making process by providing divisions pertaining to general procedural requirements and a twelve-step common development review process, as well as providing a separate division for each type of development application and other land use requests; rules for interpretation; rules for nonconformities; amendments to the text of this Code and/or Zoning Map, enforcement mechanisms, and guidelines and regulations for areas and activities of state interest.

Definitions of terms and measurements used throughout this LUC are included in **Article 7** although definitions specific to areas and activities of state interest are contained in Article 6.

This method of organization, which distinguishes and separates general provisions, administration, general development standards, district standards and definitions, use-specific standards, and sign standards is intended to provide a user-friendly and easily accessible LUC. This is accomplished by consolidating most city regulations addressing land use and development, standardizing the regulatory format, providing common development review procedures, and clarifying standards and definitions.

For an overview on how to use this LUC when applying for a development application or other request, see Section 6.2.2, Overview of Development Review Procedures.

DIVISION 1.2 TITLE, PURPOSE, AND AUTHORITY

1.2.1 TITLE

The provisions contained herein shall be known, cited and referred to as the "City of Fort Collins Land Use Code," the "Land Use Code," the "LUC," or as referenced in the Land Use Code, the "Code."

1.2.2 PURPOSE

The purpose of this Code is to improve and protect the public health, safety, and welfare by:

- (A) Ensuring that all growth and development which occurs is consistent with this Code, City Plan and its adopted elements, including, but not limited to, the Structure Plan, Principles and Policies and associated sub-area plans.
- (B) Implementing the vision of the Housing Strategic Plan that everyone in Fort Collins has healthy, stable housing they can afford.
- (C) Supporting *Our Climate Future* goals to reduce energy consumption and greenhouse gas emissions, provide renewable electricity, and achieving zero waste.
- (D) Encouraging innovations in land development and renewal.
- (E) Fostering the safe, efficient, and economic use of the land, the city's transportation infrastructure, and other public facilities and services.
- (F) Facilitating and ensuring the provision of adequate public facilities and services such as transportation (streets, bicycle routes, sidewalks and mass transit), water, wastewater, storm drainage, fire and emergency services, police, electricity, open space, recreation, and public parks.
- (G) Avoiding the inappropriate development of lands and providing for adequate drainage and reduction of flood damage.
- (H) Encouraging patterns of land use which decrease trip length of automobile travel and encourage trip consolidation.
- (I) Increasing public access to mass transit, sidewalks, trails, bicycle routes and other alternative modes of transportation.
- (J) Minimizing the adverse environmental impacts of development.
- (K) Improving the design, quality and character of new development.
- (L) Fostering a more rational pattern of relationship among residential, business and industrial uses for the mutual benefit of all.
- (M) Encouraging the development of vacant properties within established areas.

- (N) Encouraging a wide variety of housing opportunities at various densities that are well-served by public transportation for people of all ages, abilities, and income levels to promote diversity.

1.2.3 AUTHORITY

The City Council of the City of Fort Collins has the authority to adopt this Land Use Code pursuant to Article XX of the Colorado Constitution; Title 31, Article 2 of the Colorado Revised Statutes, the Charter of The City of Fort Collins, Colorado, and such other authorities and provisions as are established in the statutory and common law of the State of Colorado.

1.2.4 APPLICABILITY

The provisions of this Code shall apply to any and all development of land, as defined in Article 7 of this Code, within the municipal boundaries of the City, unless expressly and specifically exempted or provided otherwise in this Code. For example, this Code is meant to complement and not override or substitute for the requirements of Chapter 14 of the Code of the City of Fort Collins regarding landmarks. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of this Code. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in this Code.

Except as hereinafter provided, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified for the district in which it is located, nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein and all other applicable standards of the City or to an amount greater than the maximum requirements set forth herein and all other applicable standards of the City.

This Land Use Code establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications for overall development plans, project development plans, and final plans will be reviewed for compliance with the applicable development standards herein and all other applicable standards of the City. Building permit applications will also be reviewed for compliance with the applicable development standards and District Standards and all other applicable standards of the City and will be further reviewed for compliance with the approved final plan in which they are located.

This Land Use Code shall also apply to the use of land following development to the extent that the provisions of this Land Use Code can be reasonably and logically interpreted as having such ongoing application.

1.2.5 MINIMUM STANDARDS

The provisions of this Land Use Code are the minimum standards necessary to accomplish the purposes of this Land Use Code

DIVISION 1.3 LEGAL

1.3.1 RELATIONSHIP TO CODE OF THE CITY

This Land Use Code, although not a numbered Chapter of the Code of the City, is adopted by reference in Chapter 29 of the Code of the City and made part thereof, with the same legal significance as though it were a numbered Chapter. This Land Use Code may be used, as applicable, to support the implementation of the Code of the City; and the Code of the City may be used, as applicable, to support the implementation of this Land Use Code. Particularly, but without limitation, the provisions of Chapter 1 of the Code of the City are incorporated into this Land Use Code by reference.

1.3.2 CONFLICT BETWEEN LAND USE CODE STANDARDS AND CONFLICT WITH OTHER LAWS

- (A) In the event of a conflict between a standard or requirement contained in Articles 2, 3, or 4 and a standard or requirement in Article 5, the standard or requirement in Article 2, 3, or 4 shall prevail to the extent of the conflict. In the event there is a conflict between standards or requirements contained in Article 2, 3, or 4, the more specific standard or requirement shall prevail to the extent of the conflict. If neither standard or requirement is more specific, the more stringent standard or requirement shall prevail to the extent of the conflict.
- (B) In the event of conflicts not addressed in (A), if the provisions of this Land Use Code are internally conflicting or if they conflict with any other statute, code, local ordinance, resolution, regulation or other applicable Federal, State, or local law, the more specific standard, limitation or requirement shall govern or prevail to the extent of the conflict. If neither standard is more specific, then the more stringent standard, limitation or requirement shall govern or prevail to the extent of the conflict.

1.3.3 CONFLICTS WITH PRIVATE HOUSING COVENANTS

No person shall create, cause to be created, enforce or seek to enforce any provision contained in any contract or restrictive covenant that prohibits or has the effect of prohibiting the number and/or type of dwelling units permitted on a lot when such number and/or type of dwelling unit(s) would otherwise be permitted by the City's zoning regulations. A Homeowner's Association may enforce private covenants which reasonably regulate external aesthetics including, but not limited to, site placement/setbacks, color, window placement, height, and materials with the intent of furthering compatibility with the existing neighborhood.

No person shall create, cause to be created, enforce or seek to enforce any provision contained in any contract or restrictive covenant that prohibits or has the effect of prohibiting subdivision of property when such subdivision would otherwise be permitted by the City's zoning regulations.

1.3.4 SEVERABILITY

It is the legislative intent of the City Council in adopting this Land Use Code that all provisions hereof shall be liberally construed to protect and preserve the peace, health, safety and general welfare of the inhabitants of the City. It is the further intent of the City Council that this Land Use Code shall stand, notwithstanding the invalidity of any part thereof, and that should any provision of this Land Use Code be held to be unconstitutional or invalid by a court or tribunal of competent jurisdiction, such holding shall not be construed as affecting the validity of any of the remaining provisions.



ARTICLE 2

ZONE DISTRICTS

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- 2.1.4 RL
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DIVISION 2.1 RESIDENTIAL DISTRICTS

SECTION 2.1.1

RUL

Rural Lands District

PURPOSE

The Rural Lands District is intended for privately owned lands that are planned as a rural edge to the community. Rural lands include but are not limited to community separators, clustered residential development, large lot residential, agriculture, natural area buffers and corridors and other open lands of similar character and purpose.

DEVELOPMENT STANDARDS

BUILDING HEIGHT	
Single-Unit Dwelling	3 Stories max.

LOT SIZE	
Lot Area (Except Residential Cluster)	435,600 ft ² (10 Acres) min.

RESIDENTIAL CLUSTER

Sites in the Rural Lands District may be developed as a Residential Cluster according to the Residential Cluster Building Type standards established in Section 3.1.10. In a cluster development, lot sizes may be reduced in order to cluster the dwellings together on a portion of the property, with the remainder of the property permanently preserved as public or private open space.

BUILDING TYPES

The following building types are permitted in the RUL District:

- Detached House (Urban & Suburban)
- Residential Cluster
- Detached Accessory Structure
- Accessory Dwelling Unit

LOT WIDTH	
Single-Unit Dwelling > 10 Acres	200' min.
Single-Unit Dwelling Residential Cluster Developments	60' min.
All Other Uses	100' min.

SETBACKS*	
Front Setback - From Arterial Streets	80' min.
Front Setback > 10 Acres	60' min.
Rear Setback > 10 Acres	50' min.
Side Setback > 10 Acres	50' min.

* For Residential Cluster development, see Building Types.

Airport Critical Area

No residential use shall be permitted within the designated Airport Critical Area.

SECTION 2.1.2

UE

Urban Estate District

PURPOSE

The Urban Estate District is intended to be a setting for a predominance of low-density and large-lot housing. The main purposes of this District are to acknowledge the presence of the many existing subdivisions which have developed in these uses which function as parts of the community and to provide additional locations for similar development, typically in transitional locations between more intense urban development and rural or open lands.

DEVELOPMENT STANDARDS

LOT SIZE	
Lot Area (Except Residential Cluster)	21,780 ft ² (1/2 Acre) min.

LOT WIDTH	
Single-Unit Dwelling	100' min.
Single-Unit Dwelling (Subdivided before 1997)	60' min.

RESIDENTIAL CLUSTER

Sites in the Urban Estate District may be developed as a Residential Cluster according to the Residential Cluster Building Type standards established in Section 3.1.10. In a cluster development, lot sizes and widths may be reduced in order to cluster the dwellings together on a portion of the property, with the remainder of the property permanently preserved as public or private open space.

BUILDING TYPES

The following building types are permitted in the UE District:

- Detached House (Urban & Suburban)
- Duplex
- Residential Cluster
- Detached Accessory Structure
- Accessory Dwelling Unit

SETBACKS*	
Front Setback	30' min.
Front Setback (Subdivided before 1997)	20' min.
Rear Setback	25' min.
Rear Setback (Subdivided before 1997)	15' min.
Side Setback	20' min.
Side Setback (Subdivided before 1997)	5' min.

* For Residential Cluster development, see Building Types.

BUILDING HEIGHT	
Single-Unit Dwelling	3 Stories max.

SECTION 2.1.3

RF

Residential Foothills District

PURPOSE

The Residential Foothills District designation is for low density residential areas located near the foothills.

BUILDING TYPES

The following building types are permitted in the RF District:

- Detached House (Urban & Suburban)
- Residential Cluster
- Detached Accessory Structure
- Accessory Dwelling Unit

DEVELOPMENT STANDARDS

LOT WIDTH

Single-Unit Dwelling	200' min.
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LOT SIZE

Lot Area (Except Residential Cluster)	100,000 ft ² (2.29 Acres) min.
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No elevation of any building built on a lot in the RF District shall extend above five thousand two hundred fifty (5,250) feet above mean sea level.

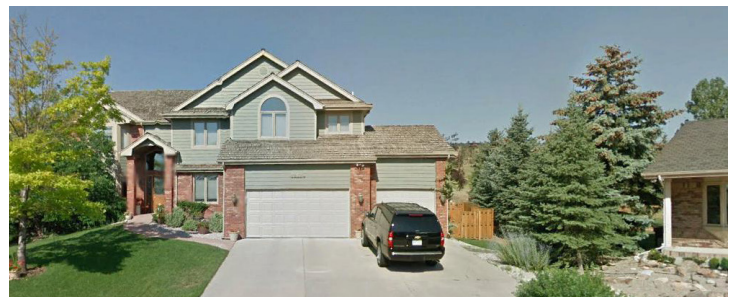
SETBACKS*

Front Setback	60' min.
Rear Setback	50' min.
Side Setback	50' min.

* For Residential Cluster development, see Building Types.



RF Cluster Development



BUILDING HEIGHT

Single-Unit Dwelling	3 Stories max.
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RESIDENTIAL CLUSTER

Sites in the Residential Foothills District may be developed in a Residential Cluster according to the Residential Cluster Building Type standards established in Section 3.1.10. In a cluster development, lot sizes may be reduced in order to cluster the dwellings together on a portion of the property, with the remainder of the property permanently preserved as public or private open space.

SECTION 2.1.4

RL

Low Density Residential District



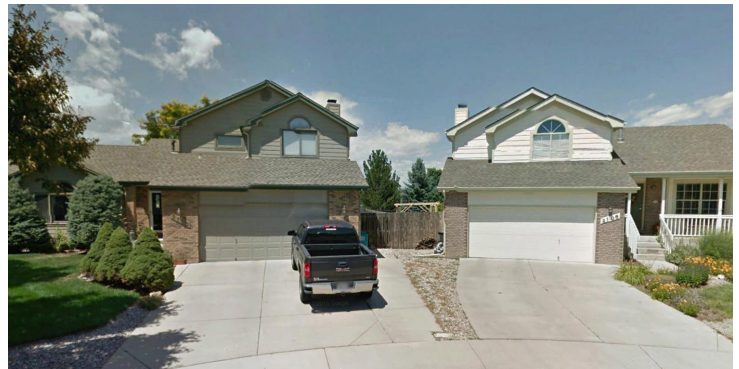
PURPOSE

The Low Density Residential District designation is intended predominantly for single-unit and accessory dwellings located throughout the City.

SECTION 2.1.4

RL - Low Density Residential District

EXISTING CONDITIONS



BUILDING TYPES

The following building types are permitted in the RL District:

BUILDING TYPES	# OF UNITS*	LOT AREA
Detached House (Urban & Suburban)	1 max.	6000 ft ² min.
ADU	1 max.	N/A
Detached Accessory Structure	See Section 3.1.8	

*The total number of units shall not exceed two (2) on a lot.

**See integrate with existing structure requirements in Article 7.

***Existing or planned high frequency transit pursuant to the adopted Transit Master Plan.

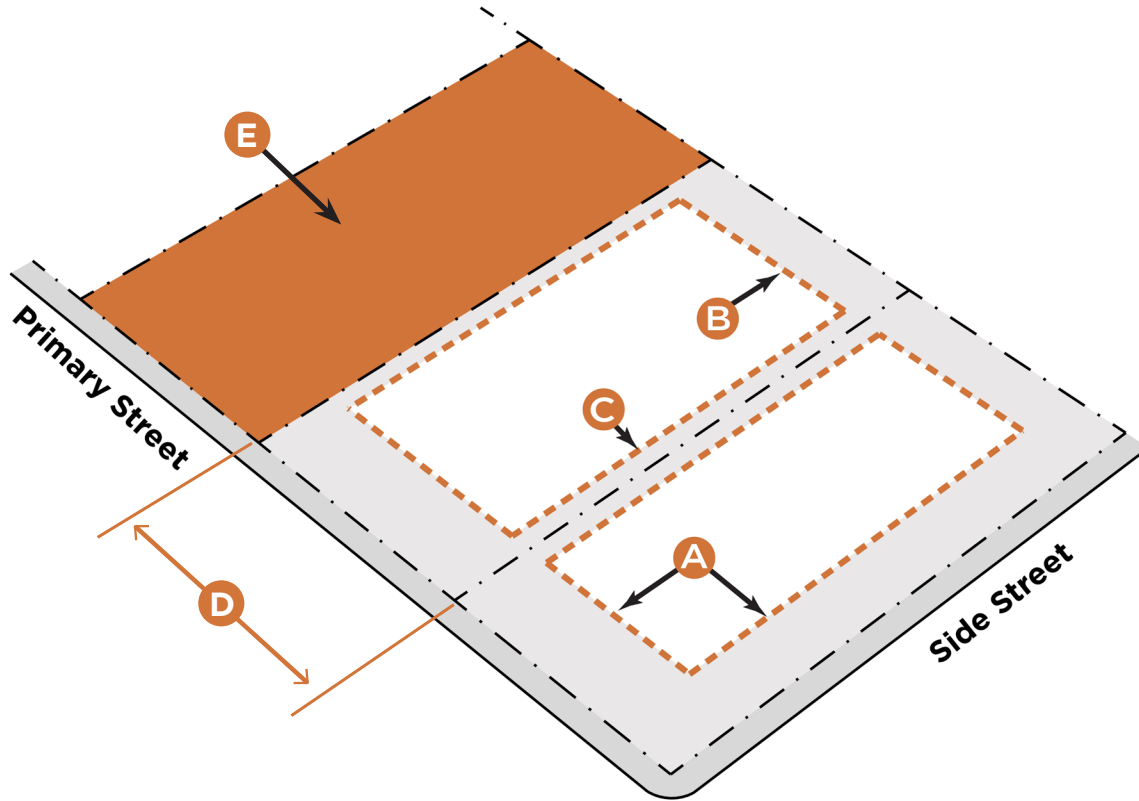
Refer to Building Types Article 3 and Use Standards Article 4 for specific definitions.

SECTION 2.1.4

RL - Low Density Residential District

DEVELOPMENT STANDARDS

BUILDING PLACEMENT



SETBACKS		
Front Setback	20' min.	A
Rear Setback	Along Alley - 5' min. No Alley - 15' min	B
Garage Door Setback (side or rear alley)	8' min.	
Residential - Side Setback	Corner Lot - 15' min. Interior Lot - 5' min.	A C

LOT WIDTH		
Single-Unit Dwelling	60' min.	D
Child-Care Center	60' min.	
All Other Uses	100' min.	

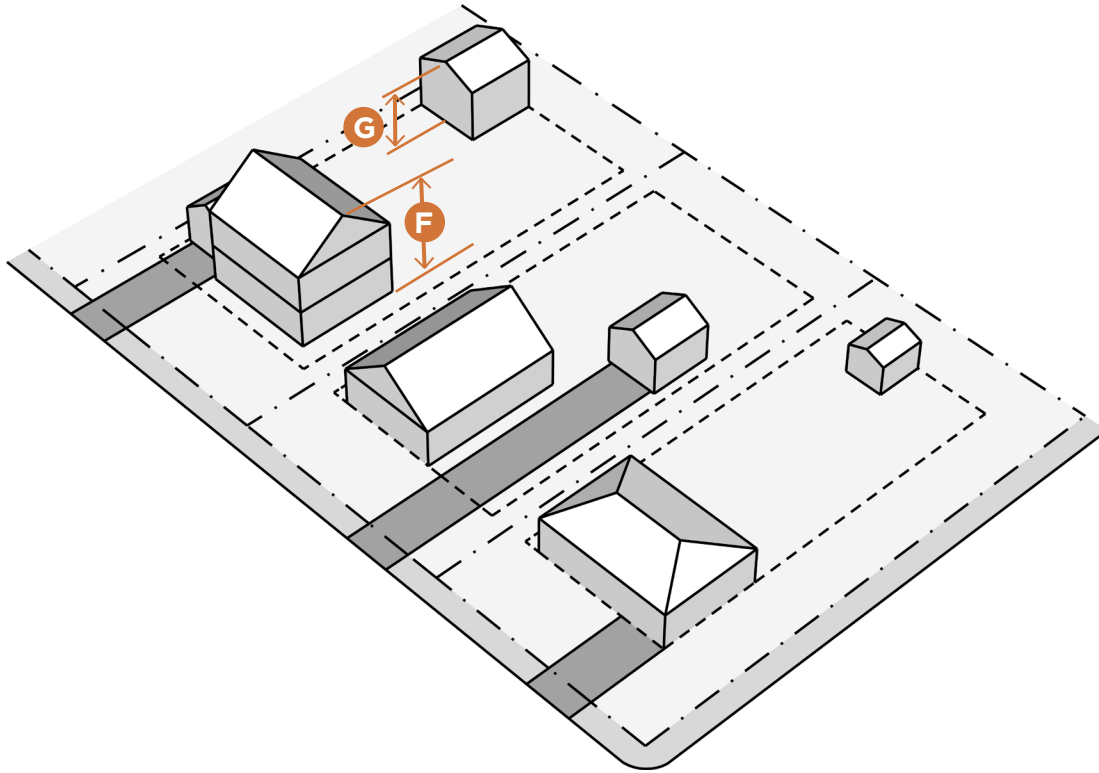
LOT SIZE E		
Lot Area	6,000 ft ² min.	

SECTION 2.1.4

RL - Low Density Residential District

DEVELOPMENT STANDARDS

BUILDING ENVELOPE



BUILDING HEIGHT	
Single-Unit Dwelling, Group Home, or Child-Care Center	28' max. F
All Other Uses	3 Stories max.

HEIGHT SETBACK	
Upper Story Setback	Above 2 stories, a 25' min. upper story setback shall apply.

Applies only to Non-Residential Buildings.

ACCESSORY BUILDING HEIGHT G		
Detached Accessory Structure with or without habitable space	28' max.*	
Accessory Dwelling Unit	No Alley	Alley
	15' max.	26' max.*

*Accessory buildings and structures may not exceed the height of any existing or proposed principal building on the lot by more than two (2) feet.

SECTION 2.1.5

MH

Manufactured Housing District

PURPOSE

The MH Manufactured Housing District is intended for existing manufactured housing communities located throughout the City. This designation is designed to preserve and support existing manufactured housing communities as the predominant residential use alongside other complementary accessory and nonresidential activities which primarily serve residents of manufactured housing communities.



BUILDING TYPES

The following building types are permitted in the MH District:

- Mobile Home
- Detached House (Urban & Suburban)
- Detached Accessory Structure



DEVELOPMENT STANDARDS

SETBACKS

Front Setback*	15' min.
Rear Setback*	10' min.
Side Setback*	10' min.
Distance Between Buildings	10' min.

* Setbacks are from property line.

BUILDING HEIGHT

Single-Unit Dwelling	3 Stories max.
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BUILDING FOOTPRINT

Maximum	5,000 ft ²
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SECTION 2.1.6

OT

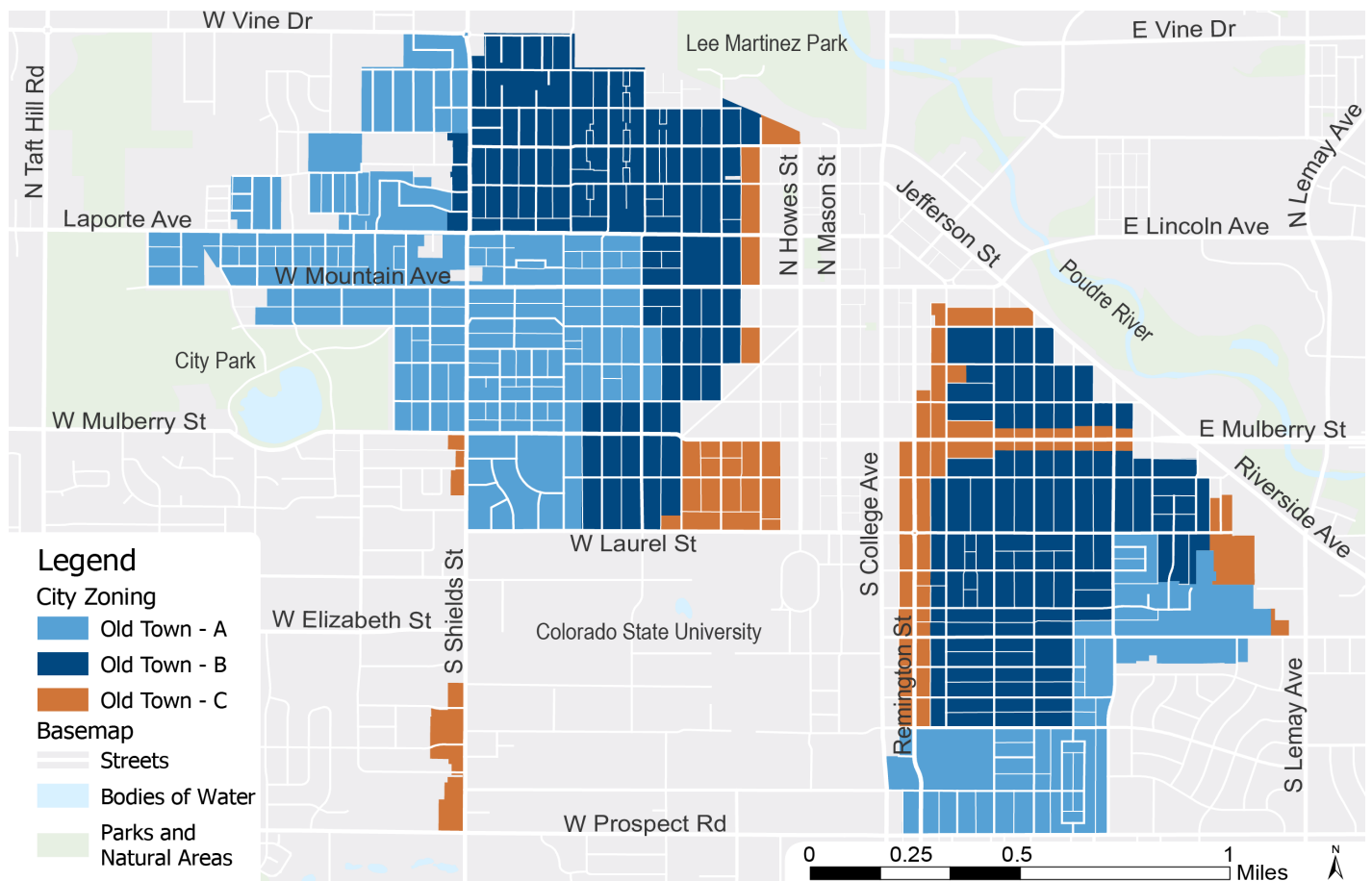
Old Town District

PURPOSE

The Old Town District is intended to preserve the unique history, character, and scale of the neighborhoods developed adjacent to Downtown and Colorado State University (CSU) and given this designation in accordance with an adopted subarea plan. The District is divided into three (3) subdistricts and is intended to encourage a mix of housing options, choices, and intensities as permitted by each subdistrict, which is described on the following pages. The Old Town Districts consists of the following three (3) sub-districts:

- OT-A** - Old Town District, Low
- OT-B** - Old Town District, Medium
- OT-C** - Old Town District, High

All standards within this zone district apply to all sub-districts, unless stated otherwise.



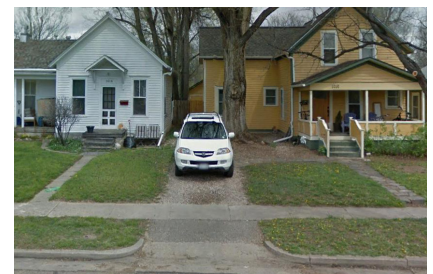
SECTION 2.1.6

OT-A

Old Town District, Low

PURPOSE

The Old Town District, Low (OT-A) subdistrict allows single-unit and accessory dwellings.



BUILDING TYPES

The following building types are permitted in the OT-A subdistrict:

BUILDING TYPES	UNITS *	LOT AREA	FLOOR AREA	ADDITIONAL SITE REQUIREMENT
Detached House (Urban & Suburban)	1 max.	4500 ft ² min.	2,400 ft ² max.	N/A
Duplex	2 max.	4500 ft ² min. or 6000ft ² min. with an ADU	40% of lot area max.	N/A
Triplex	3 max.	6000 ft ² min.	40% of lot area max.	MUST MEET ONE OF THE FOLLOWING TWO REQUIREMENTS
				Integrates existing structure**
				Affordable Housing Development
Cottage Court	3 max.	9000 ft ² min.	See Section 3.1.3	Affordable Housing Development
ADU	1 max.	N/A	See Section 3.1.9	Accessory to either a Duplex or Detached House
Detached Accessory Structure		See Section 3.1.8		N/A

*The total number of units shall not exceed three (3) on a lot.

**See integrate with existing structure requirements in Article 7.

Refer to Building Types Article 3 and Use Standards Article 4 for specific definitions.

SECTION 2.1.6

OT-B

Old Town District, Medium

PURPOSE

The Old Town District, Medium (OT-B) subdistrict is intended to preserve the character of areas that have a predominance of developed single-unit and low- to medium-density multi-unit housing and have been given this designation in accordance with an adopted subarea plan.



BUILDING TYPES

The following building types are permitted in the OT-B subdistrict:

BUILDING TYPES	UNITS*	LOT AREA	FLOOR AREA	ADDITIONAL SITE REQUIREMENT
Detached House (Urban & Suburban)	1 max.	4500 ft ² min.	2,400 ft ² max.	N/A
Duplex	2 max.	4500 ft ² min.	40% of lot area max.	N/A
Triplex	3 max.	4500 ft ² min.	70% of lot area max.	N/A
Apartment Building	4 max.	6000 ft ² min.	85% of lot area max.	N/A
	5 max.			Integrates existing structure**
	6 max.	6000 ft ² min.	85% of lot area max.	MUST MEET BOTH OF THE BELOW REQUIREMENTS
				Integrates existing structure* Affordable Housing Development
Rowhouse	2-3 max. 4 max. 5 max.	4500 ft ² min 6000 ft ² min 7500 ft ² min	40% of lot area max. 70% of lot area max. 70% of lot area max.	Affordable Housing Development
Cottage Court	3 min. 6 max.	9000 ft ² min	See Section 3.1.3	N/A
ADU	1 max.	N/A	See Section 3.1.9	Only allowed with a Detached House, Duplex, or Cottage Court
Detached Accessory Structure		See Section 3.1.8		N/A

*The total number of units shall not exceed six (6) units on a lot.

**See integrate with existing structure requirements in Article 7.

Refer to Building Types Article 3 and Use Standards Article 4 for specific definitions.

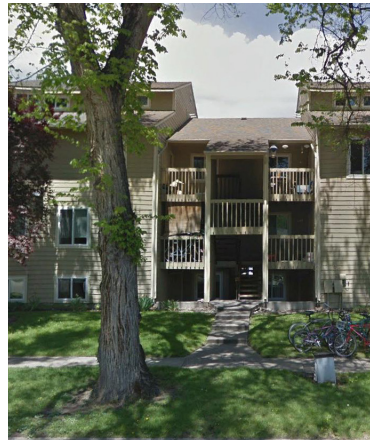
SECTION 2.1.6

OT-C

Old Town District, High

PURPOSE

The Old Town District, High (OT-C) subdistrict is intended for areas that are a transition between Downtown, the CSU campus, and adjacent neighborhoods. Intensive commercial-use areas or high traffic zones have been given this designation in accordance with an adopted subarea plan.



BUILDING TYPES

The following building types are permitted in the OT-C subdistrict:

BUILDING TYPES	UNITS	LOT AREA	FLOOR AREA
Detached House (Urban & Suburban)	1 max.	4500 ft ² min.	2,400 ft ² max.
Duplex	2 max.	4500 ft ² min.	No max.
Apartment Bldg.	3 min.	4500 ft ² min. & additional 750 ft ² min. for each unit greater than 3 units	No max.
Rowhouse	2 min. to 3 max.	4500 ft ² min.	No max.
	4 max.	6000 ft ² min.	No max.
	5 max.	7500 ft ² min.	No max.
Cottage Court	5 min.	9000 ft ² min.	See Section 3.1.3
Mixed-Use	3 min.	4500 ft ² min. & additional 750 ft ² min. for each unit greater than 3 units	No max.
ADU	1 max.	N/A	See Section 3.1.9
Detached Accessory Structure	See Section 3.1.8		

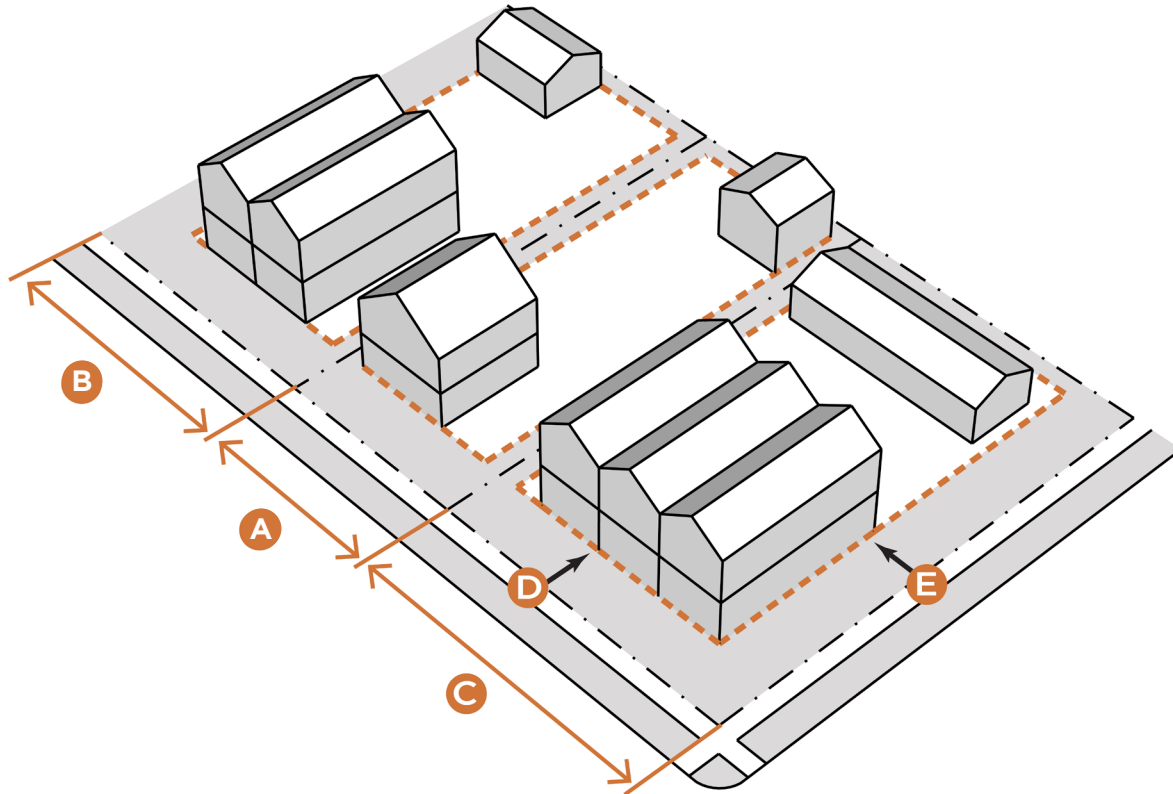
Refer to Building Types Article 3 and Use Standards Article 4 for specific definitions.

SECTION 2.1.6

OT - Old Town District (Low, Medium, and High)

DEVELOPMENT STANDARDS

BUILDING PLACEMENT



LOT WIDTH		
Detached House	40' min.	A
Duplex	40' min.	B
All Others	50' min. *	C

* Exception for Rowhouse Building Type. See Section 3.1.4.

SCHOOLS & PLACES OF WORSHIP & ASSEMBLY SETBACKS	
Front Setback	15' min.
Side Setback (interior and street)	25' min.
Rear Setback	15' min.

RESIDENTIAL BUILDING SETBACKS		
Front Setback	15' min.	D
Side Setback, Interior	5' min.	
Side Setback, Street	9' min.	E
Rear Setback, No Alley	15' min.	
Rear Setback, Alley	5' min.	
Garage Setback (from walkway)	20' min.	
Garage Door Setback (side or rear alley)	8' min.	

SECTION 2.1.6

OT - Old Town District (Low, Medium, and High)

DEVELOPMENT STANDARDS

BUILDING ENVELOPE

BUILDING HEIGHT

OT-A	28' max.*
OT-B	28' max.*
OT-C	4 stories max.
Front Porch	1 story max.

A second floor shall not overhang the lower front or side exterior walls of a new or existing building.

* The max height may exceed 28' by the height required to raise the building to comply with floodplain regulations.

BUILDING DESIGN

Additional design standards apply in the following conditions. See Article 7 for measurement details.

	BULK PLANE	FRONT FACADE	SIDE FACADE
2-Story Dwelling Replacing 1-Story Dwelling	●	●	
New Buildings > 2,500 ft ²	●	●	●
Second Story Addition > 3,000 ft ²	●	●	●

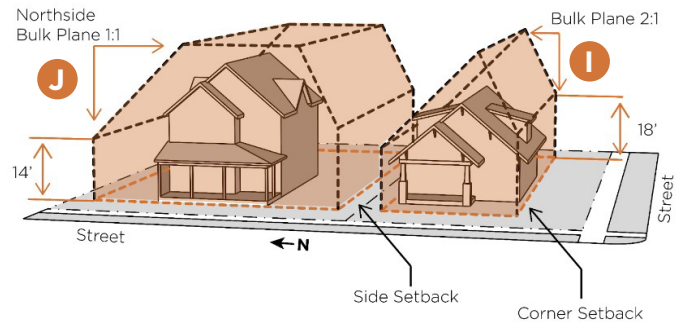
● Required

FLOOR AREA - REAR LOT AREA

OT-A	25% max. of rear 50% lot area
OT-B & OT-C	33% max. of rear 50% lot area

BULK PLANE

All Applicable Buildings , as specified in the Building Design Table	Building shall be setback an additional 1' for every 2' of height above 18'. I
North facing walls, when along side-interior lot line with an adjoining property	Building shall be setback an additional 1' for every 1' of height above 14'. J



FRONT FACADE DESIGN

At least one (1) front façade feature from the menu below shall be included to promote pedestrian orientation and compatibility with the character of the structures on the block face. See Section 7.1.2 for details.

- Limited 2-story facade
- 1-story element
- Covered entry

SIDE FACADE DESIGN

At least one (1) side façade feature from the menu below shall be included to address potential looming and privacy impacts on neighbors. See Section 7.1.2 for details.

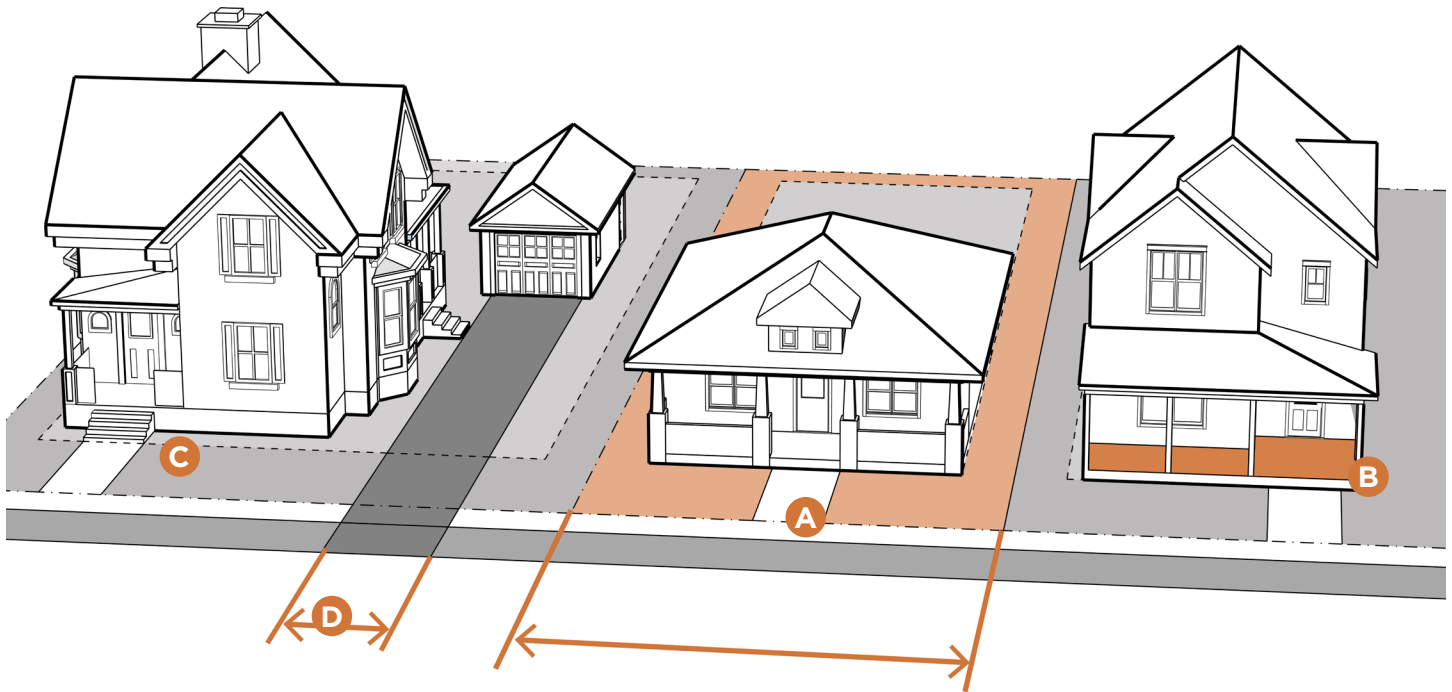
- Wall Offset
- Step Down in Height
- 1-story element
- Additional setback

SECTION 2.1.6

OT - Old Town District (Low, Medium, and High)

DEVELOPMENT STANDARDS

SITE DESIGN



ENTRANCES

Primary Entrance*	Face street or common court A
	Primary Entrance shall include architectural feature such as a porch, landing or portico. B

*Unless otherwise required for ADA access.

LANDSCAPE / HARDSCAPE

Front Yard Coverage¹	Maximum 40% of front yard can be covered with inorganic material such as asphalt, concrete, pavers, stone, rock or gravel. C
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ACCESS & PARKING

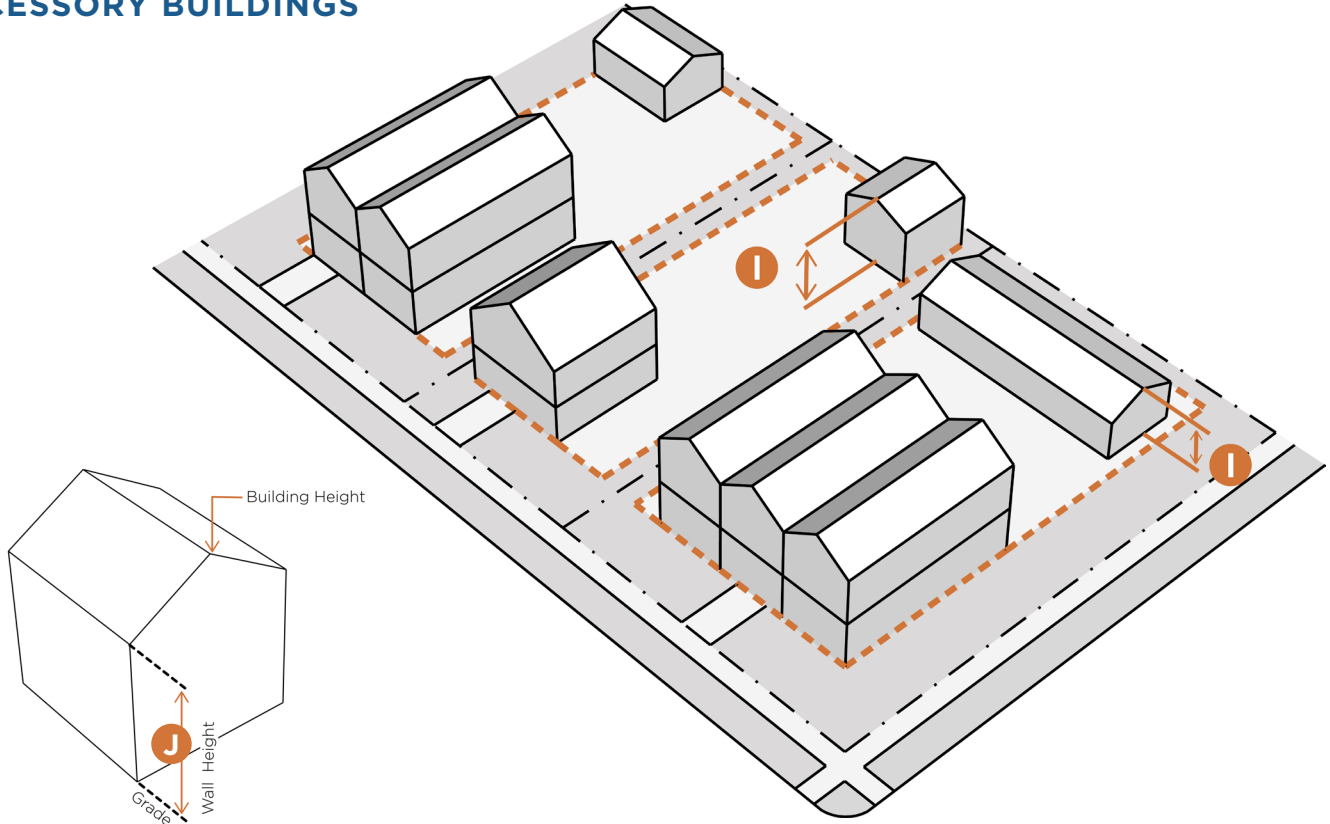
Alley Access	Whenever a lot has access along an alley, any new off-street parking area located on such lot must obtain access from such adjoining alley.
Existing Driveways D	Alley access shall not be required when a new detached garage is proposed to be accessed from an existing driveway that has a curbcut along a public street, or when alley access is determined by the City Engineer to be a hazard to persons or vehicles.
Off-Street Parking	Permanent open off-street parking areas for all permitted principal uses, other than single-unit dwellings, shall not be located any closer to a public street right-of-way than the distance by which the principal building is set back from the street right-of-way. This provision shall not be construed to preclude temporary parking in driveways.

SECTION 2.1.6

OT - Old Town District (Low, Medium, and High)

DEVELOPMENT STANDARDS

ACCESSORY BUILDINGS



DETACHED ACCESSORY STRUCTURE HEIGHT (Maximum)

ADU Height	24' max. / or as tall as the primary building (whichever is less)*
Accessory Building (Non-Habitable)	20' max. or as tall as the primary building (whichever is less)* I
Wall Height (along interior side lot line)	13' max. J

DETACHED ACCESSORY STRUCTURE DORMER or SIMILAR ARCHITECTURAL FEATURE

Width (along side lot line)	8' max.
Stepback from first story	2' min.

ACCESSORY BUILDING - LOT STANDARDS

ADU Floor Area	1000 ft ² max. / or 45% of primary dwelling unit (whichever is less)
ADU Setback from Primary Dwelling	5' min.

*Shall apply to buildings that have applied for a building permit on or after January 1, 2024.

DIVISION 2.2 MIXED-USE DISTRICTS

SECTION 2.2.1

LMN

Low Density Mixed-Use Neighborhood District



PURPOSE

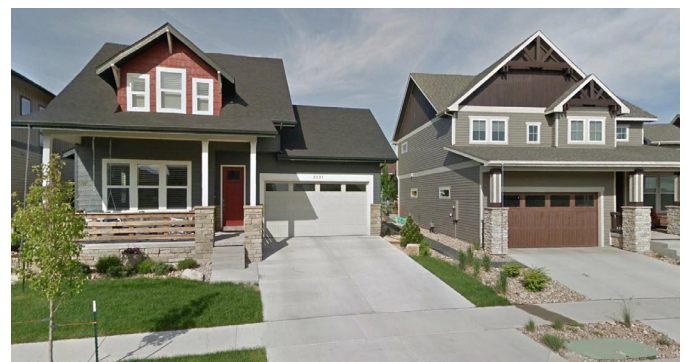
The Low Density Mixed-Use Neighborhood District is intended to be a setting for a variety of housing, providing diverse opportunities for single unit and accessory dwellings to attached units and small and medium-sized multi-unit structures. The District also encourages complementary commercial and institutional land uses and amenities that serve the everyday needs of a residential neighborhood. Parks and neighborhood centers are integrated into new and existing development and the broader community through the pattern of streets, blocks, and other linkages, providing an attractive and walkable focal point for services, open space, and recreation.

For the purposes of this Section, 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.

SECTION 2.2.1

LMN - Low Density Mixed-Use Neighborhood District

EXISTING CONDITIONS



BUILDING TYPES

The following building types are permitted in the LMN District:

LMN BUILDING TYPES	# OF UNITS	MAXIMUM DENSITY		MIN. DENSITY
		BASE	BONUS	
Non-Residential	N/A	N/A	N/A	N/A
Mixed-Use	1 min.	1 unit per 3,630 sq. ft. of site area	No max. density for affordable housing projects	1 unit per 10,000 sq. ft. of site area
Apartment	3+ min.			
Rowhouse	2+ min.			
Cottage Court	3+ min.			
Duplex	2 max.			
Detached House - Urban	1 max.			
Detached House - Suburban	1 max.			
ADU	1 max.	N/A	N/A	N/A
Detached Accessory Structure	See Section 3.1.8	N/A	N/A	N/A

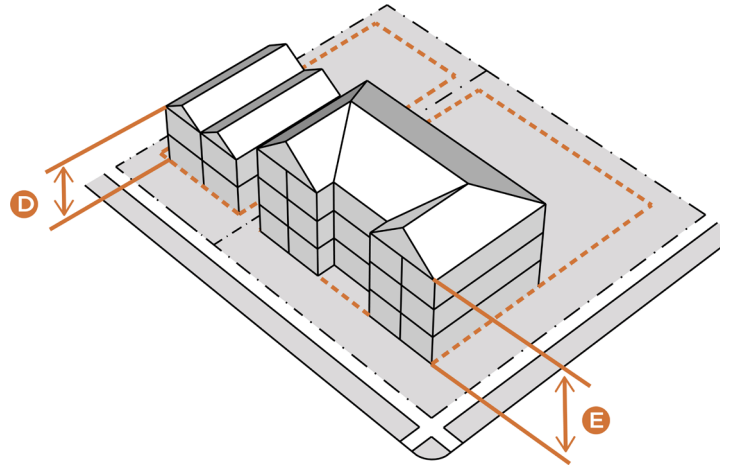
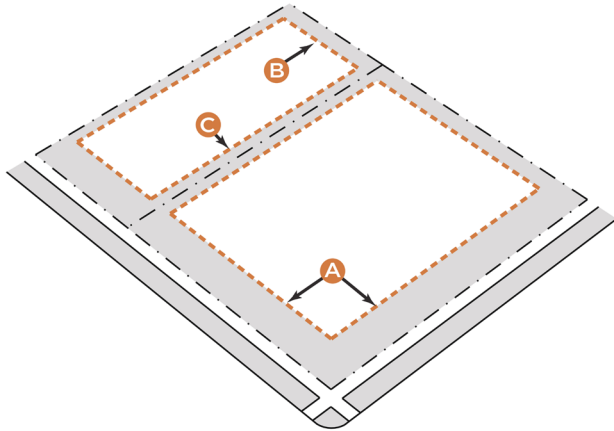
Minimum and Maximum Density applies to an entire site or subdivision.

SECTION 2.2.1

LMN - Low Density Mixed-Use Neighborhood District

DEVELOPMENT STANDARDS

BUILDING PLACEMENT & BUILDING ENVELOPE



RESIDENTIAL BUILDING SETBACKS

Front Setback - from Arterial streets	15' min.	A
Front Setback - from Non-Arterial streets	9' min.	
Rear Setback	8' min.	B
Side Setback	5' min.	C

CONTEXTUAL HEIGHT SETBACK

For properties abutting a zone district with a lower maximum building height.*

Upper Story Setback	25' min. upper story setback from property line above 2 stories
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* This does not apply to detached units, duplexes, or accessory structures.

BUILDING HEIGHT

Residential - Up to 3 Units	2.5 Stories max.	D
Residential - 4+ Units	3 Stories max.	E
Non-Residential & Mixed-Use	1.5 Stories min. 2.5 Stories max.	

FLOOR AREA

Residential - 4+ Units	14,000 ft ² max.
Affordable Housing Development Bonus	20,000 ft ² max.

BUILDING FOOTPRINT

Non-Residential & Mixed-Use	20,000 ft ² max.
Schools, Places of Worship/Assembly	25,000 ft ² max.

SECTION 2.2.1

LMN - Low Density Mixed-Use Neighborhood District

DEVELOPMENT STANDARDS

BUILDING MASS & SCALE

BUILDING MASS

Residential - 4+ Units	Walls >40 ft in width require Variation in Massing and Facade Articulation F
Non-Residential & Mixed-Use	>10,000 sf requires Variation in Massing

Variation in Massing includes:

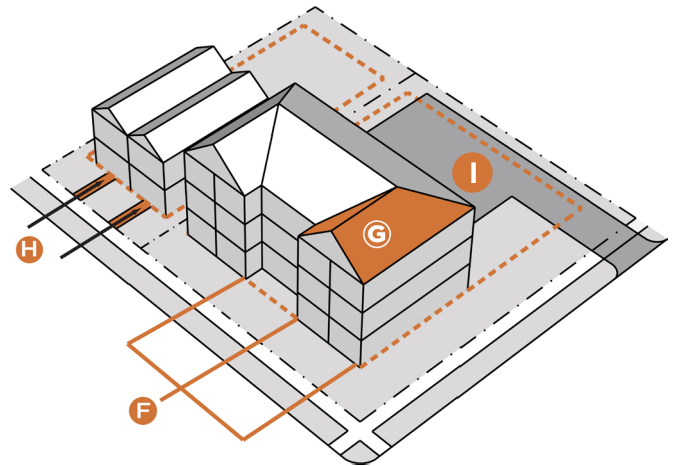
- Massing, wall plane, roof design proportions similar to detached house, so that larger buildings can be integrated into surrounding lower scale neighborhood
- Projections, recesses, covered doorways, balconies, covered box or bay windows and/or other similar features
- Dividing large facades and walls into human-scaled proportions similar to the adjacent single- or two-family dwellings
- Shall not have repetitive, monotonous undifferentiated wall planes.

Facade articulation can be accomplished by offsetting the floor plan, recessing or projection of design elements, or change in materials.

ROOF DESIGN

Non-Residential & Mixed-Use	Buildings with a footprint >4000 sf shall have a minimum of 3 Roof Planes Variation in roof plane shall relate to overall massing and facade design
Residential - 4+ Units G	Roof Shape shall be sloped (min pitch 6:12), flat, or curved, and must include 2 Roof Design Elements: <ul style="list-style-type: none"> • Change in roof shape or plane • Variation in height • Flat roof that is stepped or terraced to form usable space, such as a balcony or green roof • Roof element that is directly related to the primary entrance and/or facade articulation

ACCESS & PARKING



ENTRANCES & ORIENTATION

Residential	Varies by Building Type H Clearly identifiable and visible connection from the street and public areas. Incorporate architectural elements and landscaping.
Non-Residential & Mixed-Use	Entrance faces street, opens directly onto adjoining local street

If a building has more than one (1) front facade, and if one (1) of the front facades faces and opens directly onto a street sidewalk, the primary entrances located on the other front facade(s) need not face a street sidewalk or connecting walkway.

PARKING

Non-Residential & Mixed-Use	Rear or Side Yards; Parking shall not be between the primary facade and the street. I
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SECTION 2.2.2

MMN

Medium Density Mixed-Use Neighborhood District



Illustration from City Plan

PURPOSE

The Medium Density Mixed-Use Neighborhood District is intended to be a setting for a diverse range of higher intensity housing and complementary services and amenities within close proximity to transit and/or commercial districts. This District is intended to function together with adjacent commercial development and/or transit to provide a transition to lower density neighborhoods. Together, the MMN district and its adjacent commercial core and low density neighborhoods are intended to form an integral, town-like pattern of development with a unifying pattern of walkable streets and blocks.

SECTION 2.2.2

MMN - Medium Density Mixed-Use Neighborhood District

EXISTING CONDITIONS



BUILDING TYPES

The following building types are permitted in the MMN District:

MMN BUILDING TYPES	# OF UNITS	MAX. DENSITY	MINIMUM DENSITY	
			> 20 AC	< 20 AC
Non-Residential	N/A	N/A	N/A	N/A
Mixed-Use	1 min.	None	1 unit per 3,500 sq. ft. of site area	1 unit per 5,000 sq. ft. of site area
Apartment	3+ min.			
Rowhouse	2+ min.			
Cottage Court	3+ min.			
Duplex	2 max.			
Detached House - Urban	1 max.			
Detached House - Suburban	1 max.			
ADU	1 max.	N/A	N/A	N/A
Detached Accessory Structure	See Section 3.1.8	N/A	N/A	N/A

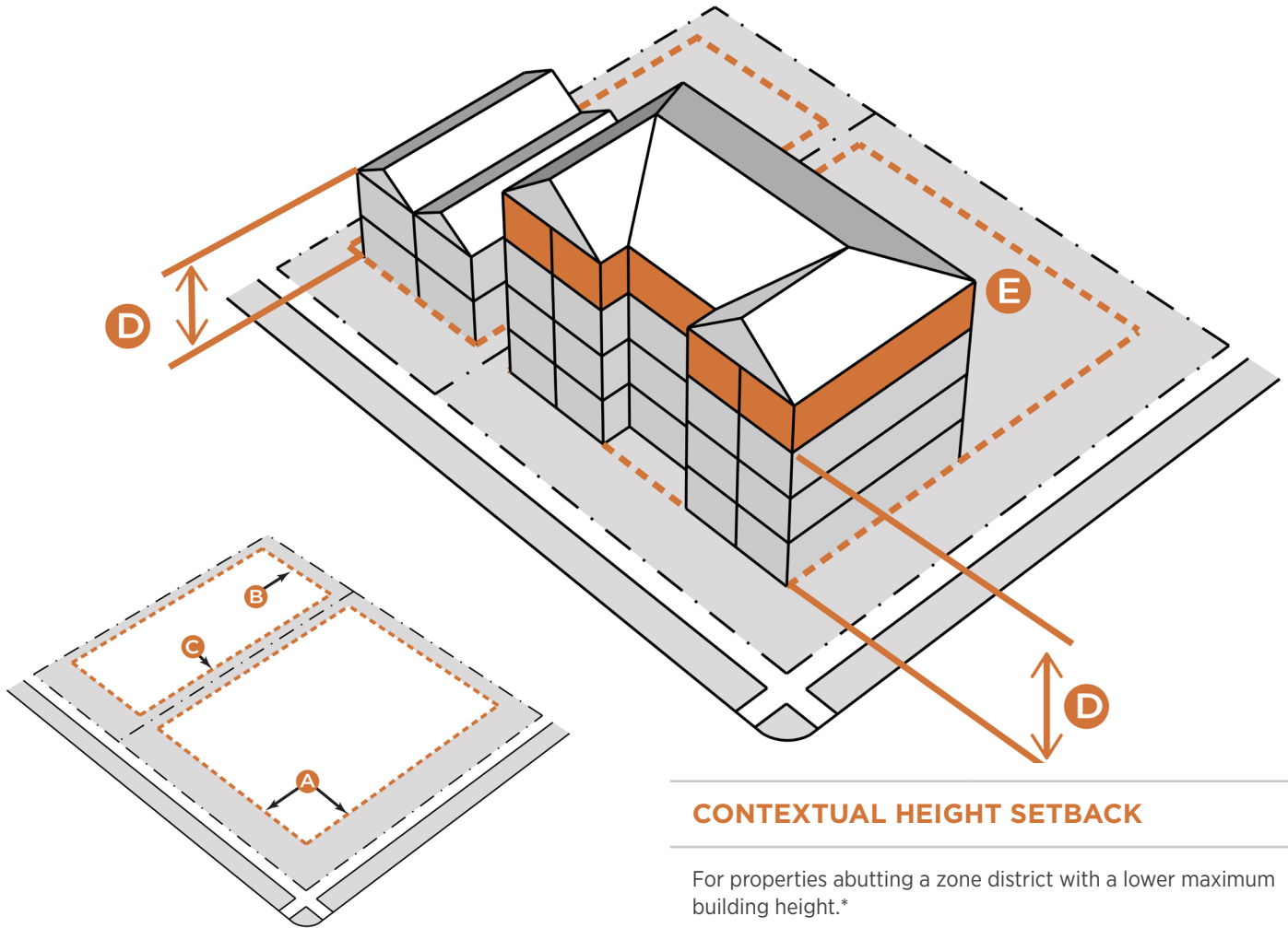
Minimum and Maximum Density applies to an entire site or subdivision.

SECTION 2.2.2

MMN - Medium Density Mixed-Use Neighborhood District

DEVELOPMENT STANDARDS

BUILDING PLACEMENT & BUILDING ENVELOPE



CONTEXTUAL HEIGHT SETBACK

For properties abutting a zone district with a lower maximum building height.*

Upper Story Setback	25' min. upper story setback from property line above 2 stories
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* This does not apply to detached units, duplexes, or accessory structures.

BUILDING HEIGHT

All Buildings	3 Stories max. D
Affordable Housing Development Bonus	4 Stories max. E

RESIDENTIAL BUILDING SETBACKS

Front Setback - from Arterial streets	15' min.	A
Front Setback - from Non-Arterial streets	9' min.	
Rear Setback	8' min.	B
Side Setback	5' min.	C

SECTION 2.2.2

MMN - Medium Density Mixed-Use Neighborhood District

DEVELOPMENT STANDARDS

BUILDING MASS & SCALE

BUILDING MASS	
Residential - 4+ Units	Walls >40 ft in width require Variation in Massing and Facade Articulation F
Non-Residential & Mixed-Use	>10,000 sf requires Variation in Massing

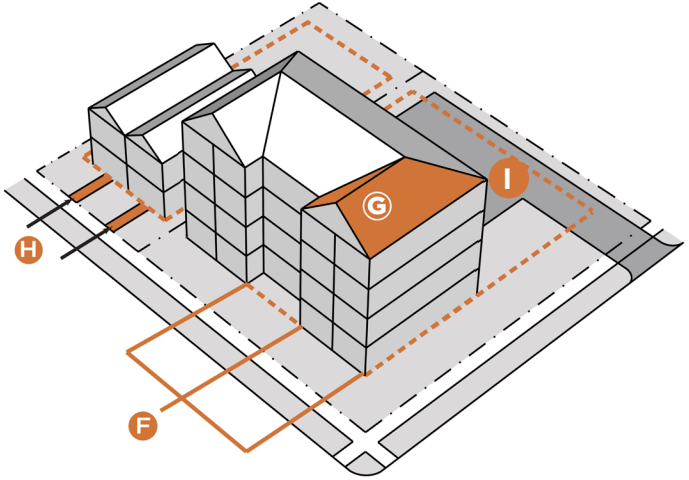
Variation in Massing includes:

- Massing, wall plane, roof design proportions similar to detached house, so that larger buildings can be integrated into surrounding lower scale neighborhood
- Projections, recesses, covered doorways, balconies, covered box or bay windows and/or other similar features
- Dividing large facades and walls into human-scaled proportions similar to the adjacent single- or two-family dwellings
- Shall not have repetitive, monotonous undifferentiated wall planes.

Facade articulation can be accomplished by offsetting the floor plan, recessing or projection of design elements, or change in materials.

ROOF DESIGN	
Non-Residential & Mixed-Use	Buildings with a footprint >4000 sf shall have a minimum of 3 Roof Planes Variation in roof plan shall relate to overall massing and facade design
Residential - 4+ Units	Roof Shape shall be sloped (min pitch 6:12), flat, or curved, and must include 2 Roof Design Elements: <ul style="list-style-type: none"> • Change in roof shape or plane • Variation in height • Flat roof that is stepped or terraced to form usable space, such as a balcony or green roof • Roof element that is directly related to the primary entrance and/or facade articulation

ACCESS & PARKING



ENTRANCES & ORIENTATION	
Residential	Varies by Building Type H Clearly identifiable and visible connection from the street and public areas. Incorporate architectural elements and landscaping.
Non-Residential & Mixed-Use	Entrance faces street, opens directly onto adjoining local street

If a building has more than one (1) front facade, and if one (1) of the front facades faces and opens directly onto a street sidewalk, the primary entrances located on the other front facade(s) need not face a street sidewalk or connecting walkway.

PARKING	
Non-Residential & Mixed-Use	Rear or Side Yards; Parking shall not be between the primary facade and the street. I

SECTION 2.2.3

HMN

High Density Mixed-Use Neighborhood District



Illustration from City Plan

PURPOSE

The High Density Mixed-Use Neighborhood District is intended to be a setting for higher density multi-unit housing and group quarter residential uses (dormitories, fraternities, sororities, etc.) closely associated with, and in close proximity to, the Colorado State University Main Campus, provided that such areas have been given this designation in accordance with an adopted subarea plan. Multistory buildings (greater than one [1] story and up to five [5] stories) are encouraged in order to promote efficient utilization of the land and the use of alternative modes of travel.

SECTION 2.2.3

HMN - High Density Mixed-Use Neighborhood District

EXISTING CONDITIONS



BUILDING TYPES

The following building types are permitted in the HMN District:

HMN BUILDING TYPES	# OF UNITS	MAXIMUM DENSITY	MINIMUM DENSITY
Non-Residential	N/A	N/A	N/A
Mixed-Use	4+ min.	None	1 unit per 2,000 sq. ft. of site area
Apartment	4+ min.		
Rowhouse	3+ min.		
ADU (with an existing Detached House)	1 max.		
Detached Accessory Structure (with an existing Detached House)	1 max.		

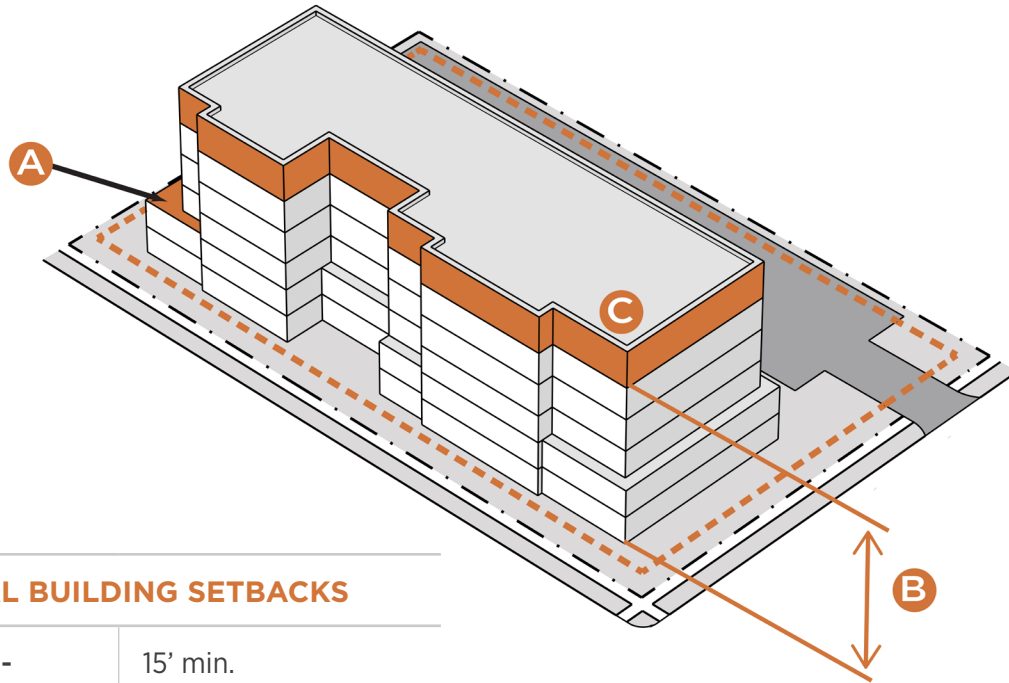
Minimum and Maximum Density applies to an entire site or subdivision.

SECTION 2.2.3

HMN - High Density Mixed-Use Neighborhood District

DEVELOPMENT STANDARDS

BUILDING PLACEMENT & BUILDING ENVELOPE



RESIDENTIAL BUILDING SETBACKS

Front Setback - from Arterial streets	15' min.
Front Setback - from Non-Arterial streets	9' min.
Rear Setback	8' min.
Side Setback	5' min.

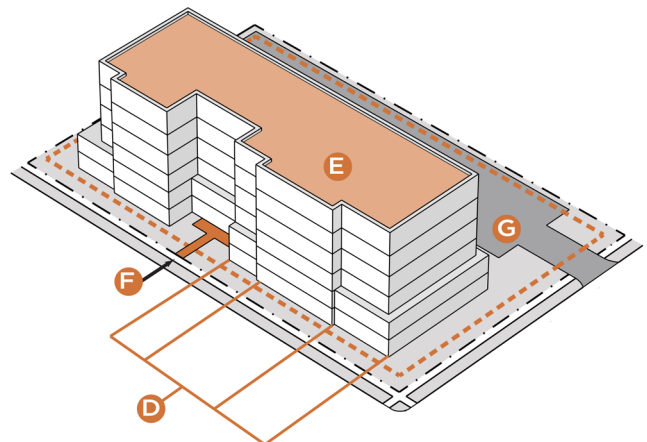
BUILDING HEIGHT

All Buildings	5 stories max.	B
Affordable Housing Development Bonus	6 Stories max.	C

CONTEXTUAL HEIGHT SETBACK

Properties abutting a zone district with a lower maximum building height shall comply.*

Upper Story Setback	25' min. upper story setback from property line above 2 stories	A
Upper Story Setback from Streets	Wall height above 35' shall be set back an additional 1-ft for every 2-ft in height or fraction thereof	



Standards for D-Building Mass; E-Roof Design; F-Entrances; G-Parking are on the following page.

* This does not apply to detached units, duplexes, or accessory structures.

SECTION 2.2.3

HMN - High Density Mixed-Use Neighborhood District

DEVELOPMENT STANDARDS

BUILDING MASS & SCALE

BUILDING MASS	
Residential - 4+ Units	Walls >40 ft in width require Variation in Massing and Facade Articulation D
Non-Residential & Mixed-Use	>10,000 sf requires Variation in Massing

Variation in Massing includes:

- Massing, wall plane, roof design proportions similar to detached house, so that larger buildings can be integrated into surrounding lower scale neighborhood
- Projections, recesses, covered doorways, balconies, covered box or bay windows and/or other similar features
- Dividing large facades and walls into human-scaled proportions similar to the adjacent single- or two-family dwellings
- Shall not have repetitive, monotonous undifferentiated wall planes.

Facade articulation can be accomplished by offsetting the floor plan, recessing or projection of design elements, or change in materials.

ROOF DESIGN	
Non-Residential & Mixed-Use	Buildings with a footprint >4000 sf shall have a minimum of 3 Roof Planes Variation in roof plan shall relate to overall massing and facade design
Residential - 4+ Units E	Roof Shape shall be sloped (min pitch 6:12), flat, or curved, and must include 2 Roof Design Elements: <ul style="list-style-type: none"> • Change in roof shape or plane • Variation in height • Flat roof that is stepped or terraced to form usable space, such as a balcony or green roof • Roof element that is directly related to the primary entrance and/or facade articulation

ACCESS, PARKING & SITE DESIGN

ENTRANCES & ORIENTATION	
Residential	Varies by Building Type Clearly identifiable and visible connection from the street and public areas. F Incorporate architectural elements and landscaping.
Non-Residential & Mixed-Use	Entrance faces street, opens directly onto adjoining local street

If a building has more than one (1) front facade, and if one (1) of the front facades faces and opens directly onto a street sidewalk, the primary entrances located on the other front facade(s) need not face a street sidewalk or connecting walkway.

PARKING	
Non-Residential & Mixed-Use	Rear or Side Yards; Parking shall not be between the primary facade and the street. G

SITE DESIGN	
Front Yards	Building design, in conjunction with site design, shall include structured elements to mark the transition from the public street to doorways. Examples of such elements are porches, pediments, pergolas, low walls or fencing, railings, pedestrian light fixtures and hedges.
Outdoor Activity	Buildings and extensions of buildings shall be designed to form outdoor spaces such as balconies, terraces, patios, decks or courtyards.

SECTION 2.2.4

NC

Neighborhood Commercial District

PURPOSE / INTENT

The Neighborhood Commercial District is intended to be a mixed-use commercial core area anchored by a supermarket or grocery store and a transit stop. The main purpose of this District is to meet consumer demands for frequently needed goods and services, with an emphasis on serving the surrounding residential neighborhoods typically including a Medium Density Mixed-Use Neighborhood. In addition to retail and service uses, the District may include neighborhood-oriented uses such as schools, employment, day care, parks, small civic facilities, as well as residential uses.

This District is intended to function together with a surrounding Medium Density Mixed-Use Neighborhood, which in turn serves as a transition and a link to larger surrounding low density neighborhoods. The intent is for the component zone districts to form an integral, town-like pattern of development with this District as a center and focal point; and not merely a series of individual development projects in separate zone districts.

BUILDING TYPES

The following building types are permitted in the NC District:

- Mixed-Use, Apartment, Row House, and Duplex.
- ADU only with an existing Detached House.
- Detached Accessory Structure.
- See Division 3.1 for more details
- All nonresidential buildings permitted under this Section, including industrial buildings, shall meet the standards for mixed-use and commercial buildings contained in Section 5.15.2 of this Code.

SECTION 2.2.4

NC - Neighborhood Commercial District

DEVELOPMENT STANDARDS

BLOCK STANDARDS

BLOCK SIZE

All Blocks	7 Acres max.
Blocks with Supermarkets	10 Acres max.

BLOCK STRUCTURE

Each development within this District shall be developed as a series of complete blocks bounded by public or private streets (see Section 5.3.2(E) for Multi-Family Block Requirements). Natural areas, irrigation ditches, high-voltage power lines, operating railroad tracks and other similar substantial physical features may form up to two (2) sides of a block.

BUILDING STANDARDS

BUILDING HEIGHT

All Buildings	4 stories max.
Affordable Housing Development Bonus	6 stories max.

All buildings shall have a minimum height of twenty (20) feet, measured to the dominant roof line of a flat-roofed building, or the mean height between the eave and ridge on a sloped-roof building. In the case of a complex roof with different co-dominant portions, the measurement shall apply to the highest portion. All buildings shall be limited to four (4) stories.

BUILDING FRONTAGE

Minimum Building Frontage. Forty (40) percent of each block side or fifty (50) percent of the total of all block sides shall consist of either building frontage, plazas or other functional open space.

CANOPIES

1. Primary canopies and shade structures shall be attached to and made an integral part of the main building and shall not be freestanding.
2. Freestanding secondary canopies and shade structures that are detached from the building, if any, shall be designed with a pitched roof, or have the appearance of a pitched roof through a false mansard or parapet, to match the primary canopy and relate to the neighborhood character.
3. All canopies shall be designed with a shallow-pitched roof, false mansard or parapet that matches the building. Such roofs, false mansards or parapets shall be constructed of traditional roofing materials such as shingles or cementitious, clay or concrete tiles, or standing seam metal in subdued, neutral colors in a medium value range. The colors shall be designed to relate to other buildings within the commercial center.
4. Canopy fascias and columns shall not be internally illuminated nor externally illuminated with neon or other lighting technique, nor shall canopy fascias or columns be accented, striped or painted in any color except that of the predominant building exterior color.
5. There shall be no advertising, messages, logos or any graphic representation displayed on the canopy fascias or columns associated with drive-in restaurants, financial services and retail stores. This prohibition shall not apply to canopies for covering the retail dispensing or sale of vehicular fuels.
6. Under-canopy lighting shall be fully recessed with flush-mount installation using a flat lens. There shall be no spot lighting.

2.3 COMMERCIAL DISTRICTS

SECTION 2.3.1

CC

Community Commercial District



PURPOSE

The Community Commercial District provides a combination of retail, offices, services, cultural facilities, civic uses and higher density housing. Multi-story buildings are encouraged to provide a mix of residential and nonresidential uses. Offices and dwellings are encouraged to locate above ground-floor retail and services.

BUILDING TYPES

The following building types are permitted in the CC District:

- Mixed-Use, Apartment, Row House and Duplex.
- Detached Accessory Structure
- ADU only with an existing Detached House.
- See Division 3.1 for more details.
- All nonresidential buildings permitted under this Section, including industrial buildings, shall meet the standards for mixed-use and commercial buildings contained in Section 5.15.2 of this Code.

SECTION 2.3.1

CC - Community Commercial District

DEVELOPMENT STANDARDS

CENTRAL FEATURE OR GATHERING PLACE

At least one (1) prominent or central location within each geographically distinct Community Commercial District shall include a convenient outdoor open space or plaza with amenities such as benches, monuments, kiosks or public art. This feature and its amenities may be placed on blocks with community facilities.

BLOCK STRUCTURE

Each Community Commercial District and each development within this District shall be developed as a series of complete blocks bounded by public or private streets (see Section 5.3.2(E) for Multi-Family Block Requirements). Natural areas, irrigation ditches, high-voltage power lines, operating railroad tracks and other similar substantial physical features may form up to two (2) sides of a block.

BLOCK SIZE

All Blocks	7 Acres max.
Blocks with Supermarkets	10 Acres max.

BUILDING FRONTAGE

Minimum Building Frontage. Forty (40) percent of each block side or fifty (50) percent of the total of all block sides shall consist of either building frontage, plazas or other functional open space.

INTEGRATION OF THE TRANSIT STOP

Community Commercial Districts shall be considered primary stops on the regional transit network. Transit stops, to the maximum extent feasible, shall be centrally located and adjacent to the core commercial area.

Commercial buildings must be directly visible and accessible from the transit stop. Transfers to feeder buses shall be provided for in the design and location of these stops. (See also Section 5.4.9, Bus Stop Design Standards).

BUILDING ORIENTATION

The configuration of shops in the Community Commercial District shall orient primary ground-floor commercial building entrances to pedestrian-oriented streets, connecting walkways, plazas, parks or similar outdoor spaces, not to interior blocks or parking lots.

Anchor tenant retail buildings may have their primary entrances from off-street parking lots; however, on-street entrances are strongly encouraged.

The lot size and layout pattern for individual blocks within the Community Commercial District shall support this requirement.

BUILDING ENVELOPE

BUILDING HEIGHT

All Buildings	4 stories max.
Affordable Housing Development Bonus	6 stories max.

SECTION 2.3.2

CCN

Community Commercial - North College District

PURPOSE

The Community Commercial - North College District is for fringes of retail/commercial core areas and corridors. This District is intended for moderate intensity uses that are supportive of the commercial core or corridor, and that help to create a transition and a link between the commercial areas and surrounding residential areas. This designation is only for areas identified for its application in the North College Corridor Plan.

BUILDING TYPES

The following building types are permitted in the CCN District:

- Mixed-Use, Apartment, Row House and Duplex.
- ADU only with an existing Detached House.
- Detached Accessory Structure.
- See Division 3.1 for more details.
- All nonresidential buildings permitted under this Section, including industrial buildings, shall meet the standards for mixed-use and commercial buildings contained in Section 5.15.2 of this Code.

DEVELOPMENT STANDARDS

All development in the Community Commercial - North College District shall also comply with the standards contained in the Standards and Guidelines for the North College Avenue Corridor as adopted by the City, to the extent that such standards and guidelines apply to the property to be developed.

BUILDING HEIGHT

All Buildings	4 stories max.
Affordable Housing Development Bonus	6 stories max.

DENSITY

Single-unit, two-unit and multi-unit housing shall have a minimum density of five (5) dwelling units per net acre calculated on a gross residential acreage basis for any development project. Single-unit housing shall be limited to a maximum of forty (40) percent of the geographically distinct district area.

SECTION 2.3.3

CCR

Community Commercial - Poudre River District

PURPOSE

The Community Commercial - Poudre River District is for Downtown fringe areas in the Cache la Poudre River corridor with both public street frontage and River frontage. This District provides locations for redevelopment or development of moderate intensity uses that are supportive of Downtown, subject to floodplain restrictions. Such redevelopment or development shall be compatible with the scenic, cultural, natural and historical context of the River and Downtown.

A main purpose of the District is to foster a healthy and compatible relationship between the River, the Downtown and surrounding urban uses. Any significant redevelopment shall be designed as part of a master plan for the applicable group of contiguous properties.

BUILDING TYPES

The following building types are permitted in the CCR District:

- Mixed-Use, Apartment, Row House and Duplex.
- ADU only with an existing Detached House.
- Detached Accessory Structure
- See Division 3.1 for more details.
- All nonresidential buildings permitted under this Section, including industrial buildings, shall meet the standards for mixed-use and commercial buildings contained in Section 5.15.2 of this Code.

Prospect Road Streetscape Program

All development in this zone district that is located within the planning area for the Prospect Road Streetscape Program shall also comply with the Prospect Road Streetscape Standards as adopted by the City, to the extent that such Standards apply to the property proposed to be developed.

SECTION 2.3.3

CCR - Poudre River District

DEVELOPMENT STANDARDS

BUILDING STANDARDS

BUILDING HEIGHT

All Buildings	3 stories max.
Affordable Housing Development Bonus	5 stories max.

ROOFLINES

Pitch - Gable & Hiproofs	8:12 min.
Pitch - Hipped Roofs Only	6:12 min.

Flat-roofed buildings shall feature three-dimensional cornice treatment on all walls facing streets, the River or connecting walkways, unless they are stepped and terraced back to form a usable roof terrace area(s). A single continuous horizontal roofline shall not be used on one-story buildings except as part of a design style that incorporates corbelled masonry and/or cornices.

BUILDING MATERIALS

Predominant building colors shall be subdued or neutral shades, within a medium or moderately dark range of value, and not white or reflective.

Textured unit masonry such as brick, stone and tinted, variously textured concrete masonry units, as well as treated wood siding, shall be used in repeating pattern as integral parts of the building fabric to the maximum extent feasible. Any other exterior materials, if used, shall be used as integral parts of the overall building fabric, in repeating modules, proportioned both horizontally and vertically to relate to human scale, and with enough depth at joints between architectural elements to cast shadows.



PARKING LOTS

Buildings shall be sited so that any new parking lots and vehicle use areas are located in either: 1) interior block locations between buildings that face the street and buildings that face the River, or 2) side yards.

LANDSCAPE & VEGETATION PROTECTION

The natural qualities of the River landscape shall be maintained and enhanced using plants and landscape materials native to the River corridor in the design of site and landscape improvements.

OUTDOOR SPACES

Buildings and extensions of buildings shall be designed to form outdoor spaces such as balconies, arcades, terraces, decks or courtyards, and to integrate development with the landscape to the extent reasonably feasible.

WINDOWS

Windows shall be individually defined with detail elements such as frames, sills and lintels, and placed so as to visually establish and define the building stories and establish human scale and proportion. Glass curtain walls and spandrel-glass strip windows shall not be used as the predominant style of fenestration for buildings in this District. This requirement shall not serve to restrict the use of atrium, lobby or greenhouse-type accent features used as embellishments to the principal building.

SECTION 2.3.4



General Commercial District

PURPOSE

The General Commercial District is intended to be a setting for development, redevelopment and infill of a wide range of community and regional retail uses, offices and personal and business services. Secondly, it can accommodate a wide range of other uses including creative forms of housing.

While some General Commercial District areas may continue to meet the need for auto-related and other auto-oriented uses, it is the City’s intent that the General Commercial District emphasize safe and convenient personal mobility in many forms, with planning and design that accommodates pedestrians.

BUILDING TYPES

The following building types are permitted in the CG District:

- Mixed-Use, Apartment, Row House and Duplex.
- ADU only with an existing Detached House.
- Detached Accessory Structure.
- See Division 3.1 for more details.
- All nonresidential buildings permitted under this Section, including industrial buildings, shall meet the standards for mixed-use and commercial buildings contained in Section 5.15.2 of this Code.

DEVELOPMENT STANDARDS

BUILDING STANDARDS

BUILDING HEIGHT

All Buildings	4 stories max.
Affordable Housing Development Bonus	6 stories max.

Prospect Road Streetscape Program

All development in this zone district that is located within the planning area for the Prospect Road Streetscape Program shall also comply with the Prospect Road Streetscape Standards as adopted by the City, to the extent that such Standards apply to the property proposed to be developed.

OUTDOOR SPACES

Pedestrian-oriented outdoor spaces shall be placed next to activity areas that generate the users (such as street corners, shops, stores, offices, day care and dwellings). Because liveliness created by the presence of people is the main key to the attractiveness of such spaces, to the maximum extent feasible, the development shall link outdoor spaces to and make them visible from streets and sidewalks. Sculpture, kiosks or shelters are encouraged to be prominently placed in outdoor spaces.

LANDSCAPE & OPEN SPACE

In multiple-building developments, outdoor spaces and landscaped areas shall be integral to an open space system in conjunction with streets and connections, and not merely residual areas left over after buildings and parking lots are sited.

SECTION 2.3.5



Service Commercial District

PURPOSE

The Service Commercial District is intended for high traffic commercial corridors where a range of uses is encouraged to create a transition from commercial operations on a highway, arterial street or rail spur, to less intensive use areas or residential neighborhoods. This designation is only for areas that have been designated under an adopted subarea plan as being appropriate for the C-S District.

BUILDING TYPES

The following building types are permitted in the CS District:

- Mixed-Use, Apartment, Row House and Duplex.
- ADU only with an existing Detached House.
- Detached Accessory Structure
- See Division 3.1 for more details.
- All nonresidential buildings permitted under this Section, including industrial buildings, shall meet the standards for mixed-use and commercial buildings contained in Section 5.15.2 of this Code.

DEVELOPMENT STANDARDS

BUILDING STANDARDS

BUILDING HEIGHT

Maximum	3 stories max.
Affordable Housing Development Bonus	5 stories max.

See Article 5 for additional building design standards.

SECTION 2.3.6

CL

Limited Commercial District

PURPOSE

The Limited Commercial District is intended for areas primarily containing existing, small commercial uses that are adjacent to residential neighborhoods. Many of these areas have transitioned over time from residential to commercial uses. The District is divided into the Riverside Area and all other areas. The purpose of this District is to allow small scale nonresidential uses to continue to exist or to expand while still protecting surrounding residential areas, provided that such areas have been designated under an adopted subarea plan as being appropriate for the CL District.

BUILDING TYPES

The following building types are permitted in the CL District:

- Mixed-Use, Apartment, Row House and Duplex.
- ADU only with an existing Detached House.
- Detached Accessory Structure.
- See Division 3.1 for more details.
- All nonresidential buildings permitted under this Section, including industrial buildings, shall meet the standards for mixed-use and commercial buildings contained in Section 5.15.2 of this Code.

Development Standards in the Riverside Area

Within the Riverside Area, any nonresidential use shall be separated from abutting residential land uses or residential zone districts by a solid fence or wall at least six (6) feet in height.

DEVELOPMENT STANDARDS

BUILDING STANDARDS

BUILDING HEIGHT

All Buildings	3 Stories max.
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BUILDING MASS

Residential - 4+ Units	Walls >40 ft require Variation in Massing and Facade Articulation
Non-Residential & Mixed-Use	>10,000 sf requires Variation in Massing

Variation in Massing includes:

- Massing, wall plane, roof design proportions similar to detached house, so that larger buildings can be integrated into surrounding lower scale neighborhood
- Projections, recesses, covered doorways, balconies, covered box or bay windows and/or other similar features
- Dividing large facades and walls into human-scaled proportions similar to the adjacent single- or two-family dwellings
- Shall not have repetitive, monotonous undifferentiated wall planes.

Facade articulation can be accomplished by offsetting the floor plan, recessing or projection of design elements, change in materials and/or change in contrasting colors.

BUILDING SIZE

No building permitted by this Section shall have a single undifferentiated mass with a footprint over ten thousand (10,000) square feet. Except for schools and places of worship or assembly, no building footprint shall exceed a total of twenty thousand (20,000) square feet.

For any building with a footprint in excess of ten thousand (10,000) square feet, walls that are greater than seventy-five (75) feet in length shall incorporate recesses or projections created by wall plane returns of at least thirty (30) feet; any such building shall be differentiated into multiple sections of mass in order to achieve proportions that are compatible in scale with adjacent residential neighborhoods.

DOWNTOWN DISTRICT

SECTION 2.4.1 DOWNTOWN DISTRICT (D)

(A) Purpose

The Downtown District is intended to provide a concentration of retail, civic, employment and cultural uses in addition to complementary uses such as hotels, entertainment, and housing, located along the backdrop of the Poudre River Corridor. It is divided into nine (9) subdistricts as depicted on Figure 18. The development standards for the Downtown District are intended to encourage a mix of activity in the area while providing for high quality development that maintains a sense of history, human scale, and pedestrian-oriented character.

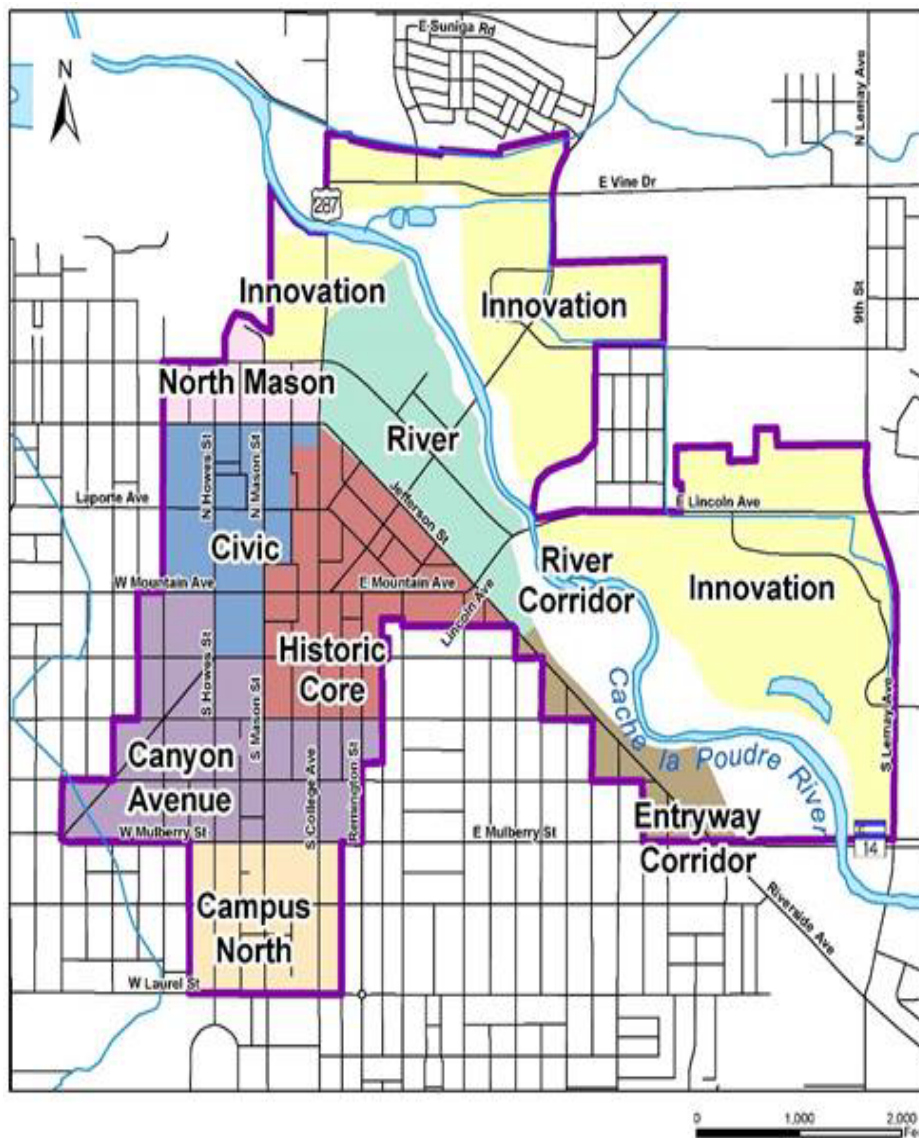


Figure 18
Downtown District Subdistricts

(B) Street Frontage Types

Three types of street frontages have evolved in the Downtown District shaping public space and building placement. Applicable street frontage types are depicted on Figure 18.1.

- *Storefront* - Found primarily within the Historic Core, and along Laurel Street, buildings abut a wide sidewalk. Retail and commercial uses predominate the ground floor with a high degree of visual interest and transparency into shops and restaurants.
- *Mixed Use* - Found adjacent the Historic Core Subdistrict on streets such as Mason, this street character is a hybrid and transition between the Storefront and Green Edge frontage types. Buildings are set a little farther back from the street than along Storefront streets, often with small landscape beds separating the building from the sidewalk. There is significantly less ground floor retail space, but buildings still address the sidewalk in a similar way.
- *Green Edge* - Found primarily in the subdistricts away from the Historic Core, this frontage type is best recognized for generous parkway widths and landscaped setbacks between the sidewalk and the building. Ground floor uses are mostly residential and office, with a scattering of other commercial uses, often in much larger buildings than are found in the Historic Core Subdistrict.

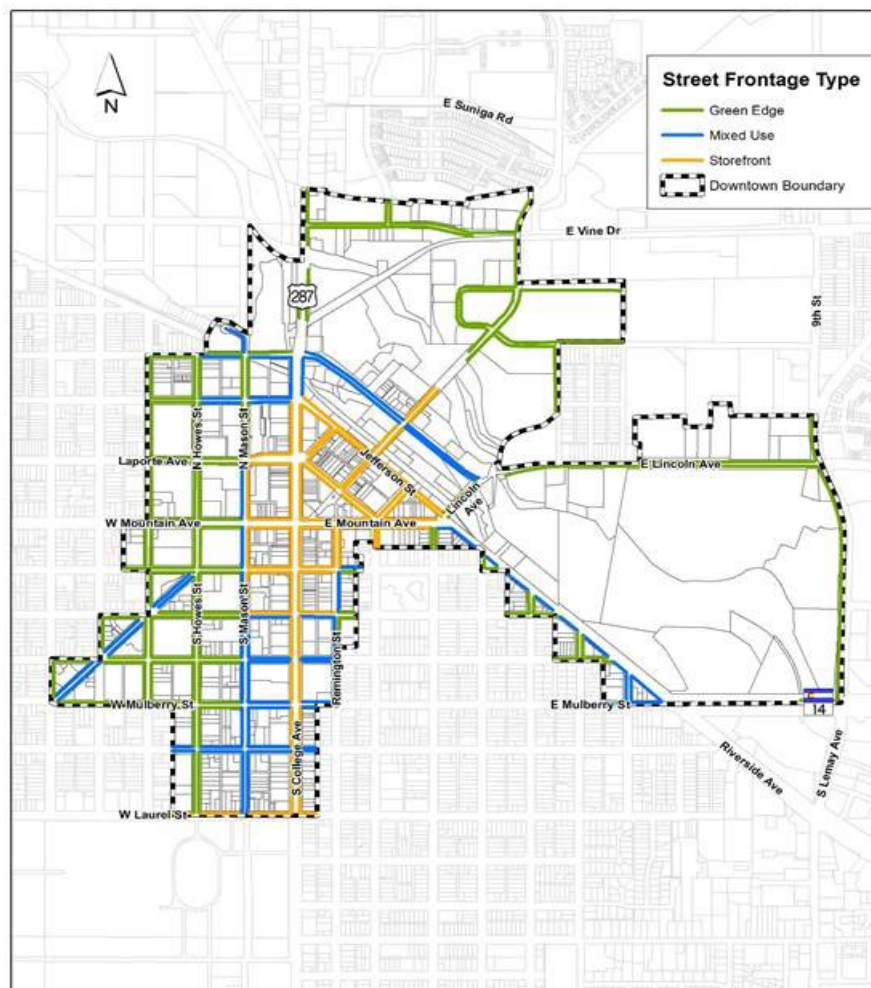


Figure 18.1
Downtown District Street Frontage Types

Street Frontage and Building Placement Requirements. The following standards shall apply to the Downtown District:

**Figure 18.2
Building Design based on Street Frontage**

	STREET FRONTAGE TYPE		
	Storefront	Mixed Use	Green Edge
Minimum Setback from Back of Curb (right of way included in setback)	Min. 9' from back of curb to building	Min. 19' from back of curb to building Min. 6' sidewalk if detached Min. 10' sidewalk if attached Min. 5' back of walk to building	Min. 24' from back of curb to building Min. 9' parkway Min. 10' back of walk to building
Min. Alley, Sidelot and Rear Lot Setback (measured from property line)	0' Sidelot 5' Alley 0' Rear Yard	0' Sidelot 5' Alley 5' Rear Yard	10' Sidelot 5' Alley 5' Rear Yard
Required Street Frontage Build-To Range (as measured from the setback) <i>See Figure 18.3</i>	90% at 0 to 5'	75% at 5 to 10'	50% at 10 to 20'
Primary Entrance Location	For parcels with multiple street frontage types, the primary entrance must face a Storefront Street if present, otherwise a Mixed-Use Street. The primary entrance may face a Green Edge Street only when other street frontage types are not present.		
Primary Entrance Articulation	The primary entrance on a storefront street shall be recessed from the front facade so that the door swing does not encroach the sidewalk while the upper floors maintain the sidewalk edge except as required to meet upper story setbacks.	The primary building entrance shall be a clearly defined, demarcated architectural feature of the building easily distinguishable from secondary building entrances.	
Garage Entry Location	Garage entries and service locations shall be located in alleys. If no alley is present, they may be located on a Green Edge street. If a Green Edge street is not present, they may be located on a Mixed-Use street. To the maximum extent feasible, garage entries and service locations shall not be located on Storefront street frontages.		
Building Base Materials <i>See Figure 18.4</i>	Lower story facades until any setbacks (required or otherwise) must be constructed of authentic, durable, high-quality materials (brick, stone, glass, terra cotta, stucco (non EFIS), precast concrete, wood, cast iron, architectural metal - or similar modular materials) installed to industry standards.		
Ground-Floor Transparency <i>See Figure 18.5</i>	60%	40%	25%
Ground Floor Use Requirements	Maximum 25% street-facing linear frontage for residential living space.	None.	

Figure 18.3
Street Frontage Build-To Range

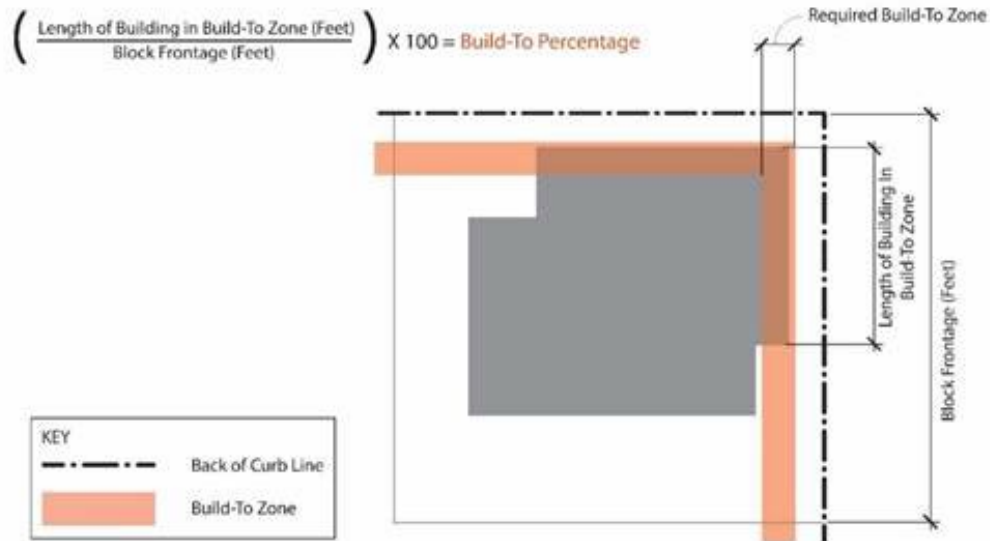


Figure 18.4
Building Base Materials

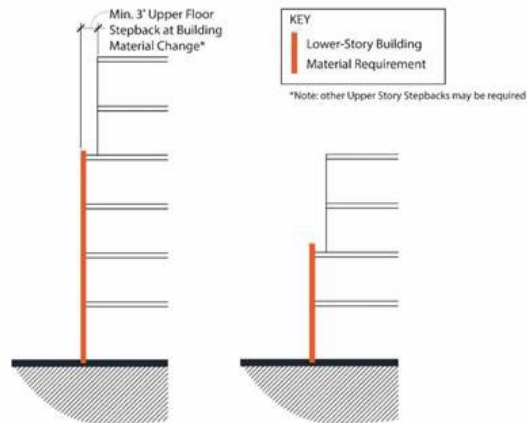
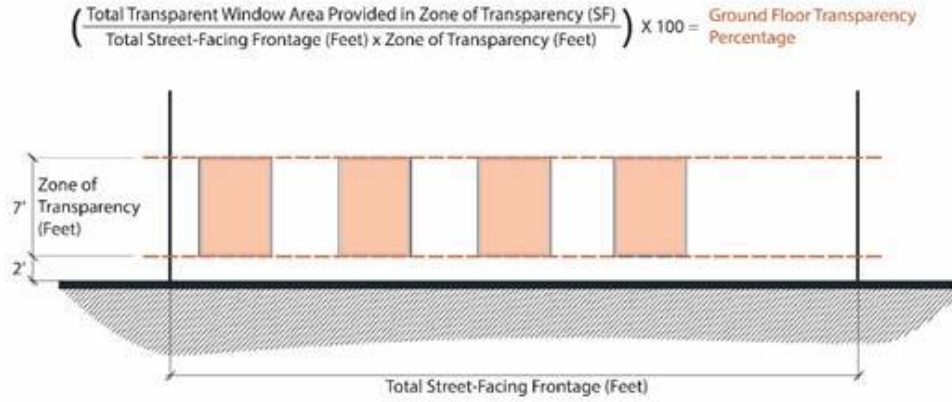


Figure 18.5
Ground Floor Transparency Calculation



(C) Building Heights and Mass Reduction.

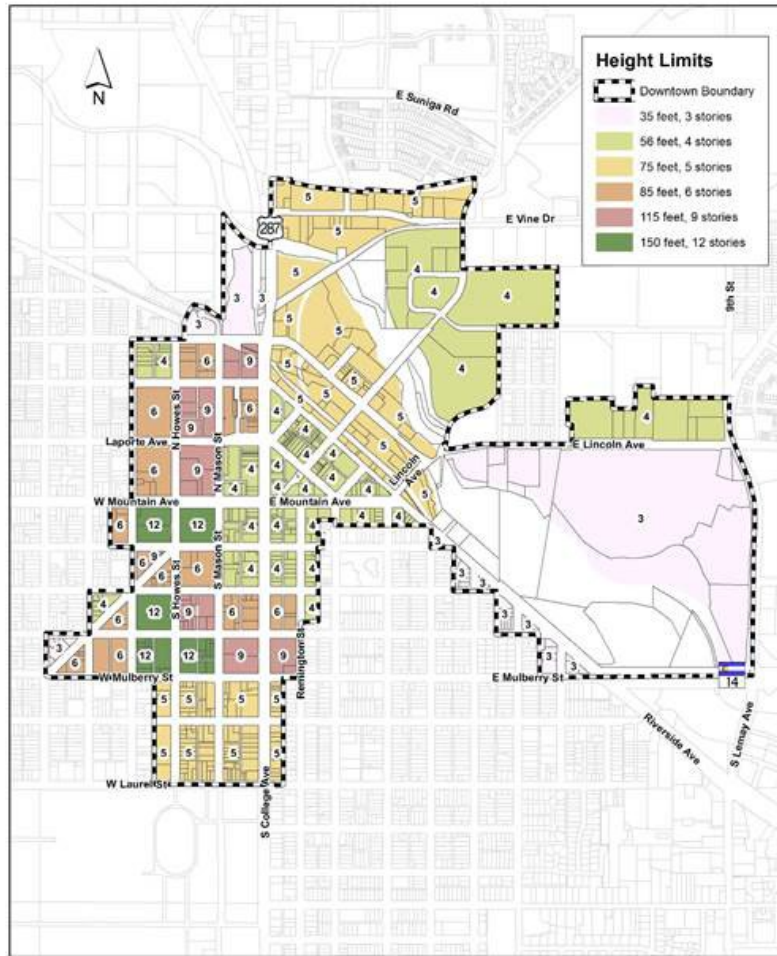
The following standards shall apply to the Downtown District:

**Figure 18.6
Building Mass Reduction and Articulation**

	MAXIMUM HEIGHT ALLOWANCE				
	3 Stories	4 Stories	5 Stories	6 Stories	12 Stories
Maximum Building Footprint	None.				For contiguous commonly-zoned lots over 60,000 SF, interior floor plates above the 6th story shall not exceed 40,000 SF
Upper-Story Stepbacks	None.	Any portion of the building within the build-to-range must have a stepback that averages at least 10' along all street frontages. Stepbacks may be continuous or may vary with up to 20' counting towards the calculation of the average. Stepbacks may occur at the 2nd-5th story. Exception: If directly across the street from a height allowance of 3 stories, the stepback must occur at the 2nd or 3rd story.			
Maximum Wall Length	For buildings over 100' long, the maximum wall length for the base of the building (defined as the portion of the building below any required upper-story stepbacks) without a <i>Major Facade Plane Change</i> shall be 50 feet. A <i>Major Facade Plane Change</i> must be a minimum of 2 feet deep and shall be related to entrances, the integral structure, and/or the organization of interior spaces and activities.				
Building Articulation	Street-facing facades shall incorporate a minimum of 3 of the following articulation techniques to avoid long, undifferentiated facades: 1.Minor Facade Plane Changes- minimum 3 inches; 2.Vertical Projections; 3.Horizontal Projections (awnings, canopies, cornice articulation) that are integrated into the architecture; 4.Balconies or terraces; and/or 5.Fenestration details, including window depth and sills or lintels.				

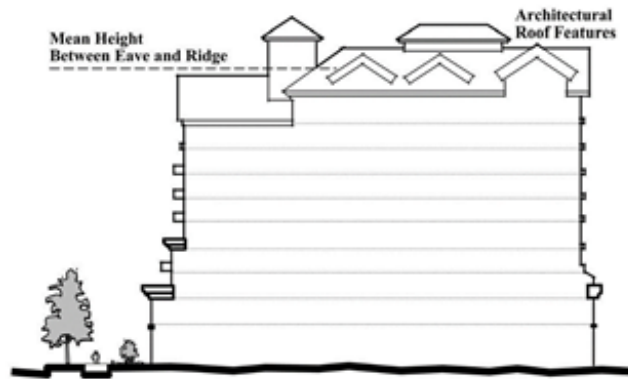
- 1. Building Height Limits.** The maximum height of buildings within the Downtown District shall be as shown on the Building Heights Map See Figure 18.7.

**Figure 18.7
Building Heights Map**



2. **Measurement of Height Limits.** The maximum height limits are intended to convey a scale of building rather than an exact point or line. In the case of sloped roofs, building height shall be measured to the mean height between the eave and ridge. The maximum height limits are not intended to hinder architectural roof features such as sloped roofs with dormers, penthouses, chimneys, towers, shaped cornices or parapets, or other design features that exceed the numerical limits but do not substantially increase bulk and mass. Lofts or penthouses projecting above the limits shall not exceed one-third (1/3) of the floor area of the floor below and shall be set back from any roof edge along a street, by a distance equal to or greater than the height of the loft or penthouse structure. See Figure 18.8.

Figure 18.8
Measurement of Height Limits



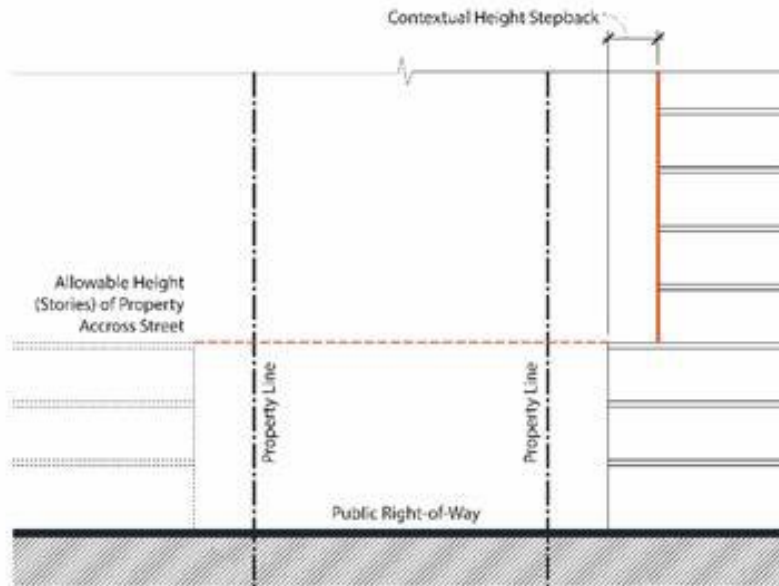
3. Upper Story Stepbacks.

- a. **Historic Core, Innovation and North Mason Stepbacks:** The fourth story of a building shall be stepped back an average of at least ten (10) feet along all street frontages. Stepbacks may be continuous or may vary with a twenty (20) foot stepback counting towards the calculation of the required ten (10) foot average.
- b. **Canyon Avenue, Civic and Campus North Stepbacks:** The fifth story of a building shall be stepped back an average of at least ten (10) feet along all street frontages. Stepbacks may be continuous or may vary with up to a twenty (20) foot stepback counting towards the calculation of the required ten (10) foot average. Stepbacks may occur at the second to fifth stories.

4. Contextual Height Stepback.

To provide an appropriate scale transition between opposing block faces with dissimilar height allowances, buildings shall provide a contextual height stepback. Upper floors shall be stepped back a minimum of three (3) feet at the equivalent height limit on the opposing block face. See Figure 18.9.

Figure 18.9
Contextual Height Stepbacks



- 5. Planning and Zoning Commission Review of Large Buildings.** Development plans with new buildings (or building additions) greater than twenty-five thousand (25,000) square feet in floor area per story, or that exceed either six (6) stories or eight-five (85) feet in height, shall be subject to Planning and Zoning Commission review.

(D) Site Design.

The following standards shall apply to the Downtown District:

1. Parking lots, garage entries and service locations.

Parking lots, garage entries and service locations shall be located on alleys. If no alley is present, they may be located on a Green Edge street. If a Green Edge street is not present, they may be located on a Mixed-Use street. To the maximum extent feasible, parking lots and garage entries shall not be located on Storefront streets. Auto entrances shall be located to minimize pedestrian/auto conflicts.

2. Parking structures.

To the extent reasonably feasible, all parking structures shall meet the following design criteria:

- a. Where parking structures abut streets, retail and other uses shall be required along the ground level frontage to minimize interruptions in pedestrian interest and activity. The decision maker may grant an exception to this standard for all or part of the ground level frontage on streets with low pedestrian interest or activity.
- b. Parking and awnings, signage and other architectural elements shall be incorporated to encourage pedestrian activity at the street-facing level.
- c. Architectural elements, such as openings, sill details, emphasis on vertical proportions such as posts, recessed horizontal panels and other architectural features shall be used to establish human scale at the street-facing level.

3. Outdoor activity.

To the extent reasonably feasible, outdoor spaces shall be placed next to activity that generates the users (such as street corners, offices, day care, shops and dwellings). Outdoor spaces shall be linked to and made visible from streets and sidewalks to the extent reasonably feasible. Buildings shall promote and accommodate outdoor activity with balconies, arcades, terraces, decks and courtyards for residents' and workers' use and interaction, to the extent reasonably feasible.

(E) Special Subdistrict Provisions.

1. **Canyon Avenue and Civic Center Subdistricts: Plazas.** For buildings located within the Canyon Avenue and Civic Center Subdistricts that are four (4) stories or taller, ground floor open space shall be provided that is organized and arranged to promote both active and passive activities for the public. Such space must be highly visible and easily accessible to the public and must include features that express and promote a comfortable human sense of proportionality between the individual and the environment, whether natural or man-made.
2. **Civic Subdistrict**
 - a. **Purpose.** The Civic Subdistrict will serve as an important element of the Downtown District and as the primary location for new civic uses and buildings.
 - b. **Development Standards.** The following standards shall apply to all development in the Civic Subdistrict:
 - I. *Civic Spine.* All development shall incorporate the concept of the "Civic Spine" as described in the Downtown Civic Center Master Plan, allowing for continuous north-south and east-west pedestrian connections. The Civic Spine will serve to connect various buildings to unify parks and plazas.
 - II. *Building materials.* The use of local sandstone is required in all civic buildings to establish a visual continuity and a local sense of place.
 - III. *Civic buildings.* New major civic buildings, such as a library, government offices, courthouses, performing arts facilities and transit centers, shall be located within the Civic Subdistrict and placed in central locations as highly visible focal points. To the extent reasonably feasible, they shall be close to a transit stop.
 - IV. *Incorporation of new buildings.* New buildings shall be designed in a manner that establishes continuity and a visual connection between new and existing buildings within and adjacent to the Civic Subdistrict. The height, mass and materials of major public buildings shall convey a sense of permanence and importance.
3. **Old Town Fort Collins Historic District.** Buildings located within the locally designated Old Town Fort Collins Historic District shall also comply with the *Old Town Historic District Design Standards* adopted by Ordinance 094, 2014, Chapter 14 of the City Code, and the *U.S. Secretary of the Interior Standards for the Treatment of Historic Properties*. (See Old Town Fort Collins Historic District, Figure 19).

Figure 19
Old Town Fort Collins Historic District



4. Innovation Subdistrict

- a. **Purpose.** The Innovation Subdistrict is intended to recognize continuing redevelopment in this former industrial area, promoting employment and innovation. Redevelopment projects will continue to build up a fitting identity and character related to the Downtown District edge setting with contemporary semi-industrial building styles and materials. Streetscapes and sites will reinforce the area's identity and character with design features that reflect an industrial character and the river landscape corridor.
- b. **Development Standards.** The following standards shall apply to all development in the Innovation Subdistrict:
 - I. **Site Design**
 - i. **Landscaping/Vegetation Protection.** Naturalistic characteristics of the river landscape shall be maintained and enhanced using plants and landscape materials native to the river corridor in the design of site and landscape improvements.
 - ii. **Outdoor Spaces.** Development shall incorporate outdoor spaces such as patios, courtyards, terraces and plazas to add interest and facilitate interaction.
 - iii. **Color/Materials.** Heavy, durable, locally fabricated components, with materials such as metal and stone, shall be used to complement building design.
 - II. **Buildings.**
 - i. **Height/Mass.** Multi-story buildings shall be designed to step down to one (1) story directly abutting any natural habitat or feature protection buffer, and 2) must step down to three (3) stories at least 150 feet from any parcel zoned Low Density Residential (RL) or Medium Density Mixed Use Neighborhood (MMN).

- ii. **Parking lots.** Buildings shall be sited so that any new parking lots and vehicle use areas are located in either: 1) interior block locations between buildings that face the street and buildings that face the river; or 2) side yards.

5. River Subdistrict.

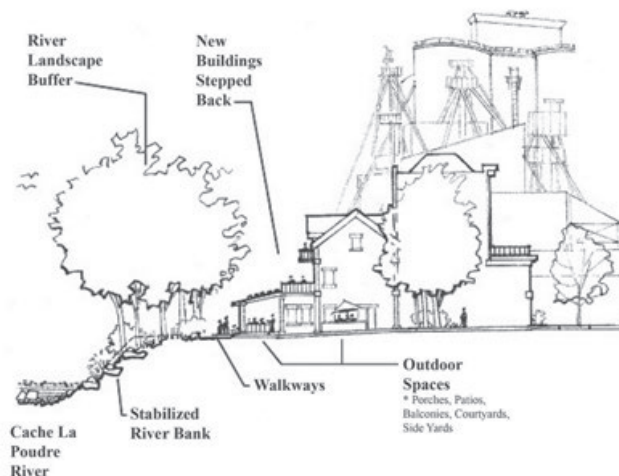
- a. **Purpose.** The River Subdistrict is intended to reestablish the linkage between the Historic Core and the Cache la Poudre River (the "River") through redevelopment in the corridor. This Subdistrict offers opportunities for more intensive redevelopment of housing, businesses, and workplaces to complement the Historic Core Subdistrict. Improvements should highlight the historic origin of Fort Collins and the unique relationship of the waterway and railways to the urban environment as well as expand cultural opportunities in the Downtown area. Redevelopment will extend the positive characteristics of Downtown such as the pattern of blocks, pedestrian-oriented street fronts and lively outdoor spaces.

b. Development Standards.

I. Transition between the River and Development.

- i. **River Landscape Buffer.** In substitution for the provisions contained in Section 5.6.1 (E) (Establishment of Buffer Zones) requiring the establishment of "natural area buffer zones," the applicant shall establish, preserve or improve a continuous landscape buffer along the river as an integral part of a transition between development and the river. To the maximum extent feasible, the landscape buffer shall consist predominantly of native tree and shrub cover. (See Figure 19.1.) The landscape buffer shall be designed to prevent bank erosion and to stabilize the River bank in a manner adequate to withstand the hydraulic force of a 100-year flood event. The bank stabilization shall comply with the following criteria:

Figure 19.1
Landscape Buffer



Any bank stabilization improvements shall consist of native plants and stone, to the extent reasonably feasible. If any structural materials such as concrete are required, such materials shall be designed to emphasize characteristics of the native landscape such as color, texture, patterns and proportions, to minimize contrast with the river landscape.

The predominant visual elements in any bank stabilization improvements shall be native vegetation and stone. Notwithstanding the use of any integrated structural elements, blank walls shall not be used to retain the slope of the river bank.

- ii. **Outdoor spaces.** On sites that have river frontage between Linden Street and Lincoln Avenue, buildings or clusters of buildings shall be located and designed to form outdoor spaces (such as balconies, arcades, terraces, decks or courtyards) on the river side of the buildings and/or between buildings, as integral parts of a transition between development and the River. A continuous connecting walkway (or walkway system) linking such spaces shall be developed, including coordinated linkages between separate development projects.

II. Streets and Walkways.

- i. **Streets.** Redevelopment shall maintain the existing block grid system of streets and alleys. To the extent reasonably feasible, the system shall be augmented with additional connections, such as new streets, alleys, walkway spines, mid-block passages, courtyards and plazas, to promote a detailed pedestrian circulation network that supplements public sidewalks.
- ii. **Driveways.** To the extent reasonably feasible, driveways and curb cuts must be minimized to avoid disruption to the sidewalk network, by using shared driveways between properties. The width of driveways and turning radii must be minimized except where truck access is required.
- iii. **Jefferson Streetscape.** Redevelopment activity along the Jefferson Street frontage shall provide formal streetscape improvements including street trees in sidewalk cutouts with tree grates and planters to screen parking. Planters to screen parking shall be designed and constructed to appear as integral extensions of the building design. Materials used shall not be inferior to those used in the construction of the principal building.

III. Buildings.

- i. **Industrial Buildings.** Except as otherwise provided in this subsection (3), all new nonresidential buildings, including industrial buildings, shall comply with the standards for Mixed-use and Commercial Buildings contained in Section 5.15.2.
- ii. **Programming, Massing and Placement.**
 - **Height Mass.** Multiple story buildings are permitted, provided that massing of multiple story buildings shall be terraced back from the River and from streets so that multiple story buildings are stepped down to one (1) story abutting the River landscape frontage and are stepped down to three (3) stories or less abutting any street frontage. Such terraced massing shall be a significant and integral aspect of the building design.
 - **Parking lots.** Buildings shall be sited so that any new parking lots and vehicle use areas are in either: (1) interior block locations between buildings that face the street and buildings that face the river, or (2) side yards.

- **Frequent view/access.** No building wall abutting the landscape corridor along the river shall exceed one hundred twenty-five (125) feet on the axis along the river.
 - **Outdoor spaces and amenities.** To the extent reasonably feasible, all development shall provide on-site outdoor space such as courtyard, plaza, patio, or other pedestrian-oriented outdoor space. To the extent reasonably feasible, outdoor spaces shall be visible from the street and shall be visually or physically connected with any outdoor spaces on adjacent properties.
- iii. **Character and Image.** New buildings shall be designed to demonstrate compatibility with the historical agricultural/industrial characteristics of the Subdistrict to promote visual cohesiveness and emphasize positive historical attributes. Such characteristics include simple rectilinear building shapes, simple rooflines, juxtaposed building masses that directly express interior volumes/functions, visible structural components and joinery, details formed by brickwork, sandstone, sills, lintels, headers and foundations and details formed by joinery of structural materials.
- **Outdoor spaces.** Buildings and extensions of buildings shall be designed to form architectural outdoor spaces such as balconies, arcades, terraces, decks or courtyards.
 - **Windows.** Windows shall be individually defined with detail elements such as frames, sills and lintels, and placed to visually establish and define the building stories and establish human scale and proportion. Windows shall be placed in a symmetrical pattern relative to the wall and massing. Glass curtain walls and spandrel-glass strip windows shall not be used as the predominant style of fenestration for buildings in this Subdistrict. This requirement shall not serve to restrict the use of atrium, lobby or greenhouse-type accent features used as embellishments to the principal building.
 - **Roof forms.** Flat, shed and gable roof forms corresponding to massing and interior volumes/functions shall be the dominant roof forms. Flat-roofed masonry buildings shall feature three-dimensional cornice treatment integral with masonry on all walls facing streets, the River or connecting walkways. Additional decorative shaped cornices in wood (or other material indistinguishable from wood) shall be permitted in addition to the top masonry cornice treatment. Sloped metal roofs are allowed. Barrel roofs may be used as an accent feature but must be subordinate to the dominant roof. Specialized or unusual roof forms, including mansards and A-frames, are prohibited. A single continuous horizontal roofline shall not be used on one-story buildings except as part of a design style that emulates nearby landmarks (or structures eligible for landmark designation).
 - **Materials.** Building materials shall contribute to visual continuity within the Subdistrict. Textured materials with native and historic characteristics, such as brick, stone, wood, architectural cast stone and synthetic stone in historically compatible sandstone patterns only, architectural metals and materials with similar characteristics and proportions shall be used in a repeating pattern as integral parts of the exterior building fabric. Masonry units must wrap around the corners of walls to not appear as an applied surface treatment. Other exterior materials, if any, shall be used as integral parts of the overall building

fabric, in repeating modules, proportioned both horizontally and vertically to relate to human scale, and with enough depth at joints between architectural elements to cast shadows, to better ensure that the character and image of new buildings are visually related to the Downtown and River context. Lapped aluminum siding, vinyl siding, smooth-face concrete masonry units, synthetic stucco coatings and imitation brick are prohibited.

- **Primary entrance.** The primary entrance must be clearly identified and must be oriented to a major street, pedestrian way, place, courtyard and/or other key public space. The primary entrance must feature a sheltering element such as a canopy or be defined by a recess or a simple surround.
- **Accent features.** Accent features, where used, must complement and not dominate the overall composition and design of the building and may include secondary entrances, loading docks, garage bays, balconies, canopies, cupolas, vertical elevator/stair shafts and other similar features.
- **Awnings and canopies.** Awnings and canopies must complement the character of the building and must be subordinate to the facade. Colors must be solid or two (2) color stripes for simplicity.

IV. Site Design.

- i. **River Landscape.** The natural qualities of the River landscape shall be maintained and enhanced, using plants and landscape materials native to the River corridor in the design of site and landscape improvements.
- ii. **Walls, Fences and Planters.** Walls, fences and planters shall be designed to match or be consistent with the quality of materials, the style and colors of nearby buildings. Brick, stone or other masonry may be required for walls or fence columns.
- iii. **Street Edge.** A well-defined street edge must be established and shall be compatible with the streetscape in the public realm. Components may include any of the following: planted areas, decorative paving, public art, street furnishing with ornamental lighting and iron and metal work that reflect on the agricultural/industrial heritage of the Subdistrict.
- iv. **Corner Lots.** For sites located at public street corners, parking lots and vehicular use areas shall not abut more than one (1) street frontage.
- v. **Parking.** Where parking lots are highly visible from streets or pedestrian-oriented outdoor spaces, a visual buffer must be provided. Such buffering may consist of any of the following singularly or in combination: a low solid screen wall, a semi-opaque screen or a living green wall consisting of plant material sufficient to provide a minimum of seventy-five-percent opacity year-round or other City approved screening device that is sensitive to pedestrian activity.
- vi. **Interim Parking.** Interim parking lots as a principal use may be approved with a gravel surface and without lighting and landscape improvements and shall be restricted to a period of use not to exceed three (3) years. Extensions for two (2) successive periods of one (1) year each may be granted by the Planning and Zoning Commission upon a finding

that the use is compatible with the context of the area and is a beneficial use which supports the purpose of the River Subdistrict.

- vii. **Service Areas and Outside Storage Areas.** Service areas and outside storage areas that are not used for trash and recycling containers, dumpsters and mechanical equipment must, to the maximum extent feasible, be located to the side or rear of the building and be screened from public view. Notwithstanding the foregoing, where industrial processes and outdoor mechanical activities are functionally integral to the principal use, such areas must, to the extent reasonably feasible, be located to the side or rear of the building and not impact pedestrian areas. Partial screening must be provided with design and materials consistent with the building and/or the agricultural/industrial character of the area.
- viii. **Design Guidelines.** See also the Fort Collins River District Design Guidelines, which are intended to assist applicants in the preparation of development plans within the Subdistrict.

EMPLOYMENT, INDUSTRIAL, OTHER DISTRICTS

SECTION 2.5.1 HARMONY CORRIDOR DISTRICT (HC)

(A) Purpose.

The Harmony Corridor District is intended to implement the design concepts and land use vision of the Harmony Corridor Plan - that of creating an attractive and complete mixed-use area with a major employment base.

(B) Land Use Standards.

6. All development in the HC Harmony Corridor District shall comply with the Harmony Corridor land use and locational standards as adopted by the City and the following specific standards to the extent that such standards apply to the property proposed to be developed.
 - a. Community facilities.
 - b. Public facilities.
 - c. Child care centers.
 - d. Print shops.
 - e. Food catering.
 - f. Workshops and custom small industry uses.
 - g. Residential uses (except mixed-use dwellings when the residential units are
7. All secondary uses shall be integrated both in function and appearance into a larger employment-based development plan that emphasizes primary uses. A secondary use shall be subject to administrative review or Planning and Zoning Commission review as required for such use in Division 4.2. The following permitted uses shall be considered secondary uses in this zone district and together shall occupy no more than twenty-five (25) percent of the total gross area of the development plan.
 - a. Community facilities.
 - b. Public facilities.
 - c. Child care centers.
 - d. Print shops.
 - e. Food catering.
 - f. Workshops and custom small industry uses.
 - g. Residential uses (except mixed-use dwellings when the residential units are

stacked above a primary use which occupies the ground floor).

- h. Lodging establishments.
- i. Convenience shopping centers.
- j. Standard restaurants.
- k. Bed and breakfast establishments.
- l. Clubs and lodges.
- m. Health and membership clubs.
- n. Convention and conference centers.
- o. Places of worship or assembly.
- p. Limited indoor recreation establishments.
- q. Unlimited indoor recreation use and facility.
- r. Food truck rally.
- s. Microbrewery/distillery/winery.
- t. Seasonal overflow shelters.

(C) Dimensional Standards.

1. Maximum height for all nonresidential buildings, including those containing mixed-use dwelling units, shall be six (6) stories. Maximum height for residential buildings shall be three (3) stories.
2. All new structures greater than eighty thousand (80,000) square feet in gross leasable area shall be subject to Planning and Zoning Commission review.
3. Any building addition that exceeds eighty thousand (80,000) square feet in gross leasable area and exceeds twenty-five (25) percent of the gross leasable area of the existing building shall be subject to Planning and Zoning Commission review.

(D) Density/Intensity.

All residential development in the HC Harmony Corridor District shall have an overall minimum average density of seven (7) dwelling units per net acre of residential land.

direct connections to common origins and destinations (such as street sidewalks, transit stops, restaurants, child care facilities and convenience shopping centers).

(E) Site Design

1. In the case of multiple parcel ownership, to the extent reasonably feasible, an applicant shall enter into cooperative agreements with adjacent property owners to create a comprehensive development plan that establishes an integrated pattern of streets, outdoor spaces, building styles and land uses.
2. Where an employment or industrial use abuts a residential area, there shall be no drastic and abrupt change in the scale and height of buildings.
3. All commercial/retail and industrial uses, except for off-street parking and loading, shall be conducted or carried out entirely within completely enclosed buildings or structures.

(F) Building Standards.

1. **Industrial Buildings.** To the extent reasonably feasible, industrial buildings shall provide a primary entrance that faces and opens directly onto the abutting street sidewalk or a walkway, plaza or courtyard that has direct linkage to the street sidewalk without requiring pedestrians to cross any intervening driveways or parking lots.
2. **Campus Exception.** An exception shall be permitted to subsection (1) above, and to the requirements contained in Section 5.15.2(B) if the development provides a "campus or park-like development block," meaning development with a unifying, formative internal framework of pedestrian-oriented, nonvehicular outdoor spaces and walkways that function as an alternative to street sidewalks by organizing and connecting buildings. The internal campus pedestrian circulation system shall be designed to provide

SECTION 2.5.2 EMPLOYMENT DISTRICT (E)

(A) Purpose.

The Employment District is intended to provide locations for a variety of workplaces including light industrial uses, research and development activities, offices and institutions. This District also is intended to accommodate secondary uses that complement or support the primary workplace uses, such as hotels, restaurants, convenience shopping, child care and housing.

Additionally, the Employment District is intended to encourage the development of planned office and business parks; to promote excellence in the design and construction of buildings, outdoor spaces, transportation facilities and streetscapes; to direct the development of workplaces consistent with the availability of public facilities and services; and to continue the vitality and quality of life in adjacent residential neighborhoods.

(B) Land Use Standards.

1. Prospect Road Streetscape Program.

All development in this zone district that is located within the planning area for the Prospect Road Streetscape Program shall also comply with the Prospect Road Streetscape Standards as adopted by the City, to the extent that such Standards apply to the property proposed to be developed.

2. Secondary Uses.

All secondary uses shall be integrated both in function and appearance into a larger employment district development plan that emphasizes primary uses. A secondary use shall be subject to administrative review or Planning and Zoning Commission review as required for such use in Division 4.2. The following permitted uses shall be considered secondary uses in this zone district and together shall occupy no more than twenty-five (25) percent of the total gross area of the development plan.

- a. Veterinary facilities and small animal clinics.
- b. Clubs and lodges.
- c. Child care centers.
- d. Residential uses (except mixed-use dwellings when the residential units are stacked above a primary use which occupies the ground floor).
- e. Standard and fast food restaurants.
- f. Lodging establishments.
- g. Bed and breakfast establishments.
- h. Funeral homes.
- i. Health and membership clubs.
- j. Convenience shopping centers.
- k. Convention and conference center.
- l. Food catering.
- m. Minor public facilities.
- n. Community facilities.
- o. Bars and taverns.
- p. Plant nurseries and greenhouses.
- q. Dog day-care facilities.
- r. Print shops.
- s. Workshops and custom small industry uses.
- t. Artisan and photography studios and galleries.
- u. Limited indoor recreation establishments.
- v. Enclosed mini-storage facilities.
- w. Places of worship or assembly.
- x. Personal and business service shops.
- y. Music studios.
- z. Homeless shelters (including seasonal overflow shelters).

3. Locational Standards along I-25.

Along I-25, any secondary uses shall be located at least one thousand four hundred forty-five (1,445) feet from the centerline of I-25. Such secondary uses shall be located so that they have direct access from a collector or local street.

4. Dimensional Standards.

- aa. Maximum height shall be four (4) stories.
- bb. All new structures greater than fifty thousand (50,000) square feet in gross leasable area shall be subject to Planning and Zoning Commission review.
- cc. Any building addition that exceeds fifty thousand (50,000) square feet in gross leasable area and exceeds twenty-five (25) percent of the gross leasable area of the existing building shall be subject to Planning and Zoning Commission review.

(C) Density/Intensity.

All residential development in the E Employment District shall have an overall minimum average density of seven (7) dwelling units per net acre of residential land.

(D) Development Standards**1. Site Design.**

- a. In the case of multiple parcel ownership, to the extent reasonably feasible, an applicant shall enter into cooperative agreements with adjacent property owners to create a comprehensive development plan that establishes an integrated pattern of streets, outdoor spaces, building styles and land uses.
- b. Where an employment or industrial use abuts a residential area, there shall be no drastic and abrupt change in the scale and height of buildings.
- c. Except for off-street parking and loading areas, all veterinary hospitals and all industrial uses (except commercial composting) shall be carried out entirely within completely enclosed buildings or structures.

2. Building Design.

To the extent reasonably feasible, industrial

buildings shall provide a primary entrance that faces and opens directly onto the abutting street sidewalk or a walkway, plaza or courtyard that has direct linkage to the street sidewalk without requiring pedestrians to cross any intervening driveways or parking lots. The following exceptions shall be permitted to this standard and to the requirements contained in subsection 5.15.2(B):

- a. Buildings may orient away from the street if the development provides a campus or park-like development block with a unifying, formative internal framework of outdoor spaces and connecting walkways that function as an alternative to street sidewalks by connecting buildings within the site and directly connecting to common destinations in the district (such as transit stops, restaurants, child care facilities and convenience shopping centers). Such an internal network shall provide direct pedestrian access to the street sidewalk(s).

3. Enclosed Mini-Storage Facilities.

Where enclosed mini-storage facilities face a public street, the entire linear frontage along such street shall include only buildings designed for human occupancy, landscaping, accessory parking and/or drives.

(E) Development Standards for the I-25 Corridor.

Development located within one thousand three hundred twenty (1,320) feet (one-quarter [$\frac{1}{4}$] mile) of the centerline of I-25 shall be subject to the requirements of Section 2.6.3.

(F) Development Standards for the Transit-Oriented Development (TOD) Overlay Zone.

Development located within the TOD Overlay Zone shall be subject to the requirements of Section 2.6.1.

SECTION 2.5.3 INDUSTRIAL DISTRICT (I)

(A) Purpose.

The Industrial District is intended to provide a location for a variety of work processes and work places such as manufacturing, warehousing and distributing, indoor and outdoor storage, and a wide range of commercial and industrial operations. The Industrial District also accommodates complementary and supporting uses such as convenience shopping, child care centers and housing. While this District will be linked to the City's transportation system for multiple modes of travel, some may emphasize efficient commercial trucking and rail traffic as needed. Industrial and manufacturing processes used in this District may, by necessity, be characteristically incompatible with residential uses.

(B) Land Use Standards.

1. Prohibited Uses.

The following uses are specifically prohibited in the Industrial District:

- a. Feedlots.
- b. All establishments falling within Standard Industrial Classification (SIC) Major Group No. 29, Petroleum Refining and Related Industries, as identified in the Standard Industrial Classification Manual (OMB 1987).
- c. All establishments falling within Standard Industrial Classification (SIC) Major Group No. 331, Steel Works, Blast Furnaces, and Rolling and Finishing Mills, as identified in the Standard Industrial Classification Manual (OMB 1987).
- d. All establishments falling within Standard Industrial Classification (SIC) Major Group No. 33, Primary Metal Industries, as identified in the Standard Industrial Classification Manual (OMB 1987).

- e. All electrical generation facilities falling within Standard Industrial Classification (SIC) Major Group No. 4911, as identified in the Standard Industrial Classification Manual (OMB 1987).
- f. All establishments falling within Standard Industrial Classification (SIC) Major Group No. 4925, Mixed, Manufactured, or Liquefied Petroleum Gas Products and/or Distribution, as identified in the Standard Industrial Classification Manual (OMB 1987).
- g. All establishments falling within Standard Industrial Classification (SIC) Major Group No. 2011, Meat Packing Plants, as identified in the Standard Industrial Classification Manual (OMB 1987).
- h. All establishments falling within Standard Industrial Classification (SIC) Major Group No. 2015, Poultry Slaughtering and Processing, as identified in the Standard Industrial Classification Manual (OMB 1987).
- i. All establishments falling within Standard Industrial Classification (SIC) Major Group No. 2077, Animal and Marine Fats and Oils, as identified in the Standard Industrial Classification Manual (OMB 1987).

2. Dimensional Standards.

- a. Maximum height for all nonresidential buildings, including those containing mixed-use dwelling units, shall be four (4) stories.
- b. All new structures greater than fifty thousand (50,000) square feet in gross leasable area shall be subject to Planning and Zoning Commission review.

- c. Any building addition that exceeds fifty thousand (50,000) square feet in gross leasable area and exceeds twenty-five (25) percent of the gross leasable area of the existing building shall be subject to Planning and Zoning Commission review.

(C) Development Standards.

1. Prospect Road Streetscape Program

All development in this zone district that falls within the planning area for the Prospect Road Streetscape Program shall also comply with the Prospect Road Streetscape Program Standards as adopted by the City, to the extent that such Standards apply to the property proposed to be developed.

2. Building Design.

- a. **Applicability of Division 5.15**
Compliance with the standards contained in Section 5.15.2 of this Code shall be required only for the following permitted uses in this zone district:
 - I. Standard and Fast Food Restaurants
 - II. Bars and Taverns
 - III. Bed and Breakfast Establishments
 - IV. Child Care Centers
 - V. Convenience Shopping Centers
- b. **Orientation.** Along arterial streets and any other streets that directly connect to other districts, buildings shall be sited so that a building face abuts upon the required minimum landscaped yard for at least thirty (30) percent of the building frontage. Such a building face shall not consist of a blank wall.
- c. **Building character and color.** New building color shades shall be neutral, with a medium or dark color range, and not white, bright or reflective.

3. Site Design.

- a. Screening.

- I. Industrial and commercial activities shall not abut a residential area unless the activities and related storage are contained within a building or otherwise completely screened from view from the residential area.
 - II. A minimum thirty (30) foot deep landscaped yard shall be provided along all arterial streets, and along any district boundary line that does not adjoin a residential land use. If a district boundary line abuts upon or is within a street right-of-way, then the required landscaped yard shall commence at the street right-of-way line on the district side of the street, rather than at the district boundary line. This requirement shall not apply to development plans that comply with the standards contained in Section 5.15.2 of this Code.
 - III. A minimum eighty (80) foot deep landscaped yard shall be provided along any boundary line that adjoins a residential land use or a zone district (whether within or beyond the City's jurisdictional boundary) that is predominately characterized by residential uses as permitted uses. This residential buffer yard may be reduced to thirty (30) feet if the adjoining residential land use or zone district (whether within or beyond the City's jurisdictional boundary) is separated by a public street.
- b. **Storage and Operational Areas.**
 - I. Storage, loading and work operations shall be screened from view along all district boundary lines and along all public streets.

- II. Within internal district areas, buildings may be surrounded by paving for vehicle use. To the extent reasonably feasible, side and rear yards in interior block locations shall be used for vehicle operations and storage areas, and front yards shall be used for less intensive automobile parking. At district edges, side yards shall be used for vehicle operations and storage areas, in order to allow for a finished, attractive rear building wall and a landscaped rear yard.

(D) Development Standards for the I-25 Corridor.

Development located within one thousand three hundred twenty (1,320) feet (one-quarter [$\frac{1}{4}$] mile) of the centerline of I-25 shall be subject to the requirements of Section 2.6.3.

SECTION 2.5.4 TRANSITION DISTRICT (T)

(A) Purpose.

The Transition District is intended for properties for which there are no specific and immediate plans for development. The only permitted uses are those existing at the date the property was placed into this District.

(B) Permitted Uses.

1. The following uses are permitted in the T District:
 - a. No use shall be permitted of properties in the T District except such legal use as existed on the date the property was placed into this zone district. No permanent structures shall be constructed on any land in this District, except that at the time of zoning or rezoning of the property into this District the City Council may grant a variance permitting the installation or enlargement of a permanent structure containing a legal use which was existing, or is ancillary to the legal use of the property, at the time of such zoning or rezoning upon the following conditions:
 - I. The owner of the property, prior to the City Council meeting at which the zoning or rezoning is to be heard, shall submit a site plan showing in reasonable detail the existing and proposed uses of such property; and
 - II. The City Council shall grant such variance only upon a finding that the strict application of this Code would result in exceptional or undue hardship upon the owner of the property and that the variance may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this Code.
 - b. After the property has been placed in the T District, the Land Use Review Commission may grant a variance in accordance with Division 6.14 permitting installation or enlargement of a permanent structure containing a use which was existing at the time the property was placed in this District, or containing a use which is ancillary to such existing use. When applying the standards of Section 6.14.4(H), paragraph 6.14.4(H)(2) shall not apply. Any proposal for the installation or enlargement of such a structure for which a variance has been approved must comply with the requirements contained in Section 6.17.5 and the applicable general development and site standards contained in Article 5.
 - c. Notwithstanding the other provisions contained in paragraphs (a) and (b) above, a property in the T District can be used for off-site staging in compliance with Section 4.4.5(E) of this Code.
2. The owner of any property in the T District may at any time petition the City to remove the property from this zone district and place it in another zone district. Unless the following time limitations are waived by the owner, any such petition shall be referred to the Planning and Zoning Commission to be considered at the next regular meeting of such Commission which is scheduled at least thirty (30) days from the date the petition is filed with the City Clerk. Within sixty (60) days from the date the matter is considered by the Commission, the City Council shall change the zoning for the property in question to another zone district authorized under this Code.
3. Any use which was nonconforming upon a parcel prior to placement into this zone district shall continue to be nonconforming upon removal of such parcel or property from this zone district unless such parcel is placed into a

zone district where such use is listed as a permitted use.

SECTION 2.5.5 PUBLIC OPEN LANDS DISTRICT (POL)

(A) Purpose.

The Public Open Lands District is for large publicly owned parks and open lands which have a community-wide emphasis or other characteristics which warrant inclusion under this separate designation rather than inclusion in an adjoining neighborhood or other District designation.

SECTION 2.5.6 RIVER CONSERVATION DISTRICT (RC)

(A) Purpose.

The River Conservation District is designed for the conservation and protection of predominately undeveloped land in the Cache la Poudre River (the "River") corridor. The main purpose of this District is to accommodate land use functions such as stormwater management, native wildlife habitat and sand and gravel operations, all of which depend primarily on the continued functioning of natural river systems or are incompatible with significant urban development. Urban development, if any, will be limited and will be located and designed in a way to avoid or minimize impacts upon the scenic, cultural, natural and historical values of the River landscape.

This District offers opportunities for scientific research and education, recreation, wildlife observation, crop agriculture, grazing, sand and gravel mining and reclamation and large-lot residential uses.

(B) Land Use Standards.

1. Dimensional Standards.

- a. Maximum building height shall be two (2) stories.
- b. To the maximum extent feasible, no building, structure or private parking lot shall be developed within a natural area protection buffer; provided, however, that public parking may be constructed in the buffer areas to provide convenient public access to trails, parks and natural areas when such parking cannot reasonably be contained on other nearby developed areas. The natural area protection buffer shall mean that area extending three hundred (300) feet from the bank of the River.
- c. A landscaped building setback of at least fifty (50) feet shall be provided along all

streets. The setback will be measured from the future edge of the public right-of-way as determined by the City Engineer.

- d. The site layout for permitted nonresidential uses shall, to the maximum extent feasible, maintain large, contiguous areas of open land. The proportion of the site used for development (including buildings, streets and parking areas) shall be no more than thirty (30) percent of the total site.

(C) Development Standards.

1. Street/Access.

- a. Development in this District shall be exempt from the standards contained in Section 5.4.7, Street Pattern and Connectivity Standards.
- b. No new streets shall be constructed within the natural area protection buffer.
- c. Any new streets shall be constructed to maximize "shared access points" for contiguous properties and minimize the total land area devoted to street development.
- d. The layout and design of any new streets shall emphasize characteristics and views of the River landscape. Roadway design alternatives to city standards shall be developed by January 1, 1998, consistent with the pastoral character of the landscape in this District. Examples of special street design characteristics appropriate to this District are divided lanes, landscape islands and landscape solutions to drainage instead of standard curb and gutter, with stormwater runoff directed into open swales and ditches. Local and residential access roads shall be

designed without curbs and gutters unless deemed necessary for health and safety by the City Engineer.

2. Walkways, Trails and Paths.

- a. Walkways, trails and paths may be constructed to serve as access to passive recreation, scientific, educational or interpretation areas within this District. All walkways, trails or paths shall be sited and designed to minimize or avoid impacts to environmentally sensitive areas in conformance with the requirements described in the Parks and Recreation Policy Plan adopted in December 1996.
- b. Environmental or historical interpretation areas shall be integrated with the walkway and/or trail/path system to the maximum extent feasible. Interpretation areas shall include benches, trash receptacles and bike racks.
- c. Detached sidewalks along arterial streets shall follow a meandering rather than straight alignment, with at least ten (10) feet of separation from the edge of the roadway, and shall be designed with long, smooth, sweeping curves of not less than a sixty (60) foot radius.
- d. At intersections, the sidewalk shall be parallel to the road for a minimum distance of sixty (60) feet and shall connect to pedestrian crosswalks at the corner.

3. Building Design.

- a. Façades.
 - I. No building wall shall exceed seventy-five (75) feet in length, in order to accommodate frequent views of the River.
 - II. Extensions of building walls shall be used to form outdoor spaces, integrate development with the

landscape and screen service and accessory functions.

b. Color/Materials.

- I. In order to minimize contrast with the River landscape, building colors shall be subdued or neutral shades, within a medium or moderately dark color range, and not white or reflective.
- II. Textured materials with native and historic characteristics, such as stone, wood and brick, and materials which mimic those characteristics, such as tinted, textured concrete masonry units, shall be used in a repeating pattern as integral parts of the building fabric, to the maximum extent feasible.

4. Site Design.

- a. The natural qualities of the River landscape shall be maintained and enhanced using plants and landscape materials native to the River corridor in the design of site and landscape improvements.
- b. Parking.
 - I. Parking areas shall have blocks of parking stalls interspersed with landscaped islands in order to minimize the visual contrast of the parking area with the natural landscape. To the maximum extent feasible, pavement edges shall be flush with abutting landscape materials or walkways to minimize the appearance of standard concrete curbs and to emphasize the integration of development with the landscape.
 - II. Parking areas within the RC District shall be screened from view from public streets, trails and

- the River by plant material, fencing and/or berming.
- III. Berms planned to screen adjacent parking areas next to arterial and collector streets shall be at least four (4) feet high.
- c. Landscaping.
 - I. Landscaping and restoration of disturbed lands shall be designed to maximize the characteristics of the native riparian ecosystem and short grass prairie. Such characteristics include thickets of native shrubs massed in broad, blended drifts and clumps. Riparian plant materials shall be maintained or enhanced in the natural area protection buffer along the River and around ponds and wetlands. Upland grasses and forbs shall be planted outside of the natural area protection buffer. Groves and belts of native trees may be used as accents or to frame buildings or views. Recommended plant materials for use in this District are listed in Appendix D through G of the Prospect Road Streetscape Program.
 - II. Planting shall be spaced informally in masses or groups as is characteristic of the native vegetation.
 - III. Berms, swales and contour grading shall be designed to form varied, naturalistic contours in areas that are disturbed by development or street construction. Grading along arterial streets shall be designed to screen and soften the visual impact of adjacent development, to the maximum extent feasible.
 - IV. Berms, swales and detention ponds shall be graded in such a manner as to make them appear to be integral parts of the landscape, designed with smooth transitions between changes in a slope and shall not exceed a 3:1 slope.
 - d. Drainage.
 - I. Ditches or swales will be allowed for the purpose of providing for drainage and for controlling runoff between the roadway edges and sidewalks.
 - II. The use of concrete or asphalt to line drainage conveyance channels shall not be permitted in this District. Drainage conveyance channels shall be designed to blend into the natural landscape.
 - e. Walls and Fences.
 - I. Fencing, screening or architectural walls are prohibited in the natural area protection buffer, except to define a public property boundary. Any such fencing shall be a rural two-rail corral and/or a three-strand smooth wire fencing not to exceed five (5) feet in height.
 - II. Outside of the natural area protection buffer, other open and penetrable view fencing is allowed. Solid wood fencing or walls for a distance of twenty (20) feet or less is permissible for screening and buffering. Such fencing or screening shall be six (6) feet or less in height and constructed of similar building materials and design to the primary structure or of a material that will harmonize with the architectural character and identity of the proposed development.

- III. Unclad chain link fences that are visible from public areas, arterial or collector streets are prohibited.

OVERLAY DISTRICTS

SECTION 2.6.1 TRANSIT-ORIENTED DEVELOPMENT OVERLAY (TOD)

(A) Applicability.

These standards apply to applications for development within the boundary of the TOD Overlay Zone, south of Prospect Road and provided further that the provisions contained in subsection 2.6.1(D) regarding parking structure design shall also apply to the HMN, High Density Mixed-Use Neighborhood and the CC, Community Commercial zone districts throughout the City.

(B) Purpose.

The purpose of this Section is to modify the underlying zone districts south of Prospect Road to encourage land uses, densities and design that enhance and support transit stations along the Mason Corridor. These provisions allow for a mix of goods and services within convenient walking distance of transit stations; encourage the creation of stable and attractive residential and commercial environments within the TOD Overlay Zone south of Prospect Road; and provide for a desirable transition to the surrounding existing neighborhoods. Accordingly, in the event of a conflict between the provisions contained in this Section and the provisions contained in Article 2, this Section shall control. The purpose of this Section is also to apply the standards contained in subsection 2.6.1(D) regarding parking structure design to all land within the City that is located in the HMN, High Density Mixed-Use Neighborhood and the CC, Community Commercial zone districts.

(C) Site Planning.

1. Building Orientation

Primary commercial and residential building entrances shall face streets, connecting walkways, plazas, parks or similar outdoor spaces, but not parking lots. Buildings shall face all street frontages to the maximum extent feasible, with highest priority given to

east-west streets that lead from transit stations to destinations.

2. Central Feature or Gathering Place.

At least one (1) prominent or central location within each transit station area shall include a convenient outdoor open space or plaza with amenities such as benches, monuments, kiosks or public art. This feature and its amenities shall be placed adjacent to a transit station, to the extent reasonably feasible.

- #### 3. Outdoor Spaces.
- To the extent reasonably feasible, buildings and extensions of buildings shall be designed to form outdoor spaces such as courtyards, plazas, arcades, terraces, balconies and decks for residents' and workers' use and interaction, and to integrate the development with the adjacent physical context. To the extent reasonably feasible, a continuous walkway system linking such outdoor spaces shall be developed and shall include coordinated linkages between separate developments.

(D) Streetscape and Pedestrian Connections.

- #### 1. Streetscape.
- Developments shall provide formal streetscape improvements which shall include sidewalks having street trees in sidewalk cutouts with tree grates, planters or other appropriate treatment for the protection of pedestrians, and shall provide seating and pedestrian light fixtures. Specific design details shall be subject to approval by the City Engineer in accordance with the design criteria for streets.
- #### 2. On-street Parking.
- On-street parking shall be defined by landscaped curb extensions or bulb-outs. Conventional or enhanced crosswalks shall be provided at all

intersections.

- 3. Off-street Parking.** Off-street parking shall be located behind, above, within or below street-facing buildings to the maximum extent feasible. No parking will be allowed between the street and the front or side of a building.

4. Parking Structure Design.

To the extent reasonably feasible, all parking structures shall meet the following design criteria:

- a. Where parking structures face streets, retail or other nonresidential uses shall be required along at least fifty (50) percent of the ground level frontage to minimize interruptions in pedestrian interest and activity. The decision maker may grant an exception to this standard for all or part of the ground level frontage on streets with low pedestrian interest or activity.
- b. Awnings, signage and architectural elements shall be incorporated to encourage pedestrian activity at the street-facing level.
- c. Auto entrances shall be located and designed to minimize pedestrian/auto conflicts. Where service entries or parking structure entries are needed, the following standards shall be met: (See Figure 16.5)
 - I. The crown of the underground parking access ramp shall be at least four (4) feet behind the back edge of the sidewalk;
 - II. The beginning of the ramp for an above-ground parking garage shall be at least four (4) feet behind the back edge of the sidewalk;
 - III. The entry to the parking structure shall be separated from the sidewalk by low planters or a low wall;

- IV. No blank walls shall be allowed on either side of the entry;
- V. The sidewalk pavement shall be continuous across the drive aisle. Any break in the paving surface or scoring shall be in the drive surface and not in the pedestrian surface; and
- VI. Appropriate cautionary signage shall be used to alert pedestrians to the presence of entering and existing vehicles and to inform drivers that pedestrians have priority.



Figure 16.5

Clear Sight Lines for Pedestrian Safety

(E) Character and Image.

be 4:12.

1. Articulation

Exterior building walls shall be subdivided and proportioned to human scale, using projections, overhangs and recesses in order to add architectural interest and variety and avoid the effect of a single, massive wall with no relation to human size.

2. Rooflines.

Flat-roofed buildings shall feature three-dimensional cornice treatment on all walls facing streets or connecting walkways, or a rail at the top of the wall of a usable rooftop deck, unless the top floor is stepped back to form a usable roof terrace area. A single continuous horizontal roofline shall not be used on one-story buildings. Accent roof elements or towers may be used to provide articulation of the building mass. To the maximum extent feasible, a minimum pitch of 6:12 shall be used for gable and hipped roofs. Where hipped roofs are used alone, the minimum pitch shall

3. Materials and Colors.

- a. Predominant exterior building materials shall be high quality materials, including, but not limited to, brick, sandstone, other native stone, tinted/textured concrete masonry units, stucco systems or treated tilt-up concrete systems.
- b. All building facades shall incorporate stone, stone veneer, brick, brick veneer, stucco, corrugated metal, wood and/or equivalent accent material in a manner that highlights the articulation of the massing or the base and top of the building. An all-brick building does not need to incorporate an accent material, though soldier courses and banding or other brick, stone or metal detailing are encouraged in order to subdivide masses and establish human scale.

- c. Predominant or field colors for facades shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, black or fluorescent colors shall be prohibited.
 - d. Building trim and accent areas may feature brighter colors, including primary colors, and black, but neon tubing shall not be an acceptable feature for building trim or accent areas.
 - e. Exterior building materials shall not include smooth-faced concrete block, untreated or unpainted tilt-up concrete panels or prefabricated steel panels.
- 4. Multiple Store Fronts.**
Buildings with multiple storefronts shall be unified through the use of architecturally compatible features, such as colors, details, awnings, signage and lighting fixtures.
- 5. Walls, Fences and Planters.**
Walls, fences and planters shall be designed to match or be consistent with the quality of materials, style and colors of the development.
- 6. Building Height.**
All buildings shall have a minimum height of twenty (20) feet, measured to the dominant roof line of a flat-roofed building, or the mean height between the eave and ridge on a sloped-roof building. In the case of a complex roof with different, co-dominant portions, the measurement shall apply to the highest portion.
- a. All buildings shall be limited to the maximum height allowed in the underlying zone district unless:
 - I. the development is mixed-use and contains at least one-seventh (1/7) of its total building square footage as either residential or office use, in which case the maximum allowable height shall be the base height plus one (1) story; or
 - II. the development is mixed-use and contains at least one-seventh (1/7) of its total building square footage as residential use and at least ten (10) percent of the residential units are either affordable housing units for rent or affordable housing units for sale as defined in Article 5 or structured parking (underground, interior to the site or above ground), in which case the maximum allowable height shall be the base height plus two (2) stories; or
 - III. the project is mixed-use and contains at least one-seventh (1/7) of its total building square footage as residential use, and at least ten (10) percent of the residential units are either affordable housing units for rent or affordable housing units for sale as defined in Article 5, and the project contains structured parking (underground, interior to the site or above ground), in which case the maximum height shall be the base height plus three (3) stories.
 - b. Buildings shall have a base portion consisting of one (1) or two (2) stories. The base portion shall be clearly defined by a prominent, projecting cornice or roof, fenestration, different material and different color from the remainder of the building. If the base portion is two (2) stories, the ground floor shall be further differentiated by fenestration and other detailing.
 - c. Buildings greater than two (2) stories in height shall also be designed so that upper portions of the building are stepped back from the base. The adequacy of

upper floor step-backs shall be determined by the extent to which they advance the following objectives:

- I. providing pedestrian scale along sidewalks and outdoor spaces;
- II. enhancing compatibility with the scale and massing of nearby buildings;
- III. preserving key sunshine patterns in adjacent spaces; and
- IV. preserving views.

7. Windows.

Standard storefront window and door systems may be used as the predominant style of fenestration for nonresidential or mixed-use buildings as long as the building facade visually establishes and defines the building stories and establishes human scale and proportion. Minimum glazing on pedestrian-oriented facades of buildings shall be sixty (60) percent on the ground floor and forty (40) percent on upper floors. Subject to approval by the decision maker, projects functionally unable to comply with this requirement shall mitigate such noncompliance with ample, enhanced architectural features such as a change in massing or materials, enhanced landscaping, trellises, arcades or shallow display window cases.

(F) Display Windows.

Ground floor retail, service and restaurant uses shall have large-pane display windows. Such windows shall be framed by the surrounding wall and shall not exceed ninety (90) percent of the total ground level facade area.

SECTION 2.6.2 SOUTH COLLEGE GATEWAY OVERLAY (SCG)

(A) Applicability.

These standards apply to applications for development within the South College Gateway Area.

(B) Purpose.

The purpose of this Section is to provide standards to modify the underlying zone

districts north of the intersection of South College Avenue and Carpenter Road to encourage land uses and designs that implement the South College Corridor Plan regarding the enhancement of the South College Gateway Area (see Figure 16.7).

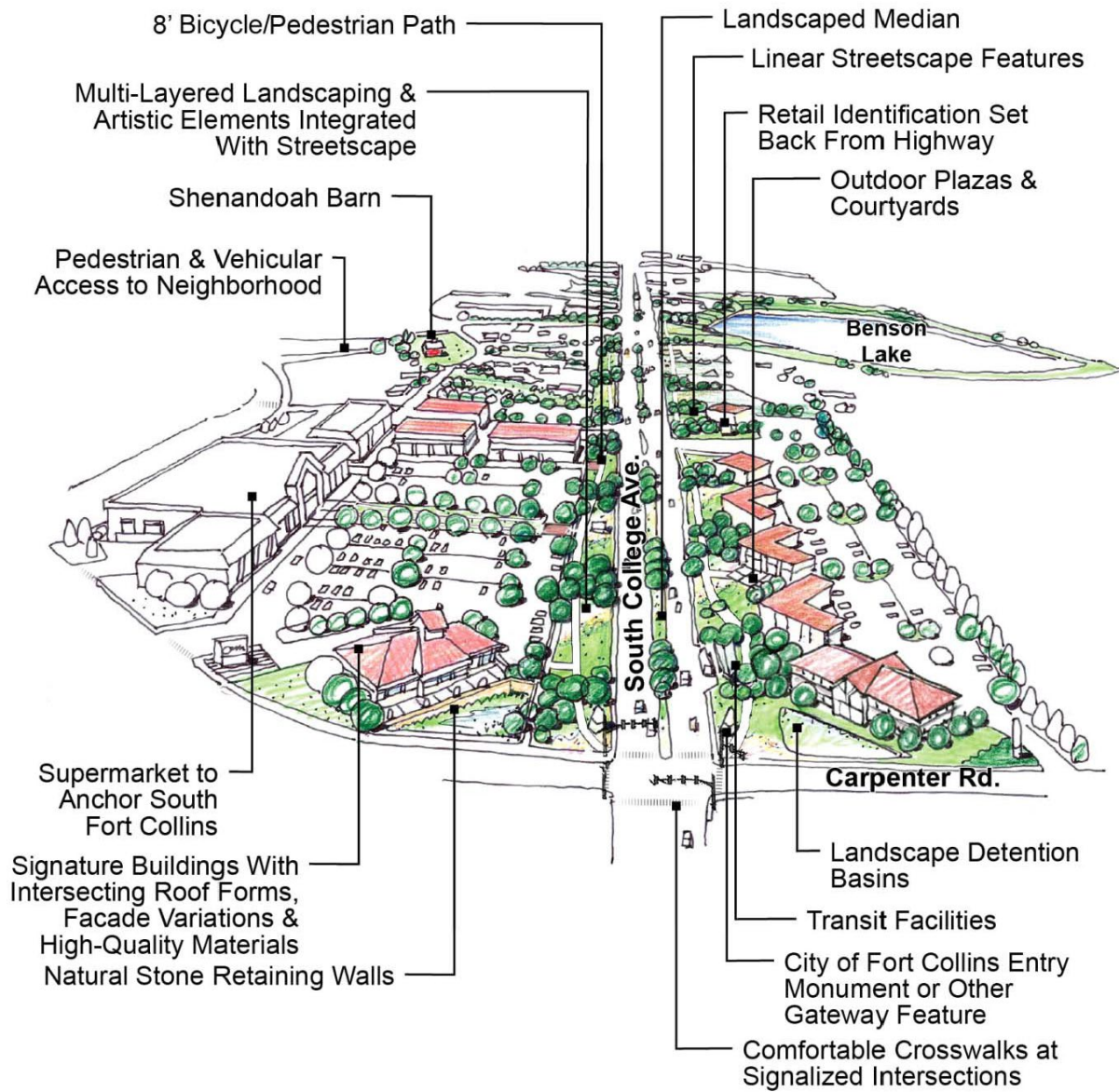


Figure 16.7
Example of the South College Gateway Area Concept

(C) Setback Area.**1. Setback Area Distance.**

A setback area of at least fifty (50) feet shall be provided along South College Avenue, measured from the curb to the nearest edge of adjacent buildings or parking areas.

2. Landscaping.

Gateway landscaping shall be provided consisting of groups of deciduous, evergreen and ornamental trees repeated across both sides of South College Avenue, including the median where permitted, in a coordinated massing pattern, with openings between groups. The massing pattern of tree groups and openings shall be placed to manage views and to reinforce such features and spaces along the streetscape as transit stops, signs and outdoor spaces that are defined by buildings, as well as community identity features, such as entry monuments, retaining walls, welcome signs and public art.

3. Sidewalks.

Sidewalks/paths along College Avenue shall be located in the landscaped setback area and shall be designed to connect key points, such as street intersections, transit stops, outdoor spaces in adjacent developments and walkway connections while providing greater separation from College Avenue than would be provided by a parkway strip in the typical cross-section.

4. Plaza Element.

At least one (1) pedestrian or courtyard plaza element shall be provided within or immediately adjacent to the setback area and connected to the off-street path.

(D) Site Planning.**1. Building Placement.**

There shall be a building or structure placed on each side of South College Avenue at the Carpenter Road intersection.

- a. The buildings or structures shall be placed and designed to form a coordinated overall appearance across the intersection with similar placement and image, including roof forms, materials and other design characteristics.
- b. A context diagram shall be provided for each development plan to indicate how the building placement on each side will relate to building placement across the intersection. The context diagram shall include any existing or proposed buildings and other physical features.
- c. Buildings shall provide roofs with sloping pitches of at least 5:12 or arc, barrel or other architectural distinctive forms.

(E) Character and Image

1. Building masses shall be varied with elements such as slipped-plane offsets, recesses and projections, reveals, harmonious variations in roof shape or height and vertical extensions at focal points.
2. Buildings shall be multi-story or a minimum of twenty (20) feet in height.
3. Retaining walls shall be constructed of materials that match or complement the architecture of the building.

SECTION 2.6.3 PLANNED UNIT DEVELOPMENT (PUD) OVERLAY

(A) Purpose.

1. Directs and guides subsequent Project Development Plans and Final Plans for large or complex developments governed by an approved PUD Comprehensive Plan.
2. Substitutes a PUD Comprehensive Plan for an Overall Development Plan for real property within an approved PUD Overlay.
3. Positions large areas of property for phased development.
4. Encourages innovative community planning and site design to integrate natural systems, energy efficiency, aesthetics, higher design, engineering and construction standards and other community goals by enabling greater flexibility than permitted under the strict application of the Code, all in furtherance of adopted and applicable City plans, policies, and standards.
5. Allows greater flexibility in the mix and distribution of land uses, densities, and applicable development and zone district standards.

(B) Objectives.

1. Encourage conceptual level review of development for large areas.
2. In return for flexibility in site design, development under a PUD Overlay must provide public benefits significantly greater than those typically achieved through the application of a standard zone district, including one or more of the following as may be applicable to a particular PUD Comprehensive Plan:
 - a. Diversification in the use of land;
 - b. Innovation in development;
 - c. More efficient use of land and energy;

- d. Public amenities commensurate with the scope of the development;
- e. Furtherance of the City's adopted plans and policies; and
- f. Development patterns consistent with the principles and policies of the City's Comprehensive Plan and adopted plans and policies.

3. Ensure high-quality urban design and environmentally-sensitive development that takes advantage of site characteristics.
4. Promote cooperative planning and development among real property owners within a large area.
5. Protect land uses and neighborhoods adjacent to a PUD Overlay from negative impacts.

(C) Applicability.

1. Any property or collection of contiguous properties of a minimum of fifty (50) acres in size is eligible for a PUD Overlay provided all owners authorize their respective property to be included.
2. An approved PUD Overlay will be shown upon the Zoning Map and will overlay existing zoning, which will continue to apply, except to the extent modified by or inconsistent with the PUD Comprehensive Plan.
3. An approved PUD Comprehensive Plan will substitute for the requirement for an Overall Development Plan. Development within the boundaries of an approved PUD Overlay may proceed directly to application for Project Development Plan(s) and Final Plan(s).

(D) PUD Comprehensive Plan Review Procedure.

Step 1 (Conceptual Review / Preliminary Design Review):
Applicable.

Step 2 (Neighborhood Meeting):
Applicable to any proposed PUD Overlay subject to Planning and Zoning Commission or City Council review. If a neighborhood meeting is required at the conceptual planning stage pursuant to Division 6.3, a second neighborhood meeting shall be required after the PUD Overlay application has been submitted and the first round of staff review completed.

Step 3 (Development Application Submittal):
All items or documents as described in the development application submittal master list for a PUD Overlay shall be submitted. Notwithstanding, the Director may waive or modify the foregoing submittal requirements if, given the facts and circumstances of the specific application, a particular requirement would either be irrelevant, immaterial, redundant or otherwise unnecessary for the full and complete review of the application.

Step 4 (Review of Application): Applicable.

Step 5 (Staff Report): Applicable.

Step 6 (Notice): Applicable.

Step 7(A) (Decision Maker):
Applicable as follows:

1. Planning and Zoning Commission review (Type 2 review) applies to PUD Overlay applications between 50 and 640 acres;
2. City Council is the decision maker for PUD Overlay applications greater than 640 acres after receiving a Planning and Zoning Commission recommendation. City Council approval of a PUD Overlay shall be by ordinance.

Step 7(B) through (G) Conduct of a Public Hearing, Order of Proceedings at Public Hearing, Decision and Findings, Notification to Applicant, Record of Proceeding, Recording of Decision:

Applicable.

Step 8 (Standards):

Applicable. In order to approve a proposed PUD Comprehensive Plan, the decision maker must find that the PUD Comprehensive Plan satisfies all of the following criteria:

1. The PUD Comprehensive Plan achieves the purpose and objectives of Sections 2.6.3(A) and (B);
2. The PUD Comprehensive Plan provides high quality urban design within the subject property or properties;
3. The PUD Comprehensive Plan will result in development generally in compliance with the principles and policies of the City's Comprehensive Plan and adopted plans and policies;
4. The PUD Comprehensive Plan will, within the PUD Overlay, result in compatible design and use as well as public infrastructure and services, including public streets, sidewalks, drainage, trails, and utilities; and
5. The PUD Comprehensive Plan satisfies all applicable Land Use Code permitted uses and standards except to the extent additional permitted uses or modified standards, including densities, have been approved pursuant to Subsections (E) or (G) below.

The standards for granting additional uses within a PUD Overlay are set forth below in Subsection (E) and the standards for granting modifications of densities and development standards are set forth in below Subsection (G).

Step 9 (Conditions of Approval):
Applicable.

Step 10 (Amendments):
Applicable.

Step 11 (Lapse):

Applicable.

Step 12 (Appeals):

Applicable. A Planning and Zoning Commission decision on a PUD Overlay between 50 and 640 acres is appealable to City Council pursuant to Section 6.3.12(A). Appeals of Project Development Plans within PUD Overlays are subject to the limitations of Section 2.6.3(l).

(E) Permitted Uses.

1. Any uses permitted in the underlying zone district are permitted within an approved PUD Overlay.
2. Additional uses not permitted in the underlying zone district may be requested for inclusion in a PUD Comprehensive Plan along with the type of review for such use, whether Type I, Type II, or Basic Development Review. The application must enumerate the additional use being requested, the proposed type of review, and how the use satisfies below criteria (a) through (d). The decision maker shall approve an additional use only if it satisfies criteria (a) through (d). For each approved additional use, the decision maker shall determine the applicable type of review and may grant a requested type of review if it would not be contrary to the public good.
3. The use advances the purpose and objectives of the applicable PUD Overlay provisions set forth in Sections 2.6.3(A) and (B) and the principles and policies of the City's Comprehensive Plan and adopted plans and policies;
4. The use complies with applicable Code provisions regarding the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment;
5. The use is compatible with the other proposed uses within the requested PUD Overlay and with the uses permitted in the zone district or

districts adjacent to the proposed PUD Overlay; and

6. The use is appropriate for the property or properties within the PUD Overlay.

(F) Prohibited Uses.

All uses that are not expressly allowed in an approved PUD Comprehensive Plan, in the underlying zone district, or determined to be permitted pursuant to Land Use Code Division 6.9 shall be prohibited.

(G) Modification of Densities and Development Standards.

1. Certain densities and development standards set forth in the Land Use Code and described below in Subsection (G)(2) may be modified as part of a PUD Comprehensive Plan. The modification procedure described in this Section (G) substitutes for the modification procedure set forth in Division 6.8.
2. The application must enumerate the densities and development standards proposed to be modified.
 - a. The application shall describe the minimum and maximum densities for permitted residential uses.
 - b. The application shall enumerate the specific Land Use Code standards of Articles 2 through 5 that are proposed to be modified and the nature of each modification in terms sufficiently specific to enable application of the modified standards to Project Development Plans and Final Plans submitted subsequent to, in conformance with and intended to implement, the approved PUD Comprehensive Plan. Modifications under this Section may not be granted for Engineering Design Standards referenced in Section 5.4.3 and variances to such standards are addressed below in Subsection (L).

3. In order to approve requested density or development standard modifications, the decision maker must find that the density or development standard as modified satisfies all of the following criteria:

- a. The modified density or development standard is consistent with the applicable purposes, and advances the applicable objectives of, the PUD Overlay as described in Sections 2.6.3(A) and (B);
- b. The modified density or development standard significantly advances the development objectives of the PUD Comprehensive Plan;
- c. The modified density or development standard is necessary to achieve the development objectives of the PUD Comprehensive Plan; and
- d. The modified density or development standard is consistent with the principles and policies of the City's Comprehensive Plan and adopted plans and policies.

(H) PUD Comprehensive Plan Termination and Amendment.

4. Termination.

An approved PUD Comprehensive Plan may be terminated in accordance with the following provisions:

- a. Termination may be initiated by any of the following:
 - I. The written request of all of the real property owners within a PUD Overlay; or
 - II. The City, provided no vested property right approved in connection with the PUD Comprehensive Plan would be in effect upon termination.
- b. Upon receiving a valid request to terminate, the original decision maker of the PUD Comprehensive Plan shall

terminate unless termination is determined to be detrimental to the public good after holding a public hearing to address the issue.

- c. If the PUD Comprehensive Plan is terminated, the City may remove the overlay designation on the zoning map and the underlying zone district regulations in effect at the time of such removal shall control.
 - d. Any nonconforming uses resulting from expiration or termination of a PUD Comprehensive Plan are subject to Division 6.17.
5. PUD Comprehensive Plan Amendment. An approved PUD Comprehensive Plan may be amended pursuant to the procedures set forth in Section 6.3.10 in accordance with the following provisions:
- a. Amendments may be initiated by any of the following:
 - I. The written request of all real property owners within the PUD Overlay; or
 - II. The written request of the original applicant, property owner, and/or developer for the approved PUD Comprehensive Plan, or any successor or assign thereof authorized in writing by such party or parties to have the ability pursuant to this Subsection to request an amendment, provided the following conditions are met:
 - i. The name or names of the original applicant, property owner, and/or developer authorized to request an amendment must be set forth in writing in the PUD Comprehensive Plan.
 - ii. The authorized applicant, property owner, developer, or successor or assign, owns

- or otherwise has legal control of real property within the PUD Overlay; and
- iii. The right of the authorized applicant, property owner, developer, or successor or assign, to amend the PUD Comprehensive Plan without the consent of other owners of real property within the PUD Overlay has been recorded as a binding covenant or deed restriction recorded on the respective real property; or
- III. The City, provided the amendment does not amend, modify, or terminate any existing vested right approved in connection with the PUD Comprehensive Plan without the permission of the beneficiary or beneficiaries of such vested right.
- b. Except as to real property within the PUD Overlay owned or otherwise under the control of the authorized applicant, property owner, developer, or successor or assign, any approved amendment requested by the authorized applicant, property owner, developer, or successor or assign, shall not apply to any other real property within the PUD Overlay which:
 - I. Is already developed pursuant to the applicable PUD Comprehensive Plan;
 - II. Has a valid and approved Project Development Plan or Final Plan; or
 - III. Is the subject of ongoing development review at the time the authorized applicant, property owner, developer, or successor or assign amendment request is submitted to the City.

(I) Appeals.

1. A Planning and Zoning Commission final decision on a PUD Comprehensive Plan is appealable to Council pursuant to Section 6.3.12(A).
2. Any Project Development Plan wholly located within a PUD Overlay may be appealed pursuant to Section 6.3.12(A). However, the validity of the uses, densities, and development standards approved in a PUD Comprehensive Plan shall not be the subject of any such Project Development Plan appeal.
3. Vesting of PUD Comprehensive Plan. Subject to the provisions of Section 6.3.11(C), the only aspects of an approved PUD Comprehensive Plan eligible for vested property rights are the enumerated uses, densities, development standards, and variances from Engineering Design Standards granted pursuant to Section 2.6.3(K). Such uses, densities, and development standards may be those for which modifications have been granted or uses, densities, and development standards set forth in the Code. The applicant shall specify in the PUD Comprehensive Plan if it is requesting vested property rights for uses, densities, development standards, and variances from Engineering Design Standards in excess of the three (3) year period specified in Section 6.3.11(C)(2) and the justification therefor.

(J) Vesting of PUD Comprehensive Plan.

Subject to the provisions of Section 6.3.11(C), the only aspects of an approved PUD Master Plan eligible for vested property rights are the enumerated uses, densities, development standards, and variances from Engineering Design Standards granted pursuant to Section 2.6.3(K). Such uses, densities, and development standards may be those for which modifications have been granted or uses, densities, and development standards set forth in the Code. The applicant shall specify in the PUD Master Plan if it is requesting vested property rights for uses, densities, development standards, and

variances from Engineering Design Standards in excess of the three (3) year period specified in Section 6.3.11(C)(2) and the justification therefor.

(K) Variances.

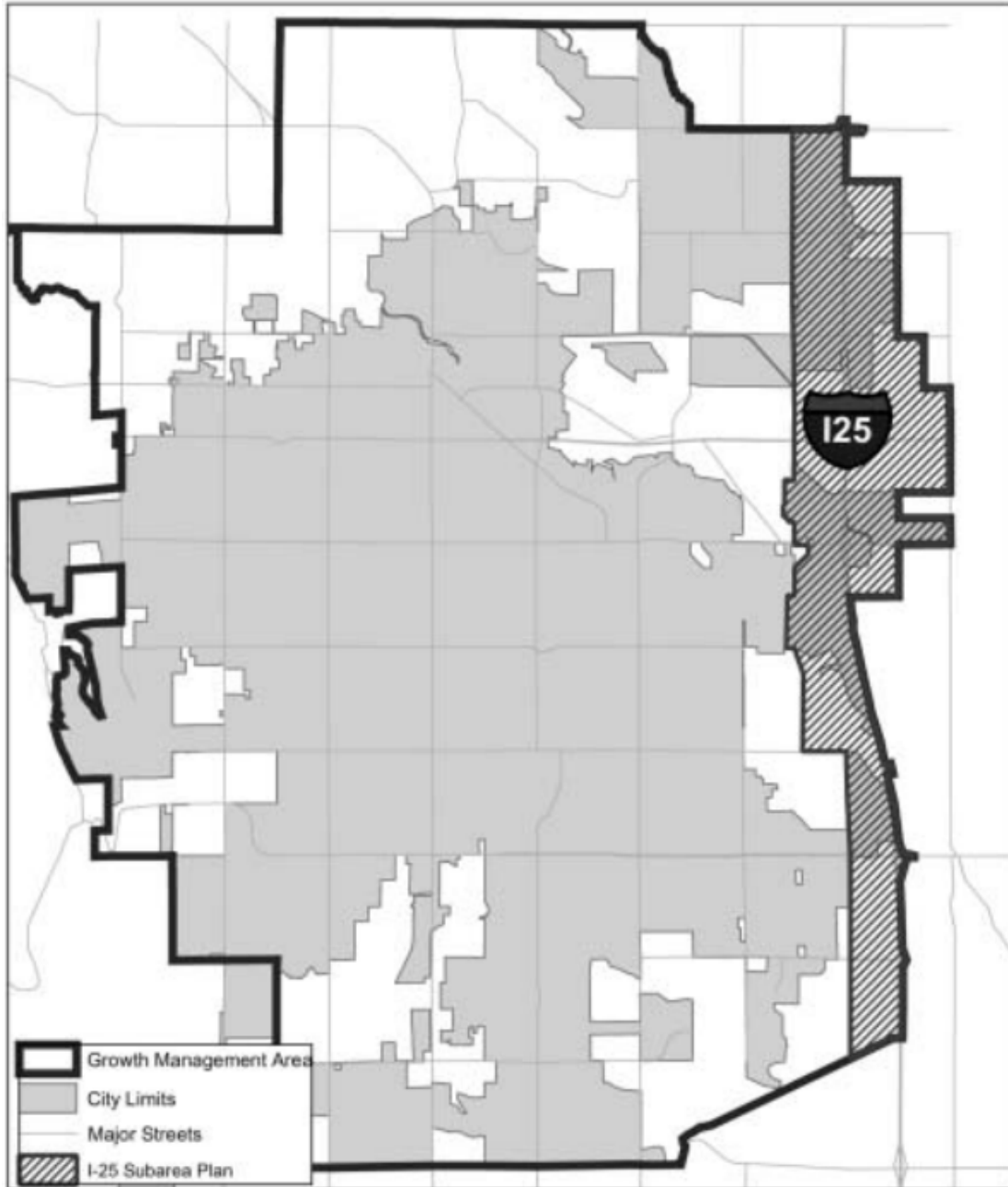
Variances from the Engineering Design Standards listed in Section 5.4.3, including variances from the Larimer County Area Urban Street Standards, may be requested in connection with a PUD Comprehensive Plan. A request for such variances shall be processed in accordance with and subject to the standards applicable to the variance. Variances so requested and approved prior to the approval of a PUD Comprehensive Plan may be incorporated into and approved as a part of the PUD Comprehensive Plan, and if so incorporated and approved, shall be applicable to Project Development Plans and Final Plans submitted subsequent to, in conformance with and intended to implement, the approved PUD Comprehensive Plan. The decision maker on the PUD Comprehensive Plan shall not have the authority to alter or condition any approved variance as part of the PUD Comprehensive Plan review. Variances may also be processed in connection with a Project Development Plan or Final Plan submitted subsequent to an approved PUD Comprehensive Plan.

SECTION 2.6.4 I-25 DEVELOPMENT STANDARDS

(A) Applicability.

The provisions contained in Section 2.6.4 shall apply to applications for development within the boundary of the I-25 Subarea Plan, and, to the extent that such provisions regulate Activity Centers, they shall also apply to the I-25/State Highway 392 Corridor Activity Center; and the provisions contained in Section 2.6.4(M) shall apply only to the I-25/State Highway 392 Corridor Activity Center.

outlined in the "Development Standards for the I-25 Corridor" and the "Fort Collins I-25 Corridor Subarea Plan," in addition to the standards contained elsewhere in this Land Use Code.



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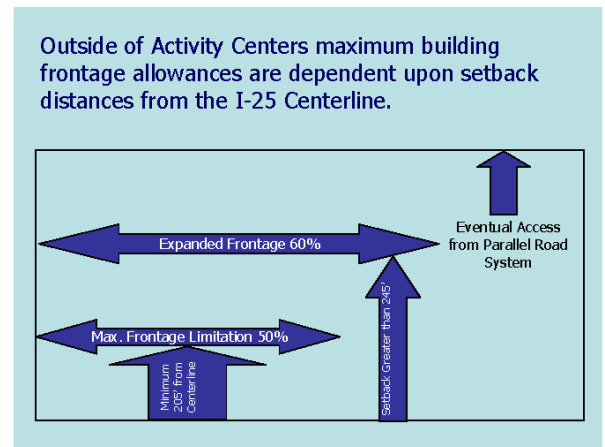
(B) Purpose.

The purpose of this Section is to provide standards to implement the model standards

1. Development of new single-unit residential lots within one thousand three hundred twenty (1,320) feet (one-quarter [¼] mile) of

the centerline of Interstate Highway 25 (I-25) shall be prohibited. Exception: single-unit detached dwellings in the Rural Lands District (RUL) shall be exempt from this standard.

2. In the Urban Estate zone district, development that creates new single-unit residential lots located between one-quarter ($\frac{1}{4}$) and one-half ($\frac{1}{2}$) mile from the centerline of I-25 shall utilize the clustering technique (as provided for in Section 2.1.2 of this Land Use Code for the Urban Estate District) in order to concentrate densities away from I-25, maximize views and preserve landscape features or open space.



(D) Building Placement Standards.

1. Minimum setback of any building on a lot, tract or parcel of land adjoining the I-25 right-of-way shall be two hundred five (205) feet from the centerline of I-25.
2. Outside of I-25 activity centers, the placement of a building on a lot, tract or parcel of land adjoining the I-25 right-of-way where the building is located between two hundred five (205) feet and two hundred forty-five (245) feet from the centerline of I-25 shall be restricted so that no more than fifty (50) percent of the total frontage of the lot, tract or parcel of land is occupied by the building.
3. Outside of I-25 activity centers, the placement of a building on a lot, tract or parcel of land adjoining the I-25 right-of-way where the building is located more than two hundred forty-five (245) feet from the centerline of I-25 shall be restricted so that no more than sixty (60) percent of the total frontage of the lot, tract or parcel of land is occupied by the building.

(E) Landscaping Standards.

1. Parking Lot Perimeter Landscaping. At least seventy-five (75) percent of the perimeter of all parking areas shall be screened from nearby streets, public rights-of-way, public open space and nearby uses by at least one (1) of the following methods:
 - a. A berm at least three (3) feet high with a maximum slope of 3:1 in combination with evergreen and deciduous trees and shrubs;
 - b. A hedge at least three (3) feet high, consisting of a double row of shrubs readily capable of growing to form a hedge, planted three (3) feet on center in a triangular pattern;
 - c. A decorative fence or wall between three (3) and four (4) feet in height in combination with landscaping including, without limitation, evergreen and deciduous trees and shrubs.
2. Site Perimeter Landscaping Abutting the I-25 Right-of-Way.
 - a. Buffers abutting I-25. Developments with a site perimeter which is adjoining the I-25 right-of-way shall provide a landscaped buffer of at least eighty (80) feet between the building or parking lot edge and the I-25 right-of-way. The buffer shall consist of

informal clusters of deciduous and evergreen trees and shrubs planted in an offset pattern and shall consist of one (1) tree and ten (10) shrubs per twenty-five (25) lineal feet of frontage.

- b. Berms. Berms greater than three (3) feet in height shall not be permitted adjoining the I-25 right-of-way if they block long-range views of mountains and open lands for motorists on I-25 (not including motorists on frontage roads or ramps). Notwithstanding this limitation, additional berm height may be required to screen the following areas visible to motorists on I-25: parking lots, drive-thru lanes, and service areas, including but not limited to, loading areas, service entrances, and trash and recycling enclosures.
- c. Parking and Service Areas. When berms screening parking and service areas are less than five (5) feet in height, berms and surrounding landscape areas shall be planted with a minimum of eight (8) trees and eight (8) shrubs per one hundred (100) lineal feet. A minimum of fifty (50) percent of the required trees shall be evergreens.
- d. Additional Screening Elements. In conjunction with the buffering, landscaping and berms, additional elements allowed within the 80-foot buffer may include screen walls in accordance with the provisions of Section 3.9.8(A), (B) and (C).

(F) Commercial Building Design Standards.

Roof Form

1. Roofs on principal structures with a building footprint of less than ten thousand (10,000) square feet shall:
 - a. be pitched with a minimum slope of at least 5:12;
 - b. incorporate the 5:12 pitch by use of a modified Mansard roof, covering a sufficient area of the roof so as to create the appearance that the Mansard roof covers the entire structure, and;
 - c. incorporate at least one (1) of the following elements into the design for each fifty (50) lineal feet of roof:
 - I. Projecting gables/dormers
 - II. Hips
 - III. Horizontal or vertical breaks
 - IV. Three (3) or more roof planes
2. Roofs on structures with a footprint of greater than ten thousand (10,000) square feet shall have at least two (2) of the following features:
 - a. Parapet walls featuring three-dimensional cornice treatment that at no point exceeds one-third ($\frac{1}{3}$) of the height of the supporting wall.
 - b. Overhanging eaves, extending at least three (3) feet beyond the supporting walls.
 - c. Sloping roofs not exceeding the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run.
 - d. Three (3) or more roof slope planes.

Building Form/Façade Treatment

3. Buildings that face public streets, adjoining developments or connecting pedestrian frontage shall be articulated, fenestrated and proportioned to human scale along at least sixty (60) percent of the facade using features such as windows, entrances, arcades, arbors or awnings.
4. Building facades facing a primary access street shall have clearly defined, highly visible

customer entrances that feature at least two (2) of the following:

- a. Canopies or porticos
- b. Overhangs
- c. Recesses or projections of at least three (3) percent of wall length
- d. Arcades
- e. Distinctive roof forms
- f. Arches
- g. Outdoor patios
- h. Display windows
- i. Planters or wing walls that incorporate landscaped areas and/or places for sitting

Materials and Colors

5. One (1) or more of the following building materials shall be incorporated into the design of a structure and used to provide visual interest at the sidewalk level for pedestrians:
 - a. Stucco
 - b. Brick
 - c. Stone
 - d. Tinted, textured masonry block
6. Smooth-faced gray concrete block and tilt-up concrete panels are prohibited.
7. Metal is prohibited as a primary exterior surface material. It may be used as trim material covering no more than ten (10) percent of the facade or as a roof material.
8. Facade colors shall only be earth tone colors with a low reflectance.
9. High-intensity primary colors are prohibited on any roof area visible from a public or private right-of-way or public open space

(G) Block Pattern for Activity Centers.

1. To the maximum extent feasible, larger sites containing multiple buildings and uses shall be composed of a series of urban-scale blocks of development defined and formed by streets or

drives that provide links to nearby streets along the perimeter of the site.

2. Block sizes shall not exceed ten (10) acres for commercial development.
3. In addition to a network of streets and drives, blocks shall be connected by a system of parallel tree-lined sidewalks that adjoin the streets and drives combined with off-street connecting walkways so that there is a fully integrated and continuous pedestrian network.
4. To the maximum extent feasible, remote or independent pad sites, separated by their own parking lots and service drives, shall be minimized. Such buildings shall be directly connected to the pedestrian sidewalk network.

(H) Service Areas, Outdoor Storage and Mechanical Equipment.

1. Location. Loading docks, outdoor storage yards and all other service areas shall be located to the sides and/or rear of a building, except when a site abuts I-25, in which event said areas shall be located to the sides of the building that do not face I-25.
2. Screening.
 - a. All outdoor storage yards, loading docks, service areas and mechanical equipment or vents larger than eight (8) inches in diameter shall be concealed by screens at least as high as the equipment they hide, of a color and material matching or compatible with the dominant colors and materials found on the facades of the principal building. Chain link, with or without slats, shall not be used to satisfy this requirement.
 - b. Equipment that would remain visible despite screening, due to differences in topography (i.e., a site that is at a lower grade than surrounding roadways) shall be completely enclosed except for vents needed for air flow, in which event such

vents shall occupy no more than twenty-five (25) percent of the enclosure facade.

(I) Fencing and Walls.

1. Materials. Walls and fences shall be constructed of high-quality materials, such as tinted, textured blocks; brick; stone; treated wood; or ornamental metal; and shall complement the design of an overall development and its surroundings. The use of chain link fencing or exposed cinder block walls shall be prohibited.
2. Location. Fences and walls shall be set back at least six (6) feet from the back edge of an adjoining public sidewalk, and such setback area shall be landscaped with turf, shrubs and/or trees, using a variety of species to provide seasonal color and plant variety.
3. Maximum Length. The maximum length of continuous, unbroken and uninterrupted fence or wall plane shall be forty (40) feet. Breaks shall be provided through the use of columns, landscaping pockets, transparent sections and/or a change to different materials.

(J) Wireless Telecommunication.

1. Location. Wireless telecommunication facilities shall not be permitted within one thousand four hundred forty-five (1,445) feet of the centerline of I-25.
2. Height. Wireless telecommunication facilities shall not exceed the maximum height allowed for a structure as specified in the underlying zone district.

(K) Height.

1. Outside the I-25 activity centers, nonresidential building heights shall not exceed twenty (20) feet within two hundred twenty-five (225) feet of the centerline of I-25.
2. Outside the I-25 activity centers, nonresidential and residential building heights shall not exceed forty (40) feet between two

hundred twenty-six (226) feet and seven hundred twenty-five (725) feet of the centerline of I-25.

3. Where existing site topography (whether natural or man-made) blocks views of the mountains or open lands from I-25, these height restrictions shall not apply.

(L) Minimum Residential Density in Activity Centers.

1. Minimum residential density in activity centers shall be twelve (12) dwelling units per gross acre.

(M) Corridor Activity Center Design Standards.

1. On any first floor building elevation that is visible from a public right-of-way, masonry materials limited to natural stone, synthetic stone, brick and concrete masonry units that are textured or split face, solely or in combination, shall be applied to cover from grade to the top of the entry feature of such elevation, or if there is no entry feature on any particular elevation, to a height that would be equivalent to the top of the first floor. For first floor building elevations not visible from a public right-of-way and on all upper stories, other exterior finish materials, including, but not limited to, synthetic stucco (E.I.F.S.), architectural metals, clay units, terra cotta, prefabricated brick panels or wood, can be applied in whole, or in combination with the masonry materials described above. For the purposes of this provision, architectural metals shall mean metal panel systems that are either coated or anodized; metal sheets with expressed seams; metal framing systems; or cut, stamped or cast ornamental metal panels, but not ribbed or corrugated metal panel systems. Standard concrete masonry units or tilt-up concrete with applied texturing are prohibited on any building elevation.
2. A roof pitch shall be required for buildings containing less than twenty-five thousand (25,000) square feet and having three (3)

stories or less. In cases where mechanical equipment must be mounted on the roof, a sloping mansard roof shall be allowed.

3. The maximum building height shall be ninety (90) feet.
4. All freestanding signs shall be ground signs and shall be limited to a maximum height of fourteen (14) feet along and perpendicular to I-25 and twelve (12) feet along and perpendicular to all other streets. Such ground signs shall be subject to all other requirements in Division 5.16.



ARTICLE 3

BUILDING TYPES

DIVISION 3.1 RESIDENTIAL BUILDING TYPES

- 3.1.1 Mixed-Use
- 3.1.2 Apartment Building
- 3.1.3 Cottage Court
- 3.1.4 Rowhouse
- 3.1.5 Duplex
- 3.1.6 Detached House - Urban
- 3.1.7 Detached House - Suburban
- 3.1.8 Detached Accessory Structures
- 3.1.9 Accessory Dwelling Unit
- 3.1.10 Residential Cluster

SECTION 3.1.1

Mixed-Use

DESCRIPTION

In “mixed-use” buildings, there shall be a combination of retail, office, and/or residential spaces within one or several buildings. Mixed-use buildings are usually in more urban areas and can vary in their size and number of stories. A mixed-use building type can be identified by its approachable and pedestrian friendly look. The buildings may be farther away from the street with wider sidewalk areas, street plantings, or outdoor seating.

ZONE DISTRICTS

The following Zone Districts allow Mixed-Use building types:

- LMN ● CG
- MMN ● CS
- HMN ● CL
- OT-C ● HC
- NC ● E
- CC ● Overlay Districts
- CCN
- CCR
- D

BUILDING TYPE EXAMPLES



ColoProperty.com, IRES MLS



Myriad Condominiums, Dohn Construction



TMA CHA Architects

SECTION 3.1.1

Mixed-Use

BUILDING STANDARDS



BUILDING HEIGHT	
Maximum	4-12 stories max.* A
Affordable Housing Bonus	1-2 additional stories B

*See Zone District standards for specific maximum height.

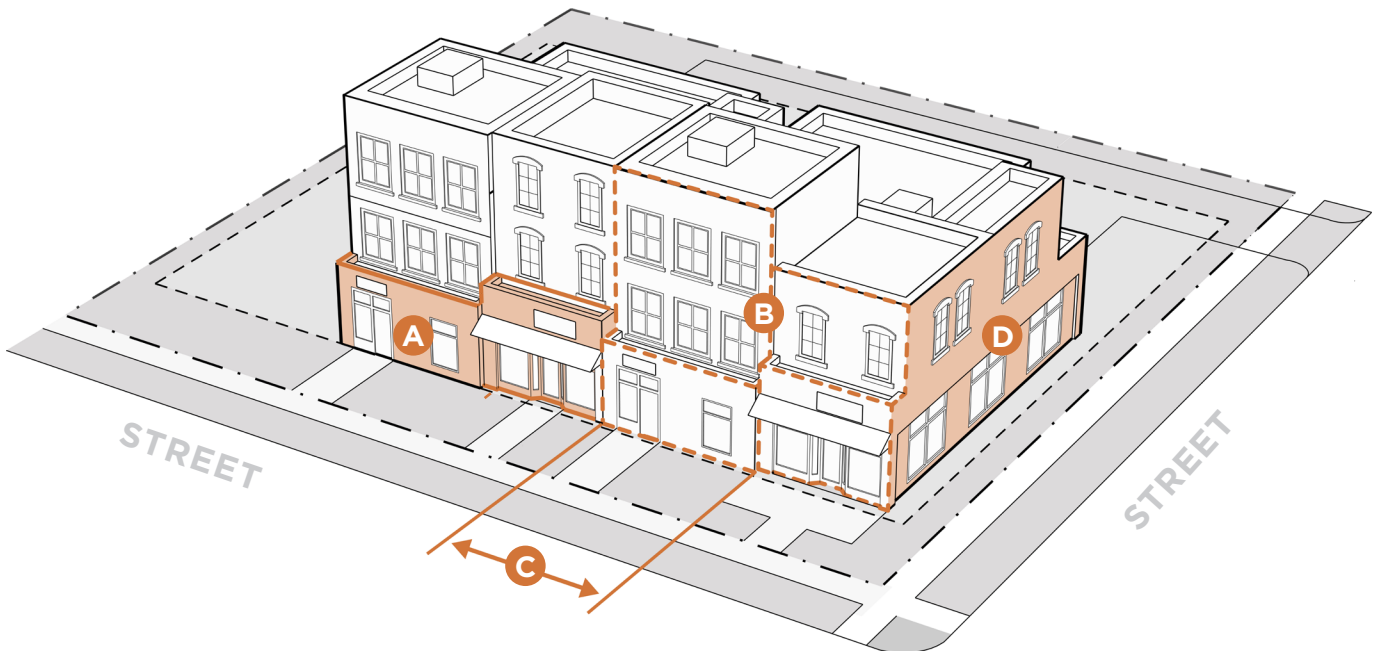
BUILD-TO LINES C	
Smaller than Arterial	0'min. - 15' max.
On-Street Parking	0'min. - 15' max.
Arterial or larger	10'min. - 25'max.

BUILD-TO LINE EXCEPTIONS	
Plaza, courtyard, patio or garden	Landscaping, low walls, fencing or railings, a tree canopy and/ or other similar site improvements are required.
Easement	As required by the City to continue an established drainage channel or access drive, or other easement.
Contextual Build-To	A contextual build-to line may fall at any point between the required build-to line and the build-to line that exists on a lot that abuts, and is oriented to, the same street as the subject lot.

SECTION 3.1.1

Mixed-Use

MASSING & ARTICULATION



FACADE BASE A

All facades shall have a recognizable “base” consisting of (but not limited to):

- thicker walls, ledges or sills;
- textured materials such as stone or masonry;
- integrally colored and patterned materials such as smooth-finished stone or tile;
- lighter or darker colored materials;
- mullions or panels; and
- planters.

FACADE TOP B

All facades shall have a recognizable “top” consisting of (but not limited to):

- cornice treatments, other than just colored “stripes” or “bands,” with integrally textured materials such as stone or other masonry or differently colored materials;
- sloping roof with overhangs and brackets; and
- stepped parapets.

MASSING

Building Bays* - Maximum Width

30'

C

Footprints over ten-thousand (10,000) sf shall incorporate recesses/projections with bays no wider than thirty (30) ft.

*Building bay is defined as at least two (2) of the following:

- change in plane;
- change in height;
- change in texture or masonry pattern, windows, treillage with vines; and/or
- an equivalent element that subdivides the wall into human scale proportions.

FOUR-SIDED DESIGN

Building Materials

Consistent with Front of Building

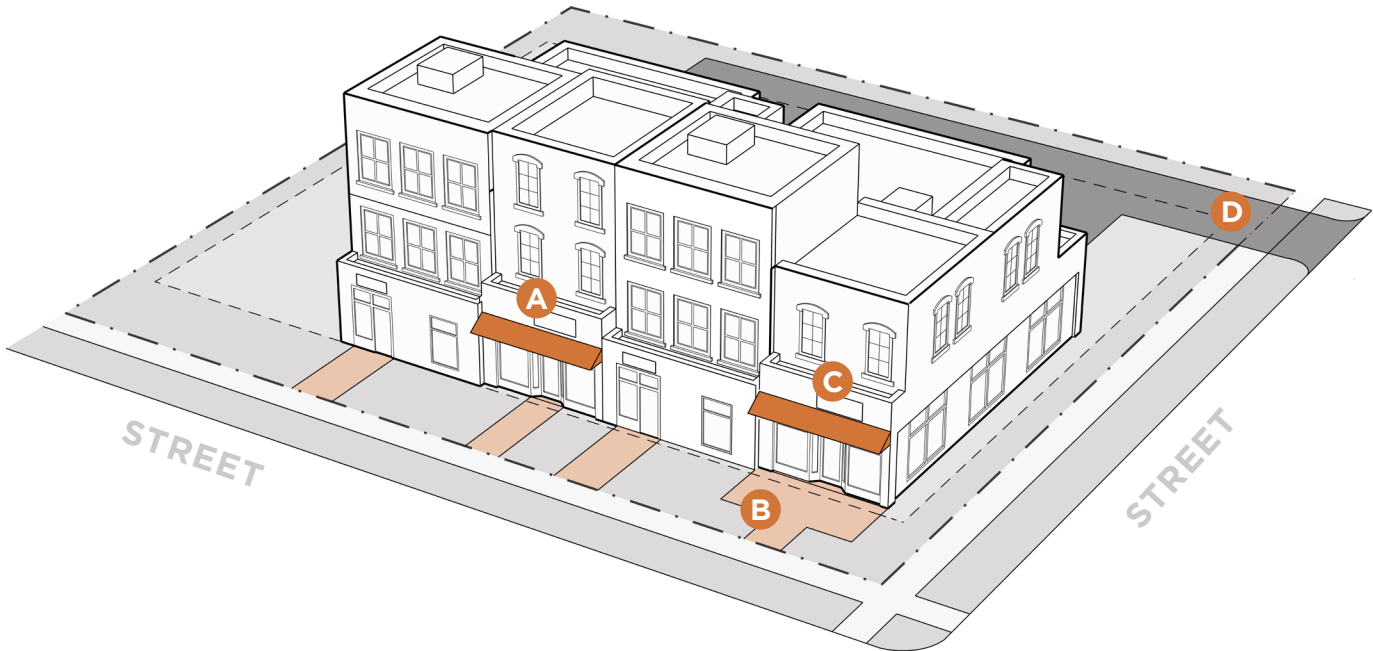
D

*Standard also applies to rear facade..

SECTION 3.1.1

Mixed-Use

SITE ACCESS



ENTRYWAYS	
Primary Entrance Features	Sheltering Element Required* A
Primary Entrance Orientation	Opens to a Connecting Walkway With Pedestrian Frontage** B
Awning Width	No shorter than Single Storefront C

*Includes clearly defined and recessed or framed element such as an awning, arcade, or portico to provide shelter.

**Buildings with vehicle bays and/or service doors for intermittent/infrequent nonpublic access to equipment, storage or similar rooms (e.g., self-serve car washes and self-serve mini-storage warehouses) are exempt from this standard.

WALKWAYS	
Primary Function	Pedestrian Accommodation
Secondary Function	Vehicular Movement

VEHICULAR ACCESS & PARKING	
Alley Access***	Setback additional 15' min. from the building wall D
Off-Street Parking	Shall not be located any closer to a public street right-of-way than the principal building is set back from the street.

***Any new access must obtain access from an alley when present, unless proposed alley access is deemed hazardous by the City Engineer.

SECTION 3.1.2

Apartment Building

DESCRIPTION

An apartment building is a residential building that has three (3) or more housing units. Apartment buildings are typically medium to large in size because the units are placed side-by-side and/or stacked vertically. Apartment buildings have a variety of architectural styles but are usually at least 2 stories tall and have common entries that face the street.

ZONE DISTRICTS

The following Zone Districts allow Apartment building:

- **LMN** ● **CCR**
- **MMN** ● **CG**
- **HMN** ● **D**
- **OT-C** ● **HC**
- **NC** ● **CS**
- **CC** ● **CL**
- **CCN** ● **E**
- **Overlay Districts**

BUILDING TYPE EXAMPLES



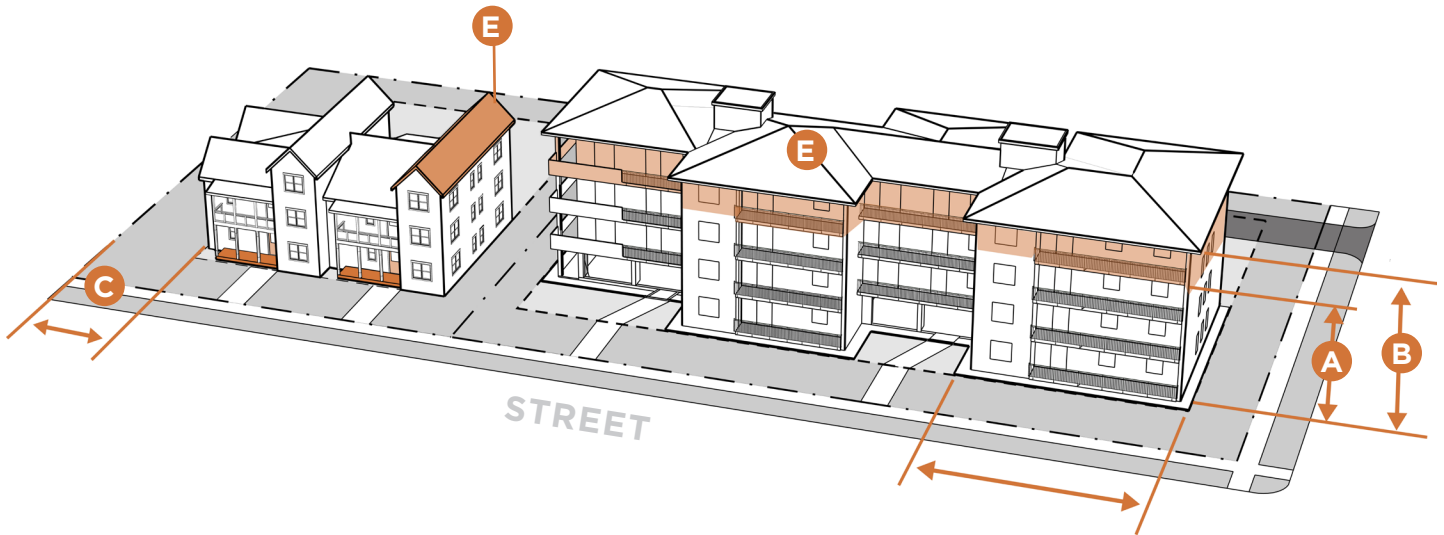
Copperleaf Place, Fort Collins



SECTION 3.1.2

Apartment Building

BUILDING STANDARDS



BUILDING HEIGHT

Maximum	3 - 12 stories max.*	A
Affordable Housing Bonus	1-2 additional stories	B

*See Zone District standards for specific maximum height.

CONTEXTUAL HEIGHT SETBACK **C**

Upper Story Setback*	25' min. upper story setback above 2 stories
----------------------	--

*Only properties abutting a zone district with a lower maximum building height shall comply.

ROOF DESIGN **E**

Roof lines may be either sloped, flat or curved, but must include at least two (2) of the following:

- The primary roof line shall be articulated through a variation or terracing in height, detailing and/or change in massing.
- Secondary roofs shall transition over entrances, porches, garages, dormers, towers or other architectural projections.
- Offsets in roof planes shall be a minimum of two (2) feet in the vertical plane.
- Termination at the top of flat roof parapets shall be articulated by design details and/or changes in materials and color.
- Rooftop equipment shall be hidden from view by incorporating equipment screens of compatible design and materials.

SECTION 3.1.2

Apartment Building

BUILDING STANDARDS



FACADES & WALLS

Building Facade Articulation*	Required when 40' or more	D
--------------------------------------	---------------------------	----------

*Facade articulation can be accomplished by:

- Covered doorways, balconies, covered box or bay windows, and/or other similar features;
- Offsetting the floor plan;
- Recessing or projection of design elements;
- Change in materials; and/or
- Change in contrasting colors.

MASSING

D

- Massing, wall plane, and roof design proportions shall be similar to a detached house, so that larger buildings can be integrated into surrounding lower scale neighborhoods.
- Projections, recesses, covered doorways, balconies, covered box or bay windows and/or other similar features.
- Dividing large facades and walls into human-scaled proportions similar to the adjacent single- or two-family dwellings shall not have repetitive, monotonous undifferentiated wall planes.
- Horizontal and/or vertical elements that break up blank walls of forty (40) feet or longer.

PRIMARY ENTRANCES

Architectural Feature	Primary entrances shall include architectural features such as a porch, landing, portico, similar feature or landscaping.
Location	Primary entry(ies) shall be located on the street-facing facade. G

VEHICULAR ACCESS & PARKING

F

Alley Access**	Setback additional 15' min. from building wall.
Off-Street Parking	Shall not be located any closer to a public street right-of-way than the principal building is set back from the street.

**Any new access must obtain access from an alley when present, unless proposed alley access is deemed hazardous by the City Engineer.

SECTION 3.1.3

Cottage Court

DESCRIPTION

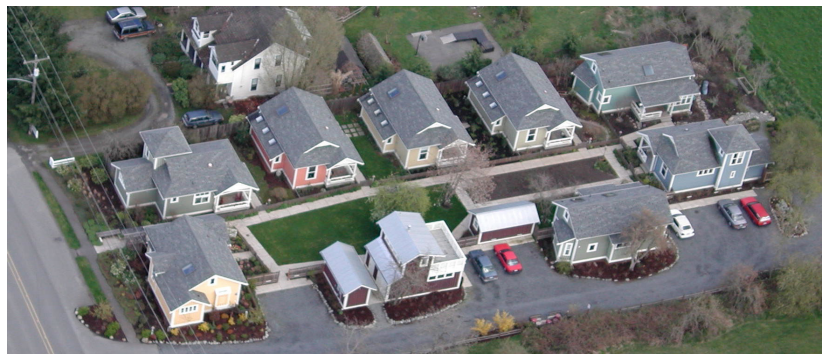
Cottage Court complexes are a grouping of residential units that are organized around a shared courtyard accessible to all residents. Some cottages face the street while others face towards the courtyard. The cottages are usually smaller in scale with friendly architectural styles that provide a neighborhood feel, such as porches or stoops for each residential unit.

ZONE DISTRICTS

The following Zone Districts allow cottage court building types:

- LMN
- MMN
- OT
- HC
- E
- D
- Overlay Districts

BUILDING TYPE EXAMPLES

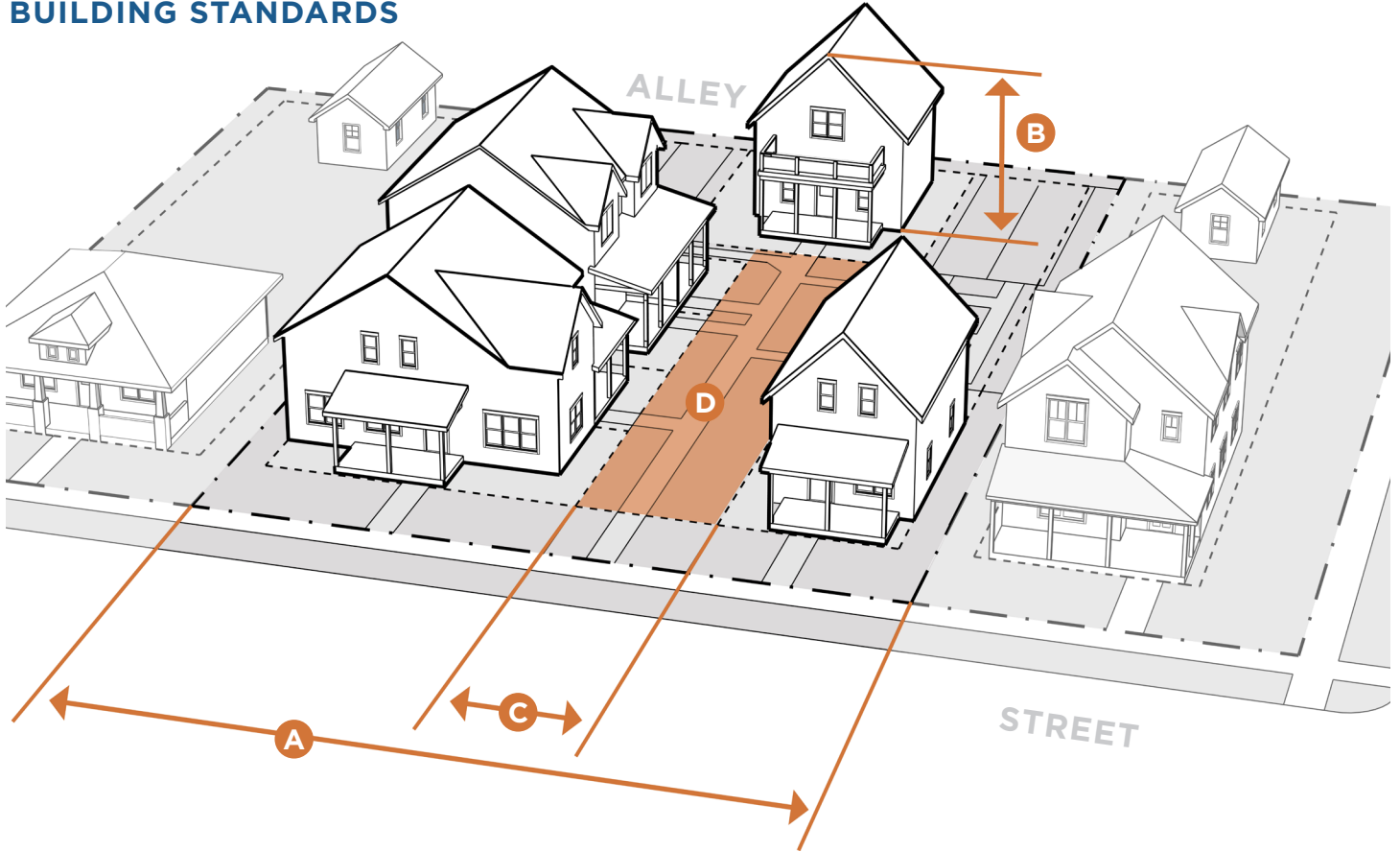


All Photos Courtesy of Ross Chapin Architects

SECTION 3.1.3

Cottage Court

BUILDING STANDARDS



LOT STANDARDS

Lot Area - Minimum (Prior to Subdivision)	9000 ft ² min.
Lot Area / Unit - Minimum	1400 ft ² min.
Lot Width - Minimum (Prior to Subdivision)	100' min. A

DWELLING UNITS

# of Dwelling Units	3 - 12 max.
Distance between units	10' min.

FLOOR AREA (Maximum)

Cottage	1200-1500 sf on average
---------	-------------------------

BUILDING MASS

Building Height - Maximum	1.5 - 2.5 stories / 26 - 32' max.* B
Eave Height - Maximum	13' - 18' max.*

*See Zone District standards for specific maximum height.

COMMON COURT

Court Width - Minimum	16' min.* C
Court Area - Minimum	800 ft ² min. D

*Along frontage line.

SECTION 3.1.3

Cottage Court

SITE ACCESS



ENTRANCES

Primary Entrance Orientation*	Toward street or shared court
Architectural Features	Required
Single-Unit Detached	6' deep min. x 8' length min. A
Single-Unit Attached	4' x 4' min. covered porch or stoop required** B

*For new construction on rear area of a lot that consists of frontage on two (2) streets and an alley, frontage shall face street.

**Porch Depth is as measured from the building facade to the posts, railings and spindles.

ACCESS & CIRCULATION

Walkways	Shared pathways C
Off-Street Parking - Alley Access	Behind street fronting dwelling
Off-Street Parking - No-Alley Access	12' max. driveway width, 1 driveway / lot D
Parking Ratio per number of bedrooms	1 or less br: 1.0 E 2 br: 1.50 3 br: 2.00 4 br: 2.50

- Off-street parking area shall be prohibited within the court.

SECTION 3.1.4

Rowhouse

BUILDING STANDARDS

A rowhouse consists of 2-8 residential units that are placed side-by-side and share walls. Rowhouses are typically narrow and 2-3.5 stories tall, with each home having its own entrance that usually faces the street. It is common for homes in rowhouses to have porches and some may have an attached or detached garage behind each unit.

ZONE DISTRICTS

The following Zone Districts allow Rowhouse building types:

- UE
- LMN
- MMN
- HMN
- OT-B
- NC
- D
- CC
- CCN
- CCR
- CG
- CS
- CL
- HC
- E

BUILDING TYPE EXAMPLES



Thrive Home Builders

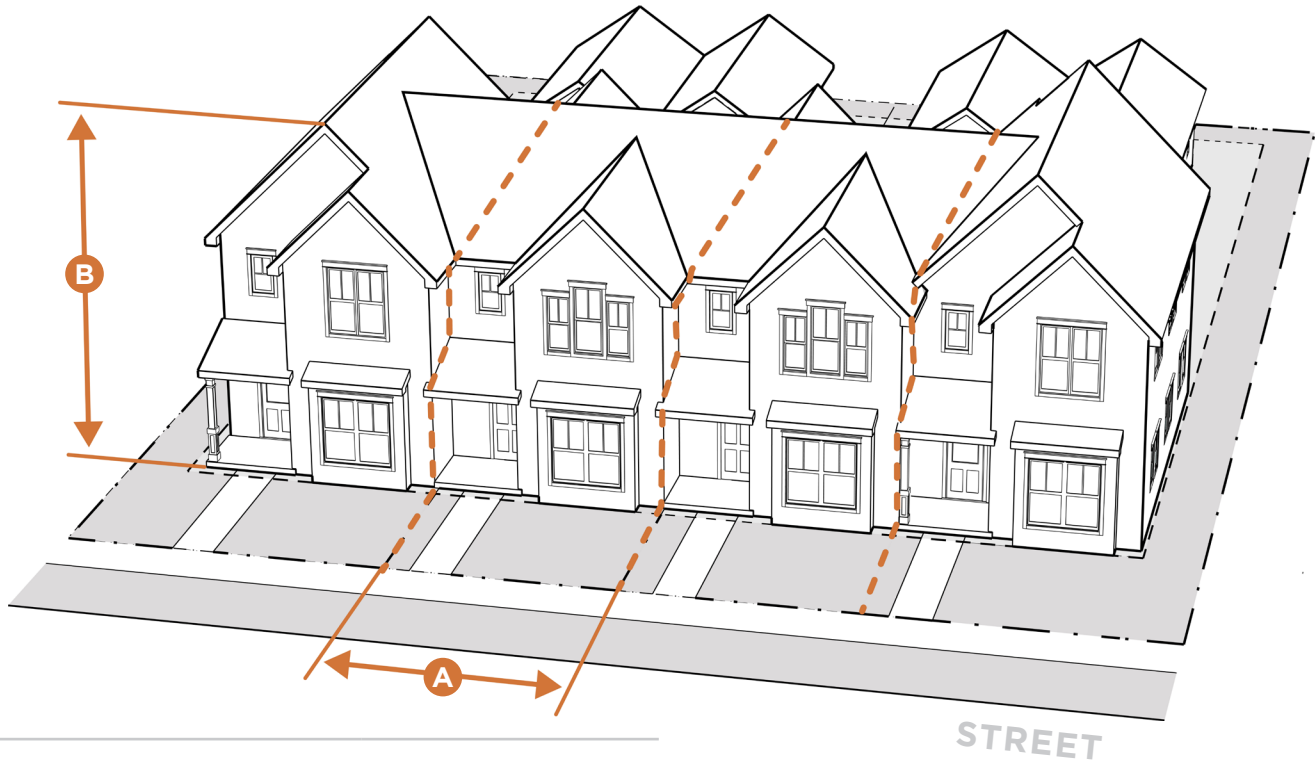


CG Architect

SECTION 3.1.4

Rowhouse

BUILDING STANDARDS



LOT STANDARDS

Lot Area / Unit	1400 ft ² min.
Lot Width - Minimum	15' min. A
Private Outdoor Space*	12' x 18' / unit

*Clearly defined space such as a patio, courtyard or deck.

BUILDING MASS

Building Height - Maximum	2-3.5 Stories** B
# of Rowhouse Groupings	2 - 8 max.***
Building Orientation	Front faces street ****

**See Zone District standards for max. height.

***Maximum is dependent on Zone District standards.

**** Narrower side of unit faces the street.

ROOF DESIGN

Roof lines may be either sloped, flat or curved, but must include at least two (2) of the following elements:

- The primary roof line shall be articulated through a variation or terracing in height, detailing and/or change in massing.
- Secondary roofs shall transition over entrances, porches, garages, dormers, towers or other architectural projections.
- Offsets in roof planes shall be a minimum of two (2) feet in the vertical plane.
- Termination at the top of flat roof parapets shall be articulated by design details and/or changes in materials and color.
- Rooftop equipment shall be hidden from view by incorporating equipment screens of compatible design and materials.

SECTION 3.1.4

Rowhouse

SITE ACCESS



ACCESS & CIRCULATION	
Off-Street Parking - Alley Access	Behind dwelling A
Off-Street Parking - No-Alley Access	12' max. driveway width

- Off Street Parking area shall not be visible from the street or shared court the primary entrance faces.

ENTRANCES B	
Primary Entrance Orientation	Toward street or shared court
Architectural Features	Required
Porch Dimensions	6' deep min. x 8' length min.

- For new construction on rear area of a lot that consists of frontage on two (2) streets and an alley, frontage shall face street.
- Architectural features include porch, portico or similar feature.
- Porch Depth is as measured from the building facade to the posts, railings and spindles

SECTION 3.1.5

Duplex

DESCRIPTION

A duplex consists of one building with two (2) side-by-side residential units that both face the street or two (2) units that are stacked vertically. A duplex is commonly 1.5 to 2 stories and usually features porches, stoops, and pitched roofs, so it can look like a medium to large detached house and fit in well with single-unit neighborhoods. Other types of duplexes may not face the street, such as over-the-garage duplexes or basement duplexes.

ZONE DISTRICTS

The following Zone Districts allow Duplex building types:

- LMN
- MMN
- OT
- NC
- CC
- CCN
- CCR
- CG
- CS
- CL
- HC
- E

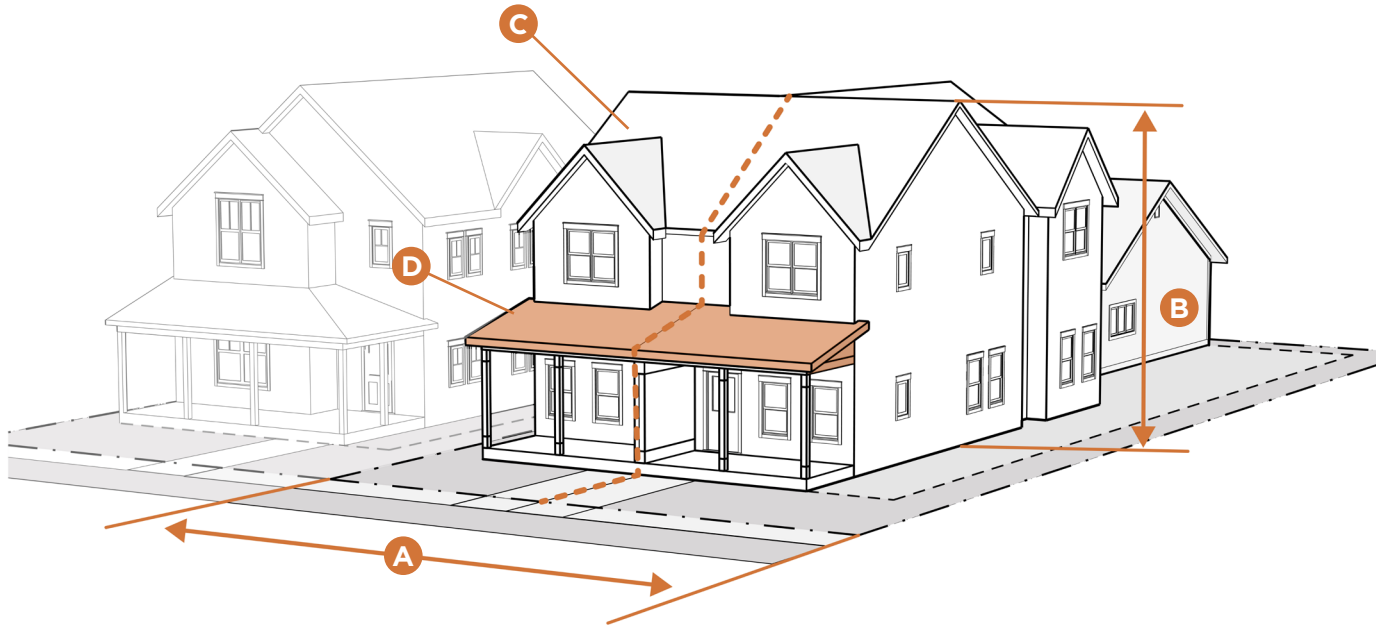
BUILDING TYPE EXAMPLES



SECTION 3.1.5

Duplex

BUILDING STANDARDS



LOT STANDARDS	
Lot Size - Minimum	4500 ft ²
Lot Width - Minimum	40' min. A
Floor Area - Maximum	1500 ft ² / unit
Private Outdoor Space*	12' x 18' / unit

*Clearly defined space such as a patio, courtyard or deck

BUILDING MASS

Building Height - Maximum	35'** B
# of Duplex Groupings	3 - 6 max.
Building Orientation	Front faces street or shared court

■ A second floor shall not overhang the lower front or side exterior walls of a new or existing building.

**See Zone District standards for specific maximum height.

ROOF DESIGN C

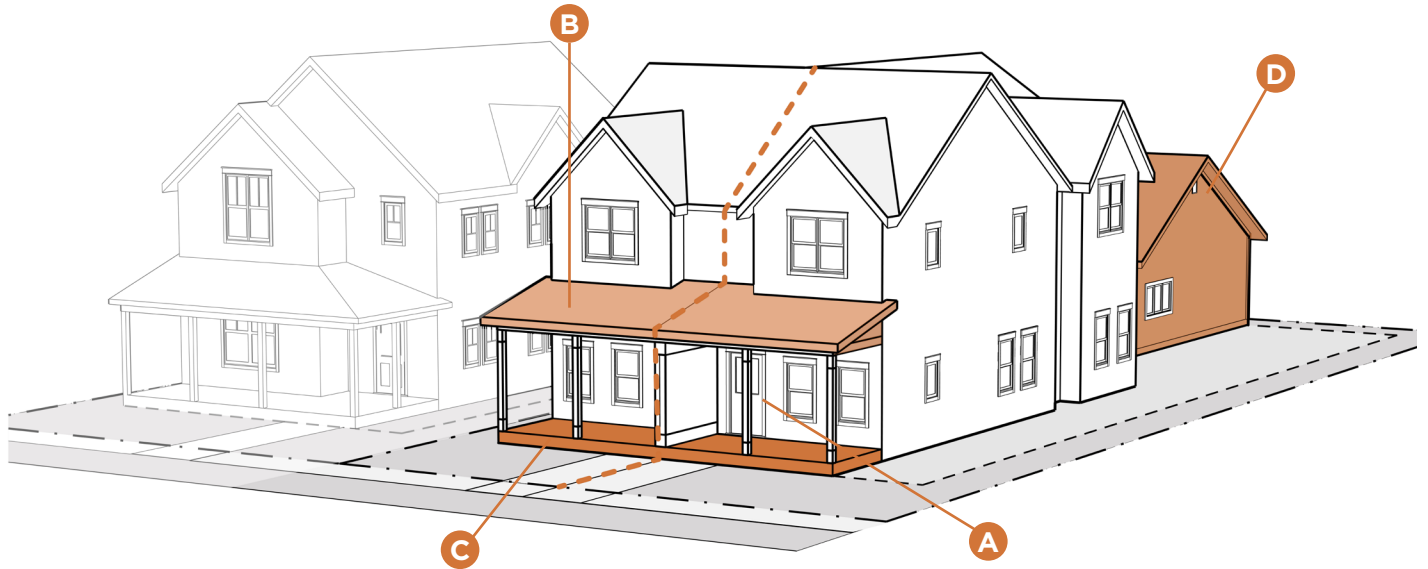
Roof Pitch - Minimum	2:12
Roof Pitch - Maximum	12:12
Roof Pitch - Architectural Features	24:12*** D

***Covered porch may be flat whenever the roof of such a porch is also considered to be the floor of a second-story deck.

SECTION 3.1.5

Duplex

SITE ACCESS



ENTRANCES

Private Entrance for Individual Units	Min. of one entry required to orient toward street; may be shared entry for stacked units. A
Architectural Features	Required
Shared Front Porch	6' deep min. x 8' length min. B
Individual Entry Feature	4' x 4' min. covered ground-floor stoop C

ACCESS & CIRCULATION

Off-Street Parking - Alley Access	Behind dwelling D
Street-Facing Garage Setback*	Recessed 4' behind a porch or front facade
Off-Street Parking - No-Alley Access*	12' max. driveway width

* Allowed only when there is no alley access.

- Entrances must be visible from the street or shared court.
- Architectural features include porch, portico or similar feature. Covered porch may be flat whenever the roof of such porch is also considered to be the floor of a second-story deck.
- Porch Depth is as measured from the building facade to the posts, railings and spindles.

SECTION 3.1.6

Detached House, Urban

DESCRIPTION

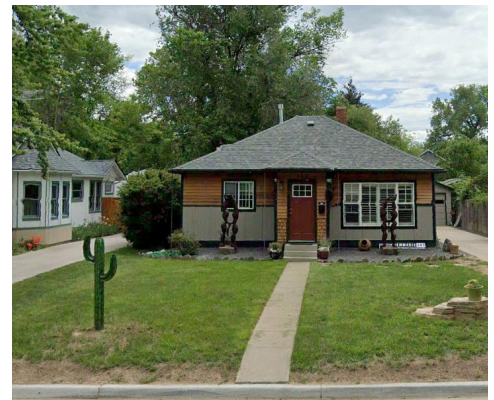
An urban detached house is a small to medium-sized 1-2 story home on a single lot located in established neighborhoods. Most have one main entrance and often attached or detached garages. Urban detached houses are distinct in that they are usually on smaller lots, and within walking distance to key amenities and services.

ZONE DISTRICTS

The following Zone Districts allow Detached House, Urban building:

- OT
- LMN
- MMN
- RL
- RF
- RUL
- MH
- HC
- CL
- CS
- CCR
- CCN

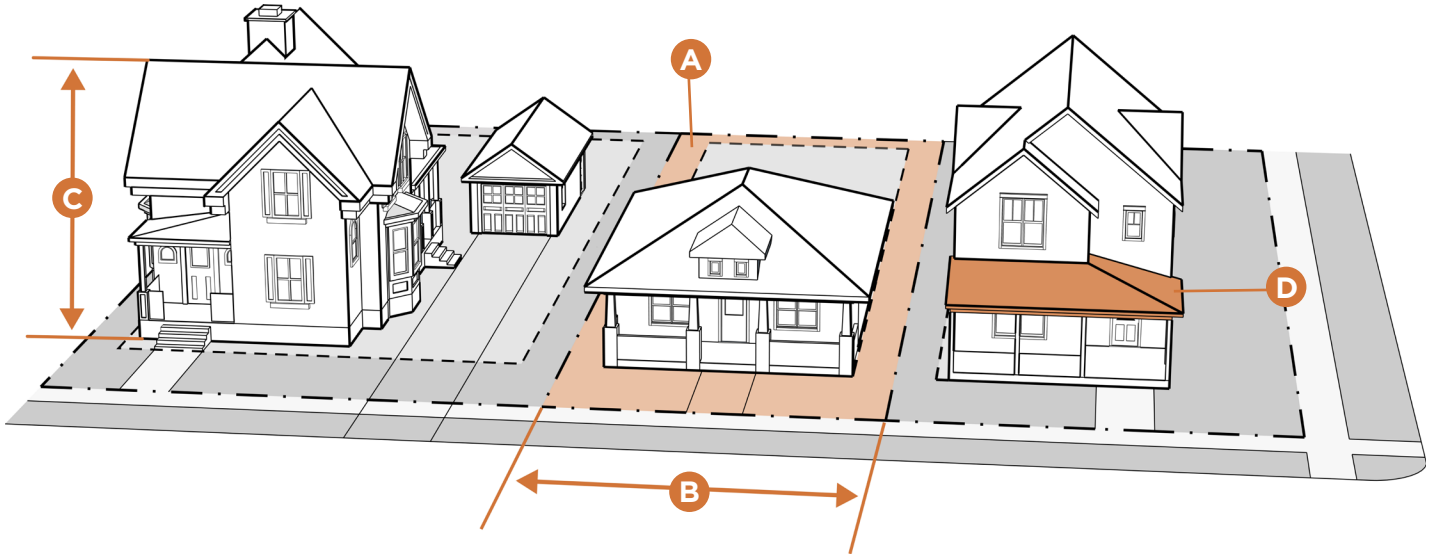
BUILDING TYPE EXAMPLES



SECTION 3.1.6

Detached House, Urban

BUILDING STANDARDS



LOT STANDARDS*

Lot Size - Minimum	3000 ft ²	A
Lot Width - Minimum	40' min.	B

*Lot standards may vary from dimensions stated here if part of a larger development and consistent with density requirements.

FRONT YARD FENCES

Opacity	60% min.
Height	2.5' min. - 3' max.
Prohibited Materials	Chain Link

ROOF DESIGN

Roof Pitch - Minimum**	2:12	
Roof Pitch - Maximum	12:12	
Roof Pitch - Architectural Features	24:12***	D

**Only applies in the OT zone district.

***Covered porch may be flat whenever the roof of such a porch is also considered to be the floor of a second-story deck.

OFF-STREET PARKING

Alley Access	Behind dwelling
No-Alley Access	12' max. driveway width

BUILDING MASS

Building Height - Maximum	35'****	C
Building Orientation	Front faces street	

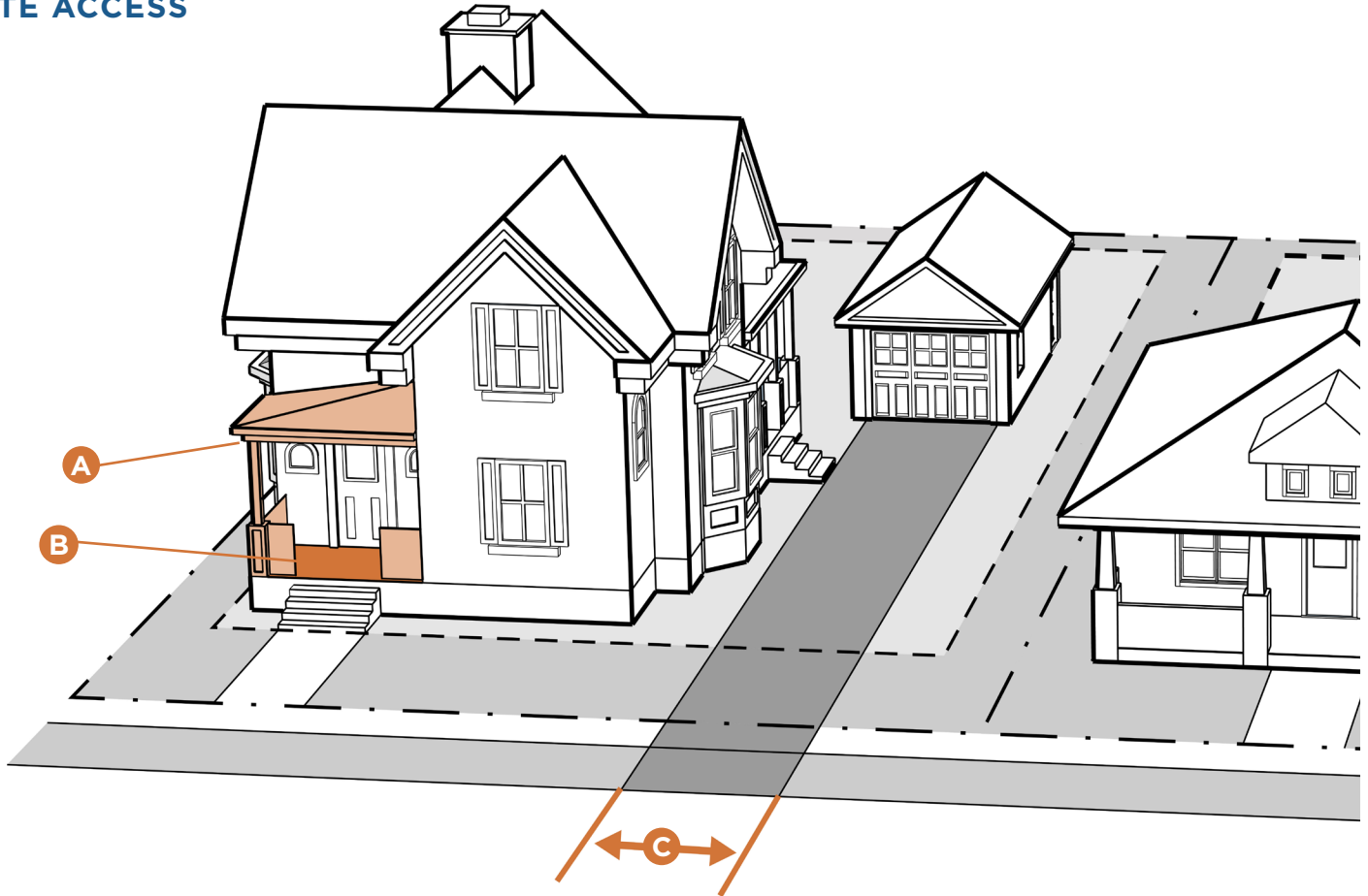
A second floor shall not overhang the lower front or side exterior walls of a new or existing building.

****See Zone District standards for specific maximum height.

SECTION 3.1.6

Detached House, Urban

SITE ACCESS



ENTRANCES	
Primary Entrance Orientation	Towards front wall of building*
Architectural Features	Required A
Porch Dimensions	6' deep min. x 8' length min. B

OFF-STREET PARKING	
Alley Access	Behind dwelling
No-Alley Access	12' max. driveway width C

■ Except in RL, the maximum driveway width is 18'.

*Unless required for handicap access.

SECTION 3.1.7

Detached House, Suburban

DESCRIPTION

A suburban detached house is a small to medium-sized 1-2 story home on a single lot located in established neighborhoods. Most have one main entrance and often attached or detached garages. Suburban detached houses make up a large portion of Fort Collin's current single-unit residential areas.

ZONE DISTRICTS

The following Zone Districts allow Detached House, Suburban building type:

- OT
- LMN
- MMN
- RL
- RF
- UE
- RUL
- MH
- CCN
- CCR
- CG
- CS
- CL
- HC
- E

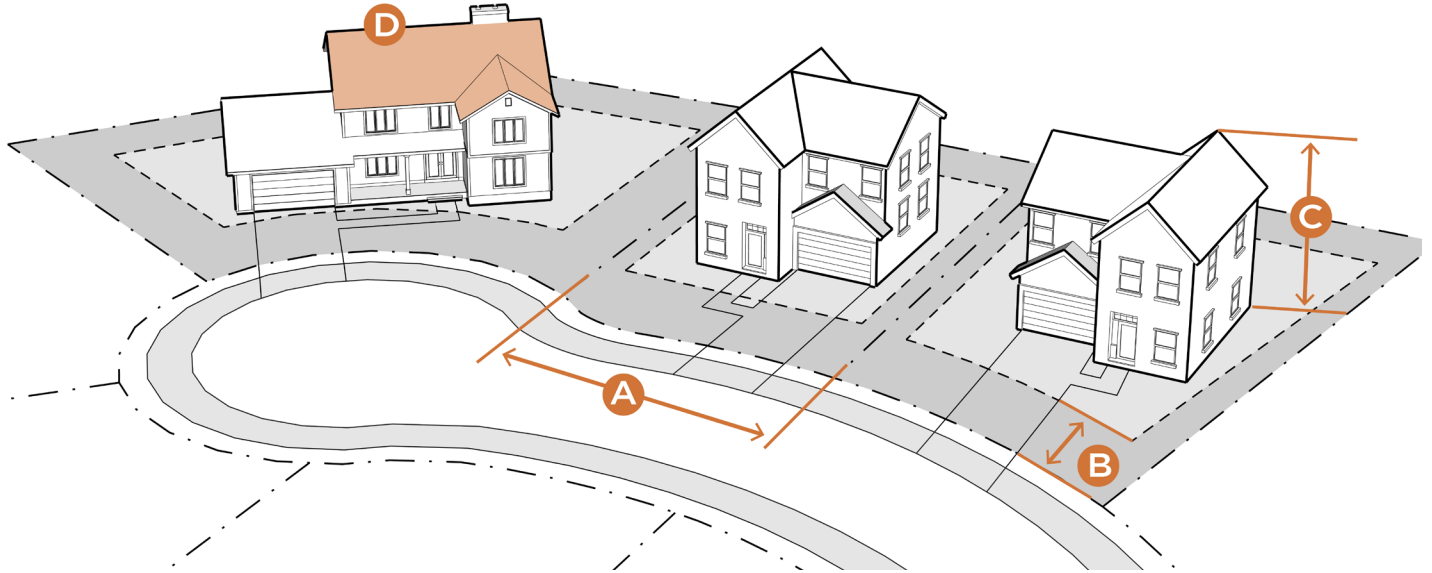
BUILDING TYPE EXAMPLES



SECTION 3.1.7

Detached House, Suburban

BUILDING STANDARDS



LOT STANDARDS

Lot Area	3000 ft ² min.*
Lot Width**	60' min. A
Front Setback**	20' B
Rear Setback**	15'
Rear Setback, Alley-Accessed Garages**	6'
Residential Use - Side Setback**	Corner Lot - 15' min. Interior Lot - 5' min.

*Except in RL, the minimum lot area shall be the equivalent of three (3) times the total floor area of the building but not less than six thousand (6,000) square feet.

**Except in OT, the standards in this zone district apply.

BUILDING HEIGHT

Maximum	28' Max.*** C
---------	----------------------

***See Zone District standards for specific maximum height.

ROOF DESIGN **D**

Roof Pitch - Minimum****	2:12
Roof Pitch - Maximum	12:12

****Only applies in the OT zone district.

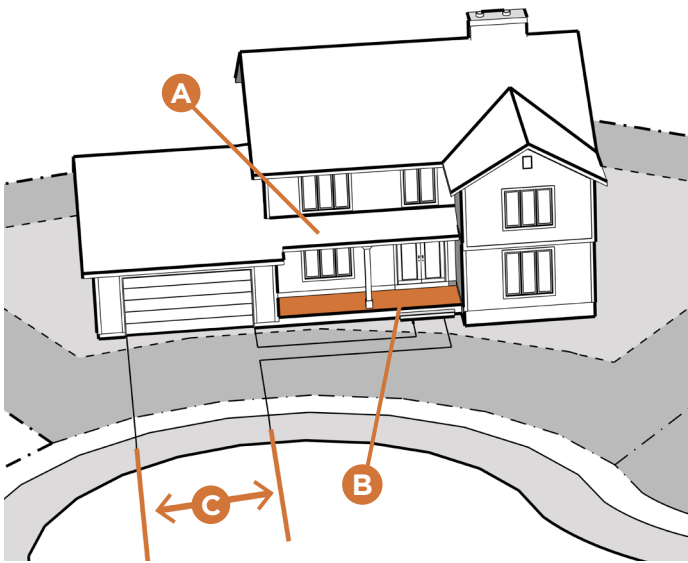
MASSING

A second floor shall not overhang the lower front or side exterior walls of a new or existing building.

SECTION 3.1.7

Detached House, Suburban

SITE DESIGN



ENTRANCES	
Primary Entrance Orientation	Towards front wall of building*
Architectural Features	Required by District A
Porch Dimensions**	6' deep min. x 8' length min. B

*Unless required for handicap access.

**When required by zone district.

ACCESS & CIRCULATION	
Off-Street Parking	12' max. driveway width C

- Except in RL, the maximum driveway width is 18'.

GARAGE LOCATION	
Street-Facing Garage Setback	Recessed 4' behind a porch or front facade

SECTION 3.1.8

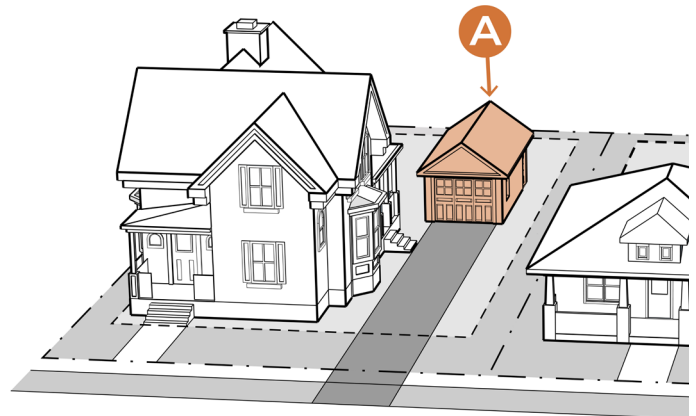
Detached Accessory Structure

DESCRIPTION

- Free-standing structure
- Does not include a dwelling unit
- Unattached to proposed or existing primary dwelling
- Does not share a common wall with primary dwelling
- New construction or built from existing detached accessory building
- Max. square footage
- Compliments primary dwelling (architecture, building materials)

ZONE DISTRICTS

All Zone Districts that permit single-unit and two-unit uses.



BUILDING STANDARDS

ACCESSORY BUILDING FLOOR AREA

OT zone district	Any parcel	600 ft ² max.
All other zone districts	Parcels < 20,000 sf	800 ft ² max.
	Parcels > 20,000 sf < 1 acre	1,200 ft ² max.
	Parcels > 1 acre	6% ft ² max.

ACCESSORY BUILDING SETBACKS

Setback from Primary Dwelling	5' min.
Side & Rear Setback	Per Zone District standards

ACCESSORY BUILDING HEIGHT (Maximum)

Accessory Building	24' max. A
Bulk Plane	Per Zone District standards

SECTION 3.1.9

BUILDING TYPE:

Accessory Dwelling Unit (ADU)

DESCRIPTION

- Full living amenities
- Accessory to a Duplex or Detached House
- New construction or built within an existing detached accessory building
- Min & Max. square footage
- Subordinate to and compliments the primary dwelling (architecture, building materials)
- ADUs may come in one of two varieties:
 - Detached
 - Attached

ZONE DISTRICTS

Allowed in all zone districts where there is an existing:

- detached house;
- duplex; or
- non-residential use operating in a detached house.

BUILDING TYPE EXAMPLES



Top Photo: Hammer & Hand, Designed by Polyphon Architecture & Design and Introspects. Bottom Photo: Studio Shed

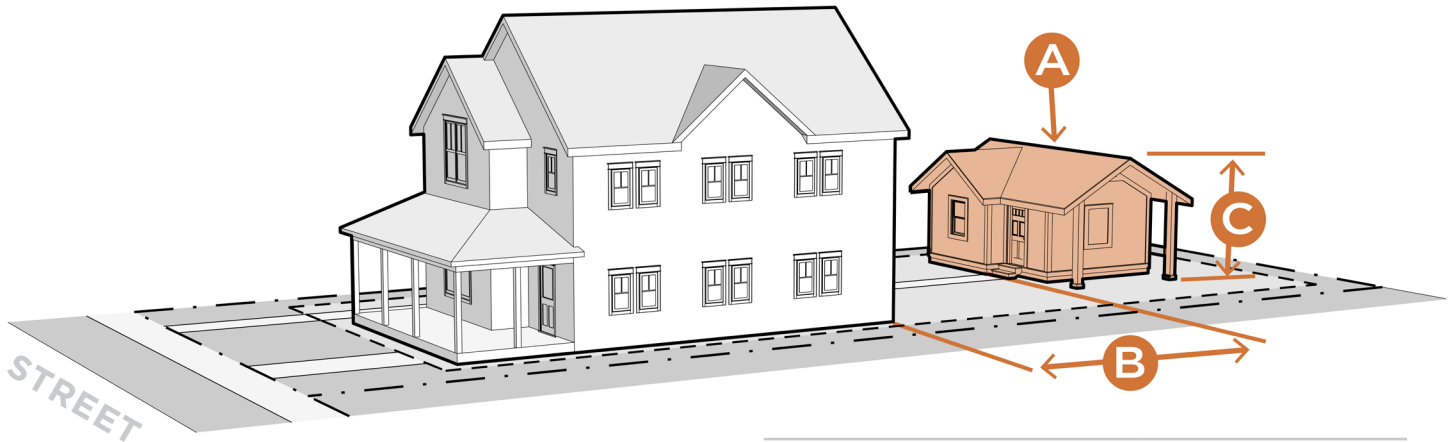


Photo: Troy Thies for Ben Quie & Sons

SECTION 3.1.9

BUILDING TYPE:

Accessory Dwelling Unit, Detached



BUILDING STANDARDS:

Accessory Dwelling Unit (ADU), detached **A**

- Free-standing structure
- Unattached to proposed or existing primary dwelling
- Does not share a common wall or roof with primary dwelling
- Behind front wall of primary dwelling
- May include garage, shed or other accessory space

Detached ADU SETBACKS

ADU detached, Setback from Primary Dwelling	5' min. B
Side & Rear Setback	Per Zone District standards

Detached ADU HEIGHT (Maximum)

ADU Height	1.5 stories /28' max. or per Zone District standard C
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Detached ADU FLOOR AREA

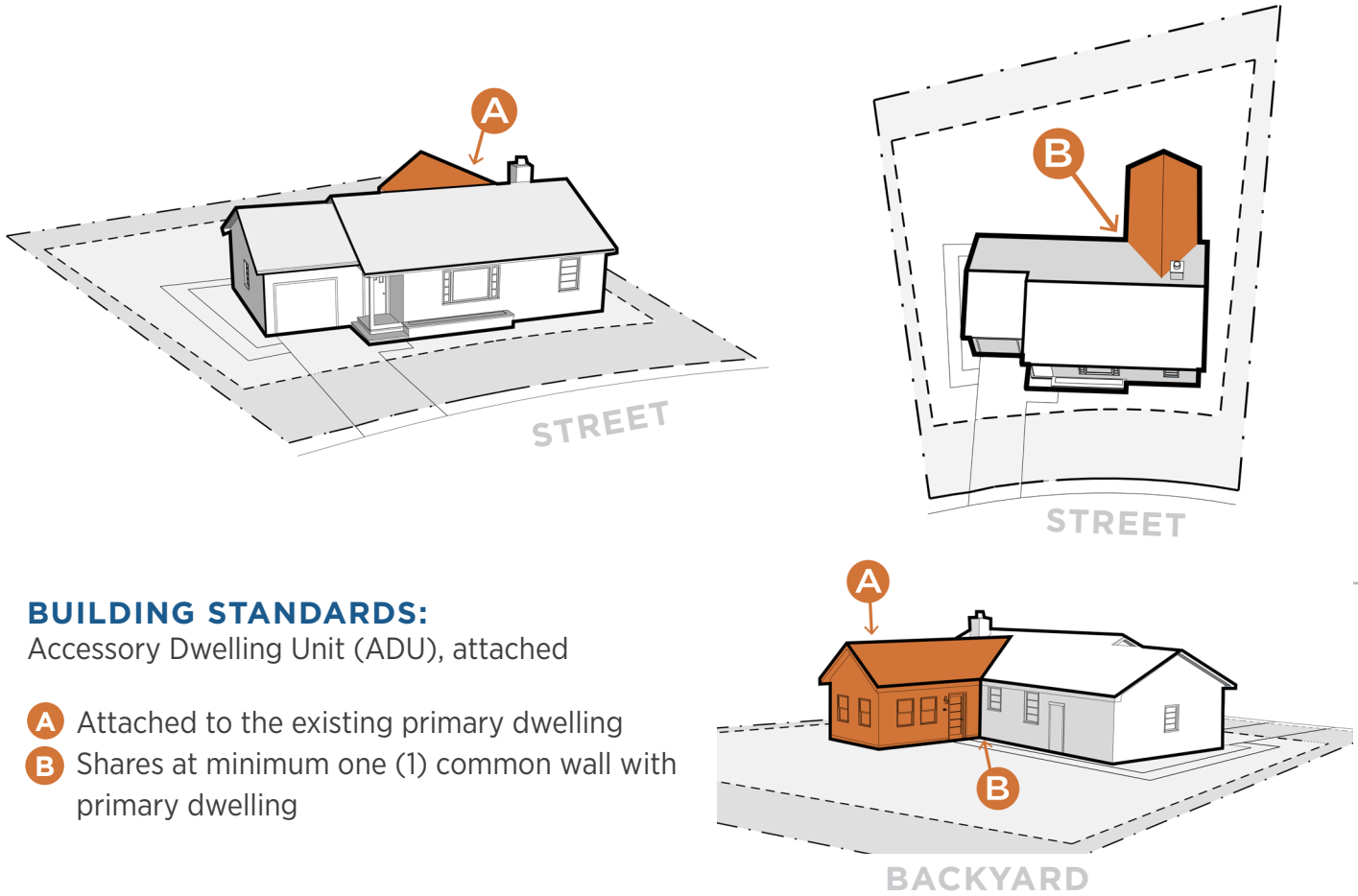
Detached ADU with or without non-habitable space (Rear Lot)	New construction	Primary Building ≤ 1,335 ft ²	600 ft ² max.*
		Primary Building > 1,335 ft ²	1,000 ft ² max. / or 45% of primary dwelling unit. (whichever is less)*
	Existing accessory structure**		800 ft ² max.***

*Max. floor Area includes garage, shed or other accessory space. **Legal structure upon the adoption of the LUC. ***Does not include non-habitable space.

SECTION 3.1.9

BUILDING TYPE:

Accessory Dwelling Unit, Attached



BUILDING STANDARDS:

Accessory Dwelling Unit (ADU), attached

- A** Attached to the existing primary dwelling
- B** Shares at minimum one (1) common wall with primary dwelling

Attached ADU SETBACKS

Side & Rear Setback	Per Zone District standards
---------------------	-----------------------------

Attached ADU HEIGHT (Maximum)

ADU Height	No taller than the Primary Dwelling
Bulk Plane	Per Zone District standards

ADU FLOOR AREA

Attached ADU	Located on a floor level at or above grade	45% of primary dwelling unit
	located on floor level below grade	100% of the floor level

SECTION 3.1.10

Residential Cluster

DESCRIPTION

In a residential cluster lot sizes may be reduced in order to cluster the dwellings together on a portion of the property, with the remainder of the property permanently preserved as privately owned open space. A Residential Cluster may include the following other building types Detached House, Duplex, Cottage Court, Rowhouse, or ADU.

ZONE DISTRICTS

The following Zone Districts allow Residential Cluster building type:

- UE
- RF
- RUL

DESIGN STANDARDS

(A) Street Connectivity and Design. The layout and design of any new streets shall emphasize characteristics and views of the open-landscape. To the maximum extent feasible, streets shall be designed to minimize the amount of site disturbance caused by roadway and associated grading required for their construction by utilizing special street design characteristics such as divided lanes, landscape islands and landscape solutions to drainage instead of standard curb and gutter (so that storm water runoff is directed into open swales and ditches). Local and residential access roads shall be designed without curbs and gutters unless deemed necessary for health and safety by the City Engineer.

(B) Fossil Creek Reservoir Resource Management Area. In the Fossil Creek Reservoir Resource Management Area clustering shall be required for residential development.

(C) Site Design for Residential Cluster Development. In a cluster development, lot sizes and widths may be reduced in order to group the dwellings together. The percentage of the development that includes residential uses and the percentage required to be preserved as privately owned open space can be found in the following table.

Portion of Development Used for Residential Cluster

Zone District	Cluster Maximum	Open Space (Privately Owned) Minimum
UE	50%	50%
RUL	20%	80%
RF	50%	50%

(1) The private open space of the proposed development shall remain under private ownership, as protected by restrictive covenants for the benefit of the City, and/or by maintaining existing dwellings and any outbuildings, protected by restrictive covenants binding upon either:

- (a) existing residential owners;
- (b) the residential homeowners' association if it owns such property; or
- (c) a nonprofit organization acceptable to the City, if it owns such property.

(2) The development plan shall include such restrictive provisions protected by restrictive covenants for the benefit of the City, proposed uses, and maintenance provisions as necessary to ensure the continuation of the private open space uses intended. The city may also require that the developer commit in the development agreement to maintain the open space.

SECTION 3.1.10

Residential Cluster

(3) Setbacks

Setbacks for attached, detached and accessory buildings in a Residential Cluster

Building	Front	Interior Side	Street Side	Rear
Detached	15' min	5' min	15' min	8' min
Attached	10' min	0' min	15' min	8' min
Detached Accessory	Behind primary building	5' min	15' min	8' min

(4) Outbuildings relating to agricultural use are allowed to remain and, if included, shall be applied toward the total allowed residential density in the development.

(5) Dwelling Units. The maximum number of dwellings are indicated in the following table.

Units per Acres in a Residential Cluster

Zone District	Max. Dwelling Units	Acres
UE	2	1
RUL	1	10
RF	1	1

(D) The design of the cluster development shall be appropriate for the site, as demonstrated by meeting all of the following criteria:

(1) The preservation of significant natural resources, wildlife habitat, natural areas and features such as drainage swales, rock outcroppings and slopes, native vegetation, open lands or agricultural property through maintenance of large, contiguous blocks of land and other techniques. Residual land shall be designed to achieve the maximum amount of contiguous open space possible, while avoiding the creation of small, isolated and unusable areas.

(2) The provision of additional amenities such as trails, common areas or access to public recreational areas and open space. Residual lands shall not include any street rights-of-way or parking areas.

(3) The protection of adjacent residential development through landscaping, screening, fencing, buffering or similar measures.

(4) The layout of lots to conform to terrain and minimize grading and filling, including the preservation of natural features such as drainage swales, rock outcroppings and slopes.

(5) The indication of any areas where Farm Animals will be allowed, including any mitigation features needed to buffer these areas from surrounding uses.



ARTICLE 4

USE STANDARDS

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Division 4.2 TABLE OF PRIMARY USES

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4.3.3 Commercial/Retail uses

4.3.4 Industrial uses

4.3.5 Accessory/Miscellaneous uses

ARTICLE 4

USE STANDARDS

DIVISION 4.1 PURPOSE

This Article classifies the uses allowed by zone district in order to identify the activities that support the health, safety, and welfare of the people that live and work in all areas of Fort Collins. This Article also includes standards that may apply to a specific use.

DIVISION 4.2 TABLE OF PRIMARY 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 Commission pursuant to this Code are prohibited.

RESIDENTIAL USES	RESIDENTIAL DISTRICTS					MIXED-USE DISTRICTS					COMMERCIAL DISTRICTS							DOWNTOWN DISTRICTS					EMPLOYMENT, INDUSTRIAL, OTHER											
	RUL	UE	RF	RL	OT-A	MH	LMN	MMN	HMN	OT-B	OT-C	CC	CCN	CCR	CG	CG-CAC	CS	NC	CL (RA)	CL (OA)	HC	H. CORE	CA/C /NM	I/R	RC	CN	EC	E	I	POL	T			
Single Unit Dwelling	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑		
Single Unit Attached Dwelling		☑				☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	
Two Unit Dwelling		☑		☑		☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	
Multi-Unit Dwelling		☑		☑		☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	
Mixed-Use Dwelling Units						☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	
Accessory Dwelling Unit	☑			☑		☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	
Short Term Primary Rentals		☑				☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑
Short Term Non-Primary Rentals						☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑
Fraternity & Sorority Houses						☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑
Extra Occupancy Houses						☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑
Manufactured Housing Community						☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑
Group Homes						☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑
Shelter for victims of domestic violence	☑					☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑

Regardless of the level of review indicated in the Residential Uses table above all affordable housing developments shall be reviewed through Basic Development Review (BDR).

 Basic Development Review	 Type 1 (Administrative Review)	 Type 2 (Planning and Zoning Commission)	 Additional Use Standards
 Minor Amendment	 Building Permit	 License	

ACCESSORY/MISC USES	RESIDENTIAL DISTRICTS								MIXED-USE DISTRICTS								COMMERCIAL DISTRICTS								DOWNTOWN DISTRICTS								EMPLOYMENT, INDUSTRIAL, OTHER					
	RUL	UE	RF	RL	OT-A	MH	LMN	MMN	HMN	OT-B	OT-C	CC	CCN	CCR	CG	CG-CAC	CS	NC	CL (RA)	CL (OA)	HC	H-CORE	CA/C /NM	I/R	RC	CN	EC	E	I	POL	T							
Accessory buildings	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■		
Accessory uses	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
Agricultural activities	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
Farm Animals	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
Urban Agriculture	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Helipads and Helipads	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Outdoor vendor	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Satellite dishes (>39" in diameter)	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Wireless communication facilities, collocated	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Wireless communication facilities	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Off-site Construction Staging	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■



■	Basic Development Review	■	Type 1 (Administrative Review)	■	Type 2 (Planning and Zoning Commission)	▲	Additional Use Standards
■	Minor Amendment	■	Building Permit	■	License		

DIVISION 4.3 ADDITIONAL USE STANDARDS

4.3.1 RESIDENTIAL USES

- (A) **Accessory Building** shall be subordinate to a primary building and may contain finished space, unfinished space and habitable space.
- (1) Accessory buildings shall not be eligible for a new short term rental License on or after January 1, 2024. Existing short term rental licenses issued before January 1, 2024, may be renewed or a new license after this date may be issued per Section 15-646 of the Code of the City of Fort Collins.
- (B) **Accessory Dwelling Unit** shall be subordinate to a primary dwelling unit. The land underneath the primary structure and the accessory dwelling unit is not divided into separate lots.
- (1) Accessory dwelling units shall have a resident manager residing on the property in the ADU or primary building, when the owner does not reside on the property.
- (a) The resident manager shall have one (1) primary residence and shall reside on the property for nine (9) months of the calendar year.
- (b) If the designated resident manager no longer resides on the property, a new one shall be established by the property owner.
- (c) If the resident manager shall be authorized by the property owner to manage the property and all dwelling units.
- (d) Before the Certificate of Occupancy is issued for an ADU the property owner shall provide the name, address, and the resident manager's authorization to manage the property and dwelling units. Any ongoing verification of such information shall be provided by the owner upon request of the City.
- (2) Accessory Dwellings Units that apply for a building permit on or after January 1, 2024, shall not be used for a short term rental. Existing short term rental licenses issued before January 1, 2024, may be renewed or a new license after this date may be issued per Section 15-646 of the Code of the City of Fort Collins.
- (C) **Extra Occupancy Unit**
- (1) One (1) occupant per three hundred fifty (350) square feet of habitable floor space, in addition to a minimum of four hundred (400) square feet of habitable floor space if owner-occupied.
- (a) In the LMN Zone district no more than twenty-five (25) percent of the parcels on a block face may be approved for extra occupancy use.
- (b) In the CS zone district such use shall not be allowed within two hundred (200) feet of North College Avenue.
- (D) **Family Care Homes** consist of one or more of the following:
- (1) **Family Foster Homes.** Family foster homes shall be permitted as an accessory use as defined in Article 7 provided that the maximum number of foster children in any given home shall not exceed four (4).
- (2) **Day Care Homes.** Day care homes shall be permitted as an accessory use as defined in Article 7 provided that such homes are licensed by the State of Colorado and that the maximum number of children and the age

limitation of children to whom care is provided complies with the State of Colorado regulations for a family child care home, an infant/toddler home or an experienced family child care provider home.

(3) **Elderly Day Care Homes.** Elderly day care homes shall be permitted as an accessory use as defined in Article 7, provided that the maximum number of elderly persons receiving care, protection and supervision in any such home shall not exceed four (4) at any given time.

(E) **Fraternity/Sorority Houses shall** mean residences housing students attending an accredited institution of higher learning within the City.

(F) **Group Home** is allowed in the following zone districts:

Zone	Maximum Number of Residents excluding supervisors, for Minimum lot size.	Additional lot area for each additional resident (square feet)	Maximum permissible residents, excluding supervisors	Minimum separation requirements between any other group home (feet)
UE	3	2,000	8	1,500
RL, OT-A, HC, E, RF, MH	3	1,500	8	1,500
LMN, OT-B, RDR	6	750	15	1,000
OT-C, D, CS, CCN, MMN, HMN, NC, CG, CC, CL, CCR	6	500	20	700

- (1) All Group Homes are required to be setback at least 200 feet from North College Avenue.
- (2) The minimum separation distance required between group homes that are located in different zone districts shall be the one that requires the greatest distance.
- (3) The decision maker may determine a higher maximum number of residents to be allowed to occupy the facility upon finding that the facility as so occupied will satisfy the following criteria:

The adjacent street system is sufficient to accommodate the traffic impacts generated by the group care facility;

the group care facility has made adequate, on-site accommodations for its parking needs;

the architectural design of the group care facility is compatible with the character of the surrounding neighborhood;

the architectural design of the group care facility is compatible with the character of the surrounding neighborhood;

the size and scale of the group care facility is compatible with the character of the surrounding neighborhood; and

the types of treatment activities or the rendering of services proposed to be conducted upon the premises are substantially consistent with the activities permitted in the zone district in which the facility is proposed to be located.

(4) Regardless of the level of review:

- (a) The decision maker shall conduct such review for the purpose of approving, denying or approving with conditions the application for a group home use in such zone. If approved, the decision maker shall, with such approval, establish the type of group home permitted and the maximum number of residents allowed in such group home.

A group home may be located without consideration to the minimum separation requirements as established in the table above if the group home is separated from other group homes within the area of the aforesaid minimum separation requirement by a substantial natural or man-made physical barrier, including, but not limited to, an arterial street, a state or federal highway, railroad tracks, river or commercial/business district. Such reduction in the separation requirement shall be allowed only after the decision maker has determined that the barrier and resulting separation distance are adequate to protect the City from any detrimental impacts resulting from an excessive concentration of group homes in any one (1) vicinity.

No permanent certificate of occupancy will be issued by the City for a group home until the person applying for the group home has submitted a valid license, or other appropriate authorization, or copy thereof, from a governmental agency having jurisdiction.

If active and continuous operations are not carried on in a group home which was approved pursuant to the provisions contained in this Section for a period of twelve (12) consecutive months, the group home use shall be considered to have been abandoned. The group home use can be reinstated only after obtaining a new approval from the decision maker as outlined in this Section.

Shelters for victims of domestic violence shall be separated from any other group home or shelter by a minimum of one thousand five hundred (1,500) feet.

Please see Section 6.1.5 for information regarding Reasonable Accommodations.

(G) Home Occupations

- (1) A home occupation shall be allowed as a permitted accessory use, provided that all of the following conditions are met:
 - (a) Such use shall be conducted entirely within a dwelling and carried on by the inhabitants of the dwelling with not more than one (1) additional employee or co-worker. The hours of operation during which clients, customers, employees or co-workers are allowed to come to the home in connection with the business activity are limited to between 8:00 a.m. and 6:00 p.m. Monday through Saturday.

Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character thereof.

The total area used for such purposes shall not exceed one-half ($\frac{1}{2}$) the floor area of the user's dwelling unit.

There shall be no exterior advertising other than the residential sign allowed in Section 5.16(D)(5)(a) of this Code.

There shall be only incidental sale of stocks, supplies or products conducted on the premises.

There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.

There shall be reasonable mitigation of noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.

A home occupation shall provide additional off-street parking area adequate to accommodate all needs created by the home occupation.

In particular, a home occupation may include, but is not limited to, the following, provided that all requirements contained herein are met:

- (I) art studio;
- (II) dressmaking or millinery work;
- (III) professional office;
- (IV) office for insurance or real estate sales;
- (V) teaching;

A home occupation shall not be interpreted to include the following:

- (I) animal hospital;
- (II) long-term care facility;
- (III) restaurant;
- (IV) bed & breakfast;
- (V) group home;
- (VI) adult-oriented use;
- (VII) vehicle repair, servicing, detailing or towing if vehicles are dispatched from the premises, or are brought to the premises, or are parked or stored on the premises or on an adjacent street.
- (VIII) medical marijuana businesses ("MMBs"), as defined in Section 15-452 of the City Code.
- (IX) retail marijuana establishment as defined in Section 15-603 of the City Code.
- (X) short term primary rentals and short term non-primary rentals.

- (2) A home occupation shall be permitted only after the owner or inhabitant of the dwelling in which such occupation is conducted has obtained a home occupation license from the City. The fee for such a license shall be the fee established in the Development Review Fee Schedule, and the term of such license shall be two (2) years. At the end of such term, the license may be issued again upon the submission and review of a new application and the payment of an additional fee. If the City is conducting an investigation of a violation of this Code with respect to the particular home occupation at the time such renewal application is made, the license will not be reissued until the investigation is completed and, if necessary, all violations corrected. The term of the previous license shall continue during the period of investigation. The Director may revoke any home occupation license issued by the City if the holder of such license is in violation of any of the provisions contained in paragraphs (a) through (h) of this Section, provided that the holder of the license shall be entitled to the administrative review of any such revocation under the provisions contained in Chapter 2, Article VI of the City Code.

(H) Manufactured Housing

- (1) Manufactured Housing Communities shall be developed in accordance with the applicable general development standards contained in this Code and the regulations contained in Chapter 18 of the City Code.

(I) Mixed Use Dwelling Unit

- (1) Facility Amenities limited to the use of residents in the building such as but not limited to a leasing office, gym, and pool are not considered a separate use.
- (2) In the I zone district such use shall be constructed above nonresidential uses, provided that the aggregate floor area of all mixed-use dwellings does not exceed the aggregate floor area of all nonresidential uses in the building.

(J) Multi-Unit Dwelling has three or more habitable dwelling units contained within a permitted building type. The land underneath the primary structure is not divided into separate lots.**(K) Single Unit Detached Dwelling** is a stand-alone residential dwelling unit, other than a manufactured home, providing complete, independent living facilities including permanent provisions for living, sleeping, eating, and cooking.

- (1) In the HC, CCN, CCR, and CS Zone only allowed on lots less than six thousand (6,000) sf.
- (2) In the CS zone district not allowed within two hundred (200) feet of North College Avenue.

(L) Single Unit Attached Dwelling

- (1) In the CS zone district such use shall be setback at least 200 ft. from North College Avenue.

(M) Shelter for victims of Domestic Violence

- (1) Shall be separated from a group home or shelter by a minimum of one thousand five hundred (1,500) feet.

(N) Short Term Rentals

- (1) **Applicability.** These standards apply to short term primary rentals and short term non-primary rentals.
- (2) **Purpose.** The purposes of these standards are to mitigate the impacts of short term rentals on the neighborhoods in which they are located, to maintain and enhance neighborhood livability, to ensure the health and safety of renters of short term rentals, and to ensure the compatibility of short term rentals with the allowed uses in the applicable zone districts.
- (3) **Location.** Subject to subsection (6) below, the allowable locations of short term primary and non-primary rentals are determined by the zone districts and their respective list of permitted uses as described in the applicable zone districts.
 - (a) On or after January 1, 2024, short term primary and non-primary rentals are prohibited in both accessory buildings and accessory dwelling units. This does not apply to any licenses issued prior to this date or accessory buildings and accessory dwelling units that have applied for a building permit prior to this date, and such licenses may be renewed or a new license may be issued per Section 15-646 of the Code of the City of Fort Collins.
- (4) **Off-street Parking.** See Section 5.9.1(K)(1)(m) for minimum off-street parking space requirements.
- (5) **Licensing.** The licensing of short term rentals is governed by the Code of the City of Fort Collins Chapter 15, Article XVIII. No dwelling unit shall be used as a short term primary rental or short term non-primary rental unless a license is first obtained pursuant to Chapter 15, Article XVIII.

(a) Licenses issued to ADUs prior to the adoption of this code may continued to be renewed.

(6) **Nonconforming Use.** A dwelling unit utilized as a short term primary or non-primary rental that is located in a zone district where such use is prohibited, and such short term rental was a lawfully established use as defined in (c) below, is deemed to be a nonconforming use. Such nonconforming use shall correspond to the type (either primary or non-primary) of short term rental conducted prior to March 31, 2017.

(a) In addition to complying with the nonconforming use regulations in Land Use Code Division 6.16, the owner of the dwelling unit must obtain a license pursuant to the Code of the City of Fort Collins § 15-646 and continuously maintain such license to maintain nonconforming use status. Failure to apply for such license by October 31, 2017, shall be considered abandonment of the nonconforming use. Should such license be revoked, not be renewed, or lapse for any period of time, the nonconforming short term rental use shall be considered abandoned or otherwise terminated.

(b) Should ownership of a dwelling unit licensed pursuant to § 15-646 be transferred, and such license was continuously valid until the transfer of ownership, the new owner must comply with the following in order to continue the nonconforming use: (1) apply for a license pursuant to § 15-646 within thirty (30) days of the transfer of ownership; (2) comply with the parking requirements contained in Section 5.9.1(K)(1)(m) of this Code; and (3) continuously maintain any license issued pursuant to § 15-646. Should any license issued to the new owner be revoked, not be renewed, or lapse for any period of time, the nonconforming short term rental use shall be considered abandoned or otherwise terminated.

(c) To be deemed a lawful use, a dwelling unit must have been actually utilized as a short term primary or non-primary rental prior to March 31, 2017, and valid sales and use and lodging tax licenses for such dwelling unit must have been obtained prior to October 31, 2017, in accordance with Chapter 25, Art. IV, of the Code of the City of Fort Collins.

(O) **Two Unit Dwelling** is a building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.

(1) In the CS zone district such use not be allowed within two hundred (200) feet of North College Avenue.

(P) **Secondary Uses**

(1) In the CC zone district all residential permitted uses, except mixed use dwellings in multistory mixed use buildings, shall be considered secondary uses and, for projects containing ten (10) or more acres, together shall occupy no more than thirty (30) percent of the total gross area of any development plan. If the project contains less than ten (10) acres, the development plan must demonstrate how it contributes to the overall mix of land uses within the surrounding area, but shall not be required to provide a mix of land uses within the development.

(2) In the NC zone district all permitted residential uses, except mixed use dwellings in multistory mixed use buildings, shall be considered secondary uses and, for projects containing five (5) or more acres, together shall occupy no more than thirty (30) percent of the total gross area of any development plan. If the project contains less than five (5) acres, the development plan must demonstrate how it contributes to the overall mix of land uses within the surrounding area but shall not be required to provide a mix of land uses within the development.

4.3.2 INSTITUTIONAL/CIVIC/PUBLIC USES

(Q) Community Facilities

- (1) Community facilities such as community buildings, government offices, recreation centers and libraries shall be placed in central locations as highly visible focal points. To the extent reasonably feasible, they shall be located close to transit stops.

(R) Public and Private Schools for college, university, vocational and technical education

- (1) Limited in the LMN zone district to within five hundred (500) feet of East Vine Drive or railroad property abutting and parallel to East Vine Drive.

(S) Seasonal Overflow Shelter

- (1) The following standards shall apply to all seasonal overflow shelters.
- (2) The purpose of this Section is to allow for the siting and approval of seasonal overflow shelters while helping to ensure that such shelters are compatible with the adjacent neighborhoods.
- (3) General Standards. Seasonal overflow shelters shall be allowed as a permitted use, provided that all of the following conditions are met:
 - (a) *Occupancy Limit.* No more than fifty (50) persons may be housed at any one (1) seasonal overflow shelter.
 - (b) *Operations.* An organization with prior homeless shelter management experience must be designated as the operator responsible for managing the seasonal overflow shelter.
 - (c) *Operating Agreement.* An operating agreement must be completed between the City, the operator and the owner of the real property upon which the seasonal overflow shelter is located, delineating the roles of the parties, and, without limitation, shall include provisions pertaining to parking, hours of operation, site cleanup, loitering, number of staff and designated contact persons for each party. The operating agreement shall be executed by all parties prior to the approval of a seasonal overflow shelter and must be executed preceding each operating season that the shelter is functioning.
 - (d) *Transportation.* If the seasonal overflow shelter is more than two (2) miles from a homeless shelter, then transit to and from the seasonal overflow shelter and the homeless shelter (or other locations designated in the operating agreement) shall be provided by the operator of the seasonal overflow shelter.
 - (e) *Neighborhood Meeting.* The City shall require a neighborhood meeting for each application for approval of a seasonal overflow shelter and preceding each operating season that the shelter is functioning.
 - (f) *Limit.* There shall be no more than three (3) seasonal overflow shelters operating in the City at any given time.
 - (g) *Compliance with Other Standards.* The property upon which the seasonal overflow shelter is located must continue to comply with the standards of this Code, at least to the extent of its original compliance (so as to preclude any greater deviation from the standards of this Code by reason of a seasonal overflow shelter being located thereon).

(T) Wildlife Rescue and Education Centers

- (1) Limited in the LMN zone district to within five hundred five hundred (500) feet of East Vine Drive or railroad property abutting and parallel to East Vine Drive.

4.3.3 COMMERCIAL/RETAIL USES**(A) Adult Day/Respite care centers**

- (1) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.

(B) Adult-Oriented Uses

- (1) Adult-oriented uses are permitted only in the zone districts shown in the Use Table of Division 4.2.
- (2) Adult-oriented uses shall not be established, operated or maintained within one thousand (1,000) feet of the boundary of any residential zone district (whether within or beyond the City's jurisdictional boundary), any structure occupied for residential purposes, any public park or playground, any child care center, any outdoor recreation facility, any limited indoor recreation use, any place of worship or assembly, any school meeting all of the requirements of the compulsory education laws of the State and/ or any other adult-oriented use. An adult-oriented use lawfully operating as a conforming use shall not be rendered a nonconforming use by the subsequent location of a residential district or residential use, public park or playground, child care center, outdoor recreation facility, limited indoor recreation use, place of worship or assembly, or school within one thousand (1,000) feet of said adult-oriented use.
- (3) Method of Measurement. All measurements required pursuant to this use shall be made from the nearest property line of the property from which spacing is required (pursuant to paragraph (B) of this Section) to the nearest entrance of the building in which the adult-oriented use is to occur, using a straight line, without regard to intervening structures or objects.
- (4) Displays, Screenings. Advertisements, displays or other promotional materials displaying or depicting "specified anatomical areas" or "specific sexual activities" shall not be shown or exhibited so as to be visible or audible to the public from adjacent streets, sidewalks or walkways or from other areas outside the establishment; and all building openings, entries and windows for adult-oriented uses shall be located, covered or screened in such manner as to prevent the interior of such premises from being viewed from outside the establishment.
- (5) No adult bookstore, adult novelty store or adult retail store that, as of June 14, 2002, had adult material in excess of twenty (20) percent of its stock-in-trade, or derived in excess of twenty (20) percent of its revenues from such material, or devoted in excess of twenty (20) percent of its interior business or interior advertising to such material, or maintained in excess of twenty (20) percent of its gross floor area or display space for the sale or rental of such material, shall be allowed to increase its adult material business beyond the percentages that existed on June 14, 2002.
- (6) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.

(C) Animal Boarding

- (1) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.

(D) Bars and Taverns

- (1) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.

(E) Bed and Breakfast Establishment

- (1) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.
- (2) In the LMN, MMN, HMN, OT-B zone district such use shall be limited to six (6) beds not including on site staff.

(F) Child Care Center

- (1) Outdoor Play Area Table:

<i>Minimum Outdoor Play Area for a Child Care Center</i>	
15 Children or less	1,200 square feet
More than 15 Children	75 square feet per child for 33% of the child capacity of the center

- (2) An outdoor play area as stated above shall not be required for drop-in child care centers.
- (3) For the purposes of this subsection, the capacity of the center is calculated based upon indoor floor space reserved for school purposes of forty (40) square feet per child. Any such play area on the site of the child care center within or abutting any residential district shall be enclosed by a decorative solid wood fence, masonry wall or chain link fence with vegetation screening, densely planted. The height of such fence shall be a minimum of six (6) feet and shall comply with other fences regulations within this code. Where access to child care centers is provided by other than local streets, an off-street vehicular bay or driveway shall be provided for the purpose of loading and unloading children.
- (4) If active and continuous operations are not carried on for a period of twenty-four (24) consecutive months in a child care center which was approved for operation within a residential dwelling, the child care center use shall be deemed to have been abandoned. Such child care center use may thereafter be reestablished only upon approval of a new application in accordance with all applicable provisions of this Code.
- (5) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.

(G) Convenience retail stores with fuel sales

- (1) In the LMN, CC, CCN, NC, I zone districts such use shall be spaced at least three thousand nine hundred sixty (3,960) feet (three-quarters [$\frac{3}{4}$] of a mile) from any other such existing or permitted fueling station.
- (2) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.

(H) Convenience Shopping Center

- (1) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.

- (2) In the I zoned district such use may include Drive-in restaurants.
- (3) In the NC zone district such shall be three thousand nine hundred sixty (3,960) feet from any other any other such existing or permitted fueling station.

(I) Day Shelter

- (1) In the D, CC, CCN, CCR, CG/CAC, CS, I zone districts such use shall not exceed ten thousand (10,000) square feet and shall be located within one thousand three hundred twenty (1,320) feet (one-quarter [¼] mile) of a Transfort route.

(J) Dog Day-Care Facility Regulations

- (1) All services provided by a dog day-care facility shall be conducted within a completely enclosed, soundproof building.
- (2) All dog day-care facilities shall be designed and constructed in a manner that reasonable mitigates emission of odor to persons owning, occupying or patronizing properties adjacent to such facilities.

(K) Drive-in Restaurant

- (1) In the E, I zone districts such use is only permitted in a convenience shopping center.
- (2) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.
- (3) In the N-C zone district such use shall exclude drive-thru restaurant.

(L) Enclosed Mini-storage Facility

- (1) In the CS zoned districts such use shall be at least 150 feet from South College Avenue.
- (2) Not permitted in the South College Gateway Area.
- (3) In the LMN zone district such use shall be located within five hundred (500) feet of East Vine Drive or of the railroad property abutting and parallel to East Vine Drive.

(M) Fast Food Restaurant

- (1) In the CC, CCN, CCR, CS, NC, CL, E, and I zone districts, such use is prohibited as a drive-in or drive-through facilities.
- (2) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.

(N) Funeral Homes

- (1) In the OT-C such use shall be located in the street-fronting principal building.

(O) Grocery Stores

- (1) In the D, CC, CCN, CCR, CS, NC zone districts shall occupy between five thousand [5,000] and forty-five thousand [45,000] square feet).

(P) Indoor Kennel

- (1) In the HC zone district only permitted in community or regional shopping center.

(Q) Limited indoor recreation establishments

- (1) In the LMN zone district such use shall be located within five hundred (500) feet of East Vine Drive or of the railroad property abutting and parallel to East Vine Drive.

(R) Micro-brewery/distillery/winery

- (1) In the HC zone district only permitted within a community, lifestyle, regional, and convenience shopping center.
- (2) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.

(S) Neighborhood Centers

- (1) In the LMN zone district such use shall contain two (2) or more of the following uses:

(a) mixed-use dwelling units;	dog day care;
retail stores;	music studio;
convenience retail stores;	micro brewery/distillery/winery;
personal and business service shops;	standard fast food restaurants (without drive-in or drive-through facilities);
small animal veterinary facilities;	artisan and photography studios and galleries;
offices, financial services and clinics;	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;
community facilities;	grocery store;
neighborhood support/recreation facilities; schools;	health and membership club, provided that such use or uses are combined with at least one (1) other use.
child care centers;	
limited indoor recreation establishments;	
open-air farmers markets;	
places of worship or assembly;	

(T) Small Animal Veterinary Clinic and Hospital Regulations

- (1) All facilities of a small animal veterinary clinic or a small animal veterinary hospital, including all treatment rooms, cages, pens, kennels and exercise runs, shall be maintained within a completely enclosed, soundproof building.
- (2) All such veterinary clinics and hospitals shall be designed and constructed in a manner that reasonably mitigates any emission of odor to persons owning, occupying or patronizing properties adjacent to such clinics or hospitals.
- (3) All such veterinary clinics and hospitals shall be designed and constructed in a manner that reduces the sound coming from any such clinic or hospital to the level of sixty-five (65) decibels at any given abutting property line.

- (4) No such veterinary clinic or hospital shall board any animal for any length of time except where such boarding is necessary to provide surgical or other medical care to the animals.

(U) Open Air Farmers Markets

- (1) In the HC zone district only permitted in neighborhood, community and regional shopping centers only.

(V) Outdoor Storage Facility

- (1) In the CL/RA zone district such use may include a towing yard, provided such use is setback at least thirty five (35) from an arterial street.

(W) Personal and Business Service Shop

- (1) In the HC zone district only permitted within a neighborhood, community, lifestyle and regional center.

(X) Research Laboratories

- (1) In the South College Gateway Area Overlay such use is not permitted.

(Y) Small Scale Reception center

- (1) In the UE zone district such use shall comply with the following performance standards
- (a) **Lot Size.** Minimum lot size shall be seven (7) acres.
 - (b) **Building Size.** The total floor area of any new building shall not exceed seven thousand five hundred (7,500) square feet and the total aggregate floor area of new and existing buildings shall not exceed fifteen thousand (15,000) square feet.
 - (c) **Building Location and Separation from Residential Areas.** All buildings shall be located a minimum of three hundred (300) feet from the nearest dwelling on any abutting property, except that in cases where there are no dwellings on such abutting property, all buildings shall be located a minimum of two hundred fifty (250) feet from the nearest property line of such abutting property.
 - (d) **Outdoor Spaces, Location and Separation From Residential Areas.** All outdoor spaces such as lawns, plazas, gazebos and/or terraces used for social gatherings or ceremonies associated with the reception center shall be located within one hundred (100) feet of the primary building and shall be located a minimum of three hundred (300) feet from the nearest dwelling on any abutting property, except that in cases where there are no dwellings on such abutting property, all outdoor spaces, as described above, shall be located a minimum of two hundred fifty (250) feet from the nearest property line of such abutting property.
 - (e) **Nonresidential Abutment.** At least one-sixth (1/6) of the reception center's property boundary must be contiguous to property that is zoned in one (1) or more of the following nonresidential zone districts within the City:
 - (I) D;
 - (II) CC;
 - (III) CCN;

- (IV) CCR;
- (V) CG;
- (VI) CS;
- (VII) NC
- (VIII) CL;
- (IX) HC;
- (X) E;
- (XI) I.

- (f) **Access.** Vehicular access to the reception center shall be only directly from an arterial street so as to not add traffic to existing local neighborhood streets.
- (g) **Buffering.** If the reception center abuts a single-family dwelling or property zoned for such activity, buffering shall be established between the two (2) land uses sufficient to screen the building, parking, outdoor lighting and associated outdoor activity from view. A combination of setbacks, landscaping, building placement, fences or walls and elevation changes and/or berming shall be utilized to achieve appropriate buffering.
- (h) **Hours of Operation.** Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m. Sunday through Thursday and 8:00 a.m. to 12:00 a.m. on Friday and Saturday.
- (i) **Noise.** No noise will be permitted in violation of Chapter 20, Article II of the City Code, and the following limitations will also apply:
 - (I) Music that is not amplified (such as stringed quartets or acoustic guitars) will be allowed out of doors, but shall end no later than 8:00 p.m. Sunday through Thursday, and 9:00 p.m. on Friday and Saturday.
 - (II) Except during wedding ceremonies, sound-amplifying equipment used out of doors shall be limited to speakers with a maximum power rating of fifty (50) watts permanently installed as part of the design of outdoor spaces such as lawns, plazas, gazebos and/or terraces.
- (j) **On-Site Caretaker.** There shall be a manager or owner on site during all hours of operation.
- (k) **Parking Lot Lighting.** Parking lot lighting, if used at all, shall conform to the requirements contained in Article 5.12, and shall be further restricted such that the fixture does not exceed a height of fourteen (14) feet above ground level.

(Z) Standard Restaurant

- (2) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.

(AA) Recreational Uses

- (1) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.

(BB) Retail Establishment

- (1) In the CG zone district such use shall be 25,000 sq. ft. or under in size.

- (2) In the HC zone district only permitted within a neighborhood, community, lifestyle and regional center.

(CC) Retail Establishment, Large

- (1) In the CG zone district such use shall be greater than 25,000 sq. ft.

(DD) Retail and Supply Yard establishment with outdoor storage

- (1) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.

(EE) Vehicle major repair, servicing and maintenance establishments

- (1) Not permitted in the South College Gateway Area Overlay.

(FF) Vehicle minor repair, servicing and maintenance establishments

- (1) In all permitted zone districts such use shall be conducted indoors.
- (2) Not permitted in the South College Gateway Area Overlay.

(GG) Vehicle Sales and Leasing Establishments for Cars and light trucks

- (1) In the CS District, shall be limited to ten (10) percent of the total linear frontage of both sides of North College Avenue between Vine Drive and the northern City limits or the intersection of North College Avenue and State Highway 1, whichever results in the shortest linear distance. These uses shall be located at least one hundred fifty (150) feet from South College Avenue.
- (2) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.
- (3) In the I zone district such use may include boats, manufactured housing, farm implements and heavy excavation equipment.
- (4) In the CG, CL/RA zone districts such use may include outdoor storage.
- (5) In the CS zone district such use shall be limited to ten (10) percent of the total linear frontage of both sides of North College Avenue between Vine Drive and the northern City limits or the intersection of North College Avenue and State Highway 1, whichever results in the shortest linear distance.
- (6) In the CS zone district such use shall be setback 150 ft. from South College Avenue.

(HH) Veterinary Hospital

- (1) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.

4.3.4 INDUSTRIAL USES

(A) Light Industrial

- (1) In the LMN zone district such use is located within five hundred [500] feet of East Vine Drive.

(2) In the CG zone district such use shall not have outdoor storage.

(3) In the South College Gateway Overlay such use is not permitted.

(B) Resource Extraction

(1) In the RC zone district such use shall be prohibited in the natural area protection buffer.

(C) Warehouse

(1) In the CS zone district such use shall be setback at least 200 ft. from North College Ave and 150 ft. from South College Avenue.

(2) In the South College Gateway Area Overlay such use is prohibited.

(D) Wholesale Distribution Facility

(1) In the CS zone district such use shall be setback at least 200 ft. from North College Ave and 150 ft. from South College Avenue.

(E) Workshops and Custom Small Industry

(1) In the LMN zone district such use is located within five hundred [500] feet of East Vine Drive.

(F) Oil And Gas Facilities And Pipelines

(1) Purpose And Applicability

(a) **Purpose.** This Division is intended to protect the public health, safety, and welfare, and the environment and wildlife resources by regulating oil and gas development to anticipate, avoid, minimize and mitigate adverse impacts to existing, planned, and future land uses.

(b) **Applicability.** This Division applies to siting and reclamation of all oil and gas facilities and oil and gas pipelines within City boundaries over which the City has regulatory authority pursuant to law, except for oil and gas facilities and oil and gas pipelines subject to a valid operator agreement between the City and the operator effective prior to April 14, 2023, in which case the operator agreement shall govern the applicable oil and gas facilities and oil and gas pipelines. All persons must obtain approval from the City in accordance with the standards in this Division and all applicable Land Use Code requirements prior to constructing and operating any new oil and gas facility or oil and gas pipeline or enlarging or expanding any oil and gas facility or oil and gas pipeline lawfully existing prior to April 14, 2023.

Any terms used in this Division that are not defined within the Land Use Code shall be defined by the ECMC as set forth in the Code of Colorado Regulations. The terms applicant and operator are used interchangeably at times in this Division.

Where, in any specific case, the requirements of any other provision within the Land Use Code or Code of the City of Fort Collins or any applicable federal or state laws or regulations of any state or federal agency are in conflict with this Division, the more restrictive or stringent requirement shall be imposed.

(2) Existing Oil And Gas Facilities And Pipelines

Application to Existing Oil and Gas Facilities and Pipelines. Oil and gas facilities and oil and gas pipelines that were lawfully established prior to April 14, 2023, referred herein as lawful nonconforming oil and gas facilities and pipelines, are considered nonconforming uses that may continue to operate pursuant to either a valid operator agreement governing such oil and gas facilities or oil and gas pipelines between the City and the operator in effect prior to April 14, 2023, or absent such an operator agreement, pursuant to Land Use Code Division 6.16 as modified in this Section. The following provisions apply to lawful nonconforming oil and gas facilities and pipelines not subject to an operator agreement:

- (a) Section 6.16.3 regarding abandonment of use.
- (b) Section 6.16.4 regarding reconstruction does not apply to lawful nonconforming oil and gas facilities and pipelines. Reconstruction of such an oil and gas facility or pipeline or facility or pipeline taken by governmental acquisition or damaged by fire or other accidental cause or natural catastrophe is not allowed.
- (c) Section 6.16.5 regarding enlargement of buildings and expansion of facilities, equipment or structures does not apply to lawful nonconforming oil and gas facilities and pipelines. Enlargement and expansion of any such facility or pipeline requires such facility or pipeline to be brought into conformance with the Land Use Code.
 - (I) Enlargement or expansion includes, but is not limited to, any permanent physical change to a lawful nonconforming oil and gas facility or pipeline not required by law that increases operating capacity, harmful air emissions, traffic, noise, risk of spills, or will adversely impact public health, safety, welfare, the environment or wildlife resources. Use of a drilling rig or hydraulic fracturing equipment to deepen or recomplete an existing well into a new geologic formation is considered expansion.
 - (II) Maintenance activities, the replacement of existing equipment with substantially similar equipment in like and kind, installation of emission control equipment, and the addition of equipment to fulfill mandated regulatory requirements are not considered enlargement or expansion.

(3) Oil and Gas Project Development Plan Review Procedures

In order for a new oil and gas facility to be constructed and operated, or a lawful nonconforming oil and gas facility to be enlarged or expanded, the applicant must receive approval of a project development plan, final plan, and building permit pursuant to the Land Use Code. In order for enlargement or expansion of a lawful nonconforming oil and gas facility to occur, unless an operator agreement as described in above Section 4.3.4(F)(2) provides otherwise, such facility must be brought into conformance with the Land Use Code and receive approval of a project development plan, final plan, and building permit pursuant to the Land Use Code prior to enlargement or expansion and continued operation.

With regards to oil and gas pipelines, flowlines are subject to review as part of the project development plan for any new oil and gas facility to which the flowlines are associated or through a major amendment if additional flowlines are added subsequent to project development plan approval. Crude oil transfer lines, gathering lines and transmission lines are subject to project development plan review and subsequent changes through a major amendment. In order for enlargement or expansion of a lawful nonconforming oil and gas pipeline to occur, unless an operator agreement as described in above Section 4.3.4(F)(2) provides otherwise, such pipeline must be brought into conformance with the Land Use Code and receive approval of a project development plan, final plan, and building and other required permits pursuant to the Land Use Code prior to enlargement or expansion and continued operation.

Specific development standards regarding oil and gas facilities are set forth in Section 4.3.4(F)(4), and specific development standards regarding oil and gas pipelines are set forth in Section 4.3.4(F)(5). The Project Development Plan Review Procedures set forth in Section 6.6.2 are modified as follows:

(a) **Step 1 (Conceptual Review):** Mandatory. In addition to the Concept Plan Submittal requirements pursuant to Section 6.3.1(A)(3), the applicant for a new oil and gas facility or oil and gas pipeline shall provide an alternative location analysis and preliminary site analysis as described below. The Director may waive or modify any information required for the alternative location and preliminary site analysis if, given the facts and circumstances of a proposed oil and gas facility or pipeline, a particular requirement would either be irrelevant, immaterial, redundant or otherwise unnecessary to evaluate the proposed project. Prior to the required neighborhood meeting referenced in (b) below, the City will review all proposed locations for the oil and gas facility or oil and gas pipeline to determine which locations, if any, meet Land Use Code requirements and will prepare a report summarizing its findings with respect to the proposed locations. If the City requests a site visit of any of the locations under consideration, the operator is responsible for securing permission or coordinating with the landowner(s) to conduct the site visit. Prior to selecting the location for the proposed oil and gas facility or oil and gas pipeline, the operator shall consult with the City regarding the proposed locations and the City's report regarding such locations.

(l) **Alternative Location Analysis.** The alternative location analysis must include, at a minimum, the following:

(i) For oil and gas facilities:

(A) A map depicting the following elements within three (3) miles of the proposed surface location. (This requirement is limited to one (1) mile for a proposed single vertical or directional well):

(1) All mineral rights held or controlled by the applicant; and

(2) The location of all features listed in the "Preliminary Site Analysis."

(B) The alternative location analysis shall evaluate a minimum of three potential locations that can reasonably access the mineral resources within the proposed drilling and spacing unit(s), including the following information for each site:

(1) General narrative description of each location;

(2) Any location restrictions that the site does not satisfy;

- (3) Any existing surface use agreements or other documentation regarding legal property rights;
 - (4) Off-site impacts that may be associated with each site;
 - (5) Proposed truck traffic routes and access roads for each location; and
 - (6) Any information pertinent to the applicable review criteria that will assist the Director in evaluating the locations.
- (ii) For oil and gas pipelines, the alternative location analysis shall evaluate a minimum of three potential alignments for the pipeline, including the following information for each alignment:
- (A) General narrative description of each alignment;
 - (B) Any location restrictions that the alignment does not satisfy;
 - (C) Any existing surface use agreements or other documentation regarding legal property rights;
 - (D) Off-site impacts that may be associated with each alignment; and
 - (E) Any information pertinent to the applicable review criteria that will assist the Director in evaluating the locations.
- (II) **Preliminary Site Analysis.** The Preliminary Site Analysis shall include maps with the following information:
- (i) Provide an ecological characterization study if the development site contains or is within two thousand (2,000) feet of a natural habitat or feature as defined in Section 5.6.1.
 - (ii) All drilling and spacing units proposed by the applicant within one (1) mile of the City's boundaries; and
 - (iii) All features defined below that are wholly or partially within one (1) mile of the proposed oil and gas facility:
 - (A) Any existing or future building approved as occupiable space, as defined in the City's Building Code;
 - (B) City parks or City property intended to be used for City parks;
 - (C) City maintained trails and trailheads or City property intended to be used for City trails and trailheads;
 - (D) Outdoor venues, playgrounds, permanent sports fields, amphitheaters, or other similar places of outdoor assembly;

- (E) City natural areas;
 - (F) Existing and approved oil and gas facilities and pipelines;
 - (G) Areas within the FEMA 100-Year Floodplain boundary;
 - (H) The centerline of all USGS perennial and intermittent streams and the map will indicate which surface water features are downgradient;
 - (I) Active reservoirs and public and private water supply wells of public record;
 - (J) Natural habitats and features as defined in Land Use Code Section 5.6.1 within one (1) mile of the proposed oil and gas facility;
 - (K) High priority habitat as defined by the ECMC; and
 - (L) Disproportionately impacted communities, as defined by the ECMC.
- (b) **Step 2 (Neighborhood Meeting):** Mandatory. After a proposed location has been selected for the oil and gas facility or oil and gas pipeline, a neighborhood meeting must be held. Written notice of the neighborhood meeting must be mailed to the owners of record and occupants of all real property within one (1) mile (exclusive of public rights-of-way, public facilities, parks or public open space) of the property line of the parcel of land upon which the development is planned.
- (c) **Step 3 (Development Application Submittal):** All items or documents required for project development plans as described in the development application submittal master list for oil and gas facilities and oil and gas pipelines shall be submitted. The Director may waive or modify the foregoing submittal requirements if, given the facts and circumstances of the specific application, a particular requirement would either be irrelevant, immaterial, redundant or otherwise unnecessary for the full and complete review of the application.

The complete project development plan application must be submitted and accepted by the City as complete prior to the applicant submitting any required Form 2 or 2A to the ECMC. Should the applicant submit any required Form 2 or 2A to the ECMC prior to submitting its complete project development plan application to the City, the applicant must withdraw the Form 2 or 2A and refrain from resubmitting until a complete project development plan application has been submitted and accepted by the City as complete.

(4) Oil and Gas Facility Development Standards

The following requirements apply to oil and gas facilities in addition to other applicable Land Use Code requirements.

- (a) **Location Restrictions for New Oil and Gas Facilities or Enlarged or Expanded Existing Oil and Gas Facilities.**

- (1) Allowed Zone Districts. Oil and gas facilities may only be located on property located within:
 - (i) The Industrial (I) zone district;
 - (ii) A zone district to which oil and gas facility is added as an allowed use for a particular parcel pursuant to Division 6.9, Addition of Permitted Uses; or
 - (iii) A Planned Unit Development (PUD) overlay in which oil and gas facilities are an allowed use.

A development application for an oil and gas facility may not be submitted until oil and gas facility is an allowed use for the proposed location.

- (2) Setbacks. Setbacks for new oil and gas facilities and enlarged or expanded existing oil and gas facilities cannot be modified pursuant to Division 6.8, Modification of Standards. Setbacks are measured as the shortest distance from the edge of the working pad surface.
 - (i) No working pad surface shall be located within two thousand (2,000) feet from the following:
 - (A) The nearest wall of any existing or platted building approved or to be approved as occupiable space as defined under the City's Building Code;
 - (B) The property boundary line of any property containing a City park or City property intended to be used for a City park;
 - (C) The easement or parcel boundary of City maintained recreation trails and trailheads or City property intended to be used for City maintained trails and trailheads;
 - (D) The edge of outdoor venues, playgrounds, permanent sports fields, amphitheaters, or other similar places of outdoor assembly; or
 - (E) The property boundary line of any property containing a City natural area.
 - (ii) No working pad surface shall be located within one thousand (1,000) feet from the following:
 - (A) Public water supply surface intakes or public water supply wells;
 - (B) Ditches that transport water used by, or to augment, a public water supply system; or
 - (C) Conservation easements.
- (3) Buffer zones surrounding natural habitats and features. Oil and gas facilities shall protect natural habitats and features specified in Section 3.4.1 through buffer zones. Buffer zones set forth in the

Buffer Zone Table for Fort Collins Natural Habitats and Features in Section 5.6.1(E) are measured from the shortest distance from the working pad surface to the top of bank, and are modified as follows:

- (i) All features under the Stream Corridors category: 1,000 feet
- (ii) Wetlands greater than 1/3 acre: 1,000 feet
- (iii) Lakes or reservoirs: 1,000 feet
- (iv) Naturalized storm drainage channels/detention ponds: 1,000 feet
- (v) Naturalized irrigation ponds: 1,000 feet
- (vi) Buffer zones for natural habitats and features not listed above will conform to the buffer distances specified in Section 5.6.1(E) or 1,000 feet, whichever is greater.

(b) Prohibited Oil and Gas Facilities. The following facilities are prohibited within the City:

- (I) Injection wells for disposal of oil and gas exploration and production wastes;
- (II) Gas storage wells;
- (III) Disposal pits;
- (IV) Commercial disposal facilities;
- (V) Centralized exploration and production waste management facilities;
- (VI) Subsurface disposal facilities; and
- (VII) Glycol dehydrators and desiccant gas processing dehydrators.
- (VIII) Onsite oil storage greater than thirty (30) feet in height.

(c) Landscaping. Land Use Code Section 5.10.1 applies in addition to the following requirements:

- (I) The requirements of Section 5.10.1, Landscaping and Tree Protection, apply within designated setbacks as defined in Section 4.3.4(4)(A)(2) above to meet the Landscaping and Tree Protection general standard set forth in Land Use Code Section 5.10.1.
- (II) No landscaping may be placed within a twenty-five (25) foot buffer around any tank or other structure containing flammable or combustible materials.

- (d) **Environmental Protection.** Land Use Code Section 5.6.1, Natural Habitats and Features, applies in addition to the requirement for an Ecological Characterization Study if the development site contains or is within two thousand (2,000) feet of a natural habitat or feature.
- (e) **Artificial Lift.** Artificial lift may not be accomplished through the use of traditional pump jacks and an alternative artificial lift system must be used that is both less visible and has fewer auditory impacts than a traditional pump jack. Alternatives such as gas lift, linear rod pumps, or hydraulic pumping unit must be used instead of traditional pumpjacks and are to be as low profile as practicable with a maximum height of thirty (30) feet.
- (f) **Fencing Plan.** The requirements in this Subsection (f) apply to oil and gas facilities in substitution of the requirements set forth in Land Use Code Section 4.3.5(C), Fences and Walls. A fencing plan must be submitted as part of the application for a project development plan and such plan must demonstrate how the oil and gas facility will comply with the following requirements:
 - (I) All pumps, wellheads and production facilities must be fenced to prevent unauthorized access and fencing must:
 - (i) Completely surround such facilities;
 - (ii) Be no less than six (6) feet in height;
 - (iii) Be noncombustible and allow for adequate ventilation;
 - (iv) May not consist of solid masonry walls; and
 - (v) Must be visually compatible with surrounding land uses.
 - (II) Each fence enclosure must be equipped with at least one gate. Each gate must meet the following requirements:
 - (i) Gates shall be provided with a combination catch and locking attachment device for a padlock and shall be kept locked except when being used to access the oil and gas location; and
 - (ii) Gates must provide adequate access for emergency responders and the operator must provide Poudre Fire Authority with a "Knox Padlock" or "Knox Box with a key" to allow emergency access to the oil and gas location.

(5) Oil and Gas Pipelines

Oil and Gas Pipelines. To the maximum extent feasible, oil and gas pipelines must be utilized for the transport of oil, gas, and produced water within and from any oil and gas location except that temporary tanks may be utilized during drilling, flowback, workover, completion, hydraulic fracturing and maintenance operations. All oil and gas pipelines needed to transport oil, gas, and produced water within and from any oil and gas location must be constructed prior to the production phase of such oil and gas facility.

Oil and gas pipelines must meet the following requirements in order to be approved:

- (a) Oil and gas pipelines shall be located underground except to the extent above ground connections to surface oil and gas facilities are necessary.
- (b) Oil and gas pipelines shall be sited a minimum of fifty (50) feet away from residential and non-residential buildings. This distance shall be measured from the nearest edge of the oil and gas pipeline. Increased setbacks of up to one hundred and fifty (150) feet may be required for public safety on a case-by-case basis in consideration of the size, pressure, and type of oil and gas pipeline being proposed.
- (c) Oil and gas pipelines that pass within one hundred and fifty (150) feet of residential or non-residential building or the high-water mark of any surface water body shall incorporate leak detection, secondary containment, or other mitigation, as appropriate.
- (d) To the maximum extent feasible, oil and gas pipelines shall be aligned with established roads in order to minimize surface impacts and reduce natural habitat fragmentation and disturbance.
- (e) To the maximum extent feasible, operators shall share existing oil and gas pipeline easements and consolidate new corridors for oil and gas pipeline easements to minimize surface impacts.
- (f) The legal description of the location of all new oil and gas pipelines must be recorded on the respective property with the Larimer County Clerk and Recorder within thirty (30) days of completion of construction.
- (g) Coordinates of all oil and gas pipelines shall be provided in a format suitable for input into the City's GIS system depicting the locations and type of above and below ground facilities.
- (h) Operators shall use boring technology when crossing streams, rivers, irrigation ditches or wetlands with a pipeline to minimize negative impacts to the channel, bank, and riparian areas, except that open cuts may be used across irrigation ditches if the affected ditch company approves the technique.
- (i) Special conditions of approval for all gathering lines and transmission lines:
 - (I) Operator must make available to the City upon request all records submitted to PHMSA or the PUC including those related to inspections, pressure testing, pipeline accidents and other safety events.
 - (II) Operator shall comply with Fort Collins right-of-way permit and easement processes for all gathering lines installed in Fort Collins owned property or rights-of-way.

(6) Plugging and Abandonment of Wells and Pipelines and Decommissioning of Oil and Gas Facilities

- (a) The plugging and abandonment of a well, abandonment of an oil and gas pipeline, and the decommissioning of any oil and gas facility are subject to basic development review. City review and approval of an application to plug and abandon a well, abandon an oil and gas pipeline or decommission and oil and gas facility is intended to be in addition to any required ECMC review and approval. The following documents and information shall be provided as part of the basic development review application:

- (I) Coordinates of the well proposed to be plugged and abandoned or pipeline to be abandoned.
- (II) A removal plan for flowlines and wastewater pipelines associated with any well proposed to be plugged and abandoned to the extent such lines will not serve a well that has not been plugged and abandoned.
- (III) A sampling and monitoring plan associated with any well proposed to be plugged and abandoned. Site investigation, sampling, and monitoring shall be conducted to demonstrate that the well has been properly abandoned and that soil, air and water quality have not been adversely impacted by oil and gas facilities or other sources of contamination. Such sampling and monitoring shall be conducted by a qualified environmental engineering or consulting firm with experience in oil and gas investigations. Director approval that the sampling and monitoring plan contains the information required pursuant to this Subsection (3) is required prior to sampling occurring and such plan shall include, but is not limited to, the following:
 - (i) Site survey, historical research, and/or physical locating techniques to determine exact location and extent of oil and gas facilities.
 - (ii) Documentation of plugging activities, abandonment and any subsequent inspections.
 - (iii) Soil sampling, including soil gas testing.
 - (iv) Groundwater sampling, if deemed necessary.
 - (v) Installation of permanent groundwater wells for future site investigations, if deemed necessary.
 - (vi) A minimum of five (5) years of annual soil gas and groundwater monitoring at the well location.
 - (vii) Upon completion of the site investigation and sampling, not including the ongoing monitoring, the consultant must provide a written report verifying that the soil and groundwater samples meet applicable Environmental Protection Agency and State residential regulations and that a reclaimed site would not pose a greater health or safety risk for future residents or users of the site. Otherwise, the decision maker may require that the following actions be completed by a qualified professional before development may occur, including but not limited to:
 - (A) Remediation of environmental contamination to background levels.
 - (B) Well repair or re-plugging of a previously abandoned well.
- (IV) A final reclamation plan for the associated oil and gas location. The final reclamation plan must demonstrate how the following reclamation requirements will be satisfied:
 - (i) All oil and gas related improvements and equipment must be removed from the oil and gas location, including flowlines, gathering lines, and oil and gas pipelines of any kind unless such improvements or equipment are needed to serve a well that has not been plugged and abandoned.
 - (ii) Upon written request, the Director may approve in writing the abandonment in place of any oil and gas pipeline. The Director may approve abandonment in place only if removal would cause greater adverse impacts to public health, safety, welfare, or the environment than allowing the oil and gas pipeline to remain. If an oil and gas pipeline is abandoned in place, a tracer will be placed in any nonmetal line. Any oil and gas pipeline approved to be abandoned in place must comply with all ECMC rules and the location of the abandoned oil and gas pipeline must be recorded with the Larimer County Clerk and Recorder on the corresponding property.

- (iii) The oil and gas location must be reclaimed and revegetated to the satisfaction of the City and in consultation with the landowner, the oil and gas location and all access roads associated with the oil and gas location proposed to be reclaimed within three (3) years after seeding, or as directed by the landowner in a surface use agreement.
- (b) Prior to commencing plugging and abandonment of a well, the applicant must provide the City with evidence of ECMC approval of the request to plug and abandon.
- (c) After plugging and abandonment is completed, the operator must:
 - (I) Provide the City with evidence of ECMC approval of the completed plugging and abandonment.
 - (II) Provide evidence that the location of the plugged and abandoned well has been recorded with the Larimer County Clerk and Recorder on the corresponding property.
 - (III) Permanently mark by a brass plaque set in concrete, similar to a permanent benchmark, to monument the plugged and abandoned well's existence and location. Such plaque shall contain the information required by the ECMC to properly identify the well.
- (d) **Reclamation.** Within six (6) months after plugging and abandoning a well, abandoning an oil and gas pipeline, or decommissioning an oil and gas facility, reclamation of the associated oil and gas location must be completed pursuant to the approved final reclamation plan unless the Director grants additional time to complete reclamation in consideration of the complexity of the reclamation and conditions that may delay reclamation such as the season and weather. The operator must notify the City upon commencement of reclamation and upon completion.

4.3.5 ACCESSORY/MISCELLANEOUS USES

(A) Accessory Buildings, Structures and Uses

- (1) Accessory buildings, structures and uses (when the facts, circumstances and context of such uses reasonably so indicate) may include but are not limited to the following:
 - (a) Home Occupations;
 - (b) Horse and household pets;
 - (c) Signs;
 - (d) Off-street parking areas;
 - (e) Off-street loading areas;
 - (f) Fences;
 - (g) Private green houses;
 - (h) Private swimming pools, recreations facilities and clubhouses;
 - (i) Storage of merchandise in business, commercial and industrial districts;
 - (j) Cultivation, storage and sale of crops, vegetables, plants and flowers produced on the premises;
 - (k) Family-care homes;
 - (l) Solar energy systems
 - (m) Satellite dish antennas less than thirty-nine (39) inches in diameter;
 - (n) Hoop houses;
 - (o) Garage sales, wherein property which not originally purchased for the purpose of resale is sold, provided that such sales are limited to no more than five (5) weekend periods (as defined in Section 15-316 of the City Code) in one (1) calendar year;
 - (p) Community based shelters services.

- (2) In the UE zone district accessory buildings 2,500 sq. ft. or greater shall be reviewed by the Planning and Zoning Commission.

(B) Composting

- (1) Composting facilities shall be located at least six hundred sixty (660) feet from any land located in the RL, LMN, or MMN zone districts and/or any residential use (except a residential use occupied by the owner, operator or any employee of such composting facility) as such zone districts or residential uses exist at the time of the establishment of such composting facility.
- (2) Composting facilities shall contain and treat on-site, all water run-off that comes into contact with the feedstocks or compost, in such manner that the run-off will not contaminate surface or ground water.
- (3) Composting facilities shall not be located in any floodway.
- (4) No composting facility shall commence operation until a nuisance condition control plan, specifying all measures to be taken to control nuisance conditions (such as odor, noise, scattered solid waste, dust or vectors) has been approved by the Director. The Director's approval shall be based on a finding that the nuisance condition control plan adequately and reasonably identifies potential nuisance conditions and that compliance with the plan will fully address, significantly mitigate, or substantially reduce any adverse conditions to a level reasonably calculated to protect the health and safety of the public.

(C) Fences and Walls

- (1) Fences and walls are allowed in all zone districts as provided in this section.
- (2) If used along collector or arterial streets, such features shall be made visually interesting and shall avoid creating a "tunnel" effect. Compliance with this standard may be accomplished by integrating architectural elements such as brick or stone columns, incorporating articulation or openings into the design, varying the alignment or setback of the fence, softening the appearance of fence lines with plantings, or similar techniques. In addition to the foregoing, and to the extent reasonably feasible, fences and sections of fences that exceed one hundred (100) feet in length shall vary the alignment or setback of at least one-third ($\frac{1}{3}$) of the length of the fence or fence section (as applicable) by a minimum of five (5) feet.
- (3) **Materials:** Chain-link fencing with or without slats shall not be used as a fencing material for screening purposes. Except as permitted below, no barbed wire or other sharp-pointed fence and no electrically charged fence shall be installed or used in any zone districts.
 - (a) In the Urban Estate (UE), Rural Land (RUL) and Foothills Residential (RF) Districts, barbed wire and portable electrically charged fencing may be used for the purpose of livestock and pasture management. Electrically charged fencing must be used within permanent fencing. Electrically charged fencing that is located along any public right-of-way shall contain signage that identifies it as being electrically charged. Such signage shall occur every three hundred (300) feet and be a minimum of thirty-six (36) square inches in area. All electrically charged fencing shall be limited to low impedance commercially available electric fence energizers using an interrupted flow of current at intervals of about one (1) second on and two (2) seconds off and shall be limited to two thousand six hundred (2,600) volts at a five-hundred-ohm load at seventeen (17) millamperes current. All electric fences and appliances, equipment and materials used shall be listed or labeled by a qualified testing agency and shall be installed in accordance with manufacturers' specifications and in compliance with the National Electrical Code, 1981 Edition NFPA 701981.

In the Employment (E) District and the Industrial (I) District, the Director may grant a revocable use permit that must be renewed every three (3) years for installation of security arms and barbed wire strands atop protective fences or walls, provided that the following conditions are met: the lowest strand of barbed wire must be maintained at least ten (10) feet above the adjoining ground level outside the fence; exterior area security lighting controlled by an automatic light level switch must be installed and maintained in good operating condition; and such lighting must be directed into the site and not outward toward the perimeter.

- (4) No more than four (4) feet high between the front building line and front property line;
- (5) No more than four (4) feet high if located in the front yard, or within any required side yard setback area in the front yard, except if required for demonstrated unique security purposes;
- (6) No more than six (6) feet high if located within any required rear yard setback area or within any side yard setback area in a rear yard;
- (7) No more than forty-two (42) inches in height when located within the visual clearance triangle described in Section 5.16.1(K), and, if over thirty-two (32) inches in height within such triangle, fences shall be constructed of split rail with a minimum dimension of twelve (12) inches between horizontal members;
- (8) No closer than two (2) feet to a public sidewalk;
- (9) No closer than three (3) feet to a lot line along an alley where an alley-accessed garage door is set back at least twenty (20) feet from the lot line, and no closer than eight (8) feet to a lot line along an alley where an alley-accessed garage door is set back less than twenty (20) feet from the lot line, except that alley fences on lots in the RL and OT districts may be located closer to the lot line along an alley when the City Engineer approves such a location.

(D) Urban Agriculture

- (1) The following standards apply to all urban agriculture land uses, except those urban agriculture land uses that are approved as a part of a site-specific development plan.
- (2) The intent of these urban agriculture regulations is to allow for a range of urban agricultural activities at a level and intensity that is compatible with the City's neighborhoods.
- (3) Standards
 - (a) *License required.* Urban agriculture land uses shall be permitted only after the owner or applicant for the proposed use has obtained an urban agriculture license from the City. The fee for such a license shall be the fee established in the Development Review Fee Schedule. If active operations have not been carried on for a period of twenty-four (24) consecutive months, the license shall be deemed to have been abandoned regardless of intent to resume active operations. The Director may revoke any urban agriculture license issued by the City if the holder of such license is in violation of any of the provisions contained in subsection(b) below, provided that the holder of the license shall be entitled to the administrative review of any such revocation under the provisions contained in Article 6.

General Standards. Urban agriculture shall be allowed as a permitted use, provided that all of the following conditions are met:

- (I) Mechanized Equipment. All mechanized equipment used in the urban agriculture land use must be in compliance with Chapter 20, Article II of the City Code regarding noise levels.
- (II) Parking. Urban agriculture land uses shall provide additional off-street vehicular and bicycle parking areas adequate to accommodate parking demands created by the use.
- (III) Chemicals and Fertilizers. Synthetic pesticides or herbicides may be applied only in accordance with state and federal regulations. All chemicals shall be stored in an enclosed, locked structure when the site is unattended. No synthetic pesticides or herbicides may be applied within a Natural Habitat Buffer Zone.
- (IV) Trash/Compost. Trash and compost receptacles shall be screened from adjacent properties by utilizing landscaping, fencing or storage within structures and all trash shall be removed from the site weekly. Compost piles and containers shall be set back at least ten (10) feet from any property line when urban agriculture abuts a residential land use.
- (V) Maintenance. All urban agriculture land uses shall be maintained in an orderly manner, including necessary watering, pruning, pest control and removal of dead or diseased plant materials, and shall be maintained in compliance with the provisions of Chapter 20 of the City Code.
- (VI) Water Conservation and Conveyance. To the extent reasonably feasible, the use of sprinkler irrigation between the hours of 10:00 a.m. and 6:00 p.m. shall be minimized. Drip irrigation or watering by hand may be done at any time. The site must be designed and maintained so that any water runoff is conveyed off-site into a City right-of-way or drainage system without adversely affecting downstream property.
- (VII) Identification/Contact Information. A clearly visible sign shall be posted near the public right-of-way adjacent to all urban agriculture land uses, which sign shall contain the name and contact information of the manager or coordinator of the agricultural land use. If a synthetic pesticide or herbicide is used in connection with such use, the sign shall also include the name of the chemical and the frequency of application. The contact information for the manager or coordinator shall be kept on file with the City. All urban agriculture signs must comport with Article 5 of this Code.
- (VIII) If produce from an urban agriculture land use is proposed to be distributed within the City, the applicant must provide a list of proposed Food Membership Distribution Sites in the application.
- (IX) Floodplains. If urban agriculture is proposed within a floodplain, then a Floodplain Use Permit is required in accordance with Chapter 14 of the City Code.
- (X) Hoop Houses. If an urban agriculture land use contains a hoop house, then the hoop house shall be set back a minimum of five (5) feet from any property line and shall also be located in such a manner that the hoop house does not generate potential adverse impacts on adjacent uses, such as shading or glare.
- (XI) Additional Impact Mitigation. The Director may impose measures, such as landscaping, fencing or setbacks, deemed by the Director to reasonably mitigate potential visual, noise or odor impacts on adjoining property. The Director's imposition of measures shall be found reasonable where

the Director determines that any noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line of the parcel where the urban agriculture land use is conducted will likely be reduced to a level that will not adversely impact public health and safety. Where an urban agriculture land use abuts a residential use, there shall be a minimum setback of five (5) feet between the operation and the property line.

- (XII) Notice. At the time of an initial application for an urban agriculture land use within a residential zone (OT, UE, RF, RL, LMN, MMN, HMN, MH, RC and POL) or if the urban agriculture land use exceeds one-half (0.5) acre in size, the Director shall determine whether the proposed urban agriculture land use presents a significant impact on the affected neighborhood, and, if so, the Director shall schedule a neighborhood meeting and provide mailed and posted notice for such meeting. Such notice and neighborhood meeting shall be conducted in accordance with Article 6 of this Code.

(E) Off-Site Construction Staging

- (1) Applicability. Use of any parcel for off-site construction staging shall be permitted only in accordance with the provisions of an off-site construction staging license issued pursuant to this Section 4.3.5(E).
- (2) Purpose. The purpose of requiring an off-site construction staging licensed under this Section 4.3.5(E) is to address the compatibility of off-site construction staging with the zone districts in which they are located, mitigate the impact off-site construction staging on adjacent parcels, the neighborhoods and environment, and ensure the health and safety of off-site construction staging.
- (3) Location. Subject to issuance of and compliance with an off-site construction staging license under subsection (4) below, off-site construction staging shall be permitted in specified zone districts as listed in Division 4.2, Table of Primary Uses.
- (4) Off-site construction staging license.
 - (a) An application for an off-site construction staging license shall be accompanied by a site and grading plan that shows the following for the site on which the off-site construction staging is to occur:
 - (I) Existing grade contours of the site and of adjoining properties;
 - (II) Locations of different activities to be located on the site;
 - (III) List of materials and equipment to be stored on the site, including the means and methods to safely store any hazardous material or dangerous equipment;
 - (IV) Any proposed grading necessary to stabilize the site;
 - (V) Proposed erosion control measures and storm drainage control measures to prevent wind and water erosion, drainage impacts and tracking mud onto streets;
 - (VI) Flood ways and flood plains;
 - (VII) Natural habitat and features;
 - (VIII) Fences;
 - (IX) Restrooms;
 - (X) Existing trees;
 - (XI) Existing easements and rights-of-way;
 - (XII) Existing underground utilities;
 - (XIII) Other information necessary to describe the site;
 - (XIV) Traffic control plan reflecting means of ingress and egress to be used;

- (XV) Mitigation plan to address any adverse impacts to the site, or adjacent parcels, caused by the off-site construction staging during and after the staging; and
 - (XVI) Restoration and final site condition plan.
- (b) An off-site construction staging license shall be issued, with or without conditions, if the Director finds that the off-site construction staging:
- (I) is not detrimental to the public good; and
 - (II) will not cause substantial adverse impacts to the parcel on which it is located or adjacent parcels or the environment, with or without mitigation; and
 - (III) is located within a quarter (.25) of a mile of the construction or development site to be served by the off-site construction staging.
- (c) An off-site construction staging license issued hereunder shall expire eighteen (18) months after the date of issuance unless an extension is granted.
- (I) A six (6) month extension may be granted by the Director upon a finding that the conditions specified in Section 4.3.5(E)(4)(b), including any conditions to mitigate adverse impacts, have been and continue to be satisfied.
 - (II) The Director may further extend the license up to an additional twelve (12) months beyond the first six (6) month extension, for a maximum total of not more than thirty-six (36) months, if a neighborhood meeting for which the neighborhood is notified in compliance with Section 6.3.6(D) is conducted and the Director determines: the extension is not detrimental to the public good; and that the license conditions specified in Section 4.3.5(E)(4)(b), including any conditions to mitigate adverse impacts, have been and continue to be satisfied.
- (d) After expiration of an off-site construction staging license, at least four (4) consecutive months shall lapse before a new license is issued for the same parcel.
- (e) The Director may modify or revoke any off-site construction staging license issued by the City for any of the following:
- (I) After issuance of the license, the site or activities thereon are found to be out of compliance with the approved application or license, including any conditions to mitigate adverse impacts; or
 - (II) An adverse impact not previously anticipated at the time the license or license extension was issued is identified and such adverse impact cannot be adequately mitigated and/or is detrimental to the public good.
- (f) The Director shall inform the license holder in writing of the decision to modify or revoke the license and the reasons for same.
- (I) The license holder may appeal any decision denying, modifying or revoking an off-site construction staging license to the Land Use Review Commission pursuant to Article 6 .

- (5) Restoration of Site. Within fifteen (15) days after expiration of the license, the license holder must have completed restoration of the site consistent with the approved restoration or final site condition plan included in the application.

(F) Outdoor Vendor

- (1) Outdoor vendors shall be prohibited on undeveloped lots.
- (2) Outdoor vendors shall be considered as accessory uses in the zone districts in which they are permitted, provided they are on lots that contain a principal building wherein active operations are being conducted. Outdoor vendors that qualify as accessory uses shall not be subject to change-of-use regulations which would otherwise require the properties on which they are located to be brought into compliance with the standards of this Code.
- (3) Outdoor vendors located on lots wherein active operations in the principal building have ceased shall be considered principal uses and shall be subject to change-of-use regulations requiring that the properties upon which they are located be brought into compliance with the applicable standards of this Code.
- (4) Signage for outdoor vendors shall be limited to signs placed directly onto the vehicle or cart used in connection with the business.
- (5) Outdoor vendors shall comply with all outdoor vendor regulations and standards contained in Chapter 15 of the City Code.
- (6) An outdoor vendor shall be situated on a lot in such a manner that no aspect of its operation shall impede vehicular, pedestrian or bicycle circulation.
- (7) The owner of a private parcel or lot, or owner of the principal business thereon, upon which an outdoor vendor, or outdoor vendors, vend from mobile food trucks, pushcarts, or any other vehicles, as such terms are defined in Section 15-381 of the City Code, shall not allow such outdoor vendor, or outdoor vendors, to operate on such private parcel or lot for more than three (3) consecutive calendar days, or for more than three (3) total calendar days within any calendar week, defined for purposes of this Section as Sunday through Saturday, unless stationary vending is an approved use thereon.
- (8) The owner of a private parcel or lot upon which stationary vending will occur shall comply with the following additional requirements:
 - (a) Obtain an approved minor amendment to allow stationary vending on the private parcel or lot as an accessory use.
 - (l) A property owner may apply for a minor amendment to allow stationary vending only for private parcels or lots within non-neighborhood zone districts. Non-neighborhood zone districts solely for purposes of eligible stationary vendor locations shall be defined as: D, CC, CCN, CCR, CG, NC, CL, HC, E, and I.

- (II) Stationary vending shall not be permitted on parcels or lots within any neighborhood zone district. Neighborhood zone districts solely for purposes of non-eligible stationary vendor locations shall be defined as: RUL, UE, RF, RL, LMN, MMN, OT-A, OT-B, OT-C, HMN.
- (III) Stationary vending shall not be allowed to occur for more than twelve (12) hours per calendar day on the private parcel or lot for which a minor amendment has been granted to allow such use; and
- (IV) After the completion of each period of vending operations, a stationary vendor shall not be allowed to leave outdoors overnight (3:00 a.m. to 7:00 a.m.) on any private parcel or lot where stationary vending is allowed any food truck, push cart, or vehicle, as such terms are defined in Section 15-381 of the City Code, from which the vendor vends.

(G) Solar Energy Systems

- (1) The following standards shall apply to all solar energy systems.
 - (1) Purpose. The purposes of these solar energy system supplementary regulations are to promote reduced dependence on nonrenewable energy sources, to design solar energy systems in a manner that minimizes impacts on adjacent properties and to promote systems that are visually compatible with the character of the areas in which they are located and that are not detrimental to public health, safety and welfare.
 - (2) General Design Standards:
 - (a) To the maximum extent feasible, ancillary solar equipment shall be located inside the building or screened from public view.
 - (b) The applicant shall demonstrate that the height, location, setback or base elevation of a solar energy system minimizes potential glare and visual impacts of the system on adjacent properties.
 - (c) Support structures for ground-mounted solar facilities shall, to the extent reasonably feasible, use materials, colors and textures that complement the site context.
 - (d) All solar energy system appurtenances, including, but not limited to, plumbing, water tanks and support equipment, shall be of a color that is complementary to the site location, and shall be screened to the extent reasonably feasible without compromising the effectiveness of the solar collectors. Solar panels/collectors are exempt from the screening requirements of this Code.
 - (e) Building-mounted solar energy systems are exempt from the height requirements of this Code, except that they must comply with the height limitations of this Section 4.3.5(G), including the following:

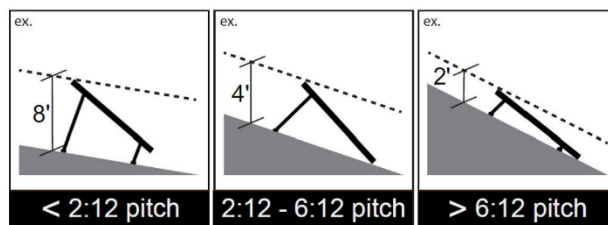
Solar Energy Table

<i>Nonresidential and residential buildings (excluding single-dwelling unit or duplex dwellings)</i>	
< 2:12 pitch	8 feet, as measured on a vertical axis to the roof below, to which it is installed (see Figure 16.3 below)

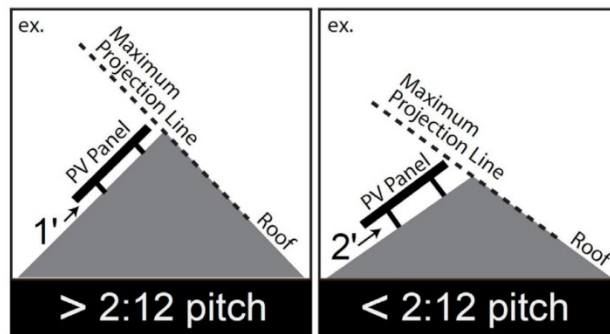
2:12 to 6:12 pitch	4 feet, as measured on a vertical axis to the roofline below, to which it is installed.
> 6:12 pitch	2 feet, as measured on a vertical axis to the roofline below, to which it is installed.
<i>Single dwelling unit and duplex dwellings (principal and accessory buildings)</i>	
No taller than 1 foot, as measured on a vertical axis to the roof below, to which it is installed, unless roof pitch is 2:12 or less, in such case 2 feet is permitted. No portion of a solar energy system shall project above the maximum projection line depicted within Figures 16.3 and 16.4 below.	
<i>All buildings</i>	
Building-mounted solar energy systems shall not extend horizontally beyond any roof overhang.	
<i>Building-mounted solar energy systems</i>	
Solar panels installed on the sides of buildings as awnings or attached to buildings as shade elements are permitted so long as the provisions of this and other applicable requirements are met.	

Maximum Height for Roof-mounted Systems

(Principal Building [Excluding Single-Unit and Two-Unit Dwellings])



Maximum Height for Roof-Mounted Systems (Single Unit and Two-Unit Dwellings)



(3) Standards for Small, Medium and Large-scale Solar Energy Systems. Solar energy systems shall conform to the applicable size-based regulations as set out in this subsection:

(a) Small-Scale Solar Energy Systems.

- (I) Covering less than one-half (0.5) acre.
- (II) Maximum Height. All ground-mounted small-scale solar energy systems shall comply with the accessory building height limits within the zone district, except for light poles with integrated solar panels, which are subject to the standards of Article 5.
- (III) Setbacks. Ground-mounted, small-scale solar energy systems shall not be located within the front, side or rear building setbacks, or the front yard area. If necessary for the system's effectiveness, ground-mounted solar energy collectors may be located within the minimum setbacks for the zone district, provided that the solar energy collector is located no less than fifteen (15) feet from rights-of-way and five (5) feet from all other property lines.
- (IV) Parking. No minimum parking requirements shall apply. Parking spaces located beneath covered parking solar energy systems are exempt from maximum parking limits.

(b) Medium-Scale Solar Energy Systems.

- (I) Covering between one-half (0.5) acre and five (5) acres.
- (II) Maximum Height. All ground-mounted medium-scale solar energy systems shall comply with the accessory building height limits within the zone district, except for light poles with integrated solar panels, which are subject to the standards of this Code.
- (III) Setbacks. Ground-mounted, medium-scale solar energy systems shall not be located within the front, side or rear building setbacks, or the front yard area.
- (IV) Fencing/Access. Ground-mounted medium-scale solar energy systems shall be enclosed with a perimeter fence with a minimum height of five (5) feet and a maximum height of seven (7) feet. Knox boxes and keys shall be provided at locked entrances for emergency personnel access. Warning signage shall be placed at the entrance and perimeter of the facility.
- (V) Visual Appearance. Buildings and accessory structures shall, to the extent reasonably feasible, use materials, colors and textures that blend the facility into the existing environment.

- (VI) Landscaping. Landscaping and/or screening materials shall be provided to assist in screening the facility from public rights-of-way and neighboring residences.
 - (VII) Lighting. Lighting shall be limited to the minimum necessary for security and shall incorporate shielded full cut-off light fixtures.
 - (VIII) Electrical Interconnections. All electrical interconnection and distribution lines within the project boundary shall be underground, except for power lines that extend beyond the project site or are within a substation.
- (c) Large-Scale Solar Energy Systems.
- (I) Covering more than five (5) acres.
 - (II) Maximum Height. All ground-mounted large-scale solar energy systems shall comply with the accessory building height limits within the zone district, except for light poles integrating solar panels, which are subject to the standards of Article 5.
 - (III) Setbacks. Large-scale solar energy systems shall be set back from all property lines a minimum of thirty (30) feet, and shall be located at least one hundred (100) feet from all residentially zoned land. Additional setbacks may be required to mitigate visual and functional impacts.
 - (IV) Fencing/Access. Ground-mounted large-scale solar energy systems shall be enclosed with a perimeter fence with a minimum height of five (5) feet and a maximum height of seven (7) feet. Knox boxes and keys shall be provided at locked entrances for emergency personnel access. Warning signage shall be placed at the entrance and perimeter of the facility.
 - (V) Visual Appearance. Buildings and accessory structures shall, to the extent reasonably feasible, use materials, colors and textures that blend the facility into the existing environment.
 - (VI) Landscaping. Landscaping and/or screening materials shall be provided to assist in screening the facility from public rights-of-way and neighboring residences.
 - (VII) Lighting. Lighting shall be limited to the minimum extent necessary for security and shall incorporate shielded full cut-off light fixtures.
 - (VIII) Electrical Interconnections. All electrical interconnection and distribution lines within the project boundary shall be underground, except for power lines that extend beyond the project site or are within a substation.
- (4) Maintenance. Any solar energy system that has not been in working condition for a period of one (1) year shall be subject to Section 115 (Unsafe Structures and Equipment) of the International Building Code, which may require the panels and associated equipment to be removed, or the unsafe condition otherwise mitigated if it is determined to be unsafe. If so determined by the Building Official, the panels and associated equipment shall be promptly removed from the property to a place of safe and legal disposal, after which the site and/or building, as applicable, must be returned to its preexisting condition.

- (5) Use Restrictions in Established Residential Areas. Notwithstanding the use review criteria contained set out in Article 4, if either a small-scale solar energy system or a medium-scale solar energy system is located on an existing platted lot and within an established residential neighborhood, then such system must be processed as a permitted use subject to review by the Planning and Zoning Commission.
- (6) Allocation of Energy. Energy derived from solar collectors may be allocated to the lot where the system is located or may be distributed to other locations.

(H) Wireless Communication

- (1) **Applicability and Exemptions.** The provisions of this Section shall apply to any Wireless Communications Facility (WCF) within the City. The requirements set forth in this Section shall not apply to:
 - (a) Antennas or towers used by FCC-licensed amateur (ham) radio operators.
 - (b) Television or radio antennas. Those antennas, including over the air reception devices, located on single family dwellings or duplexes, not exceeding one (1) meter in diameter and less than five (5) feet above the highest point of the existing principal structure, or for ground mounted antennas, the requirement that the height be no more than the distance from its base to the property line or the maximum height specified for accessory structures for that zone district, whichever is less. The Director has the authority to approve modifications to the height restriction related to over the air reception device antennas and antenna structures, if in the reasonable discretion of the City, modifications are necessary to comply with federal law.
 - (c) Government-owned facilities. City-owned communications WCFs located on City-owned property and/or public rights-of-way, and any government-owned WCF installed upon the declaration of a state of emergency by the federal, state or local government, or a written determination of public necessity by the City.
 - (d) Over the Air Reception Devices (OTARD) antennas and associated masts. The Director may approve modifications to the height restriction related to OTARD antennas and OTARD antenna structures, if in the reasonable discretion of the Engineer, modifications are necessary to comply with federal law.
 - (e) A facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of this Code.
- (2) **Location.** Subject to the requirements of paragraph (3) of this Section, WCFs may be attached to or mounted on any existing building or structure (or substantially similar replacement structure) located in any zone district of the city. With the exception of OTARD, and associated masts, WCFs shall not, however, be permitted to be attached to or mounted on any residential building containing four (4) or fewer dwelling units.
- (3) **Cooperative Collocation.** No WCF or equipment owner or lessee or employee thereof shall act to exclude or attempt to exclude any other wireless communication provider from using the same building, structure or location. WCF or equipment owners or lessees or employees thereof, and applicants for the approval of plans for the installation of such facilities or equipment, shall cooperate in good faith to achieve co-location of WCFs and equipment. Any application for the approval of a plan for the installation of WCFs or equipment shall include documentation of the applicant's good faith efforts toward such cooperation.

(4) Standards.

- (a) *Setbacks.* With respect to a WCF that is a tower or a monopole, the setback of the facility from the property lines shall be one (1) foot for every foot of height. However, to the extent that it can be demonstrated that the structure will collapse rather than topple, this requirement can be waived by the Director. In addition, the setbacks for ground-mounted wireless telecommunication equipment shall be governed by the setback criteria established in this Code.

Collocated WCFs in the R-U-L zone district shall be setback from the center line I-25 of Carpenter Road a distance of at least one thousand three hundred twenty (1,320) feet (one-quarter (¼) mile).

WCFs. All WCFs shall be consistent with the architectural style of the surrounding architectural environment (planned or existing) considering exterior materials, roof form, scale, mass, color, texture and character. Such facilities shall also be compatible with the surrounding natural environment considering land forms, topography, and other natural features. If such facility is an accessory use to an existing use, the facility shall be constructed out of materials that are equal to or better than the materials of the principal use.

WCFs in Residential Zone Districts. Non-collocated WCFs permitted in the following zone districts: UE, RL, LMN, MMN, and HMN, as specified in Article 4 - Use Standards must be located on a non-residential parcel and installation must be mitigated by use of concealment design techniques and compatibility standards.

Collocated or attached WCFs. WCFs shall be of the same color as the building or structure to which or on which such equipment is mounted.

Whenever a wireless telecommunication antenna is attached to a building roof, the height of the antenna shall not be more than fifteen (15) feet over the height of the building. All WCF equipment shall be located as far from the edge of the roof as is feasible. Even if the building is constructed at or above the building height limitations contained in other sections of this Code, the additional fifteen (15) feet is permissible.

Whenever WCFs are mounted to the wall of a building or structure, the equipment shall be mounted in a configuration as flush to the wall as feasible and shall not project above the wall on which it is mounted. Such equipment shall, to the extent feasible, also feature the smallest and most discreet components that the technology will allow so as to have the least possible impact on the architectural character and overall aesthetics of the building or structure.

Roof- and ground-mounted WCFs shall be screened by parapet walls or screen walls in a manner compatible with the building's design, color and material.

Landscaping. WCFs and related transmission equipment may need to be landscaped with landscaping materials that exceed the levels established in Division 5.10, due to the unique nature of such facilities. Landscaping may therefore be required to achieve a total screening effect at the base of such facilities or equipment to screen the mechanical characteristics. A heavy emphasis on coniferous plants for year-round screening may be required.

If a WCF and related transmission equipment has frontage on a public street, street trees shall be planted along the roadway in accordance with the policies of the City Forester.

Fencing. Chain link fencing shall be unacceptable to screen facilities. Fencing material shall consist of wood, masonry, stucco or other acceptable materials and be opaque. Fencing shall not exceed six (6) feet in height.

Berming. Berms shall be considered as an acceptable screening device. Berms shall feature slopes that allow mowing, irrigation and maintenance.

Irrigation. Landscaping and berming shall be equipped with automatic irrigation systems meeting the water conservation standards of the City.

Color. All WCFs and related transmission equipment shall be painted to match to the extent feasible the color and texture of the wall, building or surrounding built environment. Muted colors, earth tones and subdued colors shall be used.

Lighting. The light source for security lighting shall comply with the requirements of Division 5.12. Light fixtures, whether freestanding or tower-mounted, shall not exceed twenty-two (22) feet in height.

Interference. Wireless telecommunication facilities and equipment shall operate in such a manner so as not to cause interference with other electronics such as radios, televisions or computers, and otherwise in compliance with applicable federal standards for avoiding signal interference. An applicant shall provide a written statement (“Signal Interference Letter”) from a qualified radio frequency engineer, certifying that a technical evaluation of existing and proposed facilities indicates no potential interference problems.

Radio frequency standards. All WCFs shall comply with federal standards for radio frequency emissions. An applicant shall provide a written statement (“Emission Standards Letter”) from a qualified radio frequency engineer, certifying that a technical evaluation of existing and proposed facilities indicates no potential emissions in excess of federal radio frequency standards.

Access Roadways. Access roads must be capable of supporting all of the emergency response equipment of the Poudre Fire Authority.

Foothills and Hogbacks. Applicants for WCFs and related transmission equipment in or near the foothills bear a special responsibility for mitigating visual disruption. If such a location is selected, the applicant shall provide computerized, three-dimensional, visual simulation of the facility or equipment and other appropriate graphics to demonstrate the visual impact on the view of the city’s foothills and hogbacks.

Airports and Flight Paths. WCFs and related transmission equipment shall comply with Federal Aviation Administration (FAA) requirements and obtain the necessary approvals from the FAA.

Historic Sites and Structures. WCFs and related transmission equipment shall not be located on any historic site or structure unless permission is first obtained from the city’s Historic Preservation Commission as required by Chapter 14 of the City Code.

Concealment Required. All WCFs shall, to the extent feasible, use concealment design techniques, and when not feasible utilize camouflage design techniques.

Compatibility Required.

- (I) Purpose. The purpose of this Section is to ensure that proposed WCFs are compatible with the surrounding context by ensuring that:
 - (i) New or existing WCFs do not adversely impact the visual character* of the community within the area of adjacency; and
 - (ii) The design of WCFs are compatible and contextually appropriate with the built or natural environment surrounding a proposed wireless communication site.

(II) To accomplish its purpose, this Section provides the standards for design compatibility of WCFs with the existing context within the delineated area of adjacency surrounding a proposed WCF site.

* For the purposes of this Section, character is defined as special physical characteristics of a structure or area that set it apart from its surroundings and contribute to its individuality. This can include but is not limited to the built environment, landscaping, natural features and open space, and types and styles of building architecture.

(III) WCF Site and Area of Adjacency.

As used in this Section, the *area of adjacency* shall mean an area measured radially from the center point of the WCF. Any element of a lot or parcel of property shall be considered within the area of adjacency if any portion of such lot or parcel is within the boundary. The limits of the boundary shall be based on the following calculation:

The overall height (from grade to highest point of the proposed facility) of the proposed WCF multiplied by five (5).

In the event that the area of adjacency is absent of an established visual character the WCF shall be designed in such a way that most closely relates to the landscape, historic, or future potential use of land.

(IV) Design Standards for a Proposed WCF.

Proposed WCFs and equipment shall mimic the height and appearance of structures or natural elements appropriate to the context in a way that protects and enhances the character of the area both on the development site and within the area of adjacency. The Table 1 requirements shall apply to the development of facilities on the development site as follows:

Table 1 – Standards for Compatibility on the Development Site and Within the Area of Adjacency

Purpose	Standards for Compatibility on the Development Site and Within the Area of Adjacency
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<p><i>Height and Mass of WCFs</i></p>	<p>New or modified WCFs shall use concealment, and when not feasible, camouflage that reflects the character of the area of adjacency. The overall height and mass of a facility or equipment established under these standards are the maximum height that if any greater, would otherwise defeat concealment.</p> <p>1. Height. New or modified WCFs shall not exceed 15 feet or 15%, whichever is less, of the average height of buildings or landscape within the area of adjacency. If a lot containing a residential land use falls within or abuts the area of adjacency, the maximum height of the facility shall not exceed forty-five (45) feet.</p> <p>2. Massing. All WCFs shall mimic the mass (height and width) in a way that is subordinate to the natural environment or built environment found within the area of adjacency.</p>
<p><i>Materials for WCFs</i></p>	<p>Create visual and contextual connection between WCFs colors and materials with those found in the surrounding area.</p> <p>New or modified WCFs shall utilize, to the extent feasible, the following elements found within the area of adjacency to inform their concealment techniques:</p> <ul style="list-style-type: none"> a) Architectural style b) Building materiality c) Color d) Tree species e) Structures that are related to the primary use of the site
<p><i>Technology for Facilities</i></p>	<p>To the extent feasible, new WCFs and related transmission equipment shall utilize industry best practices and the latest technology available to achieve concealment and compatibility with the context.</p> <p>Such facilities or shall feature the smallest and most discreet components that the technology will allow so as to have the least possible impact on the character and overall aesthetics of the area of adjacency.</p>

- (5) Wireless Telecommunication Equipment in the RUL zone district such use shall be setback from the center line I-25 of Carpenter Road a distance of at least one thousand three hundred twenty (1,320) feet (one-quarter (1/4) mile).
- (6) The regulations contained in this Section shall not apply to the installation, operation, maintenance, or upgrade of a small cell facility by a telecommunications provider principally located within a public highway. The regulation of such activities is addressed in Chapter 23 of the Code of the City of Fort Collins, and design standards for small cell facilities are addressed in the City’s Small Cell Handbook as may be amended from time to time.
- (7) **Review Procedures and Requirements.**

- (a) General. No new WCF shall be constructed and no collocation or modification to any WCF may occur except after a written request from an applicant, reviewed and approved by the City in accordance with this Section. All WCFs shall comply with the zone district use standards and land use application processes identified in this Code.
- (b) Application Requirements. All applications for WCFs shall include:
- (I) Application form as provided by the Director.
 - (II) If the applicant is not the owner of the property or structure to which the WCF is to be attached, an executed Letter of Authorization from the landowner.
 - (III) A report, signed and sealed by a professional engineer in the State of Colorado, or a verified statement from a qualified radio frequency engineer, demonstrating or assuring that the site will be in full compliance with federal radio-frequency emissions standards for WCFs.
 - (IV) A signal interference certification bearing the seal and signature of a professional engineer in the State of Colorado, representing that all WCFs covered by the application shall be designed, sited and operated in accordance with applicable federal signal interference requirements.
 - (V) Submittal fees.
 - (VI) Scaled site plan, photo simulation, scaled elevation view and supporting drawings, calculations, showing the location and dimension of all improvements, including information concerning topography, tower and where applicable, structure height, setbacks, drives, parking, street trees, adjacent uses, drainage.
 - (VII) Narrative detailing the rationale for the proposed location.
 - (VIII) Other information reasonably deemed by the Director to be necessary to assess compliance with this Section. Documents requiring signatures and seals by appropriate qualified professionals shall be provided by applicant prior to issuance of a permit under this Section.
- (c) Structural Assessment. Prior to issuance of a WCF permit for any WCF proposing a new pole or attachment to a non-City-owned structure, the applicant shall submit a stamped and signed structural assessment for each new proposed WCF host support structure conducted by a professional engineer, licensed in the State of Colorado.
- (I) When the structural assessment indicates a need for a stronger structure to address issues such as wind load factor, applicant shall provide a replacement structure at applicant's cost satisfactory to the Director in consultation with Fort Collins Utilities, as applicable.
 - (II) All costs for conducting an assessment under this subsection (3) shall be borne by the applicant, and shall be paid by the applicant prior to issuance of a permit under this Section.
- (d) New Structures. All applications for new vertical structures associated with a WCF shall demonstrate that other alternative siting options, including collocations, are not feasible. Notwithstanding anything in this Section to the contrary, all WCFs and associated vertical structures located within the City shall satisfy the location and design criteria set forth in subsections (2)-(4) above.

(8) Timeframes for Review.

- (a) Application types. All WCFs shall be reviewed according to the following timeframes (the review of Eligible Facility Requests is addressed in (8)(c) below):
- (I) Review of a completed application to collocate a facility other than a small cell facility on an existing tower or base station: 90 days.
 - (II) Review of an application to deploy a WCF other than a small cell facility on a new structure: 150 days.
 - (III) Review of an application for a new tower, base station, or alternative tower structure that does not qualify as a small cell facility: 150 days.

- (b) Tolling the Timeframe for Review. The relevant review timeframe begins to run when the application is filed with the City, and may be tolled only by mutual agreement or where the City determines that an application is incomplete.
- (I) To toll the timeframe for incompleteness, the City shall provide written notice to the applicant within thirty (30) calendar days of receipt of the application, specifically delineating all missing documents or information required in the application;
 - (II) Upon providing the notice of incompleteness to the applicant, the timeframe for review pauses. The timeframe for review begins running again when the applicant makes a supplemental written submission in response to the City's notice of incompleteness; and
 - (III) Following a supplemental submission, the City will notify the applicant within ten (10) business days whether the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in subparagraphs (I) and (II) of this subsection. In the case of a second or subsequent notice of incompleteness, the City may not specify missing documents or information that were not delineated in the original notice of incompleteness.
- (c) Specific Review Procedures for Eligible Facility Requests.
- (I) EFR standards. The City shall prepare, and from time to time revise and make available, an application form requiring the information necessary for the City to consider whether the project covered by an application would:
 - (i) result in a Substantial Change to the physical dimensions of the site; and
 - (ii) violate a generally applicable law, regulation, or other rule reasonably related to public health and safety.

The application shall not require an applicant to demonstrate a need or business case for the proposed modification or collocation.
 - (II) Timeframe for EFR review. Subject to the tolling provisions below, an eligible facility request shall be approved within sixty (60) days of the date of the request unless it the City determines that it does not qualify as an eligible facilities request. Upon receipt of an application for an eligible facility request pursuant to this subsection, the City shall review such application to determine whether the application so qualifies.
 - (III) Tolling the timeframe for EFR review.
 - (i) The sixty (60) calendar day review period begins to run when the application is filed with the City, and may be tolled only by mutual agreement or where the City determines that an application is incomplete:
 - (A) To toll the timeframe for incompleteness, the City must provide written notice to the applicant within thirty (30) calendar days of receipt of the application, specifically delineating all missing documents or information required in the application;
 - (B) Upon notice of incompleteness to the applicant, the timeframe for review pauses. The timeframe for review begins running again when the applicant makes a supplemental written submission in response to the City's notice of incompleteness; and
 - (C) Following a supplemental submission, the City will notify the applicant within ten (10) business days whether the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in subparagraphs (A) and (B) of this subsection. In the case of a second or subsequent notice of incompleteness, the City may not specify missing documents or information that were not delineated in the original notice of incompleteness.

- (ii) If the City fails to approve or deny an eligible facility request within the time frame for review (accounting for any tolling), the request shall be deemed granted; provided that this approval shall become effective only upon the City's receipt of written notification from the applicant after the review period has expired (accounting for any tolling) indicating that the application has been deemed granted.
- (IV) Interaction with Telecommunications Act 47 U.S.C. Section 332(c)(7). If the City determines that the applicant's request is not an eligible facilities request as delineated in this subsection, the applicant shall be advised as to the relevant provisions of the City Code that govern the process to consider the request, and whether the Code requires any additional information to be submitted in order for the request to be considered complete. If the applicant subsequently indicates an intent for the proposal to be considered under the relevant section of the City Code and submits all required information, the presumptively reasonable timeframe under Section 332(c)(7), as set forth in applicable federal and state law will begin to run from submittal of the required information under the applicable provision of this Code.



ARTICLE 5

GENERAL DEVELOPMENT and SITE DESIGN

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ARTICLE 5

General Development and Site Design

DIVISION 5.1 APPLICABILITY

5.1.1 APPLICABILITY

Applicability. Article 5, general development and site design standards apply throughout the City and are not unique to a specific zone district, unless excluded as stated in a specific standard such as Chapter 14 of the Code of the City of Fort Collins regarding Landmarks.

DIVISION 5.2 AFFORDABLE HOUSING

5.2.1 AFFORDABLE HOUSING

- (A) **Purpose.** To support the City's adopted housing goals as outlined in the Housing Strategic Plan and to achieve 10% deed-restricted, affordable housing stock by 2040, this Division outlines applicability of affordable housing incentives and requirements for compliance. This Division seeks to:
- (1) Encourage the development of deed-restricted, affordable housing for low- and moderate-income households.
 - (2) Provide options for use of affordable housing incentives in order to allow for increased flexibility for various development types and contexts.
- (B) **Applicability.** This Section shall apply to the following development projects:
- (1) Projects that meet the definition of Affordable Housing Development as outlined in Article 7; and
 - (2) Projects that propose to use bonus option standards for maximum density, maximum height, and/or minimum parking.
 - (3) Section 5.2 does not apply to group homes, dormitories, medical facilities, hotels, motels, shelters, tents, short-term rentals or other structures designed or used primarily for temporary occupancy and/or group living.
- (C) **Affordability Standards.** Rental and For-sale projects shall provide one of the following minimum unit options:
- (1) Rental Units:
 - (a) 10% units at 60% AMI; or
 - (b) 20% units at 80% AMI
 - (2) For-Sale:
 - (a) 10% units at 80% AMI; or
 - (b) 20% units at 100% AMI

- (D) **Compliance.** To achieve compliance, all Affordable Housing built under the standards of this Code shall provide the following:
- (1) **Certification Letter.** The applicant shall submit a notarized affidavit to the Director that provides how the development meets the affordability standards above and administrative requirements. Upon review and acceptance of the affidavit in consultation with the Director of the Social Sustainability Department, the Director will provide a letter certifying that the development meets the standards stated above and any administrative requirements (Certification Letter). This letter is required to be submitted as part of the building permit application before a building permit can be issued for the development but is not required to as a part of a land use review.
 - (2) **Qualified Preservation Partner (QPP).** If applicable, the Certification Letter shall identify the Qualified Preservation Partner.
 - (3) **Covenant/Deed Restriction.** The units will be required by binding legal instrument acceptable to the City, providing rights of enforcement to the City, and duly recorded with the Larimer County Clerk and Recorder, to be occupied by and affordable to low-income households for at least sixty (60) years. This covenant shall be recorded prior to issuance of a building permit for the development. There will be language placed in real estate sales documents, acceptable to the City, clearly noticing the deed restriction as part of the sale, and containing a continued requirement of notice in all future sales.
- (E) **Timing of Development.** The construction of the affordable dwelling units or spaces shall occur before the construction of the market rate units, or at no case less than on a proportional basis, according to the same ratio as the number of affordable units bears to the number of the market rate units.
- (F) **Annual Reporting.** The applicant or Qualified Preservation Partner shall provide annual documentation to the Director, who shall provide a copy to the Director of the Social Sustainability Department, relating to the affordable dwelling units in the development. This documentation must commence no later than thirty (30) days following issuance of a Certificate of Occupancy (CO) for the affordable dwelling units and will include, at minimum, the following:
- (1) Occupancy and demographic report;
 - (2) Rent report (annually at minimum and at any time the applicant/owner proposes to increase rents);
 - (3) Reporting required for compliance as part of a City funding award for affordable units shall satisfy the requirements of this subsection; and
 - (4) Any further documentation/verification the City may deem necessary to verify the validity of the affordable housing reporting, including, but not limited to, seeking direct verification from tenants/owners of affordable units.
- (G) **Monitoring and Enforcement.**
- (1) **Monitoring.** The Director in consultation with the Director of Social Sustainability Department shall periodically monitor and verify the commitments made by the applicant or Qualified Preservation Partner in the Declaration of Covenants, Conditions and Restrictions. Upon reasonable notice to the applicant or Qualified Preservation Partner, the applicant or Qualified Preservation Partner shall provide information to the City sufficient to verify the following:
 - (a) Compliance with all Affordable Housing Requirements as set forth in this Division.
 - (b) The affordable dwelling units are occupied by households earning income as required in the Declaration of Covenants, Conditions and Restrictions.

- (c) The eligibility of each prospective household is verified by the owner prior to occupancy of any affordable unit and proof provided to the City upon request. Applicants or Qualified Preservation Partners submit documentation for certification to the City for a determination of tenant eligibility, prior to tenant occupancy. No affordable unit is rented, sold, or occupied by any person unless and until the City determines that the prospective tenant or occupant satisfies the eligibility requirements.
- (2) Staff shall be entitled to arrange periodic site visits to ensure habitability of affordable units; owner will secure authority to enter the unit and will cooperate with Staff.
- (3) Monitoring required for compliance as part of a City funding award for affordable units shall satisfy the requirements of this subsection (G).
- (H) **Enforcement.** Upon a finding by the City that an Affordable Housing project built under the standards of this Code does not comply with the requirements of Section 5.2, the City make take one or more enforcement actions;
- (1) imposition of penalties including those found in City Code Section 1-15 civil infractions and any additional penalties as set forth in an agreement between the owner/developer and the City; or
- (2) imposition of another appropriate action to enforce these requirements or accomplish their intended result.

DIVISION 5.3 RESIDENTIAL DEVELOPMENT

5.3.1 RESIDENTIAL DEVELOPMENTS

- (A) **Purpose.** To promote variety of architecture and housing choices that create cohesion within a development project and relates to the surrounding context.
- (B) **Applicability.** Division 5.3 applies to all residential development projects that approve one or more buildings on one or more parcels unless otherwise excluded in a specific standard.

5.3.2 MULTI-BUILDING AND MIX OF HOUSING

- (A) **Purpose.** To promote:
- a variety of architecture;
 - housing choices;
 - cohesion within a development project;
 - visual interest;
 - relationship to the surrounding context, visual interest; and
 - pedestrian-oriented streets in residential development.
- (B) **Applicability.** Applies to all development projects with more than one building on one or more parcels unless otherwise excluded in a specific standard
- (C) **Mix of Housing Types.** A mix of permitted building types shall be included in any individual development plan that includes residential uses, to the extent reasonably feasible, depending on the size of the parcel. To promote such variety, the following minimum standards shall be met:
- (1) A minimum number of building types is required on any project development plan as shown in the following table:

Minimum number of Building Types in a development project	
Acre Size	Number of Building Types
15>20	2
20>30	3
30+	4

- (a) in the HC district only, if Detached House dwelling units are proposed, at least an equivalent number of Row House, Duplex or Apartment Building dwelling units (or combination thereof) must also be provided.
- (2) Housing types, block dimensions, garage placement, lot sizes and lot dimensions shall be significantly and substantially varied to avoid repetitive rows of housing and monotonous streetscapes. For example, providing distinct single-unit detached dwellings or two-unit dwellings on larger lots and on corners and providing small lot single-unit dwellings on smaller lots abutting common open spaces fronting on streets are methods that accomplish this requirement.
- (3) The following list of building types shall be used to satisfy the minimum number of building type requirement, provided that no building type comprises less than 5% or more than 80% of development:
- (a) Detached House with rear loaded garages.
 - (b) Detached House with front or side loaded garages.
 - (c) Small lot with Detached House (lots containing less than four thousand [4,000] square feet or with lot frontages of forty [40] feet or less) if there is a difference of at least two thousand (2,000) square feet between the average lot size for small lot single-unit and the average lot size for single-unit detached dwellings with front or side loaded garages.
 - (d) Duplex.
 - (e) Rowhouse.
 - (f) Duplex, attached, the placement of which shall be limited to no more than two (2) dwellings per two (2) consecutive individual lots.
 - (g) Mixed-Use building.
 - (h) Apartment Building containing up to four (4) units per building;
 - (i) Apartment Building containing at least five (5) up to seven (7) units per building.
 - (j) Apartment Building containing at least eight (8) up to twelve (12) units per building.

(k) Apartment Building containing more than 12 units per building

(l) Manufactured Housing.

(4) For any development containing repeated building types (excluding clubhouses/leasing offices) there shall be a minimum number of distinct designs as shown in the table below:

Minimum number of distinct designs for repeating Building Types in a development project	
Repeating Building Types	Distinct designs
5 to 7	2
8+	3

(a) For all developments, there shall be no more than two (2) similar buildings placed next to each other along a street or major walkway spine.

(b) Distinctly different building designs shall provide significant variation in:

Distinct Building Requirements	
Varies in either:	
Footprint size; or	30% difference in square footage from another building.
Shape	Square
	Rectangle, 40ft difference from the longest side compared to the longest side of another building.
	Other Polygons, 40ft difference from the longest side compared to the longest side of another building.
And includes variations in at least three of the following building elements:	
Element	Components of the element
Exterior finish materials	Brick, Wood, Stone, Metal, or Other Material
Window Combinations/Placement	Size and/or Pattern
Entrance feature	• Recessed or Covered • Portal Size • Location on building elevation • Lighting
Roof forms	Flat, Pitch, or Overhang greater than 4ft
Patio/balcony size	30% Difference in Square Footage
Upper story step-back (above 2nd story)	10ft min. Step-Back on all Sides
Building Height	12ft min Difference in Height
Vertical building module	3 min.

- (5) For development that contains Detached House and Duplex building types found in Article 3, there shall be model variety and variation among buildings as indicated in the following table:

Minimum number of Detached house and Duplex models	
Number of dwelling units	Distinct models
11 to 99	3
100+	4

- (a) The applicant shall include, in the application for approval of the project development plan, documentation showing how the development will comply with the model variation.
- (b) Each housing model shall have at least three (3) characteristics which clearly and obviously distinguish it from the other housing models, which characteristics may include, without limitation, differences in floor plans, exterior materials, roof lines, garage placement, placement of the footprint on the lot and/or building face.
- (c) An applicant for a Building Permit for these building types shall affirm and certify in the application that the dwelling which is the subject of the Building Permit does not adjoin a lot with the same housing model, if on the same block face.

- (6) Development that contains Row House building type containing more than two (2) dwelling units shall comply with the following requirements:

- (a) For any development containing at least three (3) and not more than five (5) buildings (excluding clubhouses/leasing offices), there shall be at least two (2) distinctly different building designs. For any such development containing more than five (5) buildings (excluding clubhouses/leasing offices), there shall be at least three (3) distinctly different building designs. For all developments, there shall be no similar buildings placed next to each other along a street or street-like private drive. Building designs shall be considered similar unless they vary significantly in footprint size and shape.
- (b) Building designs shall be further distinguished by including unique architectural elevations and unique entrance features, within a coordinated overall theme of roof forms, massing proportions and other characteristics. Such variation among buildings shall not consist solely of different combinations of the same building features.

(D) Relationship of Dwellings to Streets and Parking. Development projects containing residential buildings shall place a high priority on building entryways and their relationship to the street. Pedestrian usability shall be prioritized over vehicular usability. Buildings shall include human-scaled elements, architectural articulation, and in projects containing more than one (1) building, design variation.

- (1) **Orientation to a Connecting Walkway.** Every front facade with a primary entrance to a dwelling unit shall face the adjacent street to the extent reasonably feasible. Every front facade with a primary entrance to a dwelling unit shall face a connecting walkway with no primary entrance more than two hundred (200) feet from a street sidewalk and the address shall be posted to be visible from the intersection of the connecting walkway and public right of way. The following exceptions to this standard are permitted:

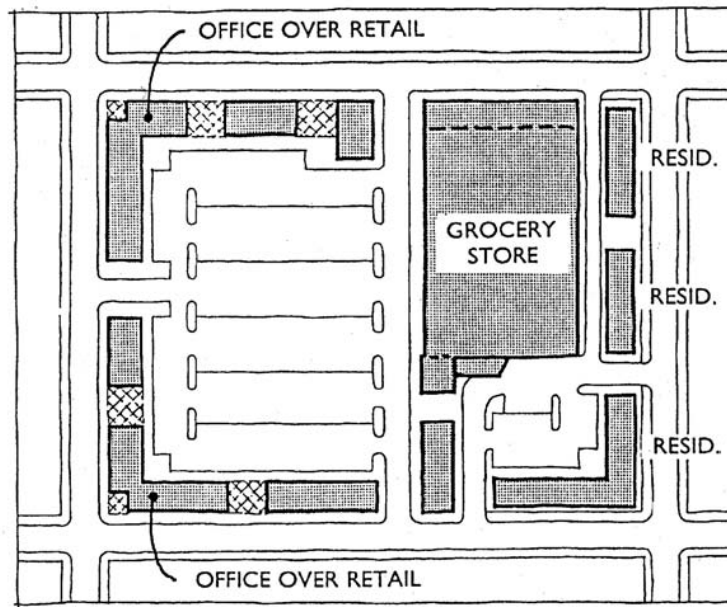
- (a) Up to one (1) dwelling on an individual lot that has frontage on either a public or private street.
- (b) A primary entrance may be up to three hundred fifty (350) feet from a street sidewalk if the primary entrance faces and opens directly onto a connecting walkway that qualifies as a major walkway spine.
- (c) If an Apartment Building or Mixed-Use building has more than one (1) front facade, and if one (1) of the front facades faces and opens directly onto a street sidewalk, the primary entrances located on the other front facade(s) need not face a street sidewalk or connecting walkway.

- **Street-Facing Facades.** Every building containing four (4) or more dwelling units shall have at least one (1) building entry or doorway facing all adjacent streets that are smaller than a full arterial or has on-street parking.
- At least one (1) door providing direct access for emergency responders from the outside into each individual Rowhouse Building must be located within one hundred fifty (150) feet from the closest emergency access easement or designated fire lane as measured along paved walkways. Neither an exterior nor an interior garage door shall satisfy this requirement.

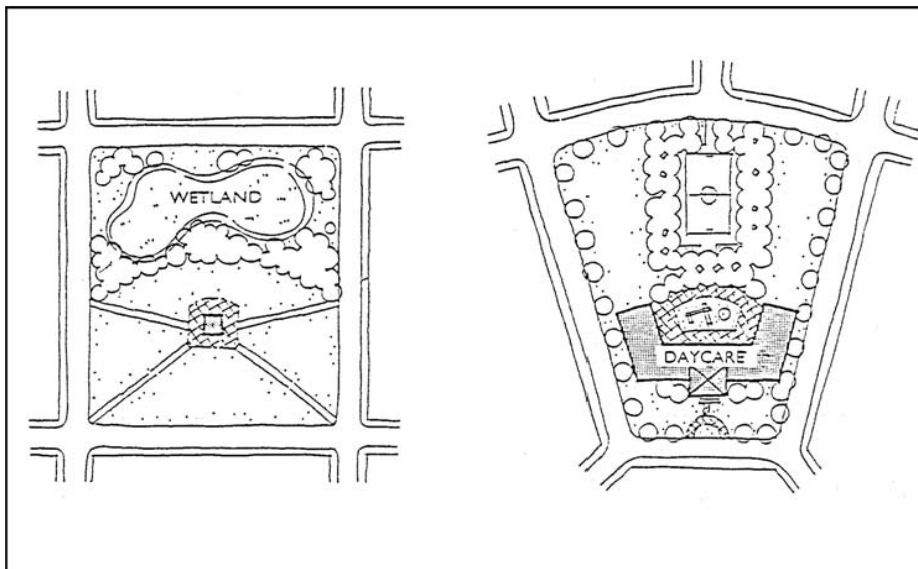
(E) **Block Requirements.** All development shall comply with the applicable standards set forth below, unless the decision maker determines that compliance with a specific element of the standard is infeasible due to unusual topographic features, existing development, safety factors or a natural area or feature:

- (1) **Block Structure.** Each multi-unit project shall be developed as a series of complete blocks bounded by streets (public or private). (See Block Examples at 5(a)-(f) below). Natural areas, irrigation ditches, high-voltage power lines, operating railroad tracks and other similar substantial physical features may form up to two (2) sides of a block.
- (2) **Block Size.** All blocks shall be limited to a maximum size of seven (7) acres.
- (3) **Mid-block Pedestrian Connections.** If any block face is over seven hundred (700) feet long, then walkways connecting to other streets shall be provided at approximately mid-block or at intervals of at least every six hundred fifty (650) feet, whichever is less.
- (4) **Minimum Building Frontage.** Forty (40) percent of each block side or fifty (50) percent of the block faces of the total block shall consist of either building frontage, plazas or other function open space.
- (5) **Block Examples.**

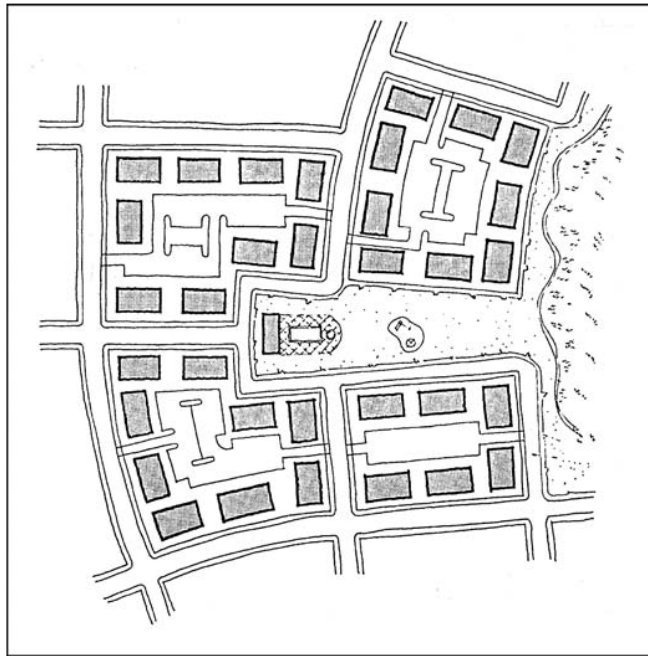
(a) Figure of Shopping Center on One Block



(b) Figure of Park/Civic Block



(c) Figure of Garden Apartment Block



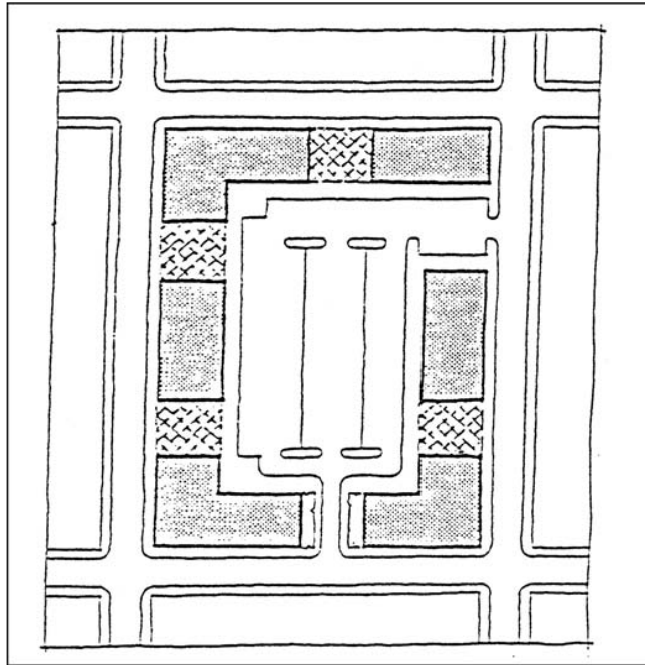
(d) Figure of Townhouses and Small Lot Houses



(e) Figure of Bungalow Block



(f) Figure of Office Block



(F) Residential Building Setbacks, Lot Width, and Size

- (1) **Setback from Arterial Streets.** Except as provided in Articles 2 and 3, the minimum setback for residential buildings and all incidental detached accessory buildings shall be thirty (30) feet from any arterial street right-of-way.
- (2) **Setback from Nonarterial Streets.** Except as provided in Articles 2 and 3, the minimum setback for residential buildings and all incidental detached accessory buildings shall be fifteen (15) feet from any public street right-of-way.
- (3) **Exceptions to the setback standards.** Exceptions to Subsection (1) and (2) are permitted if one (1) of the following is met:
 - (a) Each unit side that faces the street has a porch and/or balcony that has a minimum depth of six (6) feet (as measured from the building facade to the far side posts, railings/spindles) and a minimum length of eight (8) feet. If more than one (1) side of a unit faces the street, then only one (1) side is required to comply.
 - (b) An outdoor space such as a plaza, courtyard, patio or garden is located between a building and the sidewalk, provided that such space shall have landscaping, low walls, fencing or railings, a tree canopy and/or other similar site improvements along the sidewalk designed for pedestrian interest, comfort and visual continuity.
 - (c) All ground units that face a street are ADA compliant units that have street-facing porches that are directly and individually accessed from the public sidewalk by a connecting walkway that is at least six (6) feet in width.
 - (d) All ground units that face a street with a transit stop that fronts the building are affordable housing units, each having a street-facing stoop that directly accesses the public sidewalk by a connecting walkway.
 - (e) A project is within an area in the Downtown that is designated in the Downtown Plan as allowing "main street storefront" buildings with zero or minimal setback.
- (4) **Side and Rear Yard Setbacks.** Except as provided in Articles 2 and 3, the minimum side yard setback for all residential buildings and for all detached accessory buildings that are incidental to the residential building shall be five (5) feet from the property line, except for garages accessed from alleys or private drives where the associated dwelling faces on-site walkways rather than street sidewalks for which the minimum setback from an alley or private drive shall be eight (8) feet. If a zero-lot-line development plan is proposed, a single six (6) foot minimum side yard is required. Rear yard setbacks in residential areas shall be a minimum of eight (8) feet from the rear property line, except for garages and storage sheds not exceeding eight (8) feet in height, where the minimum setback shall be zero (0) feet.
- (5) **Setback for Windmills.** Windmills shall be set back from the property lines a minimum of one (1) foot for every foot of height of the structure measured from the ground to the top of the highest blade of the windmill; provided, however, that, if the applicant demonstrates with a certified analysis of a licensed professional engineer that the structure will collapse rather than topple, then this requirement may be waived by the Director. Shadow flicker shall not be allowed to cross any property line.

5.3.3 NEIGHBORHOOD CENTERS

- (A) **Access to Neighborhood Centers.** At least ninety (90) percent of the dwellings in all development projects greater than forty (40) acres shall be located within three thousand nine hundred sixty (3,960) feet (three-quarters [$\frac{3}{4}$] mile) of either a neighborhood center contained within the project, or an existing neighborhood center located in an adjacent development, or an existing or planned Neighborhood Commercial District commercial project, which distance shall be measured along street frontage, and without crossing an arterial street. Neighborhood centers shall meet the requirements contained in subparagraphs (B) through (E) below.
- (B) **Location.** A neighborhood center shall be planned as an integral part of surrounding residential development and located where the network of local streets provides direct access to the center. Neighborhood centers that are located on arterial streets and that include retail uses or restaurants shall be spaced at least three thousand nine hundred sixty (3,960) feet (three-quarters [$\frac{3}{4}$] mile) apart.
- (C) **Use Requirements.**
- (1) A neighborhood center shall include two (2) or more of the following uses:
- mixed-use dwelling units;
 - community facilities;
 - neighborhood support/recreation facilities;
 - schools;
 - child care centers;
 - places of worship or assembly;
 - convenience retail stores;
 - retail stores, offices;
 - financial services and clinics with less than five thousand (5,000) square feet of building footprint area;
 - personal or business service shops;
 - standard or fast food restaurants (without drive-in or drive-through facilities);
 - small animal veterinary clinics;
 - 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;
 - artisan or photography studios or galleries;
 - dog day cares;
 - music studios;
 - micro-breweries/distilleries/wineries; and
 - grocery stores and health and membership clubs.
- (2) No drive-in facilities shall be permitted.
- (3) A neighborhood center shall not exceed five (5) acres in size, excluding such portion of the neighborhood center which is composed of a school, park, place of worship or assembly and/or outdoor space as defined in Subparagraph (E) of this Section.
- (D) **Design and Access.** The design of neighborhood centers shall be integrated with surrounding residential areas by matching the scale of nearby residential buildings; providing direct access from surrounding residential areas; creating usable outdoor spaces; orienting building entrances to connecting walkways; and to the extent reasonably feasible, maintaining/continuing the architectural themes or character of nearby neighborhoods.

- (E) **Outdoor Spaces.** A publicly accessible outdoor space such as a park, plaza, pavilion or courtyard shall be included within or adjacent to every neighborhood center to provide a focal point for such activities as outdoor gatherings, neighborhood events, picnicking, sitting and passive and active recreation.

5.3.4 SMALL NEIGHBORHOOD PARKS

At least ninety (90) percent of the dwellings in any development project of ten (10) acres or larger as measured along the street frontage shall be located within a maximum of one-third (1/3) mile of either a neighborhood park or a privately owned park, that is at least one (1) acre in size.

- (A) **Location.** Such parks shall be highly visible, well-defined settings formed by the street layout and pattern of lots and easily observed from streets. Rear facades and rear yards of dwellings shall not abut more than two (2) sides or more than fifty (50) percent of the perimeter frontage of the park.
- (B) **Accessibility.** All parts of such parks shall be safely and easily accessible by and open to the public.
- (C) **Facilities.** Such parks shall consist of multiple-use turf areas, walking paths, plazas, pavilions, picnic tables, benches or other features for various age groups to enjoy.
- (D) **Ownership and Maintenance.** Such parks may, in the discretion of the City, be acquired by the City (through dedication or purchase), or be privately owned and maintained by the developer or property owners association.
- (E) **Storm Drainage.** When integrating storm drainage and detention functions to satisfy this requirement, the design of such facilities shall not result in slopes or gradients that conflict with other recreational and civic purposes of the park.

5.3.5 GARAGE DESIGN

- (A) **Garage Doors.** To prevent residential streetscapes from being dominated by protruding garage doors, and to allow the active, visually interesting features of the house to dominate the streetscape, the following standards shall apply:
- (1) Street-facing garage doors must be recessed behind either the front facade of the ground floor living area portion of the dwelling or a covered porch (measuring at least six [6] feet by eight [8] feet) by at least four (4) feet. Any street-facing garage doors complying with this standard shall not protrude forward from the front facade of the living area portion of the dwelling by more than eight (8) feet.
 - (2) Garage doors may be located on another side of the dwelling ("side- or rear-loaded") provided that the side of the garage facing the front street has windows or other architectural details that mimic the features of the living portion of the dwelling.
 - (3) Garage doors shall not comprise more than fifty (50) percent of the ground floor street-facing front linear building frontage. Alleys and side streets are exempt from this standard.
 - (4) Attached and multi-unit dwellings which also face a second street or a major walkway spine shall be exempt from paragraphs (1) through (3) above. The façade oriented to the second street or walkway spine shall include windows, doorways and a structured transition from public to private areas using

built elements such as porch features, pediments, arbors, low walls, fences, trellis work and/or similar elements integrated with plantings.

(5) Alternative garage door treatments shall be accepted by the Director if:

- (a) the configuration of the lot or other existing physical condition of the lot makes the application of these standards impractical; and
- (b) the proposed design substantially meets the intent of this Code to line streets with active living spaces, create pedestrian-oriented streetscapes and provide variety and visual interest in the exterior design of residential buildings.

(B) **Rear Walls of Multi-Unit Garages.** To add visual interest and avoid the effect of a long blank wall with no relation to human size, accessibility needs or internal divisions within the building, the following standards for minimum wall articulation shall apply:

(1) **Perimeter Garages.**

- (a) Length. Any garage located with its rear wall along the perimeter of a development and within sixty-five (65) feet of a public right-of-way or the property line of the development site shall not exceed sixty (60) feet in length. A minimum of seven (7) feet of landscaping must be provided between any two (2) such perimeter garages.
- (b) Articulation. No rear garage wall that faces a street or adjacent development shall exceed thirty (30) feet in length without including at least one (1) of the following in at least two (2) locations:
 - (I) change in wall plane of at least six (6) inches;
 - (II) change in material or masonry pattern;
 - (III) change in roof plane;
 - (IV) windows;
 - (V) doorways;
 - (VI) false door or window openings defined by frames, sills and lintels; and/or
 - (VII) an equivalent vertical element that subdivides the wall into proportions related to human scale and/or the internal divisions within the building. (See Figure 9A.)

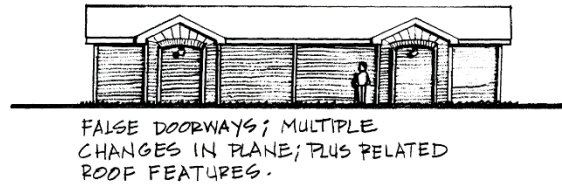
(2) **All Garages.**

- (a) Access Doors. Rear doorways shall be provided as determined by the decision maker to be reasonably necessary to allow direct access to living units without requiring people to walk around the garage to access their living units. (See Figure 9B.)

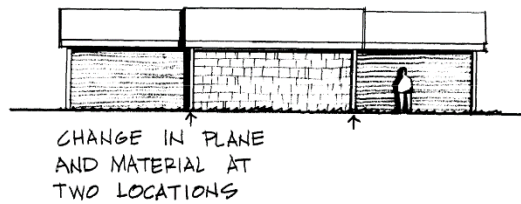
- (b) Articulation. At a minimum, a vertical trim detail that subdivides the overall siding pattern shall be provided at intervals not to exceed two (2) internal parking stalls (approximately twenty [20] to twenty-four [24] feet). In addition, the articulation described in paragraph (1)(b) above is encouraged but shall not be required.

(I) Figure 9A – Garage Articulation.

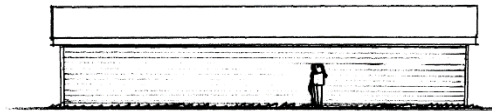
"THIS" OR



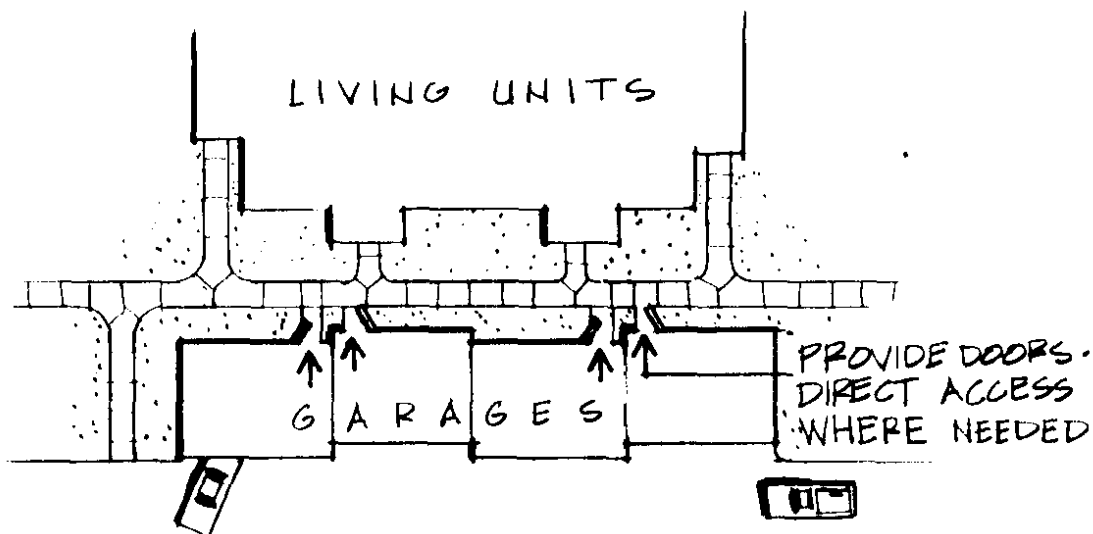
"THIS"



"NOT THIS"



(II) Figure 9B – Garage Door Direct Access



5.3.6 SECOND KITCHEN

- (A) **Second Kitchen.** A maximum of one additional kitchen may be established inside a dwelling unit without creating an additional dwelling unit if approved through a minor amendment pursuant to Section 6.3.10 and the following standards are met:

- (1) That both kitchens are accessible to all occupants of the dwelling unit;
- (2) That both kitchens have non-separated, continuous, and open access with no locked doors separating the kitchens from the rest of the dwelling unit;
- (3) That neither kitchen is located in an accessory building; and
- (4) The property owner of a dwelling unit in which a second kitchen is approved by the Director shall, prior to issuance of a building permit, sign and record with the Larimer County Clerk and Recorder a notarized affidavit stating that the second kitchen will not be used for a second dwelling unit and the property owner acknowledges and agrees that the dwelling shall only be used as a single-unit dwelling.

DIVISION 5.4 DEVELOPMENT INFRASTRUCTURE

5.4.1 DEVELOPMENT INFRASTRUCTURE

- (A) **Purpose.** Implement the variety of *place types* identified in City Plan to create a cohesive network of varying types of transportation routes, utility connections, housing variety, and recreational areas both City owned and privately owned.
- (B) **Applicability.** Applies to all development projects, unless otherwise excluded in a specific standard.

5.4.2 DEVELOPMENT IMPROVEMENTS

- (A) **Approval of City Engineer.**
 - (1) Before the Director certifies the acceptance of any final plat, the Director must be notified by the City Engineer that the required improvements have been designed according to the City's various design criteria and construction standards.
 - (2) No improvements shall be made until all required plans, profiles and specifications, including reproducible plans for the same, have been submitted to and approved by the City Engineer.
 - (3) As each portion of the improvements in a subdivision is completed, and after inspection and acceptance by the City Engineer, the amount of guaranty covering that phase of the development shall be released following the written request of the applicant to the Director.
- (B) **Development Agreement.** At the time the plans, profiles and specifications required in this Division are approved, the applicant shall enter into an agreement providing for the installation of all improvements in the subdivision required by this Code. Such agreement shall establish and set forth the extent to which the City is to participate in the cost of constructing any public improvements, including, without limitation, collector or arterial streets. No final plan or plat or other site specific development plan shall be approved by the City or recorded until such agreement has been fully executed. Such agreement shall further provide that the applicant will fully account to the City for all costs incurred in the construction of any public improvement in which the City is participating, and the books and records of the applicant relating to such public improvement shall be open to the City at all reasonable times for the purpose of auditing or verifying such costs. Such agreement (and any amendments thereto) shall be recorded by the City with the Larimer County Clerk and Recorder with all recording costs to be paid to the City by the applicant.
- (C) **Development Guarantee and Maintenance and Repair Guarantees.**
 - (1) **Construction Security.**

- (a) Prior to the issuance of a Development Construction Permit for a new development, the developer must provide to the City a guarantee in the form of a development bond, performance bond, letter of credit, cash, certificate of deposit or other City-approved means to guarantee the completion of all public improvements to be constructed as shown on the approved plans for the development (hereafter referred to as the "construction security").
- (b) The amount of the construction security shall be equal to the total cost of the developer's portion of the public improvements, as estimated by the developer and approved by the City Engineer.
- (c) As progress is made on the construction of the new public infrastructure, the developer may request a reduction in the amount of construction security in proportion to the actual completion percentage of the installed infrastructure. However, draws upon such construction security shall not exceed the actual cost of completing a deficient development project or making any necessary repairs. Upon receipt of such a request, the City shall verify the completion percentage and permit the substitution of an approved construction security instrument in an amount equal to the cost of the developer's portion of the remaining public improvements.

(2) Maintenance/Repair Security.

- (a) The plat shall contain a two (2) year maintenance guarantee and a five (5) year repair guarantee covering all errors or omissions in the design and/or construction. Said guarantees shall run concurrently and shall commence upon the date of completion of the public improvements and acceptance by the City, as described in paragraph 6.3.3(C)(3) (Execution of Plats/Deeds; Signature Requirements).
- (b) If a plat is not required or if the plat does not include the entire area being developed, then said maintenance and repair guarantees shall be established in a development agreement. Security for the maintenance guarantee and the repair guarantee (hereinafter referred to as the "maintenance/repair security") shall be in the form of a bond, letter of credit, cash, certificate of deposit, an extension of the security as provided in paragraph (1) above or other City-approved means to secure said maintenance and repair. The amount of the maintenance/repair security during the maintenance guarantee period shall be based on a percentage of the cost of the public improvements. Said percentage shall be determined by the City Engineer based on the potential costs of repairs within the development and shall not exceed twenty-five (25) percent.
- (c) At the conclusion of the two (2) year maintenance/repair period, representatives of the City and the developer shall jointly conduct an inspection of the development for the purpose of identifying any repairs or maintenance actions necessary before transfer of the maintenance responsibility from the developer to the City. Upon satisfactory completion of said repairs or maintenance actions, the City will assume the responsibility for maintaining the streets and other improvements which have been dedicated to the City

(3) Maintenance/Repair Security Extension.

- (a) Whether maintenance/repair security must be provided by the developer for the remaining three (3) years of the repair guarantee period shall depend upon the condition of the streets and other public infrastructure within the development.
- (b) The developer shall not be required to provide such additional maintenance/repair security for streets or infrastructure that, upon inspection by the City Engineer, are found not to exhibit any evidence of deterioration or defect (including, without limitation, excessive cracking, settlements, deflections, rutting, potholes or other similar defects), other than normal wear and tear. However, if evidence of such deterioration or defect is exhibited, then the existing maintenance/repair security shall be required to be renewed, or a new security shall be required for the final three (3) years of the repair guarantee period.
- (c) The amount of the maintenance/repair security during the repair guarantee period shall be based on a percentage of the cost of the public improvements. Said percentage shall be determined by the City Engineer based on the potential costs of repairs within the development, shall not exceed twenty-five (25) percent, and may be adjusted if appropriate during the guarantee period.

- (4) **Affordable Housing Security Exemption.** Notwithstanding the security requirements contained in subparagraphs (1), (2) and (3) above, applications for the construction of affordable housing projects shall be totally or partially exempt from such security requirements according to the following criteria:
- (a) The security authorized under this subsection (C) shall be entirely waived for development projects in which one hundred (100) percent of the dwelling units qualify as affordable housing units for sale or for rent.
 - (b) The security authorized under this subsection (C) shall be reduced in direct proportion to the percentage of affordable housing units for sale or for rent that are provided in the development project (within the authorized waiver range of ten [10] percent to one hundred [100] percent), in accordance with the following formula:
 - $$\frac{\text{number of affordable housing units}}{\text{total number of housing units}} \times \text{total security required} = \text{amount of security waived}$$
 - (c) The security authorized under this subsection (C) shall not be reduced if less than ten (10) percent of the dwelling units within the project qualify as affordable housing units for sale or for rent.
 - (d) In order to determine whether a development project is eligible for a waiver or reduction of fees under this subparagraph (4), any applicant seeking such waiver or reduction must submit documentation evidencing the eligibility of the development project to the City Engineer, who may, upon review of such documentation, reduce the amount of said security in accordance with this subparagraph (4). Prior to the issuance of any certificate of occupancy for the development project, a final determination shall be made by the City Engineer as to whether the development project qualifies for a waiver or reduction of the security. In the event that the City Engineer determines that the development project does not so qualify, security shall be increased to the level required in the applicable subparagraph (1), (2) or (3) above, and the security shall be deposited with the City prior to the issuance of the first certificate of occupancy.

- (D) **Required Improvements Prior to Issuance of Building Permit.** The following improvements shall be required prior to the issuance of a Building Permit, unless otherwise specified in the development agreement:
- (1) *Survey Monuments.* The applicant shall provide survey monuments as required by Articles 51 and 53, Title 38, C.R.S.
 - (2) *Sanitary Sewers.* The applicant shall provide adequate lines and stubs to each lot as required by the current standards of the utility provider (if not the City) or current City design criteria and construction standards, whichever is applicable.
 - (3) *Water Mains.* The applicant shall provide adequate mains and stubs to each lot as required by the current standards of the utility provider (if not the City) or current City design criteria and construction standards, whichever is applicable.
 - (4) *Fire Hydrants.* The applicant shall provide sufficient fire hydrants as required according to the Fire Code.
 - (5) *Stormwater Drainage.* The applicant shall provide stormwater facilities and appurtenances as required by Section 26-544 of the City Code and, where applicable, such facilities shall conform to Section 10-37 of the City Code.
 - (6) *Streets, Alleys and Paths.* The applicant shall provide street improvements necessary to serve the lot or lots in accordance with Section 24-95 of the City Code.
 - (7) *Utilities (including, without limitation, communications, electric power, gas, water, sewer).*
 - (a) Except as hereafter provided, all new utility facilities on or adjoining the development shall be installed underground and, if located in a street or alley, shall be installed, inspected and approved in accordance with the permit required pursuant to Section 23-16 of the City Code, prior to the completion of street or alley surfacing. To the extent feasible, the undergrounding of utilities shall be planned, coordinated and installed in an orderly fashion from deepest to shallowest.

- (b) Aboveground facilities necessarily appurtenant to underground facilities shall be allowed, but shall be located outside of the parkway area that is between the street and sidewalk where detached sidewalks exist and, in all circumstances, shall be located at least two (2) feet behind the back of the sidewalk, or if there is no sidewalk, behind the edge of the pavement.
- (c) Roadway lighting fixtures with their poles and junction boxes, as well as traffic signals with their controller cabinets, are exempt from this requirement.
- (d) Any aboveground facilities shall be located so as to not cause a sight obstruction for vehicular, pedestrian or bicycle traffic.
- (e) In addition, all existing overhead utilities located on the development site, or adjoining the development site in public rights-of-way or utility easements, whether they serve the development or not, shall be relocated underground when such relocation is an incidental conversion associated with other public improvements in conjunction with the development project.

Exceptions:

- (I) New or existing overhead utility facilities shall be allowed if they:
 - (i) are electric transmission lines above forty (40) kilovolts nominal; or
 - (ii) are temporary in nature for the purpose of servicing construction or lands not developed to urban qualifications; or
 - (iii) are required to be installed on a temporary basis while an underground utility facility is being repaired; or
 - (iv) are necessary to span natural barriers such as canyons, rivers or boulder fields where an underground installation would be extremely impractical.
- (II) Existing overhead utility facilities shall be allowed if they:
 - (I) are capable of serving only territories anticipated to be annexed to the City in the future; or
 - (II) traverse the periphery of the development for a distance less than four hundred (400) feet (and provided that the developer has installed conduit to accommodate future undergrounding); or
 - (III) are distribution lines which will be removed upon future development, or
 - (IV) are electric distribution circuits of utilities that do not provide electric service to persons within the City.

(E) Required Improvements Prior to Issuance of Certificate of Occupancy.

- (1) The improvements in subparagraph (3) shall be required prior to the issuance of a certificate of occupancy.
- (2) In cases where the strict interpretation of this provision would place undue hardship upon the person requesting the certificate of occupancy, and the health, safety and welfare of the public would not be placed at risk, he or she may be permitted to establish an escrow account in an amount acceptable to the Director which will cover the costs of completion of the required improvements and the maintenance of any incomplete street sections which might be involved.
- (3) The amount so placed in escrow shall be available to ensure to the City that the subject improvements are installed in the event that the person requesting the certificate of occupancy fails to install the same as agreed:
 - (a) Sidewalks. All on-site sidewalks shall be installed as required by City specifications.
 - (b) Street signs. All street signs shall be installed as required by the Traffic Operations Engineer and shall conform to the Manual of Uniform Traffic Control Devices.
 - (c) Streets, alleys and paths.

- (I) All streets shall be paved with curbs and gutters installed in accordance with the approved utility plans.
 - (II) All alleys and paths required to be constructed by the City shall be paved. In cases where a previously existing street which has not been brought up to City specifications is located within a subdivision, such street shall be paved with curbs and gutters installed in order to meet City specifications.
 - (III) All streets existing within ownership of the lands which make up any subdivision shall be shown on the subdivision plat. If any subdivision is located adjacent to any existing street right-of-way, the applicant shall improve local streets to the full width and collector and arterial streets to one-half (½) width except as is otherwise provided herein below, with pavement, curb, gutter, sidewalk and any other required street improvements as necessary to bring such street up to City specifications.
 - (IV) Notwithstanding the foregoing, collector and arterial streets shall be constructed to such specifications as shall be necessary in the judgment of the City Engineer based upon traffic safety considerations, and taking into account the traffic impact of the development upon such arterial or collector street.
 - (V) No such arterial street shall be constructed to a width of less than thirty-six (36) feet.
- (d) Streetlights. All streetlights shall be installed as required according to City specifications.
- (e) Drainage.
- (I) The construction of stormwater drainage facilities required by the approved Development Plan Documents must be consistent with the Stormwater Criteria Manual as it may be modified from time to time.
 - (II) Such stormwater drainage facility must be verified by an authorized City inspector at the appropriate phases of construction activities as specified in the Development Certification Checklist issued by Water Utilities Engineering and available on the City of Fort Collins website.
 - (III) In the event of non-compliance, the City shall have the option to withhold building permits and/or certificates of occupancy or use any other legal remedy that may be provided in the City Code, the Land Use Code and/or the Development Agreement, as determined appropriate to ensure that the Developer properly installs all privately owned stormwater improvements associated with the development as specified in the Development Plan Documents.
 - (IV) In addition, a "Drainage Certification" prepared by a Professional Engineer licensed in the State of Colorado must be provided. The "Certification" must confirm to the City that all stormwater drainage facilities required to serve the property have been constructed in conformance with the approved Development Plan Documents so as to protect downstream property and the quality of Stormwater runoff from the property to comply with the City's Municipal Separate Storm Sewer System permit. Such certification must be in the form required by the City's Stormwater Criteria Manual and Construction Standards.
- (f) Other. All other improvements required as a condition of approval of the plat shall be completed.
- (g) Where applicable, the person requesting a certificate of occupancy shall be required to conform to the provisions of Section 10-38 of the City Code by submitting a post-construction floodproofing elevation certificate to the Utilities Executive Director for the City's permanent records.

(F) Off-Site Public Access Improvements.

(1) Path Improvements.

- (a) All developments must have adequate access to the City's Improved Arterial Street Network, as described below, or to a street that connects to the Improved Arterial Street Network. Exceptions to the

foregoing requirements may be granted for streets which have adequate funds appropriated by the City for improvement to current standards.

- (b) The developer of any property which does not have such adequate access to an Improved Arterial Street or which does not have such adequate access to streets which connect to the Improved Arterial Street Network, along the primary access routes for the development, shall be required to improve the impacted intervening streets as follows:
 - (I) For arterial and collector streets, such improvements shall consist, at a minimum, of constructing a thirty six (36) foot wide paved street cross section on a base that is adequate to accommodate the ultimate design of the street either (1) as designated on the Master Street Plan, or (2) in accordance with the City design criteria for streets, whichever is applicable.
 - (II) For all other street classifications, the off-site improvements shall be designed and constructed to City standards including, without limitation, curb, gutter, sidewalk and pavement.
 - (III) All streets that connect to the Improved Arterial Street Network shall include the width and improvements necessary to maintain a level of service as defined by Part II of the City of Fort Collins Multi-modal Transportation Level of Service Manual for the length required to connect to the Improved Arterial Street Network.
 - (IV) Off-site public access improvements shall be required for all primary access routes that will, in the judgment of the Traffic Engineer, carry the most trips (per travel mode) generated by the development as defined by the Transportation Impact Study required by Section 5.4.10.
- (c) To identify the improvements to be made as a condition of approval of the development, the City Engineer shall utilize a map entitled the "Improved Arterial Street Network" depicting, as nearly as practicable, (1) all existing arterial and collector streets in the City; and (2) the current structural condition of the same.
- (d) A waiver to these requirements may be granted by the City Engineer for primary access routes which, in the judgment of the City Engineer, are in substantial compliance with the City standards applicable for such routes and are designed and constructed to adequately accommodate the traffic impacts of the development.

(4) **Costs and Reimbursements.**

- (a) Off-site streets, street intersections, sidewalks, alleys, paths or other related improvements to serve the development site or such improvements along the perimeter of the development site shall be funded by the developer unless otherwise agreed by the City Manager, in his or her discretion. The developer (and others providing funding, including but not limited to the City) may be entitled to request reimbursement under paragraph (b).
- (b) The entire cost of such construction (including right-of-way acquisition) shall be the responsibility of such developer.
- (c) If, within twelve (12) months of the completion and acceptance by the City of such improvements, the developer installing such improvements (the "Funding Developer") has entered into a reimbursement agreement with the City in the manner prescribed by this Section, then, at the time that other property adjacent to the improvements (the "Adjacent Property") is developed or redeveloped and access to such improvements is accomplished or other benefit from such improvements is conferred, the City may collect from the developer of the Adjacent Property a proportionate charge, based upon the cost incurred by the Funding Developer, plus an inflation factor, and based upon the benefit conferred upon the Adjacent Property.
- (d) For the purpose of this Section, benefit to the Adjacent Property may include, among other things, the construction of improvements that will allow the Adjacent Property to be developed in accordance with the requirements of Section 5.4.10, where, in the absence of the improvements, such development

would not be allowed to proceed. Said charge, if imposed by the City, shall be paid prior to the issuance of any building permits for the Adjacent Property; provided, however, that the City shall not attempt to make such collection unless the reimbursement agreement has been timely and properly prepared, executed and delivered to the City.

- (l) If such charge is collected, the City shall reimburse the Funding Developer to the extent of such collection after deducting a service charge of three (3) percent to cover administrative costs.
- (e) All costs for the construction (including right-of-way acquisition) of such improvements must be fully paid by the Funding Developer before such person shall be entitled to reimbursement under any agreement established hereunder. The amount of the reimbursement assessed by the City for each Adjacent Property as it develops shall be based on:
- (l) The fair market value (as determined by the City) of any right-of-way acquired by the Funding Developer that was needed for, and is directly attributable to, the improvements; and
 - (ll) The original cost of design and construction of the improvements plus an adjustment for inflation based on the construction cost index for Denver, Colorado, as published monthly by "Engineering News Record." (If said index shows deflation, the adjustment shall be made accordingly, but not below the original cost as submitted by the Funding Developer and approved by the City Engineer.)
 - (i) The original cost of the right-of-way and design and construction shall mean the cost of right-of-way acquisition, financing, engineering, construction and any other costs actually incurred which are directly attributable to the improvements, including any costs incurred for the formation or administration of a special improvement district.
- (f) The City's obligation to reimburse the Funding Developer shall be contingent upon the City's actual collection of the charge from the developer of the Adjacent Property. In order to obtain approval of a reimbursement agreement from the City, the Funding Developer shall provide the City Engineer with copies of the following, after acceptance of the improvements:
- (l) real estate closing documents and/or appraisals or other documents showing to the satisfaction of the City the fair market value of the right-of-way for the improvements;
 - (ll) an invoice from the Funding Developer's engineer for any fee assessed on the project;
 - (lll) the contractor's application for final payment approved by the Funding Developer's engineer;
 - (lV) a letter from the Funding Developer and/or contractor certifying that final payment has been received by the contractor;
 - (lV) a letter from the Funding Developer and/or engineer certifying that final payment of engineering fees has been made;
 - (lVI) a letter from the Funding Developer certifying the portion of the cost which has been funded by such developer and also any portions funded by others, and naming such proportionate contributors, if any;
 - (lVII) a map prepared by a licensed engineer or surveyor which shows:
 - (i) the location of the improvements constructed;
 - (ii) the name of the owner of each Adjacent Property which is benefited by the improvements;
 - (iii) the proportionate benefit conferred upon each Adjacent Property, together with the assessment due based on the original costs;
 - (iv) the acreage and parcel number of each Adjacent Property;

- (v) a reference to the book, page and reception number from the records of the county Clerk and Recorder where the information for each property was obtained; and
- (vi) any other information deemed necessary by the City Engineer.

Any right to reimbursement pursuant to this provision shall not exceed a period of ten (10) years from the acceptance by the City of the street improvements. The City Council may approve extensions of the reimbursement agreement for additional ten (10) year periods. No such reimbursement shall be made unless the person entitled to reimbursement has fully satisfied his or her obligations under any other reimbursement agreements with the City.

(G) City Participation in Certain Street Improvements.

- (1) If a street within or adjacent to the development is improved as an arterial or collector street rather than as a local street, the developer making such improvements shall be reimbursed in accordance with the provisions of Section 24-112 of the Code of the City of Fort Collins.
- (2) If an off-site street is improved to a width in excess of thirty six (36) feet, and provided that such excess width is not required because of the traffic impacts of the development, the City Engineer shall compute the extra expense caused by such street being improved to such excess width. Such extra expense shall be paid by the City out of the Transportation Improvements Fund established in Section 8-87. The City's obligations to participate in such costs shall be limited to those funds budgeted and appropriated for the payment requested. The participation of the City shall be limited to the costs of design, construction and right-of-way acquisition as limited pursuant to Section 24-112 of the City Code and costs of curbs, gutters or sidewalks exceeding local standards.
- (3) If the right to develop has lapsed or been abandoned pursuant to Sections 6.3.10 and 6.3.11 and no extension has been granted, any right to City participation, pursuant to this Section and Chapter 24 of the City Code, shall be limited to those improvements substantially completed and accepted by the City Engineer at the time of the termination.

5.4.3 ENGINEERING DESIGN STANDARDS

Development Projects must comply with all design standards, requirements and specifications for the following services as certified by the appropriate agency or variances must be granted by such agency:

- water supply
- sanitary sewer
- mass transit
- fire protection
- flood hazard areas
- telephone
- walks/bikeways
- irrigation companies
- electricity
- natural gas
- storm drainage
- cable television
- streets/pedestrians
- broadband/fiber optic

5.4.4 PLAT AND DEVELOPMENT PLAN STANDARDS

(A) General Provisions.

- (1) **Applicability.** No (1) final plat of a subdivision or (2) development plan, shall be approved and accepted by the City unless it conforms to the provisions of this Code.
- (2) **Jurisdiction.** This Division shall be applicable to all lands located within the City.
- (3) **Plat.** General Requirements.
 - (a) All plats of a subdivision of land within the City shall be filed and recorded only after having been approved by the appropriate decision maker, with such approval evidenced in writing on the plat and signed by the City Clerk.

(b) Except with respect to property which is platted as an official subdivision (or part thereof) approved in accordance with the provisions of this Code (or prior law, if applicable), no Building Permit or certificate of occupancy shall be issued for any of the following and no person shall perform any of the following:

- (I) construction of any new principal building;
- (II) enlargement of any principal building used for nonresidential purposes by more than twenty-five (25) percent of the existing floor area of such building; and/or
- (III) an act which changes the use of any building.

(B) Lots.

- (1) No lot in a subdivision shall have less area than required under the applicable zoning requirements of the City. Each lot must have vehicular access to a public street. Lots with both front and rear frontage on a street shall not be permitted except where necessary to provide separation from arterial streets or from incompatible land uses, or to take access from an alley.
- (2) The general layout of lots, roads, driveways, utilities, drainage facilities and other services within the proposed development shall be designed in a way that enhances an interconnected street system within and between neighborhoods, preserves natural areas and features, and otherwise accomplishes the purposes and intent of this Code. Applicants shall refer to the development standards set forth in Articles 2 through 5 of this Code and shall apply them in the layout of the development in order to avoid creating lots or patterns of lots that will make compliance with such development standards difficult or infeasible.

(C) Public Sites, Reservations and Dedications.

- (1) An applicant shall be required to dedicate rights-of-way for public streets, drainage easements and utility easements as needed to serve the area being developed and/or platted. In cases where any part of an existing road is abutting or within the tract being developed and/or subdivided, the applicant shall dedicate such additional rights-of-way as may be necessary to increase such roadway to the minimum width required under this Code for such street.
- (2) Reservation of sites for flood control, open space and other municipal uses shall be made in accordance with the requirements of this Code, and, generally, the City Code.

5.4.5 MASTER STREET PLAN

- (A) **Purpose.** This Section is intended to ensure that the transportation network of streets, alleys, roadways and trails is in conformance with adopted transportation plans and policies established by the City.
- (B) **General Standard.** The transportation network of any proposed development shall be in conformance with the City of Fort Collins Master Street Plan, as well as City adopted access control plans and the Larimer County Urban Area Street Standards.

- (C) **Establishment of Master Street Plan.** In order to accomplish the purposes of this Code, the location and ultimate functional classification of necessary arterial and collector streets and other transportation facilities have been established on a map entitled "City of Fort Collins Master Street Plan," dated February 15, 2011, as amended, which map is incorporated herein by reference. The Master Street Plan is on file with the City Clerk and the City Engineer.
- (D) **Compliance With Master Street Plan.** All development plans shall provide for or accommodate the streets and transportation facilities identified on the Master Street Plan that are associated with the development plan.
- (E) **Compliance with Access Control Plans.** The State Highway Access Control Code and/or any specific access control plan shall determine the location of all intersections (whether of public streets or private drives or other access ways) with state highways or City streets, as applicable. All development plans that are adjacent to a state or federal highway shall provide the access design facilities, including supporting circulation facilities, identified within any applicable adopted access control plans, when such facilities are needed because of the development plan. All development plans shall be in compliance with applicable State regulations including, but not limited to, CDOT regulations. In addition, all development plans that are adjacent to any street for which an access control plan has been adopted by the City shall provide the access design facilities, including supporting circulation facilities, identified within such access control plan, when such facilities are needed because of the development plan.

5.4.6 STREETS, STREETSCAPES, ALLEYS AND EASEMENTS

- (A) **Purpose.** This Section is intended to ensure that the various components of the transportation network are designed and implemented in a manner that promotes the health, safety and welfare of the City.
- (B) **General Standard.** Public streets, public alleys and private alleys, private streets, street-like private drives and private drives shall be designed and implemented in a manner that establishes a transportation network that protects the public health, safety and welfare. Rights-of-way and/or easements for the transportation system shall be sufficient to support the infrastructure being proposed. The transportation network shall clearly identify construction and maintenance responsibilities for the proposed infrastructure. All responsibilities and costs for the operation, maintenance and reconstruction of private streets and medians, street-like private drives and private drives shall be borne by the property owners. The City shall have no obligation to operate, maintain or reconstruct such private streets, street-like private drives and private drives nor shall the City have any obligation to accept such private streets, street-like private drives and private drives.
- (C) Streets on a project development plan or subdivision plat shall conform to the Master Street Plan where applicable. All streets shall be aligned to join with planned or existing streets. All streets shall be designed to bear a logical relationship to the topography of the land. Intersections of streets shall be at right angles unless otherwise approved by the City Engineer.
- (D) Cul-de-sacs shall be permitted only if they are not more than six hundred sixty (660) feet in length and have a turnaround at the end with a diameter of at least one hundred (100) feet. Surface drainage on a cul-de-sac shall be toward the intersecting street, if possible, and if not possible a drainage easement shall be provided from the cul-de-sac. If fire sprinkler systems or other fire prevention devices are to be installed within a residential subdivision, these requirements may be modified by the City Engineer according to established administrative guidelines and upon the recommendation of the Poudre Fire Authority.
- (E) Except as provided in subsection (D) above for cul-de-sacs, no dead-end streets shall be permitted except in cases where such streets are designed to connect with future streets on abutting land, in which case a temporary turnaround easement at the end of the street with a diameter of at least one hundred (100) feet must be dedicated and constructed. Such turnaround easement shall not be required if no lots in the subdivision are dependent upon such street for access.

- (F) If residential lots in a subdivision abut an arterial street, no access to individual lots from such arterial street shall be permitted.
- (G) Reverse curves on arterial streets shall be joined by a tangent at least two hundred (200) feet in length.
- (H) The applicant shall not be permitted to reserve a strip of land between a dedicated street and adjacent property for the purpose of controlling access to such street from such property unless such reservation is approved by the City Engineer and the control of such strip is given to the City.
- (I) Street right-of-way widths shall conform to the *Larimer County Urban Area Street Standards* as approved and amended by the City Council from time to time by ordinance or resolution.
- (J) Streetscape design and construction, including medians and parkways, shall conform to the *Larimer County Urban Area Street Standards* as approved and amended by the City Council from time to time by ordinance or resolution. Any permits that are required pursuant to the *Larimer County Urban Area Street Standards* shall be obtained by the applicant before the construction of the street, streetscape, sidewalk, alley or other public way (as applicable) is commenced.
- (K) **Public alleys** shall be controlled by the following requirements:
 - (1) **When Allowed.** Public alleys in residential subdivisions shall be permitted only when: (a) they are necessary and desirable to continue an existing pattern or to establish a pattern of alleys that will extend over a larger development area, and (b) they are needed to allow access to residential properties having garages or other parking areas situated behind the principal structure and the principal structure is on a residential local street. Public alleys shall also be provided in commercial and industrial areas unless other provisions are made and approved for service access.
 - (2) **Design Construction Requirements.** All public alleys shall be constructed in conformance with the *Larimer County Urban Area Street Standards* as adopted by the City Council by ordinance or resolution, except those public alleys within the OT zone district that do not abut commercially zoned properties and that provide access only for Accessory Dwelling Units (ADUs) and habitable accessory buildings as such terms are described in Article 4. Dead-end alleys shall not be allowed.
- (L) **Private Streets.** Private streets shall be controlled by the following requirements:
 - (1) **When Allowed.** Private streets shall be allowed in a development, provided that their function will be primarily to provide access to property within the development. Private streets shall not be permitted if (by plan or circumstance) such streets would, in the judgment of the City Engineer, attract "through traffic" in such volumes as to render public streets necessary as connections between developments, neighborhoods or other origins and destinations outside of the development plan.
 - (2) **Design Requirements.** As with public streets, the design of private streets must be completed by or under the charge of a professional engineer licensed by the State of Colorado. The design for all private streets shall be included in the utility plans for the development. Designs for public streets shall be permitted if either:
 - (a) The designs meet all standards for public streets in accordance with the *Larimer County Urban Area Street Standards*, as adopted by the City Council by ordinance or resolution; or
 - (b) The designs have customized treatments and features including travel lanes; parallel or diagonal street parking; tree-lined sidewalks with the sidewalks either detached or attached with trees in cutouts; and

crosswalks. Other features such as bikeways, landscaped medians, corner plazas, custom lighting, bike racks, and identity signs may be provided to afford an appropriate alternative to a standard City street in the context of the development plan. Head-in parking may only be used in isolated parking situations where the effect on the character of the street is negligible. Customized treatments and features will not be approved unless the City determines that such treatments and features present no safety risk to the public and that the City's utilities will not incur maintenance or replacement costs for their utilities above normal costs associated with the City's standard design.

- (3) **Construction Requirements.** The construction of all private streets shall be under the direct supervision of a professional engineer licensed by the State of Colorado, who must certify that all improvements for private streets have been completed in accordance with the plans approved by the City. In addition, the construction of private streets shall be subject to inspection by the City Engineer for compliance with City standards established in the *Larimer County Urban Area Street Standards*, as adopted by the City Council by ordinance or resolution, and in accordance with the approved plans for the development. All private streets shall be subject to the same bonding and warranty requirements as are established for public streets.
- (4) **Traffic Control.** All traffic control devices for the private street system, such as signs, signals, striping, speed control devices (traffic calming) and speed limits, must meet City standards. All plans for traffic control, including any proposed revisions, must be reviewed and approved by the Traffic Engineer prior to installation thereof.
- (5) **Operation, Maintenance and Reconstruction.**
 - (a) The developer of a private street system must submit to the City that portion of the covenants, declarations and/or bylaws of the appropriate property owners association which defines the responsibilities for the operation, maintenance and reconstruction of the private street system, the costs of which must be borne by the property owners and not the City.
 - (b) The documents must provide for maintenance, reconstruction, drainage, lighting, landscaping, traffic control devices and any other special conditions. This information must also be shown on the plat and site plan for the development with the added statement that the City has no obligation to perform or pay for repair and maintenance or any obligation to accept the streets as public streets.
 - (c) At the time of recording of the plat, the developer shall also record a notice in the Larimer County, Colorado records showing the location of such street and identifying the property or properties which are burdened with the obligation of operation, maintenance and reconstruction of such street, and affirming that the City has no such obligation, or any obligation to accept such street as a public street.
- (6) **Naming and Addressing.** Private streets shall be named and addressed in the same manner as public streets, in accordance with the laws and standards of the City.
- (7) **Gated Developments.** Gated street entryways into residential developments are prohibited in accordance with Subsection 5.4.7(G). Gated entryways for private streets are also prohibited.

(M) Private Drives.

- (1) **When Allowed.**
 - (a) Internal access or additional cross-access. Private drives shall be allowed in a development, provided that their function will only be to provide access to property within the development or *additional* cross-access between developments that are also connected by a street(s). Private drives shall not be permitted if (by plan or circumstance) such drives would, in the judgment of the City Engineer, attract "through traffic" in such volumes as to render such drives necessary as connections between developments, neighborhoods or other origins and destinations outside of the development plan.

- (b) Primary access. A private drive shall be allowed to provide primary access to a development, provided that the drive is in compliance with Subparagraph (a) above.
- (c) A private drive shall not be permitted if it prevents or diminishes compliance with any other provisions of this Code.

(2) **Design Requirements.** Private drives shall be designed to meet the following criteria:

- (a) If any property served by the private drive cannot receive fire emergency service from a public street, then all emergency access design requirements shall apply to the private drive in accordance with Section 5.4.8. An "emergency access easement" must be dedicated to the City for private drives that provide emergency access.
- (b) Private drives which must comply with Section 5.4.8 for emergency access shall be limited to an overall length of six hundred sixty (660) feet from a single point of access (measured as the fire hose would lay).
- (c) Private drives which must comply with Section 5.4.8 for emergency access shall be limited to an overall length of six hundred and sixty (660) feet from a single point of access (measure as the fire hose lay).
- (d) The design of private drives shall comply with all the standards for *Emergency Access* as contained in Section 5.4.8.
- (e) Access locations on public or private streets shall be placed in accordance with City standards.
- (f) The connection of a private drive with a public street shall be made in accordance with City street standards.
- (g) If drainage from a private drive is channeled or directed to a public street, such drainage shall be in accordance with City street standards.

(3) **Construction Requirements.** The construction of all private drives shall be under the direct supervision of a professional engineer licensed by the State of Colorado, who must certify that all improvements for private drives have been completed in accordance with the plans approved by the City. In addition, the construction of private drives that will serve emergency access purposes shall be inspected by the City Engineer for compliance with City standards and the approved plans in the same manner as is required by the City for public streets.

(4) **Operation, Maintenance and Reconstruction.**

- (a) The developer of a private drive must submit to the City that portion of the covenants, declarations and/or by-laws of the appropriate property owners association which defines the responsibilities for the operation, maintenance and reconstruction of the private drive, the costs of which must be borne by the property owners and not the City.
- (b) The documents must provide for maintenance, reconstruction, drainage, policing and any other special conditions. This information must also be shown on the plat and site plan for the development with the added statement that the City has no obligation to perform or pay for repair and maintenance or any obligation to accept the private drives as public streets.
- (c) At the time of recording of the plat, the developer shall also record a notice in the Larimer County, Colorado records showing the location of such drive and identifying the property or properties which are burdened with the obligation of operation, maintenance and reconstruction of such drive, and

affirming that the City has no such obligation, nor any obligation to accept such drive as a public street or drive.

- (5) **Naming and Addressing.** Private drives shall be named, if necessary, to comply with the standards for *Emergency Access* as contained in Section 5.4.8. Addressing of the property shall be assigned by the City in conformance with the Larimer County Urban Area Street Standards.
- (6) **Gated Developments.** Gated street entryways into residential developments are prohibited in accordance with subsection 5.4.7(G). Gated entryways for private drives are also prohibited.

(N) **Easements.** Easements shall be controlled by the following requirements:

- (1) Public and private easements shall be provided on lots for utilities, public access, stormwater drainage or other public purposes as required and approved by the City Engineer.
- (2) Pedestrian and bicycle paths shall be provided to accommodate safe and convenient pedestrian and bicycle movement throughout the subdivision and to and from existing and future adjacent neighborhoods and other development; all such pedestrian and bicycle paths shall be constructed in conformity with the *Larimer County Urban Area Street Standards* as adopted by the City Council by ordinance or resolution.
- (3) Development plans shall incorporate and continue any public access easements so as to connect them to any such easements that exist on abutting properties.
- (4) The subdivider shall be responsible for adequate provisions to eliminate or control flood hazards associated with the subdivision in accordance with Chapter 10 of the City Code. Agreements concerning stormwater drainage between private parties shall be subject to City review and approval.

5.4.7 STREET PATTERN AND CONNECTIVITY STANDARDS

- (A) **Purpose.** This Section is intended to ensure that local street system is well designed with regard to safety, efficiency and convenience for automobile, bicycle, pedestrian, mobility devices, and transit modes of travel.

For the purposes of this Division, “local street system” shall mean the interconnected system of collector and local streets providing access to development from an arterial street.

- (B) **General Standard.** The local street system of any proposed development shall be designed to be safe, efficient, convenient and attractive, considering use by all modes of transportation that will use the system, (including, without limitation, cars, trucks, buses, bicycles, pedestrians, mobility devices and emergency vehicles). The local street system shall provide multiple direct connections to and between local destinations such as parks, schools and shopping. Local streets must provide for both intra- and inter-neighborhood connections to knit developments together, rather than forming barriers between them. The street configuration within each parcel must contribute to the street system of the neighborhood.
- (C) **Spacing of Full Movement Collector and Local Street Intersections With Arterial Streets.** Potentially signalized, full-movement intersections of collector or local streets with arterial streets shall be provided at least every one thousand three hundred twenty (1,320) feet or one-quarter ($\frac{1}{4}$) mile along arterial streets, unless rendered infeasible due to unusual topographic features, existing development or a natural area or feature.
- (D) **Spacing of Limited Movement Collector or Local Street Intersections With Arterial Streets.** Additional non-signalized, potentially limited movement, collector or local street intersections with arterial streets shall be spaced at intervals not to exceed six hundred sixty (660) feet between full movement collector or local street intersections, unless rendered infeasible due to unusual topographic features, existing development or a natural area or feature.

The City Engineer may require any limited movement collector or local street intersections to include an access control median or other acceptable access control device. The City Engineer may also allow limited movement intersection to be initially constructed to allow full movement access.

- (E) Distribution of Local Traffic to Multiple Arterial Streets.** All development plans shall contribute to developing a local street system that will allow access to and from the proposed development, as well as access to all existing and future development within the same section mile as the proposed development, from at least three (3) arterial streets upon development of remaining parcels within the section mile, unless rendered infeasible by unusual topographic features, existing development or a natural area or feature.

The local street system shall allow multi-modal access and multiple routes from each development to existing or planned neighborhood centers, parks and schools, without requiring the use of arterial streets, unless rendered infeasible by unusual topographic features, existing development or a natural area or feature.

- (F) Utilization and Provision of Sub-Arterial Street Connections to and From Adjacent Developments and Developable Parcels.** All development plans shall incorporate and continue all sub-arterial streets stubbed to the boundary of the development plan by previously approved development plans or existing development. All development plans shall provide for future public street connections to adjacent developable parcels by providing a local street connection spaced at intervals not to exceed six hundred sixty (660) feet along each development plan boundary that abuts potentially developable or re-developable land.

- (G) Gated Developments.** Gated street entryways into residential developments shall be prohibited.

- (H) Alternative Compliance.** Upon request by an applicant, the decision maker may approve an alternative development plan that may be substituted in whole or in part for a plan meeting the standards of this Section.

- (1) Procedure. Alternative compliance development plans shall be prepared and submitted in accordance with submittal requirements for plans as set forth in this Section. The plan and design shall clearly identify and discuss the alternatives proposed and the ways in which the plan will better accomplish the purpose of this Section than would a plan which complies with the standards of this Section.
- (2) Review Criteria. To approve an alternative plan, the decision maker must find that the proposed alternative plan accomplishes the purposes of this Division equally well or better than would a plan and design which complies with the standards of this Division, and that any reduction in access and circulation for vehicles maintains facilities for bicycle, pedestrian, mobility devices and transit.

In reviewing the proposed alternative plan, the decision maker shall take into account whether the alternative design minimizes the impacts on natural areas and features, fosters nonvehicular access, provides for distribution of the development's traffic without exceeding level of service standards, enhances neighborhood continuity and connectivity and provides direct, sub-arterial street access to any parks, schools, neighborhood centers, commercial uses, employment uses and Neighborhood Commercial Districts within or adjacent to the development from existing or future adjacent development within the same section mile.

5.4.8 EMERGENCY ACCESS

- (A) Purpose.** This Section is intended to ensure that emergency vehicles can gain access to, and maneuver within, the project so that emergency personnel can provide fire protection and emergency services without delays.
- (B) General Standard.** All developments shall provide adequate access for emergency vehicles and for those persons rendering fire protection and emergency services by complying with Article 9, Fire Department Access and Water Supply, of the Uniform Fire Code as adopted and amended pursuant to Chapter 9 of the

City Code. All emergency access ways, easements, rights-of-way or other rights required to be granted pursuant to the Uniform Fire Code must include not only access rights for fire protection purposes, but also for all other emergency services.

5.4.9 BUS STOP DESIGN STANDARDS

- (A) **Purpose.** The purpose of this Section is to ensure that new development adequately accommodates existing and planned transit service by integrating facilities designed and located appropriately for transit into the development plan.
- (B) **General Standard.** All development located on an existing or planned transit route shall install or construct a transit stop and other associated facilities on an easement or right-of-way dedicated to the City as prescribed by the City of Fort Collins Bus Stop Design Standards and Guidelines in effect at the time of installation, unless the Director determines that adequate transit facilities consistent with the Bus Stop Design Standards already exist to serve the needs of the development. All development located on existing transit routes will accommodate the transit facilities by providing the same at the time of construction. All development located on planned routes will accommodate said facilities by including the same in the development plan and escrowing funds to enable the City or its agents to construct the transit facilities at the time transit service is provided to the development. All facilities installed or constructed shall, upon acceptance by the City, become the property of the City and shall be maintained by the City or its agent.
- (C) **Location of Existing and Planned Transit Routes.** For the purposes of application of this standard, the location of existing transit routes shall be defined by the Transfort Route Map in effect at the time the application is approved. The location of planned transit routes shall be defined according to the Transfort Strategic Operating Plan, as amended.

5.4.10 TRANSPORTATION LEVEL OF SERVICE REQUIREMENTS

- (A) **Purpose.** In order to ensure that the transportation needs of a proposed development can be safely accommodated by the existing transportation system, or that appropriate mitigation of impacts will be provided by the development, the project shall demonstrate that all adopted level of service (LOS) standards will be achieved for all modes of transportation as set forth in this Section.
- (B) **General Standard.** All development plans shall adequately provide vehicular, pedestrian, mobility devices, and bicycle facilities necessary to maintain the adopted transportation level of service standards. The vehicular level of service standards are those contained in Table 4-3 of the Larimer County Urban Area Street Standards (LCUASS). The bicycle and pedestrian level of service standards are those contained in Part II of the City of Fort Collins Multi-modal Transportation Level of Service Manual. Mitigation measures for levels of service that do not meet the standards are provided in Section 4.6 of LCUASS. No Transit level of service standards will be applied for the purposes of this Section. Notwithstanding the foregoing, adopted level of service standards need not be achieved where the necessary improvements to achieve such standards are not reasonably related and proportional to the impacts of the development. In such cases, the Director may require improvements or a portion thereof that are reasonably related and proportional to the impacts of the development, or the requirement may be varied or waived pursuant to LCUASS Section 4.6.
- (C) **Transportation Impact Study, Nominal Impact.** In order to identify those facilities that are necessary in order to comply with these standards, development plans may be required to include the submittal of a Transportation Impact Study, to be approved by the Traffic Engineer, consistent with the Transportation

Impact Study guidelines as established in LCUASS Chapter 4. Should a Transportation Impact Study not be required pursuant to LCUASS Chapter 4, a proposed development shall be deemed to have a nominal impact and shall not be subject to the transportation level of service requirements described in this Section.

DIVISION 5.5 ENVIRONMENTAL REQUIREMENTS

5.5.1 NOISE AND VIBRATION

General Standard. Proposed land uses and activities shall be conducted so that any noise generated on the property will not violate the noise regulations contained in the City's Noise Control Ordinance (Chapter 20, Article II of the City Code), and so that any vibration caused by using the property will be imperceptible without instruments at any point along the property line.

5.5.2 HAZARDOUS MATERIALS

- (A) **Purpose.** The purpose of this Section is to protect the community and neighborhood from potential harm caused directly or indirectly by hazardous materials. The proper location, construction and processing of hazardous materials facilities are important to controlling community risk. If the type and magnitude of hazardous materials emergencies can be predicted, the potential impact on adjacent land uses, emergency providers and the environment can be minimized.
- (B) **General Standard.** If any use on the development site may entail the use or storage of hazardous materials (including hazardous wastes) on-site, the project shall be designed to comply with all safety, fire and building codes for the use and storage of the hazardous materials involved. Adequate precautions shall be taken to protect against negative off-site impacts of a hazardous materials release, using the best available technology.
- (C) **Hazardous Materials Impact Analysis.** To evaluate the impact of hazardous materials risk, all development proposals that have the potential to cause off-site impacts during the release of a hazardous material shall include a Hazardous Materials Impact Analysis (HMIA). These include land uses such as gas stations, manufacturing facilities and similar establishments that require the use or storage of flammable or toxic substances.
- This analysis shall provide basic information on the project (including site layout and proposed hazardous materials use), describe likely incident scenarios, describe mitigation actions designed to limit the potential for off-site impacts on adjacent land uses or environment and describe emergency response measures in the event of a spill. Based on the information provided in the impact analysis, recommendations will be made by the Poudre Fire Authority to the relevant decision maker to protect against off-site impacts. If a HMIA is required for a development proposal, a statement indicating that such a study has been required will be included in all required written notices to property owners as defined by Section 6.3.6 of this Code, to the extent reasonably feasible.

5.5.3 GLARE OR HEAT

- (A) **Purpose.** This Section is intended to protect the community and neighborhood from glare, defined as a harsh, uncomfortably bright light. Glare can inhibit good visibility, cause visual discomfort and create safety

problems. This Section is also intended to protect the neighborhood from the adverse effects of reflected heat that could be caused by a proposed land use.

- (B) **General Standard.** If the proposed activity produces intense glare or heat, whether direct or reflected, that is perceptible from any point along the site's property lines, the operation shall be conducted within an enclosed building or with other effective screening sufficient to make such glare or heat imperceptible at the property line.
- (C) **Glare From Manufacturing Sources.** Manufacturing processes that create glare, such as welding, shall be conducted within an enclosed building or be effectively screened from public view. If the source of the glare is proposed to be screened with plant material, then the applicant must show that the screening will be effective year-round.

5.5.4 SOLAR ACCESS, ORIENTATION, AND SHADING

- (A) **Purpose.** It is the City's intent to encourage the use of both active and passive solar energy systems for heating air and water in homes and businesses, as long as natural topography, soil or other subsurface conditions or other natural conditions peculiar to the site are preserved. While the use of solar energy systems is optional, the right to solar access is protected. Solar collectors require access to available sunshine during the entire year, including between the hours of 9:00 am and 3:00 pm, MST, on December 21, when the longest shadows occur. Additionally, a goal of this Section is to ensure that site plan elements do not excessively shade adjacent properties, creating a significant adverse impact upon adjacent property owners. Thus, standards are set forth to evaluate the potential impact of shade caused by buildings, structures and trees.
- (B) **General Standard.** All development shall be designed throughout to accommodate active and/or passive solar installations to the extent reasonably feasible.
- (C) **Solar-Oriented Residential Lots.** At least sixty-five (65) percent of the lots less than fifteen thousand (15,000) square feet in area in single- and two-unit residential developments must conform to the definition of a "solar-oriented lot" in order to preserve the potential for solar energy usage.
- (D) **Access to Sunshine.** The elements of the development plan (e.g., buildings, circulation, open space and landscaping) shall be located and designed, to the maximum extent feasible, to protect access to sunshine for planned solar energy systems or for solar-oriented rooftop surfaces that can support a solar collector or collectors capable of providing for the anticipated hot water needs of the buildings in the project between the hours of 9:00 a.m. and 3:00 p.m. MST, on December 21.
- (E) **Shading.**
 - (1) The physical elements of the development plan shall be, to the maximum extent feasible, located and designed so as not to cast a shadow onto structures on adjacent property greater than the shadow which would be cast by a twenty-five (25) foot hypothetical wall located along the property lines of the project between the hours of 9:00 am and 3:00 pm, MST, on December 21. This provision shall not apply to structures within the following high-density zone districts: Downtown, Community Commercial, and Transit-Oriented Overlay District.

- (2) The impact of trees shall be evaluated on an individual basis considering the potential impacts of the shading and the potential adverse impacts that the shading could create for the adjacent properties in terms of blocking sunlight in indoor living areas, outdoor activity areas, gardens and similar spaces benefiting from access to sunlight. Shading caused by deciduous trees can be beneficial and is not prohibited.

(F) **Alternative Compliance.** Upon request by an applicant, the decision maker may approve an alternative site layout that may be substituted in whole or in part for a plan meeting the standards of this Section.

- (1) **Procedure.** Alternative compliance plans shall be prepared and submitted in accordance with submittal requirements for plans as set forth in this Section. The plan shall clearly identify and discuss the modifications and alternatives proposed and the ways in which the plan will better accomplish the purpose of this Section than a plan which complies with the standards of this Section.
- (2) **Review Criteria.** In approving an alternative plan, the decision maker shall find that the proposed alternative plan accomplishes the purposes of this Section equally or better than a plan which complies with the standards of this Section.
- (3) In reviewing the proposed alternative plan, the decision maker shall take into account whether the alternative design enhances neighborhood continuity and connectivity, fosters nonvehicular access, and preserves existing natural or topographic conditions on the site.

5.5.5 SOIL AMENDMENTS

For any development project, prior to installation of any plant materials, including but not limited to grass, seed, flowers, shrubs or trees, the soil in the area to be planted shall be loosened and amended in a manner consistent with the requirements of City Code Section 12-132(a), regardless of whether a building permit is required for the specific lot, tract or parcel in which the area is located. A certification consistent with the requirements of City Code Section 12-132(b) shall be required for the area to be planted. This requirement may be temporarily suspended or waived for the reasons and in the manner set forth in City Code Sections 12-132(c) and (d).

5.5.6 PARKS AND TRAILS

- (A) **Establishment of Parks and Recreation Policy Plan Master Plan.** In order to accomplish the purposes of this Code, the location, size and characteristics of parks and trails have been established on a plan entitled "ReCreate: Parks & Recreation Master Plan" dated January 19, 2021, as amended, which plan is hereby made a part of this Code by reference. The Parks and Recreation Policy Plan Master Plan is on file with the City Clerk.
- (B) **Purpose.** The compliance of development plans with the Parks and Recreation Policy Plan ensures that the community will have a fair and equitable system of parks, trail and recreation facilities as the community grows. Establishment of the facilities in the Parks and Recreation Policy Plan shall generally provide the same level of service to new portions of the community as the existing community enjoys.
- (C) **General Standard.** All development plans shall provide for, accommodate or otherwise connect to, either on-site or off-site, the parks and trails identified in the Parks and Recreation Policy Plan Master Plan that are associated with the development plan.

DIVISION 5.6 ENVIRONMENTAL SITE SUITABILITY

5.6.1 NATURAL HABITATS AND FEATURES

(A) **Applicability.** This Section applies if any portion of the development site is within five hundred (500) feet of an area or feature identified as a natural habitat or feature on the City's *Natural Habitats and Features Inventory Map*, or if any portion of the development site contains natural habitats or features that have significant ecological value, and such natural habitats or features are discovered during site evaluation and/or reconnaissance associated with the development review process. Natural habitats and features considered to have significant ecological value are as follows:

(1) **Natural Communities or Habitats:**

- (a) aquatic (e.g., rivers, streams, lakes, pond);
- (b) wetland and wet meadow;
- (c) native grassland;
- (d) riparian forest;
- (e) urban plains forest;
- (f) riparian shrubland;
- (g) foothills shrubland; and
- (h) foothills forest.

(2) **Special Features:**

- (a) Significant remnants of native plant communities;
- (b) Potential habitats and known locations of rare, threatened or endangered species of plants;
- (c) Potential habitats and known locations of rare, threatened or endangered species of wildlife;
- (d) Raptor habitat features, including nest sites, communal roost sites and key concentration areas;
- (e) Concentration areas for nesting and migratory shorebirds and waterfowl;
- (f) Migratory songbird concentration areas;
- (g) Key nesting areas for grassland birds;
- (h) Fox and coyote dens;
- (i) Mule deer winter concentration areas;
- (j) Prairie dog colonies one (1) acre or greater in size;
- (k) Concentration areas for rare, migrant or resident butterflies;
- (l) Areas of high terrestrial or aquatic insect diversity;
- (m) Areas of significant geological or paleontological interest; and
- (n) Irrigating ditches that serve as wildlife corridors.

(B) **Purpose.** The purpose of this Section is to ensure that when property is developed consistent with its zoning designation, the way in which the proposed physical elements of the development plan are designed and arranged on the site will protect the natural habitats and features both on the site and in the vicinity of the site.

(C) **General Standard.** The development plan shall be designed and arranged to be compatible with and to protect natural habitats and features and the plants and animals that inhabit them and integrate them within the developed landscape of the community by: (1) directing development away from sensitive resources, (2) minimizing impacts and disturbance through the use of buffer zones, (3) enhancing existing

conditions, or (4) restoring or replacing the resource value lost to the community (either on-site or off-site) when a development proposal will result in the disturbance of natural habitats or features.

- (D) **Ecological Characterization and Natural Habitat or Feature Boundary Definition.** The boundary of any natural habitat or feature shown on the *Natural Habitats and Features Inventory Map* is approximate. The actual boundary of any area to be shown on a project development shall be proposed by the applicant and established by the Director through site evaluations and reconnaissance and shall be based on the ecological characterization of the natural habitat or feature in conjunction with the map.

(1) ***Ecological Characterization Study.***

- (a) If the development site contains, or is within five hundred (500) feet of, a natural habitat or feature, or if it is determined by the Director, upon information or from inspection, that the site likely includes areas with wildlife, plant life and/or other natural characteristics in need of protection, then the developer shall provide to the City an ecological characterization report prepared by a City approved professional qualified in the areas of ecology, wildlife biology or other relevant discipline.
- (b) At least ten (10) working days prior to the submittal of a project development plan application for all or any portion of a property, a comprehensive ecological characterization study of the entire property must be prepared by a qualified consultant and submitted to the City for review.
- (c) The Director may waive any or all of the following elements of this requirement if the City already possesses adequate information required by this subsection to establish the buffer zone(s), as set forth in subsection (E) below, and the limits of development ("LOD"), as set forth in subsection (N) below. The ecological characterization study shall describe, without limitation, the following:
- (I) the wildlife use of the area showing the species of wildlife using the area, the times or seasons that the area is used by those species and the "value" (meaning feeding, watering, cover, nesting, roosting, perching) that the area provides for such wildlife species;
 - (II) the boundary of wetlands in the area and a description of the ecological functions and characteristics provided by those wetlands;
 - (III) any prominent views from or across the site;
 - (IV) the pattern, species and location of any significant native trees and other native site vegetation;
 - (V) the pattern, species and location of all non-native trees and vegetation that contribute to the site's ecological, shade, canopy, aesthetic and cooling value;
 - (VI) the top of bank, shoreline and high water mark of any perennial stream or body of water on the site;
 - (VII) areas inhabited by or frequently utilized by Sensitive and Specially Valued Species;
 - (VIII) special habitat features;

- (IX) wildlife movement corridors;
- (X) the general ecological functions provided by the site and its features;
- (XI) any issues regarding the timing of development-related activities stemming from the ecological character of the area; and
- (XII) any measures needed to mitigate the projected adverse impacts of the development project on natural habitats and features.

(2) Wetland Boundary Delineation.

- (a) Wetland boundary delineations of both a non-jurisdictional wetland and "jurisdictional wetland" shall be established in accordance with the U.S. Army Corps of Engineers 1987 Wetland Delineation Manual and the appropriate Regional Supplement, and classified according to the U.S. Fish and Wildlife Service wetland classification system. In establishing the boundaries of a wetland, the applicant and the Director shall use soil samples, vegetation analysis and hydrological evidence.
- (b) If at least one of the required criteria for wetland delineation, hydric soil, hydrophytic vegetation, or hydrology, is present on the development site, the applicant shall communicate the criterion or criteria to the Director for consideration.
- (c) The Director may also utilize the standards and guidelines and/or the professional recommendations of the U.S. Army Corps of Engineers or other organization, individual, or governmental entity in reviewing such boundaries. These shall be identified in the submittal documents for the review of the project development plan (if applicable, or if not applicable, the most similar development review) and prior to commencement of any construction activities.

(E) Establishment of Buffer Zones. Buffer zones surrounding natural habitats and features shall be shown on the project development plan for any development that is subject to this Division. The purpose of the buffer zones is to protect the ecological character of natural habitats and features from the impacts of the ongoing activity associated with the development.

(1) Buffer Zone Performance Standards. The decision maker shall determine the buffer zones for each natural habitat or feature contained in the project site. The buffer zones may be multiple and noncontiguous. The general buffer zone distance is established according to the buffer zone table below, but the decision maker may reduce any portion of the general buffer zone distance so long as the reduced buffer complies with the performance standards set forth below. To mitigate a reduced portion of the buffer area, the decision maker may also enlarge any portion of the general buffer zone distance if necessary to ensure that the buffer complies with the performance standards set forth below. The buffer zone performance standards are as follows:

- (a) The project shall be designed to preserve or enhance the ecological character or function and wildlife use of the natural habitat or feature and to minimize or adequately mitigate the foreseeable impacts of development.

- (b) The project, including, by way of example and not by way of limitation, its fencing, pedestrian/bicycle paths and roadways, shall be designed to preserve or enhance the existence of wildlife movement corridors between natural habitats and features, both within and adjacent to the site.
- (c) The project shall be designed to preserve existing trees and vegetation that contribute to the site's ecological, shade, canopy, aesthetic, habitat and cooling value. Notwithstanding the requirements of Section 5.10.1(F), trees and vegetation within the Limits of Development must be preserved or, if necessary, mitigated based on the values established by the Ecological Characterization Study or the City Environmental Planner. Such mitigation, if necessary, shall include trees, shrubs, grasses, or any combination thereof, and must be planted within the buffer zone.
- (d) The project shall be designed to protect from adverse impact species utilizing special habitat features such as key raptor habitat features, including nest sites, night roosts and key feeding areas as identified by the Colorado Parks and Wildlife Division ("CPW") or the Fort Collins Natural Areas Department ("NAD"):
 - (I) key production areas;
 - (II) wintering areas and migratory feeding areas for waterfowl;
 - (III) heron rookeries;
 - (IV) key use areas for wading birds and shorebirds;
 - (V) key use areas for migrant songbirds;
 - (VI) key nesting areas for grassland birds;
 - (VII) fox and coyote dens;
 - (VIII) mule deer winter concentration areas as identified by the CPW or NAD;
 - (IX) prairie dog colonies one (1) acre or greater in size;
 - (X) key areas for rare, migrant or resident butterflies as identified by the NAD;
 - (XI) areas of high terrestrial or aquatic insect diversity as identified by the NAD;
 - (XII) remnant native prairie habitat;
 - (XIII) mixed foothill shrubland;
 - (XIV) foothill ponderosa pine forest;
 - (XV) plains cottonwood riparian woodlands; and
 - (XVI) wetlands of any size.
- (e) The project shall be designed so that the character of the proposed development in terms of use, density, traffic generation, quality of runoff water, noise, lighting and similar potential development impacts shall minimize the degradation of the ecological character or wildlife use of the affected natural habitats or features.
- (f) The project shall be designed to integrate with and otherwise preserve existing site topography, including, but not limited to, such characteristics as steepness of slopes, existing drainage features, rock outcroppings, river and stream terraces, valley walls, ridgelines and scenic topographic features.
- (g) The project shall be designed to enhance the natural ecological characteristics of the site. If existing landscaping within the buffer zone is determined by the decision maker to be incompatible with the purposes of the buffer zone, then the applicant shall undertake restoration and mitigation measures such as regrading and/or the replanting of native vegetation.

- (h) The project may be designed to provide appropriate human access to natural habitats and features and their associated buffer zones in order to serve recreation purposes, provided that such access is compatible with the ecological character or wildlife use of the natural habitat or feature.
- (i) Fencing associated with the project shall be designed to be compatible with the ecological character and wildlife use of the natural habitat or feature.

(2) Development Activities Within the Buffer Zone.

- (a) No disturbance shall occur within any buffer zone and no person shall engage in any activity that will disturb, remove, fill, dredge, clear, destroy or alter any area, including vegetation within natural habitats or features including without limitation lakes, ponds, stream corridors and wetlands, except as provided in subsection (c) below.
- (b) If the development causes any disturbance within the buffer zone, whether by approval of the decision maker or otherwise, the applicant shall undertake restoration and mitigation measures within the buffer zone such as regrading and/or the replanting of native vegetation. The applicant shall undertake mitigation measures to restore any damaged or lost natural resource either on-site or off-site at the discretion of the decision maker. Any such mitigation or restoration shall be at least equal in ecological value to the loss suffered by the community because of the disturbance, and shall be based on such mitigation and restoration plans and reports as have been requested, reviewed and approved by the decision maker. Unless otherwise authorized by the decision maker, if existing vegetation (whether native or non-native) is destroyed or disturbed, such vegetation shall be replaced with native vegetation and landscaping.
- (c) The decision maker may allow disturbance or construction activity within the buffer zone for the following limited purposes:
 - (I) mitigation of development activities;
 - (II) restoration of previously disturbed or degraded areas or planned enhancement projects to benefit the natural area or feature;
 - (III) emergency public safety activities;
 - (IV) utility installations when such activities and installations cannot reasonably be located outside the buffer zone or other nearby areas of development;
 - (V) construction of a trail or pedestrian walkway that will provide public access for educational or recreational purposes provided that the trail or walkway is compatible with the ecological character or wildlife use of the natural habitat or feature; and
 - (VI) construction or installation of recreation features or public park elements, provided that such features or elements are compatible with the ecological character or wildlife use of the natural habitat or feature.

(d) Buffer Zone Table for Fort Collins Natural Habitats and Features.

Natural Habitat or Feature	Buffer Zone Standard⁶
Isolated Areas	
Irrigation ditches that serve as wildlife corridors	50 feet
Isolated patches of native grassland or shrubland	50 feet
Isolated patches of native upland or riparian forest	50 feet
Woodlots/farmstead windbreaks	25 feet
Naturalized irrigation ponds	50 feet
Naturalized storm drainage channels/detention ponds	50 feet
Lakes or reservoirs	100 feet
Wetlands < 1/3 acre in size	50 feet
Wetlands > 1/3 acre in size, without significant use by waterfowl and/or shorebirds	100 feet
Wetlands > 1/3 acre in size, with significant use by waterfowl and/or shorebirds	300 feet
Stream Corridors	
Boxelder Creek	100 feet
Cache la Poudre River (west UGA boundary to College Avenue)	300 feet
Cache la Poudre River in downtown (College to Lincoln Avenue) ²	200 feet
Cache la Poudre River (Lincoln Avenue to east UGA boundary)	300 feet
Cooper Slough	300 feet
Dry Creek	100 feet
Fossil Creek and Tributaries	100 feet
Spring Creek	100 feet
Special Habitat Features/Resources of Special Concern	
Bald eagle communal feeding sites	660 feet
Bald eagle communal roost sites	1,320 feet
Bald eagle nest sites	2,640 feet
Winter raptor concentration areas	300 feet
Great blue heron colonial nest sites	825 feet
Migratory waterfowl concentration areas	300 feet
Nesting waterfowl concentration areas	300 feet
Migratory shorebird concentration areas	300 feet
Nesting shorebird concentration areas	300 feet
Migratory songbird concentration areas	300 feet
Locations of Preble's meadow jumping mouse	300 feet
Locations of fox, coyote and badger dens	50 feet
Locations of rare butterfly species	site analysis
Locations of rare, threatened or endangered plant species	site analysis
Locations of geological or paleontological sites of special interest	site analysis
Prairie dog colonies	site analysis

- (I) Note that these buffer zone standards do not apply in areas zoned RDR - River Downtown Redevelopment. Alternative standards are included in the description of this zone district.
- (II) Table distances may be modified as described in Section 5.6.1(E)(1) above to meet performance standards.

- (III) Buffer zone table distances shall be measured in a straight line without regard to topography. Measurements will be made from the outer edge of the natural habitat or feature to the boundary of the lot, tract or parcel of land that defines and describes the development and:
 - (i) Isolated area buffer zones such as woodlots, farm windbreaks and forests will be measured from the outer edge of the drip line toward the boundary of such lot, tract or parcel of land;
 - (ii) Wetlands, grasslands and shrubland buffer zones will be measured from the outside edge of the habitat toward the boundary of such lot, tract or parcel of land;
 - (iii) Stream corridors, lakes, reservoirs and irrigation ditches buffer zones will be measured from the top of bank toward the boundary of such lot, tract or parcel of land;
 - (iv) Special habitat features/resources of special concern will be measured as a radius starting from the outer edge of the habitat toward the boundary of such lot, tract or parcel of land; and
 - (v) Locations of geological or paleontological sites of special interest will be measured from the outer edge of the feature toward the boundary of such lot, tract or parcel of land.

(F) Protection of Wildlife Habitat and Ecological Character.

- (1) **Rare, Threatened or Endangered Species.** If the ecological characterization report required pursuant to Subsection (D)(1) above shows the existence in a natural habitat or feature of a rare, threatened or endangered species of plant or wildlife, then the development plan shall include provisions to ensure that any habitat contained in any such natural habitat or feature or in the adjacent buffer zone which is of importance to the use or survival of any such species shall not be disturbed or diminished and, to the maximum extent feasible, such habitat shall be enhanced. (NOTE: Some studies, e.g., rare plant surveys, are time-limited and can only be performed during certain seasons.)
- (2) **Sensitive or Specially Valued Species.** If the ecological characterization report required pursuant to subsection (D)(1) above shows the existence in a natural habitat or feature of a plant or wildlife species identified by the City as a sensitive or specially valued species, excluding threatened or endangered species, then the development plan shall include provisions to protect, enhance, or mitigate impacts to any such natural habitat or feature or in the adjacent buffer zone which is of importance to the use or survival of any such species to the extent reasonably feasible.
- (3) **Connections.** If the development site contains existing natural habitats or features that connect to other off-site natural habitats or features, to the maximum extent feasible the development plan shall preserve such natural connections. If natural habitats or features lie adjacent to (meaning in the region immediately round about) the development site, but such natural habitats or features are not presently connected across the development site, then the development plan shall, to the extent reasonably feasible, provide such connection. Such connections shall be designed and constructed to allow for the

continuance of existing wildlife movement between natural habitats or features and to enhance the opportunity for the establishment of new connections between areas for the movement of wildlife.

- (4) **Wildlife Conflicts.** If wildlife that may create conflicts for the future occupants of the development (including, but not limited to, prairie dogs, beaver, deer and rattlesnakes) are known to exist in areas adjacent to or on the development site, then the development plan must, to the extent reasonably feasible, include provisions such as barriers, protection mechanisms for landscaping and other site features to minimize conflicts that might otherwise exist between such wildlife and the developed portion of the site.

(G) Lakes/Riparian Area Protection

- (1) **Lakes, Reservoirs and Ponds.** If the development site contains a lake, reservoir or pond, the development plan shall include such enhancements and restoration as are necessary to provide reasonable wildlife habitat and improve aesthetic quality in areas of shoreline transition and areas subject to wave erosion. The development plan shall also include a design that requires uniform and ecologically and aesthetically compatible treatment among the lots or tracts surrounding a lake, reservoir or pond with regard to the establishment of erosion control protection and shoreline landscaping on or adjacent to such lots or tracts. Water bodies and features such as irrigation ponds, reflecting pools and lagoons constructed as new landscaping features of a development project shall be exempt from the standards contained in this subparagraph.
- (2) **Streambank Stabilization.** When the Stormwater Master Plans and the Storm Drainage Design Criteria and Construction Standards of the City require streambank stabilization, native vegetation shall be utilized for such purpose, and engineered stabilization techniques such as exposed rip rap shall be avoided, to the maximum extent feasible. The use of native vegetation shall be the principal means of streambank stabilization, and the use of rip-rap for streambank stabilization shall be restricted to locations where the use of vegetation techniques is not reasonably feasible.

(H) Ridgeline Protection.

- (1) **Ridgeline Setback.** So that structures blend more naturally into the landscape rather than being a prominent focal point, no development shall intrude into any ridgeline protection area identified and designated by the Director during the development review process in conjunction with the establishment of the LOD and the buffer zone. For the purposes of this subsection, a designated ridgeline protection area shall include the crest of any hill or slope so designated, plus the land located within one hundred (100) horizontal feet (plan view) on either side of the crest of the hill or slope.
- (2) **Building Height and Profile.** Multilevel buildings shall follow the general slope of the site in order to keep the building height and profile in scale with surrounding natural features.

(I) Design and Aesthetics.

- (1) **Project design.** Projects in the vicinity of large natural habitats and/or natural habitat corridors, including, but not limited to, the Poudre River Corridor and the Spring Creek Corridor, shall be designed to complement the visual context of the natural habitat. Techniques such as architectural design, site design, the use of native landscaping and choice of colors and building materials shall be utilized in such

manner that scenic views across or through the site are protected, and manmade facilities are screened from off-site observers and blend with the natural visual character of the area. These requirements shall apply to all elements of a project, including any aboveground utility installations.

- (2) **Visual Character of Natural Features.** Projects shall be designed to minimize the degradation of the visual character of affected natural features within the site and to minimize the obstruction of scenic views to and from the natural features within the site.

- (J) **Stormwater Drainage/Erosion Control.** All stormwater drainage and erosion control plans shall meet the standards adopted by the City Stormwater Utility for design and construction and shall, to the maximum extent feasible, utilize nonstructural control techniques, including but not limited to:
 - (1) limitation of land disturbance and grading;
 - (2) maintenance of vegetated buffers and natural vegetation;
 - (3) minimization of impervious surfaces;
 - (4) use of terraces, contoured landscapes, runoff spreaders, grass or rock-lined waterways;
 - (5) use of infiltration devices; and
 - (6) use of recharge basins, seepage pits, dry wells, seepage beds or ditches, porous pavement or sub-drain systems

- (K) **Water Rights.** To the extent that a development plan proposes the creation of water features such as lakes, ponds, streams or wetlands, the plan must include clear and convincing evidence that such water features will be supplied with sufficient water whether by natural means or by the provision of sufficient appropriative water rights. No development plan shall be approved which would have the effect of injuring or diminishing any legally established water supply for any natural area.

- (L) **Compatibility with Public Natural Areas or Conserved Land.** If the project contains or abuts a publicly owned natural area or conserved land, the development plan shall be designed so that it will be compatible with the management of such natural area or conserved land. In order to achieve this, the development plan shall include measures such as barriers or landscaping measures to minimize wildlife conflicts, setbacks or open space tracts to provide a transition between the development and the publicly owned natural area or conserved land, and educational signage or printed information regarding the natural values, management needs and potential conflicts associated with living in close proximity to such natural area or conserved land.

- (M) **Access to Public Natural Areas or Conserved Land.** In the event that the development plan contains or abuts a publicly owned natural area or conserved land, the development plan shall include such easements and rights-of-way as are necessary to allow reasonable access for the public to such natural area or conserved land, unless such access is deemed by the decision maker to be unnecessary and undesirable for the proper public utilization of such natural area or conserved land. Any such access requirement or dedication shall be credited (based upon a fair market value analysis) against any such natural area or conserved land dedication or fee-in-lieu thereof required by the City. If the development site contains any privately owned natural area or open lands, any access provided to such area or open lands, whether for private or public use, if determined to be appropriate, shall be designed and managed in such manner as to minimize the disturbance of existing wildlife using such area.

- (N) **Standards for Protection During Construction.** For every development subject to this Division, the applicant shall propose, and the Director shall establish, measures to be implemented during the actual

construction phase of the project to ensure protection of natural habitats and features and their associated buffer zones, as follows:

- (1) **Limits of Development.** The applicant shall propose, and the Director shall establish on the project development plan, a "limits of development" ("LOD") line(s) to establish the boundary of the project outside of which no land disturbance activities will occur during the construction of the project. The purpose of the LOD lines shall be to protect natural habitats and features and their associated buffer zones from inadvertent damage during site construction activities. The location of the LOD shall be designed to preserve significant ecological characteristics of the affected natural habitat or feature that could not reasonably be restored if disturbed by construction activities associated with the project. The LOD shall also be designed to accommodate the practical needs of approved construction activity in terms of ingress and egress to the developed project and necessary staging and operational areas.
- (2) **Designation.** LODs, as approved by the Director, shall be shown on the final plan for development. LODs shall be designated in the field prior to commencement of excavation, grading or construction with fencing or other methods approved by the Director.
- (3) **Barrier Fencing.** Construction barrier fencing shall be provided at the limits of development during construction. For the protection of natural habitats and features, including but not limited to trees and clumps of trees to be preserved with a buffer zone that is to be disturbed, tree protection specifications as described in subsection 5.10.1(G)(1) and (3) through (7) shall be followed.
- (4) **Construction Timing.** Construction shall be organized and timed to minimize the disturbance of Sensitive or Specially Valued Species occupying or using on-site and adjacent natural habitats or features.
- (5) **Red-tailed and Swainson's Hawk Nest Sites.**
 - (a) No tree with an active nest shall be removed unless a permit for such removal has been obtained by the developer from the United States Fish and Wildlife Service.
 - (b) To the extent reasonably feasible, trees that are known to have served as nest sites shall not be removed within five (5) years of the last known nesting period. If the tree is removed, it shall be mitigated in accordance with Section 5.10.1, Landscaping and Tree Protection Standards.
 - (c) A temporary LOD of a four-hundred-fifty (450) foot radius shall be established for Red-tailed and Swainson's hawk active nest sites during the period from February 15 through July 15 of the first year of a multi-year development construction project.
- (6) **Prairie Dog Removal.** Before the commencement of grading or other construction on the development site, any prairie dogs inhabiting portions of the site within the LOD shall be relocated or eradicated by the developer. Prairie dog relocation shall be accomplished using methods reviewed and approved by the Colorado Parks and Wildlife Division. Following relocation or eradication activities, a report shall be provided to the City that documents when prairie dog removal occurred, the method(s) that were used to remove prairie dogs, measures taken to ensure that prairie dogs will not re-inhabit the site, and confirmation that no threatened or endangered species were harmed by removal activities.
- (O) **Proof of Compliance.**

- (1) If a proposed development will disturb an existing wetland, the developer shall provide to the City a written statement from the U.S. Army Corps of Engineers that the development plan fully complies with all applicable federal wetland regulations as established in the federal Clean Water Act.

5.6.2 AIR QUALITY

- (A) **General Standard.** The project shall conform to all applicable local, state and federal air quality regulations and standards, including, but not limited to, those regulating odor, dust, fumes or gases which are noxious, toxic or corrosive, and suspended solid or liquid particles. The project shall be designed and constructed to comply with the dust control measures contained in the Dust Control Manual to the extent required therein.

- (B) **Setbacks From Domestic Wastewater Treatment Works to Habitable Structures.**

- (1) Unless specifically authorized pursuant to the provisions of paragraph (C) below, the minimum horizontal distances set forth in subparagraph (2) of this Subsection shall be maintained between the various kinds of wastewater treatment works listed in said subparagraph and any of the following uses:
 - (a) any residential use;
 - (b) any commercial/retail use except frozen food lockers, enclosed mini-storage facilities and properties used principally as parking lots or parking garages;
 - (c) any industrial use except warehouses, properties used for recreational vehicle, boat or truck storage, composting facilities, outdoor storage facilities, junkyards, transport terminals, recycling facilities, and resource extraction;
 - (d) any institutional/civic/public use except cemeteries, golf courses, public facilities, parks, recreation and other open lands, places of worship or assembly; and
 - (e) any accessory/miscellaneous uses except agricultural activities, farm animals, satellite dishes (greater than thirty-nine [39] inches in diameter), and wireless communication facilities.
- (2) The following minimum horizontal distances shall apply to the kinds of wastewater treatment works listed below and the uses specified in subparagraph 1. above:
 - (a) Non-aerated lagoons: one thousand three hundred twenty (1,320) feet (¼ mile).
 - (b) Aerated lagoons containing less than two (2) total surface acres with no surface aeration one hundred (100) feet.
 - (c) Aerated lagoons containing greater than two (2) total surface acres and/or with surface aeration: one thousand (1,000) feet, or with established vegetation barriers, and/or walls, berms or other topographic features to reduce aerosol drift as approved pursuant to paragraph (C) below: five hundred (500) feet.
 - (d) Small mechanical plants with less than one hundred thousand (100,000) gpd capacity and all facilities with building enclosure: one hundred (100) feet.

(e) All other mechanical plants: one thousand (1,000) feet.

- (C) **Alternative Compliance.** Upon request by an applicant, the decision maker may approve an alternative setback distance that may be substituted for a setback distance meeting the standards of this Section.
- (1) **Procedure.** Alternative compliance setback plans shall be prepared and submitted in accordance with the submittal requirements for plans as set forth in this Section. The plan shall clearly identify and discuss the setback modifications proposed and the ways in which the plan will equally well or better accomplish the purpose of this Section than would a plan which complies with the standards of this Section.
 - (2) **Review Criteria.** To approve an alternative plan, the decision maker must find that the proposed alternative plan accomplishes the purposes of this Section equally well or better than would a plan which complies with the standards of this Section.
 - (3) **Alternative Plan.** In reviewing the proposed alternative plan, the decision maker shall consider any mitigating factors that exist to counter the potential for odor problems and/or aerosol drift, including, without limitation, structural, chemical or technological mitigation occurring at the subject wastewater treatment works, established vegetation barriers and/or walls, berms, or other topographic features sufficient to serve as mitigation for odor problems and/or aerosol drift. In order to assist the decision maker in evaluating the proposed mitigation factors the Utilities Executive Director shall submit a written recommendation regarding such mitigation factors, which recommendation shall include the technical analysis and reasoning used in support of the Utilities Executive Director's recommendation.

5.6.3 WATER QUALITY

General Standard. Projects shall be designed so that precipitation runoff flowing from the site is treated in accordance with the criteria set forth in the *Stormwater Criteria Manual*.

5.6.4 WATER HAZARDS

- (A) Lands which are subject to flooding or are located in a natural drainageway shall not be approved for development or redevelopment unless the following conditions are met:
- (1) the project development plan complies with the Basin Master Drainageway Plan as applicable;
 - (2) the project development plan complies with the City's Stormwater Criteria Manual;
 - (3) the project development plan complies with the floodplain regulations as established in Chapter 10 of the City Code; and
 - (4) all measures proposed to eliminate, mitigate or control water hazards related to flooding or drainageways have been approved by the Water Utilities Executive Director.
- (B) If a project includes a water hazard such as an irrigation canal, water body or other water channel, necessary design precautions shall be taken to minimize any hazard to life or property, and additional measures such as fencing, water depth indicators and erection of warning signs shall be taken, to the extent reasonably feasible.

- (C) Any lands that are subject to high groundwater (meaning groundwater at an elevation such that basement flooding is reasonably anticipated by the City Engineer to occur) shall not be platted for building lots with basements unless adequate provisions to prevent groundwater from entering basements have been designed and approved by the City Engineer.

5.6.5 HAZARDS

- (A) If the project contains potential areas of natural or geologic hazard (such as unstable or potentially unstable slopes, faulting, landslides, rockfalls) or soil conditions (such as expansive soils) unfavorable to development, the applicant shall provide to the Director a study of such hazards produced by a geotechnical engineer licensed in the state of Colorado. Such study shall contain, where appropriate, recommendations for special mitigation measures and engineering precautions that shall be taken to overcome those limitations. In the alternative, if determined to be a safe and reasonable option by the geotechnical engineer, such areas may be set aside from development.
- (B) Steep or unstable land and areas having inadequate drainage shall not be subdivided into building lots unless the applicant makes adequate provisions to prevent the same from endangering life, health or other property.

5.6.6 HEALTH RISKS

- (A) **Purpose.** This Section is intended to protect the occupants of and visitors to the site following development from health risks that may be presented by the existence of dangerous chemicals, metals or other substances, microorganisms, germs, bacteria or viruses, which pose a health risk to the potential occupants of and/or visitors to the development site if permitted to develop.
- (B) **General Standard.** If, because of credible evidence in the possession of the City or the applicant, whether written or otherwise, there is a reasonable suspicion or belief that the development site contains dangerous chemicals, metals or other substances, microorganisms, germs, bacteria or viruses, which pose a health risk to the potential occupants of and/or visitors to the development site if permitted to develop, then the applicant shall either take such actions as are necessary to satisfy the decision maker that such health risks have been reasonably mitigated, or shall demonstrate to the decision maker by presentation of written statements from either the Larimer County Health Department or from specialists appropriate in education and training to examine the risks, showing that the suspicion of danger and health risk is scientifically unfounded and that actual, reasonable risk is unlikely.

5.6.7 OTHER JURISDICTION ENVIRONMENTAL COMPLIANCE

- (A) If the Director obtains credible information regarding threatened or pending regulatory oversight or enforcement related to an environmental condition of the property to be developed, or an environmental impact related to the development plan, then the Director may require the developer to provide to the City written statements from such governmental agencies as the Director may designate as having related jurisdiction based on the nature of the oversight or enforcement or environmental impact.
 - (a) Said statements shall verify that the development plan fully complies with environmental regulations within the jurisdiction of the writing agency. If the developer, after a diligent effort, is unable to obtain such written verifications from one (1) of more of the designated agencies, the developer shall at least provide to the City a written verification from said agency that the City's approval of the development plan will not interfere with a threatened or pending environmental enforcement action of said agency.

- (B) All required written statements shall be provided to the Director prior to the scheduling of the hearing for the project development plan.

DIVISION 5.7 COMPACT URBAN GROWTH STANDARDS

5.7.1 COMPACT URBAN GROWTH

- (A) **Purpose.** The City has adopted a compact urban growth policy that encourages and directs development to take place within areas contiguous to existing development in the community. Such a policy seeks to accomplish several goals, including:
- (1) improving air quality by reducing vehicle miles traveled and by encouraging mass transit and alternatives to the private automobile;
 - (2) preserving natural areas and features, particularly in the periphery of the City;
 - (3) making possible the efficient use of existing infrastructure and cost-effective extensions of new services;
 - (4) encouraging infill development and reinvestment in built-up areas of the City; and
 - (5) promoting physical separation from neighboring communities to help each maintain its individual identity and character.
- (B) **Establishment of Growth Management Area.** The City has adopted a cooperative planning area policy in the City Plan that includes a Growth Management Area as adopted by Intergovernmental Agreement with Larimer County.
- (C) **General Standard.** No development shall be approved unless it is located within the City limits and meets the specific standards set forth in this Division relating to the required degree of contiguity, availability of adequate public facilities and access.

5.7.2 CONTIGUITY

- (A) **Development Approval Criteria.** No development for any site within the City limits shall be approved unless it meets the following minimum requirements:
- (1) **Degree of Contiguity.** At least one-sixth (1/6) of the proposed development's boundaries must be contiguous to existing urban development within either the City or unincorporated Larimer County within the Growth Management Area. For purposes of this Section, contiguity shall not be affected by the existence of a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, publicly owned open space, or a lake, reservoir, stream or other natural or artificial waterway between the proposed development and existing urban development.
 - (2) **Existing Urban Development Defined.** For purposes of this Section, *existing urban development* shall mean industrial uses; commercial/retail uses; institutional/civic/public uses; or residential uses having an overall minimum density of at least one (1) unit per acre; and provided further that all engineering improvements for any such development, including paved streets, public sewer and water, stormwater

drainage and other utilities, and fire suppression consistent with the Fire Code must have been completed.

- (3) **Exemption for Properties Located Within Certain Planned Subareas.** Development located within the following planned subareas are not required to comply with the requirements of this Section :
- (a) Fossil Creek Reservoir Area; and
 - (b) Harmony Corridor.
- (B) **Developments Outside the Growth Management Area.** No development application shall be accepted or approved as part of an annexation petition if the proposed development is located outside the Growth Management Area.
- (C) **Waiver/Exceptions.** The Planning and Zoning Commission may waive or make modifications to the contiguity requirements of this Section upon making a specific finding that the proposed development will:
- (1) Substantially advance the implementation of the City Plan in the provision of Medium-Density Mixed-Use Neighborhoods or Community Commercial Districts;
 - (2) Produce special benefits to the City in terms of large-scale open space dedication or preservation, completion of regional trail linkages, or substantially advance other primary open space and recreational goals contained in the City Plan;
 - (3) Produce special benefits to the City in terms of long-term economic development opportunity in accordance with the City Plan; or
 - (4) Promote the infilling of an area with already existing noncontiguous urban-level development.

5.7.3 ADEQUATE PUBLIC FACILITIES

- (A) **Purpose.** The purpose of the adequate public facilities (APF) management system is to establish an ongoing mechanism which ensures that public facilities and services needed to support development are available concurrently with the impacts of such development.
- (B) **Applicability.** This Section shall apply to all development in the City.
- (C) **APF Management System.**
- (1) **APF Management System Established.** In order to implement the City's Principles and Policies, the adequate public facilities management system ("APF management system") is hereby established. The APF management system is incorporated into and shall be part of the development review procedures as well as the process for issuance of Building Permits.
 - (2) **General Requirements.** The approval of all development shall be conditioned upon the provision of adequate public facilities and services necessary to serve new development. No Building Permit shall be issued unless such public facilities and services are in place, or the commitments described in subparagraph (E)(1)(a)(II) below have been made, or with respect to transportation facilities, a variance under LCUASS Section 4.6.7 or an alternative mitigation strategy under LCUASS Section 4.6.8 has been approved. Under this APF management system, the following is required:

- (a) The City shall adopt and maintain level of service standards for the following public facilities: transportation, water, wastewater, storm drainage, fire and emergency services, electrical power and any other public facilities and services required by the City.
- (b) No site specific development plan or Building Permit shall be approved or issued in a manner that will result in a reduction in the levels of service below the adopted level of service standards for the affected facility, except as expressly permitted under this Section (and the referenced provisions of LCUASS).

(D) **Level of Service Standards.** For the purpose of review and approval of new development and the issuance of Building Permits, the City hereby adopts the following level of service standards for the public facilities and services identified below:

(1) **Transportation.**

- (a) All development must have access to the Improved Arterial Street Network or to a street for which funds have been appropriated to fund improvement as an arterial street as more specifically required in Section 5.4.2, Development Improvements, (F) Off-site Public Access Improvements.
- (b) Except as provided in Subsection (E)(1) below, all development shall meet or exceed the following transportation level of services standards:
 - (I) The vehicular level of service standards for overall intersection level of service standards contained in Table 4-3 of the Larimer County Urban Area Street Standards (LCUASS). Alternative mitigation strategies are provided in LCUASS Section 4.6.8.
 - (II) The bicycle and pedestrian level of service standards are contained in Part II of the City of Fort Collins Multi-modal Transportation Level of Service Manual. Variances for levels of service that do not meet the standards are provided in LCUASS Section 4.6.7.
 - (III) No transit level of service standards contained in Part II of the Multi-modal Transportation Manual will be applied for the purposes of this Section.
- (c) If any off-site improvements are required by the standards contained in this Section, repayments for the costs of such improvements shall be provided to the developer in accordance with the provisions of Section 5.4.2(F).

- (2) **Water.** All development shall provide adequate and functional lines and stubs to each lot as required by the current City or special district, as applicable, design criteria and construction standards.
- (3) **Wastewater.** All development shall provide adequate and functional mains and stubs to each lot as required by the current City or special district, as applicable, design criteria and construction standards.
- (4) **Storm Drainage.** All development shall provide storm drainage facilities and appurtenances as required by Sections 26-544 and 10-37 of the Municipal Code and by all current City storm drainage master plans, design criteria and construction standards.

- (5) **Fire and Emergency Services.** All development shall provide sufficient fire suppression facilities as required by the Fire Code.
- (6) **Electrical Power Service.** All development shall have service provided as described in the Electric Construction Policies, Practices, and Procedures, and the Electric Service Rules and Regulations of the Fort Collins Electric Utility.

(E) Minimum Requirements for APF

- (1) The City's APF management system shall ensure that public facilities and services to support development are available concurrently with the impacts of development. In this regard, the following standards shall be used to determine whether a development meets or exceeds the minimum requirements for adequate public facilities:
 - (a) For transportation facilities, at a minimum, the City shall require that, at the time of issuance of any Building Permit issued pursuant to a site specific development plan, all necessary facilities and services, as described in Section (D)(1) above, are either:
 - (I) In place and available to serve the new development in accordance with the development agreement; or
 - (II) Funding for such improvements has been appropriated by the City or provided by the developer in the form of either cash, non-expiring letter of credit, or escrow in a form acceptable to the City.
 - (b) Notwithstanding the foregoing, with respect to improvements required to maintain the applicable transportation facilities' level of service where, as determined by the Director, such improvements are not reasonably related to and proportional to the impacts of the development or currently desired by the City, a Building Permit may be issued pursuant to a site specific development plan provided the developer has:
 - (I) Agreed in the development agreement to install or fund improvements, or a portion thereof, that are reasonably related and proportional to the impacts of the development on the affected transportation facility or facilities; or
 - (II) Obtained a variance regarding the affected transportation facility or facilities under LCUASS Section 4.6.7; or
 - (III) Agreed in the development agreement to implement an alternative mitigation strategy as defined by LCUASS Section 4.6.8, or portion thereof, to adequately mitigate the reasonably related and proportional impacts of the development on the affected transportation facility or facilities; or
 - (IV) Funding for such improvements has been appropriated by the City or provided by the developer in the form of either cash, non-expiring letter of credit, or escrow in a form acceptable to the City.

- (c) For water and wastewater facilities, at a minimum, the City shall require that, at the time of issuance of any building permit issued pursuant to a site-specific development plan, all necessary facilities and services, as described in Section (D)(2)-(3) above, are in place and available to serve the new development in accordance with the approved utility plan and development agreement.
- (d) For storm drainage facilities, the City shall require that all necessary facilities and services, as described in Section (D)(4) above, are in place and available to serve the new development in accordance with the approved drainage and erosion control report, utility plans and development agreement for such development. The timing of installation of such facilities and service shall be as follows:
 - (I) Where multiple building permits are to be issued for a project, twenty-five (25) percent of the building permits and certificates of occupancy may be issued prior to the installation and acceptance of the certification of the drainage facilities. Prior to the issuance of any additional permits, the installation and acceptance of the certification of the drainage facilities shall be required.
 - (II) For projects involving the issuance of only one (1) building permit and certificate of occupancy, the installation and acceptance of the certification of the drainage facilities shall be required prior to the issuance of the certificate of occupancy.
- (e) For fire and emergency services, at a minimum, the City shall require that, at the time of issuance of any building permit issued pursuant to a site-specific development plan, all necessary facilities and services, as required by the Fire Code, are in place and available to serve the site within the new development where the building is to be constructed in accordance with the Fire Code and the development agreement.
- (f) For electric power facilities, the following minimum requirements shall apply:
 - (I) For residential development: The developer must coordinate the installation of the electric system serving the development with the City's electric utility. In addition, each application for a building permit within the development must show the name of the development, its address, each lot or building number to be served, and the size of electric service required. The size of electric service shall not exceed that originally submitted to the electric utility for design purposes. Costs for installation of the electric service line to the meter on the building will be payable upon the issuance of each building permit.
 - (II) For Commercial/Industrial Development: The following documents/information shall be provided to the City's electric utility with each application for a building permit:
 - (i) an approved and recorded final plat;
 - (ii) the final plan (two [2] copies);
 - (iii) the utility plan;
 - (iv) a one-line diagram of the electric main entrance;
 - (v) a Commercial Service Information Form (C-1 form) completed by the developer/builder for each service, and approved by the electric utility (Blank forms are available at the Electric Utility Engineering Department, 970-221-6700);

- (vi) the transformer location(s), as approved by the electric utility;
- (vii) the name and address of the person responsible for payment of the electric development charges; and
- (viii) the name, of the development, building address and lot or building number.

- (III) Compliance with Administrative Regulations: The developer shall also comply with all other administrative regulations and policies of the electric utility, including, without limitation, the *Electric Construction Policies, Practices and Procedures*, and the *Electric Service Rules and Regulations*, copies of which may be obtained from the electric utility.

- (F) **Transportation APF Exception. Nominal Impact.** For the purpose of the transportation APF requirements contained in this Section, a proposed development shall be deemed to have a nominal impact and shall not be subject to the APF requirements for transportation if the development proposal is not required to complete a Traffic Impact Study per the requirements in Chapter 4 - Transportation Impact Study of the Larimer County Urban Area Street Standards.

5.7.4 LOTS

- (A) **Area and Dimension.** No part of an area or dimension required for a lot to comply with the provisions of this Code shall be included as an area or dimension required for another lot, nor shall such required area or dimension be burdened by any easement for an abutting private street or private drive that provides access to the lot or to any other lot. Private driveways on the lot may be included in the lot area where a minimum lot area square footage is otherwise required by this Code, said minimum lot area shall be required for each principal building located on any one (1) lot.
- (B) **Reduction for Public Purpose.** When an existing lot is reduced as a result of conveyance to a federal, state or local government for a public purpose and the remaining area is at least seventy-five (75) percent of the required minimum lot size for the district in which it is located, then that remaining lot shall be deemed to comply with the minimum lot size standards of this Code.
- (C) **Utility Facilities.** Utility facilities using land or a building used only for equipment purposes (and not for human occupation) and requiring less than one thousand (1,000) square feet of site are exempt from the minimum lot size standards of all zone districts.

DIVISION 5.8 HISTORIC

5.8.1 HISTORIC, LANDMARK PRESERVATION AND CULTURAL RESOURCES

- (A) **Purpose.**
 - (1) The purpose of this Section is to ensure that proposed development is compatible with and protects historic resources by ensuring that:
 - (a) historic resources on a development site are preserved, adaptively reused, and incorporated into the proposed development;
 - (b) development does not adversely affect the integrity of historic resources on nearby property within the area of adjacency surrounding a development site; and

- (c) the design of new structures and site plans are compatible with and protect the integrity of historic resources located within a development site and within the area of adjacency surrounding a development site.

(2) To accomplish its purpose, this Section provides:

- (a) the requirements for the treatment of historic resources located on a development site;
- (b) the standards for design compatibility between proposed development and historic resources on a development site and within the delineated area of adjacency surrounding a development site; and
- (c) this Section is intended to work in conjunction with the standards for the treatment of historic resources set forth in Chapter 14 of the Fort Collins Municipal Code and any relevant adopted standards for historic resources.

(B) Jurisdiction of the Historic Preservation Commission (HPC)

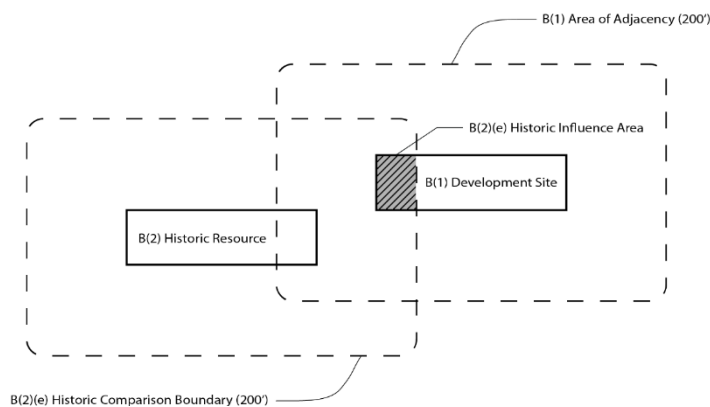
When Chapter 14 of the Code of the City of Fort Collins designates the HPC or City Staff as the decision maker, the proposed development must ultimately meet the requirements of Chapter 14 of the City Code. This includes jurisdiction over properties inside a Landmarked District or Landmarked properties. After the Code of the City for Fort Collins Chapter 14 standards are met, the proposed development project may then proceed through this Code's review procedures to ensure compliance with the criteria herein.

(C) Historic Resources on the Development Site and within the Area of Adjacency.

- (1) As used in this Section, the area of adjacency shall mean an area, the outer boundary of which is two hundred (200) feet in all directions from the perimeter of the development site. Any lot or parcel of property shall be considered within the area of adjacency if any portion of such lot or parcel is within the two hundred (200) foot outer boundary.
- (2) Historic preservation staff shall identify as expeditiously as possible the historic resources on the development site and within the area of adjacency to be used for application of the design standards contained in below Subsection (F), *Design Requirements for a Proposed Development*, and provide a list of such resources to the applicant. The procedure for identifying the relevant historic resources shall be as follows:
 - (a) The location of the following shall be identified within the area of adjacency:
 - (I) Any historic resource; and
 - (II) Any building, site, structure, and object that requires evaluation as to whether it is eligible for Fort Collins landmark designation and, therefore, qualifies as a historic resource.
 - (b) All historic resources on the development site shall be identified and the procedure in below Subsection (D)(1) shall be completed if necessary.

- (c) Any building, site, structure, or object requiring evaluation shall be reviewed for eligibility for Fort Collins landmark designation pursuant to below Subsection (D)(2).
- (d) Any historic resource identified in above steps (a), (b), or (c) shall be the historic resources utilized as the basis for applying Subsection (F). Identified historic resources on the development site and within the area of adjacency shall be classified as follows for purposes of applying the design standards set forth in the below Subsection (F):
- (I) Historic resources on the development site, or abutting or on the other side of a side alley that abuts the development site; and
 - (II) All other historic resources.
- (e) The historic comparison boundary shall be established at two hundred (200) feet in all directions from the perimeter of each identified historic resource except those located on the development site. The historic influence area formed by the overlapping area between the outer boundary of the development site and the historic comparison boundary is the area within which the standards in below Subsection (F) apply to any new construction proposed within such area.
- (f) The historic influence area for any historic resource located on the development site shall be the entire development site.

Example of Area of Adjacency, Historic Comparison Boundary, and Historic Influence Area



- (3) The historic preservation staff determination pursuant to this Section of the historic resources relevant to the application of the design standards set forth in below Subsection (F) is not subject to appeal. Notwithstanding, eligibility determinations pursuant to below Subsection (D)(1) are subject to appeal pursuant to Fort Collins Municipal Code Section 14-23.

(D) **Determination of Eligibility for Designation as Fort Collins Landmark.** The review of proposed development pursuant to this Section may require the determination of the eligibility of buildings, sites, structures, and objects located both on the development site and in the area of adjacency for designation as Fort Collins landmarks. The determination of eligibility for designation as a Fort Collins landmark shall be made pursuant to the standards and procedures set forth in Sections 14-22 and 14-23 of the Fort Collins Municipal Code except as varied in below Subsections (D)(1)-(2).

- (1) **Buildings, Sites, Structure, and Objects on a Development Site.** If any buildings, sites, structures, or objects on a development site are fifty (50) years of age or older and lack an official determination of eligibility for Fort Collins landmark designation made within the last five (5) years, the applicant must request an official eligibility determination for each such building, site, structure, or object pursuant to Sections 14-22 and 14-23 of the Fort Collins Municipal Code. A current intensive-level Colorado Cultural Resource Survey Form is required for each building, site, structure, and object and the applicant is responsible for reimbursing the City for the cost of having such a property survey generated by a third-party expert selected by the City.
- (2) **Buildings, Sites, Structures, and Objects Within the Area of Adjacency.** If any buildings, sites, structures, or objects outside of a development site but within the area of adjacency are fifty (50) years of age or older and lack an official determination of eligibility for Fort Collins landmark designation established within the last five (5) years, the applicant must request a non-binding determination of eligibility for each such building, site, structure, or object pursuant to Sections 14-22 and 14-23 of the Fort Collins Municipal Code. Notwithstanding Sections 14-22 and 14-23, any such eligibility determination shall not be appealable pursuant to Section 14-23 and shall not be valid for any purpose other than the evaluation of the proposed development pursuant to this Section. A current architectural-level property survey is required for each building, site, structure, and object and the applicant is responsible for reimbursing the City for the cost of having such a property survey generated by a third-party expert selected by the City. The Director, in consultation with historic preservation staff, may waive the required eligibility determination for any building, site, structure, or object if the Director determines that such eligibility determination would be unnecessarily duplicative of information provided by existing historic resources or would not provide relevant information.

(E) **Treatment of Historic Resources on Development Sites - Design Review.**

- (1) Proposed alterations, as such alterations are described in Fort Collins Municipal Code Chapter 14, Article III, to any Fort Collins landmark on a development site or to any portion of the development site located within a Fort Collins historic district must comply with the design review requirements in Chapter 14, Article III, of the Fort Collins Municipal Code. The applicant must obtain a certificate of appropriateness for all proposed alterations pursuant to Chapter 14 before receiving a HPC recommendation pursuant to below Subsection (G).
- (2) Proposed alterations to any building, site, structure, or object located on the development site that is not a Fort Collins landmark but is designated on the Colorado State Register of Historic Properties, either individually or contributing to a district, or the National Register of Historic Places, either individually or contributing to a district, must comply with the design review requirements in Chapter 14, Article III, of the Fort Collins Municipal Code. The applicant must obtain a report pursuant to Chapter 14 regarding all proposed alterations before receiving a HPC recommendation pursuant to below Subsection (G). Additionally, to the maximum extent feasible, the development plan and building design shall provide for the preservation and adaptive use of any such building, site, structure, or object.

- (3) The development plan and building design shall provide for the preservation and adaptive use pursuant to the Secretary of the Interior *Standards for the Treatment of Historic Properties* of any building, site, structure, or object located on the development site and determined to be eligible for Fort Collins landmark designation either through a binding or non-binding determination pursuant to Land Use Code Section 5.8.1(C). This requirement shall apply to development applications including building permit applications for partial or total demolition of, or work that may have an adverse effect on, any building, site, structure, or object located on the development site and determined to be eligible for Fort Collins landmark designation.

(F) Design Requirements for a Proposed Development.

- (1) **Design Compatibility.** Proposed development may represent the architecture and construction standards of its own time but must also convey a standard of quality and durability appropriate for infill in a historic context and protect and complement the historic character of historic resources both on the development site and within the area of adjacency. The design of development on development sites containing historic resources or with historic resources located within the area of adjacency shall meet the requirements in below Table 1 in addition to applicable Land Use Code requirements. The Table 1 requirements shall apply to the development of buildings or structures, other than those addressed in above Subsection (E), on the development site located within a historic influence area, as such term is defined in above Subsection (C)(4), as follows:

- (a) If one (1) or more historic influence areas exist that are associated with historic resource(s) on the development site, or which abut or are on the other side of a side alley that abuts the development site, then all historic influence areas shall be considered to be associated with such historic resource(s) and the standards set forth in Table 1, Column A, shall apply. If two (2) or more historic influence areas exist that are associated with historic resources on the development site, or which abut or are on the other side of a side alley that abuts the development site, the applicant may satisfy the standards set forth in Table 1, Column A, by choosing characteristics from one (1) or more of such historic resources.
- (b) If no historic influence areas exist that are associated with historic resources on the development site, or which abut or are on the other side of a side alley that abuts the development site, the standards set forth in Table 1, Column B, shall apply to all historic influence areas.

(c) Table 1: Requirements for New Construction Near Historic Resources.

	Purpose	Column A Standards for Compatibility with Historic Resources on the Development Site, Abutting, Or Across a Side Alley	Column B Standards for compatibility with Historic Properties Within the Area of Adjacency but Not On or Abutting the Development Site or Across a Side Alley

<p><i>Massing and Building Articulation</i></p>	<p>Integrate new construction into existing context and use massing options that respect historic buildings.</p>	<p>1. New construction shall be similar in width or, if larger, be articulated into massing reflective of the mass and scale of historic resources on the development site, abutting, or across a side alley. 2. In all zone districts, step-backs must be located on new building(s) to create gradual massing transitions at the same height or one story above the height of historic resources on the development site, abutting, or across a side alley. Additionally, in the Downtown zone district, the widest portions of step-backs required by the Downtown zone district step-back standard shall be on building portions closest to historic resources.</p>	<p>Review the identified historic properties within the area of adjacency and identify any predominate typologies and primary character-defining design and architectural features. With those key buildings, features, or patterns in mind, apply at least two of the Standards for Compatibility with Historic Resources on the Development Site, Abutting, Or Across a Side Alley (those numbered 1 to 6).</p>
<p><i>Building Materials</i></p>	<p>Create visual connection between modern building materials and historic building materials.</p>	<p>3. The lower story facades until any step-backs (required or otherwise) must be constructed of authentic, durable, high-quality materials (brick, stone, glass, terra cotta, stucco (non EFIS), precast concrete, wood, cast iron, architectural metal) installed to industry standards. 4. New construction shall reference one or more of the predominate material(s) on historic resources on the development site, abutting, or across a side alley, by using at least two of the following to select the primary material(s) for any one to three story building or the lower story facades until any step-backs (required or otherwise): 1) Type; 2) Scale; 3) Color; 4) Three-dimensionality; 5) Pattern.</p>	
<p><i>Facade Details</i></p>	<p>Create visual connection between modern building design and historic building design.</p>	<p>5. Use at least one of the following: 1) Similar window pattern 2) Similar window proportion of height to width 3) Similar solid-to-void pattern as found on historic resources on the development site, abutting, or across a side alley. 6. Use select horizontal or vertical reference lines or elements (such as</p>	

		rooflines, cornices, and belt courses) to relate the new construction to historic resources on the development site, abutting or across a side alley.	
<i>Visibility of Historic Features</i>	Protect visibility of historic architecture and details.	New construction shall not cover or obscure character-defining architectural elements, such as windows or primary design features, of historic resources on the development site, abutting or across a side alley.	None

(2) **Old Town Historic District.** Proposed development within the Old Town Historic District shall comply with the Old Town Historic District Standards adopted by Ordinance 094, 2014, Chapter 14 of the Fort Collins Municipal Code and as amended, and the U.S. Secretary of the Interior Standards for the Treatment of Historic Properties and as amended in lieu of the requirements set forth in this Section except Subsections (E) and (G).

(3) **Plan of Protection.** A plan of protection shall be submitted prior to the HPC providing a recommendation pursuant to below Subsection (G) that details the particular considerations and protective measures that will be employed to prevent short-term and long-term material damage and avoidable impact to identified historic resources on the development site and within the area of adjacency from demolition, new construction, and operational activities.

(G) Historic Preservation Commission (HPC) Recommendation.

Recommendation to Decision Maker for Development Proposal. HPC shall provide a written recommendation to the decision maker for development sites containing or adjacent to historic resources, or both. The written recommendation shall address compliance of the proposed development with this Section and applicable Municipal Code Chapter 14, Article III requirements and the decision maker shall consider such recommendation in making its final decision. Notwithstanding, the Director may waive the requirement for a HPC recommendation if the Director, after considering the recommendation of historic preservation staff, has issued a written determination that the development plan would not have an adverse effect on any historic resource on the development site or within the proposed development’s area of adjacency and that the development plan is compatible with the existing character of such historic resources. A recommendation made under this Subsection is not appealable to the City Council under Chapter 2 of the Fort Collins Municipal Code.

DIVISION 5.9 BUILDING PLACEMENT AND SITE DESIGN

5.9.1 ACCESS, CIRCULATION AND PARKING

(A) **Purpose.** This Section is intended to ensure that the parking and circulation aspects of all developments are well designed with regard to safety, efficiency and convenience for vehicles, bicycles, pedestrians, mobility assistance devices, and transit, both within the development and to and from surrounding areas. Sidewalk or bikeway extensions off-site may be required based on needs created by the proposed development.

This Section sets forth parking requirements in terms of numbers and dimensions of parking stalls, landscaping and shared parking. It also addresses the placement of drive-in facilities and loading zones.

- (B) **General Standard.** The parking and circulation system within each development shall accommodate the movement of vehicles, bicycles, pedestrians, mobility assistance devices and transit, throughout the proposed development and to and from surrounding areas, safely and conveniently, and shall contribute to the attractiveness of the development. The on-site pedestrian system must provide adequate directness, continuity, street crossings, visible interest and security as defined by the standards in this Section. The on-site bicycle system must connect to the City's on-street bikeway network. Connections to the off-road trail system shall be made, to the extent reasonably feasible.
- (C) **Development Standards. All developments shall meet the following standards:**
- (1) **Safety Considerations.** Pedestrians and those utilizing mobility assisted devices shall be separated from vehicles and bicycles.
 - (a) Where complete separation of people and vehicles and bicycles is not possible, potential hazards shall be minimized by the use of techniques such as special paving, raised surfaces, pavement marking, signs or striping, bollards, median refuge areas, traffic calming features, landscaping, lighting or other means to clearly delineate pedestrian areas, for both day and night use.
 - (b) Where individuals and bicyclists share walkways, the pedestrian/ assisted mobility devices/bicycle system shall be designed to be wide enough to easily accommodate the amount of individuals and bicycle traffic volumes that are anticipated. A minimum width of eight (8) feet shall be required and shall meet American Association of State Highway and Transportation Officials (AASHTO) guidelines, Guide for Development of Bicycle Facilities, August 1991, or any successor publication. Additional width of up to four (4) feet may be required to accommodate higher volumes of bicycle and pedestrian traffic within and leading to Community Commercial Districts, Neighborhood Commercial Districts, schools and parks.
 - (2) **Curbscuts and Ramps.** Curbscuts and ramps shall be located at convenient, safe locations for the individuals, for bicyclists and for people pushing strollers or carts. The location and design of curbscuts and ramps shall meet the requirements of the International Building Code and the Americans With Disabilities Act ramp standards and shall avoid crossing or funneling traffic through loading areas, drive-in lanes and outdoor trash storage/collection areas.
 - (3) **Site Amenities.** Development plans shall include site amenities that enhance safety and convenience and promote walking or ease of use for of assisted mobility devices, or bicycling. Site amenities may include bike racks, drinking fountains, canopies and benches as described in the Fort Collins Bicycle Program Plan and Pedestrian Plan as adopted by the City.
 - (4) **Bicycle Facilities.** Commercial, industrial, civic, employment and multi-unit residential uses shall provide bicycle facilities to meet the following standards:
 - (a) **Required Types of Bicycle Parking.** To meet the minimum bicycle parking requirements, the development must provide required bicycle parking for both Enclosed Bicycle Parking and Fixed Bicycle Racks.

- (b) Bicycle Parking Space Requirements. The minimum bicycle parking requirements are set forth in the table below. For uses that are not specifically listed in the table, the number of bicycle parking spaces required shall be the number required for the most similar use listed. Enclosed bicycle parking spaces may not be located on balconies.

(c) **Minimum Bicycle Requirements Table:**

<i>Use Categories</i>	<i>Bicycle Parking Space Minimums</i>	<i>% Enclosed Bicycle Parking/ % Fixed Bicycle Racks</i>
Residential and Institutional Parking Requirements		
Multi-Unit Residential	1 per bedroom	60%/40%
Fraternity and Sorority Houses	1 per bed	60%/40%
Group Homes	No requirement	n/a
Recreational Uses	1/2,000 sq. ft., minimum of 4	0%/100%
Schools/Places of Worship or Assembly and Child Care Centers	1/3,000 sq. ft., minimum of 4	0%/100%
Small Scale Reception Centers in the U-E, Urban Estate District	1/4,000 sq. ft., minimum of 4	0%/100%
Extra Occupancy	1 per occupant	0%/100%
Nonresidential Parking Requirements		
Restaurants		
a. Fast food	1.5/1,000 sq. ft., minimum of 4	0%/100%
b. Standard	1/1,000 sq. ft., minimum of 4	0%/100%
Bars, Taverns and Nightclubs	1/500 sq. ft., minimum of 4	0%/100%
Commercial Recreational	1/2,000 sq. ft., minimum of 4	20%/80%
Theaters	1/30 seats, minimum of 4	0%/100%
General Retail	1/4,000 sq. ft., minimum of 4	20%/80%
Personal Business and Service Shop	1/4,000 sq. ft., minimum of 4	20%/80%
Shopping Center	1/4,000 sq. ft., minimum of 4	20%/80%
Medical Office	1/4,000 sq. ft., minimum of 4	20%/80%
Financial Services	1/4,000 sq. ft., minimum of 4	20%/80%
Grocery Store, Supermarket	1/3,000 sq. ft., minimum of 4	20%/80%
General Office	1/4,000 sq. ft., minimum of 4	20%/80%
Vehicle Servicing and Maintenance	4	n/a
Low Intensity Retail, Repair Service, Workshop and Custom Small Industry	4	n/a
Lodging Establishments	1 per 4 units	60%/40%
Health Facilities	1/5,000 sq. ft., minimum of 4	20%/80%
Industrial: Employee Parking	4	n/a

- (d) Alternative Compliance. Upon written request by the applicant, the decision maker may approve an alternative number of bicycle parking spaces that may be substituted in whole or in part for the number that would meet the standards of this Section.

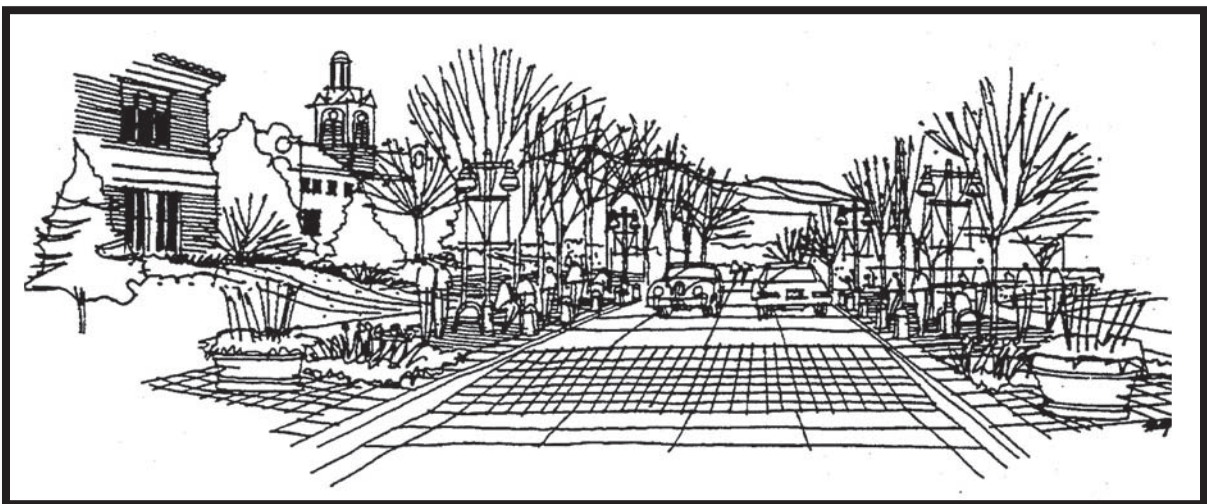
- (l) *Procedure.* The alternative bicycle parking plan shall be prepared and submitted in accordance with the submittal requirements for bicycle parking plans. Each such plan shall clearly identify and discuss the modifications and alternatives proposed and the ways in which the plan will better accomplish the purposes of this Section than would a plan that complies with the standards of this Section.

- (II) *Review Criteria.* To approve an alternative plan, the decision maker must find that the proposed alternative plan accomplishes the purposes of this Section equally well or better than would a plan that complies with the standards of this Section.
- (III) In reviewing a request for an alternative number of bicycle parking spaces, the decision maker must consider whether the proposed land use will likely experience a lower-than-normal amount of bicycle traffic. Factors to be taken into consideration in making this determination may include but need not be limited to: (i) the nature of the proposed use; (ii) its location in relation to existing or planned bicycle facilities or infrastructure; and (iii) its proximity to natural features that make the use of bicycles for access to the project infeasible.

(5) Walkways.

- (a) **Directness and Continuity.** Walkways within the 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 that does not provide such direct pedestrian access. Walkways shall be unobstructed by vertical curbs, stairs, raised landscape islands, utility appurtenances or other elements that restrict access and shall link street sidewalks with building entries through parking lots. Such walkways shall be raised or enhanced with a paved surface not less than six (6) feet in width. Drive aisles leading to main entrances shall have walkways on both sides of the drive aisle.
- (b) **Street Crossings.** Where it is necessary for the primary crossing of drive aisles or internal roadways, the crossing shall emphasize and place priority on individuals' access and safety. The material and layout of the access shall be continuous as it crosses the driveway, with a break in continuity of the driveway paving and not in the pedestrian access way. The crossings must be well-marked using pavement treatments, signs, striping, signals, lighting, traffic calming techniques, median refuge areas and landscaping. (See Figure 3.)

Figure 3: Street Crossings



- (6) **Direct On-Site Access to Individual and Bicycle Destinations.** The on-site pedestrian and bicycle circulation system must be designed to provide, or allow for, direct connections to major individual and

bicycle destinations including, but not limited to, trails, parks, schools, Neighborhood Centers, Neighborhood Commercial Districts and transit stops that are located either within the development or adjacent to the development as required, to the maximum extent feasible. The on-site individual and bicycle circulation system must also provide, or allow for, on-site connections to existing or planned off-site pedestrian and bicycle facilities at points necessary to provide direct and convenient pedestrian and bicycle travel from the development to major individual destinations located within the neighborhood. In order to provide direct pedestrian connections to these destinations, additional sidewalks or walkways not associated with a street, or the extension of street sidewalks, such as from the end of a cul-de-sac, or other walkways within the development, to another street or walkway, may be required as necessary to provide for safety, efficiency and convenience for bicycles and individuals both within the development and to and from surrounding areas.

- (7) **Off-Site Access to Individual and Bicycle Destinations.** Off-site individual or bicycle facility improvements may be required in order to comply with the requirements of Section 5.9.1(E) (Parking Lot Layout), Section 5.4.10 (Transportation Level of Service Requirements), or as necessary to provide for safety, efficiency and convenience for bicycles and pedestrians both within the development and to and from surrounding areas.
 - (8) **Transportation Impact Study (TIS).** In identifying those facilities that may be required in order to comply with these standards, all development plans must submit a TIS approved by the Traffic Engineer, which study shall be prepared in accordance with the TIS guidelines maintained by the City.
- (D) **Access and Parking Lot Requirements.** All vehicular use areas in any proposed development shall be designed to be safe, efficient, convenient and attractive, considering use by all modes of transportation that will use the system, (including, without limitation, cars, trucks, buses, bicycles and emergency vehicles).
- (1) **Individual/Vehicle Separation.** To the maximum extent feasible, individuals and vehicles shall be separated through provision of a sidewalk or walkway. Where complete separation of individuals and vehicles is not feasible, potential hazards shall be minimized by using landscaping, bollards, special paving, lighting and other means to clearly delineate pedestrian areas.
 - (2) **Access.** Unobstructed vehicular access to and from a public street shall be provided for all off-street parking spaces. Vehicular access shall be provided in such manner as to protect the safety of persons using such access or traveling in the public street from which such access is obtained and, in such manner, as to protect the traffic-carrying capacity of the public street from which such access is obtained. Notwithstanding the forgoing required off-street parking for both an ADU and extra occupancy use are allowed one (1) tandem space to count towards minimum parking requirement.
 - (3) **Location.** In a zone district predominated by residential uses, only off-street parking will be allowed to serve non-residential uses.
 - (a) Required off-street parking spaces shall be located on the same lot or premises as the building or use for which they are required unless:
 - (i) such spaces are provided collectively by two (2) or more buildings or uses on abutting lots in a single parking area located within the boundaries of those abutting lots, and the total number of parking spaces supplied collectively is equal to the number of spaces required by this subdivision for each use considered separately; or

- (II) an alternative location is approved by the Director provided that the Director must have determined that such location is permanent and provides close and easy access to users.
- (b) **Guest Parking.** Off-street guest parking spaces in multi-unit developments shall be distributed proportionally to the dwelling unit locations that they are intended to serve. Such parking shall not be located more than two hundred (200) feet from any dwelling unit that is intended to be served.
- (c) **Pavement.** All open off-street parking and vehicular use areas shall be surfaced with asphalt, concrete or other material in conformance with City specifications with the exception of off-street parking and vehicular use areas for a park or trail connection point that may be surfaced with gravel or another similar inorganic material.
- (d) **Lighting.** Light fixtures provided for any off-street parking area adjacent to a residential use or residentially zoned lot shall shield the source of light from sight and prevent the spillover of direct light onto the residential use, while still providing security to motorists, individuals and bicyclists.
- (e) **Maintenance.** The property owner shall be responsible for maintaining any vehicular use area in good condition and free of refuse and debris and all landscaping in a healthy and growing condition, replacing it when necessary as determined by the City Forester.

(E) Parking Lot Layout.

- (1) **Circulation Routes.** Parking lots shall provide well-defined circulation routes for vehicles, bicycles, and individuals and pedestrians
- (2) **Traffic Control Devices.** Standard traffic control signs and devices shall be used to direct traffic where necessary within a parking lot.
- (3) **Orientation.** Parking bays shall be perpendicular to the land uses they serve to the maximum extent feasible. Large parking lots shall include walkways that are located in places that are logical and convenient for pedestrians.
- (4) **Landscaped Islands.** Landscaped islands with raised curbs shall be used to define parking lot entrances, the ends of all parking aisles and the location and pattern of primary internal access drives, and shall provide pedestrian refuge areas and walkways.
- (5) **Points of Conflict.** The lot layout shall specifically address the interrelation of pedestrian, vehicular and bicycle circulation in order to provide continuous, direct pedestrian access with a minimum of driveway and drive aisle crossings. Remedial treatment such as raised pedestrian crossings, forecourts and landings, special paving, signs, lights and bollards shall be provided at significant points of conflict.
- (6) **Lot Size/Scale.** Large surface parking lots shall be visually and functionally segmented into several smaller lots according to the following standards:
 - (a) Large parking lots shall be divided into smaller sections by landscape areas. Each section shall contain a maximum of two hundred (200) parking spaces.

(b) Parking bays shall be landscaped in accordance with the requirements contained in subsection 5.10.1(E)(5).

(F) **User Needs.** Layout and design shall anticipate the needs of users and provide continuity between vehicular circulation, parking, pedestrian and bicycle circulation. Pedestrian drop-off areas shall be provided where needed, especially for land uses that serve children or the elderly.

(G) **Shared Parking.** Where a mix of uses creates staggered peak periods of parking demand, shared parking calculations shall be made to reduce the total amount of required parking. Retail, office, institutional and entertainment uses may share parking areas.

(H) **Drive-in Facilities.** Any drive-in facilities, if permitted by the zone district regulations set forth in Article 2, shall be secondary in emphasis and priority to any other access and circulation functions. Such facilities shall be located in side or rear locations that do not interrupt direct pedestrian access along connecting pedestrian frontage. The design and layout of drive-in facilities for restaurants, banks, or other uses shall:

- (1) avoid potential individual/vehicle conflicts;
- (2) provide adequate stacking spaces for automobiles before and after use of the facility;
- (3) provide adequate directional signage to ensure a free-flow through the facility; and
- (4) provide a walk-up service option as well as drive-in.

(I) **Truck Traffic.** All developments that generate truck traffic that is anticipated to adversely affect a neighborhood by creating noise, dust or odor problems shall avoid or mitigate those impacts either through physical design or operational procedures.

(J) **Setbacks.** Any vehicular use area containing six (6) or more parking spaces or one thousand eight hundred (1,800) or more square feet shall be set back from the street right-of-way and the side and rear yard lot line (except a lot line between buildings or uses with collective parking) consistent with the provisions of this Section, according to the following table:

(1) Landscape Setback Table:

	<i>Minimum Average of Entire Landscaped Setback Area (feet)</i>	<i>Minimum Width of Setback at Any Point (feet)</i>
Along an arterial street	15	5
Along a nonarterial street	10	5
Along an interior lot line*	5	5

*Setbacks along interior lot lines for vehicular use areas may be increased by the decision maker in order to enhance compatibility with the abutting use or to match the contextual relationship of adjacent or abutting vehicular use areas.

(K) **Parking Lots - Required Number of Off-Street Spaces for Type of Use.**

(1) **Residential and Institutional Parking Requirements.** Residential and institutional uses shall provide a *minimum* number of parking spaces as defined by the standards below.

(a) Attached Dwellings: for each single-unit attached, two-unit, and multi-unit dwelling there shall be parking spaces provided as indicated by the following table:

<i>Number of Bedrooms/Dwelling Unit</i>	<i>Parking Spaces Per Dwelling Unit*, **</i>	<i>Affordable Housing (Section 5.2) Parking Spaces Per Dwelling Unit*, **, ***</i>
One or less	1	.75
Two	1.5	1
Three	2.0	1.25
Four and above	3.0	1.5
* Spaces that are located in detached residential garages (but not including parking structures) or in attached residential garages, which attached garages do not provide direct entry into an individual dwelling unit, may be credited toward the minimum requirements contained herein only if such spaces are made available to dwelling unit occupants at no additional rental or purchase cost (beyond the dwelling unit rental rate or purchase price).		
** When public streets abutting the perimeter of the development site do not provide on-street parking then the percentage of garage parking spaces provided for the development site shall not exceed eighty (80) percent of the parking total.		
***Only applies to developments with seven (7) or more units.		

(l) Multi-unit dwellings and mixed-use dwellings within the Transit-Oriented Development (TOD) Overlay Zone shall provide a minimum number of parking spaces as shown in the following table:

<i>Number of Bedrooms/Dwelling Unit</i>	<i>Parking Spaces Per Dwelling Unit*</i>
One or less	0.75
Two	1
Three	1.25
Four and above	1.5
<i>Rent-by-the Bedroom</i>	<i>Parking Spaces Per Bedroom</i>
All bedrooms	0.75
*Maximum of 115% of minimum requirement unless provided in a structure	

(i) Multi-unit dwellings and mixed-use dwellings within the Transit-Oriented Development (TOD) Overlay Zone may reduce the required minimum number of parking spaces by providing demand mitigation elements as shown in the following table:

<i>Demand Mitigation Strategy**</i>	<i>Parking Requirement Reduction***</i>
Affordable Housing Dwelling Unit for Sale or for Rent (equal to or less than 60% Area Median Income).	50%
Transit Passes for each tenant.	10%
Car Share.	5 spaces/1 car share

Within 1,000 feet walking distance of MAX Station. (Walking distance shall mean an ADA-compliant, contiguous improved walkway measured from the most remote building entrance to the transit station and contained within a public ROW or pedestrian easement.)	10%
Bicycle & Pedestrian Level of Service A.	10%
Off-Site Parking.	1:1
Shared Parking.	Based on Approved Alternative Compliance.
Parking Impact Study.	Based on Approved Alternative Compliance.
Participation in the City's Bike Share Program.	Based on Approved Alternative Compliance.
Transportation Demand Management (TDM).	Based on Approved Alternative Compliance.
**All demand mitigation strategies shall be shown on the site plan and in the Development Agreement and shall be subject to audit for the duration of the project.	
*** Maximum of 50% reduction without provision of a Parking Impact Study or Transportation Demand Management.	

(II) **Alternative Compliance.** Upon written request by the applicant, the decision maker may approve an alternative parking ratio, other than the minimum required in Section 2.6.1, TOD Overlay Zone, per subparagraph 5.9.1.(K)(1)(a)(I), that may be substituted in whole or in part for a ratio meeting the standards of this Section.

(ii) **Procedure.** Alternative compliance parking ratio plans shall be prepared and submitted in accordance with the submittal requirements for plans as set forth in this Section. The request for alternative compliance must be accompanied by a Parking Impact Study, Transportation Demand Management proposal, or Shared Parking Study which addresses issues identified in the City's submittal requirements for such studies.

(iii) **Review Criteria.** To approve an alternative plan, the decision maker must find that the proposed alternative plan accomplishes the purposes of this Section and Section 2.6.1, TOD Overlay Zone equally well or better than would a plan which complies with the standards of these Sections. In reviewing the request for an alternative parking ratio plan in order to determine whether it accomplishes the purposes of this Section, the decision maker shall take into account the objective and verifiable results of the Parking Impact Study, Transportation Demand Management proposal, or Shared Parking Study together with the proposed plan's compatibility with surrounding neighborhoods in terms of potential spillover parking.

(b) **Multi-Unit.** Parking on an internal street fronting (streets only serving one development) on a lot or tract containing multi-unit, attached or two-unit dwellings (except for mixed-use dwellings and single-unit detached dwellings) may be counted to meet the parking requirements for the development.

- (c) **Single-Unit.** For each Detached House there shall be one (1) parking space on lots with greater than forty (40) feet of street frontage or two (2) parking spaces on lots with forty (40) feet or less of street frontage.
- (d) **Single Unit and Two-Unit.** Parking of any vehicle in the front yard of a lot on which exists a Detached House or Duplex shall be prohibited unless such vehicle is parked on an improved area having a surface of asphalt, concrete, rock, gravel or other similar inorganic material, and such improved area has a permanent border.
- (e) **Accessory Dwelling Unit.** One (1) additional parking space required.
- (f) **Manufactured Homes.** For each manufactured home in a manufactured home community there shall be one (1) parking spaces per dwelling unit.
- (g) **Fraternity and Sorority Houses.** For each fraternity or sorority house, there shall be two (2) parking spaces per three (3) beds. The alternative compliance provisions Section 5.9.1(K)(1)(a)(II) may be applied to vary this standard.
- (h) **Group Homes.** For each group home there shall be two (2) parking spaces for every three (3) employees, and in addition, one (1) parking space for each four (4) adult residents, unless residents are prohibited from owning or operating personal automobiles.
- (i) **Recreational Uses** For each recreational use located in a residential district there shall be one (1) parking space per four (4) persons maximum rated capacity.
- (j) **Schools, Places of Worship or Assembly and Child Care Centers.** For each school, place of worship or assembly and child care center, there shall be one (1) parking space per four (4) seats in the auditorium or place of worship or assembly, or two (2) parking spaces per three (3) employees, or one (1) parking space per one thousand (1,000) square feet of floor area, whichever requires the greatest number of parking spaces. In the event that a school, place of worship or assembly, or child care center is located adjacent to uses such as retail, office, employment or industrial uses, and the mix of uses creates staggered peak periods of parking demand, and the adjacent landowners have entered into a shared parking agreement, then the maximum number of parking spaces allowed for a place of worship or assembly shall be one (1) parking space per four (4) seats in the auditorium or place of worship or assembly, and the maximum number of parking spaces allowed for a school or child care center shall be three (3) spaces per one thousand (1,000) square feet of floor area. When staggered peak periods of parking demand do not exist with adjacent uses such as retail, office, employment or industrial uses, then the maximum number of parking spaces allowed for a place of worship or assembly shall be one (1) parking space per three (3) seats in the auditorium or place of worship or assembly, and the maximum number of parking spaces allowed for a school or child care center shall be four (4) spaces per one thousand (1,000) square feet of floor area.
- (k) **Small Scale Reception Centers in the UE, Urban Estate District.** For each reception center there shall be one (1) parking space per four (4) persons maximum rated occupancy as determined by the building code.
- (l) **Extra Occupancy.** For each extra occupancy, there shall be 0.75 ($\frac{3}{4}$) parking space per occupant, rounded up to the nearest whole parking space. If the lot upon which such parking spaces are to be

situated has more than sixty-five (65) feet of street frontage length on any one (1) street or abuts an alley, then each such parking space shall have direct access to the abutting street or alley and shall be unobstructed by any other parking space. If such lot has less than sixty-five (65) feet of street frontage length on any one (1) street and does not abut an alley, then one (1) of the required parking spaces may be aligned in a manner that does not provide direct access to the abutting street.

(m) **Short term non-primary rentals and short term primary rentals.** The minimum number of off-street parking spaces required are as follows:

<i>Number of Bedrooms Rented</i>	<i>Number of Off-Street Parking Spaces</i>
1–2	1
3–4	2
5–6	3

- (I) The number of additional off-street parking spaces required for more than six (6) bedrooms rented shall be calculated in the same manner used in the above chart (e.g., 7-8 bedrooms rented requires four (4) off-street parking spaces).
- (II) Short term rentals licensed pursuant to the Code of the City of Fort Collins Section 15-646 and for which the license application was submitted prior to October 31, 2017, are exempt from compliance with these parking requirements so long as such license remains continuously valid. Subsequent licenses issued pursuant to Section 15-646 shall comply with these parking requirements.

(2) **Nonresidential Parking Requirements.** Nonresidential uses shall provide a **minimum** number of parking spaces, and will be limited to a **maximum** number of parking spaces as defined by the standards defined below.

(a) The table below sets forth the number of minimum required and maximum allowed parking spaces based on the square footage of the gross leasable area and of the occupancy of specified uses. In the event that on-street or shared parking is not available on land adjacent to the use, then the maximum parking allowed may be increased by twenty (20) percent.

(b) Parking Requirements for Nonresidential Uses:

<i>Use</i>	<i>Minimum Parking Spaces</i>	<i>Maximum Parking Spaces</i>
Restaurants		
a. Fast Food	7/1000 sq. ft.	15/1000 sq. ft.
b. Standard	5/1000 sq. ft.	10/1000 sq. ft.
Bars, Taverns, and Nightclubs	5/1000 sq. ft.	10/1000 sq. ft.
Commercial Recreational		
a. Limited Indoor Recreation	3/1000 sq. ft.	6/1000 sq. ft.
b. Outdoor	.1/person cap	.3/person cap
c. Bowling Alley	2.5/1000 sq. ft.	5/1000 sq. ft.
Theaters	1/6 seats	1/3 seats
General Retail	2/1000 sq. ft.	4/1000 sq. ft.
Personal Business and Service Shop	2/1000 sq. ft.	4/1000 sq. ft.
Shopping Center	2/1000 sq. ft.	5/1000 sq. ft.
Medical Office	2/1000 sq. ft.	4.5/1000 sq. ft.

Financial Services	2/1000 sq. ft.	3.5/1000 sq. ft.
Grocery Store, Supermarket	3/1000 sq. ft.	6/1000 sq. ft.
General Office	1/1000 sq. ft.	3/1000 sq. ft. or .75/employee on the largest shift or 4.5/1000 sq. ft. if all additional parking spaces gained by the increased ratio (over 3/1000 sq. ft.) are contained within a parking garage/structure
Vehicle Servicing & Maintenance	2/1000 sq. ft.	5/1000 sq. ft.
Low Intensity Retail, Repair Service, Workshop and Custom Small Industry	1/1000 sq. ft.	2/1000 sq. ft.
Lodging Establishments	0.5/unit	1/unit
Health Facilities		
a. Hospitals	0.5/bed	1/bed
b. Long-Term Care Facilities		.33/bed plus 1/two employees on major shift
Industrial: Employee Parking	0.5/employee	.75/employee

- (c) Existing Buildings Exemption. Change in use of an existing building shall be exempt from minimum parking requirements. For the expansion or enlargement of an existing building which does not result in the material increase of the building by more than twenty-five (25) percent, but not to exceed five thousand (5,000) square feet in the aggregate, shall be exempt from minimum parking requirements. For the redevelopment of a property which includes the demolition of existing buildings, the minimum parking requirement shall be applied to the net increase in the square footage of new buildings.
- (d) TOD Overlay Zone Exemption. If new development is proposed within the Transit-Oriented Development (TOD) Overlay zone, twenty-five (25) percent of the square footage of gross leasable area of such new development, but not to exceed five thousand (5,000) square feet in the aggregate, shall be exempt from minimum parking requirements. The exemption shall be distributed proportionally among the uses contained in a mixed-use development.
- (e) For uses that are not specifically listed in subsections 5.9.1(K)(1) or (2), the number of parking spaces permitted shall be the number permitted for the most similar use listed.
- (f) For non-residential uses within the Transit-Oriented Development (TOD) Overlay Zone the required minimum number of parking spaces may be reduced by providing demand mitigation strategies as shown in the following table:

<i>Demand Mitigation Strategy**</i>	<i>Parking Requirement Reduction</i>
Transit Passes for every employee within the development.	10%
Car Share.	5 spaces/1 car share
Within 1,000 feet walking distance of MAX Station. (Walking distance shall mean an ADA-compliant, contiguous improved walkway measured from the most remote building entrance to the transit station)	10%

and contained within a public ROW or pedestrian easement.)	
Off-Site Parking.	1:1
Bicycle & Pedestrian Level of Service A.	10%
Shared Parking.	Based on approved alternative compliance.
Parking Impact Study.	Based on approved alternative compliance.
Transportation Demand Management (TDM).	Based on approved alternative compliance.
**All demand mitigation strategies shall be shown on the site plan and in the Development Agreement and shall be subject to audit for the duration of the project.	

(3) **Alternative Compliance.** Upon written request by the applicant, the decision maker may approve an alternative parking ratio (as measured by the number of parking spaces based on the applicable unit of measurement established in the table contained in Section 5.9.1(K)(2) for nonresidential land uses or the number of parking spaces based on use in Section 5.9.1(K)(1) for residential and institutional land uses) that may be substituted in whole or in part for a ratio meeting the standards of this Section.

(a) **Procedure.** Alternative compliance parking ratio plans shall be prepared and submitted in accordance with the submittal requirements for plans as set forth in this Section. Each such plan shall clearly identify and discuss the modifications and alternatives proposed and the ways in which the plan will better accomplish the purpose of this Section than would a plan which complies with the standards of this Section. The request for alternative compliance must be accompanied by a Parking Impact Study, Transportation Demand Management analysis, or Shared Parking Study which addresses issues identified in the City's submittal requirements for such studies.

(b) **Review Criteria.** To approve an alternative plan, the decision maker must find that the proposed alternative plan accomplishes the purposes of this Section equally well or better than would a plan which complies with the standards of this Section. In reviewing the request for an alternative parking ratio plan in order to determine whether it accomplishes the purposes of this Section, as required above, the decision maker shall take into account the number of employees occupying the building or land use, the number of expected customers or clients, the availability of nearby on-street parking (if any), the availability of shared parking with abutting, adjacent or surrounding land uses (if any), the provision of purchased or leased parking spaces in a municipal or private parking lot meeting the requirements of the City, trip reduction programs (if any), or any other factors that may be unique to the applicant's development request. The decision maker shall not approve the alternative parking ratio plan unless it:

- (I) does not detract from continuity, connectivity and convenient proximity for pedestrians between or among existing or future uses in the vicinity;
- (II) minimizes the visual and aesthetic impact along the public street by placing parking lots to the rear or along the side of buildings, to the maximum extent feasible;
- (III) minimizes the visual and aesthetic impact on the surrounding neighborhood;
- (IV) creates no physical impact on any facilities serving alternative modes of transportation;
- (V) creates no detrimental impact on natural areas or features;
- (VI) maintains handicap parking ratios; and

- (VII) for projects located in D, LMN, MMN and CC zone districts, conforms with the established street and alley block patterns, and places parking lots across the side or to the rear of buildings.
- (c) For recreational and institutional land uses that are required to provide a **minimum** amount of parking, a request for alternative compliance to provide parking below the required minimum must follow the same procedure and be held to the same review criteria as described in Section 5.9.1(K)(3)(a) and 5.9.1(K)(3)(b), and in addition, must demonstrate:
- (I) that there will be no dispersal of spillover parking onto surrounding, adjacent or abutting land uses, and
 - (II) that there will be no dispersal of spillover parking onto surrounding, adjacent or abutting public streets (or private streets not under legal ownership of the applicant) where parking is prohibited.

Notwithstanding the spillover parking prohibitions above, spillover parking may be allowed pursuant to this subsection for "Special Event Parking," meaning parking associated with a recreational facility, activity or institution expected to occur no more than four (4) times per year for school assemblies, pageants, graduations, religious celebrations or other ceremonies or events that occur so infrequently that the public can reasonably be expected to accept the inconvenience of spillover parking on such infrequent occasions.

- (4) **Exception to the General Office Parking Standard.** An exception to the general office parking standard as established in the table contained in Section 5.9.1(K)(2) shall be permitted for the purpose of ensuring that the parking provided is adequate but not in excess of the users' needs. Requests for exceptions to the general office parking standard shall be reviewed according to the procedure and criteria contained in subparagraphs (I) and (II) below. Exceptions shall be available to those projects where the number of anticipated employees can be reasonably estimated, and such exceptions shall apply only to the ratio between the number of parking spaces and the number of employees, and not to the ratio between the number of parking spaces and the gross leasable area.
- (I) **Procedure.** All requests for exceptions to the general office parking standard shall be submitted in accordance with the submittal requirements for plans as set forth in this subsection. Each such request shall clearly identify and discuss the proposed project and the ways in which the plan will accomplish the general purpose of this subsection. The request for an exception to the standard must be accompanied by an estimated number of employees. In addition, a traffic impact study containing a trip generation analysis or other relevant data describing the traffic and parking impacts of any proposed general office land use or activity shall be submitted.
 - (II) **Review Criteria.** To approve an exception to the standard, the decision maker must find that the proposed project accomplishes the general purpose of this Section. In reviewing the request for an exception to the standard parking ratio and in order to determine whether such request is consistent with the purposes of this subsection, as required above, the decision maker shall take into account the anticipated number of employees occupying the building, the number and frequency of expected customers or clients, the

availability of nearby on-street parking (if any), the availability of shared parking with abutting, adjacent or surrounding land uses (if any), the provision of purchased or leased parking spaces in a municipal or private parking lot meeting the requirements of the City, travel demand management programs (if any), or any other factors that may be unique to the applicant's development request. The decision maker shall not approve an exception to the general office parking standard unless it:

- (i) does not detract from continuity, connectivity and convenient proximity for pedestrians between or among existing or future uses in the vicinity;
- (ii) minimizes the visual and aesthetic impact along the public street of the proposed increased parking by placing parking lots to the rear or along the side of buildings, to the maximum extent feasible;
- (iii) minimizes the visual and aesthetic impact of such additional parking on the surrounding neighborhood;
- (iv) creates no physical impact on any facilities serving alternative modes of transportation;
- (v) creates no detrimental impact on natural areas or features;
- (vi) maintains handicap parking ratios;
- (vii) for projects located in D, LM-N, M-M-N and C-C zone districts, conforms with the established street and alley block patterns, and places parking lots across the side or to the rear of buildings;
- (viii) results in a ratio that does not exceed one-space-per-employee (1:1), and
- (ix) is justified by a travel demand management program which has been submitted to and approved by the City.

(5) Accessible Parking.

- (a) **Accessible spaces.** Parking spaces for those living with a disability shall have a stall width of thirteen (13) feet unless the space is parallel to a pedestrian walk. Other dimensions shall be the same as those for standard vehicles. Any such spaces shall be designated as being for the handicapped with a raised standard identification sign.
- (b) **Location.** Accessible parking spaces shall be located next the nearest accessible building entrance, using the shortest possible accessible route of travel., the accessible route of travel shall not cross lanes for vehicular traffic. When crossing vehicle traffic lanes is deemed necessary by the City and acceptable under the federal standards, the route of travel shall be designated and marked as a crosswalk.

- (c) **Marking.** Every accessible parking space shall be identified by a sign, centered between three (3) feet and five (5) feet above the parking surface, at the head of the parking space. The sign shall include the international symbol of accessibility and state RESERVED, or equivalent language.
- (d) **Amount.** Each parking lot shall contain at least the minimum specified number of accessible spaces as provided in the table below. Regardless of the number of accessible spaces required, at least one (1) such space shall be designated as a van-accessible space, and must be a minimum of eight (8) feet wide and adjoin a minimum eight-foot-wide access aisle.

(l) Accessibility Parking Spaces Minimum Requirement Table:

<i>NUMBER OF ACCESSIBLE PARKING SPACES</i>	
<i>Total Parking Spaces in Lot</i>	<i>Minimum Required Number of Accessible Spaces</i>
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total spaces
Over 1,000	20 spaces plus 1 space for every 100 spaces, or fraction thereof, over 1,000

- (6) **Loading Zones.** All development shall provide loading zones and service areas adequately sized to accommodate the types of vehicles that use them. Such loading zones and service areas shall be indicated on the development plan.
- (L) **Parking Stall Dimensions.** Off-street parking areas for automobiles shall meet the following minimum standards for long- and short-term parking of standard and compact vehicles:
 - (1) **Standard Spaces.** Parking spaces for standard vehicles shall conform with the standard car dimensions shown on Table A.
 - (2) **Compact Vehicle Spaces in Long-term Parking Lots and Parking Structures.** Those areas of a parking lot or parking structure that are approved as long-term parking have the option to include compact parking stalls. Such approved long-term parking areas may have up to forty (40) percent compact car stalls using the compact vehicle dimensions set forth in Table B, except when no minimum parking is required for a use pursuant to Subsection 5.9.1(K), in which event the number of compact car stalls allowed may be greater than forty (40) percent. No compact spaces shall be designated as accessible parking spaces.

Table A – Standard Parking Dimensions

<i>Standard Vehicle</i>			<i>Dimensions in feet</i>			
A	B	C	D	E	F	G
0°	8	23	8	23	20	12
30°	8.5	20	17.4	17	20	15
45°	8.5	20	20.2	12	20	15
60°	9	19	21	10.4	24	20
90°	9	19	19	9	24*	20**

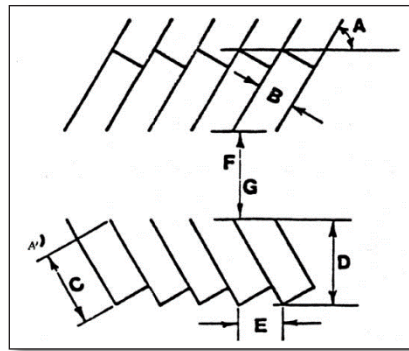
Table B – Compact Parking Dimensions

<i>Compact Vehicle</i>			<i>Dimensions in feet</i>			
A	B	C	D	E	F	G
0°	7.5	19	7.5	19	20	12
30°	7.5	16.5	14.8	15	20	15
45°	7.5	16.5	17	10.6	20	15
60°	8	16	17.9	9.2	24	20
90°	8	15	15	8	24*	20**

Table C

A-Angle of Parking
B-Stall Width
C-Stall Length
D-Stall Depth
E-Curb Length
F-Two-Way Drive Aisle Width
G-One-Way Drive Aisle Width
<i>* When garages are located along a driveway and are opposite other garages or buildings, the two-way drive aisle width (F) must be increased to 28 feet.</i>
<i>** When an overhang is allowed to reduce stall depth, the one-way drive aisle width (G) must be increased to 22 feet.</i>
(See Figure 4)

Figure 4
Parking Stall Dimensions



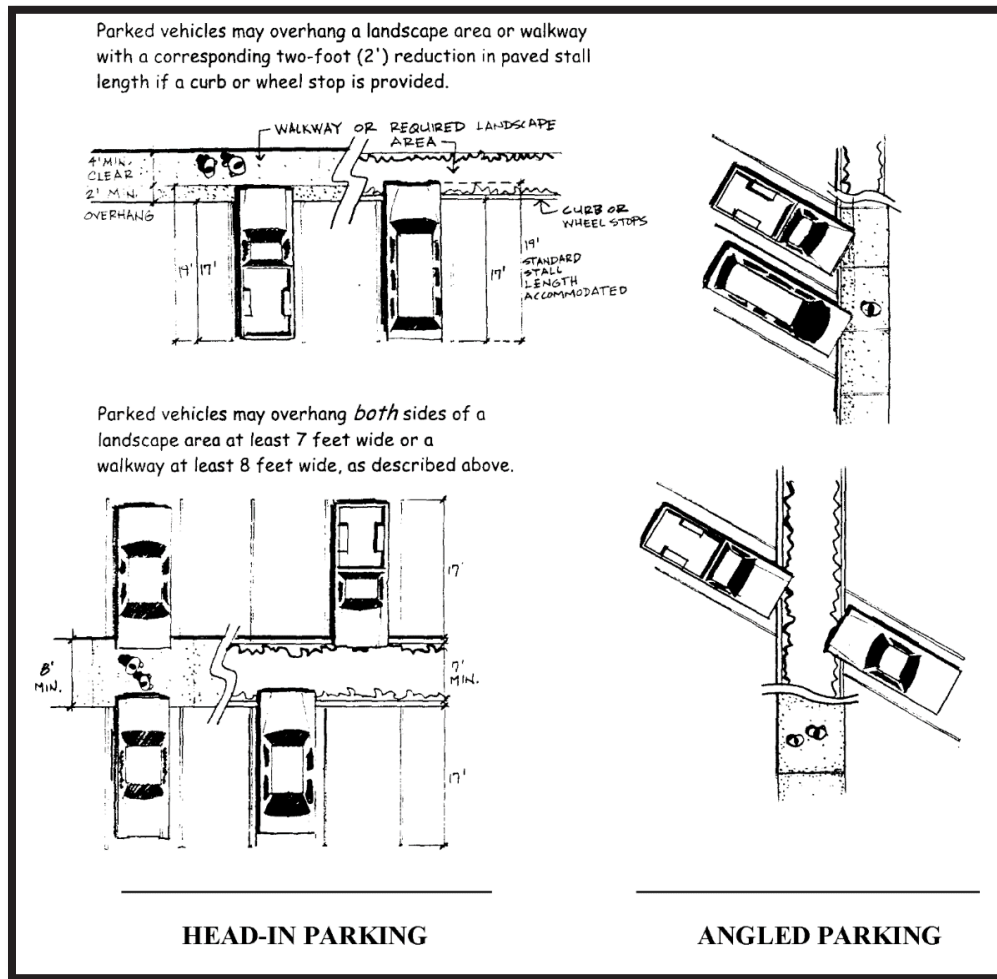
- (3) **Long-Term Parking Stalls.** As an option in long-term parking areas, all long-term parking stalls may be designated using the following stall dimensions:

Long Term Parking Dimensions

<i>Parking Angle</i>	<i>Stall Width</i>	<i>Stall Length</i>
0	8	21
30	8	19
45	8	19
60	8.5	18
90	8.5	18

- (4) **Vehicular Overhang.** The stall dimensions indicated above may be modified with respect to vehicular overhang as indicated in Figure 5, except that compact vehicle spaces may not be reduced in depth to a dimension that is less than the required depth indicated above.

(II) Figure 5 – Vehicular Overhang for Standard-Size Parking Stalls:



DIVISION 5.10 LANDSCAPING AND TREE PROTECTION

5.10.1 LANDSCAPING AND TREE PROTECTION

- (A) **Applicability.** This Section shall apply to all development (except for development on existing lots for single-unit detached dwellings) within the designated "limits of development" ("LOD") and natural habitat buffer zones established according to Section 5.6.1 (Natural Habitats and Features).
- (B) **Purpose.** The intent of this Section is to require preparation of landscape and tree protection plans that ensure significant canopy cover is created, diversified and maintained so that all associated social and environmental benefits are maximized to the extent reasonably feasible. These benefits include reduced erosion and stormwater runoff, improved water conservation, air pollution mitigation, reduced glare and heat build-up, increased aesthetics, and improved continuity within and between developments. Trees planted in appropriate spaces also provide screening and may mitigate potential conflicts between activity areas and other site elements while enhancing outdoor spaces, all of which add to a more resilient urban forest.
- (C) **General Standard.** All developments shall submit a landscape and tree protection plan, and, if receiving water service from the City, an irrigation plan, that: (1) reinforces and extends any existing patterns of

outdoor spaces and vegetation where practicable, (2) supports functional purposes such as spatial definition, visual screening, creation of privacy, management of microclimate or drainage, (3) enhances the appearance of the development and neighborhood, (4) protects significant trees, natural systems and habitat, (5) enhances the pedestrian environment, (6) identifies all landscape areas, (7) identifies all landscaping elements within each landscape area, and (8) meets or exceeds the standards of this Section.

(D) **Tree Planting Standards.** All developments shall establish groves and belts of trees along all city streets, in and around parking lots, and in all landscape areas that are located within fifty (50) feet of any building or structure in order to establish at least a partial urban tree canopy. The groves and belts may also be combined or interspersed with other landscape areas in remaining portions of the development to accommodate views and functions such as active recreation and storm drainage.

(1) **Minimum Plantings/Description.** These tree standards require at least a minimum tree canopy but are not intended to limit additional tree plantings in any remaining portions of the development. Groves and belts of trees shall be required as follows:

(a) parking lot landscaping in accordance with the parking lot landscaping standards as set forth in this Section and in Section 5.9.1, Access, Circulation and Parking;

(b) street tree planting in accordance with the *Larimer County Urban Area Street Standards* or other street tree planting as defined in subsection (2)(b) or (c) below;

(c) "full tree stocking" shall be required in all landscape areas within fifty (50) feet of any building or structure as further described below. Landscape areas shall be provided in adequate numbers, locations and dimensions to allow full tree stocking to occur along all high use or high visibility sides of any building or structure. Such landscape areas shall extend at least seven (7) feet from any building or structure wall and contain at least fifty-five (55) square feet of nonpaved ground area, except that any planting cutouts in walkways shall contain at least sixteen (16) square feet. Planting cutouts, planters or other landscape areas for tree planting shall be provided within any walkway that is twelve (12) feet or greater in width adjoining a vehicle use area that is not covered with an overhead fixture or canopy that would prevent growth and maturity.

(I) Full tree stocking shall mean formal or informal groupings of trees planted according to the following spacing dimensions:

<i>Tree Type</i>	<i>Minimum/Maximum Spacing</i>
Canopy shade trees	30'–40' spacing
Coniferous evergreens	20'–40' spacing
Ornamental trees	20'–40' spacing

(II) Exact locations and spacings may be adjusted at the option of the applicant to support patterns of use, views and circulation as long as the minimum tree planting requirement is met. Canopy shade trees shall constitute at least fifty (50) percent of all tree plantings. Trees required in subparagraphs (a) or (b) above may be used to contribute to this standard.

- (2) **Street Trees.** Planting of street trees shall occur in the adjoining street right-of-way, except as described in subparagraph (b) below, in connection with the development by one (1) or more of the methods described in subparagraphs (a) through (d) below:
 - (a) Wherever the sidewalk is separated from the street by a parkway, canopy shade trees shall be planted at thirty-foot to forty-foot spacing (averaged along the entire front and sides of the block face) in the center of all such parkway areas. If two (2) or more consecutive residential lots along a street each measure between forty (40) and sixty (60) feet in street frontage width, one (1) tree per lot may be substituted for the thirty-foot to forty-foot spacing requirement. Such street trees shall be placed at least eight (8) feet away from the edges of driveways and alleys, and forty (40) feet away from any streetlight and to the extent reasonably feasible, be positioned at evenly spaced intervals.
 - (b) Wherever the sidewalk is attached to the street in a manner that fails to comply with the *Larimer County Urban Area Street Standards*, canopy shade trees shall be established in an area ranging from three (3) to seven (7) feet behind the sidewalk at the spacing intervals as required in subsection (a) above. Wherever the sidewalk is attached to the street and is ten (10) feet or more in width, or extends from the curb to the property line, canopy shade trees shall be established in planting cutout areas of at least sixteen (16) square feet at thirty-foot to forty-foot spacing.
 - (c) Ornamental trees shall be planted in substitution for the canopy shade trees required in subsection (D)(2)(a) and (b) above where overhead lines and fixtures prevent normal growth and maturity. Ornamental trees shall be placed at least fifteen (15) feet away from any streetlight.
 - (d) Wherever existing ash trees (*Fraxinus* species) are in the adjoining street right-of-way, the applicant shall coordinate and obtain an onsite analysis with the City Forester to determine replacement canopy shade trees either through shadow planting or other emerald ash borer mitigation methods.
- (3) **Minimum Species Diversity.** To prevent uniform insect or disease susceptibility and eventual uniform senescence on a development site or in the adjacent area or the district, species diversity is required, and extensive monocultures are prohibited. The following minimum requirements shall apply to any development plan.

(a) Species Diversity Table:

<i>Number of trees on site</i>	<i>Maximum percentage of any one species</i>
10–19	50%
20–39	33%
40–59	25%
60 or more	15%

- (4) **Tree Species and Minimum Sizes.** The City Forester shall provide a recommended list of trees which shall be acceptable to satisfy the requirements for landscape plans, including approved canopy shade trees that may be used as street trees. The following minimum sizes shall be required (except as provided in subparagraph (5) below):

(a) *Minimum Size Table:*

<i>Type</i>	<i>Minimum Size</i>
Canopy Shade Tree	2.0" caliper balled and burlapped or equivalent
Evergreen Tree	6.0' height balled and burlapped or equivalent
Ornamental Tree	1.5" caliper balled and burlapped or equivalent
Shrubs	5 gallon or adequate size consistent with design intent or 1 gallon may be permitted if planting within the Critical Root Zone of existing trees

- (l) Any tree plantings that are in addition to those that are made as part of the approved landscape plan are exempt from the foregoing size requirements.

(5) **Reduced Minimum Sizes for Affordable Housing Projects.** In any affordable housing project, the following minimum sizes shall be required:

(a) *Affordable Housing Minimum Tree Size Table:*

<i>Type</i>	<i>Minimum Size</i>
Canopy Shade Tree	1.0" caliper container or equivalent
Evergreen Tree	4.0' height container or equivalent
Ornamental Tree	1.0" caliper container or equivalent
Shrubs	1 gallon
Canopy Shade Tree as a street tree on a Local or Collector street only	1.25" caliper container or equivalent

(E) **Landscape Standards.** All development applications shall include landscape plans that meet the following minimum standards:

(1) **Buffering Between Incompatible Uses and Activities.** In situations where the Director determines that the arrangement of uses or design of buildings does not adequately mitigate conflicts reasonably anticipated to exist between dissimilar uses, site elements or building designs, one (1) or more of the following landscape buffering techniques shall be used to mitigate the conflicts:

- (a) Separation and screening with plant material: planting dense stands of evergreen trees, canopy shade trees, ornamental trees or shrubs;
- (b) Integration with plantings: incorporating trees, vines, planters or other plantings into the architectural theme of buildings and their outdoor spaces to subdue differences in architecture and bulk and avoid harsh edges;
- (c) Establishing privacy: establishing vertical landscape elements to screen views into or between windows and defined outdoor spaces where privacy is important, such as where larger buildings are proposed next to side or rear yards of smaller buildings;
- (d) Visual integration of fences or walls: providing plant material in conjunction with a screen panel, arbor, garden wall, privacy fence or security fence to avoid the visual effect created by unattractive screening or security fences; and/or

- (e) Landform shaping: utilizing berming or other grade changes to alter views, subdue sound, change the sense of proximity and channel pedestrian movement.

(2) **Landscape Area Treatment.** Landscape areas shall include all areas on the site that are not covered by buildings, structures, paving or impervious surface, or other outdoor areas including play areas, plaza spaces, patios, and the like. Landscape areas shall consist only of landscaping. The selection and location of turf, ground cover (including shrubs, grasses, perennials, flowerbeds and slope retention), and pedestrian paving and other landscaping elements shall be used to prevent erosion and meet the functional and visual purposes such as defining spaces, accommodating and directing circulation patterns, managing visibility, attracting attention to building entrances and other focal points, and visually integrating buildings with the landscape area and with each other.

- (a) Turf grass. High-use areas shall be planted with irrigated turf grass. Nonirrigated shortgrass prairie grasses or other adapted grasses that have been certified as Xeriscape landscaping may be established in remote, low-use, low visibility areas.
- (b) Planting beds. Shrub and ground cover planting beds shall be separated from turf grass with edging and shall have open surface areas covered with mulch.
- (c) Slopes. Retaining walls, slope revetment or other acceptable devices integrated with plantings shall be used to stabilize slopes that are steeper than 3:1. If soil tests performed on the subject soils indicate steeper slopes are stable without the above required protection, then the maximum slope allowed without the above required protection may be increased to the maximum stated in the soils report or 2:1, whichever is less steep.
- (d) Foundation Plantings. Exposed sections of building walls that are in high-use or high-visibility areas of the building exterior shall have planting beds at least five (5) feet wide placed directly along at least fifty (50) percent of such walls, except where pedestrian paving abuts a commercial building with trees and/or other landscaping in cutouts or planting beds along the outer portion of the pedestrian space away from the building.
- (e) Parkways. All adjoining street parkways shall be landscaped in connection with the development in accordance with the *Larimer County Urban Area Street Standards*.
- (f) Agricultural Use. If outdoor space is maintained in active agricultural use, the landscape surfaces and ground cover standards above shall not apply.

(3) **Water Conservation.** Landscape plans shall be designed to incorporate water-efficient techniques.

- (a) Landscape designs shall be designed according to the xeriscape landscaping principles described as follows:
 - (I) Plan and design. Plan for how people will use and interact with the landscape. Group landscape materials accordingly based upon hydrozone.
 - (II) Landscape arrangement. Provide a cohesive arrangement of turf, plants, mulch, boulders and other landscape elements that support the criteria in Section 5. 10.1(H).Landscape

elements shall be arranged to provide appropriate plant spacing and grouping and to avoid a disproportionate and excessive use of mulch areas.

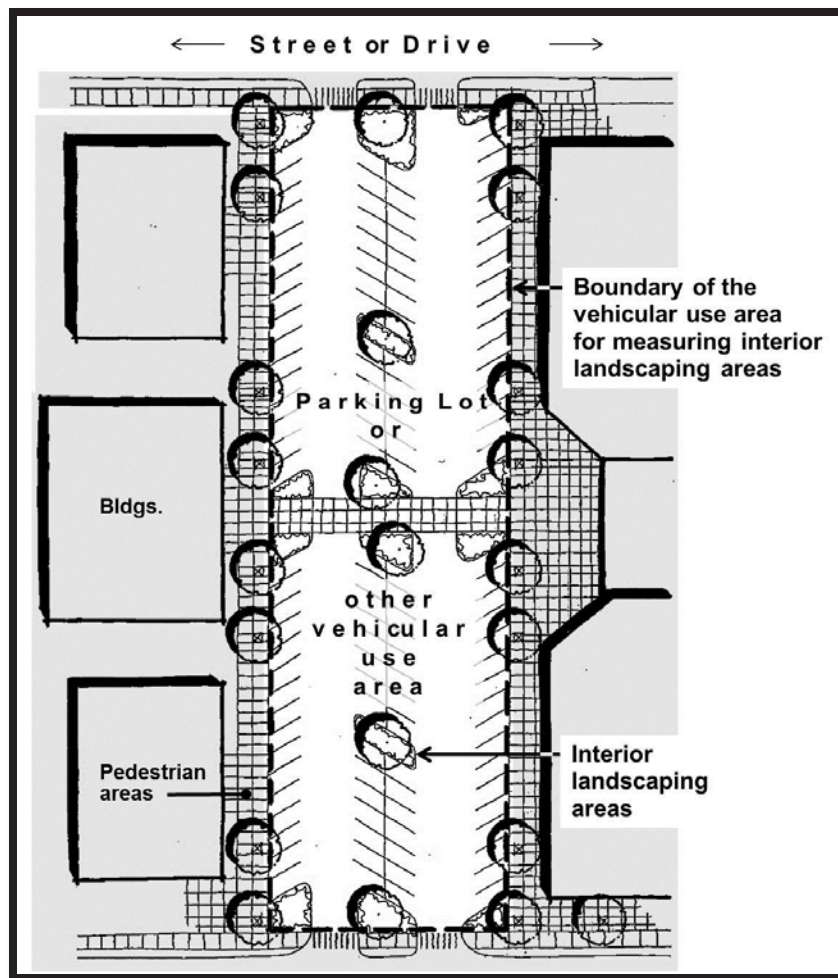
- (III) Appropriate use of turf. Limit high water-use turf to high-traffic areas where turf is functional and utilized.
- (IV) Appropriate plant selection. Selected plants shall be well-adapted to the Fort Collins climate and site conditions. Plants shall be grouped according to water and light requirements.
- (V) Efficient irrigation. Design, operate and maintain an efficient irrigation system. Select equipment appropriate to the hydrozone. Water deeply and infrequently to develop greater drought tolerance.
- (VI) Soil preparation. Incorporate soil amendments appropriate to the soil and the plant material. Soil preparation must be in accordance with City of Fort Collins Municipal Code 3..2.1.
- (VII) Mulch. Maintain a minimum depth of three inches of mulch in planting beds to conserve soil moisture and control weeds, with careful placement and adjustment of depth near plant stems as needed to allow unimpeded plant establishment and vigorous growth.
- (VIII) Maintenance. Provide regular maintenance including but not limited to weeding, pruning, mowing to an appropriate height, deadheading, replacement of dead plant material, and replenishment of mulch surfaces.
- (IX) Xeriscape principles do not include or allow artificial turf or plants; paving of areas not used for walkways, patios or parking; excessive bare ground or mulch; weed infestations; or any landscaping that does not comply with the standards of this section.

(b) Landscape plans shall include:

- (I) A water budget chart that shows the total annual water use, which shall not exceed an average of fifteen (15) gallons/square foot/year for each water tap.
 - Accurate and clear identification of all applicable hydrozones using the following categories:

High Hydrozone	18 gallons/square feet/year
Moderate Hydrozone	14 gallons/square feet/year
Low Hydrozone	8 gallons/square feet/year
Very Low Hydrozone	3 gallons/square feet/year

- (4) **Parking Lot Perimeter Landscaping.** Parking lot perimeter landscaping (in the minimum setback areas required by Section 5.9.1(J)(Access, Circulation and Parking) shall meet the following minimum standards:
- (a) Trees shall be provided at a ratio of one (1) tree per twenty-five (25) lineal feet along a public street and one (1) tree per forty (40) lineal feet along a side lot line parking setback area. Trees may be spaced irregularly in informal groupings or be uniformly spaced, as consistent with larger overall planting patterns and organization. Perimeter landscaping along a street may be located in and should be integrated with the streetscape in the street right-of-way.
 - (b) Screening. Parking lots with six (6) or more spaces shall be screened from abutting uses and from the street. Screening from residential uses shall consist of a fence or wall six (6) feet in height in combination with plant material and of sufficient opacity to block at least seventy-five (75) percent of light from vehicle headlights. Screening from the street and all nonresidential uses shall consist of a wall, fence, planter, earthen berm, plant material or a combination of such elements, each of which shall have a minimum height of thirty (30) inches. Such screening shall extend a minimum of seventy (70) percent of the length of the street frontage of the parking lot and also seventy (70) percent of the length of any boundary of the parking lot that abuts any nonresidential use. Openings in the required screening shall be permitted for such features as access ways or drainage ways. Where screening from the street is required, plans submitted for review shall include a graphic depiction of the parking lot screening as seen from the street. Plant material used for the required screening shall achieve required opacity in its winter seasonal condition within three (3) years of construction of the vehicular use area to be screened.
- (5) **Parking Lot Interior Landscaping.** Six (6) percent of the interior space of all parking lots with less than one hundred (100) spaces, and ten (10) percent of the interior space of all parking lots with one hundred (100) spaces or more shall be landscape areas. (See Figure 1). All parking lot islands, connecting walkways through parking lots and driveways through or to parking lots shall be landscaped according to the following standards:
- (a) Visibility. To avoid landscape material blocking driver sight distance at driveway-street intersections, no plant material greater than twenty-four (24) inches in height shall be located within fifteen (15) feet of a curbcut.
 - (b) Maximized Area of Shading. Landscaped islands shall be evenly distributed to the maximum extent feasible. At a minimum, trees shall be planted at a ratio of at least one (1) canopy shade tree per one hundred fifty (150) square feet of internal landscaped area with a landscaped surface of turf, ground cover perennials or mulched shrub plantings.
 - (c) Landscaped Islands. In addition to any pedestrian refuge areas, each landscaped island shall include one (1) or more canopy shade trees, be of length greater than eight (8) feet in its smallest dimension, include at least eighty (80) square feet of ground area per tree to allow for root aeration, and have raised concrete curbs.
 - (d) Figure 1 – Interior Landscaping for Vehicular Use Areas:



- (e) Walkways and Driveways. Connecting walkways through parking lots, as required in subsection 5.9.1(C)(5)(a) (Walkways) shall have one (1) canopy shade tree per forty (40) lineal feet of such walkway planted in landscape areas within five (5) feet of such walkway. Driveways through or to parking lots shall have one (1) canopy shade tree per forty (40) lineal feet of and along each side of such driveway, in landscape areas within five (5) feet of such driveway.
 - (f) Parking bays shall extend no more than fifteen (15) parking spaces without an intervening tree, landscape island or landscape peninsula.
 - (g) Engineering. Detailed specifications concerning parking lot surfacing material and parking lot drainage detention are available from the City Engineer.
- (6) **Screening.** Landscape and building elements shall be used to screen areas of low visual interest or visually intrusive site elements (such as trash collection, open storage, service areas, loading docks and blank walls) from off-site view. Such screening shall be established on all sides of such elements except where an opening is required for access. If access is possible only on a side that is visible from a public street, a removable or operable screen shall be required. The screen shall be designed and established so that the area or element being screened is no more than twenty (20) percent visible through the screen.

- Screening Materials. Required screening shall be provided in the form of new or existing plantings, walls, fences, screen panels, topographic changes, buildings, horizontal separation or a combination of these techniques.

(7) **Landscaping of Vehicle Display Lots.** Vehicle display lots for vehicle sales and leasing (as those terms are defined in Article 7) that abut an arterial or collector street shall feature landscaped islands along the street at an interval not to exceed every fifteen (15) vehicles or one hundred thirty-five (135) feet, whichever is less. Each landscaped island shall comply with the requirements of 5.10.1(E)(5)(c).

(F) **Tree Preservation and Mitigation.** Existing significant trees (six (6) inches and greater in diameter) within the LOD and within natural habitat buffer zones shall be preserved to the extent reasonably feasible and may help satisfy the landscaping requirements of this Section as set forth above. Such trees shall be considered "protected" trees within the meaning of this Section, subject to the exceptions contained in subsection (2) below. Streets, buildings and lot layouts shall be designed to minimize the disturbance to significant existing trees. All required landscape plans shall accurately identify the locations, species, size and condition of all significant trees, each labeled showing the applicant's intent to either remove, transplant or protect.

Where the City determines it is not feasible to protect and retain significant existing tree(s) or to transplant them to another on-site location, the applicant shall replace such tree(s) according to the following requirements and shall satisfy the tree planting standards of this Section. To the extent reasonably feasible, replacement trees shall be planted on the development site or, if not reasonably feasible, in the closest available and suitable planting site on public or private property. The closest available and suitable planting site shall be selected within one-half (½) mile (2,640 feet) of the development site, subject to the following exceptions. If suitable planting sites for all of the replacement trees are not available within one-half (½) mile (2,640 feet) of the development, then the City Forester shall determine the most suitable planting location within the City's boundaries as close to the development site as feasible. If locations for planting replacement trees cannot be located within one-half (½) mile of the development site, the applicant may, instead of planting such replacement trees, submit a payment in lieu to the City of Fort Collins Forestry Division to be used to plant replacement trees as close to the development site as possible. The payment in lieu mitigation fee per tree is determined by the City Forester and may be adjusted annually based on market rates. Payment must be submitted prior to the Development Construction Permit issuance or other required permits.

(1) A significant tree that is removed shall be replaced with not less than one (1) or more than six (6) replacement trees sufficient to mitigate the loss of contribution and value of the removed significant tree(s). The applicant shall coordinate with the City Forester to determine such loss based upon an onsite tree assessment, including, but not limited to, shade, canopy, condition, size, aesthetic, environmental and ecological value of the tree(s) to be removed. Replacement trees shall meet the following minimum size requirements unless otherwise determined by the City Forester:

- (a) Canopy Shade Trees: 2.0" caliper balled and burlap or equivalent.
- (b) Ornamental Trees: 2.0" caliper balled and burlap or equivalent.
- (c) Evergreen Trees: 8' height balled and burlap or equivalent.

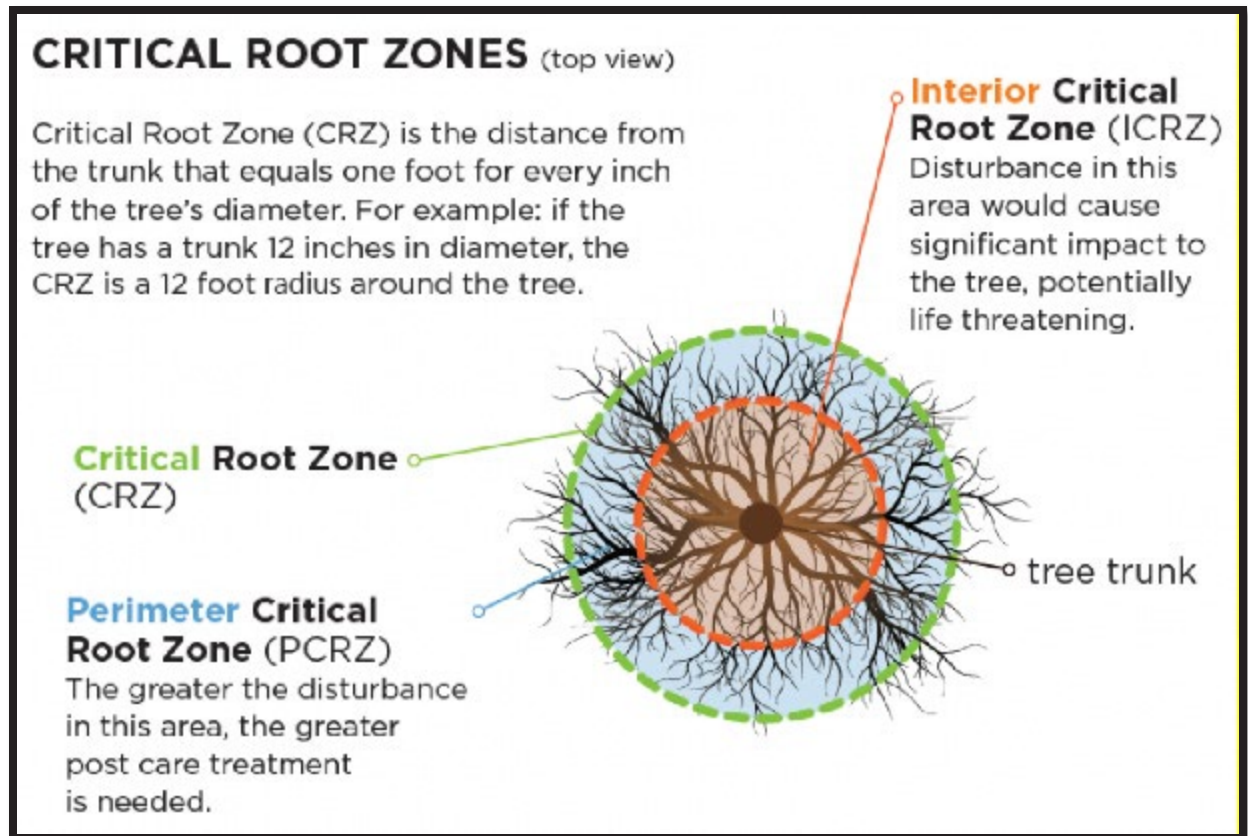
- (2) Trees that meet one (1) or more of the following removal criteria shall be exempt from the requirements of this subsection unless they meet mitigation requirements in Section 5.6.1(E)(1) of this Code:
 - (a) dead, dying or naturally fallen trees, or trees found to be a threat to public health, safety or welfare;
 - (b) trees that are determined by the City to substantially obstruct clear visibility at driveways and intersections;
 - (c) Siberian elm less than eleven (11) inches DBH and Russian-olive or ash (*Fraxinus* species) less than eight (8) inches DBH.
- (3) All existing street trees that are located on City rights-of-way abutting the development shall be accurately identified by species, size, location and condition on required landscape plans, and shall be preserved and protected in accordance with the standards of subsection (G).
- (G) **Tree Protection Specifications.** The following tree protection specifications shall be followed for all projects with protected existing trees. Tree protection methods shall be delineated on the demolition plans and development plans.
 - (1) Within the drip line of any protected existing tree, there shall be no cut or fill over a four-inch depth unless a qualified arborist or forester has evaluated and approved the disturbance.
 - (2) All protected existing trees shall be pruned to the City of Fort Collins Forestry Division standards.
 - (3) Prior to and during construction, barriers shall be erected around all protected existing trees with such barriers to be of orange construction or chain link fencing a minimum of four (4) feet in height, secured with metal T-posts, no closer than six (6) feet from the trunk or one-half ($\frac{1}{2}$) of the drip line, whichever is greater. Concrete blankets, or equivalent padding material, wrapped around the tree trunk(s) is recommended and adequate for added protection during construction. There shall be no storage or movement of equipment, material, debris or fill within the fenced tree protection zone. A tree protection plan must be submitted to and approved by the City Forester prior to any development occurring on the development site.
 - (4) During the construction stage of development, the applicant shall prevent the cleaning of equipment or material or the storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil or any other material harmful to the life of a tree within the drip line of any protected tree or group of trees.
 - (5) No damaging attachment, wires, signs or permits may be fastened to any protected tree.
 - (6) Large property areas containing protected trees and separated from construction or land clearing areas, road rights-of-way and utility easements may be "ribboned off," rather than erecting protective fencing around each tree as required in subsection (G)(3) above. This may be accomplished by placing metal t-post stakes a maximum of fifty (50) feet apart and tying ribbon or rope from stake-to-stake along the outside perimeters of such areas being cleared.

- (7) The installation of utilities, irrigation lines or any underground fixture requiring excavation deeper than six (6) inches shall be accomplished by boring under the root system of protected existing trees at a minimum depth of twenty-four (24) inches. The auger distance is established from the face of the tree (outer bark) and is scaled from tree diameter at breast height as described in the chart below. Low pressure hydro excavation, air spading or hand digging are additional tools/practices that will help reduce impact to the tree(s) root system when excavating at depths of twenty-four (24) inches or less. Refer to the Critical Root Zone (CRZ) diagram, Figure 2, for root protection guidelines. The CRZ shall be incorporated into and shown on development plans for all existing trees to be preserved.

(a) Auger Distance Table:

<i>Tree Diameter at Breast Height (inches)</i>	<i>Auger Distance From Face of Tree (feet)</i>
0-2	1
3-4	2
5-9	5
10-14	10
15-19	12
Over 19	15

(b) Figure 2 - Critical Root Zone Diagram.



(H) **Placement and Interrelationship of Required Landscape Plan Elements.** In approving the required landscape plan, the decision maker shall have the authority to determine the optimum placement and interrelationship of required landscape plan elements such as trees, vegetation, turf, irrigation, screening, buffering and fencing, based on the following criteria:

- (1) protecting existing trees, natural areas and features;
- (2) enhancing visual continuity within and between neighborhoods;
- (3) providing tree canopy cover;
- (4) creating visual interest year-round;
- (5) complementing the architecture of a development;
- (6) providing screening of areas of low visual interest or visually intrusive site elements;
- (7) establishing an urban context within mixed-use developments;
- (8) providing privacy to residents and users;
- (9) conserving water;
- (10) avoiding reliance on excessive maintenance;
- (11) promoting compatibility and buffering between and among dissimilar land uses; and
- (12) establishing spatial definition.

(I) **Landscape Materials, Maintenance and Replacement.**

- (1) **Topsoil.** To the maximum extent feasible, topsoil that is removed during construction activity shall be conserved for later use on areas requiring revegetation and landscaping. Organic soil amendments shall also be incorporated in accordance with the requirements of Section 5.5.5.
- (2) **Plant Materials.** Plant material shall be selected from the *City of Fort Collins Plant List* created by Fort Collins Utilities Customer Connections Department and adopted by the Director. The *Plant List* contains plants determined by local resources to be appropriate for local conditions. The Director may approve plants not included on the list upon a determination that such plants are well suited for the local climate.
- (3) **Plant Quality.** All plants shall be A-Grade or No. 1 Grade, free of any defects, of normal health, height, leaf density and spread appropriate to the species as defined by American Association of Nurserymen standards.
- (4) **Installation.** All landscaping shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy growth. All landscaping in each phase shall either be installed or the installation shall be secured with a letter of credit, escrow or performance bond for one hundred twenty-five (125) percent of the value of the landscaping prior to the issuance of a certificate of occupancy for any building in such phase.
- (5) **Maintenance.** Trees and vegetation, irrigation systems, fences, walls and other landscape elements shall be considered as elements of the project in the same manner as parking, building materials and other site details. The applicant, landowner or successors in interest shall be jointly and severally responsible for the regular maintenance of all landscaping elements in good condition. All landscaping shall be maintained free from disease, pests, weeds and litter, and all landscape structures such as fences and walls shall be repaired and replaced periodically to maintain a structurally sound condition.
- (6) **Replacement.** Any landscape element that dies, or is otherwise removed, shall be promptly replaced based on the requirements of this Section.
- (7) **Mitigation.** Healthy, mature trees that are removed by the applicant or by anyone acting on behalf of or with the approval of the applicant shall be replaced with not less than one (1) or more than six (6) replacement trees sufficient to mitigate the loss of value of the removed tree. The applicant shall select either the City Forester or a qualified landscape appraiser to determine such loss based upon an appraisal of the removed tree, using the most recent published methods established by the Council of Tree and Landscape Appraisers. Larger than minimum sizes (as set forth in subsection (D)(4) above) shall be required for such replacement trees.
- (8) **Restricted Species.** City Forestry Division shall provide a list of specified tree species that shall not be planted within the limits of development and adjoining street right-of-way. For example, no ash trees (*Fraxinus* species) shall be planted due to the anticipated impacts of the emerald ash borer.
- (9) **Prohibited species.** For prohibited species reference Chapter 27, Article II, Division 1, Sec. 27-18 of the Fort Collins Municipal Code.

(J) Irrigation.

- (1) Provision shall be made for permanent, automatic irrigation of all plant material, with the following exceptions:
 - (a) Plantings that do not require any irrigation beyond establishment.
 - (b) Trees and other plants used to landscape a residential local street parkway abutting lots for detached single-unit dwellings.
- (2) For any development provided water within the City, a final irrigation plan shall be submitted to and approved by the Director prior to the issuance of the building permit, or if no building permit is required, then prior to commencement of construction. As determined by the Director, minor redevelopment or change of use projects may not be required to submit an irrigation plan; in such cases, a written statement shall be submitted describing the type of irrigation system proposed. The irrigation plan shall incorporate the City of Fort Collins Irrigation System Standards for Water Conservation set forth below. In addition, the irrigation system must be inspected for compliance with the approved irrigation plan before the issuance of a Certificate of Occupancy.
- (3) The City of Fort Collins Irrigation System Standards for Water Conservation are as follows:
 - (a) Irrigation Methods and Layout.
 - (I) The irrigation system shall be designed according to the hydrozones shown on the landscape plan.
 - (II) Each zone shall irrigate a landscape with similar site, soil conditions and plant material having similar water needs. To the extent reasonably feasible, areas with significantly different solar exposures shall be zoned separately.
 - (III) Turf and non-turf areas shall be irrigated on separate zones.
 - (IV) On steep grades, an irrigation method with a lower precipitation rate shall be used in order to minimize runoff, and, to the extent reasonably feasible, these areas shall be zoned separately.
 - (V) Drip, micro-sprays, sprayheads and rotors shall not be combined on the same zone.
 - (VI) The irrigation method shall be selected to correlate with the plant density. Drip irrigation or bubblers shall be used for sparsely planted trees and shrubs, and rotors, sprayheads and multi-jet rotary nozzles shall be used for turfgrass.
 - (b) Equipment Selection.
 - (I) To reduce leakage of water from the irrigation system, a master shut-off valve shall be installed downstream of the backflow device to shut off water to the system when not operating.

- (II) For irrigation systems that are on a combined-use tap, with a water meter installed upstream to measure total water use, the installation of an irrigation-only submeter should be considered. The purpose of the submeter would be to enable the owner and landscape maintenance contractor to monitor water use for irrigation. The submeter would not be used for billing purposes. The cost of installation and maintenance of a submeter, if used, would be borne by the owner of the property and not by the City. All such submeters would have to be installed in accordance with the specifications established by the City.
- (III) Irrigation controllers shall be "smart" controllers, using climate-based or soil moisture-based technology, selected from the WaterSense labeled irrigation controllers list issued by the United States Environmental Protection Agency from time-to-time and available at the City of Fort Collins Utilities Water Conservation Department. Controllers shall be installed and programmed according to manufacturer's specifications.
- A data input chart for the Smart Controller, including the precipitation rate from the audit, shall be posted at each irrigation controller.
 - Within six (6) weeks of the installation of new landscaping, the irrigation system Smart Controllers shall be reset to the normal seasonal watering schedule.
- (IV) An evapotranspiration (ET) sensor or weather monitor shall be installed on each irrigation controller and installed according to manufacturer's specifications in a location to receive accurate weather conditions.
- (V) Sprinklers and nozzles shall meet the following requirements:
- The type of sprinkler and associated nozzles shall be selected to correlate with the size and geometry of the zone being irrigated.
 - Sprinklers shall be spaced no closer than seventy-five (75) percent of the maximum radius of throw for the given sprinkler and nozzle. Maximum spacing shall be head-to-head coverage.
 - Coverage arcs and radius of throw for turf areas shall be selected and adjusted to water only turf areas and minimize overspray onto vegetated areas, hard surfaces, buildings, fences or other non-landscaped surfaces.
 - Sprinklers, bubblers or emitters on a zone shall be of the same manufacturer.
 - Sprayheads in turf areas shall have a minimum three-and-one-half-inch pop-up riser height.
 - Sprayheads on a zone shall have matched precipitation nozzles. Variable Arc Nozzles (VAN) are not acceptable for ninety (90), one hundred eighty (180) and three hundred sixty (360) degree applications. High-Efficiency Variable Arc Nozzles (HE-VAN) are acceptable only in odd shaped areas where ninety (90), one hundred eighty (180) and three hundred sixty (360) are not applicable.

- Nozzles for rotors shall be selected to achieve an approximate uniform precipitation rate throughout the zone.
 - All sprayheads and rotors shall be equipped with check valves. Sprayheads shall also have pressure-regulating stems.
- (VI) Pressure-compensating emitters shall be used for drip irrigation. For sloped areas, a check valve shall be installed, and the drip line shall be parallel to the slope.
- (VII) Remote control valves shall have flow control.
- (VIII) A backflow prevention assembly shall be installed in accordance with local codes. All backflow assemblies shall be equipped with adequately sized winterization ports downstream of the backflow assembly.
- (IX) Properties with single or combined point of connection flows of two hundred (200) gpm or greater shall have a control system capable of providing real-time flow monitoring and the ability to shut down the system in the event of a high-flow condition.
- (c) Sleeving.
- (I) Separate sleeves shall be installed beneath paved areas to route each run of irrigation pipe or wiring bundle. The diameter of sleeving shall be twice that of the pipe or wiring bundle.
 - (II) The sleeving material beneath sidewalks, drives and streets shall be PVC Class 200 pipe with solvent welded joints.
- (d) Water Pressure.
- (I) The irrigation system designer shall verify the existing available water pressure.
 - (II) The irrigation system shall be designed such that the point-of-connection design pressure, minus the possible system pressure losses, is greater than or equal to the design sprinkler operating pressure.
 - (III) All pop-up spray sprinkler bodies equipped with spray nozzles shall operate at no less than twenty (20) psi and no more than thirty (30) psi.
 - (IV) All rotary sprinklers and multi-stream rotary nozzles on pop-up spray bodies shall operate at the manufacturer's specified optimum performance pressure.
 - (V) If the operating pressure exceeds the manufacturer's specified maximum operating pressure for any sprinkler body, pressure shall be regulated at the zone valve or sprinkler heads.

- (VI) Booster pumps shall be installed on systems where supply pressure does not meet the manufacturer's minimum recommended operating pressure for efficient water distribution.

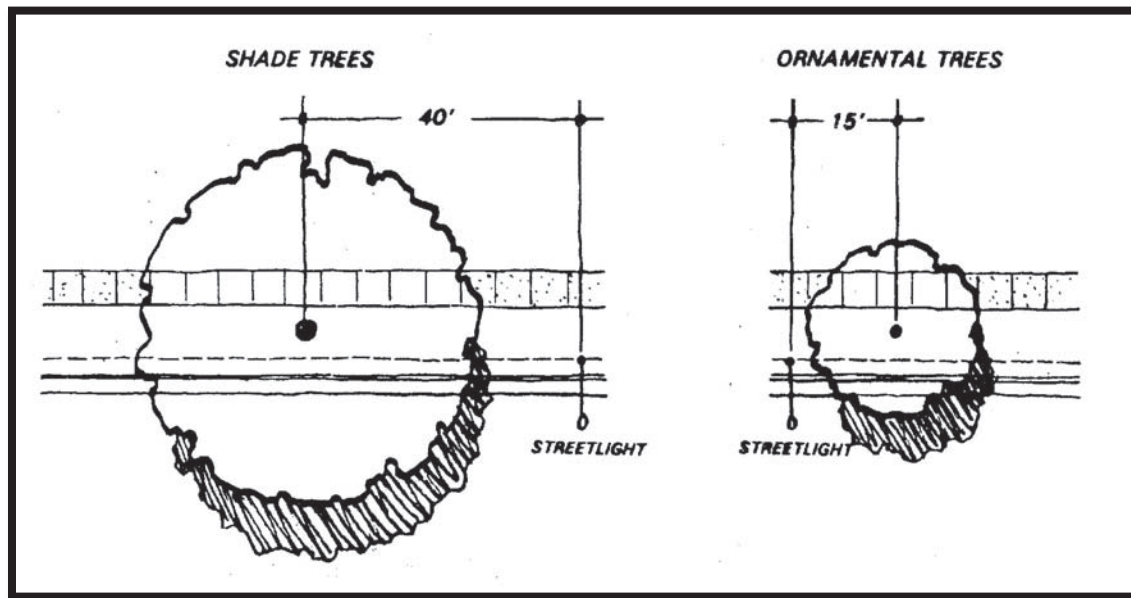
(e) Sprinkler Performance Audit.

- (I) A sprinkler performance audit shall be performed by a landscape irrigation auditor who is independent of the installation contractor, and who is certified by the Irrigation Association (a nonprofit industry organization dedicated to promoting efficient irrigation). Sprinkler systems that are designed and installed without turf areas are exempt from this requirement.
- (II) The audit shall include measurement of distribution uniformity. Minimum acceptable distribution uniformities shall be sixty (60) percent for spray head zones and seventy (70) percent for rotor zones. Sprinkler heads equipped with multi-stream rotary nozzles are considered rotors.
- (III) Audit results below the minimum acceptable distribution uniformity as set for the subsection (e)(II) above require adjustments and/or repairs to the irrigation system. These corrections will be noted on the irrigation as-builts and the test area re-audited until acceptable efficiency/results.
- (IV) The audit shall measure the operating pressure for one (1) sprinkler on each zone to determine whether the zone meets the above pressure requirements.
- (V) A copy of the sprinkler performance audit shall be submitted to and approved by the City before issuance of a certificate of occupancy.

(K) **Utilities and Traffic.** Landscape, utility and traffic plans shall be coordinated. The following list sets forth minimum dimension requirements for the most common tree/utility and traffic control device separations. Exceptions to these requirements may occur where utilities or traffic control devices are not located in their standard designated locations, as approved by the Director. Tree/utility and traffic control device separations shall not be used as a means of avoiding the planting of required street trees.

- (1) Forty (40) feet between shade trees and streetlights. Fifteen (15) feet between ornamental trees and streetlights. (See Figure 3.)

(a) Figure 3 – Tree/Streetlight Separations:



- (2) Twenty (20) feet between shade and/or ornamental trees and traffic control signs and devices.
 - (3) Ten (10) feet between trees and water or sewer mains.
 - (4) Six (6) feet between trees and water or sewer service lines.
 - (5) Four (4) feet between trees and gas lines.
 - (6) Street trees on local streets planted within the eight-foot-wide utility easement may conflict with utilities. Additional conduit may be required to protect underground electric lines.
- (L) **Visual Clearance or Sight Distance Triangle.** Except as provided in subparagraphs (1) and (2) below, a visual clearance triangle, free of any structures or landscape elements over twenty-four (24) inches in height, shall be maintained at street intersections and driveways in conformance with the standards contained in the Larimer County Urban Area Street Standards.
- (1) Fences shall not exceed forty-two (42) inches in height and shall be of an open design.
 - (2) Deciduous trees may be permitted to encroach into the clearance triangle provided that the lowest branch of any such tree shall be at least six (6) feet from grade.
- (M) **Revegetation.** When the development causes any disturbance within any natural area buffer zone, revegetation shall occur as required in paragraph 5.6.1(E)(2) (Development Activities Within the Buffer Zone) and subsection 5.10.1(F) (Tree Preservation and Mitigation).

- (N) **Alternative Compliance.** Upon request by an applicant, the decision maker may approve an alternative landscape and tree protection plan that may be substituted in whole or in part for a landscape plan meeting the standards of this Section.
- (1) **Procedure.** Alternative landscape plans shall be prepared and submitted in accordance with submittal requirements for landscape plans. Each such plan shall clearly identify and discuss the modifications and alternatives proposed and the ways in which the plan will better accomplish the purposes of this Section than would a plan which complies with the standards of this Section.
- (2) **Review Criteria.** To approve an alternative plan, the decision maker must find that the proposed alternative plan accomplishes the purposes of this Section equally well or better than would a plan which complies with the standards of this Section.
- (3) In reviewing the proposed alternative plan for purposes of determining whether it accomplishes the purposes of this Section as required above, the decision maker shall take into account whether the alternative accomplishes the functions listed in Subsection (C)(1) through (7) and Subsection (H) of this Section and demonstrates innovative design and use of plant materials and other landscape elements.
- (O) **Soil Amendments.** For any development project, prior to installation of any plant materials, including but not limited to grass, seed, flowers, shrubs or trees, the soil in the area to be planted shall be loosened and amended in a manner consistent with the requirements of City Code Section 12-132(a), regardless of whether a building permit is required for the specific lot, tract or parcel in which the area is located. A certification consistent with the requirements of City Code Section 12-132(b) shall be required for the area to be planted. This requirement may be temporarily suspended or waived for the reasons and in the manner set forth in City Code Sections 12-132(c) and (d).

5.10.2 BUFFERING FOR RESIDENTIAL AND HIGH OCCUPANCY BUILDING UNITS

- (A) **Applicability.** These standards apply only to applications that include residential uses and, to the extent legally applicable, high occupancy building units. Standards regarding Buffer Yard D shall not apply to any lot for which a site specific development plan with vested rights was approved prior to September 14, 2018 so long as such site specific development plan was, or is, valid at the time of issuance of any building permit for the construction or modification of any dwelling unit or high occupancy building unit on such lot.
- (B) **Purpose.** The purpose of this Section is to provide standards to separate residential land uses and high occupancy building units from existing industrial uses in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, air pollutants, hazardous materials or site contamination, or danger from fires or explosions.
- (C) **Buffer standards.** Buffer yards shall be located on the outer perimeter of a lot or parcel and may be required along all property lines for buffering purposes and shall meet the standards as provided in this Section.
- (1) Only those structures used for buffering and/or screening purposes shall be located within a buffer yard. The buffer yard shall not include any paved area, except for pedestrian sidewalks or paths or vehicular access drives which may intersect the buffer yard at a point which is perpendicular to the buffer yard and which shall be the minimum width necessary to provide vehicular or pedestrian access. Fencing and/or walls used for buffer yard purposes shall be solid, with at least seventy-five (75) percent opacity.

- (2) There are four (4) types of buffer yards which are established according to land use intensity as described in Chart 1 below. Buffer yard distances are established in Chart 2 below and specify deciduous or coniferous plants required per one hundred (100) linear feet along the affected property line, on an average basis.
- (3) The buffer yard requirements shall not apply to temporary or seasonal uses or to properties that are separated by a major collector street, arterial street, or highway.
- (4) Additional Standards Applicable to *Buffer Yard D*. The following requirements shall also apply to development located in Buffer Yard D:
 - (a) **Measured.** For purposes of Buffer Yard D standards, the buffer yard shall be measured as either the distance from the outer edge of an oil and gas location to the nearest wall or corner of any dwelling or high occupancy building unit location or, if any Colorado Oil and Gas Conservation Commission adopted setback measurement method applicable to a dwelling or high occupancy building unit results in a greater distance between the existing oil and gas operation site location and the dwelling or high occupancy building unit at issue, then the Colorado Oil and Gas Conservation Commission setback measurement method shall be used. Buffer Yard D areas may include paved areas, notwithstanding paragraph (1) above.
 - (b) **Minimum Buffer Distances.** The following minimum buffer distances shall apply:
 - (I) Residential Development. The minimum buffer between a dwelling and any oil and gas location shall be five hundred (500) feet, or the Colorado Oil and Gas Conservation Commission designated setback distance, whichever is greater. Public playgrounds, parks, recreational fields, or community gathering spaces shall not be placed within a buffer. Private common areas within a buffer shall not contain playgrounds, parks, recreational fields, or community gathering spaces.
 - (II) High Occupancy Building Units. The minimum buffer between a high occupancy building unit and any oil and gas location shall be one thousand (1,000) feet, or the Colorado Oil and Gas Conservation Commission designated setback distance, whichever is greater. Public or private playgrounds, parks, recreational fields, or community gathering spaces shall not be allowed within a buffer.
 - (c) Alternative compliance buffer reduction from plugged and abandoned wells. Upon applicant request, the decision maker may approve a reduced buffer distance from a plugged and abandoned well for which reclamation has been completed, all of the aforementioned in accordance with Colorado Oil and Gas Conservation Commission regulations, in lieu of the minimum buffer distances set forth in the immediately preceding Subsection (b), provided that the approved reduced buffer is no less than 150 feet from the permanently abandoned well and meets the requirements specified below.
 - (I) **Procedure.** To request alternative compliance, an alternative compliance buffer reduction plan shall be prepared and submitted in accordance with the submittal requirements established by the Director. At a minimum, the plan must:
 - (i) Clearly identify and discuss the proposed buffer reduction and the ways in which the plan will equally well or better eliminate or minimize the nuisances and reduce the adverse effects referenced in the purpose of this Section than would a plan which complies with the separation and spacing standards of this Section.
 - (ii) Include information regarding environmental testing and monitoring for the site. Site investigation, sampling, and monitoring shall be conducted to demonstrate that the well has been properly abandoned and that soil, air and water quality have not been adversely impacted by oil and gas operations or facilities or other sources of

contamination. Such sampling and monitoring shall be conducted by a qualified environmental engineering or consulting firm with experience in oil and gas investigations. Director approval that the sampling and monitoring plan contains the information required pursuant to this subsection b) is required prior to sampling occurring and such plan shall include, but is not limited to, the following:

- Site survey, historical research, and/or physical locating techniques to determine exact location and extent of oil and gas operations and facilities.
- Documentation of plugging activities, abandonment and any subsequent inspections.
- Soil sampling, including soil gas testing.
- Groundwater sampling.
- Installation of permanent groundwater wells for future site investigations.
- A minimum of five (5) years of annual soil gas and groundwater monitoring at the well location.

(iii) Upon completion of the site investigation and sampling, not including the ongoing monitoring, the consultant must provide a written report verifying that the soil and groundwater samples meet applicable EPA and State residential regulations and that a reduced buffer would not pose a greater health or safety risk for future residents or users of the site. Otherwise, the decision maker may specify an appropriate buffer distance or require that the following actions be completed by a qualified professional before development may occur, including but not limited to:

- Remediation of environmental contamination to background levels.
- Well repair or re-plugging of a previously abandoned well.

(II) **Review Criteria.** To approve an alternative compliance buffer reduction plan, the decision maker must find that the proposed alternative plan eliminates or minimizes the nuisances and reduces the adverse effects referenced in the purpose of this Section equally well or better than would a plan which complies with the separation and spacing standards of this Section. An approved alternative compliance buffer reduction plan shall be exempt from the screening requirements of Chart 2 - Buffer Yard Types and below Subsection (e) regarding fencing.

(d) **Disclosure.** If any residential development or dwelling, or high occupancy building unit is proposed to be located within one thousand (1,000) feet of an oil and gas location, the following requirements shall apply:

- (I) At such time as the property to be developed is platted or replatted, the plat shall show the one-thousand-foot radius on the property from such oil and gas location and shall contain a note informing subsequent property owners that certain lots shown on the plat are in close proximity to an existing oil and gas location.
- (II) For residential developments requiring a declaration pursuant to the Colorado Common Interest Ownership Act, a statement shall be included in such declaration specifying the lots within such residential development upon which dwellings may be constructed that are within one thousand (1,000) feet of an oil and gas location. The approved plat for such residential development shall be attached to the recorded declaration. Where no such declaration is required, the property owner shall record a statement on the

property where the dwelling is located indicating that such property is located within one thousand (1,000) feet of an oil and gas location.

- (e) **Fencing.** If any residential development is proposed to be located within five hundred (500) feet of an oil and gas location, and if an existing fence does not surround the oil and gas location, the developer must erect a fence that restricts public access to the oil and gas location along the property boundary between the oil and gas location and the development.

Chart 1

Land Use Intensity Categories

<i>Land Use</i>	<i>Intensity Category</i>	<i>Buffer Yard</i>
Airports/airstrips	Very High	C
Composting facilities	High	B
Dry cleaning plants	Very High	C
Feedlots	Very High	C
Heavy industrial uses	Very High	C
Light industrial uses	High	B
Junkyards	High	B
Outdoor storage facilities	High	B
Recreation vehicle, boat, truck storage	Medium	A
Recycling facilities	High	B
Agricultural research laboratories	High	B
Resource extraction	Very High	C
Oil and gas operations, including plugged and abandoned wells	Very High	D
Transportation terminals (truck, container storage)	High	B
Warehouse & distribution facilities	High	B
Workshops and custom small industry	Medium	A

Chart 2

Buffer Yard Types

<i>Type - Base Standard (plants per 100 linear feet along affected property line)*</i>	<i>Option Width</i>	<i>Plant Multiplier**</i>	<i>Option: Add 6' Wall</i>	<i>Option: Add 3' Berm or 6' Fence</i>
Buffer Yard A:	15 feet	1.00		
	20 feet	.90		
3 Shade Trees	25 feet	.80		
2 Ornamental Trees or Type 2 Shrubs***	30 feet	.70	.65	.80

3 Evergreen Trees	35 feet	.60		
15 Shrubs (33% Type 1, 67% Type 2)	40 feet	.50		
Buffer Yard B:	15 feet	1.25		
	20 feet	1.00		
	25 feet	.90		
4 Shade Trees	30 feet	.80	.75	.85
4 Ornamental Trees or Type 2 Shrubs***	35 feet	.70		
3 Evergreen Trees	40 feet	.60		
25 Shrubs (Type 2)	45 feet	.50		
Buffer Yard C:	20 feet	1.25		
	25 feet	1.00		
	30 feet	.90		
5 Shade Trees	35 feet	.80	.75	.85
6 Ornamental Trees or Type 2 Shrubs***	40 feet	.70		
4 Evergreen Trees	45 feet	.60		
30 Shrubs (Type 2)	50 feet	.50		
Buffer Yard D:	500 feet	1.25		
	525 feet	1.00		
	550 feet	.90		
6 Shade Trees	575 feet	.80	.75	.85
7 Ornamental Trees or Type 2 Shrubs***	600 feet	.70		
5 Evergreen Trees	625 feet	.60		
35 Shrubs (Type 2)	650 feet	.50		

* "Base standard" for each type of buffer yard is that width which has a plant multiplier.

** "Plant multipliers" are used to increase or decrease the amount of required plants based on providing a buffer yard of reduced or greater width or by the addition of a wall, berm or fence.

*** Shrub types: Type 1: 4' - 8' High Type 2: Over 8' High.

DIVISION 5.11 TRASH AND RECYCLING ENCLOSURES

5.11.1 TRASH AND RECYCLING ENCLOSURES

- (A) **Purpose.** The purpose of this standard is to ensure the provision of areas, compatible with surrounding land uses, for the collection, separation, storage, loading and pickup of trash, waste cooking oil,

compostable and recyclable materials. This standard is supplemented by the Enclosure Design Considerations and Guidance Document issued by the Director and available from the Department.

(B) **Applicability.** The following developments must provide adequately sized, conveniently located, and easily accessible areas to accommodate the specific trash, compostable and recyclable materials and waste cooking oil needs of the proposed use and future uses that are likely to occupy the development:

- (1) New commercial structures;
- (2) New residential structures using a common collection system for waste disposal;
- (3) Commercial structures that are proposed to be enlarged by more than twenty-five (25) percent;
- (4) Residential structures using a common collection system for waste disposal that are proposed to be enlarged by more than twenty-five (25) percent;
- (5) Commercial structures where a change of use is proposed; and
- (6) All newly constructed enclosures.

(C) **General Standards.**

- (1) Areas for the collection and storage of trash, waste cooking oil, and compostable, recyclable and other materials (linen service containers, returnable crates and pallets, and other similar containers) must be enclosed so that they are screened from public view. Enclosures must be constructed of durable materials such as masonry and shall be compatible with the structure to which it is associated.
- (2) Areas for the collection and storage of trash, waste cooking oil, and compostable, recyclable and other materials must be adequate in size, number and location to readily serve the reasonably anticipated needs of the development's occupants.
- (3) Development plans must include labeled drawings of all proposed enclosures, internal trash and recycling rooms, staging areas and the like and include all proposed dumpsters, containers, bins and other receptacles and label the capacity of each. Proposed recycling capacity must be at least fifty (50) percent of the proposed trash capacity.
- (4) To provide equal access for trash, compostable and recyclable materials, space allotted for the collection and storage of compostable/recyclable materials must be adequate in size and provided everywhere space for trash is provided in a functional manner.
- (5) Areas for the collection and storage of trash, waste cooking oil, and compostable, recyclable and other materials must be designed to allow walk-in access for pedestrians separate from the service opening that is at least thirty-two (32) inches wide and provides unobstructed and convenient access to all dumpsters, containers, bins, and other receptacles. Where possible, pedestrian entrances are encouraged to provide door-less entry unless reasonable circumstances (preventing illicit activities/usage, regulated waste streams, and the like) are demonstrated that would necessitate doors. If doors are used, they must provide safe and efficient access.

- (6) Areas for the collection and storage of trash, waste cooking oil, and compostable, recyclable and other materials must provide a service opening that is at least ten (10) feet for haulers to efficiently maneuver dumpsters, containers, bins and other receptacles unless an alternative and functional method is demonstrated on the plan. Enclosures must provide service gates unless an alternative and functional method is demonstrated on the plans that adequately screen the enclosure from view. Service gates must be constructed of metal or other comparable durable material, and must be finished to complement the enclosure. Service gates must be free of obstructions that would prevent them from opening fully, must have a method to be secured by hardware in both closed and fully open positions, and must be properly maintained so they may be operated easily and smoothly.
- (7) Areas for the collection and storage of trash, waste cooking oil, and compostable, recyclable and other materials, must include bollards, angle-iron, curbing, metal framing or other effective method to protect the interior walls of the enclosure from being damaged by dumpsters, containers, bins, and other receptacles.
- (8) Areas for the collection and storage of trash, waste cooking oil, and compostable, recyclable and other materials must be designed to provide adequate, safe and efficient accessibility for haulers and service vehicles, including but not limited to front-load, rear-load, side-load, and roll off trucks and trucks used to pump waste cooking oil. Development plans must label the route the hauler will take to service the development and must comply with necessary turning radii, width, and height restrictions for the type of collection vehicles that will service the development.
- (9) To ensure wheeled service dumpsters, containers, bins and other receptacles can be rolled smoothly and to prevent damage to the surfaces they will be wheeled over, enclosures must be situated on a service pad that extends beyond the service gates at their fully open position at least the width of the widest proposed dumpster, container, bin and other receptacles plus an additional two (2) feet. If the truck access point is separated from the storage location, a serviceable route that is free of obstructions must be provided and shall not exceed a maximum grade of five (5) percent in the direction of travel and two (2) percent cross slope. Areas for the collection and storage of trash, waste cooking oil, and compostable, recyclable and other materials, service pads and serviceable routes must be constructed of cement concrete. For offsite conditions such as existing public alleyways, this standard will only apply to the extent reasonably feasible.
- (10) To provide equal access to trash and recyclable materials, multi-story buildings utilizing trash chutes must include a recycling chute of the same size or larger than the trash chute. Anywhere a trash chute is provided a recycling chute must also be provided adjacent to it. Chutes must be appropriately labeled "Landfill" and "Recycle" as appropriate.
- (11) Where proposed uses and future uses that are likely to occupy the development will generate waste cooking oil, internal waste cooking oil collection systems are encouraged. All areas used to store waste cooking oil must include measures to prevent spills and contamination of the stormwater system. Waste cooking oil containers must be secured in place, enclosed separately, or separated from other containers with bollards or another physical barrier. To prevent rain water from carrying residual waste cooking oil into the stormwater system, all areas used to store waste cooking oil must include a roof unless an alternative and functional method is demonstrated on the plans.

DIVISION 5.12 EXTERIOR SITE LIGHTING

5.12.1 EXTERIOR SITE LIGHTING

- (A) **Purpose.** The purpose of this Section is to ensure adequate exterior lighting for the safety, security, enjoyment and function of the proposed land use; conserve energy and resources; reduce light trespass, glare, artificial night glow, and obtrusive light; protect the local natural ecosystem from damaging effects of artificial lighting; and encourage quality lighting design and fixtures.
- (B) **General Standard.** All development that includes proposed artificial outdoor lighting, except for development on single-unit detached residential lots, single-unit attached residential lots, and two-unit dwelling residential lots for which an application is submitted after March 26, 2021, subject to below Subsection 5.12.1(D), shall submit for review and approval a proposed lighting plan that complies with the standards in this Section and meets the functional needs of the proposed land use without adversely affecting adjacent properties or the community.
- (C) **Design Standards.** The lighting plan shall meet the following requirements and all other applicable requirements set forth in this Section:
- (1) Provide a comprehensive plan that clearly calculates the lumens of all exterior lighting being proposed and demonstrates compliance with impacts to adjacent properties, as outlined in subsections (I) and (J) below.
 - (2) Design different use areas considering nighttime safety, utility, security, enjoyment, and commerce.
 - (3) Reinforce and extend the style and character of the architecture and land use proposed within the site.
 - (4) Demonstrate no light trespass onto Natural Areas, Natural Habitat Buffer Zones or River Landscape Buffers as defined in Section 5.6.1(E).
 - (5) All lighting shall have a nominal correlated color temperature (CCT) of no greater than 3000 Kelvin. Consider high color fidelity lamps relative to the lighting application.
 - (6) Light poles shall be anodized (or otherwise coated) to minimize glare from the light source.
- (D) **Existing Lighting.** Existing lighting shall mean lighting installed or approved prior to March 26, 2021.
- (1) The addition of three (3) or more new fixtures in excess of the existing number of fixtures, updating or replacement of three (3) or more existing fixtures, or the updating or replacement of between ten (10) and fifty (50) percent of the existing fixtures requires an approved minor amendment pursuant to Section 6.3.10. Such minor amendment review is limited to meeting Section 5.12(A), *Purpose*, Section 5.12.1(C), *Design Standards*, and Section 5.12.1(I), *Limits of Offsite Impacts*.
 - (2) The addition of less than three (3) new fixtures in excess of the existing number of fixtures, updating or replacement of less than three (3) existing fixtures, or the update or the replacement of less than ten (10) percent of the existing fixtures requires Director review and approval. The review shall be limited to meeting Section 5.12.1(A), *Purpose*, Section 5.12.1(C), *Design Standards*, and Section 5.12.1(I), *Limits to Offsite Impacts*. The Director may impose conditions of approval to ensure lighting meets the purpose and intent of code requirements. The applicant may appeal the Director's decision in the same manner

as a basic development review or minor subdivision decision as set forth in Land Use Code Section 6.3.12(C).

- (3) Should the addition of fixtures in excess of the existing number of fixtures or update or replacement of existing fixtures occur incrementally, and the cumulative changes exceed three (3) new fixtures or replacement of between ten (10) and fifty (50) percent of the existing fixtures, whichever is greater, within a ten (10) year period, the addition or update that exceeds such threshold must be approved through a minor amendment pursuant to Section 6.3.10. Such minor amendment will review the cumulative changes or updates and be limited to meeting Section 5.12.1(A), *Purpose*, Section 5.12.1(C), *Design Standards*, and Section 5.12.1(I), *Limits to Offsite Impacts*.
 - (4) Applicants for minor amendments and changes of use pursuant to Land Use Code Section 6.3.10(A) that result in the replacement or upgrade of fifty (50) percent or more of the existing outdoor lighting fixtures at one time or incrementally within a ten (10) year period shall submit a lighting plan for the entire development site that meets the requirements of this Section and, if necessary to meet such requirements, complete a site lighting retrofit of the entire development site.
 - (5) Applicants for major amendments and changes of use pursuant to 6.3.10(B) shall submit a lighting plan for the entire development site that meets the requirements of this Section and, if necessary to meet such requirements, complete a site lighting retrofit for the entire development site.
- (E) **Conformance with All Applicable Codes.** All outdoor lighting shall be installed in conformance with this Section 5.12.1 and applicable sections of Chapter 5 of the Code of the City of Fort Collins.
- (F) **Exceptions.** The following are not subject to the requirements set forth in this Section:
- (1) Temporary lighting for construction sites, special events, holidays, and other events requiring lighting.
 - (2) Festoon lights installed for less than thirty (30) consecutive days.
 - (3) Lighting within the public right-of-way. Such lighting is regulated under the Larimer County Urban Area Street Standards.
 - (4) Lighting for single-unit residential housing and duplexes. Such lighting is regulated by the adopted building codes and amendments.
- (G) **Prohibited Lighting.** The following lighting is prohibited:
- (1) Site lighting that may be confused with warning, emergency or traffic signals; and
 - (2) Mercury vapor lamps.
- (H) **Lighting Context Areas.** The applicable Lighting Context Area shall determine the limitations for exterior artificial lighting. The Lighting Context Areas are described as follows:
- (1) LCO - No ambient lighting. Areas where the natural environment will be seriously and adversely affected by lighting. Impacts include disturbing the biological cycles of flora and fauna and/or detracting from

human enjoyment and appreciation of the natural nighttime environment. The vision of human residents and users is adapted to the darkness, and they expect to see little or no lighting.

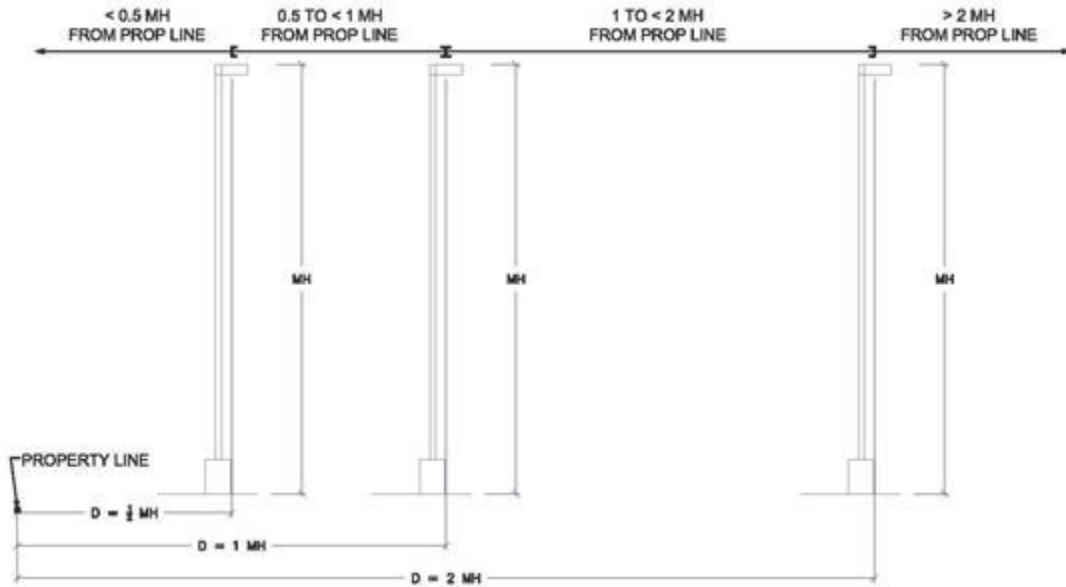
- (2) LC1 - Low ambient lighting. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety and convenience, but it is not necessarily uniform or continuous. Typical locations include low and medium density residential areas, commercial or industrial areas with limited nighttime activity, and the developed areas in parks and other natural settings.
- (3) LC2 - Moderate ambient lighting. Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety and convenience, but it is not necessarily uniform or continuous. Typical locations include high density residential areas, shopping and commercial districts, industrial parks and districts, City playfields and major institutional uses, and mixed-use districts.
- (4) LC3 - Moderately high ambient lighting. Lighting is generally desired for safety, security, convenience, and unique site conditions. Lighting is often uniform and/or continuous. Typical locations include select areas in the Downtown Zone District and 24-hour emergency medical sites.
- (5) Lighting Context Areas generally correspond to zone districts as provided in Table 5.12.1-1, Lighting Context Area, although the assigned Lighting Context Area may vary from Table 5.12.1-1 if necessary to accomplish the purposes and intent of this Section 5.12.1. The location of the Lighting Context Areas are shown on the "Lighting Context Area Map" on file at the City Clerk's office.

Lighting Context Area	Land Use	Corresponding Zone Districts
LC0	Natural Area/Conservation Easement	POL (City Natural Areas)
LC1	Single-Unit/Multi-Unit/Light Industrial/Employment/ Portions of Harmony District	POL (City Parks); RUL; UE, RF; OT-A, RC; LMN; MMN; I; E; T
LC2	Commercial/Industrial/Portions of Harmony District/High Density Residential	CN; CC; CCN; CCR; CG; CL; HC; I , RDR, D, HMN
LC3	Portions of Downtown,24-Hour Emergency Medical Sites	D, MMN

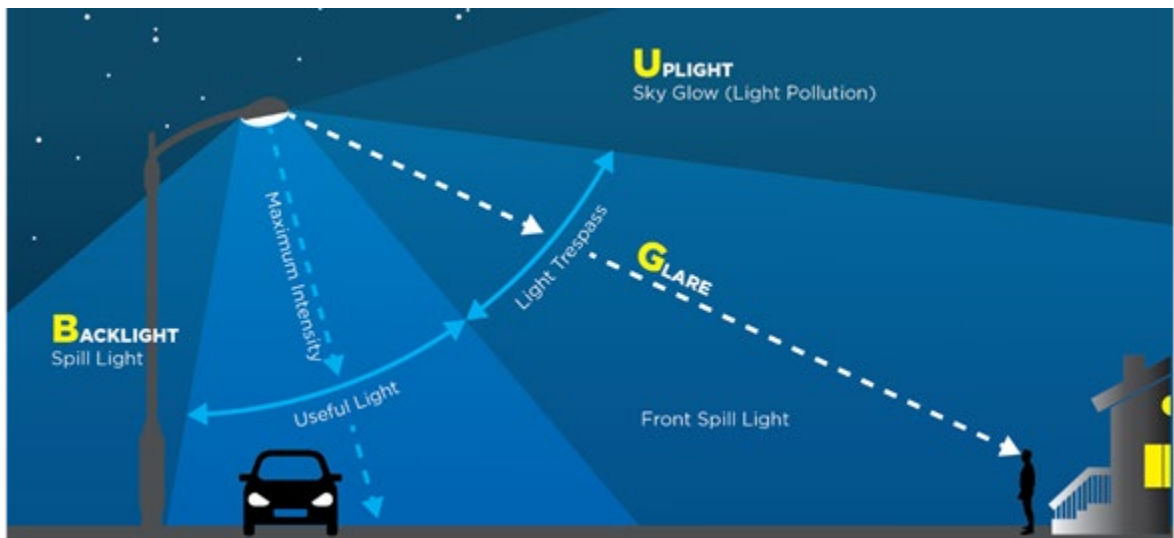
- (l) **Limits to Off-Site Impacts.** All luminaires shall be rated and installed according to Table 5.12.1-2, Table 5.12.1-3, and Table 5.12.1-4, which outline maximum BUG (Backlight-Uplight-Glare) ratings (see Figure B below) for all individual luminaires installed in a given Lighting Context Area. Luminaires equipped with adjustable mounting devices shall not be permitted unless the total lumen output is one hundred fifty (150) lumens or less.
 - (1) For property boundaries that abut public rights-of-way, private streets, private drives, public alleys, and public and private parking lots, the backlight rating, glare rating and illuminance values provided in Tables 5.12.1-2, 5.12.1-4 and 5.12.1-5 respectively, shall be measured ten (10) feet from the property boundary. For all other property boundaries, values shall be measured at the property boundary.

(2) For tables 5.12.1-2 and 5.12.1-4 below, to be considered ideally oriented, the luminaire must be mounted with the backlight portion of the light output oriented perpendicular to and towards the property line of concern (see Figure A below).

(3) Figure A. Ideally Oriented Luminaire and Mounting Conditions.



(4) Figure B. Backlight, Uplight and Glare.



(5) Table 5.12.1-2 Maximum Allowable Backlight Ratings.

Table 5.12.1-2 Maximum Allowable Backlight Ratings.				
Mounting Condition	LC0	LC1	LC2	LC3
Greater than 2 mounting heights from the property line or not ideally oriented	B1	B3	B4	B5
1 to less than 2 mounting heights from the property line and ideally oriented.	B1	B2	B3	B4
0.5 to less than 1 mounting heights from the property line and ideally oriented.	B0	B1	B2	B3
Less than 0.5 mounting heights from the property line and ideally oriented.	B0	B0	B0	B1

(6) Table 5.12.1-3 Maximum Allowable Uplight Ratings.

Table 5.12.1-3 Maximum Allowable Uplight Ratings.				
	LC0	LC1	LC2	LC3
Allowed Uplight Rating.	U0	U0	U1	U2
Allowed light emission above 90 degrees for street or area lighting.	0%			

(7) Table 5.12.1-4 Maximum Allowable Glare Ratings.

Table 5.12.1-4 Maximum Allowable Glare Ratings.				
Mounting Condition	LC0	LC1	LC2	LC3
Greater than 2 mounting heights from the property line.	G0	G1	G1	G2
2 or less mounting heights from the property line and ideally oriented.				
1 to less than 2 mounting heights from the property line and not ideally oriented.	G0	G0	G1	G1

0.5 to less than 1 mounting heights from the property line and not ideally oriented.	G0	G0	G0	G1
Less than 0.5 mounting heights from the property line and not ideally oriented	G0	G0	G0	G0

(8) **Light Trespass Limitations.** The illuminance levels provided in Table 5.12.1-4 shall be used for enforcement, should concerns of obtrusive lighting or question of compliance arise. Lighting plans shall show horizontal illuminance along all lot lines with calculation points spaced no further than ten (10) feet apart. This provision shall apply to all exterior lighting.

(9) **Maximum Horizontal Illuminance.**

Lighting Context Area	Maximum Horizontal Illuminance
Natural Habitat Buffer Zones and River District Landscape Buffers	0.0
LC0	0.0
LC1	0.1
LC2	0.3
LC3	0.8

(J) **Site lumen limit.** The total installed initial luminaire lumens of all outdoor lighting shall not exceed the total site lumen limit. The total site lumen shall be determined using either the Parking Space Method (Tables 5.12.1-5) or the Hardscape Area Method (Tables 5.12.1-6). Only one method shall be used per permit application and the applicable method shall be determined by the applicant. For sites with existing lighting, existing lighting shall be included in the calculation of total installed lumens. The total installed initial luminaire lumens are calculated as the sum of the initial luminaire lumens for all luminaires. Sign lighting shall be exempt from the calculation of total installed lumens.

(1) **Table 5.12.1-6 Allowed Total Initial Luminaire Lumens per Site for Non-Residential Outdoor Lighting, per Parking Space Method.**

Table 5.12.1-6 Allowed Total Initial Luminaire Lumens per Site for Non-Residential Outdoor Lighting, per Parking Space Method.			
May only be applied to properties up to ten parking spaces (including handicapped accessible spaces).			
LC0	LC1	LC2	LC3
350 lumens per space	490 lumens per space	630 lumens per space	840 lumens per space

(2) **Table 5.12.1-7 Allowed Total Initial Lumens per Site for Non-Residential Outdoor Lighting, Hardscape Area Method.**

Table 5.12.1-7 Allowed Total Initial Lumens per Site for Non-Residential Outdoor Lighting, Hardscape Area Method.

<p>May be used for any project. When lighting intersections of site drives and public streets or roads, a total of 600 square feet for each intersection may be added to the actual site hardscape area to provide for intersection lighting. Top level, exterior parking garage decks are included as Hardscape Areas.</p>				
	LC0	LC1	LC2	LC3
Base Allowance	0.5 lumens per square foot of hardscape.	1.25 lumens per square foot of hardscape.	2.5 lumens per square foot of hardscape.	5 lumens per square foot of hardscape.
<p>Additional allowances for sales and service facilities. No more than two additional allowances per site. Allowance may only be used to light the specific sales or service area selected and may not be used to light other areas of the site.</p>				
<p>Building Facades. This allowance is lumen per unit area of building facade that are illuminated. To use this allowance, luminaires must be aimed at the facade.</p>	0		8 lumens per square foot.	16 lumens per square foot.
<p>Outdoor Sales Lots. This allowance is lumens per square foot of uncovered sales lots used exclusively for the display of vehicles or other merchandise for sale, and may not include driveways, parking or other non-sales areas. To use this allowance, luminaires must be within 0.5 mounting heights of the sales lot area.</p>	0	4 lumens per square foot.	8 lumens per square foot.	16 lumens per square foot.
<p>Outdoor Dining. This allowance is lumen per unit area for the total illuminated hardscape of outdoor dining. In order to use this allowance, luminaires must be within 0.5 mounting heights of the hardscape area of outdoor dining. This allowance includes rooftop dining.</p>	0	1 lumen per square foot.	5 lumens per square foot.	10 lumens per square foot.
<p>Gasoline Station. This allowance is lumens per installed fuel pump. Both</p>	0	4,000 lumens per pump.	8,000 lumens per pump.	8,000 lumens per pump.

sides of a two-sided pump qualify as one allowance.				
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(K) **Athletic and Recreational Fields.** The lighting for athletic and recreational fields are exempted from the lumen, BUG and color temperature requirements in this section and shall meet the following requirements:

- (1) Lighting shall have a nominal correlated color temperature (CCT) of no greater than 5700 Kelvin.
- (2) Off-site impacts shall be limited to the maximum extent practical.
- (3) Lighting controls shall provide the following functions:
 - (I) Lighting shall be dimmable to ten (10) percent to adjust illuminance levels for relative activity (maintenance vs active play).
 - (II) Local or remote manual control with at least two (2) preset illuminance levels.
 - (III) Lights shall be automatically extinguished by one (1) hour after the end of play.
 - (IV) Field lighting aimed upward shall be controlled separately from downward-directed field lighting.

(L) **Alternative Compliance.** Upon request by an applicant, the decision maker may approve an alternative lighting plan that may be substituted in whole or in part for a plan meeting the standards of this Section.

- (1) **Procedure.** Alternative compliance lighting plans shall be prepared and submitted in accordance with submittal requirements for lighting plans as set forth in this Section. The plan shall clearly identify and discuss the modifications and alternatives proposed and the ways in which the plan will better accomplish the purpose of this Section than would a plan which complies with the standards of this Section.
- (2) **Review Criteria.** To approve an alternative plan, the decision maker must find that the proposed alternative plan accomplishes the purposes of this Section equally well or better than would a lighting plan which complies with the standards of this Section.
- (3) In reviewing the proposed alternative plan, the decision maker shall consider the extent to which the proposed design meets the functional safety and security needs, protects natural areas from light intrusion, enhances neighborhood continuity and connectivity, fosters nonvehicular access, and demonstrates innovative design and use of fixtures or other elements.

DIVISION 5.13 YARDS AND SETBACKS

5.13.1 YARDS

All developments shall meet the following yard requirements unless otherwise specified in this Code:

- (A) Cornices, eaves or similar architectural features may extend into a required yard not more than three (3) feet. Fire escapes may extend into a required rear yard not more than six (6) feet.
- (B) No part of a yard required for a building for the purpose of complying with the provisions of this Code shall be included as a yard for another building.
- (C) Solar energy devices, including but not limited to, overhangs, movable insulating walls and roofs, detached solar collectors, sun reflectors and piping, may extend into a required yard not more than three (3) feet.

5.13.2 SETBACKS

- (A) **Features Allowed Within Setbacks.** The following structures and features may be located within required setbacks:
 - (1) trees, shrubbery or other features of natural growth;
 - (2) fences or walls, subject to permit approval, that do not exceed the standards established in Section 4.3.5(H);
 - (3) driveways and sidewalks;
 - (4) signs, if permitted by the sign regulations of this Land Use Code;
 - (5) bay windows and similar sized cantilevered floor areas, and architectural design embellishments of dwellings that do not project more than two (2) feet into the required setback, basement egress windows including the foundation that forms the window well, as long as the window foundation does not exceed the elevation or height of the house foundation, provided none of the foregoing elements shall encroach upon any public easements;
 - (6) eaves that do not project more than two and one-half (2½) feet into the required setback;
 - (7) open outside stairways, entrance hoods, terraces, canopies and balconies that do not project more than five (5) feet into a required front or rear setback and/or not more than two (2) feet into a required side setback, provided they do not encroach on public easements;
 - (8) chimneys, flues and residential ventilating ducts that do not project more than two (2) feet into a required setback and when placed so as not to obstruct light and ventilation, provided they do not encroach on public easements;
 - (9) utility lines, wires and associated structures, such as power poles; and
 - (10) decks which are not more than thirty (30) inches above ground.
- (B) **Contextual Setbacks.** Regardless of the minimum front setback requirement imposed by the zone district standards of this Land Use Code, applicants shall be allowed to use a "contextual" front setback. A "contextual" front setback may fall at any point between the front setback required in the zone district and the front setback that exists on a lot that abuts, and is oriented to, the same street as the subject lot. If the subject lot is a corner lot, the "contextual" setback may fall at any point between the zone district required front setback and the front setback that exists on the lot that is abutting and oriented to the same street as the subject lot. If lots on either side of the subject lot are vacant, the setback shall be interpreted as the

minimum required front setback that applies to the vacant lot. This provision shall not be construed as requiring a greater front setback than that imposed by the underlying zone district, and it shall not be construed as allowing setbacks to be reduced to a level that results in right-of-way widths below established minimums.

- (C) **Front Setbacks on Corner Lots.** In the case of corner lots, only one (1) street line shall be considered as a front line, and the street to which the primary entrance of the principal building faces or to which the building is addressed shall be considered the front line for purposes of determining the front setback.
- (D) **Setbacks Reduced for Public Purpose.** When an existing setback is reduced as a result of conveyance for a public use and the remaining setback is at least seventy-five (75) percent of the required minimum setback for the district in which it is located, then that remaining setback shall be deemed to be in compliance with the minimum setback standards of this Land Use Code.

DIVISION 5.14 OCCUPANCY LIMITS

5.14.1 OCCUPANCY LIMITS; INCREASING THE NUMBER OF PERSONS ALLOWED

- (A) Except as provided in Subsection (B) below, or pursuant to a certificate of occupancy issued by the City to the owner of the property, the maximum occupancy allowed per dwelling unit in a single- unit, two-unit or multi-unit dwelling shall be:
 - (1) one (1) family as defined in Section 7.2.2 and not more than one (1) additional person; and
 - (2) two (2) adults and their dependents, if any, and not more than one (1) additional person.
- (B) **Exceptions.** The following shall be exempt from the maximum occupancy limit established in Subsection (A) above:
 - (1) dwellings regularly inspected or licensed by the state or federal government, including, but not limited to, group homes; and
 - (2) dwellings owned or operated by a nonprofit organization incorporated under the laws of this state for the purpose of providing housing to victims of domestic violence as such is defined in Section 18-6-800.03, C.R.S.
- (C) A violation of this Section shall be proven by a preponderance of the evidence. A person shall be liable for allowing occupancy in excess of this Section if they knew, or through reasonable diligence should have known, that a violation of this Section was occurring.
- (D) **Definitions.** The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them below:
 - (1) **Adult** shall mean any person eighteen (18) years of age or older who is not a dependent.
 - (2) **Dependent** shall mean the biological child of an adult occupying a dwelling unit, or a person related to an adult by reason of adoption, guardianship or other duly authorized custodial relationship, who

receives financial support from the adult and who resides with the adult in the dwelling unit at least three (3) calendar months in a calendar year.

- (3) **Occupancy or occupy** shall mean the use of a dwelling unit or any portion thereof for living and sleeping purposes by a person acting in any of the following capacities:
- (a) as an owner of the unit;
 - (b) as a tenant under an express or implied lease or sublease of the unit or of any portion thereof; or
 - (c) as a guest or invitee of the owner, property manager, lessee or sublessee of the unit, if such guest or invitee stays overnight at the unit for a total of thirty (30) or more days within any twelve (12) month period of time.
- (4) **Occupant** shall mean a person who occupies a dwelling unit or any portion thereof for living and sleeping purposes.

(E) Increasing the Occupancy Limit.

- (1) With respect to single-unit and two-unit dwellings, the number of persons allowed under this Section may be increased by the issuance of a certificate of occupancy allowing extra occupancy in zones allowing such use.
- (2) With respect to multiple-unit and single-unit attached dwellings, the decision maker (depending on the type of review, Type 1 or Type 2) may, upon receipt of a written request from the applicant and upon a finding that all applicable criteria of this Code have been satisfied, increase the number of unrelated persons who may reside in individual dwelling units. The decision maker shall not increase said number unless satisfied that the applicant has provided sufficient amenities, either public or private, to sustain the activities associated with multi-family residential development, to adequately serve the occupants of the development and to protect the adjacent neighborhood. Such amenities may include, without limitation, passive open space, buffer yards, on-site management, recreational areas, plazas, courtyards, outdoor cafes, neighborhood centers, limited mixed-use restaurants, parking areas, sidewalks, bikeways, bus shelters, shuttle services or other facilities and services.
- (3) With respect to single-unit, owner occupied dwellings, the number of persons allowed under Section 5.14.1(A)(1) may be increased to allow one (1) additional person by the issuance of a "host family permit," provided that the following conditions are met:
- (a) Adequate off-street parking is available to accommodate the additional occupant;
 - (b) There have been no violations of Chapter 17 or 20 of the City Code or this Code at the premises for which the permit is sought within the twelve (12) months immediately preceding the date of the application for the permit; and
 - (c) At least two (2) months have elapsed since the issuance of any previous host family permit for the same premises.

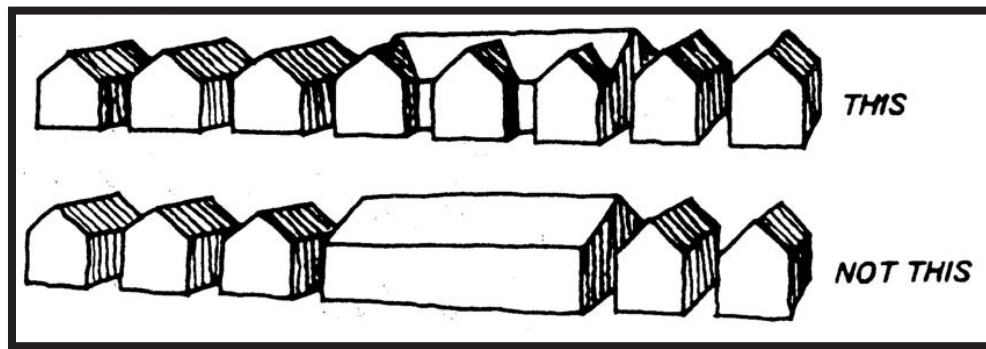
- (4) Host family permits shall be valid for ten (10) months from the date of issuance; provided, however, that in the event that the Municipal Judge or Municipal Court Referee determines, during the term of any such permit, that a violation of Chapter 17 or 20 of the City Code or this Code has occurred at the premises for which the permit was issued, the permit may be revoked. The City may charge a twenty-five (\$25) dollar permit fee, or any greater amount not to exceed the costs of processing the application, which shall be payable at the time of application for the host family permit.

DIVISION 5.15 BUILDING STANDARDS

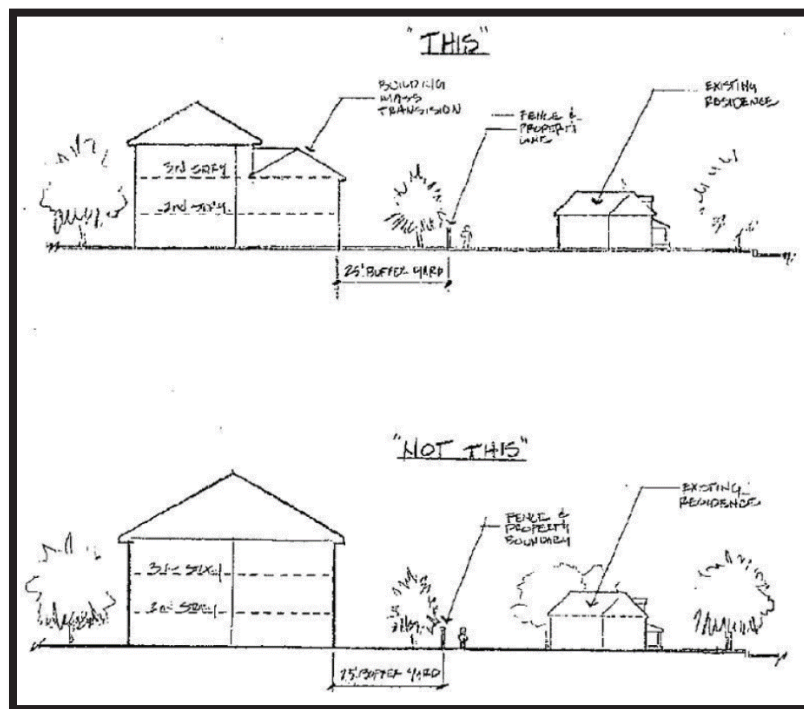
5.15.1 BUILDING AND PROJECT COMPATIBILITY

- (A) **Purpose.** The purpose of this Section is to ensure that the physical and operational characteristics of proposed buildings and uses are compatible when considered within the context of the surrounding area. They should be read in conjunction with the more specific building standards contained in this Division and 5.3 and the zone district standards contained in Articles 2 and 4. All criteria and regulations contained in this Section that pertain to "developments," "the development plan," "buildings" and other similar terms shall be read to include the application of said criteria and regulations to any determination made by the decision maker of Section 6.9.1 for the purpose of evaluating the authorization of an additional use.
- (B) **General Standard.** New developments in or adjacent to existing developed areas shall be compatible with the established architectural character of such areas by using a design that is complementary. In areas where the existing architectural character is not definitively established or is not consistent with the purposes of this Code, the architecture of new development shall set an enhanced standard of quality for future projects or redevelopment in the area. Compatibility shall be achieved through techniques such as the repetition of roof lines, the use of similar proportions in building mass and outdoor spaces, similar relationships to the street, similar window and door patterns and/or the use of building materials that have color shades and textures similar to those existing in the immediate area of the proposed infill development. Brick and stone masonry shall be considered compatible with wood framing and other materials. Architectural compatibility (including, without limitation, building height) shall be derived from the neighboring context.
- (C) **Building Size, Height, Bulk, Mass, Scale.** Buildings shall either be similar in size and height, or, if larger, be articulated and subdivided into massing that is proportional to the mass and scale of other structures, if any, on the same block face, abutting or adjacent to the subject property, opposing block face or cater-corner block face at the nearest intersection. (See Figures 7a and 7b.)

(1) Figure 7a - Infill Buildings



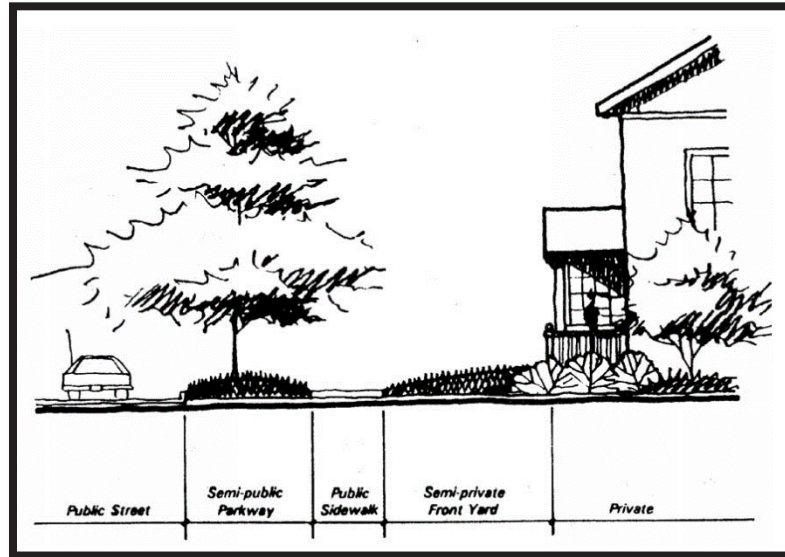
(2) Figure 7b - Infill Buildings



(3) New buildings in historic districts should reflect the historic character of the neighborhood through repetition of roof lines, patterns of door and window placement, and the use of characteristic entry features. These buildings are also subject to Chapter 14 of the City Code and Secretary of the Interior Standards as adopted by the City.

(D) **Privacy Considerations.** Elements of the development plan shall be arranged to maximize the opportunity for privacy by the residents of the project and minimize infringement on the privacy of adjoining land uses. Additionally, the development plan shall create opportunities for interactions among neighbors without sacrificing privacy or security. (See Figure 8.)

(a) Figure 8 Privacy Considerations



(E) **Building Materials.**

- (1) **General.** Building materials shall either be similar to the materials already being used in the neighborhood or, if dissimilar materials are being proposed, other characteristics such as scale and proportions, form, architectural detailing, color and texture, shall be utilized to ensure that enough similarity exists for the building to be compatible, despite the differences in materials.
- (2) **Glare.** Building materials shall not create excessive glare. If highly reflective building materials are proposed, such as aluminum, unpainted metal and reflective glass, the potential for glare from such materials will be evaluated to determine whether the glare would create a significant adverse impact on the adjacent property owners, neighborhood or community in terms of vehicular safety, outdoor activities and enjoyment of views. If so, such materials shall not be permitted.
- (3) **Windows.**
 - (a) Mirror glass with a reflectivity or opacity of greater than sixty (60) percent is prohibited.
 - (b) Clear glass shall be used for commercial storefront display windows and doors.
 - (c) Windows shall be individually defined with detail elements such as frames, sills and lintels, and placed to visually establish and define the building stories and establish human scale and proportion.

(F) **Building Color.** Color shades shall be used to facilitate blending into the neighborhood and unifying the development. The color shades of building materials shall draw from the range of color shades that already exist on the block or in the adjacent neighborhood.

(G) **Building Height Review.**

- (1) **Special Height Review/Modifications.** Purpose. The purpose of this Section is to establish a special process to review buildings or structures that exceed forty (40) feet in height. This section is not intended to supersede the requirements of Chapter 14 of City Code. Its intent is to encourage creativity and diversity of architecture and site design within a context of harmonious neighborhood planning and

coherent environmental design, to protect access to sunlight, to preserve desirable views and to define and reinforce downtown and designated activity centers. All buildings or structures in excess of forty (40) feet in height shall be subject to special review pursuant to this subsection (G).

- (a) **Review Standards.** If any building or structure is proposed to be greater than forty (40) feet in height above grade, the building or structure must meet the following special review criteria:
- (I) **Light and Shadow.** Buildings or structures greater than forty (40) feet in height shall be designed so as not to have a substantial adverse impact on the distribution of natural and artificial light on adjacent public and private property. Adverse impacts include, but are not limited to, casting shadows on adjacent property sufficient to preclude the functional use of solar energy technology, creating glare such as reflecting sunlight or artificial lighting at night, contributing to the accumulation of snow and ice during the winter on adjacent property and shading of windows or gardens for more than three (3) months of the year. Techniques to reduce the shadow impacts of a building may include, but are not limited to, repositioning of a structure on the lot, increasing the setbacks, reducing building mass or redesigning a building shape.
 - (II) **Privacy.** Development plans with buildings or structures greater than forty (40) feet in height shall be designed to address privacy impacts on adjacent property by providing landscaping, fencing, open space, window size, window height and window placement, orientation of balconies, and orientation of buildings away from adjacent residential development, or other effective techniques.
 - (III) **Neighborhood Scale.** Buildings or structures greater than forty (40) feet in height shall be compatible with the scale of the neighborhoods in which they are situated in terms of relative height, height to mass, length to mass and building or structure scale to human scale.
- (b) **Submittal Requirements.** All development plans proposing building or structure heights in excess of forty (40) feet shall, at a minimum, include the following information:
- (I) a shadow analysis that indicates, on the project development site plan, the location of all shadows cast by the building or structure (with associated dates of the year); and
 - (II) a summary of the key conclusions of the shadow analysis, and steps to be taken to comply with the review standards set forth above.
- (c) **Modification of Height Limits.** To provide flexibility in meeting the height limits contained in Article 4 of this Code, such height limits can be either increased or decreased by the decision maker in the development review process for the following purposes:
- (I) preserving the character of existing residential neighborhoods;
 - (II) allowing architectural embellishments consistent with architectural style, such as peaked roof sections, corner turrets, belvederes or cupolas;
 - (III) defining and reinforcing the downtown areas the major focal point in the community;

- (IV) allowing for maximum utilization of activity centers;
- (V) protecting access to sunlight;
- (VI) providing conscious direction to the urban form of the City through careful placement of tall buildings or structures within activity centers;
- (VII) allowing rooftop building extensions to incorporate HVAC equipment.

(H) **Land Use Transition.** When land uses with significantly different Building Types are proposed abutting each other and where gradual transitions are not possible or not in the best interest of the community, the development plan shall, to the maximum extent feasible, achieve compatibility through the provision of buffer yards and passive open space a minimum of 20 ft. in width to enhance the separation between uses.

(I) **Outdoor Storage Areas/Mechanical Equipment.**

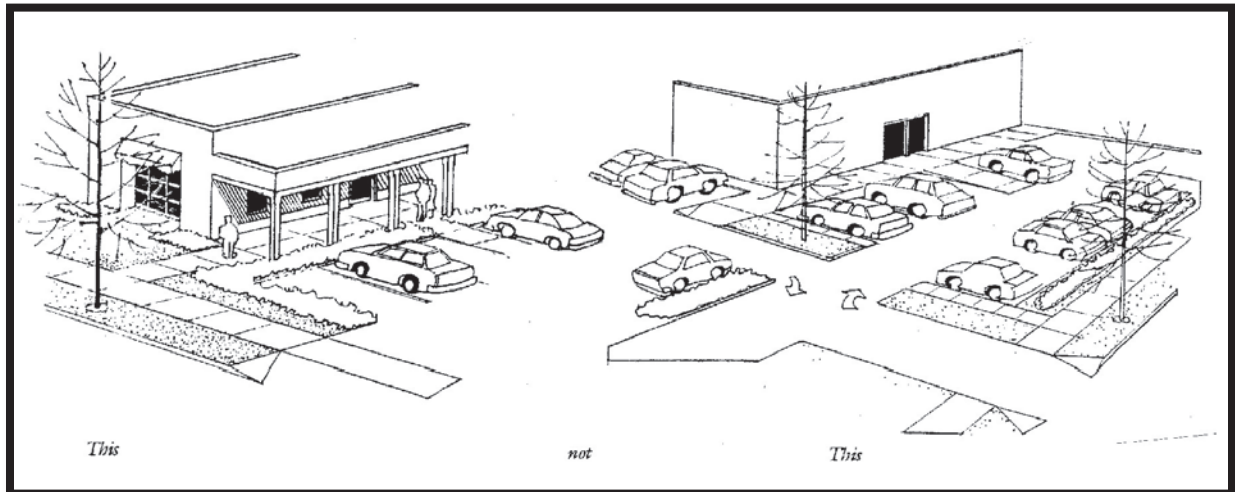
- (1) No areas for outdoor storage, trash collection or compaction, loading or other such uses shall be located within twenty (20) feet of any public street, public sidewalk or internal pedestrian way. Notwithstanding the foregoing, areas for trash collection may be located within twenty (20) feet of an internal pedestrian way.
- (2) Loading docks, truck parking, outdoor storage (including storage containers), utility meters, HVAC and other mechanical equipment, trash collection, trash compaction and other service functions shall be incorporated into the overall design theme of the building and the landscape so that the architectural design is continuous and uninterrupted by ladders, towers, fences and equipment, and no attention is attracted to the functions by use of screening materials that are different from or inferior to the principal materials of the building and landscape. These areas shall be located and screened so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.
- (3) Conduit, meters, vents and other equipment attached to the building or protruding from the roof shall be painted to match surrounding building surfaces.
- (4) Outside areas, used on a long-term or regular basis for inventory storage or sale, over-stock, seasonal goods, bulk items and the like shall be located within an area that is permanently screened with walls or fences. Materials, colors and design of screening walls or fences shall conform to those used as predominant materials and colors on the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the building.
- (5) Outside areas that are used on a temporary basis for the sale of seasonal inventory only shall be defined by nonpermanent walls or fences. Such an enclosure shall not inhibit fire access to the building or pedestrian and bicycle access to the building entrance. If chain link fencing is used, it must be vinyl-clad or covered with a mesh material. Any such enclosure shall be removed upon the conclusion of the seasonal sale period.

[NOTE: Subsections (4) and (5) shall not apply to temporary vendors who have been issued outdoor vendor licenses as required by Section 15-382 of the City Code, provided that such temporary vendors are not permitted to operate for more than sixty (60) days in any calendar year.]

- (6) All rooftop mechanical equipment shall be screened from public view from both above and below by integrating it into building and roof design to the maximum extent feasible.
 - (7) All satellite dishes that are greater than two (2) meters (78.74 inches) in diameter must be screened and located as required in subsections (1) through (5) of this Section.
- (J) **Operational/Physical Compatibility Standards.** Conditions may be imposed upon the approval of development applications to ensure that new development will be compatible with existing neighborhoods and uses. Such conditions may include, but need not be limited to, restrictions on or requirements for:
- (1) hours of operation and deliveries;
 - (2) location on a site of activities that generate potential adverse impacts on adjacent uses such as noise and glare;
 - (3) placement of trash receptacles;
 - (4) location of loading and delivery zones;
 - (5) light intensity and hours of full illumination;
 - (6) placement and illumination of outdoor vending machines; and
 - (7) location and number of off-street parking spaces.

5.15.2 MIXED-USE, INSTITUTIONAL AND COMMERCIAL BUILDINGS

- (A) **Purpose.** These standards are intended to promote the design of an urban environment that is built to human scale.
- (B) **General Standard.** Mixed-use and nonresidential buildings shall provide significant architectural interest and shall not have a single, large, dominant building mass. The street level shall be designed to comport with a pedestrian scale in order to establish attractive street fronts and walkways. Walkways shall be designed principally for the purpose of accommodating pedestrians and pedestrian connections while secondarily accommodating vehicular movement. Buildings shall be designed with predominant materials, elements, features, color range and activity areas tailored specifically to the site and its context.
- (C) **Relationship of Buildings to Streets, Walkways and Parking.**
 - (1) **Orientation to a Connecting Walkway.** At least one (1) main entrance of any commercial or mixed-use building shall face and open directly onto a connecting walkway with pedestrian frontage. Any building which has only vehicle bays and/or service doors for intermittent/infrequent nonpublic access to equipment, storage or similar rooms (e.g., self-serve car washes and self-serve mini-storage warehouses) shall be exempt from this standard. See Figure 10.

(a) *Figure 10 – Orientation to Walkways.*

(2) **Orientation to Build-to Lines for Street front Buildings.** See Article 7 Rules of Measurement Build-to lines.

(D) **Variation in Massing.** A single, large, dominant building mass shall be avoided in new buildings and, to the extent reasonably feasible, in development projects involving changes to the mass of existing buildings.

- (1) Horizontal masses shall not exceed a height:width ratio of 1:3 without substantial variation in massing that includes a change in height and a projecting or recessed elements.
- (2) Changes in mass shall be related to entrances, the integral structure and/or the organization of interior spaces and activities and not merely for cosmetic effect. False fronts or parapets create an insubstantial appearance and are prohibited.

(E) **Character and Image.** In new buildings and, to the extent reasonably feasible, in development projects involving changes to existing building walls, facades or awnings, the following standards shall apply:

- (1) **Site Specific Design.** Building design shall contribute to the uniqueness of a zone district, and/or the Fort Collins community with predominant materials, elements, features, color range and activity areas tailored specifically to the site and its context. In the case of a multiple building development, each individual building shall include predominant characteristics shared by all buildings in the development so that the development forms a cohesive place within the zone district or community. A standardized prototype design shall be modified as necessary to comply with the requirements of this subsection.
- (2) **Facade Treatment.** Minimum Wall Articulation. Building bays shall be a maximum of thirty (30) feet in width. Bays shall be visually established by architectural features such as columns, ribs or pilasters, piers and fenestration pattern. In order to add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size, the following additional standards shall apply:
 - (I) No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding thirty (30) feet without including at least two (2) of the following:

change in plane, change in texture or masonry pattern, windows, treillage with vines, or an equivalent element that subdivides the wall into human scale proportions;

- (II) Side or rear walls that face walkways may include false windows and door openings defined by frames, sills and lintels, or similarly proportioned modulations of the wall, only when actual doors and windows are not feasible because of the nature of the use of the building; and
 - (III) All sides of the building shall include materials and design characteristics consistent with those on the front. Use of inferior or lesser quality materials for side or rear facades shall be prohibited.
- (3) **Facades.** Facades that face streets or connecting pedestrian frontage shall be subdivided and proportioned using features such as windows, entrances, arcades, arbors, awnings, treillage with vines, along no less than fifty (50) percent of the facade.
- (4) **Entrances.** Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.
- (5) **Awnings.** Awnings shall be no longer than a single storefront.
- (6) **Base and Top Treatments.** All facades shall have:
- (a) a recognizable "base" consisting of (but not limited to):
 - (I) thicker walls, ledges or sills;
 - (II) integrally textured materials such as stone or other masonry;
 - (III) integrally colored and patterned materials such as smooth-finished stone or tile;
 - (IV) lighter or darker colored materials, mullions or panels; and/or
 - (V) planters.
 - (b) a recognizable "top" consisting of (but not limited to):
 - (I) cornice treatments, other than just colored "stripes" or "bands," with integrally textured materials such as stone or other masonry or differently colored materials;
 - (II) sloping roof with overhangs and brackets; and/or
 - (III) stepped parapets.
- (7) **Encroachments.** Special architectural features, such as bay windows, decorative roofs and entry features may project up to three (3) feet into street rights-of-way, provided that they are not less than nine (9) feet above the sidewalk. Trellises, canopies and fabric awnings may project up to five (5) feet

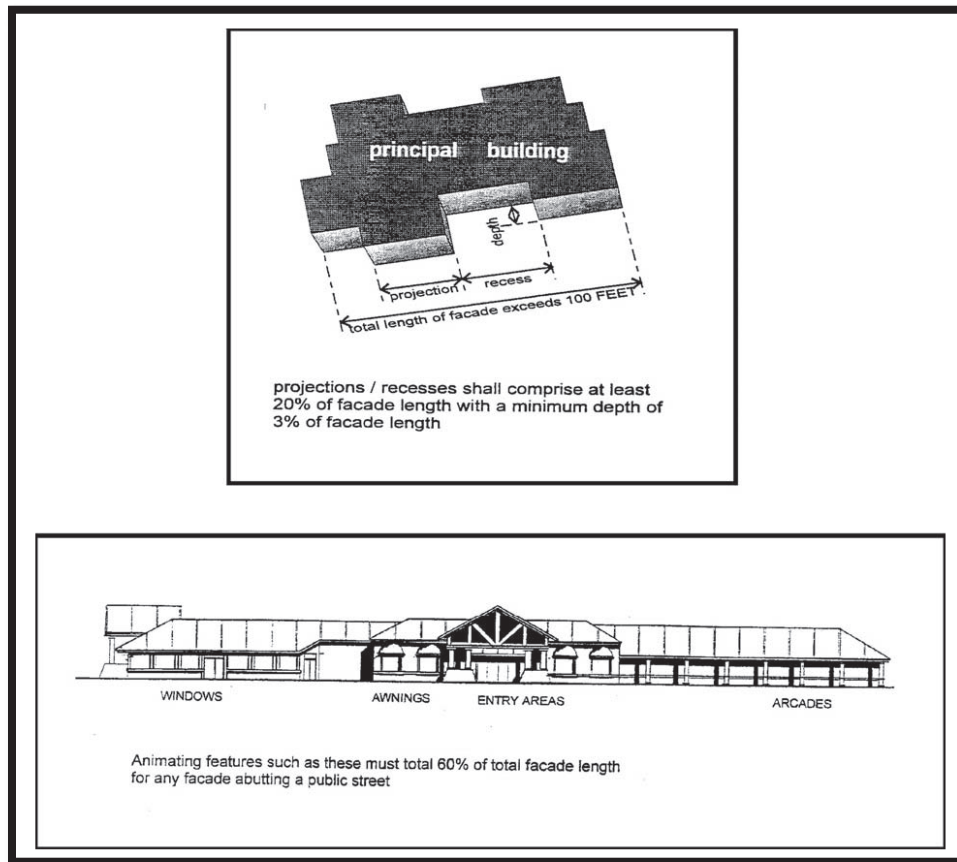
into front setbacks and public rights-of-way, provided that they are not less than eight (8) feet above the sidewalk. No such improvements shall encroach into alley rights-of-way.

- (8) **Drive-through lane width limitation.** No drive-through facility associated with a retail establishment or large retail establishment shall exceed ten (10) feet in width.
- (9) **Illumination prohibition.** Exterior-mounted exposed neon/fiber optic/ rope L.E.D. lighting, illuminated translucent materials (except signs), illuminated striping or banding, and illuminated product displays on appurtenant structures (e.g., fuel dispensers) shall be prohibited.

5.15.3 LARGE RETAIL ESTABLISHMENTS

- (A) **Purpose.** These standards are intended to ensure that large retail building development is compatible with its surrounding area and contributes to the unique community character of Fort Collins. (For expansions/enlargements of large retail establishments, see also Section 6.22.)
- (B) **General Standard.** Large retail buildings shall provide a high level of architectural interest by utilizing high quality materials and design and shall be compatible with the character of the surrounding area. Large retail buildings shall have pedestrian and bicycle access and connectivity and shall mitigate negative impacts. Buildings shall be designed with predominant materials, elements, features, color range and activity areas tailored specifically to the site and its context.
- (C) **Land Use.** All large retail establishments shall be located in a group of more than four (4) retail establishments located in a complex which is planned, developed, owned or managed as a single unit with off-street parking provided on the property. Indoor recreation facilities are exempt from this requirement.
- (D) **Development Standards.**
 - (1) **Aesthetic Character.**
 - (a) **Facades and Exterior Walls:**
 - (I) Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three (3) percent of the length of the facade and extending at least twenty (20) percent of the length of the facade. No uninterrupted length of any facade shall exceed one hundred (100) horizontal feet; and
 - (II) Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than sixty (60) percent of their horizontal length. (See Figure 11.)
 - (b) **Small Retail Stores.** Where large retail establishments contain additional, separately owned stores that occupy less than twenty-five thousand (25,000) square feet of gross floor area, with separate, exterior customer entrances, the street level facade of such stores shall be transparent between the height of three (3) feet and eight (8) feet above the walkway grade for no less than sixty (60) percent of the horizontal length of the building facade of such additional stores.

(I) Figure 11 – Building.

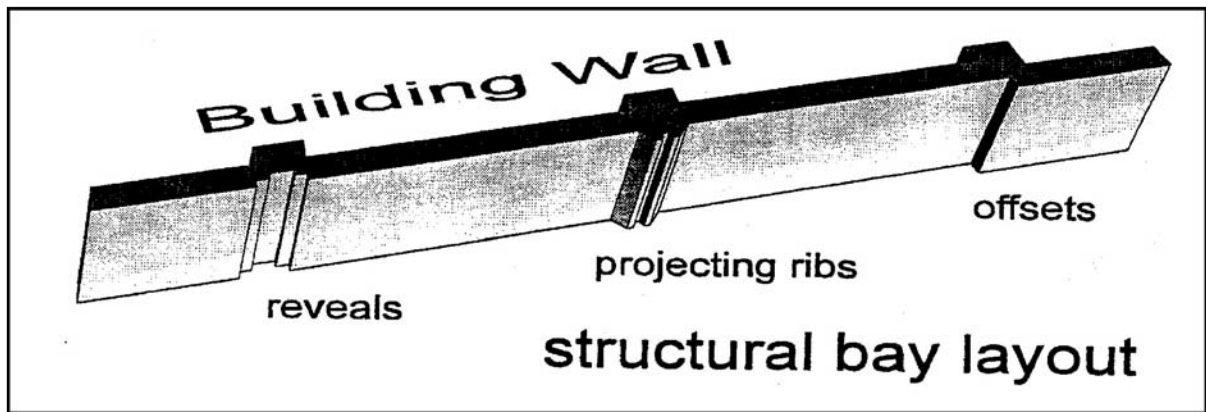


(c) Detail Features. Building facades must include:

- (I) a repeating pattern that includes no less than three (3) of the following elements:
 - (i) color change;
 - (ii) texture change;
 - (iii) material module change; and
 - (iv) an expression of architectural or structural bays through a change in plane no less than twelve (12) inches in width, such as an offset, reveal or projecting rib. (See Figure 12).

Note: At least one (I) of elements (i), (ii) or (iii) shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

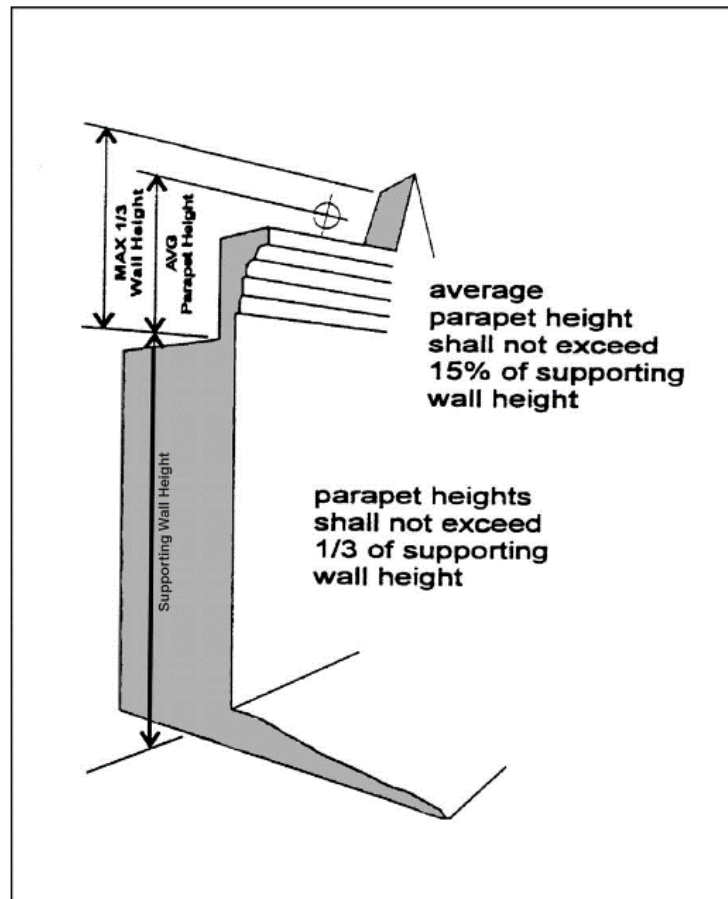
(II) Figure 12 – Expression of Architectural or Structural Bay



(d) Roofs. Roofs shall have no less than two (2) of the following features:

- (1) parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. The average height of such parapets shall not exceed fifteen (15) percent of the height of the supporting wall and such parapets shall not at any point exceed one-third ($1/3$) of the height of the supporting wall. (See Figure 13.) Such parapets shall feature three-dimensional cornice treatment;

(II) Figure 13 – Parapet Standards



- (III) overhanging eaves, extending no less than three (3) feet past the supporting walls;
- (IV) sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run; and/or
- (V) three (3) or more roof slope planes.

(e) Materials and colors.

- (I) Predominant exterior building materials shall be high quality materials, including, but not limited to, brick, sandstone, other native stone and tinted/textured concrete masonry units.
- (II) Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.

- (III) Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
- (IV) Exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels.

(2) Entryways.

(a) Each large retail establishment on a site shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following:

- (I) canopies or porticos;
- (II) overhangs;
- (III) recesses/projections;
- (IV) arcades;
- (V) raised corniced parapets over the door;
- (VI) peaked roof forms;
- (VII) arches;
- (VIII) outdoor patios;
- (IX) display windows;
- (X) architectural details such as tile work and moldings which are integrated into the building structure and design; and/or
- (XI) integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

(b) Where additional stores will be located in the large retail establishment, each such store shall have at least one (1) exterior customer entrance, which shall conform to the above requirements.

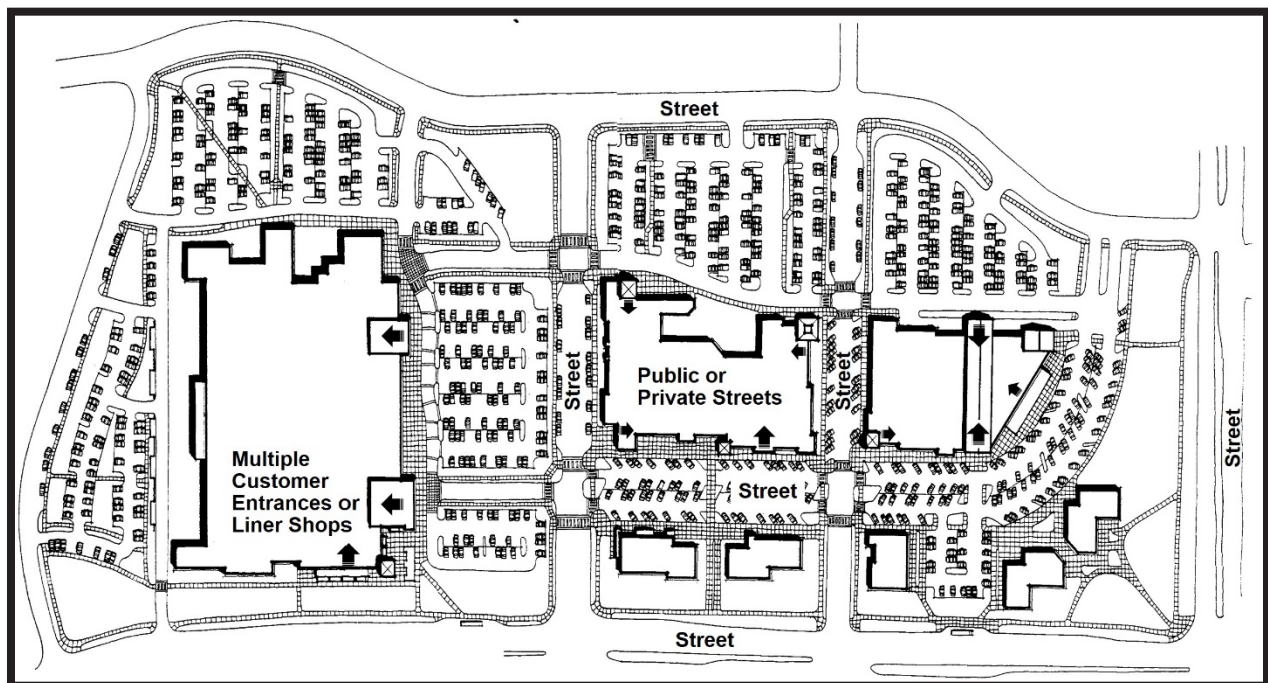
(c) All building facades which are visible from adjoining properties and/or public streets shall comply with the requirements of Article 5.15.3(D)(2) above.

(3) Site Design and Relationship to Surrounding Community.

(a) Entrances. At least two (2) sides of a large retail establishment shall feature operational customer entrances. The two (2) required sides shall be those that are planned to have the highest level of public pedestrian activity, one (1) of which shall also be the side that most directly faces a street with pedestrian access. The other of the two (2) sides having an operational customer entrance may face a second street with pedestrian access, and/or a main parking lot area. If the large retail

establishment does not include a second side entrance that is fully operational and open to the public, then this standard shall be met by attaching smaller retail store(s) ("liner stores") to the side of the large retail establishment which is expected to generate the most pedestrian activity or which faces a public street. Such liner store(s) shall, to the extent reasonably feasible, occupy no less than thirty-three (33) percent of the building elevation on which they are located and shall feature distinctive store fronts and entrances that are significantly differentiated from the large retail establishment in order to create strong identifiable entrance features. Entrances to the liner store(s) may, but need not, provide access into the large retail establishment and must be fully operational and open to customers at times that are generally equivalent to the store hours of the large retail establishment to which they are attached. All entrances, including those of the liner store(s), shall be architecturally prominent and clearly visible from the abutting public street. (See Figure 14.) Movie theaters are exempt from this requirement.

- (l) Figure 14 - Building Entrances (Example of a development with Customer entrances on all sides which face a public street.)



- (b) Parking lot location. No more than fifty (50) percent of the off-street parking area for the lot, tract or area of land devoted to the large retail establishment shall be located between the front facade of the large retail establishment and the abutting streets (the "Front Parking Area"). The Front Parking Area shall be determined by drawing a line from the front corners of the building to the nearest property corners. If any such line, when connected to the plane of the front facade of the building, creates an angle that is greater than one hundred eighty (180) degrees, then the line shall be adjusted to create an angle of one hundred eighty (180) degrees when connected to the plane of the front facade of the building. If any such line, when connected to the plane of the front facade of the building, creates an angle that is less than ninety (90) degrees, then the line shall be adjusted to create an angle of ninety (90) degrees when connected to the plane of the front facade of the building. Parking spaces in the Front Parking Area shall be counted to include all parking spaces within the boundaries of the Front Parking Area, including (i) all partial parking spaces if the part inside the Front Parking Area boundary lines constitutes more than one-half ($\frac{1}{2}$) of said parking

space, and (ii) all parking spaces associated with any pad sites located within the Front Parking Area boundaries. Supermarkets are exempt from this requirement.

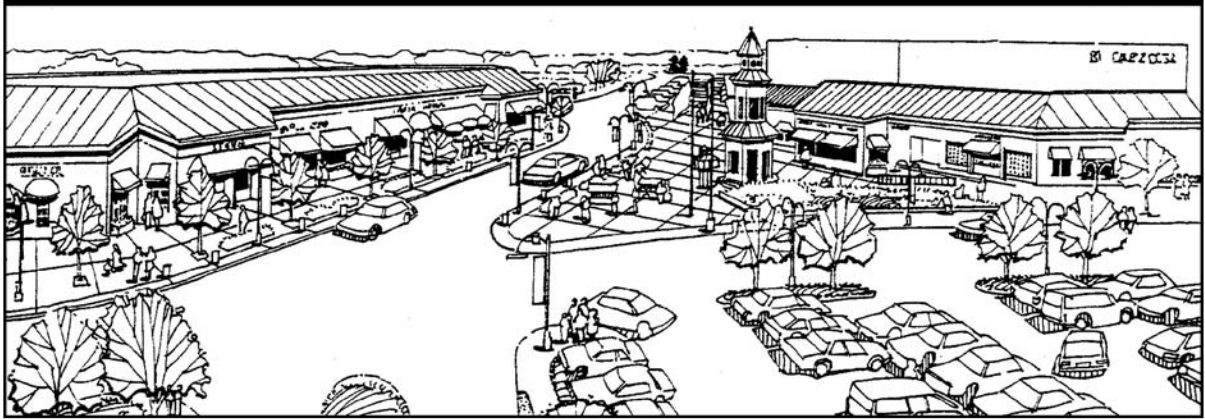
- (c) Back sides. The minimum setback for any building facade shall be thirty-five (35) feet from the nearest property line. Where the facade faces abutting residential uses, an earthen berm, no less than six (6) feet in height, containing at a minimum evergreen trees planted at intervals of twenty (20) feet on center, or in clusters or clumps, shall be provided.
- (d) Connectivity. The site design must provide direct connections and safe street crossings to adjacent land uses.

(4) Pedestrian Circulation.

- (a) Sidewalks at least eight (8) feet in width shall be provided along all sides of the lot that abut a public street.
- (b) Continuous internal pedestrian walkways, no less than eight (8) feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all large retail establishments on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers or other such materials for no less than fifty (50) percent of the length of the walkway.
- (c) Sidewalks, no less than eight (8) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least six (6) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
- (d) Internal pedestrian walkways provided in conformance with part (b) above shall provide weather protection features such as awnings or arcades within thirty (30) feet of all customer entrances.
- (e) All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

- (5) **Central Features and Community Space.** Each retail establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two (2) of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the appropriate decision maker, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape. (See Figure 15.)

- (a) **Figure 15 – Center with Community Features**



- (6) **Delivery/Loading Operations.** No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of forty-five (45) dB, as measured at the lot line of any adjoining property.

5.15.4 CONVENIENCE SHOPPING CENTER

- (A) **Purpose.** Neighborhood convenience shopping centers are intended to provide locations for small scale, everyday shopping and services assembled in an attractive, convenient destination to primarily serve consumer demand from adjacent areas. These standards supplement the general standards for all commercial and mixed-use development, to promote development in which the commercial component is tempered as needed to reflect neighborhood character and minimize the garish or intrusive characteristics of commercial development.
- (B) **General Standard.** Neighborhood convenience shopping centers shall be compatible with the character of the surrounding neighborhood utilizing high quality materials and finishes and shall be internally compatible and harmonious with respect to quality design, aesthetics and materials, tailored specifically to the site and its context.
- (C) **Land Use.**
- (1) **Size of Development.** A convenience shopping center shall be situated on seven (7) or fewer acres with four (4) or more business establishments located in an area that is planned and developed as a whole.
 - (2) **Permitted Uses.** Permitted uses include retail stores, personal and business services, convenience retail stores (with accessory gas pumps), restaurants without drive-up windows, equipment rental (not including outdoor storage), professional offices, limited banking services such as automated teller machines, multi-unit dwellings, medical offices and clinics, small animal veterinary clinics, and day care services.

- (3) **Phasing of Improvements.** If a center is to be built in phases, each phase shall include an appropriate share of the proposed streets and circulation system, landscaping and outdoor spaces, screening and other site and architectural amenities of the entire project. The extent of these improvements shall be determined for each phase of a specific project at the time of project development approval, and may not be based solely upon a proportional or equal share of the entire site. Requirements for a phased project may include off-site improvements.

(D) **Buildings.**

- (1) **Architectural Style.** Standardized architecture, recognized as a prototype of a larger chain of establishments, shall be customized as necessary to express a level of quality that enhances the distinctive character of the immediate neighborhood and the City as a whole. Forms and finish materials of buildings, signage, gasoline pump canopies and other accessory structures shall be compatible with the architectural character of the adjacent area through compliance with all of the following standards:

- (a) All buildings, including gasoline pump canopies, shall utilize a consistent architectural style, with different buildings, businesses or activities in the center distinguished by variations within the architectural style.
- (b) The sides and backs of buildings shall be as visually attractive as the front through the design of roof lines, architectural detailing and landscaping features.

- (c) Quality finish materials shall be utilized. Such materials may include, but need not be limited to:

- (I) brick masonry or stone;
- (II) integrally tinted, textured masonry block;
- (III) stucco; or
- (IV) wood siding.

- (d) Where any sloped roofs and canopies are used, they shall be covered with:

- (I) high profile asphalt shingles;
- (II) natural clay tiles;
- (III) slate;
- (IV) concrete tiles - with natural texture and color;
- (V) ribbed metal; or
- (VI) wood shakes or shingles, provided that the roof includes required fire protection.

- (e) Vending machines and other site accessories shall be integrated into the architectural theme of the center.

(2) **Building Placement.** Minimum building setbacks from the property line of any adjoining residential use shall be twenty (20) feet.

(E) **Site Design.**

(1) **Screening.**

(a) Screening walls or fences shall be at least five (5) feet, but not more than eight (8) feet in height.

(b) Fences or walls shall be constructed of material similar to, or compatible with and complementary to, the primary building material and architecture. (Chain link type fences with or without wood slats or other inserts are not acceptable screening devices.) Fencing shall not impair traffic safety by obscuring views.

(c) Long expanses or fences or wall surfaces shall be architecturally designed so as to avoid monotony by use of repeating elements, alternative opaque and transparent sections, or architectural elements including pillars.

(2) **Landscaping/Streetscapes.**

Ground signage, if any, shall be incorporated into the landscape design.

(3) **Site Setbacks.**

(a) Minimum setbacks of parking and drives from public rights-of-way shall be as follows:

(I) twenty-five (25) feet from any arterial right-of-way; and

(II) fifteen (15) feet from any nonarterial right-of-way.

(b) Minimum setbacks of parking and drives from other land uses shall be as follows:

(I) twenty (20) feet from the property line of any residential use; and

(II) five (5) feet from the property line of nonresidential uses, except a property line between buildings or uses with shared parking areas where zero (0) feet is required.

DIVISION 5.16 SIGNS

5.16.1 SIGNS GENERALLY.

(A) **Title; Purpose and Intent.**

(1) **Title.** Sections 5.16.1, 5.16.2, 5.16.3, 5.16.4, and 5.16.5 may be collectively referred to as the "City of Fort Collins Sign Code," or the "Sign Code". Definitions related to the Sign Code are set out in Section 7.1.2, Definitions.

- (2) **Purpose and Intent.** The purpose and intent of the Sign Code is to set out reasonable regulations for the design, location, installation, display, operation, repair, maintenance, and removal of signs in a manner that advances the City's legitimate, important, substantial, and compelling interests, while simultaneously safeguarding the constitutionally protected right of free speech.

(B) **Interests.** The City has a legitimate, important, substantial, or compelling interest in:

- (1) Preventing the proliferation of signs of generally increasing size, dimensions, and visual intrusiveness (also known as "sign clutter") that tends to result from property owners competing for the attention of passing motorists and pedestrians, because sign clutter:
 - (a) Creates visual distraction and obstructs views, potentially creating safety hazards for motorists, bicyclists, and pedestrians;
 - (b) May involve physical obstruction of streets, sidewalks, or trails, creating public negative impacts;
 - (c) Degrades the aesthetic quality of the City, making the City a less attractive place for residents, business owners, visitors, and private investment; and
 - (d) Dilutes or obscures messages on individual signs due to the increasing competition for attention.
- (2) Maintaining and enhancing the historic character of historic Downtown Fort Collins, a unique historic resource of exceptional quality and vibrancy.
- (3) Protecting the health of the City's tree canopy, an important community asset that contributes to the character, environmental quality, and economic health of the City and the region.
- (4) Maintaining a high-quality aesthetic environment to protect and enhance property values, leverage public investments in streets, sidewalks, trails, plazas, parks, open space, civic buildings, and landscaping, and enhance community pride.
- (5) Protecting minors from speech that is harmful to them according to state or federal law, by preventing such speech in places that are accessible to and used by minors.

(C) **Findings.** The City finds that:

- (1) Content-neutrality, viewpoint neutrality, and fundamental fairness in regulation and review are essential to ensuring an appropriate balance between the important, substantial, and compelling interests set out in Section 5.16.1(B) and the constitutionally-protected right to free expression.
- (2) The regulations set out in the Sign Code are unrelated to the suppression of constitutionally-protected free expression, do not relate to the content of protected messages that may be displayed on signs, and do not relate to the viewpoint of individual speakers.
- (3) The incidental restriction on the freedom of speech that may result from the regulation of signs pursuant to the Sign Code is no greater than is essential to the furtherance of the important, substantial, and compelling interests that are set out in Section 5.16.1(B).
- (4) Regulation of the location, number, materials, height, sign area, form, and duration of display of temporary signs is essential to prevent sign clutter.
- (5) Temporary signs may be degraded, damaged, moved, or destroyed by wind, rain, snow, ice, and sun, and after such degradation, damage, movement, or destruction, such signs harm the safety and aesthetics of the City's streets if they are not removed.

- (6) Certain classifications of speech are not constitutionally protected due to the harm that they cause to individuals or the community.

(D) Applicability, exemptions, and permit exceptions.

- (1) **Applicability.** The provisions of the Sign Code shall apply to the display, construction, installation, erection, alteration, use, location, maintenance, and removal of all signs within the City that are not specifically exempt from such application.

- (2) **Sign Permits.**

- (a) No sign shall be displayed, constructed, installed, erected, refaced, or altered within the City limits until the City has issued a sign permit, unless the sign qualifies as an exception to the permit requirements.
- (b) No permit is required for routine sign maintenance, painting, or replacing light sources with lighting of comparable intensity (however, the installation of a new manual changeable copy message center or electronic message center does require a permit).

- (3) **Sign Regulation Exemptions.** The Sign Code does not apply to:

- (a) Signs of any type that are installed or posted (or required to be installed or posted) by the Federal government, the State of Colorado, Larimer County, the City, or a School District (collectively, "Governmental Entities"), on property owned or controlled by a Governmental Entity; and/or
- (b) Required signs, posted in accordance with applicable law or regulations.

- (4) **Sign Regulation Partial Exemptions.** The following signs are subject only to subsections (E) through (L) of this Section 5.16.1, inclusive, and shall not require a sign permit:

- (a) Signs that are not visible from any of the following areas due to the configuration of the building(s) or structure(s) or the topography of the site upon which the signs are located:
 - (I) Residential lots;
 - (II) Adjoining property that is not under common ownership;
 - (III) Public rights-of-way; or
 - (IV) Property that is located at a higher elevation than the property upon which the sign is displayed.
- (b) Signs that are not legible from adjoining property or rights-of-way due to the configuration of the building(s) or structure(s) or the topography of the site upon which the signs are located or the orientation or setback or typeface of the sign, provided that:
 - (I) One (1) such sign may have a sign area that is not more than thirty five (35) square feet, and if a sign area allowance applies to the site, fifty (50) percent of the sign area of the sign is counted towards the sign area allowance;
 - (II) Other such signs may have a sign area that is not more than eight (8) square feet, and are not counted towards any applicable sign area allowance.
- (c) Horizontal projected light signs that are projected onto private property, provided that they are not projected onto required signs.

- (5) **Sign Permit Exceptions.** The following signs may be displayed, constructed, installed, erected, or altered without a sign permit, but are not exempt from other applicable provisions of Section 5.16.2 or Section 5.16.3:
- (a) One (1) optional residential sign per street-facing building elevation of a residential building not exceeding four (4) square feet in area;
 - (b) Flags that are hung from not more than three (3) rigid, straight, building-mounted or ground-mounted flagpoles per one hundred (100) feet of property frontage or fraction thereof, provided that:
 - (I) No more than three (3) flags are flown from any one (1) flagpole;
 - (II) No flag obstructs pedestrian, bicycle, or vehicular traffic, or a required sight triangle; and
 - (III) No flag exceeds thirty-two (32) square feet in area;
 - (c) Small signs, as follows:
 - (I) Signs that are affixed to a building or structure, that do not exceed two (2) square feet in sign area, provided that only one (1) such sign is present on each elevation that is visible from public rights-of-way or adjoining property; and
 - (II) Signs that are less than one (1) square foot in area that are affixed to machines, equipment, fences, gates, walls, gasoline pumps, public telephones, or utility cabinets;
 - (d) Temporary seasonal decorations;
 - (e) Temporary signs (except feather flags and attached or detached temporary banners and pennants, all of which require a sign permit); and
 - (f) Window signs that are less than six (6) square feet in area, provided that:
 - (I) The total area covered by window signs:
 - (i) Does not exceed twenty-five (25) percent of the area of the architecturally distinct window in which they are located; and
 - (ii) Does not exceed twenty-five (25) percent of the sign allowance described in Section 5.16.2(A); and
 - (II) The window signs are not illuminated.

(E) Relationship to Other Regulations.

- (1) In addition to the regulations set out in the Sign Code, signs may also be subject to applicable State laws and regulations (e.g., State of Colorado, Department of Highways, "Rules and Regulations Pertaining to Outdoor Advertising," effective January 1, 1984, as may be amended from time to time), Federal laws and regulations, and applicable adopted building and electrical codes. Exceptions to the sign permit requirements do not constitute exemptions to other applicable codes or permit requirements.
- (2) Where any provision of the Sign Code covers the same subject matter as other regulations of the City, the more specific regulation shall control the more general one, unless the City determines that the more restrictive regulation is clearly unenforceable as a matter of law.

- (3) Where any provision of the Sign Code covers the same subject matter as other regulations of the State of Colorado or the United States, the applicant is advised that nothing in this Chapter shall be construed as a defense to a violation of applicable state or federal law except as may be provided in the state or federal law.
- (4) All signs within the Old Town Historic District within the Downtown District must comply with the Old Town Historic District Design Standards except that the Old Town Historic District Design Standards shall not be interpreted to limit the content of the sign.
- (5) The Downtown District shall be defined by the boundary exhibited in the 2017 Fort Collins Downtown Plan.

(F) Measurements.

- (1) **Property Frontage.** Property frontage is measured as the length of each property boundary that abuts a public street right-of-way.
- (2) **Sign Area.**
 - (a) *Generally.* In general, sign area is the area within a continuous polygon with up to eight (8) straight sides that completely encloses the limits of text and graphics of a sign, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign's contents from the background against which they are placed.
 - (b) *Additions.* The area of all freestanding and ground signs shall include the area of the sign face(s) as calculated in subsection (F)(2)(a), together with any portion of the sign structure which exceeds one and one-half (1½) times the area of the sign face(s).
 - (c) *Exclusions.* The sign area does not include the structure upon which the sign is placed (unless the structure is an integral part of the display or used to differentiate it), but does include any open space contained within the outer limits of the display face, or between any component, panel, strip, or figure of any kind composing the display face, whether this open space is enclosed by a frame or border or not.

Figure (F)(2)(c) Sign Area Measurement



- (d) *Multiple Sign Faces*. Freestanding temporary signs may have multiple faces. The area of such signs is measured using the vertical cross-section that represents the sign's maximum projection upon a vertical plane (e.g., for a sign with two (2) opposite faces on the same plane, the total cumulative area of both faces is used for area calculation).



Figure (F)(2)(d) Multiple Sign Faces

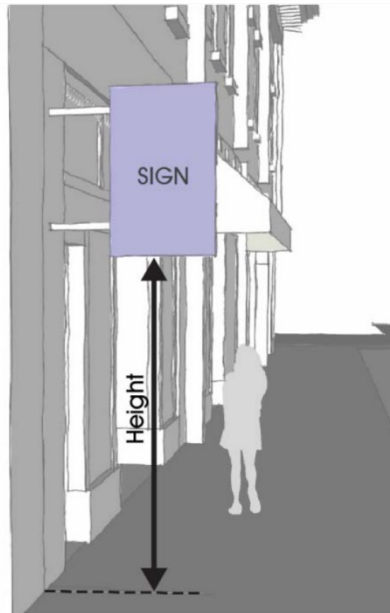
- (e) *Three-Dimensional Sign Faces*. The area of signs that do not have a flat sign face is measured using the vertical cross-section that represents the sign's maximum projection upon a vertical plane.

Figure (F)(2)(e)
Three-Dimensional Sign Faces



- (3) **Sign Clearance**. Sign clearance is the distance between the bottom of a sign or related structural element that is not affixed to the ground and the nearest point on the ground-level surface under it.

**Figure (F)(3)
Sign Clearance**

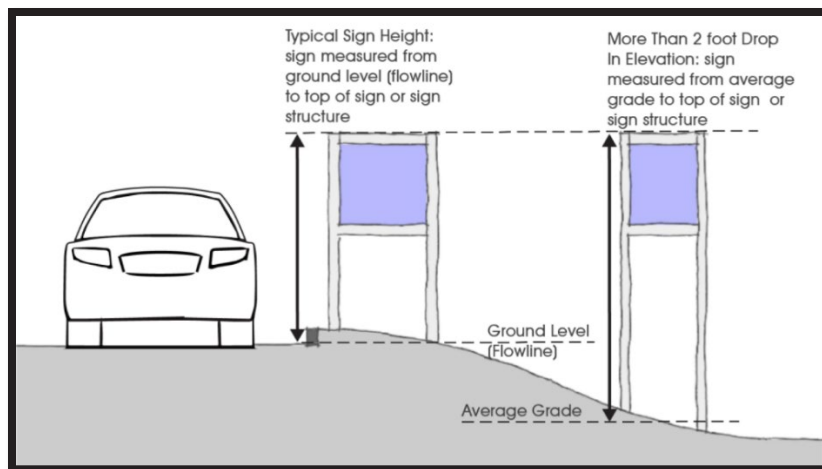


(4) **Sign Height.** Sign height is measured as:

(a) For ground-mounted signs:

- (I) The distance between ground level at the base of the sign and the top of the sign or sign structure, whichever is higher; or
- (II) If the average grade under the base of the sign is more than two (2) feet lower than the average grade of the nearest adjoining street, then the height of the detached sign shall be measured from the elevation of the flowline of the street to the top of the sign or sign structure.

**Figure (F)(4)(a)
Sign Height (Ground-Mounted Signs)**



- (b) For building-mounted signs, the greatest distance between the lowest part of the sign or sign structure and the highest part of the sign or sign structure.

**Figure (F)(4)(b)
Sign Height (Building-Mounted Signs)**



- (5) **Projection.** Projection is the horizontal distance between a building wall or fascia to which a sign is mounted and the part of the sign or sign structure that is most distant from the wall or fascia, Measured perpendicular to the vertical plane of the wall or fascia.

Figure (F)(5) Projection



- (6) **Setbacks.** Sign setbacks are measured perpendicularly from the property line that defines the required setback to the nearest point on the sign or sign structure.

(G) Prohibited signs and sign elements.

- (1) **Generally.** The prohibitions in this subsection (G) apply to temporary and permanent signs in all areas of the City.
- (2) **Prohibited Signs.** The following signs are not allowed, whether temporary or permanent:
 - (a) Temporary signs, except as specifically permitted in Section 5.16.3, Temporary Signs;
 - (b) Portable signs, except as permitted in the Code of the City of Fort Collins Chapter 24, Article IV;
 - (c) Wind-driven signs except flags, feather flags, banners, and pennants in compliance with Section 5.16.3;
 - (d) Inflatable signs, and signs that are designed to appear as inflatable signs (e.g., plastic balloons);
 - (e) Revolving or rotating signs;
 - (f) Permanent off-premises signs;
 - (g) Billboards; and
 - (h) Abandoned signs.
- (3) **Prohibited Design Elements.** The following elements shall not be incorporated as an element of any sign or sign structure, whether temporary or permanent:
 - (a) Animated or moving parts, including any moving, swinging, rotating, or spinning parts or flashing, blinking, scintillating, chasing, fluctuating, or otherwise animated light; except as expressly allowed in this Sign Code;
 - (b) Cardboard, card stock, or paper, except when laminated or used as a window sign located on the interior side of the window;
 - (c) Motor vehicles, unless:
 - (I) The vehicles are operational, and either:
 - (i) Automobile dealer inventory; or
 - (ii) Regularly used as motor vehicles, with current registration and tags.
 - (II) The display of signage on the motor vehicle would not interfere with the immediate operation of the motor vehicle (e.g., signs that are held in place by an open hood or trunk are not allowed; signs that cover windows are not allowed; and signs that would fall off of the vehicle if the vehicle were in motion are not allowed); and
 - (III) The motor vehicle is legally parked in a vehicle use area depicted on an approved site plan.
 - (d) Semi-trailers, shipping containers, or portable storage units, unless:
 - (I) The trailers, containers, or portable storage units are:
 - (i) Structurally sound and capable of being transported;

- (ii) Used for their primary purpose (e.g., storage, pick-up, or delivery); and
- (iii) If subject to registration, have current registration and tags; and
- (II) The display of signage is incidental to the primary purpose; and
 - (i) The semi-trailer, shipping container, or portable storage unit is parked or placed in a designated loading area or on a construction site in an area that is designated on an approved construction staging plan.

Exception: This standard does not apply to shipping containers that are used as building cores.

- (e) Stacked products (e.g., tires, soft drink cases, bagged soil or mulch) that are placed in unapproved outdoor storage locations;
- (f) Materials with a high degree of specular reflectivity, such as polished metal, installed in a manner that creates substantial glare from headlights, streetlights, or sunlight.

Exception: This standard does not prohibit retroreflective materials that comply with the standards set forth in the Manual on Uniform Traffic Control Devices.

- (g) Rooftop signs and all other types of signs that project above the roof deck, except that signs are allowed on parapet walls if the parapet wall was constructed as a part of the building and the parapet wall includes a sign band within which the sign is installed.

Exception: Secondary Roof signs as provided in subsection 5.16.2(F).

(4) Prohibited Obstructions. In no event shall a sign, whether temporary or permanent, obstruct the use of:

- (a) Building ingress or egress, including doors, egress windows, and fire escapes;
- (b) Operable windows (with regard to movement, not transparency); or
- (c) Equipment, structures, or architectural elements that are related to public safety, building operations, or utility service (e.g., standpipes, downspouts, fire hydrants, electrical outlets, lighting, vents, valves, and meters).

(5) Prohibited Mounts. No sign, whether temporary or permanent, shall be posted, installed, mounted on, fastened, or affixed to any of the following:

- (a) Any tree or shrub;
- (b) Any utility pole or light pole, unless:
 - (I) The sign is a banner or flag that is not more than ten (10) square feet in area;
 - (II) The owner of the utility pole or light pole consents to its use for the display of the banner or flag;
 - (III) The banner or flag is mounted on brackets or a pole that extends not more than thirty (30) inches from the utility pole or light pole;

- (IV) The banner or flag is either situated above an area that is not used by pedestrians or vehicles, or the bottom of the banner or flag has a sign clearance of at least eight (8) feet; and
- (V) Any applicable City encroachment or banner permits are obtained.

(c) Utility cabinets.

(H) **Prohibited Locations.** In addition to applicable setback requirements and other restrictions of this Sign Code, no sign shall be located in any of the following locations:

- (1) In or over public rights-of-way (which, in addition to streets, may include other sidewalks, parkways, trails, multi-use pathways, retaining walls, utility poles, traffic calming devices, medians, and center islands that are within public rights-of-way), except:
 - (a) Signs painted on or affixed to transit shelters and bus benches as authorized by the provider of the shelter or bench, but not extending beyond the physical structure of the shelter or bench;
 - (b) Signs that are the subject of a revocable license agreement with the City, installed and maintained in accordance with the terms of that agreement;
 - (c) Portable signs permitted pursuant to the Code of the City of Fort Collins, Chapter 24, Article IV; or
 - (d) Signs posted by the City or jurisdiction that owns or maintains the right-of-way; or
- (2) Within any sight distance triangle, as provided in subsection (I), below.

(I) **Illumination.** The illumination of signs, where permitted, shall comply with the standards of this subsection (I) and Division 5.12, Exterior Site Lighting.

(1) **Generally.**

- (a) In general, attached illuminated signs shall be turned off by 11:00 PM if they located within three hundred (300) feet of property that is zoned, used, or approved for residential use. However, signs may be illuminated in Downtown, Commercial/Industrial, and Mixed-Use sign districts after 11:00 PM if:
 - (I) The operating hours of the use to which the sign relates extend past 10:30 PM, in which case the sign shall be turned off not more than thirty (30) minutes after the end of operating hours each day; and the sign is dimmed by at least thirty (30) percent between midnight and 6:00 AM;
 - (II) The lighting that illuminates the sign is used primarily for the protection of the premises or for safety purposes; or
 - (III) The sign is separated from residential uses by an arterial street.
- (b) Illuminated signs shall avoid the concentration of illumination. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard or nuisance to adjoining property.
- (c) No sign or associated luminaire shall create light spillover of more than one (1) lux at any property line that is zoned or used for single-unit detached, duplex, or townhome purposes.
- (d) Every electric sign shall have affixed thereon an approved Underwriters' Laboratories label, and all wiring connected to such sign shall comply with all provisions of the National Electrical Code, as adopted by the City.

- (e) Electrical service to freestanding signs shall be installed underground. Electrical service to attached signs shall be provided from the building and concealed from view.

(2) Internal Illumination.

- (a) No internal sign lighting shall include any exposed light source, except that neon or comparable tube lighting is permitted in locations where internal sign illumination is allowed.
- (b) During the time between sunset and the time an illuminated sign must be turned off pursuant to subsection (1)(1)(a), above, internally lit signs (including electronic message centers) shall not exceed six hundred (600) nits of luminance.

(3) Indirect Lighting.

- (a) All signs that use indirect lighting shall have their lighting directed in such a manner as to illuminate only the face of the sign, and not to create glare or sky glow.
- (b) When indirect lighting is used to illuminate detached signs, the light source must be concealed from view from on and off-site vehicular and pedestrian use areas and from within existing buildings.
- (c) Indirect lighting of signs shall not exceed the following illuminance:
 - (I) Commercial/Industrial and Mixed-Use Sign Districts: six hundred (600) lux.
 - (II) Downtown Sign District: five hundred (500) lux.
 - (III) All Other Sign Districts: four hundred (400) lux.

- (4) *Off-Premises Signage.* No new illumination may be added to existing off-premises signage.

(J) Message Centers.

(1) Manual Copy Message Centers.

(a) Design.

- (I) Manual changeable copy message centers shall appear integrated into the sign face of a permanent sign that also includes text and graphics that are not part of the manual changeable copy message center.
- (II) No manual changeable copy message center may be constructed using face or screen materials such as expanded metal or other types of mesh; any type of corrugated plastic such as Filon, V3, or Styrene; or other types of materials that are commonly used for "portable" or "homemade" signs.

- (b) **Dimensions.** No manual changeable copy message center shall occupy more than eighty (80) percent of the sign area of a sign.

(c) Operation and Maintenance.

- (I) No changeable copy sign or portion of a sign may have changeable copy that is nailed, pinned, glued, taped, or comparably attached.

- (II) If any part of the changeable copy portion of a sign or the track type system or other method of attachment is absent from the sign, or deteriorates so that it is no longer consistent with the style or materials used in the permanent portion of the sign, or is altered in such a way that it no longer conforms to the approved plans and specifications, the sign shall be removed or repaired within fourteen (14) days.
- (2) **Electronic Message Centers.** Digital electronic message centers ("EMCs") may be incorporated into signs as provided in this subsection.
- (a) **Number, Design, Dimensions.**
- (I) Not more than one (1) sign with an EMC component is allowed per street frontage.
 - (II) EMCs shall appear to be incorporated into the face of a permanent sign that includes text or graphics that are not part of the EMC.
 - (III) EMCs shall not have a pixel pitch that is greater than twelve (12) mm.
 - (IV) EMCs shall be integrated harmoniously into the design of the sign face and structure, shall not be the predominant element of the sign, and if located at the top of a sign, the sign must include a substantial cap feature above the EMC, which consists of the same material, form, color, and texture as is found on the sign face or structure.
 - (V) Not more than fifty (50) percent of the sign area of a permitted sign may be occupied by EMCs.
- (b) **Spacing, Prohibitions.**
- (I) Signs with EMC components shall be separated from each other and from property used or if the property is vacant but zoned for residential purposes (except multi-unit buildings with more than four [4] units) by a distance of not less than one hundred (100) feet, measured in a straight line.
 - (II) EMCs are not allowed on a freestanding pole sign.
 - (III) In the Downtown (D) District, wall signs with electronic message centers are not permitted on properties located within the boundaries of the Portable Sign Placement Area Map, See Section 24-150, et seq., Fort Collins City Code.
- (c) **Operations.**
- (I) The message displayed on an EMC shall not change more frequently than once per sixty (60) seconds. If a single sign includes multiple EMCs, they shall be considered a single EMC for the purposes of this standard.
 - (II) EMCs shall contain static messages only, and animated, dissolve, or fade transitions are not allowed.
 - (III) EMCs shall be controlled by dimming software and sensors to adjust brightness for nighttime viewing and variations in ambient light. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety or welfare.

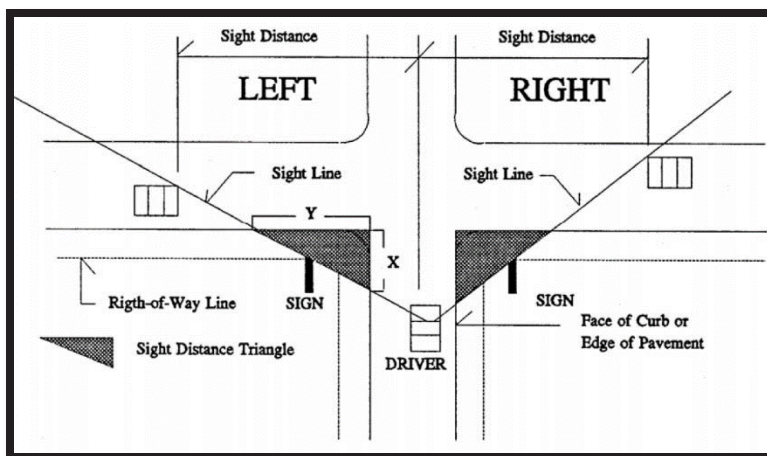
(d) **Certification.** Prior to acceptance of the installation by the City, the permit holder shall schedule an inspection with a Zoning Inspector to verify compliance. The permit holder and the business owner, business manager or property manager shall be in attendance during the inspection.

(K) **Sight Distance Triangles.** Signs that obstruct view within an area between forty-two (42) inches and seventy-two (72) inches above the flowline of the adjacent street shall be set back from the right-of-way line a distance as established in Table (K), Sight Distance Triangles.

Table (K) Sight Distance Triangles ¹			
Type of street	Y distances (ft.) ²	X distances (ft.)	Safe sight distance (ft.)
Arterial	Right: 135	15	500
	Left: 270		
Collector	Right: 120	15	400
	Left: 220		
Local	Right: 100	15	300
	Left: 150		

Table Notes:
¹ These distances are typical sight distance triangles to be used under normal conditions and may be modified by the Director of Engineering in order to protect the public safety and welfare in the event that exceptional site conditions necessitate such modification.
² See Figure (K) for illustration.

Figure (K)
Sight Distance Triangle Setbacks



(L) **Content.** Except as provided in this subsection (L), no sign shall be approved or disapproved based on the content or message it displays.

(1) **Prohibition on Certain Types of Unprotected Speech.** The following content, without reference to the viewpoint of the individual speaker, shall not be displayed on signs:

- (a) Text or graphics that is harmful to minors as defined by state or federal law;
- (b) Text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats, as such words and phrases are defined by controlling law;

- (c) Text or graphics that present a clear and present danger due to their potential confusion with traffic control signs; or
- (d) Signs that provide false information related to public safety (e.g., signs that use the words "Stop," "Yield," "Caution," or "Danger," or comparable words, phrases, symbols, or characters that are presented in a manner as to confuse motorists or imply a safety hazard that does not exist).

(2) **Severability.** The narrow classifications of content that are prohibited from display on signs by this subsection (L) are either not protected by the United States and Colorado Constitutions, or are offered limited protection that is outweighed by the substantial and compelling governmental interests in protecting the public safety and welfare. It is the intent of the City Council that each provision of this subsection (L) be individually severable in the event that a court holds one or more of them to be inconsistent with the United States Constitution or Colorado Constitution.

(M) Sign Districts.

- (1) **Generally.** In recognition that the City is a place of diverse physical character, and that different areas of the City have different functional characteristics, signs shall be regulated based on sign district in which they are located.
- (2) **Sign Districts Created.** The following sign districts are created: Downtown, Commercial/Industrial, Multi-unit, Single-unit, and Residential Neighborhood. Sign districts shall correspond to zoning districts as provided in Table (M), Sign Districts.

Table (M) Sign Districts	
Sign District	Corresponding Zoning Districts
Downtown	D; RDR
Commercial/Industrial	T; CC; CCN; CCR; CG; CS; CL; HC; E; I
Mixed-Use	LMN; MMN; HMN; NC
Multi-unit	OT-B; OT-C; MH
Single-unit	RUL; UE; RF; RL; OT-A; POL; RC
Residential Neighborhood Sign District	See map on file at City Clerk's office. To the extent of any geographic overlap with other sign districts, the Residential Neighborhood Sign District supersedes the overlapped sign district.

5.16.2 PERMANENT SIGNS

(A) Sign Area Allowance.

- (1) **Generally.** The sign area allowance limits the total amount of sign area that may be allocated to certain types of signs (listed in Tables (B) to (F)) on a site based on the location and use of the site. Sign area allowance is calculated as set out in Table (A), Sign Area Allowance.

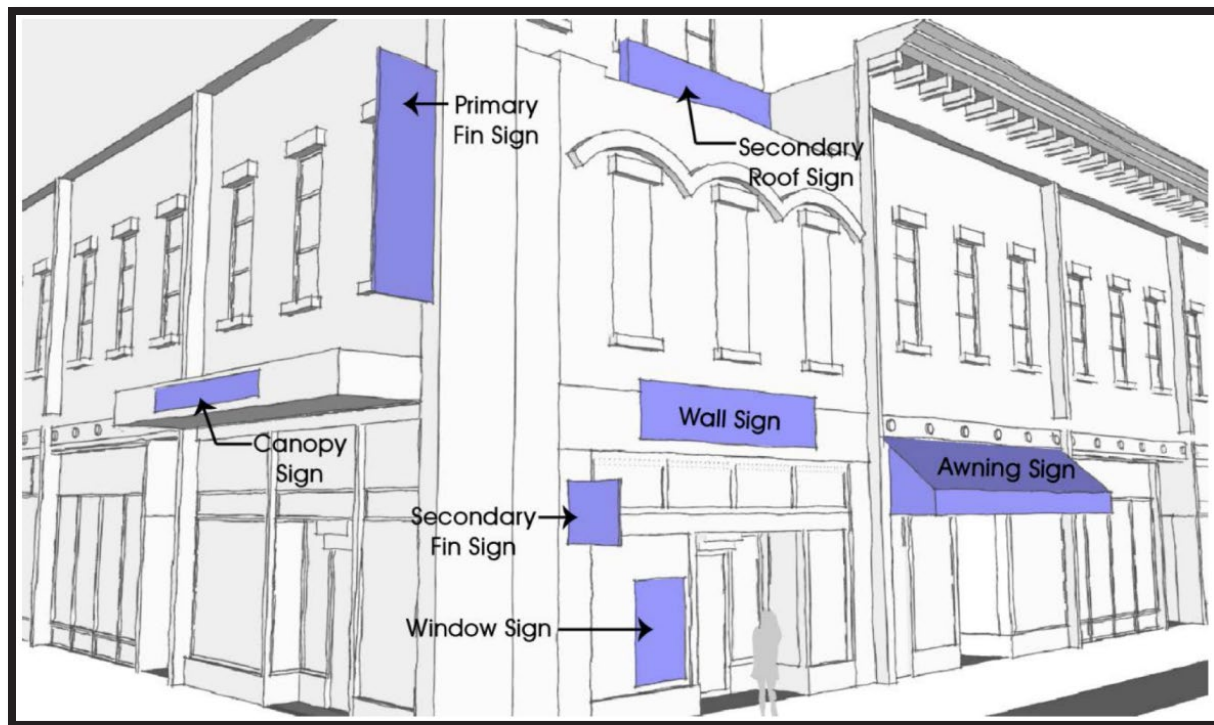
Table (A) Sign Area Allowance					
Location/Use	Calculation				
	For 1st 200 lf. of bldg. frontage.	+	For each lf. of bldg. frontage in excess of 200 lf.	=	But not less than
Generally					

All Sign Districts ¹	2 sf./lf.	+	1 sf./lf.	=	1 sf./lf. of lot frontage
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TABLE NOTES:
¹ Sign allowance is calculated per building frontage and may only be applied to the frontage to which the calculations apply. No more than 3 building frontages shall be used for the purposes of the sign allowance calculations.

- (2) **Sites without Frontage on Public Streets.** If a building does not have frontage on a dedicated public street, the owner of the building may designate the one building frontage for the purpose of calculating the sign area allowance.
- (3) **Allocation of Sign Area Allowance.**
 - (a) If the only building frontage that fronts on a public street is a wall containing no signs, the property owner may designate another building frontage on the building on the basis of which the total sign allowance shall be calculated, provided that no more than twenty-five (25) percent of the total sign allowance permitted under this Sign Code may be placed on frontage other than the building fascia which was the basis for the sign allowance calculation.
 - (b) In all other cases, the sign allowance for a property may be distributed in any manner among its building and/or street frontages except that no one building, or street frontage may contain more sign area than one hundred (100) percent of the sign area allowance.

Figure (A), Sign Types



(B) **Wall Signs.** Wall signs are allowed according to the standards in Table (B), Wall Signs.

Table (B) Wall Signs						
Type of Sign Standards	Sign District					
	Outside of Residential Neighborhood Sign District ¹					
	Downtown	Commercial/Industrial	Mixed-Use	Multi-Unit	Single-Unit	Within Residential Neighborhood Sign District ¹
Applied or Painted Wall Signs						
Max. #	Not limited.	Not limited.	1 per single-unit dwelling or duplex building that fronts on an arterial; or 1 per nonresidential use.	1 per single-unit dwelling or duplex building that fronts on an arterial; or 1 per nonresidential use.	1 per single-unit dwelling or duplex building that fronts on an arterial; or 1 per nonresidential use.	1 per single-unit dwelling or duplex building that fronts on an arterial; not limited for nonresidential uses.
Subject to Sign Area Allowance	Yes.	Yes.	Nonresidential uses only.	Nonresidential uses only.	Nonresidential uses only.	Yes.
Max. Sign Area	In addition to sign allowance, 6 sf. is allowed on rear wall if: (i) the wall includes a public entrance; (ii) site is within DDA Alley Enhancement Project area; and (iii) a projecting sign is not installed on the wall.	Limited by sign area allowance.	Single-unit or duplex building: 4 sf. Nonresidential use: 35 sf.	Single-unit or duplex building: 4 sf. Nonresidential use: 35 sf.	Single-unit or duplex building: 4 sf. Nonresidential use: 35 sf.	Limited by sign area allowance, except if tenant space does not have outside wall, in which case 30 sf.
Max. Sign Height	4.5 ft. if within 15 ft. of elevation of sidewalk below; 7 ft. if above 15 ft. of elevation of sidewalk below but any portion below fourth story; 9 ft. if entirely above fourth story.	7 ft.	7 ft.	7 ft.	7 ft.	2.5 ft. within Neighborhood Service Center or Neighborhood Commercial Uses; 2 ft. within Convenience Shopping Center use; and 1.5 ft. for all other Institutional, Business, Commercial, or other Nonresidential uses.
Max. Sign Width	N/A.	N/A.	N/A.	N/A.	N/A.	N/A.

Allowed Lighting	Indirect only.	Indirect only.	Indirect only.	Indirect only.	None.	Indirect only.
Other Standards	For flush wall signs consisting of framed banners, all banners shall be sized to fit the banner frame so that there are no visible gaps between the edges of the banner and the banner frame.	For flush wall signs consisting of framed banners, all banners shall be sized to fit the banner frame so that there are no visible gaps between the edges of the banner and the banner frame.	Not allowed if detached sign is installed.	Not allowed if detached sign is installed.	Not allowed if detached sign is installed.	Location shall harmonize with architecture of the building(s) to which sign is attached, (e.g., projection, relief, cornice, column, change of building material, window or door opening); Flush wall signs shall align with other such signs on the same building.

Figure (B)(1)
Applied or Painted Wall Signs



Table (B) Wall Signs						
Type of Sign Standards	Sign District					
	Outside of Residential Neighborhood Sign District ¹					
	Downtown	Commercial/Industrial	Mixed-Use	Multi-Unit	Single-Unit	Within Residential Neighborhood Sign District ¹
Applied or Painted Wall Signs - Vertically Oriented						

Max. #	1 per building.	1 per building.	1 per building.	1 per building.	1 per building.	1 per single-unit dwelling or duplex building that fronts on an arterial; 1 per building for nonresidential uses.
Subject to Sign Area Allowance	Yes.	Yes.	Nonresidential uses only.	Nonresidential uses only.	Nonresidential uses only.	Yes.
Max. Sign Area	Limited by sign area allowance.	Limited by sign area allowance.	Single-unit or duplex building: 4 sf. Nonresidential use: 35 sf.	Single-unit or duplex building: 4 sf. Nonresidential use: 35 sf.	Single-unit or duplex building: 4 sf. Nonresidential use: 35 sf.	Limited by sign area allowance, except if tenant space does not have outside wall, in which case 30 sf.
Max. Sign Height	10' if within 15' if elevation of sidewalk below; 25 ft. if above 15' of elevation of sidewalk below.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Max. Sign Width	2 ft.	2 ft.	2 ft.	2 ft.	2 ft.	2 ft.
Allowed Lighting	Indirect only.	Indirect only.	Indirect only.	Indirect only.	Indirect only.	Indirect only.

Figure (B)(2)
Applied or Painted Wall Signs - Vertically Oriented

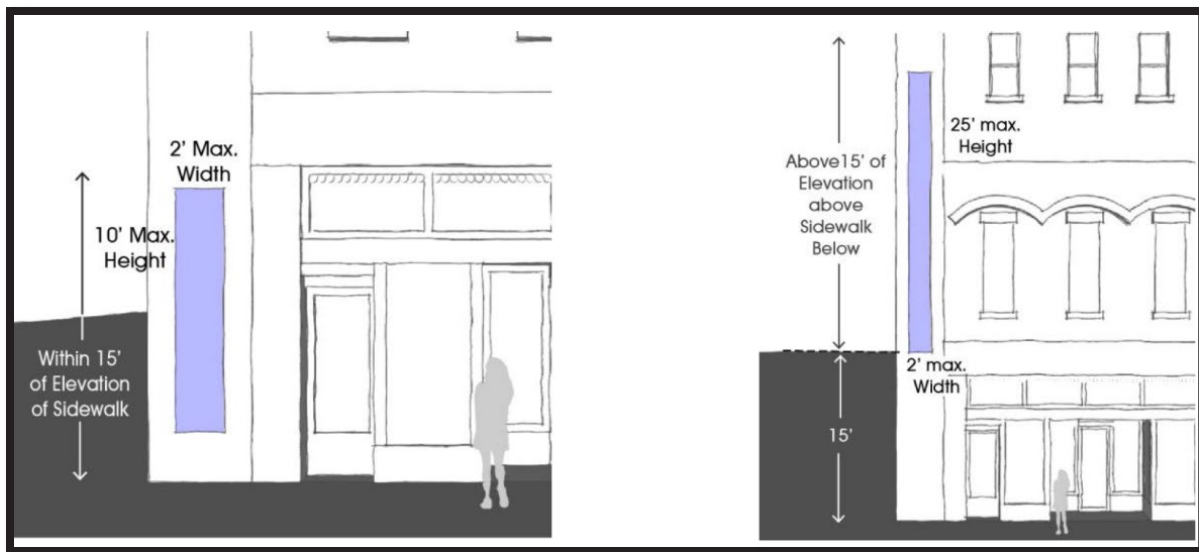


Table (B) Wall Signs						
Type of Sign Standards	Sign District					
	Outside of Residential Neighborhood Sign District ¹					
	Downtown	Commercial/Industrial	Mixed-Use	Multi-Unit	Single-Unit	Within Residential Neighborhood Sign District ¹
Cabinet Wall Signs or Dimensional Wall Signs						
Max. #	Not limited.	Not limited.	Not limited for nonresidential or mixed-use; 1 per building per frontage for multi-unit properties.	Not limited for nonresidential or mixed-use; 1 per building per frontage for multi-unit properties.	Not limited for nonresidential or mixed-use; 1 per building per frontage for multi-unit properties.	Not limited for nonresidential or mixed-use; 1 per building per frontage for multi-unit properties.
Subject to Sign Area Allowance	Yes.	Yes.	Nonresidential uses only.	Yes.	Yes.	Yes.
Max. Sign Area	Limited by sign area allowance.	Limited by sign area allowance.	Limited by sign area allowance.	Limited by sign area allowance.	Limited by sign area allowance.	Limited by sign area allowance.
Max. Sign Height	4.5 ft. if within 15 ft. of elevation of sidewalk below; 7 ft. if above 15 ft. of elevation of sidewalk below but any portion below fourth story; 9 ft. if entirely above fourth story.	7 ft.	7 ft.	7 ft.	7 ft.	2.5 ft. within Neighborhood Service Center or Neighborhood Commercial Uses; 2 ft. within Convenience Shopping Center use; and 1.5 ft. for all other Institutional, Business, Commercial, or other Nonresidential uses.
Max. Projection	1 ft.	1 ft.	1 ft.	1 ft.	1 ft.	1 ft.
Allowed Lighting	Any.	Any.	Any.	None.	None.	Internal only.
Other Standards	Raceway must be finished to match color of wall; raceway must be not more than 50% of height of attached letters or shapes.	Raceway must be finished to match color of wall; raceway must be not more than 50% of height of attached letters or shapes.	Raceway must be finished to match color of wall; raceway must be not more than 50% of height of attached letters or shapes.	Raceway must be finished to match color of wall; raceway must be not more than 50% of height of attached letters or shapes.	Raceway must be finished to match color of wall; raceway must be not more than 50% of height of attached letters or shapes.	Raceway must be finished to match color of wall; raceway must be not more than 50% of height of attached letters or shapes.

(C) **Window Signs.** Window signs are allowed according to the standards in Table (C), Window Signs.

Table (C) Window Signs						
Type of Sign Standards	Sign District					
	Outside of Residential Neighborhood Sign District ¹					
	Downtown	Commercial/Industrial	Mixed-Use	Multi-Unit	Single-Unit	Within Residential Neighborhood Sign District ¹
All Window Signs						
Max. #	Not limited. ¹	Not limited. ¹	Not limited. ¹	Not limited.	Not limited.	Not limited.
Subject to Sign Area Allowance	Yes, except as provided in "other standards," below.	Yes, except as provided in "other standards," below.	Nonresidential only, and except as provided in "other standards," below.	No.	No.	Yes.
Max. Sign Area ²	Up to 50% of area of architecturally distinct window.	Up to lesser of 50% of area of architecturally distinct window or 80 sf.	Up to lesser of 50% of area of architecturally distinct window or 80 sf.	Nonresidential: Up to lesser of 50% of area of architecturally distinct window or 80 sf.; Residential: 6 sf.	Nonresidential: Up to lesser of 50% of area of architecturally distinct window or 80 sf.; Residential: 6 sf.	Nonresidential: Up to lesser of 25% of area of architecturally distinct window or 80 sf.; Residential: 6 sf.
Max. Sign Height	No Max.	7 ft.	7 ft.	3 ft.	3 ft.	3 ft.
Allowed Lighting	Internal.	Internal.	Internal.	None.	None.	Internal.
Other Standards	Window signs that are not exempt from sign permits are counted towards sign area allowance. See subsection (A), above, and Section 5.16.1(D)(5)(f).	Window signs that are not exempt from sign permits are counted towards sign area allowance. See subsection (A), above, and Section 5.16.1(D)(5)(f).	Window signs that are not exempt from sign permits are counted towards sign area allowance. See subsection (A), above, and Section 5.16.1(D)(5)(f).	Not allowed above the first story of nonresidential buildings.	Not allowed above the first story of nonresidential buildings.	Not allowed above the first story of nonresidential buildings.

(D) **Projecting Signs.** Projecting signs include awning signs, marquee signs, under-canopy signs, and fin signs. Projecting signs are allowed according to the standards in Table (D), Projecting Signs. Projecting signs shall not extend into the public right-of-way, except that the City may grant a revocable license to allow projecting signs to encroach into the right-of-way.

Table (D) Projecting Signs						
Type of Sign Standards	Sign District					
	Outside of Residential Neighborhood Sign District ¹					
	Downtown	Commercial/Industrial	Mixed-Use	Multi-Unit	Single-Unit	Within Residential Neighborhood Sign District ¹
Awning Signs						

Max. #	1 per awning.	1 per awning.	1 per awning.	1 per awning; limited to nonresidential uses.	1 per awning; limited to nonresidential uses.	1 per awning; limited to nonresidential uses.
Subject to Sign Area Allowance	Yes.	Yes.	Nonresidential uses only.	Nonresidential uses only.	Nonresidential uses only.	Yes.
Max. Sign Area	Lesser of 35 sf. or 25% of total area of the awning.	Lesser of 35 sf. or 25% of total area of the awning.	Lesser of 35 sf. or 25% of total area of the awning.	Lesser of 35 sf. or 25% of total area of the awning.	Lesser of 10 sf. or 10% of total area of the awning.	Lesser of 35 sf. or 25% of total area of the awning.
Max. Projection (may project into right-of-way with revocable license)	7 ft.	7 ft.	7 ft.	7 ft.	7 ft.	7 ft.
Min. Sign Clearance	8 ft. to awning; 7 ft. to valance.	8 ft. to awning; 7 ft. to valance.	8 ft. to awning; 7 ft. to valance.	8 ft. to awning; 7 ft. to valance.	8 ft. to awning; 7 ft. to valance.	8 ft. to awning; 7 ft. to valance.
Allowed Lighting	Indirect; or backlighting of letters and graphics is allowed if background is completely opaque.	Indirect; or backlighting of letters and graphics is allowed if background is completely opaque.	Indirect; or backlighting of letters and graphics is allowed if background is completely opaque.	Indirect; or backlighting of letters and graphics is allowed if background is completely opaque.	For nonresidential uses only; Indirect; or backlighting of letters and graphics is allowed if background is completely opaque.	Indirect; or backlighting of letters and graphics is allowed if background is completely opaque.
Other Standards	Not allowed above first story; awning must be installed over window or building entrance Awning sign shall not project above top of awning or beyond face of awning.	Not allowed above first story; awning must be installed over window or building entrance Awning sign shall not project above top of awning or beyond face of awning.	Not allowed above first story; awning must be installed over window or building entrance Awning sign shall not project above top of awning or beyond face of awning.	Not allowed above first story; awning must be installed over window or building entrance Awning sign shall not project above top of awning or beyond face of awning.	Not allowed above first story; awning must be installed over window or building entrance Awning sign shall not project above top of awning or beyond face of awning.	Not allowed above first story; awning must be installed over window or building entrance Awning sign shall not project above top of awning or beyond face of awning.
Under-Canopy Signs						
Max. #	1 per building entrance for canopies that are attached to buildings; 1 per elevation for detached canopies.	1 per building entrance for canopies that are attached to buildings; 1 per elevation for detached canopies.	1 per building entrance for canopies that are attached to buildings; 1 per elevation for detached canopies.	1 per building entrance for canopies that are attached to buildings; 1 per elevation for detached canopies.	1 per building entrance for canopies that are attached to buildings; 1 per elevation for detached canopies.	Under canopies that cover vehicular use areas: 1 per street frontage; all others not limited.

Subject to Sign Area Allowance	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
Max. Sign Area (per face)	Not covering vehicular use area: 4 sf.; Covering vehicular use area: 12 sf.	Not covering vehicular use area: 4 sf.; Covering vehicular use area: 12 sf.	Not covering vehicular use area: 4 sf.; Covering vehicular use area: 12 sf.	Not covering vehicular use area: 4 sf.; Covering vehicular use area: 12 sf.	Not covering vehicular use area: 4 sf.; Covering vehicular use area: 12 sf.	Not covering vehicular use area: 4 sf.; Covering vehicular use area: 12 sf.
Min. Sign Clearance	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.
Allowed Lighting	Any.	Any.	Any.	Indirect only.	Indirect only.	Indirect only.
Other Standards	Under-canopy sign shall not project above top of canopy to which it is mounted; painted or applied wall sign standards apply if parallel to building facade; secondary fin sign standards apply if perpendicular to building facade; not allowed if secondary fin sign is present at same entrance.	Under-canopy sign shall not project above top of canopy to which it is mounted; painted or applied wall sign standards apply if parallel to building facade; secondary fin sign standards apply if perpendicular to building facade; not allowed if secondary fin sign is present at same entrance.	Under-canopy sign shall not project above top of canopy to which it is mounted; painted or applied wall sign standards apply if parallel to building facade; secondary fin sign standards apply if perpendicular to building facade; not allowed if secondary fin sign is present at same entrance.	Not allowed if secondary fin sign is present at same entrance.	Not allowed if secondary fin sign is present at same entrance.	Not allowed on a canopy that covers a vehicular use area if a canopy sign is present; not allowed if secondary fin sign is present at same entrance.
Fin Signs (Primary)						
Max. #	1 per street frontage per nonresidential, mixed-use, or multifamily building.	1 per street frontage per nonresidential, mixed-use, or multifamily building.	1 per street frontage per nonresidential, mixed-use, or multifamily building.	1 per street frontage per nonresidential, mixed-use, or multifamily building.	1 per street frontage per nonresidential, mixed-use, or multifamily building.	1 per street frontage per nonresidential, mixed-use, or multifamily building.
Subject to Sign Area Allowance	Yes.	Yes.	Yes, but only for nonresidential, mixed-use, or multifamily buildings.	Yes, but only for nonresidential, mixed-use, or multifamily buildings.	Yes, but only for nonresidential, mixed-use, or multifamily buildings.	Yes.
Max. Sign Area	12 sf. if within 15 ft. of elevation of sidewalk below; 25 sf. if between 15 ft. and 45 ft. of elevation above sidewalk below; 45 sf. if entirely above 45 ft. of	15 sf.	15 sf.	15 sf.	15 sf.	7 sf.

	elevation above sidewalk below.					
Max. Sign Height	7 ft. if within 15 ft. of elevation of sidewalk below; 10 ft. if 15 ft. to 45 ft. of elevation above sidewalk below; 18 ft. if entirely above 45 ft. of elevation above sidewalk below.	7 ft.	7 ft.	7 ft.	7 ft.	4 ft.
Max. Projection (may project into right-of-way only by revocable license)	Entirely or partially below third story: 3 ft.; entirely above third story: 6 ft.; Not more than 4 ft. within right-of-way.	6 ft.; not more than 4 ft. within right-of-way.	6 ft.; not more than 4 ft. within right-of-way.	6 ft.; not more than 4 ft. within right-of-way.	6 ft.; not more than 4 ft. within right-of-way.	4 ft.; not more than 4 ft. within right-of-way.
Min. Sign Clearance	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.
Allowed Lighting	Any.	Any.	Any.	Any.	Any.	Internal only.
Other Standards	City may authorize up to 48 in. encroachment into right-of-way by revocable license if total sign area for fin signs is lesser of 1 sf. per lf. building frontage or 12 sf.	City may authorize up to 48 in. encroachment into right-of-way by revocable license if total sign area for fin signs is lesser of 1 sf. per lf. building frontage or 12 sf.	City may authorize up to 48 in. encroachment into right-of-way by revocable license if total sign area for fin signs is lesser of 1 sf. per lf. building frontage or 12 sf.	City may authorize up to 48 in. encroachment into right-of-way by revocable license if total sign area for fin signs is lesser of 1 sf. per lf. building frontage or 12 sf.	City may authorize up to 48 in. encroachment into right-of-way by revocable license if total sign area for fin signs is lesser of 1 sf. per lf. building frontage or 12 sf.	

Figure (D)
Fin Signs (Primary)

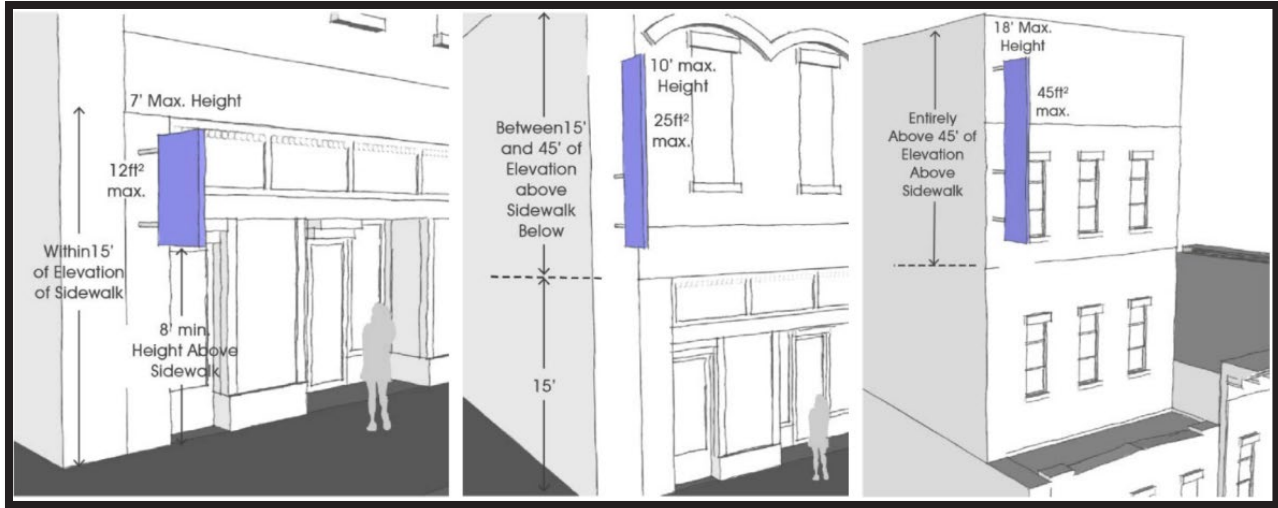


Table (D)
Projecting Signs

Type of Sign Standards	Sign District					
	Outside of Residential Neighborhood Sign District ¹					
	Downtown	Commercial/Industrial	Mixed-Use	Multi-Unit	Single-Unit	Within Residential Neighborhood Sign District ¹
Fin Signs (Secondary)						
Max. #	1 per public building entry.	1 per public building entry.	1 per public building entry.	1 per public building entry.	1 per public building entry.	1 per public building entry.
Subject to Sign Area Allowance	Yes.	Yes.	Yes, but only for nonresidential uses.	No.	No.	Yes.
Max. Sign Area	4 sf.	4 sf.	4 sf.	4 sf.	4 sf.	4 sf.
Max. Projection	4 ft.	4 ft.	4 ft.	4 ft.	4 ft.	1 ft.
Min. Sign Clearance	By building code.	By building code.	By building code.	By building code.	By building code.	By building code.
Allowed Lighting	Indirect only.	Any.	Any.	Not allowed.	Not allowed.	Internal only.
Other Standards	Must be located above entrance, within 3 ft. of top of door; not allowed if under-canopy sign is present at	Must be located above entrance, within 3 ft. of top of door; not allowed if under-canopy sign is present at same entrance.	Must be located above entrance, within 3 ft. of top of door; not allowed if under-canopy sign is present at same entrance.	Must be located above entrance, within 3 ft. of top of door; not allowed if under-canopy sign is present at same entrance.	Must be located above entrance, within 3 ft. of top of door; not allowed if under-canopy sign is present at	Must be located above entrance, within 3 ft. of top of door; not allowed if under-canopy sign is present at same entrance.

	same entrance.				same entrance.	
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(E) **Canopy Signs.** Canopy signs are allowed according to the standards in Table (E), Canopy Signs.

Table (E) Canopy Signs						
Type of Sign Standards	Sign District					
	Outside of Residential Neighborhood Sign District ¹					
	Downtown	Commercial/Industrial	Mixed-Use	Multi-Unit	Single-Unit	Within Residential Neighborhood Sign District ¹
All Canopy Signs						
Max. #	1 per canopy elevation, for nonresidential, multi-unit, or mixed-use property.	1 per canopy elevation, for nonresidential, multi-unit, or mixed-use property.	1 per canopy elevation, for nonresidential, multi-unit, or mixed-use property.	1 per canopy elevation, for nonresidential, multi-unit, or mixed-use property.	1 per canopy elevation, for nonresidential, multi-unit, or mixed-use property.	1 per street frontage, on canopy that covers vehicular use area of nonresidential, multi-unit, or mixed-use property.
Subject to Sign Area Allowance	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
Max. Sign Area (per sign)	20 percent of canopy fascia on elevation to which sign is mounted.	30 percent of canopy fascia on elevation to which sign is mounted.	30 percent of canopy fascia on elevation to which sign is mounted.	15 percent of canopy fascia on elevation to which sign is mounted.	10 percent of canopy fascia on elevation to which sign is mounted.	12 sf. on canopy that covers vehicular use area.
Allowed Lighting	Internal only.	Internal only.	Internal only.	Internal only.	Internal only.	Internal only.
Min. Sign Clearance	By building code.	By building code.	By building code.	By building code.	By building code.	By building code.
Other Standards	Canopy signs shall not project above the top of the canopy to which they are mounted.	Canopy signs shall not project above the top of the canopy to which they are mounted.	Canopy signs shall not project above the top of the canopy to which they are mounted.	Canopy signs shall not project above the top of the canopy to which they are mounted.	Canopy signs shall not project above the top of the canopy to which they are mounted.	Not allowed on a canopy that covers a vehicular use area if an under-canopy sign is present.

(F) **Secondary Roof Signs.** Secondary roof signs are allowed according to the standards in Table (F), Secondary Roof Signs.

Table (F) Secondary Roof Signs						
Type of Sign Standards	Sign District					
	Outside of Residential Neighborhood Sign District ¹					
	Downtown	Commercial/Industrial	Mixed-Use	Multi-Unit	Single-Unit	Within Residential Neighborhood Sign District ¹

Max. #	1 per building, for nonresidential or mixed-use property.	1 per building, for nonresidential or mixed-use property.	1 per building, for nonresidential or mixed-use property.	1 per building, for nonresidential or mixed-use property.	1 per building, for nonresidential or mixed-use property.	1 per building, for nonresidential or mixed-use property.
Subject to Sign Area Allowance	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
Max. Sign Area (per sign)	Limited by sign area allowance.	Limited by sign area allowance.	Limited by sign area allowance.	Limited by sign area allowance.	Limited by sign area allowance.	Limited by sign area allowance.
Max. Sign Height	1 st or 2 nd story secondary roof: 3 ft.	1 st or 2 nd story secondary roof: 3 ft.	1 st or 2 nd story secondary roof: 3 ft.	1 st or 2 nd story secondary roof: 3 ft.	1 st or 2 nd story secondary roof	1 st or 2 nd story secondary roof: 3 ft.
Allowed Lighting	Any.	Any.	Any.	Any.	Any.	Any.
Other Standards	Distance between secondary roof and bottom of sign face shall not exceed 6 in.; not allowed above 2 nd story.	Distance between secondary roof and bottom of sign face shall not exceed 6 in.; not allowed above 2 nd story.	Distance between secondary roof and bottom of sign face shall not exceed 6 in.; not allowed above 2 nd story.	Distance between secondary roof and bottom of sign face shall not exceed 6 in.; not allowed above 2 nd story.	Distance between secondary roof and bottom of sign face shall not exceed 6 in.; not allowed above 2 nd story.	Distance between secondary roof and bottom of sign face shall not exceed 6 in.; not allowed above 2 nd story.

**Figure (F)
Secondary Roof Sign**



(G) Freestanding Permanent Signs. Detached permanent signs are allowed according to the standards in Table (G)(1), Freestanding Permanent Signs.

Table (G)(1) Freestanding Permanent Signs	
	Sign District
	Outside of Residential Neighborhood Sign District ¹

Type of Sign Standards	Downtown	Commercial/Industrial	Mixed-Use	Multi-Unit	Single-Unit	Within Residential Neighborhood Sign District ¹
Primary Detached Signs						
Max. #	1 per frontage. ¹	1 per frontage. ¹	1 per frontage for nonresidential, mixed-use, or multi-unit property. ¹	1 per site for nonresidential, mixed-use, or multi-unit uses ¹ ; 1 per site for single-unit detached or duplex if the lot fronts on an arterial; 2 per public vehicular entry into residential subdivision or multifamily site (one single face sign on each side of entry).	1 per site for nonresidential, mixed-use, or multi-unit uses ¹ ; 1 per site for single-unit detached or duplex if the lot fronts on an arterial; 2 per public vehicular entry into residential subdivision or multifamily site (one single face sign on each side of entry).	1 per site for nonresidential, mixed-use, or multi-unit uses ¹ ; 2 per public vehicular entry into residential subdivision or multifamily site (one single face sign on each side of entry).
Subject to Sign Area Allowance	Yes.	Yes.	Yes, for nonresidential or multi-unit uses.	No.	No.	Yes.
Max. Sign Area	Based on setback and style, see Table (G)(2), below.	Based on setback and style, see Table (G)(2), below.	Based on setback and style, see Table (G)(2), below.	Single-unit detached or duplex building with frontage on arterial: 4 sf. All other allowed signs: 35 sf.	Single-unit detached or duplex building with frontage on arterial: 4 sf. All other allowed signs: 35 sf.	32 sf. ²
Max. Sign Height	Based on setback and style, see Table (G)(2), below.	Based on setback and style, see Table (G)(2), below.	Based on setback and style, see Table (G)(2), below.	Single-unit detached or duplex building with frontage on arterial: 5 ft. Multi-unit or Nonresidential use: 8 ft.	Single-unit detached or duplex building with frontage on arterial: 5 ft. Multi-unit or Nonresidential use: 8 ft.	Multi-unit or Nonresidential use: 5 ft. ²
Allowed Lighting	Any.	Any.	Any.	Indirect only.	None.	Indirect only.
Setbacks and Spacing	See Table (G)(2), below; 15 ft. setback from interior lot lines; 75 ft. spacing between freestanding signs.	See Table (G)(2), below; 15 ft. setback from interior lot lines; 75 ft. spacing between freestanding signs.	See Table (G)(2), below; 15 ft. setback from interior lot lines; 75 ft. spacing between freestanding signs.	Not allowed if a wall sign is installed.	Not allowed if a wall sign is installed.	75 ft. from adjacent residential zone or existing or approved residential use.
Max. Cabinets or Modules per Sign Face	3	3	3	3	3	3

Other Standards	Location may be established by approved development plan. Structure shall match primary finish and colors of associated buildings. Pole style signs shall contain no more than thirty (30) percent (or forty [40] percent if located within the site distance triangle) of free air space between the top of the sign and the ground, vertically and between the extreme horizontal limits of the sign extended perpendicular to the ground. A base or pole cover provided to satisfy this requirement shall be integrally designed as part of the sign by use of such techniques as color, material and texture. Freestanding signs that existed prior to December 30, 2011, and that do not comply with this requirement shall be removed or brought into compliance by December 31, 2019, provided that such signs otherwise comply with Section 5.16.4, Nonconforming Signs.					Structure shall match primary finish and colors of associated buildings; must be monument style.
Secondary Detached Signs						
Max. #	1 per vehicular access point to nonresidential, mixed-use, or multifamily property.	1 per vehicular access point to nonresidential, mixed-use, or multifamily property.	1 per vehicular access point to nonresidential, mixed-use, or multifamily property.	1 per vehicular access point to nonresidential, mixed-use, or multifamily property.	1 per vehicular access point to nonresidential, mixed-use, or multifamily property.	1 per street frontage of a nonresidential, mixed-use, or multifamily uses.
Subject to Sign Area Allowance	Yes.	Yes.	Nonresidential uses only.	No.	No.	No.
Max. Sign Area	16 sf.	16 sf.	16 sf.	16 sf.	16 sf.	20 sf.
Max. Sign Height	4 ft.	4 ft.	4 ft.	4 ft.	4 ft.	5 ft.
Allowed Lighting	Any.	Any.	Any.	Indirect only.	Indirect only.	Indirect only.
Setbacks and Spacing	2 ft. from right-of-way; 10 ft. from property lines.	2 ft. from right-of-way; 10 ft. from property lines.	2 ft. from right-of-way; 10 ft. from property lines.	2 ft. from right-of-way; 10 ft. from property lines.	2 ft. from right-of-way; 10 ft. from property lines.	2 ft. from right-of-way; 10 ft. from property lines.
Max. Cabinets or Modules per Sign Face	1	1	1	1	1	1
Other Standards	Same as primary freestanding sign; however, pole style signs are not allowed.	Same as primary freestanding sign; however, pole style signs are not allowed.	Same as primary freestanding sign; however, pole style signs are not allowed.	Same as primary freestanding sign; however, pole style signs are not allowed.	Same as primary freestanding sign; however, pole style signs are not allowed.	Same as primary freestanding sign; however, pole style signs are not allowed.
Drive-Thru Lane Signs						
Max. #	1 per drive through lane	1 per drive through lane	1 per drive through lane	1 per drive through lane	1 per drive through lane	1 per drive through lane
Subject to Sign Area Allowance	No.	No.	No.	No.	No.	No.
Max. Sign Area	30 sf. ³	30 sf. ³	30 sf. ³	30 sf. ³	30 sf. ³	30 sf. ³
Max. Sign Height	6 ft.	6 ft.	6 ft.	6 ft.	6 ft.	6 ft.
Allowed Lighting	Any.	Any.	Any.	Any.	Any.	Any.
Setbacks and Spacing	2 ft. from the right of way; if the sign faces	2 ft. from the right of way; if the sign faces	2 ft. from the right of way; if the sign faces	2 ft. from the right of way; if the sign faces	2 ft. from the right of way; if the sign faces	2 ft. from the right of way; if the sign faces

	out to the right-of-way 10 ft.	out to the right-of-way 10 ft.	out to the right-of-way 10 ft.	out to the right-of-way 10 ft.	out to the right-of-way 10 ft.	out to the right-of-way 10 ft.
Max. Cabinets or Modules per Sign Face	1	1	1	1	1	1
Other Standards	Must be oriented to the drive-thru lane; if any part of the sign structure is visible from abutting property or right-of-way additional screening is required. ⁴	Must be oriented to the drive-thru lane; if any part of the sign structure is visible from abutting property or right-of-way additional screening is required. ⁴	Must be oriented to the drive-thru lane; if any part of the sign structure is visible from abutting property or right-of-way additional screening is required. ⁴	Must be oriented to the drive-thru lane; if any part of the sign structure is visible from abutting property or right-of-way additional screening is required. ⁴	Must be oriented to the drive-thru lane; if any part of the sign structure is visible from abutting property or right-of-way additional screening is required. ⁴	Must be oriented to the drive-thru lane; if any part of the sign structure is visible from abutting property or right-of-way additional screening is required. ⁴

Table Notes:

¹ Frontages include the frontage of all properties that are part of a group of properties that are planned or developed with shared pedestrian or vehicular access. Signs may not be allocated from one frontage to another.

² Additional sign area and sign height are allowed as follows:
 (i) Convenience shopping centers: Max. sign area: 40 sf., Max. sign height 8 ft.;
 (ii) Neighborhood service centers or neighborhood commercial districts: Max. sign area: 55 sf., Max. sign height: 10 ft.

³ A Drive-Thru Lane EMC may be 100% of the sign area if the display changes no more than three times in a 24 hr. period.

⁴ For a Drive-Thru Lane Sign screening may be achieved through plants or other materials compatible to the primary building.

**Table (G)(2)
 Setback for Primary Detached Signs Based on Sign Height and Sign Area**

Distance from Street Right-of-Way Line (ft.)	Monument Style Sign Max. Height (ft.)	Max. Sign Area (per face) (sf.)	Pole Style Sign Max. Height (ft.)	Max. Sign Area (per face) (sf.)
0	7	45	10	20
5	8.5	60	10	30
10	10	75	12	40
15	12	90	12	50
20	12	90	14	60
25	12	90	16	70
30	12	90	18	80
36+	12	90	18	90

(H) Projected Light Signs.

(1) Horizontal Projected Light Signs.

- (a) Horizontal projected light signs that are projected onto public sidewalks are allowed only by portable sign permit, except that with respect to such signs, the area in which the portable sign permit may be issued is expanded to include the following zoning districts: D, RDR, CCR, CG, and NC, and all pedestrian-oriented shopping streets within the CC and HC zoning districts.

(b) All horizontal projected light signs require a permit.

(c) The projected image of a horizontal projected light sign:

- (I) Shall be entirely within ten (10) feet of a building entrance;
- (II) Shall not exceed six (6) square feet in area;
- (III) Shall be projected onto a sidewalk or landscaped area;
- (IV) Shall not project onto safety or traffic signage (e.g., crosswalk markings, bicycle dismount signs, etc.); and
- (V) Shall comply with all applicable lighting standards.

(d) The projector shall be concealed from view and either:

- (I) Located entirely on private property; or
- (II) Hung under an awning, canopy, eave, or arcade that is allowed to encroach over the right-of-way by way of a revocable license.

(e) A Horizontal projected light sign shall not be displayed on the public sidewalk at the same time as a sidewalk sign.

(2) **Vertical Projected Light Signs.** Vertical projected light signs are not allowed as permanent signs. See Section 5.16.3 for the temporary use of vertical projected light signs.

(3) **Operation.** All projected light signs shall contain static messages only. Animated, dissolve, or fade transitions are not allowed.

(l) **Restoration or Reconstruction of Historic Signs.** The provisions of this subsection apply to buildings in the Downtown sign district that are fifty (50) years or older, whether they are formally recognized as historic at the local, state, or national level, or whether they are located within a designated historic district.

(1) A sign on a designated property, or a property determined to be eligible for designation on the National Register of Historic Places, the State Register of Historic Properties, or as a Fort Collins Landmark, that may not otherwise comply with the strict provisions of this Sign Code and has been approved by the Historic Preservation Commission through a review of Chapter 14 of the City Code shall be permitted and shall not be counted in sign area allowance for the property.

(2) A sign on a property which is not designated or individually eligible for designation on the National Register of Historic Places, the State Register of Historic Properties, or as a Fort Collins Landmark, that may not otherwise comply with the strict provisions of this Sign Code and is inspired by a historic sign on the property and does not require a review through Chapter 14 of the City Code by the Historic Preservation Commission shall be reviewed by the Director. In approving such signs, the Director shall not condition approval on changes in content and must find the following:

(a) The sign is not detrimental to the public good;

(b) The size and location of the sign are comparable to a historic sign of the property and the deviation from the provisions of this Sign Code are nominal and inconsequential with the context of the neighborhood;

- (c) The sign is comparable to the quality, character and design of a historic sign of the property; and
- (d) The sign shall not degrade the historic character of the neighborhood or convey a false sense of history.

The Director may deny any sign application that does not meet all the standards of this Section. All signs approved through Section 5.16.2(I) shall count towards the sign area allowance for the property.

5.16.3 TEMPORARY SIGNS

(A) **Applicability.** The regulations contained in this Section 5.16.3 apply to temporary signs. The standards of this Section are applied in conjunction with all other applicable standards.

(B) **Standards for Attached Temporary Signs.**

- (1) **Generally.** The standards of this subsection apply to temporary signs that are attached to buildings. Temporary signs that are not attached to buildings are subject to the standards of subsection (C), below. Duration of display is limited by subsection (D).
- (2) **Attached Temporary Banners and Pennants.** Attached temporary banners and pennants may only be displayed provided a permit is obtained pursuant to Section 5.16.4(B)(2).
- (3) **Temporary Sign Covers.** Temporary sign covers are permitted in all sign districts, provided that they are used during a period not to exceed forty (40) days in which a new permanent sign or sign component is being fabricated and such sign or sign component is permitted and installed in accordance with this Sign Code.
- (4) **Temporary Window Signs.**
 - (a) Temporary window signs are allowed in all locations where permanent window signs are allowed, provided that the standards of Section 5.16.2(C) are met as to the combination of temporary and permanent window signs.
 - (b) Temporary window signs shall be affixed to the window such that the fastener (e.g., tape) is not highly visible, or shall be mounted vertically inside of the building for viewing through the window.

(C) **Standards for Detached Temporary Signs.**

- (1) **Generally.** The standards of this subsection apply to temporary signs that are not attached to buildings. Temporary signs that are attached to buildings are subject to the standards of subsection (B), above. Duration of display is limited by subsection (D).
- (2) **Detached Temporary Signs.** Detached temporary signs are allowed according to the standards in Table (C), Detached Temporary Signs. Detached temporary sign types that are not listed in Table C (including but not limited to inflatable signs) are not allowed. Detached banners and pennants may only be displayed provided a permit is obtained pursuant to subsection (E), below. Portable signs may only be displayed provided a permit is obtained pursuant to the Code of the City of Fort Collins, Chapter 24, Article IV.

<p align="center">Table (C) Detached Temporary Signs (sf. = square feet/ft. = linear feet/N/A = not applicable)</p>				
Type of Sign Standards	Sign District			
	Downtown	Commercial-Industrial	Multi-Unit/Mixed Use	Single-Unit
Yard Signs				
Max. #	Single-Unit and Duplex Residential Buildings: Not Limited.	Single-Unit and Duplex Residential Buildings: Not Limited.	Single-Unit and Duplex Residential Buildings: Not Limited.	Residential Buildings: Not limited.
	Multi-Unit Residential Buildings: 1 per 20 ft. of property frontage or fraction thereof	All other uses: 2 per vehicular access point.	Multi-Unit Residential Buildings: 1 per 20 ft. of property frontage or fraction thereof.	Nonresidential and Residential Mixed Use Buildings: 1 per 80 ft. of property frontage or fraction thereof.
	Nonresidential and Residential Mixed Use Buildings: 1 per 80 ft. of property frontage or fraction thereof.		Nonresidential and Residential Mixed Use Buildings: 1 per 80 ft. of property frontage or fraction thereof.	
Max. Sign Area (per sign)	6 sf.	8 sf.	8 sf.	6 sf.
Max. Sign Height	4 ft.	4 ft.	4 ft.	4 ft.
Allowed Lighting	None.	None.	None.	None.
Setbacks and Spacing	2 ft. from property lines; 2 ft. from all other signs.	2 ft. from property lines; 2 ft. from all other signs.	2 ft. from property lines; 2 ft. from all other signs.	2 ft. from property lines; 2 ft. from all other signs.
Other Standards	Must be installed in permeable landscaped area.	Must be installed in permeable landscaped area that is at least 8 sf. in area and 2 ft. in any horizontal dimension, not more than 10 ft. from vehicular access point.	Must be installed in permeable landscaped area that is at least 8 sf. in area and 2 ft. in any horizontal dimension.	Must be installed in permeable landscaped area that is at least 8 sf. in area and 2 ft. in any horizontal dimension.
Site Signs				
Max. #	Residential Buildings: Not Limited	1 per 600 ft. of property frontage or fraction thereof.	1 per 600 ft. of property frontage or fraction thereof, provided that the area of the property is at least 2 acres; properties that are less than 2 acres shall not display site signs.	1 per 600 ft. of property frontage or fraction thereof, provided that the area of the property is at least 2 acres; properties that are less than 2 acres shall not display site signs.
	Nonresidential and Residential Mixed Use Buildings: 1 per property.			
Max. Sign Area	16 sf.	32 sf.	32 sf.	32 sf.
Max. Sign Height	6 ft.	6 ft.	6 ft.	6 ft.
Allowed Lighting	External, down directional and	External, down directional and	External, down directional and	External, down directional and

	concealed light source.	concealed light source.	concealed light source.	concealed light source.
Setbacks and Spacing	2 ft. from front property lines.	2 ft. from front property lines.	2 ft. from front property lines.	2 ft. from front property lines.
	10 ft. from all other property lines.	10 ft. from all other property lines.	10 ft. from all other property lines.	10 ft. from all other property lines.
	10 ft. from all other signs.	10 ft. from all other signs.	10 ft. from all other signs.	10 ft. from all other signs.
	12 ft. from building walls.	12 ft. from building walls.	12 ft. from building walls.	12 ft. from building walls.
Other Standards	Where allowed, site signs shall be installed in permeable landscaped areas or hardscaped areas other than vehicular use areas and sidewalks that are at least 5 ft. in every horizontal dimension and at least 40 sf. in area.	Where allowed, site signs shall be installed in permeable landscaped areas or hardscaped areas other than vehicular use areas and sidewalks that are at least 5 ft. in every horizontal dimension and at least 40 sf. in area.	Where allowed, site signs shall be installed in permeable landscaped areas or hardscaped areas other than vehicular use areas and sidewalks that are at least 5 ft. in every horizontal dimension and at least 40 sf. in area.	Where allowed, site signs shall be installed in permeable landscaped areas or hardscaped areas other than vehicular use areas and sidewalks that are at least 5 ft. in every horizontal dimension and at least 40 sf. in area.
Swing Signs				
Max. #	Not allowed.	Not allowed.	1 per property frontage.	1 per property frontage.
Max. Sign Area	N/A.	N/A.	5 sf., including riders.	5 sf., including riders.
Max. Sign Height	N/A.	N/A.	5 ft.	5 ft.
Allowed Lighting	N/A.	N/A.	None.	None.
Setbacks and Spacing	N/A.	N/A.	2 ft. from all property lines.	2 ft. from all property lines.
Other Standards	N/A.	N/A.	Swing signs shall be installed in permeable landscaped areas that are at least 4 ft. in every horizontal dimension and at least 20 sf. in area.	Swing signs shall be installed in permeable landscaped areas that are at least 4 ft. in every horizontal dimension and at least 20 sf. in area.
Feather Flags				
Max. #	1 per 100 ft. of property frontage or fraction thereof; may be clustered.	1 per 100 ft. of property frontage or fraction thereof; may be clustered.	1 per 100 ft. of property frontage or fraction thereof; may be clustered.	Residential Buildings: Not Allowed. Nonresidential Buildings: 1.
Max. sign area	40 sf.	40 sf.	40 sf.	10 sf.
Max. sign height	15 ft.	15 ft.	15 ft.	10 ft.
Other Standards	Not allowed if freestanding banner is present Must be installed in a permeable landscaped area with a radius that	Not allowed if freestanding banner is present Must be installed in a permeable landscaped area with a radius that	Must be installed in a permeable landscaped area with a radius that extends not less than 3 ft. from the flag pole.	Must be installed in a permeable landscaped area with a radius that extends not less than 3 ft. from the flag pole.

	extends not less than 3 ft. from the flag pole.	extends not less than 3 ft. from the flag pole.		
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(D) Duration of Display of Temporary Signs.

- (1) **Generally.** The purpose of temporary signs is to display messages for a temporary duration. Temporary signs shall not be used as a subterfuge to circumvent the regulations that apply to permanent signs or to add permanent signage to a property in addition to that which is allowed by this Sign Code.
- (2) **Classification of Temporary Sign Materials.** Temporary signs are constructed from a variety of materials with varying degrees of durability. Common materials are classified in Table (D)(1), Classification of Temporary Sign Materials.

Table (D)(1) Classification of Temporary Sign Materials					
Material	Material Class				
	1	2	3	4	5
Paper, card stock, foam core board, or cardboard	✓				
Laminated paper or cardstock, polyethylene bags		✓			
Cloth, canvas, nylon, polyester, burlap, flexible vinyl, or other flexible material of comparable durability			✓		
Inflexible vinyl, hard plastic, composite, or corrugated plastic ("coroplast")				✓	
Wood or metal					✓

(3) Duration of Display.

(a) In general, a temporary sign shall be removed as of the earlier of the date that:

- (I) It becomes an abandoned sign;
- (II) It falls into disrepair (see Section 5.16.5); or
- (III) The number of days set out in Table (D)(2), *Duration of Temporary Sign Display by Material Class*, expires.

Table (D)(2) Duration of Temporary Sign Display by Material Class						
Sign Type	Max. Duration for Individual Sign by Material Class					Max. Posting Days/Year
	1	2	3	4	5	
Yard Sign	Not Allowed.	45 days.	Not Allowed.	60 days.	180 days.	180 days.
Site Sign	Not Allowed.	Not Allowed.	Not Allowed.	60 days.	180 days.	180 days ¹ .
Swing Sign	Not Allowed.	Not Allowed.	Not Allowed.	60 days.	180 days.	180 days ¹ .
Window Sign	30 days per sign.	30 days per sign.	30 days per sign.	30 days per sign.	30 days per sign.	30 days per sign.
Feather Flags	Not Allowed.	Not Allowed.	20 days.	Not Allowed.	Not Allowed.	20 days.

Table Notes:
¹ Alternatively, the sign type may be displayed for three hundred sixty (360) days every two (2) calendar years.

(b) Temporary required signs shall be removed as required by the applicable regulation.

- (4) **Administrative Interpretations.** Materials for signage that are not listed in this subsection (D) may be introduced into the market. When a material is proposed that is not listed in this subsection (D), the Director shall determine the class of materials with which the new material is most closely comparable, based on the new material's appearance, durability, and colorfastness. No temporary sign shall be displayed for a longer period than a site sign constructed of class 5 material, regardless of the durability material (although such a sign may be permissible as a permanent sign under Section 5.16.2).

(E) Banners and Pennants.

- (1) Attached unframed banners, detached banners, and attached and detached pennants are allowed in any zone district subject to the restrictions in below Table (E), provided that a permit is obtained from the Director. The Director shall issue a permit for the display of banners and pennants only in locations where the Director determines that such banners and pennants will not cause unreasonable annoyance or inconvenience to adjoining property owners or other persons in the area and on such additional conditions as deemed necessary to protect adjoining premises and the public. All banners and pennants shall be removed on or before the expiration date of the permit. If any person, business or organization erects any banners or pennants without receiving a permit, as herein provided, the person, business or organization shall be ineligible to receive a permit for a banner or pennant for the remainder of the calendar year.
- (2) Each business or non-profit entity or other organization, and each individual not affiliated with an entity or organization, shall be eligible to display banners and pennants pursuant to a valid permit for a maximum of forty (40) days per calendar year. A permitted banner may exceed the forty (40) days when there is City authorized construction work in the portion of public right-of-way abutting the property, until such time as all applicable construction materials, equipment and fencing is removed from the right-of-way.
- (3) The Director shall review a banner or pennant permit application within two (2) business days to determine completeness. If it is complete, the Director shall approve or deny the application within three (3) business days after such determination. If it is incomplete, the Director shall cause the application to be returned to the applicant within one (1) business day of the determination, along with written reasons for the determination of incompleteness.
- (4) Notwithstanding the size and time limitations contained in Table E in the Downtown sign district:
- (a) In conjunction with a special event permit, three (3) banners larger in size than forty (40) square feet may be displayed for fifteen (15) days.
- (b) The Director may approve a temporary banner permit application upon the Director's determination that:
- (I) The banner display is not detrimental to the public good;
 - (II) The banner does not project into the right-of-way;
 - (III) The banner is attached to a building thirty (30) feet or greater in height;
 - (IV) The banner is mounted flush with the building wall;
 - (V) The banner is on the side of building that fronts a right-of-way or public plaza;
 - (VI) There is no more than fifteen (15) square feet of permanent signage on the side of the building on which the banner is to be displayed;
 - (VII) The banner does not cover more than one (1) architecturally distinct window;

- (VIII) No feather flags are displayed on the property;
- (IX) Only one (1) banner is displayed at a time;
- (X) The banner does not exceed six (6) feet in width and twenty-five (25) feet in height; and
- (XI) The banner is displayed no more than a four (4) consecutive month period.

Table (E) Banners and Pennants (sf. = square feet/ft. = linear feet/N/A = not applicable)				
Standard	Sign District			
	Downtown	Commercial-Industrial	Multi-Unit/Mixed Use	Single-Unit
Attached Banners and Pennants				
Max. # on each building elevation	1	1 per 300 ft. of building elevation or fraction thereof, but not more than 3 banners per building.	1	Residential Buildings: Not Allowed. Nonresidential Buildings: 1.
Max. Sign Area	40 sf.	40 sf.	40 sf.	Residential Buildings: N/A Nonresidential Buildings: 40 sf.
Allowed Lighting	None.	External.	None.	None.
Max. Sign Height	7 ft.	7 ft.	4 ft.	4 ft.
Other Standards	None.	If more than one banner is allowed on a building elevation, banners may be clustered.	None.	None.
Detached Banners and Pennants				
Max. #	Either framed or unframed: 1 per property frontage; or 1 per 100 ft. of property frontage if secured to temporary construction fencing related to permitted construction (may be clustered).	Either framed or unframed: 1 per property frontage; or 1 per 100 ft. of property frontage if secured to temporary construction fencing related to permitted construction (may be clustered).	Either framed or unframed: 1 per property frontage; or 1 per 100 ft. of property frontage if secured to temporary construction fencing related to permitted construction (may be clustered).	Not allowed.
Max. Sign Area (per banner)	40 sf.	40 sf.	40 sf.	40 sf.
Allowed Lighting	None.	None.	None.	None.
Max. Sign Height (applies to freestanding banner frames)	6 ft.	6 ft.	6 ft.	6 ft.

(5) For banners and pennants in all sign districts, the following shall apply:

- (a) Mounting hardware shall be concealed from view;
- (b) Banners shall be stretched tightly to avoid movement in windy conditions;
- (c) All banners that are installed in banner frames shall be sized to fit the banner frame so that there are no visible gaps between the edges of the banner and the banner frame;
- (d) Banners are not allowed if any of the following are present on the property: feather flag, yard sign, site sign, or swing sign; and
- (e) Any common line of pennants must be stretched tightly to avoid movement in windy conditions.

(F) Vertical Projected Light Signs.

- (1) Vertical projected light signs may be used in connection with a temporary special event, during the term of the temporary special event. Such special events may include, but are not limited to, Art in Public Places events or Downtown Development Authority Alley Enhancement Projects.
- (2) The projected image of a vertical projected light signs is limited to nonresidential and mixed-use properties, but is not limited by zoning district.
- (3) The projected image shall not fall onto a surface with a high degree of specular reflectivity, such as polished metal or glass. The image shall be positioned to harmonize with the architectural character of the building(s) to which it is projected, and shall avoid any projection, relief, cornice, column, window, or door opening.
- (4) The projected image shall not exceed fifteen (15) square feet if any portion of it is on a first story building wall or on a structure that is not a building, or thirty (30) square feet if all of the image is above the first story of a building, except that a projected image may occupy one hundred (100) percent of the side or rear wall area of a building in the Downtown sign district, provided that the building is within the Downtown Development Authority's Alley Enhancement Project and the building wall does not face a vehicular right-of-way.
- (5) The path of the projection shall not cross public rights-of-way or pedestrian pathways at a height of less than seven (7) feet.
- (6) Vertical projected light signs shall contain static messages only, and animated, dissolve, or fade transitions are prohibited.
- (7) Vertical projected light signs are subject to the illumination standards of Section 5.16.1(I) unless the City determines that additional illumination will be permitted because it will pose no material detrimental effects on neighboring properties or public rights-of-way due to the location and/or timing of the display. Such determination, and allowable illumination levels, shall be specified in the permit that allows the vertical projected light sign.

5.16.4 NONCONFORMING SIGNS AND ADMINISTRATION

(A) Nonconforming Signs.

- (1) Nonconforming signs shall be maintained in good condition and no such sign shall be:
 - (a) structurally changed to another nonconforming sign, although its content may be changed;

- (b) structurally altered in order to prolong the life of the sign;
 - (c) altered so as to increase the degree of nonconformity of the sign; or
 - (d) enlarged.
- (2) Except as provided in subsection (A)(3), below, all existing nonconforming signs located on property annexed to the City shall be removed or made to conform to the provisions of this Article no later than seven (7) years after the effective date of such annexation; provided, however, that during said seven (7) year period, such signs shall be maintained in good condition and shall be subject to the same limitations contained in subparagraphs (A)(1)(a) through (f), above. This subsection shall not apply to off-premises signs that are subject to the just compensation provisions of the Federal Highway Beautification Act and the Colorado Outdoor Advertising Act.
- (3) All existing signs with flashing, moving, blinking, chasing or other animation effects not in conformance with the provisions of this Article and located on property annexed to the City shall be altered so that such flashing, moving, blinking, chasing, or other animation effects shall cease within sixty (60) days after such annexation, and all existing portable signs, vehicle-mounted signs, banners, and pennants located on property annexed to the City shall be removed or made to conform within sixty (60) days after such annexation.
- (4) Historic signs shall be considered conforming for the purposes of this Section. The Director may designate a sign as an historic sign if:
- (a) the applicant provides documentation that the sign has been at its present location for a minimum of fifty (50) years;
 - (b) the sign is structurally safe or capable of being made structurally safe without substantially altering its historic character. The property owner is responsible for making all structural repairs and restoration of the sign to its original condition; and
 - (c) the sign is representative of signs from the era in which it was constructed and provides evidence of the historic use of the building or premises.

Additionally, a sign shall be considered historic if the HPC through a review of Chapter 14 of the City Code as approved the historic nature of the sign.

(B) Administration.

- (1) All sign permit applications shall be accompanied by detailed drawings indicating the dimensions, location, and engineering of the particular sign, plat plans when applicable, and the applicable processing fee.
- (2) The Director shall review the sign permit application within two (2) business days after receipt to determine if it is complete. If it is complete, the Director shall approve or deny the application within three (3) business days after such determination. If it is incomplete, the Director shall cause the application to be returned to the applicant within one (1) business day of the determination, along with written reasons for the determination of incompleteness.

5.16.5 SIGN MAINTENANCE

- (A) Maintenance Standards.** Signs and sign structures of all types (attached, detached, and temporary) shall be maintained according to the following standards:

- (1) **Paint and Finishes.** Paint and other finishes shall be maintained in good condition. Peeling finishes shall be repaired. Signs with running colors shall be repainted, repaired, or removed if the running colors were not a part of the original design.
 - (2) **Mineral Deposits and Stains.** Mineral deposits and stains shall be promptly removed.
 - (3) **Corrosion and Rust.** Permanent signs and sign structures shall be finished and maintained to prevent corrosion and rust. A patina on copper elements (if any) is not considered rust.
 - (4) **Damage.** Permanent signs that are damaged shall be repaired or removed within one (1) year, of being damaged unless the damage creates a material threat to public safety, in which case the Chief Building Official may order prompt repair or removal. Temporary signs that are obviously damaged (e.g., broken yard signs) shall be removed within twenty-four (24) hours of being damaged.
 - (5) **Upright, Level Position.** Signs that are designed to be upright and level, whether temporary or permanent, shall be installed and maintained in an upright and level position. Feather flag poles shall be installed in a vertical position. Signs that are not upright and level shall be removed or restored to an upright, level position.
 - (6) **Code Compliance.** The sign must be maintained in compliance with all applicable building, electrical, and property maintenance codes (including any exceptions that may apply to existing sign structures).
- (B) **Quality of Repairs.** Repairs to signs shall be equal to or better in quality of materials and design than the original sign.
- (C) **Altering or Moving Existing Signs.**
- (1) Any alteration to an existing sign structure (except for alterations to changeable copy, replacement of a panel in a cabinet sign, replacement of a light source with a comparably bright light source, application of paint or stain) shall require a new permit pursuant to Section 5.16.4(B) prior to commencement of the alteration. Alterations requiring a new permit shall include, without limitation:
 - (a) Changes to the area of manual changeable copy center on a sign, including the installation of a new manual changeable copy center where one was not previously present;
 - (b) Changing the size of the sign;
 - (c) Changing the shape of the sign;
 - (d) Changing the material of which the sign is constructed;
 - (e) Changing or adding lighting to the sign (except as provided above);
 - (f) Changing the location of the sign; or
 - (g) Changing the height of the sign.
 - (2) No sign permit is required for removal of sign displays from supporting structures for maintenance, provided that they are replaced on the same support in the same configuration and the maintenance did not involve work that requires a permit.



ARTICLE 6

ADMINISTRATION and PROCEDURES

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ARTICLE 6

ADMINISTRATION and PROCEDURES

DIVISION 6.1 ZONING MAP AND ZONE DISTRICTS

6.1.1 ESTABLISHMENT OF ZONE DISTRICTS

In order to carry out the purposes of this Code, the City is hereby divided into the following zone districts:

Residential

- Rural Lands District (RUL)
- Urban Estate District (UE)
- Residential Foothills District (RF)
- Low Density Residential District (RL)
- Old Town District – A (OT-A)
- Manufactured Housing District (MH)

Mixed-Use

- Low Density Mixed-Use Neighborhood District (LMN)
- Medium Density Mixed-Use Neighborhood District (MMN)
- High Density Mixed-Use Neighborhood District (HMN)
- Old Town District – B (OT-B)
- Old Town District – C (OT-C)

Commercial

- Community Commercial District (CC)
- Community Commercial - North College District (CCN)
- Community Commercial - Poudre River District (CCR)
- General Commercial District (CG)
- Service Commercial District (CS)
- Neighborhood Commercial District (NC)
- Limited Commercial District (CL)
- Harmony Corridor District (HC)

Downtown

- Downtown District (D)

Employment, Industrial, and Other

- Employment District (E)
- Industrial District (I)
- Public Open Lands District (POL)
- Transition District (T)

Overlay

- Transit-Oriented Development Overlay (TOD)
- South College Gateway Area (SCG)
- Planned Unit Development Overlay (PUD)

6.1.2 ESTABLISHMENT OF ZONING MAP

The boundaries of the zone districts are hereby established as shown on a map entitled "Zoning Map of the City of Fort Collins, Colorado," dated March 28, 1997, as amended, which map is hereby made a part of this Code by reference. Where uncertainty exists regarding the boundary of a zone district on the Zoning Map, reference should be made to Division 6.24, Interpretations.

6.1.3 ESTABLISHMENT OF ZONE DISTRICT AND DEVELOPMENT STANDARDS

The development standards contained in Articles 3 and 5 include standards applicable to all development unless specifically exempted. The zone district standards and allowed uses in zone districts contained in Articles 2 and 4 are standards that apply to development located within a specified zone district. The district standards are organized on a zone district by zone district basis, and specify the purpose of each applicable zone district, the permitted uses allowed in each zone district, and other standards and criteria that apply in each zone district. The development standards contained in Articles 3 and 5 and the zone district standards and allowed uses in zone districts contained in Articles 2 and 4 are minimum standards and requirements. Applicable rules of measurement and definitions are contained in Article 7.

DIVISION 6.2 GENERAL PROCEDURAL REQUIREMENTS

6.2.1 OVERVIEW OF DECISION MAKERS AND ADMINISTRATIVE BODIES

The City Council, Planning and Zoning Commission, Land Use Review Commission, the Historic Preservation Commission and Director are frequently referenced in this Land Use Code. Reference should be made to Chapter 2 of the City Code for descriptions of these and other decision makers and administrative bodies, and their powers, duties, membership qualifications and related matters.

The Director or the Planning and Zoning Commission will consider, review and decide all development applications for permitted uses including:

- Overall Development Plans;
- PUD Overlays 640 acres or less;
- Basic Development Review plans; and
- Project Development Plans and Final Plans

in accordance to the provisions of this Land Use Code. For those development applications subject to basic development review, the Director, or the Director's designee, is the authorized decision maker. For those development applications subject to administrative review (sometimes referred to as "Type 1 review"), the Director is the designated decision maker (see Section 6.3.7(A)(2)). For those development applications subject to Planning and Zoning Commission review (sometimes referred to as "Type 2 review"), the Planning and Zoning Commission is the designated decision maker (see Section 6.3.7(A)(3)). For PUD Overlays greater than 640 acres, the City Council is the designated decision maker after receiving a Planning and Zoning Commission recommendation. The permitted use list for a particular zone district and the development review procedure "steps" for a particular development application identifies which review, Type 1 or Type 2, will apply. For basic development review and building permit applications, the Director is the decision maker (see Sections 6.4 and 6.13). (See "Overview of Development Review Procedures," Section 6.2.2, below, for a further description of different levels of review.) City Council is the decision maker regarding the issuance of permits to conduct an activity or develop within an area of state interest pursuant to Article 6 after receiving a Planning and Zoning Commission recommendation.

6.2.2 OVERVIEW OF DEVELOPMENT REVIEW PROCEDURES

This Article establishes the development review procedures for different types of development applications and building permits within the city.

- (A) **Where is the project located?** An applicant must first locate the proposed project on the Zoning Map. Once the proposed project has been located, the applicable zone district must be identified from the Zoning Map and legend. Then, by referring to Article 2 of this Land Use Code, the applicant will find the zone district standards which apply to the zone district in which the proposed project is located. The city's staff is available to assist applicants in this regard.
- (B) **What uses are proposed?** Next, an applicant must identify which uses will be included in the proposed project. If *all* of the applicant's proposed uses are listed as permitted uses in the applicable zone district for the project, then the applicant is ready to proceed with a development application for a permitted use. If *any* of the applicant's proposed uses are *not* listed as permitted uses in the applicable zone district for the project, then the applicant must either:
- eliminate the nonpermitted uses from their proposal;
 - seek the addition of a new permitted use pursuant to Division 6.9;
 - seek a text amendment to this Land Use Code pursuant Division 6.25;
 - seek a rezoning amendment to the Zoning Map pursuant to Division 6.25; or
 - seek approval of a PUD Overlay pursuant to Divisions 2.6.

Any use not listed as a permitted use in the applicable zone district is deemed a prohibited use in that zone district unless it has been permitted pursuant to Division 6.9 for a particular development application or permitted as part of an approved PUD Overlay. Applications for permits regarding areas and activities of state interest provisions may be reviewed regardless of whether the zone district or districts in which the proposed project allow such a use or even expressly prohibit such use. Again, the City's staff will be available to assist applicants with their understanding of the zone districts and permitted uses.

- (C) **Which type of development application should be submitted?** To proceed with a development proposal for permitted uses, the applicant must determine what type of development application should be selected and submitted. All development proposals which include only permitted uses must be processed and approved through the following development applications as determined pursuant to Article 4:
- a project development plan (Division 6.6) followed by a final plan (Division 6.7); or
 - basic development review (Division 6.4).

If the applicant desires to develop in two (2) or more separate project development plan submittals, an overall development plan (Division 6.5) will also be required prior to or concurrently with the project development plan. Overall development plans, PUD Overlays, basic development reviews, project development plans and final plans are the five (5) types of development applications for permitted uses. Each successive development application for a development proposal must build upon the previously approved development application, as needed, by providing additional details (through the development application submittal requirements) and by meeting additional restrictions and standards (contained in the development standards of Articles 3 and 5 and the zone district standards and allowed uses in zone districts of Articles 2 and 4). Overall development plans, basic development reviews and project development plans may be consolidated into one (1) application for concurrent processing and review when appropriate under the provisions of Section 6.3.3. The purpose, applicability, and interrelationship of these types of development applications are discussed further in Section 6.2.3. Applications for a permit regarding areas and activities of state interest provisions are addressed in

Divisions 6.27 and 6.28.

- (D) **Who reviews the development application?** Once an applicant has determined the type of development application to be submitted, they must determine the appropriate level of development review required for the development application. To make this determination, the applicant must refer to the provisions of the applicable zone district in Article 4 and the provisions pertaining to the appropriate development application. These provisions will determine whether the permitted uses and the development application are subject to basic development review, administrative review ("Type 1 review"), Planning and Zoning Commission review ("Type 2 review"), or City Council review in the case of PUD Overlays greater than 640 acres and permits to conduct a designated activity or develop in a designated area of state interest. Identification of the required level of development review will, in turn, determine which decision maker, the Director in the case of basic development review and administrative review ("Type 1 review"), or the Planning and Zoning Commission in the case of Planning and Zoning Commission review ("Type 2 review"), or the City Council for PUD Overlays greater than 640 acres and permits pursuant to the areas and activities of state interest provisions, will review and make the final decision on the development application. When a development application contains both Type 1 and Type 2 uses, it will be processed as a Type 2 review.
- (E) **How will the development application be processed?** The review of overall development plans, PUD Overlays, project development plans and final plans, and permits pursuant to the areas and activities of state interest provisions will each generally follow the same procedural "steps" regardless of the level of review (basic development review, administrative review or Planning and Zoning Commission, or City Council review). The common development review procedures contained in Division 6.3 establish a twelve-step process equally applicable to all overall development plans, project development plans and final plans.

The twelve (12) steps of the common development review procedures are the same for each type of development application, whether subject to basic development review, administrative review, Planning and Zoning Commission review, or City Council review in the case of PUD Overlays greater than 640 acres and permits pursuant to the areas and activities of state interest provisions unless an exception to the common development review procedures is expressly called for in the particular development application requirements of this Land Use Code. In other words, each overall development plan, each project development plan and each final plan will be subject to the twelve-step common procedure. The twelve (12) steps include: (1) conceptual review; (2) neighborhood meeting; (3) development application submittal; (4) determination of sufficiency; (5) staff report; (6) notice; (7) public hearing; (8) standards; (9) conditions of approval; (10) amendments; (11) lapse; and (12) appeals.

However, Step 1, conceptual review, applies only to the initial development application submittal for a development project (i.e., overall development plan or PUD Overlay when required, or project development plan when neither an overall development plan nor a PUD Overlay is required). Basic Development Review and Final Plan applications for the same development project are not subject to Step 1, conceptual review.

Moreover, Step 2, neighborhood meeting, applies only to certain development applications subject to Planning and Zoning Commission and City Council review. Step 2, neighborhood meeting, does not apply to development applications subject to basic development review or administrative review. Step 3, application submittal requirements, applies to all development applications. Applicants shall submit items and documents in accordance with a Comprehensive list of submittal requirements as established by the Director. Overall development plans must comply with only certain identified items on the Comprehensive list, while PUD Overlays, project development plans, and final plans must include different items from the Comprehensive list. This Comprehensive list is intended to assure consistency among submittals by using a "building block" approach, with each successive development application building upon the previous one for that project. City

staff is available to discuss the common procedures with the applicant.

- (F) **What if the development proposal doesn't fit into one of the types of development applications discussed above?** In addition to the five (5) development applications for permitted uses, the applicant may seek approval for other types of development applications, including development applications for a modification of standards (Division 6.8), an amendment to the text of the Land Use Code and/or the Zoning Map (Division 6.25), a hardship variance (Division 6.14), an appeal of an administrative decision (Division 6.18), a permit to conduct an activity or develop in an area of state interest (Articles 6.27 and 6.28) or other requests. These other types of development applications will be reviewed according to applicable steps in the common development review procedures.
- (G) **Is a building permit required?** The next step after approval of a final plan is to apply for a Building Permit. Most construction requires a Building Permit. This is a distinct and separate process from a development application. The twelve (12) steps of the common development review procedures must be followed for the Building Permit process. Procedures and requirements for submitting a Building Permit application are described in Division 6.13.
- (H) **Is it permissible to talk with decision makers "off the record" about a development plan prior to the decision makers' formal review of the application?** No. Development plans must be reviewed and approved in accordance with the provisions of this Land Use Code and the City's decision whether to approve or deny an application must be based on the criteria established herein and, on the information, provided at the hearings held on the application. In order to afford all persons who may be affected by the review and approval of a development plan an opportunity to respond to the information upon which decisions regarding the plan will be made, and in order to preserve the impartiality of the decision makers, decision makers who intend to participate in the decisions should avoid communications with the applicant or other members of the public about the plan prior to the hearings in which they intend to participate. An applicant may communicate with City staff designated as reviewers of a project.

6.2.3 TYPES OF DEVELOPMENT APPLICATIONS

- (A) **Applicability.** All development proposals which include only permitted uses must be processed and approved through the following development applications: a basic development review (Division 6.4); or through a project development plan (Division 6.6), then through a final plan (Division 6.7), then through a development construction permit (Division 6.21) and then through a building permit review (Division 6.13). If the applicant desires to develop in two (2) or more separate project development plan submittals, an overall development plan (Division 6.5) will also be required prior to or concurrently with the project development plan. A PUD Comprehensive Plan associated with a PUD Overlay may be substituted for an overall development plan (Division 2.6). Each successive development application for a development proposal must build upon the previously approved development application by providing additional details (through the development application submittal requirements) and by meeting additional restrictions and standards (contained in the development standards of Articles 3 and 5 and the zone district standards and allowed uses in zone districts of Articles 2 and 4).

Permitted uses subject to basic development review, administrative review, or permitted uses subject to Planning and Zoning Commission review listed in the applicable zone district set forth in Article 2, zone districts, shall be processed through an overall development plan, a basic development review, a project development plan or a final plan. If any use not listed as a permitted use in the applicable zone district is included in a development application, it may also be processed as an overall development plan, project development plan or final plan, if such proposed use has been approved, or is concurrently submitted for approval, in accordance with the requirements for an amendment to the text of this Land Use Code and/or the

Zoning Map, Division 6.25, or in accordance with the requirements for the addition of a permitted use under Division 6.9 Development applications for permitted uses which seek to modify any standards contained in the development standards in Articles 3 and 5, and the zone district standards in Article 2 and use standards of Article 4, shall be submitted by the applicant and processed as a modification of standards under Division 6.8. Variances to development standards contained in Articles 3 and 5 and zone district standards of Article 2 and use standards of Article 4, shall be processed as variances by the Land Use Review Commission pursuant to Division 6.14. Appeals of administrative/staff decisions shall be according to Division 6.18. PUD overlays shall be processed pursuant to Division 2.6. Applications to conduct an activity or develop within an area of state interest are addressed in Articles 6.27 and 6.28. This Section is meant to complement and not override or substitute for the requirements of Chapter 14 of the Code of the City of Fort Collins regarding landmarks.

(B) Basic Development Review (BDR)

- (1) **Purpose and Effect.** The basic development review is the administrative process for reviewing a site specific development plan that describes and establishes the type and intensity of use for a specific parcel or parcels of property. The basic development review shall include the final subdivision plat (when such plat is required pursuant to Section 5.4.4 of this Code), and if required by this Code or otherwise determined by the Director to be relevant or necessary, the plan shall also include the development agreement and utility plan and shall require detailed engineering and design review and approval. Building permits may be issued by the Director only pursuant to an approved Basic Development Review, subject to the provisions of Division 6.4.
- (2) **Applicability.** A basic development review application may be submitted prior to required public notification. If the project is to be developed over time in two (2) or more separate basic development review submittals, an overall development plan shall also be required. Refer to Division 6.4 for specific requirements for basic development reviews.

(C) Overall Development Plan

- (1) **Purpose and Effect.** The purpose of the overall development plan is to establish general planning and development control parameters for projects that will be developed in phases with multiple submittals while allowing sufficient flexibility to permit detailed planning in subsequent submittals. Approval of an overall development plan does not establish any vested right to develop property in accordance with the plan.
- (2) **Applicability.** An overall development plan shall be required for any property which is intended to be developed over time in two (2) or more separate project development plan submittals. Refer to Division 6.5 for specific requirements for overall development plans.

(D) Project Development Plan and Plat

- (1) **Purpose and Effect.** The project development plan shall contain a general description of the uses of land, the layout of landscaping, circulation, architectural elevations and buildings, and it shall include the project development plan and plat (when such plat is required pursuant to Section 5.4.4 of this Code). Approval of a project development plan does not establish any vested right to develop property in accordance with the plan.
- (2) **Applicability.** Upon completion of the conceptual review meeting and after the Director has made written comments and after a neighborhood meeting has been held (if necessary), an application for project development plan review may be filed with the Director. If the project is to be developed over time in two (2) or more separate project development plan submittals, an overall development plan shall also be required. Refer to Division 6.6 for specific requirements for project development plans.

(E) Final Plan and Plat

- (1) **Purpose and Effect.** The final plan is the site specific development plan which describes and establishes the type and intensity of use for a specific parcel or parcels of property. The final plan shall include the final subdivision plat (when such plat is required pursuant to Section 5.4.4 of this Code), and if required by this Code or otherwise determined by the Director to be relevant or necessary, the plan shall also include the development agreement and utility plan and shall require detailed engineering and design review and approval. Building permits may be issued by the Director only pursuant to an approved final plan or other site specific development plan, subject to the provisions of Division 6.7.
- (2) **Applicability.** Application for a final plan may be made only after approval by the appropriate decision maker (Director for Type 1 review or Planning and Zoning Commission for Type 2 review) of a project development plan, unless the project development and final plans have been consolidated pursuant to Section 6.3.3(B). An approved final plan shall be required for any property which is intended to be developed. No development shall be allowed to develop or otherwise be approved or permitted without an approved final plan. Refer to Division 6.7 for specific requirements for final plans.

(F) Site Plan Advisory Review

- (1) **Purpose and Effect.** The Site Plan Advisory Review process requires the submittal and approval of a site development plan that describes the location, character, and extent of improvements to parcels owned or operated by public entities. In addition, with respect to public and charter schools, the review also has as its purpose, as far as is feasible, that the proposed school facility conforms to the City's Comprehensive Plan.
- (2) **Applicability.** A Site Plan Advisory Review shall be applied to any public building or structure. For a public or charter school, the Planning and Zoning Commission shall review a complete Site Plan Advisory Review application within thirty (30) days (or such later time as may be agreed to in writing by the applicant) of receipt of such application under Section 22-32-124, C.R.S. For Site Plan Advisory Review applications under Section 31-23-209, C.R.S., such applications shall be reviewed and approved or disapproved by the Planning and Zoning Commission within sixty (60) days following receipt of a complete application.

Enlargements or expansions of public buildings, structures, schools and charter schools are exempt from the Site Plan Advisory review process if:

- (a) The change results in a size increase of less than twenty-five (25) percent of the existing building, structure or facility being enlarged, whether it be a principal or accessory use; and
- (b) The enlargement or expansion does not change the character of the building or facility.
- (c) Application for a Site Plan Advisory Review is subject to review by the Planning and Zoning Commission under the requirements contained in Division 6.11 of this Code.

(G) PUD Overlay

- (1) **Purpose and Effect.**
The purpose of the PUD Overlay is to provide an avenue for property owners with larger and more complex development projects to achieve flexibility in site design by means of customized uses, densities, and Land Use Code and non-Land Use Code development standards. In return for such flexibility, significant public benefits not available through traditional development procedures must be provided by the development. A PUD Comprehensive Plan is the written document associated with a PUD Overlay and the PUD Comprehensive Plan sets forth the general development plan and the customized uses, densities, and Land Use Code and non-Land Use Code development standards. An approved PUD Overlay overlays the PUD

Comprehensive Plan entitlements and restrictions upon the underlying zone district requirements.

- (2) **Applicability.** A PUD Overlay is available to properties or collections of contiguous properties fifty (50) acres or greater in size. Refer to Division 2.6.3 for specific requirements and review of PUD.

(H) Areas and Activities of State Interest

- (1) **Purpose and Effect.** The areas and activities of state interest guidelines and regulations set forth in Article 6 are adopted pursuant to Section 24-65.1-101, et seq., C.R.S., and provide the City with the ability to review and regulate matters of state interest. A permit issued pursuant to Article 6 is required in order for a proposed development plan related to a designated activity or within a designated area of state interest to be constructed and operate.
- (2) **Applicability.** A permit to conduct a designated activity or to develop within a designated area of state interest within the City is required for all proposed development plans meeting the criteria set forth in Division 6.27 unless an exemption exists pursuant to Section 6.27.4.1 or a finding of no significant impact is issued pursuant to Section 6.27.6.5.

6.2.4 EFFECT OF DEVELOPMENT APPLICATION APPROVAL

(A) Limitation on other development.

In the event that a property has obtained development approval of a site specific development plan, such property may not thereafter be developed in any other fashion, except in accordance with Division 6.16, Nonconforming Uses and Structures or 6.17, Existing Limited Permitted Uses; or upon the occurrence of one (1) of the following events:

- (1) The right to develop the property in accordance with the approved plan has expired pursuant to Division 6.3, in which event the property may be developed according to such other development application as may be subsequently approved by the appropriate decision maker (the Director for Type 1 review and the Planning and Zoning Commission for Type 2 review);
- (2) The owner of the property has obtained the approval, pursuant to subsections 6.3.10(B) and (C), of the appropriate decision maker to abandon the right to develop the property (or any portion thereof) in accordance with the approved development plan, in which event the right to develop other than as the previously approved development plan shall apply only to the portion of the property which is no longer subject to the development plan;
- (3) The owner of the property has obtained permission from the appropriate decision maker to amend the approved development plan in accordance with Division 6.3, in which event the property shall be developed according to the amended plan;
- (4) The owner of the property has obtained the approval of the appropriate decision maker to redevelop the property (or any portion thereof) in some manner other than in accordance with the approved development plan because of the destruction of improvements constructed pursuant to the approved development plan by reason of fire, flood, tornado or other catastrophe, in which event the property shall be developed according to the plan for redevelopment approved by the appropriate decision maker.

- (B) **Process.** Any property owner seeking to obtain the approval of the appropriate decision maker pursuant to this Section shall submit an application complying with the requirements and procedures set forth in Section 6.3.10 pertaining to amendments and abandonment.
- (C) **Criteria.** In considering whether to approve any application for abandonment pursuant to this Section, the appropriate decision maker shall be governed by the following criteria:
 - (1) The application shall not be approved if, in so approving, any portion of the property remains developed or to be developed in accordance with the previously approved development plan and, because of the abandonment, such remaining parcel of property would no longer qualify for development approval pursuant to the standards and requirements of the most current version of this Code.
 - (2) The application shall not be approved if, in so approving, the city's rights of ownership of, or practical ability to utilize, any previously dedicated street, easement, right-of-way or other public area or public property would be denied or diminished to the detriment of the public good.

6.2.5 DEDICATIONS AND VACATIONS

(A) By the Planning and Zoning Commission.

As part of its review and approval of a specific planning item, the Planning and Zoning Commission may accept the dedication of streets, easements and other rights-of-way shown on plats and deeds for such item. The Commission may also vacate easements and rights-of-way, other than streets and alleys, if they pertain to a planning item subject to review by the Commission. Such acceptance and/or vacation may be accomplished either by resolution or by notation on the plat for the item.

- (B) By the Director.** The Director may also accept the dedication of streets, easements and other rights-of-way shown on the plats and deeds associated with a specific planning item. Such authority of the Director shall extend to planning items that are subject to review and approval by the Commission, as well as those that are subject to basic development review, building permit review, and administrative review, and approval, and shall apply to both on-site and off-site streets, easements, and rights-of-way. The Director may also vacate easements and rights-of-way, other than streets and alleys, whether they pertain to a planning item subject to review by the Commission, basic development review, building permit review, or administrative review. Such acceptance and/or vacation may be accomplished either by resolution or by notation on the plat for the item.

6.2.6 OPTIONAL PRE-APPLICATION REVIEW

- (A) Optional City Council Pre-Application Review of Complex Development Proposals:** A potential applicant for development other than a PUD Overlay or permit to conduct a designated activity of state interest or develop in a designated area of state interest may request that the City Council conduct a hearing for the purpose of receiving preliminary comments from the City Council regarding the overall proposal in order to assist the proposed applicant in determining whether to file a development application or annexation petition. Only one (1) pre-application hearing pursuant to this Subsection (A) may be requested. The following criteria must be satisfied for such a hearing to be held:
- (1) The proposed development cannot have begun any step of the Common Development Review Procedures for Development Applications set forth in Division 6.3.
 - (2) The proposed application for approval of a development plan must require City Council approval of an annexation petition, an amendment to the City's Comprehensive Plan, or some other kind of formal action

by the City Council, other than a possible appeal under this Land Use Code.

- (3) The City Manager must determine in writing that the proposed development will have a community-wide impact.
- (B) **Optional Pre-Application PUD Overlay Proposal Review:** This optional review is available to potential PUD applicants that have not begun any step of the Common Development Review Procedures for Development Applications set forth in Division 6.3. Such review is intended to provide an opportunity for applicants to present conceptual information to the Planning and Zoning Commission for PUD Overlays between 50 and 640 acres in size, or to City Council for PUD Overlays greater than 640 acres in size, regarding the proposed development including how site constraints will be addressed and issues of controversy or opportunities related to the development. Applicants participating in such review procedure should present specific plans showing how, if at all, they intend to address any issues raised during the initial comments received from staff and affected property owners. For a pre-application hearing to be held, the Director must determine in writing that the proposed PUD will have a community-wide impact. Only one (1) pre-application hearing pursuant to this Subsection (B) may be requested.
- (C) **Notice and Hearing Procedure.**
All preapplication hearings under above Subsections (A) or (B) this provision will be held in accordance with the provisions contained in Steps (6), (7)(B) and (7)(C) of the Common Development Review Procedures set forth in Division 6.3, except that the signs required to be posted under Step (6)(B) shall be posted subsequent to the scheduling of the session and not less than fourteen (14) days prior to the date of the hearing. At the time of requesting the hearing, the applicant must advance the City's estimated costs of providing notice of the hearing. Any amounts paid that exceed actual costs will be refunded to the applicant.
- (D) **Input Non-Binding, Record.** The Planning and Zoning Commission or City Council as applicable pursuant to above Subsections (A) or (B) may, but shall not be required to, comment on the proposal. Any comment, suggestion, or recommendation made by any Planning and Zoning Commission or City Council member regarding the proposal does not bind or otherwise obligate any City decision maker to any course of conduct or decision pertaining to the proposal. All information related to an optional review shall be considered part of the record of any subsequent development review related to all or part of the property that was the subject of the optional review.

DIVISION 6.3 COMMON DEVELOPMENT REVIEW PROCEDURES FOR DEVELOPMENT APPLICATIONS

6.3.1 STEP 1: CONCEPTUAL REVIEW/PRELIMINARY DESIGN REVIEW

(A) **Conceptual Review:**

- (1) **Purpose.** Conceptual review is an opportunity for an applicant to discuss requirements, standards and procedures that apply to their development proposal. Major problems can be identified and solved during conceptual review before a formal application is made.

Conceptual review may include representatives of the Department, Poudre Fire Authority, Police Services, Water & Wastewater Utilities, Electric Utility, Stormwater Utility, and other departments as appropriate, and special districts where applicable.

- (2) **Applicability.** A conceptual review is mandatory for all overall development plans and for project development plans not subject to an overall development plan. Conceptual review must occur at least one (1) day prior to submittal of any application for an overall development plan or project development plan which is not subject to an overall development plan. The conceptual review may be waived by the Director for those development proposals that, in their opinion, would not derive substantial benefit from such review.
- (3) **Concept Plan Submittal.** The applicant shall bring a sketch showing the location of the proposed project, major streets and other significant features in the vicinity to the Conceptual Review meeting.
- (4) **Staff Review and Recommendation.** Upon receipt of a concept plan, and after review of such plan with the applicant, the Director shall furnish the applicant with written comments regarding such plan, including appropriate recommendations to inform and assist the applicant prior to preparing the components of the development application.

(B) Preliminary Design Review:

- (1) **Purpose.** Preliminary design review is an opportunity for an applicant to discuss requirements, standards, procedures, potential modifications of standards or variances that may be necessary for a project and to generally consider in greater detail the development proposal design which has been evaluated as a part of the conceptual review process. While the conceptual review process is a general consideration of the development proposal, preliminary design review is a consideration of the development proposal in greater detail. Problems of both a major and minor nature can be identified and solved during the preliminary design review before a formal application is made.

Preliminary design review may include representatives of the Department, Poudre Fire Authority, Police Services, Water and Wastewater Utilities, Electric Utility, Stormwater Utility, and other departments as appropriate, and special districts where applicable. Additionally, other public or quasi-public agencies which may be impacted by the development project are invited and encouraged to attend the preliminary design review. These agencies may include the gas utility, water and/or wastewater utility districts, ditch companies, railroads, cable television service providers and other similar agencies.

- (2) **Applicability.** Although a preliminary design review is not mandatory, it may be requested by the applicant for any development proposal. A request for preliminary design review may be made in an informal manner, either in writing or orally, but must be accompanied by the payment of the application fee as established in the development review fee schedule. Preliminary design review, if requested by the applicant, must occur at least seven (7) days prior to the submittal of any application for overall development plan or project development plan which is not subject to an overall development plan.
- (3) **Preliminary Plan Submittal.** In conjunction with a preliminary design review, the applicant shall submit all documents required for such review as established in the development application submittal requirements Comprehensive list.
- (4) **Staff Review and Recommendation.** Upon receipt of a preliminary development proposal for review, and after review of such proposal with the applicant, the Director shall furnish the applicant with written comments and recommendations regarding such proposal in order to inform and assist the applicant prior to preparing components of the development application. In conjunction with the foregoing, the Director shall provide the applicant with a "critical issues list" which will identify those critical issues which have surfaced in the preliminary design review as issues which must be resolved during the review process of the formal development application. The critical issues list will provide to applicants the opinion of the Director

regarding the development proposal, as that opinion is established based upon the facts presented during conceptual review and preliminary design review. To the extent that there is a misunderstanding or a misrepresentation of facts, the opinion of the Director may change during the course of development review. The positions of the Director that are taken as a part of the critical issues list may be relied upon by applicants, but only insofar as those positions are based upon clear and precise facts presented in writing, either graphically or textually on plans or other submittals, to the Director during the course of preliminary design review.

6.3.2 STEP 2: NEIGHBORHOOD MEETINGS

- (A) **Purpose.** To facilitate citizen participation early in the development review process, the City shall require a neighborhood meeting between citizens of area neighborhoods, applicants and the Director for any development proposal that is subject to Planning and Zoning Commission review unless the Director determines that the development proposal would not have significant neighborhood impact. Citizens are urged to attend and actively participate in these meetings. The purpose of the neighborhood meeting is for such development applications to be presented to citizens of area neighborhoods and for the citizens to identify, list and discuss issues related to the development proposal. Working jointly with staff and the applicant, citizens help seek solutions for these issues. Neighborhood meetings are held during the conceptual planning stage of the proposal so that neighborhoods may give input on the proposal before time and effort have been expended by the applicant to submit a formal development application to the City. At least ten (10) calendar days shall have passed between the date of the neighborhood meeting and the submittal to the City of the application for development approval for the project that was the subject of the neighborhood meeting.
- (B) **Applicability.** A neighborhood meeting shall be required on any development proposal that is subject to Planning and Zoning Commission review unless the Director determines as a part of the staff review and recommendation required pursuant to Section 6.3.1(B)(4) that the development proposal would not have significant neighborhood impacts.
- (C) **Notice of Neighborhood Meeting.** Notice of the neighborhood meeting shall be given in accordance with Section 6.3.6(A), (B) and (D).
- (D) **Attendance at Neighborhood Meeting.** If a neighborhood meeting is required, the meeting shall be held prior to submittal of a development application to the Director for approval of an overall development plan and/or project development plan. The applicant or applicant's representative shall attend the neighborhood meeting. The Director shall be responsible for scheduling and coordinating the neighborhood meeting and shall hold the meeting in the vicinity of the proposed development.
- (E) **Summary of Neighborhood Meeting.**
A written summary of the neighborhood meeting shall be prepared by the Director. The written summary shall be included in the staff report provided to the decision maker at the time of the public hearing to consider the proposed development.

6.3.3 STEP 3: DEVELOPMENT APPLICATION SUBMITTAL

- (A) **Development Application Forms.** All development applications shall be in a form established by the Director and made available to the public.
- (B) **Consolidated Development Applications and Review.** Development applications combining an overall development plan and a project development plan for permitted uses for the same development proposal may

be consolidated for submittal and review, in the discretion of the Director, depending upon the complexity of the proposal. For these consolidated applications, the applicant shall follow the project development plan development review procedures. Such consolidated applications shall be reviewed, considered and decided by the highest level decision maker that would have decided the development proposal under Section 6.3.7 had it been submitted, processed and considered as separate development applications. Decision makers, from highest level to lowest level, are the Planning and Zoning Commission and the Director, respectively.

(C) Development Application Contents.

- (1) Development Application Submittal Requirements Comprehensive List.** A Comprehensive list of development application submittal requirements shall be established by the Director. The Comprehensive list shall, at a minimum, include a list of all information, data, explanations, analysis, testing, reports, tables, graphics, maps, documents, forms or other items reasonably necessary, desirable or convenient to (1) determine whether or not the applicant, developer and/or owner have the requisite power, authority, clear title, good standing, qualifications and ability to submit and carry out the development and/or activities requested in the development application; and (2) determine whether or not the development activities and development application address and satisfy each and every applicable development standard, district standard or other requirement or provisions of this Land Use Code.
- (2) Submittal Requirement.** Each development application shall be submitted to the Director and shall include the items on the Comprehensive list that are identified as submittal requirements for that development application. The Director may waive items on the Comprehensive list that are not applicable due to the particular conditions and circumstances of that development proposal. At the time of application submittal, all applicants must agree in writing to pay the costs for third-party consultants the City retains to adequately review the application as described in Land Use Code Section 6.3.3(D)(3).
- (3) Execution of Plats/Deeds; Signature Requirements.** All final plats and/or deeds (for conveyances of real property either off the site described on the plat or at a time or in a manner separate from the plat), submitted to the City shall:

 - (a) be signed by all current owners of any recorded fee interest in the surface of the land described on the plat (or in the deed), whether full or defeasible and whether solely or partially owned;
 - (b) be signed by all current owners of any equitable interest arising out of a contract to purchase any fee interest in the surface of the land described on the plat (or in the deed), whether full or defeasible and whether solely or partially owned;
 - (c) be signed by all current record owners of any non-freehold interest arising from any recorded lease of the surface of the land described on the plat (or in the deed) if such lease has a remaining term of six (6) years following approval of the final development plan by the decision maker or if such lease contains any right of extension which, if exercised by the tenant, would create a remaining term of six (6) years following approval of the final development plan by the decision maker;
 - (d) be signed by all current owners of any recorded mortgage, deed of trust or other lien, financial encumbrance upon or security interest in the lands described on the plat (or deed) which, if foreclosed would take, injure, diminish or weaken the city's interest in any land, easement or right-of-way which is dedicated to the city or to the public on the plat (or in the deed);
 - (e) be signed by all current owners of any easement or right-of-way in the lands described on the plat (or in the deed) whether on, above or below the surface, which includes rights which will take, injure, diminish

or weaken the city's interest in any land, easement or right-of-way which is dedicated to the city or to the public on the plat (or in the deed);

- (f) be signed by the applicant's attorney licensed to practice law in the State of Colorado certifying to the City that all signatures as required pursuant to subparagraphs (a) through (e) above have lawfully and with full authority been placed upon the plat (or in the deed). Said certification may be limited by the attorney so certifying to only those ownership interests that are of record or, if not of record, are either actually known to the certifying attorney to exist, or in the exercise of reasonable diligence, should have been known to the certifying attorney to exist. For purposes of such certification, the terms "record," "recorded" and "of record" shall mean as shown by documents recorded in the real estate records in the Clerk and Recorder's Office of Larimer County, Colorado prior to the date of certification;
- (g) contain a maintenance guarantee, a repair guarantee and a certificate of dedication signed by the developer and the owner (as described in subparagraph (a) above), which provide a two-year maintenance guarantee and five-year repair guarantee covering all errors or omissions in the design and/or construction. The specific provisions of the maintenance guarantee, repair guarantee and certificate of dedication shall be established by the City Engineer; and
- (h) contain the legal notarization of all signatures as required pursuant to subparagraphs (a) through (e) above to be placed upon the plat (or deed).

The Director may waive or modify the requirements of subparagraphs (b) through (e), and the requirements of subparagraph (g) above upon a clear and convincing showing by the applicant that such waiver or modification will not result in any detriment to the public good, including without limitation, detriment to the interest of the public in the real property conveyed to it on the plat (or in the deed); and will not result in any harm to the health, safety or general welfare of the City and its citizens.

(D) Development Review Fees and Costs for Specialized Consultants.

- (1) **Recovery of Costs.** Development review fees are hereby established for the purpose of recovering the costs incurred by the City in processing, reviewing and recording applications pertaining to development applications or activity within the municipal boundaries of the City, and issuing permits related thereto. The development review fees imposed pursuant to this Section shall be paid at the time of submittal of any development application, or at the time of issuance of the permit, as determined by the City Manager and established in the development review fee schedule.
- (2) **Development Review Fee Schedule.** The amount of the City's various development review fees shall be established by the City Manager, and shall be based on the actual expenses incurred by or on behalf of the City. The schedule of fees shall be reviewed annually and shall be adjusted, if necessary, by the City Manager on the basis of actual expenses incurred by the City to reflect the effects of inflation and other changes in costs. At the discretion of the City Manager, the schedule may be referred to the City Council for adoption by resolution or ordinance.
- (3) **Specialized Consultants.** In the Director's discretion, the City may retain the services of third-party consultants with specialized knowledge that the City requires to adequately evaluate an application, the costs of which must be paid by the applicant with such payment agreed to in writing at the time of application submittal. Prior to retaining any consultant, the Director must inform the applicant of the intent to retain such consultant and the estimated costs. The applicant must pay to the City the estimated costs prior to the City retaining the consultant. Within sixty (60) days of completion of the consultant's work, the

applicant must pay to the City the actual cost of the consultant's services in excess of the estimate, or the City must refund any portion of the estimate in excess of the actual cost.

6.3.4 STEP 4: REVIEW OF APPLICATIONS

- (A) **Determination of Sufficiency.** After receipt of the development application, the Director shall determine whether the application is complete and ready for review. Some development applications may involve complex technical issues that require review and input that is outside the expertise of City staff. If such a situation arises, the Director may procure the services of third-party consultants to review and consult with the City regarding the relevant subject matter and require the applicant to pay the costs for such third-party consultants as described in Section 6.3.3(D)(3). Upon review by the Director and any necessary third-party consultants, the Director will determine whether the application is complete. The determination of sufficiency shall not be based upon the perceived merits of the development proposal.
- (B) ***Specialized Consultants to Assist With Review.*** As described in Section 6.3.3(D)(3), the City may retain the services of third-party consultants with specialized knowledge that the City requires to adequately evaluate whether an application is complete pursuant to above Subsection (A) or to assist in the review of a complete application, the costs of which must be paid by the applicant.
- (C) **Processing of Incomplete Applications.** Except as provided below, if a submittal is found to be insufficient, all review of the submittal will be held in abeyance until the Director receives the necessary material to determine that the submittal is sufficient. The development application shall not be reviewed on its merits by the decision maker until it is determined sufficient by the Director. Notwithstanding the foregoing, if an application has been determined to be incomplete because the information provided to the Director shows that a portion of the property to be developed under the application is not yet under the ownership and control of the applicant or developer, the Director may nonetheless authorize the review of such application and the presentation of the same to the decision maker, as long as:
- (1) the applicant, at the time of application, has ownership of, or the legal right to use and control, the majority of the property to be developed under the application;
 - (2) the Director determines that it would not be detrimental to the public interest to accept the application for review and consideration by the decision maker; and
 - (3) the applicant and developer enter into an agreement satisfactory in form and substance to the City Manager, upon consultation with the City Attorney, which provides that:
 - (a) until such time as the applicant has acquired full ownership and control of all property to be developed under the application, neither the applicant nor the developer will record, or cause to be recorded, in the office of the Larimer County Clerk and Recorder any document related to the City's review and approval of the application; and
 - (b) the applicant will indemnify and hold harmless the City and its officers, agents and assigns from any and all claims that may be asserted against them by any third party, claiming injury or loss of any kind whatsoever that are in any way related to, or arise from, the City's processing of the application.

The denial of an incomplete application that has been allowed to proceed to the decision maker under the provisions of this Section shall not cause a post denial re-submittal delay under the provisions of Section

6.3.11(E)(9) for property that was not owned by the applicant or within the applicant's legal right to use and control at the time of denial of the application.

6.3.5 STEP 5: STAFF REPORT

Within a reasonable time after determining that a development application is sufficient, the Director shall refer the development application to the appropriate review agencies, review the development application, and prepare a Staff Report. The Staff Report shall be made available for inspection and copying by the applicant and the public prior to the scheduled public hearing on the development application. The Staff Report shall indicate whether, in the opinion of the Staff, the development application complies with all applicable standards of this Code. Conditions for approval may also be recommended to eliminate any areas of noncompliance or mitigate any adverse effects of the development proposal.

6.3.6 STEP 6: NOTICE

- (A) **Mailed Notice.** The Director shall mail written notice to the owners of record of all real property within eight hundred (800) feet (exclusive of public rights-of-way, public facilities, parks or public open space) of the property lines of the parcel of land for which the development is planned. Owners of record shall be ascertained according to the records of the Larimer County Assessor's Office, unless more current information is made available in writing to the Director prior to the mailing of the notices. If the development project is of a type described in the Supplemental Notice Requirements of Subsection 6.3.6(D), then the area of notification shall conform to the notice requirements of that Section. In addition, the Director may further expand the notification area. Formally designated representatives of bona fide neighborhood groups and organizations and homeowners' associations within the area of notification shall also receive written notice. Such written notices shall be mailed at least fourteen (14) days prior to the public hearing/meeting date or in case of a Basic Development Review the Director's decision. The Director shall provide the applicant with a map delineating the required area of notification, which area may be extended by the Director to the nearest streets or other distinctive physical features which would create a practical and rational boundary for the area of notification. The applicant shall pay postage and handling costs as established in the development review schedule.
- (B) **Posted Notice.** The real property proposed to be developed shall also be posted with a sign, giving notice to the general public of the proposed development. For parcels of land exceeding ten (10) acres in size, two (2) signs shall be posted. The size of the sign(s) required to be posted shall be as established in the Supplemental Notice Requirements of subsection 6.3.6(D). Such signs shall be provided by the Director and shall be posted on the subject property in a manner and at a location or locations reasonably calculated by the Director to afford the best notice to the public, which posting shall occur within fourteen (14) days following submittal of a development application to the Director.
- (C) **Published Notice.** Notice of the time, date and place of the public hearing/ meeting on the development application and the subject matter of the hearing shall be published in a newspaper of general circulation within the City at least seven (7) days prior to such hearing/meeting.
- (D) **Supplemental Notice Requirements.** The following table indicates the required notice radius for a mailed notice and posted sign size for development applications.

<i>Development Project</i>	<i>Minimum Notice Radius</i>	<i>Sign Size</i>
All developments except those described below.	800 feet	12 square feet
Area or activity of state interest.	1,000 feet in all directions of the location of a proposed development plan as determined by the Director, this distance shall apply to mailed notice for FONSI comment periods, neighborhood meetings, appeals of Director FONSI decisions, Planning and Zoning Commission permit recommendations, and City Council permit hearings	12 square feet, however, the Director may require an increased number of signs depending upon the size and configuration of the proposed development plan
Minor Subdivisions containing no more than one (1) new lot.	Abutting Properties	12 square feet
Developments including only an Accessory Dwelling Unit or one (1) additional dwelling unit.	Abutting Properties	12 square feet
Developments proposing more than fifty (50) and less than one hundred (100) single-family or two-family lots or dwelling units.	800 feet	12 square feet
Developments proposing more than twenty-five (25) and less than one hundred (100) multi-family dwelling units.	800 feet	12 square feet
Nonresidential developments containing more than twenty-five thousand (25,000) and less than fifty thousand (50,000) square feet of floor area.	800 feet	12 square feet
Developments proposing one hundred (100) or more single-family or two-family lots or dwelling units.	1,000 feet	12 square feet
Developments proposing one hundred (100) or more multi-family dwelling units.	1,000 feet	12 square feet
Nonresidential developments containing fifty thousand (50,000) or more square feet of floor area.	1,000 feet	12 square feet

Nonresidential developments which propose land uses or activities which, in the judgment of the Director, create community or regional impacts.	1,000 feet; plus, with respect to neighborhood meetings, publication of a notice not less than seven (7) days prior to the meeting in a newspaper of general circulation in the City.	12 square feet
Off-site construction staging	500 feet	12 square feet
Oil and gas facilities and oil and gas pipelines	One (1) mile to owners of record and occupants of real property (exclusive of property rights-of-way, public facilities, parks or public open space); plus, with respect to neighborhood meetings, publication of a notice not less than seven (7) days prior to the meeting in a newspaper of general circulation in the City.	12 square feet
Plugging and abandonment of wells and pipelines and decommissioning of oil and gas facilities	One (1) mile to owners of record and occupants of real property (exclusive of property rights-of-way, public facilities, parks or public open space of the oil and gas facility, well, or pipeline.	12 square feet
Zonings and rezonings of forty (40) acres or less.	800 feet	12 square feet
Zonings and rezonings of more than forty (40) acres.	1,000 feet	12 square feet

- (E) The following shall not affect the validity of any hearing, meeting or determination by the decision maker:
- (1) The fact that written notice was not mailed as required under the provision of this Section.
 - (2) The fact that written notice, mailed as required under the provision of this Section, was not actually received by one (1) or more of the intended recipients.
 - (3) The fact that signage, posted in compliance with the provision of this Section, was subsequently damaged, stolen or removed either by natural causes or by persons other than the person responsible for posting such signage or their agents.

6.3.7 STEP 7: PUBLIC HEARING

(A) Decision maker

- (1) **Basic Development Review** no public hearing is conducted as part of a BDR.
- (2) **Administrative Review (Type 1 review)**. An administrative review process is hereby established wherein certain development applications shall be processed, reviewed, considered and approved, approved with conditions, or denied by the Director pursuant to the general procedural requirements contained in Division 6.2, and the common development review procedures contained in Division 6.3. For those development applications that are subject to administrative review, the Director shall be the designated decision maker.
- (3) **Planning and Zoning Commission Review (Type 2 review)**. A Planning and Zoning Commission review process is hereby established wherein certain development applications shall be processed, reviewed, considered and approved, approved with conditions, or denied by the Planning and Zoning Commission pursuant to the general procedural requirements contained in Division 6.2, and the common development review procedures contained in Division 6.3. For those development applications that are subject to Planning and Zoning Commission review, the Planning and Zoning Commission shall be the designated decision maker.

(B) Conduct of Public Hearing.

- (1) **Rights of All Persons**. Any person may appear at a public hearing and submit evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall state their name, address and, if appearing on behalf of a person or organization, the name and mailing address of the person or organization being represented.
- (2) **Exclusion of Testimony**. The decision maker conducting the public hearing may exclude testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious.
- (3) **Continuance of Public Hearing**. The decision maker conducting the public hearing may, on its own motion or at the request of any person, continue the public hearing to a fixed date, time and place. All continuances shall be granted at the discretion of the body conducting the public hearing.

(C) Order of Proceedings at Public Hearing.

The order of the proceedings at the public hearing shall be as follows:

- (1) **Director Overview.** The Director shall provide an overview of the development application.
 - (2) **Applicant Presentation.** The applicant may present information in support of its application, subject to the determination of the Chair as to relevance. Copies of all writings or other exhibits that the applicant wishes the decision maker to consider must be submitted to the Director no less than five (5) working days before the public hearing.
 - (3) **Staff Report Presented.** The Director shall present a narrative and/or graphic description of the development application, as well as a staff report that includes a written recommendation. This recommendation shall address each standard required to be considered by this Code prior to approval of the development application.
 - (4) **Staff Response to Applicant Presentation.** The Director, the City Attorney and any other City staff member may respond to any statement made or evidence presented by the applicant.
 - (5) **Public Testimony.** Members of the public may comment on the application and present evidence, subject to the determination of the Chair as to relevance.
 - (6) **Applicant Response.** The applicant may respond to any testimony or evidence presented by the public.
 - (7) **Staff Response to Public Testimony or Applicant Response.** The Director, the City Attorney and any other City staff member may respond to any statement made or evidence presented by the public testimony or by the applicant's response to any such public testimony.
- (D) **Decision and Findings.**
- (1) **Decision — Administrative Review (Type 1 review).** After consideration of the development application, the Staff Report and the evidence from the public hearing, the Director shall close the public hearing. Within ten (10) working days following the public hearing, the Director shall issue a written decision to approve, approve with conditions, or deny the development application based on its compliance with the Standards referenced in Step 8 of the Common Development Review Procedures (Section 6.3.8). The written decision shall be mailed to the applicant and any person who provided testimony at the public hearing.
 - (2) **Decision — Planning and Zoning Commission Review (Type 2 review).** After consideration of the development application, the Staff Report and the evidence from the public hearing, the Chair of the Planning and Zoning Commission shall close the public hearing and the Commission shall approve, approve with conditions, or deny the development application based on its compliance with the Standards referenced in Step 8 of the Common Development Review Procedures (Section 6.3.8).
 - (3) **Findings.** All decisions shall include at least the following elements:
 - (a) A clear statement of approval, approval with conditions, or denial, whichever is appropriate.
 - (b) A clear statement of the basis upon which the decision was made, including specific findings of fact with specific reference to the relevant standards set forth in this Code.
- (E) **Notification to Applicant.**
- Notification of the decision maker's decision shall be provided by the Director to the applicant by mail within three (3) days after the decision. A copy of the decision shall also be made available to the public at the offices of the Director, during normal business hours, within three (3) days after the decision.

(F) Record of Proceedings.

- (1) **Recording of Public Hearing.** The decision maker conducting the public hearing shall record the public hearing by any appropriate means. A copy of the public hearing record may be acquired by any person upon application to the Director, and payment of a fee to cover the cost of duplication of the record.
- (2) **The Record.** The record shall consist of the following:
 - (c) all exhibits, including, without limitation, all writings, drawings, maps, charts, graphs, photographs and other tangible items received or viewed by the decision maker at the proceedings;
 - (d) all minutes of the proceedings;
 - (e) if appealed to the City Council, a verbatim transcript of the proceedings before the decision maker, the cost of which transcript shall be borne by the City; and
 - (f) if available, a videotape recording of the proceedings before the decision maker.

(G) Recording of Decisions and Plats.

- (1) **Filing with City Clerk.** Once approved, and after the appeal period has expired (if applicable), the decision of the decision maker shall be filed with the City Clerk.
- (2) **Final Plats and Development Agreements Recorded with County Clerk and Recorder.** Once the final utility plans, final plat and all other applicable Final Development Plan Documents are approved and the development agreement has been executed, the final plan has been approved, and any applicable conditions of final plan approval have been met, and after the appeal period has expired, the final plat and Development Agreement shall be recorded by the City in the Office of the Larimer County Clerk and Recorder and shall be filed with the City Clerk. The date that the recording with the Larimer County Clerk and Recorder of both the Final Plat and the Development Agreement is accomplished by the City shall establish the date of approval under Section 6.3.11(E)1. of this Land Use Code.

6.3.8 STEP 8: STANDARDS

To approve a development application, the decision maker must first determine and find that the development application has satisfied and followed the applicable requirements of this Article 6 and complies with all of the standards required for the applicable development application as modified by any modification of standards approved under Division 6.8.

6.3.9 STEP 9: CONDITIONS OF APPROVAL

The decision maker may impose such conditions on approval of the development application as are necessary to accomplish the purposes and intent of this Code, or such conditions that have a reasonable nexus to potential impacts of the proposed development, and that are roughly proportional, both in nature and extent, to the impacts of the proposed development.

6.3.10 STEP 10: AMENDMENTS AND CHANGES OF USE**(A) Minor Amendments and Changes of Use.**

- (1) Minor amendments to any approved development plan, including any Overall Development Plan, Project Development Plan, or PUD Comprehensive Plan, any site specific development plan, or the existing condition of a platted property; and (2) Changes of use, either of which meet the applicable criteria of below subsections 6.3.10(A)(2) or 6.3.10(A)(3), may be approved, approved with conditions, or denied

administratively by the Director and may be authorized without additional public hearings. Except for PUD Comprehensive Plans, such minor amendments and changes of use may be authorized by the Director as long as the development plan, as so amended, continues to comply with the standards of this Code to the extent reasonably feasible. PUD Comprehensive Plan Minor amendments may be authorized by the Director as long as the PUD Comprehensive Plan, as so amended, continues to comply with the standards of this Code, as such standards may have been modified in the existing PUD Comprehensive Plan, and so long as the amendments are consistent with the existing PUD Comprehensive Plan. Minor amendments and changes of use shall only consist of any or all of the following:

- (2) Any change to any approved development plan or any site specific development plan which was originally subject only to administrative review and was approved by the Director, or any change of use of any property that was developed pursuant to a basic development review or a use-by-right review under prior law; provided that such change would not have disqualified the original plan from administrative review had it been requested at that time; and provided that the change or change of use complies with all of the following criteria applicable to the particular request for change or change of use:
 - (a) results in an increase by five (5) percent or less in the approved number of dwelling units, except that in the case of a change of use of any property that was developed pursuant use-by-right review under prior law, the number of dwelling units proposed to be added may be four (4) units or less;
 - (b) results in an increase or decrease in the amount of square footage of a nonresidential land use or structure that does not change the character of the project;
 - (c) results in a change in the housing mix or use mix ratio that complies with the requirements of the zone district and does not change the character of the project;
 - (d) does not result in a change in the character of the development;
 - (e) does not result in new buildings, building additions or site improvements, such as parking lots and landscaping, that are proposed to be located outside the boundaries of the approved Project Development Plan or approved site specific development plan;
 - (f) results in a decrease in the number of approved dwelling units and does not change the character of the project, and that the plan as amended continues to comply with the requirements of this Code; and
 - (g) in the case of a change of use, the change of use results in the site being brought into compliance, to the extent reasonably feasible as such extent may be modified pursuant to below subsection 6.3.10(A)3., with the applicable development standards contained in Articles 3 and 5 and the applicable zone district standards contained in Articles 2 and 4 of this Code.
- (3) Any change to any approved development plan or any site specific development plan which was originally subject to review by the Planning and Zoning Commission (either as a Type 2 project or as a project reviewed by the Planning and Zoning Commission under prior law) or City Council review of a PUD Overlay, or any change of use of any property that was approved by the Planning and Zoning Commission; provided that the change or change of use complies with all of the following criteria applicable to the particular request for change or change of use:
 - (a) results in an increase or decrease by five (5) percent or less in the approved number of dwelling units;

- (b) results in an increase or decrease in the amount of square footage of a nonresidential land use or structure that does not change the character of the project;
 - (c) results in a change in the housing mix or use mix ratio that complies with the requirements of the zone district and does not change the character of the project;
 - (d) does not result in a change in the character of the development; and
 - (e) does not result in new buildings, building additions or site improvements, such as parking lots and landscaping, that are proposed to be located outside the boundaries of the approved Project Development Plan or approved site specific development plan.
- (4) **Waiver of Development Standards for Changes of Use.**
- (a) **Applicability.** The procedure and standards contained in this Section shall apply only to changes of use reviewed pursuant to Section 6.3.10(A) of this Code.
 - (b) **Purpose.** In order for a change of use to be granted pursuant to Section 6.3.10(A), the change of use must result in the site being brought into compliance with all applicable development and zone district standards to the extent reasonably feasible. The purpose of this Section is to allow certain changes of use that do not comply with all applicable development standards to the extent reasonably feasible to be granted pursuant to Section 6.3.10(A) in order to:
 - (I) Foster the economic feasibility for the use, maintenance and improvement of certain legally constructed buildings and sites which do not comply with certain Land Use Code development standards provided that:
 - (II) existing blight conditions have been ameliorated; and
 - (III) public and private improvements are made that address essential health and life safety issues that are present on-site.
 - (IV) Encourage the eventual upgrading of nonconforming buildings, uses and sites.
 - (c) **Review by Director.** As part of the review conducted pursuant to Section 6.3.10(A) for a proposed change of use, the Director may waive, or waive with conditions, any of the development standards set forth in subsection (d) below. In order for the Director to waive, or waive with conditions, any such development standard, the Director must find that such waiver or waiver with conditions would not be detrimental to the public good and that each of the following is satisfied:
 - (I) The site for which the waiver or waiver with conditions is granted satisfies the policies of the applicable Council adopted subarea, corridor or neighborhood plan within which the site is located;
 - (II) The proposed use will function without significant adverse impact upon adjacent properties and the district within which it is located in consideration of the waiver or waiver with conditions;

- (III) Existing blight conditions on the site are addressed through site clean-up, maintenance, screening, landscaping or some combination thereof; and
- (IV) The site design addresses essential health and public safety concerns found on the site.

(d) **Eligible Development Standards.** The Director may grant a waiver or waiver with conditions for the following development standards:

- (I) Division 5.9 related to Parking Lot Perimeter and Interior Landscaping, and Landscape Coverage.
- (II) Division 5.12 Site Lighting,
- (III) Division 5.11 Trash and Recycling Enclosure design.
- (IV) Division 5.4.3 Engineering Design standards related to water quality standard, including Low Impact Development.

- (5) **Referral.** In either subsection (1) or (2) above, the Director may refer the amendment or change of use to the decision maker who approved the development plan proposed to be amended. The referral of minor amendments to development plans or changes of use allowed or approved under the laws of the City for the development of land prior to the adoption of this Code shall be processed as required for the land use or uses proposed for the amendment or change of use as set forth in Article 4 (i.e., Type 1 review or Type 2 review) for the zone district in which the land is located. The referral of minor amendments or changes of use to project development plans or final plans approved under this Code shall be reviewed and processed in the same manner as required for the original development plan for which the amendment or change of use is sought, and, if so referred, the decision maker's decision shall constitute a final decision, subject only to appeal as provided for development plans under Divisions 6.2.3 (B);(C);(D);(E); and (G) as applicable, for the minor amendment or change of use. City Council approval of a minor amendment to a PUD Comprehensive Plan shall be by resolution.
- (6) **Notification.** Written notice must be mailed to the owners of record of all real property abutting the property that is the subject of the minor amendment application at least fourteen (14) calendar days prior to the Director's decision.
- (7) **Appeals.** Applicable pursuant to Section 6.3.12(C).

(B) **Major Amendments and Changes of Use Not Meeting the Criteria of 6.3.10(A).**

- (1) **Procedure/Criteria.** Amendments to any approved development plan, including any Overall Development Plan, Project Development Plan, or PUD Comprehensive Plan, or any site specific development plan, and changes of use that are not determined by the Director to be minor amendments or qualifying changes of use under the criteria set forth in subsection (A) above, shall be deemed major amendments.
- (2) Major amendments to approved development plans or site specific development plans approved under the laws of the City for the development of land prior to the adoption of this Code shall be processed as required for the land use or uses proposed for the amendment as set forth in Article 4 (i.e., BDR, Type 1 review, or Type 2 review) for the zone district in which the land is located, and, to the maximum extent feasible, shall comply with all applicable Land Use Code standards. Major amendments to development

plans or site specific development plans approved under this Code shall be reviewed and processed in the same manner as required for the original development plan for which amendment is sought. Any major amendments to an approved project development plan or site specific development plan shall be recorded as amendments in accordance with the procedures established for the filing and recording of such initially approved plan. City Council approval of a major amendment to a PUD Comprehensive Plan shall be by resolution.

- (3) Any partial or total abandonment of a development plan or site specific development plan approved under this Code, or of any plan approved under the laws of the City for the development of land prior to the adoption of this Code, shall be deemed to be a major amendment, and shall be processed as a Type 2 review; provided, however, that if a new land use is proposed for the property subject to the abandonment, then the abandonment and new use shall be processed as required for the land use or uses proposed as set forth in Article 4 (i.e., BDR, Type 1 review or Type 2 review) for the zone district in which the land is located.
- (4) *Appeals.* Appeals of decisions for approval, approval with conditions or denial of major amendments, or abandonment, of any approved development plan or site specific development plan shall be filed and processed in accordance with Section 6.3.12 (Step 12).
- (C) **Additional Criteria.** In addition to the criteria established in (A) and (B) above, the criteria established in subsection 6.2.4(C) shall guide the decision maker in determining whether to approve, approve with conditions, or deny the application for partial or total abandonment.
- (D) **Parkway Landscaping Amendments.** Amendments to parkway landscaping in any approved development plan may be approved, approved with conditions or denied administratively by the Director. No public hearing need be held on an application for a parkway landscaping amendment. Such amendments may be authorized by the Director as long as the development plan, as so amended, continues to comply with the Fort Collins Streetscape Standards, Appendix C, Section 6.1 in the Larimer County Urban Area Street Standards. Appeals of the decision of the Director regarding the approval, approval with conditions or denial of parkway landscaping amendments of any approved development plan shall be made in accordance with paragraph (A)(4) of this Section.

6.3.11 STEP 11: LAPSE

- (A) **Application Submittals.** An application submitted to the City for the review and approval of a development plan must be diligently pursued and processed by the applicant. Accordingly, the applicant, within one hundred eighty (180) days of receipt of written comments and notice to respond from the City on any submittal (or subsequent revision to a submittal) of an application for approval of a development plan, shall file such additional or revised submittal documents as are necessary to address such comments from the City. If the additional submittal information or revised submittal is not filed within said period of time, the development application shall automatically lapse and become null and void. The Director may grant one (1) extension of the foregoing one-hundred-eighty-day requirement, which extension may not exceed one hundred twenty (120) days in length, and one (1) additional extension which may not exceed sixty (60) days in length. This subsection (A) shall apply to applications which are, or have been, filed pursuant to this Code and to applications which are, or have been, filed pursuant to the laws of the City for the development of land prior to the adoption of this Code. On transfer of ownership of any real property that is the subject of a pending application, whether in whole or in part, such transfer shall bar a new owner or transferee from taking further action on such application unless, prior to taking any action, the new owner provides evidence satisfactory to the Director that the transferor of such property intended that all rights of the owner under the pending

application be assigned to the transferee.

- (B) **Overall Development Plan.** There is no time limit for action on an overall development plan. Because an overall development plan is only conceptual in nature, no vested rights shall ever attach to an overall development plan. The approval of, or completion of work pursuant to, project development plans or final plans for portions of an overall development plan shall not create vested rights for those portions of the overall development plan which have not received such approvals and have not been completed.
- (C) **PUD Comprehensive Plan.** A PUD Comprehensive Plan shall be eligible for a vested property right solely with respect to uses, densities, development standards, and Engineering Standards for which variances have been granted pursuant to Section 2.6.3, as all are set forth in an approved PUD Comprehensive Plan. An approved PUD Comprehensive Plan shall be considered a site specific development plan solely for the purpose of acquiring such vested property rights subject to the provisions set forth in this Subsection (C) and not Subsection (E) below. A PUD Comprehensive Plan shall be deemed approved upon the effective date of the ordinance approving such PUD Comprehensive Plan as a site specific development plan and, upon such approval, a vested property right shall be created pursuant to the provisions of Article 68 Title 24, C.R.S., and this Section 6.3.11.
- (1) **Specification of Uses, Densities, Development Standards, and Engineering Standards.** The application for a PUD Comprehensive Plan shall specify the uses, densities, development standards, and Engineering Standards granted variances pursuant to Section 2.6.3, for which the applicant is requesting a vested property right. Such uses, densities, and development standards may include those granted modifications pursuant to Section 2.6.3 and uses, densities, and development standards set forth in the Land Use Code which are applicable to the PUD Comprehensive Plan.
- (2) **Term of Vested Right.** The term of the vested property right shall not exceed three (3) years unless: (a) an extension is granted pursuant to paragraph (3) of this subsection, or (b) the City and the developer enter into a development agreement which vests the property right for a period exceeding three (3) years. Such agreement may be entered into by the City if the Director determines that it will likely take more than three (3) years to complete all phases of the development and the associated engineering improvements for the development, and only if warranted in light of all relevant circumstances, including, but not limited to, the overall size of the development and economic cycles and market conditions. Council shall adopt any such development agreement as a legislative act subject to referendum.
- (3) **Extensions.** Extensions for two (2) successive periods of one (1) year each may be granted by the Director, upon a finding that (a) the applicant has been diligently pursuing development pursuant to the PUD Comprehensive Plan, and (b) granting the extension would not be detrimental to the public good. Any additional one-year extensions shall be approved, if at all, only by the original PUD Comprehensive Plan decision maker, upon a finding that (a) the applicant has been diligently pursuing development pursuant to the PUD Comprehensive Plan, and (b) granting the extension would not be detrimental to the public good. A request for an extension of the term of vested right under this Section must be submitted to the Director in writing at least thirty (30) days prior to the date of expiration. Time is of the essence. The granting of extensions by the Director under this Section may, at the discretion of the Director, be referred to the original PUD Comprehensive Plan decision maker.
- (4) **Publication.** A "notice of approval" describing the PUD Comprehensive Plan and stating that a vested property right has been created or extended, shall be published by the City once in a newspaper of general circulation within the City, not later than fourteen (14) days after the approval of a PUD Comprehensive

Plan, an extension of an existing vested right, or the legislative adoption of a development agreement as described in paragraph (2) of this subsection. The period of time permitted by law for the exercise of any applicable right of referendum or judicial review shall not begin to run until the date of such publication, whether timely made within said fourteen-day period, or thereafter.

- (5) **Minor and Major Amendments.** In the event that a minor or major amendment to a PUD Comprehensive Plan is approved under the provisions of Section 6.3.10, and such amendment alters or adds uses, densities, development standards, or Engineering Standards for which variances have been granted pursuant to Section 2.6.3, a new vested property right may be created upon the applicant's request and pursuant to paragraph 2 of this subsection. If the applicant wants the term of the new vested property right to exceed three (3) years, such extended term must be approved and legislatively adopted pursuant to paragraph 2 of this subsection.
- (D) **Project Development Plan and Plat.** Following the approval of a project development plan and upon the expiration of any right of appeal, or upon the final decision of the City Council following appeal, if applicable, the applicant must submit a final plan for all or part of the project development plan within three (3) years unless the project development plan is for a large base industry to be constructed in phases, in which case the application for approval of a final plan must be submitted within twenty-five (25) years. If such approval is not timely obtained, the project development plan (or any portion thereof which has not received final approval) shall automatically lapse and become null and void. The Director may grant one (1) extension of the foregoing requirement, which extension may not exceed six (6) months in length. No vested rights shall ever attach to a project development plan. The approval of, or completion of work pursuant to, a final plan for portions of a project development plan shall not create vested rights for those portions of the project development plan which have not received such final plan approval and have not been completed.
- (E) **Final Plan and Plat and Other Site Specific Development Plans.**
- (1) **Approval.** With the exception of site specific development plans subject to Subsection (C) above, a site specific development plan shall be deemed approved upon the recording by the City with the Larimer County Clerk and Recorder of both the Final Plat and the Development Agreement and upon such recording, a vested property right shall be created pursuant to the provisions of Article 68 Title 24, C.R.S., and this Section 6.3.11.
- (2) **Publication.** A "notice of approval" describing generally the type and intensity of use approved and the specific parcel or parcels affected, and stating that a vested property right has been created or extended, shall be published by the City once, not later than fourteen (14) days after the approval of any final plan or other site specific development plan in a newspaper of general circulation within the City. The period of time permitted by law for the exercise of any applicable right of referendum or judicial review shall not begin to run until the date of such publication, whether timely made within said fourteen-day period, or thereafter.
- (3) **Term of Vested Right.** Within a maximum of three (3) years following the approval of a final plan or other site specific development plan, the applicant must undertake, install and complete all engineering improvements (water, sewer, streets, curb, gutter, street lights, fire hydrants and storm drainage) in accordance with City codes, rules and regulations. The period of time shall constitute the "term of the vested property right." The foregoing term of the vested property right shall not exceed three (3) years unless: (a) an extension is granted pursuant to paragraph (4) of this subsection, or (b) the City and the developer enter into a development agreement which vests the property right for a period exceeding three (3) years. Such agreement may be entered into by the City only if the subject development constitutes a "large base industry" as defined in Article 7, or if the Director determines that it will likely take more than

three (3) years to complete all engineering improvements for the development, and only if warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of the development, economic cycles and market conditions. Any such development agreement shall be adopted as a legislative act subject to referendum. Failure to undertake and complete such engineering improvements within the term of the vested property right shall cause a forfeiture of the vested property right and shall require resubmission of all materials and reapproval of the same to be processed as required by this Code. All dedications as contained on the final plat shall remain valid unless vacated in accordance with law.

- (4) **Extensions.** Extensions for two (2) successive periods of one (1) year each may be granted by the Director, upon a finding that the plan complies with all applicable development standards as contained in Articles 3 and 5 and Zone District Standards as contained in Articles 2 and 4 at the time of the application for the extension. Any additional one-year extensions shall be approved, if at all, only by the Planning and Zoning Commission, upon a finding that the plan complies with all applicable development standards as contained in Articles 3 and 5 and zone district standards as contained in Articles 2 and 4 at the time of the application for the extension, and that (a) the applicant has been diligent in constructing the engineering improvements required pursuant to paragraph (3) above, though such improvements have not been fully constructed, or (b) due to other extraordinary and exceptional situations unique to the property, completing all engineering improvements would result in unusual and exceptional practical difficulties or undue hardship upon the applicant, and granting the extension would not be detrimental to the public good. A request for an extension of the term of vested right under this Section must be submitted to the Director in writing at least thirty (30) days prior to the date of expiration. Time is of the essence. The granting of extensions by the Director under this Section may, at the discretion of the Director, be referred to the Planning and Zoning Commission.
- (5) **Minor Amendments.** In the event that minor amendments to a final plan or other site-specific development plan are approved under the provisions of Section 6.3.10(A) (or under prior law, if permissible), the effective date of such minor amendments, for purposes of duration of a vested property right, shall be the date of the approval of the original final plan or other site specific development plan.
- (6) **Major Amendments.** The approval of major amendments to a final plan or other site specific development plan under the provisions of Section 6.3.10(B) (or under prior law, if permissible), shall create a new vested property right with effective period and term as provided herein, unless expressly stated otherwise in the decision approving such major amendment.
- (7) **Planning over old plans.** In the event that a new final plan is approved for a parcel of property which includes all of a previously approved site specific development plan, the approval of such new final plan shall cause the automatic expiration of such previously approved site specific development plan. In the event that a new final plan is approved for a parcel of property which includes only a portion of a previously approved site specific development plan, the approval of such new final plan shall be deemed to constitute the abandonment of such portion of the previously approved plan as is covered by such new plan, and shall be reviewed according to the abandonment criteria contained in subsection 6.2.4(C) and all other applicable criteria of this Code.
- (8) **Other provisions unaffected.** Approval of a final plan or other site specific development plan shall not constitute an exemption from or waiver of any other provisions of this Code pertaining to the development and use of property.

- (9) **Post denial re-submittal delay.** Property that is the subject of an overall development plan or a project development plan that has been denied by the decision maker or denied by City Council upon appeal, or withdrawn by the applicant, shall be ineligible to serve, in whole or in part, as the subject of another overall development plan or project development plan application for a period of six (6) months from the date of the final decision of denial or the date of withdrawal (as applicable) of the plan unless the Director determines that the new plan includes substantial changes in land use, residential density and/or nonresidential intensity.
- (10) **Automatic repeal; waiver.** Nothing in this Section is intended to create any vested property right other than such right as is established pursuant to the provisions of Article 68, Title 24, C.R.S. In the event of the repeal of said article or a judicial determination that said article is invalid or unconstitutional, this Section shall be deemed to be repealed and the provisions hereof no longer effective. Nothing herein shall be construed to prohibit the waiver of a vested property right pursuant to mutual agreement between the City and the affected landowner. Upon the recording of any such agreement with the Larimer County Clerk and Recorder, any property right which might otherwise have been vested shall be deemed to be not vested.

6.3.12 STEP 12: APPEALS/ALTERNATE REVIEW

- (A) **Appeals.** Appeals of any final decision of a decision maker under this Code shall be only in accordance with Chapter 2, Article II, Division 3 of the City Code, unless otherwise provided in this Article.
- (B) **Alternate Review.** Despite the foregoing, if the City is the applicant for a development project, there shall be no appeal of any final decision regarding such development project to the City Council. In substitution of an appeal of a development project for which the City is the applicant, the City Council may, by majority vote, as an exercise of its legislative power and in its sole discretion, overturn or modify any final decision regarding such project, by ordinance of the City Council. Any Councilmember may request that the City Council initiate this exercise of legislative power but only if such request is made in writing to the City Clerk within fourteen (14) days of the date of the final decision of the Planning and Zoning Commission. City Council shall conduct a hearing prior to the adoption of the ordinance in order to hear public testimony and receive and consider any other public input received by the City Council (whether at or before the hearing) and shall conduct its hearing in the manner customarily employed by the Council for the consideration of legislative matters. When evaluating City projects under alternate review, the City Council may, in its legislative discretion, consider factors in addition to or in substitution of the standards of this Land Use Code.
- (C) **Appeal of Minor Amendment, Changes of Use, and Basic Development Review Decisions by the Director.** The Director's final decision on a minor amendment or change of use application pursuant to Section 6.3.10(A) or basic development review application pursuant to Division 6.4 may be appealed to the Planning and Zoning Commission as follows:
- (1) **Parties Eligible to File Appeal.** The following parties are eligible to appeal the Director's final decision on a minor amendment, change of use, or basic development review application:
- (a) the applicant that submitted the application subject to the Director's final decision;
 - (b) any party holding an ownership or possessory interest in the real or personal property that was the subject of the final decision;
 - (c) any person to whom or organization to which the City mailed notice of the final decision;

- (d) any person or organization that provided written comments to the appropriate City staff for delivery to the Director prior to the final decision; and
 - (e) any person or organization that provided written comments to the appropriate City staff for delivery to the decision maker prior to the final decision on the project development plan or final plan being amended or provided spoken comments to the decision maker at the public hearing where such final decision was made.
- (2) **Filing Notice of Appeal.** An appeal shall be commenced by filing a notice of appeal with the Director within fourteen (14) calendar days after the date the written final decision is made that is the subject of the appeal. Such notice of appeal shall be on a form provided by the Director, shall be signed by each person joining the appeal ("appellant"), and shall include the following:
- (a) A copy of the Director's final decision being appealed.
 - (b) The name, address, email address, and telephone number of each appellant and a description why each appellant is eligible to appeal the final decision pursuant to Subsection (C)(1) above.
 - (c) The specific Land Use Code provision(s) the Director failed to properly interpret and apply and the specific allegation(s) of error and/or the specific Land Use Code procedure(s) not followed that harmed the appellant(s) and the nature of the harm; and
 - (d) In the case of an appeal filed by more than one (1) person, the name, address, email address and telephone number of one (1) such person who shall be authorized to receive, on behalf of all persons joining the appeal, any notice required to be mailed by the City to the appellant.
- (3) **Scheduling of Appeal.** A public hearing shall be scheduled before the Planning and Zoning Commission within sixty (60) calendar days of a notice of appeal being deemed complete unless the Planning and Zoning Commission adopts a motion granting an extension of such time period.
- (4) **Notice.** Once a hearing date before the Planning and Zoning Commission has been determined, the Director shall mail written notice pursuant to Section 6.3.6(A). Notice requirements set forth in Section 6.3.6(B) through (D) shall not apply. The mailed notice shall inform recipients of:
- (a) the subject of the appeal;
 - (b) the date, time, and place of the appeal hearing;
 - (c) the opportunity of the recipient and members of the public to appear at the hearing and address the Planning and Zoning Commission; and
 - (d) how the notice of appeal can be viewed on the City's website.
- (5) **Planning and Zoning Commission Hearing and Decision.**
- (a) The Planning and Zoning Commission shall hold a public hearing pursuant to Section 6.3.7 to decide the appeal, and City staff shall prepare a staff report for the Planning and Zoning Commission. The notice of appeal, copy of the Director's final decision, and the application and all application materials submitted to the Director shall be provided to the Planning and Zoning Commission for its consideration at the hearing.

- (b) The hearing shall be considered a new, or de novo, hearing at which the Planning and Zoning Commission shall not be restricted to reviewing only the allegations of error listed in the notice of appeal, the Planning and Zoning Commission shall not give deference to the Director's final decision being appealed, and the applicant shall have the burden of establishing that the application complies with all relevant Land Use Code provisions and should be granted. The applicant, appellant or appellants, members of the public, and City staff may provide information to the Planning and Zoning Commission for its consideration at the appeal hearing that was not provided to the Director for their consideration in making the final decision being appealed.
 - (c) The Planning and Zoning Commission shall review the application that is the subject of the appeal for compliance with all applicable Land Use Code standards and may uphold, overturn, or modify the decision being appealed at the conclusion of the hearing and may impose conditions in the same manner as the Director pursuant to Section 6.3.10(A) and Division 6.4. The Planning and Zoning Commission decision shall constitute a final decision appealable to City Council pursuant to Section 6.3.12(A).
- (D) *Appeal of FONSI Determination.* The Director's determination pursuant to Section 6.5.5 that a proposed development plan would have no significant impact and would not require a permit pursuant to Article 6, or that a proposed development plan would have a significant impact and must obtain a permit pursuant to Article 6, may be appealed to the Planning and Zoning Commission as follows:

- (1) *Parties Eligible to File Appeal.* The applicant is the only party eligible to file an appeal of the Director's determination that a proposed development plan would have a significant impact and, therefore, a permit is required pursuant to Division 6.27.

Any person is eligible to file an appeal of the Director's finding that a proposed development plan would not have a significant impact and would not require a permit pursuant to Division 6.27.

- (2) *Filing Notice of Appeal.* An appeal shall be commenced by filing a notice of appeal with the Director within fourteen (14) calendar days after the date of the written final determination on a FONSI application. Such notice of appeal shall be on a form provided by the Director, shall be signed by each person joining the appeal ("appellant"), and shall include the following:
 - (a) A copy of the Director's determination being appealed;
 - (b) The name, address, email address, and telephone number of each person joining the appeal;
 - (c) The specific reasons why the appellant believes the Director's determination is incorrect;
 - (d) In the case of an appeal filed by more than one (1) person, the name, address, email address and telephone number of one (1) such person who shall be authorized to receive, on behalf of all persons joining the appeal, any notice required to be mailed by the City to the appellant.

The Director shall reject any notice of appeal that is not timely filed, does not contain the information set forth in (a) – (d) above, or is not filed by a party with standing to file an appeal. The decision to reject a notice of appeal is not subject to appeal. Should multiple notices of appeal be filed, a single hearing shall be held.

- (3) *Scheduling of Appeal.* A public hearing shall be scheduled before the Planning and Zoning Commission as soon as practicable but not later than within sixty (60) calendar days of a complete notice of appeal being

filed. In the instance that multiple notices of appeal are filed, the sixty days shall be counted from the date the first complete notice of appeal is filed.

(4) *Notice.* Once a hearing date has been determined, the Director shall mail written notice to the appellant and all parties to whom notice of the decision was mailed pursuant to Section 6.6.5(E)(3). The mailed notice shall inform recipients of:

- (a) The subject of the appeal;
- (b) The date, time, and place of the appeal hearing;
- (c) The opportunity of the recipient and members of the public to appear at the hearing and address the Planning and Zoning Commission; and
- (d) How the notice of appeal can be viewed on the City's website.

(5) *Planning and Zoning Commission Hearing and Decision.*

- (a) The Planning and Zoning Commission shall hold a public hearing pursuant to Section 6.3.7 to decide the appeal with appellant being substituted for applicant in Section 6.3.7. In any appeal of a Director finding that a proposed development project would have a significant impact and is not required to obtain a permit, the procedure set forth in Section 6.3.7 shall be modified to provide the FONSI applicant an opportunity equal to that of the appellant to address the Commission and respond to evidence and arguments raised by the appellant and members of the public. City staff shall prepare a staff report for the Commission. The notice of appeal, copy of the Director's final decision, and the application and all application materials submitted to the Director shall be provided to the Commission for its consideration at the hearing.
- (b) The hearing shall be considered a new, or *de novo*, hearing at which the Planning and Zoning Commission shall not be restricted to reviewing only the allegations of error listed in the notice of appeal, the Planning and Zoning Commission shall not give deference to the Director's decision being appealed, and the burden shall be on the appellant to establish why the appeal should be granted. The applicant, appellant, members of the public, and City staff may provide information to the Planning and Zoning Commission for its consideration at the appeal hearing that was not provided to the Director for their consideration in making the decision being appealed.
- (c) The Planning and Zoning Commission shall review the application that is the subject of the appeal for compliance with all applicable criteria set forth in Section 6.27.6.5 and shall uphold or overturn the Director's determination. The Planning and Zoning Commission decision shall constitute a final decision appealable to City Council pursuant to Section 6.3.12(A).

DIVISION 6.4 BASIC DEVELOPMENT REVIEW

6.4.1 PURPOSE AND APPLICABILITY

The purpose of the basic development review ("BDR") is to establish an internal administrative process for approval of a site specific development plan where the decision maker is the Director. There is no public hearing and the basic development review process shall be deemed final upon issuance of a decision by the Director. The basic development review shall be the review process for:

- (A) Those uses listed as such in each of the Article Four use table.
- (B) Existing Limited Permitted Uses (Division 6.17).
- (C) Expansions and Enlargements of Existing Buildings (Sections 6.22 and 6.23.1).
- (D) Building Permit Applications (Division 6.13).
- (E) Minor Subdivisions (Section 6.4.2).
- (F) Plugging and Abandonment and Decommissioning of Wells and Pipelines (Section 4.3.4(F)) provided such Plugging and Abandonment and Decommissioning is not part of a development application subject to a development review process other than BDR.

6.4.2 MINOR SUBDIVISIONS

A minor subdivision is a plat or replat that does not create more than one (1) new lot. A minor subdivision shall not be permitted if the property is within a parcel, any part of which has been subdivided by a minor subdivision plat within the immediately preceding twelve (12) months. For an unplatted metes and bounds lot undergoing the minor subdivision process to create a platted lot with the same boundaries, Step 6 (Notice) of Section 6.4.3 is not applicable.

6.4.3 BASIC DEVELOPMENT REVIEW AND MINOR SUBDIVISION REVIEW PROCEDURES

An application for Basic Development Review or Minor Subdivision shall be processed according to, in compliance with, and subject to the provisions contained in Division 6.2 and Steps (1) through (12) of the Common Development Review Procedures (Sections 6.3.1 through 6.3.12, inclusive), as follows:

- (A) **Step 1** (Conceptual Review): Not applicable.
- (B) **Step 2** (Neighborhood Meeting): Not applicable.
- (C) **Step 3** (Development Application): Applicable.
- (D) **Step 4** (Review of Applications): Applicable.
- (E) **Step 5** (Staff Report): Not applicable and in substitution thereof, a staff report shall be prepared in the case of an appeal of a final decision pursuant to Section 6.3.12 (Step 12).
- (F) **Step 6 (Notice)**: Applicable
 - Step 6(A)** (Mailed Notice): Applicable.
 - Step 6(B)** (Posted Notice): Applicable.
 - Step 6(C)** (Published Notice): Applicable excluding developments of Accessory Dwelling Units.
 - Step 6(D)** (Supplemental Notice): Applicable.
 - Step 6(E)** Applicable.
- (G) **Step 7** (Public Hearing): Not Applicable.
 - Step 7(A)(1 and 2)** (Decisionmaker): Not applicable and in substitution thereof, the Director shall be the decision maker and there shall be no public hearing.
 - Steps 7(B - C)** Not Applicable.
 - Step 7(D)(1 and 2)** (Decision and Findings): Not applicable and in substitution thereof, after consideration of the development application, the Director shall issue a written decision to approve, approve with conditions, or deny the development application based on compliance with the standards referenced in Step 8 of the Common Development Review Procedures (Section 6.3.8). The written decision shall be mailed to the applicant, to any person who provided comments during the comment period and to the abutting property owners, and shall also be posted on the City's website at www.fcgov.com.
 - Step 7(D)(3)** (Findings): Applicable
 - Step 7(E)** (Notification to Applicant): Applicable.
 - Step 7(F)(1)** (Recording of the Public Hearing): Not Applicable.
 - Step 7(F)(2)(a)** (The Record): Not Applicable.
 - Step 7(F)(2)(b)** (Minutes): Not applicable and in substitution thereof, the Director shall issue the decision in writing.

Step 7(F)(2)(c and d): (Verbatim Transcript and Videotape Recording): Not Applicable.

Step 7(G): (Recording of Decisions and Plats): Applicable for Minor Subdivisions only.

(H) **Step 8** (Standards): Applicable.

(I) **Step 9** (Conditions of Approval): Applicable.

(J) **Step 10** (Amendments): Applicable.

(K) **Step 11** (Lapse): Applicable.

Step 11(A): (Application Submittals): Applicable.

Step 11(B and C) (Lapse): Not Applicable.

Step 11(D)(1–8): (Final Plan and Plan and Other Site Specific Development Plan): Applicable.

Step 11(D)(9): (Post denial re-submittal delay): Not Applicable.

Step 11(D)(10): (Automatic repeal; waiver): Applicable.

(L) **Step 12** (Appeals): Applicable pursuant to Section 6.3.12(C).

DIVISION 6.5 OVERALL DEVELOPMENT PLAN

6.5.1 PURPOSE AND APPLICABILITY

The purpose and applicability of an overall development plan is contained in Section 6.2.3(C)).

6.5.2 OVERALL DEVELOPMENT PLAN REVIEW PROCEDURES

An overall development plan shall be processed according to, in compliance with and subject to the provisions contained in Division 6.2 and Steps 1 through 12 of the Common Development Review Procedures (Sections 6.3.1 through 6.3.12, inclusive) as follows:

(A) **Step 1** (Conceptual Review): Applicable.

(B) **Step 2** (Neighborhood Meeting): Applicable.

(C) **Step 3** (Development Application Submittal): All items or documents required for overall development plans as described in the development application submittal Comprehensive list shall be submitted. The Director may waive or modify the foregoing submittal requirements if, given the facts and circumstances of the specific application, a particular requirement would either be irrelevant, immaterial, redundant or otherwise unnecessary for the full and complete review of the application.

(D) **Step 4** (Review of Applications): Applicable.

(E) **Step 5** (Staff Report): Applicable.

(F) **Step 6** (Notice): Applicable.

(G) **Step 7(A)** (Decision Maker): All overall development plans will be processed as Type 2 reviews.

(H) **Step 7(B)–(G)** (Conduct of Public Hearing, Order of Proceedings at Public Hearing, Decision and Findings, Notification to Applicant, Record of Proceedings, Recording of Decisions and Plats): Applicable.

(I) **Step 8** (Standards): Applicable. An overall development plan shall comply with the following criteria:

(1) The overall development plan shall be (1) consistent with the permitted uses and zone district standards contained in Articles 2 and 4 for all zone districts contained within the boundaries of the overall development plan. The plan shall also be consistent with any development standards (Articles 3 and 5) that can be applied at the level of detail required for an overall development plan submittal. Only one (1) application for an overall development plan for any specific parcel or portion thereof may be pending for approval at any given time. Such application shall also be subject to the provisions for delay set out in Section 6.3.11.

(2) The overall development plan shall be consistent with the required density range of residential uses (including lot sizes and housing types) with regard to any land which is part of the overall development plan and which is included in the following districts of Article 2:

- The Rural Land District (RUL).
 - The Urban Estate District (UE).
 - The Residential Foothills District (RF).
 - The Low Density Mixed-Use Neighborhood District (LMN).
 - The Medium Density Mixed-Use Neighborhood District (MMN).
 - The High Density Mixed-Use Neighborhood District (HMN).
 - The Manufactured Housing District (MH).
 - The Community Commercial - North College District (CCN).
 - The Harmony Corridor District (HC).
 - The Employment District (E).
- (3) The overall development plan shall conform to the Master Street Plan requirements and the street pattern/connectivity standards both within and adjacent to the boundaries of the plan as required pursuant to Sections 5.4.5 and 5.4.7(A) through (F). The overall development plan shall identify appropriate transportation improvements to be constructed and shall demonstrate how the development, when fully constructed, will conform to the Transportation Level of Service Requirements as contained in Section 5.4.10 by submittal of a Comprehensive Level Transportation Impact Study.
- (4) The overall development plan shall provide for the location of transportation connections to adjoining properties in such manner as to ensure connectivity into and through the overall development plan site from neighboring properties for vehicular, pedestrian and bicycle movement, as required pursuant to Section 5.4.7(F) and Section 5.9.1(C)(6).
- (5) The overall development plan shall show the general location and approximate size of all natural areas, habitats and features within its boundaries and shall indicate the applicant's proposed rough estimate of the natural area buffer zones as required pursuant to Section 5.6.1(E).
- (6) The overall development plan shall be consistent with the appropriate Drainage Basin Master Plan.
- (7) Any standards relating to housing density and mix of uses will be applied over the entire overall development plan, not on each individual project development plan review.
- (J) **Step 9** (Conditions of Approval): Applicable.
- (K) **Step 10** (Amendments): Applicable.
- (L) **Step 11** (Lapse): Applicable.
- (M) **Step 12** (Appeals): Applicable.

DIVISION 6.6 PROJECT DEVELOPMENT PLAN

6.6.1 PURPOSE AND APPLICABILITY

The purpose and applicability of a project development plan is contained in Section 6.2.3(D).

6.6.2 PROJECT DEVELOPMENT PLAN REVIEW PROCEDURES

A project development plan shall be processed according to, in compliance with and subject to the provisions contained in Division 6.2 and Steps 1 through 12 of the Common Development Review Procedures (Sections 6.3.1 through 6.3.12, inclusive) as follows:

- (A) **Step 1** (Conceptual Review): Applicable, only if the project development plan is not subject to an overall development plan.
- (B) **Step 2** (Neighborhood Meeting): Applicable.
- (C) **Step 3** (Development Application Submittal): All items or documents required for project development plans as described in the development application submittal Comprehensive list shall be submitted. The Director may waive or modify the foregoing submittal requirements if, given the facts and circumstances of the specific application, a particular requirement would either be irrelevant, immaterial, redundant or otherwise unnecessary for the full and complete review of the application.
- (D) **Step 4** (Review of Applications): Applicable.
- (E) **Step 5** (Staff Report): Applicable.
- (F) **Step 6** (Notice): Applicable.
- (G) **Step 7(A)** (Decision Maker): Applicable as follows:
 - (1) **Administrative review** (Type 1 review) applies to a project development plan that satisfies all of the following conditions:
 - (a) it was submitted after the effective date of this Land Use Code and is subject to the provisions of this Land Use Code; and
 - (b) it contains only permitted uses subject to administrative review as listed in the zone district (set forth in Article 7, District Standards) in which it is located.
 - (2) **Planning and Zoning Commission review** (Type 2 review) applies to a project development plan that does not satisfy all of the conditions in (1), above.

Step 7(B)-(G) (Conduct of Public Hearing, Order of Proceedings at Public Hearing, Decision and Findings, Notification to Applicant, Record of Proceedings, Recording of Decisions and Plats): Applicable.
- (H) **Step 8** (Standards): Applicable. A project development plan shall comply with all development standards applicable to the development proposal (Articles 3 and 5) and the applicable zone district standards (Articles 2 and 4); and, when a project development plan is within the boundaries of an approved overall development plan or PUD Overlay, the project development plan shall be consistent with the overall development plan or PUD Comprehensive Plan associated with such PUD Overlay. Only one (1) application for a project development plan for any specific parcel or portion thereof may be pending for approval at any given time. Such application shall also be subject to the provisions for delay set out in Section 6.3.11.
- (E) **Step 9** (Conditions of Approval): Applicable.
- (F) **Step 10** (Amendments): Applicable.
- (G) **Step 11** (Lapse): Applicable.
- (H) **Step 12** (Appeals): Applicable.

DIVISION 6.7 FINAL PLAN

6.7.1 PURPOSE AND APPLICABILITY

The purpose and applicability of a final plan is contained in Section 6.2.3(E).

6.7.2 FINAL PLAN REVIEW PROCEDURES

A final plan may only be submitted after approval of a project development plan for the subject property or concurrently with a project development plan for the subject property. For consolidated applications for a project development plan and a final plan, the applicant shall follow both the project development plan and final development plan review procedures.

A final plan shall be processed according to, in compliance with and subject to the provisions contained in Division 6.2 and Steps 1 through 12 of the Common Development Review Procedures (Sections 6.3.1 through 6.3.12, inclusive) as follows:

- (A) **Step 1** (Conceptual Review): Not applicable.
- (B) **Step 2** (Neighborhood Meeting):
Not applicable
- (C) **Step 3** (Development Application Submittal): All items or documents required for final plans as described in the development application submittal Comprehensive list shall be submitted. The Director may waive or modify the foregoing submittal requirements if, given the facts and circumstances of the specific application, a particular requirement would either be irrelevant, immaterial, redundant or otherwise unnecessary for the full and complete review of the application.
- (D) **Step 4** (Review of Applications): Applicable.
- (E) **Step 5** (Staff Report): Not applicable.
- (F) **Step 6** (Notice): Not applicable.
- (G) **Step 7** (A)—(C) (Decision Maker, Conduct of Public Hearing, Order of Proceeding at Public Hearing): Not applicable, and in substitution therefor, the Director is hereby authorized to, and shall, review, consider and approve, approve with conditions or deny the development application for a final plan based on its consistency with a valid project development plan for the subject property and its compliance with all of the standards established in Step 8 of this Section. The Director may, but is not obligated to, confer or meet with the applicant or other city staff to obtain clarification or explanation, gain understanding, suggest revision, or otherwise discuss or learn about the development proposal and final plan, all for the purpose of ensuring a fully consistent and compliant final plan.

Step 7 (D) (Decision and Findings): Not applicable, except that Step 7(D)(3) shall apply.

Step 7 (E) (Notification to Applicant): Applicable.

Step 7 (F) (Record of Proceedings): Not applicable, except that Step 7(F)(2) shall apply.

Step 7 (G) (Recording of Decisions and Plats): Applicable.

- (H) **Step 8** (Standards): Applicable. A final plan shall comply with the development standards applicable to the development proposal (Articles 3 and 5) and the applicable zone district standards (Articles 2 and 4); and a final plan shall be consistent with the project development plan.
- (I) **Step 9** (Conditions of Approval): Applicable.
- (J) **Step 10** (Amendments): Applicable.
- (K) **Step 11** (Lapse): Applicable.
- (L) **Step 12** (Appeals): Not applicable. The Director's decision shall be final and no appeals of the Director's decision will be allowed; however, the Director may refer the decision to the Planning and Zoning Commission when the Director is in doubt as to the compliance and consistency of the final plan with the approved project development plan. If the Director refers the decision to the Planning and Zoning Commission, the decision of the Planning and Zoning Commission shall be final and shall not be appealable to the City Council, notwithstanding any provision of the City Code to the contrary.

DIVISION 6.8 MODIFICATION OF STANDARDS

6.8.1 PURPOSE AND APPLICABILITY

In conjunction with, or prior to, a development application the decision maker is empowered to grant modifications to the:

- zone district standards in Article 2, excluding Section 2.6.3 PUD Overlay;
- building standards in Article 3;
- use standards in Article 4, not including any use listed in the use table; and
- General Development and Site Design Standards of Article 5;

either for:

- overall development plans, project development plans, and/or applications subject to basic development review that are pending approval at the time that the request for proposed modification is filed;
- overall development plans and/or project development plans which the applicant intends to file, provided that such plans are in fact filed with the Director as development applications within one (1) year following the determination of the decision maker on the request for the proposed modification; or
- development plans approved under the Land Use Code or prior law and which are sought to be amended (either as a minor or major amendment) pursuant to Section 6.3.10.

6.8.2 MODIFICATION REVIEW PROCEDURES

A request for modification to the standards shall be processed according to, in compliance with and subject to the provisions contained in Division 6.3 and Steps 1 through 12 of the Common Development Review Procedures (Sections 6.3.1 through 6.3.12, inclusive) as set forth below. Once a modification is approved, it shall be controlling for the successive, timely filed, development applications for that particular development proposal only to the extent that it modifies the standards pertaining to such plan.

- (A) **Step 1** (Conceptual Review): Applicable.
- (B) **Step 2** (Neighborhood Meeting): Not applicable.
- (C) **Step 3** (Development Application Submittal): All items or documents required for a Modification of Standards as described in the development application submittal Comprehensive list shall be submitted. The Director may waive or modify the foregoing submittal requirements if, given the facts and circumstances of the specific application, a particular requirement would either be irrelevant, immaterial, redundant or otherwise unnecessary for the full and complete review of the application.
- (D) **Step 4** (Review of Applications): Applicable.
- (E) **Step 5** (Staff Report): Applicable.
- (F) **Step 6** (Notice): Section 6.3.6(A), (B) and (C) apply. Section 6.3.6(D) shall not apply.
- (G) **Step 7(A)** (Decision Maker): Applicable, and in explanation thereof and in addition thereto, if an application for a modification of standards pertains to a minor amendment or a development plan that is subject to administrative review or basic development review, the Director shall be the designated decision maker, except that, at the option of the applicant, the application may be considered by the Planning and Zoning Commission; and if an application for a modification of standards pertains to a development plan which is subject to Planning and Zoning Commission review, the Planning and Zoning Commission shall be the designated decision maker. If the application is for a modification of standards pertaining to a development plan previously approved under prior law or not yet filed, the Director shall determine whether such development plan would have been, or will be, subject to administrative review or Planning and Zoning Commission review and shall identify the decision maker accordingly. In all cases, the decision maker shall

review, consider and approve, approve with conditions or deny an application for a modification of standards based on its compliance with all of the standards contained in Step 8.

Step 7(B)–(G)(1) (Conduct of Public Hearing, Order of Proceedings at Public Hearing, Decision and Findings, Notification to Applicant, Record of Proceedings, Recording of Decisions and Plats, Filing with City Clerk): Applicable.

Step 7(G)(2) (Final Plats Recorded with County Clerk and Recorder): Not applicable.

- (H) **Step 8** (Standards): Applicable, and the decision maker may grant a modification of standards only if it finds that the granting of the modification would not be detrimental to the public good, and that:
- (1) the plan as submitted will promote the general purpose of the standard for which the modification is requested equally well or better than would a plan which complies with the standard for which a modification is requested; or
 - (2) the granting of a modification from the strict application of any standard would, without impairing the intent and purpose of this Land Use Code, substantially alleviate an existing, defined and described problem of city-wide concern or would result in a substantial benefit to the City by reason of the fact that the proposed project would substantially address an important community need specifically and expressly defined and described in the City's Comprehensive Plan or in an adopted policy, ordinance or resolution of the City Council, and the strict application of such a standard would render the project practically infeasible; or
 - (3) by reason of exceptional physical conditions or other extraordinary and exceptional situations, unique to such property, including, but not limited to, physical conditions such as exceptional narrowness, shallowness or topography, or physical conditions which hinder the owner's ability to install a solar energy system, the strict application of the standard sought to be modified would result in unusual and exceptional practical difficulties, or exceptional or undue hardship upon the owner of such property, provided that such difficulties or hardship are not caused by the act or omission of the applicant; or
 - (4) the plan as submitted will not diverge from the standards of the Land Use Code that are authorized by this Division to be modified except in a nominal, inconsequential way when considered from the perspective of the entire development plan, and will continue to advance the purposes of the Land Use Code as contained in Section 1.2.2.

Any finding made under subparagraph (1), (2), (3) or (4) above shall be supported by specific findings showing how the plan, as submitted, meets the requirements and criteria of said subparagraph (1), (2), (3) or (4).

- (I) **Step 9** (Conditions of Approval): Applicable.
- (J) **Step 10** (Amendments): Not Applicable.
- (K) **Step 11** (Lapse): All Modifications of Standards which apply to a pending development plan or a development plan which is timely filed in accordance with the provisions of Section 6.8.1 shall be valid in accordance with the lapse provisions contained in Section 6.3.11. All Modifications of Standards which apply to a development plan which has not been filed in accordance with the provisions of Section 6.8.1 shall be valid for a period of time not to exceed one (1) year following the determination of the decision maker on the request for the proposed modification.
- (L) **Step 12** (Appeal): Applicable.

DIVISION 6.9 ADDITION OF PERMITTED USES

6.9.1 ADDITION OF PERMITTED USES

- (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.
- (B) **Applicability.** This Section is applicable only under the following circumstances:
- (1) where the proposed use is not listed as a permitted use in any zone district, does not fall within any existing use classification and is proposed as being appropriate to be added to the permitted uses in the zone district. If approved under this Section, such use shall be considered for inclusion into the zone district pursuant to Division 6.25; or
 - (2) where the proposed use is listed as a permitted use in one (1) or more zone district(s) and is proposed based solely on unique circumstances and attributes of the site and development plan.
- (C) **Procedures and Required Findings.** The following procedures and required findings shall apply to addition of permitted use determinations made by the Director, Planning and Zoning Commission, and City Council respectively:
- (1) **Director Approval.** In conjunction with an application for approval of an overall development plan, a project development plan, or any amendment of the foregoing (the "primary application" for purposes of this Section only), for property not located in any zone district listed in subsection (G), the applicant may apply for the approval of an Addition of Permitted Use for uses described in subsection (B)(1) to be determined by the Director. If the applicant does not apply for such an addition of permitted use in conjunction with the primary application, the Director in their sole discretion may initiate the addition of permitted use process. The Director may add to the uses specified in a particular zone district any other use which conforms to all of the following criteria:
 - (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.
 - (g) Such use, if located within or adjacent to an existing residential neighborhood, shall be subject to two (2) neighborhood meetings, unless the Director determines, from information derived from the conceptual review process, that the development proposal would not have any significant neighborhood impacts. The first neighborhood meeting must take place prior to the submittal of an application. The second neighborhood meeting must take place after the submittal of an application and after the application has completed the first round of staff review.
 - (h) Such use is not a medical marijuana business as defined in Section 15-452 of the City Code or a retail marijuana establishment as defined in Section 15-603 of the City Code.
- (2) **Planning and Zoning Commission Approval.** In conjunction with a primary application for a project not located, in whole or in part, in any zone district listed in subsection (G), the applicant may apply for approval of an addition of permitted use for uses described in subsection (B)(2) to be determined by the Planning and Zoning Commission. The Planning and Zoning Commission may add a proposed use if the Commission specifically finds that such use: (1) conforms to all of the eight (8) criteria listed in subsection (C)(1); (2) would not be detrimental to the public good; (3) would be in compliance with Section 5.15.1 Building and Project Compatibility; and (4) is not specifically listed as a "prohibited use" in the zone district in which the proposed site is located. The addition of a permitted use by the Commission shall be specific to the proposed project and shall not be considered for a text amendment under subsection (D) below.
- (3) **City Council Approval.** In conjunction with a primary application for a project located, in whole or in part, in a zone district listed in subsection (G), any application for the approval of an addition of permitted use shall be determined by the City Council after a Planning and Zoning Commission recommendation on the addition of permitted use. The Planning and Zoning Commission shall remain the decision maker on the primary application.
- (a) The Planning and Zoning Commission may recommend to the City Council that a proposed use described in subsection (B)1. be added if the Commission specifically finds that such use conforms to all of the eight criteria listed in subsection (C)1. The Planning and Zoning Commission may recommend to the City Council that a proposed use described in subsection (B)2. be added if the Commission specifically finds that such use: (1) conforms to all of the eight (8) criteria listed in subsection (C)1.; (2) would not be detrimental to the public good; (3) would be in compliance with Section 5.15.1 Building and Project Compatibility; and (4) is not specifically listed as a "prohibited use" in the zone district in which the proposed site is located. The Planning and Zoning Commission shall consider only the requirements set forth in this subsection in making a recommendation on the addition of permitted use and shall follow the notice and hearing requirements that are established for zonings and rezonings of areas of no more than six hundred forty (640) acres in size as set forth in Section 6.25 of this Land Use Code.
 - (b) In considering the recommendation of the Planning and Zoning Commission and in determining whether a proposed use should be added, the City Clerk shall cause the hearing by the City Council to be placed on the agenda for a future City Council meeting; and the public hearing before the City Council shall be held after at least fifteen (15) day notice of the time, date and place of such hearing and the subject matter of the hearing and the nature of the proposed zoning change has been given by publication in a newspaper of general circulation within the City and City Council shall follow the applicable hearing procedures established by the City Council by resolution for such hearings. In determining the addition of permitted use, the City Council shall consider only the requirements set forth in subsection (c) below.
 - (c) In deciding the addition of permitted use application for uses described in subsection (B)(1), the City Council, after considering the Planning and Zoning Commission recommendation, may add a proposed

use if the Council specifically finds that such use conforms to all of the eight (8) criteria listed in subsection (C)(1). In deciding the addition of permitted use application for uses described in subsection (B)(2), the City Council, after considering the Planning and Zoning Commission recommendation, may add a proposed use if the Council specifically finds that such use: (1) conforms to all of the eight (8) criteria listed in subsection (C)(1); (2) would not be detrimental to the public good; (3) would be in compliance with Section 5.15.1 Building and Project Compatibility and (4) is not specifically listed as a "prohibited use" in the zone district in which the proposed site is located. The City Council's action on the addition of permitted use shall be by ordinance. The addition of a permitted use by City Council shall be specific to the proposed project and shall not be considered for a text amendment under subsection (D). The City Council's decision on the addition of permitted use shall not be appealable and, if applicable, shall be subject only to a vested rights and takings determination pursuant to Land Use Code Article 6, Division 6.19.

- (d) If the addition of permitted use is denied, any primary application that has been approved by the Planning and Zoning Commission contingent upon the City Council's approval of an additional permitted use under this Section shall be automatically terminated and made null if such condition is not met; and any pending appeal of such conditional approval shall also be automatically terminated if such condition is not met, whereupon the appellant shall be promptly refunded any appeal fee that was paid to the City.
- (D) **Codification of New Use** When any use described in subsection (B)1. has been added by the Director to the list of permitted uses in any zone district in accordance with subsection (C)1. above, such use shall be promptly considered for an amendment to the text of this Code under Division 6.25. If the text amendment is approved, such use shall be deemed to be permanently listed in the appropriate permitted use list of the appropriate zone district and shall be added to the published text of this Code, at the first convenient opportunity, by ordinance of City Council pursuant to Division 6.25. If the text amendment is not approved, such use shall not be deemed permanently listed in the zone district, except that such use shall continue to be deemed a permitted use in such zone district for only the development proposal for which it was originally approved under subsection (C)1. above.
- (E) **Conditions** When any use has been added to the list of permitted uses in any zone district in accordance with this Section, the Director or the Planning and Zoning Commission with respect to any zone district not listed in subsection (G), or the City Council with respect to any zone district listed in subsection (G), may impose such conditions and requirements, including, but not limited to, conditions related to the location, size and design on such use as are necessary or desirable to: (1) accomplish the purposes and intent of this Code, (2) ensure consistency with the City Plan and its adopted components and associated sub-area plans, or (3) prevent or minimize adverse effects and impacts upon the public and neighborhoods, and to ensure compatibility of uses.
- (F) **Changes to Approved Addition of Permitted Use.** Approvals under this Section are specific to the subject addition of permitted use application. Any changes to the use or to its location, size and design, in a manner that changes the predominant character of or increases the negative impact upon the surrounding area, will require the approval of a new addition of permitted use.
- (G) **Zones Subject to City Council Addition of Permitted Use Review.** The City Council shall make all final determinations regarding any addition of permitted use under subsection (C)(3) with respect to a project located, in whole or in part, in any of the following zone districts:
- Rural Lands District (RUL)

- Urban Estate District (UE)
- Residential Foothills District (RF)
- Low Density Residential District (RL)
- Low Density Mixed-Use Neighborhood District (LMN)
- Old Town Neighborhood (OT) A, B, and C
- Manufactured Housing District (MH).

DIVISION 6.10 ANNEXATION AND DISCONNECTION OF LAND

6.10.1 COMPLIANCE WITH STATE LAW

Annexation of lands to the City shall be in accordance with the laws of the state in effect from time to time.

6.10.2 PETITIONS FOR ANNEXATION AND ANNEXATION PLATS

In addition to all state statutory filing and procedural requirements, all petitions for annexation and annexation plats shall be submitted to the City Clerk, with a copy, and application fee, to the Director. The City Clerk shall schedule the petitions for a meeting of the City Council held at least fifteen (15) days after the date the City Clerk receives the petition and plat.

6.10.3 HEARING AND REPORT BY PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission shall hold a hearing on the matter of such annexation and shall make a report and recommendation to the City Council. Such report shall include a recommendation on the proper zoning for the lands if the City Council annexes such lands into the City.

6.10.4 ANNEXATION OF USES NOT LEGALLY PERMITTED

Except as provided below, any use that exists on a separately owned parcel outside the City and that is not legally permitted by the county must cease and be discontinued before the City Council adopts, on second reading, an annexation ordinance annexing any such property except as provided herein. In the event that a property containing a use that is not legal pursuant to county regulations is proposed to be annexed into the City and placed into a zone district wherein such use is a permitted use, said use must be reviewed and processed as set forth in Article 4 and (i.e., Type 1 review or Type 2 review) for the zone district in which the land is proposed to be located, and shall comply with all applicable Land Use Code standards. A development application for such review must be filed with the City within sixty (60) days following the effective date of annexation. Such use shall be temporarily permitted for a period not to exceed six (6) months following the date of second reading of the annexation ordinance. In the event that the development application is not approved within said six-month period, then the use shall be discontinued within thirty (30) days following the date of the decision of denial or expiration of said six-month period, whichever first occurs, except that the Director may grant one (1) extension of the foregoing six-month requirement, which extension may not exceed three (3) months in length. In the event that the development application is approved, then such use shall be brought into full compliance with this Land Use Code and the decision made thereunder by the decision maker within sixty (60) days following the date of final plan approval.

If a use which is not permitted by the county exists on any property that is included in an enclave annexation consisting of more than one (1) separately owned parcel, the above-described development process shall apply only if such property is placed in a zone district wherein such use is a permitted use. If a property which contains a use that is not permitted by the county is included in such multi-parcel enclave annexation, and such property is placed

in a zone district that does not allow the use within the City, such illegal use must be discontinued within: (A) two (2) years from the effective date of annexation; (B) if such illegal use is the subject of a county-initiated zoning or nuisance enforcement action, then within the time established by the court as a result of such enforcement action; or (C) if such illegal use is the subject of a zoning or nuisance complaint filed with the county and determined by the Director to be bona fide (but which has not become the subject of an enforcement action under (B) above or, if it has become the subject of an enforcement action, such action has been dismissed by the court for lack of county jurisdiction because the property has been annexed into the City), then ninety (90) days from the effective date of annexation, whichever comes first. With respect to the time limit established in (C) above, the Director may extend said time for an additional duration not to exceed one hundred eighty (180) days if necessary to prevent or mitigate undue hardship or manifest injustice.

6.10.5 EFFECTIVE DATE OF ANNEXATION

An annexation shall take effect upon the last to occur of the following events:

- (A) the tenth (10th) day following passage on second reading of the annexation ordinance (except for emergency ordinances); and
- (B) the filing for recording of three (3) certified copies of the annexation ordinance and map of the area annexed, containing a legal description of such area, with the Larimer County Clerk and Recorder.

6.10.6 APPLICATION FOR DISCONNECTION, ENACTMENT, AND FILING

When the owner of a tract of land within and adjacent to the boundary of the City desires to have said tract disconnected from the City, such owner may apply to the City Council for the enactment of an ordinance disconnecting such tract of land from the City. On receipt of such application, it is the duty of the City Council to give due consideration to such application, and, if the City Council is of the opinion that the best interests of the City will not be prejudiced by the disconnection of such tract, it shall enact an ordinance effecting such disconnection. If such an ordinance is enacted, it shall be immediately effective upon filing with the county Clerk and Recorder to accomplish the disconnection, and two (2) certified copies thereof shall also be filed with the county Clerk and Recorder. The county Clerk and Recorder shall file one (1) certified copy with the Division of Local Government in the Department of Local Affairs, as provided by Section 24-32-109, C.R.S., and the other copy shall be filed with the Department of Revenue, as provided by Section 31-12-113(2)(a.5), C.R.S.

DIVISION 6.11 SITE PLAN AND ADVISORY REVIEW

6.11.1 PURPOSE AND APPLICABILITY

The purpose and applicability of a Site Plan Advisory Review is contained in Section 6.2.3(F).

6.11.2 SITE PLAN ADVISORY REVIEW PROCEDURES

A Site Plan Advisory Review shall be processed according to, in compliance with and subject to the provisions contained in Division 6.2 and Steps 1 through 12 of the Common Development Review Procedures (Sections 6.3.1 through 6.3.12, inclusive) as follows:

- (A) **Step 1** (Conceptual Review): Applicable.
- (B) **Step 2** (Neighborhood Meeting): Applicable.
- (C) **Step 3** (Development Application Submittal): All items or documents required for Site Plan Advisory Review as described in the development application submittal Comprehensive list shall be submitted. The Director may waive or modify the foregoing submittal requirements if, given the facts and circumstances of the specific application, a particular requirement would either be irrelevant, immaterial, redundant or

otherwise unnecessary for the full and complete review of the application.

Prior to acquisition of land or contracting for the purchase of a facility, a public school or charter school shall advise the Planning and Zoning Commission in writing. The Planning and Zoning Commission shall have ten (10) days in which to request submittal of a site development plan.

Prior to constructing or authorizing any other public building or structure, a site development plan identifying the location, character and extent shall be submitted to the Planning and Zoning Commission.

(M) **Step 4** (Review of Application): Applicable.

(N) **Step 5** (Staff Report): Applicable.

(O) **Step 6** (Notice): Applicable.

(P) **Step 7(A)** (Decision Maker): Not applicable, and in substitution thereof, the Planning and Zoning Commission shall consider a Site Plan Advisory Review and approve or disapprove the application in a public hearing held within sixty (60) days after receipt of the application under Section 31-23-209, C.R.S. In the case of a public or charter school application under Section 22-32-124, C.R.S., the Planning and Zoning Commission shall provide review comments at a public hearing held within thirty (30) days (or such later time as may be agreed to in writing by the applicant) after receipt of the application.

Step 7(B)-(G) (Conduct of Public Hearing, Order of Proceedings at Public Hearing, Decision and Findings, Notification to Applicant, Record of Proceedings, Recording of Decisions and Plats): Applicable.

(Q) **Step 8** (Standards): Not applicable, and in substitution thereof, an application for a Site Plan Advisory Review shall comply with the following criteria:

- (1) The site location for the proposed use shall be consistent with the land use designation described by the City Structure Plan Map, which is an element of the City's Comprehensive Plan.
- (2) The site development plan shall conform to architectural, landscape and other design standards and guidelines adopted by the applicant's governing body. Absent adopted design standards and guidelines, the design character of the site development plan shall be consistent with the stated purpose of the respective land use designation as set forth in the City's Comprehensive Plan.
- (3) The site development plan shall identify the level of functional and visual impacts to public rights-of-way, facilities and abutting private land caused by the development, including, but not limited to, streets, sidewalks, utilities, lighting, screening and noise, and shall mitigate such impacts to the extent reasonably feasible.

(R) **Step 9** (Conditions of Approval): Not applicable.

(S) **Step 10** (Amendments): Not applicable.

(T) **Step 11** (Lapse): Not applicable.

(U) **Step 12** (Appeals): Not applicable, and in substitution thereof, a disapproved Site Plan Advisory Review made under Section 31-23-209, C.R.S., may be overruled by the governing board of the public entity by a vote of not less than two-thirds ($\frac{2}{3}$) of its entire membership. Further, with respect to a review made under Section 22-32-124, C.R.S., the Planning and Zoning Commission may request a hearing before the applicable board of education.

DIVISION 6.12 CITY PROJECTS

Development projects for which the City is the applicant shall be processed in the manner described in this Land Use Code, as applicable, but shall be subject to review by the Planning and Zoning Commission in all instances, except for permits to conduct an activity of state interest or develop in an area of state interest for which City Council is the decision maker, despite the fact that certain uses would otherwise have been subject to Administrative Review with the exception that minor amendments pursuant to Section 6.3.10(A) shall remain subject to administrative review.

DIVISION 6.13 BUILDING PERMITS

6.13.1 PURPOSE

A Building Permit Application is required in order to review, consider, approve, approve with modifications or deny a request for permission to erect, move, place, alter or demolish a building or structure based on the standards referenced in step 8 of this section.

6.13.2 APPLICABILITY

Application for a building permit may be made at any time. a building permit may be issued only after a site specific development plan has been approved for the property upon which the proposed principal building or structure is to be erected. the building permit is the only authorization under which a building or structure may be constructed, moved, placed, altered or demolished, with some exceptions, such as fences and certain types of storage sheds.

6.13.3 BUILDING PERMIT REVIEW PROCEDURES

An application for a Building Permit shall be processed according to, in compliance with, and subject to the provisions contained in Division 6.2 and Steps 1 through 12 of the Common Development Review Procedures (Section 6.3.1 through 6.3.12, inclusive), as follows:

- (A) **Step 1**(Conceptual Review): Not applicable.
- (B) **Step 2**(Neighborhood Meeting): Not applicable.
- (C) **Step 3(A)** (Development Application Forms): Applicable.
Step 3(B) (Consolidated Development Applications and Review): Not applicable.
Step 3(C) (Development Application Contents): Not Applicable, and in substitution therefor, an application for a Building Permit shall be submitted to the Director for review and determination. An application for a Building Permit shall include all items, materials and documents that are required by the adopted International Building Code.
Step 3(D) (Development Review Fees): Applicable.
- (D) **Step 4**(Review of Applications): Not applicable.
- (E) **Step 5**(Staff Report): Not applicable.
- (F) **Step 6** (Notice): Not applicable.
- (G) **Step 7**(Public Hearing): Not applicable, and in substitution therefor, an application for a Building Permit shall be processed, reviewed, considered and approved, approved with modifications, or denied by the Director based on its compliance with the site specific development plan, the City Code and all regulations related to such permit adopted by the city by reference or otherwise, as amended.
- (H) **Step 8** (Standards): Not applicable, and in substitution therefor, an application for a Building Permit shall be reviewed for compliance with the site specific development plan, the City Code and all regulations related to such permit adopted by the City by reference or otherwise, as amended; and if the Building Permit is for the enlargement of a building and/or for the expansion of facilities, equipment or structures regulated under the provisions of Division 6.17, such application shall also comply with Division 6.17.
- (I) **Step 9** (Conditions of Approval): Applicable.

- (J) **Step 10** (Amendments): Not applicable, and in substitution therefor, amendments to Building Permits may be authorized by the Director only as allowed under the building regulations adopted by the City by reference or otherwise, as amended, provided that the amended Building Permit remains in compliance with the applicable standards.
- (K) **Step 11** (Lapse): Not applicable, and in substitution therefor, a Building Permit shall expire six (6) months after the date that such Building Permit was issued unless properly acted upon in accordance with the provisions of the Uniform Building Code, as amended. One (1) six-month extension may be granted by the Director.
- (L) **Step 12** (Appeals): Not applicable, and in substitution therefor, appeals of any final decision of the Director on a Building Permit application shall be in accordance with Division 6.18; provided, however, that such appeals may be filed only by persons who possess a legal or equitable interest in the specific real property which is the subject of the decision, or who own or reside on real property any part of which is located within five hundred (500) feet of the specific real property which is the subject of the decision. Notwithstanding the foregoing, appeals pertaining to the application and enforcement of the International Building Code (as adopted and amended by the City) shall be processed in accordance with Section 5-27 of the City Code.

DIVISION 6.14 VARIANCES

6.14.1 PURPOSE AND APPLICABILITY

The purpose of this Division is to authorize, in specific cases, existing or approved development project may receive variances from:

- zone district standards in Article 2, excluding Section 2.6.3 PUD Overlay;
- building standards in Article 3;
- use standards in Article 4, not including any use listed in the use table; and
- General Development and Site Design Standards of Article 5.

Variances shall not authorize a change in use other than to a use that is allowed subject to basic development review. Also, the variance shall not be used for Basic Development Review, overall development plans, project development plans or final plans which are pending approval at the time that the request for the variance is filed. The process to be used for such pending development applications is the procedure established in Division 6.8 (Modification of Standards).

6.14.2 VARIANCES BY THE DIRECTOR

- (A) The Director shall be authorized to grant the following types of variances, subject to the variance review procedure in Section 6.14.4 below:
- (1) Setback encroachment of up to ten (10) percent.
 - (2) Fence height increase of up to one (1) foot.
 - (3) In the OT zone district, the allowable floor area in the rear half of the lot increase of up to ten (10) percent, provided the amount of increase does not exceed the allowable floor area for the entire lot.
 - (4) Building height increase of up to one (1) foot.
- (B) The Director may refer any variance described in (A) above to the Land Use Review Commission for review and decision if the Director determines that the application under consideration raises questions as to compliance with the requirements for compatibility with the surrounding neighborhood that are appropriately addressed through a public hearing before the Land Use Review Commission that will allow the applicant or the public, or both, an opportunity to provide relevant information related to the application.

6.14.3 VARIANCES BY THE LAND USE REVIEW COMMISSION

The Land Use Review Commission shall be authorized to grant all variances not subject to the Director's review in Section 2.16.2(A) and those referred by the Director. The Land Use Review Commission shall follow the variance review procedure in Section 6.14.4 below.

6.14.4 VARIANCE REVIEW PROCEDURES

A variance shall be processed according to, in compliance with and subject to the provisions contained in Division 6.2 and Steps 1 through 12 of the Common Development Review Procedures (Sections 6.3.1 through 6.3.12, inclusive) as follows:

- (A) **Step 1** (Conceptual Review): Not applicable.
- (B) **Step 2** (Neighborhood Meeting): Not applicable.
- (C) **Step 3** (Development Application Submittal): All items or documents required for variances as described in the development application submittal Comprehensive list shall be submitted. The Director may waive or modify the foregoing submittal requirements if, given the facts and circumstances of the specific application, a particular requirement would either be irrelevant, immaterial, redundant or otherwise unnecessary for the full and complete review of the application.
- (D) **Step 4** (Review of Applications): Applicable.
- (E) **Step 5** (Staff Report): Not applicable.
- (F) **Step 6** (Notice): For variances reviewed by the Director or the Land Use Review Commission subsection 6.3.6(A) only applies, except that a variance reviewed by the Director shall require mailed written notice fourteen (14) days prior to the decision instead of the hearing/meeting date and for variances reviewed by the Director or the Land Use Review Commission, "eight hundred (800) feet" shall be changed to "one hundred fifty (150) feet," and for single-unit houses in the OT-A and OT-B zone districts, eight hundred (800) feet shall be changed to five hundred (500) feet for variance requests for:
 - (1) Construction that results in a two-story house where a one-story house previously existed and where there is at least one (1) lot abutting the side of the subject lot and the house on such abutting lot is one (1) story; or
 - (2) Construction of a new house that is greater than two thousand five hundred (2,500) square feet; or
 - (3) Construction of an addition that results in a total square footage of more than three thousand (3,000) square feet.
- (G) **Step 7(A)** (Decision Maker): Not applicable, and in substitution for Section 6.3.7(A), the Director or Land Use Review Commission, pursuant to Chapter 2 of the City Code, shall review, consider and approve, approve with conditions, or deny applications for variance based on its compliance with all of the standards contained in Step 8.

Step 7(B)–(G)(1) Land Use Review Commission Review Only (Conduct of Public Hearing, Order of Proceedings at Public Hearing, Decision and Findings, Notification to Applicant, Record of Proceedings, Recording of Decisions and Plats, Filing with City Clerk): Applicable.

Step 7(B)–(C) and (E)–(G)(1) Director Review Only (Conduct of Public Hearing, Order of Proceedings as Public Hearing): Not applicable.

Step 7(D) Director Review Only (Decision and Findings): Applicable and in substitution thereof, the Director shall issue a written decision to approve, approve with conditions, or deny the variance request. The written decision shall be mailed to the applicant and to the property owners to whom notice was originally mailed and shall also be posted on the City's website at www.fcgov.com.

- (H) **Step 8 (Standards):** Applicable, and the Director or Land Use Review Commission may grant a variance from the standards of Articles 2 – 5 and only if it finds that the granting of the variance would neither be detrimental to the public good nor authorize any change in use other than to a use that is allowed subject to basic development review; and that:
- (1) by reason of exceptional physical conditions or other extraordinary and exceptional situations unique to such property, including, but not limited to, physical conditions such as exceptional narrowness, shallowness or topography, or physical conditions which hinder the owner's ability to install a solar energy system, the strict application of the standard sought to be varied would result in unusual and exceptional practical difficulties, or exceptional or undue hardship upon the occupant of such property, or upon the applicant, provided that such difficulties or hardship are not caused by the act or omission of the occupant or applicant;
 - (2) the proposal as submitted will promote the general purpose of the standard for which the variance is requested equally well or better than would a proposal which complies with the standard for which the variance is requested; or
 - (3) the proposal as submitted will not diverge from the standards of the Land Use Code that are authorized by this Division to be varied except in a nominal, inconsequential way when considered in the context of the neighborhood, and will continue to advance the purposes of the Land Use Code as contained in Section 1.2.2.
 - (4) Any finding made under subparagraph (1), (2) or (3) above shall be supported by specific findings showing how the proposal, as submitted, meets the requirements and criteria of said subparagraph (1), (2) or (3).
- (I) **Step 9 (Conditions of Approval):** Applicable.
- (J) **Step 10 (Amendments):** Not Applicable.
- (K) **Step 11 (Lapse):** Any variance that applies to the issuance of a Building Permit shall expire six (6) months after the date that such variance was granted, unless all necessary permits have been applied for; provided, however, that for good cause shown, the Director may authorize a longer term if such longer term is reasonable and necessary under the facts and circumstances of the case, but in no event shall the period of time for applying for all necessary permits under a variance exceed twelve (12) months in length. One (1) six-month extension may be granted by the Director.
- (L) **Step 12 (Appeals):**
- (1) Applicable and in substitution thereof, variances decided by the Director are appealable to the Land Use Review Commission. Any such appeal must be initiated by filing a notice of appeal of the final decision of the Director within fourteen (14) days after the decision that is the subject of the appeal. The appeal

hearing before the Land Use Review Commission shall be considered a new, or de novo, hearing. The decision of the Land Use Review Commission on such appeals shall constitute a final decision appealable to City Council pursuant to Section 6.3.12 (Step 12).

- (2) Applicable to variances reviewed by the Land Use Review Commission.

DIVISION 6.15 REASONABLE ACCOMODATION PROCESS

- (A) **Intent.** It is the policy of Fort Collins to provide reasonable accommodation for exemptions in the application of its zoning laws to rules, policies, and practices for the siting, development, and use of housing, as well as other related residential services and facilities, to persons with disabilities seeking fair access to housing. The purpose of this section is to provide a process for making a request for reasonable accommodation to individual persons with disabilities.
- (B) **Application.** Any person who requires reasonable accommodation, because of a disability, in the application of a zoning law that may be acting as a barrier to equal opportunity to housing opportunities, or any person or persons acting on behalf of or for the benefit of such a person, may request such accommodation. For purposes of this section, "disabled," "disability," and other related terms shall be defined as in the federal Americans with Disabilities Act of 1990 ("ADA"), the Fair Housing Act ("FHA"), or their successor laws. Additional for the purpose of this section such laws are referred collectively as the "the Acts". Requests for reasonable accommodation shall be made in the manner prescribed by Division 6.15(C).
- (C) **Required Information.**
- (1) **The applicant shall provide the following information:**
- (a) Applicant's name, address, and telephone number;
 - (b) Address of the property for which the request is being made;
 - (c) The current actual use of the property;
 - (d) Confirmation that the subject individual or individuals are disabled under the Acts. Any information related to the subject individual or individuals' disability shall be kept confidential;
 - (e) The specific zoning code provision, regulation, or policy from which accommodation is being requested; and
 - (f) Why the reasonable accommodation is necessary for the subject individual or individuals with disabilities to have equal opportunity to use and enjoy the specific property.
- (2) **Review With Other Land Use Applications.**
If the project for which the request for reasonable accommodation is being made also requires some other development review, then the applicant shall file the information required by Division 6.15(C) together for concurrent review with any other application for development review approval. The application for reasonable accommodation will be decided prior to any concurrent development review application that is affected by the request for reasonable accommodation, including but not limited to applications reviewed by the City Council, Planning and Zoning Commission and Land Use Review Commission.
- (3) **Timing of Application.** An application for reasonable accommodation may be filed at any time prior to a final decision on a development application, including any applicable time for appeal.
- (4) **Effect of Application on Appeals.** Notwithstanding any limitation found in Section 2-49 or Section 2-52 of the City Code, filing an application for reasonable accommodation will toll the time for filing an appeal

regarding a development application, or hearing an appeal that has been filed, until a decision on the application for reasonable accommodation is rendered.

(D) Review Procedure.

- (1) **Director.** Requests for reasonable accommodation shall be reviewed by the Director, or their designee.
- (2) **Interactive Meeting.** Upon either the request of the Director or the applicant, the Director or their designee shall hold an interactive meeting with the applicant to discuss the reasonable accommodation request in order to obtain additional information or to discuss what may constitute a reasonable accommodation for a particular application.
- (3) **Director Review.** The Director, or their designee, shall make a written determination within forty-five (45) days of receiving an application, or having an interactive meeting, whichever date comes later, and either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with Division 6.15(E). Information related to the subject individual or individuals' disability shall be kept confidential and shall not be included in a public file.

(E) Findings and Decision.

- (1) **Findings.** The written decision to grant, grant with conditions or deny a request for reasonable accommodation shall be based on consideration of the following factors:
 - (a) Whether the property, which is the subject of the request, will be used by an individual disabled under the Acts;
 - (b) Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
 - (c) Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the City;
 - (d) Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a Land Use Code provision; and
 - (e) Any other applicable requirements of the FHA and ADA.
- (2) **Conditions of Approval.** In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by Division 6.15(E)(1).
- (3) **Effect of Approval.** An approval, with or without conditions, of an application for reasonable accommodation will be treated as compliance with the Code section being accommodated but will not affect any concurrent review not related to the reasonable accommodation, except that the decision maker shall amend or modify any concurrent decision to incorporate the approved reasonable accommodation.

- (F) **Appeal of Determination.** The applicant may appeal a determination granting or denying a request for reasonable accommodation to the City Manager in accordance with Chapter 2, Article VI of the Code of the City of Fort Collins. No other review of a reasonable accommodation determination shall be allowed except as expressly provided within this Section.

DIVISION 6.16 NONCONFORMING USES AND STRUCTURES

6.16.1 CONTINUATION OF USE

A nonconforming use may be continued and a nonconforming building or structure may continue to be occupied or used, except as otherwise provided in this Division as long as such use complies with the following limitations:

- (A) The hours of operation of a nonconforming use may not be extended into the hours between 10:00 p.m. and 7:00 a.m.
- (B) The nonconforming use shall not be converted from a seasonal to a multi-seasonal operation.
- (C) Light intensity and hours of illumination shall not be changed except in compliance with the site lighting standards contained in Article 5 of this Code.
- (D) Any proposals for the addition of trash receptacles and/or the relocation of existing trash receptacles shall comply with the location and design standards in Section 5.11.
- (E) Outdoor storage areas shall not be expanded, nor shall they be relocated closer to any adjoining residential use.

6.16.2 CHANGE OF USE

A nonconforming use may only be changed to a conforming use.

6.16.3 ABANDONMENT OF USE

If active operations are not carried on in a nonconforming use during a period of twenty-four (24) consecutive months, the building, other structure or tract of land where such nonconforming use previously existed shall thereafter be occupied and used only for a conforming use. Intent to resume active operations shall not affect the foregoing. A nonconforming home occupation business activity shall be considered to be abandoned if the occupants of the dwelling who were conducting such nonconforming home occupation business discontinue either their occupancy of the dwelling or the nonconforming home occupation.

6.16.4 RECONSTRUCTION

A nonconforming building or structure or a building or structure containing a nonconforming use which has been taken by governmental acquisition or damaged by fire or other accidental cause or natural catastrophe, may be reconstructed, provided such work is started within six (6) months of the date of occurrence of such damage and completed within one (1) year of the time the reconstruction is commenced, and provided that, to the extent reasonably feasible, such restoration complies with the zone district all applicable Land Use Code standards.

6.16.5 ENLARGEMENT OF BUILDING AND EXPANSION OF FACILITIES, EQUIPMENT, OR STRUCTURES

- (A) A proposal for the enlargement or expansion of a building containing a nonconforming use, a proposal for an expansion of existing facilities and equipment which are located on the lot and associated with the nonconforming use (such as expanding the number of fuel pumps at a gas station), and a proposal for adding facilities or structures to the lot which are associated with the nonconforming use, (such as a new canopy over a fuel pump island), shall require the approval of the Planning and Zoning Commission. In considering such proposals, the Planning and Zoning Commission shall make a finding as to whether or not the enlargement, expansion or addition would adversely affect the surrounding properties. In making such determination, the Commission and the applicant shall be governed by the following limitations:
 - (1) The nonconforming use shall not be changed (except to a conforming use) as a result of enlargement, expansion or construction.

- (2) The enlargement, expansion or construction shall not result in the conversion of the nonconforming use of a seasonal to a year-round operation.
 - (3) The nonconforming use shall not be expanded beyond the limits of the parcel of property upon which such use existed at the time it became nonconforming.
 - (4) Additional traffic generated by an enlargement, expansion or construction must be incorporated into the neighborhood and community transportation network without creating safety problems or causing or increasing level of service standard deficiencies.
 - (5) The noise and vibration levels that may be generated by the nonconforming use shall not be increased beyond the levels that existed prior to the enlargement, expansion or construction that is under consideration.
 - (6) The outdoor storage areas shall not be expanded or located any closer to an adjoining residential development as a result of the enlargement, expansion or construction.
 - (7) The proposed enlargement, expansion or construction shall not add more than twenty-five (25) percent of new floor area to existing buildings on the site.
 - (8) The enlargement, expansion or construction shall not exceed the building height requirements of the zone district in which the property is located.
 - (9) The enlargement, expansion or construction shall not further encroach upon any nonconforming setback.
 - (10) The enlargement, expansion or construction shall not increase or amplify any inconsistency with the parking standards contained within this Code.
 - (11) The enlargement, expansion or construction shall not hinder the future development of surrounding properties in accordance with this Code.
 - (12) The enlargement, expansion or construction shall not present a threat to the health, safety or welfare of the City or its residents.
- (B) Where a building, facility, equipment or structure is enlarged, expanded or added pursuant to subsection 6.16.5(A), the parcel of ground upon which the building, facility, equipment or structure is located shall be brought into compliance with the applicable building and development standards contained in Articles 3 and 5 and the applicable zone district standards contained in Articles 2 and use standards in Article 4 of this Code. Any new structure that is added to said parcel of ground shall also comply with the applicable development standards and zone district standards referenced above.
- (C) The hours of operation of a nonconforming use may not be extended into the hours between 10:00 p.m. and 7:00 a.m.

6.16.6 ALTERATION OR REPAIR OF BUILDING

A nonconforming building may be structurally altered or repaired in any way permitted by this Code. Any building or other structure containing a nonconforming use or any nonconforming building or portion declared unsafe by the Building Official may be strengthened or restored to a safe condition.

6.16.7 ACCESSORY DWELLING UNIT EXEMPTION

The addition of an accessory dwelling unit to a parcel containing an existing nonconforming habitable dwelling use or structure shall not be considered an expansion of the nonconforming use or structure.

DIVISION 6.17 EXISTING LIMITED PERMITTED USES

6.17.1 PURPOSE AND APPLICABILITY

The provisions contained in this Division shall apply to any use which was lawful under prior law on the day before the effective date of this Code or subsequent amendment thereof.

Such uses are permitted in the various zone districts established in Articles 2 and 4 under the limitation that such uses shall constitute permitted uses only on such parcels of property. Accordingly, hereafter, such uses shall be referred to as "existing limited permitted uses."

6.17.2 CONTINUATION OF USE

An existing limited permitted use may be continued except as otherwise provided in this Division as long as such use complies with the following limitations:

- (A) The hours of operation of a nonconforming use may not be extended into the hours between 10:00 p.m. and 7:00 a.m.
- (B) The nonconforming use shall not be converted from a seasonal to a multi-seasonal operation.
- (C) Light intensity and hours of illumination shall not be changed except in compliance with the site lighting standards contained in Section 5.12.
- (D) Any proposals for the addition of trash receptacles and/or the relocation of existing trash receptacles shall comply with the location and design standards Section 5.11.
- (E) Outdoor storage areas shall not be expanded, nor shall they be relocated closer to any adjoining residential use.

6.17.3 CHANGE OF USE

An existing limited permitted use may only be changed to a permitted use and when so changed, the prior existing limited permitted use shall be deemed to have been abandoned, and such use may not thereafter be reinstated.

6.17.4 RECONSTRUCTION

A building or structure containing an existing limited permitted use which has been taken by governmental acquisition or damaged by fire or other accidental cause or natural catastrophe may be reconstructed, provided that, to the extent reasonably feasible, such reconstruction complies with all applicable Land Use Code standards.

6.17.5 ENLARGEMENT OF BUILDING AND EXPANSION OF FACILITIES, EQUIPMENT, OR STRUCTURES

Any proposal for the enlargement or expansion of a building containing an existing limited permitted use, any proposal for an expansion of existing facilities and equipment which are located on the lot and associated with the limited existing permitted use (such as expanding the number of fuel pumps at a gas station), and any proposal for adding facilities or structures to the lot which are associated with the existing limited permitted use (such as a new canopy over a fuel pump island) shall be subject to basic development review in accordance with Division 6.4. In considering such proposals, the decision maker shall make a finding as to whether or not the enlargement, expansion

or addition would adversely affect the surrounding properties. In making such determination, the decision maker and the applicant shall be governed by the following limitations:

- (A) Additional traffic generated by an enlargement, expansion or construction must be incorporated into the neighborhood and community transportation network without creating safety problems, or causing or increasing level of service standard deficiencies.
- (B) The noise and vibration levels that may be generated by the use shall not be increased beyond the levels that existed prior to the enlargement, expansion or construction that is under consideration.
- (C) The outdoor storage areas shall not be expanded or located any closer to an adjoining residential development as a result of the enlargement, expansion or construction.
- (D) The enlargement, expansion or construction shall not further encroach upon any nonconforming setback.
- (E) The enlargement, expansion or construction shall not increase or amplify any inconsistency with the parking standards contained within this Code.
- (F) The enlargement, expansion or construction shall not hinder the future development of surrounding properties in accordance with this Code.
- (G) The enlargement, expansion or construction shall not present a threat to the health, safety or welfare of the City or its residents.
- (H) Where a proposed building addition exceeds five thousand (5,000) square feet or twenty-five (25) percent of the gross floor area of such building as it existed on March 27, 1997, whichever results in the least amount of square footage, the building and the parcel of ground upon which the building is located shall be brought into compliance with the applicable development standards contained in Articles 3 and 5 and the applicable zone district standards contained in Articles 2 and use standards in Article 4 of this Code, to the extent reasonably feasible. Any new structure that is added to said parcel of ground shall also comply with the applicable development standards and zone district standards referenced above.

6.17.6 ALTERATION OR REPAIR OF BUILDING

A building containing an existing limited permitted use may be structurally altered or repaired in any way permitted by this Code. Any building or other structure containing an existing limited permitted use or any such building or portion declared unsafe by the Building Official may be strengthened or restored to a safe condition.

6.17.7 ABANDONMENT OF USE

If active operations are not carried on in an existing limited permitted use during a period of twenty-four (24) consecutive months, the building, other structure or tract of land where such existing limited permitted use previously existed shall thereafter be occupied and used only for a permitted use. Intent to resume active operations shall not affect the foregoing.

6.17.8 ACCESSORY DWELLING UNIT EXEMPTION

The addition of an accessory dwelling unit to a parcel containing an existing limited permitted habitable dwelling use or structure shall not be considered an expansion of the existing limited permitted use or structure.

DIVISION 6.18 APPEAL FROM ADMINISTRATIVE DECISIONS TO THE LAND USE REVIEW COMMISSION

6.18.1 PURPOSE AND APPLICABILITY

- (A) **Purpose.** The purpose of this Division is to provide for appeals of certain administrative/city staff decisions to the Land Use Review Commission. Appeals to the Planning and Zoning Commission of Minor Amendment and Change of Use and Basic Development Review decisions made by the Director are addressed in Section 6.3.12(C).
- (B) **Applicability.** This Division shall apply to appeals from an administrative decision regarding the interpretation and/or application of the land use regulations which preceded this Land Use Code, and to appeals from the following administrative decisions made under this Land Use Code, provided such administrative decision is not for approval, approval with conditions, or denial either of a project development plan or a final plan pursuant to Divisions 6.6 or 6.7 or of an administrative amendment/ abandonment of any such plan or of any plan approved under prior law, processed pursuant to Section 6.3.10 (Step 10):
- (1) Addition of a Permitted Use by Director (but not by Planning and Zoning Commission) under Division 6.9;
 - (2) Issuance of a written administrative interpretation under Division 6.24;
 - (3) Establishment of the Development Application Submittal Requirements under Section 6.3.3(C);
 - (4) Waiver of Development Application Submittal Requirements under Section 6.3.3(C);
 - (5) Waiver of a neighborhood meeting by the Director under Section 6.3.2;
 - (6) Establishment of Development Review Fees by the City Manager under Section 6.3.3(D), adopted administratively and not by Council resolution;
 - (7) The issuance of a Stockpiling Permit under Section 6.21.3.
 - (8) The issuance of a Development Construction Permit under Section 6.21.3.
 - (9) The issuance of a Building Permit under Section 6.13.3.
 - (10) Decisions of the City Engineer made under the provisions of Section 5.4.2 of this Land Use Code. Appeals from administrative decisions on a project development plan or a final plan shall be governed by Divisions 6.6 or 6.7, respectively. Appeals from an administrative decision on an amendment/ abandonment of an approved development plan or site specific development plan shall be governed by Section 6.3.10 (Step 10). Any action taken in reliance upon an appealed administrative decision during the pendency of the appeal shall be totally at the risk of the person(s) taking such action and the City shall not be liable for any damages arising from any such action.
 - (11) The issuance, denial, modification or revocation of an Off-Site Construction Staging License under Section 6.21.4.

6.18.2 ADMINISTRATIVE APPEAL REVIEW PROCEDURES

An appeal from an administrative decision shall be processed according to, in compliance with and subject to the provisions contained in Division 6.2 and Steps 1 through 12 of the Common Development Review Procedures (Sections 6.3.1 through 6.3.12, inclusive) as follows:

- (A) **Step 1** (Conceptual Review): Not applicable.
- (B) **Step 2** (Neighborhood Meeting): Not applicable.
- (C) **Step 3** (Development Application Submittal): All items or documents required for an appeal from an administrative decision as described in the development application submittal Comprehensive list shall be submitted. The Director may waive or modify the foregoing submittal requirements if, given the facts and

circumstances of the specific application, a particular requirement would either be irrelevant, immaterial, redundant, or otherwise unnecessary for the full and complete review of the application.

- (D) **Step 4**(Review of Applications): Applicable.
- (E) **Step 5**(Staff Report): Applicable.
- (F) **Step 6**(Notice): Only Section 6.3.6(A) applies, except that "14 days" shall be changed to "7 days," everywhere it occurs in Section 6.3.6. Section 6.3.6(B)-(D) shall not apply.
- (G) **Step 7(A)**(Decision Maker): Not applicable, and in substitution for Section 6.3.7(A), the Land Use Review Commission, pursuant to Chapter 2 of the City Code, shall review, consider, and uphold, modify or overturn the administrative decision which is the subject of the appeal based on its compliance with all of the standards contained in Step 8 of this Section.
Step 7(B)-(G)(Conduct of Public Hearing, Order of Proceedings at Public Hearing, Decision and Findings, Notification to Applicant, Record of Proceedings, Recording of Decisions and Plats): Applicable.
- (H) **Step 8**(Standards): Applicable, and an appeal from an administrative decision shall be determined based upon the same standards which applied to the underlying administrative decision. Any appeal that is taken pursuant to this Division must be taken not later than fourteen (14) days from the date that the administrative decision was made; and, except for administrative decisions which are not focused upon a specific parcel of real property (are general in nature), may be filed only by persons who possess a legal or equitable interest in the specific real property which is the subject of the decision, or who own or reside within real property any part of which is located within eight hundred (800) feet of the specific real property which is the subject of the decision.
- (I) **Step 9**(Conditions of Approval): Applicable.
- (J) **Step 10**(Amendments): Not applicable.
- (K) **Step 11**(Lapse): Not applicable.
- (L) **Step 12**(Appeals): Applicable.

DIVISION 6.19 VESTED RIGHTS AND TAKINGS DETERMINATIONS

6.19.1 PURPOSE

The purpose of this Division is to provide a procedure for relief, where appropriate, to persons who claim that the application of this code has interfered with their vested rights to develop, or who claim that their property has been taken by reason of the application of this code.

The provisions and procedures of this Division shall be followed to conclusion prior to seeking relief from the courts based upon any claim of vested rights, or any alleged denial of economically beneficial use of land, any alleged lack of reasonable nexus of a condition imposed by the City to potential impacts of development, any lack of rough proportionality of a condition imposed by the City to potential impacts of development, any deprivation of due process which causes a taking, or any other taking of real property.

6.19.2 ADMINISTRATIVE PROCESS/HEARING OFFICER

- (A) There is hereby established the following Vested Rights Determination and Takings Determination Procedures for the purpose of identifying certain parcels of real property in the City that should be made exempt, or partially exempt, from the application of any portion of this Code.

- (B) An owner or developer of real property in the City who claims such an exemption on the basis of development rights that have vested under the criteria contained in Section 6.19.10 may seek a Vested Rights Determination in accordance with the procedures described in this Division. Furthermore, an owner or developer of real property in the City who claims that such property has been taken without just compensation or who claims a deprivation of due process may seek a Takings Determination in accordance with the procedures described in this Division. With regard to a Takings Determination, the owner or developer may assert any legally recognized takings claim, including, but not limited to, a claim that they have been deprived of "all economically beneficial use" of their property, that a condition imposed by the City does not have a "reasonable nexus" to the potential impacts of their development, that such a condition is not "roughly proportional" to the potential impacts of their development, or that actions taken by the City under this Code have resulted in a deprivation of due process.
- (C) Such persons will be provided an opportunity for a public hearing, the right to present and rebut evidence, a formal record and an impartial Hearing Officer in accordance with the following procedures. Such Hearing Officer shall be selected and appointed by the City Manager and shall be an attorney licensed to practice law in the State of Colorado, with experience in land use matters. Subject to the procedures hereinafter provided, the Hearing Officer shall issue formal findings of fact, conclusions of law and a Vested Rights Determination and/or Takings Determination, depending on the nature of the claim asserted by the applicant. The claims shall be reviewed according to the following procedure:

6.19.3 APPLICATION

An Application for vested rights determination or takings determination shall be submitted to the Director in the form established by the director. An application fee in the amount of two thousand five hundred dollars (\$2,500.00) per application (i.e., \$2,500.00 for vested rights, \$2,500.00 for takings, whichever is applied for) shall accompany and be part of the application. the application shall, at a minimum, include:

- (A) the name, address and telephone number of the property owner and authorized applicant if other than the owner;
- (B) the street address, legal description and acreage of the property; and
- (C) for Vested Rights Determinations, all factual information and knowledge reasonably available to the owner and applicant to address the criteria established in Section 6.19.10.
- (D) for Takings Determination, all factual information and knowledge reasonably available to the owner and applicant to address the criteria established in Section 6.19.11, including, without limitation, the following:
- (1) documentation of the date of purchase and the purchase price of such property, and any and all offers to purchase such property made by any person within the last three (3) years;
 - (2) a description of the physical features present on such property, the present use of such property, the use of such property at the time it was purchased, the use of such property on the day prior to the time of the adoption of this Code, the uses permitted on such property at the time of application pursuant to this Section, and a detailed description of the regulations which are alleged to result in an elimination of economically beneficial use of the land;
 - (a) evidence of any investments made by the owner to improve such property, the date the improvements were made, and the costs of the improvements;
 - (b) all appraisals, studies and any other supporting evidence related to such property;
 - (c) any actions taken by the City related to such property;

- (d) a description of the use which the owner believes represents the minimum legally required economically beneficial use of such property, and all documentation, studies and other supporting evidence thereof.

The application fee shall be applied to all out-of-pocket expenses actually incurred by the City in connection with the hearing process, including without limitation fees for, and expenses incurred by, the Hearing Officer; costs of reporting and transcribing the proceedings before the Hearing Officer; and costs of producing of exhibits. The application fee shall not be applied to any in-house costs incurred by the City, such as compensation for city staff time. Any portion of the application fee not used by the City to pay the costs referred to above shall forthwith be returned to the applicant upon completion of the hearing and appeal process.

6.19.4 DETERMINATION OF COMPLETENESS

Within five (5) working days after receipt of an Application for Vested Rights or Takings Determination, the Director shall determine whether the application submitted is complete. If they determine that the application is not complete, the Director shall notify the applicant in writing of the deficiencies. The Director shall take no further steps to process the application until the deficiencies have been remedied.

6.19.5 REVIEW AND DETERMINATION OR RECOMMENDATION BY DIRECTOR AND CITY ATTORNEY

After receipt of a completed Application for Vested Rights Determination or Takings Determination, the Director and the City Attorney shall review and evaluate the application in light of all of the criteria in Section 6.19.10 or Section 6.19.11, whichever is applicable. Within twenty (20) days of such receipt and based on the review and evaluation, the Director and the City Attorney shall prepare a written recommendation to the Hearing Officer that the application should be denied, granted or granted with conditions by the Hearing Officer. Such recommendations shall include findings of fact for each of the criteria established in Section 6.19.10 or 6.19.11, whichever is applicable, to the extent that the information is presented or obtained or inclusion is feasible or applicable.

If the Director and the City Attorney agree, based on the review and evaluation, that the Application for Determination clearly should be granted or granted with conditions, then they may enter into a written Stipulated Determination with the applicant, in lieu of the written recommendation to the Hearing Officer and the provisions in Sections 6.19.6, 6.19.7, and 6.19.8. Any such Stipulated Determination shall be in writing, signed by the City Manager, the City Attorney and the applicant, and shall be approved by the City Council by resolution at its next regularly-scheduled meeting which is at least fourteen (14) days from the date such Stipulated Determination is signed. Said Stipulated Determination shall include findings of fact and conclusions of law based on the criteria established in Section 6.19.10 or Section 6.19.11, whichever is applicable, and the determination granting or granting with conditions, in whole or in part, the application. In the event that a proposed Stipulated Determination is rejected by the City Council, it shall be referred to the Hearing Officer for a hearing and Determination in accordance with the procedures described in Sections 6.19.6 through 6.19.9 below.

6.19.6 REVIEW AND DETERMINATION BY HEARING OFFICER

No later than thirty (30) days after receipt by the Hearing Officer of the Application for Determination and the written recommendation of the Director and the City Attorney, the Hearing Officer shall hold a public hearing on the application. Written notice of the hearing shall be mailed by the City to the applicant at least fourteen (14) days prior to the scheduled hearing. At the hearing, the Hearing Officer shall take evidence and sworn testimony in regard to the criteria set forth in Section 6.19.10 or Section 6.19.11, whichever is applicable, and shall follow such rules of procedure as may be established by the Director. The parties before the Hearing Officer shall include the City and the applicant. Testimony shall be limited to the matters directly relating to the standards set forth in Section 6.19.10 or Section 6.19.11, whichever is applicable. The City Attorney shall represent the City, shall attend the public hearing and shall offer such evidence as is relevant to the proceedings. The other parties to the proceedings, or their authorized agents, may offer such evidence at the public hearing as is relevant to the proceedings and criteria. The order of presentation before the Hearing Officer at the public hearing shall be as follows: (1) the City's summary of

the application, written recommendation, witnesses and other evidence; (2) the applicant's witnesses and evidence; and (3) city rebuttal, if any.

6.19.7 ISSUANCE OF DETERMINATION BY HEARING OFFICER

Within thirty (30) working days after the completion of the public hearing under Section 6.19.6, the Hearing Officer shall consider the Application for Determination, the recommendation of the Director and the City Attorney, and the evidence and testimony presented at the public hearing, in light of all of the criteria set forth in Section 6.19.10 or Section 6.19.11, whichever is applicable, and shall deny, grant, grant with conditions, or grant in part and deny in part, the Application for Determination for the property or properties at issue. The Determination shall be in writing and shall include findings of fact for each of the applicable criteria established in Section 6.19.10 or Section 6.19.11, whichever is applicable, conclusions of law for each of such criteria, and a determination denying, granting, or granting with conditions, in whole or in part, the vested rights.

6.19.8 APPEAL TO THE CITY COUNCIL

Within twenty (20) days after issuance of the Hearing Officer's written Determination, the City Attorney, the Director, the applicant, its authorized attorney or agent, or any resident of the City who appeared at the public hearing before the Hearing Officer may appeal the Determination of the Hearing Officer to the City Council by filing a written notice of appeal with the City Clerk. A fee of one hundred dollars (\$100.00) shall be paid for the application and processing of any such appeal except an appeal filed by the City Attorney or the Director. The appeal shall be determined by the City Council at a hearing based solely upon the record of the proceedings before the Hearing Officer. The City Council shall adopt the Hearing Officer's Determination, with or without modifications or conditions, or reject the Hearing Officer's Determination. Such appeal shall be based upon the criteria established in Section 6.19.10 or Section 6.19.11, whichever is applicable.

6.19.9 WAIVER OF TIME LIMITS

Any time limit specified in the Determination Procedure may be waived upon receipt by the City Clerk of a written stipulation requesting such waiver and signed by the applicant and the Director.

6.19.10 CRITERIA FOR VESTED RIGHTS

(A) This Section is intended to strictly adhere to and implement existing case law and statutory law controlling in the State of Colorado as they relate to the doctrine of vested rights and equitable estoppel as applied to a home rule municipality exercising its authority and powers in land use planning, zoning, the provisions of adequate public facilities concurrent with development (APF), subdivision, site development, land development regulations and related matters addressed in this Code. It is the express intent of the City to require application of the provisions of this Division 6.19 to as much development and property in the City as is legally possible without violating the legally vested rights of an owner/developer under case law or statutory law. The criteria herein provided shall be considered in rendering a Vested Rights Determination hereunder. It is intended that each case be decided on a case-by-case factual analysis. An applicant shall be entitled to a positive Vested Rights Determination only if such applicant demonstrates, by clear and convincing evidence, entitlement to complete their development without regard to the otherwise applicable provisions of this Code by reason of: (A) the provisions of Title 24, Article 68, C.R.S.; (B) Section 6.3.11 of this Code; or (C) the existence of all three (3) of the following requirements:

- (1) some authorized act of the City;
- (2) reasonable good faith reliance upon such act by the applicant; and
- (3) such a substantial change in position or expenditure by the applicant that it would be highly inequitable or unjust to destroy the rights acquired.

- (B) In evaluating whether an applicant (property owner, developer or the successor in interest of either) has met the requirements as set forth in paragraph (A)(3) above, the Hearing Officer shall consider and give weight to the following factual matters
- (1) the total investment made in the project, including all costs incurred subsequent to the act of the City relied upon by the applicant, which costs may include, without limitation, the costs of land acquisition, architectural and engineering fees and the costs of on-site and off-site infrastructure improvements to service the project;
 - (2) any dedication of property made to public entities in accordance with the approved overall development plan for the project or the approved project development plan or plat for the project;
 - (3) whether infrastructure improvements which have been installed have been sized to accommodate uses approved in the approved overall development plan or the approved project development plan or plat for the project;
 - (4) the acreage of the approved overall development plan or the approved project development plan or plat for the project and the number of phases within the overall development plan or the approved project development plan or plat and their respective acreages which have received final approval;
 - (5) whether the completion of the project has been timely and diligently pursued; and
 - (6) the effect of the applicant's existing development loans on the application of this Land Use Code to the project.

6.19.11 CRITERIA FOR TAKINGS

This Section is intended to strictly adhere to and implement existing case law and statutory law controlling in the State of Colorado as they relate to the takings doctrine as applied to a home rule municipality exercising its authority and powers in land use planning, zoning, the provision of adequate public facilities concurrent with development (APF), subdivision, site development, land development regulations and related matters addressed in this Land Use Code. It is the express intent of the City to require application of the provisions of this Land Use Code to as much development and property in the City as is legally possible without violating takings law.

The criteria herein provided shall be considered in rendering a Takings Determination hereunder. It is intended that each case be decided on a case-by-case factual analysis. While the criteria for takings established in this Section are intended to provide fair standards in a pre-litigation forum and to reflect the current state of the law for Colorado, the City's adoption or use of these criteria for takings shall not in any way be deemed an admission, concession or statement by the City that such criteria apply or are controlling in a court of law, and the City hereby unconditionally reserves all defenses and claims which would otherwise be available to it under the law. For example, but without limitation, the City does not concede for litigation purposes that the "reasonable nexus/rough proportionality" doctrines apply to monetary exactions or to legislative acts, although the City chooses to apply such criteria to the Takings Determination process described herein.

- (A) ***Economically Beneficial Use.*** With regard to the takings doctrine of "economically beneficial use," an applicant shall be entitled to the minimum increase in use, density, intensity or other possible concessions from this Land Use Code necessary to permit an economically beneficial use of the land or a use that is determined to be required by law. The highest use, or even an average or generally reasonable expectation, is not required or intended as the appropriate remedy.

The following factors shall be used to determine whether an economically beneficial use of such property is available:

- (1) *Actual Condition of Land.* The actual condition of the land shall be considered. The reality of limited development potential, given the natural condition of the land, shall not be attributed to the regulations applied to the land. If the land is such that it cannot safely or properly accommodate development with normal grading and clearing practices, this fact shall lower the intensity of use that is considered a minimum economically beneficial use.
 - (2) *Common Land Use.* A land use commonly found in the City, although it may not involve further development of the land, is considered an economically beneficial use. Furthermore, a land use that is considered to be the lowest intensity in the City, but which use still provides for residence within the City, is considered an economically beneficial use.
 - (3) *No Government Subsidy.* A minimum economically beneficial use of the land is one that does not have any governmental subsidy attached to the long-term safe occupation or use of the land. If such a subsidy is needed, then that must be reflected by lowering the use intensity that is considered a minimum economically beneficial use on a market valuation basis, or by deducting the cost of such a subsidy from the otherwise established minimum economically beneficial use.
 - (4) *Potential for Damages.* The potential for damages to either residents or property shall be assessed in determining economically beneficial use. Such damage potential shall be calculated and must be reflected by deducting the damage potential from the otherwise established minimum economically beneficial use, or otherwise taking account of such damage.
 - (5) *No Investment-Backed Expectations.* Speculative expectations of land value and development potential shall not be considered. Reasonable development expectations backed by investments shall not be considered, unless required by the current state of the law.
 - (6) *Conservative Financial Investment.* The opportunity to make a return on the use of the land equivalent to that which would have been received from a conservative financial investment shall be indicative of an economically beneficial use. However, general downturns in the real estate market or the economy shall not be attributed to the regulations applied to the land.
 - (7) *No Diminution in Value.* The market value of the land, as established by the comparable sales approach, one (1) day prior to the adoption of this Land Use Code, shall be compared to the market value of the land, as established by the comparable sales approach, with the regulations as applied. Market value of the land one (1) day prior to the adoption of this Land Use Code shall constitute its highest and best use on the day prior to the adoption of this Land Use Code or the date of the purchase of the land by the applicant, whichever is later. All appraisals or other land value information, if any, shall be proposed by qualified licensed appraisers, and shall follow the best professional practices established by the profession. Mere diminution in market value shall not be sufficient to support a determination of denial of economically beneficial use.
 - (8) **Current State of Law.** The current state of law established by the United States Supreme Court, the Federal Circuit Court of Appeals, the Colorado Supreme Court and other controlling Colorado courts, and controlling statutory law, shall be considered.
- (B) **Reasonable Nexus/Rough Proportionality.** With regard to the takings doctrines of "reasonable nexus" and "rough proportionality," an applicant shall be entitled to the minimum revision of any required dedication or reduction of its property, or the minimum revision of any payment of money to ensure "rough proportionality," or the reevaluation of the offending condition or action, including invalidation if necessary, to ensure that the "reasonable nexus" and "rough proportionality" doctrines are satisfied.

- (1) In evaluating an applicant's "reasonable nexus/rough proportionality" takings claim, a determination shall first be made as to whether a "reasonable nexus" exists between a "legitimate state interest" and the condition imposed by the City.
- (2) The second part of the "reasonable nexus/rough proportionality" takings analysis requires that a determination then be made as to whether the exaction or condition is reasonably related to the needs created by the development or the impacts of such development.
- (3) Finally, a determination shall be made as to whether the degree of the exaction demanded by the City's condition is reasonably related to the projected impacts of the applicant's proposed development. No precise mathematical calculation is required, but the City must make some sort of individualized determination that the required exaction or condition is related both in nature and extent to the impact of the proposed development.
- (4) The current state of law established by the United States Supreme Court, the Federal Circuit Court of Appeals, the Colorado Supreme Court and other controlling Colorado courts, and controlling statutory law, shall be considered in making each of these determinations.

DIVISION 6.20 PREEMPTION USES

6.20.1 PREEMPTION USES

Any use that is not permitted under the provisions of Article 4, but that must be allowed because of preemption by a sovereign jurisdiction or because of a court order, shall be processed as a Planning and Zoning Commission Review (Type 2 review) and shall be approved, with or without conditions, as necessary to ensure that such use complies with all applicable Land Use Code standards as are or may reasonably be interpreted to be applicable to such use, provided that such standards are not preempted or ordered by a court not to be applied.

DIVISION 6.21 PROJECT STOCKPILING PERMITS, DEVELOPMENT CONSTRUCTION PERMITS AND OFF-SITE CONSTRUCTION STAGING

6.21.1 PURPOSE

- (A) A stockpiling permit is required in order to regulate the placement of fill dirt on properties not covered by a site specific development plan, to protect against adverse impacts to floodplains, drainage systems, natural areas, wildlife habitat, wetlands or other areas of public interest, and to assure that public nuisances will not be created by the stockpiling activities.
- (B) A Development Construction Permit is required in order to coordinate the transition from completion of the development review process to the construction process.
- (C) The purpose of requiring an off-site construction staging licensed under this Section 6.21.4 is to address the compatibility of off-site construction staging with the zone districts in which they are located, mitigate the impact off-site construction staging on adjacent parcels, the neighborhoods and environment, and ensure the health and safety of off-site construction staging.

6.21.2 APPLICABILITY

- (A) A stockpiling permit shall be required for stockpiling soil or similar inorganic material upon property that is not subject to the provisions of a valid development construction permit.

- (B) Development Construction Permit shall be required for all development that is required to construct public infrastructure improvements that, upon completion, will be owned or maintained by the City.
- (C) Use of any parcel for off-site construction staging shall be permitted only in accordance with the provisions of an off-site construction staging license issued pursuant to this Section 6.21.4.

6.21.3 STOCKPILING PERMIT AND DEVELOPMENT CONSTRUCTION PERMIT REVIEW PROCEDURES

An application for a Stockpiling Permit or a Development Construction Permit shall be processed according to, in compliance with and subject to the provisions contained in Division 6.3 and Steps (1) through (12) of the Common Development Review Procedures (Sections 6.3.1 through 6.3.12, inclusive), as follows:

- (A) **Step 1** (Conceptual Review): Not applicable.
- (B) **Step 2** (Neighborhood Meeting): Not applicable.
- (C) **Step 3(A)** (Development Application Forms): Not applicable, and in substitution therefor, all applications for Stockpiling Permits or Development Construction Permits shall be in a form established by the City Engineer and made available to the public.
 - Step 3(B)** (Consolidated Development Applications and Review): Not applicable.
 - Step 3(C)** (Development Application Contents): Applicable.
 - Step 3(D)** (Submittal Hearing Date Schedule): Not applicable.
 - Step 3(E)** (Development Review Fees - Stockpiling Permit): Applicable.
 - Step 3(E)** (Development Review Fees - Development Construction Permit): Not applicable, and in substitution therefor, the applicant for a Development Construction Permit shall remit to the City an application fee and a construction inspection fee in the amounts as are authorized to be established pursuant to Chapter 7.5, Article I of the City Code.
- (D) **Step 4** (Review of Applications): Applicable except that the term "City Engineer" shall be substituted for the term "Director."
- (E) **Step 5** (Staff Report): Not applicable.
- (F) **Step 6** (Notice): Not applicable.
- (G) **Step 7** (Public Hearing - Stockpiling Permit): Not applicable, and in substitution therefor, an application for a Stockpiling Permit shall be processed, reviewed, considered and approved, approved with modifications or denied by the City Engineer based on its compliance with the City Code and all regulations related to such permit adopted by the City by reference or otherwise, as amended, including, without limitation, the erosion control standards as contained in the Stormwater Design Criteria and Construction Standards Manual.
 - Step 7** (Public Hearing - Development Construction Permit): Not applicable, and in substitution therefor, an application for a Development Construction Permit shall be processed, reviewed, considered and approved, approved with modifications or denied by the City Engineer based on its compliance with the Site Specific Development Plan, the City Code and all regulations related to such permit adopted by the City by reference or otherwise, as amended.
- (H) **Step 8** (Standards - Stockpiling Permit): Not applicable, and in substitution therefor, an application for a Stockpiling Permit shall be reviewed for compliance with the City Code and all regulations related to such permit adopted by the City by reference or otherwise, as amended, including, without limitation, the erosion control standards as contained in the Stormwater Criteria Manual and the dust control measures contained in the Dust Control Manual to the extent required therein.
 - Step 8** (Standards - Development Construction Permit): Not applicable, and in substitution therefor, an application for a Development Construction Permit shall be reviewed for compliance with the Site Specific Development Plan, the City Code and all regulations related to such permit adopted by the City by reference or otherwise as amended, including, without limitation, the erosion control standards as contained in the Stormwater Criteria Manual and the dust control measures contained in the Dust Control Manual to the extent required therein.

- (I) **Step 9** (Conditions of Approval): Applicable.
- (J) **Step 10** (Amendments): Not applicable, and in substitution therefor, amendments to Stockpiling Permits or Development Construction Permits may be authorized by the City Engineer only as allowed under the Stockpiling Permit or Development Construction Permit regulations adopted by the City by reference or otherwise, as amended, provided that the amended Stockpiling Permit or Development Construction Permit remains in compliance with the applicable standards.
- (K) **Step 11** (Lapse - Stockpiling Permits): Not applicable, and in substitution therefor, a Stockpiling Permit shall be subject to the following lapse and extension provisions:
 - (1) **Term of permit.** All Stockpiling Permit activity shall be commenced and completed within thirty (30) days of issuance of the Stockpiling Permit unless a longer term of permit is established by the City Engineer upon issuance of the permit.
 - (2) **Extensions.** The applicant for a Stockpiling Permit may apply for an extension of the term of such permit if such application is filed with the City Engineer at least two (2) working days prior to the permit expiration date. Such application shall contain good and sufficient reasons as to why an extension is necessary. For good cause shown, the City Engineer may approve an extension application that has been timely filed; provided, however, that no extension shall be granted for a term in excess of thirty (30) days, and no extension shall be granted which, in the judgment of the City Engineer, would be detrimental to the public health, safety or welfare.

Step 11 (Lapse - Development Construction Permit): Not applicable, and in substitution therefor, a Development Construction Permit shall be subject to the following lapse and extension provisions:

 - (1) **Prior to commencement of construction.** If construction has not commenced within sixty (60) days from the date of issuance of the Development Construction Permit, such permit shall expire, and all fees paid therefor shall be forfeited.
 - (2) **Following commencement of construction.** If construction has timely commenced, the Development Construction Permit shall expire upon the passage of one (1) year from the date of issuance thereof.
 - (3) **Extensions.** The applicant for a Development Construction Permit may apply for an extension of the term of such permit if such application is filed with the City Engineer at least two (2) weeks prior to the permit expiration date. Such application shall contain good and sufficient reasons as to why an extension is necessary; and, for good cause shown, the City Engineer may grant extensions; provided, however, that no extension shall be granted for a term in excess of six (6) months, and no extension shall be granted which, in the judgment of the City Engineer, would be detrimental to the public health, safety or welfare.
- (L) **Step 12** (Appeals): Not applicable, and in substitution therefor, appeals of any final decision of the City Engineer on a Stockpiling Permit or a Development Construction Permit application shall be in accordance with Division 6.18; provided, however, that such appeals may be filed only by persons who possess a legal or equitable interest in the specific real property which is the subject of the decision.

6.21.4 OFF-SITE CONSTRUCTION STAGING

- (A) **Location.** Subject to issuance of and compliance with an off-site construction staging license under subsection (D) below, off-site construction staging shall be permitted in specified zone districts as listed in Article 4.
- (B) **Off-site construction staging license.**
 - (1) An application for an off-site construction staging license shall be accompanied by a site and grading plan that shows the following for the site on which the off-site construction staging is to occur:
 - (a) Existing grade contours of the site and of adjoining properties;
 - (b) Locations of different activities to be located on the site;

- (c) List of materials and equipment to be stored on the site, including the means and methods to safely store any hazardous material or dangerous equipment;
 - (d) Any proposed grading necessary to stabilize the site;
 - (e) Proposed erosion control measures and storm drainage control measures to prevent wind and water erosion, drainage impacts and tracking mud onto streets;
 - (f) Flood ways and flood plains;
 - (g) Natural habitat and features;
 - (h) Fences;
 - (i) Restrooms;
 - (j) Existing trees;
 - (k) Existing easements and rights-of-way;
 - (l) Existing underground utilities;
 - (m) Other information necessary to describe the site;
 - (n) Traffic control plan reflecting means of ingress and egress to be used;
 - (o) Mitigation plan to address any adverse impacts to the site, or adjacent parcels, caused by the off-site construction staging during and after the staging; and
 - (p) Restoration and final site condition plan.
- (2) An off-site construction staging license shall be issued, with or without conditions, if the Director finds that the off-site construction staging:
- (a) is not detrimental to the public good; and
 - (b) will not cause substantial adverse impacts to the parcel on which it is located or adjacent parcels or the environment, with or without mitigation; and
 - (c) is located within a quarter (.25) of a mile of the construction or development site to be served by the off-site construction staging.
- (3) An off-site construction staging license issued hereunder shall expire eighteen (18) months after the date of issuance unless an extension is granted.
- (a) A six (6) month extension may be granted by the Director upon a finding that the conditions specified in Section 6.21.4(B)(2), including any conditions to mitigate adverse impacts, have been and continue to be satisfied.
 - (b) The Director may further extend the license up to an additional twelve (12) months beyond the first six (6) month extension, for a maximum total of not more than thirty-six (36) months, if a neighborhood meeting for which the neighborhood is notified in compliance with Section 6.3.2 is conducted and the Director determines: the extension is not detrimental to the public good; and that the license conditions specified in Section 6.21.4(B)(2), including any conditions to mitigate adverse impacts, have been and continue to be satisfied.
- (4) After expiration of an off-site construction staging license, at least four (4) consecutive months shall lapse before a new license is issued for the same parcel.
- (5) The Director may modify or revoke any off-site construction staging license issued by the City for any of the following:
- (a) After issuance of the license, the site or activities thereon are found to be out of compliance with the approved application or license, including any conditions to mitigate adverse impacts; or
 - (b) An adverse impact not previously anticipated at the time the license or license extension was issued is identified and such adverse impact cannot be adequately mitigated and/or is detrimental to the public good.

The Director shall inform the license holder in writing of the decision to modify or revoke the license and the reasons for same.

- (6) The license holder may appeal any decision denying, modifying or revoking an off-site construction staging license to the Zoning Board of Appeals pursuant to Section 6.14.
- (C) **Restoration of Site.** Within fifteen (15) days after expiration of the license, the license holder must have completed restoration of the site consistent with the approved restoration or final site condition plan included in the application.

DIVISION 6.22 EXPANSIONS AND ENLARGEMENTS OF EXISTING BUILDINGS

6.22.1 EXPANSIONS AND ENLARGEMENTS OF EXISTING BUILDINGS

- (A) **Expansions of Large Retail Establishments.** No addition to an existing large retail establishment which would increase the gross square feet of floor area of such establishment by fifty (50) percent or more, and no addition to a building which would create a large retail establishment and which would increase the gross square footage of floor area of such building by fifty (50) percent or more, shall be approved for construction or occupancy unless the entire large retail establishment affected by the new construction has been determined by the Planning and Zoning Commission to be in compliance with the building standards for Section 5.15.3 Large Retail Establishments contained in this code whether the existing large retail establishment or building was approved under prior law or under this Land Use Code.
- (B) **Expansions and Enlargements of Other Nonresidential Buildings and of Multi-unit Dwellings.** Any proposal for the enlargement or expansion of a nonresidential building that was constructed pursuant to a basic development review, or use-by-right review under prior law, and that is not otherwise regulated by the above subparagraph (A) of this Section, and any proposal for the enlargement or expansion of a multi-unit dwelling that was constructed pursuant to a basic development review, or use-by-right review under prior law, must comply with the requirements contained in this code.
- (C) **Expansions and Enlargements of Single-Family Dwellings, Two-Family Dwellings and Accessory Buildings.** Any proposal for the enlargement or expansion of a single-unit dwelling, two-unit dwelling or accessory building shall be subject to Building Permit review in accordance with standards of this code.

DIVISION 6.23 ABANDONMENT PERIOD/RECONSTRUCTION OF PERMITTED USES

6.23.1 PERMITTED USES: ABANDONMENT PERIOD/RECONSTRUCTION OF PERMITTED USES

- (A) If active operations are not carried on in a permitted use during a period of twenty-four (24) consecutive months, or with respect to seasonal overflow shelters sixty (60) consecutive months, the building, other structure or tract of land where such permitted use previously existed shall thereafter be re-occupied and used only after the building or other structure, as well as the tract of land upon which such building or other structure is located, have, to the extent reasonably feasible, been brought into compliance with the applicable development standards contained in Articles 3 and 5 and the applicable district standards contained Articles 2 and 4 of this Code as determined by the Director. This requirement shall not apply to any permitted use conducted in a building that was less than ten (10) years old at the time that active operations ceased. Intent to resume active

operations shall not affect the foregoing.

- (B) A building or structure containing a permitted use which has been damaged by fire or other accidental cause or natural catastrophe may be reconstructed to its previous condition, provided that such work is started within twelve (12) months of the date of the occurrence of such damage. In the event such work is started later than twelve (12) months from the date of the occurrence, then the building or structure may be reconstructed, provided that, to the extent reasonably feasible, such reconstruction complies with the applicable standards of Articles 3 and 5 and Articles 2 and 4 of this Code as determined by the Director.
- (C) Any determination of the Director under this Section shall constitute a building permit decision and as such shall be appealable as a building permit under Section 6.18.1(B)9.

DIVISION 6.24 INTERPRETATIONS

6.24.1 AUTHORITY

The Director shall have the authority to make all interpretations of the text of this Land Use Code and the boundaries of zone districts on the zoning map.

6.24.2 INITIATION

An interpretation may be requested by any person.

6.24.3 PROCEDURES

- (A) **Submission of request for interpretation.** before an interpretation may be provided by the Director, a request for interpretation must be submitted to the Director in a form established by the Director.
- (B) **Determination of Sufficiency.** After receipt of a Request for Interpretation, the Director shall determine whether the request is complete, specific, clear and ready for review. If the Director determines that the request is not complete, they shall serve a written notice on the applicant specifying the deficiencies. The Director shall take no further action on the Request for Interpretation until the deficiencies are remedied.
- (C) **Rendering of Interpretation.** After the Request for Interpretation has been determined to be sufficient, the Director shall review and evaluate the request in light of the terms and provisions of this Land Use Code and/or the Zoning Map, whichever is applicable, and render an interpretation. The Director may consult with the City Attorney and other City departments before rendering an interpretation.
- (D) **Form.** The interpretation shall be in writing and shall be delivered to the applicant. Interpretations that are not in writing shall have no force or effect. Interpretations shall have no precedential value and shall be limited in their application to the property, if any, identified in the interpretation.
- (E) **Official Record.** The Director shall maintain an official record of all interpretations in the Department. Such official record shall be available for public inspection during normal business hours.
- (F) **Appeal.** Appeals of any interpretation under this Section shall be made only in accordance with Division 6.18.

6.24.4 RULES FOR INTERPRETATION OF BOUNDARIES

Interpretations regarding boundaries of zone districts on the Zoning Map shall be made in accordance with the provisions of this section.

- (A) **District Regulations Extend to all Portions of Districts Surrounded by Boundaries.** Except as otherwise specifically provided, a district symbol or name shown within district boundaries on the Zoning Map indicates that district standards and other district regulations pertaining to the district extend throughout the whole area surrounded by the boundary line.
- (B) **Boundaries.** Where uncertainty exists as to the boundaries of zone districts as shown on the Zoning Map, the following rules shall apply:
- (1) Boundaries indicated as approximately following the centerlines of dedicated streets, highways, alleys or rights-of-way shall be construed as following such centerlines as they exist on the ground, except where such interpretation would change the zoning status of a lot or parcel, in which case the boundary shall be interpreted in such a manner as to avoid changing the zoning status of any lot or parcel. In case of a street vacation, the boundary shall be construed as remaining in its location except where ownership of the vacated street is divided other than at the center, in which case the boundary shall be construed as moving with the ownership.
 - (2) Boundaries indicated as approximately following lot lines, public property lines and the like shall be construed as following such lines; provided, however, that where such boundaries are abutting a dedicated street, alley, highway or right-of-way and the zoning status of the street, highway, alley or right-of-way is not indicated, the boundaries shall be construed as running to the middle of the street, highway, alley or right-of-way. In the event of street vacation, interpretation shall be as provided in (1) above.
 - (3) Boundaries indicated as approximately following city limits shall be construed as following such city limits.
 - (4) Boundaries indicated as following the centerlines of streams, canals or other bodies of water shall be construed as following such centerlines. In case of a change of the course or extent of bodies of water, the boundaries shall be construed as moving with the change, except where such movement would change the zoning status of a lot or parcel; and in such case the boundary shall be interpreted in such a manner as to avoid changing the zoning status of any lot or parcel.
 - (5) Boundaries indicated as entering any body of water but not continuing to intersect with other zoning boundaries or with the limits of jurisdiction of the city shall be construed as extending in the direction in which they enter the body of water to the point of intersection with other zoning boundaries or with the limits of city jurisdiction.
 - (6) Boundaries indicated as following physical features other than those listed above shall be construed as following such physical features, except where such interpretation from mapped location would change the zoning status of a lot or parcel, in which case the boundary shall be interpreted in such manner as to avoid changing the zoning status of any lot or parcel.
 - (7) Boundaries indicated as parallel to or extensions of features indicated in (1) through (6) above shall be construed as being parallel to or extensions of such features.
 - (8) Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map on the page of the Zoning Map showing the property in question.

6.24.5 CASES NOT COVERED BY SECTION 6.24.4

In cases not covered by Section 6.24.4, or where the property or street layout existing on the ground is at variance with that shown on the Zoning Map, the interpretation of the Zoning Map shall be in accordance with the purpose and intent of this Land Use Code and the City Plan Principles and Policies.

6.24.6 DIVISION OF A LOT OF RECORD BY A BOUNDARY

Where a district boundary divides a lot of record at the time the boundary was established, and where the division makes impractical the reasonable use of the lot, the boundary may be adjusted by the Director in either direction not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

6.24.7 NONREGULATED LAND TRANSFERS

- (A) Abutting portions of lots may be transferred to adjoining property owners without being subject to subdivision requirements; provided, however, that no such transfer shall imply or confer any right to develop, or create a new lot, create a nonconformity of any nature whatsoever, or circumvent the intent or requirements of this Land Use Code. (This type of transfer is commonly known as a "lot line adjustment" even though the legal lot lines are not changed and cannot be changed except through replatting.)
- (B) Notwithstanding any provision of Colorado law to the contrary, any parcel of land, whether larger or smaller than thirty-five (35) acres, may be conveyed by metes and bounds description or by other usual and customary method of land description, without being subject to subdivision requirements; provided, however, that no such conveyance shall imply or confer any right to develop, or create a new lot upon which development can occur unless such development has, prior to the conveyance, been approved in accordance with this Land Use Code or prior law and provided further that such conveyance shall not be made if it creates nonconformities of any nature whatsoever, or circumvents the intent or requirements of this Land Use Code.

6.24.8 CONTINUITY OF ZONING

In the event any unincorporated property within the County shall hereafter become incorporated into the City, to ensure that there shall be no lapse of zoning, then, if the property is not zoned otherwise by the City, it shall be automatically zoned into the T-Transition zone district.

6.24.9 RULES OF CONSTRUCTION FOR TEXT

In construing the language of this Land Use Code, the rules set forth in Section 1-2 of the City Code and this Section shall be observed unless such construction would be inconsistent with the manifest intent of the Council as expressed in this Land Use Code or in City Plan Principles and Policies. The rules of construction and definitions set forth herein shall not be applied to any express provisions excluding such construction, or where the subject matter or context of such section is repugnant thereto. In the event of a conflict between these rules of construction and the rules of construction established in Section 1-2 of the City Code, these rules shall control.

- (A) **Generally.** All provisions, terms, phrases and expressions contained in the Land Use Code shall be so construed in order that the intent and meaning of the Council may be fully carried out. Terms used in the Land Use Code, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of this state for the same terms.

In the interpretation and application of any provision of the Land Use Code, such provision shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Land Use Code imposes greater restrictions upon the subject matter than another provision of the Land Use Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling. In other words, the more stringent controls over the less stringent.

The definitions are intended to be generally construed within the context of the Land Use Code, except as shall be specified by the term itself within a given context for a select section of the Land Use Code.

- (B) **Text.** In case of any difference of meaning or implication between the text of the Land Use Code and any figure or diagram, the text shall control.
- (C) **Conjunctive/Disjunctive.** Unless the context clearly indicates the contrary, the following words shall be interpreted as follows:
 - (1) "And" indicates that all connected words or provisions apply.
 - (2) "Or" or "and/or" indicates that the connected words or provisions may apply singly or in any combination.
 - (3) "Either...or" indicates that the connected words or provisions apply singly but not in combination.
- (D) **Day.** The word "day" shall mean a calendar day.
- (E) **Delegation of Authority.** Whenever a provision appears requiring the Director or some other City officer or employee to do some act or perform some duty, such provision shall be construed as authorizing the Director or other officer or employee to designate, delegate and authorize another City employee to perform the required act or duty unless the terms of the provision specify otherwise. With respect to the review of development applications eligible for Type 1 review, in addition to or in substitution for delegation to City employees as above authorized, the Director may engage the services of an attorney with experience in land use matters.
- (F) **Exhibits.** Any exhibit to this Code which is taken from another regulation of the City shall be automatically amended upon the making of any amendment to the document of origin, and the Director shall promptly replace such exhibit with the new amended exhibit.
- (G) **Include.** The word "including," "includes," "such as," "additional" or "supplemental" is illustrative and is not intended as an exhaustive listing, unless the context clearly indicates the contrary.
- (H) **Headings.** Article, division, section and subsection headings contained in the Land Use Code are for convenience only and do not govern, limit, modify or in any manner affect the scope, meaning or intent of any portion of the Land Use Code.
- (I) **Shall, May, Should.** The word "shall," "will" or "must" is mandatory; "may" is permissive, "should" is suggestive but not mandatory.
- (J) **Week.** The word "week" shall be construed to mean seven (7) calendar days.
- (K) **Written or In Writing.** The term "written" or "in writing" shall be construed to include any representation of words, letters or figures whether by printing or other form or method of writing.
- (L) **Year.** The word "year" shall mean a calendar year, unless a fiscal year is indicated or three hundred sixty-five (365) calendar days is indicated.

DIVISION 6.25 AMENDMENT TO TEXT OF CODE AND/OR ZONING MAP

6.25.1 PURPOSE

The purpose of this division is to provide requirements for changing the text of this code or the boundaries of the zone districts shown on the zoning map.

6.25.2 APPLICABILITY

Any and all amendments to the text of this code and any and all changes to the zoning map must be processed in accordance with this division. only the Council may, after recommendation of the Planning and Zoning Commission, adopt an ordinance amending the text of this code or the Zoning Map in accordance with the provisions of this Division.

6.25.3 INITIATION

- (A) **Amendment To Zoning Map.** An amendment to the Zoning Map may be proposed by the Council, the Planning and Zoning Commission, the Director or the owners of the property to be rezoned.
- (B) **Text Amendment.** An amendment to the text of this Code may be proposed by the Planning and Zoning Commission or the Director.

6.25.4 TEXT AND MAP AMENDMENT REVIEW PROCEDURES

An amendment to the text of this Code or an amendment to the Zoning Map may be approved by the City Council by ordinance after receiving a recommendation from the Planning and Zoning Commission. Any such proposed amendment shall be processed through a public hearing before the Planning and Zoning Commission, which hearing shall be held either prior to City Council consideration of the proposed amendment or between first and second readings of the ordinance approving the amendment which will provide a recommendation to the City Council. (See Steps 1 through 12 below). The City Clerk shall cause the hearing by the City Council to be placed on the agenda for a future City Council meeting; and the public hearing before the City Council shall be held after at least fifteen (15) days' notice of the time, date and place of such hearing and the subject matter of the hearing and the nature of the proposed zoning change has been given by publication in a newspaper of general circulation within the City. On a proposal for a text amendment, the Planning and Zoning Commission shall hold a hearing, which hearing shall be held either prior to City Council consideration of the proposed amendment or between first and second readings of the ordinance approving the amendment. Notice shall be given as required for ordinances pursuant to the City Charter. The City Council shall then approve, approve with conditions or deny the amendment based on its consideration of the Staff Report, the Planning and Zoning Commission recommendation and findings and the evidence from the public hearings, and based on the amendment's compliance with the standards and conditions established in this Section. In the event that a protest is filed under the provisions of Section 31-23-305, C.R.S., any protested zoning change shall not become effective except by the favorable vote of a simple majority of the Councilmembers present and voting as provided in Article II, Section 11 of the City Charter. (See Steps 8 and 9 below).

The Planning and Zoning Commission processing of the proposed amendment shall be according to, in compliance with and subject to the provisions contained in Steps 1 through 12 of the Common Development Review Procedures (Sections 6.3.1 through 6.3.12, inclusive) as follows:

- (A) **Step 1** (Conceptual Review): Not applicable.
- (B) **Step 2** (Neighborhood Meeting): Not applicable, except that, with respect to a quasi-judicial map amendments only, the Director may convene a neighborhood meeting to present and discuss a proposal of known controversy and/or significant neighborhood impacts.
- (C) **Step 3** (Development Application Submittal): All items or documents required for amendments to the text of this Code and/or the Zoning Map as described in the development application submittal Comprehensive list shall be submitted. The Director may waive or modify the foregoing submittal requirements if, given the facts and circumstances of the specific application, a particular requirement would either be irrelevant, immaterial, redundant or otherwise unnecessary for the full and complete review of the application.
- (D) **Step 4** (Review of Applications): Applicable.
- (E) **Step 5** (Staff Report): Applicable.
- (F) **Step 6** (Notice):

- (1) *Text Amendments*. Not applicable, and in substitution therefor, notice of the Planning and Zoning Commission hearing shall be given in accordance with Section 2-74 of the City Code. (However, for text amendments proposed pursuant to Division 6.9, subsection 6.3.6(C) shall apply, and in addition the notice shall name the specific proposed new use [or uses] to be added to the zone district list of permitted uses.)
 - (2) *Zonings or Rezoning of No More Than Six Hundred Forty (640) Acres (Quasi-judicial)*. Subsection 6.3.6(A) shall apply and such notices shall identify the proposed new zone district(s), as well as the uses permitted therein, shall indicate whether a neighborhood meeting will be held with regard to the proposed zoning or rezoning, and shall inform the recipient of the notice of the name, address and telephone number of the Director to whom questions may be referred with regard to such zoning change. Subsections 6.3.6(B), (C) and (D) shall apply, and the published notice given pursuant to subsection 6.3.6(C) shall provide the time, date and place of the hearing, the subject matter of the hearing and the nature of the proposed zoning change.
 - (3) *Zonings or Rezoning of More Than Six Hundred Forty (640) Acres (Legislative)*. Subsection 6.3.6(C) shall apply. Subsections 6.3.6(A), (B) and (D) shall not apply.
- (G) **Step 7(A)** (Decision Maker): Planning and Zoning Commission Review applies.
Step 7(B) (Conduct of Public Hearing): Applicable.
Step 7(C) (Order of Proceedings at Public Hearing): Applicable.
Step 7(D) (Decision and Findings): Applicable, except that the Planning and Zoning Commission's decision shall be in the form of a recommendation, not a decision, to Council. In making its recommendation, the Planning and Zoning Commission shall consider whether the application or proposal complies with the standards contained in Step 8 of this Section.
Step 7(E) (Notification to Applicant): Not applicable.
Step 7(F) (Record of Proceedings): Applicable.
Step 7(G) (Recording of Decisions and Plats): Not applicable.
- (H) **Step 8** (Standards): Applicable, as follows:
- (1) *Text Amendments and Legislative Zonings or Rezoning*. Amendments to the text of this Code, and amendments to the Zoning Map involving the zoning or rezoning of more than six hundred forty (640) acres of land (legislative rezoning), are matters committed to the legislative discretion of the City Council, and decisions regarding the same are not controlled by any one (1) factor.
 - (2) *Mandatory Requirements for Quasi-judicial Zonings or Rezoning*. Any amendment to the Zoning Map involving the zoning or rezoning of six hundred forty (640) acres of land or less (a quasi-judicial rezoning) shall be recommended for approval by the Planning and Zoning Commission or approved by the City Council only if the proposed amendment is:
 - (a) consistent with the City's Comprehensive Plan; and/or
 - (b) warranted by changed conditions within the neighborhood surrounding and including the subject property.
 - (3) *Additional Considerations for Quasi-Judicial Zonings or Rezoning*. In determining whether to recommend approval of any such proposed amendment, the Planning and Zoning Commission and City Council may consider the following additional factors:
 - (a) whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zone district for the land;
 - (b) whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment;
 - (c) whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

- (I) **Step 9** (Conditions of Approval): Applicable.
- (J) **Step 10** (Amendments): Not applicable.
- (K) **Step 11** (Lapse): Not applicable.
- (L) **Step 12** (Appeals): Not applicable.

DIVISION 6.26 ENFORCEMENT

6.26.1 METHODS OF ENFORCEMENT

The provisions of this Land Use Code shall be enforced by the following methods:

- (A) requirement of a Building Permit;
- (B) requirement of a certificate of occupancy;
- (C) inspection and ordering removal of violations;
- (D) criminal or civil proceedings; and
- (E) injunction or abatement proceedings.

6.26.2 PERMITS AND CERTIFICATES OF OCCUPANCY

- (A) No building shall be erected, moved or structurally altered unless a Building Permit has been issued by the Director. All permits shall be issued in conformance with the provisions of this Land Use Code and shall expire six (6) months after the date that such Building Permit was issued unless properly acted upon in accordance with the provisions of the International Building Code, as amended. One (1) six-month extension may be granted by the Director.
- (B) No land or building shall be changed in use, nor shall any new structure, building or land be occupied or used, unless the owner (or the owner's contractor, if any) shall have obtained a certificate of occupancy from the Director. If the use is in conformance with the provisions of this Land Use Code, a certificate of occupancy shall be issued within three (3) days of the time of notification that the building is completed and ready for occupancy. A copy of all certificates of occupancy shall be filed by the Director and shall be available for examination by any person with either proprietary or tenancy interest in the property or building.

6.26.3 INSPECTION

The City Manager is hereby empowered to cause any building, other structure or tract of land to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of this Land Use Code. after any such order has been served, no work shall proceed on any building, other structure or tract of land covered by such order, except to correct such violation or comply with the order.

With regards to inspections of oil and gas facilities, the operator of any oil and gas facility or oil and gas pipeline that has been inspected shall pay to the City the costs for such inspection within sixty (60) days of receiving an invoice for the cost of the inspection. Inspections of oil and gas facilities and oil and gas pipelines may be conducted by City staff or non-City inspectors authorized by the City to conduct such inspections.

6.26.4 CRIMINAL AND CIVIL LIABILITY; PENALTIES

- (A) Except as otherwise specified in this Land Use Code, any person (including, without limitation, the developer of, owner of, or any person possessing, occupying or trespassing upon, any property which is subject to this

Code, or any agent, lessee, employee, representative, successor or assign thereof) who violates this Code or who fails to comply with any of its requirements or who fails to comply with any orders made thereunder, shall be guilty of a misdemeanor and upon conviction shall be subject to the penalties provided in Section 1-15 of the City Code. Each day that such a violation occurs shall constitute a separate offense. Nothing contained herein shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violations of this Land Use Code.

- (B) An owner, property manager or occupant commits a civil infraction by violating any provision of Section 5.14.1 of this Land Use Code. Each day during which the limitation on the number of occupants is exceeded shall constitute a separate violation. A finding that such civil infraction has occurred shall subject the offender(s) to the penalty provisions of Section 1-15(f) of the Code of the City of Fort Collins and any or all of the following actions:
 - (1) the imposition of a civil penalty of not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00) for each violation;
 - (2) an order to comply with any conditions reasonably calculated to ensure compliance with the provisions of Section 5.14.1 of this Land Use Code or with the terms and conditions of any permit or certificate granted by the City;
 - (3) an injunction or abatement order; and/or
 - (4) denial, suspension or revocation of any city permit or certificate relating to the dwelling unit.

6.26.5 LIABILITY OF CITY AND INJUNCTION

- (A) In addition to any of the foregoing remedies, the City Attorney acting on behalf of the City Council may maintain an action for an injunction to restrain any violation of this Land Use Code.
- (B) This Land Use Code shall not be construed to hold the city responsible for any damage to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect or by reason of issuing a Building Permit as herein provided, or by reason of pursuing or failing to pursue an action for injunctive relief as authorized in (A), above.

6.26.6 ENFORCEMENT OF THE REQUIREMENTS AND CONDITIONS OF DEVELOPMENT APPROVAL

The occurrence of either of the following events may subject the developer of, owner of, or any person possessing, occupying or trespassing upon, any property which is subject to this Land Use Code, or any agent, lessee, employee, representative, successor or assign thereof to the enforcement remedies contained in this Division:

- (A) failure to comply with any terms, conditions or limitations contained on the site plan, landscape plan, building elevations or other approved documents pertaining to a development which has received final approval from the city, whether under the provisions of this Land Use Code or under the provisions of prior law.
- (B) failure to comply with any conditions of record imposed by the appropriate decision maker upon its review of the site specific development plan for the development, whether under the provisions of this Land Use Code or under the provisions of prior law.

DIVISION 6.27 GUIDELINES AND REGULATIONS FOR AREAS AND ACTIVITIES OF STATE INTEREST

SECTION 6.27.1 INTRODUCTORY AND GENERAL PROVISIONS

- 6.27.1.1 Title and Citation
- 6.27.1.2 Purpose and Findings; Scope
- 6.27.1.3 Authority
- 6.27.1.4 Applicability
- 6.27.1.5 Permit Required; Allowed Use Not Required; Stay On Issuance of Easements and Other Permits
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SECTION 6.27.2 PROCEDURE FOR DESIGNATION OF MATTERS OF STATE INTEREST

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SECTION 6.27.3 DESIGNATED ACTIVITIES OF STATE INTEREST

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SECTION 6.27.4 EXEMPTIONS

- 6.27.4.1 Exemptions

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- 6.27.5.1 Permit Authority Established

SECTION 6.27.6 PERMIT APPLICATION PROCEDURES

- 6.27.6.1 Preliminary Design Review
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- 6.27.6.12 Permit Decision Making Procedures
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SECTION 6.27.7 COMMON REVIEW STANDARDS

- 6.27.7.1 Review Standards for All Applications

SECTION 6. 27.8 SITE SELECTION AND CONSTRUCTION OF MAJOR NEW DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS AND MAJOR EXTENSIONS OF SUCH SYSTEMS

- 6.27.8.1 Applicability
- 6.27.8.2 Purpose and Intent
- 6.27.8.3 Specific Review Standards for Major New Domestic Water or Sewage Treatment Systems or Major Extensions

SECTION 6.27.9 SITE SELECTION OF ARTERIAL HIGHWAYS AND INTERCHANGES AND COLLECTOR HIGHWAYS

- 6.27.9.1 Applicability
- 6.27.9.2 Purpose and Intent
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SECTION 6.27.10 FINANCIAL SECURITY

- 6.27.10.1 Financial Security

SECTION 6. 27.11 SUSPENSION OR REVOCATION OF PERMITS

- 6.27.11.1 Suspension or Revocation of Permits

SECTION 6.27.12 REVIEW, RENEWAL, AMENDMENT, TRANSFER

- 6.27.12.1 Annual Review; Progress Reports
- 6.27.12.2 Permit Renewal
- 6.27.12.3 Permit Amendment
- 6.27.12.4 Minor Revision Not Constituting a Material Change
- 6.27.12.5 Transfer of Permits
- 6.27.12.6 Inspection

SECTION 6.27.13 ENFORCEMENT

- 6.27.13.1 Enforcement

SECTION 6.27.1 INTRODUCTORY AND GENERAL PROVISIONS

- 6.27.1.1 Title and Citation
- 6.27.1.2 Purpose and Findings; Scope
- 6.27.1.3 Authority
- 6.27.1.4 Applicability
- 6.27.1.5 Permit Required; Allowed Use Not Required; Stay On Issuance of Easements and Other Permits
- 6.27.1.6 Relationship of Regulations to other City, State and Federal Requirements
- 6.27.1.7 Maps
- 6.27.1.8 Severability
- 6.27.1.9 Definitions

SECTION 6.27.1.1 TITLE AND CITATION

The various regulations constituting Sections 6.27.1 through 6.27.13 of Division 6.27 of Article 6 are titled and may be cited as the “Guidelines and Regulations for Areas and Activities of State Interest of the City of Fort Collins,” or “Regulations.”

SECTION 6.27.1.2 PURPOSE AND FINDINGS

- (A) **Purpose.** The general purpose of these Regulations is to facilitate identification, designation, and administration of matters of state interest consistent with the statutory requirements and criteria set forth in Section 24-65.1-101, et seq., C.R.S. The specific purposes are to:
- (1) Protect public health, safety, welfare, the environment, and historic, cultural, and wildlife resources;
 - (2) Implement the vision and policies of the City’s Comprehensive Plan;
 - (3) Ensure that infrastructure, growth and development in the City occur in a planned and coordinated manner;
 - (4) Protect natural, historic, and cultural resources; protect and enhance natural habitats and features of significant ecological value as defined in Section 5.6.1; protect air and water quality; reduce greenhouse gas emissions and enhance adaptation to climate change;
 - (5) Promote safe, efficient, and economic use of public resources in developing and providing community and regional infrastructure, facilities, and services;
 - (6) Regulate land use on the basis of environmental, social and financial impacts of proposed development on the community and surrounding areas; and
 - (7) Ensure City participation in the review and approval of development plans that pass through and impact City residents, businesses, neighborhoods, property owners, resources and other assets.
- (B) **Findings.** The City Council of the City of Fort Collins finds that:

- (1) The notice and public hearing requirements of Section 24-65.1-404, C.R.S., have been followed in adopting these Regulations;
- (2) These Regulations are necessary because of the intensity of current and foreseeable development pressures on and within the City;
- (3) These Regulations are necessary to protect the public health, safety, welfare, the environment, and historic, cultural and wildlife resources;
- (4) These Regulations apply to the entire area within the incorporated municipal boundaries of the City; and
- (5) These Regulations interpret and apply to any regulations adopted for specific areas of state interest and specific activities of state interest which have been or may be designated by the City Council.

SECTION 6.27.1.3 AUTHORITY

These Regulations are authorized by, inter alia, Fort Collins City Charter Article I, Section 4, Colorado Constitution Article XX, and Section 24-65.1-101, et seq., C.R.S.

SECTION 6.27.1.4 APPLICABILITY

These Regulations shall apply to all proceedings and decisions concerning identification, designation, and regulation of any development in any area of state interest or of any activity of state interest that has been or may hereafter be designated by the City Council.

- (A) To the extent a development plan could be reviewed under these Regulations and also as a Site Plan Advisory Review, Overall Development Plan, Project Development Plan, Final Plan, Basic Development Review, or Minor or Major Amendment, or other site-specific development plan, such development plan shall only be reviewed under these Regulations unless the Director issues a FONSI pursuant to Section 6.27.6.5 or an exemption as set forth in Section 6.27.4.1 applies, in which case the development plan shall instead be reviewed under the other applicable review process.
- (B) Development plans that have completed Site Plan Advisory Review pursuant to the Land Use Code prior to the effective date of these Regulations and been denied by the Planning and Zoning Commission shall be subject to these Regulations unless a FONSI is issued pursuant to Section 6.27.6.5 or an exemption applies pursuant to Section 6.27.4.1.
- (C) Certain work exempt from the definition of development set forth in Article 7 may be subject to these Regulations as stated in the definition of development and these Regulations.
- (D) City Council has designated as an activity of state interest subject to these Regulations, the Site Selection and Construction of Major New Domestic Water and Sewage Treatment Systems and the Major Extension of Existing Domestic Water and Sewage Treatment Systems. Definitions for major new domestic water systems and major new sewage treatment systems and major extensions of each are set forth in Section 6.27.1.9.
- (E) City Council has also designated as an activity of state interest subject to these Regulations, the Site Selection of Arterial Highways and Interchanges and Collector Highways. Definitions for arterial highways, interchanges and collector highways are set forth in Section 6.27.1.9.

SECTION 6.27.1.5 PERMIT REQUIRED; ALLOWED USE NOT REQUIRED; STAY ON ISSUANCE OF EASEMENTS AND OTHER PERMITS

(A) Permit Required.

Other than as stated in Sections 6.27.1.4, 6.27.4.1, and 6.27.6.5, no person may conduct a designated activity of state interest or develop in a designated area of state interest within the City without first obtaining a permit or a permit amendment under these Regulations.

(B) Allowed Use in Zone District Not Required.

(1) Proposed development plans subject to these Regulations shall not be considered as an allowed use in any zone district unless a permit has been issued pursuant to these Regulations. However, as described in Section 6.27.4.1(A), any fully constructed and operating project or facility that was lawfully developed under prior law but would be subject to these Regulations if it were currently proposed may continue to operate pursuant to Division 6.16 as a nonconforming use or structure.

(2) A permit pursuant to these Regulations may be issued for a development plan that is to be located in one or more zone districts regardless of whether the zone district or districts list the use proposed by the development plan as an allowed use or otherwise prohibit such use.

(C) Stay on Issuance of Easements and Other Permits.

No easements on City-owned real property and no permits issued by the City other than under these Regulations, including but not limited to flood plain and right-of-way encroachment permits, shall be granted for any development plan subject to these Regulations without such development plan having first obtained a permit pursuant to these Regulations or as may otherwise allowed under these Regulations.

SECTION 6.27.1.6 RELATIONSHIP OF REGULATIONS TO OTHER CITY, STATE AND FEDERAL REQUIREMENTS

(A) Whenever these Regulations are found to be inconsistent with any other Land Use Code provision, the more stringent standard or requirement shall control.

(B) In the event these Regulations are found to be less stringent than the statutory criteria for administration of matters of state interest set forth in Section 24-65.1-202, C.R.S., the statutory criteria shall control.

(C) In the event these Regulations are found to be more stringent than the statutory criteria for administration of matter of state interest set forth in Sections 24-65.1-202 and 24-65.1-204, C.R.S., these Regulations shall control pursuant to the authority of Section 24-65.1-402 (3), C.R.S.

(D) Unless otherwise specified in these Regulations, these Regulations are intended to be applied in addition to, and not in lieu of, any other City regulations or policies, including, without limitation, the Land Use Code, Natural Areas Easement Policy, and regulations regarding

flood plain and encroachment permits as set forth in the Code of the City of Fort Collins, all as currently in effect or hereafter amended.

- (E) Permit requirements included in these Regulations shall be in addition to and in conformance with all applicable local, state, and federal water quality and air quality, and environmental laws, rules, and regulations.
- (F) Review or approval of a development plan by a federal or state or local agency does not substitute for a permit under these Regulations. Any applicant for a permit under these Regulations that is also subject to the regulations of other agencies may request in writing that the City application and review process be coordinated with that of the other agency or agencies. If practicable, the Director, in their discretion, may attempt to eliminate redundant application submittal requests and may coordinate City review of the application with that of other agencies as appropriate. To the extent the Director determines that the City's authority is preempted with regards to any requirement under these Regulations, such requirement shall not be applicable to the proposed development plan to the extent of the preemption.
- (G) These Regulations shall not be construed as modifying or amending existing laws or court decrees with respect to the determination and administration of water rights. To the extent the Director determines that any requirement under these Regulations would modify or amend existing laws or court decrees with respect to the determination and administration of water rights, such requirement shall not be applicable to the development plan to the extent of the modification or amendment of existing laws or court decrees.

SECTION 6.27.1.7 MAPS

- (A) Each map referred to in designations and regulations for any particular matter of state interest adopted by the City Council is deemed adopted therein as if set out in full.
- (B) Maps referred to in any such designations and regulations shall be available for inspection in the offices of the Community Development and Neighborhood Services Department.

SECTION 6.27.1.8 SEVERABILITY

If any division, section, clause, provision, or portion of these Regulations should be found to be unconstitutional or otherwise invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

SECTION 6.27.1.8 DEFINITIONS

The words and terms used in these Regulations shall have the meanings set forth below subject to Section 6.24.9 regarding the rules of construction for text. The definitions set forth below are specifically applicable to this Division 27 and other Land Use Code provisions referencing Division 27, including Division 28, and are not otherwise generally applicable to the Land Use Code.

Adequate security shall mean such funds or funding commitments, whether in the form of negotiable securities, letters of credit, bonds or other instruments or guarantees, as are deemed sufficient, in the Director's discretion, and in a form approved by the City Attorney, to guarantee performance of the act, promise, permit condition or obligation to which it pertains.

Aquifer recharge area shall mean any area where surface water may infiltrate to a water-bearing stratum of permeable rock, sand or gravel. This definition also applies to wells used for disposal of wastewater or toxic pollutants.

Arterial highway shall mean any limited access highway that is part of the federal-aid interstate system, any limited access highway constructed under the supervision of the Colorado Department of Transportation, or any private toll road constructed or operated under the authority of a private toll road company. Arterial highway does not include a city street or local service road or a county road designed for local service and constructed under the supervision of local government.

Collector highway shall mean a major thoroughfare serving as a corridor or link between municipalities, unincorporated population centers or recreation areas, or industrial centers, and constructed under guidelines and standards established by, or under the supervision of, the Colorado Department of Transportation. Collector highway does not include a city street or local service road or a county road designed for local service and constructed under the supervision of local government.

Collector sewer shall mean a network of pipes and conduits through which sewage flows to an interceptor main and/or a sewage treatment plant.

Cumulative impacts shall mean the impact on the environment and cultural impacts which result from the incremental impact of the development plan when added to other present, and reasonable future actions.

Designation shall mean only that legal procedure specified by Section 24-65.1-401, et seq., C.R.S., and carried out by the City Council.

Disproportionately impacted community or DIC shall mean a community that is in a census block group where the proportion of households that are low income, that identify as minority, or that are housing cost-burdened is greater than 40% as such terms are defined in Section 24-4-109(2)(b)(II), C.R.S., as amended.

Domestic water and sewage treatment system shall mean a wastewater treatment facility, water distribution system, or water treatment facility, as defined in Section 25-9-102(5), (6) and (7), C.R.S., and any system of pipes, structures and facilities through which wastewater is collected for treatment.

Finding of no significant impact (or FONSI) shall mean the decision by the Director as to whether a potential impact is not significant based on the scale and context of the proposed development plan as well as the magnitude, duration or likelihood of an impact occurring.

High priority habitat shall mean habitat areas identified by City Natural Areas or Colorado Parks and Wildlife where measures to avoid, minimize, and mitigate impacts to wildlife have been identified to protect breeding, nesting, foraging, migrating, or other uses by wildlife. Maps showing, and spatial data identifying, the individual and combined extents of the high priority habitats are provided by Colorado Parks and Wildlife and City Natural Areas.

Highways shall mean state and federal highways.

Historic and cultural resource shall mean a site, structure, or object, including archeological features, located on a lot, lots, or area of property and is (1) designated as a Fort Collins landmark; (2) a contributing resource to a designated Fort Collins landmark district; (3) designated on the State Register of Historic Properties or National Register of Historic Places; or (4) determined to be eligible for designation as a Fort Collins landmark.

Impact shall mean the direct or indirect negative effect or consequence resulting from development that may or may not be avoidable or fully mitigated.

Impact area shall mean the geographic areas within the City, including the development site, in which any significant impacts are likely to be caused by the proposed development plan.

Interceptor main shall mean a pipeline that receives wastewater flows from collector sewers to a wastewater treatment facility or to another interceptor line or meeting other requirements of the Colorado Department of Public Health and Environment to be classified as an interceptor.

Interchange shall mean the intersection of two or more highways, roads or streets, at least one of which is an arterial highway or toll road where there is direct access to and from the arterial highway or toll road.

Major new sewage system shall mean:

- (1) A new wastewater treatment plant;
- (2) A new lift station; or
- (3) An interceptor main or collector sewer used for the purposes of transporting wastewater that meets one or more of the following criteria:
 - (a) Will require a new public right-of-way or easement greater than 30-feet in width and 1,452 linear feet in length in the aggregate for the proposed development plan; or
 - (b) Will require a new, or utilize an existing, easement within any City natural area or conserved land greater than 30-feet in width and 1,452 linear feet in length in the aggregate for the proposed development plan.

Major new domestic water system shall mean:

- (1) A system of wells, water diversions, transmission mains, distribution mains, ditches, structures, and facilities, including water reservoirs, water storage tanks, water treatment plants or impoundments and their associated structures, through which a water supply is obtained, stored, and sold or distributed for domestic uses; or
- (2) A system of wells, water diversions, transmission mains, distribution mains, ditches, structures, and facilities, including water reservoirs, water storage tanks, water treatment plants or impoundments and their associated structures, through which a water supply is obtained that will be used directly or by trade, substitution, augmentation, or exchange for water that will be used for human consumption or household use;

And all or part of a system described in (1) or (2) above meets one or more of the following criteria:

- (a) Will require a new public right-of-way or easement greater than 30-feet in width and 1,452 linear feet in length in the aggregate for the proposed development plan; or

- (b) Will require a new, or utilize an existing, easement within any City natural area or conserved land greater than 30-feet in width and 1,452 linear feet in length in the aggregate for the proposed development plan.

In determining whether a proposed development plan is a major new domestic water supply system, the Director may consider water rights decrees, pending water rights applications, intergovernmental agreements, treaties, water supply contracts and any other evidence of the ultimate use of the water for domestic, human consumption or household use. Domestic water supply systems shall not include that portion of a system that serves agricultural customers, irrigation facilities or stormwater infrastructure.

Major extension of an existing domestic water treatment system shall mean the expansion of an existing domestic water treatment plant or capacity for storage that will result in a material change, or the extension or upgrade of existing transmission mains, distribution mains, or new pump stations that will result in a material change. Major extension of an existing domestic water treatment system shall exclude the following:

- (1) Any maintenance, repair, adjustment;
- (2) Existing pipeline or the relocation, or enlargement of an existing pipeline within the same public right-of-way or easement not greater than 30-feet in width and for a distance of 1,452 linear feet or less;
- (3) A new pipeline or facility within an existing public right-of-way;
- (4) A new pipeline or facility within easements not greater than 30-feet or less and for a distance of 1,452 linear feet or less; or
- (5) A new pipeline or facility constructed partially within an existing public right-of-way and partially within adjoining easements that are not greater than 30-feet in width and for a distance of 1,452 linear feet or less.

Major extension of an existing sewage treatment system shall mean any modification of an existing wastewater treatment plant or lift station that will result in a material change, or any extension or upgrade of existing interceptor main or collector sewer that will result in a material change. Major extension of an existing sewage treatment system shall exclude the following:

- (1) Any maintenance, repair, adjustment;
- (2) Existing pipeline or the relocation, or enlargement of an existing pipeline within the same public right-of-way or easement not greater than 30-feet in width and for a distance of 1,452 linear feet or less;
- (3) A new pipeline or facility within an existing public right-of-way;
- (4) A new pipeline or facility within easements not greater than 30-feet or less and for a distance of 1,452 linear feet or less;
- (5) A new pipeline or facility constructed partially within an existing public right-of-way and partially within adjoining easements that are not greater than 30-feet in width and for a distance of 1,452 linear feet or less; or

- (6) Any sewage system facility that does not increase the rated capacity from the Colorado Department of Public Health and Environment.

Material change shall mean any change in a development plan approved under these Regulations which significantly expands the scale, magnitude, or nature of the approved development plan or the significant impacts considered by the Permit Authority in approval of the original permit.

Matter of state interest shall mean an area of state interest or an activity of state interest or both.

Mitigation shall mean avoiding a significant impact or minimizing impacts by limiting the degree, magnitude, or location of the action or its implementation.

Natural features shall mean land area and processes present in or produced by nature, including, but not limited to, soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, flood plains, aquatic life, wildlife, and view corridors which present vistas to mountains and foothills, water bodies, open spaces and other regions of principal environmental importance, provided that such natural features are identified on the City's Natural Habitats and Features Inventory Map.

Permit shall mean a permit issued under these Regulations to conduct and develop an activity of state interest or to engage in development in an area of state interest, or both.

Permit Authority shall mean the City Council or, with respect to matters delegated by these Regulations, the Director and the Planning and Zoning Commission, as established and further described in Section 6.27.5.1.

Public right-of-way shall mean an area dedicated to public use or impressed with an easement for public use which is owned or maintained by the City and is primarily used for pedestrian or vehicular travel for public utilities or other infrastructure. Right-of-way shall include, but not be limited to, the street, gutter, curb, shoulder, sidewalk, sidewalk area, parking area and any other public way.

Site selection of arterial highways and interchanges and collector highways shall mean the determination of a specific corridor or facility location which is made at the conclusion of the corridor location studies in which:

- (1) Construction of an arterial highway, interchange, or collector highway is proposed; or
- (2) Expansion or modification of an existing arterial highway, interchange or collector highway is proposed that would result in either (a) or (b), or both as follows:
 - (a) An increase in road capacity by at least one (1) vehicle lane through widening or alternative lane configuration.
 - (b) Expansion or modification of an existing interchange or bridge.

Transmission main shall mean a domestic water supply system's line that is designed to transport raw or treated water from a water source to a water treatment plant, storage facility or distribution systems.

Treatment System shall mean either, or both, the water distribution system and wastewater collection system.

Wastewater collection system means a system of pipes, conduits, and associated appurtenances that transports domestic wastewater from the point of entry to a domestic wastewater treatment facility. The term does not include collection systems that are within the property of the owner of the facility. The term is defined in Section 25-9-102(4.9), C.R.S., and as amended.

Wastewater treatment plant shall mean a facility or group of units used for treatment of industrial or domestic wastewater or the reduction and handling of solids and gases removed from such wastes, whether or not such facility or group of units discharges into state waters. Wastewater treatment plant specifically excludes individual wastewater disposal systems such as septic tanks or leach fields.

Water distribution main shall mean a domestic water supply system's pipeline that is designed to transport treated water from a transmission main to individual water customers through service laterals.

Water distribution system shall mean a network of pipes and conduits through which water is piped for human consumption or a network of pipes and conduits through which water is piped in exchange or trade for human consumption.

Water diversion shall mean removing water from its natural course or location or controlling water in its natural course or location by means of a control structure, canal, flume, reservoir, bypass, pipeline, conduit, well, pump or other structure or device or by increasing the volume or timing of water flow above its natural (pre-diversion) levels.

Water treatment plant shall mean the facilities within the domestic water supply system that regulate the physical, chemical or bacteriological quality of the water.

SECTION 6.27.2 PROCEDURE FOR DESIGNATION OF MATTERS OF STATE INTEREST

- 6.27.2.1 City Council to Make Designations
- 6.27.2.2 Public Hearing Required
- 6.27.2.3 Notice of Public Hearing; Publication
- 6.27.2.4 Matters to be Considered at Designation Hearing
- 6.27.2.5 Adoption of Designation and Regulations
- 6.27.2.6 Effect of Notice of Designation – Moratorium until Final Determination
- 6.27.2.7 Mapping Disputes

SECTION 6.27.2.1 CITY COUNCIL TO MAKE DESIGNATIONS

Designations and amendments of designations may be initiated in three ways:

- (A) The City Council may in its discretion designate and adopt regulations for the administration of any matter of state interest.
- (B) The Planning and Zoning Commission may on its own motion or upon City Council request, recommend the designation of matters of state interest to City Council. The City Council shall decide, in its sole discretion, whether or not to designate any or all of the requested matters of state interest.
- (C) City staff may request that City Council designate an area or activity of state interest and adopt regulations for the administration of the matter designated. The City Council shall

decide, in its sole discretion, whether or not to designate any or all of the requested matters of state interest.

SECTION 6.27.2.2 PUBLIC HEARING REQUIRED

The City Council shall hold a public hearing before designating any matter of state interest and adopting regulations for the administration thereof. Said hearing shall be held not less than thirty (30) days nor more than sixty (60) days after the giving of public notice of said hearing.

SECTION 6.27.2.3 NOTICE OF PUBLIC HEARING; PUBLICATION

- (A) The City shall prepare a notice of the designation hearing which shall include:
 - (1) The time and place of the hearing;
 - (2) The place at which materials relating to the matter to be designated and any guidelines and regulations for the administration thereof may be examined;
 - (3) The telephone number and e-mail address where inquiries may be answered; and
 - (4) A description of the area or activity proposed to be designated in sufficient detail to provide reasonable notice as to property which would be included.
- (B) At least thirty (30) days, but no more than sixty (60) days before the public hearing, the City shall publish the notice in a newspaper of general circulation in the City and shall mail the notice to each of the following as deemed appropriate in the City's discretion:
 - (1) State and federal agencies; and
 - (2) Any local government jurisdiction that would be directly or indirectly affected by the designation.

SECTION 6.27.2.4 MATTERS TO BE CONSIDERED AT DESIGNATION HEARING

At the public hearing, the City Council shall receive into the public record:

- (A) Testimony and evidence from any and all persons or organizations desiring to appear and be heard, including City staff;
- (B) Any documents that may be offered; and
- (C) The recommendation of the Planning and Zoning Commission.

SECTION 6.27.2.5 ADOPTION OF DESIGNATIONS AND REGULATIONS

- (A) City Council shall consider the following when determining whether to designate an area or activity to be of state interest:
 - (1) All testimony, evidence and documents taken and admitted at the public hearing;
 - (2) The intensity of current and foreseeable development pressures in the City;
 - (3) The matters and considerations set forth in any applicable guidelines or model regulations issued by the Colorado Land Use Commission and other State agencies; and

- (4) Reasons why the particular area or activity is of state interest, the dangers that would result from uncontrolled development of any such area or uncontrolled conduct of such activity, and the advantages of development of such area or conduct of such activity in a coordinated manner.
- (B) Any City Council order designating an area or activity to be of state interest and the adoption of any regulations for the administration of an area or activity of state interest shall be by ordinance.
- (C) In the event the City Council finally determines that any matter is a matter of state interest within the City, it shall be the City Council's duty to designate such matter and adopt regulations for the administration thereof.
- (D) Each designation order adopted by the City Council shall:
 - (1) Specify the boundaries of the designated area of state interest or the boundary of the area in which an activity of state interest has been designated; and
 - (2) State reasons why the particular area or activity is of state interest, the dangers that would result from uncontrolled development of any such area or uncontrolled conduct of such activity, and the advantages of development of such area or conduct of such activity in a coordinated manner.

SECTION 6.27.2.6 EFFECT OF DESIGNATION – MORATORIUM UNTIL FINAL DETERMINATION

After a matter of state interest is designated, no person shall engage in development in such area and no such activity shall be conducted until the designation and regulations for such area or activity are finally determined as required by Section 24-65.1-404 (4), C.R.S.

SECTION 6.27.2.7 MAPPING DISPUTES

Where interpretation is needed as to the exact location of the boundary of any designated area and where there appears to be a conflict between a mapped boundary and actual field conditions, the City Council shall make the necessary boundary determination at a public hearing after providing notice pursuant to Section 6.27.2.3.

SECTION 6.27.3 DESIGNATED ACTIVITIES OF STATE INTEREST

6.27.3.1 Designated Areas and Activities of State Interest

SECTION 6.27.3.1 DESIGNATED ACTIVITIES OF STATE INTEREST

The City Council has designated the following matters of state interest for regulation:

- (A) Site Selection and Construction of Major New Domestic Water and Sewage Treatment Systems and Major Extension of Existing Domestic Water and Sewage Treatment Systems (Ordinance No. 122, 2021)
- (B) Site Selection of Arterial Highways and Interchanges and Collector Highways (Ordinance No. 122, 2021)

SECTION 6.27.4 EXEMPTIONS

6.27.4.1 Exemptions

SECTION 6.27.4.1 EXEMPTIONS

These Regulations are not applicable to the following:

- (A) Any fully constructed and operating project or facility that was lawfully developed under prior law in effect before the effective date of these Regulations that would be subject to these Regulations if it were currently proposed, may continue to operate pursuant to Division 6.16, Nonconforming Uses and Structures, with the exception that enlargement or expansion of any such project or facility shall require a permit under these Regulations unless an exemption exists or a FONSI is issued. An enlargement or expansion requiring a permit shall not include the maintenance, repair or replacement of existing buildings or structures associated with an existing facility, including retrofitting or updating technology, provided any changes do not result in a material change as determined by the Director. Enlargements or expansions not requiring a permit may still be subject to Section 6.16.5 or an applicable Land Use Code development review process.
- (B) Any site specific development plan that would be subject to these Regulations but has received final City approval as of the effective date of these Regulations so long as the vested rights for such approved site specific development plan have not expired. This exemption does not apply to any subsequent modifications to the approved site specific development plan or expansion of the development site that was not included within the City approved application and for which a new or revised development application is required.
- (C) Any proposed development plan otherwise subject to these Regulations but such proposed development plan is (1) subject to review and approval as part of the review of a proposed residential, commercial, industrial or mixed-use project under a development review process other than Site Plan Advisory Review under the Land Use Code, including but not limited to a project development plan or basic development review, and (2) which proposed development plan is directly necessitated by a proposed residential, commercial, industrial or mixed-use development.
- (D) Any project previously approved by the Planning and Zoning Commission pursuant to the Site Plan Advisory Review (SPAR) process.
- (E) Any proposed development plan issued a FONSI pursuant to Section 6.27.6.5.

SECTION 6.27.5 PERMIT AUTHORITY

6.27.5.1 Established Permit Authority

6.27.5.1 PERMIT AUTHORITY ESTABLISHED

- (A) The Fort Collins Permit Authority is hereby established consisting of the Fort Collins City Council, or with respect to matters delegated by these Regulations, the Director and the Planning and Zoning Commission.

- (B) The Director shall be the decision maker regarding issuing or not issuing a FONSI.
- (C) The Planning and Zoning Commission shall be the decision maker regarding appeals of Director decisions to issue or not issue a FONSI and regarding recommendations to City Council regarding permit applications.
- (D) The City Council shall be the decision maker for approving or not approving a Permit. The City Council shall also be the decision maker regarding appeals of Planning and Zoning Commission decisions regarding the appeal of Director decisions to issue or not issue a FONSI. Permit applications are reviewed by the City Council pursuant to the procedure set forth in these Regulations.

SECTION 6.27.6 PERMIT APPLICATION PROCEDURES

- 6.27.6.1 Preliminary Design Review
- 6.27.6.2 Application Fee; Financial Security Waiver
- 6.27.6.3 Pre-Application Area or Activity Review
- 6.27.6.4 FONSI Public Comment Period
- 6.27.6.5 Determination of Applicability of Regulations- FONSI
- 6.27.6.6 Neighborhood Meeting
- 6.27.6.7 Application Submission Requirements
- 6.27.6.8 Determination of Completeness
- 6.27.6.9 Referral Agencies
- 6.27.6.10 Simultaneous Processing of Associated Development Applications
- 6.27.6.11 Combined Application for Multiple Activities or Development in More than One Area of State Interest.
- 6.27.6.12 Permit Decision Making Procedures
- 6.27.6.13 Conduct of Permit Hearings
- 6.27.6.14 Approval or Denial of Permit Application
- 6.27.6.15 Issuance of Permit, Conditions

SECTION 6.27.6.1 APPLICATION PROCEDURES

The application procedures for activities and areas of state interest are described in Land Use Code Division 6.28 and in these Regulations.

SECTION 6.27.6.2 APPLICATION FEE; FINANCIAL SECURITY WAIVER

- (A) Each pre-application area or activity review application and development application for a permit submitted must be accompanied by the fees established pursuant to Section 6.3.3(D). The Director may determine at any time during the pre-application review and development application review process that it is necessary to retain a third-party consultant to assist in reviewing the application pursuant to Section 6.3.3(D). All costs incurred in the third-party consultant review shall be borne by the applicant in addition to the City's internal application review fees.
- (B) A referral agency may impose a reasonable fee for the review of a development application and the applicant shall pay such fee which shall detail the basis for the fee imposed. No hearings by the Permit Authority will be held if any such referral agency's fee has not been paid.

SECTION 6.27.6.3 PRE-APPLICATION AREA OR ACTIVITY REVIEW

- (A) The purpose of the pre-application area or activity review is to determine if a permit is required for the proposed development plan, application submittal requirements, procedural requirements, and relevant agencies to coordinate with as part of any permit review process. Topics of discussion may include, as relevant to the specific application, but are not limited to:
- (1) Characteristics of the activity, including its location, proximity to natural and human-made features; the size and accessibility of the site; surrounding development and land uses; and its potential impact on surrounding areas, including potential environmental effects and planned mitigation strategies.
 - (2) The nature of the development proposed, including land use types and their densities; placement of proposed buildings, pipelines, structures, operations, and maintenance; the protection of natural habitats and features, historic and cultural resources, and City natural areas, parks, or other City property or assets; staging areas during construction; alternatives considered; proposed parking areas and internal circulation system, including trails, the total ground coverage of paved areas and structures; and types of water and wastewater treatment systems proposed.
 - (3) Proposed mitigation of significant impacts.
 - (4) Siting and design alternatives and reasons why such alternatives are not feasible.
 - (5) Community policy considerations, including the review process and likely conformity of the proposed development with the policies and requirements of these Regulations.
 - (6) Applicable regulations, review procedures and submission requirements.
 - (7) Other regulatory reviews or procedures to which the applicant is subject, the applicant's time frame for the proposed development plan, and other applicant concerns.
- (B) To schedule the pre-application area or activity review, the applicant must first provide the Director with the following:

- (1) Names and addresses of all persons proposing the activity or development;
- (2) Name and qualifications of the person(s) responding on behalf of the applicant;
- (3) A written summary of the desired location of the proposed development plan including a vicinity map showing the location of three (3) siting and design alternatives, one of which is the preferred location, drafted at approximately thirty percent (30%) completeness. One (1) of the three (3) alternatives submitted shall avoid natural features and historic and cultural resources and avoid the need for mitigation to the maximum extent feasible;
- (4) A vicinity map of the preferred siting and proposed development plan projected at an easily readable scale showing the outline of the perimeter of the parcel proposed for the project site (for linear facilities, the proposed centerline and width of any corridor to be considered), property parcels, location of all residences and businesses, any abutting subdivision outlines and names, the boundaries of any adjacent municipality or growth management area, roads (clearly labeled) and natural features within a half (1/2) mile radius and identified historic and cultural resources within a two hundred (200) foot radius of the project site boundary; an Ecological Characterization Study as defined by Land Use Code Section 5.6.1 within a half (1/2) mile radius of the impact area; and a cultural and historic resource survey documentation and determinations of Fort Collins landmark eligibility for resources within two hundred (200) feet of the project site boundary for each of the three siting alternatives. All final determinations of eligibility for designation as a Fort Collins landmark shall be made in the reasonable discretion of City Historic Preservation staff after reviewing the cultural and historic resource survey and such determinations are not subject to appeal.
- (5) A written summary of the cumulative impacts on natural features within a half (1/2) mile radius and on historic and cultural features within 200 feet of the preferred location of the proposed development plan;
- (6) A written summary as to whether the proposed development plan has the potential for a significant impact or not. The review of significance must include specifics related to the scale, magnitude, duration, or likelihood of the impact occurring.

- (7) Any required certificate of appropriateness pursuant to Chapter 14 of the Code of the City of Fort Collins allowing proposed alterations to any designated historic or cultural resource that may be affected by the proposed development plan.
- (8) Any conceptual mitigation plans for the preferred location of the proposed development plan;
- (9) The required application fee and applicant agreement to pay the costs of (1) the Director retaining third-party consultants necessary to assist the Director in making a FONSI determination pursuant to Section 6.27.6.5; (2) the Director retaining third-party consultants necessary to assist the Director with the completeness review of any submitted application pursuant to Section 6.27.6.8; and (3) the Director retaining third-party consultants necessary to assist City staff in reviewing a complete permit application or City Council in rendering a decision on a permit; and
- (10) Any additional information requested by the Director as necessary to make a FONSI determination pursuant to Section 6.27.6.5.

SECTION 6.27.6.4 FONSI PUBLIC COMMENT PERIOD

- (A) Upon the Director deeming the application for a pre-application area or activity review as complete, written notice shall be mailed pursuant to (B). The Director shall not issue a FONSI determination pursuant to Section 6.27.6.5 for at least fourteen (14) days from the date of mailing to allow for any person to submit written comments for the Director's consideration.
- (B) At the applicant's cost, notifications for the Director's pending FONSI determination shall be mailed to the property owners and occupants within one thousand feet (1,000) in all directions of the location of the proposed development plan as determined by the Director in their reasonable discretion and shall also be posted on the City's website at www.fcgov.com.

SECTION 6.27.6.5 DETERMINATION OF APPLICABILITY OF REGULATIONS - FONSI

The Director shall determine the applicability of these Regulations based upon the pre-application area or activity review meeting described in Section 6.27.6.3, information provided as part of the application or third-party consultants retained by the Director, and any written public comments.

- (A) The Director shall make a finding related to whether the proposed development plan will result in significant impacts. In order for the Director to determine that a proposed development plan will not result in significant impacts and to issue a FONSI, they must determine that the proposed project does not meet any of the below criteria (1) through (8). The decision by the Director of potential significant impacts may or may not include consideration of proposed mitigation depending on factors that may include, but are not limited to, the scale, magnitude, and complexity of mitigation, and the sensitivity of the resource being mitigated. The FONSI shall be evaluated under the following criteria:
 - (1) Is located wholly or partly on, under, over or within an existing or planned future City natural area or park, whether developed or undeveloped;
 - (2) Is located wholly or partly on, under, over or within a City-owned, non-right-of-way, property or current or anticipated City building site, whether developed or undeveloped;

- (3) Is located within a buffer zone of an existing natural habitat or feature, as defined in Land Use Code Section 5.6.1;
 - (4) Is located within a buffer of a high priority habitat as identified by Colorado Parks and Wildlife;
 - (5) Has potential to significantly impact a natural feature as defined by the Land Use Code;
 - (6) Has the potential to significantly impact natural habitat corridors identified by the City's Natural Area Department;
 - (7) Has potential to significantly impact historic or cultural resources within a two hundred (200) foot outer boundary of the proposed development plan; or
 - (8) Has potential to significantly impact disproportionately impacted communities.
- (B) If the Director issues a FONSI, the applicant does not need to submit a permit application under these Regulations. However, issuance of a FONSI does not exempt the proposed development plan from all Land Use Code requirements, and an alternative review process may be required.
- (C) If the Director issues a FONSI and the applicant subsequently makes material changes to the development plan, the applicant is required to schedule another pre-application area or activity review pursuant to Section 6.27.6.3 to discuss the changes. Based on the new information and whether the revised development could result in significant impacts, the Director may rescind the FONSI by issuing a written determination pursuant to below Subsection (F) and require a permit under these Regulations.
- (D) Permit Not Required. If the Director has made a finding of no significant impacts, or FONSI, a permit pursuant to these Regulations is not required. However, the proposed development plan may be subject to a different Land Use Code development review process. If the Director's decision includes consideration of proposed mitigation, the applicant must provide to the City a guarantee in the form of a development bond, performance bond, letter of credit, cash, certificate of deposit or other city-approved means to guarantee the completion of all mitigation to be constructed as shown on the approved development plan.
- (E) Permit Required. If the Director determines a FONSI is not appropriate, the proposed development plan requires a permit and is subject to these Regulations. The Director shall provide the applicant with written comments, to the extent such comments differ from comments provided for any conceptual review, regarding the proposal to inform and assist the applicant in preparing components of the permit application; including a submittal checklist pursuant to Section 6.27.6.7, and additional research questions to address common review standards pursuant to Section 6.27.7.1.
- (F) Notice of Director's Determination.
- (1) The Director's determination to either issue a FONSI and not require a permit or to not issue a FONSI and require a permit shall be in writing and describe in detail the reasons for the determination. Subject to the fourteen (14) day comment period described in Section 6.27.6.4, the Director shall make this determination within twenty-eight (28) days after the date the preapplication review has occurred or any

requested additional information or third-party consultation is received, whichever is later.

- (2) If a permit is required, the Director shall provide additional information needed to deem a permit application complete; including additional scope of analysis needed to review.
 - (3) The Director shall provide the written determination to the applicant by email if an email address has been provided and promptly mail a copy of the written determination, at the applicant's cost, to the applicant and to property owners within one-thousand (1000) feet in all directions of the location of the proposed development plan as determined by the Director in their reasonable discretion and shall also be posted on the City's website at www.fcgov.com.
- (G) Appeal of the Director's Determination. The Director's determination whether to issue or not issue a FONSI is subject to appeal to the Planning and Zoning Commission pursuant to Land Use Code Section 6.3.12(D). The Planning and Zoning Commission decision on the appeal is further subject to appeal to City Council pursuant to the Code of the City of Fort Collins Ch. 2, Art. 2, Div. 3. After the filing of a timely notice of appeal pursuant to Section 6.3.12(D), the Director shall not accept any application that may be affected by an appeal decision and, if an application has been accepted, shall cease processing such application until the appeal has been decided, which in the case of an appeal to Council shall be the date of adoption of the appeal resolution. The filing of a timely notice of appeal shall reset any time period set forth in 6.27.6.8 and 6.27.6.12 and such time period shall begin from the date the appeal is decided as previously described.

SECTION 6.27.6.6 NEIGHBORHOOD MEETING

- (A) Before the Director may determine that a permit application is complete pursuant to Section 6.27.6.8, a neighborhood meeting is required pursuant to Land Use Code Section 6.3.2. The neighborhood meeting may be held no sooner than fifteen (15) days after the date of the Director FONSI determination pursuant to Land Use Code Section 6.27.6.5 that a permit is required pursuant to these Regulations. Should a FONSI determination requiring a permit be appealed, the neighborhood meeting requirement will be paused until the appeal has been decided. Should a FONSI determination that no permit is required be reversed on appeal, a neighborhood meeting is required.
- (B) At the applicant's cost, notifications for the neighborhood meeting shall be mailed to the property owners and occupants within one thousand feet (1,000) in all directions of the location of the proposed development plan as determined by the Director in their reasonable discretion and shall also be posted on the City's website at www.fcgov.com.

SECTION 6.27.6.7 APPLICATION SUBMISSION REQUIREMENTS

In addition to specific submission requirements for the activities addressed in Sections 6.27.8 and 6.27.9, all applications for a permit under these Regulations shall be accompanied by the following materials:

- (A) Completed application form and submittal checklist in the format established by the Director.

- (B) Any plan, study, survey or other information, in addition to the information required by this Section, at the applicant's expense, as in the Director's judgment is necessary to enable the Permit Authority to make a determination on the application. Such additional information may include applicant's written responses to comments by a referral agency.

Additional materials may be required by the Director for a particular type of proposed development plan. To the extent an applicant has prepared or submitted materials for a federal, state, county, or city permit which are substantially the same as required herein, a copy of those materials may be submitted to satisfy the corresponding requirement below.

SECTION 6.27.6.8 DETERMINATION OF COMPLETENESS

- (A) No permit application may be processed, nor shall a permit be deemed received pursuant to Section 24-65.1-501(2)(a), C.R.S., until the Director has determined it to be complete. The applicant may submit an application only after at least fifteen (15) days have passed since the FONSI determination. Upon submittal of the application, the Director shall determine whether the application is complete or whether additional information is required, and if so, shall inform the applicant and pause the completeness review until information is received. Any request for waiver of a submission requirement shall be processed prior to the Director making a determination that an application is complete. The Director may retain at the applicant's cost third-party consultants necessary to assist the Director with the completeness review. If the Director retains a third-party consultant for permit review, the scope of work will be available for review by the applicant.
- (B) No determination of completeness may exceed sixty (60) days unless one or more of the following occurs:
 - (1) The Director determines in writing that more than sixty (60) days is necessary to determine completeness in consideration of the size and complexity of the proposed development plan or available City resources. In such case, the Director shall determine how many additional days are needed, which shall not exceed sixty (60) additional days; or
 - (2) The Director and the applicant agree in writing to exceed sixty (60) days.
- (C) When the Director has determined that a submitted application is complete, or the time limit for making the completeness determination has elapsed even though the application may not be complete, the Director shall inform the applicant in writing of the date of its receipt. Only upon the Director's determination that an application is complete, or the time limit for making the completeness determination has elapsed even though the application may not be complete, may the City's formal review process commence pursuant to these Regulations.

SECTION 6.27.6.7 REFERRAL AGENCIES

All permit applications under these Regulations shall be referred to internal and external review agencies or City departments as determined by the Director, including for pre-application submittals, completeness reviews and final application submittals. Copies of any such referral agency comments received shall be forwarded to the applicant for its response at the time that comments are provided from City review staff.

SECTION 6.27.6.8 SIMULTANEOUS PROCESSING OF ASSOCIATED DEVELOPMENT APPLICATIONS

If a development plan subject to these Regulations contains project components not subject to these Regulations but subject to other requirements in the Land Use Code that result in an additional and separate development application, then both development applications can be processed simultaneously.

SECTION 6.27.6.9 COMBINED APPLICATION FOR MULTIPLE ACTIVITIES OR DEVELOPMENT IN MORE THAN ONE AREA OF STATE INTEREST

When approval is sought to conduct more than one activity of state interest, engage in development in more than one activity or area of state interest, or a combination of activities and areas, a combined application may be completed for all such activities or developments in areas of state interest and may be reviewed simultaneously and, if appropriate in the discretion of City Council, a single determination made to grant or deny permit approval. The City reserves the right to charge an application fee pursuant to Section 6.27.6.2 of these Regulations for each activity or area that is the subject of a combined application.

SECTION 6.27.6.10 PERMIT DECISION MAKING PROCEDURES

When an application has been determined complete by the Director pursuant to Section 6.27.6.8 of these Regulations, or the time limit for making the completeness determination has elapsed even though the application may not be complete, then, and only then, shall the permit review process commence. At that time, the following schedule shall apply:

- (A) No later than thirty (30) days after the receipt of a completed application, the Director will schedule a hearing before City Council. The thirty (30) day period to schedule the hearing may be extended if the applicant agrees to an extension in writing. Prior to such hearing, the Planning and Zoning Commission shall forward a recommendation to City Council to approve, approve with conditions, or deny the permit application.
- (B) The Director may retain third-party consultants at the applicant's expense necessary to assist City staff in reviewing a complete permit application or assist City Council in rendering a decision on a permit.
- (C) Upon setting a permit hearing date, the Director shall publish notice once in a newspaper of general circulation in the City of Fort Collins containing:
 - (1) The date, time, and place of the permit hearing not less than thirty (30) nor more than sixty (60) days before the date set for the hearing. The thirty (30) and sixty (60) day periods may be extended if the applicant agrees to an extension in writing.
- (D) The date, time, and place of the Planning and Zoning Commission hearing where a recommendation will be made at least seven (7) days prior to the hearing. At least fourteen (14) days prior to the City Council permit hearing, the Director shall mail notice of the date, time, and place of the hearing to the applicant and to property owners pursuant to Section 6.3.6. Notice of the Planning and Zoning Commission hearing where a recommendation will be made shall also be mailed at least fourteen (14) days prior to such hearing pursuant to Section 6.3.6 and may be combined with the mailed notice for the City Council hearing.

SECTION 6.27.6.11 CONDUCT OF PERMIT HEARING.

- (A) Planning and Zoning Commission hearings where a recommendation is made shall follow the requirements and procedures of Section 6.3.7.
- (B) City Council shall adopt into its rules of procedure a procedure for conducting permit hearings. Upon the closing of the portion of a permit hearing to receiving comments and evidence from the public, agencies, and the applicant, no further comments or evidence will be received from the public, agencies or applicant, including at any general public comment period for a City Council meeting or public comment associated with a specific agenda item such as a designation associated with a permit application, unless specifically authorized by City Council by reopening the public hearing.

SECTION 6.27.6.12 APPROVAL OR DENIAL OF PERMIT APPLICATION

- (A) The burden of proof shall be upon the applicant to show compliance with all applicable standards of the Regulations. To the extent a permit application may not comply with a particular standard, the applicant may demonstrate compliance with such standard by proposing mitigation measures that sufficiently offset the extent of noncompliance.
- (B) A permit application to conduct a designated activity of state interest or develop in a designated area of state interest may not be approved unless the applicant satisfactorily demonstrates that the development plan, in consideration of all proposed mitigation measures and any conditions, complies with all applicable standards. If City Council finds the development plan does not comply with all applicable standards, the permit shall be denied unless City Council, in its sole discretion, imposes conditions pursuant to Section 6.27.6.15 which if fulfilled would bring the development plan into compliance with all applicable standards, in which case City Council may approve the permit. City Council may also impose additional conditions pursuant to Section 6.27.6.15 on any permit.
- (C) If City Council finds that there is insufficient information concerning any of the applicable standards to determine that such standards have been met, City Council may deny the permit, may approve with conditions pursuant to Section 6.27.6.15 which if fulfilled would bring the development plan into compliance with all applicable standards, or may continue the public hearing or reopen a previously closed public hearing for additional information to be received. However, no continuance to receive additional evidence may exceed sixty (60) days unless agreed to by City Council and the applicant.
- (D) City Council shall approve a permit application only if the proposed development plan satisfies all applicable standards of these Regulations in consideration of proposed mitigation measures and any conditions necessary to attain compliance with any standards. City Council may also impose additional conditions pursuant to Section 6.27.6.15 on any permit.
- (E) City Council may close the public hearing and make a decision, or it may continue the matter for a decision only. However, City Council shall make a decision by majority vote within ninety (90) days after the closing of the public hearing, or the permit shall be deemed approved. To the extent the public hearing is reopened and closed, the closing date of the public hearing shall be measured from the most recent closing date.
- (F) City Council shall adopt by resolution findings of fact in support of its decision and, if approved, the written permit shall be attached to such resolution. To the extent a permit is deemed approved because City Council has not made a decision, adoption of such a resolution is not required.

SECTION 6.27.6.13 ISSUANCE OF PERMIT; CONDITIONS

- (A) City Council may attach conditions to the permit pursuant to Section 6.3.9 and additional conditions to ensure that the purpose, requirements, and standards of these Regulations are continuously met throughout the development, execution, operational life, and any decommissioning period. A development agreement between the City and the permittee may be required as a condition of approval.
- (B) Issuance of a permit signifies only that a development plan has satisfied, or conditionally satisfied, the applicable Regulations, and prior to commencing any development, conditions of the permit, additional Land Use Code, Code of the City of Fort Collins, other City requirements, or other state or federal requirements, may need to be met.
- (C) Subject to (D) below and Section 6.27.11.1, the permit may be issued for an indefinite term or for a specified period of time with such period depending upon the size and complexity of the development plan.
- (D) If the permittee fails to take substantial steps to initiate the permitted development plan within twelve (12) months from the date of the approval of the permit or such other time period specified in the permit, or if such steps have been taken but the applicant has failed to complete the development with reasonable diligence, then the permit may be revoked or suspended in accordance with Section 6.27.11.1. This time may be extended by the Director for only one (1) additional year upon a showing of substantial progress.

SECTION 6.27.7 COMMON REVIEW STANDARDS

6.27.7.1 Review Standards for All Applications

SECTION 6.27.7 REVIEW STANDARDS FOR ALL APPLICATIONS

In addition to the review standards for specific activities listed at Divisions 6.27.8 and 6.27.9, all applications under these Regulations, in consideration of proposed mitigation measures, shall be evaluated against the following general standards, to the extent applicable or relevant to the development plan, in City Council's reasonable judgment. The standards shall be evaluated for significant impacts within the geographic context of the development plan, and relate to the magnitude, duration or likelihood of such an impact. To the extent a permit application may not comply with a particular standard, the applicant may demonstrate compliance with such standard by proposing mitigation measures that sufficiently offset the extent of noncompliance.

If City Council finds the development plan does not comply with all applicable standards, the permit shall be denied unless City Council, in its sole discretion, imposes conditions pursuant to Section 6.27.6.15 which if fulfilled would bring the development plan into compliance with all applicable standards, in which case City Council may approve the permit. City Council may also impose additional conditions pursuant to Section 6.27.6.15 on any permit. The common review standards are as follows:

- (A) The applicant has obtained or will obtain all property rights, permits and approvals necessary for the proposal, including surface, mineral and water rights.

- (B) The health, welfare and safety of the community members of the City will be protected and served.
- (C) The proposed activity is in conformance with the Fort Collins Comprehensive Plan and other duly adopted plans of the City, or other applicable regional, state or federal land development or water quality plan.
- (D) The development plan is not subject to risk from natural or human caused environmental hazards. The determination of risk from natural hazards to the development plan may include but is not limited to the following considerations:
 - (1) Unstable slopes including landslides and rock slides.
 - (2) Expansive or evaporative soils and risk of subsidence.
 - (3) Wildfire hazard areas.
 - (4) Floodplains.
- (E) The development plan will not have a significant impact on the capability of local governments affected by the development plan to provide local infrastructure and services or exceed the capacity of service delivery systems. The determination of the effects of the development plan on local government services may include but is not limited to the following considerations:
 - (1) Current and projected capacity of roads, schools, infrastructure, drainage and/or stormwater infrastructure, housing, and other local government facilities and services necessary to accommodate development, and the impact of the development plan upon the current and projected capacity.
 - (2) Need for temporary roads or other infrastructure to serve the development plan for construction and maintenance.
- (F) The development plan will not have a significant impact on the quality or quantity of recreational opportunities and experience. The determination of impacts of the development plan on recreational opportunities and experience may include but is not limited to the following considerations:
 - (1) Changes to existing and projected visitor days.
 - (2) Changes in quality and quantity of fisheries.
 - (3) Changes in instream flows or reservoir levels.
 - (4) Changes in access to recreational resources.
 - (5) Changes to quality and quantity of hiking, biking, multi-use or horseback riding trails.
 - (6) Changes to regional open space.
 - (7) Changes to existing conservation easements.
 - (8) Changes to City parks, playgrounds, community gardens, recreation fields or courts, picnic areas, and other City park amenities.

- (G) The development plan when completed will not have a significant impact on existing visual quality. The determination of visual impacts of the development plan may include but is not limited to the following considerations:
- (1) Visual changes to ground cover and vegetation, streams, or other natural features.
 - (2) Interference with viewsheds and scenic vistas.
 - (3) Changes in landscape character of unique land formations.
 - (4) Compatibility of structure size and color with scenic vistas and viewsheds.
 - (5) Changes to the visual character of regional open space.
 - (6) Changes to the visual character of existing conservation easements.
 - (7) Changes to the visual character of City parks, trails, natural areas, or recreation facilities.
 - (8) Changes to the visual character of historic and cultural resources.
- (H) The development plan will not have a significant impact on air quality. The determination of effects of the development plan on air quality may include but is not limited to the following considerations:
- (1) Changes in visibility and microclimates.
 - (2) Applicable air quality standards.
 - (3) Increased emissions of greenhouse gases.
 - (4) Emissions of air toxics.
- (I) The development plan will not have a significant impact on surface water quality. The determination of impacts of the development plan on surface water quality may include but is not limited to the following considerations:
- (1) Changes to existing water quality, including patterns of water circulation, temperature, conditions of the substrate, extent and persistence of suspended particulates and clarity, odor, color or taste of water;
 - (2) Applicable narrative and numeric water quality standards.
 - (3) Changes in point and nonpoint source pollution loads.
 - (4) Increase in erosion.
 - (5) Changes in sediment loading to waterbodies.
 - (6) Changes in stream channel or shoreline stability.
 - (7) Changes in stormwater runoff flows.
 - (8) Changes in trophic status or in eutrophication rates in lakes and reservoirs.

- (9) Changes in the capacity or functioning of streams, lakes or reservoirs.
 - (10) Changes to the topography, natural drainage patterns, soil morphology and productivity, soil erosion potential, and floodplains.
 - (11) Changes to stream sedimentation, geomorphology, and channel stability.
 - (12) Changes to lake and reservoir bank stability and sedimentation, and safety of existing reservoirs.
- (J) The development plan will not have a significant impact on groundwater quality. The determination of impacts of the development plan on groundwater quality may include but is not limited to the following considerations:
- (1) Changes in aquifer recharge rates, groundwater levels and aquifer capacity including seepage losses through aquifer boundaries and at aquifer-stream interfaces.
 - (2) Changes in capacity and function of wells within the impact area.
 - (3) Changes in quality of well water within the impacted area.
- (K) The development plan will not have a significant impact on wetlands and riparian areas (including riparian forests) of any size regardless of jurisdictional status. In determining impacts to wetlands and riparian areas, the following considerations shall include but not be limited to:
- (1) Changes in the structure and function of wetlands.
 - (2) Changes to the filtering and pollutant uptake capacities of wetlands and riparian areas.
 - (3) Changes to aerial extent of wetlands.
 - (4) Changes in species' characteristics and diversity.
 - (5) Transition from wetland to upland species.
 - (6) Changes in function and aerial extent of floodplains.
- (L) The development plan shall not have a significant impact on the quality of terrestrial and aquatic animal life. In determining impacts to terrestrial and aquatic animal life, the following considerations shall include but not be limited to:
- (1) Changes that result in loss of oxygen for aquatic life.
 - (2) Changes in flushing flows.
 - (3) Changes in species composition or density.
 - (4) Changes in number of threatened or endangered species.
 - (5) Changes to habitat and critical habitat, including calving grounds, mating grounds, nesting grounds, summer or winter range, migration routes, or any other habitat features necessary for the protection and propagation of any terrestrial animals.

- (6) Changes to habitat and critical habitat, including stream bed and banks, spawning grounds, riffle and side pool areas, flushing flows, nutrient accumulation and cycling, water temperature, depth and circulation, stratification and any other conditions necessary for the protection and propagation of aquatic species.
- (M) The development plan shall not have a significant impact on the quality of terrestrial and aquatic plant life. In determining impacts to terrestrial and aquatic animal life, the following considerations shall include but not be limited to:
 - (1) Changes to high priority habitat identified by the Colorado Parks and Wildlife and the Fort Collins Natural Areas Department.
 - (2) Changes to the structure and function of vegetation, including species composition, diversity, biomass, and productivity.
 - (3) Changes in advancement or succession of desirable and less desirable species, including noxious weeds.
 - (4) Changes in threatened or endangered species.
- (N) The development plan will not have a significant impact on natural habitats and features as defined in Land Use Code Section 5.6.1.
- (O) The development plan will not have a significant impact on historic or cultural resources as defined in Section 6.27.1.9 of these Regulations.
- (P) The development plan will not have a significant impact on significant trees as defined in Land Use Code Section 5.10.1.
- (Q) The development plan will not have a significant impact on soils and geologic conditions. The determination of impacts of the development plan on soils and geologic conditions may include but is not limited to the following considerations:
 - (1) Loss of topsoil due to wind or water forces.
 - (2) Changes in soil erodibility.
 - (3) Physical or chemical soil deterioration.
 - (4) Compacting, sealing and crusting.
- (R) The development plan will not cause a nuisance. The determination of nuisance impacts of the development plan may include but is not limited to the following considerations: increase in odors, dust, fumes, glare, heat, noise, vibration or artificial light.
- (S) The development plan will not result in risk of releases of, or exposures to, hazardous materials or regulated substances. The determination of the risk of release of, or increased exposures to, hazardous materials or regulated substances caused by the development plan may include but is not limited to the following considerations:

- (1) Plans for compliance with federal and state handling, storage, disposal, and transportation requirements.
 - (2) Use of waste minimization techniques.
 - (3) Adequacy of spill and leak prevention and response plans.
- (T) The development plan will not have disproportionately greater impact on disproportionately impacted communities within the City considering, for example, the distribution of impacts to the following:
- (1) Air quality.
 - (2) Water quality.
 - (3) Soil contamination.
 - (4) Waste management.
 - (5) Hazardous materials.
 - (6) Access to parks, natural areas, trail, community services, cultural activities, and historic and cultural resources, and other recreational or natural amenities.
 - (7) Nuisances.
- (U) The development plan shall include mitigation plans that avoid or minimize significant impacts by limiting the degree or magnitude of the action. Mitigation plans shall include detailed information on how the proposed project will avoid or minimize significant impacts identified and related to all applicable common and specific review standards, including but not limited to the following:
- (1) Detailed information on how the proposed project will avoid or minimize significant impacts on natural features must include an adaptive management plan and established performance criteria based on a local reference site and analogous habitat type. Plans submitted must address success criteria regarding quantity, quality, diversity and structure of vegetative cover or habitat value; and
 - (2) Detailed information on how the proposed project will avoid or minimize significant impacts on historic and cultural features during the full span of ground disturbance and construction activities, to include an archeological monitoring plan that anticipates the possibility of new discoveries related to that activity; and plan(s) of protection that detail mitigation strategies for any identified historic and cultural resources.

SECTION 6.27.8 SITE SELECTION AND CONSTRUCTION OF MAJOR NEW DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS AND MAJOR EXTENSIONS OF SUCH SYSTEMS

6.27.8.1 Applicability

6.27.8.2 Purpose and Intent

6.27.8.3 Specific Review Standards for Major New Domestic Water or Sewage Treatment Systems or Major Extensions

SECTION 6.27.8.1 APPLICABILITY

These Regulations shall apply to the site selection and construction of all major new domestic water and sewage treatment systems, and major extensions of such systems within the municipal boundaries of the City.

SECTION 6.27.8.2 PURPOSE AND INTENT

The specific purpose and intent of this Section are:

- (A) To ensure that site selection and construction of major new domestic water and sewage treatment systems and major extensions of such systems are conducted in such a manner as to avoid or fully mitigate impacts associated with such development;
- (B) To ensure that site selection and construction of major new domestic water and sewage treatment systems and major extensions of such systems are planned and developed in a manner so as not to impose an undue economic burden on existing or proposed communities within the City;
- (C) To ensure that the off-site significant impacts of new domestic water and sewage treatment systems are avoided or fully mitigated; and
- (D) To ensure that the surface and groundwater resources of the City are protected from any significant impact of the development of major water and sewage treatment systems and major extensions of such systems.

SECTION 6.27.8.3 SPECIFIC REVIEW STANDARDS FOR MAJOR NEW DOMESTIC WATER OR SEWAGE TREATMENT SYSTEMS OR MAJOR EXTENSIONS

A permit application for the site selection and construction of a major new domestic water or sewage treatment system or major extension of such system shall be approved with or without conditions only if the development plan complies with the review standards in Section 6.27.7.1 and the below standards, to the extent applicable or relevant. The standards shall be evaluated for significant impacts within the geographic context of the development plan, and relate to the magnitude, duration or likelihood of such an impact. To the extent a permit application may not comply with a particular standard, the applicant may demonstrate compliance with such standard by proposing mitigation measures that sufficiently offset the extent of noncompliance. If City Council finds the development plan does not comply with all applicable standards, the permit shall be denied unless City Council, in its sole discretion, imposes conditions pursuant to Section 6.27.6.15 which if fulfilled would bring the development plan into compliance with all applicable standards, in which case City Council may approve the permit. City Council may also impose additional conditions pursuant to Section 6.27.6.15 on any permit. The specific review standards are:

- (A) New domestic water and sewage treatment systems shall only be constructed in areas which will result in the proper use of existing treatment plants and the orderly development of domestic water and sewage treatment systems within the City; and
- (B) Area and community development and population trends must demonstrate clearly a need for such development.

SECTION 6.27.9 SITE SELECTION OF ARTERIAL HIGHWAYS AND INTERCHANGES AND COLLECTOR HIGHWAYS

- 6.27.9.1 Applicability
- 6.27.9.2 Purpose and Intent
- 6.27.9.3 Specific Review Standards for Arterial Highway, Interchange or Collector Highway Projects

SECTION 6.27.9.1 APPLICABILITY

This Division shall apply to the site selection of all arterial highways and interchanges and collector highways within the municipal boundaries of the City.

SECTION 6.27.9.2 PURPOSE AND INTENT

The specific purpose and intent of this Section are:

- (A) *To ensure that community traffic needs are met;*
- (B) *To provide for the continuation of desirable community traffic circulation patterns by all modes;*
- (C) *To discourage expansion of demand for government services beyond the reasonable capacity of the community or region to provide such services as determined by the City;*
- (D) *To prevent direct conflicts with local, regional and state master plans;*
- (E) *To ensure that highway and interchange development is compatible with surrounding land uses;*
- (F) *To encourage the coordination of highway planning with community and development plans;*
- (G) *To discourage traffic hazards and congestion;*
- (H) *To minimize sources of traffic noise, air and water pollution; and*
- (I) *To protect scenic, natural, historical and cultural resources from destruction.*

SECTION 6.27.9.3 SPECIFIC REVIEW STANDARDS FOR ARTERIAL HIGHWAY, INTERCHANGE OR COLLECTOR HIGHWAY PROJECTS

A permit for the site selection of an arterial highway, interchange or collector highway shall be approved with or without conditions only if the proposed development plan complies with the review standards in Section 6.27.7.1 and the below standards, to the extent applicable or relevant. The standards shall be evaluated for significant impacts within the geographic context of the development plan, and relate to the magnitude, duration or likelihood of such an impact. To the extent a permit application may not comply with a particular standard, the applicant may demonstrate compliance with such standard by proposing mitigation measures that sufficiently offset the extent of noncompliance. If City Council finds the development plan does not comply with all applicable standards, the permit shall be denied unless City Council, in its sole discretion, imposes conditions pursuant to Section 6.27.6.15 which if fulfilled would bring the development plan into compliance with all applicable standards, in which case City Council may approve the permit. City Council may also impose additional conditions pursuant to Section 6.27.6.15 on any permit. The specific review standards are:

- (A) The proposed arterial highway, interchange or collector highway will be located so that natural habitats and features, historic and cultural resources, City natural areas and parks and other local government facilities and resources are protected to the maximum extent feasible;
- (B) The proposed arterial highway or interchange or collector highway will be located only in a corridor for which a clear and reasonable local and regional need has been demonstrated;
- (C) The location and access limitations for the arterial highway, interchange or collector highway will not isolate community neighborhoods from and, where practicable, will enhance access from community neighborhoods to public facilities including schools, hospitals, mass transit, pedestrian walkways and bikeways, recreational facilities and areas, community centers, government and social services provider offices and facilities, natural areas, and open spaces;
- (D) The construction of the arterial highway and interchange or collector highway shall be phased to minimize interference with traffic movement;
- (E) The location and access limitations for the arterial highway, interchange or collector highway will not restrict access to other roadways, mass transit facilities, pedestrian walkways and bikeways, local commercial services, residential developments, business and employment centers, and public facilities including schools, hospitals, recreational facilities and areas, natural areas, and open spaces;
- (F) Alternative modes of transportation will be incorporated into the proposal to the extent feasible;
- (G) If park-and-ride facilities are utilized, they shall be located in areas approved by the City;
- (H) The location of the proposed new or expanded arterial highway, interchange or collector highway will not impede the delivery of essential community services and goods;
- (I) Desirable local and regional community land use patterns will not be disrupted by the location of the proposed new or expanded arterial highway, interchange or collector highway;
- (J) The location and access limitations for the arterial highway, interchange or collector highway will not create safety hazards to motorists, pedestrians or bicyclists by causing or contributing to overuse, improper use or congestion, or cause unnecessary diversion of regional traffic onto other City roadways or inappropriate or inadequate connections to pedestrian and bicycle routes;
- (K) The proposed location of the new or expanded arterial highway, interchange or collector highway will be located so as to complement the efficient extension of planned public services, utilities and development in general, both regionally and within the City;
- (L) The proposed location of the new or expanded arterial highway, interchange or collector highway will adhere to the plan, process, procedure and requirements of the State and the Federal Highway Administration, and such construction, expansion or modification will be included in local and regional transportation plans;

- (M) The proposed location of the new or expanded arterial highway, interchange or collector highway will not result in the destruction, impairment or significant alteration of sensitive, key commercial, tourist or visitor areas or districts within the City;
- (N) The proposed location of the new or expanded arterial highway, interchange or collector highway will not contribute to a negative economic impact to residential, commercial, tourist or visitor areas or districts within the City;
- (O) To the extent tolling is proposed, the use or level of tolling is appropriate in light of existing toll levels, if any, and any prior or projected public infrastructure investment;
- (P) The proposed highways can be integrated into the regional transportation network;
- (Q) The new or expanded arterial highway, or interchange or collector highway will not have a significant impact on prime or unique farmland as defined by the U.S. Department of Agriculture, Natural Resources Conservation Service;
- (R) The proposed location and design of the arterial highway, interchange or collector highway does not cause lighting impacts from headlights or streetlights to nearby residential neighborhoods or other developments or night sky objectives and plans;
- (S) Noise levels caused by the new or expanded arterial highway, interchange or collector highway will follow federal noise regulations;
- (T) Vertical structures will match the character of the City through materials and design; and
- (U) The local air quality impacts of the new or expanded arterial highway, interchange or collector highway shall support attainment of federal and state ambient air quality standards and shall not increase risks to human health and the environment posed by air pollutants.

SECTION 6.27.10 FINANCIAL SECURITY

6.27.10.1 Financial Security

SECTION 6.27.10.1 FINANCIAL SECURITY

- (A) Before any development occurs pursuant to an approved permit issued pursuant to these Regulations, the applicant shall provide the City with a guarantee of financial security deemed adequate by the Director to accomplish the purposes of this Section, in a form approved by the City Attorney and payable to the City of Fort Collins.
- (B) The purpose of the financial guarantee is to ensure that the permittee shall faithfully perform all requirements of the permit and the Director shall determine the amount of the financial guarantee in consideration of the following standards, to the extent applicable or relevant to the approved development plan:
 - (1) The estimated cost of returning the site of the permitted development plan to its original condition or to a condition acceptable in accordance with standards adopted by the City for the matter of state interest for which the permit is being granted;

- (2) The estimated cost of implementing and successfully maintaining any revegetation required by the permit.
 - (3) The estimated cost of completing the permitted development plan; and
 - (4) The estimated cost of complying with any permit conditions, including mitigation, monitoring, reporting, and City inspections to ensure compliance with the terms of the permit.
- (C) Estimated cost shall be based on the applicant's submitted cost estimate. The Director shall consider the duration of the development plan and compute a reasonable projection of increases due to inflation over the entire life of the development plan. The Director may require, as a condition of the permit, that the financial security shall be adjusted upon receipt of bids.
- (D) The financial guarantee may be released in whole or in part with the approval of the Director only when:
- (1) The permit has been surrendered to the Director before commencement of any physical activity on the site of the approved development plan;
 - (2) The approved development plan has been abandoned and the site thereof has been returned to its original condition or to a condition acceptable to the Director in accordance with standards adopted by the Permit Authority for the matter of state interest for which the permit is being granted;
 - (3) The approved development plan has been satisfactorily completed; or
 - (4) Applicable guaranteed conditions have been satisfied.
- (E) Any security may be cancelled by a surety only upon receipt of the Director's written consent which may be granted only when such cancellation will not detract from the purposes of the security.
- (F) If the license to do business in Colorado of any surety upon a security filed pursuant to these Regulations is suspended or revoked by any State authority, then the permittee, within sixty (60) days after receiving notice thereof, shall substitute a good and sufficient surety licensed to do business in the State. Upon failure of the permittee to make substitution of surety within the time allowed, the Director shall suspend the permit until proper substitution has been made.
- (G) No security is acceptable if signed by or drawn on an institution for or in which the permittee is an owner, shareholder, or investor other than simply an account holder.
- (H) The Director may determine at any time that a financial guarantee should be forfeited because of any violation of the permit. The Director shall provide written notice of such determination to the surety and the permittee of their right to written demand of the Director within thirty (30) days of receiving written notice from the Director.
- (1) If no demand is made within said period, then the Director shall order in writing that the financial guarantee be forfeited and provide a copy of such order to the surety and permittee.
 - (2) If a timely demand is received, the Director shall make good faith efforts to meet with the permittee and surety within thirty (30) days after the receipt of such demand. At the meeting the permittee and surety may present any information with

respect to the alleged violation for the Director's consideration. At the conclusion of any meeting, the Director shall either withdraw the notice of violation or order in writing that the financial guarantee should be forfeited and provide a copy of such order to the surety and permittee.

- (I) If the forfeiture results in inadequate revenue to cover the costs of accomplishing the purposes of the financial guarantee, the City Attorney shall take such steps as deemed proper to recover such costs, including imposing and foreclosing a City lien on real property and/or certifying the same to the County Treasurer for collection in the same manner as real property taxes, pursuant to Sections 31-20-105 and 106, C.R.S.
- (J) The financial security under this Section may be waived, in the Director's sole discretion, if a proposed development plan is solely financed by state agencies, a political subdivision of the state, or a special or enterprise fund that has established to the Director's satisfaction the availability of funds required to complete the proposed development plan.

SECTION 6.27.11 SUSPENSION OR REVOCATION OF PERMITS

6.27.11.1 Suspension or Revocation of Permits

SECTION 6.27.11.1 SUSPENSION OR REVOCATION OF PERMITS

- (A) If the Director has reason to believe that the permittee has violated any provision of the permit or the terms of any regulation for administration of the permit, and such violation poses a danger to public health, safety, welfare, the environment or wildlife resources, the Director has the authority to order the immediate suspension of all operations associated with implementing the approved development plan and suspension of the permit until the danger has been eliminated. At such time as the Director has determined the danger is eliminated and any violations of the permit or the terms of any regulation for administration of the permit, the Director shall withdraw the suspension. Should the danger be eliminated but violations of the permit still exist, the Director shall suspend the permit for up to an additional one-hundred and eighty (180) days pursuant to (B)(3) below.
- (B) If the Director has reason to believe that the permittee has violated any provision of any permit or the terms of any regulation for administration of the permit, and such violation does not pose a danger to public health, safety, welfare, the environment or wildlife resources, the Director may temporarily suspend the permit for an initial period of up to thirty (30) days or until the violation is corrected, whichever occurs first.
 - (1) Before imposing such temporary suspension, the Director shall provide written notice to the permittee of the specific violation and shall allow the permittee a period of at least fifteen (15) days to correct the violation from the date notice was provided.
 - (2) If the permit holder does not agree that there is a violation, the permittee shall, within fifteen (15) days of the date notice was provided, submit a written response to the Director detailing why the temporary suspension should not occur. Upon receiving such response, the Director shall within ten (10) days issue a written response either withdrawing the notice of violation or imposing the temporary permit suspension. The Director's decision is not subject to appeal.
 - (3) Should a violation remain uncorrected after the initial period of temporary suspension has elapsed, the Director shall extend in writing the period of temporary suspension for up to an additional one-hundred and eighty (180) days or until the violation is corrected, whichever occurs first. Notice of such extension shall be provided to the permittee and the extended suspension may be appealed pursuant

to Chapter 2, Article VI, of the Code of the City of Fort Collins, however, pending such appeal hearing, the permit suspension shall remain in effect.

- (C) Subsequent to any extended temporary suspension imposed under (B)(3) above, the Director may permanently revoke the permit upon a written determination that the violation for which the temporary suspension was premised remains uncorrected. The determination shall be provided to the permittee and such revocation may be appealed pursuant to Chapter 2, Article VI, of the Code of the City of Fort Collins, however, pending the decision of such appeal, the revocation shall remain in effect.
- (D) The Director may permanently revoke a permit upon a written determination that the permittee has failed to take substantial steps to initiate the permitted development or activity within twelve (12) months from the date of the issuance of the permit or within the timeframe of any extensions granted, or, if such steps have been taken, the permittee has failed to complete or pursue completion of the development or activity with reasonable diligence. The determination shall be provided to the permittee and such revocation may be appealed pursuant to Chapter 2, Article VI, of the Code of the City of Fort Collins, however, pending such appeal hearing, the revocation shall remain in effect. The permanent revocation of a permit does not bar the future submittal of a new permit application for the same, or substantially the same, proposed development plan.

SECTION 6.27.12 PERMIT REVIEW, RENEWAL, AMENDMENT, TRANSFER

- 6.27.12.1 Annual Review; Progress Reports
- 6.27.12.2 Permit Renewal
- 6.27.12.3 Permit Amendment
- 6.27.12.4 Minor Revision Not Constituting a Material Change
- 6.27.12.5 Transfer of Permits
- 6.27.12.6 Inspection

SECTION 6.27.12.1 ANNUAL REVIEW; PROGRESS REPORTS

- (A) Within thirty (30) days prior to each annual anniversary date of the granting of a permit, the permittee shall submit a report detailing any and all activities conducted by the permittee pursuant to the permit including, but not limited to, a satisfactory showing that the permit has complied with all conditions of the permit and applicable regulations for administration of the permit.
- (B) Director shall review the report within thirty (30) days from the date of submittal thereof. If the Director determines, based upon its review, that the permittee was likely to have violated the provisions of the permit or applicable regulations, or both, the Director shall make a good faith effort to meet with the permittee to discuss the matter. If the Director determines after any meeting that the permittee has violated the provisions of the permit or applicable regulations, or both, the Director may suspend and/or revoke the permit in accordance with Section 6.27.11.1.
- (C) Upon fulfillment of all permit conditions, this annual review requirement may be waived by the Director.
- (D) At any time, the Director may require the permittee to submit an interim progress report.

SECTION 6.27.12.2 PERMIT RENEWAL

Permits issued under these Regulations may be renewed following the same procedure for approval of new permits except the renewal process shall not include the Director's FONSI review pursuant to Section 6.27.6.5.

SECTION 6.27.12.3 PERMIT AMENDMENT

The Director shall require a permit amendment for any material change, as determined by the Director, in the construction, use, or operation of an approved development plan from the terms and conditions of an approved permit. The amendment shall be processed in accordance with and subject to the same procedures and requirements set forth herein for a permit except that the Director's FONSI review pursuant to Section 6.6.5 shall not occur.

SECTION 6.27.12.4 MINOR REVISION NOT CONSTITUTING A MATERIAL CHANGE

The permittee may apply to the Director for minor revisions to an issued permit to correct errors or make other changes to conform the permit to actual conditions to the extent such minor revision is not a material change to the permit as determined by the Director. The Director is granted discretion to approve such minor revisions or to determine that a permit amendment is required pursuant to Section 6.27.12.3. In reviewing a requested minor revision or revisions, the Director shall consider the request in the context of previously approved minor revisions to determine whether in the aggregate, the requested minor revision or revisions constitute a material change.

SECTION 6.27.12.5 TRANSFER OF PERMITS

A permit may be transferred only upon the Director's written consent. The Director must ensure in approving any transfer that the proposed transferee can and will comply with all the requirements, terms, and conditions contained in the permit and these regulations; that such requirements, terms, and conditions remain sufficient to protect the health, welfare, and safety of the public; and that an adequate guarantee of financial security can be made.

SECTION 6.27.12.6 INSPECTION

The Director in their sole discretion is empowered to cause the inspection of any development, operation, or decommissioning activities related to a permit, including on or off-site mitigation activities, to ensure compliance with such permit and applicable laws and regulations. The permittee shall provide reasonable access to property for which the permittee has the authority to do so and shall make good faith efforts to coordinate access for other property. To the extent such inspection is ongoing or otherwise subject to advance planning, the Director shall consult with the permittee to coordinate inspection to minimize potential disruptions. The Director may retain a third-party consultant to conduct such inspections, including a consultant with specialized knowledge or training, and the cost of all such inspections shall be the responsibility of the permittee. The inspections provided for under this Section are in addition to Section 6.26.3.

SECTION 6.27.13 ENFORCEMENT

6.27.13.1 Enforcement

SECTION 6.27.13.1 ENFORCEMENT

Any person engaging in development in a designated area of a state interest or conducting a designated activity of state interest who does not first obtain a permit pursuant to these Regulations,

who does not comply with permit requirements, or who acts outside the authority of the permit, is in violation of this Land Use Code and the City may take enforcement action pursuant to Division 6.26 and may additionally take any other action available under these Regulations and civil or criminal law, including seeking injunctive relief, or revoking or suspending any permit issued pursuant to these Regulations or any permit issued pursuant to the Land Use Code or the Code of the City of Fort Collins. These Regulations are not intended to create third party rights of enforcement.

DIVISION 6.28 GUIDELINES AND REGULATIONS FOR AREAS AND ACTIVITIES OF STATE INTEREST: PURPOSE, APPLICABILITY, AND APPLICABLE COMMON DEVELOPMENT REVIEW PROCEDURES

SECTION 6.28.1 PURPOSE.

Pursuant to Colorado Revised Statutes Section 24-65.1-101, et. seq, the City is empowered to designate certain activities and areas to be matters of state interest and to regulate designated activities and areas through adopted guidelines and regulations. The Land Use Code areas and activities of state interest provisions in Article 6 set forth procedures and requirements for the designation of activities and areas as matters of state interest, procedures for requesting a permit to conduct a designated activity or develop in a designated area, and criteria that must be met in order for a permit to be issued.

SECTION 6.28.2 APPLICABILITY.

These areas and activities of state interest provisions shall apply to all proceedings and decisions concerning identification, designation, and regulation of any development in any area of state interest or any activity of state interest that has been or may hereafter be designated by the City Council. To the extent a proposed development plan could be reviewed under another Land Use Code process, such plan shall be reviewed under Division 6.27 unless an exemption exists pursuant to Section 6.27.4.1 or the Director issues a finding of no significant impact (“FONSI”) pursuant to Section 6.27.6.5. Proposed development plans for which the Planning and Zoning Commission denied a Site Plan Advisory Review application prior to the effective date of Division 6.27 shall be subject to such regulations unless an exemption exists or a FONSI is issued.

A permit to conduct a designated activity or develop in an area of state interest may be issued for a proposed development plan that is to be located in one or more zone districts regardless of whether the zone district or districts list the use proposed by the proposed development plan as an allowed use or otherwise prohibit such use.

SECTION 6.28.3 PROCESS.

(A) **Step 1** (Conceptual Review): Applicable.

(Pre-Application Area or Activity Review): The Director shall require an additional pre-application areas and activities review pursuant to Section 6.6.3 for any proposed development plan that the Director determines may require a permit pursuant to Article 6. The purposes of the pre-application area or activity review are described in Section 6.27.6.3(A). The Director may retain the services of third-party consultants pursuant to the terms of Land Use Code Section 6.3.3(D)(3) to assist the Director during the pre-application areas and activities review.

- (B) **Step 2** (Neighborhood Meeting): Pursuant to Section 6.27.6.6, a neighborhood meeting is required before the Director may determine that a permit application is complete pursuant to Section 6.6.8 and no sooner than fifteen (15) days after the date the Director issues a FONSI determination. The ten (10) day period after the neighborhood meeting before an application may be submitted shall not apply.
- (C) **Step 3** (Development Application Submittal): Applicable. The simultaneous processing of development applications submitted in association with an application for a permit to conduct a designated activity or develop in an area of state interest is addressed in Section 6.27.6.10, and combined applications for a permit to conduct multiple activities or develop in multiple areas of state interest is addressed in Section 6.27.6.11.
- (D) **Step 4** (Review of Application): Applicable except that Section 6.27.6.8 shall substitute for Land Use Code Section 6.3.4(A).
- (E) **Step 5** (Staff Report): Applicable.
- (F) **Step 6** (Notice): Applicable with particular timing for published and mailed notice as set forth in Section 6.27.6.12.
- (G) **Step 7** (Public Hearing):
- 7(A)** (Decision Maker): Not applicable and in substitution therefor, City Council is the decision maker on permits pursuant to Division 6.27 after receiving a Planning and Zoning Commission recommendation.
- Steps 7(B)** (Conduct of Public Hearing), **7(C)** (Order of Proceedings at Public Hearing):
- Applicable to Planning and Zoning Commission hearings where a recommendation on a permit application will be made.
- Not applicable to City Council hearings where a decision on a permit application will be made. City Council shall adopt into its rules of procedure a procedure for conducting such hearings.
- Applicable to appeals of Director FONSI determinations to the Planning and Zoning Commission as modified pursuant to Section 6.3.12(D)(5).
- Not applicable to appeals to City Council of Planning and Zoning Commission decisions on appeals of Director FONSI decisions. The procedures set forth in the Code of the City of Fort Collins Chapter 2, Article II, Division 3 shall apply.
- 7(D)** (Decision and Findings): Not applicable and in substitution therefor, see Section 6.27.6.5 regarding Director FONSI determinations, Section 6.3.12(D) regarding appeals of Director FONSI decisions, and Section 6.27.6.12 regarding Planning and Zoning Commission recommendations on permits and City Council permit decisions.
- 7(E)** (Notification to Applicant), **7(F)** (Record of Proceedings), **7(G)** (Recording of Decisions and Plat): *Applicable.*
- (H) **Step 8** (Standards): Applicable except that the applicable standards that must be met are set forth in Division 6.27.
- (I) **Step 9** (Conditions of Approval): Applicable to Planning and Zoning Commission recommendations on permit applications and City Council decisions on permit applications as modified pursuant to Section 6.27.6.15.

- (J) **Step 10** (Amendments): Not applicable and in substitution thereof, the requirements of Sections 6.27.12.3 and 6.27.12.4 shall apply.
- (K) **Step 11** (Lapse): Only 6.3.11(A) is applicable and approved permits for areas and activities of state interest are not eligible for vested rights pursuant to the Land Use Code. Sections 6.27.6.15 and 6.27.11.1 require that the permittee make substantial steps toward initiating and completing the proposed development plan or the permit may be subject to revocation.
- (L) **Step 12** (Appeals): Applicable pursuant to Section 6.3.12(D).



ARTICLE 7

RULES OF MEASUREMENT and DEFINITIONS

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ARTICLE 7

RULES OF MEASUREMENT and DEFINITIONS

DIVISION 7.1 MEASUREMENT

7.1.1 GENERAL.

The rules of measurement set forth in 7.1.2 shall generally apply to this Code unless otherwise specified. For words, terms, and phrases words used in the Rules of Measurement that are not defined in Sections 7.1.2, or Division 7.2, the Director shall have the authority and power to interpret or define such words, terms and phrases. In making such interpretations or definitions, the Director may consult appropriate secondary sources.

7.1.2 RULES OF MEASUREMENT.

The following words, terms and phrases, when used in this Code, shall have the meanings ascribed to them in this section:

Block shall mean a unit of land bounded by streets or by a combination of streets and public lands, railroad rights-of-way, waterways or any barrier to the continuity of development, but shall not include in the calculation of the block size measurement the barriers creating the boundary.

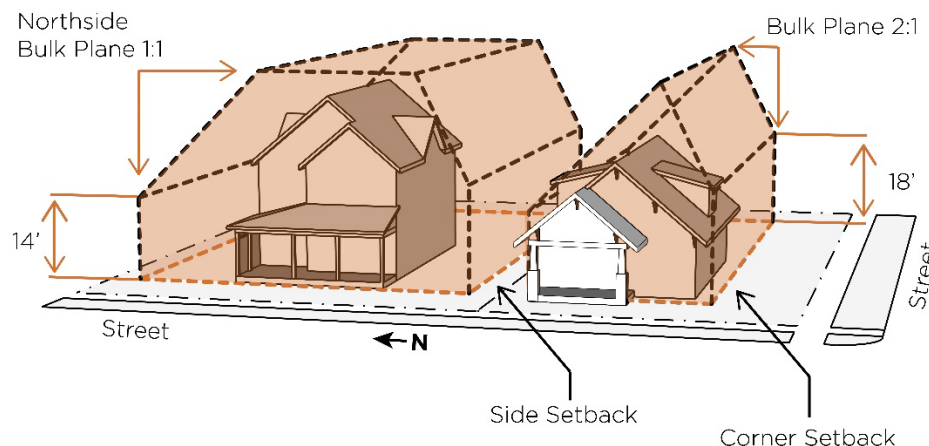
Building frontage shall mean that side of a building that faces and is parallel to or most nearly parallel to a public or private street. The length of the frontage is determined by measuring along the outside walls of the building and including eaves that are at least eight (8) feet above grade and are an integral part of the roof or building wall. There can be only one (1) building frontage for each street upon which a building faces.

Build-to line shall mean the line on which the front of a building or structure must be located or built and which is measured as a distance from a public right-of-way street. To establish "build-to" lines, buildings shall be located and designed to align or approximately align with any previously established building/sidewalk relationships that are consistent with this standard. block patterns. Accordingly, at least thirty (30) percent of the total length of the building along the street shall be extended to the build-to line area. If a parcel, lot or tract has multiple streets, then the building shall be built to at least two (2) of the built to lines m according to (A) through (C) below, i.e. to a street corner. If there is a choice of two (2) or more corners, then the building shall be built to the corner that is projected to have the most pedestrian activity associated with the building.

- (A) Buildings shall be located no more than fifteen (15) feet from the right-of-way of an adjoining street if the street is smaller than a full arterial or has on-street parking.
- (B) Buildings shall be located at least ten (10) and no more than twenty-five (25) feet behind the street right-of-way of an adjoining street that is larger than a two-lane arterial that does not have on-street parking.
- (C) Exceptions to the build-to line standards shall be permitted:

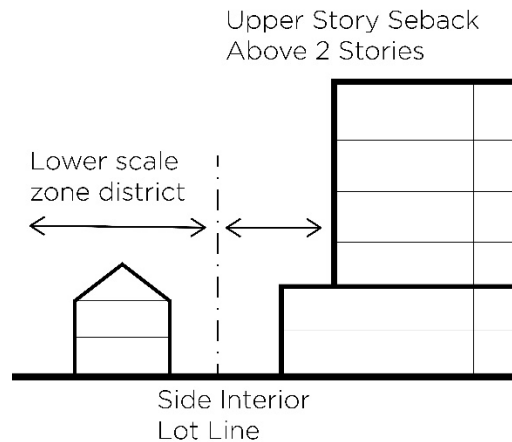
- (1) in order to form an outdoor space such as a plaza, courtyard, patio or garden between a building and the sidewalk. Such a larger front yard area shall have landscaping, low walls, fencing or railings, a tree canopy and/or other similar site improvements along the sidewalk designed for pedestrian interest, comfort and visual continuity.
- (2) if the building abuts a four-lane or six-lane arterial street, and the Director has determined that an alternative to the street sidewalk better serves the purpose of connecting commercial destinations due to one or more of the following constraints:
 - (a) high volume and/or speed of traffic on the abutting street(s),
 - (b) landform,
 - (c) an established pattern of existing buildings that makes a pedestrian-oriented streetfront infeasible. Such an alternative to the street sidewalk must include a connecting walkway(s) and may include internal walkways or other directly connecting outdoor spaces such as plazas, courtyards, squares or gardens.
- (3) in the case of Large Retail Establishments, Supermarkets or other anchor-tenant buildings that face internal connecting walkways with pedestrian frontage in a development that includes additional outlying buildings abutting the street(s).
- (4) if a larger or otherwise noncompliant front yard area is required by the City to continue an established drainage channel or access drive, or other easement.
- (5) in order to conform to an established pattern of building and street relationships, a contextual build-to line may fall at any point between the required build-to line and the build-to line that exists on a lot that abuts, and is oriented to, the same street as the subject lot. If the subject lot is a corner lot, the contextual build-to line may fall at any point between the required build-to line and the build-to line that exists on the lot that is abutting and oriented to the same street as the subject lot. A contextual build-to line shall not be construed as allowing a vehicular use area between the building and the street.

Bulk plane shall mean the imaginary plane that limits the allowable space a building may occupy. Dormer, eaves, chimneys and other architectural details are exempt from the bulk plane requirements. Bulk Plane requirements vary by zone district. Specific dimensions vary for lots with north facing walls along side-interior lot lines with an adjoining property.



Contextual build-to line shall mean a build-to line that falls at any point between the required build-to line and the build-to line that exists on a lot that abuts, and is oriented to, the same street as the subject lot, in order to conform to an established pattern of building and street relationships. A contextual build-to line shall not be construed as allowing a vehicular use area between the building and the street.

Contextual Height Setback. Properties adjacent to lower scaled residential zone districts shall comply with the Contextual Height Setback, which requires floors above the second story to be setback an additional 25' from the property line. This does not apply to detached homes, duplexes, or accessory structures.



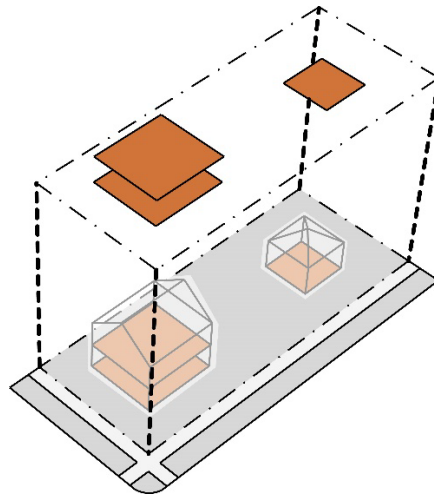
Density shall mean the overall number of dwelling units located on the gross or net residential acreage (as applicable) contained within the development and calculated on a per-acre basis.

- (A) Calculation of the gross residential density shall be performed (and included on the development plan) in the following manner:
- (1) Determining the gross acreage. The gross acreage of all the land within the boundaries of the development shall be included in the density calculation except:
 - (a) any interest in land that has been deeded or dedicated to any governmental agency for public use prior to the date of approval of the development plan; provided, however, that this exception shall not apply to any such acquisition of an interest in land solely for open space, parkland or stormwater purposes; and
 - (b) land devoted to nonresidential uses such as commercial, office, industrial or civic uses.
 - (2) The foregoing gross acreage calculation shall be shown in a table format on the development plan and shall form the basis for calculating the gross residential density.
 - (3) The total number of dwelling units shall be divided by the gross residential acreage. The resulting gross residential density shall also be shown in a table format on the development plan.
- (B) Calculation of the net residential density shall be performed (and included on the development plan) in the following manner:
- (1) Determining the net residential acreage. The net residential acreage shall be calculated by subtracting the following from the gross acreage, as determined in subsection (A) above:

- (a) land to be dedicated for arterial streets;
- (b) land containing natural areas or features that are to be protected from development and disturbance in accordance with the requirements of LUC Section 5.6.1, "Natural Habitats and Features,";
- (c) land set aside from development due to a geologic hazard in accordance with the requirements of LUC Section 5.6.5, "Hazards,";
- (d) land containing outdoor spaces that are to be dedicated to the public or deeded to the homeowner's association and preserved for a park or central green, but only if the total area of land does not exceed twenty-five (25) percent of the gross acreage of the project development plan and the outdoor space meets the following criteria:
 - (I) At least thirty-five (35) percent of the boundary of the outdoor space is formed by nonarterial, public streets, and the rear facades and rear yards of houses abut not more than two (2) sides or more than fifty (50) percent of the boundary frontage of the outdoor space.
 - (II) At a minimum, the outdoor space consists of maintained turf. In addition, such outdoor spaces may include features such as: buildings containing recreation or meeting rooms,, playgrounds,, plazas,, pavilions,, picnic tables,, benches,, orchards,, walkways or other similar features.
 - (III) The outdoor space is no less than ten thousand (10,000) square feet in area.
 - (IV) The outdoor space does not consist of a greenbelt or linear strip but has a minimum dimension of fifty (50) feet in all directions in any nonrectangular area, or seventy-five (75) feet in any rectangular area.
 - (V) The outdoor space is located and designed to allow direct, safe and convenient access to the residents of surrounding blocks.
 - (VI) Storm drainage functions that are integrated into outdoor spaces allow adequate space for active recreation purposes and do not result in slopes or gradients that conflict with active recreation. Stormwater retention areas (which have no outlet) shall not be allowed. No more than ten (10) percent of an outdoor space shall consist of gradients greater than four (4) percent.
- (e) land dedicated to public alleys.
- (f) land dedicated to pedestrian/bicycle path connections when required pursuant to subsection 5.9.1(C)(6) or subsection 5.3.2(E)(3) or when provided voluntarily by the applicant to connect cul-de-sacs to nearby streets, provided that such connections do not exceed two hundred fifty (250) feet in length.
- (g) land dedicated to landscaped traffic circles, squares, islands and boulevard strips separating the travel lanes of collector or local streets, provided that such features have the following minimum width dimensions:

- (I) boulevard strips: twenty-five (25) feet at any point; and
 - (II) traffic circles, squares, or islands: forty (40) feet at any point.
- (2) The foregoing net acreage calculation shall be shown in a table format on the development plan and shall form the basis for calculating the net residential density.
- (3) The total number of dwelling units shall be divided by the net residential acreage. The resulting density shall also be shown in a table format on the development plan.

Floor area shall mean the gross floor area of all buildings on the property, greater than 120sf or greater than 8ft in height, as measured along the outside walls of a building and shall be calculated to include each floor level.



Floor area shall be calculated as follows:

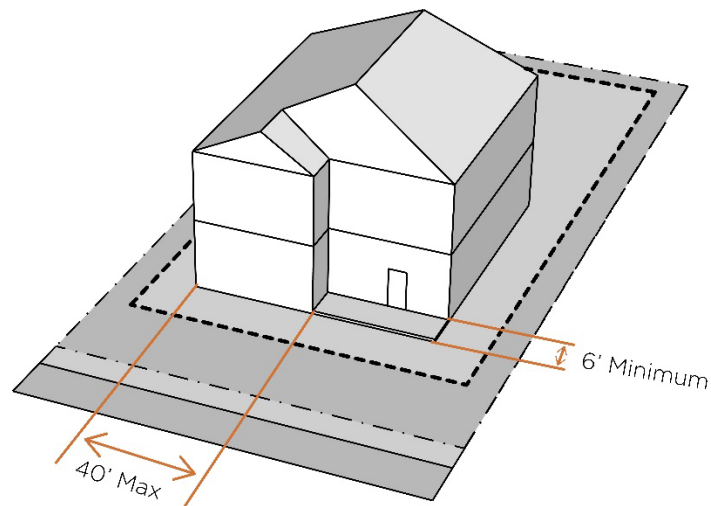
- (A) In all zone districts except in the Old Town zone district Floor area calculations shall not include open balconies, the first seven hundred twenty (720) square feet of the total of all sheds, garages or other enclosed automobile parking areas, basements and one-half ($\frac{1}{2}$) of all storage and display areas for hard goods.
- (B) In the Old Town Zone district floor area shall be calculated to include the floor area of the following spaces and building elements.
- (1) One hundred (100) percent of the floor area of the following spaces and building elements:
- (a) The total floor area of all principal buildings as measured along the outside walls of such buildings; and
 - (b) each finished floor level at and above grade; and
 - (c) unfinished floor levels at and above grade excluding unfinished attic space; and
 - (d) basement floor areas where any exterior basement wall is exposed by more than three (3) feet above the existing grade at the interior side lot line adjacent to the wall; and
 - (e) roofed porches, balconies and breezeways that are enclosed on more than two (2) sides; and
 - (f) attached carports, garages and sheds; and
 - (g) Detached accessory buildings larger than one hundred and twenty (120) square feet, including the area of the upper story having a ceiling of height of seven and one-half ($7\frac{1}{2}$) feet. **Detached accessory building floor area shall not be calculated into the allowed floor area of the primary building.**
- (2) Two hundred (200) percent for the floor area of the following spaces and building elements:

- (a) High volume spaces on the first or second floor where the distance between the floor and the ceiling or roof rafters directly above is greater than fourteen (14) feet.

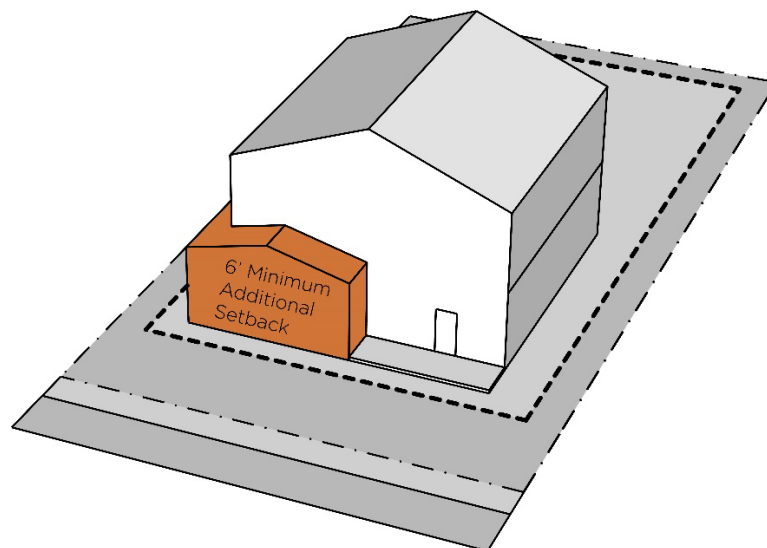
Floor Area Ratio (FAR) shall mean the amount of gross floor area of all principal buildings on a lot or block, as the case may be, divided by the total area of such lot, or the block size, respectively, on which such buildings are located. For mixed-use blocks, the residential square footage shall be added to the commercial development for a total block FAR.

Front Facade Design. At least one (1) front façade feature from the menu below shall be included to promote pedestrian orientation and compatibility with the character of the structures on the block face:

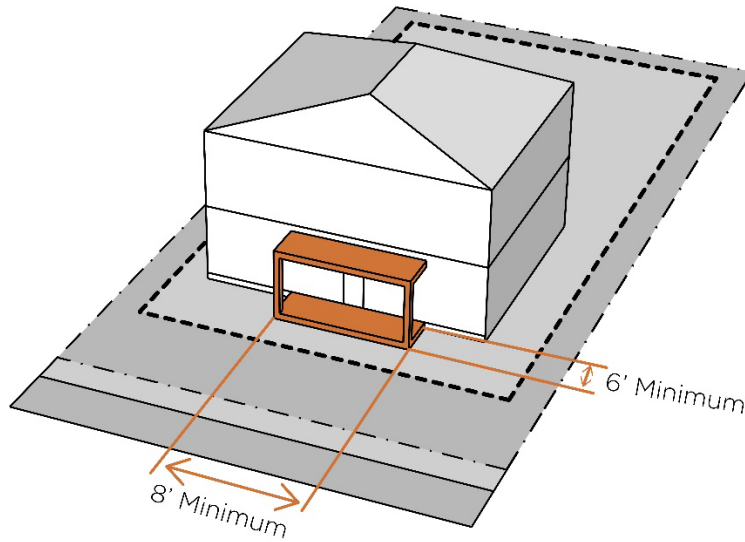
- (A) *Limited 2-story facade.* Two-story front-facade width is no more than 40', with any remaining two-story front facade setback an additional six (6) feet.



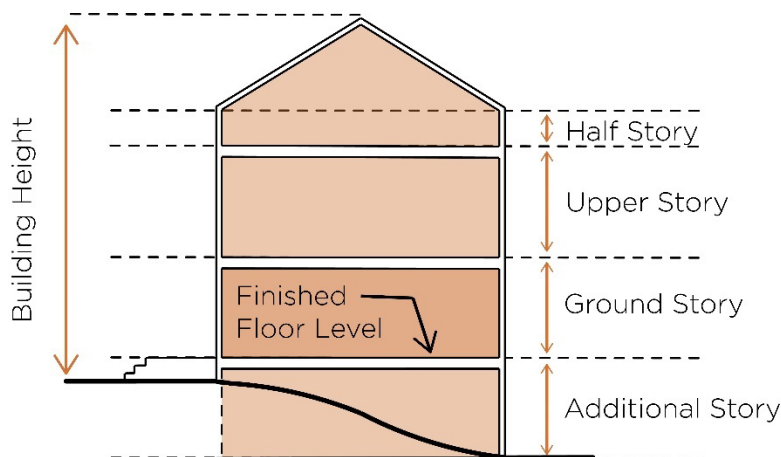
- (B) *1-story element.* The portion of the facade closest to the street is one-story, with any two-story facade setback an additional six (6) feet from the street.



- (C) *Covered entry.* The portion of the facade closest to the street is one- story, with any two-story facade setback an additional six (6) feet from the street.



Half story. When the floor area of the top story is less than, or equal to half of the ground floor area.

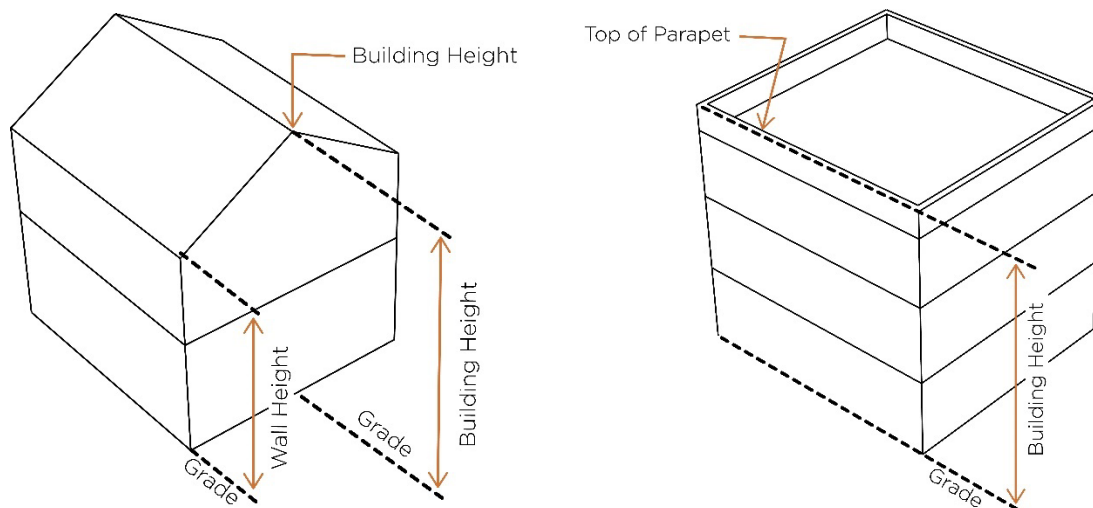


Height shall mean the distance above a given level. Depending upon the context, height may be measured according to any of several methods, as follows:

- (A) Building Height Measured in Stories. In measuring the height of a building in stories the following measurement rules shall apply:

- (1) A balcony or mezzanine shall be counted as a full story when its floor area is in excess of one-third (1 /3) of the total area of the nearest full floor directly below it.
- (2) Half (1/2) story shall mean a space under a sloping roof that has the line of intersection of the roof and wall face not more than three (3) feet above the floor level, and in which space the possible floor area with head room of five (5) feet or less occupies at least forty (40) percent of the total floor area of the story directly beneath.

- (3) No story of a commercial or industrial building shall have more than twenty-five (25) feet from average ground level at the center of all walls to the eave/wall intersection or wall plate height if there is no eave, or from floor to floor, or from floor to eave/wall intersection or wall plate height as applicable.
- (4) A maximum vertical height of twelve (12) feet eight (8) inches shall be permitted for each residential story measured from average ground level at the center of all walls to the eave/wall intersection or wall plate height if there is no eave, or from floor to floor, or from floor to eave/wall intersection or wall plate height as applicable. This maximum vertical height shall apply only in the following zone districts: U-E; R-F; R-L; L-M-N; M-M-N; OT-A; OT-B; OT-C; R-C; C-C-N; N-C; H-C; and M-H.
- (B) Building Height Measured in Feet. When measured in feet, building height shall be measured from the average of the finished ground level at the center of all walls of a building or structure to the highest point of the roof surface or structure.



- (C) Transitional Height. Regardless of the maximum building height limit imposed by the zone district standards of this Land Use Code, applicants shall be allowed to use a "transitional" height limit. The allowed "transitional" height may fall at or below the midpoint between the zone district maximum height limit and the height, in feet, of a building that exists on a lot that abuts the subject lot and faces the same street as the building on the subject lot. This provision shall not be interpreted as requiring greater minimum heights or lower maximum heights than imposed by the underlying zone district.

Integrate with existing structure shall mean using the existing structure to achieve a new use and/or using the existing structure to achieve an increase in the number of dwelling units at an existing use. In order to meet the definition of *integrate existing structure*, the following requirements must be met:

- (A) Exterior walls must remain and cannot be demolished except for the following:
- (1) New windows, doors, or entry features may be added and only the area of the new features may be removed from the existing wall;
 - (2) 0% of front walls, 25% of side walls, and 100% of rear walls may be removed; and
 - (3) Exterior finishes may be maintained or replaced without increasing the footprint.
- (B) In conjunction with the demolition exceptions in (A), additions to existing structure may occur. Additions shall be subordinate to the existing structure by satisfying all of the following requirements:

- (1) The addition must be the same height as the existing structure or lower;
- (2) The addition must be placed to the rear of the existing structure;
- (3) The addition must be designed to be compatible with defining features including but not limited to materials, finishes, windows, doors, entries, porches, decks, and balconies of the existing structure; and
- (4) The addition may not increase the footprint of the existing structure by more than 50%.

(C) Any allowed demolition or additions shall be identified in the building permit submittal.

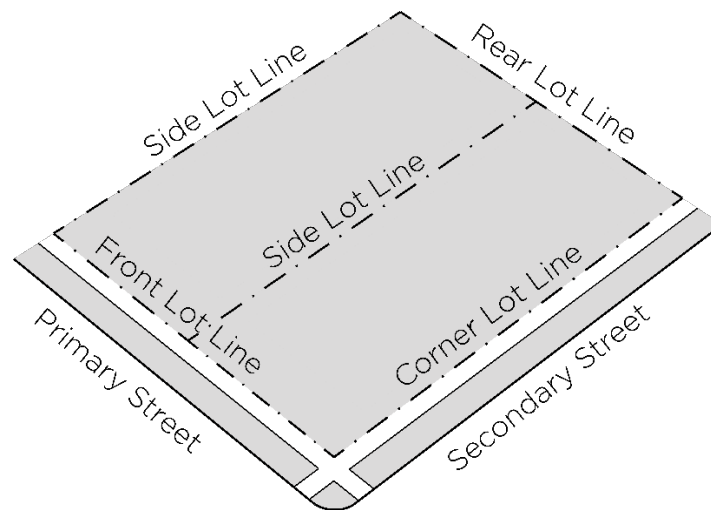
Lot shall mean a designated parcel, tract or area of land established by plat, subdivision or otherwise permitted by law to be used, occupied or designed to be occupied by one (1) or more buildings, structures or uses, that abuts a dedicated right-of-way, private street or private drive, any of which is at least twenty (20) feet wide at all points.

Lot area shall mean the amount of horizontal (plan view) land area within lot lines. (See also Section 5.7.4)

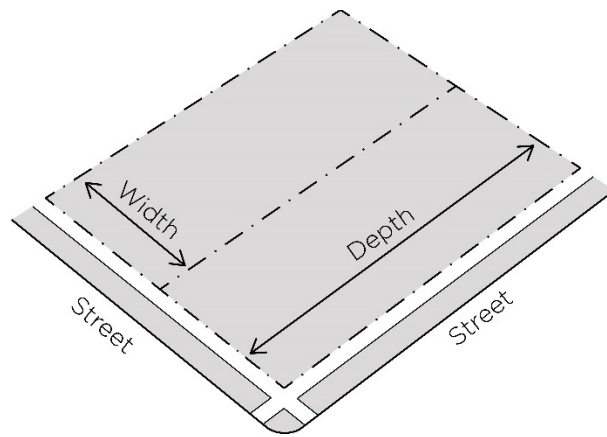
Lot line, front shall mean the property line dividing a lot from a street. On a corner lot only one (1) street line shall be considered as a front line, and the street to which the primary entrance of the principal building faces or to which the building is addressed, shall be considered the front line.

Lot line, rear shall mean the line opposite the front lot line.

Lot line, side shall mean any lot lines other than front lot line or rear lot line.



Lot width shall mean the horizontal (plan view) distance between the side lot lines as measured along a straight line parallel to the front lot line or the chord thereof. The minimum lot width shall be measured between the side lot lines along a line that is parallel to the front lot line and located at the minimum front setback distance from the front lot line. In the case of cul-de-sac lots, the minimum lot width may be measured between the side lot lines along a line that is parallel to the front lot line and located at the actual front building line.



Measuring distances between uses. When a distance is required between uses, the distance shall be measured in a straight line from the closest point on the boundary line of one (1) property to the closest point on the boundary line of the other property.

Minimum frontage or minimum building frontage shall mean a measurement equal to a fraction, the denominator of which is the sum of the length of all perimeter streets bounding the block, and the numerator of which is the sum of the length (as measured within twenty [20] feet of the perimeter street right-of-way) of all buildings that have windows and entries oriented to the street, plus twenty (20) percent of the length (as measured within thirty [30] feet of the perimeter street right-of-way) of any plazas or pedestrian accessible landscaped areas within the block. In no case shall parking lots or blank rear or side walls be included in the minimum frontage calculation.

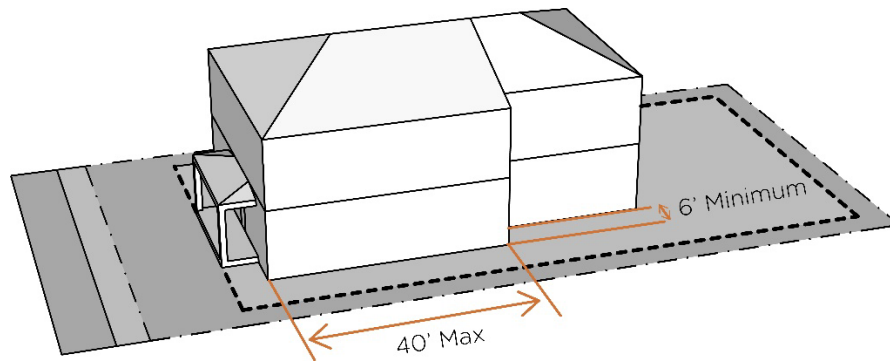
Mounting height (MH) shall mean the vertical distance between the finish grade and the center of the apparent light source of the luminaire.

Secondary roof shall mean a flat roof structure that is at least 10 feet lower than another roof structure on the same building.

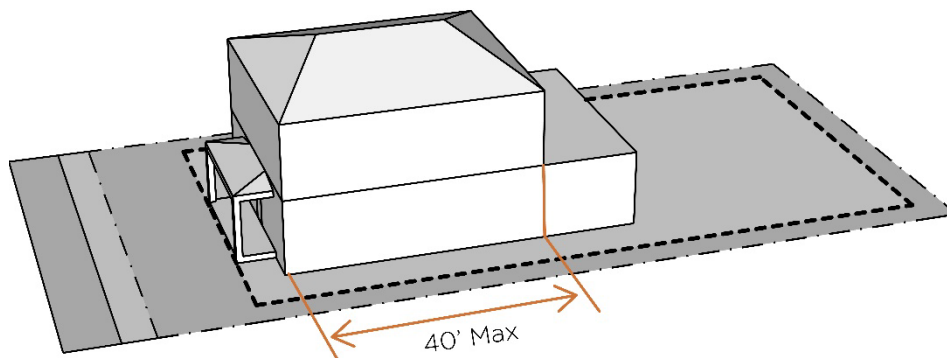
Setback shall mean the required unoccupied open space between the nearest projection of a structure and the property line of the lot on which the structure is located, except as modified by the standards of this Code. Required setbacks shall be unobstructed from the ground to the sky except as specified in Section 5.13.2.

Side Facade Design. Side facade design can be accomplished by offsetting the floor plan, recessing or projection of design elements, change in materials and/or change in contrasting colors. Projections shall fall within setback requirements.

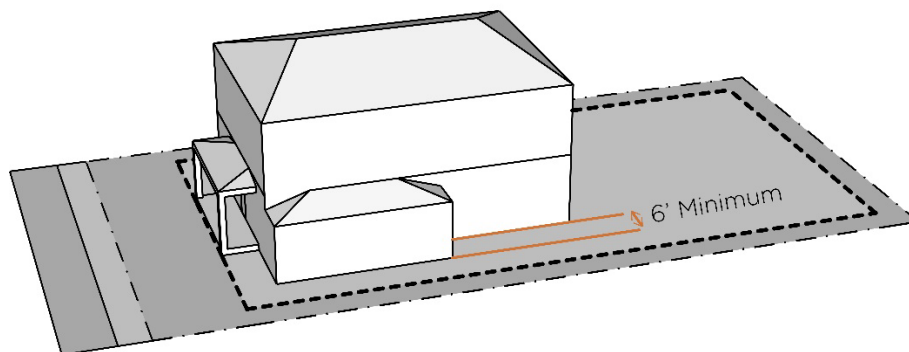
- (A) *Wall Offset.* Two-story facade width at minimum is no more than forty (40) feet, with any remaining two-story facade setback an additional six (6) feet beyond the minimum required side yard.



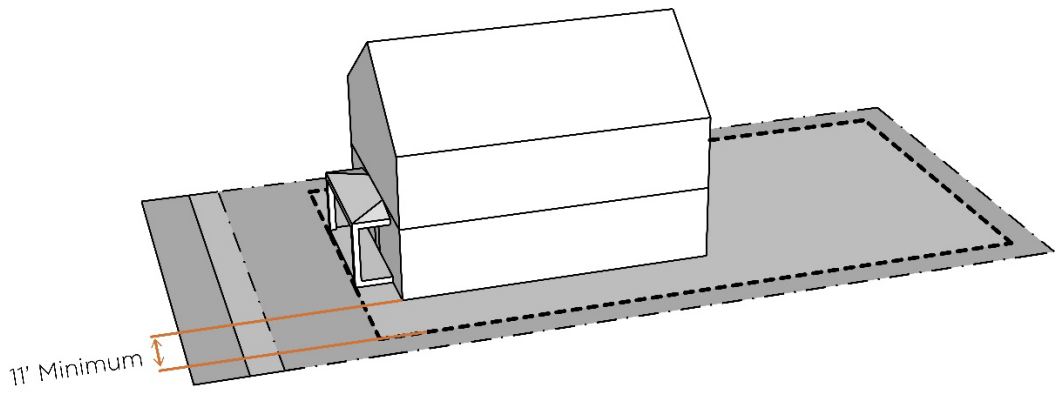
- (B) *Step Down in Height.* Two story facade width at minimum is no more than forty (40) feet, with any remaining facade width at the side yard reduced to one-story.



- (C) *One-Story Element.* One-story building element with a minimum depth of six (6) feet is located at the minimum side yard.



- (D) *Additional Setback.* Any two-story facade is set back an additional six (6) feet beyond the minimum required side yard.



DIVISION 7.2 DEFINITION

7.2.1 GENERAL.

For words, terms and phrases used in this Land Use Code that are not defined in Section 7.2.2 or elsewhere in this Land Use Code, the Director shall have the authority and power to interpret or define such words, terms and phrases. In making such interpretations or definitions, the Director may consult appropriate secondary sources.

7.2.2 DEFINITIONS.

The following words, terms and phrases, when used in this Code, shall have the meanings ascribed to them in this section:

Abut or abutting shall mean touching. An abutting condition shall not be affected by the parcelization or division of land that results in an incidental, nonbuildable, remnant lot, tract or parcel.

Accessory building (or structure) shall mean a building (or structure) detached from a principal building and customarily used with, and clearly incidental and subordinate to, the principal building, and ordinarily located on the same lot with such principal building.

Accessory dwelling unit (ADU), detached shall mean an additional, subordinate dwelling unit created on a lot with a primary dwelling unit. The additional unit is smaller than the primary dwelling unit (except when the accessory dwelling unit is in an existing basement). The accessory dwelling unit includes its own independent living facilities including habitable space. It is designed for residential occupancy by one or more people, independent of the primary dwelling unit.

Accessory dwelling unit (ADU), attached shall be defined as an additional, subordinate dwelling unit created on a lot with a primary dwelling unit. The additional unit is smaller than the primary dwelling unit (except when the accessory dwelling unit is in an existing basement). The accessory dwelling unit includes its own independent living facilities which constitute habitable space. It is designed for residential occupancy by one or more people, independent of the primary dwelling unit. The unit may have a separate exterior entrance or an entrance to an internal common area accessible to the outside.

Accessory use shall mean a use of land or of a building or portion thereof customarily used with, and clearly incidental and subordinate to, the principal use of the land or building and ordinarily located on the same lot with such principal use.

Adequate public facilities ("APF") shall mean the public facilities and services necessary to maintain the adopted level of service standards.

Adequate public facilities management system ("APF management system") shall mean the procedures and/or process that the city utilizes to assure that development approvals and permits, including but not limited to building permits and site-specific development plans, are not issued unless the necessary facilities and services are available concurrently with the impacts of development.

Adjacent shall mean nearby, but not necessarily touching. The determination of "nearby" shall be made by the City on a case-by-case basis, taking into consideration the context in which the term is used and the variables (such as but not limited to size, mass, scale, bulk, visibility, nature of use, intensity of use) that may be relevant to deciding what is "nearby" in that particular context. Adjacency shall not be affected by the existence of a platted street or alley, a public or private right-of-way, or a public or private transportation right-of-way or area.

Administrative review shall mean review by the Director in accordance with the provisions of Article 6. Also known as Type 1 review.

Adult day/respice care center shall mean a nonresidential facility providing for the care, supervision, protection and social activities of adults and persons over sixteen (16) years of age during normal daytime working hours and allowing overnight stay on a short-term basis as a subordinate function.

Adult material shall mean any material including, but not limited to, books, magazines, newspapers, movie films, slides or other photographic or written materials, video tapes, video disks, computer software and/or other items or devices that are distinguished or characterized by their emphasis on depicting, describing or relating to "specified anatomical areas" or "specified sexual activities."

Adult-oriented use shall mean a use of property where the principal use, or a significant or substantial adjunct to another use of the property, is the sale, rental or display of adult material, or is an offering of live entertainment, dancing or material that is distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to "specified sexual activities" or "specified anatomical areas" as the primary attraction to the premises, including, but not limited to:

- (A) *Adult bookstore, adult novelty store or adult retail store*: any establishment that has adult material as a significant or substantial portion of its stock-in-trade, or derives a significant or substantial portion of its revenues from such material, or devotes a significant or substantial portion of its interior business or interior advertising to such material, or maintains a substantial or significant portion of its gross floor area or display space for the sale or rental, for any form of consideration, of such material, including, but not limited to, books, magazines, newspapers, movie films, slides or other photographic or written material, video tapes, video disks, computer software and/or other items or devices. For the purpose of this subparagraph (1), "significant or substantial" shall mean more than twenty (20) percent.
- (B) *Adult cabaret, restaurant or place of business*: a cabaret, restaurant or place of business that features waitresses, waiters, dancers, go-go dancers, exotic dancers, strippers, gender impersonators or similar entertainers attired in such manner as to display "specified anatomical areas."
- (C) *Adult hotel or motel*: any hotel or motel in which the presentation of adult material is the primary or principal attraction.
- (D) *Adult mini-motion picture theater*: any theater or establishment with a capacity of less than fifty (50) persons in which the presentation of adult material is the primary or principal attraction.
- (E) *Adult motion picture theater*: any theater or establishment with a capacity of fifty (50) or more persons in which the presentation of adult material is the primary or principal attraction.
- (F) *Adult photo studio*: any establishment that, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing, sketching, drawing, painting or sculpturing "specified anatomical areas," but shall not include a private school licensed by the State of Colorado or a college, junior college or university supported entirely or in part by public funds or a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or in part by public funds.
- (G) *Other adult amusement or entertainment*: any other amusement, entertainment or business which is distinguished or characterized by an emphasis on acts or adult material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

Adverse effect, for purposes of Section 5.8.1 only, shall mean that a project or undertaking may alter, directly or indirectly, any of the characteristics that qualify a property for designation in a manner that would diminish

the property's integrity. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be removed in distance, or be cumulative.

Affordable housing development shall mean a development project in which at least ten (10) percent of said dwelling units (the "affordable housing units") are to be available for rent or purchase on the terms described in the definitions of affordable housing unit for rent or affordable housing unit for sale (as applicable).

Affordable housing unit for rent shall mean a dwelling unit that is available for rent on terms that would be affordable to households earning eighty (80) percent or less of the Area Median Income (AMI) as calculated for Fort Collins by the Department of Housing and Urban Development (HUD) and adjusted for household size, and at a cost that results in a household paying thirty (30) percent or less of their gross income for housing, including rent and utilities.

Affordable housing unit for sale shall mean a dwelling unit that is available for purchase on terms that would be affordable to households earning one hundred (100) percent or less of the Area Median Income (AMI) as calculated for Fort Collins by the Department of Housing and Urban Development (HUD) and adjusted for household size, and at a cost that results in a household paying less than thirty-eight (38) percent of their gross income for housing, including principal, interest, taxes, insurance, utilities and homeowners' association fees.

Air contaminant shall mean any fume, smoke, particulate matter, vapor, gas or any combination but not including water vapor or steam condensation.

Air contamination source shall mean any source whatsoever at, from or by reason of which there is emitted or discharged into the atmosphere any air contaminant.

Alley shall mean a minor way used primarily for vehicular service access to the back of properties abutting on a street.

Animal boarding shall mean the operation of an establishment in which domesticated animals other than household pets are housed, groomed, bred, boarded, trained or sold. This term shall not include the operation of a kennel.

Antenna(s) shall have the meaning set forth in § 29-27-402, Colorado Revised Statutes.

Architectural Features shall mean the architectural elements embodying style, design, general arrangement, and components of the exterior of any building or structure, include, but not limited to, the kind, color, and texture of the building materials, and the style and type of such items as a porch, covered stoop, portico or other similar feature.

Arterial street shall mean a street that is anticipated to carry in excess of three thousand five hundred (3,500) vehicles per day in traffic volume, at desirable speeds ranging from thirty (30) to forty-five (45) miles per hour, and that is defined specifically as such on the Master Street Plan of the City and is used for travel between areas within and outside the City.

Artisan and photography studio and gallery shall mean the workshop or studio of an artist, craftsperson, sculptor or photographer, which workshop is primarily used for on-site production of unique custom goods through the use of hand tools or small-scale equipment, and only incidentally used, on an infrequent basis if at all, as an accessory gallery or for incidental sales.

Auto-oriented development shall mean development that is designed primarily to attract or accommodate customers, workers or residents who travel to the site by automobile, rather than pedestrians.

Auto-related and roadside commercial shall mean those retail and wholesale commercial activities that are typically found along highways and arterial streets. Uses include freestanding department stores; auction rooms; automobile service stations; repair facilities, car washes; boat, car, trailer, motorcycle showrooms, sales

and repair; fuel and ice sales; greenhouses and nurseries; warehouses and storage; repair or rental of any article; exterminating shops; drive-in restaurants; adult-oriented uses; and other uses that are of the same general character. *This definition applies only for the purpose of clarifying the classification and measurement system as found in the Sign Regulations of this Code, and shall not be deemed to permit such uses under this Code.*

Auto-related uses shall mean establishments primarily engaged in the sale, rental, service, repair, storage or salvage of automobiles and trucks.

Banner shall mean a type of temporary sign that is painted or printed on cloth, vinyl, or other flexible material, which is designed to be stretched between poles, fence posts or wire, mounted in a freestanding frame, or hung on walls with ties, clips, rails, brackets, hooks, or frames.

Banner frame shall mean a type of wall sign composed of a frame that is secured to a building wall and used to stretch banners such that they are tightly stretched and their mounting hardware is hidden from view.

Bar shall mean an establishment providing or dispensing fermented malt beverages, and/or malt, special malt, vinous or spirituous liquors and in which the sale of food products such as sandwiches or light snacks is secondary (also known as a tavern).

Base station shall mean a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network, except that a base station does not include or encompass a tower or any equipment associated with a tower, as defined herein. *Base station* does include:

(1) Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the City under this Article, has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(2) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration that, at the time the relevant application is filed with the City under this Article, has been reviewed and approved under the applicable state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

Base station does not include any structure that, at the time the relevant application is filed with the City under this Article, does not support or house equipment described in sub-paragraphs (1) and (2) above.

Basic development review shall mean a review without a public hearing by the Director for the purpose of determining compliance with the applicable standards of this Code for any use that is not subject to a Type 1 or Type 2 review.

Bay (building bay) shall mean a wall plane projection or recess that forms an articulated wall surface on a building elevation, and that can be formed by pilasters, columns or other vertical elements such as a group of windows. Building bay does not mean a service bay for autos or trucks and does not mean a bay window.

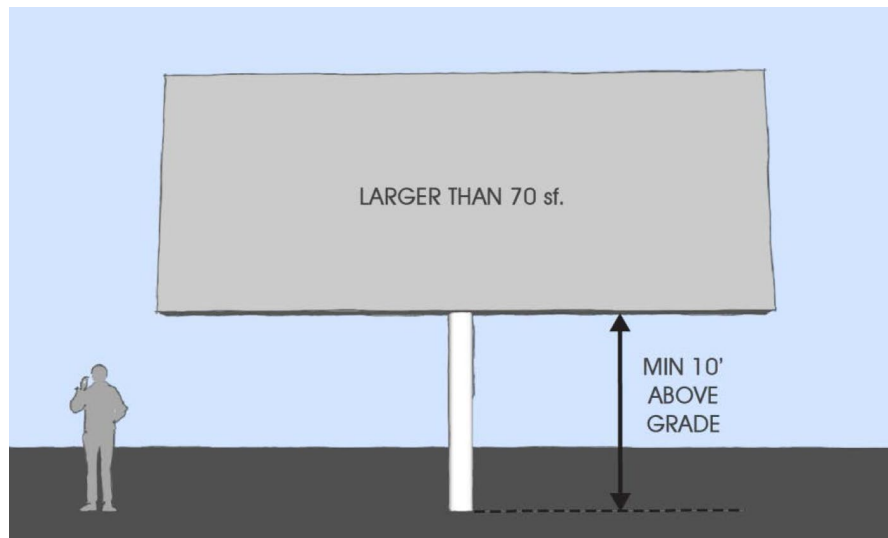
Bed and breakfast shall mean an establishment operated in a private residence or portion thereof, that provides temporary accommodations for a fee to overnight guests, a morning meal limited to guests only, and that is occupied by the operator of such establishment. A bed and breakfast may provide accommodations to individuals or multiple separate parties concurrently on both a reservation and walk-in basis. The term party as used in this definition shall mean one (1) or more persons who stay at a bed and breakfast as a single group pursuant to a single reservation and payment.

Bicycle parking, enclosed shall mean bicycle storage in lockers, a garage, a room or other space within a parking structure or other building, including a shed or carport. All types of enclosed bicycle storage must be easily accessible to entrances and walkways, secure, lighted and protected from the weather. Each storage space shall provide a minimum of six (6) square feet in area. The storage space shall not impede fire exits or be located so that parked bicycles interfere with public access.

Bicycle parking, fixed shall mean bicycle parking that allows the bicycle frame and both wheels to be securely locked to the parking structure. The structure shall be of permanent construction such as heavy gauge tubular steel with angle bars permanently attached to the pavement foundation. Fixed bicycle parking facilities shall be at least two (2) feet in width and five and one-half (5½) feet in length, with additional back-out or maneuvering space of at least five (5) feet.

Billboard shall mean a type of freestanding sign that incorporates a sign face that is larger than seventy (70) square feet, mounted on one or more pole structures, such that the lowest part of the sign face is ten (10) feet or more above adjacent grade.

Illustrative Billboard



Blank wall shall mean an exterior building wall with no openings and a single material and uniform texture on a single plane.

Block (See Section 7.1.2)

Block face shall mean the portion of a block that abuts a street.

BUG (Backlight, Uplight, Glare) Rating shall mean the quantity of light within various beam angles, consisting of:

- (A) Backlight - the percent lamp lumens (non-LED luminaires) or the luminaire initial lumens (LED luminaires) distributed behind a luminaire between zero (0) degrees vertical (nadir) and ninety (90) degrees vertical.
- (B) Uplight - the percent lamp lumens (non-LED luminaires) or the luminaire initial lumens (LED luminaires) distributed above a luminaire between ninety (90) and one hundred eighty (180) degrees vertical.
- (C) Glare - the percent lamp lumens (non-LED luminaires) or the luminaire initial lumens distributed sixty (60) and ninety (90) degrees vertical.

Buffer yards shall mean land area devoted to providing separation between two (2) land uses of different intensity for the purpose of providing a transition. Such area may consist of passive open space, landscaping, fences, walls, earthen berms, topographic elevation changes or any combination thereof used to physically separate one (1) use or property from another so as to visually shield or block or mitigate noise, lights or other aspects of the urban environment.

Building shall mean any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, that is governed by the following characteristics:

- (A) Is permanently affixed to the land;
- (B) Has one (1) or more floors and a roof; and
- (C) Is bounded by either open space or the lot lines of a lot.

Building elevation, for the purposes of Division 5.16 only, shall mean the external face of a building, projected onto a two-dimensional plane. For purposes of calculating allowed sign area, the building elevation is the two-dimensional representation of the side of the building upon which the sign is proposed.

Building mass shall mean the three-dimensional bulk of a building: height, width and depth.

Building permit valuation shall mean the dollar amount used for the valuation of Building Permit fees as calculated by the city's Building and Zoning Director for the issuance of a Building Permit.

Building-mounted solar energy system shall mean a solar energy system mounted on a building.

Bulletin board shall mean a type of wall sign composed of a cork, letter board, white board, or comparable surface that is within a secured, weather-resistant enclosure and used for the display of temporary messages. Bulletin board does not include manual changeable copy center.

Caliper shall mean the American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four-inch caliper size, and as measured at twelve (12) inches above the ground for larger sizes.

Camouflage design techniques shall mean measures used in the design and siting of wireless communications facilities with the intent to minimize or eliminate the visual impact of such facilities to surrounding uses. A WCF site utilizes camouflage design techniques when it (i) is integrated as an architectural feature of an existing structure such as a cupola, or (ii) is integrated in an outdoor fixture such as a flagpole, while still appearing to some extent as a WCF. This definition does not include the use of concealment design elements.

Candela (see luminous intensity), (cd) shall mean the unit of luminous intensity.

Carport shall mean an accessory building attached or detached from a principal building and customarily used with, and clearly incidental and subordinate to the principal building or use, consisting of a roof but no more than one (1) wall and typically intended to provide weather protection for vehicles, boats, trailers, and the like.

Certified xeriscape landscaping shall mean a plant (or grouping of plants) that does not require any supplemental irrigation for survival, as determined by the City Forester, and that is used to meet the standards of Section 5.10.1, Landscaping and Tree Protection.

Change of use shall mean the act of changing the occupancy of a building or land to a different use that is specifically listed as a "Permitted Use" in Article 4. A change of use occurs whenever:

- (A) The occupancy of a single-tenant building or of a parcel of land changes from the most recent previously existing use to a different use;

- (B) The occupancy of a tenant space in a multi-tenant building changes to a use that is not currently existing in another tenant space of the building or that did not previously exist in any tenant space of the building within the last twenty-four (24) months; or
- (C) The most recent previously existing use of a building or land has been abandoned, by cessation of active and continuous operations during a period of twenty-four (24) consecutive months, and either the same type of use is proposed to be reestablished or a different use that did not exist on the property is proposed to be established.

Character shall mean those attributes, qualities and features that make up and distinguish a development project and give such project a sense of purpose, function, definition and uniqueness.

Child care center shall mean a facility, by whatever name known, that is maintained for the whole or part of a day for the care of seven (7) or more children under the age of sixteen (16) years who are not related to the owner, operator or manager, whether such facility is operated with or without compensation for such care and with or without stated educational purposes, except that a child care center shall not include any of the following five (5) types of family child care homes as defined by the State of Colorado: regular family child care home, three under two family child care home, infant/toddler home, experienced family child care provider home or large family child care home. The term includes, but is not limited to, facilities commonly known as day care centers, day nurseries, nursery schools, preschools, play groups, day camps, summer camps, centers for developmentally disabled children and those facilities that give twenty-four-hour-per-day care for dependent and neglected children. Child care centers are also those facilities for children under the age of six (6) years with stated educational purposes that are operated in conjunction with a public, private or parochial college or a private or parochial school, except that the term shall not apply to a kindergarten maintained in connection with a public, private or parochial elementary school system of at least six (6) grades.

Clubs and lodges shall mean organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings, excluding clubs operated for profit and/or places of worship or assembly.

Cohesive shall mean having a natural or logical agreement of parts; connected; as in a cohesive neighborhood. If used in this Land Use Code, coherent shall mean cohesive.

Collector street shall mean a street that is anticipated to carry from two thousand five hundred (2,500) to five thousand (5,000) vehicles per day in traffic volume at desirable speeds ranging from twenty-five (25) to thirty-five (35) miles per hour and that serves a collecting function by distributing traffic between local streets and arterial streets, thereby providing access to adjacent properties and linking neighborhoods with arterial streets.

Collector street system shall mean a system of one (1) or more collector street(s) that allows traffic to be distributed to at least two (2) arterial streets.

Collocation shall mean:

- (A) For the purposes of eligible facilities requests, the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- (B) For the purposes of other WCFs subject to presumptively reasonable time frames set by the FCC, accounting for any tolling or extension, within which the City generally must act pursuant to 47 U.S.C.

Section 332, i.e. “shot clocks”, attachment of facilities to existing structures, regardless of whether the structure or location has previously been zoned or otherwise approved for wireless facilities.

Color shade shall mean the degree of lightness or brightness, as opposed to darkness or neutrality, of a color as determined by the proportion of black, white or gray.

Commercial development shall mean any land development activity except development activity intended solely for residential, industrial and/or light industrial use.

Commercial speech shall mean expression by a speaker for the purposes of commerce, where the intended audience is actual or potential consumers, and where the content of the message is commercial in character. Commercial speech typically advertises a business or business activity or proposes a commercial transaction.

Community based shelter services shall mean an accessory use to a facility owned and operated by a place of worship, public benefit corporation as defined by the Colorado Revised Statutes, or a tax exempt corporation as defined by Section 503 of the U.S. Internal Revenue Code, that provides overnight accommodations on a temporary basis for a maximum of fifteen (15) persons.

Community facility shall mean a publicly owned or publicly leased facility or office building that is primarily intended to serve the recreational, educational, cultural, administrative or entertainment needs of the community as a whole.

Community park shall mean a city-owned park of not less than thirty (30) acres that serves the recreational and open space needs of the community as a whole.

Community shopping center shall mean a shopping and service center located in a complex that is planned and developed as a unit, and that is intended to serve consumer demands from residents and employees who live and work in surrounding neighborhoods as well as the community as a whole. A community shopping center provides, in addition to the convenience goods of a neighborhood service center, a wider range of facilities for the sale of goods, such as, but not limited to, food, books, apparel and furniture. A community shopping center may include multi-unit residential, as well as nonretail employment generating uses (such as professional offices) within the retail component of the center.

Compatibility shall mean the characteristics of different uses or activities or design that allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other characteristics include pedestrian or vehicular circulation, access and parking design. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor and architecture. Compatibility does not mean “the same as.” Rather, compatibility refers to the sensitivity of development proposals in respecting the character of existing development.

Composting facility shall mean any site where decomposition processes are used on solid waste (including leaves, grass, manures and nonmeat food production wastes received from residential, commercial, industrial nonhazardous and community sources, but not including bio-solids) to produce compost; provided, however, that the term composting facility shall not include composting as an accessory use.

Concealment shall mean utilization of elements of stealth design in a facility so that the facility looks like something other than a wireless tower or base station. Language such as “stealth,” “camouflage,” or similar in any existing permit or other document required by the City Code is included in this definition to the extent such permit or other document reflects an intent at the time of approval to condition the site’s approval on a design that looks like something else. *Concealment* can further include a design which mimics and is consistent with the nearby natural, or architectural features (such as an artificial tree), or is incorporated into (including without limitation, being attached to the exterior of such facility and painted to match it) or replaces existing permitted facilities (including without limitation, stop signs or other traffic signs or freestanding light standards) so that the presence of the WCF is not apparent. This definition does not include conditions that merely minimize visual

impact but do not incorporate *concealment* design elements so that the facility looks like something other than a wireless tower or base station.

Connecting walkway shall mean (1) any street sidewalk, or (2) any walkway that directly connects a main entrance of a building to the street sidewalk without requiring pedestrians to walk across parking lots or driveways, around buildings or around parking lot outlines that are not aligned to a logical route.

Connector street shall mean a local street for residential areas that is anticipated to carry from one thousand (1,000) to two thousand five hundred (2,500) vehicles per day in traffic volume at desirable speeds of up to twenty-five (25) miles per hour and that connects with collector and arterial streets and adjoining neighborhoods.

Convenience retail store (also known as convenience store) shall mean a retail store containing less than five thousand (5,000) square feet of gross floor area that sells everyday goods and services which may include, without limitation, ready-to-eat food products, groceries, over-the-counter drugs and sundries.

Convenience shopping center shall mean a shopping and service center situated on seven (7) or fewer acres with four (4) or more business establishments with separate exterior entrances, located in a complex that is planned, developed and managed as a single unit, and located within and intended to primarily serve the consumer demands of adjacent employment areas. The principal uses permitted include retail stores; business services; convenience retail stores with fuel sales (possibly including an accessory one-bay automatic carwash); personal business and service shops; standard or fast food restaurants (without drive-up windows); vehicle minor repair, servicing and maintenance uses; liquor sales (for on- or off-premise consumption); beauty or barber shops; dry-cleaning outlets; equipment rental (not including outdoor storage); limited indoor recreational uses; pet shops; and uses of similar character. Secondary uses may include professional offices; limited banking services such as branch banks (with limited drive-up facilities) and automated teller machines; multi-unit dwellings; medical offices and clinics; small animal veterinary clinics; child care centers; and elderly day care facilities.

Convenience stores with fuel sales shall mean a convenience retail store that also sells gasoline or other fuel products.

Convention and conference center shall mean a facility used for business or professional conferences and seminars, often with accommodations for sleeping, eating and recreation.

Correlated color temperature (CCT) shall mean the absolute temperature of a blackbody whose chromaticity most nearly resembles that of the light source.

Day shelter shall mean a facility that provides temporary daytime shelter and/or food and that may also provide personal care, social or counseling services to those experiencing homelessness or indigency, provided that such a facility contains a private, outdoor space.

Department shall mean the Community Development and Neighborhood Services Department, or the successor department existing from time-to-time in the City's organizational structure.

Development shall mean the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or, except as is authorized in LUC Section 6.24.7, the dividing of land into two (2) or more parcels.

(A) Development shall also include:

- (1) Any construction, placement, reconstruction, alteration of the size, or material change in the external appearance of a structure on land;

- (2) Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;
 - (3) Any change in use of land or a structure;
 - (4) Any alteration of a shore or bank of a river, stream, lake, pond, reservoir or wetland;
 - (5) The commencement of drilling (except to obtain soil samples), mining, stockpiling of fill materials, filling or excavation on a parcel of land;
 - (6) The demolition of a structure;
 - (7) The clearing of land as an adjunct of construction;
 - (8) The deposit of refuse, solid or liquid waste, or fill on a parcel of land;
 - (9) The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property;
 - (10) The construction of a roadway through or adjoining an area that qualifies for protection by the establishment of limits of development.
- (B) Development shall not include:
- (1) Work by the City, or by the Downtown Development Authority (if within the jurisdictional boundary of the Downtown Development Authority and if such work has been agreed upon in writing by the City and the Authority), or work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way, or on land adjacent to the right-of-way if such work is incidental to a project within the right-of-way. Notwithstanding, such work shall be considered development if it is determined to require a permit pursuant to Land Use Code Division 6.27, *Guidelines and Regulations for Areas and Activities of State Interest*;
 - (2) Work by the City or any public utility for the purpose of restoring or stabilizing the ecology of a site, or for the purpose of inspecting, repairing, renewing or constructing, on public easements or rights-of-way, any mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks or the like; provided, however, that this exemption shall not include work by the City or a public utility in constructing or enlarging mass transit or railroad depots or terminals or any similar traffic-generating activity. Notwithstanding, such work shall be considered development if it is determined to require a permit pursuant to Land Use Code Division 6.27, *Guidelines and Regulations for Areas and Activities of State Interest*;
 - (3) Work by any person to restore or enhance the ecological function of natural habitats and features, provided that such work does not result in adverse impacts to rivers, streams, lakes, ponds, wetlands other natural habitats or features, or adjacent properties as determined by the Director; and provided that all applicable State, Federal, and local permits or approvals have been obtained;
 - (4) The maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure (however, Chapter 14 of the Code of the City of Fort Collins is still applicable);

- (5) The use of any land for the purpose of growing plants, crops, trees and other agricultural or forestry products; for raising or feeding livestock (other than in feedlots); for other agricultural uses or purposes; or for the delivery of water by ditch or canal to agricultural uses or purposes, provided none of the above creates a nuisance, and except that an urban agriculture license is required in accordance with LUC Section 4.3.5(l) of this Code;
 - (6) A change in the ownership or form of ownership of any parcel or structure;
 - (7) The creation or termination of rights of access, easements, covenants concerning development of land, or other rights in land;
 - (8) The installation, operation, maintenance, or upgrade of a small cell or broadband facility by a telecommunications provider principally located within a public highway as the terms small cell facility, telecommunications provider, and public highway are defined in Section 38-5.5-102, C.R.S. The regulation of such activities is addressed in Chapter 23 of the Code of the City of Fort Collins.
- (C) When appropriate in context, development shall also mean the act of developing or the result of development.

Development application shall mean any application or request submitted in the form required by the Land Use Code and shall include only applications for an overall development plan, a PUD Overlay, a project development plan, a final plan, a basic development review, a Building Permit, a modification of standards, amendments to the text of this Code or the Zoning Map, a variance or an appeal from administrative decisions prescribed in this Code, a minor or major plan amendment, or a permit application pursuant to Division 6.27, *Guidelines and Regulations for Areas and Activities of State Interest*.

Development application for permitted use shall mean a development application submitted in the form required by this Code to the City for an overall development plan, a project development plan, a final plan or a Building Permit, including only uses described as permitted uses in the applicable zone district. A PUD Overlay is also considered to be a development application for a permitted use even though the PUD Overlay may request uses that are not permitted in the applicable underlying zone district.

Development plan shall mean an application submitted to the City for approval of a permitted use that depicts the details of a proposed development. Development plan includes an overall development plan, a project development plan, a final plan, a basic development review, and/or an amendment of any such plan. A PUD Overlay is also considered to be a development plan even though the PUD Overlay may request uses that are not permitted in the applicable underlying zone district. Additionally, an application for a permit pursuant to Division 6.27, *Guidelines and Regulations for Areas and Activities of State Interest*, is considered a development plan even though the application may propose uses that are not permitted in the applicable zone district or districts.

Development project shall mean a project that has been reviewed under the applicable city review process and has been approved and is ready for development construction to begin. For the purposes of the Development Construction Permit and its related requirements, bonds, warranties and fees, if such a project has defined phases, then each phase shall be considered a development project independent from the other phases.

Development site shall mean the real property, whether consisting of one (1) or more lots or areas of land, that is the subject of any application allowed under the Land Use Code.

Developmentally disabled shall mean a person five (5) years of age or older with a severe, chronic disability that:

- (A) Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (B) Is manifested before the person attains age twenty-two (22);
- (C) Results in substantial functional limitations in three or more of the following areas of major life activity:
 - (1) Self-care;
 - (2) Receptive and expressive language;
 - (3) Learning;
 - (4) Mobility;
 - (5) Self-direction;
 - (6) Capacity for independent living;
 - (7) Economic self-sufficiency; and
- (D) Reflects the person's need for a combination and sequence of special, interdisciplinary or generic care, treatment or other services and supports that are of lifelong or extended duration and are individually planned and coordinated; except that such term, when applied to infants and young children, shall mean individuals from birth to age five (5) years, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services or supports are not provided.

Diameter-at-breast-height (DBH) shall mean tree trunk diameter as measured in inches at a height of four and one-half (4.5) feet above the ground or, in the case of a tree that is divided into multiple trunks below four and one-half (4.5) feet, as measured at the most narrow point beneath the point of division.

Digital electronic message center shall mean a display surface that is composed of light emitting diodes (LEDs) or comparable light sources that is capable of displaying variable messages and graphics, which are generally created on a computer. Digital electronic message centers are also known as EMCs.

Director shall mean the Director of the Department.

Dog day care facility shall mean a facility providing such services as canine day care for all or part of a day, obedience classes, training, grooming and/or behavioral counseling, provided that overnight boarding is not permitted.

Dormitory shall mean a building used as group living quarters for students or religious adherents as an accessory use for a bona fide college, university, boarding school, seminary, convent, monastery or other similar institutional use.

Drip line shall mean a vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Drive aisles shall mean the lanes in a parking lot devoted to the passage of vehicles, as opposed to the parking stalls. The term drive aisle does not include lanes used only or primarily for drive-in customer service.

Drive-in use shall mean an establishment that by design, physical facilities, service or packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.

Drop-in child care center shall mean a center that provides occasional care for forty (40) or fewer children between the ages of twelve (12) months and thirteen (13) years for periods of time not to exceed six (6) hours in any twenty-four-hour period or fifteen (15) hours in any seven-day period.

Dust control manual shall mean the dust control and prevention standards enacted to protect air quality adopted under Chapter 12 of the City Code.

Dwelling shall mean a building with habitable space used exclusively for residential occupancy and for permitted accessory uses. The term dwelling shall not include hotels, motels, homeless shelters, seasonal overflow shelters, tents or other structures designed or used primarily for temporary occupancy with the exception of short term primary and non-primary rentals.

Dwelling, multi-unit shall mean a dwelling containing three (3) or more dwelling units, not including hotels, motels, fraternity houses and sorority houses and similar group accommodations.

Dwelling, single-unit shall mean a dwelling containing no more than one (1) dwelling unit.

Dwelling, single-unit attached shall mean a single-unit dwelling attached to one (1) or more dwellings or buildings, with each dwelling located on its own separate lot.

Dwelling, single-unit detached shall mean a single-unit dwelling that is not attached to any other dwelling or building by any means, including mobile homes and manufactured housing situated on a permanent foundation.

Dwelling, two-unit shall mean a dwelling containing two (2) dwelling units.

Dwelling, two-unit attached shall mean a two-unit dwelling attached to one other two-unit dwelling with each such two-unit dwelling located on its own separate lot.

Dwelling unit shall mean habitable floor space intended for the exclusive use of a single household with a single kitchen, or including a second kitchen pursuant to Section 5.3.6.

ECMC shall mean the Colorado Energy and Carbon Management Commission.

Elderly shall mean a person sixty (60) years of age or older.

Electronic message center, or EMC, shall mean the portion of an on-premise ground or wall sign that is capable of displaying words or images that can be electronically changed by remote or automatic means.

Eligible facilities request or EFR shall mean any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station involving: (i) collocation of new transmission equipment, (ii) removal of transmission equipment, or (iii) replacement of transmission equipment. A request for modification of an existing tower or base station that does not comply with the generally applicable building, structural, electrical, and safety codes or with other laws codifying objective standards reasonably related to health and safety, or does not comply with any relevant federal requirements, is not an eligible facilities request.

Eligible support structure shall mean any tower or base station as defined in this Section, provided it exists at the time the relevant application is filed with the City under this Code.

Employees shall mean the total number of persons reasonably anticipated to be employed in a building or on land during normal periods of use.

Enclosed mini-storage shall mean a building containing separate, individual, private storage spaces, that may be of various sizes, and that are rented pursuant to individual leases for varying periods of time.

Engineer shall mean the City Engineer, who shall have those duties and powers as set forth in Section 24-39 of the City Code.

Entertainment facilities and theaters shall mean a building or part of a building devoted to showing motion pictures or dramatic, musical or live performances.

Equipment Cabinets shall mean a structure used to house equipment used by service providers at a WCF. This definition does not include relatively small electronic components, such as remote radio units, radio transceivers, amplifiers, or other devices mounted behind antennas, if they are not used as physical containers for smaller, distinct devices.

Exhibit hall shall mean a privately owned building or part of a building devoted to the routine display for public viewing (but not sale) of works of art or other similar articles or collectibles of enduring interest or value, and where such display is intended, in part, to serve the educational and cultural needs of the community as a whole.

Exists and Existing shall mean a constructed tower or base station that was reviewed, approved, and lawfully constructed in accordance with all requirements of applicable law as of the time of an eligible facilities request is received by the City, provided that a tower that exists as a legal, non-conforming use and was lawfully constructed is existing for purposes of this definition.

Existing limited permitted use shall mean any use that was permitted for a specific parcel of property pursuant to the zone district regulations in effect for such parcel on March 27, 1997, that is not specifically listed as a permitted use under the zone district regulations of the zone district of this Code in which the parcel of property is located, and that physically existed upon such parcel on March 27, 1997. Such use is permitted in the various zone districts established in Article 2 under the limitation that such use shall constitute a permitted use only on such parcels of property.

Extent reasonably feasible shall mean that, pursuant to the City's determination, under the circumstances, reasonable efforts have been undertaken to comply with the regulation, that the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from noncompliance with the regulation.

Extra occupancy shall mean the use of a building or portion of a building by a number of occupants that exceeds the occupancy limits set forth in Section 5.14.1.

FAA shall mean the United States Federal Aviation Administration.

Family shall mean any number of persons who are all related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship, and who live together as a single housekeeping unit and share common living, sleeping, cooking and eating facilities.

Family-care home shall mean a facility for child care in a place of residence of a family or person for the purpose of providing family care and training for a child under the age of sixteen (16) years who is not related to the occupants of such home, or a facility in a place of residence of a family or person for the purposes of providing elderly day care. The three (3) categories of family-care homes are defined as follows:

- (A) Day care home shall mean a facility licensed by the State of Colorado that provides on a regular basis in a place of residence, less than twenty-four-hour care for two (2) or more children from different family households who are not related to the caregiver. Such a facility may be any of the following three (3) types of family care homes as defined by the State of Colorado: family child care home, infant/toddler home or experienced family child care provider home.
- (B) Family foster home shall mean a facility providing care and training for a child or children not related to the caretaker for regular twenty-four-hour care, provided that such child or children are received from

any state-operated institution for child care or from any child placement agency as defined in Section 26-6-903(10), C.R.S.

- (C) Elderly day care home shall mean a home in a place of residence of a family or person for the daytime care, protection and supervision of persons of at least sixty (60) years of age, who are not related to the caretakers, for more than two (2) full days per week.

Farm animals shall mean animals commonly raised or kept in an agricultural, rather than an urban, environment, including, but not limited to, chickens, pigs, sheep, goats, horses, cattle, llamas, emus, ostriches, donkeys and mules; provided, however, that farm animals shall not include chicken hens, ducks or pygmy or dwarf goats kept pursuant to Section 4-121 of the City Code.

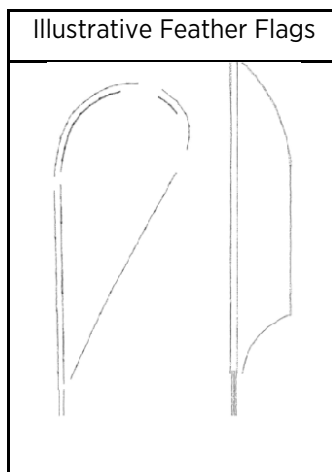
FCC shall mean the United States Federal Communications Commission.

Feedlot shall mean any tract of land or structure, pen or corral, wherein cattle, horses, sheep, goats, emus, ostriches or swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

Festoon lighting shall mean electric lighting with individual bulbs suspended along a string that incorporates power wiring and is suspended between two (2) or more points.

Flag shall mean a flexible piece of fabric, that is attached along one (1) edge to a straight, rigid flagpole (directly or with rope), and that is designed to move when the wind blows. Flags are typically (but not necessarily) rectangular in shape, and often (but not always) include printed or embroidered insignia that symbolizes a nation, state, or organization, or that display a graphic or message.

Flag, feather shall mean a flexible piece of fabric that is attached to a flexible pole along a long edge such that the pole stretches the fabric taut regardless of wind conditions. Feather flags are also commonly referred to as "teardrop banners," "teardrop flags," and "flutter flags."



Flowback shall mean the process of allowing fluids and entrained solids to flow from a well following stimulation, either in preparation for a subsequent phase of treatment or in preparation for cleanup and placing the Well into production. The term flowback also means the Fluids and entrained solids that emerge from a Well during the flowback process.

Flowline shall mean a segment of pipe transferring oil, gas, or condensate between a wellhead and processing equipment to the load point or point of delivery to a U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration or Colorado Public Utilities Commission regulated gathering line or a segment of pipe transferring produced water between a wellhead and the point of disposal discharge or loading. This definition of flowline does not include gathering line.

Food catering or small food product preparation shall mean an establishment in which the principal use is the preparation of food and/or meals on the premises, and where such food and/or meals are delivered to another location for consumption or distribution, and where such use occupies not more than five thousand (5,000) square feet in gross floor area.

Food membership distribution site shall mean a site where a producer of agricultural products delivers them for pick-up by customers who have pre-purchased an interest in the agricultural products.

Food truck rally shall mean a temporary or periodic special event, operating under a Special Vending License, of more than two (2) outdoor vendors (such as food trucks and carts), held on an improved private lot with permission of the owner thereof, and only serving pedestrians.

Foot-candle shall mean a unit of measurement referring to illumination incident to a single point. One (1) foot-candle is equal to one (1) lumen uniformly distributed over an area of one (1) square foot.

Fraternity and sorority houses shall mean residences housing students in organizations established primarily to promote friendship and welfare among the members (i.e., Greek-letter social fraternities and similar organizations), and which residences are affiliated with Colorado State University.

Fully shielded shall mean shielded or constructed so that no light rays are emitted by the installed outdoor light fixtures at angles above the horizontal plane, as certified by a photometric test report.

Funeral home shall mean a building used for the preparation of the deceased for burial or cremation, for the display of the deceased and/or for ceremonies or services related thereto, including cremation and the storage of caskets, funeral urns, funeral vehicles and other funeral supplies.

Gasoline station shall mean any building, land area, premises or portion thereof, where gasoline or other petroleum products or fuels are sold and light maintenance activities such as engine tune-ups, lubrication, minor repairs and carburetor cleaning may be conducted. *Gasoline station* shall not include premises where heavy automobile maintenance activities such as engine overhaul, automobile painting and body fender work are conducted.

Gathering line shall mean a gathering pipeline or system as defined by the Colorado Utilities Commission, Regulation No. 4, 4 C.C.R. 723-4901, Part 4, (4 C.C.R. 723-4901) or a pipeline regulated by the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration pursuant to 49 C.F.R. §§ 195.2 or 192.8. 49 C.F.R. §§ 195.2 or 192.8 and 4 C.C.R. 723-4901 in existence as of the date of this regulation and does not include later amendments.

Geologic hazards shall mean unstable or potentially unstable slopes, faulting, landslides, rockfalls, flood, wildfire or similar naturally occurring dangerous features or soil conditions or natural features unfavorable to development.

Glare shall mean the sensation produced by luminances within the visual field that are sufficiently greater than the luminance to which the eyes are adapted that causes annoyance, discomfort, or loss in visual performance or visibility.

Grade shall mean the elevation of the edge of the paved surface of the street at the closest point to the sign for the purpose of measuring the height of signs.

Grocery store shall mean a retail establishment that primarily sells food, but also may sell other convenience and household goods, and that occupies a space of at least five thousand (5,000) square feet but not more than forty-five thousand (45,000) square feet.

Gross leasable area shall mean the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, expressed in square feet measured from centerlines of joint partitions and exteriors of outside walls.

Ground-mounted solar energy system shall mean a solar energy system with a supporting framework that is placed on, or anchored in, the ground and that is structurally independent from any building. Carports, garages, breezeways, covered walkways or similar nonclimatized accessory structures that incorporate building-mounted solar energy systems shall not be classified as ground-mounted solar energy systems and shall instead be subject to height and setback regulations governing accessory structures.

Group home shall mean either of the following:

- (A) Residential group home shall mean a residence operated as a single dwelling, licensed by or operated by a governmental agency, or by an organization that is as equally qualified as a government agency and having a demonstrated capacity for oversight as determined by the Director, for the purpose of providing special care or rehabilitation due to homelessness, physical condition or illness, mental condition or illness, elderly age or social, behavioral or disciplinary problems, provided that authorized supervisory personnel are present on the premises.
- (B) Large group care facility shall mean a residential facility that is planned, organized, operated and maintained to offer facilities and services to a specified population and is licensed by or operated by a governmental agency, or by an organization that is as equally qualified as a government agency and having a demonstrated capacity for oversight as determined by the Director, for the purpose of providing special care or rehabilitation due to homelessness, physical condition or illness, mental condition or illness, elderly age or social, behavioral or disciplinary problems, provided that authorized supervisory personnel are present on the premises.

Habitable floor space shall mean the space in a building approved for living, sleeping, eating, cooking, bathing and personal hygiene. Crawl spaces, storage, laundry rooms, utility spaces and similar areas are not considered habitable spaces.

Hard goods shall mean bulky, durable goods such as household appliances, furniture, automobiles and farm and construction equipment, that all require extensive floor area for display.

Hardscape shall mean any non-living horizontal site element, including but not limited to patios, decks, walkways, sidewalks, driveways, and steps.

Hazardous materials shall mean those chemicals or substances that are physical or health hazards as defined and classified in the Fire and Building Codes. Hazardous materials categories include explosives and blasting agents, compressed gases, flammable and combustible liquids, flammable solids, organic peroxides, oxidizers, pyrophoric materials, unstable (reactive) materials, water-reactive solids and liquids, cryogenic fluids, highly toxic and toxic materials, radioactive materials, corrosives, carcinogens, irritants, sensitizers and other health hazards. Each category is defined separately in the Fire and Building Codes in accordance with the Code of Federal Regulations Title 29 and other nationally recognized standards.

Health club shall mean an establishment that is open only to members and guests and that provides facilities for at least three (3) of the following: aerobic exercises, running and jogging, exercise equipment, game courts and swimming facilities, and that also includes amenities such as spas, saunas, showers and lockers.

Heavy industrial uses shall mean uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involved hazardous conditions. *Heavy industry* shall also mean those uses engaged in the operation, parking and maintenance of vehicles, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, and transport terminals (truck terminals, public works yards, container storage).

High occupancy building unit shall mean:

- (a) Any public or private school, nursing facility as defined in § 25.5-4-103(14), C.R.S., hospital, life care institution as defined in § 12-13-101, C.R.S., or correctional facility as defined in § 17-1-102(1.7), C.R.S., provided the facility or institution regularly serves 50 or more persons;
- (b) An operating Child Care Center as defined in § 26-6-102(5), C.R.S.; or
- (c) A multiunit dwelling with four or more units

Historic comparison boundary shall mean the two hundred (200) foot boundary measured in all directions from the perimeter of each historic resource identified in Section 5.8.1(C)(2)(a), (b), or (c).

Historic influence area shall mean the overlapping area formed when the outer boundary of a development site and a historic comparison boundary overlap.

Historic preservation staff shall mean City Historic Preservation Division staff who meet the professional qualification standards provided in Code of Federal Regulations, 36 CFR Part 61.

Historic resource shall mean a building, site, structure, or object that is located on a lot, lots, or area of property and is (1) designated as a Fort Collins landmark or is contributing to a Fort Collins landmark district; (2) designated on the Colorado State Register of Historic Properties, either individually or contributing to a district, or the National Register of Historic Places, either individually or contributing to a district; or (3) determined to be eligible for designation as a Fort Collins landmark either through a binding or non-binding determination pursuant to Land Use Code Section 5.8.1(D).

Home occupation shall mean an occupation or business activity that results in a product or service and is conducted in whole or in part in a dwelling unit, and is subordinate to the residential use of the dwelling unit.

Homeless shelters shall mean a fully enclosed building other than a hotel, motel, or lodging establishment that is suitable for habitation and that provides residency only for people experiencing homelessness at no charge at any time during the year. Community based shelter services are exempt from this definition.

Hoop house shall mean a structure used for the purpose of growing crops that has a semi-flexible, nonmetallic frame covered by a flexible polyethylene film of not more than six (6) mil, but not containing any mechanical or electrical systems or equipment or storage items.

Hotel/motel/lodging establishment shall mean a building intended and used for occupancy as a temporary abode for individuals who are lodged with or without meals, in which there are five (5) or more guest rooms. The terms *hotel/motel/lodging establishment* shall not include homeless shelters, seasonal overflow shelters, and short term primary and non-primary rentals.

Housing model shall mean a single-unit or two-unit dwelling having at least three (3) distinguishing major exterior features, including elevations, material treatments, front facade, rooflines and entryway.

Hydrozone shall mean an area within the landscape defined by a grouping of plants requiring a similar amount of water to sustain health. For the purposes of this Code, hydrozones are divided into the following four (4) categories:

- (A) Very low hydrozones include plantings that need supplemental water when first planted, but little or none once established.
- (B) Low hydrozones include plantings that generally do not require more than three (3) gallons per square foot of supplemental water per year. These plantings require additional water during plant establishment or drought.
- (C) Moderate hydrozones include plantings that generally require ten (10) gallons per square foot of supplemental water per year.
- (D) High hydrozones include plantings that generally require eighteen (18) gallons per square foot of supplemental water per year.

I-25 activity center (located as described in the I-25 Subarea Plan) shall mean an area of concentrated development containing more than one (1) principal land use type and generally served by high frequency transit. Such land uses may include office, retail, residential or service uses such as hotels, motels and personal and business services. In an I-25 activity center, the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of vehicular and pedestrian access and parking areas.

Ideally oriented luminaire shall mean a luminaire mounted with the backlight portion of the light output oriented perpendicular to and towards the property line of concern.

Illuminance shall mean the incidental light falling on a surface as measured in footcandles (fc). Total illuminance at a point is a combination of all light sources that contribute.

Improved arterial street shall mean that portion of an arterial street which has been totally or partially constructed to arterial street standards and accepted by the City.

Improved arterial street network shall mean the system of improved arterial streets that are interconnected and that are defined on the city map titled Improved Arterial Streets Network maintained by the City Engineer.

Improvement shall mean any man-made, immovable item that becomes part of, is placed upon or is affixed to real estate.

Indoor kennel shall mean an establishment in which twenty-four (24) hour care and boarding is provided for household dogs or cats within a soundproof building (or buildings) that contains exercise facilities, separate ventilation systems for dogs and cats if they are boarded in the same building, and wherein other services such as grooming and training are offered. Dogs in an indoor kennel are only allowed in an outdoor exercise area during the hours of 8am-5pm.

Infrastructure shall mean those man-made structures that serve the common needs of the population, such as: potable water systems; wastewater disposal systems, solid waste disposal sites or retention areas; storm drainage systems; electric, gas or other utilities; bridges; roadways; bicycle paths or trails; pedestrian sidewalks, paths or trails; and transit stops.

Inhabitant shall mean a person who dwells and is domiciled in a place, as distinguished from a lodger or visitor.

Initial luminaire lumens shall mean the light output of the lamp or luminaire before any light loss factors are considered.

Junkyard shall mean an industrial use (not permitted in residential, business or commercial districts) contained within a building, structure or parcel of land, or portion thereof, used for collecting, storing or selling wastepaper, rags, scrap metal or discarded material or for collecting, dismantling, storing, salvaging or

demolishing vehicles, machinery or other material and including the sale of such material or parts thereof. Junkyard shall not include a recycling facility.

Kenel shall mean a facility where the overnight boarding of dogs, cats or other household pets is conducted as a business.

Kitchen shall mean a portion of a dwelling unit used, or designated to be used for, the purposes of cooking, preserving, or otherwise preparing food and contains a range or a combination of a cook-top and oven. An area of a dwelling unit with a cooking appliance that is not a range or combination of a cook-top and oven, such as a microwave or hot-plate, is not a kitchen.

Landscaping shall mean any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. Landscaping shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation or the preservation, protection and replacement of existing trees.

Large base industry shall mean a firm that:

- (A) Produces, or will produce, manufactured goods, at least eighty (80) percent of which are, or will be, produced for export to areas outside of the City; or provides medical, internet, telecom, education or publishing products and services for local and regional users; or establishes corporate offices;
- (B) Employs, or will employ, no fewer than one hundred (100) persons for at least thirty-five (35) hours of year-round employment per week; and
- (C) Owns or leases, or will own or lease, real property or equipment within the city limits that is used in the operation of the firm's business and that has, or will have, as of the date of the commencement of the firm's operation, a fair market value of no less than one hundred million dollars (\$100,000,000).

Large retail establishment shall mean a retail establishment, or any combination of retail establishments in a single building or in separate but abutting buildings, or a movie theater or an indoor recreational use, occupying more than twenty-five thousand (25,000) gross square feet of floor area.

Laundry and dry-cleaning retail outlet shall mean a laundry or dry-cleaning outlet whose business consists primarily of serving retail customers, provided that any laundry and dry-cleaning processing that occurs on the premises is limited to items that are brought directly to the premises by the retail customer.

Level of service shall mean an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on, and related to, the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

Lifestyle shopping center shall mean a shopping center that is planned and developed as a unit and intended to serve consumer demands from the community as a whole and the region, with primary offerings of specialty retailers such as apparel, home furnishings/accessories, books/music, bath/body, sporting goods and grocery stores, and that offers sit-down restaurants, coffee shops, ice cream parlors, entertainment facilities and theatres, office uses and/or uses of similar character. Such a center is designed with architectural distinction, individual identity for each store and buildings that are brought together along a sidewalk network in an open-air setting, with a small park or plaza, and a high level of amenity in landscaping and urban furnishings.

Light industrial shall mean uses engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products. Further, light industrial shall mean uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research

and scientific laboratories or the like. Light industrial shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal or related industries.

Light loss factor (LLF) shall mean a depreciation factor that describes the drop in light output over the life of the system. The total LLF is determined by a combination of factors, such as lumen depreciation and luminaire dirt depreciation. Light Loss Factors = 1.0 for evaluating compliance with Section 5.12.1.

Lighting, indirect when applied to the lighting of signs, shall mean reflected light only from a concealed light source outside the sign face that reflects from the sign face only or from the sign face and sign copy.

Limited indoor recreation use shall mean facilities established primarily for such activities as exercise or athletic facilities; and amusement or recreational services, such as billiard or pool parlors, pinball/video arcades, dance studios, martial art schools, arts or crafts studios; or exercise clubs, but not including bowling alleys or establishments which have large-scale gymnasium-type facilities for such activities as tennis, basketball or competitive swimming. This definition is intended to restrict the type of recreational use allowed to those small-scale facilities containing no more than five thousand (5,000) square feet that would be compatible with typical buildings and uses in the zone district in which this use is allowed.

Limits of development shall mean the areas described and established pursuant to Section 5.6.1(N).

Local street shall mean a street that is anticipated to carry under two thousand five hundred (2,500) vehicle trips per day in traffic volume at desirable speeds of up to twenty-five (25) miles per hour, and that provides access to abutting property and primarily serves local traffic.

Local street system shall mean a system of one (1) or more local streets that allow traffic to be distributed throughout a neighborhood.

Lodging establishment shall mean hotel/motel.

Logo shall mean a graphic symbol or emblem that conveys a recognizable meaning, which symbol or emblem may include script (words) provided that such script is contained entirely within the boundaries of the symbol or emblem; and script alone, or outside of the boundaries of the symbol or emblem, whether registered as a trademark or not, is not included within the meaning of the term logo.

Long-term care facility shall mean any of the following:

- (A) Convalescent or rehabilitation center shall mean a health institution that is planned, organized, operated and maintained to offer facilities and services to inpatients requiring restorative care and treatment and that is either an integral patient care unit of a general hospital or a facility physically separated from, but maintaining an affiliation with, all services in a general hospital.
- (B) Nursing or memory care facility shall mean a health institution planned, organized, operated and maintained to provide facilities and health services with related social care to inpatients who require regular medical care and twenty-four (24) hour per day nursing services for illness, injury or disability. Each patient shall be under the care of a physician licensed to practice medicine in the State of Colorado. The nursing services shall be organized and maintained to provide twenty-four (24) hour per day nursing services under the direction of a registered professional nurse employed full time.
- (C) Intermediate health care or assisted living facility shall mean a health-related institution planned, organized, operated and maintained to provide facilities and services which are supportive, restorative or preventive in nature, with related social care, to individuals who because of a physical or mental condition, or both, require care in an institutional environment but who do not have an illness, injury or disability for which regular medical care and twenty-four (24) hour per day nursing services are required.

(D) Independent living or continuing care facility shall mean a single-unit, two-unit and/or multi-unit dwelling that is located within a development that contains one (1) or more of the facilities described in (A) through (C) above, wherein the residents of such dwellings have access to the common amenities and services available to residents of the facilities described in (A) through (C) above.

Long-term parking shall mean parking that has limited turnover during a normal working weekday. Long-term parking includes employee-type parking or residential-type parking.

Lumen (lm) shall mean the luminous flux emitted within a unit solid angle by a point source (one steradian) having a uniform luminous intensity of one candela (cd). See luminous flux.

Luminaire shall mean a complete lighting device consisting of the light source, lens, reflector, refractor, driver, housing and such support as is integral with the housing. If the driver is located within the housing, it is considered integral and therefore part of the luminaire. The pole, posts, and bracket or mast arm are not considered to be part of the luminaire.

Luminance (candelas per square meter, cd/m² or nits) shall mean the luminous intensity of any surface in a given direction per unit of projected area of the surface as viewed from that direction; i.e., the apparent brightness of a surface.

Luminous flux (lumen, lm) shall mean a unit of measure of the quantity of light. One lumen is the amount of light that falls on an area of one square meter, every point of which is one meter from a source of one candela. A light source of one candela emits a total of 12.57 lumens. Light sources are rated in terms of luminous flux. Lumens are used for evaluating compliance with Section 5.12.1.

Luminous intensity (candela, cd) shall mean the basic unit of light quantity as measured in candelas. The candela can be thought of as the number of photons per second emitted by the light source.

Maintenance (of a newly constructed street) shall mean keeping the street free of dirt, mud, debris and any other foreign material that would constitute a safety hazard or a nuisance or cause damage to the newly constructed street, and shall also include repainting traffic control striping, repairing and replacing traffic control signs and signals as necessary, and maintaining median/parkway landscaping and irrigation systems and supplying water therefor.

Major addition shall mean the extension of an existing building where the cost of the addition, not including repairs and reconstruction of the existing building, is in excess of the assessed valuation of the existing building as assessed by the county Assessor during the year immediately preceding the year in which such major addition takes place.

Major public facilities shall mean structures or facilities, such as electrical generation plants, water treatment plants, wastewater treatment plants, natural gas generation power plants, railroad depots and transportation fleet maintenance facilities, that are generally occupied by persons on a daily basis to conduct operations and that contain or involve traffic-generating activities. *Major public facilities* include outdoor storage but shall not include wireless communication facilities.

Major walkway spine shall mean a tree-lined connecting walkway that is at least five (5) feet wide, with landscaping along both sides, located in an outdoor space that is at least thirty-five (35) feet in its smallest dimension, with all parts of such outdoor space directly visible from a street.

Manual changeable copy message center shall mean a sign element in which letters, numbers, or symbols may be changed manually without altering the face of the sign (e.g., by placement of letters into tracks that are enclosed within a cabinet structure). Manual changeable copy centers are sometimes known as "readerboards."

Manufactured home shall mean a preconstructed, transportable dwelling unit built on a permanent chassis and anchored at the site where it will be occupied as a dwelling unit. The term manufactured home shall also include mobile homes, which are similar transportable dwelling units constructed prior to federal manufactured home standards adopted in 1976.

Manufactured housing community shall mean a parcel of land that has been planned, improved, or is currently used for the placement of five or more manufactured homes. Manufactured housing communities may also contain accessory uses intended primarily for the use and benefit of their residents, including but not limited to clubhouses, playgrounds and recreational amenities, childcare, meeting and assembly spaces, retail, and personal and business services.

Marginal-access street shall mean a local street that is parallel to and adjacent to expressways or arterials and that provides access to abutting properties and protection from through traffic.

Marijuana products shall mean concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tincture as defined in Section 16 (2)(k) of Article XVIII of the Colorado State Constitution.

Massing shall refer to the perception of the overall shape, form, and size of a building.

Maximum extent feasible shall mean that pursuant to the City's determination, no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken.

Medical marijuana center shall mean a person licensed pursuant to Title 12, Article 43.3, C.R.S., to operate a business as described in Section 44-10-103(34) C.R.S., that sells medical marijuana to registered patients or primary caregivers as defined in Section 14 of Article XVIII of the State Constitution, but is not a primary caregiver.

Medical marijuana-infused products manufacturer shall mean a person licensed pursuant to Title 12, Article 43.3, C.R.S., to operate a business as described in Section 12-44-10-103(39), C.R.S.

Medical marijuana optional premises cultivation operation shall mean a person licensed pursuant to Title 12, Article 43.3, C.R.S., to operate a business as described in Section 12-43.3-404, C.R.S.

Medical marijuana research and development cultivation shall mean a facility used by a person or entity licensed pursuant to Title 12, Article 43.3, C.R.S., to operate a business as described in Section 12-44-10-103(37), C.R.S.

Medical marijuana research and development facility shall mean a facility used by a person or entity licensed pursuant to Title 12, Article 43.3, C.R.S., to operate a business as described in Section 12-44-10-103(35), C.R.S.

Medical marijuana testing facility shall mean a facility used by a person or entity licensed pursuant to Title 12, Article 43.3, C.R.S., to operate a business as described in Section 12-44-10-103(35), C.R.S.

Microbrewery shall mean a facility that produces no more than fifteen thousand (15,000) barrels per year of fermented malt beverages on site and shall include a taproom in which guests/customers may sample the product.

Microdistillery shall mean a facility that produces no more than fifteen thousand (15,000) gallons per year of spirituous beverages on site and shall include a tasting room in which guests/customers may sample the product.

Microwinery shall mean a facility that produces no more than one hundred thousand (100,000) gallons per year of vinous beverages on site and shall include a tasting room in which guests/customers may sample the product.

Minor public facilities shall mean structures or facilities, such as electrical generating and switching stations, substations, underground vaults, poles, conduits, water and sewer lines, pipes, pumping stations, natural gas pressure-reducing stations, repeaters, antennas, transmitters and receivers, valves and stormwater detention ponds, that are not occupied by persons on a daily basis except for periodic inspection and maintenance, are capable of operation without daily oversight by personnel and do not generate daily traffic. Such facilities also include similar structures for fire protection, emergency service, parks and recreation and natural areas. *Minor public facilities* shall not include outdoor storage and wireless communication facilities.

Minor subdivision shall mean the subdivision of a lot, tract or parcel into not more than one (1) new lot and may include adjustments to lot lines.

Mixed use shall mean the development of a lot, tract or parcel of land, building or structure with two (2) or more different uses, including, but not limited to, residential, office, retail, public uses, personal service or entertainment uses (but not including accessory uses), designed, planned and constructed as a unit.

Mobility Assisted Device shall mean a wheelchair, motorized scooter, or other tool that aids those living with physical or mental disabilities in moving along City sidewalks, non-vehicular paths, and trails. These do not include recreational motorized devices such as skateboards and toy vehicles or road machinery/road tractor as defined in the City of Fort Collins Traffic Code.

Monument style shall mean a style of freestanding sign characterized by a supporting sign structure that is at least seventy (70) percent of the width of the sign face, and that contains not more than two (2) sign faces.

Music facility, multi-purpose, shall mean a facility that may include indoor and outdoor space for the purpose of music workshops, meetings, informal gatherings, occasional small-scale music performances, and occasional recitals and open microphone sessions where performance spaces do not include permanent or designated seating or paid admission.

Music studio shall mean a fully enclosed soundproof studio for the recording, producing, writing or rehearsing of music.

Native vegetation shall mean any plant identified in Fort Collins Native Plants: Plant Characteristics and Wildlife Value of Commercial Species, prepared by the City's Natural Resources Department, updated February 2003.

Natural area shall mean all areas shown as "natural areas" on the City's *Parks and Natural Areas Map* or the *Natural Habitats and Features Inventory Map*. Any land that qualifies as a "wetland" pursuant to the Federal Clean Water Act shall also be deemed a natural area, in addition to the areas designated as wetlands on the City's *Natural Habitats and Features Inventory Map*. Any land area that possesses such characteristics as would have supported its inclusion on the *Natural Habitats and Features Inventory Map*, or contains natural habitats or features that have significant ecological value listed in subparagraph 5.6.1(A), if such area is discovered during site evaluation and/or reconnaissance associated with the development review process, shall also be deemed a natural area.

Natural area buffer zone shall mean any area described and established pursuant to subsection 5.6.1(E).

Natural features shall mean the following:

- (A) natural springs,
- (B) areas of topography which, because of their steepness, erosion characteristics/geologic formations, high visibility from off-site locations and/or presence of rock outcroppings, and

(C) view corridors that present vistas to mountains and foothills, water bodies, open spaces and other regions of principal environmental importance, provided that such natural features are either identified on the City's *Natural Habitats and Features Inventory Map*, or otherwise meet the definition of *natural area* as contained in this Article.

Neighborhood center shall mean a combination of at least two (2) uses as listed in the Low Density Mixed-Use Neighborhood zone district in addition to an outdoor space, which together provide a focal point and a year-round meeting place for a neighborhood.

Neighborhood park shall mean a publicly owned park as defined in the Parks and Recreation Policy Plan.

Neighborhood plan shall mean a document adopted by the City Council as a part of the Comprehensive Plan of the City containing public policies relating to a specific neighborhood.

Neighborhood service center shall mean a shopping and service center, approximately fifteen (15) acres in size, designed to meet consumer demands from an adjacent neighborhood. The primary functional offering is usually a supermarket with an approximately equivalent amount of associated mixed retail and service-oriented gross square footage. Other functional offerings may include employment uses, such as offices and/or commercial development traditionally located along arterial streets.

Neighborhood support/recreation facilities shall mean recreation/pool facilities and/ or meeting rooms intended for the use and enjoyment of residents and guests of the neighborhood.

Nightclub shall mean a bar or similar nonalcoholic establishment containing more than one hundred (100) square feet of dance floor area.

Nonconforming building shall mean a building that was lawful and nonconforming under prior law on the day before the effective date of this Code or subsequent amendment thereof.

Nonconforming structure shall mean a structure that was lawful and nonconforming under prior law on the day before the effective date of this Code or subsequent amendment thereof.

Nonconforming use shall mean either a use that was lawful and nonconforming under prior law on the day before the effective date of this Code or subsequent amendment thereof, or with respect to lands newly annexed, a use that was lawful immediately before annexation but that does not conform to the use regulations for the zone district in which such use is located either at the time of annexation or as the result of subsequent amendments to this Code.

Nonconformities shall mean a nonconforming use, structure or building.

Object, for purposes of Section 5.8.1 only, shall mean a material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable.

Occupant, in relation to extra occupancy and in other parts of this Code, shall mean a person who occupies habitable space in a dwelling unit or any portion thereof.

Off-site construction staging shall mean the use of land or building or portion thereof for activities commonly associated with and supportive of construction or development, when such activities are not located on the parcel, or in the building, being constructed or developed. Such activities include but are not limited to storage of construction material and equipment, parking for those working on the construction or development, temporary restrooms and construction offices.

Off-street parking area or vehicular use area shall mean all off-street areas and spaces designed, used, required or intended to be used for the parking, storage, maintenance, service, repair, display or operation of motor vehicles, including driveways or accessways in and to such areas, but not including:

(A) any outdoor storage area used principally as *recreational vehicle, boat or truck storage* use;

- (B) any parking area that is primarily used for long-term storage of vehicles that more closely resembles an outdoor storage area than it does a parking lot (such as impound lots, junkyards or other similar uses);
- (C) any internal drive lane located in an enclosed mini-storage facility; or
- (D) any public street or right-of-way.

Oil and gas facility shall mean equipment or improvements used or installed at an oil and gas location for the exploration, production, withdrawal, treatment, or processing of crude oil, condensate, exploration, development, and production waste, or gas.

Oil and gas location shall mean the area where an operator has disturbed or intends to disturb the land surface in order to locate an oil and gas facility.

Oil and gas pipeline shall mean a flowline, crude oil transfer line, gathering line, as such terms are defined by the ECMC, and transmission lines.

Oil and gas operation shall mean exploration for oil and gas, including the conduct of seismic operations and the drilling of test bores; the siting, drilling, deepening, recompletion, reworking or abandonment of an oil and gas well, underground injection well or gas storage well; production operations related to any such well, including the installation of flow lines and gathering systems; the generation, transportation, storage, treatment or disposal of exploration and production wastes; and any construction, site preparation or reclamation activities associated with such operations.

Opacity shall mean the degree to which air contaminant emission obscures the view of an observer, expressed in percentage of the obstruction, or the degree (percent) to which the transmittance of light is reduced by an air contaminant emission.

Open-air farmers market shall mean an occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths located on-site. *Operator* as used in Section 4.3.4(F) shall mean any person who exercises the right to operate and control an oil and gas facility or oil and gas pipeline.

Orient shall mean to bring in relation to, or adjust to, the surroundings, situation or environment; to place with the most important parts facing in certain directions; to set or arrange in a determinate position: *to orient a building*.

Outdoor amphitheaters (other than community facilities) shall mean permanent stage and seating facilities that are open or partially open to the outdoors, the principal use of which is the showing of motion pictures or the presentation of dramatic, musical or live performances, which facilities are accessible to persons only by permission given at the doors or gates.

Outdoor café shall mean that portion of a restaurant with tables located on the sidewalk or other open area in front of or adjoining the restaurant premises.

Outdoor recreation facility shall mean an area devoted to active sports or recreation such as go-cart tracks, miniature golf, archery ranges, sport stadiums or the like, and may or may not feature stadium-type seating.

Outdoor storage shall mean the keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours.

Outdoor vendor shall mean any person, whether as owner, agent, consignee or employee, who sells or attempts to sell, or who offers to the public free of charge, any services, goods, wares or merchandise, including, but not limited to, food or beverage, from any outdoor location, except for those activities excluded from the definition of *outdoor vendor* in §15-381 of the City Code.

Over the air reception device or *OTARD* shall mean:

- (A) An antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one (1) meter or less in diameter; or
- (B) An antenna that is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instruction television fixed services, and local multipoint distribution services, and that is one (1) meter or less in diameter or diagonal measurement; or
- (C) An antenna that is designed to receive television broadcast signals.

Owner shall mean any person (as defined in Code of the City of Fort Collins Section 1-2) whose name appears on the tax bill for the property or who, alone or jointly or severally with others, has legal title to any dwelling or dwelling unit, with or without actual possession thereof, or has charge, care or control of any dwelling or dwelling unit as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or assignee of rents. *Owner* shall not include any person who holds only a security interest or easement on the real property upon which the dwelling or dwelling unit is situated.

Parking garage shall mean an off-street parking area within a building.

Parking lot shall mean off-street parking area or vehicular use area.

Parking structure shall mean any building containing motor vehicle parking that is a principal use, with or without any additional uses.

Parks, recreation and open lands shall mean natural areas as described in the Natural Areas Policy Plan, parks and recreation facilities as described in the Parks and Recreation Policy Plan whether such facilities are owned or operated by the City or by another not-for-profit organization, environmental interpretation facilities, outdoor environmental research or education facilities, or public outdoor places.

Party-in-interest shall mean a person who or organization that has standing to appeal the final decision of the decision maker. Such standing to appeal shall be limited to the following:

- (A) The applicant;
- (B) Any party holding a proprietary or possessory interest in the real or personal property which was the subject of the decision of the decision maker whose action is to be appealed;
- (C) Any person to whom or organization to which the City mailed notice of the hearing of the decision maker;
- (D) Any person who or organization which sent written comments to the decision maker prior to the action which is to be appealed;
- (E) Any person who appeared before the board or commission at the hearing on the action that is to be appealed;
- (F) The City Council as represented by the request of a single member of the City Council.

Passive open space shall mean land area devoted exclusively to activities such as walking, nature walks, wildlife observation, sitting, picnicking, card games, chess, checkers and similar table games, which space may be used in conjunction with buffer yards.

Pedestrian frontage shall mean an area abutting a connecting walkway, developed to provide continuous safety, interest and comfort for people walking or sitting; pedestrian frontage shall consist of building faces, site design features and/or landscape areas on one (1) or both sides, and not parking stalls on both sides.

Pedestrian-oriented development shall mean development that is designed with a primary emphasis on the street sidewalk and/or connecting walkway access to the site and building, rather than on auto access and parking lots. In *pedestrian-oriented developments*, buildings are typically placed relatively close to the street and the main entrance is oriented to the street sidewalk or a walkway. Although parking areas and garages may be provided, they are not given primary emphasis in the design of the site.

Pedestrian scale (human scale) shall mean the proportional relationship between the dimensions of a building or building element, street, outdoor space or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.

Pennant shall mean a narrowing or tapering flag or similar shape that is two (2) square feet in size or less, that is repeated along a common line and is not attached to a flag pole.

Personal and business service shops shall mean shops primarily engaged in providing services generally involving the care of the person or such person's apparel or rendering services to business establishments such as laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty or barber shops, employment service, or mailing or copy shops.

Place shall mean a minor way used primarily for vehicular access to the abutting properties, provided that no *place* shall have a greater length than three hundred fifty (350) feet, and provided further that no *place* shall provide access to more than fifteen (15) lots, and provided further that no discontinuous *place* (cul-de-sac) shall provide access to more than fifteen (15) dwelling units.

Place of worship or assembly shall mean a building containing a hall, auditorium or other suitable room or rooms used for the purpose of conducting religious or other services or meetings of the occupants of such structure. *Places of worship or assembly* shall include churches, synagogues or the like, but shall not include buildings used for commercial endeavors, including, but not limited to, commercial motion picture houses or stage productions.

Planned Unit Development (PUD) Overlay shall mean an area of land approved for development pursuant to a PUD Comprehensive Plan under Division 2.6.3. An approved PUD Overlay overlays the PUD Comprehensive Plan entitlements and restrictions upon the underlying zone district requirements.

Planned Unit Development (PUD) Comprehensive Plan shall mean an approved plan for development of an area within an approved PUD Overlay, which identifies the general intent of the development and establishes vested uses, densities and certain modification of development standards. An approved PUD Comprehensive Plan substitutes for the requirement for an Overall Development Plan. A PUD Comprehensive Plan is considered a site specific development plan solely with respect to vested property rights regarding specific uses, densities, Land Use Code development standards, and variances from Engineering Design Standards granted pursuant to Division 2.6.3(K).

Planning and Zoning Commission review shall mean review by the Planning and Zoning Commission in accordance with the provisions in Article 6. Also known as Type 2 review.

Plant nursery and greenhouse shall mean any land or structure used primarily to raise trees, shrubs, flowers or other plants for sale or for transplanting and may include the sale of nonliving landscape and decorating products.

Plat shall mean:

- (A) a map of a subdivision;

(B) a map of a parcel or parcels contained within an annexation;

(C) a map representing a tract of land showing the boundaries and location of individual properties and streets.

Plugging and abandonment shall mean the cementing of a well, the removal of its associated production facilities, the abandonment of its flowline(s), and the remediation and reclamation of the wellsite.

Pole cover shall mean a durable, permanent decorative cover that encloses the structural supports of a detached sign. The phrase "pole cover" does not include paints, stains, powder coating, or other finishes that are applied directly to the structural supports.

Primary residence shall mean the dwelling unit in which a person resides for nine (9) or more months of the calendar year. Under this definition, a person has only one (1) primary residence at a time.

Principal building entrance, for purposes Division 5.16 only, shall mean a street-level primary point of public pedestrian access into a building. The phrase "principal building entrance" does not include doors used principally as emergency exits, or doors that provide restricted access (e.g., for employees or deliveries).

Print shop shall mean an establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint or offset printing equipment, and may include the collating of booklets and reports.

Private drive shall mean a parcel of land not dedicated as a public street, over which a private easement for road purposes has been granted to the owners of property adjacent thereto, which intersects or connects with a public or private street, and where the instrument creating such easement has been recorded in the Office of the Clerk and Recorder of Larimer County. A *street-like private drive* is a type of private drive that may be used instead of a street under the provisions of Section 5.4.6(M).

Private driveway shall mean the area of a platted lot that is specifically designed for the parking and movement of the vehicles of the property owner and that generally leads directly to a garage, carport or other such structure. Such area shall not include the area of a private street or private drive, except that a private driveway may be shared between two (2) abutting platted lots.

Private street shall mean a parcel of land not dedicated as a public street, over which a public access easement for street purposes has been granted to the City, and where the instrument creating such easement has been recorded or filed in the Office of the Clerk and Recorder of Larimer County. The public access easement shall allow for access by police, emergency vehicles, trash collection and other service vehicles, utility owners and the public in general.

Professional office shall mean an office for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants or others who through training are qualified to perform services of a professional nature and where no storage or sale of merchandise exists.

Property, for the purposes of Division 5.16 only, shall mean the real property owned or controlled by the applicant for a sign permit or alternative sign program. Property may be a single lot or parcel, or may be a combination of abutting lots or parcels that will be bound by the approval.

Property frontage, for purposes of Division 5.16 only, shall mean the length of a front, side, or rear property line that abuts a public street right-of-way.

Property manager shall mean any person, group of persons, company, firm or corporation charged with the care and control of rental housing as defined in Section 5-236 of the City Code who performs services with respect to such rental housing under a contract with the owner thereof or who otherwise acts as representative of an owner with respect to such rental housing.

Public highway shall have the meaning set forth in § 38-5.5-102, Colorado Revised Statutes.

Public use shall mean any use intended to be conducted in a facility or upon land that is owned by and operated for public use by school districts or by city, county, state or federal governments.

Public utility shall mean a common carrier supplying electricity, wire telephone service, natural gas, water, wastewater or stormwater service, railroads or similar public services, but shall not include mass transit or railroad depots or terminals or any similar traffic-generating activity, or any person or entity that provides communication services to the public.

Qualified Preservation Partner (QPP) shall mean an organization that has applied to, and been selected by, the City for inclusion on the list of entities that will qualify as an eligible buyer for affordable home ownership projects as defined under *affordable housing unit for purchase*. To be a QPP the organization shall agree that the homes purchased will be affordable for a time period prescribed by the City upon purchase as an Eligible Buyer and that it will promptly convey the property to a natural person who qualifies as an Eligible Buyer pursuant to the terms of the restricted home ownership program.

Rare, threatened or endangered species shall mean those species of wildlife and plants listed by the Colorado Parks and Wildlife Division, the Colorado Natural Heritage Program, or the U.S. Fish and Wildlife Service as rare, threatened or endangered.

Reclamation shall mean the process of returning or restoring the surface of disturbed land to its condition prior to development.

Recreational space shall mean privately owned space that is designed for active recreational use for more than three (3) families and that meets either of the following criteria:

- (A) Active open space. A parcel of not less than ten thousand (10,000) square feet and not less than fifty (50) linear feet in its smallest dimension, where no public dedication has contributed to its area. Such open space areas may include areas devoted to flood control channels or areas encumbered by flowage, floodway or drainage easements.
- (B) Active indoor space. Recreational facilities or structures, and their accessory uses, that are located in city approved areas, including, but not limited to, game rooms, swimming pools, gymnasiums, bowling alleys, exercise rooms or tennis or racquetball courts; provided, however, that the residents of the projects for which such facilities are planned must automatically be members of such facilities without additional charge.

Recreational vehicle, boat and truck storage shall mean the renting of space in an unroofed area for the purpose of storing any recreational vehicle, boat or truck. For the purposes of this definition, a *recreational vehicle* shall be a transportable structure that is primarily designed as a temporary living accommodation for recreational, camping and travel use, including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

Recyclable material shall mean reusable material, including, but not limited to, metals, glass, plastic and paper, that are intended for reuse or reconstitution for the purpose of using the altered form. *Recyclable material* shall not include refuse or hazardous materials.

Recycling facility shall mean a building or land used for the collection and/or processing of recyclable material. *Processing* shall mean the preparation of material for efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting or cleaning. Such a facility, if entirely enclosed within a building or buildings, shall be considered a warehouse.

Redevelopment shall mean the intensification of use of existing buildings and/or development sites, building rehabilitation, or removal or demolition of existing buildings, followed promptly by construction of replacement buildings.

Regional shopping center shall mean a cluster of retail and service establishments designed to serve consumer demands from the community as a whole or a larger area. The primary functional offering is at least one (1) full-line department store. The center also includes associated support shops that provide a variety of shopping goods including general merchandise, apparel and home furnishings, as well as a variety of services, and perhaps entertainment and recreational facilities.

Research laboratory shall mean a building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory.

Resource extraction, processes and sales shall mean removal or recovery by any means whatsoever of sand, gravel, soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, exposed or submerged, but does not include oil and gas operations.

Resource recovery shall mean the process of obtaining materials or energy, particularly from solid waste.

Restaurant, drive-in (also known as *Restaurant, drive-thru*) shall mean any establishment in which the principal business is the sale of foods and beverages to the customer in a ready-to-consume state and in which the design or principal method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.

Restaurant, drive-thru: See *Restaurant, drive-in*.

Restaurant, fast food shall mean any establishment in which the principal business is the sale of food and beverages to the customer in a ready-to-consume state, and in which the design or principal method of operation includes all of the following characteristics:

- (A) food and beverages are usually served in edible containers or in paper, plastic or other disposable containers; and
- (B) there is no drive-in facility as a part of the establishment.

Restaurant, limited mixed-use shall mean any establishment in which the principal business is the sale of food and beverages to the customer in a ready-to-consume state, and in which the design or principal method of operation includes all of the following characteristics:

- (A) food and beverages are usually served in edible containers or in paper, plastic or other disposable containers;
- (B) there is no drive-in or drive-through facility as a part of the establishment;
- (C) the establishment is contained within or physically abuts a multi-unit dwelling;
- (D) the establishment is clearly subordinate and accessory to a multi-unit dwelling;
- (E) the establishment shall not exceed one thousand five hundred (1,500) feet in gross leasable floor area;
- (F) the establishment shall not engage in serving alcohol; and

(G) the establishment shall not engage in the playing of amplified music.

Restaurant, standard shall mean any establishment in which the principal business is the sale of food and beverages to customers in a ready-to-consume state; where fermented malt beverages, and/or malt, special malt or vinous and spirituous liquors may be produced on the premises as an accessory use; and where the design or principal method of operation includes one (1) or both of the following characteristics:

(A) customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed; or

(B) customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant building.

Retail establishment (also known as retail store) shall mean an establishment of twenty-five thousand (25,000) square feet or less of gross leasable floor area in which sixty (60) percent or more of the gross floor area is devoted to the sale or rental of goods, including stocking, to the general public for personal or household consumption or to services incidental to the sale or rental of such goods.

Retail marijuana cultivation facility shall mean an entity licensed to cultivate, prepare and package marijuana, and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities and to other marijuana cultivation facilities, but not to consumers.

Retail marijuana product manufacturing facility shall mean an entity licensed to purchase marijuana; manufacture, prepare and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

Retail marijuana store shall mean an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

Retail marijuana testing facility shall mean an entity licensed to analyze and certify the safety and potency of marijuana as defined in Section 16(2)(1) of Article XVIII of the Colorado State Constitution.

Retail stores with vehicle servicing shall mean an establishment in which vehicle parts are sold and are ordinarily installed on the premises, and where the majority of the floor area of the establishment is devoted to the installation and maintenance of such parts (e.g., tire shops and muffler shops).

Revegetation shall mean restoration and mitigation measures for a disturbed natural area or buffer zone in accordance with the requirements of LUC subsections 5.6.1(D)(2) and 5.10.1(F).

Reverse vending machine shall mean an automated mechanical device that accepts one (1) or more types of empty beverage containers, including, but not limited to, aluminum cans, glass or plastic bottles; and that issues a cash refund or a redeemable credit. A *reverse vending machine* may be designed to accept more than one (1) container at a time, paying by weight instead of by container.

Rider shall mean a subordinate sign panel that is attached to a swing sign, either above the horizontal member or below the principal sign face. To illustrate, but without limiting the range of messages that a rider may convey, if the swing sign is used to advertise a property as "for sale," a rider is often used to convey a related message such as "contract pending."

Ridgeline protection area shall mean the area described and established pursuant to Section 5.6.1(G).

Rights-of-way shall mean any portion of a public highway dedicated to the City. Rights-of-way shall not include (i) trails and (ii) specific-purpose utility easements, when the specific purpose of the utility easement dedication does not include communication facilities or public access.

River shall mean the Cache la Poudre River unless the context indicates a general meaning.

School facility shall mean any discrete facility or area, whether indoor or outdoor, associated with a public or private school, that students use commonly as part of their curriculum or extracurricular activities. A school facility is either adjacent to or owned by the school or school governing body, and the school or school governing body has the legal right to use the school facility at its discretion. The definition includes future school facility as defined by the ECMC.

Screen shall mean an opaque structure, typically located on top of, but integrated with the design of, a building that conceals mechanical, communications or other equipment from view from the surrounding rights-of-ways and properties.

Seasonal overflow shelters shall mean a homeless shelter that allows homeless persons to stay on its premises overnight from the beginning of November through the end of April, unless, because of inclement weather, specific and limited exceptions to such seasonal limitations are granted by the Director. Community based shelter services are exempt from this definition.

Semipublic use shall mean uses operated by recognized religious, philanthropic, educational or other charitable institutions on a nonprofit basis and in which goods, merchandise and services are not provided for sale on the premises.

Sensitive or specially valued species shall mean species included on the City of Fort Collins Species of Interest List, as developed and updated by the Natural Areas Department.

Services shall mean the programs and employees determined necessary by the city to provide for the adequate operation and maintenance of its public facilities and infrastructure, including, but not limited to, those educational, healthcare, social and other programs necessary to support the programs, public facilities and infrastructure required by this Land Use Code, the City Code, the policies and administrative manuals promulgated pursuant thereto, or state or federal law.

Shared parking shall mean required parking that is provided both on-site and in a municipal parking lot or a private lot constructed and located in accordance with the requirements of the city, where the same parking spaces are assigned to more than one (1) use at one (1) time.

Shelters for victims of domestic violence shall mean a residential facility operating twenty-four (24) hours per day and seven (7) days per week, the purpose of which facility is to receive, house, counsel and otherwise serve victims of domestic violence, as that term is defined in Section 18-6-800.3, C.R.S. and their dependents. Such facility may also include day care, professional, administrative and security staff.

Short term non-primary rental shall mean a dwelling unit that is not a primary residence and that is leased in its entirety to one (1) party at a time for periods of less than thirty (30) consecutive days. The term party as used in this definition shall mean one (1) or more persons who as a single group rent a short term non-primary rental pursuant to a single reservation and payment. The term short term non-primary rental shall not include the rental of a dwelling unit to the former owner immediately following the transfer of ownership of such dwelling unit and prior to the former owner vacating the dwelling unit. Short term non-primary rental is a distinct use from short term primary rental under the Land Use Code.

Short-term parking shall mean customer parking that has regular turnover. Parking that is intended to serve a retail business and provide access to commercial activity is short-term parking.

Short term primary rental shall mean a dwelling unit that is a primary residence of which a portion is leased to one (1) party at a time for periods of less than thirty (30) consecutive days. The term party as used in this definition shall mean one (1) or more persons who as a single group rent a short term primary rental pursuant to a single reservation and payment. An accessory dwelling unit that is not a primary residence is eligible to be

a short term primary rental if it is located on a lot containing a primary residence. A dwelling unit of a two-unit dwelling that is not a primary residence is eligible to be a short term primary rental if the connected dwelling unit is a primary residence and both dwelling units are located on the same lot. The term short term primary rental shall not include the rental of a dwelling unit to the former owner immediately following the transfer of ownership of such dwelling unit and prior to the former owner vacating the dwelling unit. Short term primary rental is a distinct use from short term non-primary rental under the Land Use Code.

Side alley, for purposes of Section 5.8.1 only, shall mean a minor way used primarily for vehicular or pedestrian access to the side, rather than the rear, of a historic resource. On a corner where a historic resource and a development site are divided by a single alley that serves as a side alley for the historic resource and a rear alley for the development site, the alley shall be considered a side alley.

Sign shall mean any writing (including letter, word or number), pictorial representation (including illustration or declaration), product, form (including shapes resembling any human, animal or product form), emblem (including any device, symbol, trademark, object or design that conveys a recognizable meaning, identity or distinction) or any other figure of similar character that is a structure or any part thereof or is written, painted, projected upon, printed, designed into, constructed or otherwise placed on or near a building, board, plate or upon any material object or device whatsoever, that by reason of its form, location, manner of display, color, working, stereotyped design or otherwise attracts or is designed to attract attention to the subject or to the premises upon which it is situated, or is used as a means of identification, advertisement or announcement. The term *sign* shall not include the following:

- (A) Window displaying merchandise or products;
- (B) Works of art that do not include commercial speech, such as branding;
- (C) Products, merchandise or other materials that are offered for sale or used in conducting a business, when such products, merchandise, or materials are kept or stored in a location that is designed and commonly used for the storage of such products, merchandise or materials; and
- (D) Any display that would otherwise be considered a sign, but that has been found by the Landmark Preservation Commission to be an integral part of a building that is designated as an historic landmark, and the display is a contributing feature of the historic character of such building. Sign face means the surface area of a sign that is designed for placement of text, symbols, or images. The sign face does not include the supporting structure, if any, unless the supporting structure is used for the display of text, symbols, or images. For wall signs, the sign face is equal to the sign area of the wall sign, or the area within any frame or color used to define, differentiate, or mount the wall sign, whichever is larger.

Sign, abandoned shall mean a sign that does not contain a message, or contains a commercial or event-based message that is obviously obsolete (e.g., the name of a business that is no longer operational, or an advertisement for an event that has already occurred), for a continuous period of sixty (60) days or more.

Sign, applied or painted shall mean a type of wall sign that is applied to or painted on a building wall, such that the sign appears flush with, or within not more than one (1) inch of, the surface of the wall.

Sign, attached shall mean a flush wall sign, a window sign, a roof sign, or a projecting sign.

Sign, awning shall mean a sign that is painted on, integrated into, or attached to an awning. For the purposes of this definition, an awning is a projection from the building that is supported entirely from the exterior wall of the building, and that gives shelter from the sun or weather over doors, windows, or storefronts. An awning is different from a canopy in that an awning is covered with fabric or other flexible material.

Sign, cabinet shall mean a type of sign composed of a frame or external structure with a box-like design that encloses a sign face and other functional elements of the sign, including dimensional or electrical components.

Sign, canopy shall mean a type of sign with one face affixed to a canopy. For the purposes of this definition, a canopy is an attached or detached structure, open on at least one side, that is designed to provide overhead shelter from the sun or weather. Canopies include, but are not limited to, service station canopies, carports, porte-cochères, arcades, and pergolas. A canopy is different from an awning in that a canopy is not covered with fabric or flexible material.

Sign, detached shall mean a sign that is not attached to or located inside of a building.

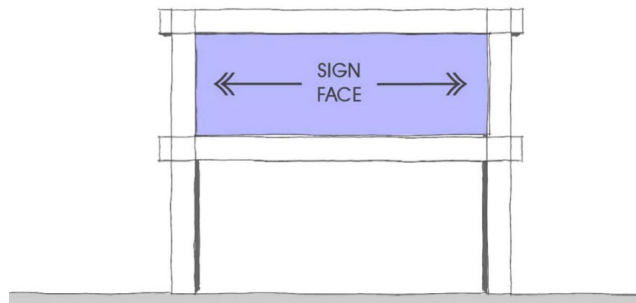
Sign, dimensional wall shall mean a three-dimensional sign that is attached to building wall, such that the elements of the sign do not extend more than eight (8) inches from the building wall. Dimensional wall signs include but are not limited to channel lettering.

Illustrative Dimensional Wall Sign



Sign face shall mean the surface area of a sign that is designed for placement of text, symbols, or images. The sign face does not include the supporting structure, if any, unless the supporting structure is used for the display of text, symbols, or images. For wall signs, the sign face is equal to the sign area of the wall sign, or the area within any frame or color used to define, differentiate, or mount the wall sign, whichever is larger.

Illustrative Sign Face



Sign, fin shall mean a projecting sign that is mounted on or affixed to a building wall, such that the sign face is generally perpendicular to the building wall. In addition to the wall mount or mounts, a fin sign may include ground-mounted support structures.

Illustrative Fin Signs



Sign, flush wall shall mean any sign attached to, painted on or erected against the wall of a building in such a manner that the sign face is parallel to the plane of the wall and is wholly supported by the wall. Framed banners attached directly to the building fascia are considered to be a type of flush wall sign. Unframed banners attached directly to the building fascia are not considered to be flush wall signs and shall be subject to the banner regulations contained in Section 5.16.2.

Sign, freestanding shall mean a detached sign that is supported by one (1) or more columns, uprights, poles or braces extended from the ground or from an object on the ground, or a detached sign that is erected on the ground, provided that no part of the sign is attached to any part of any building, structure or other sign.

Sign, ground shall mean a type of freestanding sign that is erected on the ground and that contains no more than twenty (20) percent total free air space. Free air space shall mean any open area between the top of the sign and the ground, vertically, and between the extreme horizontal limits of the sign extended perpendicular to the ground.

Sign, hanging shall mean a sign that is mounted under an awning or canopy as such terms are defined above, or under a cantilevered portion of a building. Generally, hanging signs are oriented perpendicular to the building wall.

Sign, illegal shall mean any sign that was erected in violation of the City Code at the time of its erection and has never been in conformance with the City Code, including this Land Use Code and that shall include signs that are posted, nailed or otherwise fastened or attached to or painted upon structures, utility poles, trees, fences or other signs.

Sign, individual letter shall mean a type of flush wall sign consisting of individual letters, incised letters, script or symbols with no background material other than the wall of the building to which the letters, script or symbols are affixed.

Sign, inflatable shall mean a sign that is constructed from an envelope flexible material that is given shape and/or movement by inflation. The phrase inflatable sign does not include balloons that are less than eighteen (18) inches in all dimensions.

Sign, interactive window shall mean one (1) or more illuminated screens that are displayed inside storefront windows that can be programmed to allow customers to navigate content interactively from outside the window.

Sign, legal nonconforming shall mean any sign that was lawful and nonconforming under prior law on the day before the effective date of this Land Use Code or subsequent amendment thereof.

Sign, marquee shall mean a projecting sign that is designed as a canopy structure, which includes a combination of permanent lettering or graphics and either manual changeable copy or electronic message center components.

Sign, off-premise shall mean a sign or billboard that is used or intended for use to advertise, identify, direct or attract the attention of the public to a business, institution, product, organization, event or location offered or existing elsewhere than upon the same lot, tract or parcel of land where such sign or billboard is displayed.

Sign, optional residential shall mean a wall sign, affixed to a residential building on a street-facing elevation, with a single sign face that does not exceed four (4) square feet in area.

Sign, permanent shall mean a durable sign that is mounted or affixed for long-term use, not easily removed, and resistant to weather and other wear and tear.

Sign, portable shall mean a sign that is designed to be easily moved from one location to another, and when placed, is neither fastened to a permanent structure or building, nor staked or otherwise installed into the ground.

Illustrative Portable Sign



Sign, primary detached shall mean a detached sign that is visually dominant over other detached signs on the same property, due to its taller height and/or larger sign area.

Sign, primary fin shall mean a fin sign that is visually dominant over other fin signs on the same building, due to its taller height and/or larger sign area.

Sign, projected light shall mean any image, text, or other content that is projected onto an outdoor surface (e.g., a building wall or sidewalk) by a laser projector, video projector, video mapping, or other comparable technology, in a location such that the image, text, or content is obviously visible from outside of the premises.

Sign, projecting shall mean a type of attached sign that extends from a building wall, usually perpendicular to the wall's surface. Projecting signs include awning signs, fin signs, marquee signs, and hanging signs.

Sign, projecting wall shall mean any sign other than a flush wall sign that projects from and is supported by a wall or a building.

Sign, required shall mean a sign that is required by an applicable building code (e.g., address numbers) or health and safety regulations (e.g., the Occupational Safety and Health Act ("OSHA") or other laws or regulations, whether such sign is temporary or permanent.

Sign, roof shall mean a type of attached sign that is mounted onto a building's roof structure.

Sign, rooftop shall mean a sign erected upon or above a roof or above a parapet wall of a building.

Sign, secondary detached shall mean a detached sign that is subordinate to a primary detached sign in terms of height and/or sign area.

Sign, secondary fin shall mean a fin sign that is subordinate to a primary fin sign in terms of height and/or sign area.

Sign, secondary roof shall mean a sign that is mounted upon the horizontal plane of a flat roof structure of secondary roof of a building, which may include the roof of a canopy or porte-cochère that is attached to a building.

Sign side shall mean the combination of all faces or modules of a freestanding or ground sign that can be viewed from a single direction, except when such sign faces or modules are separated by an angle of more than two hundred seventy (270) degrees.

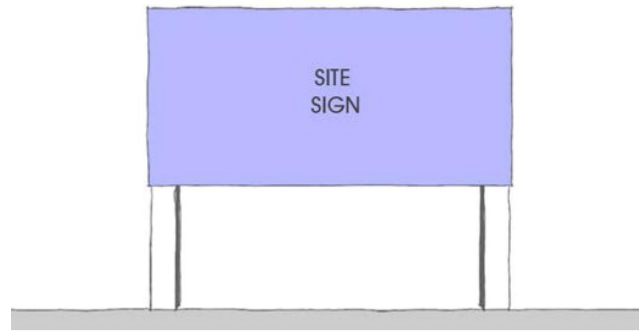
Sign, sidewalk shall mean a type of portable sign that is designed to be placed upon a hard surface in order to attract the attention of pedestrians.



Sign, under-canopy shall mean a sign that is located beneath a permanent-roofed shelter covering a sidewalk, driveway or other similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground.

Sign, site shall mean a type of temporary sign that is constructed of vinyl, plastic, wood, metal, or other comparable rigid material, that is displayed on a structure that includes at least two (2) posts.

Illustrative Site Sign



Sign, swing shall mean a type of temporary sign that is suspended from a horizontal swing post that is attached to a post that is staked into the ground. Swing signs may include riders that are mounted to the swing post or suspended under the sign panel.

Sign, temporary shall mean a sign that is designed or intended to be displayed for a short period of time.

Sign, vehicle-mounted shall mean any sign that is painted on, affixed to or otherwise mounted on any vehicle or on any object that is placed on, in or attached to a vehicle. For the purposes of this definition, the term vehicle shall include trucks, buses, vans, railroad cars, automobiles, tractors, trailers, motor homes, semi-tractors or any other motorized or nonmotorized transportational device, whether or not such vehicle is in operating condition.

Sign, wall shall mean a sign that is painted on, applied to, or affixed to a building wall. Wall signs include applied or painted signs, bulletin boards, cabinet signs, and dimensional wall signs.

Sign, wind-driven shall mean any sign consisting of one (1) or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons, inflatable signs, or other objects or material fastened in such a manner as to move, upon being subjected to pressure by wind or breeze.

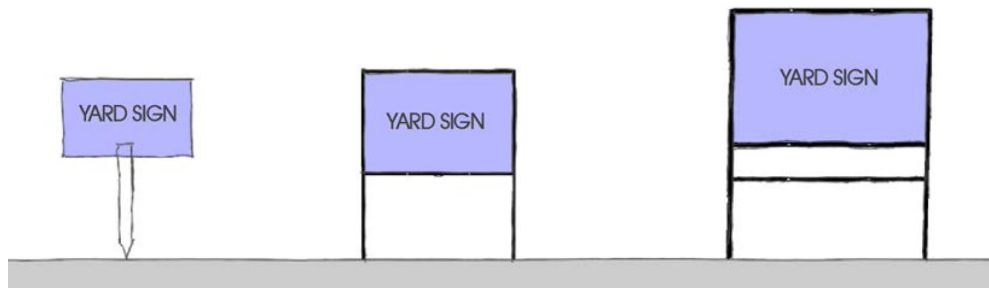
Sign, window shall mean a sign that is painted on, applied or attached to a window or door, or located within three (3) feet of the interior of the window or door and is visible from the exterior of the building.

Sign with backing shall mean any sign that is displayed upon, against or through any material or color surface or backing that forms an integral part of such display and differentiates the total display from the background against which it is placed.

Sign without backing shall mean any word, letter, emblem, insignia, figure or similar character or group thereof that is neither backed by, incorporated in nor otherwise made a part of any larger display area.

Sign, yard shall mean a type of temporary sign that is constructed of paper, vinyl, plastic, wood, metal or other comparable material, that is mounted on a stake or a frame structure (often made from wire) that includes one (1) or more stakes.

Illustrative Yard Signs



Site, for purposes of Section 5.8.1 only, shall mean the location of a significant event, a prehistoric or historic occupation or activity or a structure or object whether standing, ruined or vanished, where the location itself maintains historical or archeological value regardless of the value of any existing structure.

Site, for the purposes of Section 4.3.5(H) only, shall mean that area comprising the base of a City-owned structure on which is mounted wireless communication equipment subject to this Code and to other related transmission equipment already deployed on the ground surrounding such vertical structure; regarding private property structures, the site shall include the current boundaries of the leased or owned property and any access or utility easements currently related thereto.

Site specific development plan shall mean and be limited to a final plan as approved pursuant to this Land Use Code, including a plan approved pursuant to basic development review; or, under prior law in effect on the day before the effective date of this Land Use Code, any of the following: the final plan; the final subdivision plat; a minor subdivision plat; cluster development plans; group home review; a PUD Comprehensive Plan for the purpose of acquiring a vested property right with respect to uses, densities, development standards and engineering standards for which variances have been granted pursuant to Section 2.6.3(K); and a development agreement in connection with a PUD Comprehensive Plan that grants a vested property right for a period exceeding three (3) years. In addition, a site specific development plan shall mean a final plan or plat that was approved by Larimer County for property that, at the time of approval, was located in the county but has been subsequently annexed into the city. All references to districts or sections herein pertain to the law in effect on the day before the effective date of this Land Use Code and which is repealed by the adoption of this Land Use Code.

Small cell facility or SCF shall mean a WCF where each antenna is located inside an enclosure of no more than three (3) cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three (3) cubic feet, and primary equipment enclosures are not larger than seventeen (17) cubic feet in volume. The following associated equipment may be located outside the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosure, back-up power systems, grounding equipment, power transfer switch and cut-off switch. All associated equipment, even if located outside the primary equipment enclosure, shall be included within the definition of small cell facility.

Small scale reception center shall mean a place of assembly that may include a building or structure containing a hall, auditorium, a structure for housing such events (barns are the new rage) or ballroom used for celebrations or gatherings (such as weddings, graduations or anniversaries) for which the owner receives compensation for the use. The building or structure may also include meeting rooms and facilities for serving food. Outdoor spaces such as lawns, plazas, gazebos and/or terraces used for social gatherings or ceremonies are a common component of the center. A small scale reception center shall not include sporting events or concerts.

Solar energy system shall mean a system of solar collectors and other equipment that relies upon sunshine as an energy source and is capable of collecting, distributing and storing (if appropriate to the technology) the sun's radiant energy. A *solar energy system* includes, but is not limited to, ground-mounted and building-mounted photovoltaic, solar thermal or solar hot water panels, and light pole and electric charging station-mounted solar panels. Solar energy systems may be considered accessory uses to other uses on a lot, or principal uses if located on vacant lots.

Solar energy system, large-scale shall mean a solar energy system covering more than five (5) acres.

Solar energy system, medium-scale shall mean a solar energy system covering between one half (0.5) acre and five (5) acres.

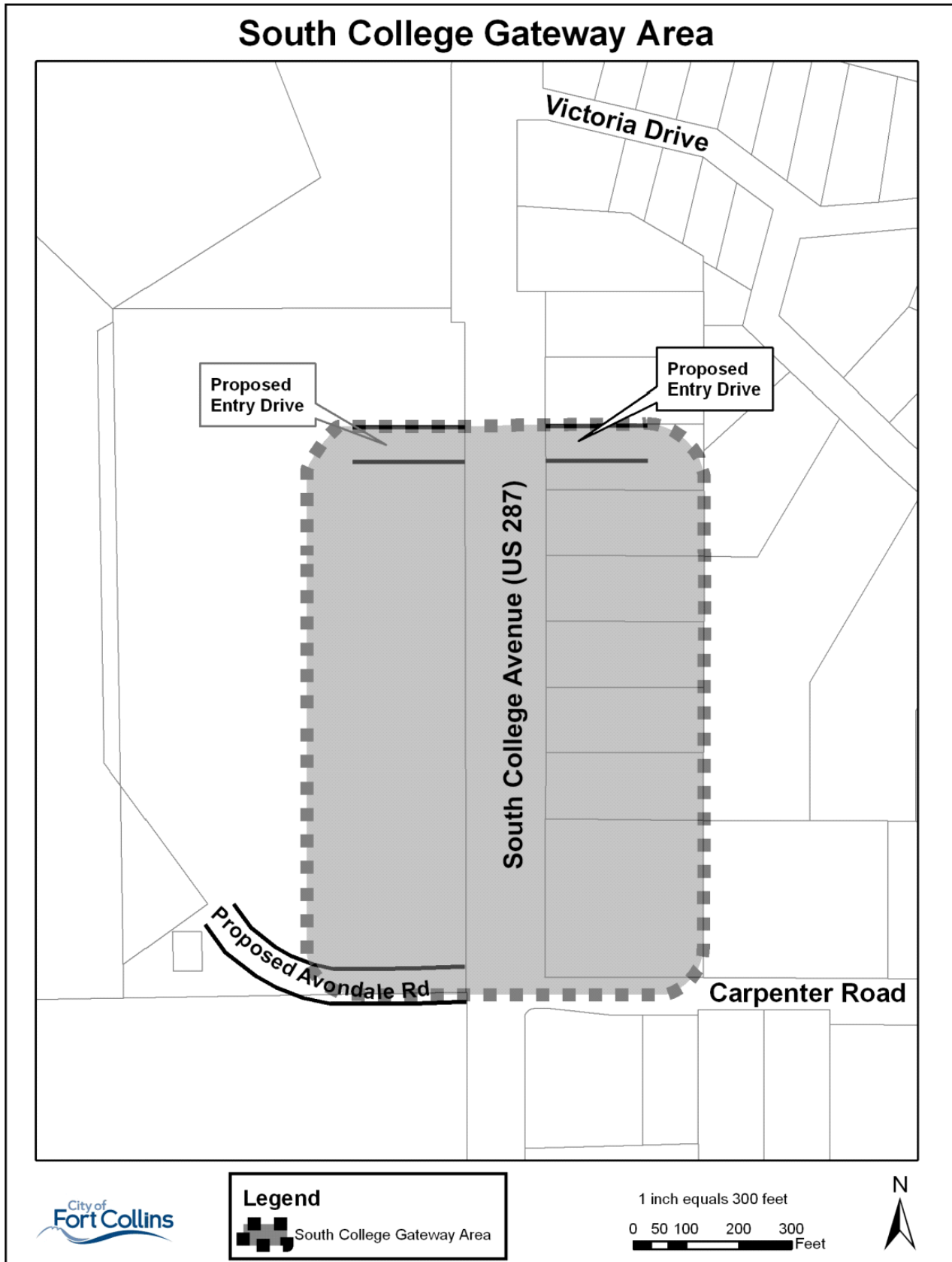
Solar energy system, small-scale shall mean a solar energy system covering less than one-half (0.5) acre.

Solar-oriented lot shall mean:

- (A) A lot with a front lot line oriented to within thirty (30) degrees of a true east-west line. When the lot line abutting a street is curved, the "front lot line" shall mean the chord or straight line connecting the ends of the curve. For a flag lot, the "front lot line" shall mean the lot line that is most parallel to the closest street, excluding the "pole portion of the flag lot"; or
- (B) A lot that, when a straight line is drawn from a point midway between the side lot lines at the required front yard setback to a point midway between the side lot lines at the required rear yard setback, is oriented to within thirty (30) degrees of true north along said line; or
- (C) A corner lot with a south lot line oriented to within thirty (30) degrees of a true east-west line, which south lot line adjoins a public street or permanently reserved open space; provided, however, that the abutting street right-of-way or open space has a minimum north-south dimension of at least fifty (50) feet. For the purposes of this definition, "permanently reserved open space" shall include, without limitation, parks, cemeteries, golf courses and other similar outdoor recreation areas, drainage ditches and ponds, irrigation ditches and reservoirs, lakes, ponds, wetlands, open spaces reserved on plats for neighborhood use and other like and similar permanent open space.

Solid-to-void pattern shall mean the area of the façade covered by openings divided by the area of the solid wall, as a measure of the proportion of the area of fenestrations to that of the wall.

South College Gateway Area shall mean that area shown on the figure below:



Special habitat features shall mean specially valued and sensitive habitat features including key raptor habitat features including nest sites, night roosts and key feeding areas as identified by the Colorado Parks and Wildlife Division ("CPW") or the Fort Collins Natural Areas Department ("NAD"); key production areas, wintering areas and migratory feeding areas for waterfowl; key use areas for wading birds and shorebirds; heron rookeries; key use areas for migrant songbirds; key nesting areas for grassland birds; fox and coyote dens; mule deer winter concentration areas as identified by the CPW or NAD; prairie dog colonies one (1) acre or greater in size; key areas for rare, migrant or resident butterflies as identified by the NAD; areas of high terrestrial or aquatic insect diversity as identified by the NAD; remnant native prairie habitat; mixed foothill shrubland; foothills ponderosa pine forest; plains cottonwood riparian woodlands; and wetlands of any size.

Specified anatomical areas shall mean less than completely and opaquely covered human genitals, pubic region, buttocks, female breast or breasts below a point immediately above the top of the areola or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities shall mean:

- (A) Human genitals in a state of sexual stimulation or arousal;
- (B) Acts of human masturbation, sexual intercourse or sodomy;
- (C) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast or breasts.

Stationary vendor shall mean an outdoor vendor who is licensed under Article XIV, Chapter 15 of the City Code to engage in stationary vending.

Stationary vending shall mean one (1) or more outdoor vendors vending on the same private parcel of land or lot for more than three (3) consecutive calendar days, or for more than three (3) calendar days within any calendar week, defined for purposes of this definition as Sunday through Saturday, and when vending, do so from a mobile food truck, pushcart, or any other vehicle as such terms are defined in Section 15-381 of the City Code.

Stockpiling shall mean the act by which soil or similar inorganic material to be used in connection with anticipated development on such parcel of property is deposited on such property. The stockpiling of material is intended to be temporary in terms of the appearance, shape and grade of the material. Stockpiling shall not include activities such as the grading, leveling or compaction of the deposited material or the surrounding ground. *Stockpiling* shall also not include residential landscaping activities.

Storefront the front portion of building façade at street level that belongs to one occupant.

Stormwater criteria manual shall mean the standards for design, planning, and implementation of practices and improvements to manage stormwater adopted under Chapter 26 of the City Code.

Street shall mean a public way (whether publicly or privately owned) used or intended to be used for carrying vehicular, bicycle and pedestrian traffic and shall include the entire area within the public right-of-way and/or public access easement; provided, however, that with respect to the application of Division 5.16, the term *street* shall only mean a dedicated public right-of-way (other than an alley) used or intended to be used for carrying motorized vehicular traffic.

Street-facing building elevation shall mean Building Elevation that is oriented toward a public or private street that abuts the property.

Street sidewalk shall mean the sidewalk within the right-of-way of a public street designed to the standards specified in the *Larimer County Urban Area Street Standards* or the sidewalk within the public access easement of a private street designed in accordance with the standards specified in subsection 5.4.6(J) of this Code.

Structure shall mean a combination of materials to form a construction for use, occupancy or ornamentation whether installed on, above or below the surface of land or water.

Structures associated with an occupied roof shall mean improvements to the primary or lowest portion of a roof deck of a structure that may include, but not be limited to, accessory rooftop improvements such as pools, decks, raised planters, outdoor furniture, shade structures, snack bars, televisions, clubhouse or other clubhouse-like elements. *Structures associated with an occupied roof* is not a story as that term is used in this Land Use Code.

Subdivider or developer shall mean any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.

Subdivision shall mean the platting of a lot or the division of a lot, tract or parcel of land into one (1) or more lots, plots or sites.

Substantial change, for the purposes of Section 4.3.5(H) only, shall mean a modification which, after the modification of an eligible support structure, the structure meets any of the following criteria:

- (A) For towers, it increases the height of the tower by more than ten percent (10%) or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater, as measured from the top of an existing antenna to the bottom of a proposed new antenna; for other eligible support structures, it increases the height of the structure by more than ten percent or more than ten (10) feet, whichever is greater, as measured from the top of an existing antenna to the bottom of a proposed new antenna;
- (B) For towers, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;
- (C) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, as determined on a case-by-case basis based on the location of the eligible support structure but not to exceed four cabinets per application; or for base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with the structure;
- (D) It entails any excavation or deployment outside of the current site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than thirty (30) feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site.
- (E) For any eligible support structure, it would defeat the concealment elements of the eligible support structure by causing a reasonable person to view the structure's intended stealth design as no longer effective; or
- (F) For any eligible support structure, it does not comply with record evidence of conditions associated with the siting approval of the construction or modification of the eligible support structure or base

station equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in paragraphs (1)-(4) of this definition.

For purposes of determining whether a substantial change exists, changes in height are measured from the original support structure in cases where deployments are or will be separated horizontally, such as on building rooftops; in other circumstances, changes in height are measured from the dimensions of the tower or base station, inclusive of approved appurtenances and any modifications that were approved prior to February 22, 2012.

Supermarket shall mean a retail establishment primarily selling food, as well as other convenience and household goods, that occupies a space of not less than forty-five thousand one (45,001) square feet.

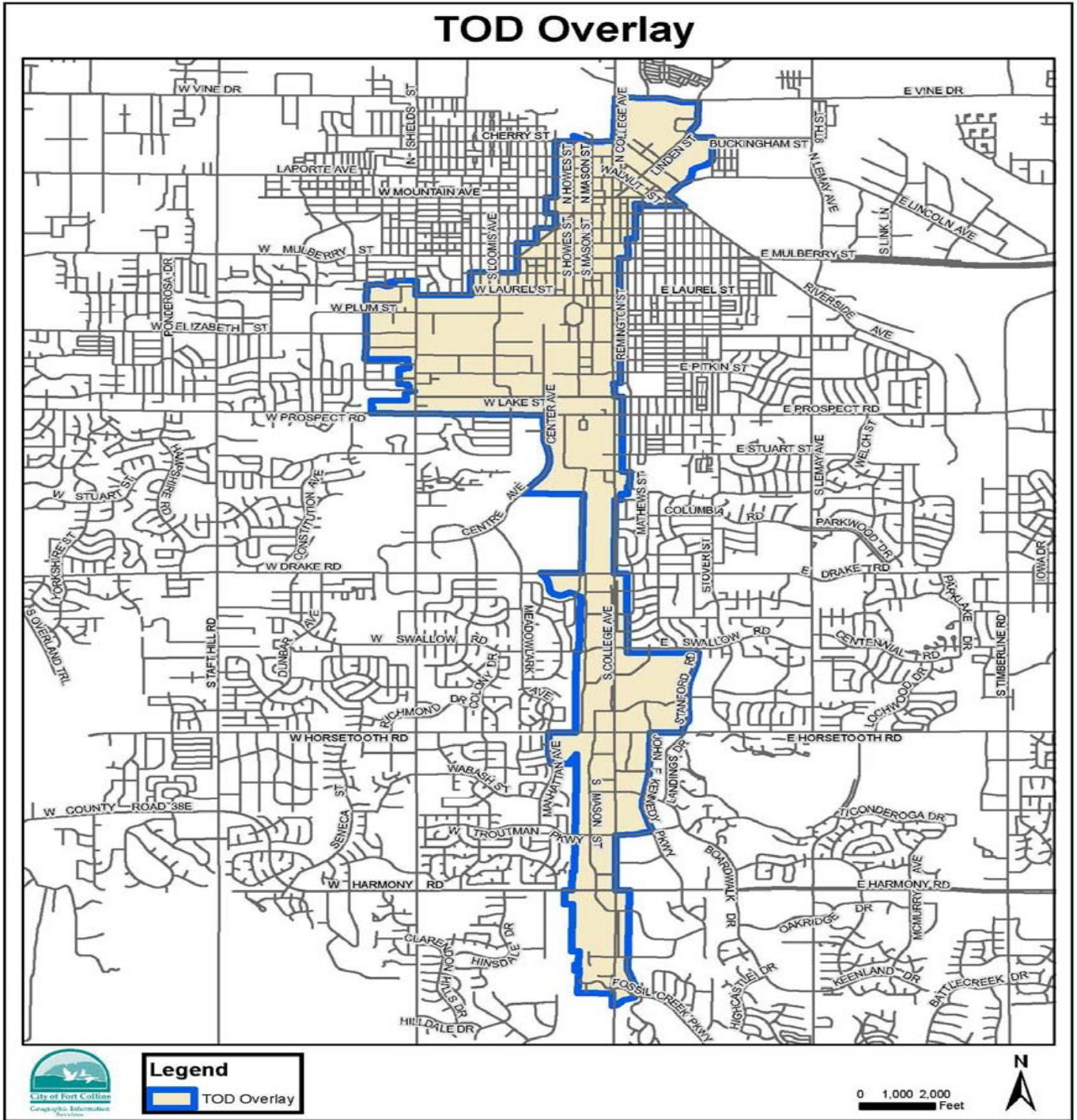
Temporary seasonal decorations shall mean decorations and signs that are clearly incidental, customary, and commonly associated with a holiday.

Temporary sign cover shall mean a type of temporary sign that is constructed of flexible material, designed to fit over a permanent sign face or mount.

Top of bank shall mean the topographical break in slope between the bank and the surrounding terrain. When a break in slope cannot be found, the outer limits of riparian vegetation shall demark the top of bank.

Tower shall mean any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including private, broadcast, and public safety services, unlicensed wireless services, fixed wireless services such as microwave backhaul, and the associated site. The term includes radio and television transmission towers, self-supporting lattice towers, guy towers, monopoles, microwave towers, common carrier towers, cellular telephone towers and other similar structures, though not including utility or light poles that are less than thirty-five (35) feet in height.

Transit-oriented development (TOD) Overlay Zone shall mean that area shown on the figure below:



Transit facility shall mean bus stops, bus terminals, transit stations, transfer points or depots without vehicle repair or storage.

Transmission equipment shall mean equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Transportation Demand Management shall mean a comprehensive program utilizing strategies to be implemented that result in more efficient use of transportation and parking resources. These strategies typically include, but are not limited to, transit subsidies, enhanced bicycle facilities, car/vanpool options, and shared parking.

Tree shall mean:

- (A) any self-supporting woody plant growing upon the earth that usually provides one (1) main trunk and produces a more or less distinct and elevated head with many branches; or
- (B) any self-supporting woody plant, usually having a single woody trunk and a potential DBH of two (2) inches or more.

Tree significant shall mean any tree with a DBH of six (6) inches or more.

Truck stop shall mean an establishment engaged primarily in the fueling, servicing, repair or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers or restaurant facilities primarily for the use of truck crews.

Truck terminal shall mean an area or building where cargo or containers are stored and where trucks load and unload cargo or containers on a regular basis. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks or buildings or areas for the repair of trucks associated with the terminal.

Type 1 review shall mean review by the Director in accordance with the provisions of Article 6. Also known as administrative review.

Type 2 review shall mean review by the Planning and Zoning Commission in accordance with the provisions of Article 6.

Unlimited indoor recreational use and facility shall mean establishments primarily engaged in operations and activities contained within large-scale gymnasium-type facilities such as for tennis, basketball, swimming, indoor soccer, indoor hockey or bowling.

Urban agriculture shall mean gardening or farming involving any kind of lawful plant, whether for personal consumption, sale and/or donation, except that the term *urban agriculture* does not include the cultivation, storage and sale of crops, vegetables, plants and flowers produced on the premises in accordance with Section 4.4.5(A) of this Code. Urban agriculture is a miscellaneous use that does not include plant nursery and greenhouse as a principal use and that is subject to licensing in accordance with Section 4.4.5(D) of this Code.

Vegetation shall mean trees, shrubs or vines.

Vehicle shall mean a truck, bus, van, railroad car, automobile, tractor, trailer, motor home, recreational vehicle, semi-tractor or any other motorized transportation device, regardless of whether it is in operating condition.

Vehicle major repair, servicing and maintenance shall mean any building, or portion thereof, where heavy maintenance activities such as engine overhauls, automobile/truck painting, body or fender work, welding or the like are conducted. Such use shall not include the sale of fuel, gasoline or petroleum products.

Vehicle minor repair, servicing and maintenance shall mean the use of any building, land area, premises or portion thereof, where light maintenance activities such as engine tune-ups, lubrication, carburetor cleaning, brake repair, car washing, detailing, polishing or the like are conducted.

Vehicle rentals for cars, light trucks and light equipment shall mean the use of any building, land area or other premises for the rental of cars, light trucks and/or light equipment.

Vehicle rentals for heavy equipment, large trucks and trailers shall mean the use of any building, land area or other premises for the rental of heavy equipment, large trucks or trailers.

Vehicle sales and leasing for cars and light trucks shall mean the use of any building, land area or other premises for the display and sale or lease of any new or used car or light truck, and may include outside storage of inventory, any warranty repair work or other repair service conducted as an accessory use.

Vehicle sales and leasing for farm equipment, mobile homes, recreational vehicles, large trucks and boats with outdoor storage shall mean the use of any building, land area or other premises for the display and sale or lease of new or used large trucks, trailers, farm equipment, mobile homes, recreational vehicles, boats and watercraft, and may include the outside storage of inventory, any warranty repair work or other repair service conducted as an accessory use.

Vested property right shall mean the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan.

Veterinary facilities, hospital shall mean any facility that is maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases.

Veterinary facilities, small animal clinic shall mean any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases wherein the animals are limited to dogs, cats or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.

Veterinary facilities, small animal hospital shall mean any facility that is maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases wherein the animals are limited to dogs, cats or other comparable household pets and wherein the overnight care of said animals is permitted.

Visibility shall mean the quality or state of being perceivable by the eye. Visibility may be defined in terms of the distance at which an object can be just perceived by the eye or it may be defined in terms of the contrast or size of a standard test object, observed under standardized view-conditions, having the same threshold as the given object.

Walkway shall mean an off-street pedestrian path.

Warehouse shall mean a building used primarily for the storage of goods or materials excluding marijuana products.

Where physical conditions permit shall mean that the development application must comply with the regulation unless the applicant can demonstrate that it is not physically possible to do so due to land form, sight line requirements, existing trees, utilities, drainage requirements, access requirements or other constraints of the land.

Wholesale distribution shall mean a use primarily engaged in the sale and distribution of manufactured products, supplies or equipment, including accessory offices or showrooms, and including incidental retail sales, but excluding marijuana products, bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions, and where the products, supplies or equipment that are distributed from the facility are not used or consumed on the premises. Activities customarily include receiving goods in bulk or large lots and assembling, sorting or breaking down such goods into smaller lots for redistribution or sale to others for resale.

Wildlife rescue and education center shall mean a facility that provides shelter services for the rescue and care of injured birds or other wildlife with associated education and research.

Window transparency shall mean the surface area of a window that is not covered or obstructed by a sign, such that the visibility through the window in both directions is not blocked by a sign.

Wireless communications facility or *WCF* shall mean a facility used to provide personal wireless services as defined at 47 U.S.C. Section 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the Code. A WCF includes an antenna or antennas, including without limitation, directional, omni-directional and parabolic antennas, support equipment, small cell facilities, alternative tower structures, and towers. It does not include the support structure to which the WCF or its components are attached if the use of such structures for WCFs is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or handheld radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of this Code.

Working pad surface shall mean the portion of an oil and gas location that has an improved surface upon which oil and gas facilities are placed.

Workshop and custom small industry shall mean a facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, including small engine repair, furniture making and restoring, upholstery, custom car or motorcycle restoring or other similar uses.

Yard shall mean that portion of the open area on a lot extending open and unobstructed from the ground upward from a lot line for a depth or width specified by the regulations for the district in which the lot is located.

Yard, front shall mean a yard extending across the full width of the lot between the front line and the nearest line or point of the building.

Yard, rear shall mean a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.

Yard, side shall mean a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

Zero lot line development plan shall mean a development plan where one (1) or more buildings are placed on lots in such a manner that at least one (1) of the building's sides rests directly on a lot line, as measured from the outer edge of the foundation at the ground line, so as to enhance the usable open space on the lot.

Zero lot line structure shall mean a structure with at least one (1) wall conterminous with the lot line, which wall may include footings, eaves and gutters that may encroach onto the abutting lot under the authority of an encroachment and maintenance easement.

Zone district shall mean a zone district of the City as established in Article 2 unless the term is used in a context that clearly indicates that the term is meant to include both the zone district(s) of the City and the zone district(s) of an adjoining governmental jurisdiction.

Zoning Map shall mean the official zoning map adopted by the City by ordinance, as amended.

