



ARTICLE 4

USE STANDARDS

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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 4.3 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.

ARTICLE 1 – GENERAL PURPOSE & PROVISIONS

*Use (+) Button on left hand window of table to expand Use Categories

	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				
INSTITUTIONAL/CIVIC/PUBLIC USES																																			
Cemeteries	☑	☑					☑					☑	☑																		☑	☑	☑		
Community facilities				☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑		☑	☑		☑	☑		☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	
Golf courses	☑	☑					☑							☑																		☑	☑	☑	
Homeless Shelters (Excluding Seasonal)														☑		☑							☑	☑	☑		☑	☑	☑	☑	☑	☑			
Hospitals												☑	☑		☑	☑					☑										☑	☑			
Jails, Detention & Penal Centers																															☑	☑			
Neighborhood support/recreation facilities						☑	☑																												
Neighborhood Parks as Defined by the Parks and Recreation Parks, recreation and open lands, except parks defined by Parks & Recreation Policy Plan	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑		☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	
Public/Private schools (elem., intern. & H.S.)		☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑								☑	☑	☑	☑		☑					☑				
Public/Private schools (voc. & tech.)							☑	☑		☑	☑	☑	☑																						
Public/Private schools (coll., univ., voc., & tech.)							☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	
Parks, recreation, & open lands (not neighborhood park)	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑		☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	
Neighborhood parks		☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑		☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	
Places of worship or assembly		☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑		☑	☑	☑	☑	☑	☑	☑	☑	☑		☑	☑	☑	☑	☑	☑	☑	☑	☑	
Major Public Facilities														☑		☑			☑	☑													☑		
Minor Public facilities	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑		☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	
Riding academies	☑																																		
Seasonal Overflow Shelters				☑		☑	☑	☑		☑	☑	☑	☑			☑		☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	
Transit Facilities (with Repair or Storage)																																	☑	☑	
Transit Facilities (without Repair or Storage)												☑	☑		☑				☑	☑	☑	☑	☑	☑		☑	☑	☑	☑	☑	☑	☑	☑	☑	
Wildlife rescue and education centers		☑	☑	☑			☑						☑																				☑	☑	

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

*Use (+) Button on left hand window of table to expand Use Categories

	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/MISC USES																																			
Accessory buildings	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA
Accessory uses	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	
Agricultural activities	L																					L	L	L		L	L					L			
Farm Animals	L	L	L																																
Urban Agriculture	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L				L	L	L	L	L	L	L	L	L	L	L	L	L		
Heliports and Helipads																					Type 2							Type 2	Type 2						
Outdoor vendor											L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		
Satellite dishes (>39" in diameter)											L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		
Wireless telecommunication equipment	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		
Wireless telecommunication facilities				Type 2							L	L	L	L	Type 2	L	L	L	L	L	L	Type 2	Type 2	Type 2		Type 2	Type 2	L	L	L	L	L	L		
Off-site Construction Staging	MA	MA	MA	MA	MA		MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	

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DIVISION 4.4 ADDITIONAL USE STANDARDS

4.4.1 RESIDENTIAL USES

- (A) Accessory Dwelling Unit shall be **subordinate to a primary dwelling unit**. The land underneath the primary structure is not divided into separate lots.
- (B) **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 N College Avenue.
- (C) **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.
- (D) **Fraternity/Sorority Houses** shall mean residences housing students attending an accredited institution of higher learning within the City.
- (E) **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
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- (1) All Group Homes are required to be setback at least 200 feet from N College Ave.
- (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:
 - (a) The adjacent street system is sufficient to accommodate the traffic impacts generated by the group care facility;
 - (b) the group care facility has made adequate, on-site accommodations for its parking needs;
 - (c) the architectural design of the group care facility is compatible with the character of the surrounding neighborhood;
 - (d) the architectural design of the group care facility is compatible with the character of the surrounding neighborhood;
 - (e) the size and scale of the group care facility is compatible with the character of the surrounding neighborhood; and
 - (f) 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) A 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.
 - (b) 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.

Are these being added?

- (c) 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.
- (d) 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.
- (e) 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.

(F) Home Occupations

- (5) 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.
 - (b) Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character thereof.
 - (c) The total area used for such purposes shall not exceed one-half (½) the floor area of the user's dwelling unit.
 - (d) There shall be no exterior advertising other than the residential sign allowed in **Section 3.8.7.1(D)(5)(a)** of this Code.
 - (e) There shall be only incidental sale of stocks, supplies or products conducted on the premises.
 - (f) There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.
 - (g) There shall be reasonable mitigation of noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
 - (h) A home occupation shall provide additional off-**street parking** area adequate to accommodate all needs created by the home occupation.
 - (i) 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;

Are these being added?

- (j) 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.**

- (6) 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 (1) through (8) 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.

(G) **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.

(H) **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.

- (I) 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.

- (J) **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.

Are these being added?

- (2) In the CS zone district not allowed within two hundred (200) feet of North College Avenue.

(K) Single Unit Attached Dwelling

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

(L) Shelter for victims of Domestic Violence

(M) 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.
- (4) **Off-street Parking.** 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.
- (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 (3) 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 Development Code **Division ??**, 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 ???** 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

Are these being added?

(N) **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 N College Avenue.

(O) **Secondary Uses**

(1) In the CS 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.

4.4.2 INSTITUTIONAL/CIVIC/PUBLIC USES

(A) **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.

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

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

(C) **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.

Are these being added?

- (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).

(D) Wildlife Rescue and Education Centers

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

4.4.3 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 gross leasable area.

(B) Adult-Oriented Uses

- (1) Adult-oriented uses shall be permitted only in the zone districts established in the Use Table of Division 4.3 wherein such uses are specifically allowed.
- (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

Are these being added?

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 gross leasable area.

(C) Animal Boarding

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

(D) Bars and Taverns

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

(E) Bed and Breakfast Establishment

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

Are these being added?

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 gross leasable 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 use and from any fueling station

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

(H) Convenience Shopping Center

(1) In the I zone district such use shall not exceed 25,000 sq. ft. of gross leasable 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 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 [$\frac{1}{4}$] 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 gross leasable 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.

Are these being added?

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

(M) Fast Food Restaurant

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

(N) Funeral Homes

- (1) In the NCB 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 gross leasable 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; | (m) dog day care; |
| (b) retail stores; | (n) music studio; |
| (c) convenience retail stores; | (o) micro brewery/distillery/winery; |
| (d) personal and business service shops; | (p) standard fast food restaurants (without drive-in or drive-through facilities); |
| (e) small animal veterinary facilities; | (q) artisan and photography studios and galleries; |
| (f) offices, financial services and clinics; | (r) 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; |
| (g) community facilities; | (s) grocery store; |
| (h) neighborhood support/recreation facilities; schools; | |
| (i) child care centers; | |
| (j) limited indoor recreation establishments; | |
| (k) open-air farmers markets; | |
| (l) places of worship or assembly; | |

Are these being added?

- (t) health and membership club, provided that such use or uses are combined with at least one (1) other use

(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, provide such use is setback at least thirty five (35) from II 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

Are these being added?

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 which is zoned in one (1) or more of the following nonresidential zone districts within the City:
- (I) D;
 - (II) RDR;
 - (III) CC;
 - (IV) CCN;
 - (V) CCR;
 - (VI) CG;
 - (VII) CS;
 - (VIII) NC
 - (IX) CL;
 - (X) HC;
 - (XI) E;
 - (XII) 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.

Are these being added?

- (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**, and shall be further restricted such that (a) the lighting is of high pressure sodium only and does not exceed seventy (70) watts and one hundred twenty (120) volts; and (b) 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 gross leasable area.

(AA) Recreational Uses

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

Are these being added?

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

4.4.4 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 excluded 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.

Are these being added?

4.4.5 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, recreation 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 was 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 shelter 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

Are these being added?

- (1) 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.
- (2) **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) milliamperes 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.
 - (b) 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.
- (3) No more than four (4) feet high between the front building line and front property line;
- (4) 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;
- (5) 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;
- (6) No more than forty-two (42) inches in height when located within the visual clearance triangle described in **Section 3.8.7(G)(1)**, 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;
- (7) No closer than two (2) feet to a public sidewalk;
- (8) 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

Are these being added?

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 supplementary 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**.
 - (b) 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.

Are these being added?

- (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 3.8.35**.
- (2) Purpose. The purpose of requiring an off-site construction staging licensed under this **Section 3.8.35** 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.

Are these being added?

- (3) 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 2.
- (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

Are these being added?

- (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 3.8.35(D)(2)**, 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 2.2.6(D)** is conducted and the Director determines: the extension is not detrimental to the public good; and that the license conditions specified in **Section 3.8.35(D)(2)**, 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) In addition to a license, Stationary Vendors are required to be reviewed through a Minor Amendment.

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- (2) Outdoor vendors shall be prohibited on undeveloped lots.
- (3) 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.
- (4) 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.
- (5) Signage for outdoor vendors shall be limited to signs placed directly onto the vehicle or cart used in connection with the business.
- (6) Outdoor vendors shall comply with all outdoor vendor regulations and standards contained in Chapter 15 of the City Code.
- (7) 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.
- (8) 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.
- (9) 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.
 - (I) 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, RDR, 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

Are these being added?

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.
- (2) 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.
- (3) 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 3.8.32](#), including the following:

Solar Energy Table

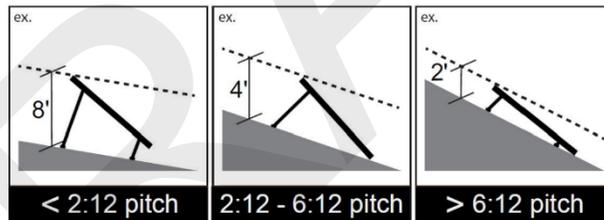
<i>Nonresidential and residential buildings (excluding single-dwelling unit or duplex dwellings)</i>	
< 2:12 pitch	8 feet, as measured on a vertical axis to the roof below, to which it is installed (see Figure 16.3 below)
2:12 to 6:12 pitch	4 feet, as measured on a vertical axis to the roofline below, 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.

Are these being added?

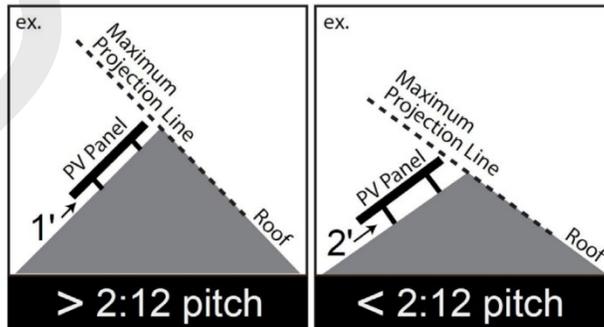
<i>Single dwelling unit and duplex dwellings (principal and accessory buildings)</i>
No taller than 1 foot, as measured on a vertical axis to the roof below, to which it is installed, unless roof pitch is 2:12 or less, in such case 2 feet is permitted. No portion of a solar energy system shall project 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)



- (4) 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:

Are these being added?

- (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.

Are these being added?

- (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.
- (5) **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.
- (6) **Use Restrictions in Established Residential Areas.** Notwithstanding the use review criteria contained in the various zone districts set out in Article 4 (Type 1/Type 2 review), 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.
- (7) **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 Telecommunication**

- (1) **Location.** Subject to the requirements of **paragraph (b)** of this Section, wireless telecommunication equipment 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. Wireless telecommunication equipment shall

Are these being added?

not, however, be permitted to be attached to or mounted on any residential building containing four (4) or fewer dwelling units.

- (2) **Co-location.** No wireless telecommunication facility or equipment owner or lessee or employee thereof shall act to exclude or attempt to exclude any other wireless telecommunication provider from using the same building, structure or location. Wireless telecommunication facility 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 wireless telecommunication facilities and equipment. Any application for the approval of a plan for the installation of wireless telecommunication facilities or equipment shall include documentation of the applicant's good faith efforts toward such cooperation.
- (3) **Standards.**
- (d) *Setbacks.* With respect to a wireless telecommunication facility 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.
- (e) *Wireless Telecommunication Facilities.* Whether manned or unmanned, wireless telecommunication facilities 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.
- (f) *Wireless Telecommunication Equipment.* Wireless telecommunication equipment shall be of the same color as the building or structure to which or on which such equipment is mounted.
- (g) 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 wireless telecommunication equipment shall be located as far from the edge of the roof as possible. 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.
- (h) Whenever wireless telecommunication equipment is mounted to the wall of a building or structure, the equipment shall be mounted in a configuration as flush to the wall as technically possible and shall not project above the wall on which it is mounted. Such equipment shall, to the maximum 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.
- (i) Roof- and ground-mounted wireless telecommunication equipment shall be screened by parapet walls or screen walls in a manner compatible with the building's design, color and material.
- (j) *Landscaping.* Wireless telecommunication facilities and ground-mounted wireless telecommunications equipment may need to be landscaped with landscaping materials that exceed the levels established in **Section 3.2.1**, due to the unique nature of such facilities. Landscaping may therefore be required to

Are these being added?

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.

- (k) If a wireless telecommunication facility or ground-mounted wireless telecommunication equipment has frontage on a public street, street trees shall be planted along the roadway in accordance with the policies of the City Forester.
- (l) *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.
- (m) *Berming*. Berms shall be considered as an acceptable screening device. Berms shall feature slopes that allow mowing, irrigation and maintenance.
- (n) *Irrigation*. Landscaping and berming shall be equipped with automatic irrigation systems meeting the water conservation standards of the city.
- (o) *Color*. All wireless telecommunication facilities and equipment shall be painted to match as closely as possible the color and texture of the wall, building or surrounding built environment. Muted colors, earth tones and subdued colors shall be used.
- (p) *Lighting*. The light source for security lighting shall comply with the requirements of [Section 3.2.4](#). Light fixtures, whether freestanding or tower-mounted, shall not exceed twenty-two (22) feet in height.
- (q) *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.
- (r) *Access Roadways*. Access roads must be capable of supporting all of the emergency response equipment of the Poudre Fire Authority.
- (s) *Foothills and Hogbacks*. Wireless telecommunication facilities and equipment located 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.
- (t) *Airports and Flight Paths*. Wireless telecommunication facilities and equipment located near airports and flight paths shall obtain the necessary approvals from the Federal Aviation Administration.
- (u) *Historic Sites and Structures*. Wireless telecommunication facilities and equipment shall not be located on any historic site or structure unless permission is first obtained from the city's Landmark Preservation Commission as required by Chapter 14 of the City Code.
- (v) *Stealth Technology*. To the extent reasonably feasible as determined by the Director, the applicant shall employ "stealth technology" so as to convert the wireless telecommunication facility into wireless telecommunication equipment, as the best method by which to mitigate and/or camouflage visual impacts. Stealth technology consists of, but is not limited to, the use of grain bins, silos or elevators,

Are these being added?

church steeples, water towers, clock towers, bell towers, false penthouses or other similar "mimic" structures. Such "mimic" structures shall have a contextual relationship to the adjacent area.

- (4) 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 one thousand three hundred twenty (1,320) feet (one-quarter (¼) mile).
- (5) 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 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.

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