# PLANNING COMMISSION

Mike Simone, Chairperson
Bushrod White, Vice-Chairperson
Kathy Kvasnicka
Thomas Meyers
Thomas Holton
Jimmy Dominguez

**Planning Commission Agenda**
**Regular Meeting**
130 South McKinley Avenue
Thursday, January 12, 2023
6:00 PM
***(Order & Contents Subject to Change by Action of the Commission)***
** Login information on how to attend this meeting virtually (optional) is on the last page of this Agenda.*

## Call to Order - Roll Call

## Approval of Agenda

**Consent Agenda** - Consent Agenda items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda items unless a Councilmember so requests, in which case the item may be removed/moved from the Consent Agenda.

**a.** Approval of the Minutes of the October 13, 2022 Meeting.

**Public Comment** This portion of the Agenda is provided to allow members of the audience to present comments to the Board. The Board may not respond to your comments this evening, rather they may take your comments and suggestions under advisement or your question may be directed to the appropriate staff member for follow-up.

## Action Item(s)

**a.** Election of Chair and Vice-Chair

## Discussion Items

**a.** 6-Month Review of Development Code Update

## Staff Reports

## Board Reports

## Future Business

**a.** Next Meeting on January 26, 2023

## Adjourn

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When calling in, please be sure to mute your microphone on your computer, phone or tablet. Planning staff and/or the Chairman of the Planning Commission will provide instructions on when and how comments can be made by the public virtually.

# RECORD OF PROCEEDINGS
# FORT LUPTON PLANNING COMMISSION
## October 13, 2022

The Planning Commission of the City of Fort Lupton met in session at the City Complex, 130 South McKinley Avenue, the regular meeting place of the Planning Commission and virtually via GoToMeeting, on Thursday, October 13, 2022.

Chair Mike Simone called the meeting to order at 6:00 p.m.

**ROLL CALL**

Commissioners Present: Chair Mike Simone, Vice-Chair Bushrod White, Kathy Kvasnicka, Thomas Holton and Jimmy Dominguez.

City Staff Present: Planning Director Todd Hodges, Planner Clay Hartley and Planning Technician Magaly Morales-Tejada.

**APPROVAL OF AGENDA**

Bush White moved to approve the agenda and Kathy Kvasnicka seconded.

**CONSENT AGENDA**

Bush White moved to approve the consent agenda and Kathy Kvasnicka seconded.

**PUBLIC COMMENT**

There was no public comment.

**PUBLIC HEARINGS**

**P2022-018 Coyote Creek PUD Filing No. 5 Preliminary Plat**

Planner Clay Hartley presented this item. He stated that the applicant is requesting approval of a preliminary plat for a residential subdivision located in the southwest corner of the Coyote Creek development that will include 61 single-family detached homes, including open space amenity area. The area is zoned PUD Planned Unit Development with residential uses. All notification requirements have been met and the applicant is present to provide a brief presentation.

Kenneth Merritt, the applicant, provided a presentation. He stated that this is the fifth filing for the Coyote Creek Development and will include 61 single-family detached homes

Chair Simone opened up the public comment portion of this hearing at 6:10pm. Hearing none, public comment was closed at 6:11pm.

Chair Simone opened up the hearing to Commissioners comments and questions. Commissioners discussed:

- Maintenance of open space areas
- Sidewalk maintenance along Highway 52
- Conformance with comprehensive plan zoning

With no further discussion, Member White motioned to approved P2022-018 Coyote Creek PUD Filing No. 5 Preliminary Plat. Jimmy Dominguez seconded. Motion passed unanimously.

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**P2022-019 High Pointe Annexation**

Planner Clay Hartley presented this item. He stated that the applicant has submitted a request for annexation of one parcel of land located south and adjacent to State Highway 52 with initial zoning to the 'A' Agriculture Zone District. The parcel is 181.907 acres in size and is contiguous with existing City limits. The annexation meets the goals of the Comprehensive plan. All notification requirements have been met and the applicant is present to provide a brief presentation.

JR Osborne provided a presentation. He stated that the plan for this property once annexed is for a residential subdivision with some commercial acreage, which is the concept plan being presented as a separate agenda item.

Chair Simone opened up the public comment portion of this hearing at 6:30pm.

Janice Wilkin asked if a traffic study had been done, why all neighbors who access County Road 12 had not ben notified and if there are any proposed road improvements.

No further public comment was made, the public comment portion of the hearing was closed at 6:32PM.

Chair Simone opened up the discussion to Commissioners comments and questions. Commissioners discussed:

- Current city limits near the property.
- Conformance with the Comprehensive Plan.
- Option to table this hearing to review the concept plan.

With no further discussion, Member White motioned to approve P2022-019 High Pointe Annexation. Member Kvasnicka seconded. Motion passed with 4 yay votes and 1 nay vote.

**DISCUSSION ITEMS**

**High Pointe Concept Plan**

Planner Clay Hartley presented this item. He stated that with the new development code in place, concept plans are no longer items that will be voted on and are now discussion items meant to provide Planning Commission an opportunity to provide feedback to the applicant. The proposed concept plan would provide lots for housing and a significant portion of the development would be dedicated to open space. The entire parcel is vacant agricultural land currently, with oil and gas wells in the southern half of the property. The applicant is present to provide a presentation and discuss the concept with commissioners.

JR Osborne, the applicant, provided a presentation. He stated that the concept plan for this property includes 298 residential lots, 2 of which are estate lots and commercial along the Highway 52 corridor. The plan also includes a neighborhood park and open space with trails throughout the property. The bonus density requirements in the Development Code were met in order to propose the 298 lots.

Chair Simone opened up the discussion to Commissioners comments and questions. Commissioners discussed:

- Necessary road improvements
- When a traffic study will be done and what it will address

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- Wildlife, specifically Eagle, protection
- Proposed lot sizes
- Bonus density requirements
- Possibly moving commercial and the type of allowable commercial
- Internal road and open space maintenance

Chair Simone opened up the discussion for public comment.

Janice Wilkins asked how the road will be laid out and stated that she has concerns with traffic incidents near Mountain Sky and would not like to see the same with this development.

Chris Barker asked about the usability on the open space pipe lines, where non-potable water comes from and if there are available utilities down County Road 12 or Highway 52.

The applicants acknowledged the Commissioner's and Public's concerns and stated they would use the feedback received to continue working on the plans for this development.

**Review of Meeting Discussion**

A review of meeting discussion took place.

**FUTURE BUSINESS**

The next meeting of the Planning Commission will be on October 13, 2022 at 6:00 PM.

**ADJOURNMENT**

Chair Simone adjourned the meeting at 7:03 PM.

Submitted by

_____
Magaly Morales-Tejada, Planning Technician

Approved by Planning Commission

_____
Mike Simone, Chair

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## Article 1. General Provisions

1.01 Overview
1.02 Interpretation
1.03 Administration
1.04 Enforcement
1.05 Nonconformities

## Article 2. Procedures

2.01 General – All Applications
2.02 Platting
2.03 Change of Zone
2.04 Planned Development
2.05 Administrative Site Plan
2.06 Site Plan
2.07 Alternative Compliance
2.08 Special Use Permit
2.09 Variance
2.10 Appeals of Administrative Decision
2.11 Text Amendments
2.12 Vested Property Rights
2.13 Vacation of Rights-of-Way or Easements

## Article 3. Subdivision Standards

3.01 Streets
3.02 Open & Civic Spaces
3.03 Blocks & Lots
3.04 Required Improvements
3.05 Community Facilities & Fees

## Article 4. Zoning Districts & Uses

4.01 Zoning Districts
4.02 Allowed Uses
4.03 Accessory Uses
4.04 Use0Specific Standards
4.05 District Performance Standards

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## Article 5. Residential Development Standards

5.01 Intent & Applicability
5.02 Residential Building Types
5.03 Neighborhood Design
5.04 Courtyard Pattern
5.05 Conservation Pattern
5.06 Manufactured & Small Format Housing District

## Article 6. Nonresidential Development Standards

6.01 Intent & Applicability
6.02 Development Standards
6.03 Design Standards
6.04 Specific Frontage & Design Plans

## Article 7. Access & Parking Standards

7.01 Intent & Applicability
7.02 Access & Circulation
7.03 Required Parking
7.04. Parking Design
7.05 Loading Areas
7.06 Alternative Compliance

## Article 8. Landscape & Site Design Standards

8.01 Intent & Applicability
8.02 Landscape Design
8.03 Buffer & Screening
8.04 Plant Specifications
8.05 Fences & Walls
8.06 Outdoor Lighting

## Article 9. Signs

9.01 Intent & Applicability
9.02 Exempt Signs
9.03 Residential Signs
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9.05 General Standards – All Signs
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9.07 Design Guidelines
9.08 Alternative Compliance

## Article 10. Supplemental Standards

10.01. Floodplain Regulations
10.01 – 04 [Reserved]

## Article 11. Definitions & Terms

11.01 Definitions
11.02 Description of Uses
11.03 Design & Architecture Terms

## Appendices

Appendix A Resources, Guides, & Industry Standards
Appendix B Official Interpretations
Appendix C Recommended Plant Materials List
Appendix D Code Amendment Log
Appendix E Legacy Zone Districts

# Article 1. General Provisions

Section 1.01 Overview
Section 1.02 Interpretation
Section 1.03 Administration
Section 1.04 Enforcement
Section 1.05 Nonconformities

## Section 1.01 Overview

A. **Title.** This Chapter is known as the Fort Lupton Development Code. References to "this code," "the development code," or "these regulations" shall be considered a reference to the Fort Lupton Development Code.

B. **Authority and Jurisdiction.** The development code is enacted pursuant to the purposes and authority granted by Colorado Revised Statutes, Title 31, Article 23 Planning and Zoning. It applies to all structures and land within the incorporated area of the City of Fort Lupton, as depicted on the official zoning map, and other maps accompanying the City's plans and policies. The provisions of this code that apply to subdivisions, and the planning and design of major streets, shall apply to all land within the legal boundaries of the City and all land within three miles of the corporate limits of the City, if not located in any other municipality's authorized jurisdiction. It shall be unlawful to conduct any development or use of land until any applicable development review processes have been followed, all applicable standards have been fulfilled, and all applicable approvals, permits or other authorizations have been issued.

C. **Purposes.** This development code is adopted to promote the public safety, health, and general welfare for the City of Fort Lupton and its citizens and businesses. Specifically, the regulations have the following purposes:

1. Implement the Comprehensive Plan, and other plans and programs authorized under the guidance of the Comprehensive Plan.

2. Promote the physical, social, and economic well-being of residents and businesses, the long-term value and viability of public investments, and individual property values by balancing the co-equal rights of property owners.

3. Promote planning and urban design that emphasizes distinct places and unique elements of community character throughout Fort Lupton.

4. Provide parks, trails, and civic spaces that help organize development around systems of connected open spaces and emphasize significant natural landscapes

5. Secure proper arrangement and design of streets to shape efficient development patterns, coordinate with existing and planned streets, create multi-modal networks, improve access and circulation, support abutting land uses, and create value through public realm investments.

6. Divide the City into zones and districts that promote the character and development patterns of distinct places identified in the Comprehensive Plan.

7. Regulate and restrict the development and use of buildings and land within each zoning district to create a compatible scale and range of building types within districts, to relate development to the public realm, and to promote the appropriate transitions to adjacent property and to supporting districts.

8. Secure adequate provisions for water, drainage, sanitary sewer facilities and other public improvements based upon city, state, and federal requirements.

9. Provide for coordinated development of Fort Lupton consistent with established policies of the City.

D. **Severability.**

1. If any court of competent and final jurisdiction declares any part of this development code to be invalid, that ruling shall not affect any other provisions of this development code not specifically included in that ruling.

2. If any court of competent and final jurisdiction declares that the application of this development code to a particular property or structure is invalid, that ruling shall not affect the application of the regulations to any other property or structure, or to development with different circumstances.

3. No provision of this code shall enable any circumstance that is unlawful under superseding federal or state law. If any section, subsection, sentence, clause, phrase, or portion of this code is now or in the future superseded or preempted by state or federal law, or found by a court of competent jurisdiction to be unauthorized, such provision shall be interpreted and applied as required by law.

E. **Transition Provisions.** This section shall be used to guide the transition from previously existing regulations. Unless specifically stated otherwise in this code, the following rules shall apply:

1. *Generally.* All standards in this code shall apply upon effective date of the ordinance adopting these standards, and all subsequent amendments shall become effective in the same manner.

2. *Applications.* Any official application submitted prior to the effective date of the ordinance adopting these standards, and determined a complete application by the Director, shall be reviewed and processed according to the prior standards and procedures. An application submitted prior to the effective date, but determined incomplete, shall be resubmitted and processed according to the regulations in effect at the time of submittal of a complete application.

3. *Permits and Site Plans.* All permits, site plans or other approvals issued under an administrative capacity prior to the effective date of this code shall remain effective for the duration specified in that permit. If no duration is specified, the duration of the most applicable approval under this code shall be used.

4. *Plats.* Any approved preliminary plat may continue to be processed according to the standards and procedures of the prior code, for the duration of the approved preliminary plat applicable under the prior standards. Each subsequent approval of a final plat for a phased project may renew the validity of that plat, for the duration specified in Section 2.02, but subject to the standards and criteria of the previously approved preliminary plat. However, a previously approved preliminary plat may be resubmitted plan under these standards, and processed as provided in this code. The expiration of any preliminary plat

shall require resubmittal according to the regulations and procedures in effect at the time of submittal of a complete application.

5. *Special Uses.* Any special use or other approval that may be limited to a specific duration or conditions under prior regulations may continue for that specified duration or according to the conditions. Any changes or subsequent approvals of these uses upon expiration of that period shall be processed according to this code.

6. *Planned Unit Developments.* All Planned Unit Developments approved under the previous regulations shall remain in effect. Any subsequent approvals needed for future development under the PUDs shall be processed according to the standards previously applicable to PUDs. However, changes to approved PUDs, or future development or redevelopment within PUDs, may also be processed according to Section 2.04.

7. *Continuation of Enforcement.* Any violations existing under the previous development code will continue to be a violation under this code. The violation may be enforced as provided by this code, and any enforcement action may require compliance with the most applicable provisions of the previous code or this code.

## Section 1.02 Interpretation

A. **Rules of Construction.** The following rules shall apply to the application and interpretation of these regulations, unless the context clearly indicates otherwise:

1. All words shall have the customary dictionary meaning, unless specifically defined in these regulations.
2. The present tense includes the future tense and the future tense includes the present tense.
3. The singular includes the plural and the plural includes the singular.
4. Lists of examples prefaced by “including the following,” “such as,” or other similar clauses shall not be construed as exclusive or exhaustive, and shall not preclude an interpretation of the list to include other similar and non-mentioned examples.
5. The conjunctive “and” in a list means that all apply; the conjunctives “or” and “and/or” mean the provisions may apply singly or in any combination; and the conjunctive “either...or” means the provisions apply singly but not in combinations.
6. When calculations to determine a requirement of something that cannot be divisible (i.e. parking space, trees) results in fractions, it shall be rounded up to the nearest whole number if the standard is expressed as a minimum requirement and rounded down to the nearest whole number if the standard is expressed as a maximum allowance.
7. “Shall,” “will” or “must” is mandatory; “should” or “may” is permissive but recommended as a way to best meet the standard or achieve the intent of the standard.
8 A reference to an administrative official shall refer to that official, or his or her official designee, and all references to specific city officials may also include any other designee of the City Administrator.
9. Any reference to other official local, state or federal government rules or regulations shall include the current versions of those regulations, provided they remain binding on the City, or where not binding, remain consistent with the purposes, intent, and objectives included in these regulations.
10. References to a person shall include individuals, partnerships, agencies, corporations or other legal entities and the owner, tenant, occupant, principal, partners, officers, employees, agents and representatives of any legal entity.

B. **Conflicts.** All provisions shall be considered the minimum requirements to promote the public health, safety and welfare. In case of a conflict between these regulations and any other adopted

rule, regulation or code of the City, the higher standard shall apply. In making a determination of which standard is higher, the official may consider which is more specific; which is more consistent with the Comprehensive Plan; which is more consistent with the purposes, intent and objectives of these regulations; and which best promotes the public health, safety and welfare.

C. **Computations of Time.** The following rules apply to any computation of time, unless a specific section of these regulations indicates otherwise:

1. The day of the act that commences a time period shall not be counted.
2. The last day of the time period shall be included, unless it is a Saturday, Sunday or legal city holiday, in which case the next working day shall end the time period. In all other cases Saturday, Sunday or legal city holidays count in the time period.
3. Whenever any time period is expressed for a formal submittal to the City, the time period shall end at 4:00 p.m. on the last day of that time period.
4. Any time period expressed in years shall include a full calendar year from the act that commences the time period.

D. **Building & Structure Measurements.** The following shall be used in interpreting measurements and dimensional standards for buildings:

1. *Front Building Line.* When established as a requirement for location of the principal building, the distance or a range from the front lot line, at or within which distance the front building line of the principal structure shall be established. When expressed as a requirement for the location of something else (i.e. parking or accessory buildings located behind the front building line), the front building line shall mean the actual line at which the front of the building is established, extending across the entire lot. With regard to building design standards, the "required front building line" is the percentage of the lot frontage which must be occupied by at least a portion of the front building.

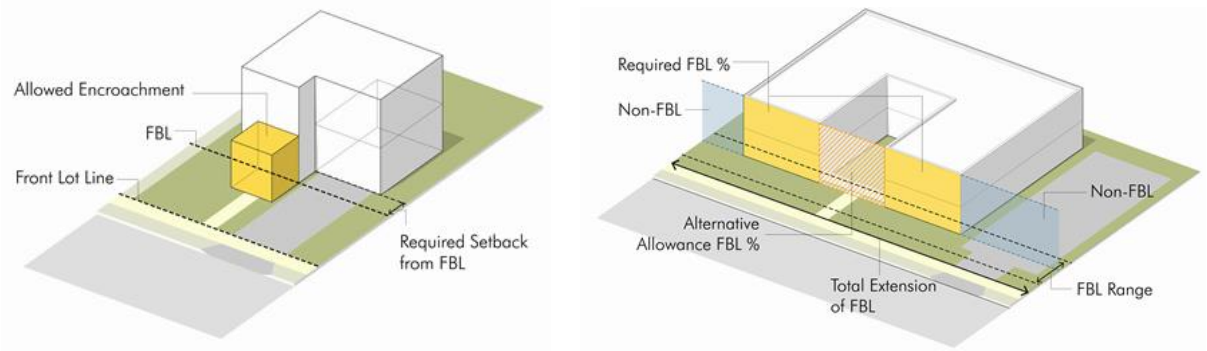



***Figure 1-1 Front Building Line***
*Front building line standards deal with the relationship of the principal building to the front lot line, the extent of the building along the lot frontage, and the relationship of other site elements to the front of the building.*

2. *Height.* Building height, when expressed as a dimension, is measured from the average grade to the highest point of a roof. Average grade is determined by calculating the average of the highest and lowest elevation of finished grade along the front building line. Building heights expressed in both dimension and stories shall use the additional story limits to impact the scale, form, and mass of the building within the permitted overall height.

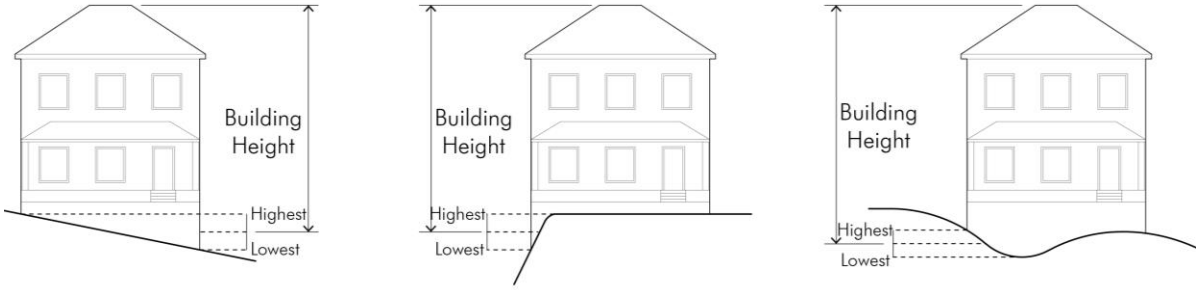



***Figure 1-2 Building Height***
*Building height is measured from the average of the highest and lowest elevation of finished grade along the front building line to the highest point of the roof structure.*

3. *Building Setbacks.* The minimum required distance between any property line and the building or structure. When front building setbacks are expressed as a range (i.e. 10' to 25'), it shall be interpreted as a "front building line" range, within which distance the front building line of the principal structure shall be established.

4. *Story.* The part of a building included between the surface of one floor and the surface of the floor next above, or if there is no floor above the ceiling above. Story heights shall be:
   a. Generally, 8 feet to 12 feet;
   b. The first story for residential buildings should be 9 feet to 14 feet;
   c, The first story in non-residential buildings should be 12 feet to 20 feet;
   d. Building types or parts of buildings that require high floor-to-ceiling heights, such as a gymnasium, atrium or warehouse, shall have the number of stories calculated as the finished floor-to-ceiling height divided by 15.
   e. Any ground story that has more than 4 feet of its height exposed above finished grade along more than 50% of the foundation perimeter shall count as a story, except that the Director may determine that it is not a story (i.e. "walk out basement") provided:
      (1) The lot has a grade change of more than 4 feet within the buildable area established by setbacks; and
      (2) The building foundation is no more than 2 feet above grade at the highest grade point along the front elevation; and
      (3) The grading for the site was not significantly altered to benefit the height of the proposed building in a manner that is incompatible with the scale, massing and relationship to adjacent buildings.

5. *Story, Half.* The space under a sloping roof that has a line of intersection of the roof and exterior wall face not more than 2 feet above the floor level, and where the possible floor area with head room of 7 feet or more is no greater than 60% of the total floor area of the story directly beneath.

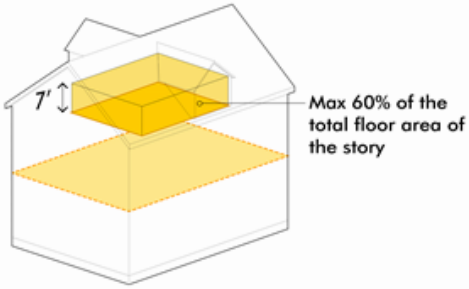



***Figure 1-3 Half Story***
*Half stories allow for habitable or occupied space below pitched roof structure.*

6. *Building Transparency.* When referring to the design of building facades, transparency is the percentage of windows and doors on the façade, intended for two purposes: (1) to break up the scale and massing of the façade and relate the building to the streetscape and public spaces; and (2) to provide connections – visual and perceived – between the activities on the site and the public streetscape or spaces. Therefore, transparency has two measurements: (1) the extent of transparency, which is the percentage of the overall façade, measured at each story but which includes non-transparent components associated with the opening such as molding, casing or frames; and (2) the degree of transparency, which is typically the clarity of the glass used for the opening. A door may count to this requirement if at least 25% of the door or door assembly meets the clarity requirement with windows in the door, or transom or side light doors alongside of the door. The clarity of the glass in the opening is met by a minimum Visible Light Transmission of 60% (VLT = the percent of total visible light that is transmitted through a glazing system) and a maximum Visible Light Reflectance of 15%. (VLR = the percent of total visible light that is reflected by a glazing system) For upper story windows, these measures may be 40% VLT and 20% VLR.

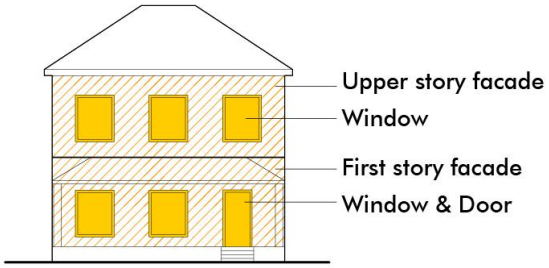



***Figure 1-4 Transparency***
*Transparency requirements help break up the scale of building facades and create relationships between the building and the open spaces around the building. These requirements should be measured independently for each story.*

E. **Lot Measurements**. The following shall be used in interpreting measurements and dimensional standards for lots. In the case of parcels, outlots or other property lines clearly intended to bound buildable areas or required open space, these lines may be interpreted as lot lines for the purposes of this code:

1. *Lot Area.* The area bounded by the front, rear and side lot lines, or when expressed as a range, it shall be interpreted as a minimum and a maximum.

2. *Lot Depth.* The horizontal distance between the front and rear lot lines measured at right angles to the front right-of-way lines. Where the front and rear lines are not approximately parallel, the lot depth shall be the average when measured from at least three different points along the front lot line, including the two corners at the front lot line.

3. *Lot Frontage.* The portion of the lot that establishes the relationship between the building or site and the public realm or street upon which the lot fronts.

4. *Lot Line.* A line dividing one lot from another lot or parcel, or from a street or alley.

   (a) *Lot Line, Front.* The property line dividing a lot from a street or public or common space on which the building and lot orients. On a corner lot, generally the shorter street frontage shall be considered as a front lot line, except that the context of the block and abutting lots may allow the following arrangements:
   (1) *Standard Corner.* The building orients to the same front as all other buildings on the same street, and an expanded side setback applies on the other street side of the lot. Side and rear setbacks apply to the remaining sides.
   (2) *Reverse Corner.* The building orients to the end-grain of the block (not the same as other buildings on the interior of the block), and the front setback and frontage design applies to that street. The other street-side setback is the greater of (a) the stated street-side setback for that building type or (b) 10 feet in front of the forward-most point of the front building line of the abutting lot. Side and rear setbacks apply to the remaining sides.
   (3) *Corner Orientation.* The building orients to both streets, with the front setback and frontage design applying on both street sides. The two remaining lot lines are treated as side setbacks and there is no rear setback.

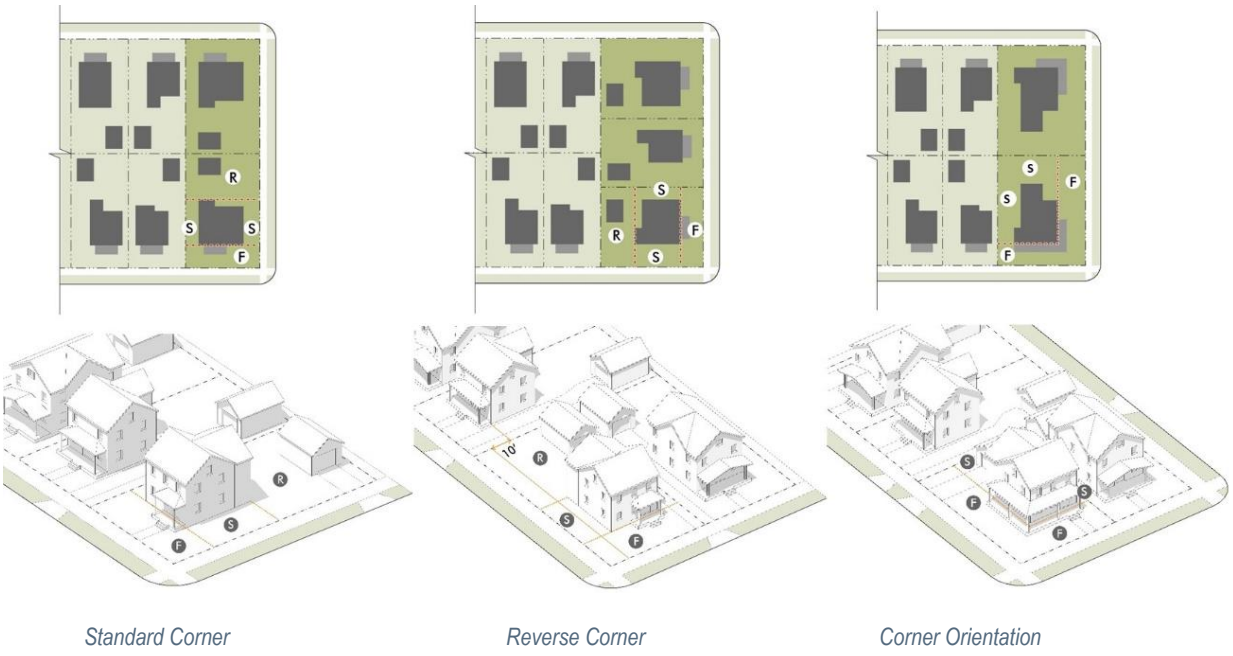



***Figure 1-5 Corner Lots***
*Setbacks, building lines and lot dimensions on corner lots can be varied based on the orientation of the lot, and the orientation of the buildings to adjacent lots.*

(b) *Lot Line, Interior Side.* A side lot line which is adjacent to a side lot line of another lot.

(c) *Lot Line, Rear. T*he line opposite the front lot line. Where the side lot lines meet in a point, the rear lot line shall be assumed to be a line not less than ten feet long, lying within the lot and parallel to the front lot line.

(d) *Lot Line, Side.* Any lot lines other than the front or rear lot line.

(e) *Lot Line, Street Side,* A side lot line which separates the lot from a street.

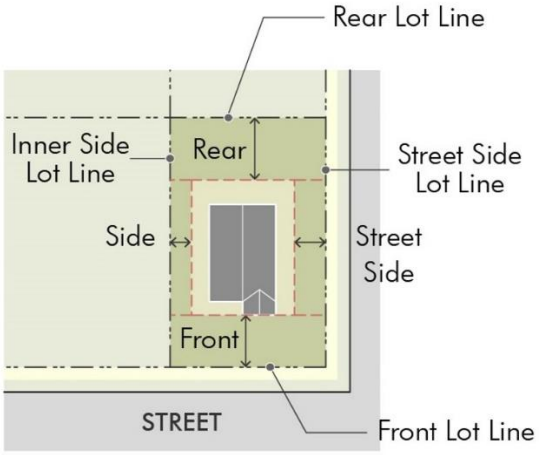



***Figure 1-6 Lot & Building Lines***
*This illustrates how to apply different types of lot lines*

5. *Lot Width.* The horizontal distance between the side lot lines, typically measured at the front lot line, but for irregular lots it may be measured at the front setback line.

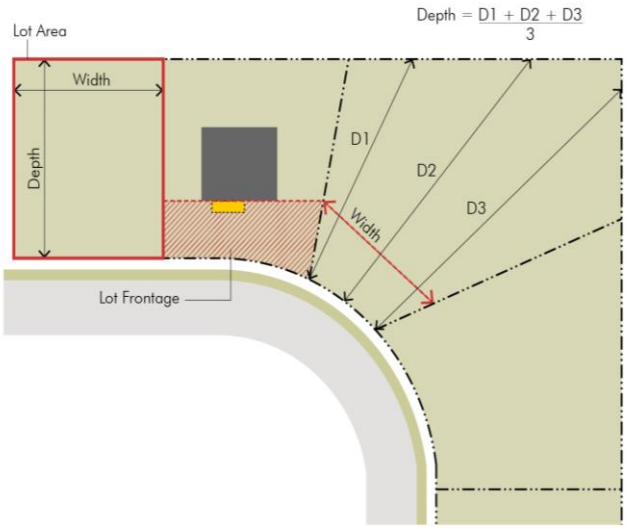



***Figure 1-7 Lot Measurements***
*This illustrates how to apply lot measurements on both regular and irregular lots.*

F. **Interpretation of Zoning Map.** Where uncertainty exists with respect to any boundary on the zoning district map, the following rules shall apply:

1. Boundaries approximately following streets or other rights of way or rivers or streams - the centerlines or extension of these centerlines shall be the boundaries.
2. Boundaries indicated as approximately following property lines - the platted or other official legal line of that property shall be the boundaries, unless the property boundaries on the map have been substantially altered.
3. Boundaries approximately following city limits shall be interpreted as following the actual city limits.
4. Boundaries that split any platted lots - the lot shall be interpreted in the district designated to the majority of the lot. In the case of an equal split, the Director shall determine the appropriate zoning based on consideration of the Comprehensive Plan, the context, the surrounding existing uses, and the likelihood of change in context or existing uses in the future.
5. Boundaries that split any unplatted property - any future platting of property may generally follow the zoning boundary and then each resulting property may assume the zoning applicable to the majority of the resulting lot actual platted boundary, or where any resulting lots have significant discrepancies with zoning boundaries, rezoning may be required.
6. Boundaries following a shoreline shall be interpreted to follow the shorelines and in the event of change in the shoreline, shall move with the actual shoreline.

G. **Non-regulatory Provisions.** Intent statements, design objectives, graphics and commentary such as captions to graphics or notes in tables, are an aid to interpretation of the standards and criteria. In the event of a conflict between the intent statements, design objectives, graphics or commentary and a specific standard, the specific standard shall control.

H. **Resources, Guides and Industry Standards.** Resources, guides and industry standards that are recognized as a reputable authority in the planning, development and urban design professions, may be used to supplement interpretation of this code. They shall be subject to the approval of the Director upon a determination that the content is consistent with the policies of the Comprehensive Plan and the purposes, intent, and design objectives of these regulations. Any resource, guide, or industry standard approved by the Director shall be listed in Appendix A, and at least one copy shall be kept on file with the Planning Department. Use of these guides shall only be to the extent that it is consistent with the purposes, intent and design objectives expressed in these regulations, and shall not be used to otherwise modify or conflict with any specific standard in these regulations.

I. **Official Interpretations.** In cases where there is uncertainty how this code applies to potentially recurring situations, the Director may make Official Interpretations.

1. ***Filing.*** Official Interpretations shall generally be in the format provided in Appendix B, and each official statement shall be filed with the Planning Department and included or referenced in the Appendix B. Official Interpretations shall be filed with the Planning Commission by placing it on the consent agenda of a regularly scheduled meeting.

2 **Criteria.** In making an Official Interpretation, the Director shall use the following criteria:
   a. Sound professional planning and urban design principles.
   b. The Comprehensive Plan and any specific plans or policies created under the Comprehensive Plan.
   c. The purposes, intent or design objectives applicable to this code and the specific article or sections subject to the interpretation.
   d. Any resources, guides or industry standards applicable to the specific situation.

e. Based on the context of the street, block, site or building, the interpretation is at least one reasonable way the standards could be applied.
f. Whether the same interpretation could be applied to all similarly situated property or circumstances, and meet these criteria; or whether any conditions or limitations are necessary to ensure it meets the criteria.

3. ***Effect of Decision.*** An approved Official Interpretation shall be effective upon approval by the Planning Commission and may apply to all similar situations unless:
a. It is overruled or modified by a different Official Interpretation.
b. It is overruled by appeal as provided in these regulations.
c. It is amended or overruled by a text amendment to the section addressed by the statement.

## Section 1.03 Administration

A. **Staff.** The following city staff positions are responsible for administering specific aspects of this code.

1. ***Planning Director.*** The Planning Director (Director) is responsible for administration of the development code, and is the principal interpretation and enforcement official of these regulations. The Director may consult with any other department or relevant outside agencies in order to coordinate any plans, policies and programs that impact the Comprehensive Plan. The Director shall specifically:
a. Prepare and provide development applications and forms;
b. Oversee the application, review and administration processes, and prepare presentations and reports for review bodies;
c. Set the dates for meetings and hearings before the Planning Commission, Board of Adjustment, and Historic Preservation Commission;
d. Determine additional information and materials required for review of applications;
e. Waive submittal requirements, with appropriate justification supporting that the information is not necessary due to the context or type of project, and won't otherwise be needed to evaluate the application against standards or criteria.
f. Issue official interpretations and approve the use of other resources, guides, and industry standards used in administering this code.
g. Make all final interpretations and any final administrative decision referred to the Director under the procedures and standards of these regulations.

2. ***City Administrator and Other Staff.*** The City Administrator is the chief executive and administrative officer for the City and may make any decision delegated to any city staff member under this code. All other department heads and staff may serve in an advisory role to the Planning Director under this code, as designated by the City Administrator.

3. ***Design Review Team.*** The City Administrator or Director may assemble the Design Review Team, for any applications that the City Administrator or Director determines require referral, review, and comment from any of the departments or agencies on the committee. In addition to the Director and City Administrator, the team generally includes the City Planner, Public Works Director, Building Inspector, Fire Department, and staff from any other relevant departments or their authorized representatives.

B. **Planning Commission.** The Planning Commission is the appointed body of the City responsible for all long-range and comprehensive planning, as well as review, recommendations and decisions on implementation of the Comprehensive Plan. The Planning Commission is

established according to Chapter 2, Article VIII of the Municipal Code. In addition to all other general planning authority granted by statute, local ordinance, or bylaws, the Planning Commission shall have the specific review responsibilities and final administrative decisions referred to the Planning Commission under the procedures and standards of these regulations.

C. **City Council.** The City Council is the elected and governing body of the City responsible for all legislative decisions that affect implementation of the Comprehensive Plan. In addition to other general authority granted by law, the City Council shall have the appeal authority and final decision authority referred to the City Council under the procedures and standards of these regulations.

D. **Board of Adjustment.** The Board of Adjustment is created under the authority of C.R.S. 31-23-307. The Board of Adjustment is established pursuant to these regulations according the following provisions.

1. ***Membership & Terms.***
   a. The Planning Commission shall act as the Board of Adjustment according to this code or state laws.
   b. The members of the Board shall be those individuals appointed to the Planning Commission. Terms of office for the Planning Commission and Board of Adjustment shall run concurrently, and within the same term parameters as regular members of the Planning Commission.
   c. The Chairperson of the Planning Commission shall serve as the Chairperson of the Board.
   d. Persons elected or appointed to the City Council or persons who are officers, executives or employees of the City shall not be eligible for appointment to the Board.

2. ***Proceedings.***
   a. The Board shall adopt the Robert's Rules of Order and shall keep minutes of its proceedings, showing the action taken regarding each question considered. The Board of Adjustment may adopt any others rules necessary to conduct affairs and in keeping with this Section and its authority under these regulations.
   b. Meetings shall be held at the call of the Chair and at such other times as the Board may determine. Meetings may be on the same date as any regular, special, or adjourned meeting of the Planning Commission.
   c. The Chair may administer oaths and compel the attendance of witnesses.
   d. All meetings shall be open to the public.
   e A quorum of the Planning Commission shall constitute a quorum of the Board.
   f. The concurring vote of a majority of the members that constitute a quorum of the Board shall be necessary for any decision of the Board to be valid.

3. ***Appellate Power.*** The Board of Adjustment is empowered to hear and decide appeals. Specifically, the Board is empowered to make the following decisions as specified in Article 2:
   a. Grant variances to the strict application of the standards in this code; and
   b. Hear and decide appeals when an error is alleged in any order or determination made by the Director in the interpretation or enforcement of this code.

E. **Historic Preservation Board.** The Historic Preservation Board is established by Chapter 18, Article XVII of the Municipal Code, and shall be responsible for preservation of the historical and architectural heritage of the City, as provided in that Article. In this role, the Historic Preservation Board advises the City Council and Planning Commission on matters related to preserving the

cultural resources and historic character of the City and may be consulted by the Planning Commission or City Council during any process under this code that impacts these issues. code or other rules, policies and procedures of the City related to historic preservation.

## Section 1.04 Enforcement

A. **Violations.** It shall be unlawful for any building, structure, site element or use of land to be constructed, altered, maintained, or otherwise initiated in violation of these regulations. It shall be unlawful for any person to do or cause:
   1. Any act or thing prohibited by these regulations;
   2. Omit any act or thing required by these regulations; and
   3. Interfere in any manner with persons in performance of a right or duty granted or imposed by these regulations, maintained, or otherwise initiated in violation of these regulations.

B. **Enforcement.** The City may investigate and initiate proper actions or proceedings to prevent or terminate any activity or condition that is in violation of these regulations, including withhold any permits or licenses, revoke or suspend any permits or licenses previously granted, issue stop work orders, prevent the sale or lease of property, correct or abate the nuisance, withhold any public improvements, or penalize and initiate legal proceedings to prevent the continuance of unlawful actions or conditions.

C. **Penalty.** Any person violating any of the provisions of this code shall be guilty of a misdemeanor, with each day constituting a separate offense, and any owner or other person employed in connection with a violation shall be guilty of a separate offense. Each offense shall be punished by a fine established by Chapter 1, Article IV, General Penalty, of the Fort Lupton Municipal Code. The City shall further have the right to maintain suits or actions in any court of competent jurisdiction for the purposes of enforcing these regulations and to abate any potential nuisance, including preliminary or permanent injunctions. These penalties are not exclusive of any other remedy available under any applicable federal, state or local law, and it is within the discretion of the City to seek alternative and/or cumulative sanctions or remedies.

## Section 1.05 Nonconformities

A. **Intent.** The general policy of the City is to allow uses, buildings and lots that were created legally and in conformance with then-applicable requirements, but that do not conform to the current applicable requirements of these regulations, to continue to be put to productive use. However, it is the City's intent to bring as many aspects of these nonconformities into compliance with current regulations as is reasonably practical. The intent of this section is to balance the interests of property owners in past investments, discourage investment that expands or reinforces non-conforming situations, and promote investment consistent with the Comprehensive Plan and these regulations.

B. **Nonconforming Uses.** Uses that were legally initiated prior to the adoption or amendment of this code, but which could not be continued under the current terms of this code, may continue to exist subject to the following:

   1. The use shall not be expanded beyond any specific area of the site or lot where it was legally established, beyond any existing building or structure, or within any building or structure where any structural changes expand the exterior footprint or building or structure. The Director may consider an exception based on the following findings:

a. The enlargement of the structure or buildings is only to facilitate conforming uses or activities, and does not otherwise allow, encourage or promote expansion or increase impacts of the nonconforming use;
b. The enlargement of the structure or buildings shall not result in conversion of the nonconforming use from a seasonal to a year-round operation or otherwise expand the time of operations; and
c. The enlargement of the structure or buildings complies will all applicable development standards.

2. Any use accessory to a principal nonconforming use shall not be permitted absent the principal use, and continuation of accessory uses shall not avoid any abandonment period for the nonconforming principal use. No additional accessory building or use not present when the nonconforming use was established shall be permitted.

3. If active and continuous operations are not carried on during a period of 60 days, the use shall not be reestablished and all subsequent uses shall be in conformance with the provisions of this code.
a. Intent to resume active and continuous uses shall not count towards reestablishing the use.
b. A nonconforming home occupation shall be considered abandoned if the occupants of the dwelling who were conducting the use discontinue either their occupancy of the dwelling or the non-conforming home occupation.
c. At the time any nonconforming, individual mobile home existing on a private lot is removed or is vacated, the use shall be deemed abandoned and shall not be returned or occupied except in compliance with this code.
d. A change of operator or sale of use shall not be considered discontinued, provided that neither the previous or current business or owner combined to cease operation for 60 days or more.

4. No person shall move a nonconforming use within the same parcel or to another parcel unless the relocation conforms to this code.

5. Any change of use shall be to a conforming use, and at this time the nonconforming use shall be abandoned. The Director may consider and authorize a change to a lessor non-conforming use considering the extent, intensity, or operations of the use, provided it does not otherwise include investments that extend the period that the property is not conforming to this code.

6. Any structure in which a non-conforming use is carried on that is damaged to the extent of more than 50% of the current replacement value shall not be restored to support the non-conforming use.

7. Any new activity that triggers specific site design standards shall require full compliance with that site design standard in order for the nonconforming use to continue, and the presence of a non-conforming use shall not be used to justify not meeting other applicable standards.

C. **Nonconforming Structures.** Structures other than signs that were legally constructed prior to the adoption or amendment of this code, but which could not be constructed under the current terms of this code, may continue to exist subject to the following:

1. Rehabilitation or expansion of the structure that increases the degree of nonconformity is prohibited. Other rehabilitation or expansions may occur provided that they comply with all other requirements of this code; are not detrimental to the purposes, intent and

objectives of the standards; and do not negatively impact development in conformance with this code on adjacent property. In general, no repairs or alterations that exceed 50% of the replacement value of the structure shall be permitted.

2. If damaged by 50% or less of its total replacement cost, the structure may be restored to its original condition if work obtains a permit within 60 days, work is commenced within 180 days, and work is completed prior to expiration of the permit.

3. If the structure is determined obsolete or substandard by virtue of any applicable code beyond this chapter, and the cost of improvement or restoration is 50% or more of the current replacement value, then the right to maintain the nonconformance shall terminate.

4. Structures granted variances from the dimensional standards are not considered nonconforming and are not subject to the limitations of this section, provided that the structure and owner comply with any terms of the variance and the circumstances surrounding the variance have not substantially changed.

D. **Nonconforming Site Conditions.** Any site condition associated with a conforming use or structure (such as parking, landscape, open space or other non-building site characteristic) in existence prior to these regulations, but which are not compliant with the standards of these regulations, may continue to exist subject to the following:

1. Any change of use or expansion of use shall require compliance with the new site standards up to the maximum extent possible, considering the level of investment needed to support the new use and the extent of area being impacted by work to support the new use.

2. Any site development activity on a portion of a site shall require compliance with the new standards up to that proportion that is subject to the development activity. For example, a site that is not compliant with the landscape standards must meet the landscape standards prorated to the portion of the site where development activity occurs, but the remainder of the site may remain nonconforming.

3. Any change of use, building or site design element that triggers a screening requirement shall require 100% compliance with all screening standards applicable to the site.

4. Where any investment is greater than 50% of the current replacement value of the site or can reasonably be interpreted as impacting more than 50% of any one component of the site, the site or that component shall be brought into full compliance with these standards.

E. **Nonconforming Lots.** Any lots platted legally prior to the adoption or amendment of this code, but which could not be platted under the current requirements of this code, may continue to exist provided it complies with this sub-section E. Any difficulties meeting these standards caused by the nonconformance of the lot may be used as criteria in granting any relief to these standards. The size and shape of any nonconforming lot shall not be altered in any way, except to increase the conformity with these regulations

1. Two abutting nonconforming lots shall be considered an undivided single lot for the purposes of accommodating a detached house or other permitted building type if the lots are in single ownership and share a continuous frontage.

2. In any district that allows detached houses, a detached house and customary accessory buildings may be erected on any nonconforming lot not eligible for a lot combination, provided all standards other than lot dimensions standards are met.

3. In any district that does not allow detached houses, the nonconforming lot not eligible for a lot combination may be used for the smallest-scale building type permitted in the district by these regulations, provided all standards other than lot dimension standards are met.

F. **Nonconforming Signs.** Existing signs which do not conform to the specific provisions of these regulations are designated as nonconforming signs. With the exception of signs designated as historic signs by the Historic Preservation Board, nonconforming signs must be brought into compliance with this code or must be removed when any of the following conditions exist:

1. Whenever there is a change in the ownership of the real property upon which the sign is located.
2. When the property or premises upon which the sign is located is vacant for a period of at least 60 days.
3. When a sign and/or sign structure is damaged or destroyed in a monetary amount which exceeds 50% of its total replacement cost or becomes a hazard or potential hazard.
4. When there is a zone change initiated by the business or property owner.
5. When a sign and/or sign structure is abandoned, including empty frames.
6. When an existing structure upon which the sign is located is relocated, replaced, or changed in size, location, height or setback.
7. When the sign itself is relocated, replaced, or changed in size, location, height or setback.
8. The structure or size of the sign is altered in any way except towards compliance with these regulations. This does not refer to change of copy or normal maintenance.
9. When improvements are being made to 25% percent or more of the facade of a building on which a nonconforming sign is located.

G. **Burden of Proof.** The burden shall be on the applicant to establish that the nonconformity was established lawfully and the entitlement to continuation of nonconforming situations or completion of nonconforming projects according to this section. Owners of nonconformities may request a "certificate of legal nonconforming status" by filing an application with the Director, and once issued may record the certificate in the clerk and recorder's office of the county in which the property is located.

H. **Benign Nonconformity.** At the time of any rezoning request, the City may determine that any existing use, site or building within the area affected by the rezoning is a "benign" nonconforming situation if:

a. It would be made illegal by the zoning action;
b. It is determined to have no negative effects on the long-term development within the district, and to abutting uses or potential uses; and
c. It is consistent with the intent of the zoning district in the current location and format.

A benign nonconformance may then be permitted additional rights beyond the standard nonconforming rights of this section, as specified in the specific rezoning ordinance adopted by the City, and subject to the same criteria as a Special Use Permit in Section 2.06.

# Article 2. Applications & Procedures

2.01 General – All Applications
2.02 Platting
2.03 Change of Zone
2.04 Planned Development
2.05 Administrative Site Plan
2.06 Site Plan
2.07 Alternative Compliance
2.08 Special Use Permit
2.09 Variance
2.10 Appeals of Administrative Decision
2.11 Text Amendments
2.12 Vested Property Rights
2.13 Vacation of Rights-of-Way or Easements

**Table 2-1: Procedures Summary**

| | Eligible Applicants | | | Pre-application Conference | Neighbor-hood meeting | Notice | | | Review Body | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Owner | PC | CC | | | Post | Publish | Mail | Staff | PC | CC | BoA |
| ***Administrative Plat*** *(2.02.C)* | ■ | | | ☑ | | | | | D | | A | |
| ***Preliminary Plat*** *(2.02.D)* E | ■ | | | ☑ | ☑ | ☑ | ☑ | ☑ | R | R/PH | D/PH | |
| ***Final Plat*** *(2.03.E)* F | ■ | | | ☑ | | | | | D | | A | |
| ***Change of Zone*** *(2.04)* | ■ | ■ | ■ | ☑ | ☑ | ☑ | ☑ | ☑ | R | R/PH | D/PH | |
| ***Planned Development – Regulating Plan*** *(2.04)* | ■ | ■ | ■ | ☑ | ☑ | ☑ | ☑ | ☑ | R | R/PH | D/PH | |
| ***Administrative Site Plan*** *(2.05)* | ■ | | | ☑ | | | | | D | A | | |
| ***Site Plan*** *(2.06)* | ■ | | | ☑ | | ☑ | | | R | D | A | |
| ***Alternative Compliance*** *(2.07)* | ■ | | | ☑ | | Based on procedures of related application | | | | | | |
| ***Special Use Permit*** *(2.08)* | ■ | | | ☑ | ☑ | ☑ | ☑ | ☑ | R | R/PH | D | |
| ***Variance*** *(2.09)* | ■ | | | ☑ | | ☑ | ☑ | ☑ | | | | D/PH |
| ***Appeal of Administrative Decision*** *(2.10)* | ■ | ■ | ■ | | | -- | -- | -- | | | | D/PH |
| ***Text Amendment*** *(2.11)* | | ■ | ■ | | | | ☑ | | R | R/PH | D/PH | |
| ***Vacation of ROW or Easement*** *(2.13)* | ■ | | | ☑ | | | | | R | R | D | |
| Concept Plan (2.02(D) | X | | | x | | | | | * | * | * | |

☑ = Required
■ = Authorized
PC = Planning Commission
CC = City Council
BoA = Board of Adjustment

R = Review and Recommending Authority
D = Decision Making Authority
A = Appeal of Decision
PH = Public Hearing Required
* No official action is made on a Concept Plan.

## 2.01 General – All Applications

### A. Applications and Fees

1. *Forms.* Applications required under this code shall be submitted to the Planning Department on forms supplied by the Department. The Director is authorized to establish application forms and submittal requirements in order to ensure all applications can be evaluated for conformance with this code. The Director may waive the requirement for any information on standard forms at the time of application, due to the routine nature of the application or due to the context of a particular application making the information inapplicable for review against the criteria.

2. *Fees.* Applications shall be accompanied by a non-refundable fee established by the City Council's Annual Fee Resolution. Any application that does not include the required fee shall be returned to the applicant as incomplete. Fees shall not be required with applications initiated by the staff on behalf of the Planning Commission or City Council.

3. *Eligible Applicants.* Table 2-1 indicates applicants eligible for each particular application under this code, which may include the following:
   a. *Owner*. The record owner of property that is the subject of the application or that owner's agent authorized by written permission of the owner.
   b. *Planning Commission.* The Planning Commission, acting on its own initiative or through recommendations brought to it by city staff.
   c. *City Council.* The City Council acting on its own initiative or through recommendations brought to it by city staff.

B. **Concurrent Applications**. When a project requires approvals under more than one type of application, the Director may determine that each application may run concurrently based on the following:
   1. The similarity of information required for each type of application, or where they require different information, the ability to coordinate information, review criteria and decisions under each application.
   2. The similarity of notice, timing, procedures, meetings and review bodies required for each application.
   3. The ability of the staff and review bodies to make effective decisions when reviewing the applications concurrently.

   In cases where the Director determines applications may run concurrently, the application shall be processed through the highest review level of any of the associated application, and no decision shall be considered final until the last of the related decisions has been made. Staff may request withdrawal of part or all of any application if the application is not progressing according to a coordinated timeline.

C. **Pre-application Meeting.** Pre-application meetings may be requested for any application and shall be required as indicated in Table 2-1. A required pre-application meeting may be waived at the Director's discretion and upon the applicant's request, for any application that is routine in nature and where the topics below can be addressed by general correspondence. Where required, the applicant shall confer with the Director and other city staff or officials designated by the Director, to discuss the general nature of the proposal, including:
   1. How the proposed project meets the goals of the Comprehensive Plan, or other specific plans or policies applicable to the area.
   2. The applicant's vision and understanding of the market for the proposed project.
   3. The proposed uses, general site layout, and conceptual or anticipated design of buildings, including how the project relates to surrounding sites and public spaces.
   4. How the project will contribute to the area and further the intent of the zoning district.

5. Planning and infrastructure impacts, including timing, phasing, or the need for any technical studies or outside agency review.
6. Development review processes and review criteria, and in particular whether any special public information and outreach or specific agency or department reviews are necessary.
7. Opportunities to improve designs or coordinate the preliminary concepts with other private or public investments in the area.

D. **Neighborhood Meeting.** A neighborhood meeting shall be required as indicated in Table 2-1, and for any application involving oil, gas or mineral extraction as specified in Section 10.02. The Director may require a neighborhood meeting for other projects where the nature of the project is particularly complex or presents potential for significant changes and unanticipated impacts on property in the vicinity. Neighborhood meetings shall meet the following:

1. *Timing.* ~~The meeting shall be held at least 10 days prior to the first official public review meeting of the city, but no sooner than 10 days prior to a formal application.~~ The meeting shall be held prior to a formal application but no sooner than 90 days prior to submittal. Planning director may approve an alternative timing.

2. *Location.* The applicant is responsible for coordinating the meeting location, and the meeting shall be held at a public meeting facility within the City, such as a school, community recreation center, or other convenient and accessible meeting center.

3. *Notice.* The applicant is responsible for notification of the neighborhood in the manner and format prescribed by the City on the application forms. The notice may be coordinated with any other official notice required by this code for the application. The applicant shall receive confirmation of the time and location of the meeting from the Director prior to scheduling and notice. Based on need, an alternative method may be approved by the Planning Director.

4. *Content.* The applicant is responsible for all content of the meeting, which at a minimum shall include:
   a. The general nature and scope of the proposed project;
   b. A summary of the proposed land use, including planned or all potential future uses under the request;
   c. The most recent plans and submittals available for the project, depicting the scale, location and design of any buildings and the relation of all site improvements to the streets and adjacent property; and
   d. Identify and explain the subsequent formal review steps with the City, and note that official and formal review by the City may result in changes from the initial concepts.

5. *Summary.* The applicant shall prepare summary minutes of the meeting including evidence of the notice, attendance, content and presentation, issues and discussion summary, and outcomes of the meeting. These minutes shall be included with or supplement formal application.

E. **Staff Review.** Upon receipt of an application, the Director shall take the following steps:

1. *Determination of Complete Application*.
   a. If an application is determined incomplete, the Director shall notify the applicant of the specific ways in which the application is deficient. No further processing of the application shall occur until the deficiencies are corrected. If a deficient application is not corrected within 30 days of the notice, the incomplete application may be considered withdrawn.
   b. If an application is complete it shall be processed for formal review.

2. *Design Review Team.*

a. Specific applications may require review by the Design Review Team (DRT) as established in Section 1.03.A.3, and the Director may determine that any application can be reviewed by the DRT when it affects issues or facilities significant to other departments and outside agencies.
b. The Director may determine if other referral agencies are appropriate based on the application and has discretion to add any other relevant or applicable agency to the list. However, in general the following agencies may be required to review and comment:
(1) Weld County Planning Department
(2) Colorado Department of Transportation
(3) Colorado Division of Wildlife
(4) Gas and electric utilities;
(5) Telecommunications and cable providers;
(6) Public safety agencies (police, fire, EMS, health);
(7) Respective school district(s) in which the subject property is located;
(8) Water and sewer utilities;
(9) Ditch companies;
(10) Special districts; and
(11) Other local, state, or federal government agencies.
c. Failure to receive comments from referral agencies may allow the Director to delay the application. However, if the applicant demonstrates sufficient due diligence in attaining comments, the Director may interpret the failure to comment as consent to the application by the agency.
d. The applicant shall be responsible for coordinating all subsequent requirements or comments, and for notifying any agency prior to final review of any changes that may affect their comments on initial plans.

3. *Staff Comments.* The Director shall coordinate a staff review after receipt of a complete application and may provide the applicant the following information in writing:
a. Comments or recommended changes based on the results of any referral agency comments, neighborhood meetings, or staff review.
b. Any supplemental information necessary to support the application or address any comments or recommended changes.
c. If the applicant chooses not to address any particular comment or recommended change, a written statement shall be included with the resubmittal that demonstrates a good faith effort to address the issue and justify why the comment was not addressed. The applicant may request to schedule the application for official review based on this justification.
d. If the applicant fails to submit revisions or otherwise address any comments from the Planning Department in writing for more than 120 days, the Director may determine the application withdrawn and the review terminated. Any further action will require a new application and fees.

4. *Scheduling.* Applications that have completed DRT and staff review, and addressed any comments or recommended changes, shall be scheduled for further review according to these regulations.

5. *Staff Report.* The Director shall prepare a staff report for applications that require review and decisions by other review bodies. The report shall identify the appropriate policies, plans, regulations and review criteria, and identify relevant facts of the application. The Director shall provide a copy of the report to the reviewing body and to the applicant in association with the public meeting agendas and packets.

F. **Notice.** Notice shall be provided for each application as indicated in Table 2-1, which shall provide the date, time, place of the meeting, and general information on the application including the

location and type of application. Required notice may include the following requirements, in addition to the general agenda publication:

1. *Published*. Where published notice is required, at least 15 days prior to the public hearing or meeting, the Director shall publish the notice.

2. *Posted*. Where posted notice is required, notice shall be posted on the property or near the proposed site, visible to surrounding properties and the general public from adjacent public ways, according to the following:
   a. The Director shall determine the number, type and specific location of signs based on the context of the property and supply the signs.
   b The applicant shall ensure that all signs are posted at least 15 days prior to the public hearing or meeting.
   c. The notice shall state that a land use proposal is under review and contain the contact information for the Planning Department for specific information about the type of application or nature of the project.
   d. The applicant shall make a reasonable good faith effort to maintain posted notice throughout the proceedings.

3. *Mailed.* Where mailed notice is required, the City shall mail notice of the date, time, place of the meeting; the general location of the subject property; the type or general nature of the application; and the location and contact where additional details may be found. Notice shall be sent by regular mail to the following, at least 15 days prior to the hearing or review meeting:
   a. All property owners within 300 feet shown by the records of the county assessor no more than seven days prior to the date of application;
   b. For oil and gas applications, the distance for property owners shall be increased to 1,000 feet;
   c. Where notice is not required, or where notice beyond these requirements is determined necessary at the discretion of the Director, mailed notice to all property owners within 1,000 feet may be required in the following situations:
      (1) Where large parcel sizes on the perimeter of the project result in notification to only immediately adjacent owners;
      (2) Where a large project is more than 1,000 feet in any dimension; or
      (3) Other situations where the Director determines that additional notice may be necessary due to the context or nature of the project causing potential impacts beyond the required notice distance.

4. *Surface Development Notification.* Where mailed notice is required by state statutes for any project related to mineral estate owner identified on the county tax assessor's records or who has filed in the office of the county clerk and recorder a request for notification, the applicant shall be responsible for notice. The applicant shall certify that notice has been provided as required by this code and Colorado law prior to a public hearing, public meeting, or administrative decision.

5. *Additional Hearing or Meeting Dates.* For any application where mailed or published notice is required by this code or Colorado law, and the reviewing authority adjourns or continues to the review to a certain date, time and location, no new notice shall be required.

6. *Failure of Notice.* Any failure of published, posted, or mailed notice shall not invalidate any subsequent process or decision in the Director's discretion. In making this decision, the Director shall consider whether:
   a. Good faith efforts were made to comply with notice, and the failure of notice was beyond the applicant's control;

b. Technical errors in the notice were made, but constructive and actual notice was available to all interested parties; or
c. The failure of notice is not otherwise instrumental to the proceedings, criteria, or record established for the decision.

G. **Public Hearings.** Where public hearings are required by Table 2-1, the following procedures apply:
1. The hearing shall be conducted and a record of the proceedings shall be preserved.
2. Any interested person or party may appear and be heard in person or by agent.
3. The review body may request testimony or a report on the application from any government official or agency, or any other person with information pertinent to the application.
4. A public hearing for which proper notice was given may be continued to a later date without again requiring notice provided in this section if the specific date, time and place of the continued hearing is announced at the original hearing.
5. If the review body is a recommending body, a written summary of the meeting and the recommendation shall be forwarded to the decision-making body.
6. A review body is authorized to establish meeting procedures and bylaws regarding specific conduct and management of public hearings, within the parameters of these regulations.

H. **Action by Review Bodies.** Review bodies shall take the actions indicated in Table 2-1. A review body may take any action on the application consistent with notice given or criteria in this Article, or recommend such action when the review body is a recommending body, including the following:
1. Approve the application.
2. Approve the application, with conditions or modifications that make it more consistent with the standards and approval criteria.
3. Deny the application, with specific reasons for the denial.
4. Continue the application to allow further analysis. The continuation period shall not be more than 60 days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.

I. **Appeals.** Where no appeal is designated in Table 2-1, the decision shall be final and only appealed as authorized by law. Where a review body is designated as the appellate body in Table 2-1, the following appeal procedures apply:
1. Appeals shall be filed with the Director within 15 days of the decision by the decision-making review body.
2. Appeals shall identify the exact provisions in dispute and whether it is incorrect due to one or more of the following:
   a. It was against the express standards of this development code;
   b. It was an unreasonable interpretation or application of the standards or review criteria;
   c. It was erroneous, based on the record and facts reviewed by the decision-making body; or
   d. It was otherwise clearly contrary to law.
3. The following persons and entities shall have standing to appeal the action of the review body:
   a. the applicant;
   b. the City Administrator, on behalf of any public official, department or public body; and
   c. any person who received mailed notice and who testified or entered a statement at a public hearing.

4. The appellate body shall consider the application based on the established record, within 60 days of the date that the appeal was filed. It shall give deference to the previous review body, but may take any action authorized by the decision-making body under this code if it determines that a clear error was made. The procedure and required notice shall be the same as required of the original application.

J. **Technical Studies.** The Director, on behalf of any public official, department, or agency, the Planning Commission, or the City Council, may require applicants to submit technical studies necessary to evaluate the application. Technical review by outside entities with expertise or jurisdiction over some aspects of the application may be required in place of, in addition to, or in association with any studies. Examples of technical studies that may be required include traffic studies, engineering studies, geologic or hydrologic studies, environmental impact assessments, noise studies, market studies, or fiscal and economic impacts. The persons or firms preparing the studies shall be subject to the approval of the Director. The costs of all studies shall be borne by the applicant. Any application that is determined to require technical studies or review from entities outside of the City may require special schedules based on the reasonable time frames to conduct those studies or additional reviews.

K. **Permits.** Upon final approval as specified for each application in this section, applicants may apply for all permits necessary to construct buildings, infrastructure and site improvements. Permits necessary to show full compliance with the standards of this code, other applicable City codes, or other agency requirements or laws may be required.

L. **Successive Applications.** When the review body takes final action to deny an application, the same or a similar application shall not be refiled for one year from date of denial. The Director may permit a refiling of the application sooner than 1 year when it is determined that significant physical, economic or land use changes have taken place within the immediate vicinity, or where a significant text amendment to this code has been adopted that may affect the outcome of the action on the application. There shall be no time limitation on an application that the Director determines is substantially different from a previously denied application, when considering the proposed use, scale or intensity of development, and potential impacts on adjacent property.

## 2.02 Platting

A. **Applicability.** Plat applications are required to design and coordinate streets, open spaces and other civic places with developable lots and buildings; to establish or alter the legal boundaries of property; and to account for public facilities and services, infrastructure, development patterns, or other long-range growth and development considerations prior to potential fracturing of ownership. Plat applications may be initiated by the property owner.

Specifically, plat applications shall apply to:

1. Any division of land into more than one lot or parcel;
2. Any adjustment of previously platted lots that alter the legal boundaries or potential ownership patterns, other than those by operation of law, acquisition by a public entity, or by court order; and
3. Any development on previously unplatted property where access or connections to public infrastructure or public streets will be required, where public or private easements will be required to build infrastructure; or where the development is otherwise determined to impact public or community facilities.

B. **Types of Plats and Applications.** Plat applications are classified and processed as one of two types:

1. *Administrative Plats.* Administrative plats are routine applications such as lot adjustments or land divisions that change legal boundaries but do not significantly alter development patterns or impact public services.

2. *Major Subdivisions.* Major subdivisions are all other land divisions or development impacting development patterns and intensity, rights-of-way, or infrastructure, which require a comprehensive review through preliminary plat and final plat procedures.

C. **Administrative Plat.** Administrative plats shall be processed according to the following criteria and procedures.

1. *Eligibility.* The following situations are specifically eligible for administrative plat processes:
   a. *Lot Line Adjustment*. The alteration of legal boundaries for up to 10 previously platted lots.
   b. *Lot Consolidation.* The consolidation of up to 4 previously platted lots into 3 or fewer lots, provided no resulting lot is larger than two times the size of the largest existing lot or parcel.
   c. *Lot Split.* The division of a previously platted lot into no more than 2 additional lots.
   d. *Plat Correction.* A survey or other legal instrument to correct an error in the legal description or other element of an approved plat; to dedicate, vacate, or alter easements; or to confirm legal boundaries of lots in an approved plat that could only be determined post-construction, such as for duplexes, row houses or condominiums where the units and lots are individually owned.
   e. *Minor Subdivision*. The division of previously unplatted land or of a platted tract into 4 or fewer lots.

2. *Review Criteria.* An application may be approved by the Director if the Director determines that all of the following are met.
   a. No significant increase in service requirements (utilities, schools, traffic control, streets, etc.) or impact on the ability to maintain existing service levels will result.
   b. The application does not alter any zoning district boundaries due to adjustments to any lots.
   c. All resulting lots meet the legal standards of the subdivision regulations and applicable zoning districts.
   d. The lot patterns are compatible with the surrounding area and any previously approved final plat for the subject property. In determining compatibility, the size and dimension of lots, the layout and design of existing subdivisions and rights of way, and the degree of deviation from previous development and the potential impact of this deviation on surrounding property shall be considered.
   e. No other significant issues exist with potential development enabled by the plat that could impact planning policies, development regulations or adjacent property owners.

   Any application not classified as an administrative plat or not meeting these criteria shall be processed as a major subdivision with a preliminary plat and final plat.

3. *Review Procedures.* In addition to the general requirements in Table 2-1 and Section 2.01, the requirements in this sub-section apply to administrative plat applications.
   a. If the Director determines at any point in the process that the application is not eligible for an administrative plat, or is otherwise trying to evade the major subdivision process, the Director may deny the application and require the applicant submit a new application as a major subdivision.

b. The Director shall make the final decision on administrative plats, and the decision may be appealed to the City Council.
c. Any administrative plat that includes right-of-way or other public dedication shall be approved by the Planning Commission and the dedication accepted by City Council.

4. *Effect of Decision.* Approval of an administrative plat shall create a vested property right according to Section 2.12. The City Clerk shall cause the approved administrative plat to be recorded with county clerk and recorder. Any administrative plat not recorded within the periods established in Section 2.12 shall expire.

Insert new section 2.02(D) Major Subdivision - Concept Plan.

~~D~~. E **Major Subdivision – Preliminary Plat.** Any subdivision not eligible as an administrative plat is a major subdivision that shall require approval of a preliminary plat. A preliminary plat shall be processed according to the following specific procedures.

1. *Applicability.* The preliminary plat provides detailed planning review of development patterns, street networks, block and lot layout, and the ability to meet public facility and utility requirements for future development, prior to preparation of detailed construction and engineering plans. The Director may allow a preliminary plat and final plat to be processed simultaneously for more routine applications, provided the submittal requirements and criteria for both applications can be met. For any application that is particularly complex, the Director may require or the applicant may elect to first submit a concept plan for public review by the Planning Commission and City Council prior to official submittal. Review of a concept plan shall not require any approval, but merely provides general consensus and offers the applicant direction for preparing a formal preliminary plat.

2. *Review Criteria.* A preliminary plat shall be reviewed according to the following criteria.
a. The application is in accordance with the Comprehensive Plan, and in particular, the physical development patterns and concepts of the plan.
b. The development and infrastructure is arranged in a manner to minimize impacts on geologic hazards, environmentally sensitive areas, wildlife habitat, or other natural features of the land.
c. The arrangement and proposed design of streets, open spaces, and blocks meet the development and design standards of the subdivision regulations, and are coordinated with existing or potential development on adjacent property.
d. The proposed blocks and lots are capable of meeting all development and site design standards of the applicable zoning district.
e. The application demonstrates a preliminary likelihood of being able to meet the design, construction, performance, and maintenance requirements for all required improvements.
f. Any phasing is clearly indicated and demonstrates a logical and coordinated approach to development, and the timing, location, and construction of amenities is consistent throughout phases.
g. Any impacts identified by specific studies or technical reports, including a review of storm water, are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.
h. The design does not impede the construction of anticipated or planned future public infrastructure or other development within the area.
i. The recommendations of professional staff or any other public entity or review agencies asked to officially review the preliminary plat.

3. *Review Procedure.* In addition to the general requirements in Table 2-1 and Section 2.01, the requirements in this sub-section apply to preliminary plat applications.
   a At the pre-application meeting, and based on the size, scope and impact of any future development anticipated or pending with the request, the applicant shall propose how to coordinate the Neighborhood Meeting according to Section 2.01.D., and any additional notice of meetings or hearings necessary for the formal review.
   b Any application that is particularly complex or involves significant planning and design issues, may be coordinated with a Change of Zone in Section 2.03 or a Planned Development in Section 2.04 prior to official submittal of a preliminary plat.
   c. After review by staff, receipt of any comments from referral agencies, and any necessary resubmittal, the Director shall schedule review by the Planning Commission.
   d. The Planning Commission shall hold a public hearing and make a recommendation to the City Council on the preliminary plat. Any street included in a major street plan approved by the Planning Commission shall not be accepted unless it is first approved by the Planning Commission in a preliminary plat or other capital improvements review.
   e. After a recommendation by the Planning Commission, the preliminary plat shall be scheduled for a public hearing at the City Council for approval and acceptance of all public lands or proposed facilities. Any street or public improvements in any street not approved by the Planning Commission shall only be accepted by a two-thirds approval of the City Council.
   f. Provided no substantive changes are made between approval of the preliminary plat and acceptance of public lands and facilities by the City Council and final engineering in association with a final plat, a final plat may be administratively approved by staff according to subsection 2.02.E

4. *Effect of Decision.* The approval of the preliminary plat does not constitute an acceptance of the subdivision but authorizes preparation of the final plat.

5. *Term of Expiration.* The approval of the preliminary plat shall be effective for two years, except that any submittal of final plat for any phases indicated on a preliminary plat shall stay the two-year period, and approval of the final plat shall restart a new one-year period for remaining portions of the preliminary plat. The Director may grant an extension of this period for up to one year, if the applicant demonstrates substantial progress towards the design and engineering requirements necessary to submit a final plat.

F ~~E.~~ **Final Plat.** After approval of the preliminary plat, the applicant may submit a final plat for all or for portions of the preliminary plat area subject to a phasing plan approved with the preliminary plat. A final plat shall be processed according to the following specific procedures.

1. *Review Criteria.* A final plat shall be reviewed according to the following criteria, as well as all criteria applicable to the preliminary plat review.
   a. The layout and design of the final plat is substantially consistent with the approved preliminary plat considering the number and size of lots and out lots; the block layout, street designs and access; the open space systems and civic design elements; the infrastructure systems; or other elements of coordinated developments. Deviations made necessary due to the further detail in planning, design and engineering, and which meet the standards of this code, are generally considered “substantially consistent” with the preliminary plat.

b. The construction plans for any utilities, infrastructure or public facilities meet all technical specifications.
c. All required improvements, dedications, fees, financial guarantees, and maintenance guarantees are provided.
d. The phasing and timing of public improvements ensures construction and performance guarantees. Any phasing that meets an approved preliminary plat is presumed acceptable. Any deviations of the final plats from an approved phasing plan shall not alter the timing or coordination of required improvements or amenities in the approved preliminary plat.
e. The recommendations of professional staff or any other public entity asked to officially review the final plat.
f. Deviations in the final plat from the approved preliminary plat may be approved if staff determines that the change:
    (1) Complies with all applicable zoning standards, subdivision design standards, and meets the intent and design objectives of those standards.
    (2) Does not increase the impact of any development on required improvements beyond the capacity for required improvements identified in the preliminary plat;
    (3) Does not impact any condition of the Planning Commission or City Council associated with the approval of the preliminary plat;
    (4) Is generally consistent with development concepts in the preliminary plat in terms of land uses, scale, and intensity of development, and in no case changes the number of lots, dwelling units, buildings, or sizes of blocks and open spaces by more than 10 percent; and
    (5) If technical studies were required with the preliminary plat, the author of the study shall submit an amendment noting that the change does not impact any findings of the study.
g. Any other changes to the preliminary plat, including significant changes in the phasing or dedication of public lands and rights-of-way, may require approval and acceptance of the City Council.

2. *Review Procedure.* In addition to the general requirements in Table 2-1 and Section 2.01, the requirements in this section apply to final plat applications.
    a. The applicant shall identify all improvements to be constructed, either according to the required improvements listed in this code or by a specific agreement for the project. The applicant shall submit final plans and specifications for these improvements, and ensure construction of these improvements of financial guarantees as provided in Section 3.04.
    b. The staff shall review the final plat for conformance with the planning and design elements, and the engineering specifications, and a final plat that meets these criteria shall be approved.
    c. A final plat that does not meet these review criteria may require reprocessing as a revised preliminary plat.
    d. The Director shall make the final decision on final plats, and the decision may be appealed to the City Council. The City Council may make any decision based on these criteria, except that any street or public improvements in any street not approved by the Planning Commission on the preliminary plat shall only be accepted by a two-thirds approval of the City Council.

3. *Effect of Decision.* The approval of the final plat shall create a vested property right according to Section 2.12, and shall complete the City's acceptance of the dedication of land for public purposes indicated in the approved preliminary plat. Approval may be conditioned upon payment of all other applicable fees or execution of all applicable

agreements prior to recording. Once approved and all conditions are satisfied, the City Clerk shall cause the approved final plat to be recorded with the county clerk and recorder. Any final plat not recorded within the periods established in Section 2.12 due to failure of the applicant to meet conditions, shall expire. No building permit shall be issued until the completion, inspection and acceptance of all required improvements.

## 2.03 Change of Zone

A. **Applicability.** The change of zone process provides review of changes to the boundary of zoning districts (rezoning) that may be necessary to implement the Comprehensive Plan, to account for changed conditions in the general area, or to reflect a change in policies with respect to future development. Application for a change of zone may be filed by the property owner, the City Council, or the Planning Commission, or by Staff on behalf of these city entities.

B. **Review Criteria.** Review, recommendations, and decisions for a proposed change of zone shall be based on the following criteria.

1. The proposal is in accordance with the goals and objectives of the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan.
2. The proposal will enable development in character with existing or anticipated development in the area considering the design of streets, civic spaces and other open space; the pattern, scale and format of buildings and sites; and the compatibility and transition with other complementary uses and development.
3. Whether the area has changed since the existing zoning has been in place, or is it changing to a degree that it is in the public interest to rezone the property.
4. The City or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed district.
5. The change will serve a community need, provide an amenity or accommodate development that is not possible under the current zoning or that was not anticipated at the time of the initial zoning of the property, making the proposed zoning more appropriate than the current zoning.
6. Any reasonably anticipated negative impacts on the area or adjacent property either are mitigated by sound planning, design and engineering practices or are outweighed by broader public benefits to the surrounding community.
7. The recommendations of any professional staff or advisory review bodies.

C. **Review Procedure.** In addition to all applicable general procedures in Table 2-1 and Section 2.01, the following specific procedures shall apply to change of zones.

1. Applications may be accompanied by any preliminary plat, site plan, master plan or other development concepts necessary to review conformance with the Comprehensive Plan.
2. The Director shall coordinate review of the application with the Design Review Team per section 2.01.E.
3. After receipt of all comments from the Design Review Team or any necessary referral agencies, the applicant shall meet with the Director to review the recommendations of the agencies, and schedule the application for review by the Planning Commission.
4. The Planning Commission shall hold a public hearing and shall make a recommendation to the City Council. Upon a recommendation from the Planning Commission, the City Council shall hold a public hearing and make the final decision on a change of zone.
5. The City Council may recommend the application be returned to Planning Commission for further study or additional information at its next regular meeting. Failure by the Planning Commission to consider or revise its recommendation shall be considered a resubmission of its original recommendation.

6. The Planning Commission may recommend, or City Council may approve, a lessor change than was proposed in the notice, whether in extent of property or project area, or to a zoning district that permits a lessor scale and intensity of uses or other development standards.
7. Approval of a change of zone shall be by ordinance approved by the City Council.

D. **Effect of Decision**. Upon approval of a change in the district boundaries, the City Clerk shall record a copy of the ordinance approving the zone change with the county clerk and recorder. The applicant shall pay all required recording fees. The Director shall make the change on the official map by an actual change or other record identifying the ordinance with the associated property. The zoning shall remain in effect unless changed by the City Council according to the procedures in these regulations.

## 2.04 Planned Development

A. **Applicability.** The planned development process is intended for development concepts that require a higher degree of specific planning based on the scale and complexity of the project. It is a type of change of zone, but is based on a specific and integrated development plan. The process affords flexibility in the standards to improve the relationship of the project to the context, and to better meet the purpose, intent and objectives of this code. Application for a planned development may be filed by the property owner, the City Council, or the Planning Commission, or by staff on behalf of these city entities.

A development plan shall include sufficient area to implement planning concepts that generate broader public benefits only be gained from flexible application of the standards, and not simply be used to justify deviations for single projects or on a site-specific basis. Smaller additions to previously approved development plans may be considered an amendment to that plan if used to integrate projects into the previous plan.

B. **Development Plan.** A development plan is a specific plan for coordinated development of the entire area. The purpose of a development plan is to allow preliminary review of a proposed planned development before substantial technical work has been undertaken, but also to grant flexibility and establish expectations for development based on planning and urban design assurances reflected in the plan. A development plan shall generally include:

1. *Illustrative Plan.* An illustrative plan presents the vision for the project. It identifies and relationship of general land use categories and distinct areas of the plan; the arrangement and character of streets and open spaces; and the anticipated scale, intensity and character of development through maps, conceptual illustrations, and statements on the intent and objectives for the project. An illustrative plan shall indicate why the flexibility requested is justified by the plan and how it could not be easily achieved by other zoning designations.

2. *Existing Conditions.* Existing conditions provide the current situation on the property. It includes an analysis identifying the general layout of any existing structures, streets or infrastructure; the location of natural features such as watercourses, steep grades, significant stands of trees, specimen trees or other significant or sensitive features; and the presence and relationships to these same conditions on adjacent property.

3. *Development Framework Plan*. A development framework plan is a design plan for the public realm. It outlines the location, design characteristics, and functions of all proposed streets, blocks, and open and civic spaces – whether public, common or private – that will

create the development framework for the plan. A development framework plan that includes all of the elements for a preliminary plat in Section 2.02.D may be proposed as an official application for a preliminary plat.

4. *Regulating Plan.* A regulating plan becomes the zoning map for the specific project. It is a plan indicating the specific land uses and their density/intensity; the block and lot patterns, and where transitions in use or intensity occur; and the building types and scale, design characteristics, and other building and site design elements allowed in each area. The regulating plan shall be based on the most comparable base zoning district(s), but specifically identify where development standards or uses may differ from those that would otherwise be applicable through the zoning district(s) and general development requirements of this code. This plan shall also include the requirements for a change of zone of Section 2.03.

5. *Phasing or Implementation.* Phasing or implementation indicates a strategy and estimated timing of development, and any other administrative details of implementing the plan through future final plats and site plans. Any phasing shall be consistent with, but may be more detailed than, the phasing associated with the preliminary plat or development framework plan.

6. *Detail Plans.* The development plan may include detail plans and specifications such as renderings, elevations or plans of buildings, streetscapes, and public spaces or other urban design and architectural details demonstrating how the plan will be executed according to the vision and proposed development standards.

C. **Review Criteria**

1. *New Planned Developments.* Review, recommendations and decisions for newly proposed planned development shall be based on the following criteria:
   a. The plan better implements the Comprehensive Plan, beyond what could be accomplished under application of general zoning districts and development standards.
   b. The benefits from any flexibility in the proposed plan promote the general public health, safety and welfare of the community and surrounding areas, and the proposed flexibility is not strictly to benefit the applicant or a single project.
   c. The flexibility in the proposed plan allows the project to better meet or exceed the intent statements of the base zoning district(s).
   d. The proposed adjustments to the standards do not undermine the intent or design objectives of those standards when applied to the specific project or site.
   e The plan reflects generally accepted and sound planning and urban design principles with respect to applying the goals and objectives of the Comprehensive Plan to the area.
   f. The plan meets all of the review criteria for a change of zone in Section 2.03.B.

2. *Minor Amendment to PUDs.* Minor amendments to existing PUDs, whether approved under this code or the prior code, may be approved by the Director, provided it meets the all of the criteria for the initial approval of the PUD, and is limited to the following:
   a. Any change in the number of housing units, change in lot sizes or dimensions, or increase in the land of non-residential uses is less than 5%.
   b. There is no decrease in the amount of open space or other reduction of amenities from the approved plan.
   c. Any change in a building location is no more than 10% of the approved distance to adjacent property lines.

d. Any change in the height or square footage of buildings is no more than 10% of the approved measurements.
e. Any change in a design standard meets the criteria for alternative compliance in Section 2.07.
f. Changes to the boundaries of any planning areas do not change the boundaries of the PUD, do not alter the mix of uses by more than 10% in land area or square footage, and otherwise reflect a similar land use plan.
g. The proposed change is consistent with concept plans in the previously approved planned unit development.
h. The plan otherwise meets all of the review criteria for administrative site plans in Section 2.05.

3. *Major Amendment to PUDs & Conversions.* Changes to previously approved PUDs that exceed allowances for minor amendments, or conversions of PUDs approved under a prior code to the provisions of this code, may be proposed for a portion of the area under the following criteria:
(a) The proposed change does not create potential impacts on other property in the PUD that are greater than would typically occur in similar zoning districts or contexts; and
(b) The process and criteria for the initial approval of a PUD are met.

D. **Review Procedure.** The following specific procedures supplement the general procedures in Section 2.01 and Table 2-1 applicable to planned developments:
1. The planned development process involves at least two steps: the development plan establishing the zoning and any necessary deviations (Illustrative Plan, Existing Conditions, Development Framework Plan, Regulating Plan, and Phasing); and platting and site plans for specific components of the development plan. However, based on the complexity of projects and degree of advanced planning and urban design necessary for a project, the Director may require, or the applicant may elect, breaking the review of the elements of a development plan in subsection B. into more than two steps to review concepts and preliminary designs prior to approval of the full development plan.
2. The planned development application is a type of Change of zone and shall follow the procedures in section 2.03.C for change of zones.
3. In most cases, land will need to be subdivided in order to carry out a development plan. The platting process is a separate process but may run concurrently with the planned development process, as specified in Section 2.01.B.

E. **Effect of Decision.** Approval of a planned development shall constitute acceptance of the overall planning concepts and development parameters, and may constitute additional rights as specified below.

1. *Illustrative Plan.* Approval of the illustrative plan and existing conditions without any other plans shall only mean that the basic concepts are agreed to in principle as conforming to the intent of the Comprehensive Plan and any other plans or policies created under the guidance of that plan. In association with approval of the other plans, approved illustrative plans serve as a more specific representation of the intent and policy objectives for the area.

2. *Regulating Plan.* Approval of the regulating plan, in association with the other components of the development plan, shall have the same effect as a change of zone specified in Section 2.03.D. Sites governed by an approved regulating plan shall be designated on the Official Zoning Map with the letters of the proposed base zoning district plus “P” (planned). (For example, where a portion of the development plan uses

the R-1A, R-3 and the C-1 base zoning districts, the zoning of each area of an approved regulating plan shall be R-1A-P, R-3-P, and C-1-P respectively.)

3. *Development Framework Plan.* Approval of a development framework plan shall only mean that the basic development patterns and infrastructure concepts are agreed to in principle as conforming to the intent of the Comprehensive Plan and any other plans or policies created under the guidance of that plan. However, approval of a development framework plan may have the same effect as approval of a preliminary plat as specified in Section 2.02.D.3., provided it includes or is accompanied by information required for preliminary plats.

4. *Final Development.* Prior to applying for permits for final development, any project included as part of a planned development shall first require approval of a final plat and a site plan or administrative site plan as provided in these regulations. In addition to all other information and criteria required for those applications, submittals under an approved planned development shall include all necessary information to demonstrate that all applicable standards, requirements, and conditions of the development plan have been met.

F. **Duration of Plan.** A development plan shall lapse and be of no further force and effect if a final plan (all of applicable final plat, site plan or administrative site plan) for specified phases has not been approved within three years of the date of approval of the development plan. Approval of final plans for a portion of the plan shall renew this period. The City Council may approve an extension of a development plan for up to two additional years. The City and applicant through a development agreement or approved phasing plan may establish timelines different from this as authorized by state laws.

## 2.05 Administrative Site Plan

A. **Applicability.** The administrative site plan ensures that routine development projects meet the development and design standards of this code, and all other standards applicable to the property. Due to the scale or complexity of these projects, or design issues that potentially impacts on adjacent property, review beyond the standards building permit and zoning/design review is needed. Administrative site plans may be initiated by the property owner.

The administrative site plan process specifically applies to any of the following:

1. New detached houses or multi-unit houses where 3 or more buildings are proposed.
2. Expansion or alterations to an existing multi-family or non-residential building that alter the footprint~~, massing or facade design~~ by less than 20%.
3. A change of use that is potentially more intense than the existing use, or that could otherwise trigger associated site development activity, such as parking, access, landscape, or screening.
4. Any site development activity that expands the existing impervious surface less than 25%.
5. Minor changes to the site access and circulation that do not significantly alter the streetscape design or traffic conditions near the site.
6. Any other changes to existing buildings that significantly alter the exterior appearance, or elements impacted by the design standards in Sections 5.03 or 6.03. This excludes ordinary maintenance but may include things such as re-facing or changing exterior materials, altering the composition of the façade by changing patterns of windows and doors, or altering the form or mass of the buildings.

v nonresidential structure.

e #2 - Expansion or n to an existing multi- r non-residential that alters the g or facade design by an 20%

The Director may determine that any application meeting these eligibility criteria still presents significant change or potential impacts on the area, or presents substantial interpretation questions on the application of development standards or review criteria, and is not eligible for the administrative site plan process. These plans shall be reviewed through the site plan procedures in Section 2.06.

B. **Review Criteria.** In general, any administrative site plan in compliance with all requirements of this code shall be approved. In making a determination of compliance, administrative site plans shall be reviewed according to the following criteria:

1. The application meets all applicable standards of this code or the criteria for any discretionary approvals.
2. The application is consistent with or meets the intent of all prior approvals and conditions associated with the project.
3. The plan does not directly conflict with the intent or design objectives of any applicable standard in this code.
4. The application can reasonably be assumed to meet the criteria for all subsequent permits and reviews needed to build the project as proposed.

C. **Review Procedures**. In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements apply to administrative site plan applications:

1. The Director shall review the application and determine if the review of any other department or agency is required.
2. If at any time in the process the Director determines that the application is not eligible for an administrative site plan, the Director may deny the application or process the application for review as a site plan according to Section 2.06.
3. The Director shall make the final decision on administrative site plans, and the decision may be appealed to the Planning Commission under the procedures and criteria in Section 2.06.

D. **Effect of Decision.** Approval of an administrative site plan creates a vested property right as specified in Section 2.12 and shall authorize the applicant to apply for a building permit and other applicable permits.

## 2.06 Site Plan

A. **Applicability.** The site plan process provides for review of projects that may present a substantial change to the area for compliance with the standards. It coordinates development projects with the public realm and with adjacent sites, including compatible arrangement of buildings, pedestrian and vehicle access, site design, lighting and landscaping. Site plans may be initiated by the property owner.

The site plan process specifically applies to:

1. Any new ~~building~~ principal, except detached houses and ~~multi-unit houses~~ duplexes.
2. Any expansion or alteration to an existing multi-family or non-residential building that alters the footprint~~, massing or facade design~~ by 20% or more.
3. Any change or intensification of use that could increase anticipated traffic counts by 20% or more.
4. Any site development activity that expands the existing impervious surface by 25% or more.
5. Any changes to the site access and circulation, or other development requirements that significantly impact streetscape design or existing traffic conditions near the site.

B. **Review Criteria.** In general, any site plan in compliance with all applicable standards of this code shall be approved. In making a determination of compliance with the standards applied to a particular site, the following criteria shall be considered:

1. *Generally.*
   a. The plan meets all applicable standards or the criteria for any discretionary approvals.
   b. The plan does not substantially undermine any goals or objectives of the Comprehensive Plan that are applicable to the area or specific project.
   c. The plan does not present any other apparent risks to the public health, safety or welfare of the community.

2. *Site Design and Engineering.*
   a. The plan provides safe access and internal circulation considering the site, the block and other surrounding connections, and appropriately balances vehicle, bicycle and pedestrian needs for the context.
   b. The plan provides or has existing capacity for utilities and other required improvements to serve the proposed development.
   c. The plan provides adequate management of storm water runoff.
   d. The plan provides proper grading considering prevailing grades and the relationship to adjacent sites.

3. *Landscape and Open Space Design.*
   a. The plan creates an attractive aesthetic environment and improves relationships to the streetscape or other nearby public, civic or common spaces.
   b. The plan enhances the environmental and ecological functions of un-built portions of the site, and makes effective use and conservation of water resources.
   c. The plan reduces the exposure and adverse impact of more intense activities or components of the site or building on the streetscape and on adjacent properties.

4. *Building Design.*
   a. The location, orientation, scale and massing of the building creates appropriate relationships to the streetscape and to adjacent properties.
   b. The selection and application of materials will promote proper maintenance and quality appearances over time.
   c. The building reinforces the character of the area and reflects a compatible architectural relationship to adjacent buildings. Specifically, if there is any consistency or commonality in the scale, proportion, forms and features, and materials of adjacent buildings, they inform choices on the proposed building.

C. **Review Procedure.** In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to site plan applications:

1. At the applicant's discretion, and as part of the pre-application steps, the applicant may present a preliminary or conceptual site plan. This may be used to confirm interpretations, test basic concepts and standards, or review options for a proposed project.
2. The Director shall coordinate review of the application with the Design Review Team or any necessary referral agencies, per section 2.01.E.
3. The Director may request revisions or resubmittal of the site plan based on staff or referral agency comments.
4. After review by the Director, and any necessary resubmittal, the Director shall schedule the site plan for review by the Planning Commission. For any application that presents a substantial land use change or is of a scale and intensity that may impact surrounding

properties in a manner different than existing development in the area, the Director may require that notice of the Planning Commission meeting be provided to surrounding property owners.

5. A decision by the Planning Commission may be appealed to the City Council.

D. **Effect of Decision.** Approval of a site plan creates a vested property right as specified in Section 2.12 and shall authorize the applicant to apply for a building permit and other applicable permits.

E. **Minor Amendments.** The Director may approve minor amendments to an approved site plan provided the changes do not:

1. Increase the proposed residential density my more than 5%, or the non-residential floor area by more than 10%.
2. Increase the building footprint by more than 5%.
3. Increase the building height by more than 20% or 1-story, whichever is less.
4. Increase the impervious surface by more than 10%.
5. Change the design of the plan to substantially and negatively alter:
   a. pedestrian or vehicle access;
   b. relationships of constructed elements to adjacent property;
   c. landscape and open space designs; or
   d. the architectural appearance of buildings.
6. In all cases the change meets all applicable development standards for the site and does not negatively impact any criteria or conditions of the original approval.

## 2.07 Alternative Compliance

A. **Applicability.** The alternative compliance process provides limited flexibility in the application of design standards so that the best design solution may be applied to a particular context or site. . It ensures that projects meet the intent and design objectives of the standards of this code, but allows for relief from strict application of the standards where an equal or better design solution is possible. Alternative compliance shall not reduce requirements of this code, but provide equivalent standards applied in a site-specific or creative way. Alternative compliance applications may be initiated by the property owner.

Specifically alternative compliance shall be applicable for any of the following:

1. Street design standards in Section 3.01.
2. Open space design standards in Section 3.02.
3. Residential development and design standards in Sections 5.02 and 5.03;
4. Non-residential design standards in Sections 6.02 and 6.03;
5. Access and parking standards in Article 7;
6. Landscape & site design standards in Article 8; and
7. Sign standards as provided in Section 9.08.

B. **Review Criteria.** The following criteria apply to any application that is proposing alternative compliance to any of the standards.

1. Specific conditions of the site make compliance with the standard impractical, or meeting the standards would clearly not advance the intent or design objective of the standard.
2. The proposed alternative equally or better meets the intent or design objective of the standards.
3. The alternative does not undermine any other standards, or create additional negative impacts on adjacent sites.

4. The alternative shall not alter any use standard in a manner that permits a use that would otherwise be prohibited.
5. The alternative is not strictly for the convenience of a specific project, but is justified under any of the following broader community benefits:
   a. Aesthetic considerations that permit better coordination of the lot and building with the established character of the specific area;
   b. Improved environmental performance;
   c. Enhanced pedestrian or bicycle accommodations, or better civic space design;
   d. Adaptive reuse of an existing building or infill on an existing lot that otherwise would not occur.
   e. Better serves public health and safety considerations.
6. The deviation is the minimum necessary to address the circumstance. Except where the specific standards establish different limits on alternative compliance, the deviation from any standard is limited to:
   a. No more than a 15% deviation from the required standard on any application requiring the Administrative Site Plan process in Section 2.05. However, staff may approve deviations up 25% of the required standard where the Director, City Attorney, and Chairperson of the Board of Adjustments approve the variation based on these criteria and a demonstrated hardship unique to the property.
   b. No more than a 25% deviation from the required standard on any application requiring Planning Commission approval through the Site Plan process in Section 2.06.
   c. Any other deviation may only be approved through the Variance process and criteria in Section 2.09.

C. **Review Procedures.** Applications for alternative compliance may be submitted independently in advance of a subsequent required plan, provided there is sufficient information to evaluate the application according to the criteria. Alternatively, an application for a alternative compliance may be submitted with an administrative site plan or site plan, provided that specific standards for which alternative compliance is proposed are clearly called out as a separate issue and decision in the application materials.

D. **Effect of Decision.** Approval of alternative compliance shall be indicated by a written statement of the Director or Planning Commission, which shall be submitted with and clearly called out on any subsequent submitted plans. It shall authorize deviation from the standards only to the extent demonstrated on the approved plans. The approval shall only be valid for one year from the written statement, or for the time period of any associated or subsequent approved plans. Denial of an alternative compliance request may be appealed as provided in Section 2.10, Appeals of Administrative Decisions.

## 2.08 Special Use Permit

A. **Applicability.** A special use permit provides flexibility for different uses within a zoning district and allows the potential for additional uses subject to specific conditions. These uses are not generally appropriate throughout the district, but due to the varying design and operational characteristics of particular application of the use, or due to conditions in the area where the use is proposed, they may be considered appropriate based on a case-specific review. Special use permits may be initiated by the property owner.

This process is specifically applicable to uses identified as special uses in particular districts as indicated by the Use Table in Section 4.02. Similar or compatible uses as determined by the Planning Director may be permitted as special uses as set forth in the section.

B. **Review Criteria.** A special use permit shall be reviewed according to the following criteria:

1. All criteria for site plan review in Section 2.06.B. are met.
2. The application furthers the intent of the proposed zoning district and is otherwise determined to be consistent with the Comprehensive Plan.
3 Any associated site development or construction complies with requirements of this code, including any conditions or additional requirements identified for the particular use.
4. Compatibility with the area in terms of operating characteristics such as hours of operation, visible and audible impacts, traffic patterns, intensity of use as proposed or foreseeable, and other potential impacts on adjacent property.
5. Whether any additional site-specific conditions are necessary to meet the purposes and intent of this code and the intent or design objectives of any applicable subsections of this code, or to mitigate any other potential impacts that are specific to the proposed use.
6. Whether a limited time period for the permit is reasonably necessary to either limit the duration of the use, assess the use against changing conditions in the area, or ensure periodic reporting and ongoing enforcement of the permit.
7. The long-range plans applicable to the site and surrounding area are not negatively impacted considering the permanence of the proposed use, the permanence of existing uses in the area, and any changes in character occurring in the area.
8. The recommendations of professional staff or other technical reviews associated with the application.

C. **Review Procedure.** In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to special use permit applications.

1. Applications may be accompanied by site plan where it is necessary to review conformance with standards of this code and any performance criteria for the particular uses.
2. The Director shall coordinate review of the application with the Design Review Team and any necessary referral agencies, per section 2.01.E.
3. The Director may request revisions or resubmittal of any application materials, based on staff and referral agency comments.
4. After review by the Director, and any necessary resubmittal, the Director shall schedule the special use permit for review by the Planning Commission.
5. The Planning Commission shall hold a public hearing and shall make a recommendation to the City Council. Upon a recommendation from the Planning Commission, the City Council shall review the application and make the final decision on the Special Use Permit.
6. The Planning Commission may recommend any additional conditions on the use including the physical site or development conditions, limitations on operations, conditions of ownership and maintenance, time limitations or periodic reviews, or any other limitation it feels necessary to ensure the application meets the criteria in this location. The City Council may accept these recommended conditions, modify the conditions, or approve any other conditions it feels necessary to ensure the application meets the criteria in this location.

D. **Effect of Decision.** Approval of a special use permit shall authorize the applicant to apply for a building permit and other applicable development or construction permits. Except where specific standards of this code or the permit process establish a different period for acting on an approved special use permit, approval shall be valid for one year, and the Planning Commission may grant a one-year extension. Any application not acted upon according to the approval and conditions within this period shall be void. (This period requiring action on an approved special use permit is distinct from any duration that is the condition of an approval, which may limit the duration of the use and require periodic review and renewal of the special use permit.) A special use permit may be revoked by the City through the same procedures granting the use, upon a finding that the

conditions of approval have not been met, or that the use has otherwise violated the provisions of this code.

E. **Amendments to Existing Special Use Permits.** Any amendment to a special use permit that does not constitute a minor amendment shall require the same process as the original approval. A minor amendment may be approved by staff and may include the following:

1. A change of ownership provided all conditions and criteria of the permit are met, and provided the new owner demonstrates the likelihood to continue to comply with all standards.
2. Any change to any associated site plan provided it meets the minor amendments in Section 2.06.E, and does not violate any required conditions of the approval.
3. A change in operations that is otherwise determined by the Director to not have a significant impact on any adjacent property and is otherwise consistent with the criteria and conditions for approval of the original special use permit.

## 2.09 Variance

A. **Applicability.** A variance is a process to provide relief from a strict interpretation of the zoning and site design and development standards of this code, which when applied to a particular property and in a specific context would create practical difficulties or unnecessary hardship on all reasonable use of the property. This application shall only apply to the design, dimension and other site development standards of this code and shall not be used to authorize a use that is prohibited by the applicable zoning district. Variances may be initiated by the property owner.

B. **Review Criteria.** A variance shall be reviewed and approved only on the finding that all of the following conditions are met:

1. The requested variance arises from exceptional physical conditions that are unique to the subject property, that are not ordinarily found in the same zoning district, and that are not created by the property owner or those acting on behalf of the property owner;
2. The strict application of the provisions of the zoning regulations for which the variance is requested will constitute an unnecessary hardship upon the property owner, hindering the ability to legally use or construct upon the property. Economic considerations alone shall not constitute an unnecessary hardship if a reasonable use for the property exists under the standards of this code;
3. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
4. The variance desired will not adversely affect the public health, safety, or general welfare;
5. Granting the variance would not alter the essential character of the surrounding neighborhood, and the general spirit of the ordinance and intent of the standards will be maintained; and
6. The requested variance is the minimum necessary to relieve the conditions and permit reasonable use of the property.

C. **Review Procedures.** In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to variance applications:

1. The concurring vote of four members of the Board of Adjustment shall be necessary to grant a variance.
2. In granting a variance, the Board of Adjustment may impose conditions and requirements that best assure the criteria for approval are in place and maintained, and any violation of these conditions shall be considered a violation of the ordinance.
3. The Board shall issue all decisions in writing, including the grounds for its decision based on findings of fact regarding each criteria, within 15 days after the decision has been made at a public hearing.

D. **Effect of Decision.** No decision shall become effective until it is recorded with the county clerk and recorder. Upon filing with the county, the applicant may proceed with any necessary approvals or permits authorized in the variance. A variance shall run with the land to extent the zoning of the subject property remains in place. Any decision not acted on within one year of the decision by the Board shall expire, except that the Director can allow a one-year extension if the zoning and conditions affecting the variance have not changed since the decision. Any person aggrieved by a final decision of the Board of Adjustment may appeal the decision to the district court of the county with jurisdiction, within 30 days of the final decision.

## 2.10 Appeal of Administrative Decision

A. **Applicability.** The appeal of administrative decisions is a process to determine if there was an error in any final decision made by an administrative official of the City in the interpretation, administration, or enforcement of this code. Except for where this Article and Table 2-1 establish a different appeal process and review body, appeals of administrative decisions may be filed with the Board of Adjustments by any person aggrieved and materially affected, by any decision of the officer administering the zoning standards in this ordinance, or by any officer, department, board, or official public body of the City affected by the decision. Appeals of administrative decisions shall be filed in writing with the City Clerk within 30 days of the date of the decision being appealed.

B. **Effect of Filing.** An appeal stays all proceedings in furtherance of the action appealed from unless the official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal that a stay could cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

C. **Notice.** Notice of the appeal shall be served upon the person whose decision is being appealed by providing a copy of the appeal. The administrative official whose decision is being appealed shall transmit to the Board of Adjustment all plans, applications and other files directly impacting the decision and constituting the official record upon which the action appealed is taken within 30 days of receipt of such filing of the appeal. If the appeal is based on an application that required any other notice under this code, notice of the appeal shall also occur as required by the original application.

D. **Action & Review Criteria**. The Board of Adjustment shall grant the administrative official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant. The concurring vote of four members of the Board of Adjustment shall be necessary to sustain an appeal. An appeal shall be sustained only upon written findings that the official was in error. In exercising the appeal power, the Board shall have all the powers of the official from whom the appeal is taken, and the Board may reverse or affirm wholly or partly or may modify the decision being appealed.

E. **Effect of Decision.** The decision by the Board of Adjustment shall have the same effect as a decision made by the administrative official but shall be limited to the facts and circumstances of that particular case. The Director may use the Board of Adjustment decision on an appeal as a factor when applying the standard appealed from to other similar circumstances. Any person aggrieved by a final decision of the Board of Adjustment may appeal the decision to the district court of the county with jurisdiction, within 30 days of the final decision.

## 2.11 Text Amendments

A. **Applicability.** Text amendments to these regulations may be initiated by the City Council or the Planning Commission, or by Staff on behalf of these entities.

B. **Review Criteria**. A text amendment shall be reviewed according to the following criteria:
1. The amendment furthers the purposes of these regulations in Section 1.01.C.
2. The amendment is in accordance with the Comprehensive Plan and has been considered for both its long-range affects as well as immediate impacts.
3. The amendment promotes the public safety, health and general welfare of the community in the City of Fort Lupton.
4. The amendment improves the effectiveness and efficiency of administering the Land Development Code.

C. **Review Procedures.** In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to text amendment applications:
1. Applications may be accompanied by a related Comprehensive Plan amendment, or more specific plan, provided that amendment or plan has met all of the legal and policy requirements for plan approvals independent of the proposed text amendment.
2. The City Council may recommend the application be returned to Planning Commission for further study or additional information at its next regular meeting. Failure by the Planning Commission to consider or revise its recommendation shall be considered a resubmission of its original recommendation.
3. The Planning Commission may recommend or City Council may approve a lessor change than was proposed in the notice, when considering the proposed change relative to the currently applicable standards.

D. **Effect of Decision.** Amendments to the text of these regulations shall be approved by the City Council in the form of an ordinance and be effective after the date specified in the ordinance. The Director shall incorporate approved amendments into this code by reference to the specific amending ordinance, and indicate the newly applicable provisions and the replaced provisions, or by recodification of the official code that incorporates the approved amendment.

## 2.12 Vested Property Rights

A. **Applicability.** The following applications are “site-specific development plans” which established a vested property right upon any approval or conditional approval according to the procedures and criteria of this code:
1. Administrative Site Plan
2. Site Plan
3. Administrative Plat
4. Final Plat
5. Other elective applications at the request of a property owner and subject to the sole discretion of the City Council

B. **Review Criteria.** The review criteria for a vested property right shall be the same criteria as the applications associated with the proposed development. In addition, when the City Council is considering a request to vest any other property right or development approval, it shall consider the following:

1. The level of planning, urban design, or engineering investment that was necessary for the applicant to reach this point in the application.
2. The extent of details included in the proposal, the certainty associated with future development, and the extent of future reviews that may be necessary to advance the project to construction.
3. The context of the property and the likelihood of future changes in the surrounding area that could impact the project.
4. The potential for policy or regulatory changes at any level of government and to what extent vesting could unreasonably bind future decision makers.
5. Any other aspect of the public health, safety, and welfare.

C. **Effect of Decision**

1. *Extent of Vesting.* Vesting shall only occur to the extent of the standards of this code that are reflected in an approved application, and specifically the land use, density, lot sizes and site or building designs in the approved application. Vesting does not include other regulations that are general in nature or that apply equally to all property subject to these regulations. Vesting does not exempt applications from any subsequent review and approvals prior to construction. Vesting does not insulate a project from other public health and safety codes, including subsequent changes or updates to these codes associated with subsequent reviews, including construction drawings and specifications, drainage plans and permits, and building permits.

2. *Time Period.* A property right that has been vested shall remain vested for three years from the date of approval. However, the City Council may agree to a shorter or longer time period for any elective vested property right according to this section. If no building permit or other final permit is issued, or if the applicant does not request an extension within this period, the vested property right shall be terminated. The City shall send notice of the termination to the applicant at least 30 days prior to the termination, or the termination shall otherwise become effective after 30 days notice from the City.

3. *Extensions.* Prior to termination, the applicant may request extension of a vested property right. The Director may grant an extension up to two years. However, any extension of an elective vested property right shall only be approved through the same procedure of the original approval. In approving any extension, the Director or City Council shall find:
   a. There are no changes or alterations that would produce conflicts with the development code, or any changes proposed bring the project more in compliance with the current standards.
   b. The application remains consistent with any official plans or policies affecting the area, including any plans or policies adopted since the original approval.
   c. The application is consistent with any conditions of the original approval or the original decision on vesting.

4. *Changes & Adjustments.* A site-specific development approval may be modified or adjusted as provided by this code without affecting the vested property right. However, any change in the plans that would require a new application or a different process than the original approval shall terminate any vested property to the extent it was granted under the prior approval.

5. *Violations & Revocation.* Any violations of the approved plan, or any failure to comply with conditions of approval shall result in forfeiture of the vested property right. The City Council may revoke the vested property right through the same procedures as the

original plan approval, and after providing at least 14 days written notice to the property owner and original applicant.

## 2.13 Vacation of Rights-of-Way or Easements

A. **Applicability.** Vacation processes apply to any public rights-of-way or easements dedicated to the City by plat proposed to revert to private ownership. Vacation of other rights-of-way or property of the City shall only occur as otherwise provided in the Colorado Constitution, Colorado Statutes, or municipal code. Eligible applicants for vacation include the City or property owner with rights affected by the easement or right-of-way. For any right-of-way or easement abutting multiple property owners, the City may require that all owners join in the application.

B. **Review Criteria.** The following criteria apply to vacating rights-of-way or easements:

1. There is no public purpose for the right-of-way or easement, considering the Comprehensive Plan, any specific transportation, open space or other public facilities plans, or other plans or policies under those plans.
2. The right-of-way or easement is not necessary to meet any of the purposes, intent, design objectives or standards of this code.
3. Vacating the right-of-way or easement will not leave properties without necessary access or provisions of other public utilities and services, or alternatively private easements, to reserve necessary access or provisions of public utilities and services are maintained,
4. There are no adverse impacts on property in the vicinity potentially served by the right-of-way or easement.
5. The vacation meets all other procedures and requirements of the Colorado Statutes, the Colorado Constitution, and the municipal code.

C. **Review Procedures.** In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to vacating rights-of-way or easements:

1. The applicant shall submit a vacation plat, meeting all of the requirements of a plat for the affected property, and showing the specific property rights to be vacated, and the affect of the vacation with respect to adjacent or abutting property.
2. The Director shall coordinate review of the application with the Design Review Team per section 2.01.E., and in particular determine whether an referral agencies who may have facilities or other interest in the easement or right-of-way should be notified, or if all potentially affected property owners have been notified.
3. After a determination of no city or referral agency interest in the easement or right-of-way, the Director shall make a recommendation and schedule the application for review by the Planning Commission.
4. The Planning Commission shall consider the application subject to the review criteria and make a recommendation to the City Council.
5. Upon receipt of a recommendation from the Planning Commission, the City Council shall make a final decision, and may condition a decision to vacate the easement or right-of-way on reserving any interest it determines necessary to serve a public purpose or the interests of the affected property.

**D. Effect of Decision**. Vacations shall be approved by an ordinance of the City Council. Failure to adopt an ordinance or a successful motion to deny a vacation shall terminate the application. The Director shall record the approved ordinance and any associated maps or documents with the county clerk and recorder. Upon recording, property shall revert to the owner or abutting owners as provided by statute, and are subject to any other reservations or specific limits or conditions identified in the ordinance or approved vacation plat.

# Article 3. Subdivision Standards

3.01 Streets
3.02 Open & Civic Space
3.03 Blocks & Lots
3.04 Required Improvements
3.05 Community Facilities & Fees

## 3.01 Streets

A. **Intent.** The intent of the street design standards is to:

1. Plan street networks to connect to adjacent development projects, and to ensure the proper arrangement of blocks and lots that coordinate long-range growth and development.
2. Emphasize street design as a key determinant of Fort Lupton's community image and unique identity.
3. Integrate street networks and street designs with open and civic spaces to establish a valuable public realm.
4. Build complete and multi-modal networks of small, well-connected streets, trails and paths to improve the access, capacity, safety and efficiency of transportation systems, and particularly plan frequent collector or neighborhood connector streets to knit multiple projects or neighborhoods together and avoid major streets becoming barriers.
5. Use street design to call attention to differing contexts within the City, and to better support development patterns and uses abutting the streets.
6. Design streets to account for all potential users of the streets, including pedestrians, bicycles, automobiles, trucks, and transit.
7. Implement the Fort Lupton Comprehensive Plan and Transportation Plan as development occurs, and particularly the complete street policies and the street network and connectivity policies of those plans.

B. **Street Network.** Arterial, collector, neighborhood connector, and local streets shall generally be laid out according to the policies of the Comprehensive Plan, Transportation Plan, and other major street, parks, trail and open space plans or maps. In the absence of more specific guidance in these plans, the following standards shall apply to street networks:

1. *Blocks and Connectivity.* Streets shall be laid out to provide a network of streets and blocks based on the planning context and development pattern as identified in Table 3-1:

**Table 3-1: Block Sizes & Connectivity**

| Planning Context | Block Size | Cul-de-sac Limits |
|---|---|---|
| **Downtown & Walkable Commercial**<br>*Downtown, near downtown areas, other commercial nodes and transition areas where walkable patterns are called for near neighborhoods.* | 150' min.<br>500' max.<br>4 ac. max. | Prohibited |
| **Neighborhoods & General Non-residential**<br>*Walkable residential and suburban neighborhoods and other areas supporting commercial corridors or employment areas outside walkable centers.* | 250' min.<br>800 max<br>7 ac. max | Limited to exceptions (B.2) only. |

| Table 3-1: Block Sizes & Connectivity | | |
|---|---|---|
| **Planning Context** | **Block Size** | **Cul-de-sac Limits** |
| ***Campus / Remote*** | | |
| *Areas where large-scale uses with internal circulation or low intensity / density uses with limited circulation needs, and the context of surrounding development justify disrupting the development patterns and street network. (Examples such as large campuses or employment centers that substitute internal connection and circulation systems.)* | 250' min.<br>1,320' max.<br>10 ac. max. | 500' max. |

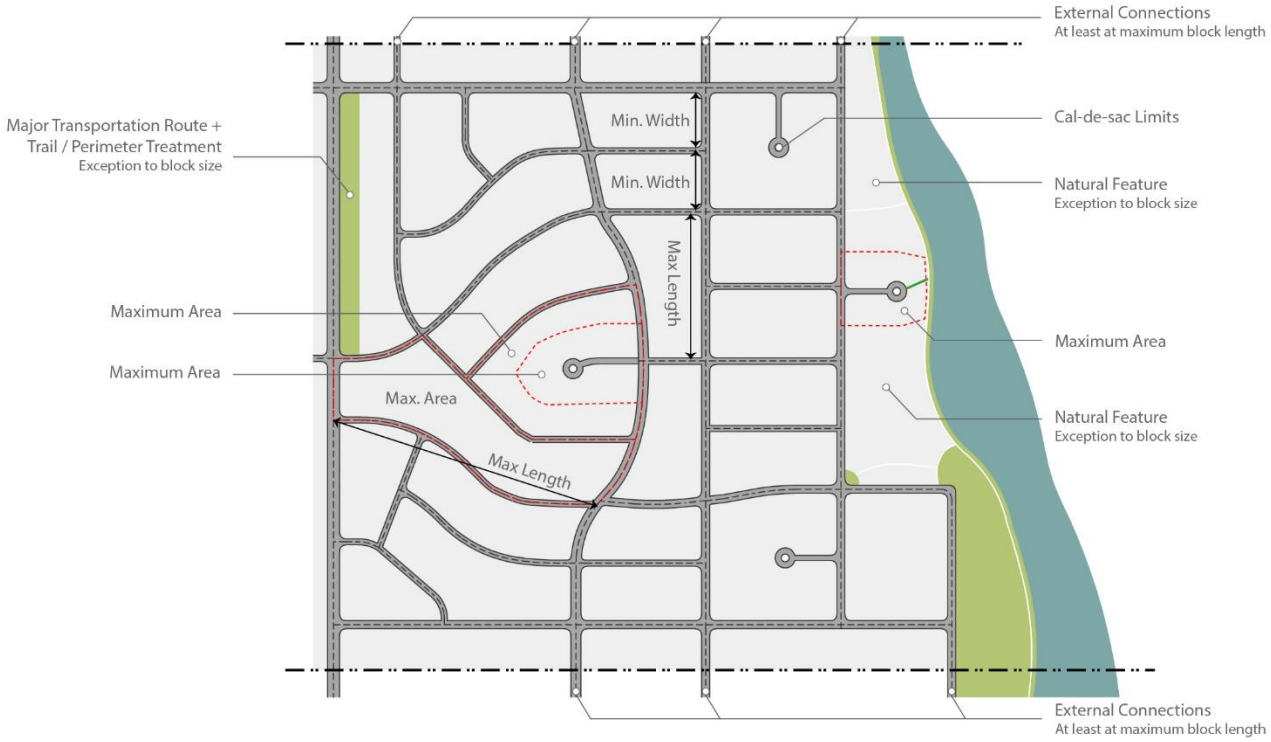



***Figure 3-1 Connectivity & Block Sizes.*** Street networks shall be based on maximum block sizes (length between centerlines of perimeter streets and area) and stub to adjacent property at a frequency sufficient to create connected networks, unless exceptions justify not connecting.

2. *Exceptions.* The following are exceptions to the block and connectivity standards in Table 3-1:
   a. *Natural Features, Open Spaces or other Civic Spaces.* Blocks or parcels abutting or containing important natural features, topographical constraints or otherwise creating parts of the Open and Civic Space System, may be larger provided the proposed street layout preserves these features and integrates them into public realm design for the area.
   b. *Regional Transportation Routes.* Blocks or parcels abutting significant regional transportation routes that impede local network connectivity, such as highways or rail rights-of-way, may be larger provided the street layouts and development patterns achieve local connectivity in all other ways possible.
   c. *Rural Parcels.* Tracts divided into lots of at least five acres for rural or very low-intensity development may exceed block limits provided any development is arranged to allow future streets in compliance with these regulations and a

logical pattern of re-subdivision can occur with minimal disruption of buildings, utilities, and other structures.

d. *Oversized Parcels.* Where oversized parcels are platted for special land uses or projects that involve large-scale buildings and development patterns, such as campuses, large-scale employment, or regional commercial areas, platted blocks may be larger provided through access drives mimic the block structure and urban design amenity of Table 3-1 and create logical extensions and connections to the public streetscape, open and civic spaces, and street network beyond the project.

e. *Specific Plans.* A specific street network plan approved by the City through the planned development process in 2.04, or as an extension of the Transportation Plan, may provide different connectivity and external connection standards.

f. In any case where streets are not required to connect by these standards or are justified by these exceptions, alternative designs such as loops, courtyard layouts, or closes are preferred over dead ends and cul-de-sacs. In all cases cul-de-sacs shall be no more than 500' and have no more than 30 dwelling units per access point.

g. *Minimum Access.* Whenever an exception is justified, where phasing of projects have limited interim connections, or the connectivity standards are otherwise not met, all projects shall maintain a minimum number of access points for public safety and emergency access. In general, this requires 2 access points to a broader street network for any project over 30 dwelling units. The City may assess any interim limitations, restrictions, or alternative connectivity and timing standards to meet this general performance criteria.

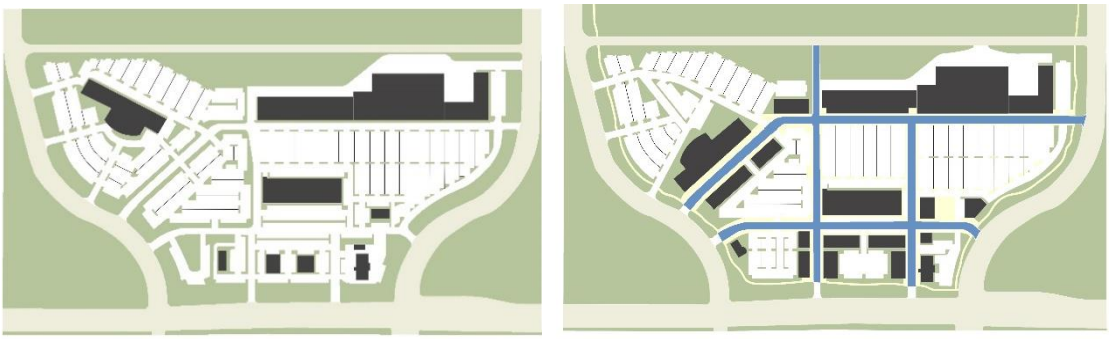



***Figure 3-2 Through Access Drives.*** Through access drives shall be used to mimic public street networks and streetscapes for over-sized parcels and large scape development (3.01.B.2.d).

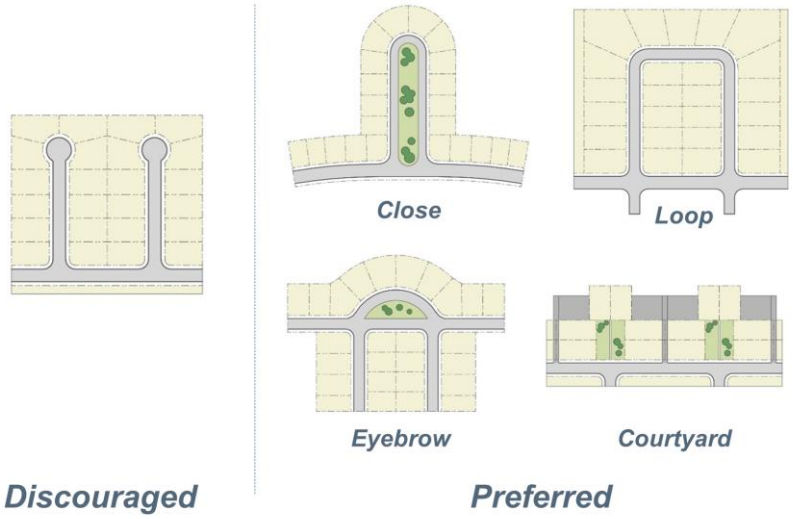
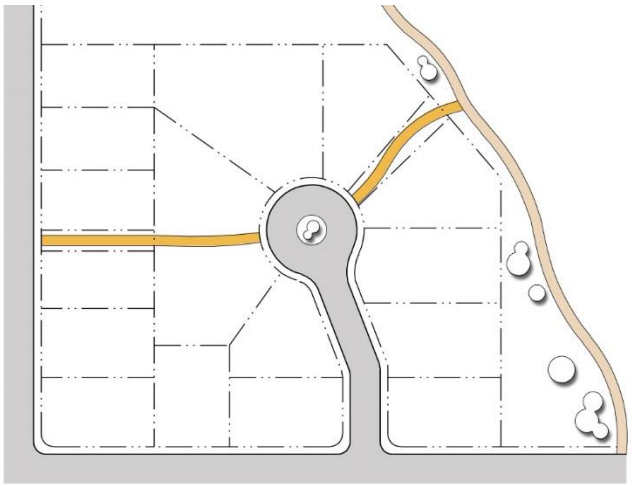



***Figure 3-3 Disconnected Street Options.*** Where streets will not connect, blocks and lots should be laid out to limit the need for cul-de-sacs and maximize other options such as loops, closes, eyebrows and courtyard patterns. (3.01.B.2.f.)

3. *Walkways and Bicycle Routes.* In any case where exceptions for larger blocks apply, or any other area where pedestrian and bicycle connections are important, such as adjacent to schools, parks, trail systems or community centers, the City may require pedestrian walkways or bicycle routes through blocks or at the end of any cul-de-sac. Connections shall meet the Trail Corridor or Pedestrian Passage design standards in Section 3.02.



***3-4 Walkways and Bicycle Routes.*** Where streets will not connect or where larger blocks are platted, connections for pedestrians or bikes may be required through blocks or at the ends of disconnected streets. (3.01.B.3).

4. *External Connections.* Streets shall be planned to provide continuation to adjacent undeveloped and future growth areas at intervals where all resulting blocks meet the standards in Table 3-1, unless justified by an exception in 3.01.B.2. The Planning Commission or City Council may require dedication of right-of-way and construction of streets extended to the boundary line of the property to be subdivided, or approve

alternative arrangements for location and timing of construction that equally or better coordinate with anticipated future development of adjacent areas.

5. *Half Streets.* Street systems shall be laid out to eliminate or avoid new perimeter half streets between adjacent property owners, except the City may approve phased street construction of arterial streets coordinated with a capital improvements plan. The Planning Commission or City Council may approve a new perimeter street where the applicant improves and dedicates the entire street and right-of-way within the boundaries, and may arrange for reimbursement of the applicant at the time the adjoining land is platted, as provided in Section 3.04.D.

6. *Intersections and Offsets.* Streets shall be laid out to intersect subject to the following:
   a. Intersection angles should be as near as possible to right angles, and intersections less than 75 degrees are generally not acceptable.
   b. Oblique streets should be curved approaching an intersection and should be approximately at right angles for at least 100 feet prior to the intersection.
   c. Intersections should be generally aligned with existing intersections on the opposite side of the street, and offsets of the centerlines between 25 feet and 100 feet are generally not acceptable.
   d. Intersections of more than two streets at one point are generally not acceptable.
   e. Deviations from these standards may be approved through a subdivision plan that uses different intersection configurations to emphasize unique natural features, better correspond to topography, implement traffic calming, or create gateways or focal points within the network.

C. **Street Types & Design.** The street types in this section implement context-based street design, "complete" streets, and multi-modal networks for the various contexts in Fort Lupton, based on the policies of the Comprehensive Plan and Transportation Plan.

1. *Street Design Standards*. Typical cross section design standards are shown for each street type in Table 3-2: Street Types and Cross-sections with examples following the table. Application of these standards may be further refined with adjustments for a particular context or application, using the Complete Street Design Guide in Section C.3, Table 3-3.

2. *Context & Type.* The street designs are grouped with the following design types for application to specific contexts:
   a. *Neighborhood Streets.* A community-oriented street type appropriate where a higher level of neighborhood design amenity and neighborhood walkability is desired. It is characterized by large street trees, sidewalks, slow speeds, and occasional on-street parking.
   b. *Mixed-use / Retail Streets.* A pedestrian-oriented street type appropriate for all areas where walkability is a goal. It is characterized by narrow lanes, slow speeds, on-street parking, and large, well-designed pedestrian amenity zones that support businesses and economic activity along these streets
   c. *Standard Streets.* A basic street type appropriate generally where no particular development characteristics or urban design context warrant application of other street types.

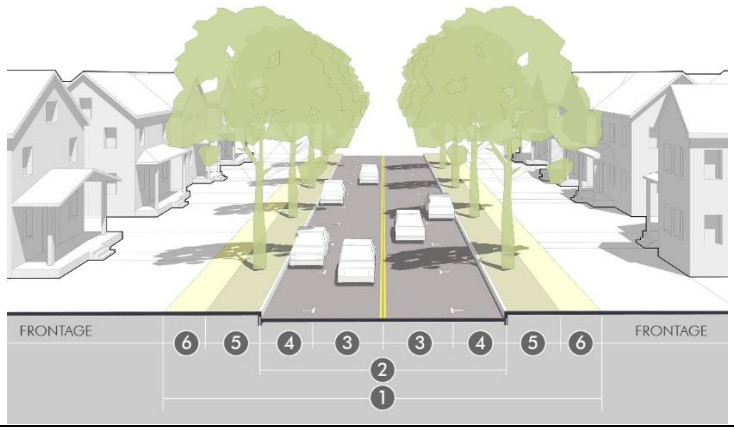
**Table 3-2: Street Types & Cross-sections**

| Street Type | ROW Width | Street Width [1] | Travel Lanes | Edge Condition | Landscape Amenity | Sidewalk | Bicycle Facility [2] | Other Notes and Applicability |
|---|---|---|---|---|---|---|---|---|
| ***Neighborhoods*** | | | | | | | | |
| **Neighborhood Street** *Local – low volume* | 54' – 60' | 32' | 16' – 18' yield flow | 7' parking both sides | 6' – 8' parkway | 5'- 6' | N/A slow street / low volume | < 2K ADT (< 100 units/ block) Desired Speed < 20 MPH Limit 700' between intersections and 250 feet between queuing areas |
| **Neighborhood Connector** *Local / Minor Collector* | 60' - 70' | 32' | 2 @ 9' | 7' parking both sides | 8'+ parkway | 6' - 8' min | 6' bike lane (optional) | < 7K ADT Desired Speed 20 to 30 MPH |
| **Neighborhood Parkway [3]** *Major Collector / Minor Arterial* | 100' | 32' (+ median 2-lane) 54' (+ median 4-lane) | 2 - 4 @ 10' | bike lane | 10' + parkway 12' median (optional) | 8' – 10' min | 6' – 7' bike lane | 7K – 12K ADT Desired Speed 30 to 35 MPH |
| **Access Alley [4]** | 20' | 14'–16' (< 40 units) 16'–18' (41+ units) | n/a | shoulder | n/a | n/a | n/a | n/a – internal to block |
| ***Walkable Nodes / Mixed Use*** | | | | | | | | |
| **MU/Retail Pedestrian Street** *Local / Minor Collector* | 60' | 34' | 2 @ 10' | 7' parking both sides (angled optional) | 4' amenity zone | 8' + min. | N/A slow street / low volume; | <r 5K ADT Desired speed < 25MPH |
| **MU/Retail Avenue** *Collector* | 70' | 36' | 2 @ 10' | 8' parking both sides (angled optional) | 6' amenity zone | 10' + min. | 6' bike lane (optional) | 5K – 12K ADT Desired speed < 25MPH |
| **MU/Retail Boulevard** *Arterial* | 120' | 72' (+ median) | 4 @ 11' | 8' parking both sides (angled optional) | 6' amenity zone 12' median | 12'+ min | 6' bike lane | 12K – 19K ADT Desired speed < 25MPH |
| **Access Alley [4]** | 20' | 18' – 20' | n/a | shoulder | n/a | n/a | n/a | n/a – internal to block |
| ***Standard (Commercial / Industrial)*** | | | | | | | | |
| **Standard** (Non-residential) *Local* | 60' | 36' | 2 @ 10' | parking and/or bike lanes | 7' parkway | 5' + min | 6' – 7' bike lane (optional) | < 2.5K ADT |
| **Standard** (Non-residential) *Collector Minor* | 70' | 36' | 2 @ 10' | Bike lanes (parking optional) | 8' + parkway | 6' + min | 6' – 7' bike lane | <7K ADT |
| **Standard** (Non-residential *Collector Major* | 90'–100' | 58' | 4 @ 11' | bike lanes (parking optional | 8' + parkway | 8' + min | 6' – 7' bike lane | 7K – 12K ADT |
| **Standard** (Non-residential *Arterial Minor* | 120' | 76' (includes median) | 4 @ 11' | bike lanes | 12' + parkway 16' median | 8' + min | 8' buffered bike lane | 12K + ADT |
| **Standard** (Non-residential) *Arterial Major* | 130' + | 82' (includes median) | 6 @ 11 | curb & gutter | 12' parkway 16' median | 12'+ multi-use trail | 12' multi-use trail | 19K+ ADT |

[1] Street width is back-of-curb measurement, with curb and gutter included street width where it is on-street parking or a travel lane. Where bike lanes are on the edge, the curb and gutter may need to be added to the width to provide a clear surface for bicycles.
[2] Configurations reflect typical cross sections; where bicycle lanes or angled parking is optional, or where both are provided, greater street and ROW widths may be necessary for proper configuration.
[3] On a Neighborhood Parkway, a center median is optional, but if not provided space shall be allocated to a wider parkway with additional trees.
[4] Access alleys may be located in an easement at the City's discretion and provided a property owner's association or other entity with financial and administrative capacity for maintenance is established

| Neighborhood Street | | |
|---|---|---|
| ① | ROW width | 54’ – 60’ |
| ② | Street Width | 32’’ |
| ③ | Travel Lanes | 16’ – 18’ yield flow |
| ④ | Edge Condition | 7’ parking both sides |
| ⑤ | Landscape Amenity | 6’ – 8’ parkway |
| ⑥ | Sidewalk | 5’ – 6’ |
| ⑦ | Bicycles | N/A |
| | Applicability | • Local – Low Volume Residential |

| Neighborhood Connector | | |
|---|---|---|
| ① | ROW width | 60’ – 70’ |
| ② | Street Width | 32’ |
| ③ | Travel Lanes | 2 @ 9’ |
| ④ | Edge Condition | 7’ parking both sides |
| ⑤ | Landscape Amenity | 8’+ parkway |
| ⑥ | Sidewalk | 6’ – 8’ |
| ⑦ | Bicycles | 6’ bike lane (optional) |
| | Applicability | • Local<br>• Minor Collector |




| Neighborhood Parkway | | |
|---|---|---|
| ① | ROW width | 100’ |
| ② | Street Width (curb-to-curb) | 32’ (+ median 2-lane)<br>54’ (+median 4-lane) |
| ③ | Travel Lanes | 2 - 4 @ 10’ |
| ④ | Edge Condition | 6’ -7’ bike lane |
| ⑤ | Landscape Amenity | 10’+ parkway<br>12’ + median (optional) |
| ⑥ | Sidewalk | 8’ – 10’ |
| ⑦ | Bicycles | 6’ – 7’ bike lane |
| | Applicability | • Major Collector<br>• Minor Arterial |

## Access Alley (Residential)

| | | |
|---|---|---|
| ① | ROW / Easement width | 20’ |
| ② | Street Width | 14 – 16” (< 40 units)<br>16’ – 18’ (41+ units) |
| ③ | Travel Lanes | N/A |
| ④ | Edge Condition | shoulder |
| ⑤ | Landscape Amenity | N/A |
| ⑥ | Sidewalk | N/A |
| ⑦ | Bicycles | N/A |
| | Applicability | N/A – internal to block |

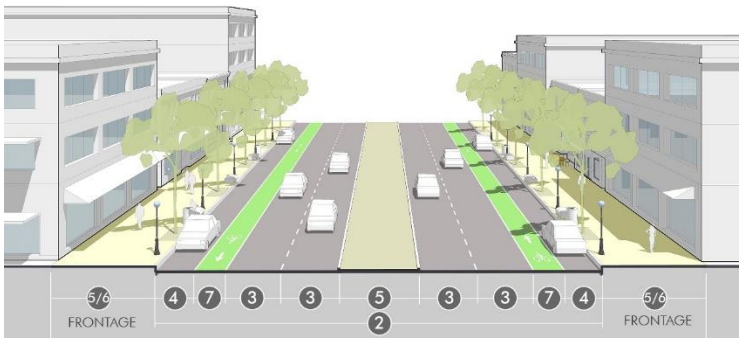
## MU / Retail Pedestrian Street

| | | |
|---|---|---|
| ① | ROW width | 60’ |
| ② | Street Width | 34’ |
| ③ | Travel Lanes | 2 @ 10’ |
| ④ | Edge Condition | 7’ parallel parking (angled optional) |
| ⑤ | Landscape Amenity | 4’ amenity zone |
| ⑥ | Sidewalk | 8’ + min. |
| ⑦ | Bicycles | N/A |
| | Applicability | • Local<br>• Minor Collector |

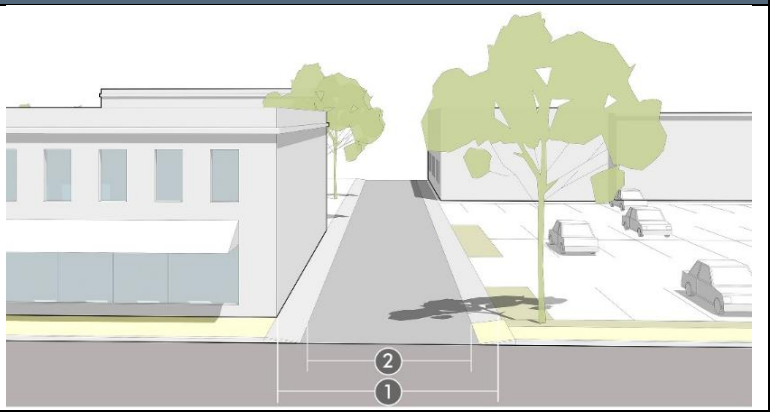
## MU / Retail Avenue

| | | |
|---|---|---|
| ① | ROW width | 70’ |
| ② | Street Width | 36’ |
| ③ | Travel Lanes | 2 @ 10’ |
| ④ | Edge Condition | 8’ parallel parking both sides (angled optional) |
| ⑤ | Landscape Amenity | 6’ amenity zone |
| ⑥ | Sidewalk | 10’+ min. |
| ⑦ | Bicycles | 6’ bike lane (optional) |
| | Applicability | • Collector |

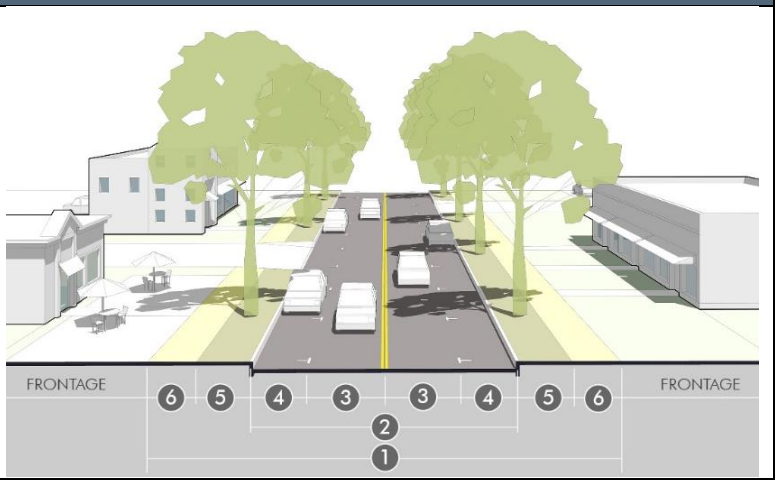
| MU / Retail Boulevard | | |
|---|---|---|
| ① | ROW width | 120’ |
| ② | Street Width | 72’ (+ center median) |
| ③ | Travel Lanes | 4 @ 11’ |
| ④ | Edge Condition | 8’ parallel parking both sides (angled optional) |
| ⑤ | Landscape Amenity | 6’ amenity zone<br>12’ median |
| ⑥ | Sidewalk | 12’ + min. |
| ⑦ | Bicycles | 6’ bike lane |
| | Applicability | • Arterial |



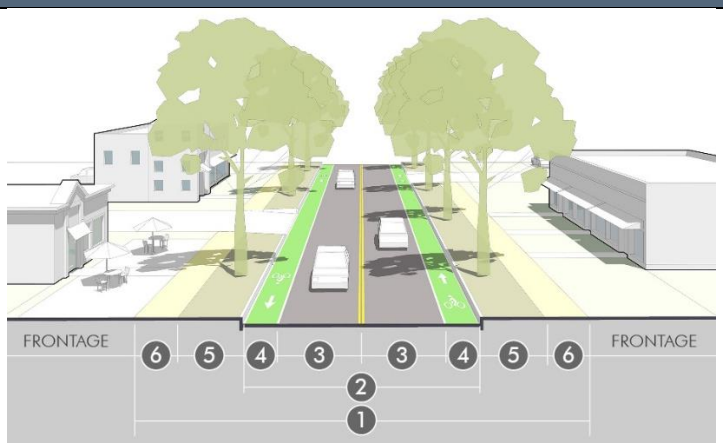

| Access Alley (Commercial / Industrial) | | |
|---|---|---|
| ① | ROW /Easement width | 20’ |
| ② | Street Width | 18’ – 20’ |
| ③ | Travel Lanes | N/A |
| ④ | Edge Condition | shoulder |
| ⑤ | Landscape Amenity | N/A |
| ⑥ | Sidewalk | N/A |
| ⑦ | Bicycles | N/A |
| | Applicability | N/A – internal to block |



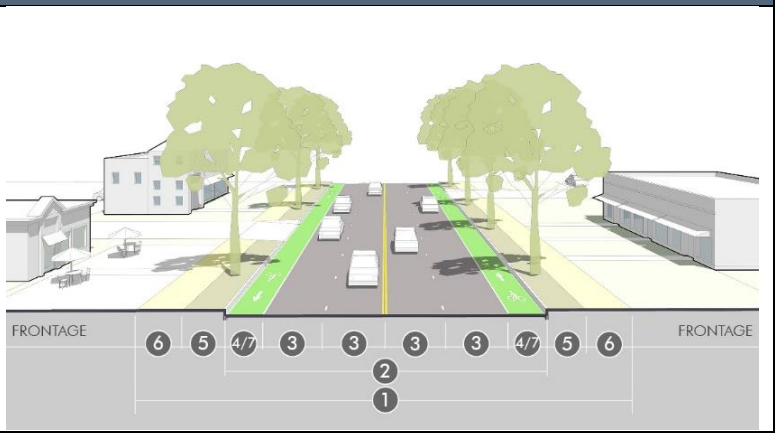

| Standard Local | | |
|---|---|---|
| ① | ROW width | 60’ |
| ② | Street Width | 36’ |
| ③ | Travel Lanes | 2 @ 10’ |
| ④ | Edge Condition | Parking and/or bike lanes |
| ⑤ | Landscape Amenity | 7’+ parkway |
| ⑥ | Sidewalk | 5’ + min |
| ⑦ | Bicycles | 6’ – 7’ bike lane (optional) |
| | Applicability | • Local |



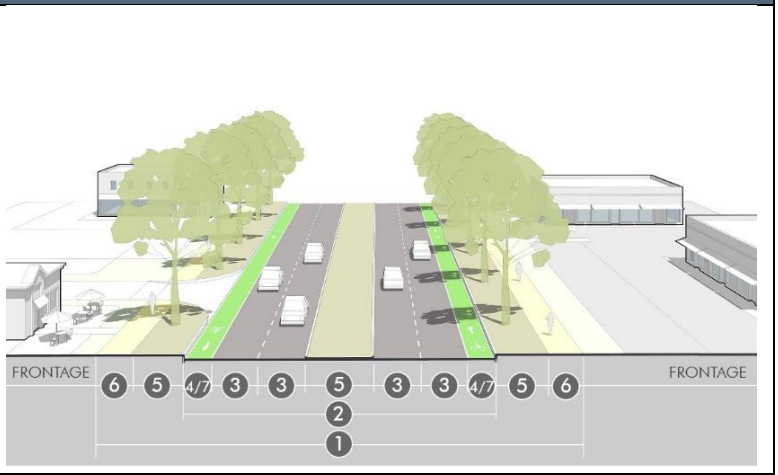
| Standard Collector (Minor) | | |
|---|---|---|
| ① | ROW width | 70’ |
| ② | Street Width | 36’ |
| ③ | Travel Lanes | 2 @ 10’ |
| ④ | Edge Condition | Bike lanes (parking optional) |
| ⑤ | Landscape Amenity | 8’ parkway |
| ⑥ | Sidewalk | 6’ + min. |
| ⑦ | Bicycles | 6’ – 7’bike lane |
| | Applicability | • Minor Collector |



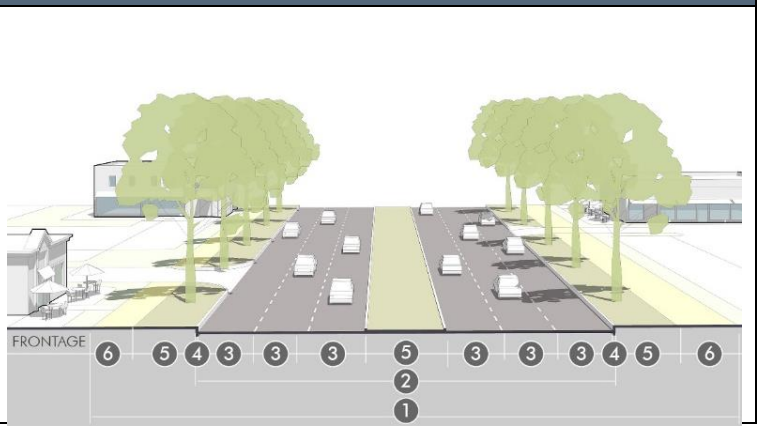

| Standard Collector (Major) | | |
|---|---|---|
| ① | ROW width | 90’ – 100’ |
| ② | Street Width | 58’ |
| ③ | Travel Lanes | 4 @ 11’ |
| ④ | Edge Condition | bike lane |
| ⑤ | Landscape Amenity | 8’+ parkway |
| ⑥ | Sidewalk | 8’ + min |
| ⑦ | Bicycles | 6’ – 7’ bike lane |
| | Applicability | • Major Collector |



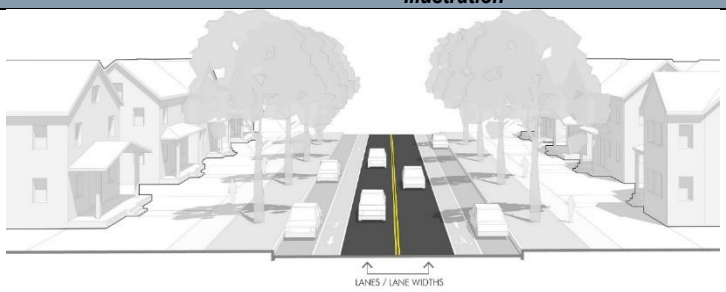
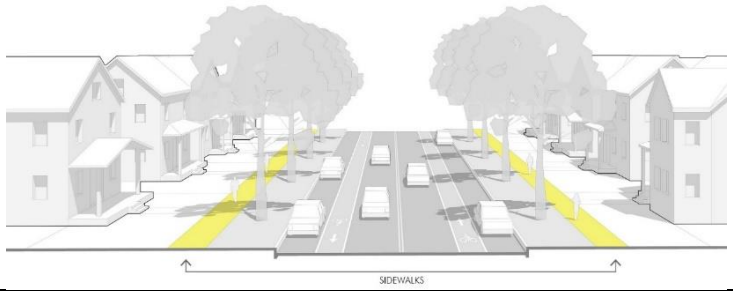
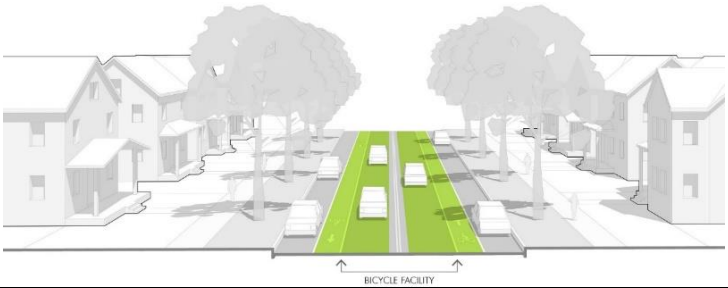
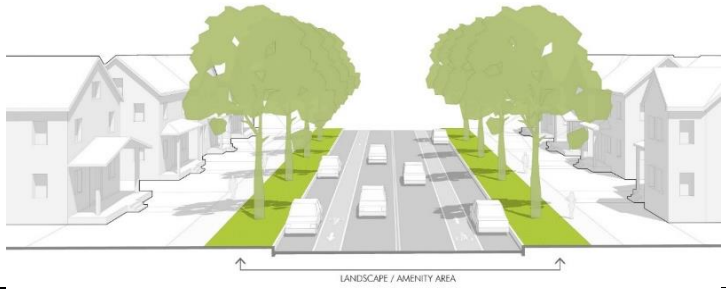
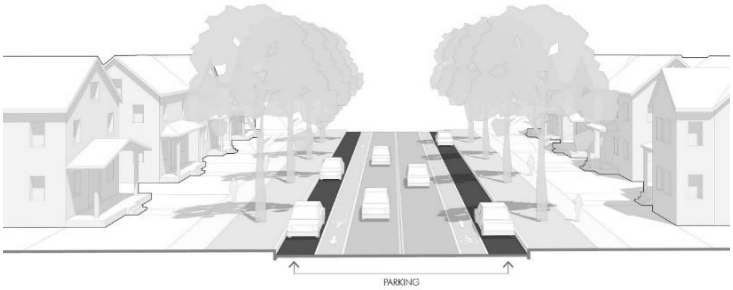

| Standard Collector (Major) | | |
|---|---|---|
| ① | ROW width | 120’+ |
| ② | Street Width | 76’ (w/ median) |
| ③ | Travel Lanes | 4 @ 11’ |
| ④ | Edge Condition | bike lanes |
| ⑤ | Landscape Amenity | 12’+ parkway<br>16’ center median |
| ⑥ | Sidewalk | 8’ + min |
| ⑦ | Bicycles | 8’ buffered bike lane |
| | Applicability | • Minor Arterial |



| Standard Arterial (Major) | | |
|---|---|---|
| ① | ROW width | 130'+ |
| ② | Street Width | 82' (w/ median) |
| ③ | Travel Lanes | 6 @ 11' |
| ④ | Edge Condition | Curb & gutter |
| ⑤ | Landscape Amenity | 12'+ parkway<br>16' center median |
| ⑥ | Sidewalk | 12' multi-use trail |
| ⑦ | Bicycles | 12' multi-use trail (off-street) |
| | Applicability | • Major Arterial |



3. *Complete Streets Design Guide*. The Complete Streets Design Guide includes criteria and rules of thumb to be used to modify any of the typical cross sections for a particular context or block. It balances the priorities for the following street elements that encompass a complete street design.

| Elements | Illustration |
|---|---|
| ***Lanes / Lane Widths*** |  |
| ***Sidewalks*** |  |
| ***Bicycle Facility*** |  |
| ***Landscape / Amenity Area*** |  |
| ***Parking*** |  |

## Table 3-3: Complete Streets Design Guide[1]

| Context | Neighborhoods & General Areas | Mixed-use / Retail Streets |
|---|---|---|
| **Lanes / Lane Widths** | The number of lanes and lane width should be based upon the anticipated capacity, the desired vehicle speed, and balanced with the need to accommodate other important users of the streets. In general, "lane widths between 10' and 12' wide are sufficient for rural and urban arterials," where 12' wide lanes should only be used on major arterials where "higher-speed, free flowing" traffic is the priority[2] (45 mph+). 11' lanes are generally appropriate on streets where frequent trucks, buses, or other large vehicles are expected. Lanes that are 10' wide are generally appropriate on all other streets. Lanes less than 10' wide may be acceptable on very low-volume / low-speed situations (<2K ADT and/or < 20mph), where right-of-way is constrained, or other unique conditions[3] . Yield lanes, where occasional on-street parking limits the free flow of traffic are generally 12' to 18' for two-way traffic flow, provided the utilization of on-street parking is generally below 65% or other street design conditions create "queuing areas" where parking is prohibited cars can pull out to let on-coming traffic pass[4] | |
| **Sidewalks** | ❑ 5' – minimum for two people to walk side by side. (4' only for constrained right-of-way or extremely low density)<br>❑ 6' - 8' – minimum for priority routes in neighborhoods (i.e. park connections, school routes)<br>❑ 8' - 10' – minimum for higher density areas near walkable commercial | Walkable streets need generous sidewalks to provide value to the commercial areas and abutting property.<br>❑ 10' minimum; 8' acceptable for constrained right-of-way<br>❑ 12' – 16' ideal<br>❑ 16' – 24' to support social spaces along streets (i.e. sidewalk seating, plazas or courtyards) |
| **Bicycle Facility** | ❑ Multi-use path (12'+) preferred on identified portions of by Trails Master Plan (i.e. connections to parks), or on higher volume streets 8' buffered or protected bicycle lanes acceptable.<br>❑ 6' bike lane preferred on Collectors and Neighborhood Connectors; "Sharrow" (4' marked and shared space on the outside edge of the street) or 4' to 5' dedicated lanes may be acceptable,<br>❑ Local streets do not need bicycle facilities since speeds and volumes should be low to where bicycles and vehicles should share the road. | ❑ Bicycle facilities may be omitted on short segments of walkable streets with expected speeds below 25 mph, and where bicycles can safely blend with slow vehicle flow; OR where alternate parallel routes with bicycle facilities are located within 600'.<br>❑ Bike lanes should generally be 6' wide on streets with 25 to 35 mph.<br>❑ "Sharrow" (4' marked and shared space on the outside edge of the street) or 4' to 5' dedicated lanes may be acceptable on streets between 20 and 30 mph.<br>❑ On any streets where vehicle speeds will exceed 35 mph or with high volumes, bicycle facilities should be either buffered or protected bike lanes (8' +) or off-street mulit-use trails (12'+)<br>❑ See National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide |
| **Landscape / Amenity Area** | ❑ 6' to 8' landscape strip generally applicable. (large shade trees)<br>❑ 8' to 10'+ preferred on Collectors, Neighborhood Connectors, Neighborhood Parkways, or important neighborhood streets with larger shade trees.<br>❑ 4' to 6' landscape strip in limited exceptions where rights-of-way are constrained. (small ornamental trees)<br>❑ May be omitted in place of a 2' to 6'+ expanded sidewalk, with landscape amenity or tree wells in higher density areas where frequent on-street parking will exist to buffer the sidewalk from the street (see Mixed Use Streets) | ❑ 4' to 8' added to sidewalk to include tree wells, seating areas, and other pedestrian and landscape amenities |
| **Turn Lane** | Generally not needed provided the block structure has sufficient connectivity at the network level. However, in specific circumstances a 10' turn lane may be required. This should be done with careful consideration of pedestrian crossing distances, vehicle turning speeds, and bulb-outs may be required on corners in place of one or two of the on-street parking spaces. | |
| **Parking** | ❑ 6' - 7' parallel permitted (includes curb & gutter)<br>❑ May be included on both sides intermittently (with infrequent parking or traffic queuing areas) within a 28' – 32' local residential street or limited to one-side (with frequent parking) within the 24' - 27' local residential street | ❑ 7' – 8' parallel required. (includes curb & gutter)<br>❑ 14' – 20' angled (depending on angle) permitted with special engineering, planning and urban design review |

1 See generally, Fort Lupton Transportation Plan; National Association of City Transportation Officials (NACTO), Urban Street Design Guide.
2 AASHTO, Geometric Design of Highways and Streets, pg. 473, AASHTO, Washington D.C., 2004. The AASHTO "green book" is a guide intended to be used flexibly for different types of streets in different contexts. The Forward to the "green book" makes it clear that the dimensions are guides and not standard, and the ranges should not be used to imply that the larger end of the range is preferred. (AASHTO Geometric Design of Highways and Streets, pg. xliii). Also see National Association of City Transportation Officials Street Design Guide (NACTO Guide) for a preferred practice for "complete streets" and city public realm design.
3 AASHTO, Geometric Design of Highways and Streets, pg. 473, AASHTO, Washington D.C., 2004. Also see NACTO Guide for preferred practice for "complete streets" and city public realm design.
4 See NACTO Complete Street Guide for Lane Widths and the application of Yield Lanes.

D. **Intersection Design.**

1. *Corner Radii.* Curb radii shall be designed according to the Public Works Standards and Specifications. However, to balance the competing interest of vehicle turning movements and the distance and safety of pedestrians crossing the street, the Director may recommend, and the Planning Commission may approve, decreases in the specified corner radii based on the following considerations:
   a. The context of a particular development, and particularly whether walkable development patterns are a priority and whether neighborhood or mixed-use street types in Table 3-2 are used.
   b. The impact that the specified radius has on increasing the distance that pedestrians must cross.
   c. The desired speeds of vehicles in the roadway and the desired speeds and volume of turning vehicles.
   d. The connectivity of the street network and whether vehicles have multiple alternative routes that minimize frequent turning movements.
   e. The effective turning radius of vehicles considering other features of the specific cross section, including bicycle lanes, on-street parking or other configurations that impact the actual path of turning movements.
   f. The likelihood that large vehicles will make frequent turning movements at a particular location, compared with the ability of over-sized vehicles or unusual turning movements to safely encroach into other areas of the street.

2. *Sight Distances.* Proper lines of sight shall be maintained at all intersections. The proper line of sight shall be an unobstructed view from the stopping point on the approaching street to all points three feet above the roadway along the centerline of the intersecting street. The distance of the unobstructed view shall be based upon the design speed of the intersecting street specified in Table 3-4, Clear Sight Distance.

**Table 3-4: Clear Sight Distance**

| Design Speed of Intersecting Street | Intersection Sight Distance (measured along centerline of intersecting street) |
|---|---|
| 15 mph | 105’ |
| 20 mph | 115’ |
| 25 mph | 155’ |
| 30 mph | 200’ |
| 35 mph | 250’ |
| 40 mph | 305 |
| 45 mph | 360’ |
| 50 mph | 425’ |

Source: American Association of State Highway and Transportation Officials, *A Policy on Geometric Design of Highways and Streets.*

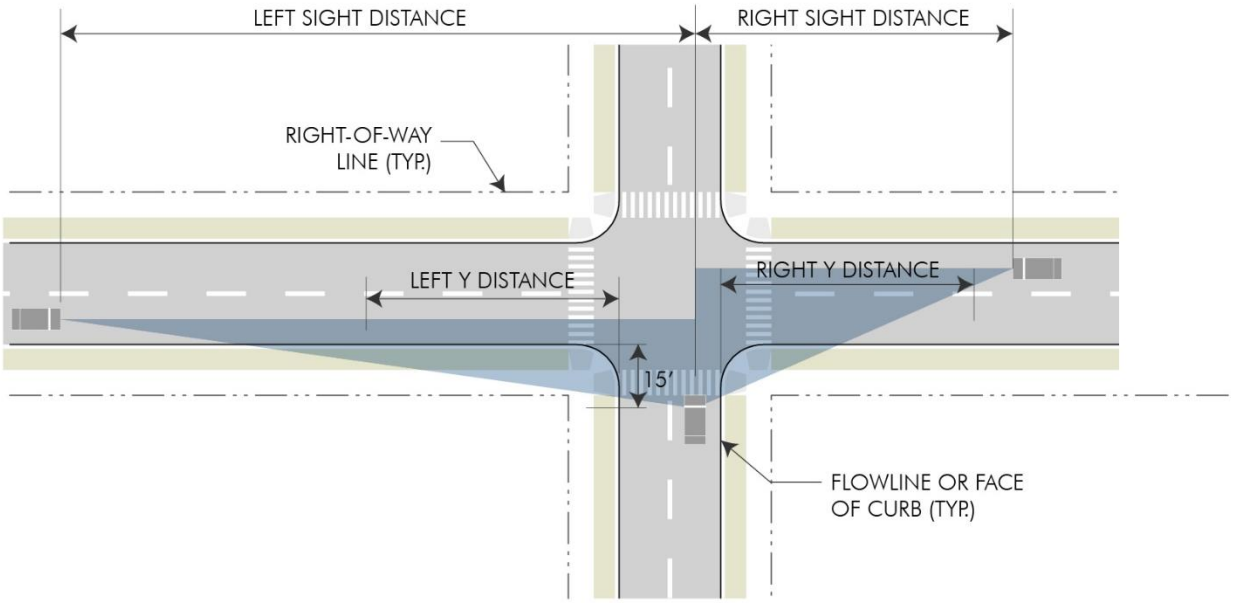



***Figure 3-5 Clear Sight Distance.*** Sight distance is measured from the stopping point of the approaching vehicle to the center of the lane in oncoming traffic, based on the speeds of oncoming traffic. Clearances may be affected by the types of objects in the sight triangle and the control factors of the intersection. (3.01.D.2 and Table 3-4.)

a. No building or other type of visual obstruction shall be placed or maintained within the triangle created by the centerline of the street intersection, the stopping point on the approaching street, and the sight distance specified in Table 3-6 to the centerline of the intersecting street.

b. Street trees, light poles or other limited narrow obstructions are allowed within the sight triangle provided they do not have any foliage, limbs, or other obstructions between 2.5 and 8 feet and are no closer than 20 feet to the intersecting right-of-way line.

c. Fully controlled intersections where signalization establishes and prioritizes safe turning movements may deviate from the above sight triangle standards if site conditions warrant and based upon a recommendation of the Director.

3. *Crosswalks.* All intersections and crosswalks shall be designed to address conditions at each specific location, based on the guidance in Transportation Plan. In general, or where this guidance does not provide more specificity, sidewalks intersecting with public streets or other vehicle access shall have crossings meeting the following standards:
   a. Curb ramps meeting ADA accessibility standards shall provide a direct, non-diverted approach from the sidewalk along the block into the designated or protected crossing area.
   b. Crosswalks on collector streets or higher classification shall be considered for enhanced crossings including pavement markings, bulb outs, refuge islands or other traffic-calming measures that are appropriate to the context of the intersection.
   c. Where blocks exceed more than 600 feet between intersections or at other locations of high pedestrian activity, mid-block crossings shall be considered. Mid-block crossing designs and locations are subject to a specific recommendation and approval of the Director.

d. Any crosswalk over 80 feet, or any other significant pedestrian crossing, may require a pedestrian refuge in the median at the discretion of the Director.

4. *Turn Lanes*. Turn lanes for left or right turn movements may be required for specific intersections by Public Works Director, based on an approved traffic study and with consideration by the Director and Planning Commission. Requirements for turn lanes should be based on careful consideration of the context balancing the impact of crossing distances for pedestrians, vehicle turning speeds, and prioritization of other planning, urban design, and traffic engineering issues. In general, this space should come from reconfiguration of the space within the roadway width near the intersection (i.e. within median space, narrowing lanes, or limiting on-street parking) rather than claiming space from the pedestrian area or streetscape, or rather than widening the road and right-of-way.

E. **Traffic Calming.** In order to meet the desired speeds throughout the street network, to manage volumes in association with the street network, and to meet the City's Complete Streets policies and intent of this section, traffic-calming strategies may be required in street plans. Traffic calming may include bulb outs and curb extensions, medians and islands, neck downs, vertical diverters, enhanced or raised crossings, and other speed management techniques approved by the Public Works Director. [*See National Association of City Transportation Officials Guidelines*.]

F. **Engineering & Construction Specifications.** All other engineering specifications, horizontal and vertical alignment, design details, and technical or construction specifications for constructing streets shall be covered by the Public Works Standards and Specifications and administered by the Public Works Director.

## 3.02 Open & Civic Space

A. **Intent.** The intent of this section is to:

1. Emphasize open space design as a key determinant of Fort Lupton's community image and unique identity.
2. Plan and integrate open and civic space systems into the patterns of streets, blocks and lots to create a coordinated public realm.
3. Value the design, function, and appropriate location of different types of open space, rather than solely the quantity of space.
4. Consider the context and multiple functions that open spaces can serve to support development including ecological, recreation, aesthetic, and urban design functions.
5. Promote good civic design and create focal points for the community, district, neighborhood or development site to which development and site plans should relate.
6. Integrate natural systems into the design of common or public open spaces to improve stormwater management, protect water resources, preserve ecosystems, and improve sustainability efforts.
7. Implement Fort Lupton's parks, recreation, trails, and open space plans and coordinate the design and location of other open and civic spaces with those plans and the comprehensive plan.

B. **Required Open Space.** Subdivision applications shall provide public or common open space, or an alternative fee for open space, as provided in this section.

1. *Required Open Space.* All plat applications shall provide open space according to Table 3-5: Required Open Space.

**Table 3-5: Required Open Space**

| Context | Public Open Space | Common Open Space |
|---|---|---|
| Residentially Zoning or Residential uses in non-residential districts | 10 acres / 1,000 people* | 4 acres / 1,000 people* (only projects over 20 acres or 120 dwelling units) |
| Commercial Zoning | 5% | ▪ < 5 acre – no requirement<br>▪ 5 - 20 acres – 2.5%<br>▪ 20+ acres – 5% |
| Industrial Zoning | 5% | n/a |

* Number of people shall be based on 3.0 people per single-family or two-family dwelling unit, and any multi-family dwelling unit with 3 bedrooms or more; and 1.6 people per multi-family unit with 2 or fewer bedrooms.

2. *Fee in lieu of dedication.* When a subdivision is not within the vicinity of a planned or existing park and common open spaces, or otherwise cannot dedicate land acceptable to meet the public open space requirements of Section 3.02, the applicant may pay a fee in lieu of dedication. This option shall be at the sole discretion of the City. The fee shall equal the fair market value of the land area required to be dedicated. The fair market value shall be established by an appraisal commissioned by the City at the applicant's expense. The fee shall be due prior to acceptance of the final plat as provided in Section 2.02. All fees shall be placed into a park development fund to be utilized for the acquisition of land for park, trails and open space purposes.

3. *Ownership and Management.* Open and civic space platted as part of a development shall require specific designation on the final plat as a separate out lot. Options for ownership and management of open and civic space include:
   a. Creation of or dedication to a non-profit entity capable of carrying out the ownership and management.
   b. Creation of a homeowners', leaseholders' and/or property owners' association that owns the space in common and is capable of carrying out the ownership and management.
   c. Dedication to a public entity as part of the rights-of-way, parks or other community facilities element of the plan. The City may accept dedications of land in its sole discretion, provided it meets other open space and conservation goals of the City indicated in the Comprehensive Plan or other official Parks and Recreation Department Plans.

   All open and civic space shall require documentation recorded with the final plat that outlines the ongoing maintenance plans, as well as administrative and financial management of the space according to these standards. Documents such as covenants for a homeowners' association, bylaws or charter for a non-profit entity, or similar agreements and guarantees, shall be filed with the clerk and recorder's office with the plat designating the open space, prior to any building permits.

C. **Open & Civic Space System.** Open and civic spaces shall be laid out according to the policies of the Comprehensive Plan and the plans and policies of the Parks and Trails Plan. The proper arrangement of these spaces shall coordinate with street networks, block and lot layouts, and the landscape and site amenities of individual lots.

1. *Types.* Table 3-6 specifies the type, size and service areas of different open and civic spaces that may meet the open space requirement.

**Table 3-6: Open and Civic Space Types**

| Type | Size [1] | Service Area | Bonus Multiplier [2] | Application |
|---|---|---|---|---|
| ***Natural Open Space*** | 5 acre min.; 40+ acre optimal | n/a | 1.0x to 2.0x based on the significance of the space as determined by the Director | Public or Common |
| ***Park - Regional*** | 40+ acres | w/in 1.5 miles | | Public |
| ***Park - Community*** | 10 – 40 acres | w/in 1 mile | | Public |
| ***Park - Neighborhood*** | 2 – 10 acres | w/in 0.5 mile | | Public or Common |
| ***Park – Mini*** | 0.5 – 2 acres | w/in 0.25 mile | | Common |
| ***Trail*** | 20' wide, min.; | w/in 1000' | | Public or Common |
| ***Civic Space - Green*** | 1 – 3 acres | w/in 0.25 miles | 1. 5x | Common |
| ***Civic Space - Square*** | 5K s.f. – 1 acre | w/in 1,000' | 1.5x | Common |
| ***Civic Space – Plaza / Courtyard*** | 1K – 5K s.f. | abutting lots or on the same block | 1.25x | Common |
| ***Enhanced Streetscape*** | [see Section 3.02..E.] | abutting lots on the same block | 1.25x | Common or Public |

[1] See Section 3.02.E Open Space Design Guidelines for more specifics on the size and design, and service areas of different open space types;
[2] Areas marked with a multiplier (i.e. 1.5x) get a bonus and can count towards the open space requirement based on the actual area times the multiplier, provided the space is designed according to the Design Guidelines in 3.02.E. For example, a 8,000 s.f. Green designed according to 3.02.E can count to as 12,000 s.f. (8,000 x 1.5) for the open spac requirement for all lots within 0.25 miles.

2. *Location Criteria.* To coordinate open and civic spaces into a system that integrates the public realm with surrounding development, subdivision design shall consider the following location criteria for open spaces:
   a. Connect and integrate open spaces with public streetscapes and other civic destinations, such as schools, to improve visibility and access;
   b. Provide access for neighborhoods to recreation opportunities for active living;
   c. The opportunity to preserve and integrate natural features (particularly for Natural Open Spaces, Parks or Trails), including protection of groves of trees, prairie, streams, unusual and attractive topography and other desirable natural landscape features and views;
   d. The opportunity for formal Civic Spaces (Green, Square, Plaza / Courtyard) to serve as gathering places and be a focal point for compact, walkable places, located as an extension of the streetscapes at highly traveled and visible locations;
   e. The types of spaces that reinforce character of the area or create gateways and transitions to distinct places; and
   f. The distribution of spaces so that all development has similar proximity to open and civic spaces appropriate to its context. All residential lots should be within the service area of 2 different types of open or civic spaces, and non-residential lots should be within the service area of a trail or civic space.

D. **Stormwater Facilities.** Stormwater facilities shall be designed and integrated into the street network or open and civic space system in order to avoid redundant and inefficient facilities on individual lots. Any area used for stormwater may be counted towards the open space requirement provided:
   1. It is integrated into the design of the space in a manner that it is an aesthetic amenity and is consistent with the design character of the space.
   2. The design does not impact the utility of the space for either purpose (i.e stormwater functions do not compromise the use and value of the space as intended open space,

and landscape and open space designs do not compromise maintenance and management and performance for stormwater functions).

3. The maintenance and management of the portion of the facility serving stormwater functions is clearly identified, whether that is a public dedication or whether it is an obligation of the owner or property owners' association.

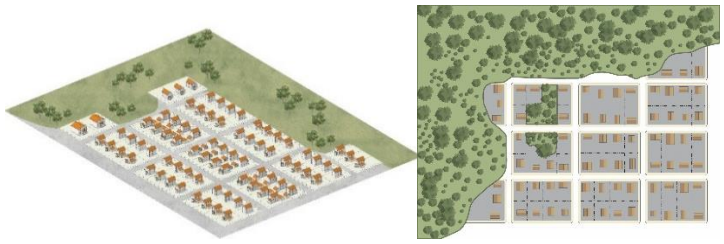
E. **Open & Civic Space Design Guidelines.** Open and civic spaces shall be designed according to the following guidelines:

## Natural Open Space

The size, location and design of a Natural Open Space shall be dependent on the planning context; the presence of natural amenities and ecological resources worthy of protection; and the ability of the designated area to provide significant continuity with other similar nearby features and resources.

**Size:** 5 contiguous acres (min.); ideally, ability to connect 40 + acres of contiguous natural lands

***Service Area:***
1 mile



***Design Elements & Guidelines***

- Natural Open Space include any area of existing or restored open lands such as riparian corridors and wetlands, unique geological formations, important habitats, or substantial groupings of important plant types. The goal is to protect the edges and to maximize intact and undisturbed spaces that provide valuable ecosystem services for the community, support preservation goals, or enhance the aesthetics and amenities of the area. Active recreation such as trails and paths can be a part of these areas provided they do not disrupt the essential natural character and ecological functions.

## Park

***Variations: Size / Service Area***
Regional – 40+ acres / 1.5 miles +
Community – 10 – 40 acres / 1 miles
Neighborhood – 2 - 10 acres ½ mile
Mini - 0.5 – 2 acres / ¼ mile

***Design Elements & Guidelines***

- ❑ Any park planned for public dedication shall be designed according to official plans and policies of the Parks & Recreation Department.
- ❑ Parks should be at least 200' wide in all directions (100' for Mini Park).
- ❑ Fronts on at least 1 public street for 200' or more (100' Mini Park); exception to street frontage if designed in association with a Trail.
- ❑ One shade tree for every 30' of street frontage, plus other landscape to support the overall park design.
- ❑ Between 15% and 50% of the area should be designed for active, programmed or structured recreation such as ball fields, playgrounds or sport courts. The remainder of the area should be allocated to ground cover, tree areas, gardens, or other natural or formal landscape for passive recreation.

## Trail

***Size***
20' min. width, but dependent on topography and natural features.
Requires sufficient continuity to connect with pedestrian and bicycle systems outside of project and/or connect meaningful walking and biking destinations (schools, parks, neighborhood centers, etc.)
.

***Service Area***
300' from trail, or up to 1,000' from trailhead

***Design Elements & Guidelines***

- ❑ Any trail planned for public dedication shall be designed according to official plans and policies of the Parks and Recreation Department.
- ❑ Trails corridors should include a paved or otherwise dust-free stabilized surface at least 8' wide; 10'+ if a shared bike / pedestrian trail..
- ❑ The landscape area on each side of the trail should be at least 6', and wider in places that incorporate natural features or significant vegetation.
- ❑ One large tree for every 40' of trail length; and 1 ornamental tree or small evergreen tree for every 25' of trail length.
- ❑ Trails corridors located along rights-of-way may be integrated into the streetscape design to create the optimal multi-modal design for the street and trail, particularly along major and minor arterial streets.

## Civic Space

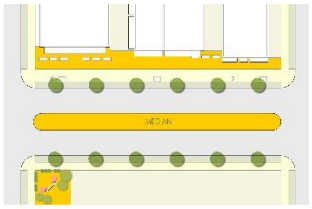
***Variations: Size / Service Area***
Green – 1 – 3 acres / ¼ mile
Square – 5K s.f. – 1 acre / 1,000'
Plaza – 1K - 5K s.f. / abutting lots or on same block

***Design Elements & Guidelines***

- ❑ Civic space should have frontage on a public street (or internal access street) with direct pedestrian access to the streetscape and sidewalk, subject to the following;
  - Greens along at least 3 sides and at least 75% of the perimeter,
  - Squares along at least 2 sides and 60% of the perimeter
  - Plazas along at least 1 side and at least 30% of the perimeter.
- ❑ Buildings should front on and frame the civic space, and be designed with frequent entrances, transparency, and outdoor seating areas to create activity in the space and make physical and visual connections between the buildings and the space.
- ❑ Civic spaces should have a balance of formal gathering places (hardscape, seating, public art, etc.) and landscape (gardens, lawns, planting beds, etc.). generally within the following:
  - Green: formal = 15% - 50%; landscape = 85% - 50%
  - Square: formal = 50% - 75%; landscape = 25% - 50%
  - Plaza: formal = 75% - 85%' landscape = 15% - 25%
- ❑ One shade tree for every 25' of street frontage and one ornamental or evergreen tree for every 2,000 square feet.

### Enhanced Streetscape

***Size***
Gateway features: 100 s.f. – 1K s.f.
Pedestrian / Landscape Amenity: at least 50% more than required for streets by Section 3.01
Boulevard Median: 12' collector; 16' arterial



***Service Area***
Abutting lots along same block

***Design Elements & Guidelines***

- ❑ Gateways concentrate landscape and ornamental structures at important intersections or at entrances to distinct neighborhoods or districts. Gateways may be located more frequently throughout a neighborhood or district with smaller, subtle treatments at multiple intersections, creating a hierarchy of streetscape elements that define the character of the area.
- ❑ Gateways landscape: 1 large tree per 35' of street frontage; 1 ornamental tree or evergreen tree per 250 s.f; 3 shrubs per 100 s.f.
- ❑ Pedestrian and landscape amenity areas at least 50% greater than required by the streetscape design in Section 3.01.C. or landscape median of at least 12' on collector streets or 14' on arterial streets; may count to common open space
- ❑ Pedestrian and landscape amenities shall include planting that is at least 50% above the rate required for the street.
- ❑ Streetscape enhancements shall generally be located in separate tracts designated on a plat or require additional right-of-way

## 3.03 Blocks & Lots

A. **Intent.** The intent of the blocks and lots standards is to:

1. Ensure the proper arrangement of blocks and lots to complement the street network and open and civic space systems.
2. Arrange blocks, lots and development in a manner that is least disruptive to existing topography and capitalizes on inherent natural characteristics of the land as defining features.
3. Coordinate access and utilities for each lot in association with larger systems of streets and infrastructure.
4. Promote appropriate site, building and frontage designs in relation to streetscapes and open spaces.
5. Ensure that all lots are buildable according to this code and that all non-developed out lots or other parcels serve an urban design or planning function in relation to the overall development pattern.

B. **Block & Lot Arrangement**

1. *General Layout.* All blocks shall be laid out to have two tiers of lots unless dictated by existing development patterns outside of the control of the project or by access management on major arterial streets. In these cases, streetscape standards and open or civic space systems should be used to create buffers and transitions at the rear of lots.

2. *Block Size & Patterns.* The maximum block length shall be based on the street connectivity standards and specific context as identified in Section 3.01.B.

3. *Lot Patterns.* All lots shall front on a public street, or on an alternative access or common open space where specifically allowed by these regulations. All side lot lines shall generally be perpendicular to front lot lines, or radial to any curves along the front lot lines. Other irregular lot patterns shall only be permitted where they are used to integrate

patterns of buildable lots into the overall block structure and to provide consistent relationships to the streetscape.

4. *Addressing.* All lots and other parcels shall require an address following city address policies and guidelines, including streets and street names.

5. *Easements.* All blocks shall include easements for all utilities, required improvements, access and open spaces necessary to serve each lot. Easements shall be granted by the owner to the appropriate entity. All easements shall be accessible from the public right-of-way and graded to within six inches of final grade before utilities are installed. Unless otherwise specified through the development review process utility easements shall be as specified in Table 3-9, Easements.

**Table 3-9: Easements**

| | |
|---|---|
| Common rear lot lines | 16', 8' on each lot |
| Perimeter rear lot lines w/o common boundary | 10' |
| Side easements, where necessary | 5' |

6. *Drainage.* Where a subdivision is traversed by a watercourse, drainageway or stream, blocks shall be laid out in coordination with these features.
   a. A pedestrian or bikeway easement may be required where the block structure is interrupted more than permitted in Section 3.01.B, or where the Planning Commission or City Council determines the area is appropriate for active recreation or transportation uses.
   b. All necessary rights-of-way and easements shall be dedicated to the City or other public entity to preserve the hydrologic, environmental, or stormwater function of the watercourse, drainageway or stream.

## 3.04 Required Improvements

A. **Intent.** The intent of this section is to:

1. Ensure that all improvements necessary to serve lots within a subdivision are constructed, inspected or otherwise assured of completion prior to the issuance of building permits.
2. Prevent the location or design of a subdivision from placing an undue burden on public utility systems and community facilities serving other areas.
3. Provide appropriate apportionment of costs and offset higher net costs or premature costs to the public necessitated by the subdivision.
4. Protect against subdivisions where soil, subsoil or flooding conditions would create potential dangers to public health or safety.
5. Coordinate subdivisions and construction of required improvements with other anticipated improvements or with future growth.

B. **General Requirements.**

1. All required improvements shall be outlined in the subdivision plan, and be incorporated into the final design at the time of final plat as provided in Section 2.02.
2. The applicant shall post a performance bond, letter of credit or similar security instrument drawn in favor of the City in an amount equal to 125% of the estimated cost of the construction of improvements, determined by the Public Works Director.

3. The schedule for construction of improvements may be divided into phases according to an approved preliminary or final plat as specified in Section 2.02.
4. Required improvements shall be constructed in accordance with the Public Works Standards and Specifications and in accordance with approved plans and profiles and the construction requirements and specifications of the City.
5. Finished plans of all public improvements as built shall be required before the City shall accept improvements. The approved design plans are acceptable if they remain true after construction and if attested to by a registered engineer.
6. The performance guarantee shall be released upon written request by the applicant to the City Council, only after all improvements for the subdivision, or any particular phases noted on a phasing plan, are completed, inspected and finally accepted by the City.
7. The applicant shall be responsible for the repair, replacement and maintenance of any required improvement which fails to function or meet the standards of the City due to defects in material or workmanship, within 2 years from the date of final acceptance.

C. **Improvements.** The following improvements are required to be constructed with the subdivision, except where facilities sufficient to serve the subdivision exist and have been approved by the City. The size, type and general location of each improvement, and estimated cost shall be included as part of the final plat submittal and review.

1. Easements and utility services, including water lines, sanitary sewer, and other public utilities.
2. Easements and drainage systems including storm sewer lines, natural and constructed conveyances, retention/detention ponds, and similar facilities.
3. Retaining walls associated with an approved grading plan.
4. Wells.
5. Fire Hydrants.
6. Rights-of-ways and streets.
7. Access and alleys and other required vehicle circulation and parking components, and easements where shared or cross-access is proposed.
8. Streetscape elements, including curb, gutter, sidewalks, landscape and amenity areas, street lights, and street signs.
9. Traffic signal lights and signs, and any other safety measures in the rights-of-way.
10. Open and civic spaces, whether public, common, or shared.
11. Survey monuments, including range points and lot pins as required by the Public Works Director. In general, this shall be at all beginning and end points, all angle points, or any change in radii of a curved line, and no more than 1,400 feet apart on any straight boundary line. In addition, minimum half-inch steel pins shall be set at all lot corners with a Colorado registration number of the surveyor responsible for the monument.
12. Communication and electric distribution services and lines, which shall be underground with the exception of meters, terming boxes and other facilities. All facilities shall be in easements or the right-of-way subject to the design specifications and approval of the City through the plat review process. Every effort shall be made to place pedestals in accessible locations close to corner lot lines but to minimize their appearance through streetscape design, landscape materials, or other site planning and urban design strategies that minimize their impact on the public realm.

D. **Reimbursement Agreements.** Applicants constructing required improvements for their property within their project or through undeveloped areas to serve their project shall be responsible for the entire cost of the improvements. Whenever any portions of the required public improvements are part of a planned future facility for the City, serving an area larger than the subdivision and its impact, the City may require and the applicant may enter into an upsizing agreement. The City and the applicant shall negotiate the following aspects of the agreement prior to approval of the plat:

1. The applicant shall construct the facilities as planned by the City for future capacity as part of the subdivision and development process.
2. The applicant shall be responsible for the portion of the costs required to serve the proposed subdivision based on actual total cost to build the facilities absent any upsizing agreement.
3. The City shall be responsible for any incremental costs to expand the facility to the planned capacity, beyond the capacity to serve the subdivision. The City's participation may be based by the applicant bidding the project with bid alternates: one alternate to build the minimum required facility to serve the subdivision or development and the second bid alternate being for the upsized facility planned by the City.
4. The City may coordinate its reimbursement schedule to the applicant with fees assessed to other property in coordination with any future development of land benefitting from the improvements, but in no case may this period be extended beyond 8 years from the date the improvement is made, unless specifically agreed to by the applicant.
5. The agreement shall be subject to approval by the City Attorney.

## 3.05 Community Facilities & Fees

A. **Intent.** The intent of the community facility and fees standards is to:
1. Anticipate and evaluate the incremental and long-term impact of development on broader public and community facility needs.
2. Identify opportunities to integrate plans for public and community facilities into the planning and design of proposed land divisions.
3. Consider the location of public and community facilities in coordination with the initial planning considerations for streets, open spaces, blocks, and lots, so that needed facilities are located conveniently in neighborhoods and districts and serve as gateways and focal points for the community.
4. Provide the opportunity to negotiate a fair and equitable price for land needed to develop public or community facilities beyond the impact of the particular project, or alternatively to provide an incentive for land owners to dedicate land for needed facilities where the lack of facilities may otherwise constrain potential future development.
5. Ensure that the most appropriate locations of public and community facilities are identified and considered prior to the premature commitment of these areas to conflicting development patterns.
6. Promote fiscal responsibility for all public entities by coordinating the planning, design and financing of public facilities with impact generated from proposed development.

B. **Dedication of Land.** The Planning Commission or City Council may request the dedication of land to the City or other government entity with jurisdiction over public and community facilities, for parks, open space, public safety facilities, school sites or other public or community facilities.
1. The request for dedication shall be based on an official master plan of the entity having jurisdiction over the facility identifying the general location and extent of the facility, or some other documented need for the facility that is available for public review.
2. The dedication may be included on the subdivision plan or a condition of approval of the subdivision plan, at the discretion of the applicant.
3. Acceptance of the dedication shall be agreed to in writing by the entity having jurisdiction over the site or facility prior to approval of the final plat or through approval of the final plat if dedication is to the City. Upon dedication, the applicant may be eligible for credits towards open space requirements or reimbursement of other development fees.
4. Nothing in this section shall prohibit any public entity from establishing fees that apportion the appropriate contribution for the impacts on planning, design and land acquisition for facilities needed due to the development.

5. Dedication of land for community facilities may be credited to the Open and Civic Space requirement in Section 3.02 at the discretion of the City Council, particularly where this space is designed and located serve both community facility and open and civic space needs.

C. **Dedication of Water.** All subdivisions of land shall provide adequate water supply to balance the estimated and projected demand of any proposed development. Water needs shall be estimated by the Public Works Director based on the proposed use and projected demands of the development proposal. Existing water use and previous water dedications shall be considered when determining the applicable water supply.

This section is being reviewed.

1. The applicant shall be required to provide the City with water rights reviewed and determined acceptable by the Public Works Director. Upon dedication and transfer of those rights, the developer may pay "with water rights" development fees at the time of building permit.
2. ~~If acceptable to and at the discretion of the City, an applicant that does not dedicate water for a subdivision of land shall be required to pay the "without water rights" fees at the time of building permit.~~
3. Applicants required to bring water for a development proposal shall enter into a water dedication agreement prior to the approval of any plat, outlining the amount of water dedication, the timing of water rights transfers, and the fee category applicable at the time of permit.

D. **Reservation of Land.** The Planning Commission or City Council may require the reservation of land for public or community facilities, schools, public safety facilities, or other public or community facilities in addition to the required open space and school dedication or fees. The reservation shall be for a time period of no more than one year, unless otherwise agreed to by the applicant, to permit acquisition of the land by the appropriate public entity.

1. The reservation by the Planning Commission or City Council shall:
   a. Be based on community facility needs that may serve a need or impact beyond that caused by the proposed development, and which are not otherwise met by standards of this code;
   b. Be based on an official master plan approved by the entity with jurisdiction over the public facility identifying the general location and extent of the facility, or some other documented need for the facility that is available for public review; and
   c. Be accompanied by a conceptual plan and program provided by the entity with jurisdiction over the improvement, demonstrating how the entity's facility needs relate to the site and surrounding development. The conceptual plan shall include information reasonably necessary for the applicant to plan for development around the reserved site and to prepare contingency plans in the event the site is not acquired by the public entity. Development plans for the unreserved property shall not adversely affect the potential use of the reserved property for the designated public or community facility.

2. During the reservation period or in association with the subdivision plan, the applicant may submit a contingency subdivision plan for the portion of the property subject to the reservation. A contingency plat shall include all of the information of a preliminary plat for the reserved property and can serve as the preliminary plat if the negotiation is terminated or unsuccessful. Any final plat for a reserved portion may be conditionally approved and shall not be recorded until the one-year reservation period has expired or negotiations have terminated. Otherwise any reserved portion not acquired within one year will require a preliminary and final plat according to the standards and procedures in this code.

# Article 4. Zoning District & Uses

4.01 Zoning Districts
4.02 Allowed Uses
4.03 Accessory Uses
4.04 Use-Specific Standards
4.05 District Performance Standards

## 4.01 Zoning Districts

A. **Intent.** To carry out the purposes of this code, the following districts are established, with the intent given for the character of specific areas, the development patterns and context, and the types or intensity of uses and buildings.

**Table 4-1: Zoning Districts & Intent**

| *District & Intent* | *Relationship to Comprehensive Plan* |
|---|---|
| ***A – Agriculture .*** The A district is intended for agriculture and associated uses, and includes rural and low density residential living with detached houses on acreages or large lots. Due to the development patterns and inefficiency of providing city services, this area receives only limited infrastructure investment. It is used as a "pre-development" district to preserve open and rural lands, or to hold areas until more coordinated, compact, and efficient growth and development can occur. | Limited application as a pre-development area or to preserve agriculture lands. . Alternatively, the conservation pattern can be used to cluster development areas served by infrastructure in exchange for preserving large, in-tact areas of open space, natural areas, or agriculture lands. |
| ***R-1 - Single-Family Residential***. The R-1 district provides residential living (detached houses) in low-density suburban neighborhood settings with access to supporting uses such as schools, churches, parks and other public facilities. | General application in low-density residential areas or limited application to provide larger lots at the edges of walkable neighborhoods. Alternatively, the conservation pattern can be used to cluster development areas served by infrastructure in exchange for preserving large, in-tact areas of open space, natural areas, or agriculture lands. |
| ***R-1A - Single- and Two-Family Residential***. The R-1A district provides residential living (detached houses) in low-density suburban or walkable neighborhood settings, with access to supporting uses such as schools, churches, parks and other public facilities. | General application in low-density residential areas or limited application to provide larger lots at the edges of walkable neighborhoods. |
| ***R-2 – Mixed-Density Residential***. The R-2 district provides residential living (limited range of small-scale residential building types) in compact, walkable neighborhood settings allowing a mix of housing options at strategic locations that transition to complementary and supporting non-residential uses. A well-designed public realm provides the focal point to integrate a variety of building types with a consistent neighborhood character. | General application in moderate and high-density areas, as a complementary component of walkable neighborhoods or the predominant residential component of downtown, mixed use areas, and transit-served nodes. |
| ***R-3 – High Density Residential***. The R-3 district provides residential living (wide range or residential building types) in a moderate-to high-density pattern in suburban areas or walkable neighborhoods, located as a transition between lower-density neighborhoods or more intense non-residential uses, and where a high level of accessibility, public amenity and support services are immediately available. | General application in high-density areas. |

**Table 4-1: Zoning Districts & Intent**

| *District & Intent* | *Relationship to Comprehensive Plan* |
|---|---|
| ***MH – Manufactured and Small-Format Housing District.*** The MH district provides residential living for smaller format manufactured, mobile, or other small format residences in a planned community that shares common amenities located in areas that have transitions between lower-density neighborhoods or more intense, non-residential uses and where a high level of accessibility, public amenity and support services are immediately available. See Section 5.08. Manufactured and Small-Format Housing District. | Limited application on a project specific basis, considering context and design. |
| ***DT – Downtown.*** The DT district provides an integrated mix of retail, service, entertainment and civic uses, and supporting office and residential uses, in a compact and walkable format. This district preserves the historic "main street" scale and small town character of Fort Lupton. It is the vibrant heart of the community with a high level of civic design, walkable urban patterns, and a concentration of diverse, small-scale uses. | General application for Downtown Fort Lupton, for blocks fronting on Denver Avenue and Main Street, with potential for expansion north and south, and along major side- streets. |
| ***RO – Residential Office.*** . The RO Residential and Office District is a transitional and supporting zone, with a mix of residential and small-scale, low-intensity commercial uses. This zone serves as a transition between commercial centers and neighborhoods, while it also supports other districts by providing uses which characteristically complement commercial and industrial activities in close proximity – typically in a small-scale, compact, and walkable format. | General allocation in commercial areas or as support uses on the edges of mixed use centers |
| ***C-1 – Neighborhood Commercial***. The C-1 Neighborhood Commercial District provides for small-scale and light intensity uses that support neighborhoods and other surrounding commercial or industrial districts. It may exist in compact, walkable formats in close proximity to neighborhoods, or alternatively if automobile oriented the impacts of access and operations on adjacent areas are limited and mitigated by the small-scale format and lighter intensity of the uses. | Application on corridors and arterials, or as nodes that support residential neighborhoods. |
| ***C-2 – Heavy Commercial***. The C-2 Heavy Commercial District is intended to provide an environment adaptable to commercial uses which, by their nature, require heavy auto and truck traffic or outdoor storage and display. | Limited application in commercial areas along corridors, and where mixed-use designations may not accommodate uses. |
| ***I-1 – Light Industrial***. The I-1 district provides primarily service, employment, manufacturing and distribution uses at a scale, intensity and format that won't have significant impact on adjacent uses, and which can mix with supporting and compatible service and retail uses. | General application in industrial areas, and limited application as an employment component of mixed-use or commercial areas |
| ***I-2 – Heavy Industrial***. The I-2 district provides for the broadest scope of service, manufacturing and distribution uses that are generally not compatible with residential or commercial activity due to the scale, operation, intensity or impacts of activities, or due to the high level of transportation access and support infrastructure required of the business. | Limited application in industrial areas or other locations on major regional freight routes. |
| ***P – Parks and Open Space.*** The P Parks and Open Space District is intended for outdoor recreation facilities and large open land areas which, by reason of topographic features, proximity to a natural drainage course or other natural or man-made features, may be either unsuitable for customary density of construction or use or suitable for preservation as a park or as an open space area. | General application for open space, parks or other areas reserved for public, civic, and similar community-supporting activities (P uses such as open space, may be allowed in other zoning districts and rezoning to P is not mandatory.) |
| ***PUD –*** See section 2.04 for the intent and applicability of planned zoning districts. | |
| ***E – Estate district.*** The E Estate District is intended to provide for large lot residential subdivisions, permitting maximum usage of topographic features and allowing a semi-rural environment with relief from the congestion often found in urban areas. This is a legacy district that reflects areas with this zoning designation prior to adoption of this code. It is not intended to be used based on the most recent comprehensive plan. (See Appendix E) | Not applicable. |

B. **Official Zoning Map.** The boundaries of the districts are shown on the official Zoning Districts Map on file with the Planning Department. Electronic copies and files of this map shall reference the "Official Copy" on file with the Planning Department, but any copy should be verified with the Department before materially relying on any electronic or other representative copy of the map.

## 4.02 Allowed Uses

A. **Use Table.** In order to implement the intent of each zoning district, facilitate complementary transitions between districts, and to regulate a variety of compatible uses within zoning districts each district is permitted the uses indicated in Table 4-2. The table identifies uses as:

1. Permitted uses (■) subject to general district and building standards, and review procedures.
2. Special uses (S) subject to the review process and criteria in Section 2.07.
3. Other accessory or temporary uses may be permitted according to the standards of Section 4.03, Accessory Uses.
4. Uses listed in the table, or more specific types of uses generally enabled in the table, may be subject to specific standards or limits in Section 4.04, Use-specific Standards.
5. Uses in the table are more specifically described in Section 11.02, Description of Uses.

**Table 4-2: Allowed Uses**

| *Uses* | *Zoning Districts* | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ■ = Permitted, subject to general district standards<br>S = Permitted, only by special use permit discretionary review<br>= Blank means the use is not permitted | A | R1 | R1A | R2 | R3 | MH | P | RO | C1 | C2 | DT | I1 | I2 |
| ***Residential Uses*** | | | | | | | | | | | | | |
| *Detached House – Rural (5+ ac)* | ■ | | | | | | | | | | | | |
| *Detached House – Estate (40K)* | ■ | ■ | ■ | ■ | | | | | | | | | |
| *Detached House – Standard Lot (8K)* | | ■ | ■ | ■ | ■ | | | | | | | | |
| *Detached House – Neighborhood Lot (6.5K)* | | | ■ | ■ | ■ | | | ■ | | | | | |
| *Detached House – Small Lot (3K)* | | | | ■ | ■ | ■ | | ■ | | | | | |
| *Detached House – Compact Lot (1.5K - 3K)* | | | | | ■ | ■ | | | | | | | |
| *Duplex / Multi-unit House (2-4 units – 3K / unit)* | | | | ■ | ■ | | | ■ | S | | S | | |
| *Established Detached Houses in Non-residential* | | | | | | | | | ■ | ■ | ■ | ■ | ■ |
| *Row House (3-8 units)* | | | | ■ | ■ | | | ■ | | | | | |
| *Accessory Dwelling (see Section 4.03.B.)* | ■ | S | S | ■ | ■ | | | ■ | | | | | |
| *Apartment – Small Lot (3-12 unit)* | | | | ■ | ■ | | | ■ | S | | S | | |
| *Apartment – Medium Lot (13-24 units)* | | | | | ■ | | | ■ | | | | | |
| *Apartment – Large Lot / Complexes (multiple buildings / > 24 units)* | | | | | ■ | | | | | | | | |
| *Apartment – Mixed Use (3-12 units; above / behind commercial use)* | | | | | | | | ■ | ■ | ■ | ■ | | |
| *Residential Care – Group Home/Statutory* | ■ | ■ | ■ | ■ | ■ | | | ■ | | | | | |
| *Residential Care – Limited* | | | | | ■ | | | ■ | ■ | ■ | ■ | | |
| *Residential Care – General* | | | | | S | | | S | ■ | ■ | | | |
| *Residential Care – Institutional* | | | | | | | | | S | ■ | | | |
| ***Agriculture Uses*** | | | | | | | | | | | | | |
| *Agriculture (5+ ac minimum)* | ■ | | | | | | | | | | | ■ | ■ |

**Table 4-2: Allowed Uses**

| Uses | Zoning Districts | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ■ = Permitted, subject to general district standards<br>S = Permitted, only by special use permit discretionary review<br>= Blank means the use is not permitted | A | R1 | R1A | R2 | R3 | MH | P | RO | C1 | C2 | DT | I1 | I2 |
| ***Civic Uses*** | | | | | | | | | | | | | |
| *Assembly – Neighborhood (< 400 capacity and < 1 acre lot)* | | ■ | ■ | ■ | ■ | ■ | | ■ | ■ | ■ | ■ | ■ | |
| *Assembly – Community (400 – 800 capacity or 1 – 5 acre lot* | | S | S | S | S | | | | ■ | ■ | S | ■ | ■ |
| *Assembly – Regional (800+ capacity or 5+ acre lot)* | | | | | | | | | | ■ | | ■ | ■ |
| *Cemetery* | | | | | | | S | | | | | | |
| *Funeral Home* | | | | | | | | S | S | ■ | S | ■ | ■ |
| *Public recreation areas & facilities (see 3.02, Open & Civic Space)* | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| *Schools* | | ■ | ■ | ■ | ■ | | ■ | ■ | ■ | ■ | ■ | ■ | |
| ***Commercial Uses*** | | | | | | | | | | | | | |
| *Retail – Limited (<2K)* | | | | | | | | ■ | ■ | ■ | ■ | ■ | |
| *Retail – Small (2K-10K)* | | | | | | | | | ■ | ■ | ■ | ■ | |
| *Retail – General (10K-30K)* | | | | | | | | | S | ■ | S | ■ | |
| *Retail – Large (> 30K)* | | | | | | | | | | ■ | S | ■ | |
| *Retail – Outdoor Sales* | | | | | | | | | | S | | ■ | ■ |
| *Animal Care – Limited (<5K / limited boarding)* | | | | | | | | ■ | ■ | ■ | ■ | ■ | |
| *Animal Care – Small (<5K)* | | | | | | | | | S | ■ | | ■ | |
| *Animal Care – Large (5K +)* | | | | | | | | | | ■ | | ■ | |
| *Car Wash* | | | | | | | | | | S | | ■ | ■ |
| *Child Care – In-home* | S | S | S | S | S | S | | ■ | ■ | ■ | ■ | | |
| *Child Care – Center / Small* | | | | S | S | S | | ■ | ■ | ■ | ■ | ■ | |
| *Child Care – Center / Large* | | | | | | | | | | ■ | | ■ | |
| *Gas Station – Limited (1-8 pumps)* | | | | | | | | | ■ | ■ | S | ■ | ■ |
| *Gas Station – General (9-16 pumps)* | | | | | | | | | | ■ | | ■ | ■ |
| *Gas Station – Large (17+ pumps)* | | | | | | | | | | S | | ■ | ■ |
| *Lodging – Short Term Rental* | S | S | S | S | S | | | S | S | S | S | | |
| *Lodging – B&B (up to 5 rooms)* | S | S | S | S | S | | | ■ | ■ | ■ | ■ | | |
| *Lodging – Inn (6-40 rooms)* | | | | | | | | ■ | ■ | ■ | ■ | ■ | |
| *Lodging – Motel / Hotel – Small (41 – 120 rooms)* | | | | | | | | | S | ■ | S | ■ | |
| *Lodging – Motel / Hotel – Large (120+ rooms)* | | | | | | | | | | ■ | | ■ | |
| *Marijuana – Medical Stores* | | | | | | | | | ■ | ■ | | ■ | ■ |
| *Marijuana – Retail Stores* | | | | | | | | | ■ | ■ | | ■ | ■ |
| *Medical Service – Limited (<5K)* | | | | | | | | ■ | ■ | ■ | ■ | ■ | |
| *Medical Service – General (5K-15K)* | | | | | | | | | ■ | ■ | | ■ | |
| *Medical Service – Large (> 15K)* | | | | | | | | | | ■ | | ■ | |
| *Personal Service– Small (< 5K)* | | | | | | | | ■ | ■ | ■ | ■ | ■ | |
| *Personal Service– General (5K – 10K)* | | | | | | | | | ■ | ■ | | ■ | |
| *Personal Service– Large (> 10K)* | | | | | | | | | | ■ | | ■ | |
| *Office – Small (<30K)* | | | | | | | | ■ | ■ | ■ | ■ | ■ | |
| *Office – General (30K-60K)* | | | | | | | | | ■ | ■ | ■ | ■ | |

**Table 4-2: Allowed Uses**

| Uses | Zoning Districts | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ■ = Permitted, subject to general district standards<br>S = Permitted, only by special use permit discretionary review<br>= Blank means the use is not permitted | A | R1 | R1A | R2 | R3 | MH | P | RO | C1 | C2 | DT | I1 | I2 |
| *Office – Large (> 30K)* | | | | | | | | | | ■ | | ■ | |
| *Recreation / Entertainment – Indoor / Limited (< 20K)* | | | | | | | | | ■ | ■ | ■ | ■ | |
| *Recreation / Entertainment – Indoor / General (20K+)* | | | | | | | | | | ■ | | ■ | |
| *Recreation / Entertainment– Outdoor / Limited (< 2 ac.)* | ■ | | | | | | | | S | ■ | | ■ | |
| *Recreation / Entertainment– Outdoor / General (2+ ac.)* | S | | | | | | | | | ■ | | ■ | |
| *Recreation / Entertainment – Shooting Range (indoor or outdoor)* | S | | | | | | | | | S | | S | S |
| *Restaurant – Small (< 2K)* | | | | | | | | ■ | ■ | ■ | ■ | ■ | |
| *Restaurant – General (2K - 8K)* | | | | | | | | | ■ | ■ | ■ | ■ | |
| *Restaurant – Large (> 8K)* | | | | | | | | | S | ■ | S | ■ | |
| *Vehicle/Equipment Sales– Limited (<15K s.f. lot)* | | | | | | | | | S | ■ | | ■ | ■ |
| *Vehicle/Equipment Sales - General (15K+ s.f. lot)* | | | | | | | | | | ■ | | ■ | ■ |
| *Vehicle/Equipment Services and Repair – Limited (1 - 4 bays)* | | | | | | | | | S | ■ | S | ■ | ■ |
| *Vehicle/Equipment Services and Repair – General (5+ bays)* | | | | | | | | | | ■ | | ■ | ■ |
| ***Industrial Uses*** | | | | | | | | | | | | | |
| *Airport / Heliport* | S | | | | | | | | | | | S | S |
| *Industrial Services – Limited (up to 10 vehicle fleet)* | | | | | | | | | | ■ | | ■ | ■ |
| *Industrial Services – General (11 to 25 vehicle fleet)* | | | | | | | | | | | | ■ | ■ |
| *Industrial Services – ~~Heavy~~ (26+ vehicle fleet)* Large | | | | | | | | | | | | | ■ |
| *Manufacturing – ~~Artisan / Micro~~* Limited / Artisan | | | | | | | | ■ | ■ | ■ | ■ | ■ | ■ |
| *Manufacturing – ~~Limited~~* Light | | | | | | | | | | ■ | | ■ | ■ |
| *Manufacturing – General* | | | | | | | | | | | | | ■ |
| *Manufacturing – Heavy* | | | | | | | | | | | | | S |
| *Mining and Resource Extraction* | S | | | | | | | | | | | | |
| *Oil & Gas Drilling & Exploration (See Section 4.04.I)* | S | S | S | S | S | S | S | S | S | S | S | S | S |
| *Storage and Warehousing - Indoor* | | | | | | | | | | S | | ■ | ■ |
| *Storage and Warehousing - Outdoor* | | | | | | | | | | S | | S | ■ |
| *Storage and Warehousing – Hazardous Materials* | | | | | | | | | | | | | S |
| *Utility - Limited* | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| *Utility - General* | S | S | S | S | S | S | S | S | ■ | ■ | S | ■ | ■ |
| *Utility - Heavy* | | | | | | | | | | | | S | S |
| *Utility - Pipeline* | S | S | S | S | S | S | S | S | S | S | S | S | S |
| *Waste Management & Processing – General* | | | | | | | | | | | | S | ■ |
| *Waste Management & Processing – Heavy* | | | | | | | | | | | | | S |
| *Wireless Communication Facilities* | *See Chapter 5, Article VI of the Fort Lupton Municipal Code* | | | | | | | | | | | | |

Planning Commission discussion

## 4.03 Accessory Uses

In addition to the general use and development standards applicable to all districts, permitted uses may include other accessory uses. This section provides basic performance standards for all accessory uses and some specific standards for particular accessory uses.

A. **Accessory Uses, Generally.** All principal uses may include accessory uses. All accessory uses, and any accessory use not specifically mentioned in this section, shall be subject to the following general standards:

1. The use and any structure is clearly incidental and subordinate to an allowed use and customarily associated with the allowed use.
2. The use is on the same lot as an active principal use.
3. The use is compatible with the general character of the area and comparable in scale and intensity to other uses in the vicinity.
4. No use or structure may be constructed, maintained, or conducted in a way that produces noise, vibration, noxious odor or material, any visible light, glare, or other visible impacts that are harmful, damaging, or disturbing to the adjacent property.
5. Any structures or site design elements to support the use can be screened or located to minimize impact on adjacent property or are not significantly different from what is typical for other allowed uses in the district.
6. There are no unusual traffic patterns or increases in activity that impact the use and design of streets and public spaces differently than other allowed uses.
7. All uses are conducted and structures are maintained in a way that is consistent with the intent and objectives of all other design and development standards applicable to the property.

B. **Accessory Dwelling.** Accessory dwellings shall be accessory to a primary residential use on the lot and subject to the following additional standards:

1. One accessory dwelling may be permitted per lot only when associated with a detached house or duplex/multi-unit house.
2. Accessory dwelling units may be located in a detached accessory building or located within the principal building (such as an attic, basement, or rear apartment).
3. The accessory dwelling shall not exceed 50 percent of the living area of the principal dwelling or 1,200 square feet, whichever is less.
4. One additional parking space shall be provided on site, although this provision may be waived by the Director if the context and circumstances of each dwelling unit prove the space unnecessary.
5. All buildings, including any detached accessory structure, shall meet the development and design standards for the lot in Article 5.
6. The accessory dwelling shall be compatible with principal building, and whether within the principal building or in a detached structure, be clearly subordinate to the principal dwelling through the location of parking, access, building entrances, and other design features that accommodate the dwelling.
7. Accessory dwellings shall require a special use permit according to the procedures and criteria in Section 2.08 in the R-1 and R-1A districts, but are permitted in the A, R-2, R-3, and R-O districts.
8. A condition of the special use permit and certificate of occupancy in the R-1 and R-1A districts shall be that either the accessory dwelling unit or principal dwelling unit shall be occupied by the owner of record.

C. **Home Occupation.** Home occupations may be accessory to a primary residential use on the lot and shall meet all of the following additional standards:

1. The occupation shall be limited to residents of the dwelling and no more than one non-resident employee. If the resident applicant is not the homeowner, the homeowner shall provide a notarized authorization with the permit application.
2. No more than 30% of the floor area of any one floor of the dwelling unit shall be utilized for a home occupation.
3. All activity shall be conducted within an enclosed living area, permitted accessory building, or the garage.
4. Any materials or equipment used in the home occupation shall be stored within an enclosed structure.
5. No alteration of the exterior of the building or site shall be made which changes the residential character of the building or site.
6. No traffic, services, or deliveries shall be generated by the home occupation that is abnormal to a residential neighborhood.
7. No equipment, machinery or operation shall be used in such activities that is perceptible off the premises because of noise, smoke, odor, dust, glare, radiation, electrical interference, or vibration.
8. Only up to 10 customer or patron visits per day shall be permitted and limited to between the hours of 7 a.m. and 7 p.m. All parking necessary for the use shall be confined to the garage, driveway, or street directly in front of the dwelling.
9. Signs shall be limited to 1 non-illuminated sign, no more than 2 square feet, and within at least 10 feet of the primary entrance.

.

D. **Renewable Energy Facilities.** Small renewable energy facilities may be an accessory use to another permitted use subject to the following additional standards, and provided they meet the qualifications for a building permit in Section 18-9 of the Municipal Code. They may be permitted beyond the standards as specified below through a special use permit according to Section 2.08. Any renewable energy facility that does not meet the limits of this section or cannot qualify as an accessory special use permit shall be considered a public utility service use and only allowed as permitted in Table 4-2 as a principal use of land.

**Table 4-3: Accessory Renewable Energy Facilities**

| | *Accessory Use by Building Permit* | *Accessory Use by Special Use Permit* |
|---|---|---|
| ***Solar*** | | |
| *Building Mounted* | ▪ 8" max. off and parallel with pitched roof<br>▪ 3' max. off a flat roof<br>▪ Any facility projecting more than 2' off a flat roof shall be screened from ground level or adjacent property by a parapet, or other architectural screen integral to the design of the building. | ▪ 6' max. off a roof or building wall |
| *Ground Mounted* | ▪ 6' high max<br>▪ 10' setback min.<br>▪ Screened from adjacent property and the ROW in the same manner as all other mechanical equipment. | ▪ ~~10' max high~~ Greater than 6' high |
| ***Wind*** | | |
| *Building Mounted* | ▪ 4' max. above roof (residential buildings)<br>▪ 8' max. above roof (non-residential buildings) | ▪ 12' max. above roof (residential buildings)<br>▪ 20' max. above roof (non-residential buildings) |
| *Ground Mounted* | ▪ 30' max. height (residential districts)<br>▪ 45' max. height (non-residential districts) | ▪ 45' max. height (residential districts)<br>▪ 60' max. height (nonresidential districts) |

Add bullet: Height measured from ground to highest point on apparatus.

E. **Craft Food and Beverage Manufacturing.** Production, retail sale, and distribution of food and beverages, such as micro-brewery, distillery, bakery, or other on-site manufacturing, is allowed accessory to an otherwise allowed restaurant or customer service use, provided:

1. That all manufacturing areas, or any warehousing, shipping and distribution facilities are clearly subordinate to the principal use as a restaurant.
2. No byproducts are generated such as smell, waste, smoke or noise results from the manufacturing that is distinctly different or of greater intensity than the principal use or similar permitted principal uses in the district.
3. Traffic, customer, and shipping operations and activities from the manufacturing use are not distinctly different than the principal use, both in terms of intensity and hours of activity.

Otherwise such uses are only permitted as a principal manufacturing use.

F. **Outdoor Storage, Non-residential.** Accessory outdoor storage may be permitted in the non-residential districts subject to the following standards:
1. In the R-O, C-1, and DT districts, the storage area shall be located behind the front building line of the principal building.
2. The storage area shall be fully screened from residential properties or public spaces according to the standards and design requirement of Section 8.03, and no materials shall be stacked higher than the screening.
3. The storage area shall be located on the most remote section of the site or building as possible, but no closer than 20 feet to any street or right-of- way in any in all cases.
4. Storage areas shall be limited to:
   a. No more than 200 square feet in the R-O district.
   b. No more than 500 square feet in the C-1 or DT districts.
   c. No more than 30% of the building footprint in the C-2 district.
   d. No more than 100% of the building footprint in the I-1 district.
5. The storage area shall be paved per the requirements for parking lots, except a stabilized dust-free surface may be used in the I-1 and I-2 district.
6. Alternatives to these accessory use limits may only be approved through the Alternative Compliance process and criteria in Section 2.07.

G. **Outdoor Display and Service Areas**. Outdoor display and service areas accessory to an allowed commercial use, such as sidewalk seating and dining or sidewalk sales are allowed subject to the following conditions:
1. Outdoor display and areas shall be located on the same lot as the principal use or along the street frontage immediately abutting the use in the case of street front buildings.
2. The area shall be limited to no more than 30% of the ground floor area of the principal use.
3. Display and service areas shall not be arranged where they interfere with pedestrian movements or building access, or with clear vision areas. At least 5 feet clear or at least 50% of the width any sidewalk, whichever is greater, shall remain clear and unobstructed by any display or service areas located on a sidewalk.
4. The area may be located in parking areas, provided it does not interfere with adequate parking and circulation of the entire site. The permanence of any structures shall be considered in evaluating the impact on adequate parking needs for the site.
5. The area shall be screened from view along any property line abutting a residential use or district according to Section 8.03.
6. A site plan shall be provided for any outside display or service area more than 400 square feet, lasting more than seven consecutive days, or more than four separate occurrences per year. A site plan shall show the location, area, and dimensions of the display area, and specifications for all lighting, fencing, screening, or temporary or permanent structures.
7. In reviewing the site plan, conditions or performance standards to mitigate excess noise, visual, or operational impacts may be added by the Director to address specific sites or contexts.

8. Any outdoor display area more than 1,000 square feet or that does not meet the conditions of this sub-section may only be approved through the special use permit procedures and criteria in Section 2.08.

H. **Accessory Drive-Through.** Drive-through or drive-up service accessory to an allowed commercial use is permitted subject to the following standards, provided it is not otherwise prohibited by a specific plan or design standard for a particular area.

1. The service area shall not substantially expand the traffic or vehicle circulation otherwise necessary for the site. In general, the service area shall use the same entrance and exit from the site as the principal use, unless a more remote or discrete service off an alley or secondary street better meets these criteria.
2. Avoid potential pedestrian/vehicle conflicts on the site and along the streetscape. No access shall be provided on any street designed to walkable street standards in Section 3.01. (MU/Retail Pedestrian, Avenue, or Boulevard street types). Use of alleys, internal access, and the rear of buildings for drive-through services is required to preserve the streetscape design and development patterns of these areas.
3. Service areas and windows shall be located on the most remote wall possible, considering adjacencies to public-streetscapes, residential property, or other sensitive land use and urban design characteristics of the context. Additional screening or buffers may be required beyond the standards of Section 8.03 in order to ensure compatibility.
4. No service area or pick up window shall be located within 100 feet of any residentially zoned property, except as authorized by a special use permit in this sub-section, and provided additional screening, buffers, and site design parameters demonstrate that noise and visibility is mitigated.
5. Adequate stacking spaces for automobiles shall be provided to eliminate any impact on public streets. Circulation, stacking and other access issues shall be designed in a manner that has the least impact on pedestrians entering the principal building both from public streets and from internal streets or parking areas. Any stacking area or drive-through circulation lanes between the public streetscape and building shall require enhanced landscape beyond the standards of Section 8.03.
6. Signs, speakers, or lighting elements shall not be visible or audible from the public right-of-way or adjacent residential property. Additional screening or buffers may be required beyond the standards of Section 8.03.
7. Any drive through facility in the DT or R-O district shall require a special use permit subject to the procedures and criteria in Section 2.08.
8. The Director may require any other drive-through service area that does not clearly meet these standards and criteria to be reviewed subject to the procedures and criteria for special use permits in Section 2.08.

I. **Recycling Collection Point.** Small recycling collection areas or similar drop-off kiosks may be accessory use to an existing commercial or industrial land use, limited to the following:

1. Facilities shall not be located within 100 feet of any residential zoning district.
2. Permeant or temporary structures are limited to no more than 300 square feet and shall be setback at least 10 feet from any public right-of-way.
3. Facilities shall permit adequate circulation and access for drop off of materials, and for the periodic removal of materials by larger vehicles.
4. The facility shall be placed on asphalt or concrete and shall not impact any landscaping or landscaped areas.
5. Facilities shall be placed on a more remote portion of the site, appropriately screened from adjacent property or rights-of-ways, and otherwise located in a manner to limit adverse impacts on adjacent property and the public streetscape.
6. The facility shall accept only non-perishable recyclable waste, or may be a collection point for donation of reusable, non-perishable household items such as books or clothing.

7. No processing or other power-driven mechanical devises or facilities are permitted.
8. Containers shall be constructed and maintained with durable waterproof and rustproof material, covered when the site is not attended, and shall have sufficient capacity according to a collection schedule. All material shall be stored in the unit and shall not be left outside of the unit when unattended.
9. The facility shall be maintained in a clean and sanitary manner, free of litter and any other undesirable materials.
10. Containers shall be clearly marked to identify the type of material that may be deposited. The facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the containers.

## 4.04 Use-Specific Standards

The following uses may have impacts different than those generally enabled in the zoning districts, and have standards specific to the uses. These standards shall be met whether the use is a generally permitted use, accessory use, or a special use according to Table 4-2. The uses in this section may include more specific types or formats of the uses generally enabled in Table 4-2.

A. **Residential Care.** In districts where residential care is a permitted or special use, they shall meet the following conditions to ensure they are integrated into neighborhoods, have a non-institutional nature, and maintain the residential character of neighborhoods.

1. *Residential Care – Group Home / Statutory.*
   a. Group homes shall meet all of the residential design standards applicable in the particular district, and any alterations to support the group living shall be done in a discrete way in accordance with those standards.
   b. No group home shall be located less than 750 feet from another existing group home, except that the Director may waive the is requirement if separated by a restricted access highway, community scale park, or other large open space or barrier.
2. *Residential Care – Limited and General.* When Residential Care – Limited or General uses are located in residential districts, they shall meet the following:
   a The use shall be located on a collector street or higher, or otherwise located as a transition between the neighborhoods and non-residential uses.
   b. The building and site shall meet all residential design standards so that the use, building, and site is compatible with the neighborhood in terms of scale and intensity of activity.
   c. Any facilities necessary to serve the residents, guests, or to support the staff, that are non-residential in nature shall be located on the most discrete portions of the site and building, and otherwise designed and screened to mitigate impacts on adjacent property.

B. **Manufactured Homes.** In any district where a detached house is permitted, a manufactured home shall be permitted subject to the same restrictions, setbacks, use, and residential design standards as any other dwelling unit of similar density and use. Using engineering calculations or tests, following commonly accepted engineering practices, all components and subsystems of manufactured homes must perform to meet health, safety and functional requirements to the same extent as required for other dwelling units of similar density and use by the applicable building and fire codes adopted by the City. This distinguishes manufactured homes as a construction technique rather than a building type. Manufactured homes are subject to the following additional standards, except where permitted as part of a Manufactured or Small-Format Housing Community in the M-H district.

1. Minimum size shall be 20 feet in width and 600 square feet of floor space on the main level above grade.
2. Must be installed on an engineered permanent foundation with drawings engineered and stamped by a state-licensed engineer.
3. Must have brick, wood, or cosmetically equivalent exterior siding that is compatible with the surrounding neighborhood. Pictures, samples and/or detailed description of intended exterior siding must accompany the building permit application.
4. Evidence must be supplied to the City with the building permit application that the manufacturer has met or exceeds all minimum UBC, UPC, UMC and NEC standards for residential construction as per the currently adopted Municipal Code.
5. All manufactured homes shall have a gable roof with a minimum pitch of 4 inches of vertical rise for every 12 inches of horizontal run. These gabled roofs must be engineered and built to withstand a snow load of 30 pounds per square foot, and the entire home must be able to withstand wind shears of 85 miles per hour.

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C. **Lodging – Short Term Rental.** In districts where lodging – short term rental is a permitted or special use, it shall meet the following standards.
1. The building is the principal residence of an occupant, and the short-term rental is run as an accessory business use for the occupant. There are no limits on the number of days that a portion of the residence may be used as a short-term rental, but the occupant must be in residence for at least 9 months of the year. This establishes two scenarios for short term rentals:
   a. A portion of the residence is rented while the occupant is in residence.
   b. A portion or all of the residence is rented while the occupant is not in residence, but this period is limited to no more than 3 months.
2. The use as a short-term rental requires a business license for the specific property, and all local fees and taxes shall be paid through this license.
3. The resident occupant shall be the applicant for any special use permit and business license, and is responsible for mitigation of all potential impacts on the neighborhood, including noise or other nuisance violations. If the resident occupant is not the property owner, the property owner shall also provide a notarized authorization with the permit application, and shall be similarly responsible for mitigation and compliance with any special use permit conditions and business license.
4. All occupancy requirements for the dwelling and lot from this code and the building code shall be met.
5. No alteration of the exterior of the building or site shall be made which changes the residential character of the building or site.
6. No traffic, services, or deliveries shall be generated by the home occupation that is abnormal to a residential neighborhood.

D. **Lodging – Bed & Breakfast.** In districts where lodging – bed & breakfast is a permitted or special use, it shall meet the following standards.
1. Except when located in the A district or non-residential districts, the use is in or within ¼ mile of the DT district or other mixed-use center, such that guests may experience the convenience of nearby retail, office, entertainment, and recreation amenities;
2. The applicant shall occupy a residence on the site and must demonstrate a sufficient ability for site maintenance and property management; If the resident occupant is not the homeowner, the homeowner shall provide a notarized authorization with the permit application.
3. There shall be no more than 5 guest rooms;
4. One off-street parking space shall be provided per guest room on site, although this provision may be waived by the Director if the context and circumstances of each dwelling unit prove the space unnecessary. However all parking and access shall be sited to meet all frontage design and site design standards applicable in the district.

E. **Marijuana Uses.** In districts where Marijuana – Medical Stores or Marijuana – Retail Stores are permitted uses, all uses shall also comply with all business licensing requirements, standards and location limitations in Chapter 6, Article XII of the Municipal Code.

F. **Recreation and Entertainment – Outdoor.** In districts where recreation and entertainment – outdoor is a permitted or special use, it shall meet the following conditions:

1. For sites that do not include a principal building, accessory buildings shall be setback at least 50 feet from the front lot line and any adjacent residential district and 20 feet from any adjacent non-residential district. Any principal or accessory building shall meet the building development and design standards of the particular district.
2. Any accessory building or structure shall be setback from any property line a distance of at least the same as its height and no more than 50 feet tall.
3. Hours of operation shall not extend beyond midnight in non-residential areas and 10:00 p.m. in areas within 500 feet of residential zoning districts.
4. Any use proposing building locations, building or structure heights, or hours of operation different from these standards shall require a special use permit according to the procedures and criteria in Section 2.08.

G. **Storage & Warehousing - Outdoor.** In districts where storage and warehousing - outdoor is a permitted or special use, it shall meet the following standards (See Section 4.03 for accessory outdoor storage standards):

1. Storage areas shall either be located behind the principal building, or screened from view from the streetscape, public spaces, or any adjacent residential property with a fence, landscape buffer, or combination of these elements requirements of Section 8.03.
2. Except for property abutting other I-2 uses, outdoor storage shall be screened from view of adjacent property by any combinations of buildings, fences or landscape buffers to be not visible at eye level from adjacent property.
3. Alternatives to these accessory use limits may only be approved through the Alternative Compliance process and criteria in Section 2.07

H. **Agriculture.** In districts where agriculture is a permitted or special use, it shall meet the following standards

1. Keeping of horses for private use shall require at least 20,000 square feet of lot for each animal.
2. Keeping of livestock for farm or personal uses shall require lots of 5 acres or more.
3. Keeping of livestock for commercial uses shall require a special use permit. Feed lots are specifically prohibited in all cases.
4. All accessory buildings for agriculture purposes shall meet the standards for accessory buildings in Section 5.02.C.

I. **Oil & Gas.** In districts where oil and gas is a permitted or special use, it shall meet the following standards:

1. *Oil & Gas Facility Plan.* Oil & Gas uses shall require a plan clearly showing all planned and reasonably anticipated areas of work, equipment, storage, roads, and circulation, and all areas used to buffer and screen impacts from this work. The plan shall show the anticipated full extent of operations and any changes to any approved plans shall require an amendment according to the same process and criteria of the initial approved plan.
2. *Setbacks.* All oil and gas facility plans shall have the appropriate setbacks from adjacent property, structures, and uses. In general, this shall include the following:
   a. All new oil and gas facilities and accessory structures shall have setbacks that meet all rules and regulations of the Colorado Oil & Gas Conservation Commission.
   b. Any new building intended for occupancy public assembly or similar place of public gathering (such as a church, school or auditorium) shall be setback at

least 300 feet from an existing wellhead or any other accessory structure or facility.

c. Any other new residential, commercial, or industrial building or structure shall be setback 150 feet from an existing well head or any other accessory structure of facility. or

d. Any building or structure shall be setback at least 50 feet from plugged and abandoned wells.

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3. *Impact Mitigation.* In addition to all other criteria of site plan and special use permit approvals, the plan shall mitigate potential negative impacts by addressing the following topics, or the City may require additional conditions to address these topics:

a. Screening with landscape and/or screening structures, as specified in this code and any additional screening or other impact mitigation that is necessary due to a particular context or relationship to adjacent sites and streets.

b. Operations and the frequency or likelihood of large vehicles and equipment using surrounding roads.

c. Plans for mitigation, de-commissioning, restoration, and future uses of the property in a way that integrates with surrounding development or long-range plans.

d. Public health and safety, and in particular compliance with all state statutes and the rules, regulations, and permitting of the Colorado Oil & Gas Conservation Commission including abandonment and plugging, seismic operations, reclamation, well protection, fencing and signs.

e. Clear ownership and responsibilities for all aspects of the operations, including property management, financial capacity or bonding, impact mitigation, and insurance.

f. Any other requirements deemed necessary by the Planning Department to ensure the public health, safety, and welfare.

g. Higher mitigation standards may be required where oil and gas is being proposed adjacent to residential or other potentially incompatible uses.

## 4.05 District Performance Standards

All principal and accessory uses in non-residential districts shall be operated in a manner that meets the performance standards in Table 4-3, Non-residential District Performance Standards.

**Table 4-3: Non-residential District Performance Standards**

| | RO, C-1, , & any use abutting R- districts | C-2 & DT | I-1 | I-2 |
|---|---|---|---|---|
| Noise levels during business hours (7AM-10PM) | 65db | 70db | 75db | 90db |
| Noise levels during quiet hours (10PM – 7AM) | 45db | 60db | 65db | 70db |
| No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced. | ☑ | ☑ | | |
| No smoke or particulate matter shall be produced that is a number I or darker on the Ringelmann chart | ☑ | ☑ | ☑ | |
| Dust, fly ash, radiation, gases, heat, glare or other effects shall not be produced which are obviously injurious or damaging to humans or property beyond the property line; | ☑ | ☑ | ☑ | ☑ |
| Vibration or concussion which is perceptible without instruments at the property line shall be prohibited | ☑ | ☑ | ☑ | |
| Lighting measured at the property line adjacent to right-of-way | 1.0 FC | 1.5 FC | 1.0 FC | 1.0 FC |
| Lighting measured at the property line adjacent to residential uses | 0.1 FC | 0.5 FC | 0.1 FC | 0.1 FC |
| Lighting measured at the property line adjacent to the same or more intense zoning districts | 1.5 FC | 2.0 FC | 2.0 FC | 2.0 FC |

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# Article 5. Residential Development Standards

5.01 Intent & Applicability
5.02 Residential Building Types
5.03 Neighborhood Design
5.04 Courtyard Pattern
5.05 Conservation Pattern
5.06 Manufactured & Small Format Housing District

## 5.01 Intent & Applicability

A. **Intent**. The Residential Development Standards have the following intent.

1. Improve the appearance and livability of neighborhoods with good civic design.
2. Provide housing variety within neighborhoods and among different neighborhoods, and ensure compatible transitions between different building types.
3. Design and locate parks, trails and other open spaces as focal points that shape neighborhood character.
4. Reinforce the distinct character of different neighborhoods based on their context:
   a. Design walkable neighborhoods with slow-speed streetscapes, well-connected sidewalks, and shade and enclosure provided by street trees.
   b. Promote lower-density rural neighborhoods with access to large, contiguous open spaces and natural areas.
5. Orient all buildings and lots to the public street or to common open spaces that serve as an extension of the streetscape and public realm, and locate active social spaces along the streetscape
6. Design buildings with human-scale details such as entry features, windows and doors, massing elements, and ornamental features.
7. Promote lasting and sustained investment in neighborhoods with quality design.

B. **Applicability**

1. The standards in this article shall generally apply to all residential development, except where stated that sections only apply to specific building types, specific districts, or specific scales of projects.
2. Modification or additions to buildings or sites shall meet these standards to the extent of the modification or addition, except that the Director may waive any requirement that conflicts with the consistent design of an existing building or conflicts with the prevailing character on the block or immediate vicinity of the project.
3. The standards shall not apply to ordinary maintenance of existing buildings, except that maintenance to any building may not occur in a manner that brings the building or site to a greater degree of non-conformance with these standards.

## 5.02 Residential Building Types

A. **Building Types and Development Standards**. The development standards for residential districts shall be based on the different building types permitted in each district, specified in Table 5-1, Residential District Building & Lot Standards. The design standards in other sections of this article may further affect the design and location of each building type in a specific application.

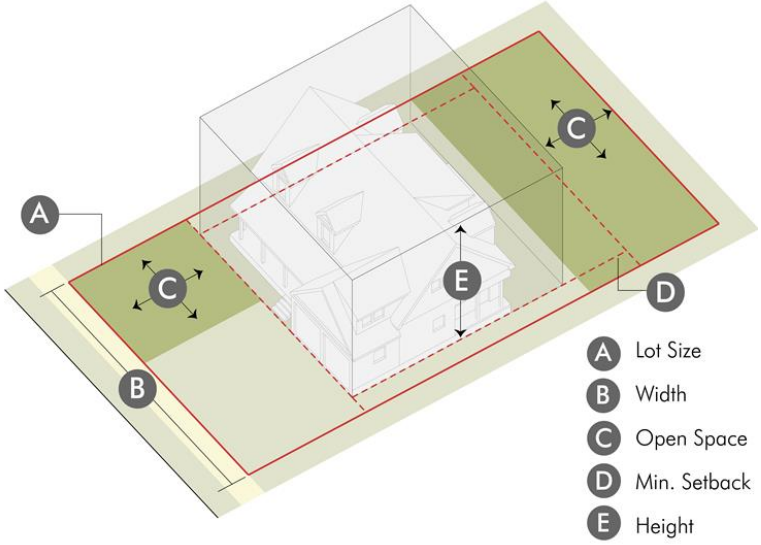



***Figure 5-1 Building Types***
*Building types in Table 5-1 are distinguished based on lot sizes, unit configuration, building footprints and massing, building placement and frontage designs. This diagram illustrates the key elements standards in Table 5-1 applied to a typical lot.*

## Table 5-1: Residential Building & Lot Standards

| Zoning Districts | | | | | | Building / Lot Types | # of Units | Development Standards | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | Minimum Lot Standards | | | Minimum Setbacks [4] | | | | Building Height |
| A | R-1 | R-1A | R-2 | R-3 | M-H | | | Size | Width [1] | Lot Open Space | Front [2] | Interior Side | Corner Side [1] | Rear | |
| ■ | | | | | | ***Detached House –** Rural Lot* | *1* | 5 + ac. | 300' + | n/a | 35' | 25' | 35' | 50' | 35' / 2.5 stories |
| ■ | ■ | ■ | ■ | ■ | | ***Detached House** – Estate Lot* | *1* | 40K + s.f. | 80' + | n/a | 35' | 25' | 35' | 50' | 35' / 2.5 stories |
| | ■ | ■ | ■ | ■ | | ***Detached House** – Large Lot* | *1* | 8K + s.f. | 65' + | 30% | 25' | 7' | 15' | 20' | 35' / 2.5 stories |
| | | ■ | ■ | ■ | | ***Detached House** – Standard Lot* | *1* | 6K + s.f. | 50' -64' | 25% | 25' | 5' | 10' | 20' | 35' / 2.5 stories |
| | | | ■ | ■ | | ***Detached House** – Reduced Lot* | 1 | 4.5K + s.f. | 40' – 49' | 20% | 25' | 5' | 10' | 20' | 35' / 2.5 stories |
| | | | ◇ | ■ | | ***Detached House** – Small Lot* | *1* | 3K + s.f. | 30' – 49' | 20% | 25' | 4' | 8' | 20' | 35' / 2.5 stories |
| | | | | ◇ | ■ | ***Detached House** – Compact Lot* | 1 | 1.5K+ s.f. | 24' – 29' | 15% | 10' | 4' | 8' | 15' | 24' / 2 stories |
| | | | ■ | ■ | | ***Duplex / Multi-unit House*** | *2 - 4* | 6K + s.f.; 2.5K + s.f. per unit | 50'+ | 25% | 25' | 5' | 10' | 20' | 35' / 2.5 stories |
| | | | ■ | ■ | | ***Row House*** | *3 - 8* | 1.5K – 4K s.f. per unit | 18'–30' per unit | 15% | 10' | 5' [3] | 10' | 15' | 40' / 3 stories |
| | | | □ | ■ | | ***Apartment** – Small Lot* | *3 - 12* | 5K – 14K s.f. | 50' – 100' | 200 s.f./unit | 10' | 5' [3] | 10' | 15' | 40' / 3 stories |
| | | | | ■ | | ***Apartment** – Medium Lot* | *13 - 24* | 14K – 30K s.f. | 100' – 200' | 150 s.f./unit | 25' | 5' [3] | 10' | 20' | 50' / 4 stories |
| | | | | □ | | ***Apartment** – Large Lot / Complex* | *24 +* | 30K + s.f. + | 100' | 300 s.f./unit | 35' | 5' [3] | 20' | 20' | 50' / 4 stories |
| □ | □ | □ | □ | □ | | ***Small Civic*** | *n/a* | 6.5k s.f. – 3 ac. | 65' – 300' | 40% | 25' | 5' | 20' | 20' | 40' / 3 stories |
| ■ | ■ | ■ | ■ | ■ | | ***Accessory Buildings*** | *see 4.03.b* | See Residential Accessory Buildings in Section 5.02.C | | | | | | | |
| | | | | | ■ | ***Small Format Housing Project*** | | See Small Format & Manufactured Housing Projects in section 5.06. | | | | | | | |

■ Permitted
◇ Limited to Courtyard Pattern only per Section 5.05.
□ Limited to locations along Collector or Arterial streets, or otherwise incorporated into lots or blocks that are part of the civic and open space system in Section 3.02.
[1] Corner lots shall add at least 5' to the required lot width. Otherwise, all lots shall meet both the minimum width and size specified in the table, and width is determinative of the building / lot type.
[2] Front setbacks shall be modified based on context and the Frontage Design standards in 5.03.A.
[3] Row Houses, Small, and Medium Apartments shall have a 10' side setback when abutting lots with a detached house; Large Apartments / Apartment Complexes shall have a 20' side setback when abutting lots with a detached house.
[4] Buildings and structures shall be setback from existing or plugged and abandoned oil and gas facilities as provided in Section 4.04.I..

B. **Dimension Exceptions.** The following are exceptions to setback and building dimensions standards established in Table 5-1: Residential Building Type & Development Standards.

1. *Lot and Building Configurations.*
   a. Row houses and side-by-side duplexes may have individual units platted on separate lots, provided the building meets the standards in Table 5-1 and each unit meets any per-unit or proportional standards for each lot. The lots shall be platted with a party wall according to building code standards.
   b. Side lot easements between abutting lots may be granted in association with a plat to have the effect of "zero lot line" patterns. Easements for exclusive use of the side yard may be granted to the abutting owner to meet the lot open space requirements and design standards in Section 5.03 for the grantee, yet maintain the required setbacks from the platted lot line for each building in Table 5-1 for the grantor. Easements shall be private agreements and account for all access and maintenance scenarios for the lots, open space, and buildings.
   c. The front setbacks for each building may be modified according to the frontage types and Frontage Design Standards in Section 5.03.A.
   d. Lots may be configured in a Courtyard Pattern as provided in Section 5.05.
   e. Lots may be configured in a Conservation Pattern as provided in Section 5.06.

***Figure 5-2 Side Lot Easements***
*Side lot easements may be used to provide more contiguous areas to meet the lot open space requirements and have the effect of a zero lot line configuration. (5.02.B.1.b.).*

2. *Setback Encroachments.* The following encroachments into the required setback are permitted, except in no case shall this authorize structures that violate the provisions of any easement.
   a Primary entrance features may encroach beyond the required front building line, as specified in Section 5.03.A.3.
   b. Structural projections such as bay windows, balconies, canopies, chimneys, eaves, cornices, awnings, open fire escapes, egress wells, or other non-foundational overhangs or projections may extend up to 4 feet from the foundation and encroach into the setback, but no closer than 2 feet from any lot line. This exception shall be limited to no more than 20% of the total area of a building elevation.

c. Unenclosed and un-roofed decks or patios at or below the first-floor elevation may extend into the rear or side setback up to 15 feet but no closer than 3 feet to any lot line.

d. Ground-mounted mechanical equipment, meters, and utility boxes accessory to the building may be located in the side or rear setback provided that it extends no more than 6 feet from the principal building, no closer than 3 feet to the lot line, and is screened from public right-of-way by structures or landscape. These limitations do not apply to any utility structures otherwise authorized to be located according to easements or in the right-of-way, which shall follow the location and design standards of those specific authorizations.

e. Any other accessory use or structure within the setback, not specified in Section 5.02.C., shall have a setback of at least one-half its height from the property line.

3. *Height Exceptions.* The following are exceptions to the height limits in Table 5-1:

a. Building elements integral to the design and construction of the building, such as parapet walls, false mansards, or other design elements essential to a quality appearance of the building may extend up to 6 feet above the roof deck of a flat roof.

b. Architectural features such as chimneys, ornamental towers and spires, and similar accessory elements may extend up to 50% above the actual building height, provided they are integral to the specific architectural style of the building and are less than 15% of the building footprint.

c. Functional and mechanical equipment such as elevator bulkheads, cooling towers, smokestacks, roof vents, or other equipment may be built up to their necessary height in accordance with building codes provided they are screened according to the standards of this code.

C. **Accessory Buildings - Residential.** Accessory buildings shall be permitted in association with and on the same lot as a principal building or use and are subject to the following additional limitations.

1. *Accessory Building Standards.* Accessory buildings shall be permitted based on the lot size and type of structure, subject to the standards in Table 5-2: Residential Accessory Structures:

**Table 5-2: Residential Accessory Structures**

| *Type* | *Quantity* | *Size* | *Height* | *Setbacks* |
|---|---|---|---|---|
| *Minor Structure (small shed, and similar structures)* | ▪ 1 / lot;<br>▪ + 1 / each 10k s.f;<br>▪ Maximum of 3 | ▪ 200 s.f. max | ▪ 10' max | ▪ 0' side or rear;<br>▪ 5' if on a concrete slab or similar foundation; and<br>▪ Behind the rear building line of the principal structure |
| *Secondary Building (detached accessory building)* | ▪ 1 / lot<br>▪ 2 / lot, over 40K s.f.<br>▪ 1 / principal building (Apartments) | ▪ 1,200 s.f. max., but never more than 50% of principal building footprint. | ▪ 20' max, but never higher than principal structure. | ▪ 5' from side and rear;<br>▪ 20' from street side; and<br>▪ At least 12' behind the front building line of the principal structure |
| | Any building over 10' high or more than 200 square feet shall meet the design standards.in Section 5.02.C.3. | | | |
| *Out-building (large storage building, barns, etc.)* | ▪ 1 / lot over 40K s.f..<br>▪ + 1 / each 3 ac.<br>▪ Maximum of 5 | ▪ 2,000 s.f. max<br>▪ No size or height limit in A district, provided structure is accessory to agriculture use. | ▪ 25' max | ▪ 10' from side and rear;<br>▪ 35' from any street side; and<br>▪ Behind the rear building line of the principal structure |
| | Applies to detached houses and civic / institutional uses only | | | |

2. *General Standards.*
   a. All accessory buildings shall be clearly incidental and subordinate to the principal building and use, in terms of scale, location, and orientation.
   b All accessory buildings shall be at least 10 feet from the principal building, however a closer distance may be permitted subject to applicable building codes based on fire ratings of adjacent walls.
   c. Minor accessory structures 150 square feet or less, less than 8 feet high, and not on a foundation or slab do not have a required side or rear setback but should be movable and are otherwise placed "at risk" by the owner with regard to any easements, fence, or screening requirements.
   d. Prior to any building permit required by the City, applicants shall demonstrate that any manufactured structure meets all applicable state and local code requirements.

3. *Secondary Building Standards.* In any residential district, secondary buildings over 240 square feet or over 12 feet high shall meet the following massing and design standards to ensure compatibility with the principal structure:
   a. The wall height shall be no more than 9 feet above the finished floor, except that gables, dormers, or other subordinate walls may support a pitched roof.
   b. The roof peak or other top of structure shall not exceed 20 feet above finished floor for pitched roofs with a 6:12 pitch or greater, and no more than 16 feet for shed roofs or pitched roofs below a 6:12 pitch.
   c. The design shall be compatible with the principal building considering materials, architectural details and style, window and door details, and roof forms.
   d. Secondary buildings with vehicle access directly from an alley or shared easement shall be situated to avoid parking that encroaches in the alley or easement. They may be built with the access between 0 and 3 feet from the alley or shared easement, or with the access at least 20 feet from the alley or shared easement.

## 5.03 Neighborhood Design

A. **Frontage Design.** The design of lot frontages establishes the relationship of buildings and lots to the streetscape, including building placement, lot access, garage extent and location, and entry features. Frontage Types designed according to the standards and design objectives of this sub-section may be used to modify the front setback established in Table 5-1.

1. *Design Objectives.* Frontage types shall be applied to meet the following design objectives:
   a. Enhance the image of neighborhoods by coordinating streetscape investment with private lot and building investment.
   b. Design frontages to the particular context of the neighborhood, block and street.
   c. Coordinate development across several lots, considering the cumulative impacts on streetscapes from access, parking, and landscape design.
   d. Orient all buildings and lot frontages to the streetscape, while still promoting effective transitions from public spaces to private spaces on the lot.
   e. Limit the impact on the neighborhood streetscape from frontages designed for car access, particularly on narrower lots or walkable streets and neighborhoods.
   f. Provide outdoor livable spaces that activate the streetscape.
   g. Use front entry features to reinforce neighborhood character, promote unique design, create subtle variation in building patterns, and create a consistent, human-scale connections to the streetscape.

2. *Frontage Design Standards.* Frontage types shall be designed according to the standards in Table 5-3, Residential Frontage Types & Design Standards. Sub-sections following the table provide specific design strategies and techniques to be used in meeting these standards. Where multiple frontage types are permitted, the applied frontages should be similar for all lots on the same block face or gradually transition to different building placement and frontage types on adjacent lots. In general, the front building line of adjacent buildings shall not differ by more than 5 feet.

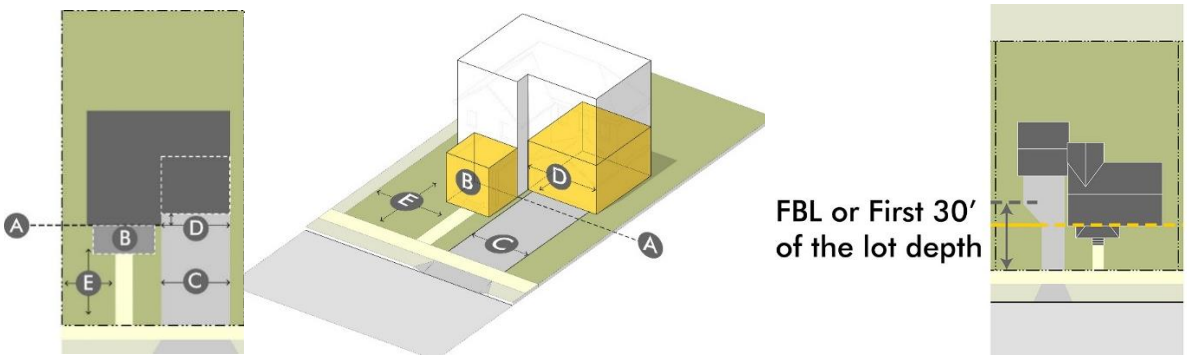
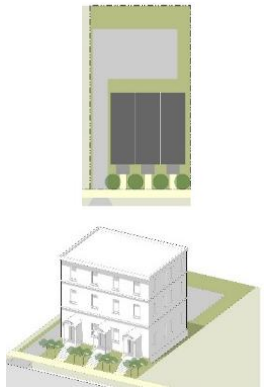
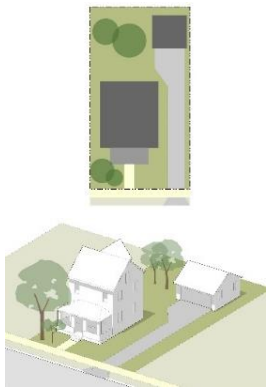
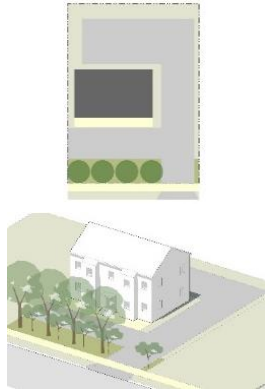



***Figure 5-3 Frontage Design Standards***
*This diagram illustrates the key elements of frontage design in Table 5-3: (A) front building line; (B) front entry features, (C) driveway widths (applies to the first 30' of frontage depth or up to the front building line); (D) garage extent and location, and (E) landscape areas. These elements determine the relationship between the building, the lot, and the streetscape, and affect the character of the area when applied across multiple lots on a block.*

**Table 5-3: Residential Frontage Types & Design Standards**

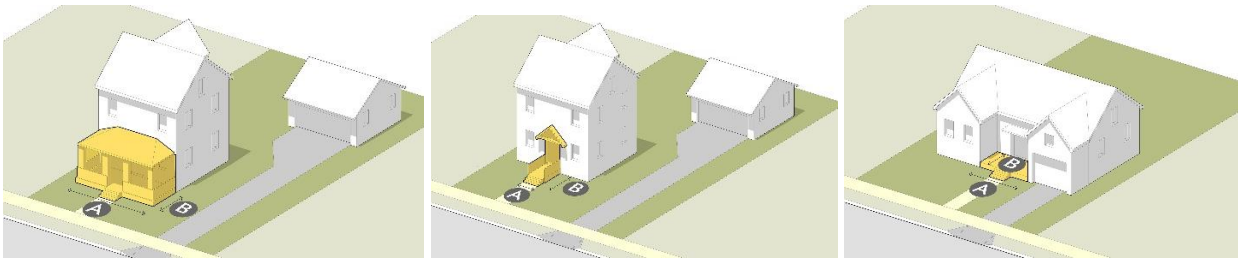
| *Frontage Element* | | *Terrace Frontage* | *Neighborhood Frontage* | *Suburban Frontage* | *Buffer Frontage* |
|---|---|---|---|---|---|
| *Illustrative Concept* | |  |  | |  |
| *Application* | *A* | | | | ■ |
| | *R-1* | | □ | ■ | Any permitted non-residential building in all residential districts |
| | *R-1A* | | □ | ■ | |
| | *R-2* | □ | ■ | | |
| | *R-3* | □ | ■ | | Large Apartment or Apartment Complexes on lots wider than 150’ |
| *Front Building Line* | | 10’ – 25’ | 25’ – 60’ | 25’ + | 35’+ |
| *Front Entry Feature* | | Required, See Section 5.03.A.4 | Required, Section 5.03.A.4 | Optional | Optional |
| *Driveway Width* | | 15% of lot width, up to 20’ maximum | 20% of lot width, up to 20’ maximum | 40% of lot width, up to 27’ maximum | 25% of lot width, up to 36’ maximum |
| *Garage Limitations* | | ▪ 20% of facade;<br>▪ Flush or behind FBL;<br>▪ up to 35% if 12’+ behind FBL | ▪ 35% of facade;<br>▪ Flush or behind FBL;<br>▪ up to 45% if 12’+ behind FBL | ▪ 60% of facade;<br>▪ 12’ in front of FBL, max | ▪ 45% of facade;<br>▪ 12’ in front of FBL, max;<br>▪ No requirement if set back more than 60’ from front lot line. |
| *Landscape* [1] | | ▪ 60% minimum landscape; and<br>▪ 40% maximum hardscape. | ▪ 75% minimum landscape; and<br>▪ 25% maximum hardscape. | ▪ 50% minimum landscape; and<br>▪ 50% maximum hardscape | ▪ Type I: 6’ + buffer on constrained sites or minor streets.<br>▪ Type II: 15’ + buffer generally.<br>▪ Type III: 30’ + buffer on sites over 2 acres or major streets. |

■ Required / default standard
□ Optional / alternative standard to be applied based on context
[1] Landscape refers to allocation of space between front lot line and front building line. See Section 8.02 Landscape Design for planting requirements, standards, and specifications.

3. *Front Entry Features.* Front entry features create human-scale massing elements that relate buildings to the frontages and streetscape, and provide outdoor livable spaces that activate the streetscape. The entry feature standards and design techniques in Table 5-4 shall be used where entry features are required by frontage types in Table 5-3, and are otherwise recommended to achieve the design objectives of this Section and to meet the standards of Table 5-5, Building Design Standards.

**Table 5-4: Front Entry Features**

| Design Element | Width | Depth | Details & Ornamentation |
|---|---|---|---|
| *Porch* | 10'+ | 6' - 12' | ▪ Decorative railing or wall 2.5' to 4' high along at least 50% of the perimeter.<br>▪ If not roofed, a canopy, pediment, transom windows, enlarged trim and molding or other similar accents accompany the front entrance. |
| | 80 s.f minimum | | |
| *Stoop* | 8' + | 6' – 10' | ▪ Decorative railing or walls along steps and side of stoop<br>▪ Ornamental features accent the front entrance, such as a canopy, pediment, transom windows, enlarged trim and molding, or other similar accents that emphasize the door over other facade features. |
| | 60 s.f. minimum | | |
| *Entry Court* | 12' +, but not > 50% of facade | 10' – 30' | ▪ Recessed entry within the building footprint.<br>▪ Decorative wall or railing, no higher than between 2.5' and 6' high along at least 50% of the opening.<br>▪ Ornamental pillars, posts or landscape accent the pedestrian entrance and create a gateway into the entry court. |
| *General Design* | ▪ Entry features shall have a sidewalk or path at least 4 feet wide directly connecting the entry feature to the public sidewalk or street. For Suburban or Buffer Frontages this can connect via the driveway.<br>▪ Entry features shall be integrated into the overall building design including compatible materials, roof forms, and architectural style, and details.<br>▪ Entry features shall be single-story, so that any roof structure and any ornamentation occur between 8' and 12' above the floor-level of the entry feature.<br>▪ Entry features meeting these standards may encroach up to 10 feet in front of the front building line, but never closer than 5 feet to a public or common property line, provided they are unenclosed on all sides that project into the setback.<br>▪ Any building with more than 150 feet of front facade, or any side greater than 200 feet and permitted within 20 feet of the street, shall have 1 entry feature for every 100 linear feet of building frontage on the street. | | |




*Porch* *Stoop* *Entry Court*

***Figure 5-4 Front Entry Features - Types***
*The porch, stoop and entry court are three distinct types of entry features that create active, social spaces and human-scale details on the residential frontages. Spaces with a minimum width (A) and depth (B) specified in Table 5-4 provide usable social spaces, activate the streetscape and frontage, and contribute to the massing and modulation required by the building design standards.*

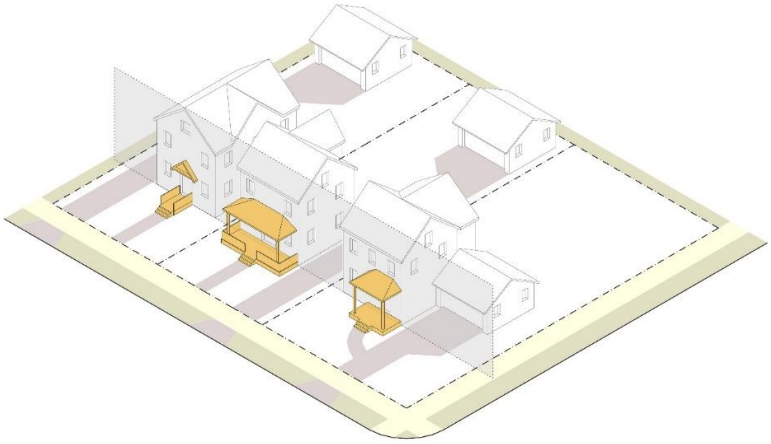


***Figure 5-5 Primary Entry Feature - Encroachments***
*Front entry features meeting the standards of this section create social spaces that help activate streetscapes, and create a variety of human-scale details along blocks. These features may encroach into the front setback to improve the frontages along blocks. (Table 5-4)*

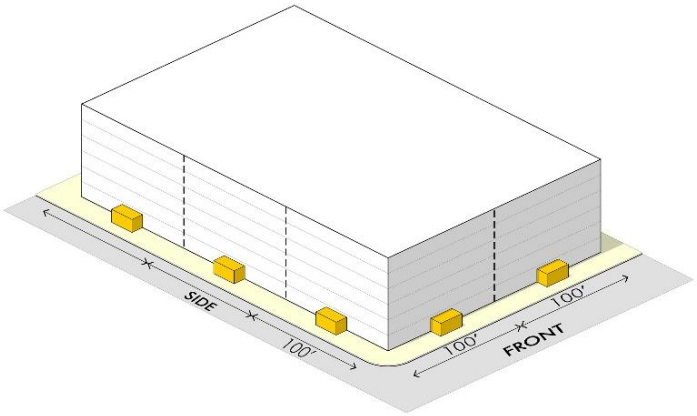



***Figure 5-6 Primary Entry Feature - Large Buildings***
*Front entry features should be more frequently located on larger buildings with wall planes in close proximity to the street. This breaks up the building massing and activates the streetscape. (Table 5-4)*

4. *Driveway Limits.* The following driveway standards apply to the driveway limits in Table 5-3: Residential Frontage Types & Design Standards:
   a. Front driveway access is prohibited for any lot served by an alley. The Director may waive this prohibition in cases where the alley does not provide adequate access and according to alternative compliance criteria in Section 5.03.A.6
   b. Driveway width limits apply to the first 30' of the lot depth, or up to the Front Building Line, whichever is less.
   b. Any garage meeting the location and design standards may have a driveway expanded to the width of the entry up to 20 feet in front of the garage entry, but no closer than 10 feet to the front lot line.
   c. In cases where driveway width and garage standards prohibit front-loaded garages and driveways on a particular lot, a range of options with different access patterns and garage locations may be used.
   d. All parking shall be outside of the frontage area, except detached houses or multi-unit houses may have one required parking space per unit in the driveway, provided it is at least 7 feet by 18 feet, entirely outside of the right of way, and does not interfere with any pedestrian area.

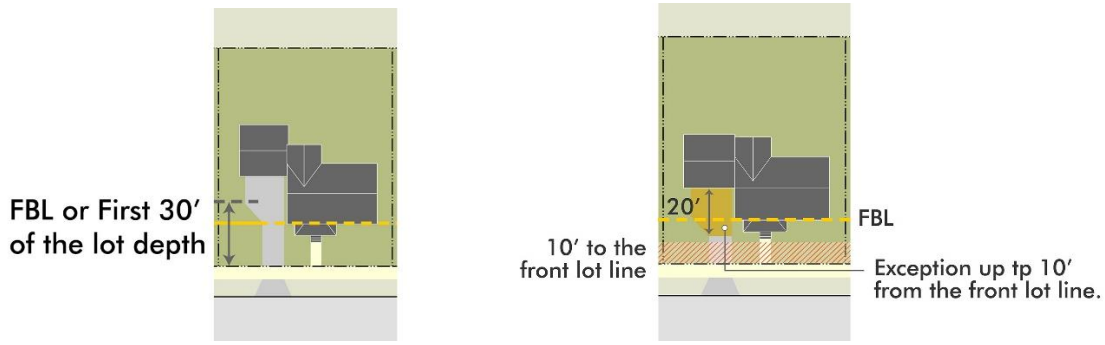



*Figure 5-7 Application of Driveway Limits*

*Driveway limits shall apply to the first 30' or up to the Front Building line, whichever is less; except any front-loaded garage meeting these standards may have a driveway expanded to the width of the entry 20 feet in front of the entry, provided the expanded area is no closer than 10' from the front lot line. (5.03.A.4.a).*

*Figure5-8 Driveway & Garage Options*

*Frontage type standards are based on lot widths to recognize both the proportionate and cumulative effect that frontage design elements have on the streetscape, and narrower or compact lots may be more limited. In these situations, options that reduce the car-orientation yet accommodate the convenience of access of vehicles should be used. Options include narrower entries, side entries, shared drives, common lanes, or internal block alleys. (5.04.A.4.c.)*

5. *Front-Loaded Garage Design.* The following garage design standards apply to the garage limits in Table 5-3: Residential Frontage Types & Design Standards:
   a. Garage limits apply to front-loaded garages. Alternatives such as detached garages, side- or rear-loaded garages, or attached garages that are accessed from the front but located on the rear of buildings are not subject to the limits.

b. Garage limits shall be measured by the exterior walls of the floor plan or other clearly distinguished massing element on the front facade.

c. Any front-loaded garage that is more than 35% of the elevation or that projects in front of the main mass of the house shall:

(1) Have a front entry feature associated with the non-garage mass of the building that projects in front of or is no more than 4 feet behind the garage entry and is at least 10 feet wide; and

(2) Be limited to wall planes of no more than 200 square feet with garage entries, using step-backs of one bay by at least 2 feet and/or ornamental features such as canopies, eyebrows, or cantilevers to break up the wall plane.

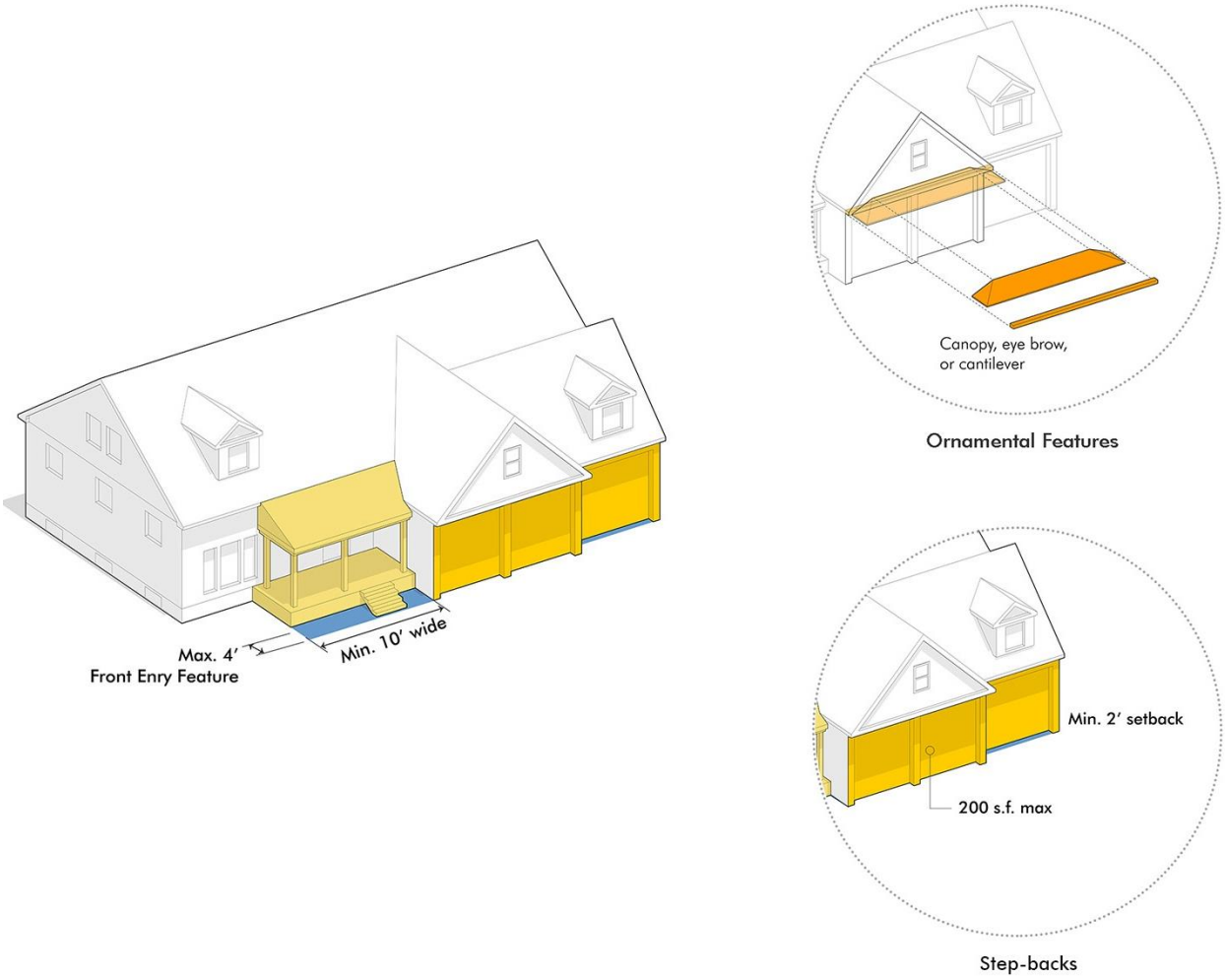



***Figure 5-9 Front Loaded Garage Design***

*Where front-loaded garages project in front of the main mass or occupy a larger percentage of the elevation, design strategies can be used to reduce the scale and incorporate garage entries into other livable spaces of the building. (5.03.A.5.)*

6. *Alternative Compliance.* Alternative compliance to the frontage design standards established in Section 5.03.A, Frontage Design may be authorized according to the process and criteria in Section 2.07, Alternative Compliance, and any of the following additional applicable criteria:

a. The context presents a clear pattern of existing buildings and lots on the same block and opposite block face with a different arrangement in terms of the front building line, driveway access patterns, and extent and placement of garages.
b. An alternative design allows the building, garage, and access to be sited in a way that preserves topography or other natural features on the site.
c. The specific standard is not practical due to the context and location of the lot or other similar physical conditions beyond the specific building and site not created by the landowner; and
d. In all cases the deviation is the minimum necessary to address the circumstance, the alternative equally or better meets the design objectives of this Section, and there are no negative impacts to other design standards applicable to the building or site.

B. **Building Design.** Building design refines the scale and form of buildings beyond basic height, setback, and lot coverage standards.

1. *Design Objectives***.** The following design objectives shall be used in applying the building design standards in this section.
   a. Relate buildings to public realm and streetscape in a consistent manner and create compatible massing along the block face.
   b. Arrange buildings in a way that creates meaningful outdoor spaces on the site, with building designs that define and activate these spaces.
   c. Blend a variety of building sizes and types and create compatible transitions between adjacent buildings of different scale by mimicking similar massing and proportions nearest to adjacent development.
   d. Use materials and human-scale architectural features to create depth, texture, variation, and visual interest, particularly on larger facades, along streetscapes, near active open spaces, or near adjacent lots and buildings.
   e. Encourage unique architectural expression and promote the use of key details and design characteristics inherent in the chosen style for the building.
   f. Promote enduring investments with the application of durable, quality materials.

2. *Building Design Standards.* Table 5-5, Building Design Standards provides standards for massing and facade design to meet the design objectives. Sub-sections following the table provide specific design strategies and techniques to be used in meeting these standards.

**Table 5-5: Building Design Standards**

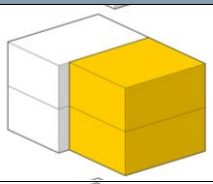
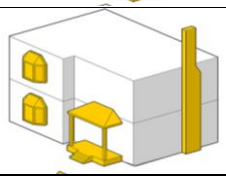
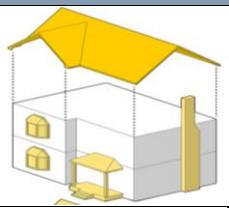
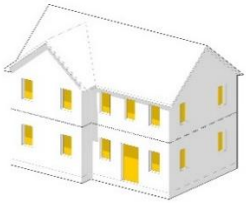
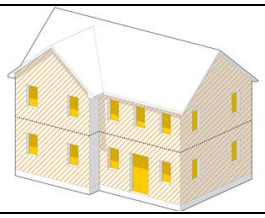
| *Design Detail* | *Building Type* | *Detached House (all), and Multi-Unit House* | *Row House, Apartment (all)* |
|---|---|---|---|
| *Wall Plane Limits.* *Maximum wall plane without a massing variation of 4'+ on at least 25% of elevation.* |  | 800 s.f. or 45 linear feet | 1,200 s.f. or 70 linear feet |
| *Blank Wall Limits.* *Maximum wall plane without modulation on at least 20% of the wall plane.* |  | 500 s.f. or 30 linear feet | 800 square feet or 45 linear feet |

**Table 5-5: Building Design Standards**

| Design Detail | Building Type | Detached House (all), and Multi-Unit House | Row House, Apartment (all) |
|---|---|---|---|
| *Roof Plane Limits.* *Maximum roof plane without offset of at least 2', complex planes, dormers or gables.* |  | 600 s.f. or 35 linear feet | 1,000 s.f. or 50 linear feet |
| | | Does not apply to flat roofs, provided there is a parapet, cornice or other defined edge at the roofline | |
| *Transparency.* *Minimum window and door openings per elevation* |  | *Front* – 20%;<br>*Side* – 8%<br>*Street-side* - 15%<br>*Rear* - 8% | *Front* – 20%<br>*Side* – 8%<br>*Street-side* - 15%<br>*Rear* - 8% |
| | | Exterior walls of any allowed garage may be excluded from this requirement, provided other architectural details and materials are used to meet any applicable blank wall limits. | |
| *Materials* |  | ▪ *Primary Material* – 65% - 85%<br>▪ *Secondary Material* -10% - 30% (limit 3 primary / secondary)<br>▪ *Accent Material* - 5% - 20% (limit 2 accent)<br>▪ Limit – 4 materials total | |

3. *Wall Plane Limits.* Massing techniques use changes in the building footprint, height, or significant shifts in wall and roof planes to break down the volume of larger buildings. Wall planes that exceed the wall plane limits in Table 5-5 shall have at least 25% of the elevation differentiated by one or more of the following massing techniques:
   a. Break the building into distinct masses (primary mass, secondary mass, and wings), where portions of the building are offset from the main mass by at least 8 feet, or are otherwise be noticeably smaller and subordinate to the main mass.
   b. Step back portions of the building or upper stories by at least 4 feet in association with meaningful outside space, such as a balcony, deck, patio, or entry court.
   c. Use cantilevers of upper stories that provide at least a 2 feet overhang of other portions of the wall plane.
   d. Provide single-story entry feature that project at least 6 feet from the wall plane.
   e. Articulate rooflines by stepping the roof, using gables and dormers, dropping eaves, and using prominent overhangs to create offsets and projections of at least 2 feet.
   f. Where larger buildings are next to smaller buildings, or are along a block with smaller buildings, step the height of the building or offset secondary masses to create compatible massing with adjacent structures.

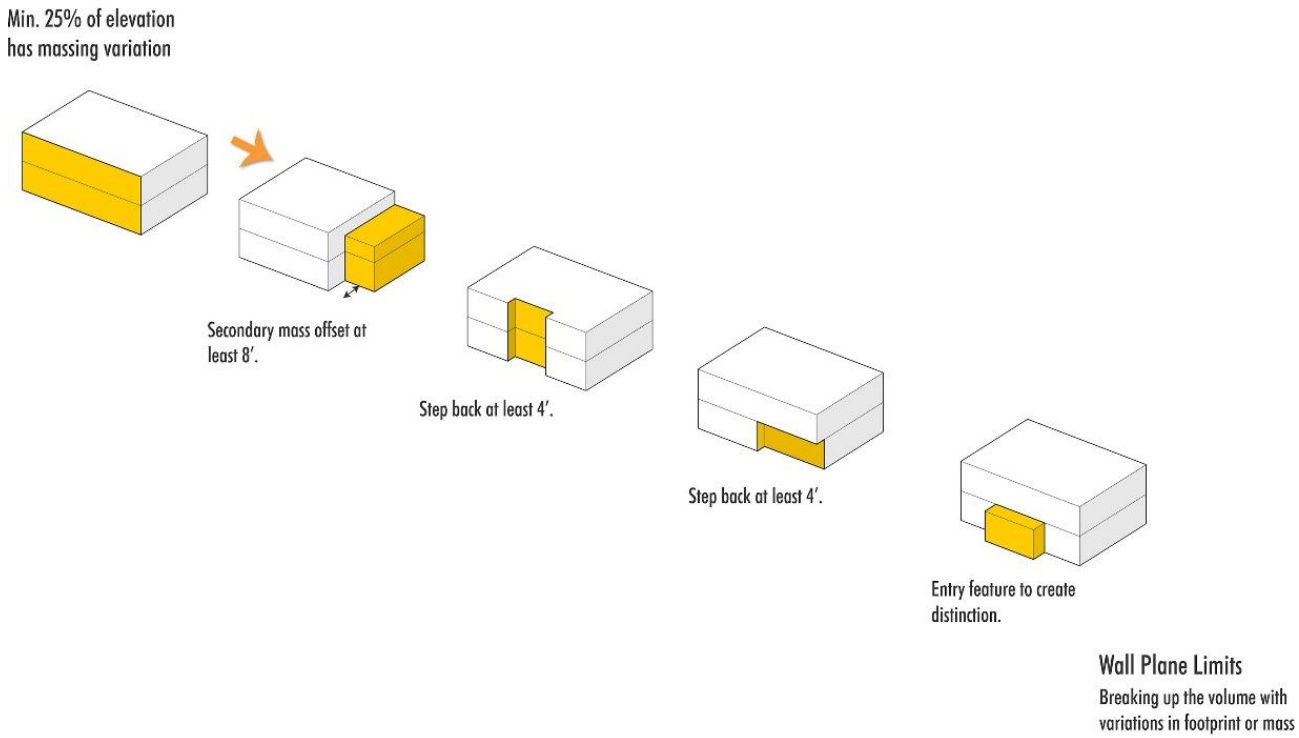



***Figure 5-10 Wall Plane Limits***
*Wall planes over the size specified in Table 5-5 shall be broken up with a range of techniques so that at least 25% of the elevation is differentiated with distinct wall planes. (5.03.B.3.).*

4. *Blank Wall Limits.* Modulation uses materials, ornamental details, and subtle variations in the wall plane to break up blank wall planes. Wall planes that exceed the blank wall limits in Table 5-5 shall use one or more of the following techniques so that at least 20% of the facade is distinguished with modulated elements:
   a. Create projections in the wall planes with bay windows, balconies, awnings, or canopies that project at least 2 feet from the wall plane.
   b. Create voids in the wall plane with step-backs of upper stories or balconies that recess at least 4 feet beyond the wall plane.
   c. Differentiate stories, roofs, or other masses with prominent trim materials and/or incorporate material changes on different modules of the building. Significant trim or ornamentation used to break up blank walls or wall planes shall project between 2 inches and 2 feet from the wall and be at least 8 inches wide.
   d. Use color changes and accent materials to emphasize distinct components of the facade. Material and color changes should wrap corners and occur at the inside corner of a massing element or occur in association with a significant trim or ornamentation to give a finished and unified appearance to the element.
   e. Break up remaining large expanses of blank walls with facade composition that considers the location and grouping of windows, doors, or architectural details.

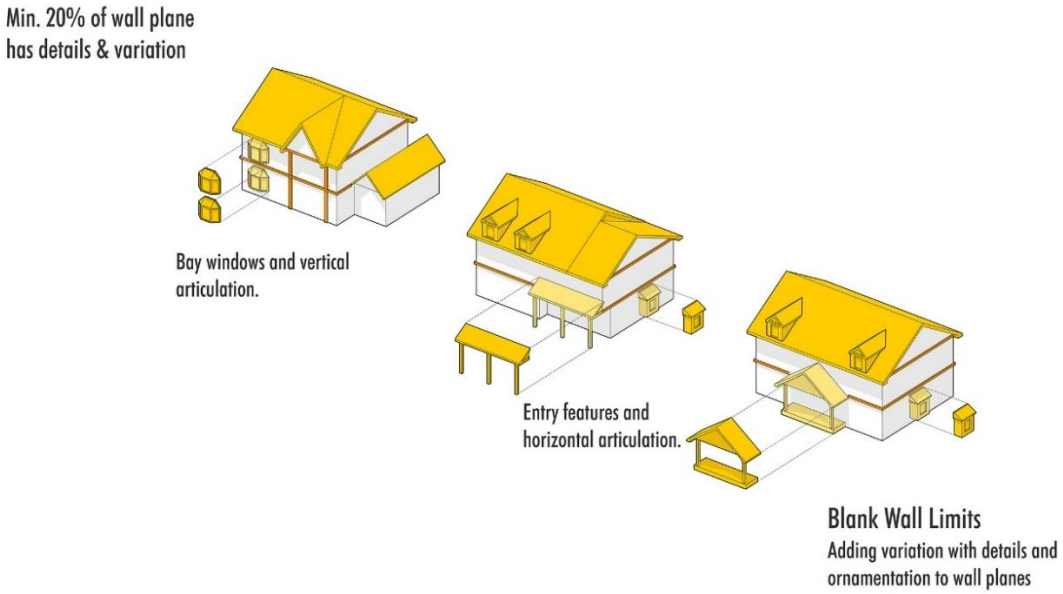



***Figure 5-11 Blank Wall Limits***
*Wall planes over the size specified in Table 5-5 shall have ornamental details or subtle variations in the wall plane on at least 20% of any wall plane to eliminate large expanses of blank walls. (5.03.B.4).*

5. *Transparency.* Windows and doors provide transparency, detail, and visual rhythm on the facade, and they break up blank walls with the location, pattern, and proportions of these openings. The following techniques should be used to achieve the design objectives of this sub-section and to meet the windows and doors requirements of Table 5-5, Building Design Standards:
   a. Provide transparency with the location, pattern, and proportions of windows and doors, and create relationships to surrounding spaces and buildings.
   b. Incorporate distinct and visually significant windows and doors (size, orientation, and ornamentation) to emphasize key locations on the facade or to relate to important outside open spaces.
   c. Locate windows doors to create a coordinated facade composition considering the entire facade as a whole, and to break up large expances into different components with the grouping of windows and doors.
   d. Emphasize a hierarchy of doors with different levels of ornamentation and details, particularly to make multi-unit houses compatible with adjacent detached houses and appear as single houses.
   e. Locate and design windows strategically in relation to privacy concerns in adjacent spaces and buildings but maintain consistent exterior patterns; recall that high-bank windows, transom windows, opaque windows, and window treatments that are adaptable and user-controlled are a better strategy than simply no windows at all.
   f. Use windows and doors with projecting trim and ornamentation to create depth, texture, and shadows on the facade; to emphasize openings; or to gang groups of openings. Openings that have projecting trim and casements (at least 1 inch off the facade and 4 inches wide); or otherwise group widows with significant details that clearly differentiate these elements from the main facade may count these features for up to 25% of the window and door requirement.
   g. The window requirement may be waived on sides of buildings that are closer than 3 feet to the property line, if necessary to meet applicable building code requirements.

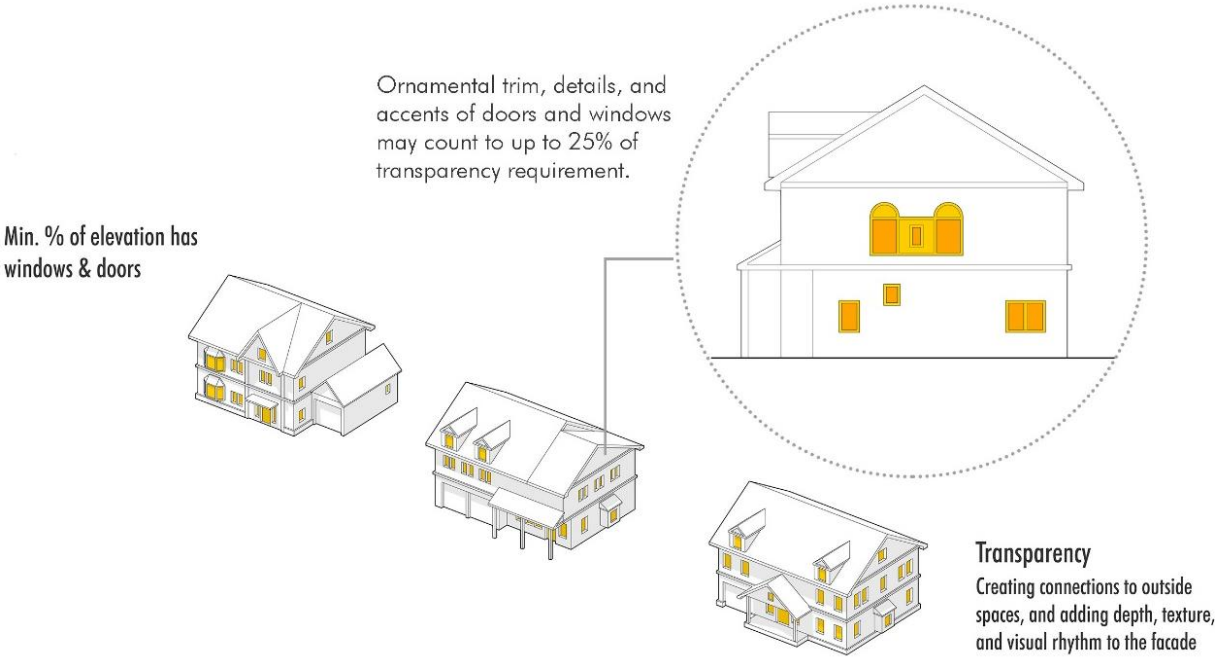



***Figure 5-12 Transparency***
*The minimum transparency specified in Table 5-5 shall create connections to outside spaces and break up blank walls. Enhancements that emphasize the windows and the location, arrangement, or grouping of windows may count to this requirement. (5.03.B.5).*

6. *Materials.* Building materials with texture and patterns create visual interest and signify quality construction and detailing. The following techniques should be used to achieve the design objectives of this section and the material standards of Table 5-5, Building Design Standards:
   a. Use natural materials for primary materials, such as painted or natural finish wood siding (horizontal lap, tongue-and-groove, board and batten or vertical), brick, stone, stucco, ceramic or terra cotta tile. Synthetic alternates to these natural materials may be used if manufacturer specifications and/or precedents for application demonstrate that it will perform equally or better than the principal materials in terms of maintenance, design, and aesthetic goals.
   b. Coordinate changes in color and materials in association with changes in massing and modulation of the building.
   c. Use changes in color or materials to differentiate the ground floor from upper floors and the main body of the building from the top or roof-structure, particularly on buildings 3 stories or more.
   d. In multi-building projects, use subtle variations in building materials and colors on different buildings, within a consistent palette of materials and colors.

7. *Variations of Buildings.* All projects involving three or more buildings shall provide variations in the elevation from the two buildings on each adjacent side, and the three nearest buildings on the opposite side of a facing block, with at least two of the following:
   a. Variations in the front entry features as indicated in 5.03.A.3. Variations should include combinations of at least two of the following changes:
      (1) Different types of entry features: such as, porch, stoop, or entry court;
      (2) Different roof styles associated with the entry feature: such as gable, hip, shed, flat, arched, or no roof;

(3) Different locations and extent of the entry feature: such as centered, shifted, wrapped; projecting, or embedded; and half or full; and/or
(4) Different ornamentation or architectural styles that lead to distinct qualities within a similar scale or pattern.

b. Variations in the facade composition, including massing, modulation, window types and placement, materials and material changes, and details and ornamentation, to the extent that the buildings have a distinct appearance;
c. Variations of the roof forms considering the type of roof, orientation of gables, or use of dormers; or
d. Variations of the model or building type with distinctively different floor plans that lead to different massing. Mirror images of the same model and floor plan shall not be used to meet the variation requirement.
e. In the case of multi-unit buildings:
(1) For duplexes / multi-unit houses that are intended to mimic the scale and form of detached houses, a hierarchy of doors and entrances shall be used to create the appearance of a single building, and the variation shall apply between buildings.
(2) For row houses and similar buildings that are clearly designed for multiple units, subtle variations in the materials and entry features shall apply to emphasize different units, and the variation shall apply between units in the building.

***Figure 5-13 Front Entry Features - Variety***
*Using a wide variety of entry feature types, styles and designs is a way to create subtle distinctions between the same or similar building types and can add common human-scale patterns among different types or scales of buildings. (5.03.A.3 and B.7.a)*

8. *Alternative Compliance.* Alternative compliance to the building design standards established in Section 5.03.B., Building Design may be authorized according to the process and criteria in Section 2.07, Alternative Compliance, and any of the following additional applicable criteria:
a. The requirement is not consistent with the particular architectural style selected for the building based on reputable resources documenting the style.
b. The requirement would make the building less compatible with designs or characteristics of other buildings or sites adjacent to the project or that are prevalent throughout the area.

c. Deviations from material standards and any simulated products demonstrate a proven performance in terms of maintenance and quality appearance.
d. In all cases the deviation is the minimum necessary to address the circumstance, the alternative equally or better meets the design objectives of this Section, and there is no negative impact other design standards applicable to the building or site.

C. **Block & Lot Open Space Design.** A system of different types of open spaces shapes the neighborhood character and creates unique identities for different neighborhoods. Block and lot open space provides for active gathering places, recreation and leisure, and aesthetic enhancements to the buildings and lots. These spaces also complement the open and civic space system of the surrounding area and create transitions from public streetscapes.

1. *Design Objective.* The following design objectives shall be used to apply the open space standards in this section.
   a. Promote the arrangement of neighborhoods, blocks and lots in a way that responds to the existing natural features.
   b. Ensure access to a variety of different types of open spaces including natural areas, recreation amenities and formal gathering spaces.
   c. Use open spaces to create gateways, focal points, and transitions in coordination with the street network, block structure and lot arrangement.
   d. Design all unbuilt areas to serve as valuable neighborhood features, considering the aesthetic, ecological, recreation, or community serving potential of these spaces.
   e. Require all lots and buildings have access and proximity to useable open space, whether public, common, or private, and whether neighborhood-scale, block-scale or building- and lot-scale spaces.

2. *Required Site Open Space.* Each building type shall provide the lot open space specified in Table 5-1, (Lot Open Space) within the lot or project. Lots platted through a final plat with common open space may credit the common open space towards the lot open space requirement, provided it meets the following standards:
   a. The space is public or remains accessible to the public; or
   b. If private or common space, the lot applying the credit has access to the space through ownership or other agreement, and the space is otherwise dedicated and reserved from future development.
   c. The space shall be on the same block or within 1,000 feet of the lot and meets the design standards for one of the open and civic space types in Section 3.02.

3. *Lot Open Space Design.* Lot and building open space required for each building type shall create a common or private amenity for the site and building. Buildings and open spaces on a lot shall be arranged to create usable outdoor spaces that meet one or more of the following types:
   a. Public or Common open space designed and platted according to the standards in Section 3.02, Open & Civic Space, subject to the limitations in C.2 above;
   b. Private frontage areas designed according to Section 5.03.A., excluding any driveways, parking areas or other automobile space;
   c. Courtyards, meeting the standards of Section 5.04;
   d. Rear yards provided they are part of an open area of at least 300 square feet and at least 15 feet in all directions.
   e. Private uncovered decks or patios provided they are part of an open area at least 120 square feet and at least 10 feet in all directions. This space is limited to no more than 25% of the requirement for lot and building.

f. For apartment or mixed-use buildings, rooftop decks provided they are at least 200 square feet, and at least 12 feet in all directions – this space is limited to no more than 25% of the requirement for the lot and building; or

g. For apartment or mixed-use buildings, private balconies or patios, provided they are at least 6 feet by 10 feet – this space is limited to no more than 25% of the requirement for the lot and building.

4. *Alternative Compliance*. Alternative compliance to the open space design standards established in this Section 5.03.D. may be authorized according to the process and criteria in Section 2.07, Alternative Compliance, and any of the following additional applicable criteria:

a. The specific standard is not practical due to the context and location of the lot and meeting the requirement would otherwise result in improper arrangement of the building or site;

b. In instances of infill development or context where a clear pattern of existing buildings and lots on the same block and opposite block face present a different arrangement in terms of buildings and lot open spaces;

c. The lot and building has access to at least two different active open spaces within 1,000 feet, and meeting the design and service area standards in Section 3.02, Open & Civic Space.

d. In all cases the deviation is the minimum necessary to address the circumstance, the alternative equally or better meets the design objectives of this Section, and there are no negative impacts on other design standards applicable to the building or site.

## 5.04 Courtyard Pattern

A. **Design Objective.** A courtyard pattern can integrate multi-building projects into the neighborhood pattern by connecting formal open space to the street frontage. It is an effective infill strategy or is appropriate on deeper lots and blocks. Residential buildings and lots may be designed to front on a courtyard based on the design standards in this section.

B. **Applicability.** The courtyard pattern is appropriate where:

1. Courtyards are visible and designed as an extension of the public streetscape and open and civic space system for the neighborhood.
2. Blocks and surrounding lots are deep, allowing a different configuration of buildable lots; or
3. Other developed areas where existing lot patterns in the vicinity warrant use of this pattern to facilitate infill development and compatible building types.

C. **Eligible Building Types.** The following building types are eligible for this pattern, subject to the limitations stated:

1. Small Apartments, up to 5 buildings or 36 units, whichever is less.
2. Row Houses, up to 4 buildings or 24 units, whichever is less.
3. Duplex/Multi-unit Houses and Detached Houses, up to 8 buildings.

D. **Design Standards and Exceptions.**

1. The minimum lot size per building may be reduced up to 20%, provided the courtyard is owned in common by all lots or otherwise established as a shared-space amenity.
2. The courtyard shall be designed according to the standards in Section 3.02 and have frontage on a public street or be accessible from the streetscape by a pedestrian passage.

3. Lots may front on the courtyard, rather than along a street. Building frontage standards shall apply on the courtyard and on the public street frontage
4. The front setback may be reduced to 5 feet from the courtyard boundary.
5. Any buildings fronting on the street, or the sides of any buildings adjacent to the street shall still meet requirements for public frontages and orientation standards in this section.
6. Vehicle access and parking for each lot shall be coordinated for all lots and buildings and designed in a way that minimizes the impact on the public street and the courtyard. Access shall meet all frontage standards applied to the project as a whole along the public street, and for each building frontage on the courtyard.

***Figure 5-14 Courtyard Pattern***
*The courtyard pattern allows for a different configuration of buildings in specific contexts. The pattern arranges buildings on smaller lots with a common frontage on the courtyard. The courtyard and the front buildings provide to the streetscape, while other buildings may relate direction to the courtyard. Vehicle access is shared and limited to more remote or discrete portions of the project.*

## 5.05 Conservation Pattern

A. **Design Objective.** Residential lots and buildings may be arranged around an open space system that will preserve greater amounts of intact open and natural spaces or agricultural uses that are designed as focal point of the neighborhood design and community amenity.

B. **Applicability.** The conservation pattern is appropriate in more remote areas, and specifically is eligible in the A or R-1 zoning districts. It requires a planned development application as outlined in Section 2.04.

C. **Density Bonus.** The base density and open space required shall be based on a typical and practical layout according to the underlying zoning district (A, R-1, or E). The following density bonus may be granted based on the amount of additional intact open space to be preserved in the plan. The "bonus" units shall not require additional open space, other than the space specified in Table 5-5.

"total intact open space"

**Table 5-6: Conservation Design Density Bonus**

| *Total Project Area Preserved As Open Space [Natural Open Space, Agriculture Preservation, Park or Trail]* | *Bonus Units Above Base Density* |
|---|---|
| 15% - 20% | 0 (but smaller lots permitted) |
| 21% to 30% | 15% |
| 31% to 40% | 35% |
| 41% to 50% | 60% |
| 51% to 60% | 100% |
| >60% | TBD by Planning Commission or City Council based on plan (between 100% and 200%) |

D. **Lot Sizes & Building Types.** The resulting density based on the plan after the density bonus is applied may be allocated in the developed portion of the project with the following building types. No combination of these building types may be used to allow more units than authorized by the density bonus. All other standards applicable to each building type in Table 5-1 shall apply within the developed portion of the plan.

1. Detached house – rural, estate, large, standard, reduced, small, or compact lot
2. Duplex / multi-unit house
3 Row house

E. **Open Space**. Open space shall meet the design criteria of Section 3.02 for Natural Open Space, Park, or Trail, or include prime farm land or other existing and productive agriculture lands designed to be a focal point and community amenity for the neighborhood. All lots shall have access to the public or common open space preserved as part of the plan within 1,000 feet, measured along pedestrian or trail routes.

Conventinal Pattern | Conservation Pattern

***Figure 5-15 Conservation Pattern***
*The conservation pattern allows both a greater number of units and a greater concentration of those units in exchange for greater quantities and more coordination of larger open spaces.*

## 5.06 Manufactured & Small Format Housing District

A. **Intent.** The intent of this section is to provide smaller-format manufactured, mobile or other small homes, in a neighborhood or community that includes common neighborhood amenities, and with site designs that limit impacts on adjacent property and promotes development patterns that are compatible with the surrounding areas.

B. **Applicability.** Small format home communities are permitted in the Manufactured and Small Format Housing District – M-H, and implemented as a planned development project according to Section 2.04. These standards shall not apply to: (1) mobile homes, trailers or similar temporary buildings used as an interim structure associated with an ongoing construction project under valid permits; (2) interim or temporary housing strategies to address emergencies; or (3) detached houses that are assembled off site and "manufactured," provided they meet all other standards of the applicable zoning district.

C. **Development Standards.** Except as otherwise modified through a development plan according to the approval procedures and criterial in 2.04, the general development standards for manufactured and other small format home projects are included in Table 5-7.

**Table 5-7: M-H Development Standards**

| *Project* | *Amount of Bonus Units Above Base Density* |
|---|---|
| Project Size: | 3 acre minimum,<br>200' minimum frontage an arterial or collector<br><br>*Exception:* the Director may recommend a plan for as small as 2 acres and 100 feet of public street frontage if the plan demonstrates exceptional community design and layout for the common areas within the community, a high-quality and well-designed housing concept, and special attention to integrating and relating the project to surrounding areas. |
| Project Intensity: | 7 units per acre, maximum<br><br>*Exception:* Up to 15 units per acre for any project with more than 30% of the project area designed as useable open space meeting Open Space types in section 3.02. |

| Table 5-7: M-H Development Standards | |
|---|---|
| Perimeter Setbacks | 25' minimum from any street boundary; 20' from any property boundary<br>(see Article 7 – Level II Buffer; or Neighborhood Frontage Type.) |
| ***Home Sites*** | |
| Lot Size | 3,000 s.f. minimum,<br><br>*Exception:* 1,500 s.f. minimum for any project with more than 30% of the project areas designed as useable open space meeting the types in Section. 3.02. |
| Lot Width | 30' minimum,<br>Exception: 24' for projects meeting the open space bonuses above.<br>Frontage shall be on a public street, common internal street, or common open space with street access at the rear of the site. |
| Setbacks | Front: 10' from the lot/home site line, or 15' from the edge of the internal street, whichever is greater<br>Side: 5', or 3' minimum with 10' between buildings<br>Rear: 10'<br>All buildings shall meet the project perimeter setback. |
| Height | 30' maximum |
| Site Design | Each home site shall have a private patio, courtyard or similar outdoor amenity of at least 120 square feet. Any structure associated with this outside amenity may be located within 5 feet of the lot or home site boundary.<br>Each home site may have an accessory storage building up to 160 square feet, up to 8 feet tall. The accessory storage building shall be set back at least 50 feet from any public or internal street, or behind the dwelling unit. Accessory buildings shall be separated by at least 5 feet from any other structure. |
| Parking | Each home site shall have at least one on-site parking space, and at least one excess or guest space within 200 feet of the unit. The excess or guest space may be "on-street" where streets are designed for parking or in a common area. |

D **Uses.** In addition to any uses enabled for the M-H district in Table 4-2, projects may include the following specific uses:

1. Dwelling units consisting of modular homes, mobile homes, or other similar small detached dwellings.
2. Accessory buildings and uses incidental to those listed above and which support the residential community, including offices, recreation buildings, storage areas, maintenance and utility facilities, or other community services.

E. **Common Areas.** All common areas not dedicated as home sites according to the development standards in sub-section C, shall be designed as part of the Development Framework Plan (See Section 2.04.B.3, Planned Development procedures). This space shall be allocated to:

1. Internal vehicle circulation for the community, laid out to provide connectivity and continuity through the community and organize the project into blocks and lots so that all home sites and lots are served by streets. There shall be at least two entrance points from public streets for each project. Internal roadways shall be 20' where no parking is permitted, 24' wide where parking is permitted on one side, and 28' wide where parking is permitted on both sides.
2. Open and Civic Space meeting one of the design types specified in Section 3.02 at a rate of at least 300 square feet per dwelling or 20% of the overall project, whichever is greater. Projects with more than 30% dedicated to useable open space (non-street, circulation or parking space) may be eligible for exceptions to the standards noted in Table 5-6. All open and civic spaces shall be designed and located in a manner that ensures adequate accessibility for all units in the community.

3. At least one of these spaces shall include a community building, which is centrally located, for recreation and meeting functions, laundry facilities, or other common amenities. The community building shall be at 1,500 square feet, or 15 square feet per dwelling unit, whichever is greater.
4. Other internal circulation or open space such as walkways, landscape buffers or other site design amenities that improves the quality of the community and its relationship to surrounding areas. Pedestrian connections shall be accounted for on all streets or at greater intervals through a trail or path system.
5. A storm shelter shall be provided which may be included with the clubhouse.
6. A common storage and utility area shall be provided within the plan including at least 100 square feet per unit. This area may be used for storage of large equipment, recreational vehicles, maintenance or other utility functions for the community. This area shall be screened from the project and from surrounding property according to the buffer standards in Article 8.

F. **Building Design.**
1. All dwellings shall have a front entry feature, such as a porch, stoop, or outside patio relating the home site to the lot frontage or other common open space upon which the dwelling is located.
2. Parking spaces on a home site shall be located to the side or rear of the dwelling. Home sites may include a carport, provided it remains open and unenclosed on at least 75% of the perimeter, is no taller than the dwelling unit, is no larger than 440 square feet, but in no case larger than the dwelling unit.
3. Any mobile home or similar non-foundational dwellings shall:
   a. Be secured to the ground by tie downs and ground anchors in accordance with the applicable building code.
   b. Be skirted within 14 days after placement in the community by enclosing the open area under the unit with a material that is compatible with the exterior finish of the mobile home and consistent with the quality of development in the community.
   c. Be blocked at a maximum of 10-foot centers around the perimeter, and this blocking shall provide 16 inches bearing upon the stand.
   d. Be located on a hard surface pad with a minimum of 18-inch concrete ribbons or slabs capable of carrying the weight and of sufficient length to support all blocking points, with a proper surface between to control weeds.

G. **Landscape and Parking Design**. The standards of Article 7 and 8 are generally applicable to MH district development plans, except as modified through a development plan based on the approval procedures and criteria in Section 2.04.

H. **Utilities and Services.**
1. A sanitary sewer system shall be provided in the plan, and all waste and sewer lines discharging from buildings and home sites shall be connected, and the entire system shall be connected to the City sewer system.
2. All service lines within the M-H District shall be underground.
3. Each home site or lot shall be provided with at least a 3-inch sewer connection, trapped below frost line, with the inlet of the line to be not less than 1 inch above the surface of the ground. The sewer connection shall be provided with suitable fittings so that a water-tight connection and proper vent can be made between the units drain and the sewer connection. Connections shall be constructed to be airtight when closed and not linked to a unit, and shall be capped immediately after being disconnected from a unit to maintain them in an odor-free condition.
4. The water supply shall be connected to all service buildings and all home sites. The entire system shall be connected to the City water system. All internal service lines shall be a minimum of 4.5 feet below finished grade. An individual water service connection,

which is provided for the direct use by a home site, shall be constructed to prevent damage from placing housing units. Connections shall have individual valves below frost depth, with a valve box to grade.

5. All plumbing shall comply with the Uniform Plumbing Code and health regulations of the City, of the applicable county, and of the state. Water lines shall not be installed within 10 feet of any sewer line.
6. The storage, collection and disposal of refuse shall be managed to avoid health hazards, rodent harborage, insect breeding areas, accident hazards, air pollution, or other conditions which endanger the health, safety or welfare. Refuse collection containers shall be set on concrete pads and screened from adjacent property and from the common areas of the community.

I. **Subdivisions.** Each home site may be individually platted if:

1. All lots shall have public utility access as provided in Article 3, including public easements for access to each home site and all other standards and criteria of the subdivision standards are met;
2. All dwellings are on a permanent foundation; and
3. There are covenants and restrictions and associations assuring that these provisions for the Development Standards, Common Areas, Building Design and Utilities and Services, as demonstrated on an approved plan, will be maintained through a management entity or common association.

# Article 6. Nonresidential Development Standards

6.01 Intent & Applicability
6.02 Development Standards
6.03 Design Standards
6.04 Specific Frontage & Design Plans

## 6.01 Intent & Applicability

A. **Intent**. The Nonresidential Development Standards have the following intent.

1. Improve the appearance and vibrancy of mixed-use and commercial areas, employment centers, and other public places with good civic design.
2. Reinforce the distinct character of different corridors, centers, and districts with site and building design compatible with the scale, pattern, and aesthetics of each place.
3 Strengthen the accessibility of non-residential development throughout the City by arranging development within multi-modal street networks, and coordinating site access and internal circulation systems with these networks.
4. Design and locate landscape features and open spaces based on the context of the site, considering relationships to the streetscape and mitigating impacts on adjacent property.
5. Use buildings to shape streetscapes and public spaces, and design building facades and lot frontages to improve the relationship to these spaces.
6. Promote lasting and sustained investment in corridors, centers, and districts with quality design.

B. **Applicability.**

1. The standards in this Chapter shall apply to all development in the R-O, C-1, C-2, D-T, I-1, and I-2 districts, except where stated that sections only apply to specific districts or specific situations.
2. All new structures shall comply with these standards.
3. Modification or additions to existing structures or sites shall meet these standards to the extent of the modification or addition, except that the Director may waive any design standards applied to modifications or additions that:
   a. Conflict with the consistent design of an existing building;
   b. Conflict with a desired and prevailing character on the block or immediate vicinity of the project; or
   c. To otherwise facilitate infill development or adaptive reuse of an existing building.
4. The standards shall not apply to ordinary maintenance of existing buildings or sites, except that maintenance shall not occur in a manner that brings the building or site to a greater degree of non-conformance with these standards.

## 6.02 Development Standards

A. **District Lot and Building Standards.** The lot and building standards for nonresidential districts are specified in Table 6-1.

**Table 6-1: Nonresidential District Lot & Building Standards**

| Zoning District [1] | Lot Standards | | | Setbacks [6] | | | | Building Height (max) |
|---|---|---|---|---|---|---|---|---|
| | Size | Width | Open Space (min.) | Front [2] | Interior Side [3] | Corner Side | Rear [4] | |
| RO | 2K s.f.– 2 ac. | 25' – 250' | 15% | 10' – 25' | 5' | 20' | 20' | 40' / 3 stories |
| C-1 | 2K s.f.– 2 ac. | 25' – 250' | 20% | 25' | 5'; 0' if party wall | 10' [5] | 10' | 40' / 3 stories |
| C-2 | 2K s.f. min. | 25' min | 20% | 25' | 5'; 0' if party wall' | 10' [5] | 10' | 60' / 5 stories |
| DT | 2K – 30k s.f. | 25' – 100' | 8% | 0' – 10' | 5'; 0' if party wall | 10' [5] | 10' | 60' / 5 stories |
| I-1 | 10K s.f. min. | 50' min. | 10% | 25' | 10'; 0' if party wall | 25' | 10' | 60' / 5 stories |
| I-2 | 10K s.f. min. | 50' min. | 10% | 25' | 50' | 25' | 50' | 60' / 5 stories' |

[1] Any district that allows residential uses may allow them according to the applicable building type development and design standards in Article 5.
[2] Front setback requirements may be modified for a particular street or block, based on the frontage types and design standards in Section 6.03.A.
[3] For any side lot line the abuts a residential use or a district that has a greater side setback requirement, the greater side setback of the abutting district shall apply;
[4] For any lot where a rear lot line abuts a residential district, a setback of at least 25' shall apply; any lot abutting an alley may include up to ½ the alley width in the required setback.
[5] The side setback for corner buildings may be 0' in the C-1, C-2 or DT district, provided they meet the Frontage A standards on the lot and building for at least the first 30' from the front corner. Section 6.03.A and B.
[6] Buildings and structures shall be setback from existing or plugged and abandoned oil and gas facilities as provided in Section 4.04.I.

B. **Dimension Exceptions.** The following are exceptions to the lot and building standards established in Table 6-1: Nonresidential District Lot & Building Standards.

1. *Setback & Lot Exceptions.* The following are exceptions to the lot and setback standards in Table 6-1, except that in no case shall this authorize structures that violate the provisions of any easement:
   a. Any projections over public rights of way, or any similar area designed for pedestrian circulation, shall be at least 8 feet above the grade, and in no case within 5 feet of any curb for a street, through access drive or other area designed for vehicles.
   b. Structural projections such as bay windows, balconies, canopies, chimneys, eaves, cornices, awnings, open fire escapes, egress wells, or other non-foundational overhangs or projections may extend up to 4 feet from the foundation and encroach into the setback, but no closer than 2 feet from any lot line. This exception shall be limited to no more than 20% of the total area of a building elevation.
   c. Ground-mounted mechanical equipment, meters, and utility boxes accessory to the building may be located in the side or rear setback provided that it extends no more than 6 feet from the principal building, no closer than 3 feet to the lot line, and is screened from public right-of-way by structures or landscape. These

limitations do not apply to any utility structures otherwise authorized to be located according to easements or in the right-of-way, which shall follow the location and design standards of those specific authorizations.

d. Whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required setback.

e A lot may have more than one principal building, provided any accessory, secondary, or principal building shall be located at least 10 feet from any other building on the same or adjacent lots, or be joined by a party wall meeting all aspects of the building code.

f. Any other accessory use or structure in the required setback, not specified in Section 6.02.C, shall have a setback of at least one-half its height from the property line.

2. *Height Exceptions***.** The following are exceptions to the height standards in Table 6-1:

a. Accessory building elements integral to the design and construction of the building, such as parapet walls, false mansards, or other design elements essential to quality appearance of the building may extend up to 6 feet above the roof deck on a flat roof.

b. Architectural features such as chimneys, ornamental towers and spires, and similar accessory elements may extend up to 50% above the actual building height, provided they are integral to the specific architectural style of the building and are less than 15% of the building footprint.

c. Functional and mechanical equipment such as elevator bulkheads, cooling towers, smokestacks, roof vents, or other equipment may be built up to their necessary height in accordance with building codes.

C. **Accessory Buildings – Nonresidential.** Accessory buildings shall be permitted in association with and on the same lot as a principal building, subject to the standards in Table 6-2, Nonresidential Accessory Structures, and to the following additional limitations.

**Table 6-2: Nonresidential Accessory Structures**

| *Type* | *Quantity* | *Size* | *Height* | *Setbacks* |
|---|---|---|---|---|
| *Minor Structure (small shed, and similar structures)* | ▪ 1 / lot;<br>▪ + 1 / each 10k s.f;<br>▪ Maximum of 3 | ▪ 200 s.f. max | ▪ 10' max | ▪ 0' side or rear; 5' if on a concrete slab or similar foundation;<br>▪ 20' on any street side lot line; and<br>▪ Behind the rear building line of the principal structure |
| *Secondary Building (detached accessory building)* | ▪ 1 / principal building | ▪ 50% of principal building footprint, ~~up to 1,000 s.f. max.~~ | ▪ 25' max, but no higher than principal structure. | ▪ 5' from side and rear;<br>▪ 10' from street side; and<br>▪ At least 12' behind the front building line of the principal structure |
| | Any building over 10' high or more than 320 square feet shall meet the design standards.in Section 6.02.C.4 | | | |

1. All accessory buildings shall be at least 10 feet from the principal building, or other distance specified by applicable building codes based on fire ratings of adjacent walls.
2. Accessory buildings shall be clearly incidental and subordinate to the principal building or use, in terms of scale, location and orientation.
3. Minor accessory structures of 200 square feet or less, and not on a slab or similar foundation do not have a required interior side or rear setback but should be movable and are otherwise placed "at risk" by the owner with regard to any easements, fence, or screening requirements.
4 Any portion of the building or structure over 200 square feet or over 10 feet high, and potentially visible from the street or other public areas shall use materials, colors, scale

and forms (roofs and massing), and details that are compatible with the principal structure, or otherwise be screened according to Section 8.03.

5. Prior to any building permit required by the City, applicants shall demonstrate that any manufactured structure meets all applicable state and local code requirements
6. Any building or structure exceeding the limits in Table 6-2 shall be treated as a second principal building and meet all lot and building design standards for a principal building.

## 6.03 Design Standards

A. **Frontage Design.** Frontage design determines the relationship between private development and the public realm and affects the character of different streets, blocks, or districts. Building placement, parking and access locations, and streetscape and landscape design encompass the design of the frontage. Frontage types designed according to the standards and design objectives of this sub-section may be used to modify the front setback established in Table 6-1.

1. *Design Objectives.* Frontage types in Table 6-3: Nonresidential Frontage Design shall be applied to meet the following design objectives:
   a. Enhance the image of the City by coordinating streetscape investment with private lot and building investment.
   b. Orient all buildings and lots to the public street, or to common open spaces that serve as an extension of the streetscape and public realm.
   c. Design frontages based on the context of the area, block, and street, particularly emphasizing landscape areas to buffer sites from higher-volume / higher speed streets and emphasizing social spaces and human-scale features on streets intended for compact and walkable development.
   d. Coordinate development across multiple lots with compatible frontages along block faces, considering building placement, access, parking, landscape, and open space design.
   e. Strengthen the identity and economic value of distinct places by reinforcing consistent patterns of streetscape, frontage design, and building placement and form.

2. *Frontage Design Standards.* Frontage types shall be designed according to the standards in Table 6-3: Nonresidential Frontage Design. Sub-sections following the table provide specific design strategies and techniques to be used to meet these standards and the design objectives of this sub-section.

| Table 6-3: Nonresidential Frontage Design | | | | | |
|---|---|---|---|---|---|
| | | ***Frontage A*** | ***Frontage B*** | ***Frontage C*** | ***Frontage D*** |
| *Front Building Line (build-to range)* | | 0' – 10' | 10' – 25' | 25' – 80' | 80' + |
| *Required Front Building Line* | | 80% + | 50% + | 30% + | n/a |
| *Access Width (max.)* | | 20' | 24' | 32' | 40' |
| *Access Spacing* | | 1 per block max | 200' + | 150' + | 100' + |
| *Parking Setback (min.)* | | Behind rear of building | Behind front building line | 6' min. | 20' min. |
| *Extent of Parking Frontage (max.)* | | 0% | 40% | n/a | n/a |
| *Landscape* | | See Sections 3.01 and 3.02 | | See Section 8.03 | |
| *Applicability* | *DT* | ■ | □ | ◇ | -- |
| | *RO* | □ | ■ | ◇ | -- |
| | *C-1* | □ | □ | ■ | ◇ |
| | *C-2, I-1, I-2* | □ | □ | □ | ■ |

■ Preferred
□ Permitted
◇ Limited to Alternative Compliance, See Section 6.03.A.6. Alternative Compliance.

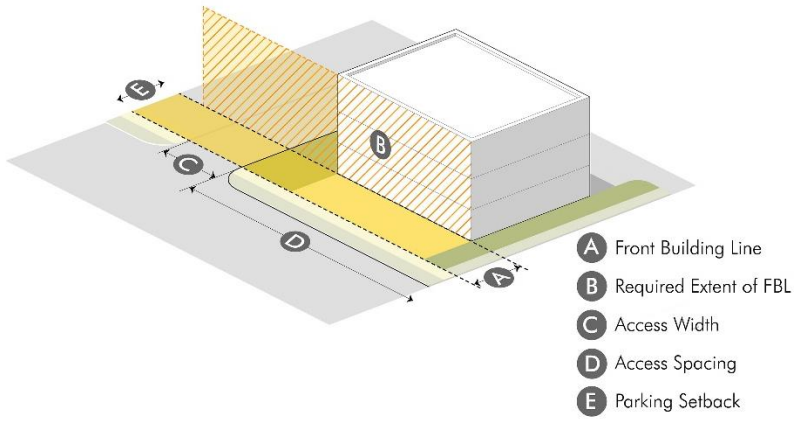



***Figure 6-1 Frontage Design***
*Frontage types are differentiated based on the location of the front building line (FBL), the extent of the front building line occupied by the building (Required FBL), access widths, and parking location and extent along frontage. Coordinating frontage design of multiple buildings and sites along a block impacts the character of the streetscape and the block. 6.03.*

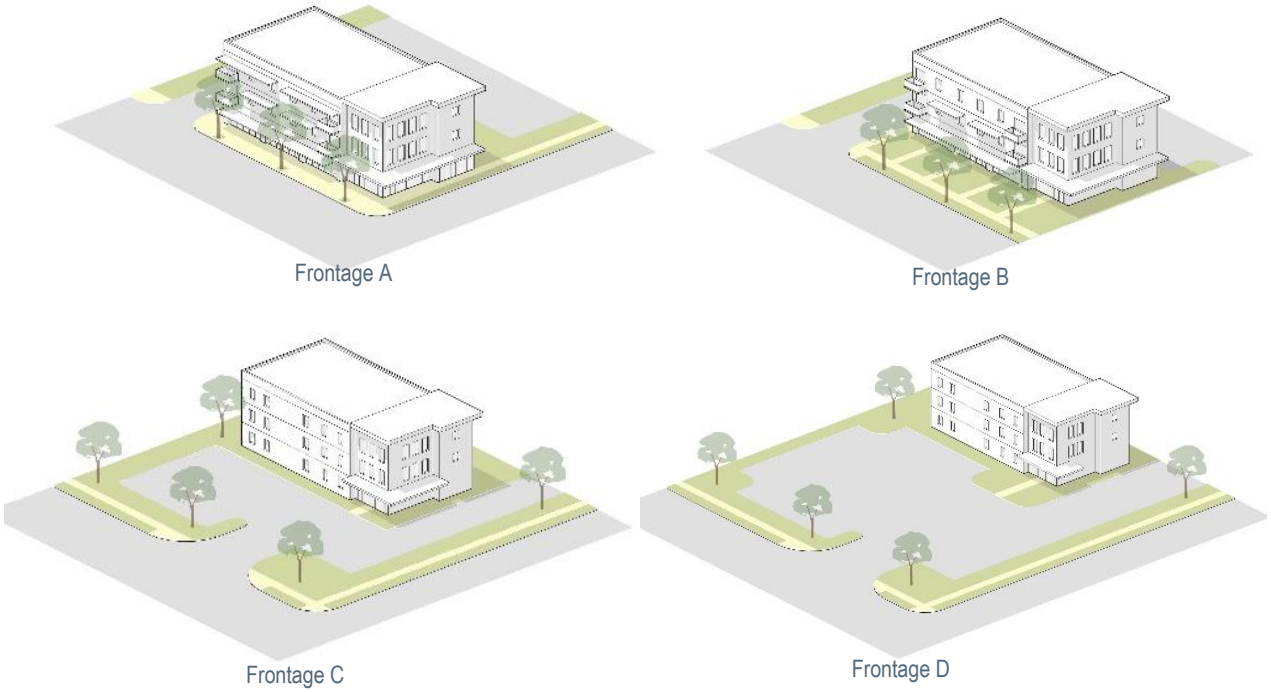



***Figure 6-2 Frontage Types***
*The relationship between private development and the public realm determines the character of different districts. Building placement, parking and access locations, and landscape and streetscape design distinguish different frontage type designs. Social spaces and human-scale architectural features are emphasized in more pedestrian-oriented contexts, and landscape screens and setbacks are emphasized in more car-oriented areas. 6.03.A.2.*

3. *Front Building Line.* All buildings shall establish a front building line within the range specified in Table 6-3, Nonresidential Frontage Design. The required front building line shall modify the required front setback in Table 6-1 based on the appropriate frontage for the specific street and block. All buildings shall occupy the minimum percentage specified for required front building line with either of the following:
   a. Front building facades meeting the design standards in Table 6-3, Nonresidential Building Design; or
   b. Open spaces meeting the requirements of Section 6.03.C. Lot Open Space, provided:
      (1) It is limited to no more than 50 linear feet or 50% of the lot frontage, whichever is greater;
      (2) There are defining vertical features at the extension of the required front building line, such as decorative walls, fences, or landscape features; and
      (3) All building facades fronting the open space meet the building design standards otherwise applicable to the building frontage.
   c. Projects designed around internal access streets according to Section 3.01 may use the internal access streets for the purpose of applying frontage standards.

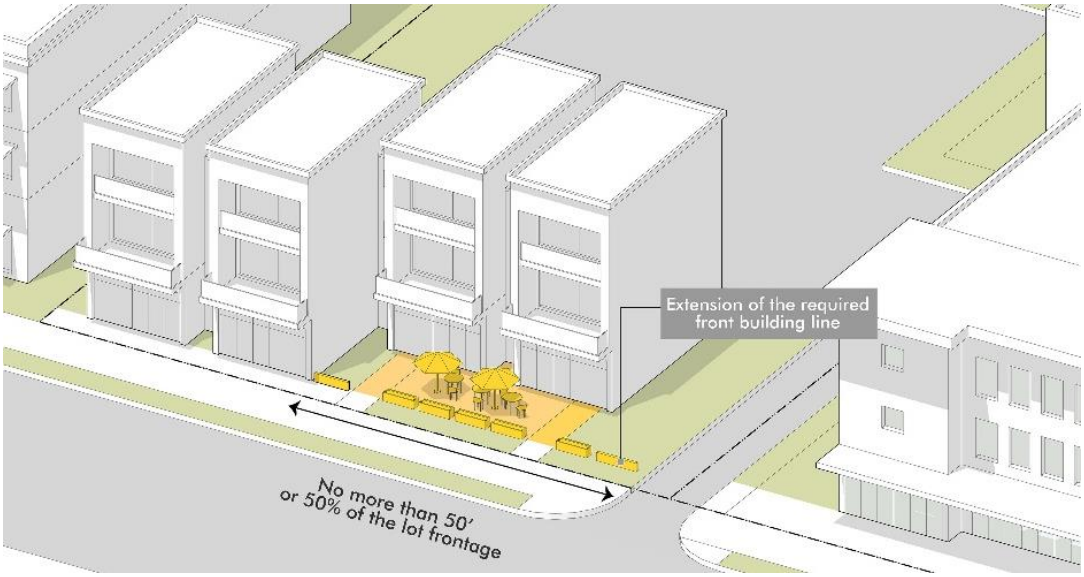



***Figure 6-3 Required Front Building Line***
*The required front building line determines the extent of the lot width required to be occupied by building frontage at the front building line. Alternatives that activate the streetscape with active social spaces may serve this function provided they establish similar defining elements of this space along the frontage. 6.03.A.3.a. and b.*

4. *Access and Parking Limits*. The following standards apply to the driveway and parking limits in Table 6-3, Nonresidential Frontage Design:
   a. Access width limits apply to the first 25 feet of the lot depth, or up to the Front Building Line, whichever is less.
   b. Access spacing specifies the minimum distance between edges of driveways or internal access streets. However, the Fort Lupton Standards & Specifications Manual may specify different access standards on any particular street or lot.
   c. In cases where these standards limit access to a lot, options that coordinate access to lots on the same block shall be used, including mid-block alleys, internal access streets, common access lanes, or shared drives and cross access easements.
   d. All parking shall be setback as specified in Table 6-3, be limited only to the extent specified along the frontage, and be screened according to the standards in Article 7.

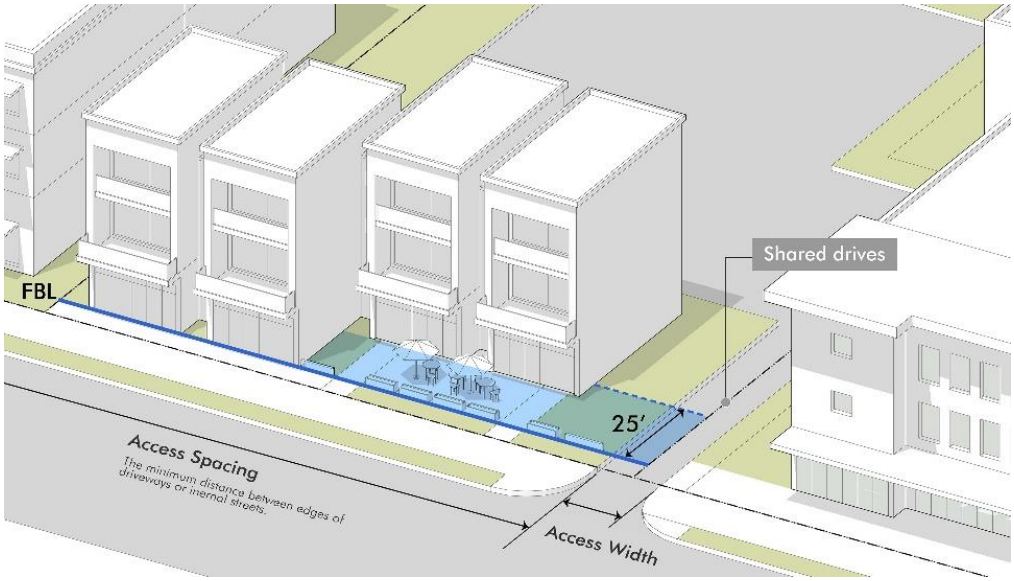



***Figure 6-4 Access and Parking Limits***
*Access & parking limits determine the extent of frontages that are designed for cars, including driveways and surface parking. Parking and vehicle access is more limited in the frontage area for pedestrian-oriented contexts, and more permissive in car-oriented areas. 6.03.A.4.*

5. *Landscape.* The remainder of the frontage between the streetscape and front building line shall include landscape and open space designs.
   a. For Frontage Types A and B this area shall be designed to coordinate as an extension of the streetscape according to Section 3.01.
   b. For Frontage Types C and D this area shall be designed according to the parking setback and landscape design standards in Articles 7 and 8.
   c. On all frontage types, lot open space meeting the standards of Section 6.03.C may be included in this area.

6. *Alternative Compliance.* The appropriate application of frontage types is based upon a combination of the character of the zoning district, the streetscape design of the block, and the relationship of similar elements on adjacent lots. Alternative compliance to the frontage design standards established in this Section may be authorized according to the process and criteria in Section 2.07, Alternative Compliance, and any of the following additional applicable criteria:
   a. The context presents a clear pattern of existing buildings and lots on the same block and opposite block face that are different from the requirements and are desirable to maintain.
      (1) Frontages should be similar for all lots on the same block face or gradually transition to different frontage types in contexts that allow multiple frontage types.
      (2) Front building lines on adjacent lots should generally not differ by more than 10 feet, unless substantial space exists between the buildings.
      (3) Streets with pedestrian amenities, on-street parking, or designed according to the Pedestrian, Avenue, or Boulevard standards in Section 3.01 are generally appropriate for the Frontage Types A and B standards.

(4) Streets with higher traffic speeds or volumes, that lack pedestrian amenities, or lack on-street parking are generally appropriate for Frontage Types C and D standards.

b. An alternative design allows the building, access, and parking to be sited in a way that preserves topography or other natural features on the site and does so in a way that equally or better meets the design objectives of this Section.

c. Parking and access that serves a greater area beyond the site and block may deviate from these standards, provided it does not negatively impact development on adjacent lots and it is designed to minimize impacts on streetscapes.

d. Civic uses or landmark buildings may deviate from frontage designs provided they are in a location that serves as a focal point for the surrounding area, and the exception is used for improved social space or aesthetic features on the frontage.

e. In all cases the deviation is the minimum necessary to address the circumstance and does not negatively impact other design standards applicable to the building or site.

B. **Building Design.** Building design refines the scale and form of buildings beyond the basic setback, height, and lot coverage standards by breaking down the volume into smaller-scale masses, and relating to spaces around the building by adding depth, texture, and variation to surfaces.

1. *Design Objectives.* Building design standards in Table 6-4, Nonresidential Building Design shall be applied to meet the following objectives:

a. Refine the scale, massing, and details of buildings to a greater degree the closer they are to the streetscapes and other publicly used spaces.

b. Arrange buildings and vary the massing in a way that defines streetscapes, public spaces, and other valuable active and social spaces on the site.

c. Locate doors and windows in a way that activates spaces, creates connections to important exterior spaces, and promotes economic activity at the interface of buildings and public spaces.

d. Relate buildings to adjacent development by mimicking similar scale, massing, and proportions though step-backs and secondary masses that break up larger masses and reduce the volume and perceived size of large buildings.

e. Use materials and human-scale architectural features to create depth, texture, variation, and visual interest to walls, particularly on larger facades, along streetscapes, or near active open spaces or adjacent lots.

f. Strengthen the identity and economic value of distinct places by reinforcing any prevailing architectural themes or styles; where no prevailing theme or style exists, encourage unique architectural expression and design characteristics inherent in the chosen architectural style for the building to establish identity and distinct places.

g. Emphasize the quality and longevity of investments with materials and colors that are attractive, durable, and have low maintenance requirements.

2. *Building Design Standards.* Table 6-4, Nonresidential Building Design provides standards for massing and facade design based on the frontage type and the placement of the building from Section 6.03.A. Sub-sections following the table provide specific design strategies and techniques to be used in meeting these standards and the design objectives.

| Table 6-4: Nonresidential Building Design | | | | | |
|---|---|---|---|---|---|
| | | ***Frontage A*** | ***Frontage B*** | ***Frontage C*** | ***Frontage D*** |
| *Massing & Modulation* | | 50' / 500 s.f. | 100' / 1,000 s.f. | 150' / 2,000 s.f. | 200' / 4,000 s.f. |
| *Entry Feature Spacing* | | 50' max. | 75' max | 150' max | 1 per building |
| *First Story Transparency* | | 60% - 90% | 40% - 90% | 40% - 90% w/in 50' of entry | 40% - 90% w/in 25' of entry |
| *Upper Story Transparency* | | 15% - 40% | 15% - 40% | 15% - 40% | 15% - 40%<br>n/a for industrial buildings |
| *Materials* | | A-list | A-list | A- or B-list | A-, B-, or C-list |
| | | See Section 6.03.c.4. | | | |
| *Applicability* | *DT* | ■ | □ | ◇ | -- |
| | *RO* | □ | ■ | ◇ | -- |
| | *C-1* | □ | □ | ■ | ◇ |
| | *C-2, I-1, I-2* | □ | □ | □ | ■ |

■ Preferred
□ Permitted
◇ Limited to Alternative Compliance, See Section 6.03.B.8

3. *Massing & Modulation.* Larger building elevations shall limit blank walls, break larger facades into smaller components, and feature variation and architectural details by one or a combination of the following techniques to meet the massing and modulation intervals in Table 6-4, Nonresidential Building Design:
   a. Emphasize structural bays and vertical breaks in interior components of the building at regular intervals, with visible features such as columns, pillars, pilasters, or other details and accents that are between 6 and 48 inches wide, and project between 4 and 24 inches off the facade.
   b. Define horizontal elements with projections between 2 feet and 4 feet from the wall associated with entrance features or differentiating stories, such as balconies, awnings, cantilevers, or similar horizontal elements.
   c. Break the volume of the building into distinct components with step-backs of upper stories of at least 8 feet or recesses of the building footprint greater than 4 feet. Deviations shall encompass at least 20% of the entire elevation.
   d. Horizontal differentiation of a base, body and top of buildings with materials and architectural details.
      (1) For buildings less than 3 stories, this can be a distinct foundation, a main facade, and an embellished roof structure, such as eaves and fascia for pitched roofs, or cornices and parapets for flat roofs.
      (2) For buildings 3 stories or more, the first floor should be clearly differentiated from upper stories to establish the base and an embellished roof structure.
      (3) Any belt course or trim band establishing the break in base, body and top shall use a material or pattern distinct from the primary material, be 6 to 36 inches wide, and off-set from the wall plane 4 to 24 inches; or be a lessor trim associated with a material change.
   e. Use patterns of windows and doors, meeting the transparency requirements in Section 6.03.B.4. and 5, to break up blank walls, add depth and texture to the wall, and create a rhythm and balance along the elevation.

f. Use ornamental architectural details complementary to the materials and architectural style, and use color and material changes associated with trim or massing elements along areas where there are no windows or doors.

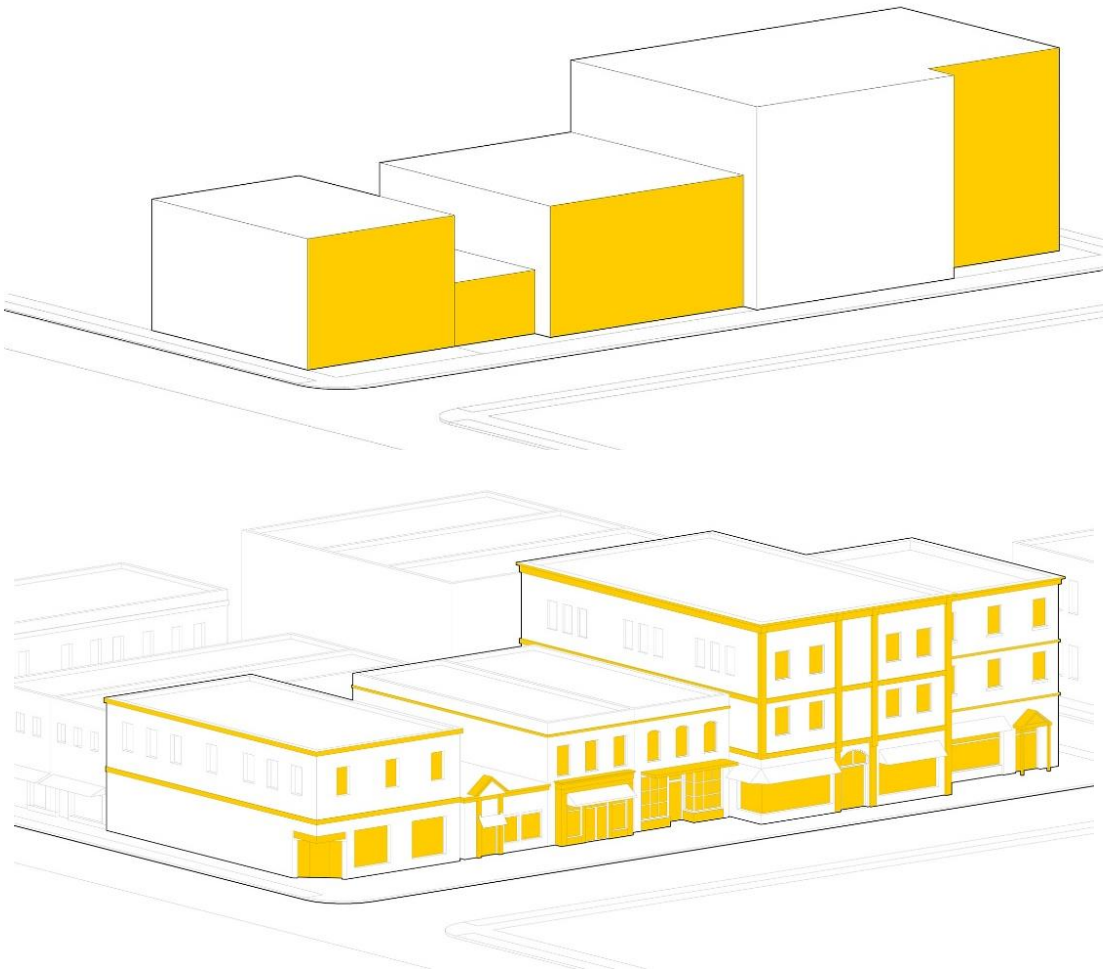


***Figure 6-5 Massing & Modulation***
*Wall planes that exceed either the linear dimension limits or the square foot limits in Table 5-6 5-5 wall plane limits shall be broken up by massing elements and/or architectural details. 6.03.B.3*

4. *Primary Entrance Features.* Primary public entrances shall be clearly defined on all front facades with at least two of the following elements and be located at intervals specified in Table 6-4, Nonresidential Building Design:
   a. A single-story architectural emphasis such as raised parapets, gables, canopies, porticos, overhangs, pediments, or arches.
   b. Transom or sidelight windows that frame and emphasize the entry.
   c. Architectural details such as tile work and moldings, columns, pilasters, or other similar material changes.
   d. Recessed entryways of at least 3 feet from the main wall.
   e. Integral planters, seating, or wing walls associated with an entry court or plaza that integrates landscape and hardscape designs.

f. For corner buildings, any entrance feature located on the corner may count to both sides, and may be considered located at 25' from each corner for the purpose of the required primary entry feature intervals.

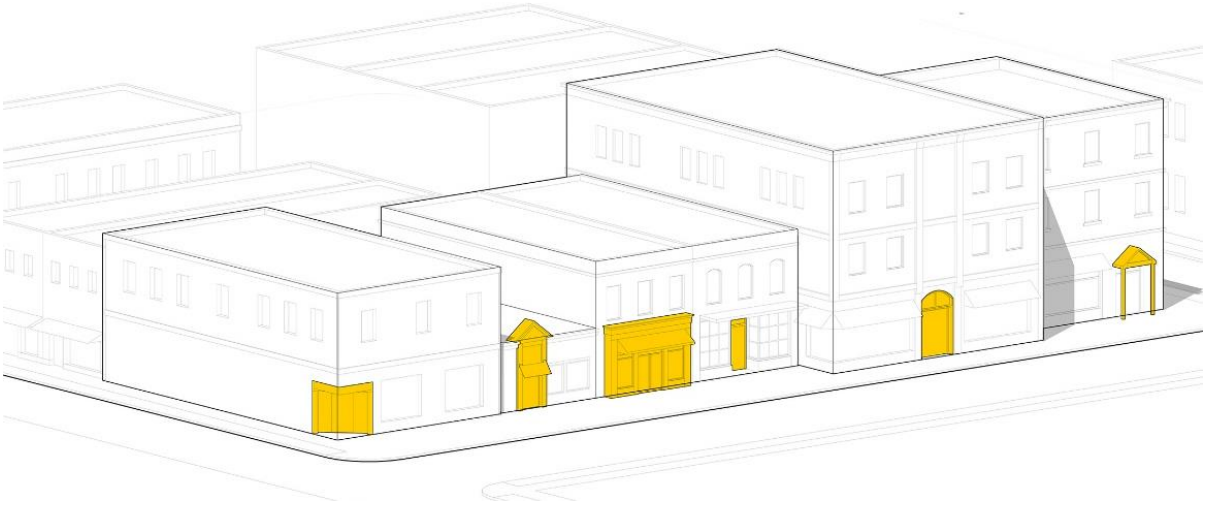


***Figure 6-6 Primary Entry Features.***
*Entrances help activate the streetscape and orient buildings to public spaces. More pedestrian-oriented blocks benefit from the activity created by smaller-scale uses and the rhythm created by more frequent entrances. More car-oriented streets may allow less frequent entrances or alternative orientations of buildings to internal access streets or common spaces. 6.03.B.4.*

5. *Transparency.* Windows and doors provide transparency, detail, and visual rhythm on the facade, and they break up blank walls with the location, pattern, and proportions of these openings. The following techniques should be used to achieve the design objectives of this sub-section and to meet the transparency requirements of Table 6-4, Nonresidential Building Design
   a. Where expressed as a first story requirement the percentage shall be measured between 2 feet and 8 feet above the sidewalk grade, or within 10 feet above the first floor elevation if the building is set back more than 10 feet from the street.
   b. Where expressed as an upper story requirement, the percentage shall be measured between the floor level and ceiling of each story.
   c. All first story windows required shall provide direct views to the building's interior or to a lit display area extending a minimum of 3 feet behind the window.
   d. For industrial and civic buildings setback more than 25 feet from the street, clerestory windows may meet the first or upper story window requirements.
   e. Locate windows doors to create a coordinated facade composition considering the entire facade as a whole, and to break up large expances into different components with the grouping of windows and doors.
   f. Use windows and doors with projecting trim and ornamentation to create depth, texture, and shadows on the facade; to emphasize openings; or to combine groups of openings. Openings that have projecting trim and casements (at least 1 inch off the facade and 4 inches wide); or otherwise group windows with significant details that clearly differentiate these elements from the main facade may count these features for up to 25% of the window and door requirement.

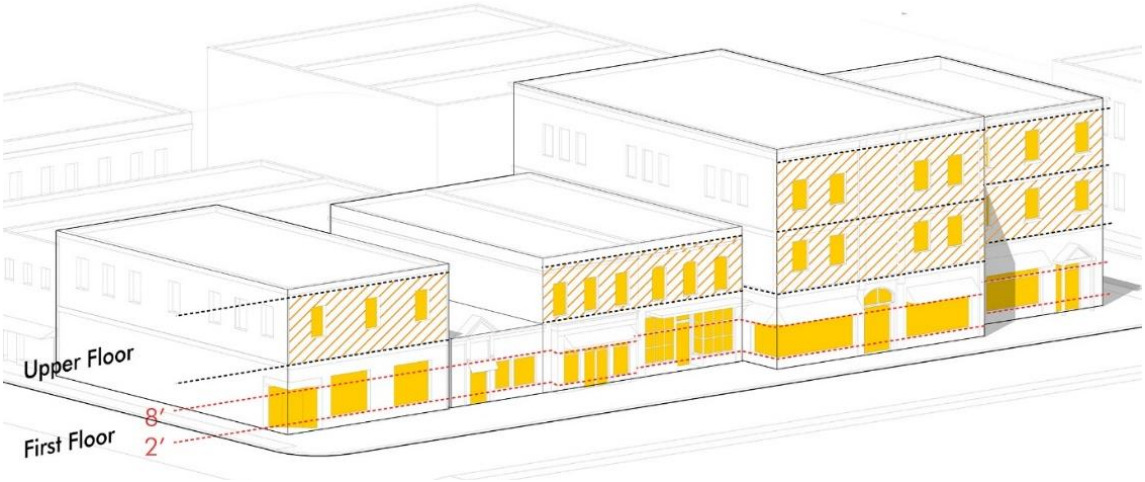



***Figure 6-7 Transparency.***
*Transparency requirements eliminate large expanses of blank walls and create physical and perceptual connections to spaces around buildings. Meeting the requirements for each story helps reduce the scale of larger buildings. 6.03.B.5*

6. *Materials.* Use building materials with a texture and pattern that creates visual interest and signifies quality construction and detailing.
   a. The predominant surfaces on building walls shall be one of the primary materials listed in Table 6-5, Nonresidential Building Materials.
   b. No more than 4 materials should be use, including the use of secondary and accent materials.
   c. Material changes and the use of primary and secondary materials from the approved material list shall emphasize different elements of the building, in association with the massing and modulation standards in Section 6.03.B.3.
      (1) Where material changes are vertical (i.e. different materials stacked one above another), the transition between materials should include a belt course, trim band, sill, cap, frame, roof (if at ceiling height), or similar element to separate the two materials. Heavier and larger materials should be below lighter or smaller materials.
      (2) Where material changes are horizontal (i.e. different materials side-by-side) the transition between materials should occur at interior corners or at the trim line, architectural column or pilaster where the change is emphasizing different structural or massing components for a building.
   d. Material colors shall be low reflectance, subtle, neutral or earth tone colors. Primary, secondary, and accent materials shall establish distinct but compatible color palettes. The use of high-intensity colors, metallic colors, black or fluorescent colors is limited to accent areas.

**Table 6-5: Nonresidential Building Materials**

| *Primary Materials (50% to 90%)* | *Secondary Materials (20% to 40%)* | *Accent Materials (5% to 20%)* |
|---|---|---|
| ▪ Brick<br>▪ Stone<br>▪ Slate<br>▪ Stucco<br>▪ Exterior Insulation and Finish System (EIFS – water managed only)<br>▪ Fluted or split-faced block<br>▪ Corrugated metal (I-1 and I-2 only) | ▪ Any of the primary materials<br>▪ Wood siding<br>▪ Architectural tiles<br>▪ Concrete Masonry Units (CMU - colored and textured only)<br>▪ Tilt-up concrete panels with brick or stone facing<br>▪ Architectural metals (prefinished non-corrugated)<br>▪ Transparent or tinted glass | ▪ Any of the primary or secondary materials<br>▪ Precast stone<br>▪ Wood trim or simulated wood<br>▪ Translucent glass (not on first story)<br>▪ Canvas or similar durable cloth (awnings only)<br>▪ Acrylic (canopies only) |

* Prohibited materials include: Vinyl siding, concrete block or tilt-up (smooth-faced), barrier-type EFIS, and reflective metal or glass.

7. *Four-sided Design.* All buildings shall incorporate four-sided design, so that that no matter what view you have of the building, the design is not interrupted, and all parts are perceived as a coordinated part of a unified whole. Specifically:
   a. All sides shall exhibit the same quality, continuity, and durability of design including the same primary and secondary materials, although more important sides can reflect priority in the allocation of these materials.
   b. All sides that are visible from streets, public spaces or active portions of adjacent sites shall have a similar level trim, accent material, details, and ornamentation, although the extent and details may be different to reflect the greater importance of certain areas closest to the public realm or with greater visibility, and parts not exposed to the public may be designed for utility.
   c. Sides not meeting the four-sided design standards, but are visible from streets and public spaces, should be buffered according to Section 8.03.

8. *Alternative Compliance.* Alternative compliance to the building design standards established in this Section may be authorized according to the process and criteria in Section 2.07, Alternative Compliance, and any of the following additional applicable criteria:
   a. The requirement is not consistent with the specific architectural style selected for the building based on reputable industry resources documenting the style.
   b. The requirement would make the building less compatible with designs or characteristics of other buildings or sites adjacent to the project or that are prevalent throughout the area, and that are desirable to reinforce.
   c. The requirement is inconsistent with the principal function of the building when applied to industrial buildings in the I-1 and I-2 districts.
   d. Deviations from material standards and any simulated products demonstrate a proven performance in terms of maintenance and quality appearance. Manufacturer specifications and/or precedents for application may be required demonstrate that it will perform equally or better than the allowed material.
   e. In all cases the deviation is the minimum necessary to address the circumstance, the alternative equally or better meets the design objectives of this Section, and there are no negative impacts on other design standards applicable to the building or site.

C. **Lot Open Space Design.** The design of open space can reinforce the character of unique districts and distinct places. Lot open space coordinates unbuilt areas with the public realm

design of commercial, mixed-use, and industrial areas, or uses landscape areas to mitigate undesirable impacts.

1. *Design Objective***s.** The required lot open space in Table 6-1 shall be designed and located to meet the following design objectives:
   a. Coordinate site design with the larger open space system and public realm design of the area.
   b. Use open space as an organizing element for development, creating focal points for buildings or groups of buildings, and create transitions between distinct building sites.
   c. Design a hierarchy of gateways, gathering places, parks, and natural features, and integrate these spaces with the system of streets, through drives, trails, and pedestrian passages.
   d. Select open space types based on the context and natural amenities of the site; in general, more compact and formal gathering spaces are most appropriate in walkable commercial and mixed use areas, and more spacious and natural areas are most appropriate in large commercial or industrial areas.
   e. Use landscape, furnishings, fixtures, art, planters, and other elements of open spaces to complement buildings, coordinate buildings and sites, and distinguish the unique character of different places.
   f. Preserve natural features that can serve as amenities for development, maintain views to and from important outside spaces, perform ecological functions, or provide important connecting corridors.

2. *Lot Open Space Design.* Lot open space required for each building and lot in Table 6-1 shall create a common or private amenity for the site and building. Buildings and open spaces on a lot shall be arranged to create usable outdoor spaces that meet one or more of the following types:
   a. Private frontage landscape areas designed according to the frontage design standards in Section 6.03.A., excluding any driveways, parking areas, or other automobile space;
   b. Open space meeting the requirements for public or common open space in Section 3.02;
   c. Common rooftop decks provided they are at least 200 square feet, and at least 12 feet in all directions – this space is limited to no more than 30% of the requirement for the lot and building;
   d. Private balconies or patios, provided they are at least 100 square feet, and at least 8 feet in all directions– this space is limited to no more than 20% of the requirement for the lot and building; or
   e. Landscape areas and buffers designed according to the standards of Chapter 8. In order to promote active gathering spaces in appropriate locations, landscape and buffers shall only be counted towards the following percent of the open space requirement, even where greater landscape or buffers are required by other sections:
      (1) No more than 25% of the requirement for lot open space in the DT and RO district.
      (2) No more than 50% of the requirement for lot open space in C-1 and C-2 ; and
      (3) No limit in the I-1 and I-2 districts.

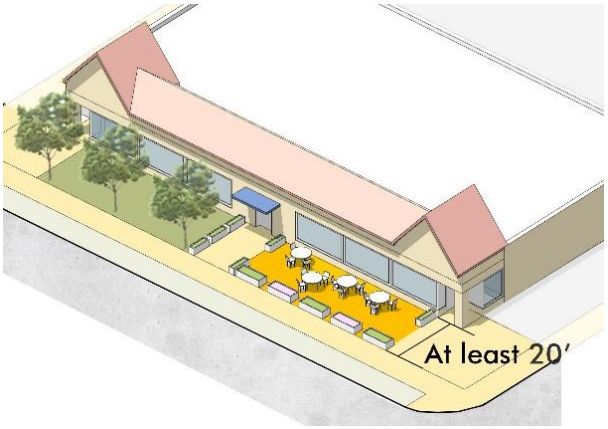



***Figure 6-8 Courtyards, Patios and Plazas***
*More compact and walkable places benefit from smaller and more formal social spaces, such as courtyards, patios and plazas. 6.03.C.2.b.*

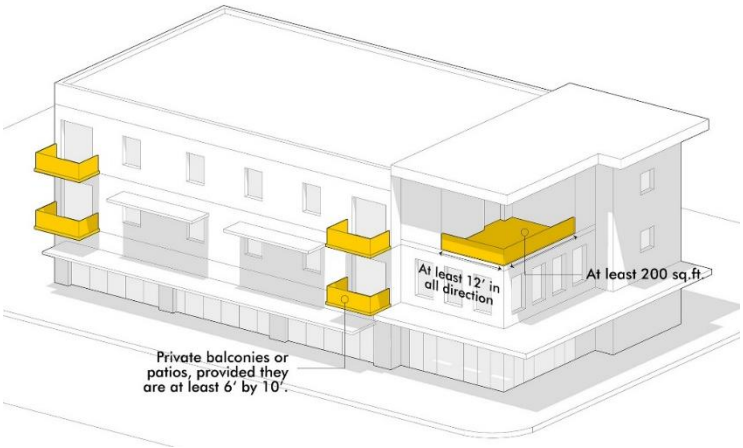



***Figure 6-9 Private or Common Open Spaces***
*Private or common areas incorporated into the building can provide a portion of the useable on-lot open spaces. These elements can also meet design requirements for breaking up the massing or blank wall of buildings. 6.03.C.2.c. and d.*

3. *Alternative Compliance*. Alternative compliance to the lot open space design standards established in this Section may be authorized according to the process and criteria in Section 2.07, Alternative Compliance, and any of the following additional applicable criteria:
   a. The lot and building has access to at least two different active open spaces on the same block or abutting block, and meeting the design and service area standards in Section 3.02.
   b. Other designs that promote infill development or rehabilitation of existing buildings and sites in a compact, and walkable context.
   c. In all cases the deviation is the minimum necessary to address the circumstance, the alternative equally or better meets the design objectives of this Section, and there are no negative impacts on other design standards applicable to the building or site.

## Section 6.04 Specific Frontage & Design Plans

The frontage design and building design standards in Sections 6.03.A and B. may refined and further specified based on a specific area plan for multiple properties and owners. The plan shall use the standards in 6.03.A. and B. but specifically apply them on a block-by-block basis, and be approved by the City as a supplement to the comprehensive plan. Alternatively, specific application of frontage types may be based on a plan approved in association with a development proposal, provided it: (1) is at least 10 acres; (2) includes at least 25% of Frontage A frontages; (3) includes at least 60% Frontage A or B standards; and (4) includes no more than 25% Frontage D standards. All plans approved shall be included or cross-referenced in the sub-sections below.

A. **Downtown (DT) District Frontage and Design Plan.** The building and frontage design standards for the DT district are further specified on a block-specific basis according to Figure 6-9. Figure 6-9 is based on the Downtown Sub-area Plan included in the Comprehensive Plan.

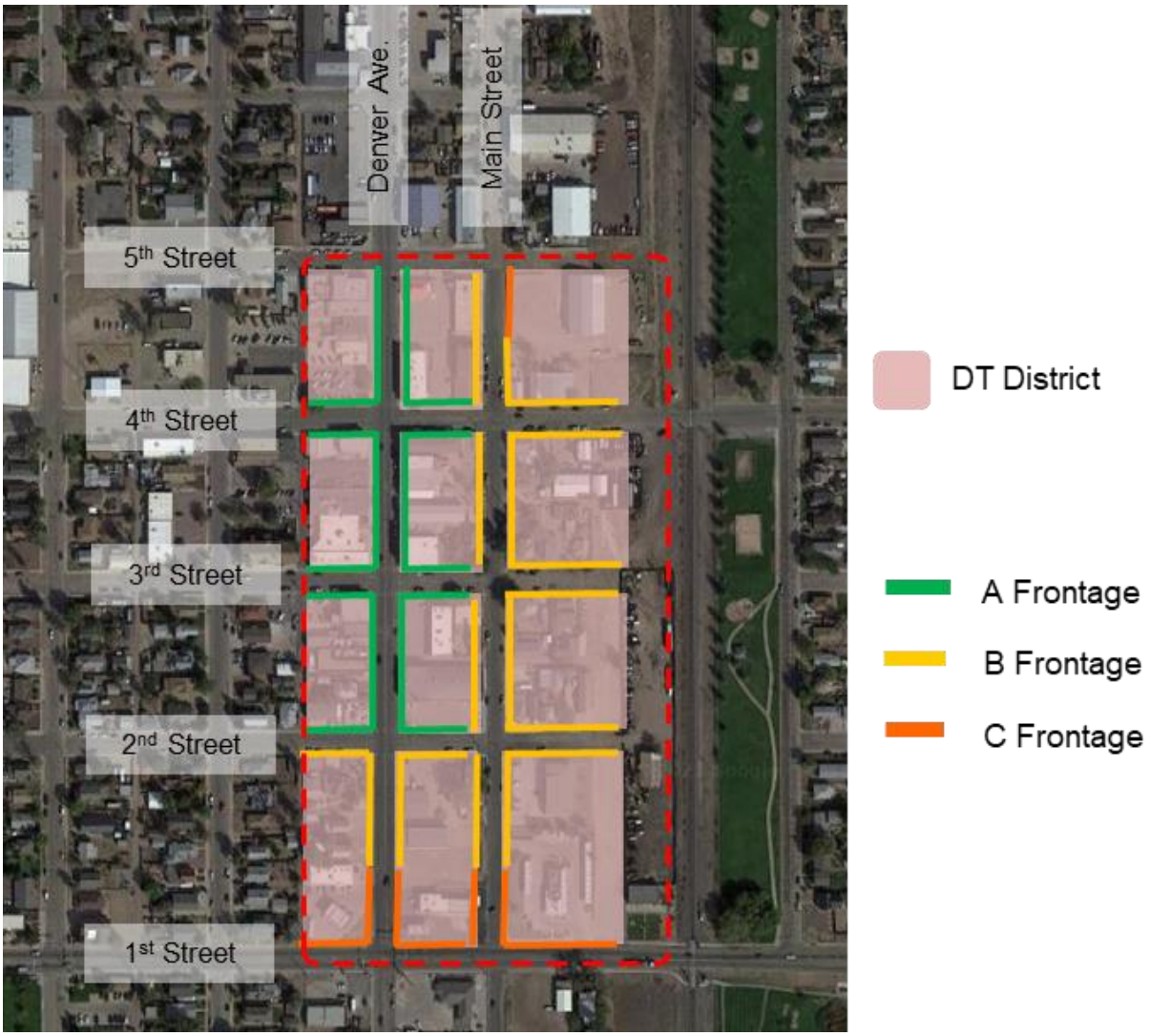



*Figure 6-10 Downtown Area Frontage & Design Plan*
*This plan specifies the applicable frontage types for applying the standards in Section 6.03.A and B. of the Fort Lupton Development Code to the DT Zoning District.*

B. **[Reserved]**

# Article 7. Access & Parking

7.01 Intent & Applicability
7.02 Access & Circulation
7.03 Required Parking
7.04 Parking Design
7.05 Loading Areas
7.06 Alternative Compliance

## 7.01 Intent & Applicability

A. **Intent.** The intent of the Access and Parking standards is to:

1. Emphasize the importance of site access for multiple modes of transportation.
2. Preserve streetscape design and street functions by coordinating access along block faces and internal to blocks.
3. Provide the optimal amount of vehicle parking for individual sites, recognizing that too much and too little parking each have negative impacts.
4. Create access and parking standards appropriate to the context of the site, considering surrounding development patterns and street design.
5. Ensure appropriate site design features that mitigate the physical and aesthetic impact of parking on streetscapes and surrounding sites.
6. Maximize opportunities for on-street parking, shared parking or reduced parking rates where appropriate, and reduce the inefficiency from underutilized and redundant surface parking on adjacent sites.
7. Promote parking designs that minimize runoff, decrease heat island effects, incorporate low impact design features, and infiltrate storm water into the ground.

B **Applicability.** Access and parking shall be shown on site plans, according to the application requirements in Article 2. Specifically the standards in this article apply to:

1. All new development, buildings or uses on a site.
2. A change of use, or additions to existing buildings, that would require 25% or more additional required parking than the previous condition.
3. Where additional parking is required for an existing lot or building, the parking design standards shall only apply to the newly constructed parking; except, when more than 50% of a parking area is reconstructed, all parking and access shall comply with this section.
4. The access standards shall not limit the location of any existing access, except:
   a. In conjunction with a public streetscape project;
   b. Where an entire site is redeveloped or when more than 50% of a parking area is added, reconstructed, or similarly impacted by development; or
   c. Where the existing access is determined to be a danger to public safety in association with a development application or street project.

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## 7.02 Access & Circulation

A. **Driveways**. Driveways shall be designed according to the following standards.

1. *Driveway Design Objectives.* Driveway location and spacing shall be limited based on the following standards and guidelines:
   a. Wherever feasible, adjacent lots with a similar land use shall use shared access to preserve the streetscape and eliminate conflicts with pedestrians and vehicles.
   b. Direct access to major arterial street shall be permitted only when there is no other reasonable access to the street system, after considering alternatives such as access from side streets, shared driveways, common frontage lanes, rear alleys, or internal access streets.
   c. The frontage design standards on a particular lot or block in Sections 5.03 and 6.03 Frontage Design may put further restrictions on the width, location, or extent of driveways in the frontage area.
   d. Where driveway spacing standards for streets limit or prohibit access, shared driveways, common access lanes or alleys internal to blocks shall be used.

2. *Driveway Location Standards.* Except for where shared or common access is permitted and executed through easements, driveways shall be set back from side or rear lot lines as stated in Table 7-2: Driveway Setbacks.

**Table 7-2 Driveway Setbacks**

| *Access* | *Setback from side or rear lot line* | *Setback from street side corner* | *Separation from other access* |
|---|---|---|---|
| *Residential access < 6 units* | 2' + | 40' | 35'[1] |
| *Residential access 7 – 40 units* | 5' + | 60' | 100' |
| *Nonresidential access and residential access to 41+ units* | 10+ | 100' | 150' |
| *Shared access* | May be on the property line, subject to easements. | | |
| *Alley access* | Front-loaded driveways may be prohibited on blocks with alley access; there are no access width or separation requirements for access from an alley. | | |

[1] Driveway spacing may be averaged along a block for residential lots or on local streets to allow the best arrangement considering grades, streetscapes, and building and lot layouts. This may result in two adjacent lots having access near the same lot line on one side (2' side setback on each), while greater separation between driveways is provided between lots on the opposite sides.

3. *Through Access Drives.* Any single project, lot, or site greater than 5 acres, or lots where access is constrained by driveway standards, shall provide a system of through access drives that establish access and circulation within the site. (*See* Figure 3-2 in Section 3.01). Through access drives:
   a. Shall be laid out to organize the site into smaller internal blocks between 1 and 4 acres.
   b. Shall be designed to mimic public street cross sections in Section 3.01, including sidewalks, landscape amenities, on-street parking and travel lanes.
   c. May be treated as public streets for determining the proper location, orientation and design of sites, buildings, and utilities within the project.
   d. Trail, greenway, or pedestrian passages meeting the standards of Section 3.02 may account for a portion of this internal circulation network, provided it connects

buildings, open spaces, and internal streets with similar networks external to the site and presents a logical connection point for pedestrians and bicycles.

4. *General Design Standards*. All access shall meet the following design standards.
   a. Sufficient on-site storage to accommodate queued vehicles waiting to park or exit without interfering with street traffic.
   b. Provisions for circulation between adjacent parcels shall be provided by through access drives, cross access easements, and other shared access provisions to protect the function, design, and character of public streets.
   c. Driveway spacing and design shall be located so that safe ingress and egress is provided, considering the function and design speed of the street from which the access is provided, and minimizing potential conflicts of all modes of transportation, including pedestrians, bicycles, and vehicles.
   d. Landscape, buildings, and other site elements at access points shall be designed to meet the sight distance requirements of Section 3.01.D.2, Sight Distances.
   e. Any access from a state highway shall only be permitted as authorized and approved by the Colorado Department of Transportation.

B. **Sidewalks.**

1. *Sidewalk Design Objectives.* Development sites shall include direct sidewalk connections and circulation at the same or greater frequency as provided for vehicles. Sidewalks shall connect public entrances of buildings and sites to the following, in the most direct manner possible:
   a. Sidewalks in the public streetscape or along through access drives.
   b. Parking areas and any perimeter sidewalks, internal walkways or crosswalks associated with the parking areas.
   c. Civic or open space, or other common areas designed for active use.
   d. Transit stops, ride-share, or park and ride location – existing or anticipated.
   e. Where connections from the main entry to sidewalks in the public streetscapes or through access drives is not practical or would exceed 300 feet, sites shall provide pedestrian connections to the edge of adjacent property where any of the above amenities are closer and more directly accessible.

2. *Sidewalk Width.* Internal sidewalks shall meet the requirements of Table 7-3: Internal Sidewalk Widths.

**Table 7-3: Internal Sidewalk Widths**

| *Location* | *Minimum Width* |
|---|---|
| ▪ Generally; OR<br>▪ Any residential property | 5’ |
| ▪ Along the facade of a commercial building of 5,000 s.f. or less abutting a parking area; OR<br>▪ Along any through access drive | 6’ |
| ▪ Along the facade of a commercial building of 5,001 s.f. to 19,999 s.f. abutting a parking area; OR<br>▪ A primary route between the street or parking area and the building entrance. | 8’ |
| ▪ Along the facade of any commercial building of less than 20,000 square feet with a primary entrance, or similar building with significant public and pedestrian access.<br>▪ Along the facade of a commercial building of 20,000 s.f. or more abutting a parking area or with a primary entrance.<br>▪ Any access designed for both pedestrians and bicycles. | 12’ |
| ▪ Along any parking area with vehicle overhangs. | + 2’ to other required width |

3. *Pedestrian Amenities.* Sidewalks and internal pedestrian circulation shall be separated from moving vehicles with curbs, landscape buffers, curbside parking, or similar elements of the circulation and open space system; except crosswalks or other similar limited segments, which may be distinguished paint, brick, or colored or scored concrete and similar design features that signify pedestrian priority.

C. **Alternative Compliance.** Alternative compliance to the access and circulation standards in this Section may be authorized according to the process and criteria in Section 2.07, Alternative Compliance, based on the intent and design objectives of this section, and with any of the following additional applicable criteria:

1. The standards, when applied to a particular project or street, will adversely impact the function of the transportation network in the vicinity of the site.
2. A specific access management study or plan has altered the application of these standards for the particular street segment, or the guidance for traffic control in the Standards and Specifications Manual lead to a different result.
3. The project warrants a different access design when considering the functional class of the street, the streetscape design on the particular block, and the existing and anticipated adjacent land uses.
4. In all cases, the alternatives shall be evaluated balancing the streetscape design objectives of the specific street type, traffic conditions of a particular street segment, and bicycle and pedestrian needs.

## 7.03 Required Parking

A. **Vehicle Parking Rates**. Table 7-4: Required Parking provides minimum parking requirements and general categories apply to all similar uses not specifically listed. Where a use is not similar to a general use in the table or could meet more than one category, the Director shall determine the appropriate classification based on industry guides and the most similar use in terms of scale, format and operation. The following criteria shall be used in interpreting the table:

1. Employee rates shall consider maximum number of employees likely to be on-site at one time.
2. Square footage rates shall consider leasable floor area or active area dedicated to the particular use. Where this number is not easily or readily determined, 85% of gross floor area may be used.
3. A seating or capacity rate shall consider total number of seats based on industry standards for typical layouts of buildings or building codes.
4. Where uses or sites have components of different uses (i.e. hotel with a restaurant), each component shall be calculated under most applicable rate.

**Table 7-4: Required Parking**

| *Use Category / Specific Use* | *Minimum Parking Rate* |
|---|---|
| **Residential** | |
| *Accessory Dwelling* | 1 / unit |
| *Dwellings (detached, manufactured)* | 2 / unit |
| *Dwellings (attached, multiple, or mixed)* | 1 / unit (Studio / 1 bedroom)<br>1.5 / unit (2 bedroom)<br>1.75 / unit (3 bedroom)<br>2 / unit (4 + bedroom)<br>Director may administratively approve 0.5 / unit for micro units (> 400 s.f.) |
| *Senior Living (independent)* | Same as Dwellings (attached, multiple or mixed) |

| Table 7-4: Required Parking | |
|---|---|
| ***Use Category / Specific Use*** | ***Minimum Parking Rate*** |
| *Senior Living (assisted or nursing)* | 1 / 4 beds + 1 per employee |
| *Group Home (assisted)* | Same as Dwellings (detached, manufactured) |
| *Group Home (protective or rehabilitative)* | 1 / 1 bed + 1 per employee |
| *Group Home (emergency shelter)* | 1 / 8 beds + 1 per employee |
| **Public / Civic** | |
| *Assembly* | 1 / 3 seats |
| *Public Safety / Services* | 1 / 400 s.f. |
| *Library* | 1 / 600 s.f. |
| *Museum* | 1 / 1,000 s.f. |
| *School* | 2 / class (elementary or junior)<br>1 / 4 students + 1 / employee (senior or higher education)<br>OR 1 / 4 seats of all auditorium or even space, whichever is greater |
| **Commercial** | |
| *Retail – Small (under 3K)* | 1 / 500 s.f. |
| *Retail – General (3K+)* | 1 / 250 s.f. |
| *Lodging - B&B* | 1 / guest room + 1 for operator or owner |
| *Lodging - Hotel / Motel* | 1 / guest room + 1 / 200 s.f. of restaurant + 1 / 8 seats of meeting space |
| *Medical Care* | 1 / 200 for all general office and service areas +<br>1 / bed (admittance permitted) |
| *Office* | 1 / 300 s.f. |
| *Services* ( (i.e. medical services, day care, bank, vehicle repair, or similar uses with frequent customer service) | 1 / 250 s.f. |
| *Restaurant, bar or night club* | 1 / 100 s.f. |
| *Health and Fitness Center* | 1 / 150 s.f. |
| *Recreation and Entertainment* | 1 / 300 s.f. generally<br>1 / 4 seats of fixed seating areas<br>1 / active patron station (i.e 4 per lane bowling; 4 per hole golf course; etc.)<br>1 / 100 s.f. for food and beverage service areas |
| **Industrial** | |
| *Manufacturing* | 1 / 500 s.f. (artisan/limited or light)<br>1 / 750 (all others)<br>Director may administratively approve 1 / 1000 s.f. or 1 / employee for any large format manufacturing operations where the s.f. of building or site does not reflect the scale of operations or parking needs |
| **Agriculture** | |
| *.All uses* | Use combination of residential, public/civic commercial and industrial rates based on type and general nature of agriculture activities. |

B. **Maximum Parking.** Nonresidential uses shall not provide more than 140% of the minimum required parking without documented evidence of actual parking demand based on studies of similar uses in similar contexts. In addition, any parking permitted over 120% of the minimum shall require mitigation of the potential impacts of additional parking through one or more of the following strategies:

1. Utilize all eligible parking reductions permitted in Section 7.03.C., Parking Reductions.
2. Provide shared parking for other uses on the block or adjacent blocks according to this Section 7.03.D.

3. Use alternative surfaces designed to infiltrate stormwater, and approved by the Public Works Director.
4. Provide additional buffers and site open spaces to screen parking with at least a 10% increase in the open space or buffers required for the parking, and at least a 20% increase in the amount of landscape material required for the parking.
5. Design all parking areas over the 120% minimum as dual-purpose space, such as plazas, playgrounds, or similar event areas for regular and active use of the space during non-peak parking times.
6. Increase the lot open space required for the building and site in Section 5.03 or Section 6.03 by an amount equal to the area of parking over the 120% minimum and locate this open space to limit the impact and visibility of parking.

C. **Parking Reductions.** The parking required by Table 7-4: Required Parking may be reduced depending on context and according to the following strategies:

1. *DT Exempt.* No parking is required in the DT zoning district, The Director may require parking for any nonresidential use over 10,000 square feet provided the location, accessibility, and design of the parking is consistent with the overall planning and urban design objectives of the downtown area, or for any residential uses where the location, density, and residential building types are likely to have an impact on public or business parking in the vicinity.

2. *On-street Parking Credit.* All on-street parking within 300 feet of any lot frontage shall count towards the parking requirement at a rate of 0.5 spaces for every on-street space.

3. *Bicycle Parking Credit.* All bicycle parking designed and located according to Section 7.03.E. may reduce the required vehicle parking at a rate of 1 space for every 2 bicycle parking spaces up to a maximum of 20% of the required vehicle parking or 20 spaces, whichever is less. To be eligible for this credit, the applicant must demonstrate that it is practical to expect significant bicycle access to the site based on: the location and proximity to the broader bicycle transportation network; the design of the site; and the nature of the use and anticipated patrons.

4. *Administrative Adjustment.* The Director may reduce the required parking for any use that requires more than 10 spaces by up to 10% of the required spaces due to the nature of a particular use or any unique circumstances on the site.

D. **Shared Parking.** Required parking may be reduced for any site containing multiple uses, or for adjacent sites with different uses according to Table 7-5, Shared Parking.
1. Any shared parking arrangement shall require an agreement among all landowners participating in the agreement to ensure access, joint use, maintenance, and other operational issues.
2. The agreement shall be recorded for each participating property with the county clerk and recorder. The agreement shall state that it cannot be changed or modified without the approval and signature of the Director.
3. A shared agreement that differs from this table may also be approved based on a joint parking study for the sites and uses demonstrating adequate parking during peak hours for all parties to the agreement.

| Table 7-5: Shared Parking | | | | | |
|---|---|---|---|---|---|
| | Percentage of Required Parking by Time Period | | | | |
| | Weekday | | Weekend | | All |
| Use | 6 AM to 5 PM | 5 PM to 1 AM | 6 AM to 5 PM | 5 PM to 1 AM | 1 AM to 6AM |
| Employment | 100 % | 10 % | 5 % | 5 % | 5 % |
| Retail or Service | 75 % | 75 % | 100 % | 90 % | 5 % |
| Restaurant | 50 % | 100 % | 75 % | 100 % | 25 % |
| Entertainment & Recreation | 30% | 100 % | 75 % | 100 % | 5 % |
| Place of Worship | 5 % | 25 % | 100 % | 50 % | 5 % |
| School | 100 % | 10 % | 10 % | 10 % | 5 % |
| Dwellings | 25 % | 90 % | 50 % | 90 % | 100 % |
| Lodging | 50 % | 90 % | 75 % | 100 % | 100 % |

E. **Bicycle Parking.** All nonresidential or multifamily uses within 600 feet of an existing or future bicycle route or trail identified in the Comprehensive Plan or other related bicycle transportation plan shall provide bicycle parking spaces according to Table 7-6, Bicycle Parking.

| Table 7-6 Bicycle Parking | |
|---|---|
| Activity | Required Spaces |
| Primary or secondary school | 30% of the student capacity |
| Retail or office uses | 10% of the required vehicle spaces. |
| Recreation and community facilities | 15% of the required vehicle spaces |
| Other institutional, employment, industrial or entertainment uses | 5% of the required vehicle spaces. |
| Multi-unit Residential Buildings | 1 per dwelling unit; 2 per dwelling unit with 3 or more bedrooms |

Bicycle parking shall be designed according to the following standards:

1. A structure shall be securely anchored to the ground and usable for both U-locks and cable locks, support a bike at two points of contact to prevent damage to wheels or frames.
2. Bicycle parking for nonresidential uses shall be located within 100 feet of the primary entrance unless the Director approves an alternative location based on the site design and overall vehicle, bicycle, and pedestrian circulating for the site.
3. Bicycle parking facilities may be located in the right-of-way subject to streetscape design plans and the Director approval. Structures shall be designed for some other primary purpose meeting the streetscape standards or be designed with artistic or ornamentation enhancements compatible with the streetscape character at the specific location.
4. On-site structures that serve another primary function, such as light poles or bollards, but are designed to meet these standards, may count to the bicycle parking requirement.
5. Alternative standards and specifications based on recognized industry guidance or best practices for bicycle parking may be approved by the Director through site plan review.

F. **Accessible Parking.** Accessible vehicle parking spaces shall be provided in accordance with the applicable building codes and the Americans with Disabilities Act (ADA) guidelines for quantity, design, and location.

## 7.04 Parking Design

A. **Parking Landscape Design Objectives.** Landscape areas required by Table 7-7, Parking Design shall be arranged to achieve the following design objectives:

1. All parking lot islands landscape buffers shall have the proper allocation of landscape materials required by Article 8 and be arranged to provide shade, infiltrate runoff, soften large expanses of pavement, and screen parking from adjacent streets and property.
2. Parking rows shall be no more than 15 contiguous spaces without landscape islands (end caps, center islands, or peninsulas), or no more than 3 double-loaded bays without perimeter landscape or a landscape median. This may be adjusted on a specific site plan that results in the same amount of islands and landscape on average for the entire parking lot.
3. No landscape island shall be less than 8 feet in any dimension and no smaller than 150 square feet.
4. Any perimeter buffer or center landscape strip that contains a sidewalk shall have at least 5 feet of landscape on each side of the sidewalk, or 8 feet on one side of the sidewalk in order to contribute to the parking landscape requirement.

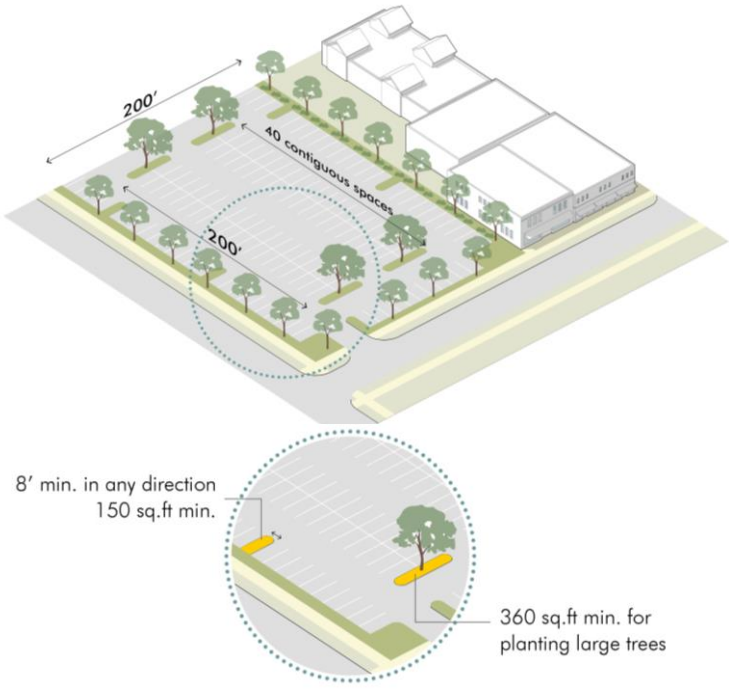



***Figure 7-1 Parking Landscape***
*The required landscape elements should be located to break up the larger expanses of parking and to ensure the survival and maximum mitigating impact of planting in the landscape areas.*

B. **Location, Size and Landscape Area.** On-site parking shall be designed and located in a manner that mitigates negative impacts on streetscapes and adjacent property. The design standards in Table 7-7, Parking Design are based on the number of parking spaces per area and the location on the lot relative to the principal building (front, side, or rear).

**Table 7-7: Parking Design**

| Spaces per Parking Block | Front [1] | Side | Rear |
|---|---|---|---|
| *151 or more* | Must be broken into smaller parking blocks. [2] | 10% internal landscape islands; AND<br>10' perimeter buffer | 6% internal landscape island; AND<br>10' perimeter landscape |
| *51-150* | 10% internal landscape islands;<br>10' perimeter buffer; AND<br>20' front setback buffer | 6% internal landscape islands; AND<br>6' perimeter buffer | 6% internal landscape island; AND<br>6' perimeter buffer |
| *20-50* | 6% internal landscape islands;<br>AND 6' Perimeter buffer; AND<br>10' front setback buffer | 6' perimeter buffer | 6' perimeter buffer, unless abutting an alley |
| *Under 20* | 6' perimeter buffer; AND<br>6' front setback buffer | 6' perimeter buffer | 6' perimeter buffer, unless abutting an alley |

[1] Any surface parking lot in residential districts shall be behind the front building line or setback at least 30' from the front lot line, whichever is less.

[2] Where individual sites require or provide parking areas larger than the spaces per parking block in this table, parking lots shall be broken into multiple "parking blocks" meeting the size, location, and landscape requirements of this table. These "parking blocks" shall be arranged around perimeter buffers, continuous landscape medians, and through access drives that mimic public streetscapes.

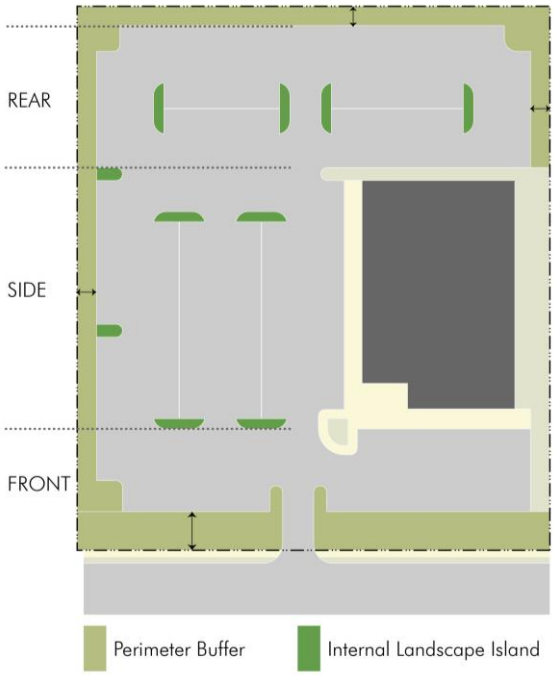



***Figure 7-2 Parking Design***
*Design standards for parking, including buffer and landscape islands, depend on its location in relation to the building and streetscape, and on the size of the parking area. Table 7-7 is based on larger parking areas and parking in the frontage area requiring greater limits or landscape design mitigation than smaller parking areas or parking in the rear of buildings.*

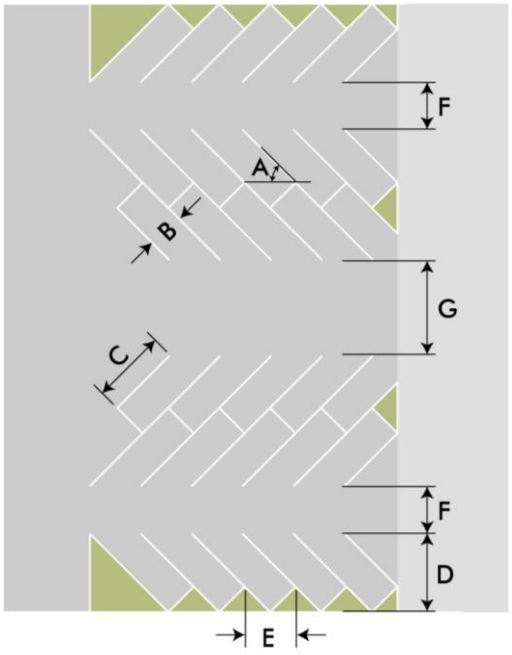
C **Sidewalks.** In meeting the standards of Sections 7.02.B and 7.04.B, a sidewalk connection shall be provided from the perimeter of the parking lot to the building entrance or building frontage. For parking areas over 200 spaces, a sidewalk connection shall be provided through the parking area and to the building frontage at least every 400 linear feet. Sidewalks meeting this standard may be located internal to the parking lot if separated from the surface parking, in any perimeter landscape area or landscape median, or along any through access drive.

D. **Parking Dimensions.** Parking areas shall be designed to meet the dimension specifications in Table 7-8: Parking Dimensions.

**Table 7-8: Parking Dimensions**

| Parking Angle Width (A) | Width (B) | Length (C) | Depth to Curb (D) | Curb Width (E) | Aisle Width – One-way (F) | Aisle Width – Two-way (G) | Bumper Overhang* |
|---|---|---|---|---|---|---|---|
| 0° | 7.0' | 22' | 7.0' | 22' | 12' | 20' | n/a |
| 30° | 8.5' | 20' | 18' | 17' | 15' | 20' | 1.5' |
| 45° | 8.5' | 20' | 20' | 12' | 15' | 20' | 1.5' |
| 60° | 9.0' | 19' | 21' | 10.5' | 18' | 24' | 2.0' |
| 90° | 9.0' | 18' | 18' | 9.0' | 20' | 24' | 2.0' |

* Amount of Depth to Curb dimension that may overhang landscape area or sidewalk other wheel stop block. If overhanging sidewalk, this amount shall be added to the required minimum sidewalk width.




A: Parking Angle

B: Width

C: Length

D: Depth to Curb

E: Curb Width

F: Aisle Width -- One-way

G: Aisle Width -- Two-way

***Figure 7-3 Parking Dimensions***
*Dimensions standards of Table 7-7, applied to typical parking layouts.*

E. **General Design Standards.**

1. All required parking shall be on-site except as specifically provided in this Article for credits or shared parking sections. Additionally, the Director may allow for a portion of required parking off site through a site plan review subject to the following specific considerations:
   a. It is within 300 feet of the subject site;
   b. It is in the same or comparable zoning district;
   c. The presence of the off-site lot does not negatively impact potential development on that lot or in the vicinity;
   d. There are no pedestrian barriers or other access constraints;
   e. An agreement demonstrating rights and control of the off-site property is provided.
2. No parking space shall be located where it backs into a street or through access drive except:
   a. Residential parking in driveways, which for driveways accessing buildings and lots with 6 units or less; or

b. On-street parking on public streets or through access drives according to the standards in 3.01.

3. All required parking areas shall be used solely for parking of vehicles in operating condition for patrons, occupants or employees of the use, unless specifically authorized otherwise by provisions in this code.
4. All parking and access areas shall be designed to adequately address drainage and runoff, including curb, gutters and inlets, or any other drainage strategy approved by the Public Works Director to support best management practices to minimize runoff and encourage infiltration of storm water.
5. All off-street parking areas and driveways shall be graded and paved with an all-weather material meeting Public Works Standards and Specifications.
6. All off-street parking spaces in parking lots shall be outlined painted stripes or other similar markings on the surface, except for parking lots with under 10 parking spaces
7. All non-parking spaces, such as loading zones, emergency and drive-through lanes, or spaces in front of doorways and entrances shall be clearly differentiated from parking.

## 7.05 Loading Areas

A. **Loading Requirements.** In mixed-use, commercial, or industrial districts, off-street loading shall be required as indicated in Table 7-9, Loading Areas.

1. The number and size of spaces may be revised based on the operating characteristics of the particular use and determined through site plan review.
2. Loading areas shall be located on a remote portion of the building and site or internal to the block and buffered by other buildings wherever possible.
3. Loading areas and activities shall not interfere with the use of walkways, drive aisles, stacking areas, internal access streets or public streets.
4. Loading shall be screened from public streets or adjacent residential areas in a manner that best limits visibility and mitigates noise, according to the buffer types and design standards in Section 8.03.

**Table 7-9: Loading Areas**

| *Gross Floor Area* | *Required Loading Area and Size* |
|---|---|
| *Under 10,000 s.f* | N/A, or may be shared per 7.05.B |
| *10,001 – 25,000 s.f* | 1 space; 10’ x 25’ |
| *25,001 – 40,000 s.f.* | 2 spaces; at least one of which is increased to 10’ x 50’ |
| *40,001 or more s.f.* | 3 spaces, plus 1 for every 50,000 s.f. over 100,000; at least every third space shall be increased to10’ x 50’ |

B. **Mixed Use Buildings or Districts.** In any area, project or zoning district designed to promote pedestrian activity, or for buildings and sites where more compact building and site design is required, alternate loading standards shall be permitted by the Director. Alternate loading standards may include sharing of loading spaces among multiple smaller tenants, using side streets, on-street parking, or alleys – particularly where there is sufficient spaces during off hours for loading or deliveries per Table 7-8, or other similar strategies that avoid designing sites for large vehicle access.

## 7.06 Alternative Compliance

A. **Alternative Access & Parking Plans.** Alternative compliance to the access and parking standards in this Article may be authorized according to the process and criteria in Section 2.07, Alternative Compliance, as supplemented by the following specific provisions and criteria.

1. *Administrative Site Plan.* The Director may approve alternative compliance to the access and design standards or reduce the required parking or dimension standards by up to 25%, through the Administrative Site Plan process in Section 2.05.

2. *Site Plan.* The Planning Commission may approve an alternative access and parking plans beyond what may be approved by the Director, through the Site Plan process in Section 2.05, provided it is supported by a specific traffic or parking study and industry standards.

B. **Deferral of Required Spaces.** In any of the above cases, a portion of the required parking may be deferred through the site plan review if the initial occupancy of the premises will be adequately served by the lesser number of spaces and an approved final plan clearly indicates the location, pattern, and circulation of deferred parking. The deferred parking area shall be brought to finished grade, be landscaped, and shall not be used for building, storage, loading or other purposes. The approval of the site plan shall specify a time, criteria, or occurrences where the Director may require construction of necessary parking.

# Article 8. Landscape & Site Design Standards

8.01 Intent & Applicability
8.02 Landscape Design
8.03 Buffer & Screening
8.04 Plant Specifications
8.05 Fences & Walls
8.06 Outdoor Lighting

## 8.01 Intent & Applicability

A. **Intent.** The intent of the landscape and site design standards is to:

1. Improve the image of the City and build value with a well-designed public realm coordinating streetscapes, open spaces, and lot frontages.
2. Strengthen the character and quality of development and emphasize distinct areas throughout the City with the location and design of landscape areas
3. Coordinate landscape and design amenities across multiple sites with special attention to the consistent relationship of public and private frontages.
4. Encourage site design that allows spaces to serve multiple functions, including aesthetic, screening, environmental, recreational, or social functions.
5. Provide comfort, spatial definition and visual interest to active outdoor spaces including walkways, civic spaces, parks, trails or other similar outdoor gathering places.
6. Enhance the environmental and ecological function of un-built portions of sites, and protect and integrate established natural amenities rather than plant or design new ones.
7. Screen and mitigate the visual, noise, or other impacts of high-intensity areas of sites and buildings, or at transitions where the scale and pattern of development changes.
8. Conserve water and shift to water–conscious landscape design that is regionally appropriate and specific to the arid Front Range climate.

B **Applicability.** The standards of this Section shall apply to all new development except:

1. Detached house or multi-unit house projects involving 3 or fewer new buildings;
2. Additions to existing buildings or sites that do not result in an increase in building footprint or impervious surfaces by more than 10%; or
3. Changes in use that do not result in an increase in land use intensity, considering hours of operation, types of activity, or other functional impacts of the use.

In cases where the landscape standards apply, the intent is to bring the site into full compliance with these standards. However, for infill and rehabilitation of existing sites the Director may prorate the requirements to the extent of the site work where full compliance is not possible or practical, and only apply the standards to portions of the site subject to development.

## 8.02 Landscape Design

A. **Design Objectives.** Landscape plans shall meet the following design objectives:

1. Frame important streets and emphasize gateways with street trees, landscape massing, and other vertical elements.
2. Promote storm water management and prevent erosion through natural landscape elements that intercept, infiltrate, store, or convey precipitation and runoff.
3. Create focal points, gathering places, and pathways that enhance the comfort, interest and movement of pedestrians.

4. Improve resource and energy efficiency with landscape arrangements that consider wind blocks, heat gain, water usage, slope and drainage patterns, and other elements inherent to the site.
5. Encourage the protection and preservation of healthy plants that can meet current and future needs of the site through development.

B. **Planting Requirements.** The required landscape shall be based on different elements of the site according to Table 8-1, Plant Requirements.

**Table 8-1: Plant Requirements**

| *Site Element* | *Trees* | *Evergreen Trees* | *Shrubs* |
|---|---|---|---|
| ***Streetscape:*** *The landscape area in the ROW or along the lot line immediately abutting the right of way.* | 1 large tree per 35' of lot frontage; | n/a | n/a |
| | Corner lots shall meet this requirement on street side lot lines at a rate of 50% of the requirement. Constrained right-of-way or streetscapes may substitute 1 ornamental tree per 20.' | | |
| ***Frontage*** & ***Foundation.*** *The area between the building line and ROW along a street, including street sides of corner lots, where landscape is used to create transitions to the streetscape and to provide accents and soften larger expanses of buildings* | 1 ornamental tree per 40' of lot frontage for buildings set back more than 10' from the front lot line;<br>AND<br>1 large tree per 35' of lot frontage for buildings set back more than 40'. | Evergreen trees may be substituted for ornamental trees at a rate of 1 for 1, and for large trees at a rate of 2 for 1, for up to 50% of the requirement. | 1 shrub per 5' of building frontage.<br>3 ornamental grasses may be substituted for each shrub up to 50% of the requirement.<br>Seasonal planting beds or pots associated with the entrance may substitute for any building located closer than 10' to the front lot line. |
| | Corner lots shall meet this requirement on street side lot lines at a rate of 50% of the requirement | | |
| ***Parking.*** *Areas on the perimeter, or interior of parking where landscape is used to soften the appearance, mitigate heat gain, and infiltrate stormwater.* | 1 large tree per 5 parking spaces | Evergreen trees may be substituted for large trees at a rate of 2 for 1, for up to 50% of the requirement | 1 shrub per 5' of perimeter.<br>1 shrub per 3' for any parking area within 20' of any right of way or sidewalk.<br>3 ornamental grasses may be substituted for each shrub up to 50% of the requirement. |
| | Ornamental trees may be substituted for large trees at a rate of 2 for 1 up to 50% of the requirement | | |
| ***Buffers.*** *Areas of a site that require additional landscape to mitigate potential impacts on streetscape or adjacent property.* | See Section 8.03. | | |
| ***Civic and Open Spaces.*** *Areas of the site designed as part of a broader system of formal and natural open spaces.* | See Section 3.02 | | |
| ***Other.*** | All other unbuilt or unpaved areas of a site shall require ground cover, perennials, grasses, rock, mulch or other natural and permeable surfaces.<br>Up to 50% of any landscape area may consist of inorganic (non-living) decorative material such as river rock, colored pea gravel, boulders, pavers or similar natural material, provided it is designed and arranged in a way that can infiltrate runoff in association with planting areas. | | |

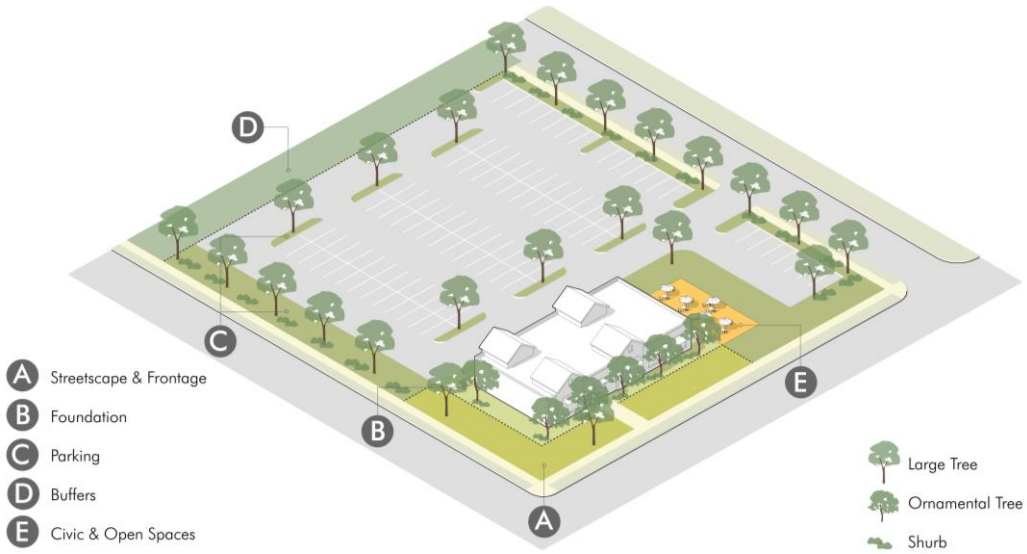



***Figure 8-1 Landscape Design***
*The landscape requirements are allocated to different elements of the site and emphasize how different landscape standards and designs should be used to serve different functions on the site, including relating the streetscape, adding comfort and interest to active spaces, and or mitigating impacts on adjacent areas.*

C. **Credits for Existing Vegetation.** Preservation of existing landscape material that is healthy and desirable species may count for landscape requirements provided measures are taken to ensure the survival through construction and all other location and design standards are met.

1. Landscape plans shall provide an inventory of all existing trees or significant woody vegetation including size, health, species, and any proposed for removal.
2. Existing landscape credits shall only count towards the portion of the site where it is located, according to the site elements in Table 8-1. For example, an existing tree may only count towards the required planting for parking lot perimeters if it remains in the parking perimeter in the final design.
3. Credits shall be on a 1 for 1 basis provided it meets the minimum specifications for new plants. The Director may approve landscape material that is larger or otherwise established and valuable on a 2 for 1 basis, or may approve plants of exceptional quality due to species, location, maturity, and health on a 3 for 1 basis.
4. Trees or other existing landscape that contributes to the standard shall be identified on a landscape plan and the critical root zone shall be protected for the entirety of construction by a construction fence. Tree protection measures shall be based on applicable industry standards and best practices to ensure survival of the landscape.

D. **Design & Location.** The landscape required by Table 8-1 shall be arranged and designed in a way that best achieves the intent of this Article and design objectives of this Section, considering the context and adjacencies proposed on the site. Required plantings shall be planted in the following specific locations on the lot.

1. *Streetscape Trees.* Streetscape and frontage trees shall be located in line with other trees along the block to create a rhythm along the streetscape and promote enclosure of the tree canopy. In the absence of a clearly established line along the block, trees may be planted in the following locations in order of priority.
   a. On center between the sidewalk and curb where at least 6 feet of landscape area exists;
   b. In tree wells that are at least 4 feet in all directions and at least 24 square feet

located within the sidewalk (applicable on wider attached sidewalks or pedestrian-oriented commercial or mixed-use streets);

c. 5 to 10 feet from the back of curb where no sidewalk exists or from the sidewalk in other situations where the sidewalk is attached;

d. Within the first 5 feet of the front lot line where any constraints on the lot or in the right-of-way would prevent other preferred locations;

e. Ornamental trees may be substituted for large street trees only in situations where no other alternative is available due to constraints of the site or right-of-way conditions. Ornamental trees should be used where trees are to be located within 10 feet of any overhead wires.

f. Shrubs or perennials planted in the streetscape (parkway, medians) shall not exceed 36 inches high, or 30 inches high in any area impacted by the sight distance limits of Section 3.01.D.2.

2. *Frontage & Foundation Trees & Shrubs.* Foundation plantings shall be located in open spaces near the building or in planting beds associated with the design of any hardscape along the building frontage.

a. Ornamental and evergreen trees shall be located within 25 feet from the building.

b. Shrubs and other plantings shall be located within 6 feet of the foundation.

c. Where planting beds are used within hardscape around a foundation, they should be at least 4 feet deep, at least 60 square feet, and concentrated along at least 50% of the building frontage.

d. Use larger and vertical landscape elements to frame entries, anchor the corners of buildings, or break up and soften larger building expanses.

3. *Parking Lot Landscape.* Parking lot landscape requirements shall be planted in perimeter buffers and landscape islands planned and designed according to Section 7.04, Parking Lot Design.

a. There shall be at least one large tree per 35 feet of parking lot perimeter, or one ornamental or evergreen tree per 20 feet of perimeter.

b. There shall be at least one tree per parking lot island, or one large tree or two evergreen or ornamental trees per 300 feet of other internal landscape area.

c. Shrubs shall be located to define parking lot edges, screen parking from adjacent sites, or create low barriers along sidewalks and streetscapes.

d. Any parking within 20’ of the right-of-way shall have a Type I buffer per Section 8.03.

4. *Visibility at Intersections.* Screens, buffers and landscape shall be located and designed to maintain proper lines of sight at all intersections of streets, alleys, driveways, and internal access streets as provided in Section 3.01.D.2., Sight Distances.

5. *Specific Applicability.* Where landscape standards for different conditions or elements of a site overlap, effective site and landscape design may enable the space and plants to count toward more than one requirement, based on the greater plant requirement applicable to that area. For example, a buffer area required by section 8.03 may also be along a parking area perimeter, or a parking area perimeter may also be along a streetscape, and the greater planting requirement between these areas can satisfy both requirements. Approval shall be subject to the Director determining that the intent and design objectives of this section are achieved.

E. **Alternative Compliance.** Alternative compliance to the landscape design standards established in Section 8.02, may be authorized according to the process and criteria in Section 2.07, Alternative Compliance, and any of the following additional applicable criteria:

1. The alternative results in better design of common or civic space on the site;

2. The alternative results in a better allocation of plants in relation to adjacent streetscapes or other public spaces; or
3. The alternative is necessary to improve the longevity or survival of plant materials.
4. In all cases the deviation is the minimum necessary to address the circumstance, the alternative equally or better meets the design objectives of this Section, and there are no negative impacts on other design standards applicable to the building or site.

## 8.03 Buffer & Screening

A. **Design Objectives.** Intense land uses or site elements shall be buffered and screened from streetscapes and adjacent property according to the following design objectives. These objectives shall be used in applying the buffer requirements in Table 8-2, Buffer Planting Requirements and Table 8-3, Buffer Application.

1. Mitigate impacts of parking lots or vehicle circulation near streets or property lines with landscape barriers and low-level headlight screening.
2. Buffer and screen commercial uses, parking lots, and service areas abutting residential property with a combination of dense vegetation or fences and walls.
3. Soften transitions where changes in development patterns, intensity of land uses, or building scale occur.
4. Screen service and utility areas of buildings and sites from adjacent property or streetscapes with architectural features, fences, or landscape that limit visibility or noise.
5. Create landscape clusters that soften long expanses of building walls, fences, surface parking, or other similar areas.
6. Utilize berms, vertical landscape elements, dense plantings, or other grade or spatial changes to alter views, subdue sound, and change the sense of proximity of incompatible elements.
7. Address three layers of landscape, including: large trees (high-level – 30'+); evergreen or ornamental trees (mid-level – 6' to 30'); and shrubs, annuals and perennials, and ground cover (low-level – under 6'), in a way that most directly mitigates the potential impacts and adjacencies.

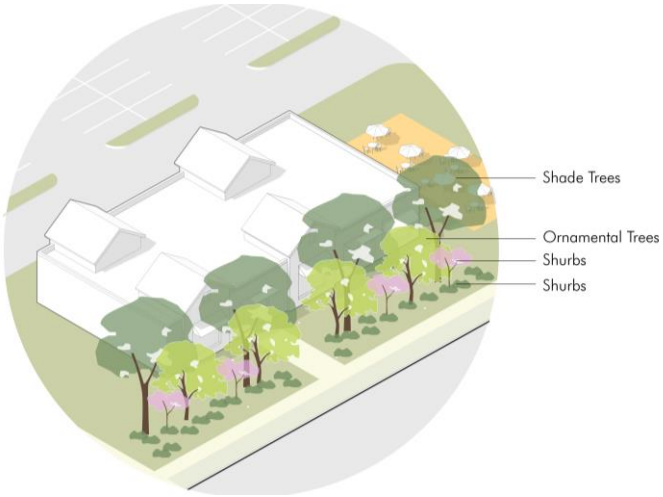
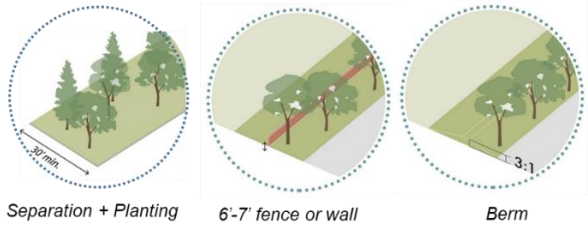
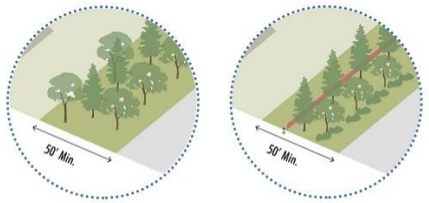



***Figure 8-2 Buffer Layers***
*Effective buffer design should be based on the specific context, and the intent and degree of mitigation desired. Shade trees provide separation and mitigation at upper levels, evergreen and ornamental trees provide separation and mitigation at mid-levels, and shrubs or other smaller plants provide separation and mitigation at ground levels. Different levels may receive different priorities based on the specific context, potential impacts, and adjacencies.*

B. **Buffer Planting.** The planting requirements in Table 8-2: Buffer Planting Requirements shall be used to buffer and screen more intense uses or elements of a site according to the design objectives of this section. The buffer width exists independent of and may include any setback, parking perimeter buffer, or other open space requirement such that the larger requirement will control.

**Table 8-2: Buffer Planting Requirements**

| *Type and Applicability* | *Buffer Planting Requirement* | |
|---|---|---|
| ***Type I –*** *A low-level screen and physical separation used for aesthetic purposes, particularly around site utility elements, walkways, or parking areas along pedestrian oriented streetscapes.* | Width: 6' min.<br>*Planting:* 1 large tree per 35' or 1 ornamental per 20'; and 1 shrub per 3'<br>*Variation:* the shrub rate may be reduced by 50% in combination with the following:<br>▪ A 2.5' to 4' decorative wall or fence in constrained areas or along the streetscape; or<br>▪ 3' berm in wider landscape areas or in association with buffers. | <br>*Dense shrubs* *Decorative fence or wall* *Berm* |
| ***Type II*** *– A moderately planted area used to separate and soften transitions between more intense portions of sites between generally compatible land uses, or where buffers are necessary along collector or arterial streets.* | *Width:* 15' min.<br>*Planting:* 1 large tree per 35' or 1 ornamental per 20'; and 1 shrub per 5'; and 1 evergreen tree per 25'<br>Variation: A 6' fence or ornamental wall compatible with the materials of the building may be used with a lessor combination of plants (up to 50% less), or with a smaller space (6' min.). | <br>*Shrubs and evergreens* *6' fence or wall* |
| ***Type III*** *– A densely planted area intended to mitigate noise and create a visual screen for potentially incompatible land use adjacencies, or for large scale or intense uses along major streets.* | *Width:* 30' min.<br>*Planting:* 1 large tree per 50'; and 1 ornamental per 25'; and 1 evergreen tree per 25'<br>*Variation*: Other combinations of shrubs, evergreens, understory plantings, with a 3' – 4' berms or with fences or walls that provide a visual 6' – 7' screen. |  <br>*Separation + Planting* *6'-7' fence or wall* *Berm* |
| ***Type IV -*** *A densely planted area intended to separate incompatible situations or high-intensity uses.* | *Width*: 50' min.<br>*Planting:* 1 large tree per 30'; and 1 ornamental tree per 25'; and 1 evergreen per 15'<br>*Variation:* Other combinations of shrubs, evergreens, understory plantings, with a 3' – 4' berms or with fences or walls that provide solid barrier and separation. |  |

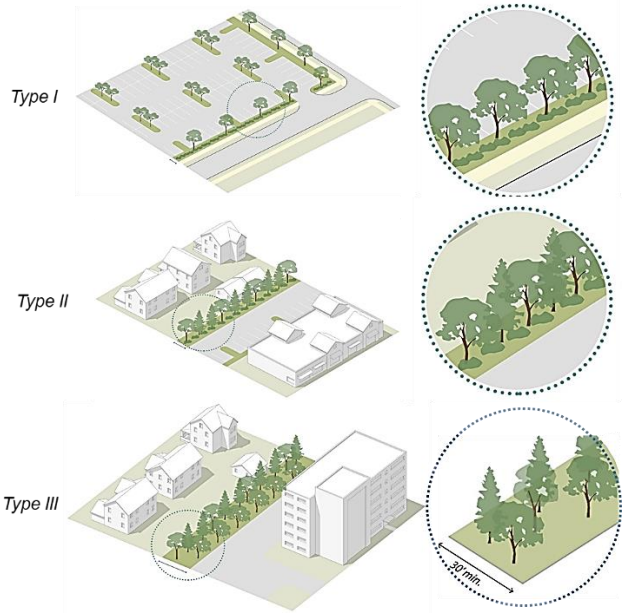



***Figure 8-3 Buffer Types & Context***
*Application of the specific buffer type should be based on context and the adjacent site or projects.*

C. **Buffer Locations.** Buffer types shall be required and applied as indicated in Table 8-3, Buffer Application.

**Table 8-3: Buffer Application**

| *Intensity of Adjacent Site* | | *Intensity of Proposed Development* | | | |
|---|---|---|---|---|---|
| | | ***Low*** | ***Medium*** | ***High*** | ***Very High*** |
| ***Low*** | | -- | Type II | Type III | Type IV |
| ***Medium*** | | Type II | -- | Type II | Type III |
| ***High*** | | Type III | Type II | -- | Type II |
| ***Very High*** | | Type IV | Type III | -- | -- |
| ***Use Intensity*** | ***Low*** | • *Residential:* detached house, multi-unit house, row house, and small-lot apartment types<br>• *Nonresidential*: churches, schools, public and recreation, and similar community facilities | | | |
| | ***Medium*** | • *Residential*: medium- and large-lot apartment or apartment complexes<br>• *Nonresidential:* neighborhood retail (under 3K s.f.), or office uses (under 2 stories),artisan or small manufacturing (under 10K), or similar uses that do not operate between 10PM and 7AM | | | |
| | ***High*** | • *Nonresidential*: general commercial uses that may be larger scale (over 3K), light manufacturing or other higher intensity uses that operate beyond 10PM | | | |
| | ***Very High*** | • *Nonresidential:* heavy commercial uses (over 100K s.f.) or uses with significant outside activity or storage, or heavy industrial and manufacturing uses | | | |
| ***Other Applications*** | | Parking areas within 20 feet of any public street or through access drive shall have a Type I buffer<br>Any lots ~~that back~~ adjacent to a collector or arterial street shall require a Type III buffer, which may be incorporated into the right-of-way landscape. (See Sections 3.01 and 3.02 for more effective and efficient ways to design blocks and lots in association with street networks and open spaces.)<br>Any lots adjacent to a highway or expressway shall require a Type IV buffer for residential and Type III buffer for nonresidential | | | |

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D. **General Screening.** All of the following shall be screened from streets or adjacent property by placement of buildings, open space, dense evergreen vegetation, a decorative opaque fence or wall complementing the architectural details and materials of the building, or a combination of these screening strategies. Where design of the building, frontages, open space, buffers and other site requirements do not adequately screen these elements, the Director may require additional planting to achieve the design objectives of this Section.

1. Electrical and mechanical equipment such as transformers, air conditioners, or communication equipment and antennas whether ground-, wall- or roof-mounted.
2. Permanent or temporary outdoor storage areas.
3. Trash enclosures.
4. Utility stations or fixtures.
5. Delivery and vehicle service bays, except that bays do not need to be screened from adjacent property with the same or more intense zoning.
6. Large blank walls visible from public streets, public or common areas or other sensitive boundaries in association with the buffer standards.
7. Nonresidential or multi-family parking lots over 10 spaces adjacent to residential lots.

E. **Alternative Compliance.** Alternative compliance to the buffer and screening standards established in Section 8.03, may be authorized according to the process and criteria in Section 2.07, Alternative Compliance.

## 8.04 Plant Specifications

A. **Design Objectives.** The plant specifications have the following design objectives:
1. Ensure the longevity and survival of landscape investments with proper species, location, installation and maintenance of plants.
2. Promote regionally appropriate strategies, including limiting risk of disease or infestation through diversity of urban forest on an area- or city-wide basis.
3. Establish minimum standards that balance immediate conditions with reasonable long-term growth and performance of landscape plans.
4. Require water efficient strategies in terms of the water needs of landscape plans, and the continued operations and maintenance of sites.

B. **Species.** All trees and shrubs shall be selected and planted according to the Fort Lupton Recommended Plant Materials List in Appendix C. In addition to any species on these lists, alternatives may be proposed and approved as part of the site plan provided they:
1. Are documented by a landscape architect or other credible information comparable in type and performance to any species on this list;
2. Are adaptable to the climate of the Front Range region and the specific conditions in which they are proposed; and
3. Are not invasive or otherwise problematic to the overall health of the landscape.

C. **Plant Specifications.** All landscape materials shall meet the American Standards for Nursery Stock standards, and be selected for its native characteristics or survival in the climate for the Front Range region. Plants shall meet the following specifications at planting:

**Table 8-4: Plant Specifications**

| *Type* | *Specification* |
|---|---|
| *Large Tree* | 2" DBH; Mature height of at least 30' |

| Table 8-4: Plant Specifications | |
|---|---|
| ***Type*** | ***Specification*** |
| *Ornamental Tree* | 2" DBH ; 8' to 10' minimum planting height for multi-stemmed; Mature height of 15' – 30' |
| *Evergreen Tree* | 6' minimum planting height; Mature height of at least 10'. Evergreens with mature heights of 30' or more may be classified as large trees. |
| *Shrub* | 24" or 5-gallon minimum container |
| *Perennials* | 1-gallon container |
| *Ground Cover* | Areas designed for vegetative cover shall have 50% ground cover at the time of planting and full coverage within 2 growing seasons |
| *General* | Plants used for screening and buffers shall achieve the required opacity and function in its winter seasonal conditions within 2 years following planting. |

DBH – Diameter at breast height

D. **Tree Diversity.** The required trees planted shall promote diversity with the following species selection criteria.

| Table 8-5: Tree Diversity | |
|---|---|
| ***Required Trees*** | ***Diversity*** |
| *1 - 9* | No specific requirement, but trees should be diversified from those existing trees in the vicinity. |
| *10 - 39* | At least 2 genus; AND<br>At least 3 species<br>No more than 50% of any one species |
| *40+* | At least 3 genus; AND<br>At least 4 species<br>No more than 33% of any one species |

* Any streetscape master plan or public realm plan may achieve street tree diversity on a broader or block-scale basis while planting the same species on individual segments for the urban design effect.

E. **Xeric Guidelines**. All landscape plans shall conserve water with landscape materials and design techniques using the following xeric principles.

1. Incorporate a "zoned planting scheme" to reduce water demand by grouping plants with similar water requirements together in the same hydrozone.
2. Limit high-irrigation turf and plantings to appropriate high-use areas with high visibility and functional needs, and use water-conserving grasses such as fescue sods.
3. Use drought tolerant plants, suitable to the region, with low watering and pruning requirements.
4. Incorporate soil amendments and use of organic mulches that reduce water loss and limit erosion. All plant areas should receive soil amendments of at least 3 cubic yards per 1,000 square feet.
5. Install efficient automatic irrigation systems that incorporate water conservation measures, including spray heads for ground cover and drip irrigation for shrubs and trees, and high-efficiency or precision nozzles. Provide regular and attentive maintenance to ensure irrigation systems are functioning properly.
6. Alternative sources of irrigation for all landscape areas is encouraged.

F. **Stormwater Treatment.** Landscape amenities that incorporate stormwater treatment are recommended, provided they can meet both the landscape design standards and the stormwater management performance standards. Techniques such as bioswales, water quality ponds, and rain gardens should be used to infiltrate runoff from parking lots, streets, civic spaces, and other impervious surfaces.

G. **Planting & Maintenance.** All landscape plans shall include installation specifications, method of maintenance including a watering system and statement of maintenance methods. At a minimum landscape plans shall demonstrate the following:

1. No plants shall be planted over any area that has been compacted. All planting areas shall be excavated and filled with amended soils to a depth of at least 24 inches, or additional sufficient depth to reach existing soils and remove any pervious material, compacted soils, stones 1 inch or larger, or any other material harmful to plat growth.
2. All plant materials and planting areas shall be prepared and planted according to American Standard for Nursery Stock (ANSI) details and ensure proper soil quality and conditions.
3. All plantings shall be properly maintained. Plant materials which fail to grow within a 2-year period or which exhibits evidence of insect pests, disease, and/or damage shall be appropriately treated, and any plant in danger of dying may be ordered by the Director to be removed and replaced.
4. All elements of an approved landscape plan including plant materials shall be considered elements of the project in the same manner as parking, buildings or other details. Deficiencies of any approved landscape plan at any point may be enforced as a violation of the provisions of this ordinance.

H. **Alternative Compliance.** Alternative compliance to the plant specification standards established in Section 8.04, may be authorized according to the process and criteria in Section 2.07, Alternative Compliance, and any of the following additional applicable criteria:

1. The alternative is necessary to improve the longevity or survival of plant materials.
2. The alternative improves the health or general species mix specific to the context and vicinity of the site.
3. In all cases the deviation is the minimum necessary to address the circumstance, the alternative equally or better meets the design objectives of this Section, and there are no negative impacts on other design standards applicable to the building or site.

## 8.05 Fences & Walls

A. **Design Objectives.** Fences and walls provide safety and security, screening, and architectural enhancements to sites and buildings and shall meet the following design objectives:

1. Fence and wall designs shall consider the context of the area, the location on the site, and the desired functions.
2. Fences and walls with prominent publicly visible locations require higher design standards, accompaniment of landscape to soften the expanse, or a combination of both.
3. Fences and walls in walkable contexts or nearest pedestrian facilities require a lower profile, more open design, or both.
4. Fences and walls in prominent public places should complement the design of the site and the architecture of the associated building.
5. Fences and walls shall be designed and located sensitive to the massing and design relationship, and other impacts to adjacent property.

B. **Fence & Wall Design.** All fences and walls shall meet the following standards.

1. *Permit.* A permit requiring conformance with these standards shall be required for:
   a. All new fences or walls; and
   b. All repairs or replacement of existing fences more than 50% of the fence or 50 feet, whichever is less.
   c. A fence may only be permitted in the right-of-way or public easement, subject to a revocable permit issued by the city. Fences in private easements may be permitted subject to the conditions of the easement, at the property owners risk, and any other conditions on the permit requiring the applicant to assume liability for the fence.

2. *Height & Location.* Fences for individual property shall be located according to Table 8-6: Fence Height and Location.

**Table 8-6: Fence Height and Location**

| | *Residential* | *Commercial & Industrial* |
|---|---|---|
| *Front* | ▪ 3' high if solid<br>▪ 4' high if at least 50% open | ▪ 3' high if solid<br>▪ 4' high if at least 50% open |
| *Side & Rear* | ▪ 6' if behind the front building line | ▪ 8' if behind the front building line |
| *Setbacks* | ▪ All fences shall be at least 18 inches from any public sidewalk, except front fences meeting the front fence design standards may be built on the property line even if abutting a sidewalk. | |
| *Generally* | ▪ Ornamental enhancements associated with an entry or gateway may be up to 8' high.<br>▪ All fences or walls located along adjacent lot lines shall be constructed so that either:<br>○ The face of the fence is on the property line, with the finished side facing outward; or<br>○ The face of the fence is at least 3 feet from the property line. Any areas set back 3 feet or more from the property line, which could become enclosed by other similarly located fences or walls, shall provide at least one gate for access and maintenance equipment.<br>▪ Fences or walls outside of required setbacks (i.e. in the buildable envelope),and behind front building line can exceed height limits, but may be limited by building codes or other public health and safety standards.<br>▪ Height includes any retaining wall or berm the fence is built on; however, the Director may grant exceptions where for fences in conjunction with a berm or wall where they equally or better serve the intent and design objectives of this Article. | |

*On reverse corner lots, the fence on the street side yard and adjacent to the front yard of the abutting lot shall meet the front fence standards, or otherwise be located no more than 10' in front of the front building line of the adjacent lot.

3. *Perimeter Fences.* Any fence designed as part of a perimeter fence for multiple properties, as part of a landscape buffer, or any expanse longer than 100 feet and within 30' of a collector or arterial, shall meet the following standards:
   a. All fencing shall be softened with landscape materials on the street side of fences meeting the buffer standards of Section 8.03.
   b. Expanses of over 300' shall be broken up by either:
      (1) Offsets of at least 3 feet on 1/3 of the length for every 300 foot span; or
      (2) Ornamental designs on at least 1/2 of every 300 foot span space that is at least 75% open (i.e. wrought iron) and includes architectural pillars or posts (i.e. stone, or masonry) at least every 50 feet.
      (3) Planning Director may grant exception for fences in the I-2 zone district.

4. *Sports and Recreation Fences*. Fences for sports and recreation facilities, or for any other similar public facility, may be up to 10 feet generally; or up to 14 feet for tennis courts if at least 50% open above 7 feet high; and taller to serve the functional need for backstops or golf course protection.

5. *Materials.* All fences and walls shall be made of the following:
   a. Decorative iron;
   b. Masonry;
   c. Wood;
   d. Chain-link/woven wire, except prohibited for any front fence;
   e. Vinyl;
   f. Pipe, limited to industrial districts and only if painted and maintained;
   g. Barbed wire, limited to the side or rear of commercial and industrial fences and only if all portions of barbed wire are above 6 feet high; or
   h. Electrical fences are only permitted for agriculture uses in the A district.

6. *Construction Fences.* Temporary fences for construction may be up to 10 feet or as otherwise specified in construction permits.

7. *Drainage Easements.* No fence shall be constructed which could impede the flow of drainage waters. All fences must be installed in a manner that will not constrict the water flow planned for proper drainage of the lots in a subdivision.

8. *Sight Distances.* All fences, walls or screening shall be located out of the sight distances in Section 3.01.D.2, Sight Distances, or otherwise limited to no more than 3 feet high in these areas.

C. **Alternative Compliance**. Alternative compliance to the fence and wall standards established in Section 8.05, may be authorized according to the process and criteria in Section 2.07, Alternative Compliance.

D. Fence and Wall Maintenance. Dangerous fences, dilapidated fences, fences in disrepair or unsightly fences (including fences with missing or broken slats, sections or posts, or leaning more than fifteen [15] degrees from upright) and such other fences causing traffic sight hazards shall be repaired or removed at the owner's expense as so ordered by the City Officials.

## 8.06 Outdoor Lighting

A. **Design Objectives.** Exterior lighting of sites and buildings shall meet the following design objectives:

1. Provide safety and security in publicly accessible areas.
2. Create comfort and ambiance with softer and warmer lighting in gathering spaces, social places, and pedestrian-oriented streetscapes.
3. Accent the architectural features buildings, gateways or other portions of sites visible from the streetscape or other public spaces.
4. Design the appropriate scale of light considering pedestrian-oriented or vehicle-oriented portions of sites.
5. Limit glare or other impacts that site lighting could have on adjacent sites with the appropriate design, location and type of fixture, and based on the context of the area.
6. Reinforce the unique character of particular areas with the types and style of lighting fixtures.
7. Develop energy efficient lighting strategies in balance with other site lighting objectives.

B. **Mounting Height.** All exterior lighting shall be limited to the mounting heights specified in the following table:

| Table 8-9: Maximum Light Mounting Height | |
|---|---|
| *Driveways and Parking Areas* | ▪ 24' in residential districts; or within 30' of any street; or within 100' of a residential use or residentially zoned property.<br>▪ 35' in all other districts or situations. |
| *Pedestrian Walkways, Plazas or Courtyards, and Pedestrian-oriented Streetscapes* | ▪ 16' |
| *Facade Lights* | ▪ Below the eave or cornice line, provided the light is directed downward or otherwise designed and located to limit up lighting beyond the facade. |
| *Other Site Lighting* | ▪ 12' nonresidential;<br>▪ 7' residential |
| *Building Mounted Security Lights* | ▪ May be mounted at heights required to provide adequate security provided all efforts be made to mitigate off-site impacts including dimmers, timers, sensors, shields or other technology. |
| *General* | ▪ All light poles shall be setback from the property at least 3', or at least 1/3 of the height, whichever is greater. |

C. **Performance Standards.** In addition to the height and location standards, exterior site lighting shall meet the following performance standards:

1. All exterior fixtures shall be fully shielded and installed so that the direct illumination shall be confined to the property boundaries of the source, except for ornamental lights below 2,400 lumens.
2. The location, height, and fixture shield shall prevent light spread or glare onto any adjacent property or any public right-of-way, other than building mounted lighting on street-front buildings.
3. Lighting shall be designed to mee the functional and security needs of the site, without adversely affecting adjacent properties. Performance and operational characteristics such as dimming interfaces or timers that reduce lights to minimal security levels for off hours should be used.
4. All facade lighting and other externally illuminating lights shall use shielded, directional fixtures, designed and located to minimize uplighting and glare. Decorative lighting, such as lanterns and wall sconces, which may be allowed as long as the fixtures, do not exceed 2,400 lumens and do not emit light directly upward.
5. The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site and building.
6. Lighting plans shall demonstrate compliance with industry standards and guidelines for environmental and energy performance, including the fixture types, light source, and energy source.
7. A photometric plan prepared by a qualified professional may be required by the Director for large-scale uses or where certain compatibility and adjacency issues exist as a result of anticipated lighting.

D. **Alternative Compliance.** Alternative compliance to the lighting standards established in Section 8.06, may be authorized according to the process and criteria in Section 2.07, Alternative Compliance.

# Article 9. Signs

9.01 Intent & Applicability
9.02 Exempt Signs
9.03 Residential Signs
9.04 Nonresidential Signs
9.05 General Standards – All Signs
9.06 Standards for Specific Signs
9.07 Design Guidelines
9.08 Alternative Compliance

## 9.01 Intent & Applicability

A. **Intent.** The intent of the sign standards is to:

1. Create an attractive aesthetic environment in the City.
2. Enhance the quality and civic design of the community through the visual priority of buildings, streetscapes, open spaces, landscapes, and other investments in the public realm.
3. Ensure that signs preserve and contribute to the unique character of distinct places and districts.
4. Promote safety of pedestrians, motorists, or other users of the public rights-of-way with proper location, construction, operation, and maintenance of signs.
5. Improve economic viability by assuring that the City is a visually pleasant place to visit, conduct business, and live.
6. Provide effective identification and communication for businesses, institutions, and other community destinations without excessive competition for visual attention.
7. Protect property values and investments by minimizing adverse effects of signs on adjacent property.
8 Ensure that the constitutionally guaranteed right of free speech is protected through appropriate standards for signs as a way of public communication.

B. **Applicability.**

1. *General Applicability*. The standards in this Article shall apply to all signs except:
   a. Legal non-conforming signs, subject to the provisions in Section 1.05.F.
   b. Signs exempt from standards, as specified in Section 9.02.

2. *Permit Required.* All signs shall require a permit to demonstrate compliance with this Article, signed by the property owner or the owner's authorized agent, except the following signs:
   a. Signs exempt from a sign permit, as specified in Section 9.02.
   b. Ordinary maintenance, care or repair of existing signs meeting these standards without altering the size, materials, location or other essential design characteristics or construction elements of the sign.
   c. The change of copy or content, change of sign panels, or similar changes to an existing sign that conforms to these standards, provided there is no change in the size, materials, sign structure, or other essential design characteristics of the sign.
   d. Permits may be required for work associated with any sign that impacts other public safety codes, such as electrical, fire, or building codes.

C. ***Sign Measurements.*** The following shall be used in interpreting dimensional standards for signs:

1. *General Area Calculation*. All applicants for a sign permit shall provide the surface area of the sign in square feet, providing methods and measurements for the calculation. Signs mounted on or displayed as a standard geometrical shape shall be measured by the standard mathematical formula for that shape. Signs mounted on or displayed as an irregular shape shall be measured by the smallest area of up to two standard geometrical shapes that can encompass the entire sign mounting.
2. *Freestanding Signs*. The area of the sign shall be computed by the entire area of the face of the structure, cabinet or module encompassing the sign.
3. *Wall, Window or Other Building-mounted signs*. Any building mounted sign mounted on a background shall be measured by the area of the background. If mounted directly on the wall, the area shall be computed by means of the smallest single and continuous perimeter of up to two standard geometric shapes that enclose the outer limits of the writing, emblem or other display. Gaps in writing, emblems or other display which are greater than two times the height of the sign area, when using the same single continuous perimeter above, may be subtracted from the calculation of the sign area but shall be interpreted as two signs. The area of the wall or window area for the purposes of determining an allowed percentage shall be the total surface of the wall or window visible in an elevation view.
4. *Decorative Elements.* Embellishments such as pole covers, framing, decorative roofing and support structures shall not be included in the area of the measurement if they contain no writing, emblem, or other display.
5. *Double-faced Signs.* Where the sign faces of a double-faced sign are no more than three feet apart at any location, only one face will be measured in computing sign area. If the two faces of a double-faced sign are of unequal area, the area of the sign will be the area of the larger face. In all other cases, the areas of all faces of a multi-faced sign or the surface area of objects will be added together to compute the area of the sign.
6. *Height.* Sign height is measured from the existing lowest grade directly below the sign to the highest point on the sign or sign structure.
7. *Clearance.* Sign clearance is measured from the highest point of the ground directly below the sign to the lowest point on the sign structure enclosing the sign face.

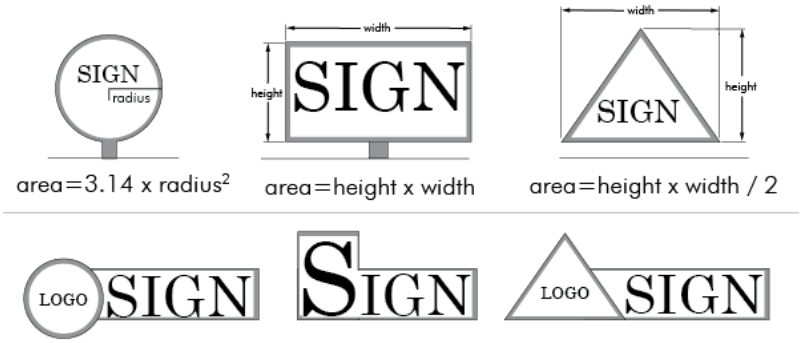



***Figure 9-1 Sign Measurements***
*The size of a sign is generally measured by the area it is mounted upon, or when mounted directly on walls or irregular shapes, the area of up to two standard geometric shapes that encompass the sign or the outer limits of the sign. [9.01.C.1 and 3.]*

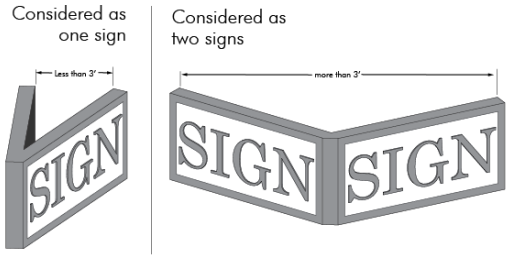



***Figure 9-2 Double Faced signs***
*Double faced signs generally count the area of only one side as the sign area; except where they are more than 3 feet apart at any one point, then each sign face counts to the area. 9.01.C.5.*

## 9.02 Exempt Signs

The following signs are exempt from the sign permit process provided the sign meets all other applicable requirements of this Article. Unless specifically noted, exempt signs do not count towards the sign allowance specified for the applicable zoning district.

A. ***Property Identification Signs***. Signs clearly indicating the property address or building identification are encouraged to enhance the ability of public safety, emergency services personnel, and the general public to locate the property. Property identification signs shall be visible from the right-of-way and are subject to the following limitations:

1. *Address Signs.* Two per address up to 2 square feet each, only one of which may be ground mounted. Address signs on buildings shall be placed between 4 feet and 12 feet high on the building. Ground-mounted address signs shall be no more than 36 inches high.

2. *Building Name Plate.* Each building or site may have one name plate sign per street front, up to 20 square feet. Building name plate signs shall be associated with the permanence or significance of the building or site, rather than a particular tenant, and include designs such as engraved stone, bronze plates or similar ornamental detail integrated with the architecture of the building or the landscape of the site.

B. ***Public Safety, Traffic Control or Public Information***. Signs designed and located to control traffic movement and safety of vehicles and pedestrians according to uniform traffic control device standards, signs required by the City's Building or Fire Code, or signs otherwise required to support any official action or legal obligation of a federal, state or local government, may be designed and located to meet the public purposes or requirements of other codes.

C. ***Flags***. Up to three non-commercial flags may be permitted per lot. Flags shall be mounted to the building and below the building height or mounted on a permanent pole subject to the height limit of the zoning district and setback from the property line a distance equal to the actual height of the flag pole. Total flag area per property shall not exceed 80 square feet and no more than 40 square feet per flag for property zoned residential and shall not exceed 200 square feet or 100 square feet per flag for property zoned nonresidential.

D. ***Window Signs.*** Signs may be mounted to the interior of any first-floor windows in nonresidential districts, provided signs shall not exceed more than 25 percent of the area of all first floor windows, measured between 2 feet and 10 feet above the first floor elevation, and provided at

least 50 percent of the window the sign is mounted on remains clear of any visual obstructions including the sign area.

E. ***Temporary Signs***. Temporary signs are exempt from the sign permit process, provided they are within the allowances specified for the zoning district in standards in Section 9.03 and Section 9.04.

F. ***Incidental Signs.*** Incidental signs for nonresidential uses or multi-family complexes, which are intended to convey messages to guests, patrons, or other users of the lot, such as parking instructions, internal directions, building names or unit numbers, security warnings, or other similar minor signs that are accessory, are limited to:

1. No more than 10 square feet total sign allowance per lot, or 30 square feet per acre, whichever is greater.
2. No single sign may be more than 3 square feet, or 9 square feet for lots more than 1 acre.
3. Signs shall be no more than 6 feet high if ground mounted or 12 feet high if mounted on a building;
4. Signs shall be setback at least 10 feet from all property lines; and
5. Grouping or arranging incidental signs to have the effect of a larger permitted sign or to convey messages and increase visibility to the general public (as opposed to guests, patrons or other users of the site) makes all signs in the grouping ineligible for this exemption.

G. ***Construction Signs.*** Signs associated with a temporary nonresidential, multi-family, or large single family (over 10 acres) construction projects under a valid permit such as approval for either a land use permit or a grading permit for example, are limited to:

1. Up to 80 square feet total sign allowance per public street frontage;
2. No more than 3 signs per street frontage;
3. Signs shall be mounted on a trailer, building or fence, or if mounted on the ground it shall be limited to no more than 10 feet high; and
4. The signs shall only be posted for the duration of a valid permit associated with the project.

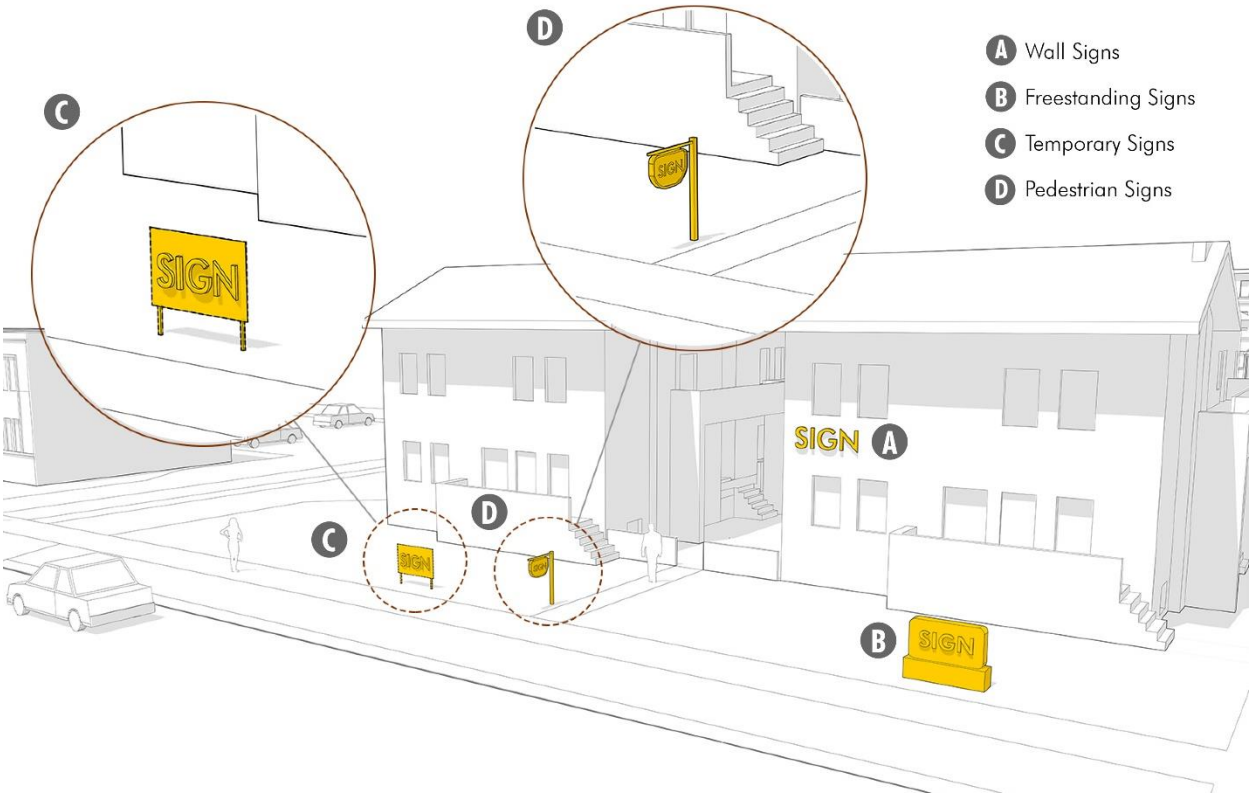
Construction signs for single-family and two-family structures in the residential zoning districts are required to meet the applicable temporary sign standards for those districts.

H. ***Interior Signs.*** Any sign that is not visible from the right-of-way, from any point along the perimeter of the property or from adjacent property, or from publicly accessible common spaces intended to serve as an extension of public-streets and open spaces. Interior signs are exempt from permits and the standards of this Article, other than those applicable by electrical, fire, or building codes or by construction specifications.

I. ***Special Event Signs.*** Signs associated with a temporary special event may be approved through the permitting and approvals for the event. Signs shall generally follow the standards in this Section, however the event approval process may authorize deviations that generally meet the intent of this Article, or based on the short term and special circumstances of the event.

## 9.03 Residential Signs

A. ***Sign Types*.**



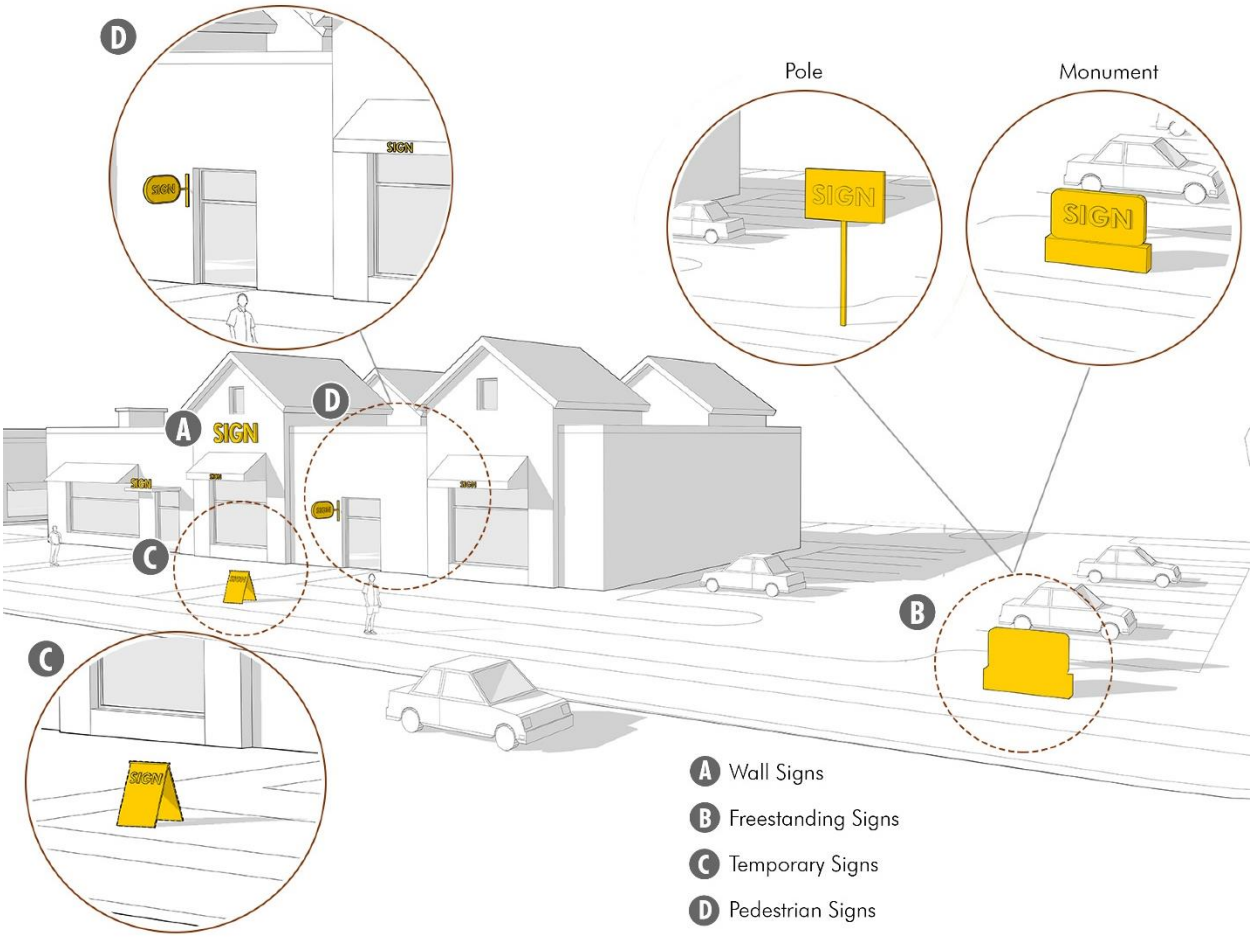

B. ***Sign Allowances***

The following signs are permitted in the residential zoning districts (A, R-1, R-1A ,R-2, R-3, and M-H), and for any residential building or use permitted in a nonresidential district. All Planned Unit Developments containing a residential component shall follow these standards, unless specifically amended by the PUD.

| Table 9-1: Residential District Sign Allowances | |
|---|---|
| ***Wall Signs*** | Permitted principal nonresidential or multi-family uses (i.e. school, church, community center, apartments):<br>▪ *Total Allowance:* 5% of facade<br>▪ *Size:* maximum of 50 square feet per sign<br>▪ *Quantity:* 3 per building, but no more than 1 per wall |
| ***Freestanding Signs*** | Permitted principal nonresidential or multi-family uses (i.e. school, church, community center, apartments):<br>▪ *Size:* maximum 32 square feet<br>▪ *Quantity:* 1 per street frontage over 100' of frontage<br>▪ *Setback:* 15' from curb or edge of street, and 3' from a sidewalk, whichever is greater. Shall be located on private property in all cases.<br>▪ *Height:* 6' high maximum<br><br>Residential property may be permitted a Gateway Sign as provided in 9.06.E. |
| ***Temporary Signs*** | ▪ *Total Allowance:*<br>o Lots with less than 100' of street frontage - 15 square feet.<br>o Lots with 100' of street frontage or more - 0.15 square feet for every 1' of street frontage, up to a maximum of 48 square feet per lot.<br>▪ *Size per sign:*<br>o Lots with less than 100' of street frontage – 9 square feet maximum.<br>o Lots with 100' to 200' of street frontage – 16 square feet maximum.<br>o Lots with over 200' of street frontage – 24 square feet maximum.<br>▪ *Height:*<br>o Ground-mounted signs - 5' high maximum.<br>o Building-mounted signs – no higher than 20' or top of the roof, whichever is less.<br>▪ *Duration:* 120 day limit per sign; 90 day limit to any period when three or more signs are displayed. |
| ***Pedestrian Sign*** | Permitted principal nonresidential or multi-family uses (i.e. school, church, community center, apartments):<br>▪ *Quantity:* 1 per each public building entrance<br>▪ *Size:* 12 square feet maximum<br>▪ *Location:* Mounted on a wall within 10' of the entrance, or mounted on the ground within 20' of the entrance feature; ground-mounted pedestrian signs shall be no taller than 6 feet. |

## 9.04 Nonresidential Signs

A. ***Sign Types.***




B. ***Sign Allowances***

The following signs are permitted in the nonresidential zoning districts (R-O, C-1, C-2, DT, I-1 and I-2). All Planned Unit Developments containing a nonresidential component shall follow these standards, unless specifically amended through the PUD.

| Table 9-2: Commercial District Sign Allowances | |
|---|---|
| ***Wall Signs*** | ▪ *Total Allowance:* Total square foot allowance based on the primary building frontage along the following street classifications:<br>o 2 square feet for each 1' of building frontage (first 100' of building frontage)<br>o 1.25 square feet for each 1' of building frontage (101' + of building frontage)<br>▪ *Size:* No more than 200 square feet or 15% of the wall area of the elevation they are on, whichever is less. (subject to the Total Sign Allowance limits for the building).<br>▪ *Quantity:* 1 per wall, plus up to 3 accessory signs. Accessory signs count toward the total sign allowance and are limited to no more than 20% of the total wall sign allowance for each accessory sign.<br>▪ *Height:* No taller than the wall for flat roofs, or no taller than the roof deck or eave line for pitched roofs. |
| ***Freestanding Signs*** | ▪ *Total Allowance*: Total square foot allowance based on the lot frontage along street classifications:<br>o 1.5 square feet for each 1' of lot frontage (first 100' of lot frontage)<br>o 1.0 square foot for each 1' of frontage; (101'+ of lot frontage)<br>▪ Size: 175 square feet maximum for any one sign.<br>▪ *Setback:* 15' from curb or edge of street, and 3' from a sidewalk, whichever is greater. Shall be located on private property in all cases.<br>▪ *Height:* based on distance from the property line:<br>o 0.1' to 5' – 30" height / 20 s.f. max<br>o 5' to 10' – 10' height / 50 s.f. max<br>o 10' to 15' – 15' height / 75 s.f max<br>o 15' to 20' – 20' height / 125 s.f. max<br>o 20' or more – 25' height / 175 s.f. max<br>o *Height Exception:* In nonresidential districts, all signs located within 350' radius of the center the interchange on U.S. Highway 85 and State Highway 52 may extend 25' above the paved grade of the interchange, up to a maximum of 50' above grade of the property.<br>▪ *Quantity:* 1 per lot frontage; but no more than 2 per lot.<br>▪ *Minimum Separation:*<br>o *Pole signs:* 200' from any pole sign on same lot; 100' from any pole sign on another lot, unless that separation would limit you from having at least 1 sign.<br>o Monument signs: 100' from any sign on the same lot. 50' from any sign on adjacent lot, unless that separation would limit you from having at least 1 sign.<br>▪ Freestanding Sign allowances may be allocated to a Gateway Sign as provided in Section 9.06.E. |
| ***Temporary Signs*** | ▪ *Total Allowance:* 25 square feet total sign allowance, or 0.25 square feet for every 1' of street frontage for lots over 100' of frontage, up to a maximum of 100 square feet.<br>▪ *Size:* 16 square feet maximum for any one sign; 32 square feet for lots 100' to 200' of frontage; 48 square feet per sign for lots with over 200' of frontage.<br>▪ *Height:* 5' high maximum; or no higher than 20' or top of the roof, whichever is less if mounted on a building.<br>▪ *Duration:* 120 day limit per sign; 90 day limit for period where more than 2 signs displayed. |
| ***Pedestrian Signs*** | Frontage Signs<br>▪ *Quantity:* 1 per 50 feet of building frontage, or 1 per storefront tenant, whichever is greater.<br>▪ *Size:* 6 square feet maximum.<br>▪ *Location:* Mounted directly on the surface of the wall, awning or canopy, or if hanging below, at least 7' 6" clear from the sidewalk below the sign.<br><br>Building Entrance Signs<br>▪ *Quantity:* 1 per primary business entrance.<br>▪ *Size:* 8 square feet maximum.<br>▪ *Location:* Mounted flush to the wall, or if projecting may project up to 4' off the wall but must be at least 7'6" clear form the sidewalk below the sign, and shall be within 10' of the entrance. |

## 9.05 General Standards - All Signs

A. ***Public Health, Safety and Maintenance.***

1. All signs shall be designed, constructed, located and maintained in a manner that is compliant with all other electrical, fire, and building codes, any other industry standards for public safety of signs, and in no way presents any potential risk to public safety in the judgment of the Building Official or the Director.
2. No sign shall imitate or resemble government signs for traffic direction or any other public safety symbol.
3. No sign shall be placed in any sight distance triangle applicable to public streets, internal access streets, or driveway access points using the sight distance provisions of Section 3.01.D.2.
4. Any sign projecting over a walkway or other active area in front of a building or other area where people may walk shall maintain at least 7.5 feet vertical clearance.
5. All signs and any surrounding grounds or landscape shall be maintained in good condition, free of any debris, weeds, disrepair or other unsightly conditions.
6. No sign, sign structure, or associated grounds shall present any dilapidated state or condition, or present any other property maintenance issues that may impact the appearance of the property from the public right-of-way or from adjacent property.

B. ***Specific Designs Prohibited.***

1. No sign shall be placed on any vehicle or trailer, when such vehicle or trailer is placed or parked visible from the right-of-way, and the sign deviates from the standards or criteria of this Article.
2. No sign shall be attached to any public utility pole or shall be installed within the right-of-way of a public road or street, except as permitted by the City or where specifically exempt from the right-of-way prohibition by this Article.
3. No sign shall include balloons, streamers, pennants or other air activated elements and animated elements, whether animated by mechanical, electrical, or environmental means. This provision shall not apply to prohibit flags, temporary signs, or signs associated with a special event permit.
4. Any sign with a business message shall be located on the lot of the business activity, except gateway signs, which must be associated with the site and located in common areas controlled by the businesses or property owners' associations.
5. Changeable copy portions of signs shall not exceed 32 square feet and are limited to 1 sign per business or institution. Any changeable copy that is digitally displayed shall be further limited as follows:
    a. The digital display area shall be limited to no more than 20 square feet or 50% of the allowable sign area, whichever is less.
    b. Only 2- or 3-color schemes are allowed on the digital display.
    c. Only static display is permitted with at least 8 seconds between changes in display and no more than two seconds for transitions. No scrolling, flashing or animated transitions shall occur.

C. ***Illumination.***

1. Any illumination shall be designed to eliminate negative impacts on surrounding rights-of-way and properties. In general, any direct source of light shall not be visible from the public street or adjacent residential property.
2 External light sources shall be directed and shielded to limit direct illumination of any object other than the sign.
3. Light from an illuminated sign shall not spill onto adjacent properties. The light reading at any point within 10 feet from and adjacent private property shall be less than one foot-candle.

4. No light source shall cause any glare, movement or other distraction to traffic.
5. Exposed incandescent, neon or other tube lighting shall be limited to window signs mounted to the inside of the building, or as an accent of less than 10% of the sign area of other signs.
5. Signs within 200 feet and visible from any property used for single-family or two-family residential shall not be internally or directly illuminated between the hours of 11:00 PM and 6:00 AM.

## 9.06 Standards for Specific Signs

The standards in this section are supplemental standards, in addition to the general standards in Tables 9-1 and 9-2 and applicable to specific sign types.

A. ***Monument Signs***. Monument signs are subject to the following additional limitations:
1. Monument signs shall be located within a landscape area at least 3 feet in all directions from the base of the sign.
2. ~~Monument signs shall have a base at least 75% of the width of the widest part of the sign.~~ The base shall not count as part of the sign area provided it contains no messages or other component of the sign and is otherwise integrated into the site as a landscape feature.
3. All monument signs and bases shall be constructed with durable, quality materials that complement the building and other site elements in terms of material, colors, and ornamentation.
4. All monument signs shall be accompanied by a landscape plan that integrates the sign area into the overall site, softens the view and appearance of the structural elements, and otherwise improves the view of the sign and property from the streetscape.

B. ***Wall Signs***. Wall signs are subject to the following additional limitations:
1. Signs attached to a building shall not extend vertically above the highest portion of the wall plane of the facade it is mounted on or the roofline, whichever is less. No portion of a building wall may be built above the roofline, that serves no other structural or architectural purpose, other than to mount a sign or expand the sign area allowance.
2. Signs attached to a building shall not project more than 12 inches off the surface it is mounted on unless specifically exempt from this limit by this Article.
3. Wall signs may project from and be perpendicular to the wall provided:
   a. Only one projecting sign is permitted per building
   b. The sign is no larger than 24 square feet.
   c. Each sign face counts to the wall sign allowance.
   d. The sign projects no more than 5 feet from the wall and is at least 8 feet above grade.

C. ***Temporary Signs***. Temporary signs are subject to the following additional limitations:
1. Any temporary sign shall be placed with the permission of the property owner, and it is the responsibility of the person placing the sign and the property owner to ensure the sign meets all standards and is removed when the applicable display time limit has expired.
2. Temporary signs shall not be illuminated or painted with a light-reflecting paint.
3. Temporary signs shall be constructed of rigid material, designed to resist quick deterioration from the elements, and securely anchored so as not to pose a distraction or hazard to drivers. Non-rigid materials (such as banners) shall be secured by a support or frame to avoid distraction of flapping.
4. No temporary sign shall be displayed for more than 120 consecutive days, without 30 days intervening.

5. The period of time when a property has more than two temporary signs displayed shall not be more than 90 days in a calendar year.
6. Relocation of a temporary sign, removal of the sign for a short period, or removal and replacement with a substantially similar sign does not expand the time period for the temporary sign.
7. The Director may require the removal of any temporary sign that pertains to an expired event or refrain from enforcement any temporary sign related to an event that has been unexpectedly extended beyond the control of the owner.

D. ***Multi-tenant Buildings and Sites.***

1. All signs for multi-tenant buildings or sites shall require a Sign Plan and Permit approved by the Director according to these standards and criteria.
2. The sign plan shall demonstrate coordination of all signs on the building, allow sufficient flexibility for the replacement of signs or new tenants without the need for a new sign plan, unless a completely new sign design concept is proposed for the entire building or site.
3. The wall sign allowance may be apportioned to any tenant with a separate exterior entrance. In the case where all tenants share a common entrance the wall sign allowance may be apportioned to no more than two signs per facade.
4. The monument sign allowance for the building(s) and site shall meet the standards of 9.06.A, however the copy within the allowed sign may be apportioned to multiple tenants.
5. The Director shall consider the intent of this Article and the objectives of the Design Guidelines in Section 9.07 in approving a Sign Plan and Permit. Deviations from the specific design guidelines or standards may be only approved through the procedures and criteria in Section 9.08, Alternative Compliance.

E. ***Gateway Signs.*** Larger commercial properties and residential neighborhoods may be permitted gateway signs as provided in this section.

1. *Nonresidential Gateway Signs.* Nonresidential projects, through an Alternative Compliance sign plan, may allocate the allowed freestanding sign allowance to a gateway sign subject to the following:
   a. Gateway signs shall meet the monument sign standards.
   b. Maximum height shall be no more than 16 feet.
   c. Gateway signs shall be set back from the lot or parcel line at least 10 feet, or at least the same as its height, whichever is greater.
   d. Maximum area shall be no more than 200 square feet per sign.
   e. No more than two gateway signs per entrance and one per corner at the intersectin of two perimeter streets.
   f. Gateways signs shall be located at least 200 feet from any other freestanding sign, except for matching gateway signs on either side of an entrance.
   g. Gateway signs shall be located on the site of the nonresidential use, or in a common area owned and controlled by a property or business association of the nonresidential uses, provided there is a business or property owners association to ensure on-going maintenance of the sign and landscape.

2. *Residential Gateway Signs.* Residential projects ~~with more than 20 lots or more than 5 acres~~ may be allowed a gateway sign subject to the following standards:
   a. All residential gateway signs shall be monument signs, no higher than 8 feet, unless incorporated into an accessory ~~structure~~ feature that is part of the landscape design.
   b. Gateway signs shall be limited to no more than 2 per entrance from a collector or arterial street, provided the entrances are separated by at least 300 feet.
   c. Gateway signs shall be limited to:
      (1) 48 to match arterial → 24 square feet for entrances on a collector street;

(2) 48 square feet for entrances on an arterial street.

d. Gateway signs shall be set back from the lot or parcel line at least 10 feet.

e. Gateway signs shall be located on the site of the residential use, or in a common area owned and controlled by a property or business association of the residential uses, provided there is a property manager or homeowners association to ensure on-going maintenance of the sign and landscape.

F. ***Portable Pedestrian Signs.*** Portable pedestrian signs ("A frame", "sandwich board" or "T-frame") may be placed in the public right-of-way, or areas a site associated with service areas, for any permitted retail use provided:

1. The sign is placed within 20 feet of the main entrance of the building or service area of a business.
2. The sign is no larger than eight square feet and no taller than four feet high, and otherwise subject to the Pedestrian Sign limitations for the use, building and site.
3. No more than one sign per building entrance.
4. The sign is placed on or near a sidewalk, and otherwise associated with pedestrian routes to and from the business. The sign shall maintain at least six feet clear passage for pedestrians on the sidewalk, and is otherwise not put in any location that creates visual obstructions or safety hazards for users of the right-of-way.
5. The sign is removed and brought inside during non-business hours.
6. The sign is designed with durable materials and quality aesthetics for use on a recurring basis. Although changeable copy can be included as part of the design, such as chalkboards, signs designed as "temporary signs" are not eligible as a portable pedestrian signs, and the allowance for signs in the right-of-way specifically does not apply to any temporary sign.

## 9.07 Design Guidelines

All permanent signs shall be designed to convey durability and a quality appearance. Signs should meet the following design guidelines, and where the Director determines that a sign presents a substantial deviation from these standards and could conflict with the intent of this Article, the Director may require that the sign permit application be reviewed by the City Council or Planning Commission, according to the procedures of the associated land development application. In addition, these guidelines should be used in evaluating Alternative Compliance per Section 9.08, or any other requested deviations from the standards in this Article.

A. ***Materials.*** Materials, particularly for the frames, casings or bases of signs, should be chosen to complement the architecture of the building, and coordinate with other accent materials or architectural details of the building. In general, natural construction materials such as wood, metals, ceramic, and stone should be used for frames of all wall signs and for bases of monument signs. Synthetic materials should only be used if they are designed to resemble the recommended natural materials. Plastic or acrylic is discouraged as the primary component of signs, except when used for sign panels that are accompanied by frames or individual letter casings that add architectural details to complement the building.

B. ***Color.*** Simple 2- and 3-color contrasting colors schemes should be used between the color of the background, letters, and accents to ensure legibility and quality appearances. Symbols and logos may incorporate other colors. Colors or color combinations that interfere with the legibility of the sign copy should be avoided. Fluorescent colors should be limited to accents and typically less than 10% of the sign area.

Why regulate this?

C. ***Placement.*** The location of all permanent signs should be incorporated into the architectural design of the building. Placement of signs should be considered part of the overall facade design. Sign locations should be carefully considered, and align with major architectural features such as marquees, building name plates, storefront sign bands, cornices and parapets, entrance features, windows, canopies and other similar architectural features.

D. ***Coordination of Multiple Signs.*** Buildings that have multiple wall or ground signs should coordinate all signs for the building or site. Coordination may be established by combinations of two or more of the following:

1. The same fonts, in terms of color, scale, and style. However, a primary and secondary font may be incorporated into signs.
2. The same sign background in terms of material and color or coordinated colors.
3. The same casing or framing in terms of materials and style, provided it is prominent enough to be a visible coordinating element across multiple signs.
4. A consistent scale, orientation, shape or placement of signs. For example, all oval signs, or all signs located within a sign band across storefronts.
5. Other elements specific to a proposed sign package.
6. Limited deviations in the consistency are allowed for:
    a. Any one sign may reserve up to 33% of the sign area for logos or icons that are unique to the tenant and deviate from the consistency elements.
    b. Any building with three or more significant tenant spaces, or other similar large building or sites, may have one gateway sign per facade that deviates from the consistency elements provided it is associated with a prominent point of entry or similar point of architectural emphasis.
    c. Pedestrian signs may deviate according to section 18.09.100.E. below.

E. ***Pedestrian Signs.*** Pedestrian signs should help create architectural variety and unique business identities from establishment to establishment. In multi-tenant buildings, pedestrian signs should be used to create interest and variety of the tenants, while overall building and site signs should create consistency and identity of the place and building.

## 9.08 Alternative Compliance

A. **Applicability.** Alternative compliance to the sign standards in Article 9 may be authorized according to the process and criteria in Section 2.07, Alternative Compliance, and any of the following additional applicable criteria:

1. The sign plan promotes a unique character for the area and improves the image and identity of the project as it relates to the surrounding community. In particular, the plan considers:
    a. Impacts and relationships to adjacent property not subject to the plan.
    b. Coordination with streetscapes, incorporating any materials or designs reflected in streetscape elements.
    c. Coordination with other signs in the vicinity.
2. The sign plan has clear and explicit standards for the size, location, design and quality of the signs, and it anticipates future tenants or changes in tenants without requiring amendments to the plan.
3. The sign plan meets the intent of this Article and conforms with the Design Guidelines in Section 9.07

B. **Sign Bonus.** A sign plan for alternative compliance may allow a bonus to the permitted sign size subject to the following:

1. *Wall Signs.* A bonus to the total wall sign allowance may be approved for any sign plan for a building that includes:
   a. Only individual cut out letters may receive a bonus of 10% above the permitted wall sign area.
   b. All wall and ground signs coordinated to meet the criteria in Section 9.07.D may receive a bonus of 10% above the permitted wall sign area.
   c. The total combined wall sign bonus shall be limited to 15% above the permitted wall sign area. (For example, if 100 square feet of wall sign is permitted by this code, you can have 110 square feet for all cut out letter signs, or 110 square feet for meeting 9.07.D, or 115 square feet for meeting both.)

2. *Ground Signs*. A bonus to the total free-standing sign allowance my be approved for any sign plan for a site that includes only monument signs and the following additional elements:
   a. Integration with the building architecture, including use of the same material for any sign structures may receive a bonus of 10% above the permitted ground sign area.
   b. Designing signs with an enhanced landscape base, including low-level ornamental planting and landscape areas framed with materials compatible with the building and site design may receive a bonus of 10% above the permitted ground sign area. The landscape area shall be at least 3 square feet for every 1 square feet of sign area.
   c. All ground signs coordinated to meet the criteria in Section 9.07.D. may receive a bonus of 10% above the permitted ground sign area.
   d. The total combined freestanding sign bonus shall be limited to 20%. (For example, if 100 square feet of ground signs are permitted by this code, you can have 110 square feet for meeting any one of the above, or 120 square feet for meeting any 2 or all 3 of the above.)

# Article 10. Supplemental Standards

10.01 Floodplain Regulations
10.02 [Reserved]
10.03 [Reserved]
10.04 [Reserved]

## 10.01 Floodplain Regulations

A. **Intent.** The Flood Plain standards in this Section have the following intent:

1. Minimize public and private losses due to flood conditions in specific areas;
2. Protect human life and health;
3. Minimize expenditure of public money for costly flood control projects;
4. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
5. Minimize prolonged business interruptions;
6. Minimize damage to critical facilities, infrastructure and other public facilities and utilities such as water, sewer and gas mains; electric and communication stations; and streets and bridges located in floodplains;
7. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas;
8. Ensure that potential buyers are notified that property is in a flood hazard area; and
9. Ensure that those who occupy the property in a flood hazard area assume responsibility for their actions.

B. **Methods of reducing flood losses.** This Section accomplishes the intent in 10.01.A by:

1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels and natural protective barriers which help accommodate or channel floodwaters;
4. Controlling, filling, grading, dredging and other development which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may have the cumulative effect of increasing flood hazards in other areas.

C. **General provisions.**

1. *Applicability*. This Section shall apply to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of Fort Lupton, Colorado.

2. *Establishment of Flood Hazard Areas*. The Special Flood Hazard Areas identified by the Federal Emergency Management Administration in a scientific and engineering report

entitled "The Flood Insurance Study for the City of Fort Lupton, Colorado," dated October 1978, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM), and any revisions thereto, are hereby adopted by reference and declared to be a part of this Section. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this Section and may be supplemented by studies designated and approved by the City Council. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available for public inspection.

3. *Permit.* A Floodplain Development Permit shall be required to ensure conformance with the provisions of this Section.

4. *Compliance.* No structure or land shall hereafter be located, altered or have its use changed within the Special Flood Hazard Area without full compliance with the terms of this Section and other applicable regulations. Any person who violates this Section or fails to comply with any of its requirements shall be subject to penalties as set forth in Section 1-72 of this Code. Nothing herein shall prevent the City Council from taking such lawful action as is necessary to prevent or remedy any violation. These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.

5 *Abrogation and Greater Restrictions.* This Section is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Section and another article, ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

6 *Interpretation*. In the interpretation and application of this Section, all provisions shall be:
   a. Considered as minimum requirements;
   b. Liberally construed in favor of the governing body; and
   c. Deemed neither to limit nor repeal any other powers granted under state statutes.

7. *Warning and Disclaimer of Liability.* The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the Special Flood Hazard Area or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the City, any officer or employee thereof or the Federal Emergency Management Administration for any flood damages that result from reliance on this Section or any administrative decision lawfully made thereunder.

D. **Administration.**

1. *Floodplain Administrator.* The City Engineer is hereby appointed as Floodplain Administrator to administer, implement and enforce the provisions of this Section and other appropriate sections of 44 C.F.R. (National Flood Insurance Program Regulations) pertaining to floodplain management.

2. *Floodplain Administrator Duties.* The Floodplain Administrator has the following duties and responsibilities:
   a. Maintain and hold open for public inspection all records pertaining to the provisions of this Section, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certificate required by Subsection D.3. below.
   b. Review, approve or deny all applications for Floodplain Development Permits required by adoption of this Section.
   c. Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
   d. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C., 1334) from which prior approval is required.
   e. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this Section, including proper elevation of the structure.
   f. Where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make the necessary interpretation.
   g. When Base Flood Elevation data has not been provided, the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation data and Floodway data available from a federal, state or other source, in order to administer the provisions of this Section.
   h. For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half (½) foot at any point within the community.
   i. Under the provisions of 44 C.F.R. Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE and AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one-half (½) foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.
   j. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
   k. Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

3. *Permit Procedures*. Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him or her and may include plans in duplicate drawn to scale showing the location, dimensions and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to the Special Flood Hazard Area. Additionally, the following information is required:
   a. Elevation, in relation to mean sea level, of the lowest floor (including basement) of all new and substantially improved structures;
   b. Elevation, in relation to mean sea level, to which any nonresidential structure has been floodproofed;
   c. A certificate from a registered Colorado professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Subsection E.2.(b).
   d. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
   e Maintain a record of all such information in accordance with Subsection D.2.

4. *Decision Criteria.* Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this Section and the following relevant factors:
   a. The danger to life and property due to flooding or erosion damage.
   b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
   c. The danger that materials may be swept onto other lands to the injury of others.
   d. The compatibility of the proposed use with existing and anticipated development.
   e. The safety of access to the property in times of flood for ordinary and emergency vehicles.
   f. The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems.
   g. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
   h. The necessity to the facility of a waterfront location, where applicable.
   i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
   j. The relationship of the proposed use to the comprehensive plan for that area.

5. *Variance Procedure.*

   a. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Subsection A. have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

   b Upon consideration of the factors noted above and the intent of this Section, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the intent this Section

   c. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

   d. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the

structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

e. Prerequisites for granting variances:
(1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
(2) Variances shall only be issued upon:
(a) Showing a good and sufficient cause;
(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
(3) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the Base Flood Elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

f. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:
(1) The criteria outlined in this Subsection D.5. are met; and
(2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

g Appeal Board.
(1) The Board of Adjustment, as established by the City, shall hear and decide appeals and requests for variance from the requirements of this Section.
(2) The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the Planning Department in the enforcement or administration of this Section.
(3) Those aggrieved by the decision of the Board of Adjustment, or any taxpayer, may appeal such decision to the Weld County District Court, as provided in Section 31-23-307, C.R.S.
(4) In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors and standards specified in other sections of this Section and:
(a) The danger that materials may be swept onto other lands to the injury of others.
(b) The danger to life and property due to flooding or erosion damage.
(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
(d) The importance of the services provided by the proposed facility to the community.
(e) The necessity to the facility of a waterfront location, where applicable.

(f) The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage.
(g) The compatibility of the proposed use with existing and anticipated development.
(h) The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area.
(i) The safety of access to the property in times of flood for ordinary and emergency vehicles.
(j) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
(k) The costs of providing governmental services during and after the flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems and streets and bridges.

(5) Upon consideration of the factors of subsection g.(4) above and the purposes of this Section, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Section.
(6) The Planning Department shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency upon request.

E. **Provisions for Flood Hazard Reduction.**

1. *General Standards.* In all areas of special flood hazards, the following standards are required:

a. Anchoring.
(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic loads and hydrostatic loads, including the effects of buoyancy.
(2) All manufactured homes shall be elevated and anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Special requirements shall be that:
(a) Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side;
(b) Frame ties be provided at each corner of the home, with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;
(c) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
(d) Any additions to the manufactured home be similarly anchored.

b. Construction materials and methods:
(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
(3) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be

designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

c Utilities.

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into floodwaters.

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(4) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

d Subdivision proposals.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments which contain at least 50 lots or five acres, whichever is less.

2. *Specific Standards.* In all Special Flood Hazard Areas where base flood elevation data have been provided, the following standards are required:

a. *Residential construction*. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated to one foot above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

b. *Nonresidential construction*. With the exception of critical facilities, outlined in Subsection E.8 of this Section, new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one foot above the base flood

elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A registered Colorado professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this Subsection. Such certification shall be maintained by the Floodplain Administrator, as proposed in Subsection D.3 above.

c. *Enclosures.* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

Designs for meeting this requirement must either be certified by a registered Colorado professional engineer or architect or meet or exceed the following minimum criteria:

(1) A minimum of two openings, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding, shall be provided.
(2) The bottom of all openings shall be no higher than one foot above grade.
(3) Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

d. *Manufactured homes*. All manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) are elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above Paragraph, shall be elevated so that either:

(1) The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) are one foot above the base flood elevation; or
(2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

e. *Recreational vehicles.* All recreational vehicles placed on sites within Zones A1-30, AH and AE on the community's FIRM shall either:
(1) Be on the site for fewer than 180 consecutive days;
(2) Be fully licensed and ready for highway use; or
(3) Meet the permit requirements of this Section and the elevation and anchoring requirements for manufactured homes in Paragraph 2.d. above.
A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

f. *Prior approved activities.* Any activity for which a Floodplain Development Permit was issued by the City or a CLOMR was issued by FEMA prior to January 27, 2014 may be completed according to the standards in place at the time of the permit or CLOMR issuance and will not be considered in violation of this Section if it meets such standards.

3. *Standards for Areas of Shallow flooding (AO/AH Zones).* Located within the Special Flood Hazard Area established in Subsection C.2 of this Section are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

a. *Residential construction*. All new construction and substantial improvements of residential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

b. *Nonresidential construction.* With the exception of critical facilities, outlined in Subsection E.8. below, all new construction and substantial improvements of nonresidential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified), or, together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section are satisfied.

Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide floodwaters around and away from proposed structures.

4. *Floodways*. Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State has adopted floodway standards that are more stringent than the FEMA minimum standard (see the definition of Floodway in Subsection

F.) Located within the Special Flood Hazard Area established in Subsection C.2. of this Section are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

a. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway, unless it has been demonstrated, through hydrologic and hydraulic analyses performed by a licensed Colorado professional engineer and in accordance with standard engineering practice, that the proposed encroachment would not result in any increase (requires a No-Rise Certification) in flood levels within the community during the occurrence of the base flood discharge.

b. If Paragraph 4.a. above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Section.

c. Under the provisions of 44 C.F.R. Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.

5. *Alteration of a Watercourse.* For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:

a. Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition and channel migration and properly mitigate potential problems through the project, as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.

b. Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.

c. Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable federal, state and local floodplain rules, regulations and ordinances.

d. Any stream alteration activity shall be designed and sealed by a registered Colorado professional engineer or certified professional hydrologist.

e. All activities within the regulatory floodplain shall meet all applicable federal, state and city floodplain requirements and regulations.

f. Within the regulatory floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a floodway analysis and report, sealed by a registered Colorado professional engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing floodway conditions resulting from the project, otherwise known as a No-Rise Certification, unless the community first applies for a CLOMR and Floodway revision in accordance with Subsection E.4. above.

g. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

6 *Properties Removed from the Floodplain by Fill.* A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) unless such new structure or addition complies with the following:

a. *Residential construction*. The lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill.

b. *Nonresidential construction*. The lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill, or, together with attendant utility and sanitary facilities, be designed so that the structure or addition is watertight to at least one foot above the base flood level that existed prior to the placement of fill, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

7. *Standards for Subdivision Proposals.*
   a. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.
   b. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Subsection D.3 and the provisions of this Section.
   c. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to this Section.
   d. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
   e. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize or eliminate flood damage.

8. *Standards for Critical Facilities.* A critical facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that, if flooded, may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

   a. *Classification of critical facilities*. It is the responsibility of the City Council to identify and confirm that specific structures in their community meet the following criteria:

      Critical facilities are classified under the following categories: (1) essential services; (2) hazardous materials; (3) at-risk populations; and (4) vital to restoring normal services.

      (1) Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities and transportation lifelines. These facilities consist of:

(a) Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage and emergency operation centers);
(b) Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures, but excluding clinics, doctors' offices and nonurgent care medical structures that do not provide these functions);
(c) Designated emergency shelters;
(d) Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio and other emergency warning systems, but excluding towers, poles, lines, cables and conduits);
(e) Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines and service lines); and
(f) Air transportation lifelines (airports [municipal and larger]), helicopter pads and structures serving emergency functions and associated infrastructure (aviation control towers, air traffic control centers and emergency equipment aircraft hangars).

Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems and hydroelectric power generating plants and related appurtenances.

Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the City Council that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Section, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the City Council on an as-needed basis upon request.

(2) Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. These facilities may include:
(a) Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
(b) Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
(c) Refineries;
(d) Hazardous waste storage and disposal sites; and
(e) Aboveground gasoline or propane storage or sales centers.

Facilities shall be determined to be critical facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, AND the chemical is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a critical facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Public Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 (2010) and OSHA regulation "Occupational Safety and Health Standards," 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation of this Section, but exclude later amendments to or editions of the regulations.

Specific exemptions to this category include:

(a) Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.

(b) Buildings and other structures containing hazardous materials for which it can be demonstrated, to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority), that a release of the subject hazardous material does not pose a major threat to the public.

(c) Pharmaceutical sales, use, storage and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as critical facilities under another category outlined in this Section.

(3) At-risk population facilities include medical care, congregate care and schools. These facilities consist of:

(a) Elder care (nursing homes);

(b) Congregate care serving 12 or more individuals (day care and assisted living);

(c) Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children);

(4) Facilities vital to restoring normal services including government operations. These facilities consist of:

(a) Essential government operations (public records, courts, jails, building permitting and inspection services, community

administration and management, maintenance and equipment centers);

(b) Essential structures for public colleges and universities (dormitories, offices and classrooms only).

These facilities may be exempted if it is demonstrated to the City Council that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this Section, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the City Council on an as-needed basis upon request.

b. *Protection for critical facilities.* All new and substantially improved critical facilities and new additions to critical facilities located within the Special Flood Hazard Area shall be regulated to a higher standard than structures not determined to be critical facilities. For the purposes of this Section, protection shall include one of the following:

(1) Location outside the Special Flood Hazard Area; or

(2) Elevation of the lowest floor or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two feet above the Base Flood Elevation.

c. I*ngress and egress for new critical facilities*. New critical facilities shall, when practicable as determined by the City Council, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

F. **Definitions.** For purposes of this Section, the following words shall have the meanings given:

*100-year flood* means a flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (*1-percent-annual-chance flood*). The terms *one-hundred-year flood* and *one-percent chance flood* are synonymous with the term *100-year flood*. The term does not imply that the flood will necessarily happen once every 100 years.

*100-year floodplain* means the area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

*500-year flood* means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance annual flood). The term does not imply that the flood will necessarily happen once every 500 years.

*500-year floodplain* means the area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

*Addition* means any activity that expands the enclosed footprint or increases the square footage of an existing structure.

*Alluvial fan flooding* means a fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars and recently abandoned

channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

*Area of shallow flooding* means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one-percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Base Flood Elevation (BFE)* means the elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/ AO, V1-V30 and VE that indicates the water surface elevation resulting from a flood that has a one-percent chance of equaling or exceeding that level in any given year.

*Basement* means any area of a building having its floor sub-grade (below ground level) on all sides.

*Channel* means the physical confines of a stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

*Channelization* means the artificial creation, enlargement or realignment of a stream channel.

*Code of Federal Regulations (C.F.R.,)* means the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government. It is divided into 50 titles that represent broad areas subject to federal regulation.

*Community* means any political subdivision in the State that has authority to adopt and enforce floodplain management regulations through zoning, including but not limited to cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

*Conditional Letter of Map Revision (CLOMR)* means FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

*Critical facility* means a structure or related infrastructure, but not the land on which it is situated, as specified in Subsection D.8 that, if flooded, may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

*Development* means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

*DFIRM Database* means a database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

*Digital Flood Insurance Rate Map (DFIRM)* means a FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

*Elevated building* means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building

during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X and D, *elevated building* also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

*Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

*Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

*Federal Register* means the official daily publication for rules, proposed rules and notices of federal agencies and organizations, as well as executive orders and other presidential documents.

*FEMA* means Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

*Flood* or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of water from channels and reservoir spillways;
b. The unusual and rapid accumulation or runoff of surface waters from any source; or
c. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

*Flood control structure* means a physical structure designed and built expressly or partially for the purpose of reducing, redirecting or guiding flood flows along a particular waterway. These specialized flood-modifying works are those constructed in conformance with sound engineering standards.

*Flood Insurance Rate Map (FIRM)* means an official map of a community, on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.

*Flood Insurance Study (FIS)* means the official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map, as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

*Floodplain* or *flood-prone area* means any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

*Floodplain Administrator* means the community official designated by title to administer and enforce the floodplain management regulations.

*Floodplain Development Permit* means a permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a

community, the community shall require permits for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and these floodplain management regulations.

*Floodplain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

*Floodplain management regulations* means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

*Floodproofing* means any combination of structural and/or nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Floodway (regulatory floodway)* means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The statewide standard for the designated height to be used for all newly studied reaches shall be one-half (½) foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

*Freeboard* means the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood, such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

*Functionally dependent use* means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

*Highest adjacent grade* means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

*Historic structure* means any structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    1. By an approved state program as determined by the Secretary of the Interior, or
    2. Directly by the Secretary of the Interior in states without approved programs.

*Letter of Map Revision (LOMR)* means FEMA's official revision of an effective Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM) or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs) or the Special Flood Hazard Area (SFHA).

*Letter of Map Revision Based on Fill (LOMR-F)* means FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

*Levee* means a man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 C.F.R. 65.10.

*Levee system* means a flood protection system which consists of a levee or levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

*Lowest floor* means the lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes, which includes working, storage, sleeping, cooking and eating or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood-resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

*Manufactured home* means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term *manufactured home* does not include a recreational vehicle.

*Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*Material Safety Data Sheet (MSDS)* means a form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment and spill-handling procedures.

*Mean sea level* means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

*National Flood Insurance Program (NFIP)* means FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

*New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

*No-Rise Certification* means a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado professional engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

*Physical Map Revision (PMR)* means FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations and/or planimetric features.

*Recreational vehicle* means a vehicle which is:

a. Built on a single chassis;
b. 400 square feet or less when measured at the largest horizontal projections;
c. Designed to be self-propelled or permanently towable by a light duty truck; and
d. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

*Special flood hazard area* means the land in the floodplain within a community, subject to a one-percent or greater chance of flooding in any given year; i.e., the 100-year floodplain.

*Start of construction* means the date the building permit was issued, including substantial improvements, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The *actual start* means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basements, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the *actual start of construction* means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Structure* means a walled and roofed building, including a gas or liquid storage tank, which is principally aboveground, as well as a manufactured home.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure just prior to when the damage occurred.

*Substantial improvement* means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before start of construction of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
b. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

*Threshold Planning Quantity (TPQ)* means a quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

*Variance* means a grant of relief to a person from the requirements of this Section when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Section. (For full requirements, see Section 60.6 of the National Flood Insurance Program regulations).

*Violation* means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

*Water surface elevation* means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

# Article 11. Definitions

11.01 Definitions
11.02 Description of Uses
11.03 Design & Architecture Terms

## 11.01 Definitions

All terms used in this code shall have their plain and commonly accepted meaning, based upon the context of their use in the code. The following terms shall have the meaning given below, unless more specifically described, limited or qualified within the standards of this code. Some Chapters have specific definitions where the terms have the given meaning for interpretation of that chapter.

*Abandoned Sign*. a sign which advertises or identifies an out-of-business, moved or non-existing business or service.

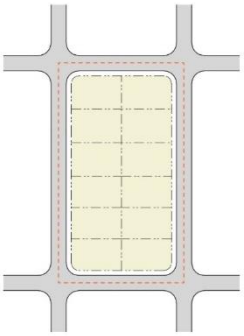
*Accessory Building, Structure* or *Use*. A building, structure or use located or conducted upon the same lot (or on a contiguous lot, under one deed, in the same ownership) as the principal building, structure or use to which it is related, and which is clearly incidental to and customarily found in connection with such principal building or use.

*Alley*. A public or private way at the rear or side of the property, permanently dedicated as a means of vehicular access to the abutting property and generally having less width than a street.

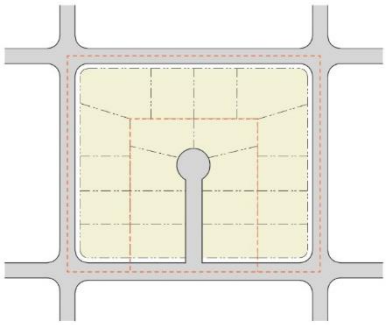
*Appeal*. A review of a final decision by a higher authority according to the standards and procedures of this code, or as otherwise allowed by other laws.

*Basement*. The portion of a building between floor and ceiling which is entirely below grade, or partly below and partly above grade but so located that the vertical distance from grade to the floor below is more than the vertical distance from grade to ceiling.

*Block.* A group of platted lots and tracts surrounded by streets or by other features that interrupt the street network such as parks, railroad rights-of-way, or municipal boundary lines; or the perimeter of all lots fronting on the street in the case of a cul-de-sac.



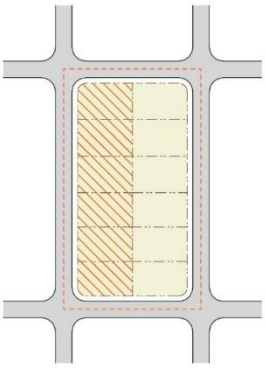
*Standard Block*



*Cul-de-sac Block*

*Exception*

*Block face*. All lots on one side of a block.



*Block Face*

*Buffer.* An area of a site used to promote separation and enhance compatibility between land uses of different intensities, by the use of space, the design of landscape or the arrangement of buildings and structures, or any combination of these.

*Building*. Any structure built for the shelter or enclosure of persons, animals, chattels, property or substance of any kind, excluding fences. The word *building* includes the word *structure.*

*Building Floor Area.* The maximum horizontal area within the outer perimeter of the building walls.

*Building Footprint (building coverage)*. That area or portion of a lot which is occupied or covered by all buildings on that lot.

*Building, Detached*. Any single building or building separated from another building on the same lot.

*Building, Enclosed*. A building separated on all sides from adjacent open space or other buildings by fixed exterior walls or party walls, with opening only for windows and doors, and covered by a permanent roof.

*Building Frontage*. The area of the lot along the front building line, and when referring to design standards it may include relationship between this area, the streetscape, and the primary facade of the building.

*Building Frontage, Principal.* The horizontal linear dimension which is designated as the primary facade of that portion of a building occupied by a single use or occupancy for the purposes of allocating signs and other design requirements.

*Building Height.* (See Section 1.02.D. Interpretation, Building & Structure Measurements.)

*Building Line.* The actual line at which a building is constructed, and the location of other elements on the lot or adjacent lots may refer to this line extended outward from the building.

*Building Line, Required Front.* The portion of the lot frontage required to be occupied by the front facade of a principle structure, or other permitted accessory structures or landscape associated with the frontage design.

*Building, Principal*. One building housing the principal (primary or most important) uses permitted for the lot upon which it is located.

*Comprehensive Plan*. The City of Fort Lupton Comprehensive Plan, as amended. The Comprehensive Plan may include any other plans, policies, or programs officially adopted or approved by the City under the guidance of that plan, including the City's Three Mile Area Plan.

*Condominium*. A form of ownership in which the interior floor space of a unit or area is owned individually, and the structure, common areas and facilities are owned by all of the owners on a proportional, undivided basis, and where all other physical attributes of the building and site beyond ownership units meet the standards of these regulations.

*Construction Sign*. A temporary sign announcing construction, remodeling or other improvements of a property.

*Coverage, Lot*. Land area which is covered with impervious surfaces, such as buildings, patios, or decks with roofs, carports, swimming pools, tennis courts, or land area covered by any other type of structure, including parking lots.

*Deciduous*. A plant with foliage that is shed annually.

*Density*. The total number of dwelling units on a property, divided by the gross area in acres of such property.

*Drive-through, Accessory.* An accessory site design and building design component of any business in which the provision of services or the sale of food or merchandise to the customer in a motor vehicle without the need for the customer to exit the motor vehicle. This definition includes, but is not limited to, bank drive-up tellers and drive-through fast food restaurants.

*Driveway*. An improved concrete or asphalt path, or other area of a site otherwise dedicated to vehicle access to a site or leading directly to one or more city-approved parking spaces or parking spaces within a building.

*Essential Public Infrastructure Equipment or Services*. The erection, construction, alteration or maintenance by public utilities or municipal departments of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health, safety or general welfare.

*Evergreen*. A plant with foliage that persists and remains green year-round.

*Household*:

a. A single individual doing his or her own cooking and living upon the premises as a separate, independent housekeeping unit; with his or her own children or children over whom he or she has custody or guardianship through a court order, or with his or her brothers, sisters, parents or grandparents;
b. A collective body of persons doing their own cooking and living together upon the premises as a separate, independent housekeeping unit in a domestic relationship based upon birth or marriage, limited to a married couple, their own children or the child or children of one or the other of them or over whom one or the other of them has custody or guardianship through a court order or to include their brothers, sisters, parents or grandparents; or
c. A group of not more than two unrelated persons doing their own cooking and living together on the premises as a separate housekeeping unit with their own children or the child or children of one or the other of them or over whom one or the other of them has custody or guardianship

through a Court order. Single persons 18 years of age or older, not living with their parents or legal guardian, are considered to be unrelated to each other.

In addition to the above, in order to be considered a family, there may be no more than three persons per bedroom living in a residence unless the adult persons living therein file an affidavit with the City establishing that these persons meet the above descriptions of Subparagraph a, b or c.

*Flag*. A type of sign on a piece of fabric with a distinctive design.

*Freestanding Sign.* A sign which is supported by its own structure not associated with a building.

*Frontage*. The area of a lot between the front building line and the front lot line.

*Grade* (*adjacent ground elevation*). The average elevation of the graded surface of the ground, paving or sidewalk adjoining the base of a structure, in all directions.

*Gross Leasable Area (GLA).* The area of a building that can be leased to tenants, including storage areas and common areas apportioned to the number of tenants sharing the area. Gross leasable area shall be measured in the same manner of gross floor area, but is apportioned to specific uses or tenants in the building.

*Ground Cover*. Materials that typically do not exceed one foot in height used to provide cover of the soil in landscaped areas, which may include a combination of, but not limited to river rock, cobble, boulders, concrete pavers, grasses, flowers, low-growing shrubs and vines, and those materials derived from once-living things, such as wood mulch. In no event shall weeds be considered ground cover.

*Hazard*. A source of danger to persons or damage to property.

*Home Occupation*. A business conducted accessory to and within a residence and subject to other standards and procedures of this code to ensure that it is subordinate and customarily incidental to the residence.

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*HUD-approved Home*. A factory-built single-family dwelling that is properly certified to have been built to the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401, et seq., 24 C.F.R. Part 3280 and Part 3282.

*Illuminated Sign*. A sign lighted by or exposed by artificial light.

*Landscape Area*. Land set apart for the planting of grass, shrubs, trees or similar living plants. Such land may include trees and be used in an arcade, plaza or pedestrian area and include fences, walls or nonorganic displays as a part thereof.

*Lot.* A parcel of land, established by a subdivision plat, having the required minimum dimensions, which shall be located on either a public right-of-way or on a legal and perpetual access and which is occupied or designed to be occupied by one or more principal buildings, structures, or uses.

*Mobile Home.* A transferable, detached dwelling unit suitable for year-round occupancy and containing the same water supply, waste disposal and electrical convenience as immobile housing. Such structure will have no foundation other than wheels or removable jacks for conveyance on highways and may be transported to a site as one or more modules. The term *mobile home* shall not include travel trailers, campers or self-contained motor homes or camper buses.

*Monument Sign*. A sign supported by or mounted directly upon the ground.

*Natural Area*. Aquatic or terrestrial habitats or areas which exist in their natural condition and which have not been significantly altered by human activity.

*Natural Feature*. Features which give an area its general appearance and ecological character and which attract or support the wildlife species that use or inhabit the area.

*Nonconforming Building*. A building which was lawfully constructed prior to the effective date of this Chapter and which does not conform to the requirements of these regulations.

*Nonconforming Use*. A land use which was lawfully established prior to, and being conducted on, the effective date of this Chapter and which does not conform to the requirements of these regulations

*Nuisance*. Activity which arises from unreasonable, unwarranted or unlawful use by a person of his or her own property, working obstruction or injury to a right of another or to the public and producing such material annoyance, inconvenience and discomfort that the law will presume resulting damage.

*Objectionable or Harmful Substances, Conditions or Operations*. Any use or operation which causes, or threatens to cause, one or more of the following environmental problems:

a. Creation of a physical hazard by fire, explosion, radiation or other cause to persons or property at or beyond the property line of the premises in question.
b. Discharge of any liquid or solid waste into any stream or body of water, into any public or private disposal system or into the ground, so as to contaminate any water supply, including underground water supply.
c. Maintenance or storage of any material, either indoors or outdoors, so as to cause or facilitate the breeding of vermin.
d. Emission of smoke or gas which constitutes a hazard to the health, safety or welfare of any person.
e. Ashes, gas or dust which can cause hazard, damage or injury to persons, animals or plant life or to other forms or property, at or beyond the property line of the premises in question.
f. Creation or causation of any offensive odors or noise at or beyond any property line of the premises in question.
g. Creation or maintenance of any distracting or objectionable vibration, glare, odor and/or electrical disturbances at or beyond any property line of the premises in question.
h. Any public nuisance.
i. Storage of any and all hazardous substances.

*Official Zoning Map*. The City's official graphic record of the boundaries of zoning districts, as it may be amended from time to time, and containing other information as specified in this Chapter.

*Oil and gas facility or accessory structure.* Equipment, structures, accessory structures, infrastructure, or other improvements used or installed at any area where an owner or operator has disturbed or intends to disturb the land surface for the exploration, production, withdrawal, gathering, treatment, or processing of oil or natural gas. This includes storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flow lines, and other equipment directly associated with oil wells, gas wells, or injection wells.

*Open Space, Common.* A common area permanently set aside for the common use and enjoyment of residents or occupants of a development or members of a homeowners' association, which open area may be landscaped and/or left with natural vegetation cover and which may include swimming pools and other recreational leisure facilities; areas of scenic or natural beauty and habitat areas; hiking, riding, or off-street bicycle trails; and landscape areas adjacent to roads which are in excess of minimum required rights-of-way.

*Open Space, Private or On-lot.* An outdoor area not intended for habitation, directly adjoining a dwelling unit or building, which is intended for the private enjoyment of the residents or occupants of the adjacent dwelling unit or building and which is defined in such a manner that its boundaries are evident. Private or on-lot open space may include lawn area, decks, balconies, and/or patios.

*Open Space, Required*. That portion or percentage defined by the zoning standards of a lot required to be open and unobstructed. The area must not be covered by any structure or impervious surface, such as sidewalks or driveways, with the exception of required amenities, identity features, or useable open space required pursuant to this code.

*Open Space, Usable*. That portion of a lot or site available to all occupants of the building or site for recreational and other leisure activities that are customarily carried on outdoors.

*Ornamental Tree*. A deciduous tree planted primarily for its ornamental value or for screening and which will typically be smaller than a shade tree approximately 15 to 25 feet in height.

Tract.
~~*Outlot.*~~ A parcel or parcels of land designated on a plat and intended to be further subdivided before development at some point in the future, but which may be initially created under single ownership through a subdivision process.

*Parcel*. A unit or contiguous units of land in the possession of, or recorded as the property of one person, partnership, joint venture, association or corporation, or other legal entity.

*Park*. Any dedicated and accepted public or private land available for recreational or scenic purposes.

*Patio*/. A paved area, open to the sky, adjacent to a dwelling.

*Porch*. A roofed or unroofed open structure projecting from the front, side or rear wall of a building.

*Portable Sign*. A sign that is not permanently affixed to a building, structure or into the ground, except A-frame signs and footed vertical signs.

*Primary Entrance*. The entrance to a building or structure which is intended to be the main pedestrian or public entrance and which shall typically be located on the front of the building or structure, and therefore includes enhancements and human-scale details to show the priority and importance of the space to the public.

*Principal Building, Structure or Use*. A primary permitted building, structure or use of land as specified in the district regulations of this Chapter, other than an accessory building, dwelling or use or special use.

*Protective Oversight*. Guidance of a resident of a personal care boarding home as required by the reasonable needs of the resident, including the following: being aware of a resident's general whereabouts, although the resident may travel independently in the community; monitoring the activities of the resident while on the premises to ensure his or her health, safety and well-being, including monitoring of prescribed medications; reminding the resident to carry out daily living activities; and reminding the resident of any important activities, including appointments.

*Replacement Value.* The amount it would cost to replace a structure or restore a site to its previous condition considering all aspects of the investment at their current market costs. This amount may be based on estimates or where discrepancies exist the average of three independent estimates, in the sole discretion of the City.

*Shade Tree*. A large woody plant, usually deciduous, that normally grows with one main trunk and has a mature height at least 30 feet, a canopy height above 12 feet, and screens and filters the sun.

*Shrub*. A woody plant which consists of a number of small stems from the ground or small branches near the ground and which may be deciduous or evergreen.

*Sidewalk*. A paved, surfaced or leveled area, paralleling and usually separated from the street, used as a pedestrian path.

*Sign*. Any advertisement, announcement or direction of communication produced in whole or in part by the construction, erection, affixing or placing of a structure, or produced by painting on or pasting or placing any printed, lettered, pictured, figured or colored materials on any building, structure or surface; provided, however, that signs placed or erected by the City or the State for the purpose of showing street names or traffic directions or regulations or for other municipal or government purposes shall not be included herein.

*Street* means a public thoroughfare, dedicated or deeded, for the purpose of providing a principal means of access to abutting property.

*Street, Design Type.* A reference to the design attributes of a specific segment of the street, regardless of the functional class, and including lane widths, number of lanes, parking, streetscape, and sidewalks. Street design types allow the design of segments of streets to transition and relate better to the context and anticipated abutting land uses, without disrupting the overall role of the street in the functional classification system.

*Street, Functional Classification.* A system of categorizing streets based on their role in the overall street network, considering traffic volumes, traffic speeds, and continuity of the street. These include arterial, collector, and local.

*Street Frontage*. The property line which abuts a public right-of-way.

*Street Tree*. A tree planted in close proximity to a street in order to provide shade over the street and to soften the street environment.

*Streetscape*. The scene that may be observed along a street, including both natural and non-natural components, including vegetation, buildings, paving, plantings, lighting fixtures and miscellaneous structures.

*Structural Alteration*. Any change in the support members of a building, such as bearing walls, columns, beams or girders.

*Structure*. Anything constructed or erected, including a fence, sign or building, with a fixed location on the ground.

*Substantially Commenced Construction*. Underground municipal utilities or building foundations have been completed.

*Temporary*. For a limited period of time, i.e., not permanent.

*Temporary Sign*. A sign allowed by permit (except an A-frame sign or a footed vertical sign), which is not intended as a permanent sign and which meets all the requirements of the sign code.

Outlot.
~~*Tract.*~~ A parcel of land platted in a subdivision for a specific purpose, which shall be shown on the face of the plat. Specific purposes may include, but are not limited to, drainage areas, stormwater detention or retention areas, parks, open space, or land areas reserved for other public facilities

*Travel Trailer* or C*amper*. A portable structure mounted on wheels and drawn by a stock passenger automobile or affixed to the bed or chassis of a truck, or portable structure mounted on wheels and constructed with collapsible partial side walls of fabric, plastic or other pliable material which fold for towing by another vehicle and which unfold at the campsite to provide temporary living quarters for recreation camping or travel use. The term *travel trailer* shall include units designated as motor homes or camper buses.

*Tree*. A large woody plant with one or several self-supporting stems or trunks and numerous branches and may be deciduous or evergreen.

*Wall Sign*. A sign incorporated in, painted on, attached to or erected against the facade of a building.

*Well*. An oil or gas well, a hole drilled for the purpose of producing oil or gas, a well into which fluids are injected, a stratigraphic well, a gas storage well, or a well used for the purpose of monitoring or observing a reservoir.

*Well site*. The areas that are directly disturbed during the drilling and subsequent operation of, or affected by production facilities directly associated with, any oil well, gas well, or injection well and its associated well pad.

*Wellhead*. The mouth of the well at which oil or gas is produced.

*Window Sign*. A sign painted on or applied to a window.

*Yard*. That portion of the open area on a lot extending open and unobstructed from the ground upward from a lot line to a principal building.

*Yard, Front*. That portion of a lot extending across the full width of the lot between the front lot line and the nearest line or point of the principal building.

*Yard, Rear*. That portion of a lot extending across the full width of the lot between the rear lot line and the nearest line or point of the principal building.

*Yard, Required*. 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 zone district in which the lot is located.

*Yard, Side*. That portion of a lot extending from the front yard to the rear yard between the side lot line and the nearest line or point of the principal building.

*Zone*. A platted lot or group of contiguous lots under a common ownership that is used for placement of a single principal permitted use or, within a planned unit development, a group of permitted uses.

## 11.02 Description of Uses

This section provides descriptions of uses of land and buildings associated with Table 4-2 Allowed Uses. It is organized by Categories and Types of uses, with some Types including more specific types. Where a proposed use is not generally listed or appears to meet the description of more than one use type, the Director shall make an interpretation on the most equivalent described use considering:

1. The similarity of the use in terms of scale, impact and operations to other described uses;
2. The typical building format and site design associated with the use from existing examples; and

3. The potential contribution of the use, in its typical format and design, to the intent of the zoning district, and the ability to complement and be compatible with other permitted uses.

Any uses that may not be interpreted as equivalent to a use in Table 4-2 is not anticipated by these regulations and may only be allowed by an amendment to the development code.

A. **Residential Dwelling**

The Residential Dwelling category is the principal use of land and buildings for dwelling units. A dwelling unit is one or more joined rooms designed and used by a household for residential occupancy, including sleeping, bathroom(s) and eating facilities. A dwelling is owned by the resident or leased or rented on a monthly basis or longer. The arrangement and extent of dwelling units depends on the zoning district, lot sizes and building types, arranged in the following types:

*Detached House.* A residential building designed for one primary dwelling unit in an urban neighborhood, suburban or rural setting. Variants of this type are based primarily on lot size and context, based on the standards of the particular zoning district.

*Accessory Dwelling.* An apartment integrated within a detached house or duplex/multi-unit house, or located in a detached accessory building, such as carriage houses or agricultural-type outbuildings, located on the same lot as those buildings, and subject to other standards in this code to ensure that it is subordinate and customarily incidental to the principal dwelling unit.

*Duplex / Multi-unit House.* A residential building designed to accommodate 2 to 4 primary dwelling units in an urban neighborhood or suburban setting. Duplex units that share a single common wall may be on a single lot, or it may be platted as separate lots along the common wall line subject to platting restrictions. All other Duplex or Multi-unit Houses shall be on a single lot. Duplex / Multi-unit Houses shall have a scale, design and orientation of access and entrance features that maintains the appearance and form similar to a Detached House.

*Established Detached House in Nonresidential.* A detached house used as a residence in a nonresidential district, but where new development of the same use or similar building type is no longer permitted in the zoning district. These buildings and uses shall be permitted subject to the standards for Detached Houses in Table 5-1, and compliance with any utility, public health and safety codes, so that continued use and further investment in the same or similar building and use is not discouraged, including reconstruction of the same or similar building.

*Row House.* A multi-unit residential building designed for 3 to 8 dwelling units in an urban and or suburban setting. Row Houses abut one another sharing an adjoined party wall. These units are attached, however, each unit has its own private entry. Units may be on a single lot subject to common ownership restrictions or platted on separate lots along the common wall subject to platting restrictions.

*Apartment (small or medium).* A multi-unit residential building designed on a small or moderate-sized lot in a compact walkable neighborhood or mixed-use setting. The building is accessed by a common lobby entrance at building frontage, is designed with a compatible scale and frontage to other residential building types, and arranged to integrate into the block structure of a neighborhood. Variants of this type are based primarily on building scale, lot size and context, and the standard of the particular zoning district.

*Apartment (large or complex).* A multi-unit residential building designed on a large lot, or a grouping of small or medium multi-unit buildings in a common development in a suburban setting, including accessory uses and buildings to support the residential use of the property, and arranged around an internal system of streets/internal access, walkways and common open space.

*Apartment Mixed-use (apartment over commercial / service).* A residential use in a building designed primarily for street level retail, service or employment uses, and where dwelling units are accommodated on upper stories or the rear of the building, or otherwise separated from the principal commercial function of the building.

*Small Format or Manufactured Home Communities.* A parcel of land planned and designed for multiple home sites for the placement of manufactured, mobile or other small homes, and used for the principal dwelling of households for long-term residency. These communities include internal common areas, circulation systems and accessory uses and facilities to support the community. Dwellings may either be located on home sites designated within a larger project or on single lots owned through appropriate condominium procedures or platted under certain conditions.

*Residential Care - Group Home / Statutory*. A residence in a residential building that is operated to provide supervision and other services for 4 to 8 individuals who are developmentally disabled (as defined in Section 31-23-303, C.R.S.), mentally ill or 60 years of age or older or persons with handicaps as defined by 42 U.S.C § 3601 and Section 24-34-103(4), C.R.S., and who are not related to the owner of the residence by blood, marriage or adoption. A foster care home with more than four foster children is also considered a group home. Except as specifically provided by this Code, a group home shall not house more than one individual per dwelling who is required to register as a sex offender under the provisions of Section 18-3-412.5, C.R.S.

*Residential Care - Limited.* A living facility or planned community that emphasizes social and recreational activities for mature adults or retired individuals that need limited assistance. The facility may provide some level of supervision or support for daily living. The facility will typically provide security and may include other services such as meals, housekeeping, transportation and other support services where needed. Individual dwellings may contain kitchen facilities. This includes commonly used terms *retirement housing* and *retirement community.*

*Residential Care - General.* State-licensed housing that provides twenty-four hour supervision and is designed and operated for people who require some level of support for daily living. Such support may include meals, security and housekeeping and may include daily personal care, transportation and other support services where needed. Individual dwellings may contain kitchen facilities. This includes commonly used terms *congregate care facility* and *continuing care retirement community*.

*Residential Care - Institutional.* State-licensed facility that provides twenty-four hour supervision and is designed and operated for elderly people who require support for daily living, or for other rehabilitative or protected care group homes that do not meet the statutory group home definition. Medical support, rehabilitative services and counseling shall be provided by skilled professional, nursing and medical staff. This includes commonly used terms *extended care facility, long-term care facility, halfway house, rehabilitative residence, shelter house, nursing home* and *hospice.*

**B. Agriculture Uses**

The Agriculture use category is for uses that maintain existing agriculture functions and food production, or which are promoting and maintaining Fort Lupton's agricultural heritage.

*Agriculture.* The primary use of land is cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock produced on the premises; or plant production such as nursery, orchard, vineyard; under specific conditions the use may involve the raising or breeding of livestock, poultry, fish or other animals.

C. **Public / Civic**

The Public / Civic use category is the use of land and buildings to serve public or community interest by enhancing the daily cultural, social, or recreation needs for residents and neighborhoods. It can include

public uses generally available to the public at large, community uses structured by voluntary affiliation, or private uses limited by property ownership or membership. It includes the following types:

*Assembly*. A civic or institutional use designed to serve the community for regular or periodic events, including worship, civic, recreation or entertainment, and accessory uses associated with organized activities, including child care, concession services, education, and recreation events.

*Assembly – Neighborhood (< 400 capacity and < 1 acre lot).* A place of public assembly designed and located to serve immediately adjacent uses and nearby neighborhoods, or be accessory to other uses and typically designed for less than 400 people. All buildings and facilities are located on a lot of less than 1 acre. Examples include a small neighborhood association clubhouse or recreation center, common meeting rooms or meeting hall, or small religious facilities.

*Assembly – Community (400-800 occupants or 1 to 5 acres)*. Places of public assembly designed and located to serve community or civic needs of a broad vicinity and typically designed for 400 – 800 people. All buildings and facilities fit on a lot or are arranged in a small campus of between 1 and 5 acres. Examples include a community/recreation center, small event hall or large religious facility.

*Assembly – Regional (800+ occupants or 5+ acres)*. Places of public assembly designed and located to serve community or civic needs of the city or region and typically designed for more than 800 people. Buildings and facilities require large lots or campuses that are difficult to integrate into the surrounding block structure, are disruptive to connected development patterns, and require special siting and civic design considerations. Examples include an auditorium, large event hall, major worship hall or campus, or convention and conference center.

*School.* A civic or institutional use designed to provide structured, seasonal or year-round education opportunities for the community. Schools are typically integrated into the surrounding context and development pattern as a civic amenity, based on the scale of the facilities.

*Cemetery.* An open land area used for permanent public burial and memorializing of deceased humans, and associated accessory structures such as chapel, mausoleum for entombment, columbarium for inurnment of cremated, and crematorium provided they only serve on-site burials and all structures are clearly subordinate to the open and civic design of the land.

*Funeral Home.* A building used for services to honor and memorialize deceased humans, and associated activities and facilities related to services such as a chapel or crematorium provided, they only support and are incidental to on-site services and have no equipment or structures that alters the appearance of the building as a civic use.

*Park and Open Space.* Any parcel or area of land or water essentially unimproved with any residential, commercial, or industrial uses and dedicated or reserved for public and/or private use and enjoyment, or public lands managed by a public entity for the conservation or stewardship of resources. Specific uses and purposes include agricultural, recreational, education, cultural, scenic or environmental purposes, and the land is characterized by natural and landscape features. Types of open spaces are generally defined in Section 3.02 by context, design, and function.

D. **Commercial**

The Commercial use category is the use of land and buildings for entities engaged in sale of products or services, the limited production and distribution of products, or other administrative or support services to help businesses. It includes the following types of uses:

*Retail.* A commercial use primarily engaged in the sale, lease or rental of products to the general public with frequent interaction of patrons or consumers on premises. Retail uses are further refined by scale, intensity and format based on the following:

*Retail – Limited (< 2K).* A small-scale retail use with under 2,000 square feet of commercial area.

*Retail – Small (2K - 10K).* A retail use with at least 2,000 but less than 10,000 square feet of commercial area.

*Retail – General (10K - 30K).* A moderate-scale retail use at least 10,000 but less than 30,000 square feet of commercial area.

*Retail – Large (> 30K).* A large-scale retail use with at least 30,000 square feet of commercial area.

*Animal Care.* A commercial use that provides care and medical or non-medical services for domesticated animals that is further refined by the scale and intensity of the operations, as follows:

*Animal Care - Limited (< 5K, limited boarding).* A small office or shop providing animal care. The use typically involves less than 5,000 square feet of commercial area, all activities occur indoors (except routine daily pet care), and any overnight boarding is limited to that necessary for medical care or observation. Examples include a veterinary office, pet grooming or training, and small animal day cares.

*Animal Care – Small (<5K).* A small office or shop providing animal care including limited overnight boarding services. The use typically involves less than 5,000 square feet of commercial space and limited outdoor activity areas that can accommodate the care for under 30 animals at a time. Examples include a veterinary clinic, animal day-care, or small indoor commercial kennels.

*Animal Care – Large (5K+).* A large facility providing animal care including overnight boarding. The use typically involves 5,000 square feet or more of commercial space or significant outdoor activity including boarding kennels or play areas where more than 30 animals may ordinarily be kept. Examples include domestic animal hospitals, larger pet daycare facilities, animal shelters and large commercial/outdoor kennels.

*Car Wash.* A facility providing self-service or professional washing of vehicles. (Limited facilities to wash cars may be an accessory use to another permitted use provided it counts to one of the vehicle service bays.)

*Child Care.* A commercial service use providing daily care for children under eighteen years old for individuals unable to care for children for themselves, for less than 16 hours, including recreation, education and supervisory services. The use includes facilities commonly known as day cares, before or after school programs, day camps, or summer camps. This use type is further categorized by the following formats:

*Child Care – In home.* A day care use in a dwelling providing care for five or more children not related to the head of household. Child care – in home includes facilities designated by rules of the state board pursuant to Section 26-6-106(2)(p), C.R.S., for all purposes similar to in home care for children.

*Child Care – Center/Small.* A day care use for individuals, for up to 30 children and in a commercial building up to 5,000 square feet, or as an accessory use to an otherwise allowed civic use. This excludes public, private or parochial schools of at least 6 grades, or opened as a

component of the school districts preschool program operated pursuant to Article 28 of Title 22, C.R.S.

*Child Care – Center/Large.* A day care use for individuals, for more than 30 children and in commercial building. This excludes public, private or parochial schools of at least 6 grades, or opened as a component of the school districts preschool program operated pursuant to Article 28 of Title 22, C.R.S.

*Gas Station.* A specific retail use engaged in the sale of fuel to the general public, and may involve limited accessory sales of vehicle accessories and convenience goods. This use may be combined with accessory vehicle service and repair uses, or accessory car wash, but is subject to the service bay limitations below. Gas Station uses are further refined by the scale, format and intensity as follows:

*Gas Station, Small (1-8 pumps).* The use is limited to no more than 8 fueling stations, no more than 2 service islands, no more than 2 vehicle service bays and no more than 1,500 square feet of accessory retail or customer service areas. Examples include small, neighborhood service stations.

*Gas Station, General (9-16 pumps*). The use is limited to between 9 and 16 fueling stations, no more than 4 service islands, no more than 3 vehicle service bays and no more than 5,000 square feet of accessory retail or customer service areas. Examples include general stores and gas stations.

*Gas Station, Large (17+ pumps)* –The use contains more than 17 fueling stations, and 5 or more service islands, and 4 or more vehicle service bays, and other accessory retail or service areas. Examples include a large convenience center and gas station, truck stop or travel center.

*Lodging.* A commercial use providing accommodations for temporary, short-term overnight occupancy on a less than monthly basis, and accessory uses associated with typical guest services such as food service, recreation or similar accommodations to support overnight-guests. Lodging is refined to the following scales based on building type, format, and intensity of use:

*Lodging, Short Term Rental.* An accessory commercial use of a residential building where one or more rooms in a dwelling unit are used for short-term lodging

*Lodging, Bed and Breakfast (up to 5 rooms).* A small residential building used for commercial short-term lodging with shared living space between the primary occupants and patrons and includes no more than 5 bedrooms, and where meals may be offered to for overnight guests for compensation.

*Lodging, Inn (6 – 40 rooms).* A large residential building or small commercial building providing accommodations for short-term overnight occupancy for at least 6 but less than 40 rooms.

*Lodging, Hotel/Motel Small 41 - 120 rooms).* A commercial building providing accommodations for short-term overnight occupancy for at least 41 but less than 120 rooms.

*Lodging, Hotel/Motel Large (121+ rooms).* A commercial building providing accommodations for short-term overnight occupancy for 121 or more rooms.

*Marijuana – Medical Store.* A person licensed pursuant to the Colorado Marijuana Code to operate a business that sells medical marijuana to registered patients or primary caregivers, but is not a primary caregiver.

*Marijuana – Retail Store.* An entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and sell marijuana and marijuana products to consumers.

*Medical Care.* A commercial service use providing medical, dental, or physical health or wellness care to the public. This use type is further categorized by the following formats:

> *Medical Care – Limited (< 5K).* A medical care use offering routine outpatient services, that occupies less than 5,000 square feet of diagnostic or treatment area, includes no surgical or in-patient facilities, and operates in normal business hours. Examples include a small doctor or dentist office, eye-care center, or urgent care center that is accessory to a larger retail or pharmacy use.
>
> *Medical Care – General (5K – 15K).* A medical care use offering routine outpatient services, that occupies between 5,000 and 15,000 square feet for diagnostic or treatment areas, includes no inpatient facilities, and operates in normal business hours. Examples include a larger doctor or dentist group practice, small clinic or analytical lab, or small outpatient urgent care or surgical center.
>
> *Medical Care – Large (> 15K).* A medical care use offering a full range of services, that occupies more than 15,000 square feet for diagnostic or treatment areas, and may include emergency care, surgical services or other inpatient treatment. The use may include accessory retail, food service, pharmacy or wellness/fitness uses; and also includes accessory emergency heliport or helipad facilities as part of the permitted use. Examples include small hospital, remote surgical centers, large clinic or analytical labs, or larger hospitals or regional medical centers. Facilities that include multiple buildings or occupy lots or campuses of more than 5 acres are difficult to integrate into the surrounding block structure, are disruptive to connected development patterns, and require special siting and civic design considerations.

*Office.* A commercial use focused on employment and engaged in the administrative, technical, or management aspects of business or professional services that typically do not have frequent or unscheduled on premise interaction with the public or clients. Office uses are further refined by the scale and format of buildings based on the following:

> *Office – Small (< 30K).* An office use less than 30,000 square feet of commercial area, within a small building or occupying a portion of a mixed-use building.
>
> *Office – General (30K – 60K).* An office use between 30,001 and 60,000 square feet of commercial area, typically within one moderate-sized building.
>
> *Office – Large. (> 60K).* An office use with more than 60,000 square feet, typically within one large building or involving more than one building in a campus pattern. Facilities that include multiple buildings or occupy lots or campuses of more than 5 acres are difficult to integrate into the surrounding block structure, are disruptive to connected development patterns, and require special siting and civic design considerations.

*Personal Service.* A commercial use engaged in the business of providing personal or professional services to the public that may include frequent or unscheduled interaction with clients or customers on-premises. Examples include a barbershop or beauty saloon, travel agency, small equipment repair, tailor, bank or personal financial services. Service uses are further refined by scale, intensity and format based on the following:

> *Personal Service – Small (< 5K).* A service use under 5,000 square feet, typically in line with other small-scale uses in a multi-tenant commercial building or mixed-use building.

*Personal Service – General (5K – 10K).* A service use between 5,000 square feet and 10,000 square feet, in a small freestanding building or part of a large mixed-use building.

*Personal Service – Large (> 10K).* A service use more than 10,000 square feet, typically in a moderate-freestanding building or part of a large mixed-use building.

*Recreation/Entertainment.* A commercial service use engaged in the business of providing daily or regularly scheduled activities for entertainment, leisure activities, training and instruction, or exercise, offered to the public through individual, membership, or group arrangements. This use type is further refined by the scale, format and intensity as follows:

*Recreation/Entertainment – Indoor, Limited (< 20K).* Indoor recreation/entertainment that involves a building less than 20,000 square feet. Examples include a small bowling alley, fitness club, billiard hall, a small theater, or dance or yoga studio.

*Recreation/Entertainment – Indoor, General (20K+)*. Indoor recreation/entertainment use that involves a building that is 20,000 square feet or more. Examples include a large bowling alley, a small sports and recreation center, a small theater or theater complex, large health club or fitness center, skating rink, or sports and recreation center.

*Recreation/Entertainment – Outdoor, Limited (< 2 ac.).* An outdoor recreation use that involves less than 2 acres of active outdoor recreation grounds. Examples include a small pickle ball or racquet club, fitness or health club with outside facilities, or miniature golf.

*Recreation/Entertainment – Outdoor, General (2+ ac.).* An outdoor recreation use that involves 2 acres or more of active outdoor recreation grounds. Examples include driving range, golf course, swimming pool, large racquet center, batting cages, sports and athletic complex, or band shell or amphitheater.

*Recreation/Entertainment – Shooting Range.* An specific recreation / entertainment use involving the discharge of fire arms for target practice, whether indoor or outdoor.

*Restaurant.* A specific service and retail use engaged in the business of serving prepared food and/or beverages to the public for immediate consumption. The serving of alcoholic beverages is accessory to this use but may be further regulated by business and liquor licenses. Whether the use includes drive-through facilities is regulated by the accessory use provisions and site design standards for the district and street. Restaurants are further refined by scale, format and intensity based on the following:

*Restaurant – Small (under 2K)*. A small-scale restaurant under 2,000 square feet of commercial area, located in a small or mixed-use building or sometimes associated with other uses, such as a cafe, lunch counter, walk-up window or similar small retail sales food outlet.

*Restaurant – General (2K – 8K).* A moderate scale restaurant between 2,001 and 8,000 square feet of commercial area and typically includes separate kitchen dining facility, and accessory bar area.

*Restaurant – Large (> 8K)*. A large-scale restaurant with over 8,000 square feet of commercial area, and typically includes separate kitchen dining facility, and accessory bar and entertainment areas.

*Vehicle/Equipment Sales.* A specific service use engaged in the retail sale or rental of motor vehicle and mechanical equipment and accessory maintenance and repair services. Vehicle/Equipment Service and Repair is further refined by scale, format and intensity as follows:

*Vehicle/Equipment Sales – Limited (< 15K)*. A vehicle/equipment sales use limited to no more than 15,000 square feet of outdoor storage area, and where all accessory work and storage of equipment and supplies occurs indoors. Examples include a small machine and equipment sales or rental shop, small car lot, or a small car rental service.

*Vehicle/Equipment Sales – General (15K+).* A vehicle/equipment sales use with more than 15,000 square feet of outdoor storage area, or where all accessory work and storage of equipment and supplies may occur outdoors. Examples include a large equipment sales or rental shop, and car dealership, a large car or truck rental agency, or a recreational vehicle or boat dealership.

*Vehicle/Equipment Service and Repair.* A specific service use engaged in motor vehicle and mechanical equipment maintenance and repair services and accessory retail sale of supplies and accessories. Vehicle/Equipment Service and Repair is further refined by scale, format and intensity as follows:

*Vehicle/Equipment Service and Repair – Limited (up to 4 bays)*. A vehicle/equipment service and repair use limited to no more than 4 vehicle service bays, all vehicles are under 1.5 tons G.V.W, where all work and storage of equipment and supplies occurs indoors, and where on-site or overnight storage of vehicles is limited and requires no special site accommodations other than ordinary parking areas. This use and buildings are located on lots less than 15,000 square feet. Examples include a small machine shop, mechanic, lubricant center, tire store, auto glass installation or audio or alarm installation.

*Vehicle/Equipment Service and Repair – General (5+ bays).* A vehicle/equipment service and repair use that involves 5 or more vehicle service bays, or where the volume or size of vehicles involve outdoor storage areas beyond a typical parking lot. This use and buildings are located on lots more than 15,000 square feet. Examples include large mechanic shop, lubricant center, tire store, or auto body shop.

E. **Industrial Uses**

The Industrial use category involves the use of land and buildings for businesses engaged in the production, processing, storage or distribution of goods, which may have potential impacts beyond the site due to the types of activities, the physical needs of the site or facility, the types of materials used, or the delivery and access operations. Depending on the scale, intensity, and operations of these uses they may not be compatible with other uses or buildings, and may need special districts, more careful location criteria, and/or increased site design or operational limitations in order to be more generally applicable in the City.

*Airport / Heliport*. Any area of land or water designed for the landing and take-off of aircraft for business or commercial purposes, including all necessary facilities for passenger and cargo loading, maintenance and fueling facilities and housing of aircraft. This includes any area used by helicopters for landing and take-off, passenger and cargo loading, including accessory heliports and helipads accessory to other uses, except that heliports and helipads for emergency services are included as part of a hospital use.

*Industrial Services.* A business engaged in service to other businesses and industries, or engaged in services to the general public but where industrial uses support the service, or where services are dispatched from a central location for storage of vehicles, equipment, or merchandise. Examples include plumbing, exterminators, HVAC repair, utility contractors, janitorial services, commercial laundry services, or other similar business.

*Industrial Services – Limited (up to 10 vehicle fleet)*. A small-scale industrial service use with limited outdoor storage needs and with a vehicle fleet of up to 10 vehicles, where surface parking, vehicle storage, and general storage needs are similar to other general commercial uses.

*Industrial Services – General (10 – 25 vehicle fleet).* An industrial service use where outdoor storage or warehouse storage is necessary, or with a vehicle fleet is between 11 and 25 vehicles, requiring dedicated areas for storage of vehicles during down times or off hours.

*Industrial Services – Large (26+ vehicle fleet).* A large-scale industrial service use that may have substantial outdoor storage needs, large warehouses, or with vehicle fleet is more than 26 vehicles, requiring large areas for storage of vehicles or equipment.

*Manufacturing – Limited / Artisan.* A small-scale industrial use, manufacturing predominantly from previously prepared materials, of finished products or parts. The activities involve only limited storage of raw or previously prepared materials; produce no negative byproducts such as smoke, odor, dust or noise discernable from outside of the building; where deliveries and distribution are made by general consumer delivery services requiring no special large truck access; and where products or services are made available to the general public on premises generating customer activity. Uses typically occupy buildings or spaces under 10,000 square feet of gross leasable area. Examples include artists' studios, small wood or metal shops, a small catering or bakery service, craft manufacturing, or other similar small-scale assembly of finished products.

*Manufacturing – Light.* An industrial use manufacturing predominantly from previously prepared materials of finished products or parts. The activities produce little or no byproducts such as smoke, odor, dust, or noise discernable from outside of the building; and where distribution and delivery needs occur through light to moderate commercial truck access. Examples include research labs or facilities, small equipment or commodity assembly, warehousing or wholesaling of consumer products, commercial bakery, non-retail laundry services, or similar businesses that provide products for support of other businesses.

*Manufacturing – General*. An industrial use manufacturing from previously prepared materials or some raw materials into other materials or finished products. The activities may produce byproducts such as noise, dust, smoke, or odor, but are mitigated to limit impacts beyond the property boundary. Outside storage and activities may be necessary, and distribution and delivery needs involve frequent or large truck access. Examples include large-scale manufacturing or fabrication plants, large equipment assembly, food production and manufacturing plants, metal fabrication plants, chemical laboratories or other similar high-intensity manufacturing or distribution operations.

*Manufacturing – Heavy.* An industrial use manufacturing or compounding processes with raw materials, including some that may be hazardous, noxious, or combustible. The activities capable of producing significant byproducts such as noise, dust, smoke or odor beyond the building or site, or where hazardous materials may be stored, used or produced as a typical part of the business, and distribution involves heavy truck, freight and machinery access. Examples include chemical, wood or metal storage and production, fuel refining and storage, pressing and dying plants, asphalt or cement production, animal processing, or similar heavy or hazardous manufacturing operations.

*Mining and Resource Extraction.* The process of extracting metallic or nonmetallic mineral deposits from the earth and crushing, separating or otherwise processing the extracted mineral deposits into a useable form.

*Oil & Gas Drilling & Exploration.* The exploration, drilling, and operations associated with removing oil or gas from the ground including accessory equipment for drilling, pumping, storage, and shipment of resources.

*Storage and Warehousing.* An industrial use engaged in the business of keeping and warehousing goods and products for interim or long-term periods or for distribution to other businesses and industries, including any logistic services related to this business such as labeling, bulk packaging, inventory control or light assembly. Storage and warehousing uses are refined further based on the scale, format and intensity as follows:

*Storage & Warehousing - Indoor.* A storage use for the public or other businesses or personal items where all items are stored indoors. Examples include indoor self-storage, warehouses and distribution centers, and long-term garages

*Storage & Warehousing - Outdoor .* A storage use for the public or other businesses where large-scale household items or machinery, commercial products, raw materials, or supplies are stored on an outdoor lot or where individual storage units are stored outside. Examples include boat or RV storage, towing service storage yard, or similar industrial supply storage yards.

*Storage & Warehousing - Hazardous.* The use of grounds for storing tanks used for gasses or liquefied petroleum, storing used or obsolete equipment, or any other hazardous materials, whether for use or procession on site or for holding and distribution to other locations for refinement, processing or disposal. Examples include fuel storage, junk yard, auto salvage, or storing explosives or other gases.

*Utility*. A service use owned by a governmental entity or any entity defined as a public utility for any purpose by the state public utilities commission, and used in connection with delivery energy, water, communication, or municipal services. All utilities may be further limited by site design and landscape standards of this code, or more specifically regulated and permitted by licensing agencies, franchise agreements, or specific conditions and design requirements of any easement authorizing the location of facilities. For the purposes of the development code, utility facilities are further classified as follows.

*Utilities – Limited.* Any electric, gas, water, sewer, communications facility, including pipes, conduits, transmission lines, distribution apparatus, or other unoccupied transmission facilities accessory to and necessary for with delivery of utility services to other permitted uses. Examples include accessory utility structures that serve customary needs of the uses, buildings, and land in the zoning district.

*Utilities – General.* Any aboveground structure or facility beyond those of the accessory transmission system, that are necessary to support services to the general area and the functioning of the utility system. Examples include substations, pump stations, and water towers or other facilities that support distribution the storage and generation of facilities.

*Utilities – Heavy.* A facility using manufacturing processes for generating or storing energy or other utility products or services, or any other facility used in the transmission or distribution of resources for use beyond those serving the residents and business in the City. Examples include power plants, water treatment plants, solar energy or wind energy farms, or regional transmission and pipelines.

*Utility – Pipeline.* The use of private property, whether by fee, easement, or other similar arrangement, to transmit any electric, gas, water, oil or other similar material as part of a larger distribution center where the location of facilities and system wide planning can impact immediate, interim, or long-term development patterns on the property or in the vicinity of the property.

*Waste Management – General.* A large-scale disposal point for recyclable or reusable material, where longer-term storage or processing of materials may occur on site. Examples include a compost or yard waste drop-off, or recycling drop off locations

*Waste Management – Heavy.* A facility for the purposes of separation, aggregation, compaction, distribution or processing of solid waste or other equipment. Examples include a transfer station, junk or salvage yard, or construction or sanitary landfill.

*Wireless Communication Faculties.* See Chapter 5, Article VI of the Fort Lupton Municipal Code

## 11.03 Architecture & Design Terms

This glossary of architecture and design terms explains concepts, strategies, and techniques that are used to affect building and site design.

a. **Architectural Style.**

When used generally, architectural style refers to a distinctive manner of expression, fashion or composition of building elements at a specific time.

When used specifically, architectural style refers to a prevalent or historical style that is documented with common or typical patterns in assembling building elements and form, and where variations within the style follow common rules of application for materials, massing or composition of the details. (i.e. Art Deco, Colonial Revival, Craftsman, Mid-Century Modern, Mission, Spanish Colonial Revival, Tudor Revival, Victorian, etc. See *Colorado's Historic Architecture & Engineering Guide*, www.historycolorado.org/colorados-historic-architecture-engineering-guide )

b. **Building Elements.** Buildings are made up of vertical elements, horizontal elements, details, and ornamentation that break up the building elevations into distinct components and establish the form and scale of the building. Building elements include:

1. *Awning*. A sloped or rounded framed projection attached to a wall and extended over a window or door to provide protection from the elements.
2. *Bay (window)*. A bump out in the facade typically associated with an element of the interior floor plan but located to provide balance and relief to the massing on the exterior facade. A bay is usually associated with a window.
3. *Belt Course*. A continuous row or layer of stones, brick or other primary building material set in a wall and in line with changes in stories, changes in materials, or window sills. Belt courses make a visually prominent horizontal line to break up a wall plane by using a distinct material and//or implementing a pronounced and distinct pattern of the material.
4. *Bracket.* A projecting support placed under an eave or other projection with design qualities and details that add emphasis to the roof structure or massing element.
5. *Canopy.* A flat roofed projection attached to a wall and extended over a window, door, or walkway, or a freestanding structure over walkway or service area that gives protection from the elements.
6. *Clerestory Window*. A window high on a wall section above eye level and used to permit light or air into areas that otherwise do not have windows due to functional constraints of the building.
7. *Column*. A supporting pillar, especially one consisting of design qualities and details that add emphasis and ornamentation to a portion of the facade, or any roof structure or area it supports.
8. *Cornice.* An ornamental topping projecting from the wall with design qualities and details that crowns a structure along the top near the roof, with an emphasis that is compatible with but more elaborate than other similar details and ornamentation on the building.
9. *Eaves.* An overhang of the roof structure, where larger eaves can increase the prominence of the roof as a "cap" to the building and protect portions of the facade (particularly windows) from the elements.
10. *Entry Feature*. A structural component of the building or building footprint used to emphasize and add interest to the entry into the building, provide active social space protected from elements, contribute human scale to the building elevation, and create transitions from public to private space.
11. *Facia.* The exposed vertical edge of the roof often with design qualities and details that add emphasis and ornamentation to the roof structure.

12. *Foundation*. The base upon which the entire structure sits, designed with stronger, heavier materials, and often includes details and ornamentation to emphasize a buildings connection to the ground, a sense of permanence, and transition to the main wall plane for vertical articulation.
13. *Gable.* The triangular and vertical portion of a wall plane between intersecting roof pitches.
14. *Lintel.* A horizontal beam, typically over a door, window or storefront to support the structure above it and add accent to the door, window, or storefront.
15. *Parapet*. A vertical extension of the wall plane above the roof, typically used to hide a flat or low-sloped roof and the rooftop equipment, or function as a firewall for attached structures, and usually including ornamentation to provide a visually prominent "cap" to the building.
16. *Pediment*. A gable or ornamental tablet or panel, typically triangular or arched, placed above a point of emphasis on a facade and often supported by columns or pilasters.
17. *Pilaster*. A projecting vertical element on a wall plane used to give the appearance of a supporting column and used to articulate the extent of a wall plane or other component of a facade.
18. *Sidelight*. A window with a vertical orientation along an opening (door or window) that is narrower than the opening but provides emphasis to the importance of the opening with expanded transparency, additional trim and ornamentation, or other architectural details.
19. *Transom.* A window above an opening (door or window) built on a horizontal crossbar that may provide light and/or swing open to add ventilation.

c. **Building Form.** Building form refers to the outward three dimensional envelope of a building or space affected by the mass, shape, composition, and articulation of building elements.

1. *Mass.* Mass is the volume (height x width x depth or height x building footprint) defined by a structure relative to its surroundings.
2. *Shape.* Shape affects the massing and refers to the simplicity or complexity of the outer dimensions of surface planes (wall planes or roof planes), and their orientation (horizontal / vertical; symmetrical / asymmetrical).
3. *Composition.* Composition is how the different building elements or materials are arranged to either distinguish or coordinate a particular shape or mass.
4. *Articulation.* Articulation is using architectural elements to clearly call out a different portion of the composition, shape, or mass and break the building form into smaller, identifiable pieces.
   (a) *Horizontal Articulation*. Breaking the mass down through different levels of height on the building, particularly for taller buildings, or by a step back or other voids in the massing.
   (b) *Vertical Articulation*. Breaking the mass down through different bays or structural components along the length of the building elevation, particularly for longer, larger footprint buildings.
5. *Altering Form.* Techniques to alter the form of a building and affect the scale include:
   (a) Main mass and wing or secondary masses;
   (b) Stepping back in the wall plane, usually larger differences (i.e. 4 feet +) at upper story(ies);
   (c) Cantilever or overhangs, usually a smaller distance (i.e. 1 to 4 feet) over a lower story;
   (d) Off-sets or breaks in a wall plane in relation to interior floor plan or outside space, not to the level of creating a wing or secondary mass;
   (e) Dormers, including a window and sub-roof within roof structure;
   (f) Projections of an element of the facade composition such as a bay window, entry feature, or eaves; and
   (g) Articulation and composition of the facade in relation to, or in addition to any of the above techniques.

d. **Scale.**

Scale refers to the perceived or relative size of a form in relation to something else – usually a person, a social space (courtyard, lot, streetscape, etc.), or another building. For example, "human scale" refers to how spaces or objects relate to and are experienced or perceived by people at a close range and a slow pace. Scale can be affected by the mass, shape, composition, or articulation of the form to make an otherwise larger form seem smaller or more relatable based on how the components are perceived.

e. **Compatibility.** Compatibility refers to the similarity of buildings and sites to adjacent properties or to prevalent patterns and themes in an area. In general, the elements of compatibility will include combinations of the following:

1. Similar proportions of building masses, particularly nearest the property lines and other adjacent buildings;
2. Similar orientation of the building including the relationship to streetscapes, the shaping of open spaces, and the locations and arrangements of the building footprint;
3. Similar window and door patterns, including location, size, and proportions;
4. Similar roof lines (planes, pitches, profiles and details);
5. Similar building materials, particularly primary building materials, or where materials differ they share common textures or color palates;
6. A common architecture style, including the facade composition and materials; however, many styles can allow differences in design within the style.

*Note:* Compatibility does not necessarily mean the same, but rather a sensitivity to the context, adjacencies, and character of the area. While not all of the above elements are necessary for compatibility, the greater the number that are similar, the greater the compatibility will be; significant departures from any one element should be compensated with either greater similarity of other elements or by similarity of more elements. Where things are not compatible, transitions should occur through space and landscape buffer designs.