



PLANNING COMMISSION

Mike Simone, Chairperson
Paul Witmer, Vice-Chairperson

Kathy Kvasnicka
Shannon Rhoda

Jimmy Dominguez
Shannon Wiens

Planning Commission Agenda
Regular Meeting
130 South McKinley Avenue
Thursday, January 23, 2025
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

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 January 9, 2025 Meeting Minutes.

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. PC Resolution P2025-002 Development Code Update Amendments

Discussion Items

Future Business

- a. The next meeting is scheduled for February 13, 2025.

Adjourn

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**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 09, 2025**

The Planning Commission of the City of Fort Lupton met in session at City Hall Chambers, 130 South McKinley Avenue, the regular meeting place of the Planning Commission and virtually via GoToMeeting, on Thursday, January 09, 2025.

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

ROLL CALL

Commissioners Present: Chair Mike Simone, Commissioners Paul Witmer, Kathy Kvasnicka and Shannon Wiens.

City Staff Present: Planning Director Todd Hodges, Planners Sean McDermott and Zachary Mettler and Planning Administrative Assistant Beyza Kirmizi. City Engineer David Rausch joined online via GoTo.

APPROVAL OF AGENDA

Commissioner Witmer moved to approve the agenda, Commissioner Kvasnicka seconded.

CONSENT AGENDA

Commissioner Kvasnicka moved to approve the consent agenda, Commissioner Witmer seconded.

PUBLIC COMMENT

There were no public comments.

ACTION ITEM

Election of Chair and Vice-Chair

Commissioner Kvasnicka called for motion to maintain current Chair Mike Simone. Commissioner Witmer seconded. Motion passed unanimously.

Chair Mike Simone called for motion to elect Commissioner Witmer as Vice-Chair. Commissioner Kvasnicka seconded. Motion passed unanimously.

P2025-001 A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON RECOMMENDING TO CITY COUNCIL APPROVAL OF A SPECIAL USE PERMIT FOR A LIGHT INDUSTRIAL USE ACCESSORY TO A PRIMARY RESIDENCE, KNOWN AS THE ADS TEST METALS SPECIAL USE PERMIT

Planner Zachary Mettler presented the item submitted by Galloway & Company for a Special Use Permit allowing for the company Test Metals to operate their business within their primary residence. The property is located at 14200 CR 19, zoned Agriculture and approximately 15.720 acres in size. The applicants are proposing to operate their metal testing business in an existing detached garage in the south side of the property. Their scope of work includes mechanical testing, machining, welding testing and certification, and non-destructive evaluations. The proposed use is secondary to the primary residence,

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FORT LUPTON PLANNING COMMISSION
January 09, 2025

which is not a use-by-right in the agricultural zone district and therefore requires a special use permit. This permit is processed under Article 2.08 of the Fort Lupton Development Code. The project conforms to the objectives of the Comprehensive Plan and furthers the intent of the proposed zoning district. All notification requirements have been met.

Kathrin and Jason Schmidt, the property and business owners were present to give a presentation. Ivan Patino with Galloway & Company was also in attendance. Kathrin began the presentation by providing an overview of the company, including details about their scope of work, business hours (7:00 a.m. to 4:00 p.m.), number of employees, and noise levels at their current operational location. Additionally, she explained their safety procedures and community involvement efforts. Ivan then presented the site plan and building elevations.

Chair Simone opened up for public comments at 6:16pm.

There were no public comments.

Chair Simone closed the public comments at 6:16pm.

Chair Simone opened the hearing for commissioner comments.

Commissioners discussed:

- What their anticipated community involvement in Fort Lupton will look like

After discussion Commissioner Witmer moved to approve P2025-001 A Resolution of The Planning Commission of Fort Lupton Recommending to City Council Approval of Special Use Permit for a Light Industrial Use Accessory to a Primary Residence Known as the ADS Test Metals Special Use Permit. Commissioner Kvasnicka seconded.

Motion passed unanimously on a roll call vote.

DISCUSSION ITEM

Draft Development Code Update

Planners Sean McDermott and Zachary Mettler presented the draft for the Development Code Update. It was stated that no formal decision or approval is given tonight and that this discussion item is merely to provide general direction.

Mr. McDermott introduced minor cleanup items, including adding language to the administrative plat, reintroducing omitted sections of the preliminary plat and administrative site plan back into the code, and adding a comprehensive plan amendment section outlining the application process.

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Planner Zachary Mettler introduced the new Natural Medicine section, focusing on Psilocybin and Psilocin. A brief timeline overview was provided, covering the introduction of the Natural Medicine Health Act, refinement of definitions, and the finalization of rules and regulations. Definitions for the four types of Natural Medicine businesses were briefly explained: the Healing Center, Cultivation Facility, Product Manufacturer, and Testing Facility. Mr. Mettler clarified that there is no retail component to natural medicine, emphasizing that Healing Centers operate similarly to a doctor's office by providing services rather than goods. Additional details and restrictions regarding Healing Centers were discussed, including requirements for facilitators, an overview of natural medicine services, and age restrictions for participants. Furthermore, any proposed Healing Center must meet a 1,000-foot setback from existing child care centers, schools, or residential child care facilities. Lastly, the proposed amendment to the Allowed Uses Table in the Development Code was presented. This amendment includes the four natural medicine business types and their proposed allowed uses, which range from the RO (Residential Office) zoning district to I-2 (Heavy Industrial). Operating natural medicine businesses in residential zoning districts will not be permitted.

Commissioner Witmer asked whether there were any parties currently interested in establishing a Healing Center in Fort Lupton.

Planner Mettler responded that, to the best of staff's knowledge, no entities have expressed interest at this time.

Chair Simone asked for clarification regarding the specifications of the 1,000-foot setbacks.

Planner Mettler provided a map identifying eligible parcels for a Healing Center, ineligible parcels, and the locations of existing daycares and schools that would prevent such operations.

STAFF DISCUSSION

Commissioner Witmer moved to reopen the agenda. Commissioner Kvasnicka seconded. Motion passed unanimously.

Commissioner Wiens made a motion to add "Staff Discussion" as an agenda item. Commissioner Witmer seconded. Motion passed unanimously.

Planner Sean McDermott informed the commissioners that staff is proposing a field trip in the spring to review various projects and requested their input on scheduling preferences.

FUTURE BUSINESS

The next Planning Commission meeting is scheduled for January 23rd, 2025.

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ADJOURNMENT

Chair Simone moved to adjourn the meeting at 6:48 PM.

Submitted by

Beyza Kirmizi
Planning Administrative Assistant

Approved by Planning Commission

Mike Simone
Chair

DRAFT

RESOLUTION NO. P2025-002

A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON RECOMMENDING TO CITY COUNCIL APPROVAL OF AMENDMENTS TO CHAPTER 16 – FORT LUPTON DEVELOPMENT CODE

WHEREAS, the Fort Lupton Development Code ('the Development Code') was adopted on July 16, 2022;

WHEREAS, the last amendment to the Fort Lupton Development Code was approved by City Council on August 20, 2024;

WHEREAS, after implementation, revisions to Chapter 16 – Fort Lupton Development Code that may change the character or intent as approved shall be considered by City staff, Planning Commission, and City Council to address issues identified during its implementation, and subsequent changes shall be considered periodically following the initial implementation revisions;

WHEREAS, the Planning Commission has reviewed the proposed amendments to the Development Code, attached hereto and incorporated by reference as Exhibit A; and

WHEREAS, on January 23, 2025, the Fort Lupton Planning Commission held a public hearing to consider a recommendation on the adoption of amendments to the Fort Lupton Development Code, and has taken into consideration all supporting information, evidence and any testimony in response to the changes;

NOW THEREFORE BE IT RESOLVED, the Planning Commission hereby recommends approval of the proposed amendments to Chapter 16 – Fort Lupton Development Code as set forth in Exhibit A, attached hereto and fully incorporated by reference.

DONE THIS 23rd DAY OF JANUARY 2025 BY THE PLANNING COMMISSION FOR THE CITY OF FORT LUPTON, COLORADO.

Chairperson

ATTEST:

Planning Director

Exhibit A

Chapter 16 Development Code Updates January 2025

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	Neighborhood meeting	Notice			Review Body			
	Owner	PC	CC			Post	Publish	Mail	Staff	PC	CC	BoA
Administrative Plat (2.02.C)	☒			☒					D		A	
Concept Plan (2.02 D)	☒			☒					*	*	*	
Preliminary Plat (2.02.E)	☒			☒	☒	☒	☒	☒	R	R/PH	D/PH	
Final Plat (2.03 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	
Comprehensive Plan Amendment (2.14)	☒	☒	☒	☒			☒		R	R/PH	D/PH	

☒ = 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 taken 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 prior to a formal application but no sooner than 90 days prior to submittal. The 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. Based on need, an alternative method may be approved by the Planning Director.
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.
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 refile 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; 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. **Easements(s).** The dedication, vacation, or alteration of an easement(s) that does not fall under Section 16-2.13.
 - f. **Minor Subdivision.** The division of previously unplatted land or of a platted tract or lot 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.
- D. **Major Subdivision – Concept Plan.** For any application that is particularly complex, the Planning Director may require or the applicant may elect to first submit a concept plan for public review by the Planning Commission and City Council. 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.
 1. *Applicability.* The concept plan is a general concept, describing an applicant's development vision and plan for a proposed major subdivision. The concept plan gives the City an opportunity to describe the community's vision to the applicant. It provides basic information to the City that will affect the planning and design of the site. It also provides the applicant an opportunity to hear comments and concerns from the public prior to proceeding with detailed project design. The concept plan is an initial review of a proposed major subdivision. It is not intended to provide final comments or requirements, or to in any way restrict the City's discretion in subsequent stages of the review process.
 2. *Review 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 will relate to neighboring areas and to the community.
 - c. The development will promote efficient use of utilities, streets and other public resources.
 - d. The applicant can demonstrate that adequate infrastructure is or will be available for the proposed development.
 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 concept plan applications.
 - a. After review by staff, receipt of any comments from referral agencies, and any necessary resubmittal, the Director shall schedule review by the Planning Commission and City Council.
 - b. The Planning Commission and City Council shall hold public meetings to review and provide general direction to the applicant in preparation for a Preliminary Plat submittal.
 4. *Effect of Decision.* No formal decision shall be made for a concept plan
- 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 are 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

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- 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. **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.
- a. **Review Criteria.** A final plat shall be reviewed according to the following criteria, as well as all criteria applicable to the preliminary plat review.
- i. 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.
 - ii. The construction plans for any utilities, infrastructure or public facilities meet all technical specifications.
 - iii. All required improvements, dedications, fees, financial guarantees, and maintenance guarantees are provided.
 - iv. 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.
 - v. The recommendations of professional staff or any other public entity asked to officially review the final plat.
 - vi. 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
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- study shall submit an amendment noting that the change does not impact any findings of the study.
- vii. 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.
- b. **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.
- i. 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.
 - ii. 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.
 - iii. A final plat that does not meet these review criteria may require reprocessing as a revised preliminary plat.
 - iv. 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.
- c. **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

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- 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
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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

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- 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 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
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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. New non-residential accessory structure.
3. Expansion or alterations to an existing multi-family or non-residential building that alter the footprint, massing or facade design by more than 20%.
4. 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.
5. Any site development activity that expands the existing impervious surface less than 25%.
6. Minor changes to the site access and circulation that do not significantly alter the streetscape design or traffic conditions near the site.
7. 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.

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, except detached houses and multi-unit houses.
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%

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- 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.
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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 by 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

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- 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 to 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.
-

2. 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. *Reserved.*
6. *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 effect 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.

2.14 Comprehensive Plan Amendment

- A. **Applicability.** Amendments to the text or future land use map of the Comprehensive Plan may be required at the Director's discretion to align a property with the goals and objectives set out in the Comprehensive Plan and may be submitted alongside other development applications. Comprehensive Plan Amendments shall only occur as otherwise provided in the Colorado Constitution, Colorado Revised Statutes, or municipal code. Eligible applicants include the City or property owner.
- B. **Review Criteria.** The following criteria apply to Comprehensive Plan Amendments:
1. The proposed amendment shall be in accordance with and/or better align with the overall goals and objectives of Comprehensive Plan or otherwise be found to be in the best interests of the City.
 2. Applications shall formally describe the requested change in writing and provide reasoning for the requested amendment. This reasoning should relate to the contents of the Comprehensive Plan and development code.
 3. The proposed amendment shall relate to the neighboring areas and context of the Comprehensive Plan and community.
 4. The proposed amendment shall promote efficient use of utilities, streets and other public resources.
- C. **Review Procedures.** In addition to meeting the requirements from Table 2-1 and Section 16-2.01, the following specific procedures apply to Comprehensive Plan Amendments:
1. Applications for Comprehensive Plan Amendments may be submitted in conjunction with other land use submittals.
 2. The proposed amendment(s) shall be submitted and processed in conformance with current Colorado Revised Statutes for Comprehensive Plan Amendments, including any notice requirements that may differ from those outlined in Table 2-1 and Section 16-2.01.
 3. The director may limit the timing and frequency of when Comprehensive Plan Amendments are considered, consistent with the Comprehensive Plan.
 4. The Planning Commission shall hold a public hearing and shall make a recommendation to City Council. Upon a recommendation from the Planning Commission, the City Council shall hold a public hearing and make the final decision on the Comprehensive Plan Amendment.
 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. Approval of a Comprehensive Plan Amendment shall be done by resolution of the Fort Lupton City Council.
- D. **Effect of Decision.** Upon approval of a Comprehensive Plan Amendment, the Director shall make the change on the future land use map and/or text of the Comprehensive Plan. Failure to approve or deny a resolution accepting a Comprehensive Plan Amendment shall terminate the application.

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

<i>District & Intent</i>	<i>Relationship to Comprehensive Plan</i>
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

<i>District & Intent</i>	<i>Relationship to Comprehensive Plan</i>
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 S = Permitted, only by special use permit discretionary review = 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 S = Permitted, only by special use permit discretionary review = 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)										■		■	
Natural Medicine Business – Healing Center								S	■	■	■	■	
Natural Medicine Business – Cultivation Facility										S		■	■
Natural Medicine Business – Product Manufacturer										S		■	■
Natural Medicine Business – Testing Facility										■		■	■
Office – Small (<30K)								■	■	■	■	■	
Office – General (30K-60K)									■	■	■	■	

Personal Service– Small (< 5K)								■	■	■	■	■	
Personal Service– General (5K – 10K)									■	■		■	
Personal Service– Large (> 10K)										■		■	
Table 4-2: Allowed Uses													
Uses	Zoning Districts												
■ = Permitted, subject to general district standards S = Permitted, only by special use permit discretionary review = 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 – Large (26+ vehicle fleet)													■
Manufacturing – Limited/Artisan								■	■	■	■	■	■
Manufacturing – 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												

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		
	<i>Accessory Use by Building Permit</i>	<i>Accessory Use by Special Use Permit</i>
Solar		
<i>Building Mounted</i>	▪ 8" max. off and parallel with pitched roof ▪ 3' max. off a flat roof ▪ 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
<i>Ground Mounted</i>	▪ 6' high max ▪ 10' setback min. ▪ Screened from adjacent property and the ROW in the same manner as all other mechanical equipment. ▪ Height measured from ground to highest point on apparatus.	▪ Greater than 6' high
Wind		
<i>Building Mounted</i>	▪ 4' max. above roof (residential buildings) ▪ 8' max. above roof (non-residential buildings)	▪ 12' max. above roof (residential buildings) ▪ 20' max. above roof (non-residential buildings)
<i>Ground Mounted</i>	▪ 30' max. height (residential districts) ▪ 45' max. height (non-residential districts)	▪ 45' max. height (residential districts) ▪ 60' max. height (nonresidential districts)

- 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 devices 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.
- 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.
 - d. Any building or structure shall be setback at least 50 feet from plugged and abandoned wells.
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 4-35, Non-residential District Performance Standards.

Table 4-35: 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 1 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

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.

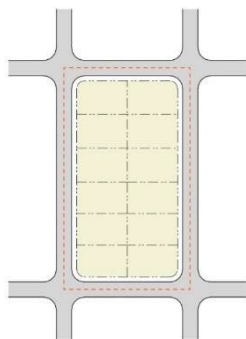
Accessory Building, Structure or Use. A building, structure or use located or conducted upon the same lot (or on a contiguous lot, under one deed, in the same ownership) as the principal building, structure or use to which it is related, and which is clearly incidental to and customarily found in connection 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.

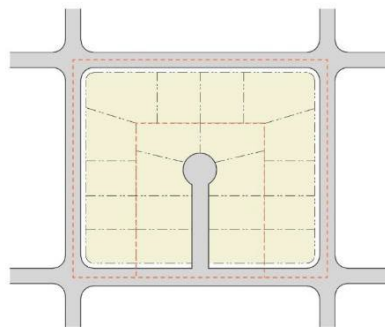
Appeal. A review of a final decision by a higher authority according to the standards and procedures of this code, or as otherwise allowed by other laws.

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.

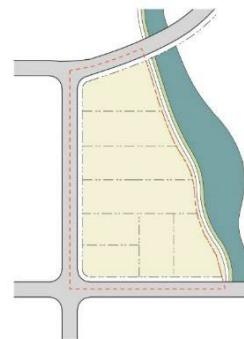
Block. A group of platted lots and tracts surrounded by streets or by other features that interrupt the street network such as parks, railroad rights-of-way, or municipal boundary lines; or the perimeter of all lots fronting on the street in the case of a cul-de-sac.



Standard Block

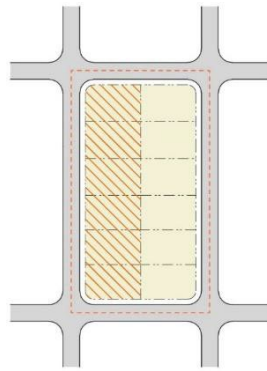


Cul-de-sac Block



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.

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. 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. 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 Camper. 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.

Natural Medicine Business. A Healing Center, Natural Medicine Cultivation Facility, Natural Medicine Products Manufacturer, or Natural Medicine Testing Facility licensed pursuant to the Natural Medicine Code, and as further defined in Colorado Revised Statutes, (C.R.S. §§ 44-50-101 et seq.), and set forth below:

Healing Center. A facility licensed by the State Licensing Authority pursuant to article 50 of title 44, C.R.S. that permits a Facilitator to provide and supervise Natural Medicine Services for a Participant.

Cultivation Facility. A location where Regulated Natural Medicine is grown, harvested, and prepared in order to be transferred and distributed to either a Healing Center, Facilitator, a Natural Medicine Products Manufacturer, or to another Natural Medicine Cultivation Facility.

Product Manufacturer. A person who manufactures Regulated Natural Medicine Products for transfer to a Healing Center, Facilitator, or to another Natural Medicine Products Manufacturer.

Testing Facility. A public or private laboratory licensed, or approved by the Division, to perform testing and research on Regulated Natural Medicine and Regulated Natural Medicine Product.

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 dyeing 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 Facilities. 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 building's 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 palettes;
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.



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SUMMARY OF CHANGES – DEVELOPMENT CODE UPDATE JANUARY 2025

The Fort Lupton Development Code became effective on July 16, 2022. Upon adoption it was determined that periodic updates Chapter 16 – Fort Lupton Development Code that may change the character or intent as approved by the Ordinance shall be considered by City staff, Planning Commission, and City Council to address issues and recommended updates identified during its implementation. With this in mind, revisions to Chapter 16 were approved by City Council on August 15, 2023 and August 20, 2024. Staff has identified some additional changes to be reviewed by Planning Commission and City Council.

Specific changes to note are:

- **Cleaning up some procedural omissions and misprints.** This includes formally reinstating our standard code language for Preliminary Plats, reinstating language allowing Director's discretion to deem administrative site plans must be reviewed under the site plan process, and other lettering/numbering misprints.
- **Updating the Administrative Plat.** Including platted lots in the types of parcels eligible for a minor subdivision.
- **Adding review procedures for Comprehensive Plan Amendments.** This addition to the code formalizes our procedure for Comprehensive Plan Amendments to be in line with our other land use processes and Colorado Revised Statutes.
- **Adding Natural Medicine Businesses (per the Natural Medicine Act of 2022).** This addition looks to incorporate the four distinct types of Natural Medicine Businesses into the city's zoning and uses table, and include their definitions to the city's description of uses.
- **Minor Table Header Corrections.** Correcting numerical clerical errors in table numbering within Chapter 4 of the Development Code.