



City of Fort Lupton
CITY COUNCIL/ENTERPRISE BOARDS
REGULAR MEETING AGENDA
Tuesday, April 19, 2022
6:00 PM
130 South McKinley Avenue

Zo Stieber, Mayor
Valerie Blackston, Ward 1
Chris Ceretto, Ward 2
Carlos Barron, Ward 3
David Crespino, Ward 1
Claud Hanes, Ward 2
Bruce Fitzgerald, Ward 3

You may join in person or join remotely by clicking on:
<https://global.gotomeeting.com/join/851983253>

Call to Order

Pledge of Allegiance

Roll Call

Persons to Address Council - This portion of the Agenda is provided to allow members of the audience to present comments to the City Council. The City Council 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. Please limit the time of your comments to three (3) minutes - Mayor Stieber

Approval of Agenda

Review of Accounts Payables

a. Accounts Payable

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. April 5, 2022 City Council Meeting Minutes

b. April 5, 2022 Marijuana Licensing Authority Meeting Minutes

Public Hearings - Public Hearings allow members of the audience to present comments and questions to the City Council on the item being presented. Comments and questions may be limited to three (3) minutes- Mayor Stieber

a. AM 2022-071 An Ordinance Repealing Chapter 9 – Oil and Gas Exploration and Development, Chapter 16 – Zoning, And Chapter 17 – Subdivisions of The Fort Lupton Municipal Code, And the Official Zoning Map, And Replacing Them with A Consolidated Chapter 16 – Fort Lupton Development Code, And Amended Official Zoning Map

Action Memorandum

a. AM 2022-070 Purchase 4250 gallons of Zinc Ortho Phosphate for the Water Treatment Facility for \$72,037.50 Allocated From the Water Treatment Plant Repair and Maintenance Fund

- b.** AM 2022-072 Approve a \$1,841,520 Supplemental Budget Resolution Nunc Pro Tunc to December 31, 2021
- c.** AM 2022-073 Accepting a Proposal from Gerardo Concrete for the Construction of the Pickleball Courts at Railroad Park for an Amount not to Exceed \$41,112.00 to be paid from the Culture, Parks and Recreation Sales Tax Fund (CPR Fund).
- d.** AM 2022-074 Approval of a Resolution for the Acceptance of Subdivision Improvements Agreement with Cottonwood Development Partners, LLC, for the Cottonwood Greens PUD Filing No 4

Staff Reports

Mayor/Council Reports

Future City Events

- a.** April 19, 2022, Upcoming Events

Executive Session "To determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e)." Utility Service Area

Adjourn



City of Fort Lupton

Check Report

By Check Number

Date Range: 04/06/2022 - 04/19/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
Bank Code: Golf Course-Golf Course						
000028	ACUSHNET COMPANY	04/12/2022	Regular	0.00	920.21	85022
912801656	Invoice	03/17/2022	GOLF-MERCHANDISE-PRO SHOP	0.00	920.21	
002254	ADIDAS AMERICA INC	04/12/2022	Regular	0.00	1,176.00	85023
6156400621	Invoice	04/01/2022	GOLF-MERCHANDISE-PRO SHOP	0.00	1,176.00	
000183	CALLAWAY GOLF SALES COMPANY	04/12/2022	Regular	0.00	612.98	85024
934575586	Invoice	04/01/2022	GOLF-MERCHANDISE-PRO SHOP	0.00	612.98	
002000	CIT GROUP/COMMERCIAL SERVICES	04/12/2022	Regular	0.00	1,807.66	85025
SI-1080807	Invoice	04/05/2022	GOLF-MERCHANDISE-PRO SHOP	0.00	1,807.66	
000239	CITY OF FORT LUPTON	04/12/2022	Regular	0.00	321.54	85026
FIN2022003	Invoice	03/01/2022	GOLF-STANDARD INV JAN22 LIFE,LTD & AD...	0.00	171.97	
FIN2022092	Invoice	04/04/2022	GOLF-STANDARD INV APR22 LTD, LIFE & AD...	0.00	149.57	
000241	CITY OF FT LUPTON-UTIL INVOICE	04/12/2022	Regular	0.00	381.30	85027
110249001 MAR22	Invoice	03/31/2022	Water/Sewer Bill-Golf	0.00	249.84	
110252101 MAR22	Invoice	03/31/2022	Water/Sewer Bill-Golf	0.00	91.25	
770214501 MAR22	Invoice	03/31/2022	Water/Sewer Bill-Golf	0.00	40.21	
001320	DAPHNE'S HEADCOVERS	04/12/2022	Regular	0.00	677.48	85028
0313679-IN	Invoice	03/28/2022	GOLF-MERCHANDISE-PRO SHOP	0.00	677.48	
000361	DBC IRRIGATION SUPPLY	04/12/2022	Regular	0.00	933.50	85029
S4486092.002	Invoice	03/29/2022	GOLF-HUNTER G90 INTERNAL ASSY-MAINT	0.00	933.50	
002723	EAGLE ROCK COMPANY OF COLO	04/12/2022	Regular	0.00	914.42	85030
8656935	Invoice	04/04/2022	GOLF-BEVERAGES-PRO SHOP	0.00	298.12	
8656937	Invoice	04/04/2022	GOL-BEVERAGES-PRO SHOP	0.00	616.30	
000512	FUZION FIELD SERVICES LLC	04/12/2022	Regular	0.00	247.50	85031
239485	Invoice	03/31/2022	GOLF-RENTAL FEES-MAINT	0.00	247.50	
000567	HIGH COUNTRY BEVERAGE CORP	04/12/2022	Regular	0.00	2,798.95	85032
W-6180338	Invoice	03/07/2022	GOLF-BEVERAGES-PRO SHOP	0.00	0.80	
W-6195902	Invoice	03/28/2022	GOLF-BEVERAGES-PRO SHOP	0.00	161.45	
W-6196240	Invoice	03/28/2022	GOLF-BEVERAGES-PRO SHOP	0.00	1,313.90	
W-6199729	Invoice	04/04/2022	GOLF-BEVERAGES-PRO SHOP	0.00	1,322.80	
000999	SHAMROCK FOODS COMPANY	04/12/2022	Regular	0.00	3,703.78	85033
24990938	Invoice	03/24/2022	GOLF-FOOD-PRO SHOP	0.00	1,209.02	
25009607	Invoice	03/31/2022	GOLF-FOOD-PRO SHOP	0.00	1,285.18	
25019052	Invoice	04/04/2022	GOLF-FOOD-PRO SHOP	0.00	1,209.58	
001064	TAYLORMADE GOLF COMPANY INC	04/12/2022	Regular	0.00	167.58	85034
35700083	Invoice	03/22/2022	GOLF-MERCHANDISE-PRO SHOP	0.00	167.58	
001137	UNITED POWER	04/12/2022	Regular	0.00	2,758.72	85035
1194602 APR22	Invoice	04/05/2022	United Power	0.00	543.74	
1195001 APR22	Invoice	04/05/2022	United Power	0.00	1,898.95	
1195701 APR22	Invoice	04/05/2022	United Power	0.00	270.13	
19595600 APR22	Invoice	04/05/2022	United Power	0.00	24.64	
6601202 APR22	Invoice	04/05/2022	United Power	0.00	21.26	
001207	WESTERN DISTRIBUTING INC	04/12/2022	Regular	0.00	224.00	85036
684992	Invoice	04/01/2022	GOLF-BEVERAGES-PRO SHOP	0.00	224.00	

Check Report

Date Range: 04/06/2022 - 04/19/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
000024	ACE HARDWARE OF FORT LUPTON	04/19/2022	Regular	0.00	16.76	85037
93581	Invoice	04/10/2022	GOLF-BATTERIES-PRO SHOP	0.00	8.99	
93584	Invoice	04/10/2022	GOLF-KEY SET-PRO SHOP	0.00	7.77	
002254	ADIDAS AMERICA INC	04/19/2022	Regular	0.00	24.00	85038
6156423602	Invoice	04/04/2022	GOLF-MERCHANDISE-PRO SHOP	0.00	24.00	
000048	AIRGAS USA LLC	04/19/2022	Regular	0.00	17.30	85039
9987568276	Invoice	03/31/2022	GOLF-CYLINDER RENTAL-MAINT	0.00	17.30	
000160	BREAKTHRU BEVERAGE COLORADO	04/19/2022	Regular	0.00	788.14	85040
343645363	Invoice	04/07/2022	GOLF-BEVERAGES-PRO SHOP	0.00	788.14	
000239	CITY OF FORT LUPTON	04/19/2022	Regular	0.00	30,698.48	85041
2022 LIQUOR LIC...	Invoice	04/11/2022	GOLF-2022 LIQUOR LICENSE-PRO SHOP	0.00	175.00	
FIN2022101	Invoice	04/08/2022	GOLF-PAYROLL EXPENSE 3/19-4/1/22 PAID 4...	0.00	30,315.11	
FIN2022103	Invoice	04/06/2022	GOLF-REIMBURSE VERIZON 9902805928 2/2...	0.00	205.88	
FIN2022105	Invoice	04/06/2022	GOLF-MAR22 POSTAGE-PRO SHOP	0.00	15.37	
FIN2022110	Credit Memo	04/07/2022	GOLF-8/13/21 PAYROLL VOID CK #42760	0.00	-350.89	
FIN2022115	Invoice	04/08/2022	GOLF-REIMBURSE COMCAST INV #142429943	0.00	166.04	
FIN2022193	Invoice	04/08/2022	GOLF-STANDARD INV LTD, LIFE & AD&D MA...	0.00	171.97	
002968	COLORADO DEPARTMENT OF REVENUE	04/19/2022	Regular	0.00	650.00	85042
2022 LIQUOR LIC...	Invoice	04/11/2022	GOLF-2022 LIQUOR LICENSE RENEWAL-PRO ...	0.00	650.00	
001320	DAPHNE'S HEADCOVERS	04/19/2022	Regular	0.00	228.87	85043
0314200-IN	Invoice	04/06/2022	GOLF-MERCHANDISE-PRO SHOP	0.00	228.87	
002723	EAGLE ROCK COMPANY OF COLO	04/19/2022	Regular	0.00	297.21	85044
8642614	Invoice	03/28/2022	GOLF-BEVERAGES-PRO SHOP	0.00	181.75	
8679222	Invoice	04/11/2022	GOLF-BEVERAGES-PRO SHOP	0.00	115.46	
002919	EQUIPMENTSHARE.COM INC	04/19/2022	Regular	0.00	2,233.72	85045
LUP-1503905-0000	Invoice	03/24/2022	GOLF-MINI EXC RENTAL-MAINT	0.00	2,233.72	
000735	LL JOHNSON DISTRIBUTING	04/19/2022	Regular	0.00	3,184.21	85046
1141066-00	Invoice	03/28/2022	GOLF-IRRIGATION SUPPLIES-MAINT	0.00	1,512.93	
1141269-00	Invoice	03/28/2022	GOLF-PVC PIPE-MAINT	0.00	683.28	
1141284-00	Invoice	03/28/2022	GOLF-CARBON AID-MAINT	0.00	988.00	
000865	OFFICE DEPOT	04/19/2022	Regular	0.00	106.60	85047
233532690001	Invoice	03/25/2022	GOLF-OFFICE SUPPLIES-PRO SHOP	0.00	106.60	
000944	REPUBLIC NATIONAL DISTRIBUTING CO LLC	04/19/2022	Regular	0.00	921.23	85048
6554448	Invoice	04/06/2022	GOLF-BEVERAGES-PRO SHOP	0.00	706.53	
6554449	Invoice	04/06/2022	GOLF-BEVERAGES-PRO SHOP	0.00	214.70	
000974	SAFE SYSTEMS INC	04/19/2022	Regular	0.00	146.00	85049
870192-1064	Invoice	04/10/2022	GOLF-SECURITY MONITORING	0.00	146.00	
001022	SOUTHERN GLAZER'S OF CO	04/19/2022	Regular	0.00	325.33	85050
2778683	Invoice	04/06/2022	GOLF-BEVERAGES-PRO SHOP	0.00	325.33	
001052	SWIRE COCA-COLA, USA	04/19/2022	Regular	0.00	1,778.70	85051
24908201420	Invoice	04/08/2022	GOLF-BEVERAGES-PRO SHOP	0.00	1,778.70	
001064	TAYLORMADE GOLF COMPANY INC	04/19/2022	Regular	0.00	170.37	85052
35711242	Invoice	03/23/2022	GOLF-MERCHANDISE-PRO SHOP	0.00	170.37	
001895	TERMINIX	04/19/2022	Regular	0.00	152.00	85053
418645506	Invoice	03/28/2022	GOLF-PEST CONTROL-PRO SHOP	0.00	152.00	
003019	VICTORY FIRE PROTECTION	04/19/2022	Regular	0.00	170.00	85054

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Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
12237911	Invoice	04/04/2022	GOLF-KITCHEN INSPECTION-PRO SHOP	0.00	170.00	

Bank Code Golf Course Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	57	33	0.00	59,554.54
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	57	33	0.00	59,554.54

Check Report

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Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
Bank Code: Pooled Cash-Pooled Cash						
002990	ADAMS COUNTY CLERK OF COURTS	04/08/2022	Regular	0.00	287.18	71345
INV0001141	Invoice	04/08/2022	CASE 2021C038514	0.00	287.18	
002968	COLORADO DEPARTMENT OF REVENUE	04/08/2022	Regular	0.00	362.59	71346
INV0001139	Invoice	04/08/2022	Gary A. Davenport 25392195	0.00	362.59	
000453	FAMILY SUPPORT REGISTRY	04/08/2022	Regular	0.00	25.84	71347
INV0001140	Invoice	04/08/2022	MANUEL ALFONSO MADRID - 12160693	0.00	25.84	
001301	AAA AUTO PARTS INC	04/12/2022	Regular	0.00	840.57	71348
133940	Invoice	03/01/2022	GF-FUEL ADDITIVE-STREETS	0.00	143.94	
134149	Invoice	03/01/2022	GF-DE-ICER, WIPER BLADES-STREETS	0.00	186.61	
134181	Invoice	03/01/2022	GF-DE-ICER, WIPER BLADES-STREETS	0.00	119.15	
134445	Invoice	03/01/2022	GF-BATTERY CABLE CAT LOADER UNIT #01-S...	0.00	85.84	
134453	Credit Memo	03/01/2022	GF-BATTERY CABLE CAT LOADER UNIT #01-S...	0.00	-85.84	
135041	Invoice	03/01/2022	UF-GLOVES-W LINES	0.00	107.49	
136106	Invoice	03/11/2022	GF-FUNNEL, SNOW PLOW FL-STREETS	0.00	83.09	
136321	Invoice	03/14/2022	GF-BELT SWEEPER UNIT #17-STREETS	0.00	190.30	
136513	Invoice	03/16/2022	GF-WHEEL SPINNER SWEEPER UNIT #17-STR...	0.00	9.99	
000031	ADAMSON POLICE PRODUCTS	04/12/2022	Regular	0.00	296.91	71349
INV373952	Invoice	03/22/2022	GF-UNIFORMS-PD	0.00	296.91	
000041	AGFINITY	04/12/2022	Regular	0.00	440.00	71350
H66967	Invoice	04/04/2022	GF-TEAM 2G & PINDEE T&O DREXEL-PARKS	0.00	440.00	
001293	AMAZON.COM	04/12/2022	Regular	0.00	620.75	71351
16CC-GHJX-CG1C	Invoice	04/05/2022	Amazon	0.00	594.77	
1WGL-XT1T-FMXC	Invoice	04/05/2022	GF-CASE FOR NEW CELL PHONE-FINANCE	0.00	25.98	
003009	ANDREA GIRON	04/12/2022	Regular	0.00	50.00	71352
2006838	Invoice	04/07/2022	REC-SOFTBALL REFUND	0.00	50.00	
002835	BRANDING BY BRE	04/12/2022	Regular	0.00	2,750.00	71353
1089	Invoice	04/01/2022	GF-SOCIAL MEDIA MANAGEMENT-CITY ADM	0.00	2,750.00	
003011	BRANDYLEE AYERS	04/12/2022	Regular	0.00	50.00	71354
2006834	Invoice	04/07/2022	REC-SOFTBALL REFUND	0.00	50.00	
003000	BRENDAN REED	04/12/2022	Regular	0.00	4,260.00	71355
040522	Invoice	04/05/2022	Pearson Park Backstop Fencing	0.00	4,260.00	
003015	BRITTNY LAIRD	04/12/2022	Regular	0.00	280.00	71356
2006842	Invoice	04/07/2022	REC-ANNUAL PASS REFUND	0.00	280.00	
002853	BUCKEYE CLEANING CENTER	04/12/2022	Regular	0.00	2,270.08	71357
90403348	Invoice	03/31/2022	GF-JANITORIAL SUPPLIES-FAC	0.00	520.88	
90403349	Invoice	03/31/2022	REC-JANITORIAL SUPPLIES	0.00	1,749.20	
003008	CARMEN TORRES-RA	04/12/2022	Regular	0.00	65.00	71358
2006840	Invoice	04/07/2022	REC-SOFTBALL REFUND	0.00	65.00	
003010	CAROLINE VIGIL	04/12/2022	Regular	0.00	65.00	71359
2006841	Invoice	04/07/2022	REC-SOFTBALL REFUND	0.00	65.00	
002300	CASSIE CAMPBELL	04/12/2022	Regular	0.00	50.00	71360
2006839	Invoice	04/07/2022	REC-SOFTBALL REFUND	0.00	50.00	
000182	CEM SALES & SERVICE INC	04/12/2022	Regular	0.00	570.00	71361
156490	Invoice	04/04/2022	REC-POOL/SPA HEATER LEAK REPAIR	0.00	570.00	
000230	CINTAS FIRST AID & SAFETY	04/12/2022	Regular	0.00	233.66	71362
5101442634	Invoice	03/28/2022	REC-FIRST AID SUPPLIES	0.00	233.66	
000241	CITY OF FT LUPTON-UTIL INVOICE	04/12/2022	Regular	0.00	4,524.02	71363

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Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
110035001 MAR22	Invoice	03/31/2022	Water/Sewer Bill-City	0.00	34.65	
110221001 MAR22	Invoice	03/31/2022	Water/Sewer Bill-City	0.00	34.65	
110222001 MAR22	Invoice	03/31/2022	Water/Sewer Bill-City	0.00	34.65	
110251001 MAR22	Invoice	03/31/2022	Water/Sewer Bill-City	0.00	54.65	
330025001 MAR22	Invoice	03/31/2022	Water/Sewer Bill-City	0.00	34.65	
330031001 MAR22	Invoice	03/31/2022	Water/Sewer Bill-City	0.00	34.65	
330045001 MAR22	Invoice	03/31/2022	Water/Sewer Bill-City	0.00	200.27	
330166001 MAR22	Invoice	03/31/2022	Water/Sewer Bill-City	0.00	97.68	
330920000 MAR22	Invoice	03/31/2022	Water/Sewer Bill-City	0.00	34.65	
550055501 MAR22	Invoice	03/31/2022	Water/Sewer Bill-City	0.00	158.79	
550057001 MAR22	Invoice	03/31/2022	Water/Sewer Bill-City	0.00	525.59	
550057601 MAR22	Invoice	03/31/2022	Water/Sewer Bill-City	0.00	2,571.85	
550057701 MAR22	Invoice	03/31/2022	Water/Sewer Bill-City	0.00	34.65	
660092001 MAR22	Invoice	03/31/2022	Water/Sewer Bill-City	0.00	34.65	
770109501 MAR22	Invoice	03/31/2022	Water/Sewer Bill-City	0.00	34.65	
770116501 MAR22	Invoice	03/31/2022	Water/Sewer Bill-City	0.00	34.65	
770229001 MAR22	Invoice	03/31/2022	Water/Sewer Bill-City	0.00	34.65	
770229501 MAR22	Invoice	03/31/2022	Water/Sewer Bill-City	0.00	34.65	
770229601 MAR22	Invoice	03/31/2022	Water/Sewer Bill-City	0.00	34.65	
770231101 MAR22	Invoice	03/31/2022	Water/Sewer Bill-City	0.00	34.65	
990004001 MAR22	Invoice	03/31/2022	Water/Sewer Bill-City	0.00	34.65	
990005001 MAR22	Invoice	03/31/2022	Water/Sewer Bill-City	0.00	253.04	
990006001 MAR22	Invoice	03/31/2022	Water/Sewer Bill-City	0.00	34.65	
990007001 MAR22	Invoice	03/31/2022	Water/Sewer Bill-City	0.00	34.65	
990008001 MAR22	Invoice	03/31/2022	Water/Sewer Bill-City	0.00	34.65	
990132001 MAR22	Invoice	03/31/2022	Water/Sewer Bill-City	0.00	38.45	
	Void	04/12/2022	Regular	0.00	0.00	71364
000269	COLORADO ASPHALT SVCS	04/12/2022	Regular	0.00	2,544.00	71365
0059763	Invoice	03/25/2022	SSTX-COLD ASPHALT-STREETS	0.00	2,544.00	
003002	COLORADO CASINO NIGHTS	04/12/2022	Regular	0.00	435.00	71366
244295 DEPOSIT	Invoice	03/22/2022	GF-EMP APPRECIATION EVENT DEPOSIT-LEG...	0.00	435.00	
003002	COLORADO CASINO NIGHTS	04/12/2022	Regular	0.00	1,305.00	71367
244295	Invoice	03/22/2022	GF-EMP APPRECIATION EVENT-LEGIS	0.00	1,305.00	
002651	COLORADO COMMUNITY MEDIA	04/12/2022	Regular	0.00	16.44	71368
53320	Invoice	04/08/2022	GF-PUBLIC NOTICE-FINANCE	0.00	16.44	
000307	COMCAST CABLE COMM, LLC	04/12/2022	Regular	0.00	600.08	71369
0116038 APR22	Invoice	04/01/2022	REC-PHONES APR22	0.00	175.08	
0124495 APR22	Invoice	04/01/2022	CPR-CABLE-COM CTR	0.00	150.69	
0147405 APR22	Invoice	03/20/2022	CPR-INTERNET/PHONES APR22-MUSEUM	0.00	185.51	
0163725 APR22	Invoice	03/28/2022	GF-APR22 CC LINE-FINANCE	0.00	88.80	
001517	CORE&MAIN LP	04/12/2022	Regular	0.00	486.27	71370
Q419484	Invoice	03/21/2022	UF-HYDRANT WRENCH/VALVE KEY-W LINES	0.00	248.11	
Q585624	Invoice	03/25/2022	UF-SLOPE,PLUG,SPACER RING,RISER-W LINES	0.00	238.16	
002958	COX RANCH ORIGINALS	04/12/2022	Regular	0.00	141.40	71371
4226	Invoice	03/23/2022	REC-CUSTOM NUMBERS FOR WEIGHTS	0.00	141.40	
002899	DIG DEEP RESEARCH, LLC	04/12/2022	Regular	0.00	5,000.00	71372
1864	Invoice	04/01/2022	GF-Grant Research Services-Misc	0.00	5,000.00	
000388	DIGETEKs, LLC	04/12/2022	Regular	0.00	11,925.00	71373
8095	Invoice	04/05/2022	ThreatLocker Annual Renewal (150) EndPoin...	0.00	11,925.00	
001401	DIVISION OF OIL & PUBLIC SAFETY	04/12/2022	Regular	0.00	160.00	71374
737839	Invoice	03/28/2022	REC-ANNUAL BOILER INSPECTION	0.00	160.00	
000407	DXP ENTERPRISES INC	04/12/2022	Regular	0.00	51.21	71375

Check Report

Date Range: 04/06/2022 - 04/19/2022

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52766957	Invoice	03/22/2022	UF-COULPERS, CLIP-S LINES	0.00	51.21	
000431	EMPLOYERS COUNCIL SERVICES, INC	04/12/2022	Regular	0.00	12,000.00	71376
408531	Invoice	03/30/2022	Annual Dues	0.00	12,000.00	
000436	ENVIROTECH SERVICES, INC	04/12/2022	Regular	0.00	1,435.65	71377
CD202206508	Invoice	03/01/2022	SSTX-ICE SLICER-STREETS	0.00	1,435.65	
000445	EWING IRRIGATION PRODUCTS INC	04/12/2022	Regular	0.00	139.80	71378
16390339	Invoice	03/31/2022	GF-PLANTERS MIX-PARKS	0.00	139.80	
000455	FASTENAL COMPANY 01COFTL	04/12/2022	Regular	0.00	148.79	71379
COFTL183996	Invoice	03/08/2022	GF-PARTS FOR DUMP UNIT #06-STREETS	0.00	21.83	
COFTL184019	Invoice	03/09/2022	GF-PARTS FOR DUMP UNIT #06-STREETS	0.00	21.83	
COFTL184021	Invoice	03/09/2022	GF-PARTS FOR DUMP UNIT #06-STREETS	0.00	10.85	
COFTL184626	Invoice	03/31/2022	CEM-MOWER PARTS	0.00	49.02	
COFTL184635	Invoice	03/31/2022	UF-CORD-W LINES	0.00	45.26	
002674	HAYES POZNANOVIC KORVER, LLC	04/12/2022	Regular	0.00	5,489.50	71380
45614	Invoice	04/06/2022	WST-MAR22 LEGAL FEES-WATER	0.00	5,489.50	
002858	IMPERIAL CUSTOM CONCRETE, LLC	04/12/2022	Regular	0.00	28,664.75	71381
2021-04	Invoice	04/06/2022	REPAIRS, TRAIL, AND PARKING LOT	0.00	28,664.75	
003012	JEFF RUSHFELDT	04/12/2022	Regular	0.00	50.00	71382
2006837	Invoice	04/07/2022	REC-SOFTBALL REFUND	0.00	50.00	
002998	LEFTA SYSTEMS	04/12/2022	Regular	0.00	1,591.35	71383
INV-000688	Invoice	03/01/2022	GF-ANNUAL SUBSCRIPTION-PD	0.00	1,591.35	
003013	MARIO REYNA	04/12/2022	Regular	0.00	65.00	71384
2006836	Invoice	04/07/2022	REC-SOFTBALL REFUND	0.00	65.00	
003014	MELISSA MEYERS	04/12/2022	Regular	0.00	513.00	71385
2006846	Invoice	04/07/2022	REC-SUMMER CAMP REFUND	0.00	513.00	
003003	MOLTZ CONSTRUCTION INC	04/12/2022	Regular	0.00	1,480.80	71386
040622	Invoice	04/06/2022	UF-HYDRANT METER DEPOSIT REFUND	0.00	1,480.80	
000811	MOTOROLA SOLUTIONS	04/12/2022	Regular	0.00	14,122.58	71387
040122	Invoice	04/01/2022	Radio Maintenance/Updating	0.00	14,122.58	
002999	MOUNTAIN SKY METROPOLITAN DISTRICT	04/12/2022	Regular	0.00	417,185.99	71388
033022	Invoice	03/30/2022	MURATA FARMS WATER MAIN REIMBURSE...	0.00	417,185.99	
000865	OFFICE DEPOT	04/12/2022	Regular	0.00	134.39	71389
229075242001	Invoice	03/16/2022	GF-INK-COURT	0.00	96.81	
233759830001	Invoice	03/14/2022	GF-INK CARTRIDGE-COURT	0.00	37.58	
000869	OPERATIONS MANAGEMENT INT	04/12/2022	Regular	0.00	150,985.10	71390
351230-22R-01	Invoice	03/10/2022	UF-2021 OMI R&M OVERAGE	0.00	27,238.10	
351230-23-05	Invoice	05/01/2022	OMI Monthly Allocations	0.00	123,747.00	
000862	O'REILLY AUTO PARTS	04/12/2022	Regular	0.00	2,226.27	71391
4489-357543	Invoice	03/01/2022	GF-SOCKET SET FOR CAT LOADER-STREETS	0.00	41.98	
4489-358922	Invoice	03/01/2022	GF-OIL,AIR FILTERS-PW	0.00	266.84	
4489-358923	Invoice	03/01/2022	GF-OIL FOR CHEVY UNIT #'S 30 & 31-PW	0.00	205.93	
4489-358924	Invoice	03/01/2022	UF-OIL,FUEL FILTER SEWER JET UNIT #37-S L...	0.00	102.32	
4489-359336	Invoice	03/01/2022	GF-LIGHT,SEAT COVERS FORD UNIT #09-STR...	0.00	47.27	
4489-360896	Invoice	03/04/2022	UF-GLOVES SEWER JET UNIT #37 & 14-S LIN...	0.00	132.96	
4489-361658	Invoice	03/08/2022	GF-COOLANT,FILTERS INTERNATIONAL UNIT ...	0.00	114.10	
4489-361659	Invoice	03/08/2022	GF-FILTER,OIL INTERNATIONAL UNIT #06-ST...	0.00	275.33	
4489-361661	Credit Memo	03/08/2022	GF-FILTERS FOR INTERNATIONAL UNIT #07-S...	0.00	-213.02	
4489-362166	Invoice	03/10/2022	GF-OIL FOR FORD UNIT #'s 4,8,22-STREETS	0.00	161.95	
4489-363570	Invoice	03/16/2022	GF-55 GAL DRUM DEF-STREETS	0.00	302.40	

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4489-363832	Invoice	03/17/2022	GF-FILTERS, COOLANT, OIL-STREETS	0.00	598.32	
4489-363837	Invoice	03/17/2022	GF-AIR, OIL, FUEL FILTERS-STREETS	0.00	160.96	
4489-364007	Invoice	03/18/2022	GF-AIR FRESHENER, WIPES-ENG	0.00	9.98	
4489-368285	Invoice	04/05/2022	GF-CLEANER-PARKS	0.00	18.95	
000901	PLAINS EAST MECHANICAL SERVICES LLC	04/12/2022	Regular	0.00	11,773.24	71392
3448-1119	Invoice	03/21/2022	Emergency repair of sump pumps in Pool	0.00	11,773.24	
002980	PRIMETIME FITNESS EQUIPMENT LLC	04/12/2022	Regular	0.00	7,734.00	71393
182402	Invoice	03/14/2022	Fitness equipment	0.00	7,734.00	
001643	PROCEDURE INC	04/12/2022	Regular	0.00	60,261.72	71394
2001	Invoice	04/05/2022	GF-MAR22 PERMIT/INSPECTION FEES-PLANN..	0.00	60,261.72	
002265	QUADIENT FINANCE USA INC	04/12/2022	Regular	0.00	319.00	71395
7446 FEB22	Invoice	03/27/2022	GF-FEB22 POSTAGE RECHARGES	0.00	319.00	
002881	SHANE LEFFORGE	04/12/2022	Regular	0.00	50.00	71396
2006835	Invoice	04/07/2022	REC-SOFTBALL REFUND	0.00	50.00	
002967	SYNERGETIC STAFFING LLC	04/12/2022	Regular	0.00	940.80	71397
21010779	Invoice	04/06/2022	GF-D.LEFFORGE TEMP LABOR-PW	0.00	940.80	
001101	TODD HODGES DESIGN, LLC	04/12/2022	Regular	0.00	10,961.25	71398
3409	Invoice	03/28/2022	GF-PLANNING SRVCS 3/14-3/27/22-PLANNI...	0.00	10,961.25	
001137	UNITED POWER	04/12/2022	Regular	0.00	34,249.82	71399
10553102 APR22	Invoice	04/05/2022	United Power	0.00	22.42	
1195501 APR22	Invoice	04/05/2022	United Power	0.00	1,587.18	
1195603 APR22	Invoice	04/05/2022	United Power	0.00	174.78	
1196401 APR22	Invoice	04/05/2022	United Power	0.00	33.82	
1207701 APR22	Invoice	04/05/2022	United Power	0.00	21.05	
1223101 APR22	Invoice	04/05/2022	United Power	0.00	20.00	
1240301 APR22	Invoice	04/05/2022	United Power	0.00	210.73	
1241801 APR22	Invoice	04/05/2022	United Power	0.00	285.70	
1241903 APR22	Invoice	04/05/2022	United Power	0.00	121.63	
1276101 APR22	Invoice	04/05/2022	United Power	0.00	294.83	
1279801 APR22	Invoice	04/05/2022	United Power	0.00	24.72	
1295501 APR22	Invoice	04/05/2022	United Power	0.00	60.88	
1296101 APR22	Invoice	04/05/2022	United Power	0.00	170.32	
1299501 APR22	Invoice	04/05/2022	United Power	0.00	112.00	
1302801 APR22	Invoice	04/05/2022	United Power	0.00	1,554.78	
1302901 APR22	Invoice	04/05/2022	United Power	0.00	147.71	
1316801 APR22	Invoice	04/05/2022	United Power	0.00	364.69	
1322501 APR22	Invoice	04/05/2022	United Power	0.00	5,677.53	
1360303 APR22	Invoice	04/05/2022	United Power	0.00	32.91	
13842400 APR22	Invoice	04/05/2022	United Power	0.00	50.29	
14427100 APR22	Invoice	04/05/2022	United Power	0.00	97.43	
15232500 APR22	Invoice	04/05/2022	United Power	0.00	22.11	
17149700 APR22	Invoice	04/05/2022	United Power	0.00	56.94	
17761600 APR22	Invoice	04/05/2022	United Power	0.00	20.00	
17868800 APR22	Invoice	04/05/2022	United Power	0.00	20.00	
18057500 APR22	Invoice	04/05/2022	United Power	0.00	568.13	
18498400 APR22	Invoice	04/05/2022	United Power	0.00	161.58	
18762100 APR22	Invoice	04/05/2022	United Power	0.00	40.59	
19545100 APR22	Invoice	04/05/2022	United Power	0.00	657.51	
20040100APR22	Invoice	04/05/2022	United Power	0.00	363.51	
21675200 APR22	Invoice	04/05/2022	United Power	0.00	45.60	
21675300 APR22	Invoice	04/05/2022	United Power	0.00	34.56	
22185901 APR22	Invoice	04/05/2022	United Power	0.00	20.01	
3399301 APR22	Invoice	04/05/2022	United Power	0.00	52.13	
6612303 APR22	Invoice	04/05/2022	United Power	0.00	21.07	

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6779701 APR22	Invoice	04/05/2022	United Power	0.00	6,270.74	
704901 APR22	Invoice	04/05/2022	United Power	0.00	9,326.44	
7225800 APR22	Invoice	04/05/2022	United Power	0.00	20.03	
726705 APR22	Invoice	04/05/2022	United Power	0.00	20.00	
7280200 APR22	Invoice	04/05/2022	United Power	0.00	21.90	
733101 APR22	Invoice	04/05/2022	United Power	0.00	242.42	
762901 APR22	Invoice	04/05/2022	United Power	0.00	173.55	
803908 APR22	Invoice	04/05/2022	United Power	0.00	4,481.11	
8976200 APR22	Invoice	04/05/2022	United Power	0.00	544.49	
	Void	04/12/2022	Regular	0.00	0.00	71400
	Void	04/12/2022	Regular	0.00	0.00	71401
002084	UNITED SITE SERVICES	04/12/2022	Regular	0.00	629.18	71402
INV-00382421	Invoice	04/01/2022	CEM-PORTABLE RESTROOM SERVICE	0.00	97.80	
INV-00384964	Invoice	04/01/2022	CEM-PORTABLE RESTROOM SERVICE	0.00	97.80	
INV-00431422	Invoice	04/01/2022	CEM-PORTABLE RESTROOM SERVICE	0.00	97.80	
INV-00473080	Invoice	04/01/2022	CEM-PORTABLE RESTROOM SERVICE	0.00	97.80	
INV-00520032	Invoice	03/01/2022	CEM-PORTABLE RESTROOM SERVICE	0.00	105.50	
INV-00629991	Invoice	04/05/2022	GF-PORTABLE RESTROOM SERVICE-PARKS	0.00	132.48	
001147	USA BLUE BOOK	04/12/2022	Regular	0.00	204.27	71403
914609	Invoice	03/17/2022	UF-PITOT TUBE VALVE REPLACEMENT-S LINES	0.00	204.27	
001149	UTILITY NOTIFICATION CENTER	04/12/2022	Regular	0.00	549.90	71404
222030596	Invoice	03/31/2022	SSTX-MAR22 RTL TRANSMISSIONS-STREETS	0.00	549.90	
001311	VERDEK LLC	04/12/2022	Regular	0.00	1,566.09	71405
85523	Invoice	04/06/2022	REC-EU STATION	0.00	1,566.09	
001156	VERIZON WIRELESS SVCS LLC	04/12/2022	Regular	0.00	4,431.36	71406
9902805928	Invoice	03/26/2022	Verizon Bill	0.00	4,431.36	
001174	WAGNER EQUIPMENT CO.	04/12/2022	Regular	0.00	5,639.95	71407
B4392601	Invoice	03/10/2022	GF-BACKHOE BUCKET-STREETS	0.00	3,052.19	
P00C2444612	Invoice	03/16/2022	GF-GASKET FOR CAT LOADER UNIT #01-STRE...	0.00	4.02	
P00C2444620	Invoice	03/16/2022	GF-PARTS FOR CAT LOADER UNIT #01-STREE...	0.00	127.43	
P00C2444621	Invoice	03/01/2022	GF-CUTTING EDGE-STREETS	0.00	613.04	
P00C2444799	Invoice	03/01/2022	GF-PARTS FRONT END LOADER UNIT #01-ST...	0.00	1,266.72	
P00C2444800	Invoice	03/17/2022	UF-GASKET FOR CAT LOADER UNIT #01-W LI...	0.00	4.02	
P00C2446532	Invoice	03/01/2022	GF-FAN-STREETS	0.00	572.53	
001963	WASTE CONNECTIONS OF COLO, INC	04/12/2022	Regular	0.00	1,125.95	71408
6084722V311	Invoice	04/01/2022	UF-MAR22 TRASH SERVICE-UB	0.00	283.13	
6084884V311	Invoice	04/01/2022	GF-MAR22 TRASH SERVICE-FAC	0.00	132.31	
6084885V311	Invoice	04/01/2022	GF-MAR22 TRASH SERVICE-PW	0.00	191.88	
6084886V311	Invoice	04/01/2022	CPR-MAR22 TRASH SERVICE-COM CTR	0.00	342.31	
6084887V311	Invoice	04/01/2022	CEM-MAR22 TRASH SERVICE	0.00	64.14	
6084888V311	Invoice	04/01/2022	GF-MAR22 TRASH SERVICE-PARKS	0.00	112.18	
002173	WATER TECHNOLOGY GROUP	04/12/2022	Regular	0.00	24,615.99	71409
5533462	Invoice	03/31/2022	UF-Replace N Lift Staion Pump-WWTP	0.00	24,615.99	
001189	WELD COUNTY ACCTG DEPART	04/12/2022	Regular	0.00	9,793.44	71410
MAR22	Invoice	03/31/2022	GF-MAR22 FUEL CHARGES	0.00	9,793.44	
002660	WHITESIDE'S BOOTS AND CLOTHING	04/12/2022	Regular	0.00	155.00	71411
398263	Invoice	03/04/2022	GF-M.PACHECO UNIFORM-ENG	0.00	150.00	
398320	Invoice	03/05/2022	GF-M.PACHECO PANTS EXCHANGE-ENG	0.00	5.00	
001224	XCEL ENERGY-GAS	04/12/2022	Regular	0.00	2,529.69	71412
772325678	Invoice	03/21/2022	GF-CITY HALL & GENERATOR GAS 2/17-3/21...	0.00	416.53	
773611394	Invoice	03/30/2022	CPR-MAR22 GAS BILL-MUSEUM	0.00	2,113.16	
000011	A TO Z ELEVATOR INSPECTIONS LLC	04/19/2022	Regular	0.00	217.00	71413

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1664	Invoice	03/08/2022	CPR-ANNUAL ELEVATOR INSPECTION-MUSE...	0.00	217.00	
001301	AAA AUTO PARTS INC	04/19/2022	Regular	0.00	820.21	71414
136849	Invoice	03/21/2022	GF-LOADER MAINTENANCE-STREETS	0.00	519.86	
137232	Invoice	03/25/2022	CEM-MOWER MAINTENANCE	0.00	94.10	
137247	Invoice	03/25/2022	CEM-MOWER MAINTENANCE	0.00	39.67	
137461	Invoice	03/29/2022	GF-SWEEPER MAINTENANCE-STREETS	0.00	8.59	
138187	Invoice	04/06/2022	GF-PARTS-PARKS	0.00	22.61	
138371	Invoice	04/08/2022	GF-BELT-PARKS	0.00	135.38	
001564	AB COURT REPORTING & VIDEO	04/19/2022	Regular	0.00	279.00	71415
313948	Invoice	04/06/2022	GF-S.FLORES TRANSCRIPT FEE-COURT	0.00	279.00	
000031	ADAMSON POLICE PRODUCTS	04/19/2022	Regular	0.00	6.95	71416
INV374646	Invoice	04/01/2022	GF-UNIFORMS-PD	0.00	6.95	
000034	ADT SECURITY SYSTEM	04/19/2022	Regular	0.00	133.41	71417
50576495 MAY22	Invoice	04/01/2022	CPR-SECURITY MONITORING-COM CTR	0.00	133.41	
001293	AMAZON.COM	04/19/2022	Regular	0.00	597.87	71418
16CC-GHJX-DQF7	Invoice	04/05/2022	GF-EASTER EGG HUNT CANDY-COM EVENTS	0.00	597.87	
001646	BANK OF COLORADO	04/19/2022	Regular	0.00	410.96	71419
0227 MAR22	Invoice	04/01/2022	GF-CNG MAR22 FUEL CHARGES	0.00	410.96	
000136	BG'S JAPANESE DESIGNS	04/19/2022	Regular	0.00	311.00	71420
6308A	Invoice	04/08/2022	GF-JACKETS/BAGS W/EMBROIDERY-CITY A...	0.00	311.00	
002122	BURNS & MCDONNELL ENGINEERING CO INC	04/19/2022	Regular	0.00	86,421.50	71421
143857-1	Invoice	04/13/2022	UF-WasteWater Utility Plan Update-WWTP	0.00	86,421.50	
000216	CHAMBER OF COMMERCE	04/19/2022	Regular	0.00	48.00	71422
040822	Invoice	04/08/2022	GF-APRIL LUNCHEON-CITY CL	0.00	48.00	
000268	COLORADO ANALYTICAL LAB	04/19/2022	Regular	0.00	48.00	71423
220408067	Invoice	04/11/2022	UF-WATER TESTING-W LINES	0.00	48.00	
002651	COLORADO COMMUNITY MEDIA	04/19/2022	Regular	0.00	450.00	71424
54197	Invoice	04/15/2022	GF-PUBLIC ADVERTISEMENTS-CITY CL	0.00	450.00	
000306	COMCAST BUSINESS	04/19/2022	Regular	0.00	2,177.78	71425
143501158	Invoice	04/01/2022	GF-APR22 INTERNET SERVICES	0.00	2,177.78	
000407	DXP ENTERPRISES INC	04/19/2022	Regular	0.00	74.16	71426
12485152	Invoice	03/22/2022	GF-COMPRESSOR HOSE REPAIR-STREETS	0.00	51.21	
12488231	Invoice	03/23/2022	GF-COMPRESSOR HOSE REPAIR-STREETS	0.00	22.95	
000410	E-470 PUBLIC HIGHWAY AUTHORITY	04/19/2022	Regular	0.00	10.35	71427
2070866407	Invoice	03/28/2022	GF-TOLL FEES #BVEH75-PD	0.00	10.35	
001089	ERGOMED	04/19/2022	Regular	0.00	1,175.00	71428
7894755	Invoice	04/01/2022	GF-PRE-EMPLOYMENT SCREENINGS-HR	0.00	1,175.00	
003007	EXCLAIMER LTD	04/19/2022	Regular	0.00	2,214.00	71429
979957	Invoice	04/08/2022	GF- SOFTWARE SUBSCRIPTION	0.00	2,214.00	
002568	FORT LUPTON CAR WASH	04/19/2022	Regular	0.00	231.75	71430
292	Invoice	03/31/2022	GF-CAR WASHES-PD	0.00	231.75	
000487	FORT LUPTON PACK & SHIP	04/19/2022	Regular	0.00	19.15	71431
64397	Invoice	03/14/2022	GF-SHIPING CHARGES-PD	0.00	19.15	
000546	GREEN MILL SPORTSMAN'S CLUB	04/19/2022	Regular	0.00	150.00	71432
106	Invoice	04/01/2022	GF-TRAINING-PD	0.00	150.00	
002720	INTERMOUNTAIN CONTROLS NICHOLS-GIVEN	04/19/2022	Regular	0.00	2,743.72	71433

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220/60025708	Invoice	04/08/2022	WTP Valve replacment / Accuator	0.00	2,743.72	
000716	LEONARD B. MEDOFF, Ph.D.	04/19/2022	Regular	0.00	350.00	71434
032622	Invoice	03/26/2022	GF-M.SANCHEZ PRE-EMP EVALUATION-PD	0.00	350.00	
000931	R & L TIRES	04/19/2022	Regular	0.00	15.00	71435
43465	Invoice	04/11/2022	UF-TIRE REPAIR-W LINES	0.00	15.00	
000932	R & M SERVICES	04/19/2022	Regular	0.00	1,562.78	71436
10647	Invoice	03/11/2022	GF-VEHICLE MAINTENANCE-PD	0.00	96.60	
10648	Invoice	03/11/2022	GF-TIRE REPAIR-PD	0.00	10.00	
10649	Invoice	03/11/2022	GF-VEHICLE MAINTENANCE-PD	0.00	61.62	
10650	Invoice	03/14/2022	GF-VEHICLE MAINTENANCE-PD	0.00	100.00	
10653	Invoice	03/23/2022	GF-REPLACE BRAKES & ROTORS-PD	0.00	477.48	
10654	Invoice	03/31/2022	GF-VEHICLE MAINTENANCE/BATTERY-PD	0.00	503.51	
10655	Invoice	04/01/2022	GF-VEHICLE MAINTENANCE/BATTERY-PD	0.00	313.57	
001624	STATE OF COLORADO	04/19/2022	Regular	0.00	4,691.88	71437
15294-22	Invoice	04/01/2022	UF-BILLS/LATE NOTICES-UB	0.00	2,213.43	
18553-22	Invoice	04/01/2022	UF-BILLS/LATE NOTICES-UB	0.00	2,478.45	
002967	SYNERGETIC STAFFING LLC	04/19/2022	Regular	0.00	940.80	71438
21010791	Invoice	04/13/2022	GF-D.LEFFORGE TEMP LABOR-PW	0.00	940.80	
002659	TAIT & ASSOCIATES, INC.	04/19/2022	Regular	0.00	673.20	71439
147541	Invoice	03/13/2022	SST-AM2021-204 Engineer Harrison 1st-9th-...	0.00	673.20	
001101	TODD HODGES DESIGN, LLC	04/19/2022	Regular	0.00	8,706.25	71440
3410	Invoice	04/12/2022	GF-PLANNING SRVCS 3/28-4/10-PLANNING	0.00	8,706.25	
001105	TOSHIBA FINANCIAL SERVICES	04/19/2022	Regular	0.00	2,845.38	71441
469738512	Invoice	04/07/2022	Copier Lease	0.00	2,845.38	
001120	TRUDILIGENCE LLC	04/19/2022	Regular	0.00	274.66	71442
45607	Invoice	03/31/2022	GF-BACKGROUND CHECKS	0.00	274.66	
000119	BANK OF COLORADO	04/08/2022	Bank Draft	0.00	6,257.87	DFT0001927
INV0001136	Invoice	04/08/2022	HSA DISTRIBUTION	0.00	6,257.87	
000119	BANK OF COLORADO	04/08/2022	Bank Draft	0.00	675.83	DFT0001928
INV0001137	Invoice	04/08/2022	HSA DISTRIBUTION	0.00	675.83	
001416	VALIC_1	04/08/2022	Bank Draft	0.00	35,035.40	DFT0001929
INV0001138	Invoice	04/08/2022	VALIC - 457(b) \$ Contributions	0.00	35,035.40	
001265	IRS	04/08/2022	Bank Draft	0.00	61,053.72	DFT0001930
INV0001142	Invoice	04/08/2022	Federal Withholding	0.00	61,053.72	
001418	CO DEPARTMENT OF REVENUE	04/08/2022	Bank Draft	0.00	11,339.00	DFT0001931
INV0001143	Invoice	04/08/2022	CO Withholding	0.00	11,339.00	
001416	VALIC_1	04/14/2022	Bank Draft	0.00	9,405.78	DFT0001932
INV0001144	Invoice	04/14/2022	VALIC - PD Retirement Plan Contributions	0.00	9,405.78	
001265	IRS	04/14/2022	Bank Draft	0.00	11,324.68	DFT0001933
INV0001145	Invoice	04/14/2022	Federal Withholding	0.00	11,324.68	
001418	CO DEPARTMENT OF REVENUE	04/14/2022	Bank Draft	0.00	1,856.00	DFT0001934

Check Report

Date Range: 04/06/2022 - 04/19/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
INV0001146	Invoice	04/14/2022	CO Withholding	0.00	1,856.00	

Bank Code Pooled Cash Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	228	95	0.00	973,069.38
Manual Checks	0	0	0.00	0.00
Voided Checks	0	3	0.00	0.00
Bank Drafts	8	8	0.00	136,948.28
EFT's	0	0	0.00	0.00
	236	106	0.00	1,110,017.66

All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	285	128	0.00	1,032,623.92
Manual Checks	0	0	0.00	0.00
Voided Checks	0	3	0.00	0.00
Bank Drafts	8	8	0.00	136,948.28
EFT's	0	0	0.00	0.00
	293	139	0.00	1,169,572.20

Fund Summary

Fund	Name	Period	Amount
600	GOLF ENTERPRISE FUND	4/2022	59,554.54
999	POOLED CASH/CONSOLIDATED CASH	4/2022	1,110,017.66
			1,169,572.20

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
April 5, 2022**

The City Council of the City of Fort Lupton met in a regular session at the City Complex, 130 South McKinley Avenue, the regular meeting place of the City Council, on Tuesday, April 5, 2022. Mayor Zo Stieber called the meeting to order at 7:20 p.m. and invited everyone to join her in the Pledge of Allegiance.

ROLL CALL

Mari Peña, City Clerk, called the roll. Those present were Mayor Zo Stieber and Councilmembers Chris Ceretto, Bruce Fitzgerald, Valerie Blackston, Carlos Barron and Claud Hanes.

Also present were City Administrator, Chris Cross, City Clerk, Mari Peña, City Attorney, Andy Ausmus, Finance Director, Leann Perino, Public Works Director, Roy Vestal and Planning Director Todd Hodges.

PERSONS TO ADDRESS COUNCIL

There was no one to address the Council.

APPROVAL OF AGENDA

It was moved by Carlos Barron and seconded by Bruce Fitzgerald to approve the agenda as presented. Motion passed unanimously on voice vote.

PROCLAMATION

Mayor Stieber read the 2022 Arbor Day Proclamation and proclaimed April 29, 2022, as Arbor Day in the City of Fort Lupton.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the April 5, 2022, payables; there were no questions or comments from the Mayor or Council.

CONSENT AGENDA

It was moved by Bruce Fitzgerald and seconded by Valerie Blackston to approve the Consent Agenda as presented with the following items:

- March 15, 2022, City Council Meeting Minutes
- Second Reading Ordinance 2022-1141 AN ORDINANCE ANNEXING LAND LEGALLY DESCRIBED IN EXHIBIT "A" AND KNOWN AS THE HAGLER ANNEXATION NOS. 1-4 AND APPROVING THE ANNEXATION AGREEMENT
- Second Reading Ordinance 2022-1142 AN ORDINANCE INITIALLY ZONING LAND KNOWN

RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
April 5, 2022

AS THE HAGLER INITIAL ZONING, LEGALLY DESCRIBED IN EXHIBIT A, TO THE 'A' AGRICULTURAL ZONE DISTRICT

- Approving Resolution 2022R026 A RESOLUTION RATIFYING THE MAYOR'S APPOINTMENT OF JAMES RIPKA TO THE SENIOR CITIZEN ADVISORY COMMITTEE FOR A TERM BEGINNING APRIL 5, 2022 AND ENDING DECEMBER 31, 2023 (AM 2022-061)
- Resolution 2022R027 OF THE CITY COUNCIL OF FORT LUPTON SETTING THE CITY COUNCIL MEETINGS TO THE FIRST AND THIRD TUESDAY OF THE MONTH AT 6 P.M. EFFECTIVE APRIL 9, 2022 (AM 2022-062)
- Approve Agreement to Continue Working with Employment Services of Weld County Employment and Training Program (AM 2022-063)

Motion passed unanimously on voice call vote.

PUBLIC HEARINGS

AM 2022-067 Consideration of a Resolution for the Fort Lupton Site Plan for a Public Library Facility

Mayor Stieber opened the public hearing at 7:26 p.m. and asked for a description of the proposal. The City Planner, Maria Lancto, stated the Fort Lupton Library Site Plan includes a single-story, 14,500 square-foot public library facility. This facility will include community rooms, makerspace, and outdoor seating areas in addition to traditional library services. The site is located at the southeast corner of the intersection of S. Rollie Avenue and Reynolds Street in the Lupton Village Subdivision.

The property is located in the PUD Planned Unit Development Zone District, with General Commercial land uses permitted on this parcel according to the Lupton Village PUD Plan. Public facilities are permitted uses within the General Commercial zone district. Additionally, the Fort Lupton Comprehensive Plan designates this property for Commercial General Land Uses. The proposal abides by this land use designation. All notification requirements have been met including posting, publication in the newspaper and notice to surrounding property owners. The Library Director, Thomas Samblanet, was present to answer any questions the Council may have.

Mr. Samblanet, provided the Council with a presentation. The presentation included the site layout of the building, outdoor children's garden, outdoor space for overflow, interior facility rooms, computer lab, study rooms, drive up book window, and interior/exterior renderings.

Mayor Stieber asked if patrons can leave the building without having to exit the main entrance? Mr. Samblanet stated that the doors are intended as exit doors not entrances and will be locked if the room is not being used.

Mr. Samblanet added that the funding for the library is through the High Plains Library District.

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
April 5, 2022**

Mayor Stieber asked if anyone wished to speak for or against the proposal.

Janice Wilkins hollered from the back of the room, "I think it stinks, that's my opinion."

There were no further comments from the public. Mayor Stieber closed the public hearing at 7:37 p.m.

It was moved by Claud Hanes and seconded by Bruce Fitzgerald to approve Resolution 2022R028 A RESOLUTION APPROVING THE FORT LUPTON LIBRARY SITE PLAN FOR A PUBLIC LIBRARY FACILITY. Motion passed unanimously on roll call vote.

Discussion occurred over the address of the building. It was noted that the address for the library would be 370 Reynolds. In the Dewey Decimal System, 370 is for education.

ACTION MEMORANDUM

AM 2022-064 Award Contract for Integrated Mosquito Management Services to Vector Disease Control International, LLC, for not to Exceed \$18,340.00 from Public Works Shop General Fund

Mosquito operations are a specialized service that requires training, knowledge and a methodical approach to effectively and economically balance the City's needs and environmental issues. The VDCI program will handle all aspects of the City's program with added technology and information assistance to the residents. Program begins in May with larval surveillance with completion in September. Services include larval control, adult insecticide applications weekly, trap monitoring, mapping and reporting.

It was moved by Chris Ceretto and seconded by Bruce Fitzgerald to award the contract for integrated mosquito management services to Vector Disease Control International, LLC for an amount not to exceed \$18,340.00 from the Public Works General Fund. Motion passed unanimously on roll call vote.

AM 2022-065 Reconciliation of the 2021 Jacobs/Fort Lupton Rebateable Budget

The Jacobs Contract outlines a rebateable budget for operating expenses that are a direct pass through to the City. The amount of \$334,000.0 is broken up into 12 installment that are added to the Jacobs Monthly Invoice. After the close of the year, any additional charges are invoiced to the City or any unspent money is returned to the City.. Below is the accounting for 2021.

Repairs	Repairs Spent	192,827.54
	YTD Budget	<u>140,000.00</u>
	PTD (Rebate) or Invoice	57,827.54
Other	Other Utilities Spent	45,741.83

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
April 5, 2022**

Utilities (Propane)	YTD Budget	<u>40,000.00</u>	
	PTD (Rebate) or Invoice	5,741.53	
Contract Hauling (Solids Removal)	Contract Hauling Spent	34,233.20	
	YTD Budget	<u>40,000.00</u>	
	PTD (Rebate) or Invoice	<u>(5,766.80)</u>	
Chemicals	Chemicals Spent	88,435.53	
	YTD Budget	<u>114,000.00</u>	
	PTD (Rebate) or Invoice	<u>(25,564.47)</u>	
		361,238.10	Totals
		<u>334,000.00</u>	Spent
			Budget to
			date
			*Invoice
		27,238.10	or (rebate
			to city)

It was moved by Valerie Blackston and seconded by Bruce Fitzgerald to approve the reconciliation of the 2021 Jacob/Fort Lupton Rebateable Budget. Motion passed unanimously on roll call vote.

AM 2022-066 Approve Change Order Number 2 to Contract Agreement with Imperial Custom Concrete for 2021-Repairs Project for 2022 Concrete/Asphalt Work for not to Exceed \$100,000 From the Street Sales Tax Fund

The current contract agreement with Imperial Concrete executed September 7, 2021 was awarded for \$261,025.00 to cover multiple concrete and asphalt repair projects. Contracted work per the contract is currently a total of \$77,841.00 with \$138,969.00 of remaining work to do.

Change Order No. 1 added replacing deteriorated asphalt pavement around the Golf Course Club House area with concrete.

This Change Order Number 2 will expand the repair budget to include 2022 budgeted expenses for pavement repairs. \$50,000 for concrete replacement and \$50,000 for asphalt patching will be authorized on an on-call basis with the contractor.

Work will continue (weather permitting) on an "on-call" basis for need through the 2022 season.

It was moved by Carlos Barron and seconded by Valerie Blackston approving Changer Order

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
April 5, 2022**

Number 2 to contract agreement with Imperial Custom Concrete for 2021 Repairs Project for 2022 Concrete/Asphalt work for an amount not to exceed \$100,000 from the Street Sales Tax Fund. Motion passed unanimously on roll call vote.

AM 2022-069 Awarding the Bid to DP Guardian for an Amount not to Exceed \$406,294.00 for the Data Center Design-Building Project

This a request to accept the bid for the data center design and build in the basement of City Hall with in the City of Fort Lupton. The structures to be built are one data center and four additional rooms. This is to remediate the power and cooling issues that the current server room has experienced over the past several years as the City's data and computing needs have outgrown its current capacity. The four additional rooms would be offices and storage for the Information Technology ("IT") staff. This lowest bid received from WCC Construction is in the amount of \$398,600.00. The bid from DP Guardian is in the amount of \$406,294.00. There is a difference of \$7,694.00 between the two bids. WCC Construction did not meet the criteria requested in the bid.

It was moved by Bruce Fitzgerald and seconded by Valerie Blackston to award the bid to DP Guardian for an amount not to exceed \$406,294.00 for the Data Center Design-Building Project. Motion passed unanimously on roll call vote.

AM 2022-068 Consideration of a Resolution of the City Council of Fort Lupton Setting Fees for Building Permits

On November 2, 2021, the City Council approved ordinance 2021-1133 to adopt the 2018 International Building Code and other codes as referenced in that ordinance. As a result, the fee schedule needs to be updated to maintain consistency with the International Code Council. The proposed resolution would set new building permit fees. These fees can be found in Exhibit A to the proposed resolution.

Jose Gonzales, Inspector with ProCode provided the Council with information on fees from various surrounding municipalities and explained the increase in the various fees.

It was moved by Bruce Fitzgerald and seconded by Chris Ceretto to approve Resolution 2022R029 A RESOLUTION APPROVING THE CITY BUILDING PERMIT FEE SCHEDULE. Motion passed unanimously on roll call vote.

STAFF

Gerri Holton provided the Council with a library report. Mrs. Holton stated that an annual review of strategic plan was conducted and she shared the report with the Council. She also provided the Council with a list of the various activities and events being conducted at the library. Mrs. Holton invited Council to attend the library meetings.

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
April 5, 2022**

Leann Perino, Finance Director, stated that the 2021 final audit is being conducted remotely.

Roy Vestal, Public Works Director, provided information on Clean Up Day.

MAYOR/COUNCIL REPORTS

Mayor Stieber stated that she got married on Saturday.

FUTURE CITY EVENTS

April 9, 2022	Easter Egg Hunt, 203 S. Harrison Ave.
April 12, 2022	Town Hall Meeting, 130 S. McKinley Ave. 6:00 p.m.
April 17-23, 2022	Cemetery Clean Up, Hillside Cemetery
April 19, 2022	City Council Meeting, 130 S. McKinley Ave. 6:00 p.m.
April 26, 2022	Town Hall Meeting, 130 S. McKinley Ave. 6:00 p.m.
April 28, 2022	Clean Up Days - Seniors
April 29, 2022	Shredding Day, 130 S. McKinley Ave. 8 a.m. – 10 a.m.
April 30, 2022	Citywide Clean Up

ADJOURNMENT

The meeting adjourned at 8:11 p.m.

Submitted by,

Maricela Peña, City Clerk

Approved by City Council

Zo Stieber, Mayor

**RECORD OF PROCEEDINGS
MARIJUANA LICENSING AUTHORITY
APRIL 5, 2022**

The Marijuana Licensing Authority of the City of Fort Lupton met at the City Complex, 130 South McKinley Avenue, on Tuesday, April 5, 2022. Mayor Zo Stieber called the meeting to order at 7:00 p.m. and invited everyone to join her in the Pledge of Allegiance.

ROLL CALL

Mari Peña, City Clerk, called the roll. Those present were Mayor Zo Stieber and Councilmembers Chris Ceretto, Bruce Fitzgerald, Valerie Blackston, Carlos Barron and Claud Hanes.

Also present were City Administrator, Chris Cross, City Clerk, Mari Peña, City Attorney, Andy Ausmus and Planning Director Todd Hodges.

PUBLIC HEARINGS

AM 2022-004 Findings of Fact on an Applications Submitted by 1310 Factory Circle, LLC, for a Retail Marijuana Business to be Located at 1310 Factory Circle

On March 15, 2022, the Fort Lupton City Council acting as the Marijuana Licensing Authority, ("Authority") held a public hearing to consider the application submitted by 1310 Factory Circle, LLC.

During the public hearing, the Authority was provided with the marijuana business license application electronically on a USB. The Authority also heard testimony from the public.

Since the Authority had just received the information electronically, the Authority determined that the matter be tabled to April 5, 2022, to review the information received and deliver Findings of Fact on the application.

The Authority, after final review of the information, delivered the findings of fact as follows: the applicant is in legal possession of the premises, in compliance with zoning and is of good moral character.

It was moved by Carlos Barron and seconded by Valerie Blackston to approve the retail marijuana license for 1310 Factory Circle, LLC, based upon the facts and evidence presented, with the following conditions: applicable issuance of building permits and land use approvals as applicable, approved site inspections, approved security inspections, any additional background information (if necessary) on any parties providing financing, and maintaining compliance with all state and local laws, codes and ordinances. Motion passed unanimously on roll call vote.

**RECORD OF PROCEEDINGS
MARIJUANA LICENSING AUTHORITY
APRIL 5, 2022**

AM 2022-005 Findings of Fact on an Applications Submitted by Carretera Ocho Cinco, LLC, dba Highway 85 Cannabis for a for a Retail Marijuana Business to be Located at 7853 US Highway 85

On March 15, 2022, the Fort Lupton City Council acting as the Marijuana Licensing Authority, ("Authority") held a public hearing to consider the application submitted by 1310 Factory Circle, LLC.

During the public hearing, the Authority was provided with the marijuana business license application electronically on a USB. There was no testimony at the public hearing from the public.

Since the Authority had just received the information electronically, the Authority determined that the matter be tabled to April 5, 2022, to review the information received and deliver Findings of Fact on the application.

Mayor Stieber stated that given that there is a residence on the property, she is concerned that there is no separation between the residence and the marijuana business. She would like for children not to be able to see the vehicle traffic and clientele to the marijuana business. Mr. Balderas indicated that may be possible.

The City attorney indicated that the concern would be addressed under the five conditions listed, particularly the site inspection.

The Authority, after final review of the information, delivered the findings of fact as follows: the applicants are in legal possession of the premises, in compliance with zoning and are of good moral character.

It was moved by Chris Ceretto and seconded by Carlos Barron to approve the retail marijuana license for Carretera Ocho Cinco, LLC, dba Highway 85 Cannabis, based upon the facts and evidence presented, with the following conditions: applicable issuance of building permits and land use approvals as applicable, approved site inspections, approved security inspections, any additional background information (if necessary) on any parties providing financing, and maintaining compliance with all state and local laws, codes and ordinances. Motion passed unanimously on roll call vote.

AM 2022-006 Findings of Fact on an Applications Submitted by High Plainz Strains of Fort Lupton, Inc., for a Retail Marijuana Business to be Located at 1330 Factory Circle

On March 15, 2022, the Fort Lupton City Council acting as the Marijuana Licensing Authority, ("Authority") held a public hearing to consider the application submitted by High Plainz Strains of Fort Lupton, Inc.

**RECORD OF PROCEEDINGS
MARIJUANA LICENSING AUTHORITY
APRIL 5, 2022**

During the public hearing, the Authority was provided with the marijuana business license application electronically on a USB. The Authority also heard testimony from the public. Since the Authority had just received the information electronically, the Authority determined that the matter be tabled to April 5, 2022, to review the information received and deliver Findings of Fact on the application.

The Authority, after final review of the information, delivered the findings of fact as follows: the applicants are in legal possession of the premises, in compliance with zoning and are of good moral character.

It was moved by Chris Ceretto and seconded by Carlos Barron to approve the retail marijuana license for High Plainz Strains of Fort Lupton, Inc., based upon the facts and evidence presented, with the following conditions: applicable issuance of building permits and land use approvals as applicable, approved site inspections, approved security inspections, any additional background information (if necessary) on any parties providing financing, and maintaining compliance with all state and local laws, codes and ordinances. Motion passed unanimously on roll call vote.

ADJOURNMENT

The meeting adjourned at 8:10 p.m.

Submitted by,

Maricela Peña, City Clerk

Approved by City Council

Zo Stieber, Mayor



SUBJECT FOR DISCUSSION

An Ordinance Repealing Chapter 9 – Oil and Gas Exploration and Development, Chapter 16 – Zoning, And Chapter 17 – Subdivisions of The Fort Lupton Municipal Code, And the Official Zoning Map, And Replacing Them with A Consolidated Chapter 16 – Fort Lupton Development Code, And Amended Official Zoning Map

SUMMARY STATEMENT/BACKGROUND DISCUSSION

This request is for a City initiated comprehensive rezoning and code text amendment to consolidate Chapter 9 – Oil and Gas Exploration and Development, Chapter 16 – Zoning, and Chapter 17 – Subdivisions of the Fort Lupton Municipal Code, into one consolidated chapter known as Chapter 16 – Fort Lupton Development Code (the “Development Code Update”), and to repeal the official zoning map, and replacing it with an amended Official Zoning Map.

The Planning Commission staff report, included as an attachment to this Action Memorandum has additional information on the Development Code Update, including notification requirements, outreach efforts, and its conformance to the Fort Lupton Comprehensive Plan.

FINANCIAL CONSIDERATIONS

Not applicable.

LEGAL/POLITICAL CONSIDERATIONS

All notification requirements were met, including publishing notice of the public hearings on March 3, 2022, being at least fifteen (15) days in advance as required by C.R.S. 31-23-304, and 16-9(d)(4) of the Fort Lupton Municipal Code.

The draft Articles to the Development Code Update were posted on the Fort Lupton website on March 9, 2022, which is fifteen (15) days prior to the first hearing on this matter, as required by Fort Lupton Municipal Code Section 16-9(b).

ALTERNATIVES/OPTIONS

The City Council, by ordinance shall:

1. Approve the application; or
2. Disapprove the application; or
3. Refer the application back to the Planning Commission for further study.

The City Council's action shall be based on the evidence presented, compliance with the adopted standards, regulations and policies and other guidelines.

STAFF RECOMMENDATIONS

Staff recommends approval of Chapter 16 – Fort Lupton Development Code, and the corresponding Official Zoning Map.

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date

- Attachments:
- a. Proposed Ordinance
 - b. Draft Articles to the Development Code Update (Exhibit A)
 - c. Draft of the Amended Official Zoning Map (Exhibit B)
 - d. Addendum to the Adoption Draft (Exhibit C)
 - e. Planning Commission Resolution No. P2022-011 & Minutes
 - f. Staff Report
 - g. Executive Summary of Changes to the Development Code
 - h. Section Summaries of Changes to the Development Code
 - i. Plan Conformance Report & Plan Conformance Chart
 - j. Public Comments

ORDINANCE NO. 2022-xxxx

INTRODUCED BY: xxx

AN ORDINANCE OF THE CITY OF FORT LUPTON, COLORADO REPEALING FORT LUPTON MUNICIPAL CODE CHAPTER 9 – OIL AND GAS EXPLORATION AND DEVELOPMENT, CHAPTER 16 – ZONING, AND CHAPTER 17 – SUBDIVISIONS, AND REPLACING THEM WITH CHAPTER 16 – FORT LUPTON DEVELOPMENT CODE, AND ADOPTING A CORRESPONDING OFFICIAL ZONING MAP.

WHEREAS, the Fort Lupton Comprehensive Plan, known as Picture Fort Lupton (“Comp Plan”), was adopted on June 18, 2018;

WHEREAS, the Comp Plan identified an update to the zoning code in accordance with the Land Use Plan as a top priority implementation item;

WHEREAS, in 2019, the City of Fort Lupton began the process of updating its Municipal Code chapters related to land use development, including Chapter 9 – Oil and Gas Exploration and Development, Chapter 16 – Zoning, and Chapter 17 – Subdivisions in order to amend and consolidate them into one chapter, known as Chapter 16 – Fort Lupton Development Code (the “Development Code”);

WHEREAS, The City also began a concurrent update to amend the Official Zoning Map in order to correspond to the Development Code;

WHEREAS, on March 24, 2022, the Planning Commission of the City of Fort Lupton, Colorado, held a public hearing and unanimously recommended adoption of the Development Code Update and corresponding Official Zoning Map with conditions; and

WHEREAS, the City Council considered the significance and scope of the proposed regulations on the City of Fort Lupton and finds in fact that the Development Code implements the goals of the Comp Plan.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO:

Section 1 REPEAL OF EXISTING CODES. Chapters 9, 16, and 17 of the Fort Lupton Municipal Code are hereby repealed in their entirety; and

Section 2 ENACTMENT. Fort Lupton Municipal Code Chapter 16 – Fort Lupton Development Code as website-linked and referenced in Exhibit A, as attached hereto and fully incorporated herein by reference, is hereby enacted in full, with the recommended changes in Exhibit C incorporated.

Section 3 OFFICIAL ZONING MAP. The Official Zoning Map, as shown in Exhibit B, as hereto and fully incorporated herein by this reference, is hereby adopted in full effect.

Section 4 **EFFECTIVE DATE.** The Development Code, and corresponding Official Zoning Map, shall go into effect on July 1, 2022.

Section 5 **CONDITIONS.** This Ordinance is subject to the following conditions:

1. The Planning Director may approve minor changes to the Development Code and the amended Official Zoning Map that do not change the character or intent as approved by this Ordinance.
2. Within six months of the Development Code going into effect, revisions to Chapter 16 – Fort Lupton Development Code, and the amended Official Zoning Map that may change the character or intent as approved by this Ordinance 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.
3. The recommended changes identified in the Adoption Draft Addendum, attached as Exhibit C, which includes changes recommended by City staff, as well as the recommendations of Planning Commission, shall be made to the Development Code as set forth in Exhibit A.

Section 6 **SEVERABILITY.** If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The City Council hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

Section 7 **REPEALER.** All ordinances or resolutions, or parts thereof, in conflict with this ordinance or any part hereof are hereby repealed to the extent of such inconsistency or conflict. The repeal or modification of any provision of any prior ordinance by this ordinance shall not release, extinguish, alter, modify or change in whole or in part, any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining force for the purpose of sustaining any judgment, decree or order which can be rendered, entered or made such actions, suits, proceedings or prosecutions.

INTRODUCED, READ, AND PASSED ON FIRST READING, AND ORDERED PUBLISHED this ____ day of _____ 2022.

PUBLISHED in the Fort Lupton Press the ____ day of _____ 2022.

FINALLY READ BY TITLE ONLY, PASSED AND ORDERED FINALLY PUBLISHED by title only this ____ day of _____ 2022.

EFFECTIVE (after publication) the 1st day of July 2022.

City of Fort Lupton, Colorado

Zo Stieber, Mayor

Attest:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

EXHIBIT A TO ORDINANCE

Also available at link
[Development Code Update](#)

Article 1. General Provisions

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

Article 2. Procedures

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

Article 3. Subdivision Standards

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

Article 4. Zoning Districts & Uses

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

Article 5. Residential Development Standards

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

Article 6. Nonresidential Development Standards

- 6.01 Intent & Applicability
- 6.02 Development Standards
- 6.03 Design Standards
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Appendices

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

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

In accordance with Section 1.02.H of the Development Code, the Director has determined that the policies, guidance and standards in the following documents are consistent with the Comprehensive Plan and the purpose, intent and design objectives of the Development Code. They may be used to help interpret and apply the standards of the code or be used to guide any discretion in approval included in the code. Nothing in these documents may be interpreted to modify or conflict with any specific standard. All documents listed below are on file with the Planning & Building Department.

January 2022 – Public Hearing Draft

In accordance with Section 1.02.I of the Development Code, the Director has issued the following Official Interpretations of this code.

January 2022 – Public Hearing Draft [Chapter 16] A-2
Fort Lupton Development Code

Official Interpretation Format

Fort Lupton Development Code Official Interpretation	
Date of Director Approval: [mm / dd / yyyy]	Issued by: [name of author]
Section / Topic: [list specific section and/or describe topic]	PC Approval Date: [mm / dd / yy]
Summary of Requirement:	
Summary of Interpretation:	
Rationale:	
:	
Images / Diagrams:	

Appendix C – Fort Lupton Recommended Plant List

Table C-1: Fort Lupton Recommended Plant List * Water Demand Symbols: M = Moderate L – Low X - Xeriscape, ** Most Pine Trees & Junipers = L			
<i>Latin Name</i>	<i>Common Name</i>	<i>Height X Width</i>	<i>Water Demand*</i>
Shade Trees			
Acer negundo "Sensation"	Sensation Box Elder	40'-50' X 30'-40'	L
Acer platanoides	Norway Maple	40'-50' X 40"-50"	M
Aesculus glabra	Ohio Buckeye	25'-30' X 25'	M
American (Tilia Americana), Littleleaf(Tilia cordata)	Linden varieties	50'-70' X 30'-50'	M
Catalpa speciosa	Western Catalpa	50'-60' X 30'-40'	L
Celtis occidentalis	Hackberry	40'-60' X 40'-60'	L
Celtis reticulata	Native Hackberry	30' X 30'	X
English (Quesrcus robur), NorthernRed (Quercus rubra), Swamp White(Quercus bicolor)	Oak varieties	45'-60' X 50'-70'	M
Gleditsia triacanthos inermis	Thornless Honeylocust varieties	40'-50' X 35'-45'	L
Gymnocladus dioicus	Kentucky Coffetree	50'-60' X 40'-50'	X
Quercus macrocarpa	Bur Oak	50'-60' X 45'-60'	L
Small Trees			
Acer ginnala	Maple, Ginnala	15'-20' X 12'-20'	L
Acer grandidentatum	Wasatch Maple	25'-30' X 20'-25'	L
Acer tataricum	Maple, Tartarian	12'-15' X 8'-10'	L
Alnus glutinosa	Alder	25' X 25'	
Amelanchier grandiflora, Amerlanchier Canadensis, Amelanchier leavis	Serviceberry varieties	12'-15' X 10'-15'	M
Cercis canadensis	Redbud	20' X 20'	M
Crataegus ambigua	Russian Hawthorn	15'-25'- X 20'-25'	L
Crataegus erythropoda	Native Hawthorn	20' X 20'	X
Crataegus viridis	Winter King Hawthorn	20' X 25'	L
Crataegus phaenopyrum	Washington Hawthorn	15'-25' X 12'-20'	L
Koeleruteria paniculata	Goldenrain Tree	20'-30' X 20'-25'	L
Malus spp. (choose CSU fireblight resistant)	Crabapples	18'-25' X 18'-25'	M
Prunus	Cherry, sour	20' X 25'	M
Prunus ceracifera	Newport Plum	20' X 25'	M
Prunus nigra	Princess Kay Plum	15' X 10'	M
Quercus gambelii	Gamble Oak	8'-20' X 6'-8' (spreading)	X
Syringa reticulata	Japanese Lilac Tree	20'-25' X 15'	M
Washington (Crataegus phaenopyrum), Thornless Cockspur (Crataegus crusgalli "Inermis) and others	Hawthorn varieties	10'-15' X 10'-15'	M
Evergreens**			
Dwarf Evergreens	many varieties	Varies	M
Juniper horizontalis, Juniperus Sabina, Juniperus chinensis	Spreading Juniper	Varies – minimum 4'wide	L
Juniperus monosperma	Native Upright Juniper	25'-30' X 16'-20'	X

Table C-1: Fort Lupton Recommended Plant List * Water Demand Symbols: M = Moderate L – Low X – Xeriscape, ** Most Pine Trees & Junipers = L			
<i>Latin Name</i>	<i>Common Name</i>	<i>Height X Width</i>	<i>Water Demand*</i>
Juniperus scopulorum, Juniperus virginiana, Juniperus chenensis	Upright Juniper	Varies – minimum 6' wide	L
Mahonia fremontii	Freemont Mahonia	5'-8' X 5'-8'	X
Picea pungens	Colorado Spruce	50' X 20'	M
Picea spp.	Black Hills Spruce and other varieties	Varies, including dwarf varieties	M
Pinus aristata	Bristlecone Pine	20'-30' X 10'-20'	X
Pinus cembroides edulis	Pinon Pine	15'-20' X 15'-20'	X
Pinus contorta latifolia	Lodgepole Pine	50'-70' X 10'-15'	X
Pinus mugo	Mugo Pine	Varies	L
Pinus nigra	Austrian Pine	40'-60' X 30'-40'	L
Pinus ponderosa	Ponderosa Pine	50'-60' X 20'-30'	X
Pinus sylvestris	Scotch Pine	30'-50' X 20'-30'	L
Pseudotsuga menziesii	Douglas Fir	50' X 20'	M
Shrubs Over Six (6) Feet Tall			
Acer Glabrum	Maple, Rocky Mountain	15'-20' X 15'	M
Amelanchier alnifolia, Amelanchier alnifolia 'Regent'	Saskatoon or Mountain Serviceberry	8'-12' X 8'-12' Regent 6'X6'	L
Aronia arbutifolia "Brillantissima"	Brilliant Red Chokeberry	6' X 5'	M
Artemesia tridentatum	Sagebrush, Tall Western	6' X 6'	X
Buddelia davidii	Butterfly Bush varieties	6'-10' X 4'-8'	L
Buddleia alternifolia "Argentia" A	lternate-Leaf Butterfly Bush	8'-10' X 8'-10'	L
Caragana arborescens	Peashrub, Siberian	12'-15' X 8'-10'	L
Cercocarpus ledifolius	Mountain Mahogany, Curlleaf	15' X 10'	X
Cercocarpus montanus	Common Mountain Mahogany	8'-10' X 6'-8'	X
Chaenomele speciosa	Quince, Tall Flowering	12' X 10'	M
Chrysothamnus sp.	Rabbitbrush, Tall	4'-6' X 4'-6' (spreading)	X
Cotoneaster lucidus	Peking Cotoneaster	8'-10' X 8'-10'	L
Cytisus x varieties	Scotch Broom	6' X 6'	L
Forestiera neomexicana	Privet, New Mexico	8'-15' X 8'-12'	L
Forsythia x intermedia Northern Sun, Meadowlark, etc.	Forsythia, cold hardy varieties	8'-10' X 10'-12'	M
Hibiscus syriacus	Rose of Sharon	8'-10' X 8'-10'	L
Kolkwitzia amabilis	Beauty Bush	8'-10' X 8'-10'	L
Ligustrum vukgare	"Cheyenne" Privet, Common Cheyenne	12'-15' X 12'-15'	L
Mahonia aquifolium	Evergreen Oregon Grape Holly	6'-10' X 6'-10' (slow growing)	L
Phamnus smithii	Smith's Buckthorn	8' X 8'	L
Philadelphus coronarius	Mockorange, Sweet	10'-12' X 10'-12'	L
Physocarpus opulifolius	Ninebark, Common	8'-10' X 10'-12'	L
Prunus americana	American Wild Plum	10' X 15' (spreading)	X
Prunus cistina	Purple,leaf Plum	8'-12' X 8'-12'	M
Prunus tomentosa	Nanking Cherry	10' X 15'	L
Prunus triloba	Rose Tree of China	8' X 8'	M
Rhamnus frangula	"Colimnaris" Tall Hedge Buchthorn	12'-15' X 4'-6'	L
Rhus glabra	Sumac, Smooth	12'-15' X 12'-15' (spreading)	X

Table C-1: Fort Lupton Recommended Plant List * Water Demand Symbols: M = Moderate L – Low X – Xeriscape, ** Most Pine Trees & Junipers = L			
Latin Name	Common Name	Height X Width	Water Demand*
Rhus trilobata	Sumac, Three-leaf	6'-8' X 8' (spreading)	X
Rhus typhina	Sumac, Staghorn	15' X 10'	X
Ribes aureum	Currant, Yellow Flowering	5' X 6'	X
Rosa	Rose, Harrison's, Austrian Copper, Persian	Varies	L
Rosa glauca	Rose, Red-leaf shrub	8' X 8'	L
Sorbaria sorbifolia	Ural False Spirea	4'-8' X 6'-8' (spreading)	L
Spirea x vanhouttei	Spirea, Vanhoutte	6' X 8'	M
Syringa meyeri or Syringa patula	Lilac, Dwarf Korean	6' X 8'	M
Syringa vulgaris	Lilac, Common Purple	10'-12' X 10'-12'	L
American Highbush Wayfaring Tree (Vibumum lantana), Blackhaw (Vibumum prunifolium), Burkwood (Vibumum burkwoodii), Cranberry (Vibumum varieties) and other varieties	Vubumum varieties	6'-15' X 6'-15'	M
Shrubs Under Six (6) Feet Tall			
Amorpha nana	Leadplant, Dwarf	2'-3' X 2'-3'	X
Aronia melanocrpa elata	Black Chokeberry	4'-5' X 4'	L
Atriplex canescens	Four Wing Saltbush	3'-5' X 3'-4'	X
Berberis spp.	Barberry varieties	Varies from 2' X 2' to 5' X 5'	L
Caryopteris incana	Blue Mist Spirea	3'-4' X 4'-5'	L
Ceratoides or Krascheninnikovia lanata	Winerfat	2'-4' X 2'-4'	X
Cercocarpus ledifolius intricatus	Littleleaf Mountain Mahogany	3'-5' X 3'-5'	X
Chaenomeles japonica	Quince, Dwarf Flowering	4' X 8'	M
Chamaebatiaria millefolium	Fernbrush	5' X 5'	X
Chrysothamnus sp.	Rabbitbrush, Dwarf	1'-4' X 2'-4' (spreading)	X
Contoneaster apiculatus	Contoneaster, Cranberry	2' X 4'	M
Cotoneaster divaricatus	Contoneaster, Spreading	4' X 4'-6' (spreading)	L
Cowania mexicana	Cliffrose	4' X 6'	X
Cytisus purgans	"Spanish Gold" Spanish Gold Scotch Broom	4' X 6'	L
Daphne burkwoodii "Carol Mackie"	Carol Mackie Daphne	4' X 4'	M
Ephedra viridis	Mormon Tea	2'-3' X 2'-3'	X
Euonymous fortunei	Euonymous	Coloratus 2'X 8' Sarcocie 4' X 4'	M
Fallugia paradoxa	Apache Plum	3'-5' X 3'-5'	X
Genista varieties	Woadwaxen Varies	1' X 3' X 2' X 4'	L
Holodiscus dumosus	Rock Spirea	3' X 6'	X
Hypericum patalum	"Hidcote" Hidcote St John's Wart	3' X 4'	M
Jamesia americana	Waxfower	4' X 4'	X
Ligustrum vulgare	"Lodense Privet, Lodense	4' X 4'	M
Mahonia aquilifolium "Compacta"	Compact Evergreen Oregon Grape Holly	3' X 3'	L
Perovskia atriplicifolia	Russian Sage	3'-5' X 3'-5'	L
Philadelphus	Mockorange, Dwarf	6' X 6'	L
Physocarpus monogynus	Ninebark, Native	4' X 4'	X

Table C-1: Fort Lupton Recommended Plant List * Water Demand Symbols: M = Moderate L – Low X – Xeriscape, ** Most Pine Trees & Junipers = L			
Latin Name	Common Name	Height X Width	Water Demand*
Physocarpus opulifolius nana	Ninebark, Dwarf	6' X 6'	L
Potentilla fruticosa garden varieties	Potentilla varieties	2' X 2' up to 4'X 4'	L
Potentilla fruticosa	Potentilla, Native	3' X 3'	X
Prunus Besseyi	Western Sandcherry	4' X 4'	X
Prunus besseyi "Pawnee Buttes"	Sandcherry, Pawnee Buttes	2'-3' X 6'-10'	L
Rhus aromatica "Gro-low"	Sumac, Gro-low	2'-3' X 6'-8'	L
Rhus glabra cis-montana S	umac, Rocky Mountain	3' X 8' (spreading)	X
Ribes alpinum	Currant, Alpine	5' X 5'	L
Ribes cereum	Currant, Squaw or Wax	2'-4' X 2'-4'	X
Rosa Rugosa	Rose, Rugosa Shrub	2'X 2' to 5' X 5'	L
Rosa Woodsii	Rose, Native	4'-5' X 4'-5' (spreading)	X
Rubus deliciosus	Boulder Raspberry	6'-8' X 6'-8' (arching)	X
Spirea varieties	Spirea varieties	Varies, 2'-6' X 2'-6'	M
Symphoricarpos albus	Coralberry, White	4'-5' X 4'-6'	L
Symphoricarpos orbiculatus	Coralberry, Red	4'-5' X 4'-6'	L
Symphoricarpos oreophilus	Coralberry, Mountain Snowberry	4' X 4' (spreading)	X
Symphoricarpos x chenaulti "Hancock"	Coralberry, Hancock	2' X 12'	L
Viburnum varieties	Viburnem varieties	Varies, 5'-12' X 5'-12'	M
Yucca	Yucca varieties	3' X 3'	X
Grasses – ornamental			
Arundo donax	Bamboo Grass	12' X 6' (spreading)	L
Bouteloua gracilis	Blue Gramma Grass	4" tall 15" with seed heads	X
Buchloe dactyloides	Buffalo Grass	4"-6"	X
Calamagrostis acutiflora varieties	Feather Reed Grass varieties	4' X 2'	L
Carex spp.	Sedge varieties	12" X 12"	M
Chasmanthium latifolium	Northern Sea Oats	2'-3' X 2'	M
Erianthus ravannae	Plume Grass	12' X 4"	L
Festuca ovina glauca	Blue Fescue Grass	1' X 1'	L
Festuca varieties	Turf-type Tall Fescue Grasses		L
Helictotrichon sempervirens	Blue Avena Grass	2' X 2'-3'	L
Imerata cylindrical "Red Baron" J	apanese Blood Grass	1'-2' X 1'-2'	M
Miscanthus	Maiden Grass varierites	Varies 3'-8' X 3'-6'	L
Panicum virgatum	Switchgrass	3'-4' X 2'-3'	X
Phalaris arundinacea "Picta"	Ribbon Grass	2' X 4'-6' (spreading)	M
Schizachyrium coparium	Little Bluestem	3' X 18"	X
Sorghastrum nutans	Indian Grass	3'-4' X 2'	L
Grasses – Sod			
Festuca glauca	Fescue		L
Distichlis spicata var. stricta.	Saltgrass		X
Perennials & Groundcovers			
Achillea "Moonshine"	Moonshine Yarrow	24"-30" X 24"-30"	L
Achillea serbica	Serbian Yarrow	6" X 12"	L
Agastache cana	Double Bubble Mint	24"-36" X 24"	X

Table C-1: Fort Lupton Recommended Plant List * Water Demand Symbols: M = Moderate L – Low X – Xeriscape, ** Most Pine Trees & Junipers = L			
<i>Latin Name</i>	<i>Common Name</i>	<i>Height X Width</i>	<i>Water Demand*</i>
Agastache rupestris	Sunset Hyssop	24' X 24"	X
Aquilegia	Columbine	12"-36" X 12"-36"	M
Alchemilla mollis	Lady's Mantle	2' X 2'	L
Alyssum monyanum	Mountain of Basket Gold	6'-10" X 1'-2'	L
Anemone pulsatilla or Pulsatilla vulgaris	Pasque Flower	8" X 12"	L
Anemone sylvestris	Spring Wildflower	10" X 24"	M
Anemone vitifolia "Robustissima"	Fall Grape-leaf Anemone	36" X 45"	M
Antennaria rosea	Pink Pusseytoes	2" X 6" (spreading)	L
Arctostaphylos uva-ursi	Kinnickinnick	6" X 6"	X
Armeria maritime	Sea Pink	12" X 12"	M
Artemesia frigida	Fringed Sage	12"-24" X 12"-24"	X
Artemisia versicolor	Seafoam Sage	12"-18" X 2'-3'	X
Aster Frikarti	Summer Aster	24" –30" X 24"	M
Aster novae-angliae varieties	New England Aster	2' X 2' (spreading)	L
Aster novi-belgii varieties	Dwarf Fall Asters	12"-15" X 2'-3'	L
Aubrieta or Arabis varieties	Rockcress	6" X 2' (spreading)	L
Baptisia australia	False Indigo	24" X 36"	L
Boltonia asteroides "Snowbank"	Boltonia, Snowbank	48"-60" X 48"	M
Brunnera macophylla	False Forget-me-not	12"-18" X 18" (spreading)	L
Callirhoe involucrate	Poppy Mallow/Wine Cups	5" X 30"	X
Campanula	Bellflower varieties	3" X 12" to 30" X 30"	M
Centranthus ruber	Red Valerian	3' X 3'	L
Cerastium tomentosum	Snow in Summer	6"-12" X 24"	L
Ceratostigma plumbaginoides	Plumbage	1' X 1' (spreading)	L
Coreopsis lanceolata	Coreopsis	1'-2' X 1'-2'	L
Coreopsis verticillata varieties	Moonbeam Coreopsis	24" X 24"	M
Delosperma nubigenum (Yellow), Delosperma cooperia (Purple)	Iceplant varieties	2"-3" X 2"	L
Digitalis lanata	Grecian Foxglove	18"-24" X 18"-24"	L
Duchesnea indica	Flae Strawberry	3"-6" X 24" (spreading)	L
Echinacea purpurea	Purple Coneflower	2'-3' X 2'-3'	M
Echinops ritro	Globe Thistle	3" X 3"	L
Eriogonum umbellatum	Sulpher Flower	15" X 24"	X
Gaillardia varieties	Blanket Flower	2'-3' X 2'-3'	L
Galium odoratum	Sweet Woodruff	4" X 24" (spreading)	M
Geranium sanguineum	Bloody Cranesbill	1' X 2'	L
Geranium varieties	Hardy Cransbill	8"-36" X 12"-36"	M
Geum triflorum	Prairie Smoke Avens	1' X 1'	L
Helianthemum nummularium	Sunrose	6" X 18"-24"	L
Helianthus maximiliana	Maximilian Sunflower	6'-8' X 4'	X
Hemerocallis varieties	Daylily varieties	18"-36" X 18"-36"	M
Iberis sempervirens	Candytuff	8" X 24"	M
Iris siberica	Iris, Siberian	24" X 24"	M
Iris varieties	Dwarf and Bearded varieties	Varies, 3'-4' X 3'-4'	L

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Latin Name	Common Name	Height X Width	Water Demand*
Knautia Macedonia	Maroon Pincushion Flower	3' X 3'	L
Kniphofia	Red Hot Poker varieties	Varies, 3'-4' X 3'-4'	L
Lamium maculatum "White Nancy"	White Nancy Nettle	4"-6" X 2' (spreading)	L
Lavendula angustifolia	Lavender varieties	12"-24" X 12"-24"	L
Leucanthemum spp.	Daisy, Shasta	24"-36" X 24"-36"	M
Liatris punctata	Native Gayfeather	18" X 18"	X
Liatris spicata, garden varieties	Gayfeather	1'-2' X 1'	L
Lilium	Lily	24"-36" 12"	M
Linum perenne, Linum lewisii	Blue Flax	18" X 18"	X
Lupinus	Lupine varieties	12"-24" X 12"-24"	L
Lychnis coronaria	Rose Campion	12"-30" X 18"-30" (spreading)	L
Mahonia repens	Creeping Mahonia	12"-24" (spreading)	X
Malva alcea	Hollyhock Mallow	3' X 3' (seeds)	L
Mirabilis multiflora	Four-O'-Clock, wild	24"-48" X 24"-48"	X
Monarda varieties	Bee Balm varieties	2'-3' X 2'-3'	L
Nepera x faassenii	Catmint	1'-3' X 1'-3' depends on variety	L
Oenothera macrocarpa	Evening Primrose, Missouri	12"-15" X 24"	X
Oenothera speciosa	Showy Pink Evening Primrose	10" X 18"	L
Paeonia	Peony varieties	Varies, 36" X 36"	M
Papaver orientalis	Oriental Poppy	2'-3' X 2'-3'	L
Penstemon	Penstemon garden varieties	Varies 1'-3' X 1'-3'	L
Penstemon varieties	Penstemon varieties	Varies	X
Persicaria affinia	Himalayan Border Jewell	1' X 2'	L
Phlomis russeliana	Hardy Jerusalem sage	36" X 20"	L
Phlox divaricata	Sweet William	8"-12" X 12"-15"	M
Phlox paniculata	Tall Summer Garden Phlox	32"-48" X 30"40"	M
Phlox subulata	Phlox creeping	3"-4" X 12"-24"	M
Physostegia virginiana	Obedient Plant	2' X 2'	M
Platycodon grandiflora	Balloon Flower 2	4" X 24"	M
Primula denticulate	Himalayan or Drumstick Primrose	6"-12" X 8"-12"	M
Ratibida columnifera	Coneflower, 3-leaf yellow	15"-24" X 18"	X
Rudbeckia fulgida	"Goldstrum" Black-eyed Susan	24"-28" X 24"	M
Salvia nemerosa	Pernnial Salvia	Varies, 24" X 24"	L
Salvia spp.	Sage varieties, ornamental and cooking	1'-2' X 1'-2'	L
Saponaria ocymoides	Rock Soapwort	6" X 2' (spreading)	L
Scabiosa caucasica	Pincushion Flower	24" X 24"	M
Scabiosa luncida	Dwarf Pincushion Flower	6"-8" X 12"	L
Sedum spectabile	Tall Sedum varieties	18"-24" X 18"-24"	L
Sedum spurium	Low Sedum varieties	3" X 24" (spreading)	L
Sempervirens sp.	Hens & Chicks	2"4" X 2"4" (spreading)	X
Sidalcea malviflora	Prairie Hillyhock	3' X 3'	L
Solidago	Goldenrod varieties	Varies, 12"-24" X 12"-24"	L
Sphaeralcea muhroans	Orange Globe Mallow	36"-24" X 18"-24"	X

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<i>Latin Name</i>	<i>Common Name</i>	<i>Height X Width</i>	<i>Water Demand*</i>
Stachyz byzantina	Lamb's Ear	10"-12" X 24" (spreading)	L
Tanacetum densum amani	Partridge Feather	8"-10" X 2' (spreading)	L
Tanacetum niveum	Snow Daisy	18"-24" X 18"-24"	L
Teucrium Canadensis	American Germander	1' X 1'	L
Thermopsis divaricarpa	Golden Banner	18"-24" X 18"-24" (spreading)	X
Veronica pectinata	Woolly Veronica	3" X 24" (spreading)	L
Veronica prostrata	Turkish Veronica	3" X 24" (spreading)	L
Veronica spicata	Tall Veronica varieties	24"-36" X 24"-36"	M
Vinca Minor	Evergreen Periwinkle	8"-10" X 2' (spreading)	L
Viola Corsica	Coriscian Violet	4" X 4" reseeds	L
Waldsteinia fragaroides	Barren Strawberry	4"-6" X 24" (spreading)	L
Zauschneria	Hummingbird Palnt varieties	2'-3' X 2'	L
Vines			
Campsis radicans	Trumpet Vine		L
Clematis tangutica	Yellow Lantern Clematis	(climbing or scrambling)	X
Clematis terniflora, Sweet Autumn	Clematis varieties including large hybrid flowers		M
Hedera helix	English Ivy		M
Humulus lupulus	Hop Vine		M
Lonicera spp.	Honeysuckle varieties		M
Parthenocissus cuspidate	Virginia Creeper		L
Parthenocissus tricuspidata	Boston Ivy		M
Polygonum aubertii	Silverlace Vine		L
Vitis spp.	Grapes		M
Bulbs			
Allium sp.	Ornamental Onion		L
Crocus biflorus, Crocus sieberi, Crocus ancyriensis, Crocus chysanthus, Crocus tomasinianus	Species Crocus		L
Iris reticulata	Botanical Iris		L
Muscari spp.	Grape Hyacinth		L
Scilla spp.	Scilla		L
Tulipa linifolia, Tulipa batalinii, tulipa humilis, Tulipa vvedenskyi	Species Tulip		L

In accordance with Section 2.11 of the Development Code, the City has approved the following amendments to this Code.

January 2022 – Public Hearing Draft [Chapter 16]
Fort Lupton Development Code A-11

Appendix E – Legacy Zone Districts

The following are zone districts that have been implemented in the past but that have been discontinued. Some property may remained zoned under these districts, and until rezoned or otherwise shifted to specific provisions of the applicable code may use the standards in this appendix.

1. **E – Estate District.** The zoning district known as "E Estate" is hereby repealed. The one (1) parcel of property in the City now zoned "E Estate" (West Lake ADD PUD—11, known as 110 West Hill Court, Fort Lupton, Colorado, a part of Section 4, Township 1 North, Range 66 West of the 6th PM, Weld County, Colorado), shall retain the former "E Estate" uses from Ordinance 2006-869 and former Code Section 16-33, which are as follows:
 - (a) *Intent.* 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.
 - (b) *Permitted uses.* No building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided in this Chapter, except for the following uses:
 - (1) Single-family dwellings, including homes built on site, HUD-approved modular homes and HUD-approved factory-built homes.
 - (2) Schools, public and private.
 - (3) Public recreation areas and facilities.
 - (4) Crop, orchard and garden uses.
 - (5) Home occupations.
 - (6) The keeping of not more than 1 horse for the private use of each member of the family, provided that such horses are not kept or housed within 50 feet of any street or highway, and that a minimum of 20,000 square feet of lot area is provided for each horse.
 - (7) Accessory buildings typically found with the above-permitted uses.
 - (8) Personal care boarding homes, 2 boarders or less.
 - (c) *Special uses.* The following are allowed subject to the special use review and approval procedures of this Chapter:
 - (1) Airports, private.
 - (2) Churches.
 - (3) Public utility facilities.
 - (4) Personal care boarding homes, 3 boarders or more.
 - (5) Temporary buildings for commerce or for industry, which is incidental to a residential development. Such permit is to be issued for not more than a period of one year.
 - (6) Accessory dwellings in conjunction with a permitted single-family dwelling and subject to criteria listed in this Chapter.
 - (d) *Height.* No residential building or accessory building shall exceed a height of 35 feet. Accessory buildings shall not exceed the height of the principal building or 35 feet, whichever is less.
 - (e) *Rear yard setback.* 50 feet. The rear yard must be on the opposite side of the lot as the front yard.
 - (f) *Side yard setback.* 15 feet.

- (g) *Corner setbacks.* A yard of not less than 35 feet shall be maintained between the side lot line abutting the side street and the main building.
- (h) *Front yard setback.* A yard of not less than 35 feet shall be maintained between the front lot line and any building.
- (i) *Accessory building setback.* An accessory building may be located within 5 feet of any side and rear property line, except however, that accessory buildings housing horses shall not be set closer than 20 feet from any side or rear property line and no closer than 35 feet from the main family dwelling. In no instance shall any accessory building be permitted in the front yard. Accessory buildings shall be set back a minimum of 35 feet from any side street on a corner lot.
- (j) Minimum lot area. 40,000 square feet.
- (k) Minimum square feet of floor area:
- | "Dwelling" | Square Feet |
|-------------------|--------------------|
| Ranch style | 1,250 |
| Bi-level | 1,100 |
| Tri-level | 1,150 |
| Two-story | 1,100 |
- (l) *Lot frontage.* A minimum of 50 lineal feet measured along the front property line."

(Ord. 2006-869 Part 1; Ord. 2007-891)

Article 1. General Provisions

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

Section 1.01 Overview

- A. **Title.** This Chapter is known as the Fort Lupton Development Code. References to “this code,” “the development code,” or “these regulations” shall be considered a reference to the Fort Lupton Development Code.
- B. **Authority and Jurisdiction.** The development code is enacted pursuant to the purposes and authority granted by Colorado Revised Statutes, Title 31, Article 23 Planning and Zoning. It applies to all structures and land within the incorporated area of the City of Fort Lupton, as depicted on the official zoning map, and other maps accompanying the City’s plans and policies. The provisions of this code that apply to subdivisions, and the planning and design of major streets, shall apply to all land within the legal boundaries of the City and all land within three miles of the corporate limits of the City, if not located in any other municipality’s authorized jurisdiction. It shall be unlawful to conduct any development or use of land until any applicable development review processes have been followed, all applicable standards have been fulfilled, and all applicable approvals, permits or other authorizations have been issued.
- C. **Purposes.** This development code is adopted to promote the public safety, health, and general welfare for the City of Fort Lupton and its citizens and businesses. Specifically, the regulations have the following purposes:
1. Implement the Comprehensive Plan, and other plans and programs authorized under the guidance of the Comprehensive Plan.
 2. Promote the physical, social, and economic well-being of residents and businesses, the long-term value and viability of public investments, and individual property values by balancing the co-equal rights of property owners.
 3. Promote planning and urban design that emphasizes distinct places and unique elements of community character throughout Fort Lupton.
 4. Provide parks, trails, and civic spaces that help organize development around systems of connected open spaces and emphasize significant natural landscapes
 5. Secure proper arrangement and design of streets to shape efficient development patterns, coordinate with existing and planned streets, create multi-modal networks, improve access and circulation, support abutting land uses, and create value through public realm investments.
 6. Divide the City into zones and districts that promote the character and development patterns of distinct places identified in the Comprehensive Plan.

7. Regulate and restrict the development and use of buildings and land within each zoning district to create a compatible scale and range of building types within districts, to relate development to the public realm, and to promote the appropriate transitions to adjacent property and to supporting districts.
8. Secure adequate provisions for water, drainage, sanitary sewer facilities and other public improvements based upon city, state, and federal requirements.
9. Provide for coordinated development of Fort Lupton consistent with established policies of the City.

D. Severability.

1. If any court of competent and final jurisdiction declares any part of this development code to be invalid, that ruling shall not affect any other provisions of this development code not specifically included in that ruling.
2. If any court of competent and final jurisdiction declares that the application of this development code to a particular property or structure is invalid, that ruling shall not affect the application of the regulations to any other property or structure, or to development with different circumstances.
3. No provision of this code shall enable any circumstance that is unlawful under superseding federal or state law. If any section, subsection, sentence, clause, phrase, or portion of this code is now or in the future superseded or preempted by state or federal law, or found by a court of competent jurisdiction to be unauthorized, such provision shall be interpreted and applied as required by law.

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

1. *Generally.* All standards in this code shall apply upon effective date of the ordinance adopting these standards, and all subsequent amendments shall become effective in the same manner.
2. *Applications.* Any official application submitted prior to the effective date of the ordinance adopting these standards, and determined a complete application by the Director, shall be reviewed and processed according to the prior standards and procedures. An application submitted prior to the effective date, but determined incomplete, shall be resubmitted and processed according to the regulations in effect at the time of submittal of a complete application.
3. *Permits and Site Plans.* All permits, site plans or other approvals issued under an administrative capacity prior to the effective date of this code shall remain effective for the duration specified in that permit. If no duration is specified, the duration of the most applicable approval under this code shall be used.
4. *Plats.* Any approved preliminary plat may continue to be processed according to the standards and procedures of the prior code, for the duration of the approved preliminary plat applicable under the prior standards. Each subsequent approval of a final plat for a phased project may renew the validity of that plat, for the duration specified in Section 2.02, but subject to the standards and criteria of the previously approved preliminary plat. However, a previously approved preliminary plat may be resubmitted plan under these standards, and processed as provided in this code. The expiration of any preliminary plat

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

5. *Special Uses.* Any special use or other approval that may be limited to a specific duration or conditions under prior regulations may continue for that specified duration or according to the conditions. Any changes or subsequent approvals of these uses upon expiration of that period shall be processed according to this code.
6. *Planned Unit Developments.* All Planned Unit Developments approved under the previous regulations shall remain in effect. Any subsequent approvals needed for future development under the PUDs shall be processed according to the standards previously applicable to PUDs. However, changes to approved PUDs, or future development or redevelopment within PUDs, may also be processed according to Section 2.04.
7. *Continuation of Enforcement.* Any violations existing under the previous development code will continue to be a violation under this code. The violation may be enforced as provided by this code, and any enforcement action may require compliance with the most applicable provisions of the previous code or this code.

Section 1.02 Interpretation

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

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

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

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

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

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

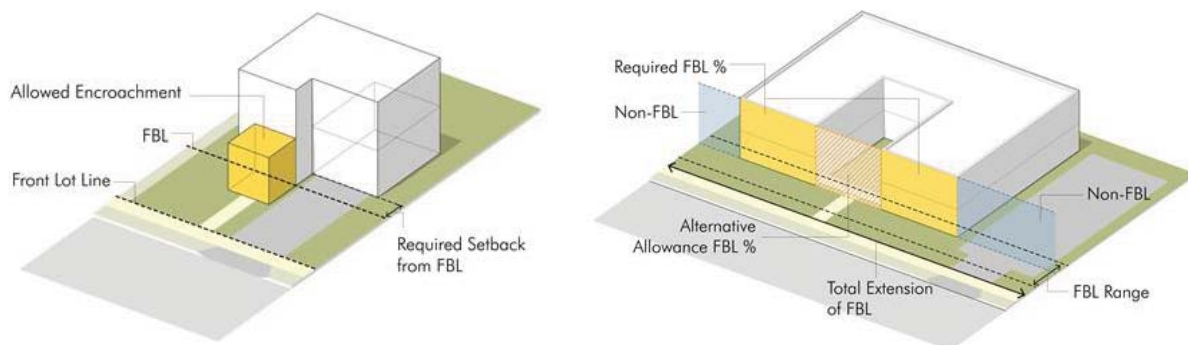


Figure 1-1 Front Building Line

Front building line standards deal with the relationship of the principal building to the front lot line, the extent of the building along the lot frontage, and the relationship of other site elements to the front of the building.

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

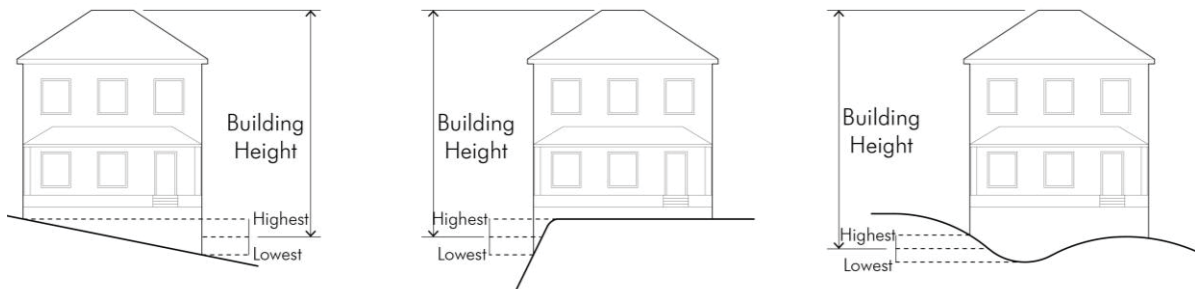


Figure 1-2 Building Height

Building height is measured from the average of the highest and lowest elevation of finished grade along the front building line to the highest point of the roof structure.

3. **Building Setbacks.** The minimum required distance between any property line and the building or structure. When front building setbacks are expressed as a range (i.e. 10' to 25'), it shall be interpreted as a "front building line" range, within which distance the front building line of the principal structure shall be established.
4. **Story.** The part of a building included between the surface of one floor and the surface of the floor next above, or if there is no floor above the ceiling above. Story heights shall be:
 - a. Generally, 8 feet to 12 feet;
 - b. The first story for residential buildings should be 9 feet to 14 feet;
 - c. The first story in non-residential buildings should be 12 feet to 20 feet;
 - d. Building types or parts of buildings that require high floor-to-ceiling heights, such as a gymnasium, atrium or warehouse, shall have the number of stories calculated as the finished floor-to-ceiling height divided by 15.
 - e. Any ground story that has more than 4 feet of its height exposed above finished grade along more than 50% of the foundation perimeter shall count as a story, except that the Director may determine that it is not a story (i.e. "walk out basement") provided:
 - (1) The lot has a grade change of more than 4 feet within the buildable area established by setbacks; and
 - (2) The building foundation is no more than 2 feet above grade at the highest grade point along the front elevation; and
 - (3) The grading for the site was not significantly altered to benefit the height of the proposed building in a manner that is incompatible with the scale, massing and relationship to adjacent buildings.
5. **Story, Half.** The space under a sloping roof that has a line of intersection of the roof and exterior wall face not more than 2 feet above the floor level, and where the possible floor area with head room of 7 feet or more is no greater than 60% of the total floor area of the story directly beneath.

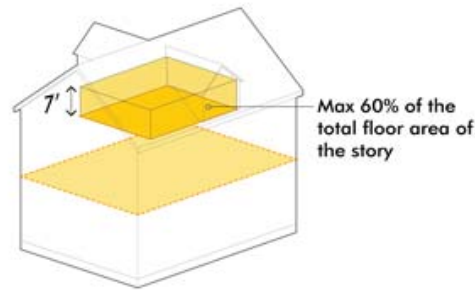


Figure 1-3 Half Story

Half stories allow for habitable or occupied space below pitched roof structure.

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

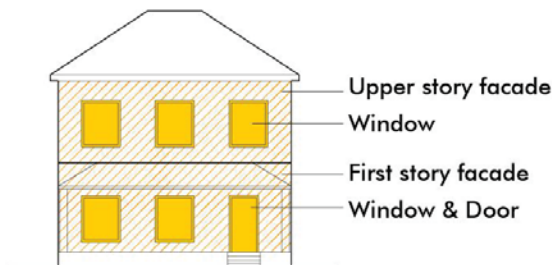


Figure 1-4 Transparency

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

- E. **Lot Measurements.** The following shall be used in interpreting measurements and dimensional standards for lots. In the case of parcels, outlots or other property lines clearly intended to bound buildable areas or required open space, these lines may be interpreted as lot lines for the purposes of this code:
 1. **Lot Area.** The area bounded by the front, rear and side lot lines, or when expressed as a range, it shall be interpreted as a minimum and a maximum.
 2. **Lot Depth.** The horizontal distance between the front and rear lot lines measured at right angles to the front right-of-way lines. Where the front and rear lines are not approximately parallel, the lot depth shall be the average when measured from at least three different points along the front lot line, including the two corners at the front lot line.

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



Figure 1-5 Corner Lots

Setbacks, building lines and lot dimensions on corner lots can be varied based on the orientation of the lot, and the orientation of the buildings to adjacent lots.

- (b) *Lot Line, Interior Side.* A side lot line which is adjacent to a side lot line of another lot.
- (c) *Lot Line, Rear.* The line opposite the front lot line. Where the side lot lines meet in a point, the rear lot line shall be assumed to be a line not less than ten feet long, lying within the lot and parallel to the front lot line.
- (d) *Lot Line, Side.* Any lot lines other than the front or rear lot line.
- (e) *Lot Line, Street Side.* A side lot line which separates the lot from a street.

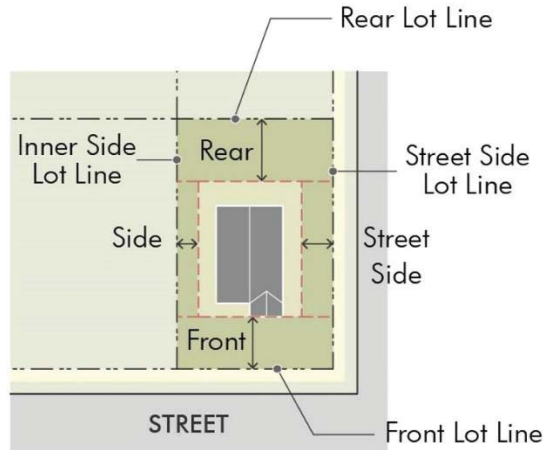


Figure 1-6 Lot & Building Lines
This illustrates how to apply different types of lot lines

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

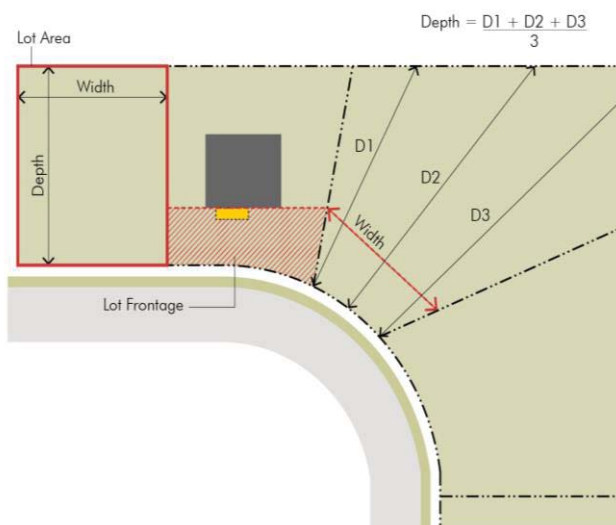


Figure 1-7 Lot Measurements
This illustrates how to apply lot measurements on both regular and irregular lots.

- F. **Interpretation of Zoning Map.** Where uncertainty exists with respect to any boundary on the zoning district map, the following rules shall apply:
1. Boundaries approximately following streets or other rights of way or rivers or streams - the centerlines or extension of these centerlines shall be the boundaries.
 2. Boundaries indicated as approximately following property lines - the platted or other official legal line of that property shall be the boundaries, unless the property boundaries on the map have been substantially altered.
 3. Boundaries approximately following city limits shall be interpreted as following the actual city limits.
 4. Boundaries that split any platted lots - the lot shall be interpreted in the district designated to the majority of the lot. In the case of an equal split, the Director shall determine the appropriate zoning based on consideration of the Comprehensive Plan, the context, the surrounding existing uses, and the likelihood of change in context or existing uses in the future.
 5. Boundaries that split any unplatted property - any future platting of property may generally follow the zoning boundary and then each resulting property may assume the zoning applicable to the majority of the resulting lot actual platted boundary, or where any resulting lots have significant discrepancies with zoning boundaries, rezoning may be required.
 6. Boundaries following a shoreline shall be interpreted to follow the shorelines and in the event of change in the shoreline, shall move with the actual shoreline.
- G. **Non-regulatory Provisions.** Intent statements, design objectives, graphics and commentary such as captions to graphics or notes in tables, are an aid to interpretation of the standards and criteria. In the event of a conflict between the intent statements, design objectives, graphics or commentary and a specific standard, the specific standard shall control.
- H. **Resources, Guides and Industry Standards.** Resources, guides and industry standards that are recognized as a reputable authority in the planning, development and urban design professions, may be used to supplement interpretation of this code. They shall be subject to the approval of the Director upon a determination that the content is consistent with the policies of the Comprehensive Plan and the purposes, intent, and design objectives of these regulations. Any resource, guide, or industry standard approved by the Director shall be listed in Appendix A, and at least one copy shall be kept on file with the Planning Department. Use of these guides shall only be to the extent that it is consistent with the purposes, intent and design objectives expressed in these regulations, and shall not be used to otherwise modify or conflict with any specific standard in these regulations.
- I. **Official Interpretations.** In cases where there is uncertainty how this code applies to potentially recurring situations, the Director may make Official Interpretations.
1. **Filing.** Official Interpretations shall generally be in the format provided in Appendix B, and each official statement shall be filed with the Planning Department and included or referenced in the Appendix B. Official Interpretations shall be filed with the Planning Commission by placing it on the consent agenda of a regularly scheduled meeting.
 2. **Criteria.** In making an Official Interpretation, the Director shall use the following criteria:
 - a. Sound professional planning and urban design principles.
 - b. The Comprehensive Plan and any specific plans or policies created under the Comprehensive Plan.
 - c. The purposes, intent or design objectives applicable to this code and the specific article or sections subject to the interpretation.
 - d. Any resources, guides or industry standards applicable to the specific situation.

- e. Based on the context of the street, block, site or building, the interpretation is at least one reasonable way the standards could be applied.
 - f. Whether the same interpretation could be applied to all similarly situated property or circumstances, and meet these criteria; or whether any conditions or limitations are necessary to ensure it meets the criteria.
3. **Effect of Decision.** An approved Official Interpretation shall be effective upon approval by the Planning Commission and may apply to all similar situations unless:
- a. It is overruled or modified by a different Official Interpretation.
 - b. It is overruled by appeal as provided in these regulations.
 - c. It is amended or overruled by a text amendment to the section addressed by the statement.

Section 1.03 Administration

- A. **Staff.** The following city staff positions are responsible for administering specific aspects of this code.
- 1. **Planning Director.** The Planning Director (Director) is responsible for administration of the development code, and is the principal interpretation and enforcement official of these regulations. The Director may consult with any other department or relevant outside agencies in order to coordinate any plans, policies and programs that impact the Comprehensive Plan. The Director shall specifically:
 - a. Prepare and provide development applications and forms;
 - b. Oversee the application, review and administration processes, and prepare presentations and reports for review bodies;
 - c. Set the dates for meetings and hearings before the Planning Commission, Board of Adjustment, and Historic Preservation Commission;
 - d. Determine additional information and materials required for review of applications;
 - e. Waive submittal requirements, with appropriate justification supporting that the information is not necessary due to the context or type of project, and won't otherwise be needed to evaluate the application against standards or criteria.
 - f. Issue official interpretations and approve the use of other resources, guides, and industry standards used in administering this code.
 - g. Make all final interpretations and any final administrative decision referred to the Director under the procedures and standards of these regulations.
 - 2. **City Administrator and Other Staff.** The City Administrator is the chief executive and administrative officer for the City and may make any decision delegated to any city staff member under this code. All other department heads and staff may serve in an advisory role to the Planning Director under this code, as designated by the City Administrator.
 - 3. **Design Review Team.** The City Administrator or Director may assemble the Design Review Team, for any applications that the City Administrator or Director determines require referral, review, and comment from any of the departments or agencies on the committee. In addition to the Director and City Administrator, the team generally includes the City Planner, Public Works Director, Building Inspector, Fire Department, and staff from any other relevant departments or their authorized representatives.
- B. **Planning Commission.** The Planning Commission is the appointed body of the City responsible for all long-range and comprehensive planning, as well as review, recommendations and decisions on implementation of the Comprehensive Plan. The Planning Commission is

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

- C. **City Council.** The City Council is the elected and governing body of the City responsible for all legislative decisions that affect implementation of the Comprehensive Plan. In addition to other general authority granted by law, the City Council shall have the appeal authority and final decision authority referred to the City Council under the procedures and standards of these regulations.
- D. **Board of Adjustment.** The Board of Adjustment is created under the authority of C.R.S. 31-23-307. The Board of Adjustment is established pursuant to these regulations according the following provisions.
 - 1. **Membership & Terms.**
 - a. The Planning Commission shall act as the Board of Adjustment according to this code or state laws.
 - b. The members of the Board shall be those individuals appointed to the Planning Commission. Terms of office for the Planning Commission and Board of Adjustment shall run concurrently, and within the same term parameters as regular members of the Planning Commission.
 - c. The Chairperson of the Planning Commission shall serve as the Chairperson of the Board.
 - d. Persons elected or appointed to the City Council or persons who are officers, executives or employees of the City shall not be eligible for appointment to the Board.
 - 2. **Proceedings.**
 - a. The Board shall adopt the Robert's Rules of Order and shall keep minutes of its proceedings, showing the action taken regarding each question considered. The Board of Adjustment may adopt any others rules necessary to conduct affairs and in keeping with this Section and its authority under these regulations.
 - b. Meetings shall be held at the call of the Chair and at such other times as the Board may determine. Meetings may be on the same date as any regular, special, or adjourned meeting of the Planning Commission.
 - c. The Chair may administer oaths and compel the attendance of witnesses.
 - d. All meetings shall be open to the public.
 - e. A quorum of the Planning Commission shall constitute a quorum of the Board.
 - f. The concurring vote of a majority of the members that constitute a quorum of the Board shall be necessary for any decision of the Board to be valid.
 - 3. **Appellate Power.** The Board of Adjustment is empowered to hear and decide appeals. Specifically, the Board is empowered to make the following decisions as specified in Article 2:
 - a. Grant variances to the strict application of the standards in this code; and
 - b. Hear and decide appeals when an error is alleged in any order or determination made by the Director in the interpretation or enforcement of this code.
- E. **Historic Preservation Board.** The Historic Preservation Board is established by Chapter 18, Article XVII of the Municipal Code, and shall be responsible for preservation of the historical and architectural heritage of the City, as provided in that Article. In this role, the Historic Preservation Board advises the City Council and Planning Commission on matters related to preserving the

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

Section 1.04 Enforcement

- A. **Violations.** It shall be unlawful for any building, structure, site element or use of land to be constructed, altered, maintained, or otherwise initiated in violation of these regulations. It shall be unlawful for any person to do or cause:
1. Any act or thing prohibited by these regulations;
 2. Omit any act or thing required by these regulations; and
 3. Interfere in any manner with persons in performance of a right or duty granted or imposed by these regulations, maintained, or otherwise initiated in violation of these regulations.
- B. **Enforcement.** The City may investigate and initiate proper actions or proceedings to prevent or terminate any activity or condition that is in violation of these regulations, including withhold any permits or licenses, revoke or suspend any permits or licenses previously granted, issue stop work orders, prevent the sale or lease of property, correct or abate the nuisance, withhold any public improvements, or penalize and initiate legal proceedings to prevent the continuance of unlawful actions or conditions.
- C. **Penalty.** Any person violating any of the provisions of this code shall be guilty of a misdemeanor, with each day constituting a separate offense, and any owner or other person employed in connection with a violation shall be guilty of a separate offense. Each offense shall be punished by a fine established by Chapter 1, Article IV, General Penalty, of the Fort Lupton Municipal Code. The City shall further have the right to maintain suits or actions in any court of competent jurisdiction for the purposes of enforcing these regulations and to abate any potential nuisance, including preliminary or permanent injunctions. These penalties are not exclusive of any other remedy available under any applicable federal, state or local law, and it is within the discretion of the City to seek alternative and/or cumulative sanctions or remedies.

Section 1.05 Nonconformities

- A. **Intent.** The general policy of the City is to allow uses, buildings and lots that were created legally and in conformance with then-applicable requirements, but that do not conform to the current applicable requirements of these regulations, to continue to be put to productive use. However, it is the City's intent to bring as many aspects of these nonconformities into compliance with current regulations as is reasonably practical. The intent of this section is to balance the interests of property owners in past investments, discourage investment that expands or reinforces non-conforming situations, and promote investment consistent with the Comprehensive Plan and these regulations.
- B. **Nonconforming Uses.** Uses that were legally initiated prior to the adoption or amendment of this code, but which could not be continued under the current terms of this code, may continue to exist subject to the following:
1. The use shall not be expanded beyond any specific area of the site or lot where it was legally established, beyond any existing building or structure, or within any building or structure where any structural changes expand the exterior footprint or building or structure. The Director may consider an exception based on the following findings:

- a. The enlargement of the structure or buildings is only to facilitate conforming uses or activities, and does not otherwise allow, encourage or promote expansion or increase impacts of the nonconforming use;
 - b. The enlargement of the structure or buildings shall not result in conversion of the nonconforming use from a seasonal to a year-round operation or otherwise expand the time of operations; and
 - c. The enlargement of the structure or buildings complies with all applicable development standards.
 2. Any use accessory to a principal nonconforming use shall not be permitted absent the principal use, and continuation of accessory uses shall not avoid any abandonment period for the nonconforming principal use. No additional accessory building or use not present when the nonconforming use was established shall be permitted.
 3. If active and continuous operations are not carried on during a period of 60 days, the use shall not be reestablished and all subsequent uses shall be in conformance with the provisions of this code.
 - a. Intent to resume active and continuous uses shall not count towards reestablishing the use.
 - b. A nonconforming home occupation shall be considered abandoned if the occupants of the dwelling who were conducting the use discontinue either their occupancy of the dwelling or the non-conforming home occupation.
 - c. At the time any nonconforming, individual mobile home existing on a private lot is removed or is vacated, the use shall be deemed abandoned and shall not be returned or occupied except in compliance with this code.
 - d. A change of operator or sale of use shall not be considered discontinued, provided that neither the previous or current business or owner combined to cease operation for 60 days or more.
 4. No person shall move a nonconforming use within the same parcel or to another parcel unless the relocation conforms to this code.
 5. Any change of use shall be to a conforming use, and at this time the nonconforming use shall be abandoned. The Director may consider and authorize a change to a lesser non-conforming use considering the extent, intensity, or operations of the use, provided it does not otherwise include investments that extend the period that the property is not conforming to this code.
 6. Any structure in which a non-conforming use is carried on that is damaged to the extent of more than 50% of the current replacement value shall not be restored to support the non-conforming use.
 7. Any new activity that triggers specific site design standards shall require full compliance with that site design standard in order for the nonconforming use to continue, and the presence of a non-conforming use shall not be used to justify not meeting other applicable standards.
- C. **Nonconforming Structures.** Structures other than signs that were legally constructed prior to the adoption or amendment of this code, but which could not be constructed under the current terms of this code, may continue to exist subject to the following:
1. Rehabilitation or expansion of the structure that increases the degree of nonconformity is prohibited. Other rehabilitation or expansions may occur provided that they comply with all other requirements of this code; are not detrimental to the purposes, intent and

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

2. If damaged by 50% or less of its total replacement cost, the structure may be restored to its original condition if work obtains a permit within 60 days, work is commenced within 180 days, and work is completed prior to expiration of the permit.
3. If the structure is determined obsolete or substandard by virtue of any applicable code beyond this chapter, and the cost of improvement or restoration is 50% or more of the current replacement value, then the right to maintain the nonconformance shall terminate.
4. Structures granted variances from the dimensional standards are not considered nonconforming and are not subject to the limitations of this section, provided that the structure and owner comply with any terms of the variance and the circumstances surrounding the variance have not substantially changed.

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

1. Any change of use or expansion of use shall require compliance with the new site standards up to the maximum extent possible, considering the level of investment needed to support the new use and the extent of area being impacted by work to support the new use.
2. Any site development activity on a portion of a site shall require compliance with the new standards up to that proportion that is subject to the development activity. For example, a site that is not compliant with the landscape standards must meet the landscape standards prorated to the portion of the site where development activity occurs, but the remainder of the site may remain nonconforming.
3. Any change of use, building or site design element that triggers a screening requirement shall require 100% compliance with all screening standards applicable to the site.
4. Where any investment is greater than 50% of the current replacement value of the site or can reasonably be interpreted as impacting more than 50% of any one component of the site, the site or that component shall be brought into full compliance with these standards.

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

1. Two abutting nonconforming lots shall be considered an undivided single lot for the purposes of accommodating a detached house or other permitted building type if the lots are in single ownership and share a continuous frontage.
2. In any district that allows detached houses, a detached house and customary accessory buildings may be erected on any nonconforming lot not eligible for a lot combination, provided all standards other than lot dimensions standards are met.

3. In any district that does not allow detached houses, the nonconforming lot not eligible for a lot combination may be used for the smallest-scale building type permitted in the district by these regulations, provided all standards other than lot dimension standards are met.
- F. **Nonconforming Signs.** Existing signs which do not conform to the specific provisions of these regulations are designated as nonconforming signs. With the exception of signs designated as historic signs by the Historic Preservation Board, nonconforming signs must be brought into compliance with this code or must be removed when any of the following conditions exist:
1. Whenever there is a change in the ownership of the real property upon which the sign is located.
 2. When the property or premises upon which the sign is located is vacant for a period of at least 60 days.
 3. When a sign and/or sign structure is damaged or destroyed in a monetary amount which exceeds 50% of its total replacement cost or becomes a hazard or potential hazard.
 4. When there is a zone change initiated by the business or property owner.
 5. When a sign and/or sign structure is abandoned, including empty frames.
 6. When an existing structure upon which the sign is located is relocated, replaced, or changed in size, location, height or setback.
 7. When the sign itself is relocated, replaced, or changed in size, location, height or setback.
 8. The structure or size of the sign is altered in any way except towards compliance with these regulations. This does not refer to change of copy or normal maintenance.
 9. When improvements are being made to 25% percent or more of the facade of a building on which a nonconforming sign is located.
- G. **Burden of Proof.** The burden shall be on the applicant to establish that the nonconformity was established lawfully and the entitlement to continuation of nonconforming situations or completion of nonconforming projects according to this section. Owners of nonconformities may request a “certificate of legal nonconforming status” by filing an application with the Director, and once issued may record the certificate in the clerk and recorder’s office of the county in which the property is located.
- H. **Benign Nonconformity.** At the time of any rezoning request, the City may determine that any existing use, site or building within the area affected by the rezoning is a “benign” nonconforming situation if:
- a. It would be made illegal by the zoning action;
 - b. It is determined to have no negative effects on the long-term development within the district, and to abutting uses or potential uses; and
 - c. It is consistent with the intent of the zoning district in the current location and format.
- A benign nonconformance may then be permitted additional rights beyond the standard nonconforming rights of this section, as specified in the specific rezoning ordinance adopted by the City, and subject to the same criteria as a Special Use Permit in Section 2.06.

Article 2. Applications & Procedures

- 2.01 General – All Applications
- 2.02 Platting
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- 2.05 Administrative Site Plan
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- 2.13 Vacation of Rights-of-Way or Easements

Table 2-1: Procedures Summary

	Eligible Applicants			Pre-application Conference	Neighbor-hood meeting	Notice			Review Body			
	Owner	PC	CC			Post	Publish	Mail	Staff	PC	CC	BoA
Administrative Plat (2.02.C)	■			☑					D		A	
Preliminary Plat (2.02.D)	■			☑	☑	☑	☑	☑	R	R/PH	D/PH	
Final Plat (2.03.E)	■			☑					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	

☑ = 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

2.01 General – All Applications

A. Applications and Fees

1. *Forms.* Applications required under this code shall be submitted to the Planning Department on forms supplied by the Department. The Director is authorized to establish application forms and submittal requirements in order to ensure all applications can be evaluated for conformance with this code. The Director may waive the requirement for any information on standard forms at the time of application, due to the routine nature of the application or due to the context of a particular application making the information inapplicable for review against the criteria.
2. *Fees.* Applications shall be accompanied by a non-refundable fee established by the City Council's Annual Fee Resolution. Any application that does not include the required fee shall be returned to the applicant as incomplete. Fees shall not be required with applications initiated by the staff on behalf of the Planning Commission or City Council.
3. *Eligible Applicants.* Table 2-1 indicates applicants eligible for each particular application under this code, which may include the following:
 - a. *Owner.* The record owner of property that is the subject of the application or that owner's agent authorized by written permission of the owner.
 - b. *Planning Commission.* The Planning Commission, acting on its own initiative or through recommendations brought to it by city staff.
 - c. *City Council.* The City Council acting on its own initiative or through recommendations brought to it by city staff.

B. Concurrent Applications. When a project requires approvals under more than one type of application, the Director may determine that each application may run concurrently based on the following:

1. The similarity of information required for each type of application, or where they require different information, the ability to coordinate information, review criteria and decisions under each application.
2. The similarity of notice, timing, procedures, meetings and review bodies required for each application.
3. The ability of the staff and review bodies to make effective decisions when reviewing the applications concurrently.

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

C. Pre-application Meeting. Pre-application meetings may be requested for any application and shall be required as indicated in Table 2-1. A required pre-application meeting may be waived at the Director's discretion and upon the applicant's request, for any application that is routine in nature and where the topics below can be addressed by general correspondence. Where required, the applicant shall confer with the Director and other city staff or officials designated by the Director, to discuss the general nature of the proposal, including:

1. How the proposed project meets the goals of the Comprehensive Plan, or other specific plans or policies applicable to the area.
2. The applicant's vision and understanding of the market for the proposed project.
3. The proposed uses, general site layout, and conceptual or anticipated design of buildings, including how the project relates to surrounding sites and public spaces.
4. How the project will contribute to the area and further the intent of the zoning district.

5. Planning and infrastructure impacts, including timing, phasing, or the need for any technical studies or outside agency review.
 6. Development review processes and review criteria, and in particular whether any special public information and outreach or specific agency or department reviews are necessary.
 7. Opportunities to improve designs or coordinate the preliminary concepts with other private or public investments in the area.
- D. **Neighborhood Meeting.** A neighborhood meeting shall be required as indicated in Table 2-1, and for any application involving oil, gas or mineral extraction as specified in Section 10.02. The Director may require a neighborhood meeting for other projects where the nature of the project is particularly complex or presents potential for significant changes and unanticipated impacts on property in the vicinity. Neighborhood meetings shall meet the following:
1. *Timing.* The meeting shall be held at least 10 days prior to the first official public review meeting of the city, but no sooner than 10 days prior to a formal application.
 2. *Location.* The applicant is responsible for coordinating the meeting location, and the meeting shall be held at a public meeting facility within the City, such as a school, community recreation center, or other convenient and accessible meeting center.
 3. *Notice.* The applicant is responsible for notification of the neighborhood in the manner and format prescribed by the City on the application forms. The notice may be coordinated with any other official notice required by this code for the application. The applicant shall receive confirmation of the time and location of the meeting from the Director prior to scheduling and notice.
 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 refiled of the application sooner than 1 year when it is determined that significant physical, economic or land use changes have taken place within the immediate vicinity, or where a significant text amendment to this code has been adopted that may affect the outcome of the action on the application. There shall be no time limitation on an application that the Director determines is substantially different from a previously denied application, when considering the proposed use, scale or intensity of development, and potential impacts on adjacent property.

2.02 Platting

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

Specifically, plat applications shall apply to:

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

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

1. *Administrative Plats.* Administrative plats are routine applications such as lot adjustments or land divisions that change legal boundaries but do not significantly alter development patterns or impact public services.
 2. *Major Subdivisions.* Major subdivisions are all other land divisions or development impacting development patterns and intensity, rights-of-way, or infrastructure, which require a comprehensive review through preliminary plat and final plat procedures.
- C. **Administrative Plat.** Administrative plats shall be processed according to the following criteria and procedures.
1. *Eligibility.* The following situations are specifically eligible for administrative plat processes:
 - a. *Lot Line Adjustment.* The alteration of legal boundaries for up to 10 previously platted lots.
 - b. *Lot Consolidation.* The consolidation of up to 4 previously platted lots into 3 or fewer lots, provided no resulting lot is larger than two times the size of the largest existing lot or parcel.
 - c. *Lot Split.* The division of a previously platted lot into no more than 2 additional lots.
 - d. *Plat Correction.* A survey or other legal instrument to correct an error in the legal description or other element of an approved plat; to dedicate, vacate, or alter easements; or to confirm legal boundaries of lots in an approved plat that could only be determined post-construction, such as for duplexes, row houses or condominiums where the units and lots are individually owned.
 - e. *Minor Subdivision.* The division of previously unplatted land or of a platted tract into 4 or fewer lots.
 2. *Review Criteria.* An application may be approved by the Director if the Director determines that all of the following are met.
 - a. No significant increase in service requirements (utilities, schools, traffic control, streets, etc.) or impact on the ability to maintain existing service levels will result.
 - b. The application does not alter any zoning district boundaries due to adjustments to any lots.
 - c. All resulting lots meet the legal standards of the subdivision regulations and applicable zoning districts.
 - d. The lot patterns are compatible with the surrounding area and any previously approved final plat for the subject property. In determining compatibility, the size and dimension of lots, the layout and design of existing subdivisions and rights of way, and the degree of deviation from previous development and the potential impact of this deviation on surrounding property shall be considered.
 - e. No other significant issues exist with potential development enabled by the plat that could impact planning policies, development regulations or adjacent property owners.
- Any application not classified as an administrative plat or not meeting these criteria shall be processed as a major subdivision with a preliminary plat and final plat.
3. *Review Procedures.* In addition to the general requirements in Table 2-1 and Section 2.01, the requirements in this sub-section apply to administrative plat applications.
 - a. If the Director determines at any point in the process that the application is not eligible for an administrative plat, or is otherwise trying to evade the major subdivision process, the Director may deny the application and require the applicant submit a new application as a major subdivision.

- b. The Director shall make the final decision on administrative plats, and the decision may be appealed to the City Council.
 - c. Any administrative plat that includes right-of-way or other public dedication shall be approved by the Planning Commission and the dedication accepted by City Council.
 4. *Effect of Decision.* Approval of an administrative plat shall create a vested property right according to Section 2.12. The City Clerk shall cause the approved administrative plat to be recorded with county clerk and recorder. Any administrative plat not recorded within the periods established in Section 2.12 shall expire.
- D. **Major Subdivision – Preliminary Plat.** Any subdivision not eligible as an administrative plat is a major subdivision that shall require approval of a preliminary plat. A preliminary plat shall be processed according to the following specific procedures.
 1. *Applicability.* The preliminary plat provides detailed planning review of development patterns, street networks, block and lot layout, and the ability to meet public facility and utility requirements for future development, prior to preparation of detailed construction and engineering plans. The Director may allow a preliminary plat and final plat to be processed simultaneously for more routine applications, provided the submittal requirements and criteria for both applications can be met. For any application that is particularly complex, the Director may require or the applicant may elect to first submit a concept plan for public review by the Planning Commission and City Council prior to official submittal. Review of a concept plan shall not require any approval, but merely provides general consensus and offers the applicant direction for preparing a formal preliminary plat.
 2. *Review Criteria.* A preliminary plat shall be reviewed according to the following criteria.
 - a. The application is in accordance with the Comprehensive Plan, and in particular, the physical development patterns and concepts of the plan.
 - b. The development and infrastructure is arranged in a manner to minimize impacts on geologic hazards, environmentally sensitive areas, wildlife habitat, or other natural features of the land.
 - c. The arrangement and proposed design of streets, open spaces, and blocks meet the development and design standards of the subdivision regulations, and are coordinated with existing or potential development on adjacent property.
 - d. The proposed blocks and lots are capable of meeting all development and site design standards of the applicable zoning district.
 - e. The application demonstrates a preliminary likelihood of being able to meet the design, construction, performance, and maintenance requirements for all required improvements.
 - f. Any phasing is clearly indicated and demonstrates a logical and coordinated approach to development, and the timing, location, and construction of amenities is consistent throughout phases.
 - g. Any impacts identified by specific studies or technical reports, including a review of storm water, are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.
 - h. The design does not impede the construction of anticipated or planned future public infrastructure or other development within the area.
 - i. The recommendations of professional staff or any other public entity or review agencies asked to officially review the preliminary plat.

3. *Review Procedure.* In addition to the general requirements in Table 2-1 and Section 2.01, the requirements in this sub-section apply to preliminary plat applications.
 - a. At the pre-application meeting, and based on the size, scope and impact of any future development anticipated or pending with the request, the applicant shall propose how to coordinate the Neighborhood Meeting according to Section 2.01.D., and any additional notice of meetings or hearings necessary for the formal review.
 - b. Any application that is particularly complex or involves significant planning and design issues, may be coordinated with a Change of Zone in Section 2.03 or a Planned Development in Section 2.04 prior to official submittal of a preliminary plat.
 - c. After review by staff, receipt of any comments from referral agencies, and any necessary resubmittal, the Director shall schedule review by the Planning Commission.
 - d. The Planning Commission shall hold a public hearing and make a recommendation to the City Council on the preliminary plat. Any street included in a major street plan approved by the Planning Commission shall not be accepted unless it is first approved by the Planning Commission in a preliminary plat or other capital improvements review.
 - e. After a recommendation by the Planning Commission, the preliminary plat shall be scheduled for a public hearing at the City Council for approval and acceptance of all public lands or proposed facilities. Any street or public improvements in any street not approved by the Planning Commission shall only be accepted by a two-thirds approval of the City Council.
 - f. Provided no substantive changes are made between approval of the preliminary plat and acceptance of public lands and facilities by the City Council and final engineering in association with a final plat, a final plat may be administratively approved by staff according to subsection 2.02.E
 4. *Effect of Decision.* The approval of the preliminary plat does not constitute an acceptance of the subdivision but authorizes preparation of the final plat.
 5. *Term of Expiration.* The approval of the preliminary plat shall be effective for two years, except that any submittal of final plat for any phases indicated on a preliminary plat shall stay the two-year period, and approval of the final plat shall restart a new one-year period for remaining portions of the preliminary plat. The Director may grant an extension of this period for up to one year, if the applicant demonstrates substantial progress towards the design and engineering requirements necessary to submit a final plat.
- E. **Final Plat.** After approval of the preliminary plat, the applicant may submit a final plat for all or for portions of the preliminary plat area subject to a phasing plan approved with the preliminary plat. A final plat shall be processed according to the following specific procedures.
1. *Review Criteria.* A final plat shall be reviewed according to the following criteria, as well as all criteria applicable to the preliminary plat review.
 - a. The layout and design of the final plat is substantially consistent with the approved preliminary plat considering the number and size of lots and out lots; the block layout, street designs and access; the open space systems and civic design elements; the infrastructure systems; or other elements of coordinated developments. Deviations made necessary due to the further detail in planning, design and engineering, and which meet the standards of this code, are generally considered “substantially consistent” with the preliminary plat.

- b. The construction plans for any utilities, infrastructure or public facilities meet all technical specifications.
 - c. All required improvements, dedications, fees, financial guarantees, and maintenance guarantees are provided.
 - d. The phasing and timing of public improvements ensures construction and performance guarantees. Any phasing that meets an approved preliminary plat is presumed acceptable. Any deviations of the final plats from an approved phasing plan shall not alter the timing or coordination of required improvements or amenities in the approved preliminary plat.
 - e. The recommendations of professional staff or any other public entity asked to officially review the final plat.
 - f. Deviations in the final plat from the approved preliminary plat may be approved if staff determines that the change:
 - (1) Complies with all applicable zoning standards, subdivision design standards, and meets the intent and design objectives of those standards.
 - (2) Does not increase the impact of any development on required improvements beyond the capacity for required improvements identified in the preliminary plat;
 - (3) Does not impact any condition of the Planning Commission or City Council associated with the approval of the preliminary plat;
 - (4) Is generally consistent with development concepts in the preliminary plat in terms of land uses, scale, and intensity of development, and in no case changes the number of lots, dwelling units, buildings, or sizes of blocks and open spaces by more than 10 percent; and
 - (5) If technical studies were required with the preliminary plat, the author of the study shall submit an amendment noting that the change does not impact any findings of the study.
 - g. Any other changes to the preliminary plat, including significant changes in the phasing or dedication of public lands and rights-of-way, may require approval and acceptance of the City Council.
 2. *Review Procedure.* In addition to the general requirements in Table 2-1 and Section 2.01, the requirements in this section apply to final plat applications.
 - a. The applicant shall identify all improvements to be constructed, either according to the required improvements listed in this code or by a specific agreement for the project. The applicant shall submit final plans and specifications for these improvements, and ensure construction of these improvements of financial guarantees as provided in Section 3.04.
 - b. The staff shall review the final plat for conformance with the planning and design elements, and the engineering specifications, and a final plat that meets these criteria shall be approved.
 - c. A final plat that does not meet these review criteria may require reprocessing as a revised preliminary plat.
 - d. The Director shall make the final decision on final plats, and the decision may be appealed to the City Council. The City Council may make any decision based on these criteria, except that any street or public improvements in any street not approved by the Planning Commission on the preliminary plat shall only be accepted by a two-thirds approval of the City Council.
 3. *Effect of Decision.* The approval of the final plat shall create a vested property right according to Section 2.12, and shall complete the City's acceptance of the dedication of land for public purposes indicated in the approved preliminary plat. Approval may be conditioned upon payment of all other applicable fees or execution of all applicable

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

2.03 Change of Zone

- A. **Applicability.** The change of zone process provides review of changes to the boundary of zoning districts (rezoning) that may be necessary to implement the Comprehensive Plan, to account for changed conditions in the general area, or to reflect a change in policies with respect to future development. Application for a change of zone may be filed by the property owner, the City Council, or the Planning Commission, or by Staff on behalf of these city entities.
- B. **Review Criteria.** Review, recommendations, and decisions for a proposed change of zone shall be based on the following criteria.
 1. The proposal is in accordance with the goals and objectives of the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan.
 2. The proposal will enable development in character with existing or anticipated development in the area considering the design of streets, civic spaces and other open space; the pattern, scale and format of buildings and sites; and the compatibility and transition with other complementary uses and development.
 3. Whether the area has changed since the existing zoning has been in place, or is it changing to a degree that it is in the public interest to rezone the property.
 4. The City or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed district.
 5. The change will serve a community need, provide an amenity or accommodate development that is not possible under the current zoning or that was not anticipated at the time of the initial zoning of the property, making the proposed zoning more appropriate than the current zoning.
 6. Any reasonably anticipated negative impacts on the area or adjacent property either are mitigated by sound planning, design and engineering practices or are outweighed by broader public benefits to the surrounding community.
 7. The recommendations of any professional staff or advisory review bodies.
- C. **Review Procedure.** In addition to all applicable general procedures in Table 2-1 and Section 2.01, the following specific procedures shall apply to change of zones.
 1. Applications may be accompanied by any preliminary plat, site plan, master plan or other development concepts necessary to review conformance with the Comprehensive Plan.
 2. The Director shall coordinate review of the application with the Design Review Team per section 2.01.E.
 3. After receipt of all comments from the Design Review Team or any necessary referral agencies, the applicant shall meet with the Director to review the recommendations of the agencies, and schedule the application for review by the Planning Commission.
 4. The Planning Commission shall hold a public hearing and shall make a recommendation to the City Council. Upon a recommendation from the Planning Commission, the City Council shall hold a public hearing and make the final decision on a change of zone.
 5. The City Council may recommend the application be returned to Planning Commission for further study or additional information at its next regular meeting. Failure by the Planning Commission to consider or revise its recommendation shall be considered a resubmission of its original recommendation.

6. The Planning Commission may recommend, or City Council may approve, a lessor change than was proposed in the notice, whether in extent of property or project area, or to a zoning district that permits a lessor scale and intensity of uses or other development standards.
 7. Approval of a change of zone shall be by ordinance approved by the City Council.
- D. **Effect of Decision.** Upon approval of a change in the district boundaries, the City Clerk shall record a copy of the ordinance approving the zone change with the county clerk and recorder. The applicant shall pay all required recording fees. The Director shall make the change on the official map by an actual change or other record identifying the ordinance with the associated property. The zoning shall remain in effect unless changed by the City Council according to the procedures in these regulations.

2.04 Planned Development

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

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

- B. **Development Plan.** A development plan is a specific plan for coordinated development of the entire area. The purpose of a development plan is to allow preliminary review of a proposed planned development before substantial technical work has been undertaken, but also to grant flexibility and establish expectations for development based on planning and urban design assurances reflected in the plan. A development plan shall generally include:
1. *Illustrative Plan.* An illustrative plan presents the vision for the project. It identifies and relationship of general land use categories and distinct areas of the plan; the arrangement and character of streets and open spaces; and the anticipated scale, intensity and character of development through maps, conceptual illustrations, and statements on the intent and objectives for the project. An illustrative plan shall indicate why the flexibility requested is justified by the plan and how it could not be easily achieved by other zoning designations.
 2. *Existing Conditions.* Existing conditions provide the current situation on the property. It includes an analysis identifying the general layout of any existing structures, streets or infrastructure; the location of natural features such as watercourses, steep grades, significant stands of trees, specimen trees or other significant or sensitive features; and the presence and relationships to these same conditions on adjacent property.
 3. *Development Framework Plan.* A development framework plan is a design plan for the public realm. It outlines the location, design characteristics, and functions of all proposed streets, blocks, and open and civic spaces – whether public, common or private – that will

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

4. *Regulating Plan.* A regulating plan becomes the zoning map for the specific project. It is a plan indicating the specific land uses and their density/intensity; the block and lot patterns, and where transitions in use or intensity occur; and the building types and scale, design characteristics, and other building and site design elements allowed in each area. The regulating plan shall be based on the most comparable base zoning district(s), but specifically identify where development standards or uses may differ from those that would otherwise be applicable through the zoning district(s) and general development requirements of this code. This plan shall also include the requirements for a change of zone of Section 2.03.
5. *Phasing or Implementation.* Phasing or implementation indicates a strategy and estimated timing of development, and any other administrative details of implementing the plan through future final plats and site plans. Any phasing shall be consistent with, but may be more detailed than, the phasing associated with the preliminary plat or development framework plan.
6. *Detail Plans.* The development plan may include detail plans and specifications such as renderings, elevations or plans of buildings, streetscapes, and public spaces or other urban design and architectural details demonstrating how the plan will be executed according to the vision and proposed development standards.

C. Review Criteria

1. *New Planned Developments.* Review, recommendations and decisions for newly proposed planned development shall be based on the following criteria:
 - a. The plan better implements the Comprehensive Plan, beyond what could be accomplished under application of general zoning districts and development standards.
 - b. The benefits from any flexibility in the proposed plan promote the general public health, safety and welfare of the community and surrounding areas, and the proposed flexibility is not strictly to benefit the applicant or a single project.
 - c. The flexibility in the proposed plan allows the project to better meet or exceed the intent statements of the base zoning district(s).
 - d. The proposed adjustments to the standards do not undermine the intent or design objectives of those standards when applied to the specific project or site.
 - e. The plan reflects generally accepted and sound planning and urban design principles with respect to applying the goals and objectives of the Comprehensive Plan to the area.
 - f. The plan meets all of the review criteria for a change of zone in Section 2.03.B.
2. *Minor Amendment to PUDs.* Minor amendments to existing PUDs, whether approved under this code or the prior code, may be approved by the Director, provided it meets the all of the criteria for the initial approval of the PUD, and is limited to the following:
 - a. Any change in the number of housing units, change in lot sizes or dimensions, or increase in the land of non-residential uses is less than 5%.
 - b. There is no decrease in the amount of open space or other reduction of amenities from the approved plan.
 - c. Any change in a building location is no more than 10% of the approved distance to adjacent property lines.

- d. Any change in the height or square footage of buildings is no more than 10% of the approved measurements.
 - e. Any change in a design standard meets the criteria for alternative compliance in Section 2.07.
 - f. Changes to the boundaries of any planning areas do not change the boundaries of the PUD, do not alter the mix of uses by more than 10% in land area or square footage, and otherwise reflect a similar land use plan.
 - g. The proposed change is consistent with concept plans in the previously approved planned unit development.
 - h. The plan otherwise meets all of the review criteria for administrative site plans in Section 2.05.
 3. **Major Amendment to PUDs & Conversions.** Changes to previously approved PUDs that exceed allowances for minor amendments, or conversions of PUDs approved under a prior code to the provisions of this code, may be proposed for a portion of the area under the following criteria:
 - (a) The proposed change does not create potential impacts on other property in the PUD that are greater than would typically occur in similar zoning districts or contexts; and
 - (b) The process and criteria for the initial approval of a PUD are met.
- D. **Review Procedure.** The following specific procedures supplement the general procedures in Section 2.01 and Table 2-1 applicable to planned developments:
 1. The planned development process involves at least two steps: the development plan establishing the zoning and any necessary deviations (Illustrative Plan, Existing Conditions, Development Framework Plan, Regulating Plan, and Phasing); and platting and site plans for specific components of the development plan. However, based on the complexity of projects and degree of advanced planning and urban design necessary for a project, the Director may require, or the applicant may elect, breaking the review of the elements of a development plan in subsection B. into more than two steps to review concepts and preliminary designs prior to approval of the full development plan.
 2. The planned development application is a type of Change of zone and shall follow the procedures in section 2.03.C for change of zones.
 3. In most cases, land will need to be subdivided in order to carry out a development plan. The platting process is a separate process but may run concurrently with the planned development process, as specified in Section 2.01.B.
- E. **Effect of Decision.** Approval of a planned development shall constitute acceptance of the overall planning concepts and development parameters, and may constitute additional rights as specified below.
 1. **Illustrative Plan.** Approval of the illustrative plan and existing conditions without any other plans shall only mean that the basic concepts are agreed to in principle as conforming to the intent of the Comprehensive Plan and any other plans or policies created under the guidance of that plan. In association with approval of the other plans, approved illustrative plans serve as a more specific representation of the intent and policy objectives for the area.
 2. **Regulating Plan.** Approval of the regulating plan, in association with the other components of the development plan, shall have the same effect as a change of zone specified in Section 2.03.D. Sites governed by an approved regulating plan shall be designated on the Official Zoning Map with the letters of the proposed base zoning district plus "P" (planned). (For example, where a portion of the development plan uses

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

3. *Development Framework Plan.* Approval of a development framework plan shall only mean that the basic development patterns and infrastructure concepts are agreed to in principle as conforming to the intent of the Comprehensive Plan and any other plans or policies created under the guidance of that plan. However, approval of a development framework plan may have the same effect as approval of a preliminary plat as specified in Section 2.02.D.3., provided it includes or is accompanied by information required for preliminary plats.
 4. *Final Development.* Prior to applying for permits for final development, any project included as part of a planned development shall first require approval of a final plat and a site plan or administrative site plan as provided in these regulations. In addition to all other information and criteria required for those applications, submittals under an approved planned development shall include all necessary information to demonstrate that all applicable standards, requirements, and conditions of the development plan have been met.
- F. **Duration of Plan.** A development plan shall lapse and be of no further force and effect if a final plan (all of applicable final plat, site plan or administrative site plan) for specified phases has not been approved within three years of the date of approval of the development plan. Approval of final plans for a portion of the plan shall renew this period. The City Council may approve an extension of a development plan for up to two additional years. The City and applicant through a development agreement or approved phasing plan may establish timelines different from this as authorized by state laws.

2.05 Administrative Site Plan

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

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

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

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% or more.
4. Any site development activity that expands the existing impervious surface by 25% or more.
5. Any changes to the site access and circulation, or other development requirements that significantly impact streetscape design or existing traffic conditions near the site.

- B. **Review Criteria.** In general, any site plan in compliance with all applicable standards of this code shall be approved. In making a determination of compliance with the standards applied to a particular site, the following criteria shall be considered:
1. *Generally.*
 - a. The plan meets all applicable standards or the criteria for any discretionary approvals.
 - b. The plan does not substantially undermine any goals or objectives of the Comprehensive Plan that are applicable to the area or specific project.
 - c. The plan does not present any other apparent risks to the public health, safety or welfare of the community.
 2. *Site Design and Engineering.*
 - a. The plan provides safe access and internal circulation considering the site, the block and other surrounding connections, and appropriately balances vehicle, bicycle and pedestrian needs for the context.
 - b. The plan provides or has existing capacity for utilities and other required improvements to serve the proposed development.
 - c. The plan provides adequate management of storm water runoff.
 - d. The plan provides proper grading considering prevailing grades and the relationship to adjacent sites.
 3. *Landscape and Open Space Design.*
 - a. The plan creates an attractive aesthetic environment and improves relationships to the streetscape or other nearby public, civic or common spaces.
 - b. The plan enhances the environmental and ecological functions of un-built portions of the site, and makes effective use and conservation of water resources.
 - c. The plan reduces the exposure and adverse impact of more intense activities or components of the site or building on the streetscape and on adjacent properties.
 4. *Building Design.*
 - a. The location, orientation, scale and massing of the building creates appropriate relationships to the streetscape and to adjacent properties.
 - b. The selection and application of materials will promote proper maintenance and quality appearances over time.
 - c. The building reinforces the character of the area and reflects a compatible architectural relationship to adjacent buildings. Specifically, if there is any consistency or commonality in the scale, proportion, forms and features, and materials of adjacent buildings, they inform choices on the proposed building.
- C. **Review Procedure.** In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to site plan applications:
1. At the applicant's discretion, and as part of the pre-application steps, the applicant may present a preliminary or conceptual site plan. This may be used to confirm interpretations, test basic concepts and standards, or review options for a proposed project.
 2. The Director shall coordinate review of the application with the Design Review Team or any necessary referral agencies, per section 2.01.E.
 3. The Director may request revisions or resubmittal of the site plan based on staff or referral agency comments.
 4. After review by the Director, and any necessary resubmittal, the Director shall schedule the site plan for review by the Planning Commission. For any application that presents a substantial land use change or is of a scale and intensity that may impact surrounding

- properties in a manner different than existing development in the area, the Director may require that notice of the Planning Commission meeting be provided to surrounding property owners.
5. A decision by the Planning Commission may be appealed to the City Council.
- D. **Effect of Decision.** Approval of a site plan creates a vested property right as specified in Section 2.12 and shall authorize the applicant to apply for a building permit and other applicable permits.
- E. **Minor Amendments.** The Director may approve minor amendments to an approved site plan provided the changes do not:
1. Increase the proposed residential density 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 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.

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

1. All criteria for site plan review in Section 2.06.B. are met.
 2. The application furthers the intent of the proposed zoning district and is otherwise determined to be consistent with the Comprehensive Plan.
 3. Any associated site development or construction complies with requirements of this code, including any conditions or additional requirements identified for the particular use.
 4. Compatibility with the area in terms of operating characteristics such as hours of operation, visible and audible impacts, traffic patterns, intensity of use as proposed or foreseeable, and other potential impacts on adjacent property.
 5. Whether any additional site-specific conditions are necessary to meet the purposes and intent of this code and the intent or design objectives of any applicable subsections of this code, or to mitigate any other potential impacts that are specific to the proposed use.
 6. Whether a limited time period for the permit is reasonably necessary to either limit the duration of the use, assess the use against changing conditions in the area, or ensure periodic reporting and ongoing enforcement of the permit.
 7. The long-range plans applicable to the site and surrounding area are not negatively impacted considering the permanence of the proposed use, the permanence of existing uses in the area, and any changes in character occurring in the area.
 8. The recommendations of professional staff or other technical reviews associated with the application.
- C. **Review Procedure.** In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to special use permit applications.
1. Applications may be accompanied by site plan where it is necessary to review conformance with standards of this code and any performance criteria for the particular uses.
 2. The Director shall coordinate review of the application with the Design Review Team and any necessary referral agencies, per section 2.01.E.
 3. The Director may request revisions or resubmittal of any application materials, based on staff and referral agency comments.
 4. After review by the Director, and any necessary resubmittal, the Director shall schedule the special use permit for review by the Planning Commission.
 5. The Planning Commission shall hold a public hearing and shall make a recommendation to the City Council. Upon a recommendation from the Planning Commission, the City Council shall review the application and make the final decision on the Special Use Permit.
 6. The Planning Commission may recommend any additional conditions on the use including the physical site or development conditions, limitations on operations, conditions of ownership and maintenance, time limitations or periodic reviews, or any other limitation it feels necessary to ensure the application meets the criteria in this location. The City Council may accept these recommended conditions, modify the conditions, or approve any other conditions it feels necessary to ensure the application meets the criteria in this location.
- D. **Effect of Decision.** Approval of a special use permit shall authorize the applicant to apply for a building permit and other applicable development or construction permits. Except where specific standards of this code or the permit process establish a different period for acting on an approved special use permit, approval shall be valid for one year, and the Planning Commission may grant a one-year extension. Any application not acted upon according to the approval and conditions within this period shall be void. (This period requiring action on an approved special use permit is distinct from any duration that is the condition of an approval, which may limit the duration of the use and require periodic review and renewal of the special use permit.) A special use permit may be revoked by the City through the same procedures granting the use, upon a finding that the

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

- E. **Amendments to Existing Special Use Permits.** Any amendment to a special use permit that does not constitute a minor amendment shall require the same process as the original approval. A minor amendment may be approved by staff and may include the following:
1. A change of ownership provided all conditions and criteria of the permit are met, and provided the new owner demonstrates the likelihood to continue to comply with all standards.
 2. Any change to any associated site plan provided it meets the minor amendments in Section 2.06.E, and does not violate any required conditions of the approval.
 3. A change in operations that is otherwise determined by the Director to not have a significant impact on any adjacent property and is otherwise consistent with the criteria and conditions for approval of the original special use permit.

2.09 Variance

- A. **Applicability.** A variance is a process to provide relief from a strict interpretation of the zoning and site design and development standards of this code, which when applied to a particular property and in a specific context would create practical difficulties or unnecessary hardship on all reasonable use of the property. This application shall only apply to the design, dimension and other site development standards of this code and shall not be used to authorize a use that is prohibited by the applicable zoning district. Variances may be initiated by the property owner.
- B. **Review Criteria.** A variance shall be reviewed and approved only on the finding that all of the following conditions are met:
1. The requested variance arises from exceptional physical conditions that are unique to the subject property, that are not ordinarily found in the same zoning district, and that are not created by the property owner or those acting on behalf of the property owner;
 2. The strict application of the provisions of the zoning regulations for which the variance is requested will constitute an unnecessary hardship upon the property owner, hindering the ability to legally use or construct upon the property. Economic considerations alone shall not constitute an unnecessary hardship if a reasonable use for the property exists under the standards of this code;
 3. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
 4. The variance desired will not adversely affect the public health, safety, or general welfare;
 5. Granting the variance would not alter the essential character of the surrounding neighborhood, and the general spirit of the ordinance and intent of the standards will be maintained; and
 6. The requested variance is the minimum necessary to relieve the conditions and permit reasonable use of the property.
- C. **Review Procedures.** In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to variance applications:
1. The concurring vote of four members of the Board of Adjustment shall be necessary to grant a variance.
 2. In granting a variance, the Board of Adjustment may impose conditions and requirements that best assure the criteria for approval are in place and maintained, and any violation of these conditions shall be considered a violation of the ordinance.
 3. The Board shall issue all decisions in writing, including the grounds for its decision based on findings of fact regarding each criteria, within 15 days after the decision has been made at a public hearing.

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

2.10 Appeal of Administrative Decision

- A. **Applicability.** The appeal of administrative decisions is a process to determine if there was an error in any final decision made by an administrative official of the City in the interpretation, administration, or enforcement of this code. Except for where this Article and Table 2-1 establish a different appeal process and review body, appeals of administrative decisions may be filed with the Board of Adjustments by any person aggrieved and materially affected, by any decision of the officer administering the zoning standards in this ordinance, or by any officer, department, board, or official public body of the City affected by the decision. Appeals of administrative decisions shall be filed in writing with the City Clerk within 30 days of the date of the decision being appealed.
- B. **Effect of Filing.** An appeal stays all proceedings in furtherance of the action appealed from unless the official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal that a stay could cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- C. **Notice.** Notice of the appeal shall be served upon the person whose decision is being appealed by providing a copy of the appeal. The administrative official whose decision is being appealed shall transmit to the Board of Adjustment all plans, applications and other files directly impacting the decision and constituting the official record upon which the action appealed is taken within 30 days of receipt of such filing of the appeal. If the appeal is based on an application that required any other notice under this code, notice of the appeal shall also occur as required by the original application.
- D. **Action & Review Criteria.** The Board of Adjustment shall grant the administrative official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant. The concurring vote of four members of the Board of Adjustment shall be necessary to sustain an appeal. An appeal shall be sustained only upon written findings that the official was in error. In exercising the appeal power, the Board shall have all the powers of the official from whom the appeal is taken, and the Board may reverse or affirm wholly or partly or may modify the decision being appealed.
- E. **Effect of Decision.** The decision by the Board of Adjustment shall have the same effect as a decision made by the administrative official but shall be limited to the facts and circumstances of that particular case. The Director may use the Board of Adjustment decision on an appeal as a factor when applying the standard appealed from to other similar circumstances. Any person aggrieved by a final decision of the Board of Adjustment may appeal the decision to the district court of the county with jurisdiction, within 30 days of the final decision.

2.11 Text Amendments

- A. **Applicability.** Text amendments to these regulations may be initiated by the City Council or the Planning Commission, or by Staff on behalf of these entities.
- B. **Review Criteria.** A text amendment shall be reviewed according to the following criteria:
1. The amendment furthers the purposes of these regulations in Section 1.01.C.
 2. The amendment is in accordance with the Comprehensive Plan and has been considered for both its long-range affects as well as immediate impacts.
 3. The amendment promotes the public safety, health and general welfare of the community in the City of Fort Lupton.
 4. The amendment improves the effectiveness and efficiency of administering the Land Development Code.
- C. **Review Procedures.** In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to text amendment applications:
1. Applications may be accompanied by a related Comprehensive Plan amendment, or more specific plan, provided that amendment or plan has met all of the legal and policy requirements for plan approvals independent of the proposed text amendment.
 2. The City Council may recommend the application be returned to Planning Commission for further study or additional information at its next regular meeting. Failure by the Planning Commission to consider or revise its recommendation shall be considered a resubmission of its original recommendation.
 3. The Planning Commission may recommend or City Council may approve a lessor change than was proposed in the notice, when considering the proposed change relative to the currently applicable standards.
- D. **Effect of Decision.** Amendments to the text of these regulations shall be approved by the City Council in the form of an ordinance and be effective after the date specified in the ordinance. The Director shall incorporate approved amendments into this code by reference to the specific amending ordinance, and indicate the newly applicable provisions and the replaced provisions, or by recodification of the official code that incorporates the approved amendment.

2.12 Vested Property Rights

- A. **Applicability.** The following applications are “site-specific development plans” which established a vested property right upon any approval or conditional approval according to the procedures and criteria of this code:
1. Administrative Site Plan
 2. Site Plan
 3. Administrative Plat
 4. Final Plat
 5. Other elective applications at the request of a property owner and subject to the sole discretion of the City Council
- B. **Review Criteria.** The review criteria for a vested property right shall be the same criteria as the applications associated with the proposed development. In addition, when the City Council is considering a request to vest any other property right or development approval, it shall consider the following:

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

C. Effect of Decision

1. *Extent of Vesting.* Vesting shall only occur to the extent of the standards of this code that are reflected in an approved application, and specifically the land use, density, lot sizes and site or building designs in the approved application. Vesting does not include other regulations that are general in nature or that apply equally to all property subject to these regulations. Vesting does not exempt applications from any subsequent review and approvals prior to construction. Vesting does not insulate a project from other public health and safety codes, including subsequent changes or updates to these codes associated with subsequent reviews, including construction drawings and specifications, drainage plans and permits, and building permits.
2. *Time Period.* A property right that has been vested shall remain vested for three years from the date of approval. However, the City Council may agree to a shorter or longer time period for any elective vested property right according to this section. If no building permit or other final permit is issued, or if the applicant does not request an extension within this period, the vested property right shall be terminated. The City shall send notice of the termination to the applicant at least 30 days prior to the termination, or the termination shall otherwise become effective after 30 days notice from the City.
3. *Extensions.* Prior to termination, the applicant may request extension of a vested property right. The Director may grant an extension up to two years. However, any extension of an elective vested property right shall only be approved through the same procedure of the original approval. In approving any extension, the Director or City Council shall find:
 - a. There are no changes or alterations that would produce conflicts with the development code, or any changes proposed bring the project more in compliance with the current standards.
 - b. The application remains consistent with any official plans or policies affecting the area, including any plans or policies adopted since the original approval.
 - c. The application is consistent with any conditions of the original approval or the original decision on vesting.
4. *Changes & Adjustments.* A site-specific development approval may be modified or adjusted as provided by this code without affecting the vested property right. However, any change in the plans that would require a new application or a different process than the original approval shall terminate any vested property to the extent it was granted under the prior approval.
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 affect of the vacation with respect to adjacent or abutting property.
 2. The Director shall coordinate review of the application with the Design Review Team per section 2.01.E., and in particular determine whether an referral agencies who may have facilities or other interest in the easement or right-of-way should be notified, or if all potentially affected property owners have been notified.
 3. After a determination of no city or referral agency interest in the easement or right-of-way, the Director shall make a recommendation and schedule the application for review by the Planning Commission.
 4. The Planning Commission shall consider the application subject to the review criteria and make a recommendation to the City Council.
 5. Upon receipt of a recommendation from the Planning Commission, the City Council shall make a final decision, and may condition a decision to vacate the easement or right-of-way on reserving any interest it determines necessary to serve a public purpose or the interests of the affected property.
- D. **Effect of Decision.** Vacations shall be approved by an ordinance of the City Council. Failure to adopt an ordinance or a successful motion to deny a vacation shall terminate the application. The Director shall record the approved ordinance and any associated maps or documents with the county clerk and recorder. Upon recording, property shall revert to the owner or abutting owners as provided by statute, and are subject to any other reservations or specific limits or conditions identified in the ordinance or approved vacation plat.

Article 3. Subdivision Standards

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

3.01 Streets

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

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

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

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

Table 3-1: Block Sizes & Connectivity

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

Table 3-1: Block Sizes & Connectivity

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



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

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

- logical pattern of re-subdivision can occur with minimal disruption of buildings, utilities, and other structures.
- d. *Oversized Parcels.* Where oversized parcels are platted for special land uses or projects that involve large-scale buildings and development patterns, such as campuses, large-scale employment, or regional commercial areas, platted blocks may be larger provided through access drives mimic the block structure and urban design amenity of Table 3-1 and create logical extensions and connections to the public streetscape, open and civic spaces, and street network beyond the project.
 - e. *Specific Plans.* A specific street network plan approved by the City through the planned development process in 2.04, or as an extension of the Transportation Plan, may provide different connectivity and external connection standards.
 - f. In any case where streets are not required to connect by these standards or are justified by these exceptions, alternative designs such as loops, courtyard layouts, or closes are preferred over dead ends and cul-de-sacs. In all cases cul-de-sacs shall be no more than 500' and have no more than 30 dwelling units per access point.
 - g. *Minimum Access.* Whenever an exception is justified, where phasing of projects have limited interim connections, or the connectivity standards are otherwise not met, all projects shall maintain a minimum number of access points for public safety and emergency access. In general, this requires 2 access points to a broader street network for any project over 30 dwelling units. The City may assess any interim limitations, restrictions, or alternative connectivity and timing standards to meet this general performance criteria.



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

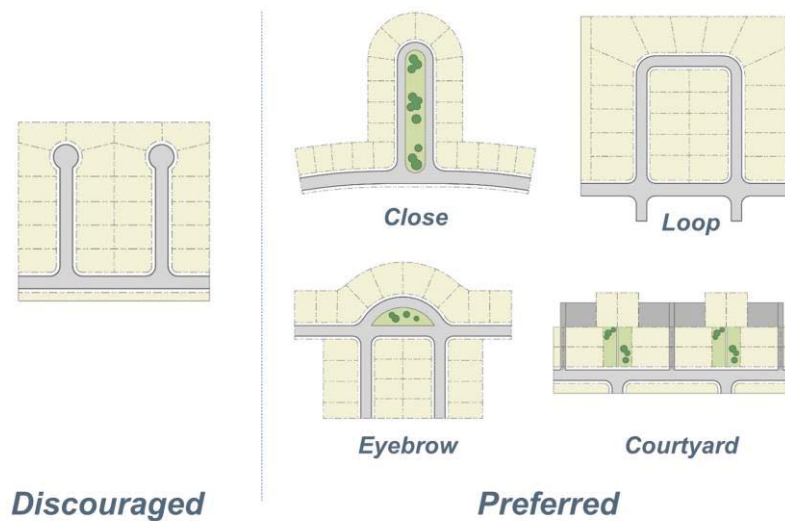


Figure 3-3 Disconnected Street Options. Where streets will not connect, blocks and lots should be laid out to limit the need for cul-de-sacs and maximize other options such as loops, closes, eyebrows and courtyard patterns. (3.01.B.2.f.)

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



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

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

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

5. *Half Streets.* Street systems shall be laid out to eliminate or avoid new perimeter half streets between adjacent property owners, except the City may approve phased street construction of arterial streets coordinated with a capital improvements plan. The Planning Commission or City Council may approve a new perimeter street where the applicant improves and dedicates the entire street and right-of-way within the boundaries, and may arrange for reimbursement of the applicant at the time the adjoining land is platted, as provided in Section 3.04.D.
 6. *Intersections and Offsets.* Streets shall be laid out to intersect subject to the following:
 - a. Intersection angles should be as near as possible to right angles, and intersections less than 75 degrees are generally not acceptable.
 - b. Oblique streets should be curved approaching an intersection and should be approximately at right angles for at least 100 feet prior to the intersection.
 - c. Intersections should be generally aligned with existing intersections on the opposite side of the street, and offsets of the centerlines between 25 feet and 100 feet are generally not acceptable.
 - d. Intersections of more than two streets at one point are generally not acceptable.
 - e. Deviations from these standards may be approved through a subdivision plan that uses different intersection configurations to emphasize unique natural features, better correspond to topography, implement traffic calming, or create gateways or focal points within the network.
- C. **Street Types & Design.** The street types in this section implement context-based street design, “complete” streets, and multi-modal networks for the various contexts in Fort Lupton, based on the policies of the Comprehensive Plan and Transportation Plan.
1. *Street Design Standards.* Typical cross section design standards are shown for each street type in Table 3-2: Street Types and Cross-sections with examples following the table. Application of these standards may be further refined with adjustments for a particular context or application, using the Complete Street Design Guide in Section C.3, Table 3-3.
 2. *Context & Type.* The street designs are grouped with the following design types for application to specific contexts:
 - a. *Neighborhood Streets.* A community-oriented street type appropriate where a higher level of neighborhood design amenity and neighborhood walkability is desired. It is characterized by large street trees, sidewalks, slow speeds, and occasional on-street parking.
 - b. *Mixed-use / Retail Streets.* A pedestrian-oriented street type appropriate for all areas where walkability is a goal. It is characterized by narrow lanes, slow speeds, on-street parking, and large, well-designed pedestrian amenity zones that support businesses and economic activity along these streets
 - c. *Standard Streets.* A basic street type appropriate generally where no particular development characteristics or urban design context warrant application of other street types.

Table 3-2: Street Types & Cross-sections

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

[1] Street width is back-of-curb measurement, with curb and gutter included street width where it is on-street parking or a travel lane. Where bike lanes are on the edge, the curb and gutter may need to be added to the width to provide a clear surface for bicycles.

[2] Configurations reflect typical cross sections; where bicycle lanes or angled parking is optional, or where both are provided, greater street and ROW widths may be necessary for proper configuration.

[3] On a Neighborhood Parkway, a center median is optional, but if not provided space shall be allocated to a wider parkway with additional trees.

[4] Access alleys may be located in an easement at the City's discretion and provided a property owner's association or other entity with financial and administrative capacity for maintenance is established

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

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

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

Access Alley (Residential)			
①	ROW / Easement width	20'	
②	Street Width	14 – 16" (< 40 units) 16' – 18' (41+ units)	
③	Travel Lanes	N/A	
④	Edge Condition	shoulder	
⑤	Landscape Amenity	N/A	
⑥	Sidewalk	N/A	
⑦	Bicycles	N/A	
Applicability		N/A – internal to block	

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

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

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

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

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

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

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

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

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

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

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

Table 3-3: Complete Streets Design Guide¹

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

¹ See generally, Fort Lupton Transportation Plan; National Association of City Transportation Officials (NACTO), Urban Street Design Guide.

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

³ AASHTO, Geometric Design of Highways and Streets, pg. 473, AASHTO, Washington D.C., 2004. Also see NACTO Guide for preferred practice for "complete streets" and city public realm design.

⁴ See NACTO Complete Street Guide for Lane Widths and the application of Yield Lanes.

D. Intersection Design.

1. **Corner Radii.** Curb radii shall be designed according to the Public Works Standards and Specifications. However, to balance the competing interest of vehicle turning movements and the distance and safety of pedestrians crossing the street, the Director may recommend, and the Planning Commission may approve, decreases in the specified corner radii based on the following considerations:
 - a. The context of a particular development, and particularly whether walkable development patterns are a priority and whether neighborhood or mixed-use street types in Table 3-2 are used.
 - b. The impact that the specified radius has on increasing the distance that pedestrians must cross.
 - c. The desired speeds of vehicles in the roadway and the desired speeds and volume of turning vehicles.
 - d. The connectivity of the street network and whether vehicles have multiple alternative routes that minimize frequent turning movements.
 - e. The effective turning radius of vehicles considering other features of the specific cross section, including bicycle lanes, on-street parking or other configurations that impact the actual path of turning movements.
 - f. The likelihood that large vehicles will make frequent turning movements at a particular location, compared with the ability of over-sized vehicles or unusual turning movements to safely encroach into other areas of the street.
2. **Sight Distances.** Proper lines of sight shall be maintained at all intersections. The proper line of sight shall be an unobstructed view from the stopping point on the approaching street to all points three feet above the roadway along the centerline of the intersecting street. The distance of the unobstructed view shall be based upon the design speed of the intersecting street specified in Table 3-4, Clear Sight Distance.

Table 3-4: Clear Sight Distance

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

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

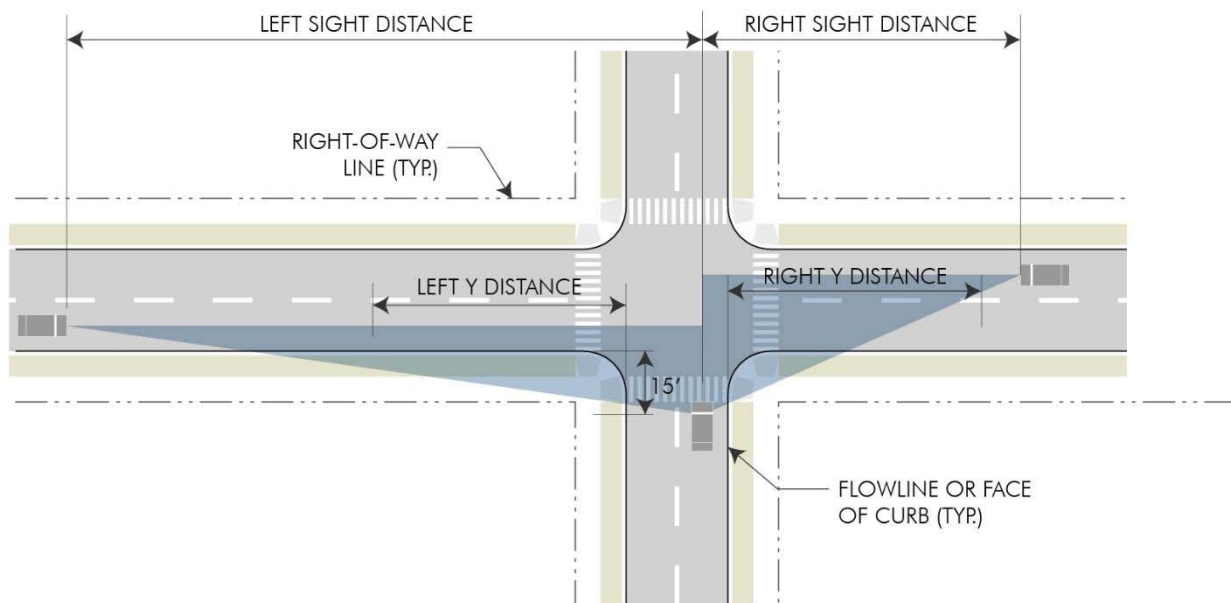


Figure 3-5 Clear Sight Distance. Sight distance is measured from the stopping point of the approaching vehicle to the center of the lane in oncoming traffic, based on the speeds of oncoming traffic. Clearances may be affected by the types of objects in the sight triangle and the control factors of the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

- a. No building or other type of visual obstruction shall be placed or maintained within the triangle created by the centerline of the street intersection, the stopping point on the approaching street, and the sight distance specified in Table 3-6 to the centerline of the intersecting street.
 - b. Street trees, light poles or other limited narrow obstructions are allowed within the sight triangle provided they do not have any foliage, limbs, or other obstructions between 2.5 and 8 feet and are no closer than 20 feet to the intersecting right-of-way line.
 - c. Fully controlled intersections where signalization establishes and prioritizes safe turning movements may deviate from the above sight triangle standards if site conditions warrant and based upon a recommendation of the Director.
3. **Crosswalks.** All intersections and crosswalks shall be designed to address conditions at each specific location, based on the guidance in Transportation Plan. In general, or where this guidance does not provide more specificity, sidewalks intersecting with public streets or other vehicle access shall have crossings meeting the following standards:
- a. Curb ramps meeting ADA accessibility standards shall provide a direct, non-diverted approach from the sidewalk along the block into the designated or protected crossing area.
 - b. Crosswalks on collector streets or higher classification shall be considered for enhanced crossings including pavement markings, bulb outs, refuge islands or other traffic-calming measures that are appropriate to the context of the intersection.
 - c. Where blocks exceed more than 600 feet between intersections or at other locations of high pedestrian activity, mid-block crossings shall be considered. Mid-block crossing designs and locations are subject to a specific recommendation and approval of the Director.

- d. Any crosswalk over 80 feet, or any other significant pedestrian crossing, may require a pedestrian refuge in the median at the discretion of the Director.
 4. **Turn Lanes.** Turn lanes for left or right turn movements may be required for specific intersections by Public Works Director, based on an approved traffic study and with consideration by the Director and Planning Commission. Requirements for turn lanes should be based on careful consideration of the context balancing the impact of crossing distances for pedestrians, vehicle turning speeds, and prioritization of other planning, urban design, and traffic engineering issues. In general, this space should come from reconfiguration of the space within the roadway width near the intersection (i.e. within median space, narrowing lanes, or limiting on-street parking) rather than claiming space from the pedestrian area or streetscape, or rather than widening the road and right-of-way.
 - E. **Traffic Calming.** In order to meet the desired speeds throughout the street network, to manage volumes in association with the street network, and to meet the City's Complete Streets policies and intent of this section, traffic-calming strategies may be required in street plans. Traffic calming may include bulb outs and curb extensions, medians and islands, neck downs, vertical diverters, enhanced or raised crossings, and other speed management techniques approved by the Public Works Director. [See *National Association of City Transportation Officials Guidelines*.]
 - F. **Engineering & Construction Specifications.** All other engineering specifications, horizontal and vertical alignment, design details, and technical or construction specifications for constructing streets shall be covered by the Public Works Standards and Specifications and administered by the Public Works Director.

3.02 Open & Civic Space

- A. **Intent.** The intent of this section is to:
 1. Emphasize open space design as a key determinant of Fort Lupton's community image and unique identity.
 2. Plan and integrate open and civic space systems into the patterns of streets, blocks and lots to create a coordinated public realm.
 3. Value the design, function, and appropriate location of different types of open space, rather than solely the quantity of space.
 4. Consider the context and multiple functions that open spaces can serve to support development including ecological, recreation, aesthetic, and urban design functions.
 5. Promote good civic design and create focal points for the community, district, neighborhood or development site to which development and site plans should relate.
 6. Integrate natural systems into the design of common or public open spaces to improve stormwater management, protect water resources, preserve ecosystems, and improve sustainability efforts.
 7. Implement Fort Lupton's parks, recreation, trails, and open space plans and coordinate the design and location of other open and civic spaces with those plans and the comprehensive plan.
- B. **Required Open Space.** Subdivision applications shall provide public or common open space, or an alternative fee for open space, as provided in this section.
 1. **Required Open Space.** All plat applications shall provide open space according to Table 3-5: Required Open Space.

Table 3-5: Required Open Space

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

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

2. *Fee in lieu of dedication.* When a subdivision is not within the vicinity of a planned or existing park and common open spaces, or otherwise cannot dedicate land acceptable to meet the public open space requirements of Section 3.02, the applicant may pay a fee in lieu of dedication. This option shall be at the sole discretion of the City. The fee shall equal the fair market value of the land area required to be dedicated. The fair market value shall be established by an appraisal commissioned by the City at the applicant's expense. The fee shall be due prior to acceptance of the final plat as provided in Section 2.02. All fees shall be placed into a park development fund to be utilized for the acquisition of land for park, trails and open space purposes.
3. *Ownership and Management.* Open and civic space platted as part of a development shall require specific designation on the final plat as a separate out lot. Options for ownership and management of open and civic space include:
 - a. Creation of or dedication to a non-profit entity capable of carrying out the ownership and management.
 - b. Creation of a homeowners', leaseholders' and/or property owners' association that owns the space in common and is capable of carrying out the ownership and management.
 - c. Dedication to a public entity as part of the rights-of-way, parks or other community facilities element of the plan. The City may accept dedications of land in its sole discretion, provided it meets other open space and conservation goals of the City indicated in the Comprehensive Plan or other official Parks and Recreation Department Plans.

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

- C. **Open & Civic Space System.** Open and civic spaces shall be laid out according to the policies of the Comprehensive Plan and the plans and policies of the Parks and Trails Plan. The proper arrangement of these spaces shall coordinate with street networks, block and lot layouts, and the landscape and site amenities of individual lots.
 1. *Types.* Table 3-6 specifies the type, size and service areas of different open and civic spaces that may meet the open space requirement.

Table 3-6: Open and Civic Space Types

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

[1] See Section 3.02.E Open Space Design Guidelines for more specifics on the size and design, and service areas of different open space types;

[2] Areas marked with a multiplier (i.e. 1.5x) get a bonus and can count towards the open space requirement based on the actual area times the multiplier, provided the space is designed according to the Design Guidelines in 3.02.E. For example, a 8,000 s.f. Green designed according to 3.02.E can count to as 12,000 s.f. (8,000 x 1.5) for the open space requirement for all lots within 0.25 miles.

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

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

- and landscape and open space designs do not compromise maintenance and management and performance for stormwater functions).
3. The maintenance and management of the portion of the facility serving stormwater functions is clearly identified, whether that is a public dedication or whether it is an obligation of the owner or property owners' association.

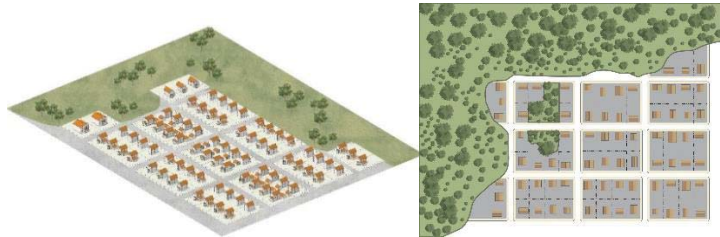
- E. **Open & Civic Space Design Guidelines.** Open and civic spaces shall be designed according to the following guidelines:

Natural Open Space

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

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

Service Area:
1 mile



Design Elements & Guidelines

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

Park

Variations: Size / Service Area

Regional – 40+ acres / 1.5 miles +
Community – 10 – 40 acres / 1 miles
Neighborhood – 2 - 10 acres ½ mile
Mini - 0.5 – 2 acres / ¼ mile



Design Elements & Guidelines

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

Trail

Size

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



Service Area

300' from trail, or up to 1,000' from trailhead

Design Elements & Guidelines

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

Civic Space

Variations: Size / Service Area

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



Design Elements & Guidelines

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

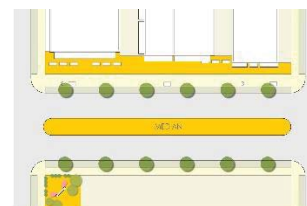
Enhanced Streetscape

Size

Gateway features: 100 s.f. – 1K s.f.

Pedestrian / Landscape Amenity: at least 50% more than required for streets by Section 3.01

Boulevard Median: 12' collector; 16' arterial



Service Area

Abutting lots along same block

Design Elements & Guidelines

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

3.03 Blocks & Lots

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

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

B. **Block & Lot Arrangement**

1. *General Layout.* All blocks shall be laid out to have two tiers of lots unless dictated by existing development patterns outside of the control of the project or by access management on major arterial streets. In these cases, streetscape standards and open or civic space systems should be used to create buffers and transitions at the rear of lots.
2. *Block Size & Patterns.* The maximum block length shall be based on the street connectivity standards and specific context as identified in Section 3.01.B.
3. *Lot Patterns.* All lots shall front on a public street, or on an alternative access or common open space where specifically allowed by these regulations. All side lot lines shall generally be perpendicular to front lot lines, or radial to any curves along the front lot lines. Other irregular lot patterns shall only be permitted where they are used to integrate

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

4. **Addressing.** All lots and other parcels shall require an address following city address policies and guidelines, including streets and street names.
5. **Easements.** All blocks shall include easements for all utilities, required improvements, access and open spaces necessary to serve each lot. Easements shall be granted by the owner to the appropriate entity. All easements shall be accessible from the public right-of-way and graded to within six inches of final grade before utilities are installed. Unless otherwise specified through the development review process utility easements shall be as specified in Table 3-9, Easements.

Table 3-9: Easements

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

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

3.04 Required Improvements

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

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

B. General Requirements.

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

3. The schedule for construction of improvements may be divided into phases according to an approved preliminary or final plat as specified in Section 2.02.
 4. Required improvements shall be constructed in accordance with the Public Works Standards and Specifications and in accordance with approved plans and profiles and the construction requirements and specifications of the City.
 5. Finished plans of all public improvements as built shall be required before the City shall accept improvements. The approved design plans are acceptable if they remain true after construction and if attested to by a registered engineer.
 6. The performance guarantee shall be released upon written request by the applicant to the City Council, only after all improvements for the subdivision, or any particular phases noted on a phasing plan, are completed, inspected and finally accepted by the City.
 7. The applicant shall be responsible for the repair, replacement and maintenance of any required improvement which fails to function or meet the standards of the City due to defects in material or workmanship, within 2 years from the date of final acceptance.
- C. **Improvements.** The following improvements are required to be constructed with the subdivision, except where facilities sufficient to serve the subdivision exist and have been approved by the City. The size, type and general location of each improvement, and estimated cost shall be included as part of the final plat submittal and review.
1. Easements and utility services, including water lines, sanitary sewer, and other public utilities.
 2. Easements and drainage systems including storm sewer lines, natural and constructed conveyances, retention/detention ponds, and similar facilities.
 3. Retaining walls associated with an approved grading plan.
 4. Wells.
 5. Fire Hydrants.
 6. Rights-of-ways and streets.
 7. Access and alleys and other required vehicle circulation and parking components, and easements where shared or cross-access is proposed.
 8. Streetscape elements, including curb, gutter, sidewalks, landscape and amenity areas, street lights, and street signs.
 9. Traffic signal lights and signs, and any other safety measures in the rights-of-way.
 10. Open and civic spaces, whether public, common, or shared.
 11. Survey monuments, including range points and lot pins as required by the Public Works Director. In general, this shall be at all beginning and end points, all angle points, or any change in radii of a curved line, and no more than 1,400 feet apart on any straight boundary line. In addition, minimum half-inch steel pins shall be set at all lot corners with a Colorado registration number of the surveyor responsible for the monument.
 12. Communication and electric distribution services and lines, which shall be underground with the exception of meters, terming boxes and other facilities. All facilities shall be in easements or the right-of-way subject to the design specifications and approval of the City through the plat review process. Every effort shall be made to place pedestals in accessible locations close to corner lot lines but to minimize their appearance through streetscape design, landscape materials, or other site planning and urban design strategies that minimize their impact on the public realm.
- D. **Reimbursement Agreements.** Applicants constructing required improvements for their property within their project or through undeveloped areas to serve their project shall be responsible for the entire cost of the improvements. Whenever any portions of the required public improvements are part of a planned future facility for the City, serving an area larger than the subdivision and its impact, the City may require and the applicant may enter into an upsizing agreement. The City and the applicant shall negotiate the following aspects of the agreement prior to approval of the plat:

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

3.05 Community Facilities & Fees

- A. **Intent.** The intent of the community facility and fees standards is to:
 1. Anticipate and evaluate the incremental and long-term impact of development on broader public and community facility needs.
 2. Identify opportunities to integrate plans for public and community facilities into the planning and design of proposed land divisions.
 3. Consider the location of public and community facilities in coordination with the initial planning considerations for streets, open spaces, blocks, and lots, so that needed facilities are located conveniently in neighborhoods and districts and serve as gateways and focal points for the community.
 4. Provide the opportunity to negotiate a fair and equitable price for land needed to develop public or community facilities beyond the impact of the particular project, or alternatively to provide an incentive for land owners to dedicate land for needed facilities where the lack of facilities may otherwise constrain potential future development.
 5. Ensure that the most appropriate locations of public and community facilities are identified and considered prior to the premature commitment of these areas to conflicting development patterns.
 6. Promote fiscal responsibility for all public entities by coordinating the planning, design and financing of public facilities with impact generated from proposed development.
- B. **Dedication of Land.** The Planning Commission or City Council may request the dedication of land to the City or other government entity with jurisdiction over public and community facilities, for parks, open space, public safety facilities, school sites or other public or community facilities.
 1. The request for dedication shall be based on an official master plan of the entity having jurisdiction over the facility identifying the general location and extent of the facility, or some other documented need for the facility that is available for public review.
 2. The dedication may be included on the subdivision plan or a condition of approval of the subdivision plan, at the discretion of the applicant.
 3. Acceptance of the dedication shall be agreed to in writing by the entity having jurisdiction over the site or facility prior to approval of the final plat or through approval of the final plat if dedication is to the City. Upon dedication, the applicant may be eligible for credits towards open space requirements or reimbursement of other development fees.
 4. Nothing in this section shall prohibit any public entity from establishing fees that apportion the appropriate contribution for the impacts on planning, design and land acquisition for facilities needed due to the development.

5. Dedication of land for community facilities may be credited to the Open and Civic Space requirement in Section 3.02 at the discretion of the City Council, particularly where this space is designed and located serve both community facility and open and civic space needs.
- C. **Dedication of Water.** All subdivisions of land shall provide adequate water supply to balance the estimated and projected demand of any proposed development. Water needs shall be estimated by the Public Works Director based on the proposed use and projected demands of the development proposal. Existing water use and previous water dedications shall be considered when determining the applicable water supply.
1. The applicant shall be required to provide the City with water rights reviewed and determined acceptable by the Public Works Director. Upon dedication and transfer of those rights, the developer may pay "with water rights" development fees at the time of building permit.
 2. If acceptable to and at the discretion of the City, an applicant that does not dedicate water for a subdivision of land shall be required to pay the "without water rights" fees at the time of building permit.
 3. Applicants required to bring water for a development proposal shall enter into a water dedication agreement prior to the approval of any plat, outlining the amount of water dedication, the timing of water rights transfers, and the fee category applicable at the time of permit.
- D. **Reservation of Land.** The Planning Commission or City Council may require the reservation of land for public or community facilities, schools, public safety facilities, or other public or community facilities in addition to the required open space and school dedication or fees. The reservation shall be for a time period of no more than one year, unless otherwise agreed to by the applicant, to permit acquisition of the land by the appropriate public entity.
1. The reservation by the Planning Commission or City Council shall:
 - a. Be based on community facility needs that may serve a need or impact beyond that caused by the proposed development, and which are not otherwise met by standards of this code;
 - b. Be based on an official master plan approved by the entity with jurisdiction over the public facility identifying the general location and extent of the facility, or some other documented need for the facility that is available for public review; and
 - c. Be accompanied by a conceptual plan and program provided by the entity with jurisdiction over the improvement, demonstrating how the entity's facility needs relate to the site and surrounding development. The conceptual plan shall include information reasonably necessary for the applicant to plan for development around the reserved site and to prepare contingency plans in the event the site is not acquired by the public entity. Development plans for the unreserved property shall not adversely affect the potential use of the reserved property for the designated public or community facility.
 2. During the reservation period or in association with the subdivision plan, the applicant may submit a contingency subdivision plan for the portion of the property subject to the reservation. A contingency plat shall include all of the information of a preliminary plat for the reserved property and can serve as the preliminary plat if the negotiation is terminated or unsuccessful. Any final plat for a reserved portion may be conditionally approved and shall not be recorded until the one-year reservation period has expired or negotiations have terminated. Otherwise any reserved portion not acquired within one year will require a preliminary and final plat according to the standards and procedures in this code.

Article 4. Zoning District & Uses

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

4.01 Zoning Districts

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

Table 4-1: Zoning Districts & Intent

<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)										■		■	
Personal Service– Small (< 5K)								■	■	■	■	■	
Personal Service– General (5K – 10K)									■	■		■	
Personal Service– Large (> 10K)										■		■	
Office – Small (<30K)								■	■	■	■	■	
Office – General (30K-60K)									■	■	■	■	

Table 4-2: Allowed Uses

Uses	Zoning Districts												
■ = Permitted, subject to general district standards 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 – Heavy (26+ vehicle fleet)													■
Manufacturing – Artisan / Micro								■	■	■	■	■	■
Manufacturing – Limited										■		■	■
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													■
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.	▪ 10' max 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.

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- 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 4-3, Non-residential District Performance Standards.

Table 4-3: Non-residential District Performance Standards				
	RO, C-1, , & any use abutting R- districts	C-2 & DT	I-1	I-2
Noise levels during business hours (7AM-10PM)	65db	70db	75db	90db
Noise levels during quiet hours (10PM – 7AM)	45db	60db	65db	70db
No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.	☑	☑		
No smoke or particulate matter shall be produced that is a number 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 5. Residential Development Standards

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

- A. **Intent.** The Residential Development Standards have the following intent.
1. Improve the appearance and livability of neighborhoods with good civic design.
 2. Provide housing variety within neighborhoods and among different neighborhoods, and ensure compatible transitions between different building types.
 3. Design and locate parks, trails and other open spaces as focal points that shape neighborhood character.
 4. Reinforce the distinct character of different neighborhoods based on their context:
 - a. Design walkable neighborhoods with slow-speed streetscapes, well-connected sidewalks, and shade and enclosure provided by street trees.
 - b. Promote lower-density rural neighborhoods with access to large, contiguous open spaces and natural areas.
 5. Orient all buildings and lots to the public street or to common open spaces that serve as an extension of the streetscape and public realm, and locate active social spaces along the streetscape
 6. Design buildings with human-scale details such as entry features, windows and doors, massing elements, and ornamental features.
 7. Promote lasting and sustained investment in neighborhoods with quality design.
- B. **Applicability**
1. The standards in this article shall generally apply to all residential development, except where stated that sections only apply to specific building types, specific districts, or specific scales of projects.
 2. Modification or additions to buildings or sites shall meet these standards to the extent of the modification or addition, except that the Director may waive any requirement that conflicts with the consistent design of an existing building or conflicts with the prevailing character on the block or immediate vicinity of the project.
 3. The standards shall not apply to ordinary maintenance of existing buildings, except that maintenance to any building may not occur in a manner that brings the building or site to a greater degree of non-conformance with these standards.

5.02 Residential Building Types

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

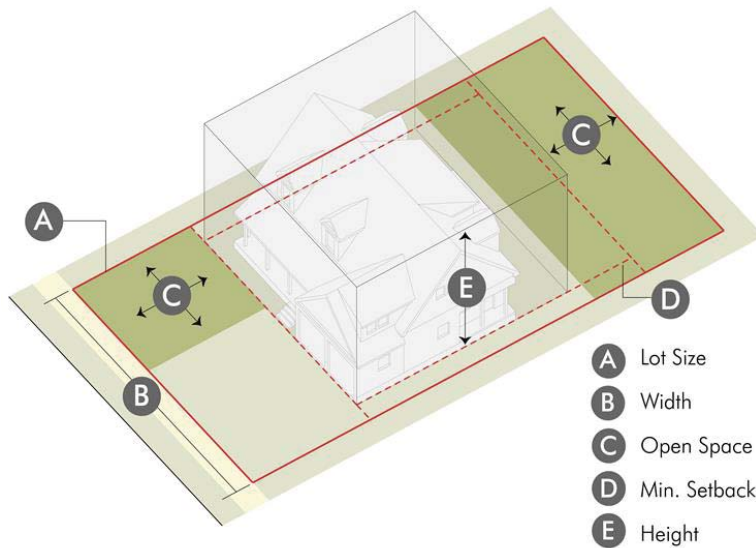


Figure 5-1 Building Types

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

ARTICLE 5 – RESIDENTIAL DEVELOPMENT STANDARDS

5.02 – RESIDENTIAL BUILDING TYPES

Table 5-1: Residential Building & Lot Standards

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

- Permitted
- ◇ Limited to Courtyard Pattern only per Section 5.05.
- Limited to locations along Collector or Arterial streets, or otherwise incorporated into lots or blocks that are part of the civic and open space system in Section 3.02.
- [1] Corner lots shall add at least 5' to the required lot width. Otherwise, all lots shall meet both the minimum width and size specified in the table, and width is determinative of the building / lot type.
- [2] Front setbacks shall be modified based on context and the Frontage Design standards in 5.03.A.
- [3] Row Houses, Small, and Medium Apartments shall have a 10' side setback when abutting lots with a detached house; Large Apartments / Apartment Complexes shall have a 20' side setback when abutting lots with a detached house.
- [4] Buildings and structures shall be setback from existing or plugged and abandoned oil and gas facilities as provided in Section 4.04.1..

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

1. *Lot and Building Configurations.*

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



Figure 5-2 Side Lot Easements

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

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

- c. Unenclosed and un-roofed decks or patios at or below the first-floor elevation may extend into the rear or side setback up to 15 feet but no closer than 3 feet to any lot line.
 - d. Ground-mounted mechanical equipment, meters, and utility boxes accessory to the building may be located in the side or rear setback provided that it extends no more than 6 feet from the principal building, no closer than 3 feet to the lot line, and is screened from public right-of-way by structures or landscape. These limitations do not apply to any utility structures otherwise authorized to be located according to easements or in the right-of-way, which shall follow the location and design standards of those specific authorizations.
 - e. Any other accessory use or structure within the setback, not specified in Section 5.02.C., shall have a setback of at least one-half its height from the property line.
3. **Height Exceptions.** The following are exceptions to the height limits in Table 5-1:
- a. Building elements integral to the design and construction of the building, such as parapet walls, false mansards, or other design elements essential to a quality appearance of the building may extend up to 6 feet above the roof deck of a flat roof.
 - b. Architectural features such as chimneys, ornamental towers and spires, and similar accessory elements may extend up to 50% above the actual building height, provided they are integral to the specific architectural style of the building and are less than 15% of the building footprint.
 - c. Functional and mechanical equipment such as elevator bulkheads, cooling towers, smokestacks, roof vents, or other equipment may be built up to their necessary height in accordance with building codes provided they are screened according to the standards of this code.
- C. **Accessory Buildings - Residential.** Accessory buildings shall be permitted in association with and on the same lot as a principal building or use and are subject to the following additional limitations.
1. **Accessory Building Standards.** Accessory buildings shall be permitted based on the lot size and type of structure, subject to the standards in Table 5-2: Residential Accessory Structures:

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

2. **General Standards.**
 - a. All accessory buildings shall be clearly incidental and subordinate to the principal building and use, in terms of scale, location, and orientation.
 - b. All accessory buildings shall be at least 10 feet from the principal building, however a closer distance may be permitted subject to applicable building codes based on fire ratings of adjacent walls.
 - c. Minor accessory structures 150 square feet or less, less than 8 feet high, and not on a foundation or slab do not have a required side or rear setback but should be movable and are otherwise placed “at risk” by the owner with regard to any easements, fence, or screening requirements.
 - d. Prior to any building permit required by the City, applicants shall demonstrate that any manufactured structure meets all applicable state and local code requirements.
3. **Secondary Building Standards.** In any residential district, secondary buildings over 240 square feet or over 12 feet high shall meet the following massing and design standards to ensure compatibility with the principal structure:
 - a. The wall height shall be no more than 9 feet above the finished floor, except that gables, dormers, or other subordinate walls may support a pitched roof.
 - b. The roof peak or other top of structure shall not exceed 20 feet above finished floor for pitched roofs with a 6:12 pitch or greater, and no more than 16 feet for shed roofs or pitched roofs below a 6:12 pitch.
 - c. The design shall be compatible with the principal building considering materials, architectural details and style, window and door details, and roof forms.
 - d. Secondary buildings with vehicle access directly from an alley or shared easement shall be situated to avoid parking that encroaches in the alley or easement. They may be built with the access between 0 and 3 feet from the alley or shared easement, or with the access at least 20 feet from the alley or shared easement.

5.03 Neighborhood Design

- A. **Frontage Design.** The design of lot frontages establishes the relationship of buildings and lots to the streetscape, including building placement, lot access, garage extent and location, and entry features. Frontage Types designed according to the standards and design objectives of this subsection may be used to modify the front setback established in Table 5-1.
 1. **Design Objectives.** Frontage types shall be applied to meet the following design objectives:
 - a. Enhance the image of neighborhoods by coordinating streetscape investment with private lot and building investment.
 - b. Design frontages to the particular context of the neighborhood, block and street.
 - c. Coordinate development across several lots, considering the cumulative impacts on streetscapes from access, parking, and landscape design.
 - d. Orient all buildings and lot frontages to the streetscape, while still promoting effective transitions from public spaces to private spaces on the lot.
 - e. Limit the impact on the neighborhood streetscape from frontages designed for car access, particularly on narrower lots or walkable streets and neighborhoods.
 - f. Provide outdoor livable spaces that activate the streetscape.
 - g. Use front entry features to reinforce neighborhood character, promote unique design, create subtle variation in building patterns, and create a consistent, human-scale connections to the streetscape.

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

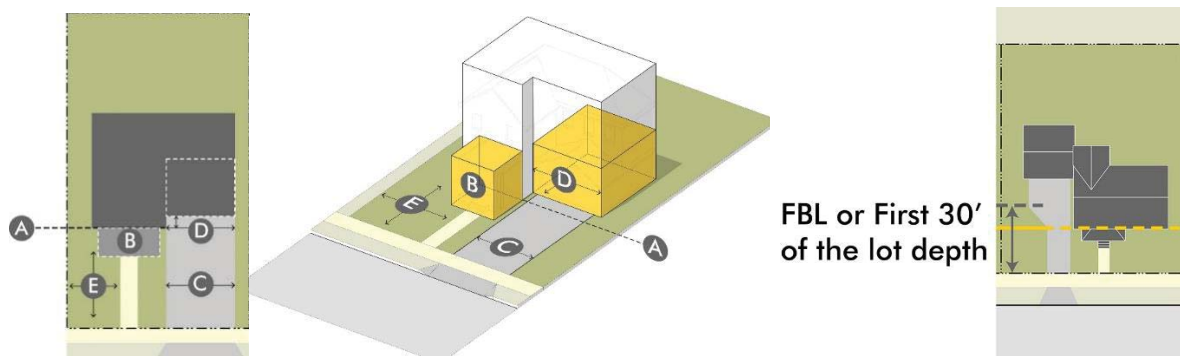
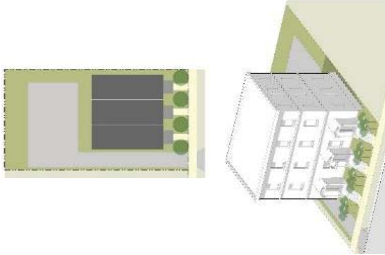
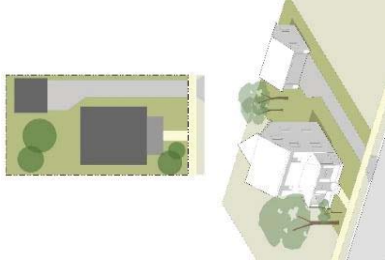
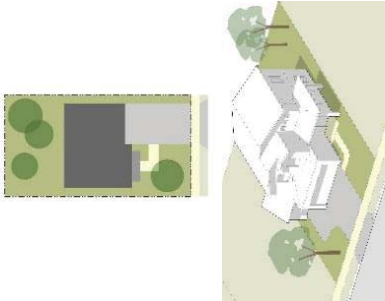
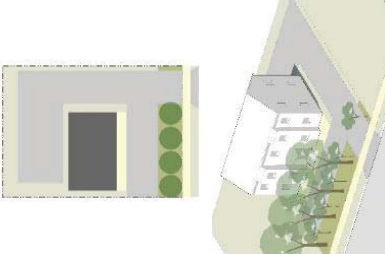


Figure 5-3 Frontage Design Standards

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

Table 5-3: Residential Frontage Types & Design Standards

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

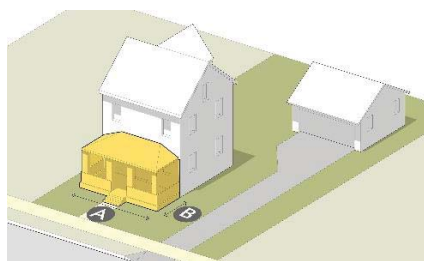
■ Required / default standard

□ Optional / alternative standard to be applied based on context

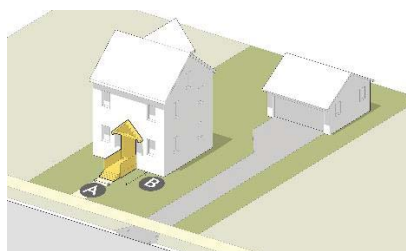
^[1] Landscape refers to allocation of space between front lot line and front building line. See Section 8.02 Landscape Design for planting requirements, standards, and specifications.

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

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



Porch



Stoop



Entry Court

Figure 5-4 Front Entry Features - Types

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

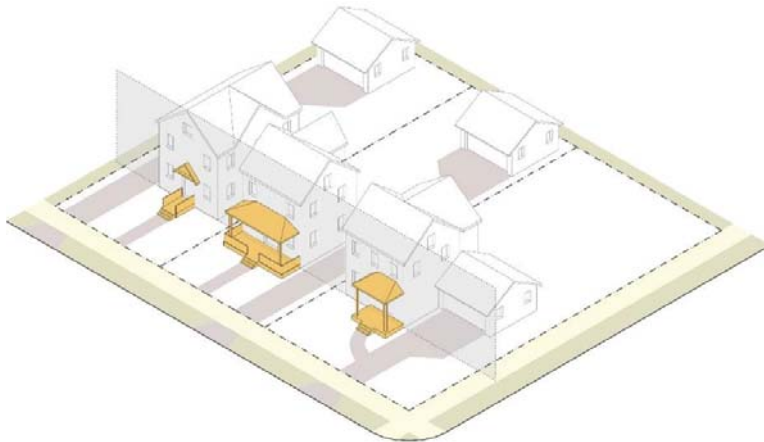


Figure 5-5 Primary Entry Feature - Encroachments
Front entry features meeting the standards of this section create social spaces that help activate streetscapes, and create a variety of human-scale details along blocks. These features may encroach into the front setback to improve the frontages along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

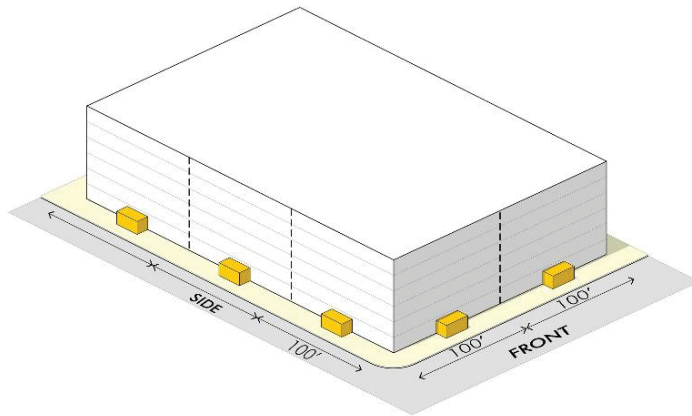


Figure 5-6 Primary Entry Feature - Large Buildings
Front entry features should be more frequently located on larger buildings with wall planes in close proximity to the street. This breaks up the building massing and activates the streetscape. (Table 5-4)

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

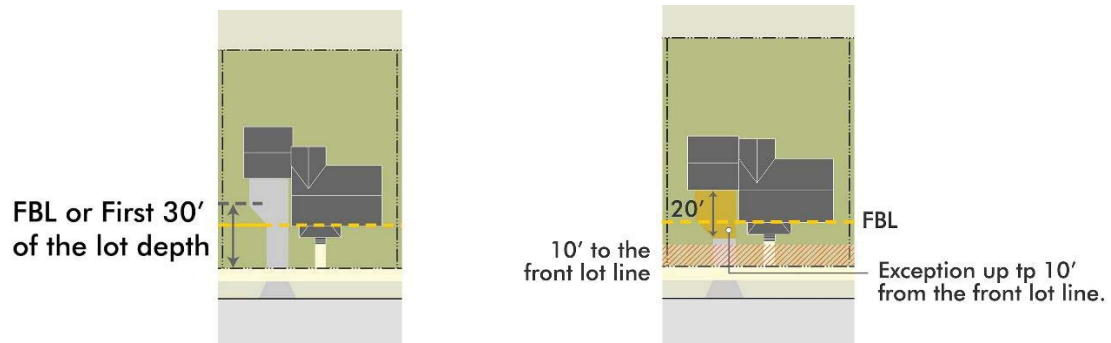


Figure 5-7 Application of Driveway Limits

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

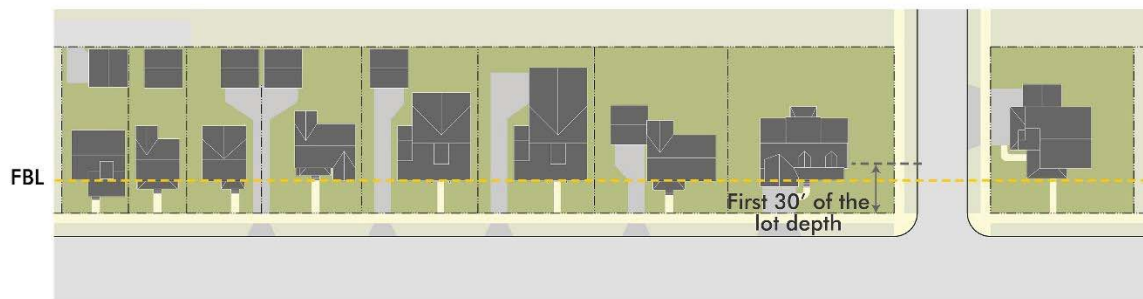


Figure 5-8 Driveway & Garage Options

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

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

- b. Garage limits shall be measured by the exterior walls of the floor plan or other clearly distinguished massing element on the front facade.
- c. Any front-loaded garage that is more than 35% of the elevation or that projects in front of the main mass of the house shall:
 - (1) Have a front entry feature associated with the non-garage mass of the building that projects in front of or is no more than 4 feet behind the garage entry and is at least 10 feet wide; and
 - (2) Be limited to wall planes of no more than 200 square feet with garage entries, using step-backs of one bay by at least 2 feet and/or ornamental features such as canopies, eyebrows, or cantilevers to break up the wall plane.

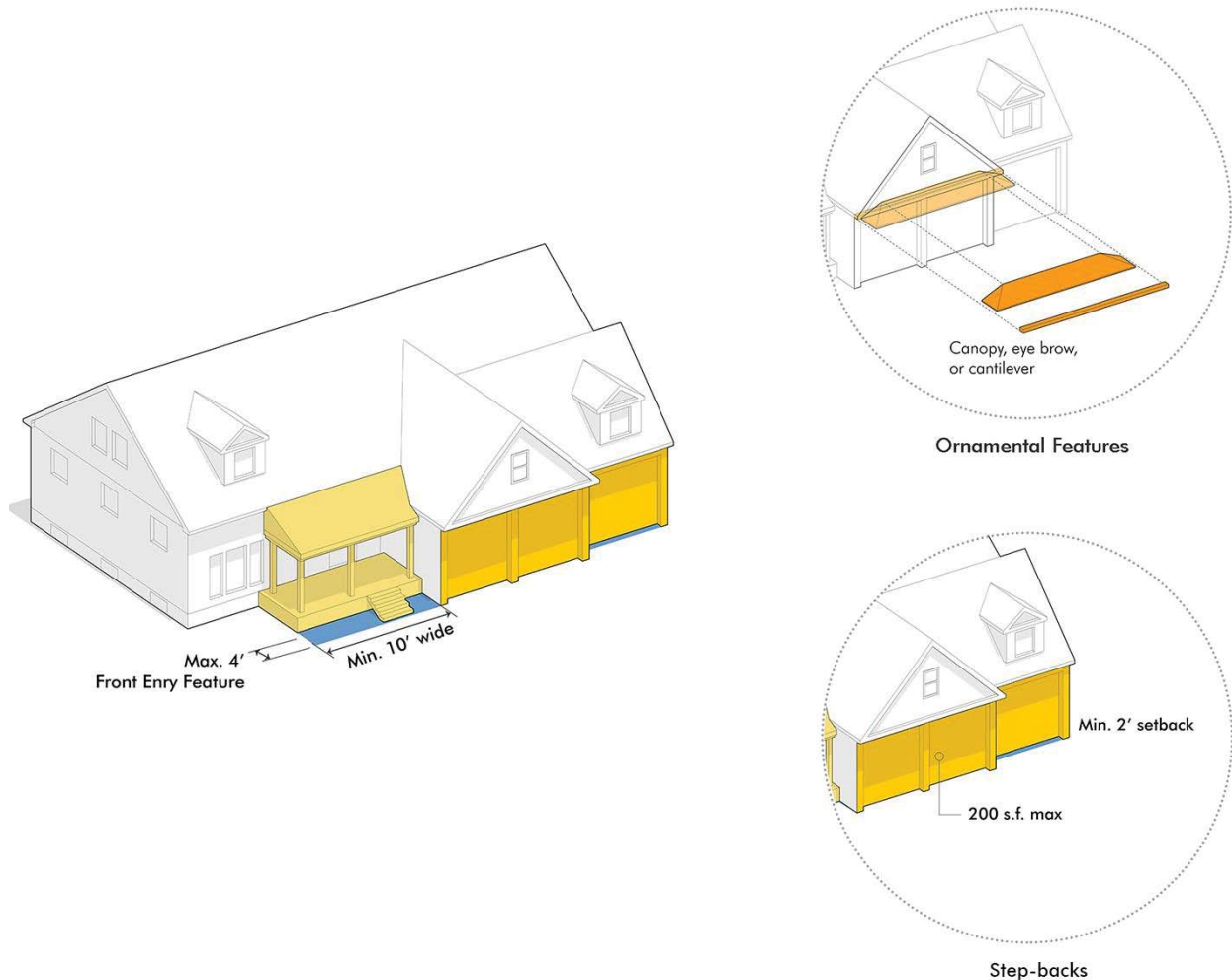


Figure 5-9 Front Loaded Garage Design

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

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

- a. The context presents a clear pattern of existing buildings and lots on the same block and opposite block face with a different arrangement in terms of the front building line, driveway access patterns, and extent and placement of garages.
 - b. An alternative design allows the building, garage, and access to be sited in a way that preserves topography or other natural features on the site.
 - c. The specific standard is not practical due to the context and location of the lot or other similar physical conditions beyond the specific building and site not created by the landowner; and
 - d. In all cases the deviation is the minimum necessary to address the circumstance, the alternative equally or better meets the design objectives of this Section, and there are no negative impacts to other design standards applicable to the building or site.
- B. Building Design.** Building design refines the scale and form of buildings beyond basic height, setback, and lot coverage standards.
1. **Design Objectives.** The following design objectives shall be used in applying the building design standards in this section.
 - a. Relate buildings to public realm and streetscape in a consistent manner and create compatible massing along the block face.
 - b. Arrange buildings in a way that creates meaningful outdoor spaces on the site, with building designs that define and activate these spaces.
 - c. Blend a variety of building sizes and types and create compatible transitions between adjacent buildings of different scale by mimicking similar massing and proportions nearest to adjacent development.
 - d. Use materials and human-scale architectural features to create depth, texture, variation, and visual interest, particularly on larger facades, along streetscapes, near active open spaces, or near adjacent lots and buildings.
 - e. Encourage unique architectural expression and promote the use of key details and design characteristics inherent in the chosen style for the building.
 - f. Promote enduring investments with the application of durable, quality materials.
 2. **Building Design Standards.** Table 5-5, Building Design Standards provides standards for massing and facade design to meet the design objectives. Sub-sections following the table provide specific design strategies and techniques to be used in meeting these standards.

Table 5-5: Building Design Standards

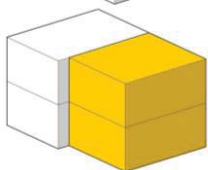
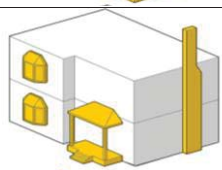
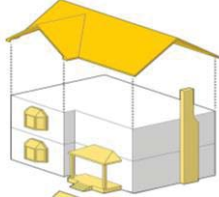
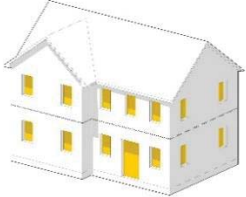
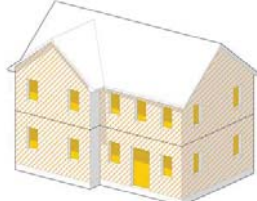
Design Detail	Building Type	Detached House (all), and Multi-Unit House	Row House, Apartment (all)
Wall Plane Limits. Maximum wall plane without a massing variation of 4'+ on at least 25% of elevation.		800 s.f. or 45 linear feet	1,200 s.f. or 70 linear feet
Blank Wall Limits. Maximum wall plane without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

Table 5-5: Building Design Standards

Design Detail	Building Type	Detached House (all), and Multi-Unit House	Row House, Apartment (all)
<i>Roof Plane Limits.</i> Maximum roof plane without offset of at least 2', complex planes, dormers or gables.		600 s.f. or 35 linear feet	1,000 s.f. or 50 linear feet
<i>Transparency.</i> Minimum window and door openings per elevation		Front – 20%; Side – 8% Street-side - 15% Rear - 8%	Front – 20% Side – 8% Street-side - 15% Rear - 8%
<i>Materials</i>		- Primary Material – 65% - 85% - Secondary Material -10% - 30% (limit 3 primary / secondary) - Accent Material - 5% - 20% (limit 2 accent) - Limit – 4 materials total	

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

Min. 25% of elevation
has massing variation

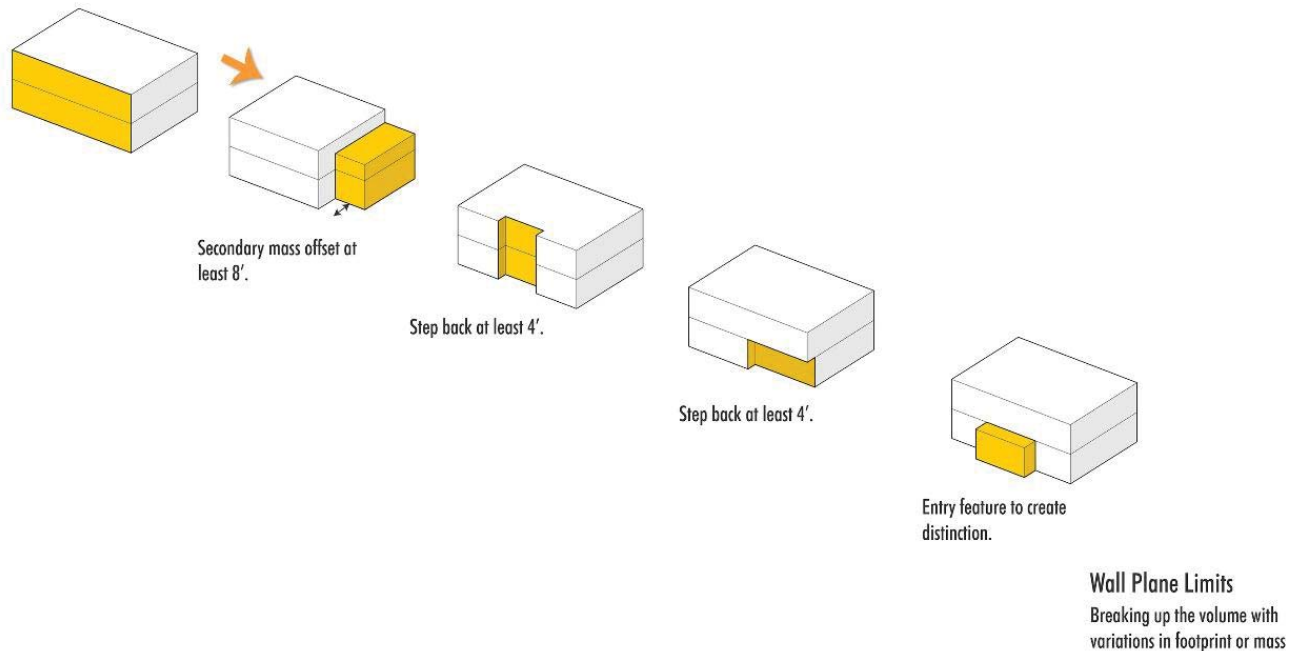


Figure 5-10 Wall Plane Limits

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

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

Min. 20% of wall plane
has details & variation

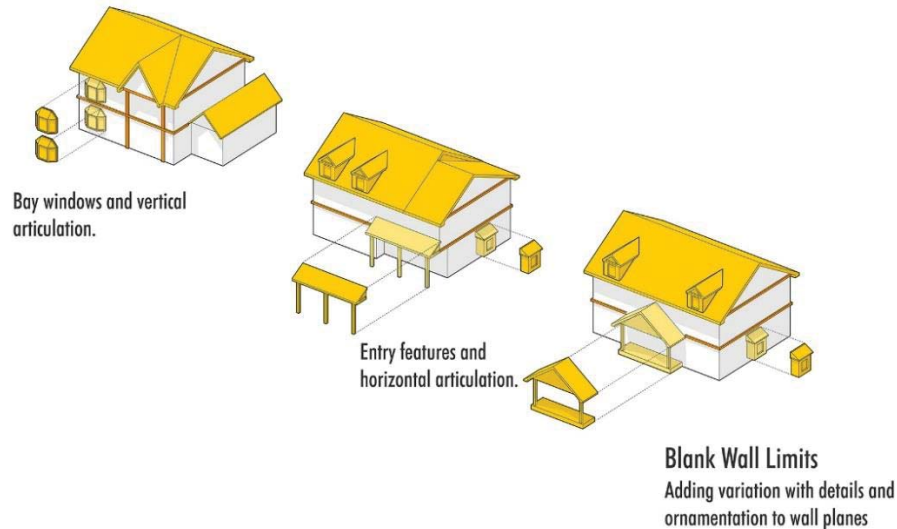


Figure 5-11 Blank Wall Limits

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

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

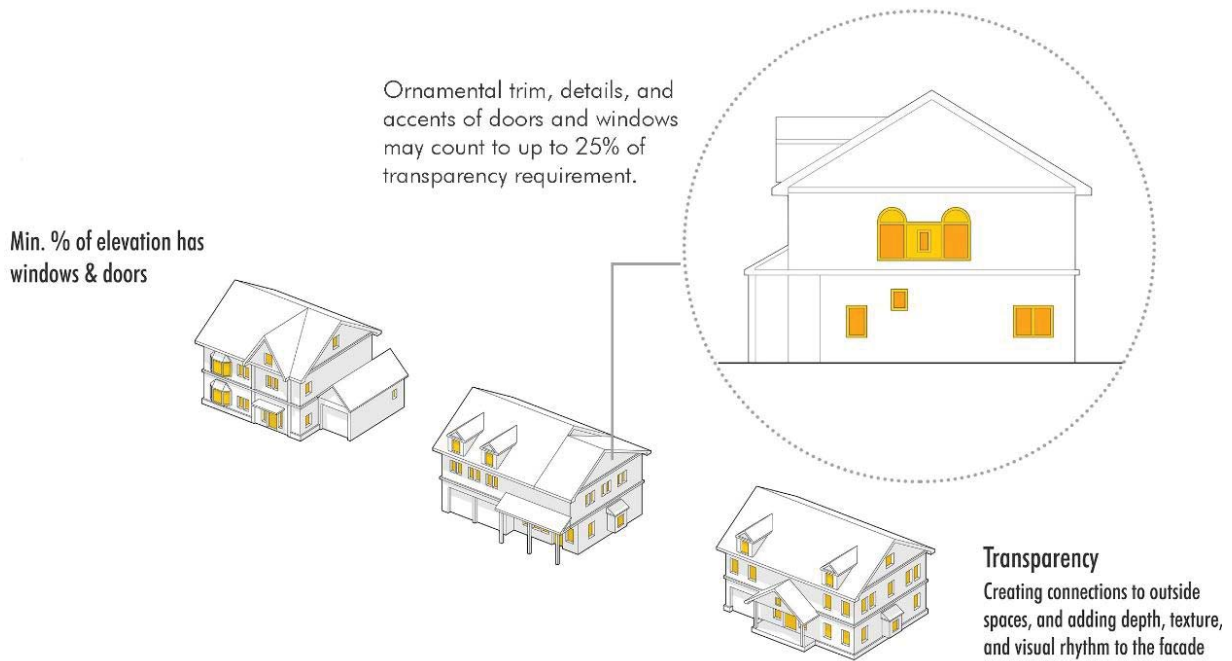


Figure 5-12 Transparency

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

6. **Materials.** Building materials with texture and patterns create visual interest and signify quality construction and detailing. The following techniques should be used to achieve the design objectives of this section and the material standards of Table 5-5, Building Design Standards:
 - a. Use natural materials for primary materials, such as painted or natural finish wood siding (horizontal lap, tongue-and-groove, board and batten or vertical), brick, stone, stucco, ceramic or terra cotta tile. Synthetic alternates to these natural materials may be used if manufacturer specifications and/or precedents for application demonstrate that it will perform equally or better than the principal materials in terms of maintenance, design, and aesthetic goals.
 - b. Coordinate changes in color and materials in association with changes in massing and modulation of the building.
 - c. Use changes in color or materials to differentiate the ground floor from upper floors and the main body of the building from the top or roof-structure, particularly on buildings 3 stories or more.
 - d. In multi-building projects, use subtle variations in building materials and colors on different buildings, within a consistent palette of materials and colors.
7. **Variations of Buildings.** All projects involving three or more buildings shall provide variations in the elevation from the two buildings on each adjacent side, and the three nearest buildings on the opposite side of a facing block, with at least two of the following:
 - a. Variations in the front entry features as indicated in 5.03.A.3. Variations should include combinations of at least two of the following changes:
 - (1) Different types of entry features: such as, porch, stoop, or entry court;
 - (2) Different roof styles associated with the entry feature: such as gable, hip, shed, flat, arched, or no roof;

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



Figure 5-13 Front Entry Features - Variety

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

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

- c. Deviations from material standards and any simulated products demonstrate a proven performance in terms of maintenance and quality appearance.
 - d. In all cases the deviation is the minimum necessary to address the circumstance, the alternative equally or better meets the design objectives of this Section, and there is no negative impact other design standards applicable to the building or site.
- C. **Block & Lot Open Space Design.** A system of different types of open spaces shapes the neighborhood character and creates unique identities for different neighborhoods. Block and lot open space provides for active gathering places, recreation and leisure, and aesthetic enhancements to the buildings and lots. These spaces also complement the open and civic space system of the surrounding area and create transitions from public streetscapes.
 1. *Design Objective.* The following design objectives shall be used to apply the open space standards in this section.
 - a. Promote the arrangement of neighborhoods, blocks and lots in a way that responds to the existing natural features.
 - b. Ensure access to a variety of different types of open spaces including natural areas, recreation amenities and formal gathering spaces.
 - c. Use open spaces to create gateways, focal points, and transitions in coordination with the street network, block structure and lot arrangement.
 - d. Design all unbuilt areas to serve as valuable neighborhood features, considering the aesthetic, ecological, recreation, or community serving potential of these spaces.
 - e. Require all lots and buildings have access and proximity to useable open space, whether public, common, or private, and whether neighborhood-scale, block-scale or building- and lot-scale spaces.
 2. *Required Site Open Space.* Each building type shall provide the lot open space specified in Table 5-1, (Lot Open Space) within the lot or project. Lots platted through a final plat with common open space may credit the common open space towards the lot open space requirement, provided it meets the following standards:
 - a. The space is public or remains accessible to the public; or
 - b. If private or common space, the lot applying the credit has access to the space through ownership or other agreement, and the space is otherwise dedicated and reserved from future development.
 - c. The space shall be on the same block or within 1,000 feet of the lot and meets the design standards for one of the open and civic space types in Section 3.02.
 3. *Lot Open Space Design.* Lot and building open space required for each building type shall create a common or private amenity for the site and building. Buildings and open spaces on a lot shall be arranged to create usable outdoor spaces that meet one or more of the following types:
 - a. Public or Common open space designed and platted according to the standards in Section 3.02, Open & Civic Space, subject to the limitations in C.2 above;
 - b. Private frontage areas designed according to Section 5.03.A., excluding any driveways, parking areas or other automobile space;
 - c. Courtyards, meeting the standards of Section 5.04;
 - d. Rear yards provided they are part of an open area of at least 300 square feet and at least 15 feet in all directions.
 - e. Private uncovered decks or patios provided they are part of an open area at least 120 square feet and at least 10 feet in all directions. This space is limited to no more than 25% of the requirement for lot and building.

- f. For apartment or mixed-use buildings, rooftop decks provided they are at least 200 square feet, and at least 12 feet in all directions – this space is limited to no more than 25% of the requirement for the lot and building; or
 - g. For apartment or mixed-use buildings, private balconies or patios, provided they are at least 6 feet by 10 feet – this space is limited to no more than 25% of the requirement for the lot and building.
4. **Alternative Compliance.** Alternative compliance to the open space design standards established in this Section 5.03.D. may be authorized according to the process and criteria in Section 2.07, Alternative Compliance, and any of the following additional applicable criteria:
- a. The specific standard is not practical due to the context and location of the lot and meeting the requirement would otherwise result in improper arrangement of the building or site;
 - b. In instances of infill development or context where a clear pattern of existing buildings and lots on the same block and opposite block face present a different arrangement in terms of buildings and lot open spaces;
 - c. The lot and building has access to at least two different active open spaces within 1,000 feet, and meeting the design and service area standards in Section 3.02, Open & Civic Space.
 - d. In all cases the deviation is the minimum necessary to address the circumstance, the alternative equally or better meets the design objectives of this Section, and there are no negative impacts on other design standards applicable to the building or site.

5.04 Courtyard Pattern

- A. **Design Objective.** A courtyard pattern can integrate multi-building projects into the neighborhood pattern by connecting formal open space to the street frontage. It is an effective infill strategy or is appropriate on deeper lots and blocks. Residential buildings and lots may be designed to front on a courtyard based on the design standards in this section.
- B. **Applicability.** The courtyard pattern is appropriate where:
1. Courtyards are visible and designed as an extension of the public streetscape and open and civic space system for the neighborhood.
 2. Blocks and surrounding lots are deep, allowing a different configuration of buildable lots; or
 3. Other developed areas where existing lot patterns in the vicinity warrant use of this pattern to facilitate infill development and compatible building types.
- C. **Eligible Building Types.** The following building types are eligible for this pattern, subject to the limitations stated:
1. Small Apartments, up to 5 buildings or 36 units, whichever is less.
 2. Row Houses, up to 4 buildings or 24 units, whichever is less.
 3. Duplex/Multi-unit Houses and Detached Houses, up to 8 buildings.
- D. **Design Standards and Exceptions.**
1. The minimum lot size per building may be reduced up to 20%, provided the courtyard is owned in common by all lots or otherwise established as a shared-space amenity.
 2. The courtyard shall be designed according to the standards in Section 3.02 and have frontage on a public street or be accessible from the streetscape by a pedestrian passage.

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



Figure 5-14 Courtyard Pattern

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

5.05 Conservation Pattern

- A. **Design Objective.** Residential lots and buildings may be arranged around an open space system that will preserve greater amounts of intact open and natural spaces or agricultural uses that are designed as focal point of the neighborhood design and community amenity.
- B. **Applicability.** The conservation pattern is appropriate in more remote areas, and specifically is eligible in the A or R-1 zoning districts. It requires a planned development application as outlined in Section 2.04.
- C. **Density Bonus.** The base density and open space required shall be based on a typical and practical layout according to the underlying zoning district (A, R-1, or E). The following density bonus may be granted based on the amount of additional intact open space to be preserved in the plan. The “bonus” units shall not require additional open space, other than the space specified in Table 5-5.

Table 5-6: Conservation Design Density Bonus	
Total Project Area Preserved As Open Space [Natural Open Space, Agriculture Preservation, Park or Trail]	Bonus Units Above Base Density
15% - 20%	0 (but smaller lots permitted)
21% to 30%	15%
31% to 40%	35%
41% to 50%	60%
51% to 60%	100%
>60%	TBD by Planning Commission or City Council based on plan (between 100% and 200%)

- D. **Lot Sizes & Building Types.** The resulting density based on the plan after the density bonus is applied may be allocated in the developed portion of the project with the following building types. No combination of these building types may be used to allow more units than authorized by the density bonus. All other standards applicable to each building type in Table 5-1 shall apply within the developed portion of the plan.
1. Detached house – rural, estate, large, standard, reduced, small, or compact lot
 2. Duplex / multi-unit house
 3. Row house
- E. **Open Space.** Open space shall meet the design criteria of Section 3.02 for Natural Open Space, Park, or Trail, or include prime farm land or other existing and productive agriculture lands designed to be a focal point and community amenity for the neighborhood. All lots shall have access to the public or common open space preserved as part of the plan within 1,000 feet, measured along pedestrian or trail routes.



Figure 5-15 Conservation Pattern

The conservation pattern allows both a greater number of units and a greater concentration of those units in exchange for greater quantities and more coordination of larger open spaces.

5.06 Manufactured & Small Format Housing District

- A. **Intent.** The intent of this section is to provide smaller-format manufactured, mobile or other small homes, in a neighborhood or community that includes common neighborhood amenities, and with site designs that limit impacts on adjacent property and promotes development patterns that are compatible with the surrounding areas.
- B. **Applicability.** Small format home communities are permitted in the Manufactured and Small Format Housing District – M-H, and implemented as a planned development project according to Section 2.04. These standards shall not apply to: (1) mobile homes, trailers or similar temporary buildings used as an interim structure associated with an ongoing construction project under valid permits; (2) interim or temporary housing strategies to address emergencies; or (3) detached houses that are assembled off site and “manufactured,” provided they meet all other standards of the applicable zoning district.
- C. **Development Standards.** Except as otherwise modified through a development plan according to the approval procedures and criteria in 2.04, the general development standards for manufactured and other small format home projects are included in Table 5-7.

Table 5-7: M-H Development Standards	
Project	Amount of Bonus Units Above Base Density
Project Size:	3 acre minimum, 200' minimum frontage on arterial or collector <i>Exception:</i> the Director may recommend a plan for as small as 2 acres and 100 feet of public street frontage if the plan demonstrates exceptional community design and layout for the common areas within the community, a high-quality and well-designed housing concept, and special attention to integrating and relating the project to surrounding areas.
Project Intensity:	7 units per acre, maximum <i>Exception:</i> Up to 15 units per acre for any project with more than 30% of the project area designed as useable open space meeting Open Space types in section 3.02.

Table 5-7: M-H Development Standards

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

- D Uses.** In addition to any uses enabled for the M-H district in Table 4-2, projects may include the following specific uses:
1. Dwelling units consisting of modular homes, mobile homes, or other similar small detached dwellings.
 2. Accessory buildings and uses incidental to those listed above and which support the residential community, including offices, recreation buildings, storage areas, maintenance and utility facilities, or other community services.
- E. Common Areas.** All common areas not dedicated as home sites according to the development standards in sub-section C, shall be designed as part of the Development Framework Plan (See Section 2.04.B.3, Planned Development procedures). This space shall be allocated to:
1. Internal vehicle circulation for the community, laid out to provide connectivity and continuity through the community and organize the project into blocks and lots so that all home sites and lots are served by streets. There shall be at least two entrance points from public streets for each project. Internal roadways shall be 20' where no parking is permitted, 24' wide where parking is permitted on one side, and 28' wide where parking is permitted on both sides.
 2. Open and Civic Space meeting one of the design types specified in Section 3.02 at a rate of at least 300 square feet per dwelling or 20% of the overall project, whichever is greater. Projects with more than 30% dedicated to useable open space (non-street, circulation or parking space) may be eligible for exceptions to the standards noted in Table 5-6. All open and civic spaces shall be designed and located in a manner that ensures adequate accessibility for all units in the community.

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

F. **Building Design.**

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

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

H. **Utilities and Services.**

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

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

5. All plumbing shall comply with the Uniform Plumbing Code and health regulations of the City, of the applicable county, and of the state. Water lines shall not be installed within 10 feet of any sewer line.
 6. The storage, collection and disposal of refuse shall be managed to avoid health hazards, rodent harborage, insect breeding areas, accident hazards, air pollution, or other conditions which endanger the health, safety or welfare. Refuse collection containers shall be set on concrete pads and screened from adjacent property and from the common areas of the community.
- I. **Subdivisions.** Each home site may be individually platted if:
1. All lots shall have public utility access as provided in Article 3, including public easements for access to each home site and all other standards and criteria of the subdivision standards are met;
 2. All dwellings are on a permanent foundation; and
 3. There are covenants and restrictions and associations assuring that these provisions for the Development Standards, Common Areas, Building Design and Utilities and Services, as demonstrated on an approved plan, will be maintained through a management entity or common association.

Article 6. Nonresidential Development Standards

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

6.01 Intent & Applicability

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

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

B. **Applicability.**

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

6.02 Development Standards

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

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

[1] Any district that allows residential uses may allow them according to the applicable building type development and design standards in Article 5.

[2] Front setback requirements may be modified for a particular street or block, based on the frontage types and design standards in Section 6.03.A.

[3] For any side lot line the abuts a residential use or a district that has a greater side setback requirement, the greater side setback of the abutting district shall apply;

[4] For any lot where a rear lot line abuts a residential district, a setback of at least 25' shall apply; any lot abutting an alley may include up to ½ the alley width in the required setback.

[5] The side setback for corner buildings may be 0' in the C-1, C-2 or DT district, provided they meet the Frontage A standards on the lot and building for at least the first 30' from the front corner. Section 6.03.A and B.

[6] Buildings and structures shall be setback from existing or plugged and abandoned oil and gas facilities as provided in Section 4.04.I.

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

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

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

- d. Whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required setback.
- e. A lot may have more than one principal building, provided any accessory, secondary, or principal building shall be located at least 10 feet from any other building on the same or adjacent lots, or be joined by a party wall meeting all aspects of the building code.
- f. Any other accessory use or structure in the required setback, not specified in Section 6.02.C, shall have a setback of at least one-half its height from the property line.

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

- a. Accessory building elements integral to the design and construction of the building, such as parapet walls, false mansards, or other design elements essential to quality appearance of the building may extend up to 6 feet above the roof deck on a flat roof.
- b. Architectural features such as chimneys, ornamental towers and spires, and similar accessory elements may extend up to 50% above the actual building height, provided they are integral to the specific architectural style of the building and are less than 15% of the building footprint.
- c. Functional and mechanical equipment such as elevator bulkheads, cooling towers, smokestacks, roof vents, or other equipment may be built up to their necessary height in accordance with building codes.

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

Table 6-2: Nonresidential Accessory Structures

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

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

- and forms (roofs and massing), and details that are compatible with the principal structure, or otherwise be screened according to Section 8.03.
5. Prior to any building permit required by the City, applicants shall demonstrate that any manufactured structure meets all applicable state and local code requirements
6. Any building or structure exceeding the limits in Table 6-2 shall be treated as a second principal building and meet all lot and building design standards for a principal building.

6.03 Design Standards

- A. **Frontage Design.** Frontage design determines the relationship between private development and the public realm and affects the character of different streets, blocks, or districts. Building placement, parking and access locations, and streetscape and landscape design encompass the design of the frontage. Frontage types designed according to the standards and design objectives of this sub-section may be used to modify the front setback established in Table 6-1.
 1. *Design Objectives.* Frontage types in Table 6-3: Nonresidential Frontage Design shall be applied to meet the following design objectives:
 - a. Enhance the image of the City by coordinating streetscape investment with private lot and building investment.
 - b. Orient all buildings and lots to the public street, or to common open spaces that serve as an extension of the streetscape and public realm.
 - c. Design frontages based on the context of the area, block, and street, particularly emphasizing landscape areas to buffer sites from higher-volume / higher speed streets and emphasizing social spaces and human-scale features on streets intended for compact and walkable development.
 - d. Coordinate development across multiple lots with compatible frontages along block faces, considering building placement, access, parking, landscape, and open space design.
 - e. Strengthen the identity and economic value of distinct places by reinforcing consistent patterns of streetscape, frontage design, and building placement and form.
 2. *Frontage Design Standards.* Frontage types shall be designed according to the standards in Table 6-3: Nonresidential Frontage Design. Sub-sections following the table provide specific design strategies and techniques to be used to meet these standards and the design objectives of this sub-section.

Table 6-3: Nonresidential Frontage Design

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

■ Preferred

□ Permitted

◇ Limited to Alternative Compliance, See Section 6.03.A.6. Alternative Compliance.

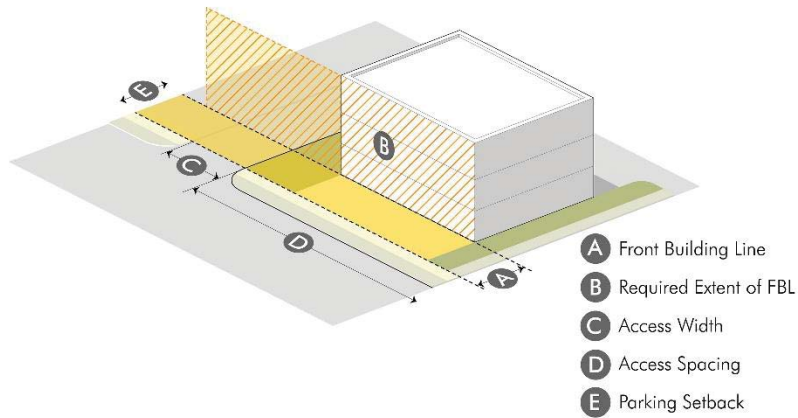


Figure 6-1 Frontage Design

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

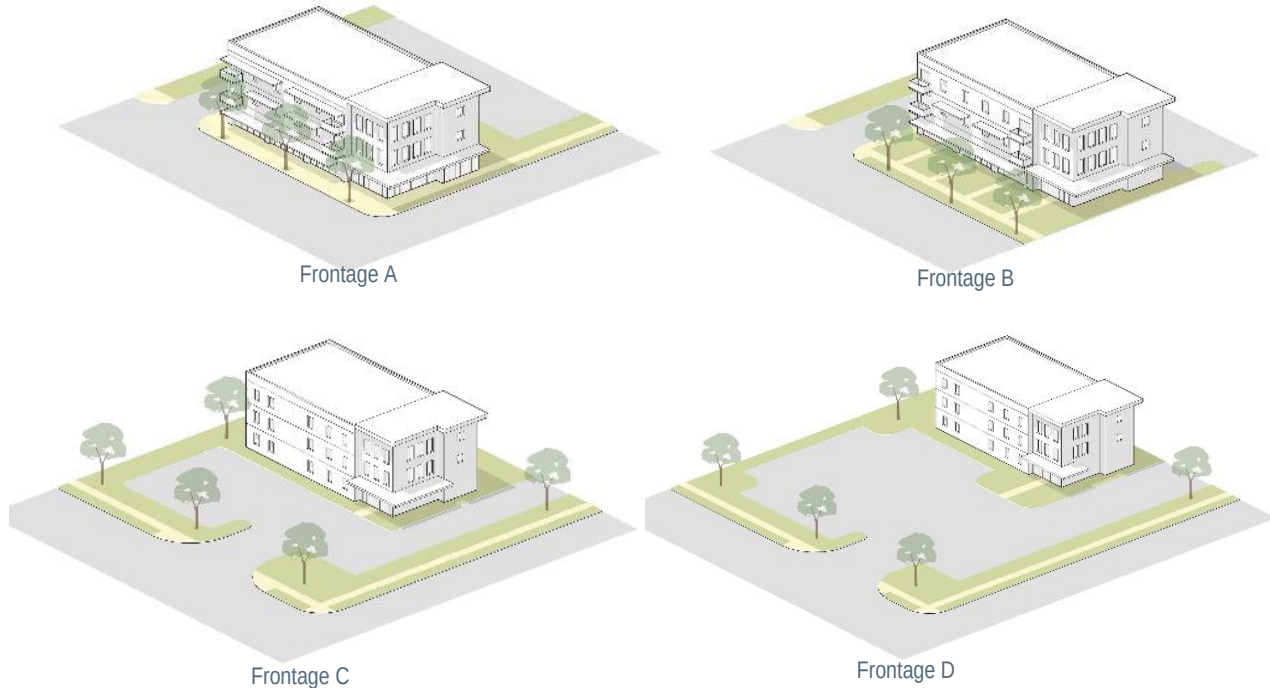


Figure 6-2 Frontage Types

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

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

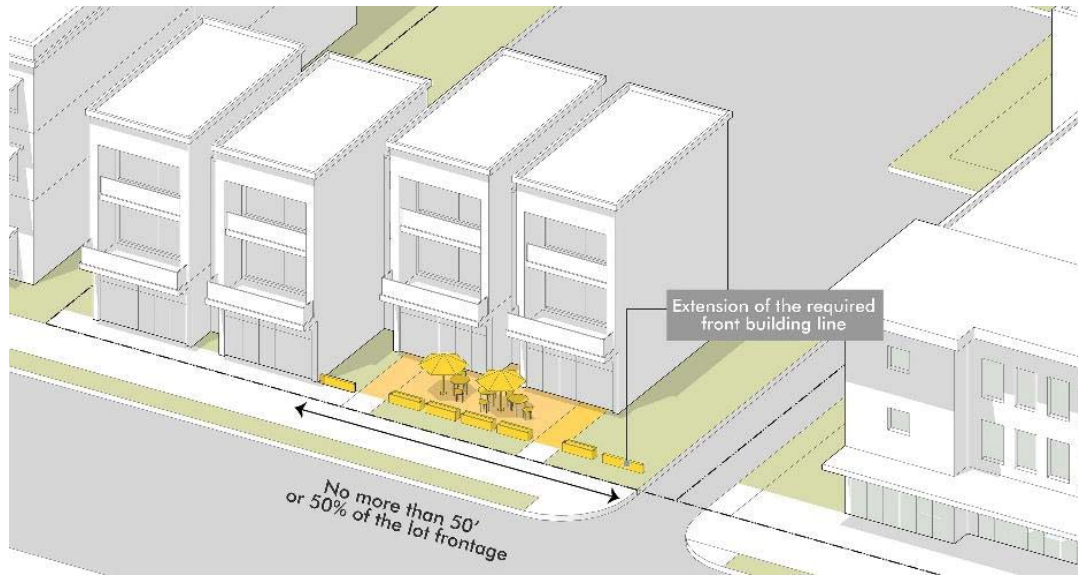


Figure 6-3 Required Front Building Line

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

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

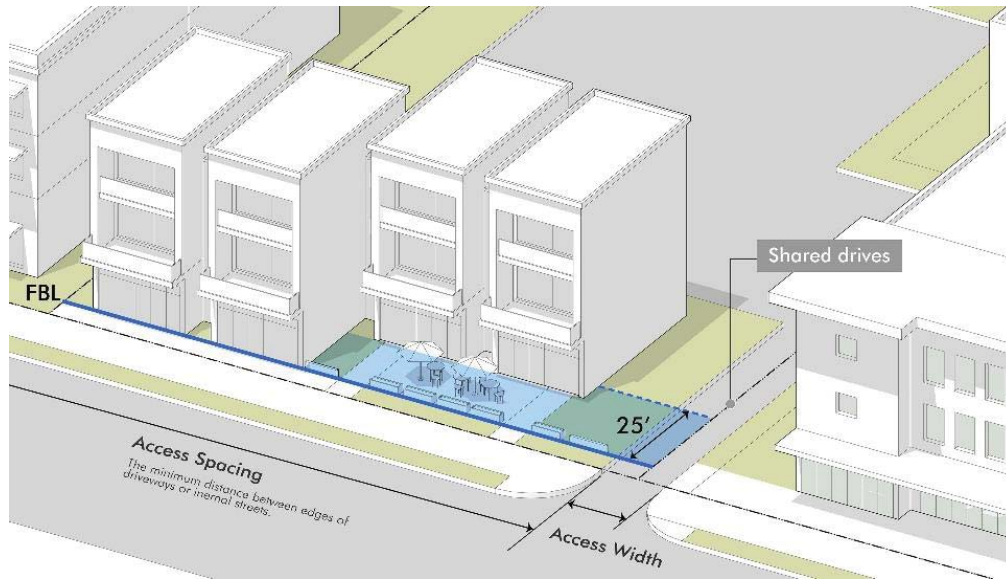


Figure 6-4 Access and Parking Limits

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

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

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

- (4) Streets with higher traffic speeds or volumes, that lack pedestrian amenities, or lack on-street parking are generally appropriate for Frontage Types C and D standards.
 - b. An alternative design allows the building, access, and parking to be sited in a way that preserves topography or other natural features on the site and does so in a way that equally or better meets the design objectives of this Section.
 - c. Parking and access that serves a greater area beyond the site and block may deviate from these standards, provided it does not negatively impact development on adjacent lots and it is designed to minimize impacts on streetscapes.
 - d. Civic uses or landmark buildings may deviate from frontage designs provided they are in a location that serves as a focal point for the surrounding area, and the exception is used for improved social space or aesthetic features on the frontage.
 - e. In all cases the deviation is the minimum necessary to address the circumstance and does not negatively impact other design standards applicable to the building or site.
- B. Building Design.** Building design refines the scale and form of buildings beyond the basic setback, height, and lot coverage standards by breaking down the volume into smaller-scale masses, and relating to spaces around the building by adding depth, texture, and variation to surfaces.
1. *Design Objectives.* Building design standards in Table 6-4, Nonresidential Building Design shall be applied to meet the following objectives:
 - a. Refine the scale, massing, and details of buildings to a greater degree the closer they are to the streetscapes and other publicly used spaces.
 - b. Arrange buildings and vary the massing in a way that defines streetscapes, public spaces, and other valuable active and social spaces on the site.
 - c. Locate doors and windows in a way that activates spaces, creates connections to important exterior spaces, and promotes economic activity at the interface of buildings and public spaces.
 - d. Relate buildings to adjacent development by mimicking similar scale, massing, and proportions through step-backs and secondary masses that break up larger masses and reduce the volume and perceived size of large buildings.
 - e. Use materials and human-scale architectural features to create depth, texture, variation, and visual interest to walls, particularly on larger facades, along streetscapes, or near active open spaces or adjacent lots.
 - f. Strengthen the identity and economic value of distinct places by reinforcing any prevailing architectural themes or styles; where no prevailing theme or style exists, encourage unique architectural expression and design characteristics inherent in the chosen architectural style for the building to establish identity and distinct places.
 - g. Emphasize the quality and longevity of investments with materials and colors that are attractive, durable, and have low maintenance requirements.
 2. *Building Design Standards.* Table 6-4, Nonresidential Building Design provides standards for massing and facade design based on the frontage type and the placement of the building from Section 6.03.A. Sub-sections following the table provide specific design strategies and techniques to be used in meeting these standards and the design objectives.

Table 6-4: Nonresidential Building Design

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

■ Preferred

□ Permitted

◇ Limited to Alternative Compliance, See Section 6.03.B.8

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

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

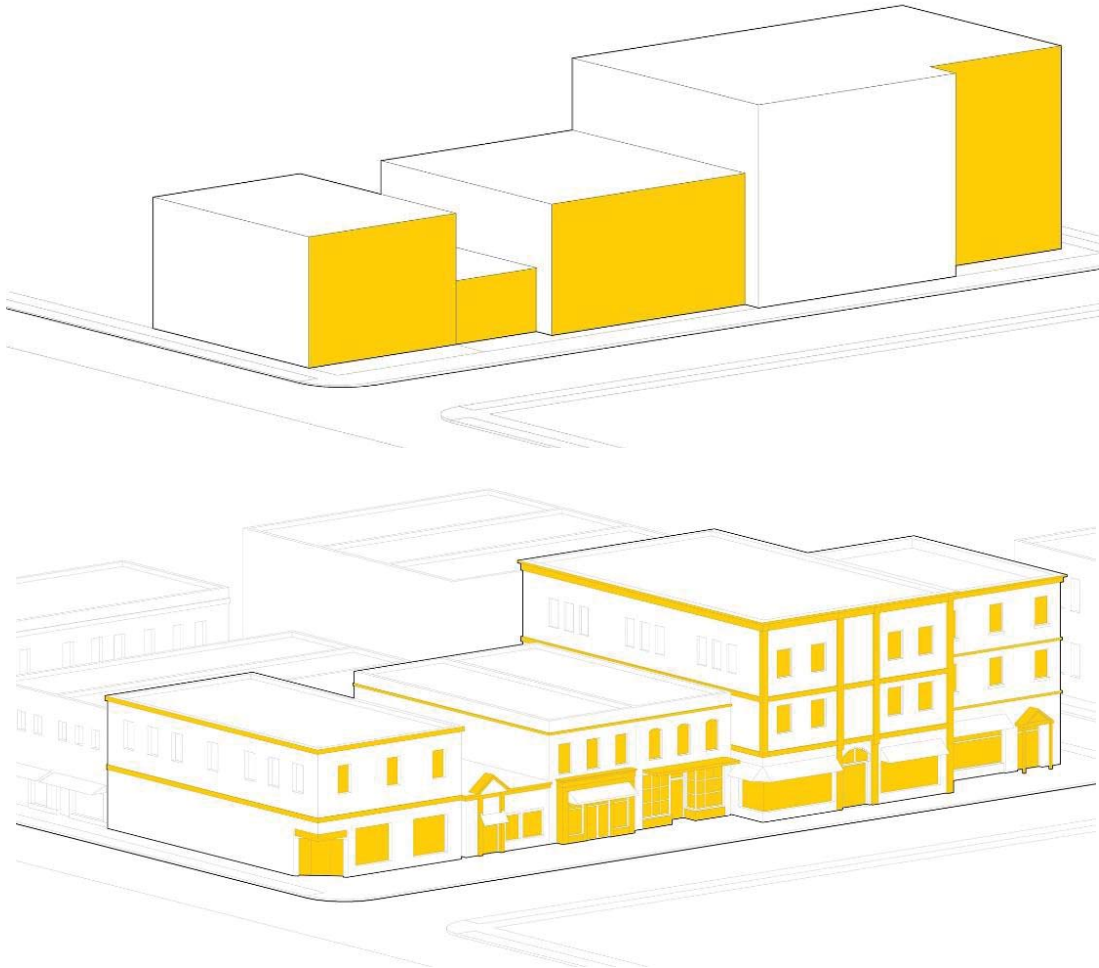


Figure 6-5 Massing & Modulation

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

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

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

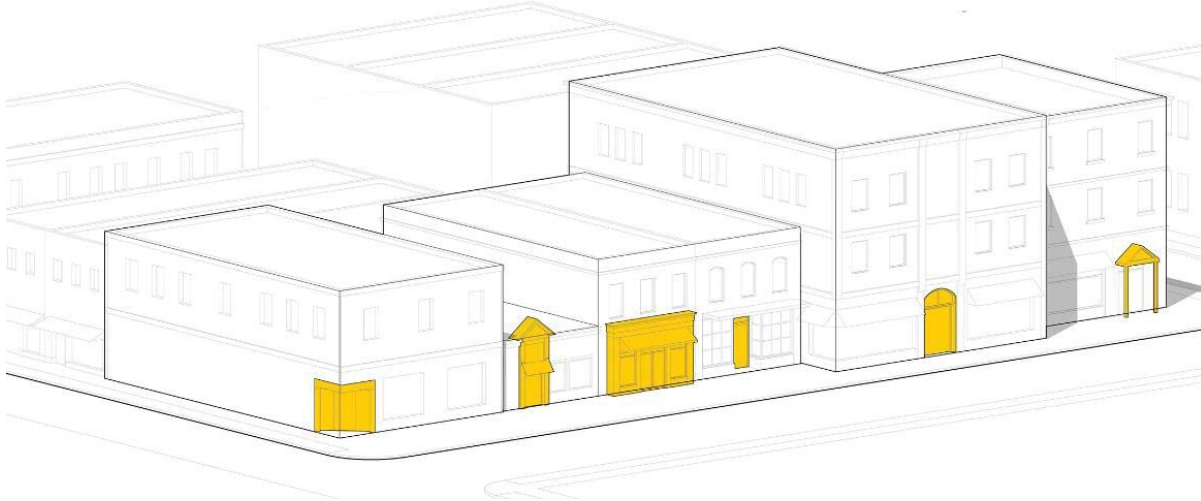


Figure 6-6 Primary Entry Features.

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

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

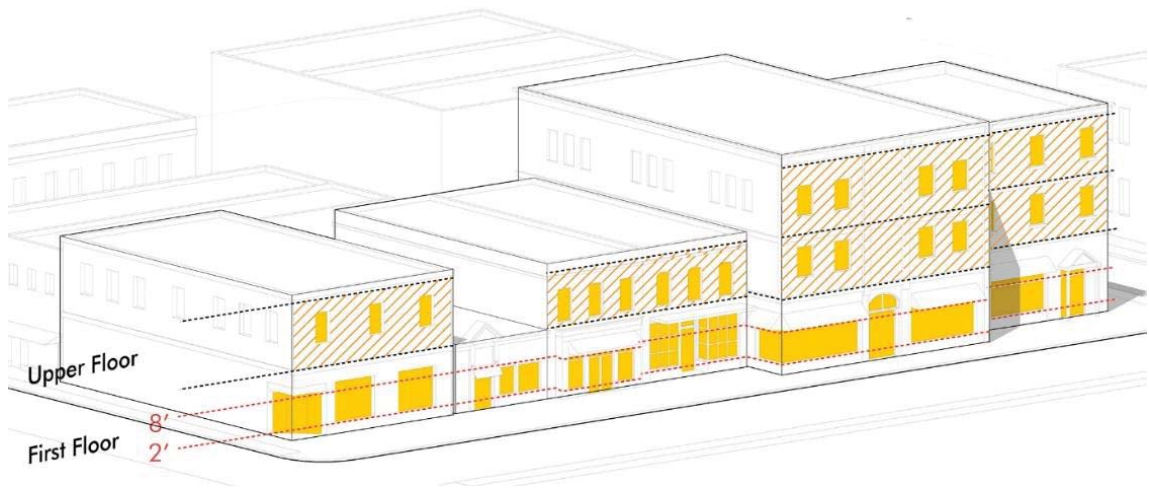


Figure 6-7 Transparency.

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

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

Table 6-5: Nonresidential Building Materials

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

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

7. **Four-sided Design.** All buildings shall incorporate four-sided design, so that that no matter what view you have of the building, the design is not interrupted, and all parts are perceived as a coordinated part of a unified whole. Specifically:
 - a. All sides shall exhibit the same quality, continuity, and durability of design including the same primary and secondary materials, although more important sides can reflect priority in the allocation of these materials.
 - b. All sides that are visible from streets, public spaces or active portions of adjacent sites shall have a similar level trim, accent material, details, and ornamentation, although the extent and details may be different to reflect the greater importance of certain areas closest to the public realm or with greater visibility, and parts not exposed to the public may be designed for utility.
 - c. Sides not meeting the four-sided design standards, but are visible from streets and public spaces, should be buffered according to Section 8.03.
 8. **Alternative Compliance.** Alternative compliance to the building design standards established in this Section may be authorized according to the process and criteria in Section 2.07, Alternative Compliance, and any of the following additional applicable criteria:
 - a. The requirement is not consistent with the specific architectural style selected for the building based on reputable industry resources documenting the style.
 - b. The requirement would make the building less compatible with designs or characteristics of other buildings or sites adjacent to the project or that are prevalent throughout the area, and that are desirable to reinforce.
 - c. The requirement is inconsistent with the principal function of the building when applied to industrial buildings in the I-1 and I-2 districts.
 - d. Deviations from material standards and any simulated products demonstrate a proven performance in terms of maintenance and quality appearance. Manufacturer specifications and/or precedents for application may be required demonstrate that it will perform equally or better than the allowed material.
 - e. In all cases the deviation is the minimum necessary to address the circumstance, the alternative equally or better meets the design objectives of this Section, and there are no negative impacts on other design standards applicable to the building or site.
- C. **Lot Open Space Design.** The design of open space can reinforce the character of unique districts and distinct places. Lot open space coordinates unbuilt areas with the public realm

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

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

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

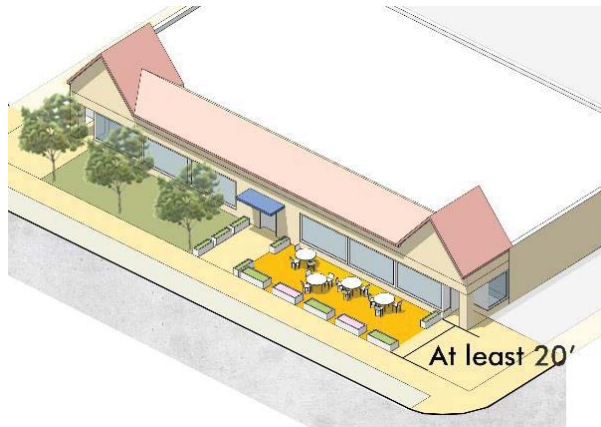


Figure 6-8 Courtyards, Patios and Plazas
More compact and walkable places benefit from smaller and more formal social spaces, such as courtyards, patios and plazas. 6.03.C.2.b.

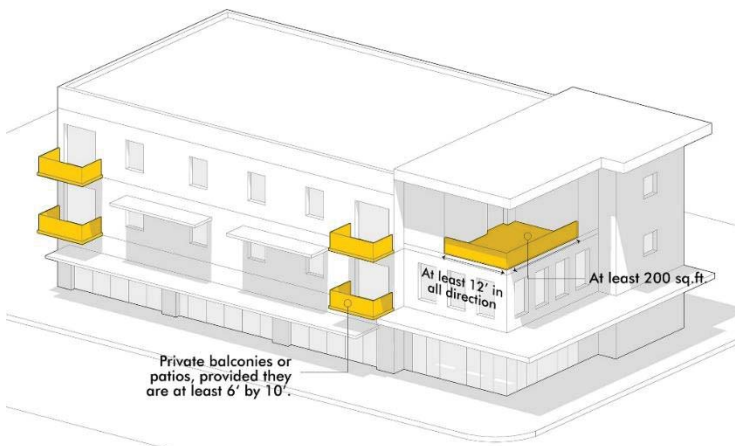


Figure 6-9 Private or Common Open Spaces
Private or common areas incorporated into the building can provide a portion of the useable on-lot open spaces. These elements can also meet design requirements for breaking up the massing or blank wall of buildings. 6.03.C.2.c. and d.

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

Section 6.04 Specific Frontage & Design Plans

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

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

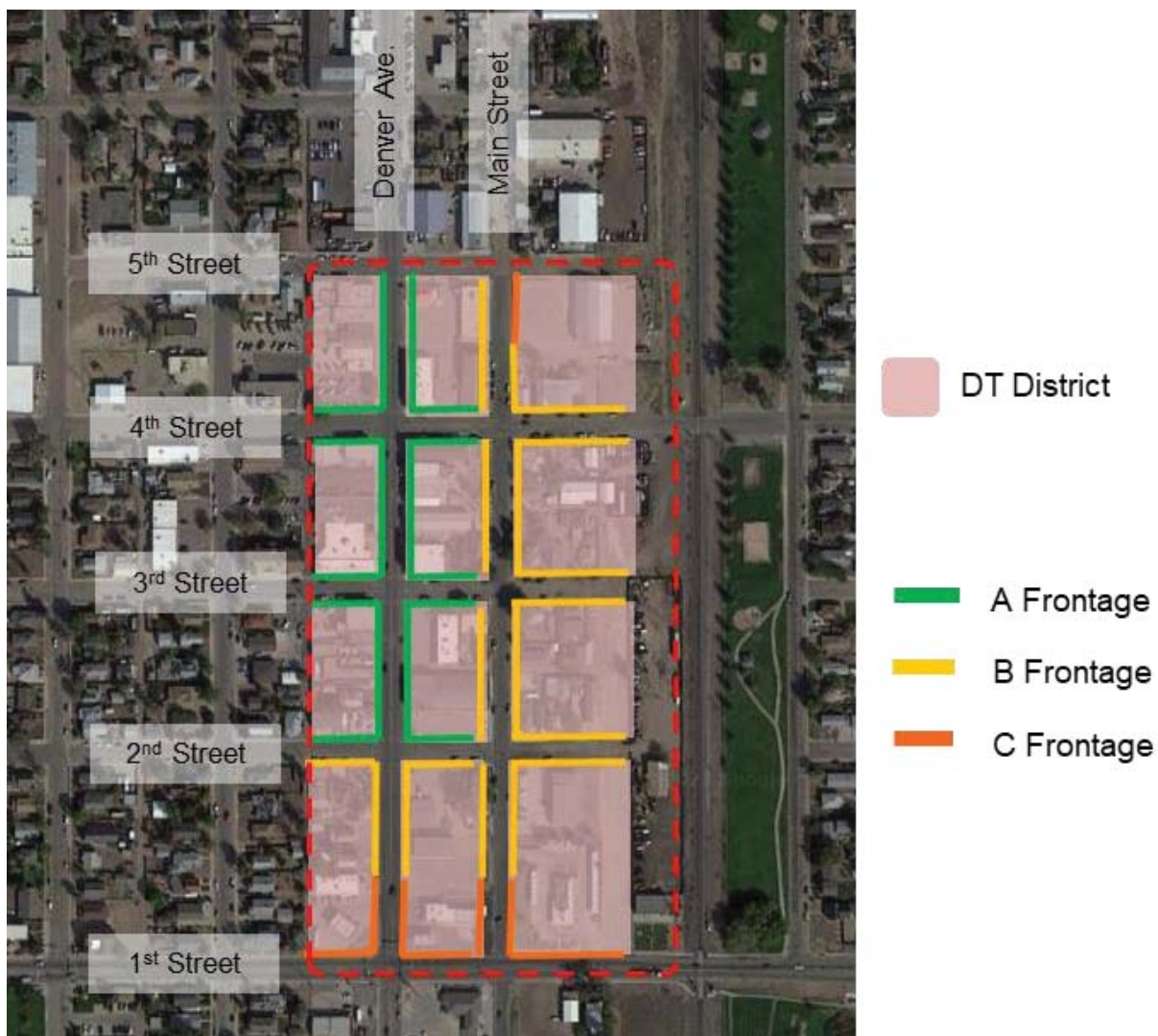


Figure 6-10 Downtown Area Frontage & Design Plan

This plan specifies the applicable frontage types for applying the standards in Section 6.03.A and B. of the Fort Lupton Development Code to the DT Zoning District.

B. [Reserved]

Article 7. Access & Parking

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

7.01 Intent & Applicability

- A. **Intent.** The intent of the Access and Parking standards is to:
1. Emphasize the importance of site access for multiple modes of transportation.
 2. Preserve streetscape design and street functions by coordinating access along block faces and internal to blocks.
 3. Provide the optimal amount of vehicle parking for individual sites, recognizing that too much and too little parking each have negative impacts.
 4. Create access and parking standards appropriate to the context of the site, considering surrounding development patterns and street design.
 5. Ensure appropriate site design features that mitigate the physical and aesthetic impact of parking on streetscapes and surrounding sites.
 6. Maximize opportunities for on-street parking, shared parking or reduced parking rates where appropriate, and reduce the inefficiency from underutilized and redundant surface parking on adjacent sites.
 7. Promote parking designs that minimize runoff, decrease heat island effects, incorporate low impact design features, and infiltrate storm water into the ground.
- B. **Applicability.** Access and parking shall be shown on site plans, according to the application requirements in Article 2. Specifically the standards in this article apply to:
1. All new development, buildings or uses on a site.
 2. A change of use, or additions to existing buildings, that would require 25% or more additional required parking than the previous condition.
 3. Where additional parking is required for an existing lot or building, the parking design standards shall only apply to the newly constructed parking; except, when more than 50% of a parking area is reconstructed, all parking and access shall comply with this section.
 4. The access standards shall not limit the location of any existing access, except:
 - a. In conjunction with a public streetscape project;
 - b. Where an entire site is redeveloped or when more than 50% of a parking area is added, reconstructed, or similarly impacted by development; or
 - c. Where the existing access is determined to be a danger to public safety in association with a development application or street project.

7.02 Access & Circulation

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

1. **Driveway Design Objectives.** Driveway location and spacing shall be limited based on the following standards and guidelines:
 - a. Wherever feasible, adjacent lots with a similar land use shall use shared access to preserve the streetscape and eliminate conflicts with pedestrians and vehicles.
 - b. Direct access to major arterial street shall be permitted only when there is no other reasonable access to the street system, after considering alternatives such as access from side streets, shared driveways, common frontage lanes, rear alleys, or internal access streets.
 - c. The frontage design standards on a particular lot or block in Sections 5.03 and 6.03 Frontage Design may put further restrictions on the width, location, or extent of driveways in the frontage area.
 - d. Where driveway spacing standards for streets limit or prohibit access, shared driveways, common access lanes or alleys internal to blocks shall be used.
2. **Driveway Location Standards.** Except for where shared or common access is permitted and executed through easements, driveways shall be set back from side or rear lot lines as stated in Table 7-2: Driveway Setbacks.

Table 7-2 Driveway Setbacks

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

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

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

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

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

B. Sidewalks.

1. **Sidewalk Design Objectives.** Development sites shall include direct sidewalk connections and circulation at the same or greater frequency as provided for vehicles. Sidewalks shall connect public entrances of buildings and sites to the following, in the most direct manner possible:
 - a. Sidewalks in the public streetscape or along through access drives.
 - b. Parking areas and any perimeter sidewalks, internal walkways or crosswalks associated with the parking areas.
 - c. Civic or open space, or other common areas designed for active use.
 - d. Transit stops, ride-share, or park and ride location – existing or anticipated.
 - e. Where connections from the main entry to sidewalks in the public streetscapes or through access drives is not practical or would exceed 300 feet, sites shall provide pedestrian connections to the edge of adjacent property where any of the above amenities are closer and more directly accessible.
2. **Sidewalk Width.** Internal sidewalks shall meet the requirements of Table 7-3: Internal Sidewalk Widths.

Table 7-3: Internal Sidewalk Widths

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

3. **Pedestrian Amenities.** Sidewalks and internal pedestrian circulation shall be separated from moving vehicles with curbs, landscape buffers, curbside parking, or similar elements of the circulation and open space system; except crosswalks or other similar limited segments, which may be distinguished paint, brick, or colored or scored concrete and similar design features that signify pedestrian priority.
- C. **Alternative Compliance.** Alternative compliance to the access and circulation standards in this Section may be authorized according to the process and criteria in Section 2.07, Alternative Compliance, based on the intent and design objectives of this section, and with any of the following additional applicable criteria:
1. The standards, when applied to a particular project or street, will adversely impact the function of the transportation network in the vicinity of the site.
 2. A specific access management study or plan has altered the application of these standards for the particular street segment, or the guidance for traffic control in the Standards and Specifications Manual lead to a different result.
 3. The project warrants a different access design when considering the functional class of the street, the streetscape design on the particular block, and the existing and anticipated adjacent land uses.
 4. In all cases, the alternatives shall be evaluated balancing the streetscape design objectives of the specific street type, traffic conditions of a particular street segment, and bicycle and pedestrian needs.

7.03 Required Parking

- A. **Vehicle Parking Rates.** Table 7-4: Required Parking provides minimum parking requirements and general categories apply to all similar uses not specifically listed. Where a use is not similar to a general use in the table or could meet more than one category, the Director shall determine the appropriate classification based on industry guides and the most similar use in terms of scale, format and operation. The following criteria shall be used in interpreting the table:
1. Employee rates shall consider maximum number of employees likely to be on-site at one time.
 2. Square footage rates shall consider leasable floor area or active area dedicated to the particular use. Where this number is not easily or readily determined, 85% of gross floor area may be used.
 3. A seating or capacity rate shall consider total number of seats based on industry standards for typical layouts of buildings or building codes.
 4. Where uses or sites have components of different uses (i.e. hotel with a restaurant), each component shall be calculated under most applicable rate.

Table 7-4: Required Parking	
Use Category / Specific Use	Minimum Parking Rate
Residential	
Accessory Dwelling	1 / unit
Dwellings (detached, manufactured)	2 / unit
Dwellings (attached, multiple, or mixed)	1 / unit (Studio / 1 bedroom)
	1.5 / unit (2 bedroom)
	1.75 / unit (3 bedroom)
	2 / unit (4 + bedroom)
	Director may administratively approve 0.5 / unit for micro units (> 400 s.f.)
Senior Living (independent)	Same as Dwellings (attached, multiple or mixed)

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

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

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

3. Use alternative surfaces designed to infiltrate stormwater, and approved by the Public Works Director.
 4. Provide additional buffers and site open spaces to screen parking with at least a 10% increase in the open space or buffers required for the parking, and at least a 20% increase in the amount of landscape material required for the parking.
 5. Design all parking areas over the 120% minimum as dual-purpose space, such as plazas, playgrounds, or similar event areas for regular and active use of the space during non-peak parking times.
 6. Increase the lot open space required for the building and site in Section 5.03 or Section 6.03 by an amount equal to the area of parking over the 120% minimum and locate this open space to limit the impact and visibility of parking.
- C. **Parking Reductions.** The parking required by Table 7-4: Required Parking may be reduced depending on context and according to the following strategies:
1. *DT Exempt.* No parking is required in the DT zoning district, The Director may require parking for any nonresidential use over 10,000 square feet provided the location, accessibility, and design of the parking is consistent with the overall planning and urban design objectives of the downtown area, or for any residential uses where the location, density, and residential building types are likely to have an impact on public or business parking in the vicinity.
 2. *On-street Parking Credit.* All on-street parking within 300 feet of any lot frontage shall count towards the parking requirement at a rate of 0.5 spaces for every on-street space.
 3. *Bicycle Parking Credit.* All bicycle parking designed and located according to Section 7.03.E. may reduce the required vehicle parking at a rate of 1 space for every 2 bicycle parking spaces up to a maximum of 20% of the required vehicle parking or 20 spaces, whichever is less. To be eligible for this credit, the applicant must demonstrate that it is practical to expect significant bicycle access to the site based on: the location and proximity to the broader bicycle transportation network; the design of the site; and the nature of the use and anticipated patrons.
 4. *Administrative Adjustment.* The Director may reduce the required parking for any use that requires more than 10 spaces by up to 10% of the required spaces due to the nature of a particular use or any unique circumstances on the site.
- D. **Shared Parking.** Required parking may be reduced for any site containing multiple uses, or for adjacent sites with different uses according to Table 7-5, Shared Parking.
1. Any shared parking arrangement shall require an agreement among all landowners participating in the agreement to ensure access, joint use, maintenance, and other operational issues.
 2. The agreement shall be recorded for each participating property with the county clerk and recorder. The agreement shall state that it cannot be changed or modified without the approval and signature of the Director.
 3. A shared agreement that differs from this table may also be approved based on a joint parking study for the sites and uses demonstrating adequate parking during peak hours for all parties to the agreement.

Table 7-5: Shared Parking

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

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

Table 7-6 Bicycle Parking

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

Bicycle parking shall be designed according to the following standards:

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

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

7.04 Parking Design

- A. **Parking Landscape Design Objectives.** Landscape areas required by Table 7-7, Parking Design shall be arranged to achieve the following design objectives:
1. All parking lot islands landscape buffers shall have the proper allocation of landscape materials required by Article 8 and be arranged to provide shade, infiltrate runoff, soften large expanses of pavement, and screen parking from adjacent streets and property.
 2. Parking rows shall be no more than 15 contiguous spaces without landscape islands (end caps, center islands, or peninsulas), or no more than 3 double-loaded bays without perimeter landscape or a landscape median. This may be adjusted on a specific site plan that results in the same amount of islands and landscape on average for the entire parking lot.
 3. No landscape island shall be less than 8 feet in any dimension and no smaller than 150 square feet.
 4. Any perimeter buffer or center landscape strip that contains a sidewalk shall have at least 5 feet of landscape on each side of the sidewalk, or 8 feet on one side of the sidewalk in order to contribute to the parking landscape requirement.

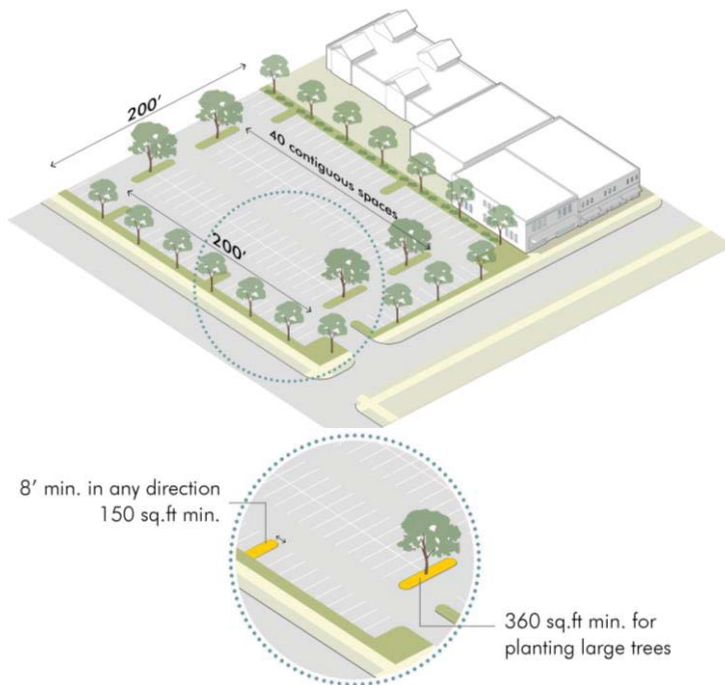


Figure 7-1 Parking Landscape

The required landscape elements should be located to break up the larger expanses of parking and to ensure the survival and maximum mitigating impact of planting in the landscape areas.

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

Table 7-7: Parking Design			
Spaces per Parking Block	Front [1]	Side	Rear
151 or more	Must be broken into smaller parking blocks. [2]	10% internal landscape islands; AND 10' perimeter buffer	6% internal landscape island; AND 10' perimeter landscape
51-150	10% internal landscape islands; 10' perimeter buffer; AND 20' front setback buffer	6% internal landscape islands; AND 6' perimeter buffer	6% internal landscape island; AND 6' perimeter buffer
20-50	6% internal landscape islands; AND 6' Perimeter buffer; AND 10' front setback buffer	6' perimeter buffer	6' perimeter buffer, unless abutting an alley
Under 20	6' perimeter buffer; AND 6' front setback buffer	6' perimeter buffer	6' perimeter buffer, unless abutting an alley

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

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

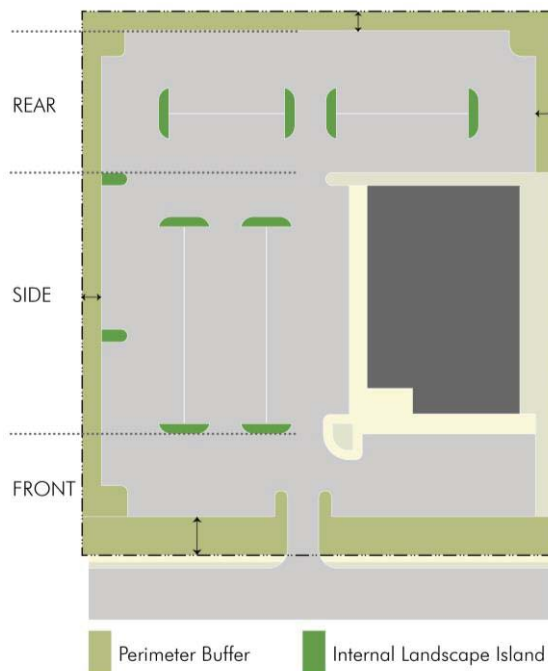
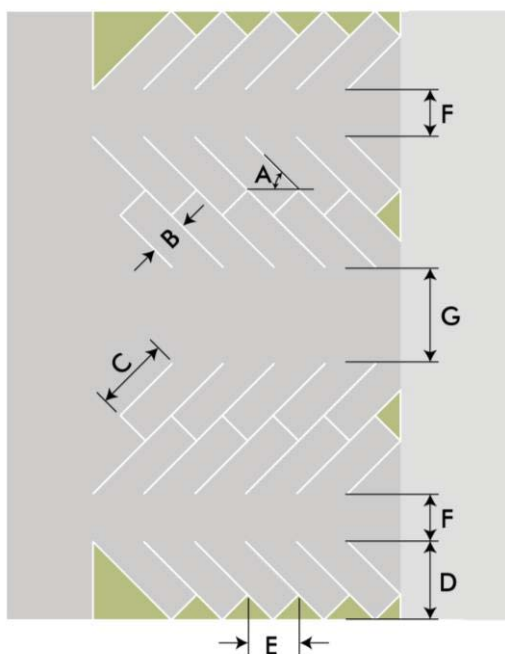


Figure 7-2 Parking Design
Design standards for parking, including buffer and landscape islands, depend on its location in relation to the building and streetscape, and on the size of the parking area. Table 7-7 is based on larger parking areas and parking in the frontage area requiring greater limits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

- C. **Sidewalks.** In meeting the standards of Sections 7.02.B and 7.04.B, a sidewalk connection shall be provided from the perimeter of the parking lot to the building entrance or building frontage. For parking areas over 200 spaces, a sidewalk connection shall be provided through the parking area and to the building frontage at least every 400 linear feet. Sidewalks meeting this standard may be located internal to the parking lot if separated from the surface parking, in any perimeter landscape area or landscape median, or along any through access drive.
- D. **Parking Dimensions.** Parking areas shall be designed to meet the dimension specifications in Table 7-8: Parking Dimensions.

Table 7-8: Parking Dimensions							
Parking Angle Width (A)	Width (B)	Length (C)	Depth to Curb (D)	Curb Width (E)	Aisle Width – One-way (F)	Aisle Width – Two-way (G)	Bumper Overhang*
0°	7.0'	22'	7.0'	22'	12'	20'	n/a
30°	8.5'	20'	18'	17'	15'	20'	1.5'
45°	8.5'	20'	20'	12'	15'	20'	1.5'
60°	9.0'	19'	21'	10.5'	18'	24'	2.0'
90°	9.0'	18'	18'	9.0'	20'	24'	2.0'

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



A: Parking Angle

B: Width

C: Length

D: Depth to Curb

E: Curb Width

F: Aisle Width -- One-way

G: Aisle Width -- Two-way

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

E. General Design Standards.

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

- b. On-street parking on public streets or through access drives according to the standards in 3.01.
3. All required parking areas shall be used solely for parking of vehicles in operating condition for patrons, occupants or employees of the use, unless specifically authorized otherwise by provisions in this code.
4. All parking and access areas shall be designed to adequately address drainage and runoff, including curb, gutters and inlets, or any other drainage strategy approved by the Public Works Director to support best management practices to minimize runoff and encourage infiltration of storm water.
5. All off-street parking areas and driveways shall be graded and paved with an all-weather material meeting Public Works Standards and Specifications.
6. All off-street parking spaces in parking lots shall be outlined painted stripes or other similar markings on the surface, except for parking lots with under 10 parking spaces
7. All non-parking spaces, such as loading zones, emergency and drive-through lanes, or spaces in front of doorways and entrances shall be clearly differentiated from parking.

7.05 Loading Areas

- A. **Loading Requirements.** In mixed-use, commercial, or industrial districts, off-street loading shall be required as indicated in Table 7-9, Loading Areas.
1. The number and size of spaces may be revised based on the operating characteristics of the particular use and determined through site plan review.
 2. Loading areas shall be located on a remote portion of the building and site or internal to the block and buffered by other buildings wherever possible.
 3. Loading areas and activities shall not interfere with the use of walkways, drive aisles, stacking areas, internal access streets or public streets.
 4. Loading shall be screened from public streets or adjacent residential areas in a manner that best limits visibility and mitigates noise, according to the buffer types and design standards in Section 8.03.

Table 7-9: Loading Areas

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

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

7.06 Alternative Compliance

- A. **Alternative Access & Parking Plans.** Alternative compliance to the access and parking standards in this Article may be authorized according to the process and criteria in Section 2.07, Alternative Compliance, as supplemented by the following specific provisions and criteria.
1. *Administrative Site Plan.* The Director may approve alternative compliance to the access and design standards or reduce the required parking or dimension standards by up to 25%, through the Administrative Site Plan process in Section 2.05.
 2. *Site Plan.* The Planning Commission may approve an alternative access and parking plans beyond what may be approved by the Director, through the Site Plan process in Section 2.05, provided it is supported by a specific traffic or parking study and industry standards.
- B. **Deferral of Required Spaces.** In any of the above cases, a portion of the required parking may be deferred through the site plan review if the initial occupancy of the premises will be adequately served by the lesser number of spaces and an approved final plan clearly indicates the location, pattern, and circulation of deferred parking. The deferred parking area shall be brought to finished grade, be landscaped, and shall not be used for building, storage, loading or other purposes. The approval of the site plan shall specify a time, criteria, or occurrences where the Director may require construction of necessary parking.

Article 8. Landscape & Site Design Standards

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

8.01 Intent & Applicability

- A. **Intent.** The intent of the landscape and site design standards is to:
1. Improve the image of the City and build value with a well-designed public realm coordinating streetscapes, open spaces, and lot frontages.
 2. Strengthen the character and quality of development and emphasize distinct areas throughout the City with the location and design of landscape areas
 3. Coordinate landscape and design amenities across multiple sites with special attention to the consistent relationship of public and private frontages.
 4. Encourage site design that allows spaces to serve multiple functions, including aesthetic, screening, environmental, recreational, or social functions.
 5. Provide comfort, spatial definition and visual interest to active outdoor spaces including walkways, civic spaces, parks, trails or other similar outdoor gathering places.
 6. Enhance the environmental and ecological function of un-built portions of sites, and protect and integrate established natural amenities rather than plant or design new ones.
 7. Screen and mitigate the visual, noise, or other impacts of high-intensity areas of sites and buildings, or at transitions where the scale and pattern of development changes.
 8. Conserve water and shift to water-conscious landscape design that is regionally appropriate and specific to the arid Front Range climate.
- B. **Applicability.** The standards of this Section shall apply to all new development except:
1. Detached house or multi-unit house projects involving 3 or fewer new buildings;
 2. Additions to existing buildings or sites that do not result in an increase in building footprint or impervious surfaces by more than 10%; or
 3. Changes in use that do not result in an increase in land use intensity, considering hours of operation, types of activity, or other functional impacts of the use.
- In cases where the landscape standards apply, the intent is to bring the site into full compliance with these standards. However, for infill and rehabilitation of existing sites the Director may prorate the requirements to the extent of the site work where full compliance is not possible or practical, and only apply the standards to portions of the site subject to development.

8.02 Landscape Design

- A. **Design Objectives.** Landscape plans shall meet the following design objectives:
1. Frame important streets and emphasize gateways with street trees, landscape massing, and other vertical elements.
 2. Promote storm water management and prevent erosion through natural landscape elements that intercept, infiltrate, store, or convey precipitation and runoff.
 3. Create focal points, gathering places, and pathways that enhance the comfort, interest and movement of pedestrians.

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

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

Table 8-1: Plant Requirements			
Site Element	Trees	Evergreen Trees	Shrubs
<i>Streetscape: The landscape area in the ROW or along the lot line immediately abutting the right of way.</i>	1 large tree per 35' of lot frontage;	n/a	n/a
	Corner lots shall meet this requirement on street side lot lines at a rate of 50% of the requirement. Constrained right-of-way or streetscapes may substitute 1 ornamental tree per 20.'		
<i>Frontage & Foundation. The area between the building line and ROW along a street, including street sides of corner lots, where landscape is used to create transitions to the streetscape and to provide accents and soften larger expanses of buildings</i>	1 ornamental tree per 40' of lot frontage for buildings set back more than 10' from the front lot line; AND 1 large tree per 35' of lot frontage for buildings set back more than 40'.	Evergreen trees may be substituted for ornamental trees at a rate of 1 for 1, and for large trees at a rate of 2 for 1, for up to 50% of the requirement.	1 shrub per 5' of building frontage. 3 ornamental grasses may be substituted for each shrub up to 50% of the requirement. Seasonal planting beds or pots associated with the entrance may substitute for any building located closer than 10' to the front lot line.
	Corner lots shall meet this requirement on street side lot lines at a rate of 50% of the requirement		
<i>Parking. Areas on the perimeter, or interior of parking where landscape is used to soften the appearance, mitigate heat gain, and infiltrate stormwater.</i>	1 large tree per 5 parking spaces	Evergreen trees may be substituted for large trees at a rate of 2 for 1, for up to 50% of the requirement	1 shrub per 5' of perimeter. 1 shrub per 3' for any parking area within 20' of any right of way or sidewalk. 3 ornamental grasses may be substituted for each shrub up to 50% of the requirement.
	Ornamental trees may be substituted for large trees at a rate of 2 for 1 up to 50% of the requirement		
<i>Buffers. Areas of a site that require additional landscape to mitigate potential impacts on streetscape or adjacent property.</i>	See Section 8.03.		
<i>Civic and Open Spaces. Areas of the site designed as part of a broader system of formal and natural open spaces.</i>	See Section 3.02		
<i>Other.</i>	All other unbuilt or unpaved areas of a site shall require ground cover, perennials, grasses, rock, mulch or other natural and permeable surfaces. Up to 50% of any landscape area may consist of inorganic (non-living) decorative material such as river rock, colored pea gravel, boulders, pavers or similar natural material, provided it is designed and arranged in a way that can infiltrate runoff in association with planting areas.		

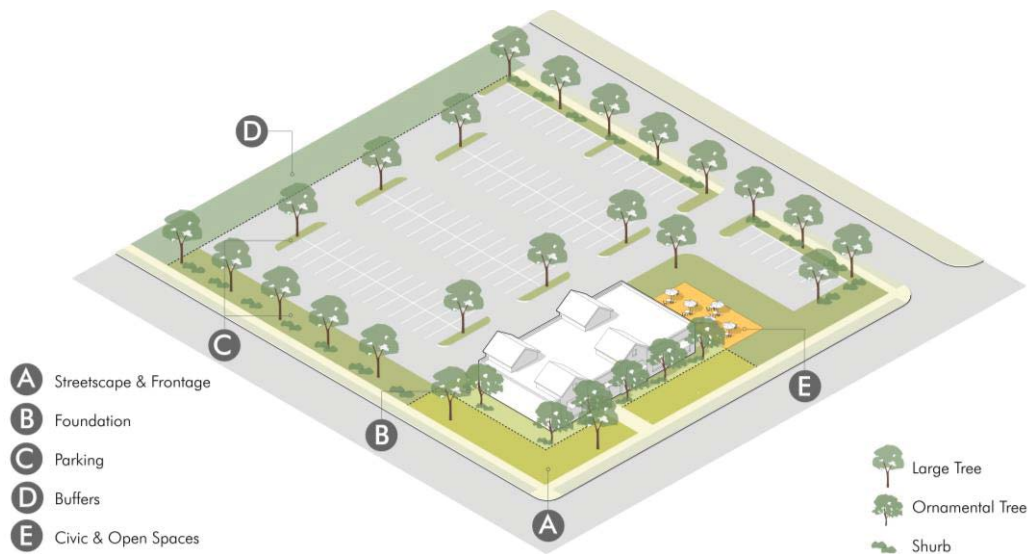


Figure 8-1 Landscape Design

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

- C. **Credits for Existing Vegetation.** Preservation of existing landscape material that is healthy and desirable species may count for landscape requirements provided measures are taken to ensure the survival through construction and all other location and design standards are met.
1. Landscape plans shall provide an inventory of all existing trees or significant woody vegetation including size, health, species, and any proposed for removal.
 2. Existing landscape credits shall only count towards the portion of the site where it is located, according to the site elements in Table 8-1. For example, an existing tree may only count towards the required planting for parking lot perimeters if it remains in the parking perimeter in the final design.
 3. Credits shall be on a 1 for 1 basis provided it meets the minimum specifications for new plants. The Director may approve landscape material that is larger or otherwise established and valuable on a 2 for 1 basis, or may approve plants of exceptional quality due to species, location, maturity, and health on a 3 for 1 basis.
 4. Trees or other existing landscape that contributes to the standard shall be identified on a landscape plan and the critical root zone shall be protected for the entirety of construction by a construction fence. Tree protection measures shall be based on applicable industry standards and best practices to ensure survival of the landscape.
- D. **Design & Location.** The landscape required by Table 8-1 shall be arranged and designed in a way that best achieves the intent of this Article and design objectives of this Section, considering the context and adjacencies proposed on the site. Required plantings shall be planted in the following specific locations on the lot.
1. **Streetscape Trees.** Streetscape and frontage trees shall be located in line with other trees along the block to create a rhythm along the streetscape and promote enclosure of the tree canopy. In the absence of a clearly established line along the block, trees may be planted in the following locations in order of priority.
 - a. On center between the sidewalk and curb where at least 6 feet of landscape area exists;
 - b. In tree wells that are at least 4 feet in all directions and at least 24 square feet

- located within the sidewalk (applicable on wider attached sidewalks or pedestrian-oriented commercial or mixed-use streets);
 - c. 5 to 10 feet from the back of curb where no sidewalk exists or from the sidewalk in other situations where the sidewalk is attached;
 - d. Within the first 5 feet of the front lot line where any constraints on the lot or in the right-of-way would prevent other preferred locations;
 - e. Ornamental trees may be substituted for large street trees only in situations where no other alternative is available due to constraints of the site or right-of-way conditions. Ornamental trees should be used where trees are to be located within 10 feet of any overhead wires.
 - f. Shrubs or perennials planted in the streetscape (parkway, medians) shall not exceed 36 inches high, or 30 inches high in any area impacted by the sight distance limits of Section 3.01.D.2.
 2. *Frontage & Foundation Trees & Shrubs.* Foundation plantings shall be located in open spaces near the building or in planting beds associated with the design of any hardscape along the building frontage.
 - a. Ornamental and evergreen trees shall be located within 25 feet from the building.
 - b. Shrubs and other plantings shall be located within 6 feet of the foundation.
 - c. Where planting beds are used within hardscape around a foundation, they should be at least 4 feet deep, at least 60 square feet, and concentrated along at least 50% of the building frontage.
 - d. Use larger and vertical landscape elements to frame entries, anchor the corners of buildings, or break up and soften larger building expanses.
 3. *Parking Lot Landscape.* Parking lot landscape requirements shall be planted in perimeter buffers and landscape islands planned and designed according to Section 7.04, Parking Lot Design.
 - a. There shall be at least one large tree per 35 feet of parking lot perimeter, or one ornamental or evergreen tree per 20 feet of perimeter.
 - b. There shall be at least one tree per parking lot island, or one large tree or two evergreen or ornamental trees per 300 feet of other internal landscape area.
 - c. Shrubs shall be located to define parking lot edges, screen parking from adjacent sites, or create low barriers along sidewalks and streetscapes.
 - d. Any parking within 20' of the right-of-way shall have a Type I buffer per Section 8.03.
 4. *Visibility at Intersections.* Screens, buffers and landscape shall be located and designed to maintain proper lines of sight at all intersections of streets, alleys, driveways, and internal access streets as provided in Section 3.01.D.2., Sight Distances.
 5. *Specific Applicability.* Where landscape standards for different conditions or elements of a site overlap, effective site and landscape design may enable the space and plants to count toward more than one requirement, based on the greater plant requirement applicable to that area. For example, a buffer area required by section 8.03 may also be along a parking area perimeter, or a parking area perimeter may also be along a streetscape, and the greater planting requirement between these areas can satisfy both requirements. Approval shall be subject to the Director determining that the intent and design objectives of this section are achieved.
- E. **Alternative Compliance.** Alternative compliance to the landscape design standards established in Section 8.02, may be authorized according to the process and criteria in Section 2.07, Alternative Compliance, and any of the following additional applicable criteria:
 1. The alternative results in better design of common or civic space on the site;

2. The alternative results in a better allocation of plants in relation to adjacent streetscapes or other public spaces; or
3. The alternative is necessary to improve the longevity or survival of plant materials.
4. In all cases the deviation is the minimum necessary to address the circumstance, the alternative equally or better meets the design objectives of this Section, and there are no negative impacts on other design standards applicable to the building or site.

8.03 Buffer & Screening

- A. **Design Objectives.** Intense land uses or site elements shall be buffered and screened from streetscapes and adjacent property according to the following design objectives. These objectives shall be used in applying the buffer requirements in Table 8-2, Buffer Planting Requirements and Table 8-3, Buffer Application.
1. Mitigate impacts of parking lots or vehicle circulation near streets or property lines with landscape barriers and low-level headlight screening.
 2. Buffer and screen commercial uses, parking lots, and service areas abutting residential property with a combination of dense vegetation or fences and walls.
 3. Soften transitions where changes in development patterns, intensity of land uses, or building scale occur.
 4. Screen service and utility areas of buildings and sites from adjacent property or streetscapes with architectural features, fences, or landscape that limit visibility or noise.
 5. Create landscape clusters that soften long expanses of building walls, fences, surface parking, or other similar areas.
 6. Utilize berms, vertical landscape elements, dense plantings, or other grade or spatial changes to alter views, subdue sound, and change the sense of proximity of incompatible elements.
 7. Address three layers of landscape, including: large trees (high-level – 30'+); evergreen or ornamental trees (mid-level – 6' to 30'); and shrubs, annuals and perennials, and ground cover (low-level – under 6'), in a way that most directly mitigates the potential impacts and adjacencies.

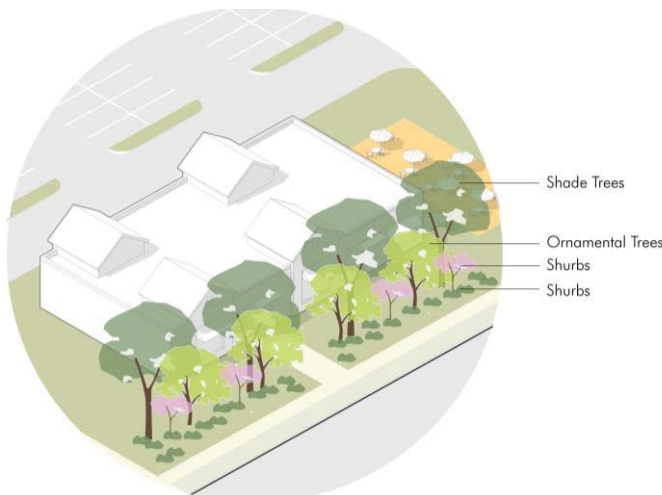
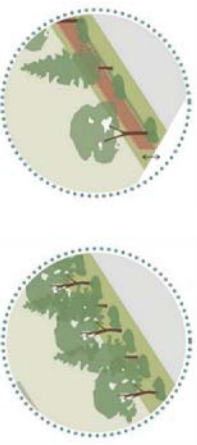
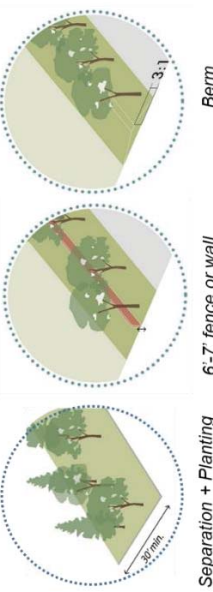
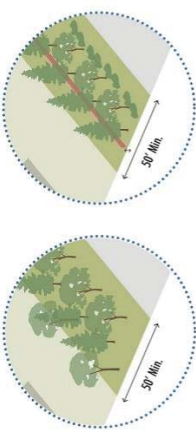


Figure 8-2 Buffer Layers

Effective buffer design should be based on the specific context, and the intent and degree of mitigation desired. Shade trees provide separation and mitigation at upper levels, evergreen and ornamental trees provide separation and mitigation at mid-levels, and shrubs or other smaller plants provide separation and mitigation at ground levels. Different levels may receive different priorities based on the specific context, potential impacts, and adjacencies.

- B. **Buffer Planting.** The planting requirements in Table 8-2: Buffer Planting Requirements shall be used to buffer and screen more intense uses or elements of a site according to the design objectives of this section. The buffer width exists independent of and may include any setback, parking perimeter buffer, or other open space requirement such that the larger requirement will control.

Table 8-2: Buffer Planting Requirements

Type and Applicability	Buffer Planting Requirement
Type I – A low-level screen and physical separation used for aesthetic purposes, particularly around site utility elements, walkways, or parking areas along pedestrian oriented streetscapes.	Width: 6' min. Planting: 1 large tree per 35' or 1 ornamental per 20'; and 1 shrub per 3' Variation: the shrub rate may be reduced by 50% in combination with the following: ■ A 2.5' to 4' decorative wall or fence in constrained areas or along the streetscape; or ■ 3' berm in wider landscape areas or in association with buffers.  Dense shrubs Decorative fence or wall Berm
Type II – A moderately planted area used to separate and soften transitions between more intense portions of sites between generally compatible land uses, or where buffers are necessary along collector or arterial streets.	Width: 15' min. Planting: 1 large tree per 35' or 1 ornamental per 20'; and 1 shrub per 5'; and 1 evergreen tree per 25' Variation: A 6' fence or ornamental wall compatible with the materials of the building may be used with a lesser combination of plants (up to 50% less), or with a smaller space (6' min.).  Shrubs and evergreens 6' fence or wall Berm
Type III – A densely planted area intended to mitigate noise and create a visual screen for potentially incompatible land use adjacencies, or for large scale or intense uses along major streets.	Width: 30' min. Planting: 1 large tree per 50'; and 1 ornamental per 25'; and 1 evergreen tree per 25' Variation: Other combinations of shrubs, evergreens, understory plantings, with a 3' – 4' berms or with fences or walls that provide a visual 6' – 7' screen.  Separation + Planting 6'-7' fence or wall Berm
Type IV - A densely planted area intended to separate incompatible situations or high-intensity uses.	Width: 50' min. Planting: 1 large tree per 30'; and 1 ornamental tree per 25'; and 1 evergreen per 15' Variation: Other combinations of shrubs, evergreens, understory plantings, with a 3' – 4' berms or with fences or walls that provide solid barrier and separation. 

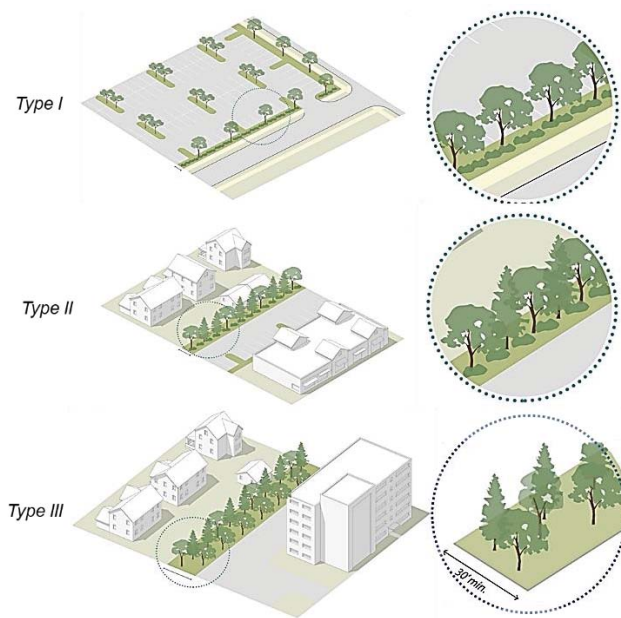


Figure 8-3 Buffer Types & Context
Application of the specific buffer type should be based on context and the adjacent site or projects.

- C. **Buffer Locations.** Buffer types shall be required and applied as indicated in Table 8-3, Buffer Application.

Table 8-3: Buffer Application					
Intensity of Adjacent Site		Intensity of Proposed Development			
		Low	Medium	High	Very High
Low		--	Type II	Type III	Type IV
Medium		Type II	--	Type II	Type III
High		Type III	Type II	--	Type II
Very High		Type IV	Type III	--	--
Use Intensity	Low	<i>Residential:</i> detached house, multi-unit house, row house, and small-lot apartment types <i>Nonresidential:</i> churches, schools, public and recreation, and similar community facilities			
	Medium	<i>Residential:</i> medium- and large-lot apartment or apartment complexes <i>Nonresidential:</i> neighborhood retail (under 3K s.f.), or office uses (under 2 stories), artisan or small manufacturing (under 10K), or similar uses that do not operate between 10PM and 7AM			
	High	<i>Nonresidential:</i> general commercial uses that may be larger scale (over 3K), light manufacturing or other higher intensity uses that operate beyond 10PM			
	Very High	<i>Nonresidential:</i> heavy commercial uses (over 100K s.f.) or uses with significant outside activity or storage, or heavy industrial and manufacturing uses			
Other Applications		Parking areas within 20 feet of any public street or through access drive shall have a Type I buffer Any lots that back to a collector or arterial street shall require a Type III buffer, which may be incorporated into the right-of-way landscape. (See Sections 3.01 and 3.02 for more effective and efficient ways to design blocks and lots in association with street networks and open spaces.) Any lots adjacent to a highway or expressway shall require a Type IV buffer for residential and Type III buffer for nonresidential			

- D. **General Screening.** All of the following shall be screened from streets or adjacent property by placement of buildings, open space, dense evergreen vegetation, a decorative opaque fence or wall complementing the architectural details and materials of the building, or a combination of these screening strategies. Where design of the building, frontages, open space, buffers and other site requirements do not adequately screen these elements, the Director may require additional planting to achieve the design objectives of this Section.
1. Electrical and mechanical equipment such as transformers, air conditioners, or communication equipment and antennas whether ground-, wall- or roof-mounted.
 2. Permanent or temporary outdoor storage areas.
 3. Trash enclosures.
 4. Utility stations or fixtures.
 5. Delivery and vehicle service bays, except that bays do not need to be screened from adjacent property with the same or more intense zoning.
 6. Large blank walls visible from public streets, public or common areas or other sensitive boundaries in association with the buffer standards.
 7. Nonresidential or multi-family parking lots over 10 spaces adjacent to residential lots.
- E. **Alternative Compliance.** Alternative compliance to the buffer and screening standards established in Section 8.03, may be authorized according to the process and criteria in Section 2.07, Alternative Compliance.

8.04 Plant Specifications

- A. **Design Objectives.** The plant specifications have the following design objectives:
1. Ensure the longevity and survival of landscape investments with proper species, location, installation and maintenance of plants.
 2. Promote regionally appropriate strategies, including limiting risk of disease or infestation through diversity of urban forest on an area- or city-wide basis.
 3. Establish minimum standards that balance immediate conditions with reasonable long-term growth and performance of landscape plans.
 4. Require water efficient strategies in terms of the water needs of landscape plans, and the continued operations and maintenance of sites.
- B. **Species.** All trees and shrubs shall be selected and planted according to the Fort Lupton Recommended Plant Materials List in Appendix C. In addition to any species on these lists, alternatives may be proposed and approved as part of the site plan provided they:
1. Are documented by a landscape architect or other credible information comparable in type and performance to any species on this list;
 2. Are adaptable to the climate of the Front Range region and the specific conditions in which they are proposed; and
 3. Are not invasive or otherwise problematic to the overall health of the landscape.
- C. **Plant Specifications.** All landscape materials shall meet the American Standards for Nursery Stock standards, and be selected for its native characteristics or survival in the climate for the Front Range region. Plants shall meet the following specifications at planting:

Table 8-4: Plant Specifications	
Type	Specification
Large Tree	2" DBH; Mature height of at least 30'

Table 8-4: Plant Specifications	
Type	Specification
Ornamental Tree	2" DBH ; 8' to 10' minimum planting height for multi-stemmed; Mature height of 15' – 30'
Evergreen Tree	6' minimum planting height; Mature height of at least 10'. Evergreens with mature heights of 30' or more may be classified as large trees.
Shrub	24" or 5-gallon minimum container
Perennials	1-gallon container
Ground Cover	Areas designed for vegetative cover shall have 50% ground cover at the time of planting and full coverage within 2 growing seasons
General	Plants used for screening and buffers shall achieve the required opacity and function in its winter seasonal conditions within 2 years following planting.

DBH – Diameter at breast height

- D. **Tree Diversity.** The required trees planted shall promote diversity with the following species selection criteria.

Table 8-5: Tree Diversity	
Required Trees	Diversity
1 - 9	No specific requirement, but trees should be diversified from those existing trees in the vicinity.
10 - 39	At least 2 genus; AND At least 3 species No more than 50% of any one species
40+	At least 3 genus; AND At least 4 species No more than 33% of any one species

* Any streetscape master plan or public realm plan may achieve street tree diversity on a broader or block-scale basis while planting the same species on individual segments for the urban design effect.

- E. **Xeric Guidelines.** All landscape plans shall conserve water with landscape materials and design techniques using the following xeric principles.
1. Incorporate a “zoned planting scheme” to reduce water demand by grouping plants with similar water requirements together in the same hydrozone.
 2. Limit high-irrigation turf and plantings to appropriate high-use areas with high visibility and functional needs, and use water-conserving grasses such as fescue sods.
 3. Use drought tolerant plants, suitable to the region, with low watering and pruning requirements.
 4. Incorporate soil amendments and use of organic mulches that reduce water loss and limit erosion. All plant areas should receive soil amendments of at least 3 cubic yards per 1,000 square feet.
 5. Install efficient automatic irrigation systems that incorporate water conservation measures, including spray heads for ground cover and drip irrigation for shrubs and trees, and high-efficiency or precision nozzles. Provide regular and attentive maintenance to ensure irrigation systems are functioning properly.
 6. Alternative sources of irrigation for all landscape areas is encouraged.

- F. **Stormwater Treatment.** Landscape amenities that incorporate stormwater treatment are recommended, provided they can meet both the landscape design standards and the stormwater management performance standards. Techniques such as bioswales, water quality ponds, and rain gardens should be used to infiltrate runoff from parking lots, streets, civic spaces, and other impervious surfaces.
- G. **Planting & Maintenance.** All landscape plans shall include installation specifications, method of maintenance including a watering system and statement of maintenance methods. At a minimum landscape plans shall demonstrate the following:
 1. No plants shall be planted over any area that has been compacted. All planting areas shall be excavated and filled with amended soils to a depth of at least 24 inches, or additional sufficient depth to reach existing soils and remove any pervious material, compacted soils, stones 1 inch or larger, or any other material harmful to plant growth.
 2. All plant materials and planting areas shall be prepared and planted according to American Standard for Nursery Stock (ANSI) details and ensure proper soil quality and conditions.
 3. All plantings shall be properly maintained. Plant materials which fail to grow within a 2-year period or which exhibits evidence of insect pests, disease, and/or damage shall be appropriately treated, and any plant in danger of dying may be ordered by the Director to be removed and replaced.
 4. All elements of an approved landscape plan including plant materials shall be considered elements of the project in the same manner as parking, buildings or other details. Deficiencies of any approved landscape plan at any point may be enforced as a violation of the provisions of this ordinance.
- H. **Alternative Compliance.** Alternative compliance to the plant specification standards established in Section 8.04, may be authorized according to the process and criteria in Section 2.07, Alternative Compliance, and any of the following additional applicable criteria:
 1. The alternative is necessary to improve the longevity or survival of plant materials.
 2. The alternative improves the health or general species mix specific to the context and vicinity of the site.
 3. In all cases the deviation is the minimum necessary to address the circumstance, the alternative equally or better meets the design objectives of this Section, and there are no negative impacts on other design standards applicable to the building or site.

8.05 Fences & Walls

- A. **Design Objectives.** Fences and walls provide safety and security, screening, and architectural enhancements to sites and buildings and shall meet the following design objectives:
 1. Fence and wall designs shall consider the context of the area, the location on the site, and the desired functions.
 2. Fences and walls with prominent publicly visible locations require higher design standards, accompaniment of landscape to soften the expanse, or a combination of both.
 3. Fences and walls in walkable contexts or nearest pedestrian facilities require a lower profile, more open design, or both.
 4. Fences and walls in prominent public places should complement the design of the site and the architecture of the associated building.
 5. Fences and walls shall be designed and located sensitive to the massing and design relationship, and other impacts to adjacent property.
- B. **Fence & Wall Design.** All fences and walls shall meet the following standards.

1. **Permit.** A permit requiring conformance with these standards shall be required for:
 - a. All new fences or walls; and
 - b. All repairs or replacement of existing fences more than 50% of the fence or 50 feet, whichever is less.
 - c. A fence may only be permitted in the right-of-way or public easement, subject to a revocable permit issued by the city. Fences in private easements may be permitted subject to the conditions of the easement, at the property owners risk, and any other conditions on the permit requiring the applicant to assume liability for the fence.
2. **Height & Location.** Fences for individual property shall be located according to Table 8-6: Fence Height and Location.

Table 8-6: Fence Height and Location		
	<i>Residential</i>	<i>Commercial & Industrial</i>
<i>Front</i>	▪ 3' high if solid ▪ 4' high if at least 50% open	▪ 3' high if solid ▪ 4' high if at least 50% open
<i>Side & Rear</i>	▪ 6' if behind the front building line	▪ 8' if behind the front building line
<i>Setbacks</i>	▪ All fences shall be at least 18 inches from any public sidewalk, except front fences meeting the front fence design standards may be built on the property line even if abutting a sidewalk.	
<i>Generally</i>	▪ Ornamental enhancements associated with an entry or gateway may be up to 8' high. ▪ All fences or walls located along adjacent lot lines shall be constructed so that either: - o The face of the fence is on the property line, with the finished side facing outward; or - o The face of the fence is at least 3 feet from the property line. Any areas set back 3 feet or more from the property line, which could become enclosed by other similarly located fences or walls, shall provide at least one gate for access and maintenance equipment. ▪ Fences or walls outside of required setbacks (i.e. in the buildable envelope), and behind front building line can exceed height limits, but may be limited by building codes or other public health and safety standards. ▪ Height includes any retaining wall or berm the fence is built on; however, the Director may grant exceptions where for fences in conjunction with a berm or wall where they equally or better serve the intent and design objectives of this Article.	

3. **Perimeter Fences.** Any fence designed as part of a perimeter fence for multiple properties, as part of a landscape buffer, or any expanse longer than 100 feet and within 30' of a collector or arterial, shall meet the following standards:
 - a. All fencing shall be softened with landscape materials on the street side of fences meeting the buffer standards of Section 8.03.
 - b. Expanses of over 300' shall be broken up by either:
 - (1) Offsets of at least 3 feet on 1/3 of the length for every 300 foot span; or
 - (2) Ornamental designs on at least 1/2 of every 300 foot span space that is at least 75% open (i.e. wrought iron) and includes architectural pillars or posts (i.e. stone, or masonry) at least every 50 feet.
4. **Sports and Recreation Fences.** Fences for sports and recreation facilities, or for any other similar public facility, may be up to 10 feet generally; or up to 14 feet for tennis courts if at least 50% open above 7 feet high; and taller to serve the functional need for backstops or golf course protection.

5. **Materials.** All fences and walls shall be made of the following:
 - a. Decorative iron;
 - b. Masonry;
 - c. Wood;
 - d. Chain-link/woven wire, except prohibited for any front fence;
 - e. Vinyl;
 - f. Pipe, limited to industrial districts and only if painted and maintained;
 - g. Barbed wire, limited to the side or rear of commercial and industrial fences and only if all portions of barbed wire are above 6 feet high; or
 - h. Electrical fences are only permitted for agriculture uses in the A district.
 6. **Construction Fences.** Temporary fences for construction may be up to 10 feet or as otherwise specified in construction permits.
 7. **Drainage Easements.** No fence shall be constructed which could impede the flow of drainage waters. All fences must be installed in a manner that will not constrict the water flow planned for proper drainage of the lots in a subdivision.
 8. **Sight Distances.** All fences, walls or screening shall be located out of the sight distances in Section 3.01.D.2, Sight Distances, or otherwise limited to no more than 3 feet high in these areas.
- C. **Alternative Compliance.** Alternative compliance to the fence and wall standards established in Section 8.05, may be authorized according to the process and criteria in Section 2.07, Alternative Compliance.

8.06 Outdoor Lighting

- A. **Design Objectives.** Exterior lighting of sites and buildings shall meet the following design objectives:
1. Provide safety and security in publicly accessible areas.
 2. Create comfort and ambiance with softer and warmer lighting in gathering spaces, social places, and pedestrian-oriented streetscapes.
 3. Accent the architectural features buildings, gateways or other portions of sites visible from the streetscape or other public spaces.
 4. Design the appropriate scale of light considering pedestrian-oriented or vehicle-oriented portions of sites.
 5. Limit glare or other impacts that site lighting could have on adjacent sites with the appropriate design, location and type of fixture, and based on the context of the area.
 6. Reinforce the unique character of particular areas with the types and style of lighting fixtures.
 7. Develop energy efficient lighting strategies in balance with other site lighting objectives.
- B. **Mounting Height.** All exterior lighting shall be limited to the mounting heights specified in the following table:

Table 8-9: Maximum Light Mounting Height	
Driveways and Parking Areas	24' in residential districts; or within 30' of any street; or within 100' of a residential use or residentially zoned property. 35' in all other districts or situations.
Pedestrian Walkways, Plazas or Courtyards, and Pedestrian-oriented Streetscapes	16'
Facade Lights	Below the eave or cornice line, provided the light is directed downward or otherwise designed and located to limit up lighting beyond the facade.
Other Site Lighting	12' nonresidential; 7' residential
Building Mounted Security Lights	May be mounted at heights required to provide adequate security provided all efforts be made to mitigate off-site impacts including dimmers, timers, sensors, shields or other technology.
General	All light poles shall be setback from the property at least 3', or at least 1/3 of the height, whichever is greater.

- C. **Performance Standards.** In addition to the height and location standards, exterior site lighting shall meet the following performance standards:
1. All exterior fixtures shall be fully shielded and installed so that the direct illumination shall be confined to the property boundaries of the source, except for ornamental lights below 2,400 lumens.
 2. The location, height, and fixture shield shall prevent light spread or glare onto any adjacent property or any public right-of-way, other than building mounted lighting on street-front buildings.
 3. Lighting shall be designed to meet the functional and security needs of the site, without adversely affecting adjacent properties. Performance and operational characteristics such as dimming interfaces or timers that reduce lights to minimal security levels for off hours should be used.
 4. All facade lighting and other externally illuminating lights shall use shielded, directional fixtures, designed and located to minimize uplighting and glare. Decorative lighting, such as lanterns and wall sconces, which may be allowed as long as the fixtures, do not exceed 2,400 lumens and do not emit light directly upward.
 5. The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site and building.
 6. Lighting plans shall demonstrate compliance with industry standards and guidelines for environmental and energy performance, including the fixture types, light source, and energy source.
 7. A photometric plan prepared by a qualified professional may be required by the Director for large-scale uses or where certain compatibility and adjacency issues exist as a result of anticipated lighting.
- D. **Alternative Compliance.** Alternative compliance to the lighting standards established in Section 8.06, may be authorized according to the process and criteria in Section 2.07, Alternative Compliance.

Article 9. Signs

- 9.01 Intent & Applicability
 - 9.02 Exempt Signs
 - 9.03 Residential Signs
 - 9.04 Nonresidential Signs
 - 9.05 General Standards – All Signs
 - 9.06 Standards for Specific Signs
 - 9.07 Design Guidelines
 - 9.08 Alternative Compliance
-

9.01 Intent & Applicability

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

1. Create an attractive aesthetic environment in the City.
2. Enhance the quality and civic design of the community through the visual priority of buildings, streetscapes, open spaces, landscapes, and other investments in the public realm.
3. Ensure that signs preserve and contribute to the unique character of distinct places and districts.
4. Promote safety of pedestrians, motorists, or other users of the public rights-of-way with proper location, construction, operation, and maintenance of signs.
5. Improve economic viability by assuring that the City is a visually pleasant place to visit, conduct business, and live.
6. Provide effective identification and communication for businesses, institutions, and other community destinations without excessive competition for visual attention.
7. Protect property values and investments by minimizing adverse effects of signs on adjacent property.
8. Ensure that the constitutionally guaranteed right of free speech is protected through appropriate standards for signs as a way of public communication.

B. **Applicability.**

1. *General Applicability.* The standards in this Article shall apply to all signs except:
 - a. Legal non-conforming signs, subject to the provisions in Section 1.05.F.
 - b. Signs exempt from standards, as specified in Section 9.02.
2. *Permit Required.* All signs shall require a permit to demonstrate compliance with this Article, signed by the property owner or the owner's authorized agent, except the following signs:
 - a. Signs exempt from a sign permit, as specified in Section 9.02.
 - b. Ordinary maintenance, care or repair of existing signs meeting these standards without altering the size, materials, location or other essential design characteristics or construction elements of the sign.
 - c. The change of copy or content, change of sign panels, or similar changes to an existing sign that conforms to these standards, provided there is no change in the size, materials, sign structure, or other essential design characteristics of the sign.
 - d. Permits may be required for work associated with any sign that impacts other public safety codes, such as electrical, fire, or building codes.

- C. **Sign Measurements.** The following shall be used in interpreting dimensional standards for signs:
1. **General Area Calculation.** All applicants for a sign permit shall provide the surface area of the sign in square feet, providing methods and measurements for the calculation. Signs mounted on or displayed as a standard geometrical shape shall be measured by the standard mathematical formula for that shape. Signs mounted on or displayed as an irregular shape shall be measured by the smallest area of up to two standard geometrical shapes that can encompass the entire sign mounting.
 2. **Freestanding Signs.** The area of the sign shall be computed by the entire area of the face of the structure, cabinet or module encompassing the sign.
 3. **Wall, Window or Other Building-mounted Signs.** Any building mounted sign mounted on a background shall be measured by the area of the background. If mounted directly on the wall, the area shall be computed by means of the smallest single and continuous perimeter of up to two standard geometric shapes that enclose the outer limits of the writing, emblem or other display. Gaps in writing, emblems or other display which are greater than two times the height of the sign area, when using the same single continuous perimeter above, may be subtracted from the calculation of the sign area but shall be interpreted as two signs. The area of the wall or window area for the purposes of determining an allowed percentage shall be the total surface of the wall or window visible in an elevation view.
 4. **Decorative Elements.** Embellishments such as pole covers, framing, decorative roofing and support structures shall not be included in the area of the measurement if they contain no writing, emblem, or other display.
 5. **Double-faced Signs.** Where the sign faces of a double-faced sign are no more than three feet apart at any location, only one face will be measured in computing sign area. If the two faces of a double-faced sign are of unequal area, the area of the sign will be the area of the larger face. In all other cases, the areas of all faces of a multi-faced sign or the surface area of objects will be added together to compute the area of the sign.
 6. **Height.** Sign height is measured from the existing lowest grade directly below the sign to the highest point on the sign or sign structure.
 7. **Clearance.** Sign clearance is measured from the highest point of the ground directly below the sign to the lowest point on the sign structure enclosing the sign face.

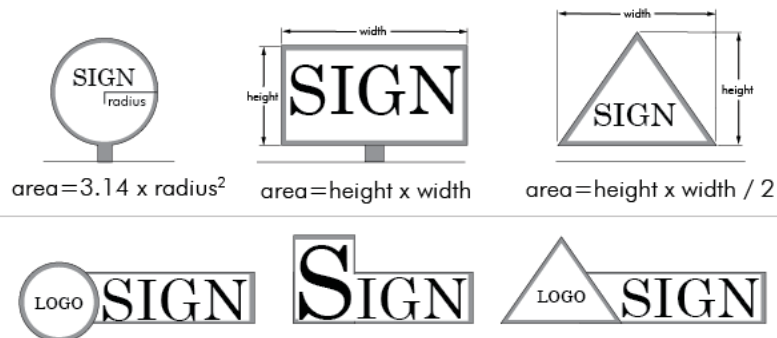


Figure 9-1 Sign Measurements

The size of a sign is generally measured by the area it is mounted upon, or when mounted directly on walls or irregular shapes, the area of up to two standard geometric shapes that encompass the sign or the outer limits of the sign. [9.01.C.1 and 3.]

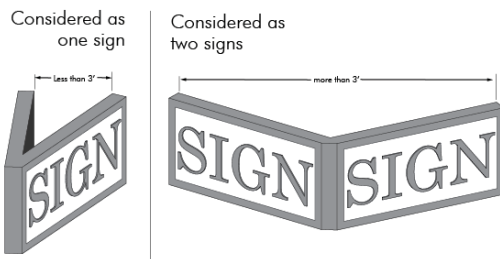


Figure 9-2 Double Faced signs

Double faced signs generally count the area of only one side as the sign area; except where they are more than 3 feet apart at any one point, then each sign face counts to the area. 9.01.C.5.

9.02 Exempt Signs

The following signs are exempt from the sign permit process provided the sign meets all other applicable requirements of this Article. Unless specifically noted, exempt signs do not count towards the sign allowance specified for the applicable zoning district.

- A. **Property Identification Signs.** Signs clearly indicating the property address or building identification are encouraged to enhance the ability of public safety, emergency services personnel, and the general public to locate the property. Property identification signs shall be visible from the right-of-way and are subject to the following limitations:
 1. **Address Signs.** Two per address up to 2 square feet each, only one of which may be ground mounted. Address signs on buildings shall be placed between 4 feet and 12 feet high on the building. Ground-mounted address signs shall be no more than 36 inches high.
 2. **Building Name Plate.** Each building or site may have one name plate sign per street front, up to 20 square feet. Building name plate signs shall be associated with the permanence or significance of the building or site, rather than a particular tenant, and include designs such as engraved stone, bronze plates or similar ornamental detail integrated with the architecture of the building or the landscape of the site.
- B. **Public Safety, Traffic Control or Public Information.** Signs designed and located to control traffic movement and safety of vehicles and pedestrians according to uniform traffic control device standards, signs required by the City's Building or Fire Code, or signs otherwise required to support any official action or legal obligation of a federal, state or local government, may be designed and located to meet the public purposes or requirements of other codes.
- C. **Flags.** Up to three non-commercial flags may be permitted per lot. Flags shall be mounted to the building and below the building height or mounted on a permanent pole subject to the height limit of the zoning district and setback from the property line a distance equal to the actual height of the flag pole. Total flag area per property shall not exceed 80 square feet and no more than 40 square feet per flag for property zoned residential and shall not exceed 200 square feet or 100 square feet per flag for property zoned nonresidential.
- D. **Window Signs.** Signs may be mounted to the interior of any first-floor windows in nonresidential districts, provided signs shall not exceed more than 25 percent of the area of all first floor windows, measured between 2 feet and 10 feet above the first floor elevation, and provided at

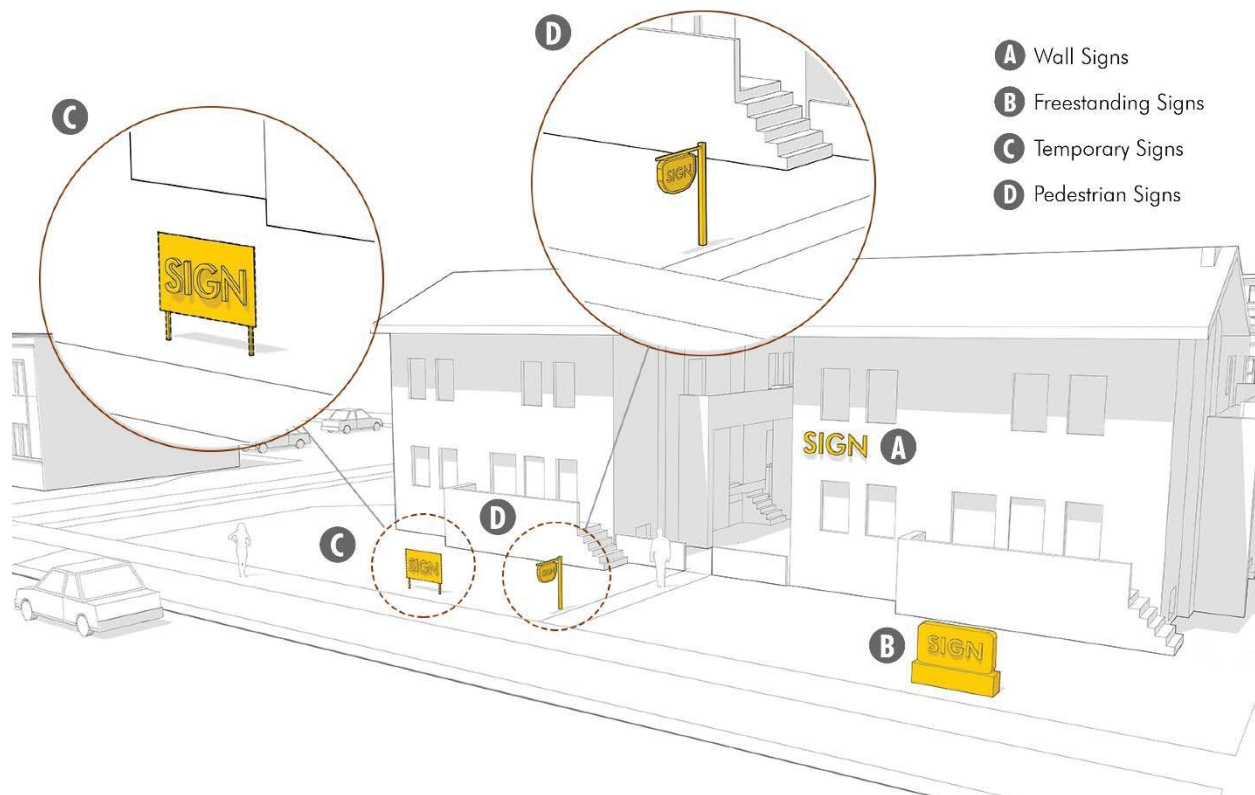
least 50 percent of the window the sign is mounted on remains clear of any visual obstructions including the sign area.

- E. **Temporary Signs.** Temporary signs are exempt from the sign permit process, provided they are within the allowances specified for the zoning district in standards in Section 9.03 and Section 9.04.
- F. **Incidental Signs.** Incidental signs for nonresidential uses or multi-family complexes, which are intended to convey messages to guests, patrons, or other users of the lot, such as parking instructions, internal directions, building names or unit numbers, security warnings, or other similar minor signs that are accessory, are limited to:
 - 1. No more than 10 square feet total sign allowance per lot, or 30 square feet per acre, whichever is greater.
 - 2. No single sign may be more than 3 square feet, or 9 square feet for lots more than 1 acre.
 - 3. Signs shall be no more than 6 feet high if ground mounted or 12 feet high if mounted on a building;
 - 4. Signs shall be setback at least 10 feet from all property lines; and
 - 5. Grouping or arranging incidental signs to have the effect of a larger permitted sign or to convey messages and increase visibility to the general public (as opposed to guests, patrons or other users of the site) makes all signs in the grouping ineligible for this exemption.
- G. **Construction Signs.** Signs associated with a temporary nonresidential, multi-family, or large single family (over 10 acres) construction projects under a valid permit such as approval for either a land use permit or a grading permit for example, are limited to:
 - 1. Up to 80 square feet total sign allowance per public street frontage;
 - 2. No more than 3 signs per street frontage;
 - 3. Signs shall be mounted on a trailer, building or fence, or if mounted on the ground it shall be limited to no more than 10 feet high; and
 - 4. The signs shall only be posted for the duration of a valid permit associated with the project.

Construction signs for single-family and two-family structures in the residential zoning districts are required to meet the applicable temporary sign standards for those districts.
- H. **Interior Signs.** Any sign that is not visible from the right-of-way, from any point along the perimeter of the property or from adjacent property, or from publicly accessible common spaces intended to serve as an extension of public-streets and open spaces. Interior signs are exempt from permits and the standards of this Article, other than those applicable by electrical, fire, or building codes or by construction specifications.
- I. **Special Event Signs.** Signs associated with a temporary special event may be approved through the permitting and approvals for the event. Signs shall generally follow the standards in this Section, however the event approval process may authorize deviations that generally meet the intent of this Article, or based on the short term and special circumstances of the event.

9.03 Residential Signs

A. Sign Types.



B. Sign Allowances

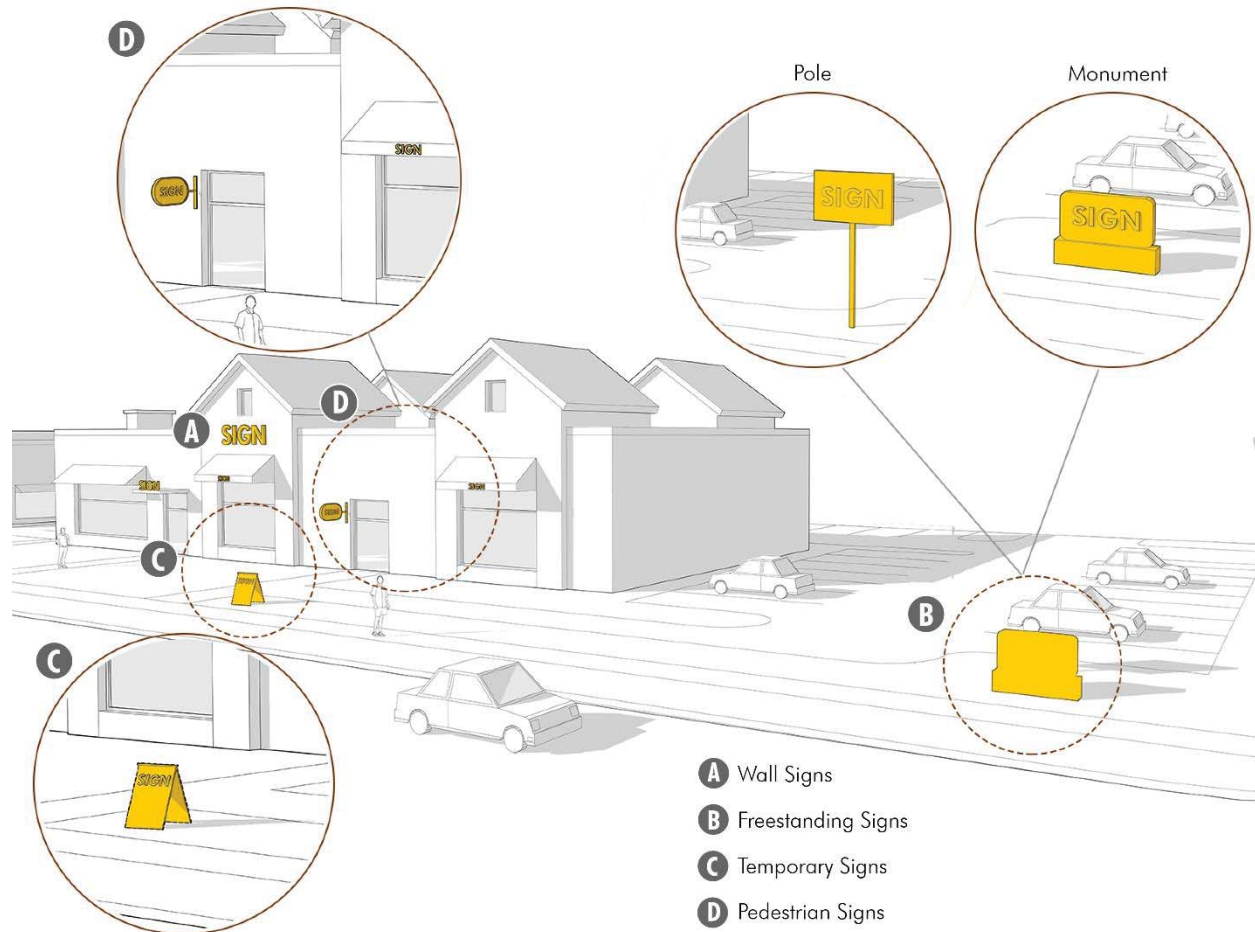
The following signs are permitted in the residential zoning districts (A, R-1, R-1A, R-2, R-3, and M-H), and for any residential building or use permitted in a nonresidential district. All Planned Unit Developments containing a residential component shall follow these standards, unless specifically amended by the PUD.

Table 9-1: Residential District Sign Allowances

<i>Wall Signs</i>	Permitted principal nonresidential or multi-family uses (i.e. school, church, community center, apartments): ▪ <i>Total Allowance:</i> 5% of facade ▪ <i>Size:</i> maximum of 50 square feet per sign ▪ <i>Quantity:</i> 3 per building, but no more than 1 per wall
<i>Freestanding Signs</i>	Permitted principal nonresidential or multi-family uses (i.e. school, church, community center, apartments): ▪ <i>Size:</i> maximum 32 square feet ▪ <i>Quantity:</i> 1 per street frontage over 100' of frontage ▪ <i>Setback:</i> 15' from curb or edge of street, and 3' from a sidewalk, whichever is greater. Shall be located on private property in all cases. ▪ <i>Height:</i> 6' high maximum Residential property may be permitted a Gateway Sign as provided in 9.06.E.
<i>Temporary Signs</i>	▪ <i>Total Allowance:</i> - o Lots with less than 100' of street frontage - 15 square feet. - o Lots with 100' of street frontage or more - 0.15 square feet for every 1' of street frontage, up to a maximum of 48 square feet per lot. ▪ <i>Size per sign:</i> - o Lots with less than 100' of street frontage – 9 square feet maximum. - o Lots with 100' to 200' of street frontage – 16 square feet maximum. - o Lots with over 200' of street frontage – 24 square feet maximum. ▪ <i>Height:</i> - o Ground-mounted signs - 5' high maximum. - o Building-mounted signs – no higher than 20' or top of the roof, whichever is less. ▪ <i>Duration:</i> 120 day limit per sign; 90 day limit to any period when three or more signs are displayed.
<i>Pedestrian Sign</i>	Permitted principal nonresidential or multi-family uses (i.e. school, church, community center, apartments): ▪ <i>Quantity:</i> 1 per each public building entrance ▪ <i>Size:</i> 12 square feet maximum ▪ <i>Location:</i> Mounted on a wall within 10' of the entrance, or mounted on the ground within 20' of the entrance feature; ground-mounted pedestrian signs shall be no taller than 6 feet.

9.04 Nonresidential Signs

A. Sign Types.



B. Sign Allowances

The following signs are permitted in the nonresidential zoning districts (R-O, C-1, C-2, DT, I-1 and I-2). All Planned Unit Developments containing a nonresidential component shall follow these standards, unless specifically amended through the PUD.

Table 9-2: Commercial District Sign Allowances

<i>Wall Signs</i>	▪ Total Allowance: Total square foot allowance based on the primary building frontage along the following street classifications: - o 2 square feet for each 1' of building frontage (first 100' of building frontage) - o 1.25 square feet for each 1' of building frontage (101' + of building frontage) ▪ Size: No more than 200 square feet or 15% of the wall area of the elevation they are on, whichever is less. (subject to the Total Sign Allowance limits for the building). ▪ Quantity: 1 per wall, plus up to 3 accessory signs. Accessory signs count toward the total sign allowance and are limited to no more than 20% of the total wall sign allowance for each accessory sign. ▪ Height: No taller than the wall for flat roofs, or no taller than the roof deck or eave line for pitched roofs.
<i>Freestanding Signs</i>	▪ Total Allowance: Total square foot allowance based on the lot frontage along street classifications: - o 1.5 square feet for each 1' of lot frontage (first 100' of lot frontage) - o 1.0 square foot for each 1' of frontage; (101'+ of lot frontage) ▪ Size: 175 square feet maximum for any one sign. ▪ Setback: 15' from curb or edge of street, and 3' from a sidewalk, whichever is greater. Shall be located on private property in all cases. ▪ Height: based on distance from the property line: - o 0.1' to 5' – 30" height / 20 s.f. max - o 5' to 10' – 10' height / 50 s.f. max - o 10' to 15' – 15' height / 75 s.f. max - o 15' to 20' – 20' height / 125 s.f. max - o 20' or more – 25' height / 175 s.f. max - o Height Exception: In nonresidential districts, all signs located within 350' radius of the center the interchange on U.S. Highway 85 and State Highway 52 may extend 25' above the paved grade of the interchange, up to a maximum of 50' above grade of the property. ▪ Quantity: 1 per lot frontage; but no more than 2 per lot. ▪ Minimum Separation: - o Pole signs: 200' from any pole sign on same lot; 100' from any pole sign on another lot, unless that separation would limit you from having at least 1 sign. - o Monument signs: 100' from any sign on the same lot. 50' from any sign on adjacent lot, unless that separation would limit you from having at least 1 sign. ▪ Freestanding Sign allowances may be allocated to a Gateway Sign as provided in Section 9.06.E.
<i>Temporary Signs</i>	▪ Total Allowance: 25 square feet total sign allowance, or 0.25 square feet for every 1' of street frontage for lots over 100' of frontage, up to a maximum of 100 square feet. ▪ Size: 16 square feet maximum for any one sign; 32 square feet for lots 100' to 200' of frontage; 48 square feet per sign for lots with over 200' of frontage. ▪ Height: 5' high maximum; or no higher than 20' or top of the roof, whichever is less if mounted on a building. ▪ Duration: 120 day limit per sign; 90 day limit for period where more than 2 signs displayed.
<i>Pedestrian Signs</i>	Frontage Signs ▪ Quantity: 1 per 50 feet of building frontage, or 1 per storefront tenant, whichever is greater. ▪ Size: 6 square feet maximum. ▪ Location: Mounted directly on the surface of the wall, awning or canopy, or if hanging below, at least 7' 6" clear from the sidewalk below the sign. Building Entrance Signs ▪ Quantity: 1 per primary business entrance. ▪ Size: 8 square feet maximum. ▪ Location: Mounted flush to the wall, or if projecting may project up to 4' off the wall but must be at least 7'6" clear form the sidewalk below the sign, and shall be within 10' of the entrance.

9.05 General Standards - All Signs

A. **Public Health, Safety and Maintenance.**

1. All signs shall be designed, constructed, located and maintained in a manner that is compliant with all other electrical, fire, and building codes, any other industry standards for public safety of signs, and in no way presents any potential risk to public safety in the judgment of the Building Official or the Director.
2. No sign shall imitate or resemble government signs for traffic direction or any other public safety symbol.
3. No sign shall be placed in any sight distance triangle applicable to public streets, internal access streets, or driveway access points using the sight distance provisions of Section 3.01.D.2.
4. Any sign projecting over a walkway or other active area in front of a building or other area where people may walk shall maintain at least 7.5 feet vertical clearance.
5. All signs and any surrounding grounds or landscape shall be maintained in good condition, free of any debris, weeds, disrepair or other unsightly conditions.
6. No sign, sign structure, or associated grounds shall present any dilapidated state or condition, or present any other property maintenance issues that may impact the appearance of the property from the public right-of-way or from adjacent property.

B. **Specific Designs Prohibited.**

1. No sign shall be placed on any vehicle or trailer, when such vehicle or trailer is placed or parked visible from the right-of-way, and the sign deviates from the standards or criteria of this Article.
2. No sign shall be attached to any public utility pole or shall be installed within the right-of-way of a public road or street, except as permitted by the City or where specifically exempt from the right-of-way prohibition by this Article.
3. No sign shall include balloons, streamers, pennants or other air activated elements and animated elements, whether animated by mechanical, electrical, or environmental means. This provision shall not apply to prohibit flags, temporary signs, or signs associated with a special event permit.
4. Any sign with a business message shall be located on the lot of the business activity, except gateway signs, which must be associated with the site and located in common areas controlled by the businesses or property owners' associations.
5. Changeable copy portions of signs shall not exceed 32 square feet and are limited to 1 sign per business or institution. Any changeable copy that is digitally displayed shall be further limited as follows:
 - a. The digital display area shall be limited to no more than 20 square feet or 50% of the allowable sign area, whichever is less.
 - b. Only 2- or 3-color schemes are allowed on the digital display.
 - c. Only static display is permitted with at least 8 seconds between changes in display and no more than two seconds for transitions. No scrolling, flashing or animated transitions shall occur.

C. **Illumination.**

1. Any illumination shall be designed to eliminate negative impacts on surrounding rights-of-way and properties. In general, any direct source of light shall not be visible from the public street or adjacent residential property.
2. External light sources shall be directed and shielded to limit direct illumination of any object other than the sign.
3. Light from an illuminated sign shall not spill onto adjacent properties. The light reading at any point within 10 feet from and adjacent private property shall be less than one foot-candle.

4. No light source shall cause any glare, movement or other distraction to traffic.
5. Exposed incandescent, neon or other tube lighting shall be limited to window signs mounted to the inside of the building, or as an accent of less than 10% of the sign area of other signs.
5. Signs within 200 feet and visible from any property used for single-family or two-family residential shall not be internally or directly illuminated between the hours of 11:00 PM and 6:00 AM.

9.06 Standards for Specific Signs

The standards in this section are supplemental standards, in addition to the general standards in Tables 9-1 and 9-2 and applicable to specific sign types.

- A. **Monument Signs.** Monument signs are subject to the following additional limitations:
 1. Monument signs shall be located within a landscape area at least 3 feet in all directions from the base of the sign.
 2. Monument signs shall have a base at least 75% of the width of the widest part of the sign. The base shall not count as part of the sign area provided it contains no messages or other component of the sign and is otherwise integrated into the site as a landscape feature.
 3. All monument signs and bases shall be constructed with durable, quality materials that complement the building and other site elements in terms of material, colors, and ornamentation.
 4. All monument signs shall be accompanied by a landscape plan that integrates the sign area into the overall site, softens the view and appearance of the structural elements, and otherwise improves the view of the sign and property from the streetscape.
- B. **Wall Signs.** Wall signs are subject to the following additional limitations:
 1. Signs attached to a building shall not extend vertically above the highest portion of the wall plane of the facade it is mounted on or the roofline, whichever is less. No portion of a building wall may be built above the roofline, that serves no other structural or architectural purpose, other than to mount a sign or expand the sign area allowance.
 2. Signs attached to a building shall not project more than 12 inches off the surface it is mounted on unless specifically exempt from this limit by this Article.
 3. Wall signs may project from and be perpendicular to the wall provided:
 - a. Only one projecting sign is permitted per building
 - b. The sign is no larger than 24 square feet.
 - c. Each sign face counts to the wall sign allowance.
 - d. The sign projects no more than 5 feet from the wall and is at least 8 feet above grade.
- C. **Temporary Signs.** Temporary signs are subject to the following additional limitations:
 1. Any temporary sign shall be placed with the permission of the property owner, and it is the responsibility of the person placing the sign and the property owner to ensure the sign meets all standards and is removed when the applicable display time limit has expired.
 2. Temporary signs shall not be illuminated or painted with a light-reflecting paint.
 3. Temporary signs shall be constructed of rigid material, designed to resist quick deterioration from the elements, and securely anchored so as not to pose a distraction or hazard to drivers. Non-rigid materials (such as banners) shall be secured by a support or frame to avoid distraction of flapping.
 4. No temporary sign shall be displayed for more than 120 consecutive days, without 30 days intervening.

5. The period of time when a property has more than two temporary signs displayed shall not be more than 90 days in a calendar year.
 6. Relocation of a temporary sign, removal of the sign for a short period, or removal and replacement with a substantially similar sign does not expand the time period for the temporary sign.
 7. The Director may require the removal of any temporary sign that pertains to an expired event or refrain from enforcement any temporary sign related to an event that has been unexpectedly extended beyond the control of the owner.
- D. **Multi-tenant Buildings and Sites.**
1. All signs for multi-tenant buildings or sites shall require a Sign Plan and Permit approved by the Director according to these standards and criteria.
 2. The sign plan shall demonstrate coordination of all signs on the building, allow sufficient flexibility for the replacement of signs or new tenants without the need for a new sign plan, unless a completely new sign design concept is proposed for the entire building or site.
 3. The wall sign allowance may be apportioned to any tenant with a separate exterior entrance. In the case where all tenants share a common entrance the wall sign allowance may be apportioned to no more than two signs per facade.
 4. The monument sign allowance for the building(s) and site shall meet the standards of 9.06.A, however the copy within the allowed sign may be apportioned to multiple tenants.
 5. The Director shall consider the intent of this Article and the objectives of the Design Guidelines in Section 9.07 in approving a Sign Plan and Permit. Deviations from the specific design guidelines or standards may be only approved through the procedures and criteria in Section 9.08, Alternative Compliance.
- E. **Gateway Signs.** Larger commercial properties and residential neighborhoods may be permitted gateway signs as provided in this section.
1. **Nonresidential Gateway Signs.** Nonresidential projects, through an Alternative Compliance sign plan, may allocate the allowed freestanding sign allowance to a gateway sign subject to the following:
 - a. Gateway signs shall meet the monument sign standards.
 - b. Maximum height shall be no more than 16 feet.
 - c. Gateway signs shall be set back from the lot or parcel line at least 10 feet, or at least the same as its height, whichever is greater.
 - d. Maximum area shall be no more than 200 square feet per sign.
 - e. No more than two gateway signs per entrance and one per corner at the intersection of two perimeter streets.
 - f. Gateway signs shall be located at least 200 feet from any other freestanding sign, except for matching gateway signs on either side of an entrance.
 - g. Gateway signs shall be located on the site of the nonresidential use, or in a common area owned and controlled by a property or business association of the nonresidential uses, provided there is a business or property owners association to ensure on-going maintenance of the sign and landscape.
 2. **Residential Gateway Signs.** Residential projects with more than 20 lots or more than 5 acres may be allowed a gateway sign subject to the following standards:
 - a. All residential gateway signs shall be monument signs, no higher than 8 feet, unless incorporated into an accessory structure that is part of the landscape design.
 - b. Gateway signs shall be limited to no more than 2 per entrance from a collector or arterial street, provided the entrances are separated by at least 300 feet.
 - c. Gateway signs shall be limited to:
 - (1) 24 square feet for entrances on a collector street;

- (2) 48 square feet for entrances on an arterial street.
 - d. Gateway signs shall be set back from the lot or parcel line at least 10 feet.
 - e. Gateway signs shall be located on the site of the residential use, or in a common area owned and controlled by a property or business association of the residential uses, provided there is a property manager or homeowners association to ensure on-going maintenance of the sign and landscape.
- F. **Portable Pedestrian Signs.** Portable pedestrian signs (“A frame”, “sandwich board” or “T-frame”) may be placed in the public right-of-way, or areas a site associated with service areas, for any permitted retail use provided:
 1. The sign is placed within 20 feet of the main entrance of the building or service area of a business.
 2. The sign is no larger than eight square feet and no taller than four feet high, and otherwise subject to the Pedestrian Sign limitations for the use, building and site.
 3. No more than one sign per building entrance.
 4. The sign is placed on or near a sidewalk, and otherwise associated with pedestrian routes to and from the business. The sign shall maintain at least six feet clear passage for pedestrians on the sidewalk, and is otherwise not put in any location that creates visual obstructions or safety hazards for users of the right-of-way.
 5. The sign is removed and brought inside during non-business hours.
 6. The sign is designed with durable materials and quality aesthetics for use on a recurring basis. Although changeable copy can be included as part of the design, such as chalkboards, signs designed as “temporary signs” are not eligible as a portable pedestrian signs, and the allowance for signs in the right-of-way specifically does not apply to any temporary sign.

9.07 Design Guidelines

All permanent signs shall be designed to convey durability and a quality appearance. Signs should meet the following design guidelines, and where the Director determines that a sign presents a substantial deviation from these standards and could conflict with the intent of this Article, the Director may require that the sign permit application be reviewed by the City Council or Planning Commission, according to the procedures of the associated land development application. In addition, these guidelines should be used in evaluating Alternative Compliance per Section 9.08, or any other requested deviations from the standards in this Article.

- A. **Materials.** Materials, particularly for the frames, casings or bases of signs, should be chosen to complement the architecture of the building, and coordinate with other accent materials or architectural details of the building. In general, natural construction materials such as wood, metals, ceramic, and stone should be used for frames of all wall signs and for bases of monument signs. Synthetic materials should only be used if they are designed to resemble the recommended natural materials. Plastic or acrylic is discouraged as the primary component of signs, except when used for sign panels that are accompanied by frames or individual letter casings that add architectural details to complement the building.
- B. **Color.** Simple 2- and 3-color contrasting colors schemes should be used between the color of the background, letters, and accents to ensure legibility and quality appearances. Symbols and logos may incorporate other colors. Colors or color combinations that interfere with the legibility of the sign copy should be avoided. Fluorescent colors should be limited to accents and typically less than 10% of the sign area.

- C. **Placement.** The location of all permanent signs should be incorporated into the architectural design of the building. Placement of signs should be considered part of the overall facade design. Sign locations should be carefully considered, and align with major architectural features such as marquees, building name plates, storefront sign bands, cornices and parapets, entrance features, windows, canopies and other similar architectural features.
- D. **Coordination of Multiple Signs.** Buildings that have multiple wall or ground signs should coordinate all signs for the building or site. Coordination may be established by combinations of two or more of the following:
1. The same fonts, in terms of color, scale, and style. However, a primary and secondary font may be incorporated into signs.
 2. The same sign background in terms of material and color or coordinated colors.
 3. The same casing or framing in terms of materials and style, provided it is prominent enough to be a visible coordinating element across multiple signs.
 4. A consistent scale, orientation, shape or placement of signs. For example, all oval signs, or all signs located within a sign band across storefronts.
 5. Other elements specific to a proposed sign package.
 6. Limited deviations in the consistency are allowed for:
 - a. Any one sign may reserve up to 33% of the sign area for logos or icons that are unique to the tenant and deviate from the consistency elements.
 - b. Any building with three or more significant tenant spaces, or other similar large building or sites, may have one gateway sign per facade that deviates from the consistency elements provided it is associated with a prominent point of entry or similar point of architectural emphasis.
 - c. Pedestrian signs may deviate according to section 18.09.100.E. below.
- E. **Pedestrian Signs.** Pedestrian signs should help create architectural variety and unique business identities from establishment to establishment. In multi-tenant buildings, pedestrian signs should be used to create interest and variety of the tenants, while overall building and site signs should create consistency and identity of the place and building.

9.08 Alternative Compliance

- A. **Applicability.** Alternative compliance to the sign standards in Article 9 may be authorized according to the process and criteria in Section 2.07, Alternative Compliance, and any of the following additional applicable criteria:
1. The sign plan promotes a unique character for the area and improves the image and identity of the project as it relates to the surrounding community. In particular, the plan considers:
 - a. Impacts and relationships to adjacent property not subject to the plan.
 - b. Coordination with streetscapes, incorporating any materials or designs reflected in streetscape elements.
 - c. Coordination with other signs in the vicinity.
 2. The sign plan has clear and explicit standards for the size, location, design and quality of the signs, and it anticipates future tenants or changes in tenants without requiring amendments to the plan.
 3. The sign plan meets the intent of this Article and conforms with the Design Guidelines in Section 9.07
- B. **Sign Bonus.** A sign plan for alternative compliance may allow a bonus to the permitted sign size subject to the following:

1. *Wall Signs.* A bonus to the total wall sign allowance may be approved for any sign plan for a building that includes:
 - a. Only individual cut out letters may receive a bonus of 10% above the permitted wall sign area.
 - b. All wall and ground signs coordinated to meet the criteria in Section 9.07.D may receive a bonus of 10% above the permitted wall sign area.
 - c. The total combined wall sign bonus shall be limited to 15% above the permitted wall sign area. (For example, if 100 square feet of wall sign is permitted by this code, you can have 110 square feet for all cut out letter signs, or 110 square feet for meeting 9.07.D, or 115 square feet for meeting both.)

2. *Ground Signs.* A bonus to the total free-standing sign allowance may be approved for any sign plan for a site that includes only monument signs and the following additional elements:
 - a. Integration with the building architecture, including use of the same material for any sign structures may receive a bonus of 10% above the permitted ground sign area.
 - b. Designing signs with an enhanced landscape base, including low-level ornamental planting and landscape areas framed with materials compatible with the building and site design may receive a bonus of 10% above the permitted ground sign area. The landscape area shall be at least 3 square feet for every 1 square feet of sign area.
 - c. All ground signs coordinated to meet the criteria in Section 9.07.D. may receive a bonus of 10% above the permitted ground sign area.
 - d. The total combined freestanding sign bonus shall be limited to 20%. (For example, if 100 square feet of ground signs are permitted by this code, you can have 110 square feet for meeting any one of the above, or 120 square feet for meeting any 2 or all 3 of the above.)

Article 10. Supplemental Standards

10.01	Floodplain Regulations
10.02	[Reserved]
10.03	[Reserved]
10.04	[Reserved]

10.01 Floodplain Regulations

A. **Intent.** The Flood Plain standards in this Section have the following intent:

1. Minimize public and private losses due to flood conditions in specific areas;
2. Protect human life and health;
3. Minimize expenditure of public money for costly flood control projects;
4. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
5. Minimize prolonged business interruptions;
6. Minimize damage to critical facilities, infrastructure and other public facilities and utilities such as water, sewer and gas mains; electric and communication stations; and streets and bridges located in floodplains;
7. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas;
8. Ensure that potential buyers are notified that property is in a flood hazard area; and
9. Ensure that those who occupy the property in a flood hazard area assume responsibility for their actions.

B. **Methods of reducing flood losses.** This Section accomplishes the intent in 10.01.A by:

1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels and natural protective barriers which help accommodate or channel floodwaters;
4. Controlling, filling, grading, dredging and other development which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may have the cumulative effect of increasing flood hazards in other areas.

C. **General provisions.**

1. *Applicability.* This Section shall apply to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of Fort Lupton, Colorado.
2. *Establishment of Flood Hazard Areas.* The Special Flood Hazard Areas identified by the Federal Emergency Management Administration in a scientific and engineering report

entitled "The Flood Insurance Study for the City of Fort Lupton, Colorado," dated October 1978, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM), and any revisions thereto, are hereby adopted by reference and declared to be a part of this Section. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this Section and may be supplemented by studies designated and approved by the City Council. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available for public inspection.

3. *Permit.* A Floodplain Development Permit shall be required to ensure conformance with the provisions of this Section.
4. *Compliance.* No structure or land shall hereafter be located, altered or have its use changed within the Special Flood Hazard Area without full compliance with the terms of this Section and other applicable regulations. Any person who violates this Section or fails to comply with any of its requirements shall be subject to penalties as set forth in Section 1-72 of this Code. Nothing herein shall prevent the City Council from taking such lawful action as is necessary to prevent or remedy any violation. These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.
5. *Abrogation and Greater Restrictions.* This Section is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Section and another article, ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
6. *Interpretation.* In the interpretation and application of this Section, all provisions shall be:
 - a. Considered as minimum requirements;
 - b. Liberally construed in favor of the governing body; and
 - c. Deemed neither to limit nor repeal any other powers granted under state statutes.
7. *Warning and Disclaimer of Liability.* The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the Special Flood Hazard Area or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the City, any officer or employee thereof or the Federal Emergency Management Administration for any flood damages that result from reliance on this Section or any administrative decision lawfully made thereunder.

D. **Administration.**

1. *Floodplain Administrator.* The City Engineer is hereby appointed as Floodplain Administrator to administer, implement and enforce the provisions of this Section and other appropriate sections of 44 C.F.R. (National Flood Insurance Program Regulations) pertaining to floodplain management.
2. *Floodplain Administrator Duties.* The Floodplain Administrator has the following duties and responsibilities:
 - a. Maintain and hold open for public inspection all records pertaining to the provisions of this Section, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certificate required by Subsection D.3. below.
 - b. Review, approve or deny all applications for Floodplain Development Permits required by adoption of this Section.
 - c. Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
 - d. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C., 1334) from which prior approval is required.
 - e. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this Section, including proper elevation of the structure.
 - f. Where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make the necessary interpretation.
 - g. When Base Flood Elevation data has not been provided, the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation data and Floodway data available from a federal, state or other source, in order to administer the provisions of this Section.
 - h. For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half (½) foot at any point within the community.
 - i. Under the provisions of 44 C.F.R. Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE and AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one-half (½) foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.
 - j. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
 - k. Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

3. *Permit Procedures.* Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him or her and may include plans in duplicate drawn to scale showing the location, dimensions and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to the Special Flood Hazard Area. Additionally, the following information is required:
 - a. Elevation, in relation to mean sea level, of the lowest floor (including basement) of all new and substantially improved structures;
 - b. Elevation, in relation to mean sea level, to which any nonresidential structure has been floodproofed;
 - c. A certificate from a registered Colorado professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Subsection E.2.(b).
 - d. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
 - e. Maintain a record of all such information in accordance with Subsection D.2.
4. *Decision Criteria.* Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this Section and the following relevant factors:
 - a. The danger to life and property due to flooding or erosion damage.
 - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - c. The danger that materials may be swept onto other lands to the injury of others.
 - d. The compatibility of the proposed use with existing and anticipated development.
 - e. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - f. The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems.
 - g. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 - h. The necessity to the facility of a waterfront location, where applicable.
 - i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
 - j. The relationship of the proposed use to the comprehensive plan for that area.
5. *Variance Procedure.*
 - a. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Subsection A. have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
 - b. Upon consideration of the factors noted above and the intent of this Section, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the intent this Section
 - c. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - d. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the

structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

- e. Prerequisites for granting variances:
 - (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (2) Variances shall only be issued upon:
 - (a) Showing a good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (3) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the Base Flood Elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- f. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:
 - (1) The criteria outlined in this Subsection D.5. are met; and
 - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- g. Appeal Board.
 - (1) The Board of Adjustment, as established by the City, shall hear and decide appeals and requests for variance from the requirements of this Section.
 - (2) The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the Planning Department in the enforcement or administration of this Section.
 - (3) Those aggrieved by the decision of the Board of Adjustment, or any taxpayer, may appeal such decision to the Weld County District Court, as provided in Section 31-23-307, C.R.S.
 - (4) In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors and standards specified in other sections of this Section and:
 - (a) The danger that materials may be swept onto other lands to the injury of others.
 - (b) The danger to life and property due to flooding or erosion damage.
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - (d) The importance of the services provided by the proposed facility to the community.
 - (e) The necessity to the facility of a waterfront location, where applicable.

- (f) The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage.
- (g) The compatibility of the proposed use with existing and anticipated development.
- (h) The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area.
- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (j) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- (k) The costs of providing governmental services during and after the flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems and streets and bridges.
- (5) Upon consideration of the factors of subsection g.(4) above and the purposes of this Section, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Section.
- (6) The Planning Department shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency upon request.

E. Provisions for Flood Hazard Reduction.

1. *General Standards.* In all areas of special flood hazards, the following standards are required:
 - a. *Anchoring.*
 - (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic loads and hydrostatic loads, including the effects of buoyancy.
 - (2) All manufactured homes shall be elevated and anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Special requirements shall be that:
 - (a) Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side;
 - (b) Frame ties be provided at each corner of the home, with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;
 - (c) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
 - (d) Any additions to the manufactured home be similarly anchored.
 - b. *Construction materials and methods:*
 - (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - (3) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be

designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

c Utilities.

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into floodwaters.
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (4) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

d Subdivision proposals.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments which contain at least 50 lots or five acres, whichever is less.

2. Specific Standards. In all Special Flood Hazard Areas where base flood elevation data have been provided, the following standards are required:

- a. *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated to one foot above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect or land surveyor. Such certification shall be submitted to the Floodplain Administrator.
- b. *Nonresidential construction.* With the exception of critical facilities, outlined in Subsection E.8 of this Section, new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one foot above the base flood

elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A registered Colorado professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this Subsection. Such certification shall be maintained by the Floodplain Administrator, as proposed in Subsection D.3 above.

- c. *Enclosures.* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

Designs for meeting this requirement must either be certified by a registered Colorado professional engineer or architect or meet or exceed the following minimum criteria:

- (1) A minimum of two openings, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding, shall be provided.
- (2) The bottom of all openings shall be no higher than one foot above grade.
- (3) Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

- d. *Manufactured homes.* All manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) are elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above Paragraph, shall be elevated so that either:

- (1) The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) are one foot above the base flood elevation; or
- (2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

- e. *Recreational vehicles.* All recreational vehicles placed on sites within Zones A1-30, AH and AE on the community's FIRM shall either:
 - (1) Be on the site for fewer than 180 consecutive days;
 - (2) Be fully licensed and ready for highway use; or
 - (3) Meet the permit requirements of this Section and the elevation and anchoring requirements for manufactured homes in Paragraph 2.d. above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
 - f. *Prior approved activities.* Any activity for which a Floodplain Development Permit was issued by the City or a CLOMR was issued by FEMA prior to January 27, 2014 may be completed according to the standards in place at the time of the permit or CLOMR issuance and will not be considered in violation of this Section if it meets such standards.
3. *Standards for Areas of Shallow flooding (AO/AH Zones).* Located within the Special Flood Hazard Area established in Subsection C.2 of this Section are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:
- a. *Residential construction.* All new construction and substantial improvements of residential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect or land surveyor. Such certification shall be submitted to the Floodplain Administrator.
 - b. *Nonresidential construction.* With the exception of critical facilities, outlined in Subsection E.8. below, all new construction and substantial improvements of nonresidential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified), or, together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section are satisfied.

Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide floodwaters around and away from proposed structures.

4. *Floodways.* Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State has adopted floodway standards that are more stringent than the FEMA minimum standard (see the definition of Floodway in Subsection

- F.) Located within the Special Flood Hazard Area established in Subsection C.2. of this Section are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:
- a. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway, unless it has been demonstrated, through hydrologic and hydraulic analyses performed by a licensed Colorado professional engineer and in accordance with standard engineering practice, that the proposed encroachment would not result in any increase (requires a No-Rise Certification) in flood levels within the community during the occurrence of the base flood discharge.
 - b. If Paragraph 4.a. above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Section.
 - c. Under the provisions of 44 C.F.R. Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.
5. *Alteration of a Watercourse.* For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:
- a. Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition and channel migration and properly mitigate potential problems through the project, as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.
 - b. Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.
 - c. Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable federal, state and local floodplain rules, regulations and ordinances.
 - d. Any stream alteration activity shall be designed and sealed by a registered Colorado professional engineer or certified professional hydrologist.
 - e. All activities within the regulatory floodplain shall meet all applicable federal, state and city floodplain requirements and regulations.
 - f. Within the regulatory floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a floodway analysis and report, sealed by a registered Colorado professional engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing floodway conditions resulting from the project, otherwise known as a No-Rise Certification, unless the community first applies for a CLOMR and Floodway revision in accordance with Subsection E.4. above.
 - g. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.
6. *Properties Removed from the Floodplain by Fill.* A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) unless such new structure or addition complies with the following:

- a. *Residential construction.* The lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill.
 - b. *Nonresidential construction.* The lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill, or, together with attendant utility and sanitary facilities, be designed so that the structure or addition is watertight to at least one foot above the base flood level that existed prior to the placement of fill, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
7. *Standards for Subdivision Proposals.*
 - a. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.
 - b. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Subsection D.3 and the provisions of this Section.
 - c. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to this Section.
 - d. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
 - e. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize or eliminate flood damage.
8. *Standards for Critical Facilities.* A critical facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that, if flooded, may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.
 - a. *Classification of critical facilities.* It is the responsibility of the City Council to identify and confirm that specific structures in their community meet the following criteria:

Critical facilities are classified under the following categories: (1) essential services; (2) hazardous materials; (3) at-risk populations; and (4) vital to restoring normal services.

 - (1) Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities and transportation lifelines. These facilities consist of:

- (a) Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage and emergency operation centers);
- (b) Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures, but excluding clinics, doctors' offices and nonurgent care medical structures that do not provide these functions);
- (c) Designated emergency shelters;
- (d) Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio and other emergency warning systems, but excluding towers, poles, lines, cables and conduits);
- (e) Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines and service lines); and
- (f) Air transportation lifelines (airports [municipal and larger]), helicopter pads and structures serving emergency functions and associated infrastructure (aviation control towers, air traffic control centers and emergency equipment aircraft hangars).

Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems and hydroelectric power generating plants and related appurtenances.

Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the City Council that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Section, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the City Council on an as-needed basis upon request.

- (2) Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. These facilities may include:
 - (a) Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
 - (b) Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
 - (c) Refineries;
 - (d) Hazardous waste storage and disposal sites; and
 - (e) Aboveground gasoline or propane storage or sales centers.

Facilities shall be determined to be critical facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, AND the chemical is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a critical facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Public Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 (2010) and OSHA regulation "Occupational Safety and Health Standards," 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation of this Section, but exclude later amendments to or editions of the regulations.

Specific exemptions to this category include:

- (a) Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.
- (b) Buildings and other structures containing hazardous materials for which it can be demonstrated, to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority), that a release of the subject hazardous material does not pose a major threat to the public.
- (c) Pharmaceutical sales, use, storage and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as critical facilities under another category outlined in this Section.

- (3) At-risk population facilities include medical care, congregate care and schools. These facilities consist of:
 - (a) Elder care (nursing homes);
 - (b) Congregate care serving 12 or more individuals (day care and assisted living);
 - (c) Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children);
- (4) Facilities vital to restoring normal services including government operations. These facilities consist of:
 - (a) Essential government operations (public records, courts, jails, building permitting and inspection services, community

- administration and management, maintenance and equipment centers);
- (b) Essential structures for public colleges and universities (dormitories, offices and classrooms only).

These facilities may be exempted if it is demonstrated to the City Council that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this Section, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the City Council on an as-needed basis upon request.

- b. *Protection for critical facilities.* All new and substantially improved critical facilities and new additions to critical facilities located within the Special Flood Hazard Area shall be regulated to a higher standard than structures not determined to be critical facilities. For the purposes of this Section, protection shall include one of the following:
 - (1) Location outside the Special Flood Hazard Area; or
 - (2) Elevation of the lowest floor or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two feet above the Base Flood Elevation.
- c. *Ingress and egress for new critical facilities.* New critical facilities shall, when practicable as determined by the City Council, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

F. Definitions. For purposes of this Section, the following words shall have the meanings given:

100-year flood means a flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (*1-percent-annual-chance flood*). The terms *one-hundred-year flood* and *one-percent chance flood* are synonymous with the term *100-year flood*. The term does not imply that the flood will necessarily happen once every 100 years.

100-year floodplain means the area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

500-year flood means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance annual flood). The term does not imply that the flood will necessarily happen once every 500 years.

500-year floodplain means the area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

Addition means any activity that expands the enclosed footprint or increases the square footage of an existing structure.

Alluvial fan flooding means a fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars and recently abandoned

channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

Area of shallow flooding means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one-percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood Elevation (BFE) means the elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/ AO, V1-V30 and VE that indicates the water surface elevation resulting from a flood that has a one-percent chance of equaling or exceeding that level in any given year.

Basement means any area of a building having its floor sub-grade (below ground level) on all sides.

Channel means the physical confines of a stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

Channelization means the artificial creation, enlargement or realignment of a stream channel.

Code of Federal Regulations (C.F.R.,) means the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government. It is divided into 50 titles that represent broad areas subject to federal regulation.

Community means any political subdivision in the State that has authority to adopt and enforce floodplain management regulations through zoning, including but not limited to cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

Conditional Letter of Map Revision (CLOMR) means FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Critical facility means a structure or related infrastructure, but not the land on which it is situated, as specified in Subsection D.8 that, if flooded, may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

Development means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DFIRM Database means a database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

Digital Flood Insurance Rate Map (DFIRM) means a FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

Elevated building means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building

during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X and D, *elevated building* also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

Federal Register means the official daily publication for rules, proposed rules and notices of federal agencies and organizations, as well as executive orders and other presidential documents.

FEMA means Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of water from channels and reservoir spillways;
- b. The unusual and rapid accumulation or runoff of surface waters from any source; or
- c. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

Flood control structure means a physical structure designed and built expressly or partially for the purpose of reducing, redirecting or guiding flood flows along a particular waterway. These specialized flood-modifying works are those constructed in conformance with sound engineering standards.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) means the official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map, as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

Floodplain or flood-prone area means any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

Floodplain Administrator means the community official designated by title to administer and enforce the floodplain management regulations.

Floodplain Development Permit means a permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a

community, the community shall require permits for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and these floodplain management regulations.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing means any combination of structural and/or nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway (regulatory floodway) means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The statewide standard for the designated height to be used for all newly studied reaches shall be one-half (½) foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

Freeboard means the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood, such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

Letter of Map Revision (LOMR) means FEMA's official revision of an effective Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM) or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs) or the Special Flood Hazard Area (SFHA).

Letter of Map Revision Based on Fill (LOMR-F) means FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Levee means a man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 C.F.R. 65.10.

Levee system means a flood protection system which consists of a levee or levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes, which includes working, storage, sleeping, cooking and eating or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood-resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term *manufactured home* does not include a recreational vehicle.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Material Safety Data Sheet (MSDS) means a form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment and spill-handling procedures.

Mean sea level means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

National Flood Insurance Program (NFIP) means FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

No-Rise Certification means a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado professional engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

Physical Map Revision (PMR) means FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations and/or planimetric features.

Recreational vehicle means a vehicle which is:

- a. Built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projections;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

Special flood hazard area means the land in the floodplain within a community, subject to a one-percent or greater chance of flooding in any given year; i.e., the 100-year floodplain.

Start of construction means the date the building permit was issued, including substantial improvements, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The *actual start* means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basements, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the *actual start of construction* means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building, including a gas or liquid storage tank, which is principally aboveground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure just prior to when the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before start of construction of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
- b. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Threshold Planning Quantity (TPQ) means a quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

Variance means a grant of relief to a person from the requirements of this Section when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Section. (For full requirements, see Section 60.6 of the National Flood Insurance Program regulations).

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Article 11. Definitions

- 11.01 Definitions
- 11.02 Description of Uses
- 11.03 Design & Architecture Terms

11.01 Definitions

All terms used in this code shall have their plain and commonly accepted meaning, based upon the context of their use in the code. The following terms shall have the meaning given below, unless more specifically described, limited or qualified within the standards of this code. Some Chapters have specific definitions where the terms have the given meaning for interpretation of that chapter.

Abandoned Sign. a sign which advertises or identifies an out-of-business, moved or non-existing business or service.

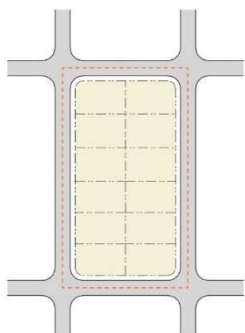
Accessory Building, Structure or Use. A building, structure or use located or conducted upon the same lot (or on a contiguous lot, under one deed, in the same ownership) as the principal building, structure or use to which it is related, and which is clearly incidental to and customarily found in connection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

Alley. A public or private way at the rear or side of the property, permanently dedicated as a means of vehicular access to the abutting property and generally having less width than a street.

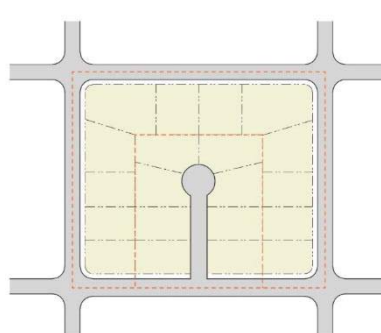
Appeal. A review of a final decision by a higher authority according to the standards and procedures of this code, or as otherwise allowed by other laws.

Basement. The portion of a building between floor and ceiling which is entirely below grade, or partly below and partly above grade but so located that the vertical distance from grade to the floor below is more than the vertical distance from grade to ceiling.

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



Standard Block

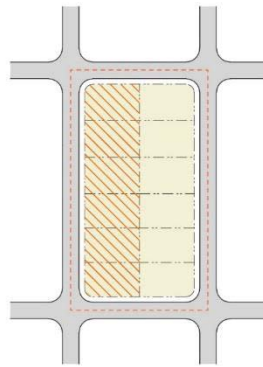


Cul-de-sac Block



Exception

Block face. All lots on one side of a block.



Block Face

Buffer. An area of a site used to promote separation and enhance compatibility between land uses of different intensities, by the use of space, the design of landscape or the arrangement of buildings and structures, or any combination of these.

Building. Any structure built for the shelter or enclosure of persons, animals, chattels, property or substance of any kind, excluding fences. The word *building* includes the word *structure*.

Building Floor Area. The maximum horizontal area within the outer perimeter of the building walls.

Building Footprint (building coverage). That area or portion of a lot which is occupied or covered by all buildings on that lot.

Building, Detached. Any single building or building separated from another building on the same lot.

Building, Enclosed. A building separated on all sides from adjacent open space or other buildings by fixed exterior walls or party walls, with opening only for windows and doors, and covered by a permanent roof.

Building Frontage. The area of the lot along the front building line, and when referring to design standards it may include relationship between this area, the streetscape, and the primary facade of the building.

Building Frontage, Principal. The horizontal linear dimension which is designated as the primary facade of that portion of a building occupied by a single use or occupancy for the purposes of allocating signs and other design requirements.

Building Height. (See Section 1.02.D. Interpretation, Building & Structure Measurements.)

Building Line. The actual line at which a building is constructed, and the location of other elements on the lot or adjacent lots may refer to this line extended outward from the building.

Building Line, Required Front. The portion of the lot frontage required to be occupied by the front facade of a principle structure, or other permitted accessory structures or landscape associated with the frontage design.

Building, Principal. One building housing the principal (primary or most important) uses permitted for the lot upon which it is located.

Comprehensive Plan. The City of Fort Lupton Comprehensive Plan, as amended. The Comprehensive Plan may include any other plans, policies, or programs officially adopted or approved by the City under the guidance of that plan, including the City's Three Mile Area Plan.

Condominium. A form of ownership in which the interior floor space of a unit or area is owned individually, and the structure, common areas and facilities are owned by all of the owners on a proportional, undivided basis, and where all other physical attributes of the building and site beyond ownership units meet the standards of these regulations.

Construction Sign. A temporary sign announcing construction, remodeling or other improvements of a property.

Coverage, Lot. Land area which is covered with impervious surfaces, such as buildings, patios, or decks with roofs, carports, swimming pools, tennis courts, or land area covered by any other type of structure, including parking lots.

Deciduous. A plant with foliage that is shed annually.

Density. The total number of dwelling units on a property, divided by the gross area in acres of such property.

Drive-through, Accessory. An accessory site design and building design component of any business in which the provision of services or the sale of food or merchandise to the customer in a motor vehicle without the need for the customer to exit the motor vehicle. This definition includes, but is not limited to, bank drive-up tellers and drive-through fast food restaurants.

Driveway. An improved concrete or asphalt path, or other area of a site otherwise dedicated to vehicle access to a site or leading directly to one or more city-approved parking spaces or parking spaces within a building.

Essential Public Infrastructure Equipment or Services. The erection, construction, alteration or maintenance by public utilities or municipal departments of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health, safety or general welfare.

Evergreen. A plant with foliage that persists and remains green year-round.

Household:

- a. A single individual doing his or her own cooking and living upon the premises as a separate, independent housekeeping unit; with his or her own children or children over whom he or she has custody or guardianship through a court order, or with his or her brothers, sisters, parents or grandparents;
- b. A collective body of persons doing their own cooking and living together upon the premises as a separate, independent housekeeping unit in a domestic relationship based upon birth or marriage, limited to a married couple, their own children or the child or children of one or the other of them or over whom one or the other of them has custody or guardianship through a court order or to include their brothers, sisters, parents or grandparents; or
- c. A group of not more than two unrelated persons doing their own cooking and living together on the premises as a separate housekeeping unit with their own children or the child or children of one or the other of them or over whom one or the other of them has custody or guardianship

through a Court order. Single persons 18 years of age or older, not living with their parents or legal guardian, are considered to be unrelated to each other.

In addition to the above, in order to be considered a family, there may be no more than three persons per bedroom living in a residence unless the adult persons living therein file an affidavit with the City establishing that these persons meet the above descriptions of Subparagraph a, b or c.

Flag. A type of sign on a piece of fabric with a distinctive design.

Freestanding Sign. A sign which is supported by its own structure not associated with a building.

Frontage. The area of a lot between the front building line and the front lot line.

Grade (adjacent ground elevation). The average elevation of the graded surface of the ground, paving or sidewalk adjoining the base of a structure, in all directions.

Gross Leasable Area (GLA). The area of a building that can be leased to tenants, including storage areas and common areas apportioned to the number of tenants sharing the area. Gross leasable area shall be measured in the same manner of gross floor area, but is apportioned to specific uses or tenants in the building.

Ground Cover. Materials that typically do not exceed one foot in height used to provide cover of the soil in landscaped areas, which may include a combination of, but not limited to river rock, cobble, boulders, concrete pavers, grasses, flowers, low-growing shrubs and vines, and those materials derived from once-living things, such as wood mulch. In no event shall weeds be considered ground cover.

Hazard. A source of danger to persons or damage to property.

Home Occupation. A business conducted accessory to and within a residence and subject to other standards and procedures of this code to ensure that it is subordinate and customarily incidental to the residence.

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.

Outlot. A parcel or parcels of land designated on a plat and intended to be further subdivided before development at some point in the future, but which may be initially created under single ownership through a subdivision process.

Parcel. A unit or contiguous units of land in the possession of, or recorded as the property of one person, partnership, joint venture, association or corporation, or other legal entity.

Park. Any dedicated and accepted public or private land available for recreational or scenic purposes.

Patio. A paved area, open to the sky, adjacent to a dwelling.

Porch. A roofed or unroofed open structure projecting from the front, side or rear wall of a building.

Portable Sign. A sign that is not permanently affixed to a building, structure or into the ground, except A-frame signs and footed vertical signs.

Primary Entrance. The entrance to a building or structure which is intended to be the main pedestrian or public entrance and which shall typically be located on the front of the building or structure, and therefore includes enhancements and human-scale details to show the priority and importance of the space to the public.

Principal Building, Structure or Use. A primary permitted building, structure or use of land as specified in the district regulations of this Chapter, other than an accessory building, dwelling or use or special use.

Protective Oversight. Guidance of a resident of a personal care boarding home as required by the reasonable needs of the resident, including the following: being aware of a resident's general whereabouts, although the resident may travel independently in the community; monitoring the activities of the resident while on the premises to ensure his or her health, safety and well-being, including monitoring of prescribed medications; reminding the resident to carry out daily living activities; and reminding the resident of any important activities, including appointments.

Replacement Value. The amount it would cost to replace a structure or restore a site to its previous condition considering all aspects of the investment at their current market costs. This amount may be based on estimates or where discrepancies exist the average of three independent estimates, in the sole discretion of the City.

Shade Tree. A large woody plant, usually deciduous, that normally grows with one main trunk and has a mature height at least 30 feet, a canopy height above 12 feet, and screens and filters the sun.

Shrub. A woody plant which consists of a number of small stems from the ground or small branches near the ground and which may be deciduous or evergreen.

Sidewalk. A paved, surfaced or leveled area, paralleling and usually separated from the street, used as a pedestrian path.

Sign. Any advertisement, announcement or direction of communication produced in whole or in part by the construction, erection, affixing or placing of a structure, or produced by painting on or pasting or placing any printed, lettered, pictured, figured or colored materials on any building, structure or surface; provided, however, that signs placed or erected by the City or the State for the purpose of showing street names or traffic directions or regulations or for other municipal or government purposes shall not be included herein.

Street means a public thoroughfare, dedicated or deeded, for the purpose of providing a principal means of access to abutting property.

Street, Design Type. A reference to the design attributes of a specific segment of the street, regardless of the functional class, and including lane widths, number of lanes, parking, streetscape, and sidewalks. Street design types allow the design of segments of streets to transition and relate better to the context and anticipated abutting land uses, without disrupting the overall role of the street in the functional classification system.

Street, Functional Classification. A system of categorizing streets based on their role in the overall street network, considering traffic volumes, traffic speeds, and continuity of the street. These include arterial, collector, and local.

Street Frontage. The property line which abuts a public right-of-way.

Street Tree. A tree planted in close proximity to a street in order to provide shade over the street and to soften the street environment.

Streetscape. The scene that may be observed along a street, including both natural and non-natural components, including vegetation, buildings, paving, plantings, lighting fixtures and miscellaneous structures.

Structural Alteration. Any change in the support members of a building, such as bearing walls, columns, beams or girders.

Structure. Anything constructed or erected, including a fence, sign or building, with a fixed location on the ground.

Substantially Commenced Construction. Underground municipal utilities or building foundations have been completed.

Temporary. For a limited period of time, i.e., not permanent.

Temporary Sign. A sign allowed by permit (except an A-frame sign or a footed vertical sign), which is not intended as a permanent sign and which meets all the requirements of the sign code.

Tract. A parcel of land platted in a subdivision for a specific purpose, which shall be shown on the face of the plat. Specific purposes may include, but are not limited to, drainage areas, stormwater detention or retention areas, parks, open space, or land areas reserved for other public facilities

Travel Trailer or 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.

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 buildings connection to the ground, a sense of permanence, and transition to the main wall plane for vertical articulation.
 13. *Gable.* The triangular and vertical portion of a wall plane between intersecting roof pitches.
 14. *Lintel.* A horizontal beam, typically over a door, window or storefront to support the structure above it and add accent to the door, window, or storefront.
 15. *Parapet.* A vertical extension of the wall plane above the roof, typically used to hide a flat or low-sloped roof and the rooftop equipment, or function as a firewall for attached structures, and usually including ornamentation to provide a visually prominent “cap” to the building.
 16. *Pediment.* A gable or ornamental tablet or panel, typically triangular or arched, placed above a point of emphasis on a facade and often supported by columns or pilasters.
 17. *Pilaster.* A projecting vertical element on a wall plane used to give the appearance of a supporting column and used to articulate the extent of a wall plane or other component of a facade.
 18. *Sidelight.* A window with a vertical orientation along an opening (door or window) that is narrower than the opening but provides emphasis to the importance of the opening with expanded transparency, additional trim and ornamentation, or other architectural details.
 19. *Transom.* A window above an opening (door or window) built on a horizontal crossbar that may provide light and/or swing open to add ventilation.
- c. **Building Form.** Building form refers to the outward three dimensional envelope of a building or space affected by the mass, shape, composition, and articulation of building elements.
1. *Mass.* Mass is the volume (height x width x depth or height x building footprint) defined by a structure relative to its surroundings.
 2. *Shape.* Shape affects the massing and refers to the simplicity or complexity of the outer dimensions of surface planes (wall planes or roof planes), and their orientation (horizontal / vertical; symmetrical / asymmetrical).
 3. *Composition.* Composition is how the different building elements or materials are arranged to either distinguish or coordinate a particular shape or mass.
 4. *Articulation.* Articulation is using architectural elements to clearly call out a different portion of the composition, shape, or mass and break the building form into smaller, identifiable pieces.
 - (a) *Horizontal Articulation.* Breaking the mass down through different levels of height on the building, particularly for taller buildings, or by a step back or other voids in the massing.
 - (b) *Vertical Articulation.* Breaking the mass down through different bays or structural components along the length of the building elevation, particularly for longer, larger footprint buildings.
 5. *Altering Form.* Techniques to alter the form of a building and affect the scale include:
 - (a) Main mass and wing or secondary masses;
 - (b) Stepping back in the wall plane, usually larger differences (i.e. 4 feet +) at upper story(ies);
 - (c) Cantilever or overhangs, usually a smaller distance (i.e. 1 to 4 feet) over a lower story;
 - (d) Off-sets or breaks in a wall plane in relation to interior floor plan or outside space, not to the level of creating a wing or secondary mass;
 - (e) Dormers, including a window and sub-roof within roof structure;
 - (f) Projections of an element of the facade composition such as a bay window, entry feature, or eaves; and
 - (g) Articulation and composition of the facade in relation to, or in addition to any of the above techniques.

d. **Scale.**

Scale refers to the perceived or relative size of a form in relation to something else – usually a person, a social space (courtyard, lot, streetscape, etc.), or another building. For example, “human scale” refers to how spaces or objects relate to and are experienced or perceived by people at a close range and a slow pace. Scale can be affected by the mass, shape, composition, or articulation of the form to make an otherwise larger form seem smaller or more relatable based on how the components are perceived.

e. **Compatibility.** Compatibility refers to the similarity of buildings and sites to adjacent properties or to prevalent patterns and themes in an area. In general, the elements of compatibility will include combinations of the following:

1. Similar proportions of building masses, particularly nearest the property lines and other adjacent buildings;
2. Similar orientation of the building including the relationship to streetscapes, the shaping of open spaces, and the locations and arrangements of the building footprint;
3. Similar window and door patterns, including location, size, and proportions;
4. Similar roof lines (planes, pitches, profiles and details);
5. Similar building materials, particularly primary building materials, or where materials differ they share common textures or color palates;
6. A common architecture style, including the facade composition and materials; however, many styles can allow differences in design within the style.

Note: Compatibility does not necessarily mean the same, but rather a sensitivity to the context, adjacencies, and character of the area. While not all of the above elements are necessary for compatibility, the greater the number that are similar, the greater the compatibility will be; significant departures from any one element should be compensated with either greater similarity of other elements or by similarity of more elements. Where things are not compatible, transitions should occur through space and landscape buffer designs.

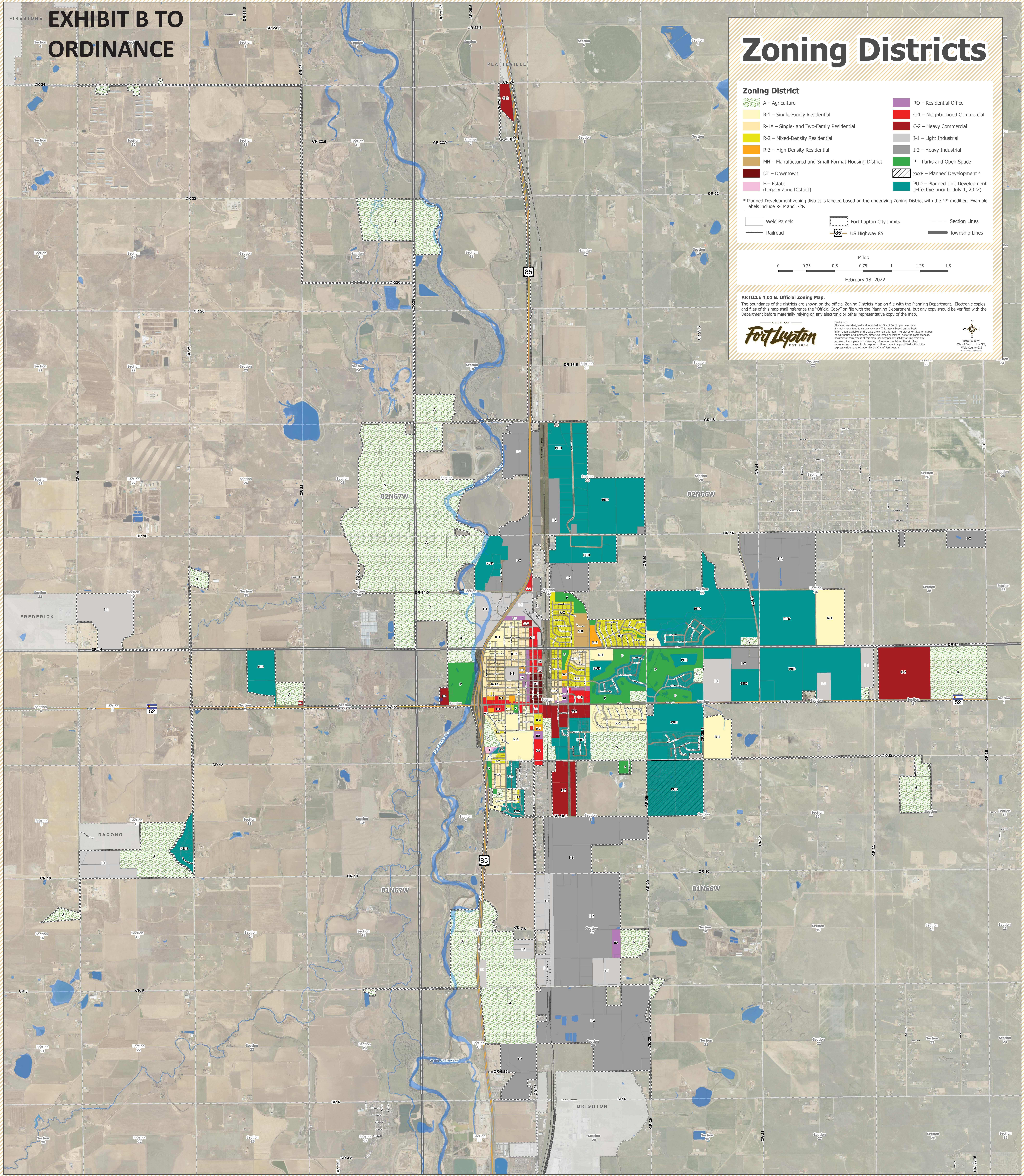


EXHIBIT B TO ORDINANCE

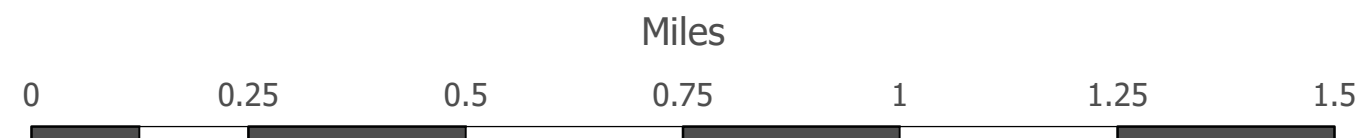
Zoning Districts

Zoning District

- | | |
|---|--|
| A – Agriculture | RO – Residential Office |
| R-1 – Single-Family Residential | C-1 – Neighborhood Commercial |
| R-1A – Single- and Two-Family Residential | C-2 – Heavy Commercial |
| R-2 – Mixed-Density Residential | I-1 – Light Industrial |
| R-3 – High Density Residential | I-2 – Heavy Industrial |
| MH – Manufactured and Small-Format Housing District | P – Parks and Open Space |
| DT – Downtown | xxxP – Planned Development * |
| E – Estate (Legacy Zone District) | PUD – Planned Unit Development (Effective prior to July 1, 2022) |

* Planned Development zoning district is labeled based on the underlying Zoning District with the "P" modifier. Example labels include R-1P and I-2P.

- | | | |
|--------------|-------------------------|----------------|
| Weld Parcels | Fort Lupton City Limits | Section Lines |
| Railroad | US Highway 85 | Township Lines |



February 18, 2022

ARTICLE 4.01 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.

CITY OF
Fort Lupton
COLORADO

Disclaimer:
This map was designed and intended for City of Fort Lupton use only.
It is not guaranteed to be error-free. The map is based on the best
information available at the time of its design. The City of Fort Lupton makes
no warranties, guarantees, or other representations or implied, as to the completeness,
accuracy, or correctness of this map, nor accepts any liability arising from any
incorrect, incomplete, or misleading information contained therein. Any
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express written authorization by the City of Fort Lupton.

Data Source:
City of Fort Lupton GIS
Weld County GIS
Aerial Imagery

EXHIBIT C TO ORDINANCE
ADOPTION DRAFT ADDENDUM
MARCH 28, 2022

STAFF RECOMMENDED CHANGES

The following are specific clean-up items and edits that have been identified by staff since the publication of the adoption version. These are minor items to coordinate the transition from the existing code and/or items to address application or interpretation of some of the new recommended provisions.

Staff recommends including these amendments as part of the recommendation on the adoption draft.

Article 2, Procedures; Section 2.03.C - Change of Zone

Proposed change: add the following as a new subsection C.4, and renumber subsections accordingly

4. The requirement for an accurate survey map, legal description, or posted or mailed notice required by Table 2-1 and Section 2.01.F may be waived by the Director for an amendment to the Official Zoning Map that is part of a large-scale amendment or associated with a general revision of the Land Development Code.

Reason for change: Generally, notice to property owners and posing of property is not practical nor required for large-scale or city-wide zoning changes. This is reflected in Table 2-1 where “Text Amendments” (or changes to the city-wide land development code) require only publishing for notice. The recommended change incorporates an existing section (16-9(b)) and makes it clear that map changes associated with this scale and type of amendment can have the notice provision waived for practical purposes.

Article 4, Districts & Uses; 4.04.C Use-specific Standards; Lodging – Short Term Rentals

Proposed change: revise sub-section C.4. to read as follows:

4. The residence shall be rented to only one party of short-term renters at a time, and not rented as separate bedrooms, beds, or spaces to separate parties. All occupancy requirements for the dwelling and lot from this code and the building code shall be met.

Reason for change: This provision is similar to standards used by peer communities in the region to eliminate the possibility of short-term-rentals being used similar to a hotel or other similar business occupancy; where the intent of short-term rentals is to allow a dwelling to be rented for a similar intensity residential occupancy on a short term bases

Article 11, Definitions, Section 11.02.D Description of Uses; Commercial (page 11-12)

Proposed change: change the description of Retail – Limited to the following, and make a corresponding change to the Retail - Limited name description in Table 4-2 in Article 4. (note: no changes to allowable uses per district is proposed).

Retail – Limited (< 2K or 33% of mixed-use buildings / projects). A small-scale retail use with under 2,000 square feet of commercial area, or 33% of the floor area of mixed-use buildings or projects, whichever is greater. In the cases the greater 33% limit, the remaining 67% shall be made up of other permitted non-retail uses.

Reason for change: Based on some anticipated scenarios in the R-O zoning district, a hard limit on retail at 2,000 square feet was questioned. In general, this limit is appropriate, and as an addition to the code from the previous code (R-O does not currently allow retail), this limit is necessary to ensure the small-scale nature of commercial uses in this district and to promote the mixed-use character and intent of R-O. However, it was envisioned that some uses that are part of a larger mixed-use building or site could have

EXHIBIT C TO ORDINANCE
ADOPTION DRAFT ADDENDUM
MARCH 28, 2022

a larger retail component and still support the intent of this district. In this case, a 33% / 67% breakdown of the retail vs. other uses was determined to also be appropriate on a building or project/site basis.

PLANNING COMMISSION RECOMMENDED CHANGES

The following changes or notes reflect the direction and recommendation of the Planning Commission, from the Resolution approved at the March 24, 2022 public hearing.

Article 1, General Provisions; 1.02.A.1. Interpretation, Rules of Construction

Proposed change: revised A.1 as shown below:

1. All words shall have the customary dictionary meaning, as determined by the Director or other final decision-making authority, unless specifically defined in these regulations.

Reason for the change: Planning Commission recommendation to clarify any discretion or confusion.

Article 1, General Provisions; 1.02.H. Interpretation, Resources, Guides, and Industry Standards

Proposed change: The Planning Commission recommended clarifying the process and authority to accept these interpretation aids; however, upon further review staff feels that the second and third sentences of this section, repeated below, addresses the Planning Commission's concern, and no change is needed.

They shall be subject to the approval of the Director upon a determination that the content is consistent with the policies of the Comprehensive Plan and the purposes, intent, and design objectives of these regulations. Any resource, guide, or industry standard approved by the Director shall be listed in Appendix A, and at least one copy shall be kept on file with the Planning Department.

Reason for the proposed change: Planning Commission recommendation to clarify any discretion or confusion.

Article 1, General Provisions; 1.05.F.1. Nonconformities, Nonconforming Signs

Proposed change: remove F.1 (strikethrough below), and renumber sections accordingly:

- ~~1. Whenever there is a change in the ownership of the real property upon which the sign is located.~~

Reason for the change: Planning Commission recommendation; staff concurs that typical scenarios where business ownership changes could capture more situations than intended. Although the intent of this Section is to disfavor extensions of nonconforming situations, and this provision is a reasonable way promote that interest and eliminate signs that do not comply with standards, the remainder of subsection F. captures most of the situations where removal of nonconforming signs should occur.

Article 8, Landscape & Site Design Standards; Section 8.02.A Landscape Design, Design Objectives, and 8.02.D., Design & Location.

Proposed change: Add a new subsection A.5 to the landscape design objectives and renumber accordingly; add a new subsection D.4. and renumber accordingly.

- A.5. Locate plants, landscape features, and site design elements sensitive to seasonal solar and shading conditions, particularly maximizing summer shade and winter sun on active portions of sites.

EXHIBIT C TO ORDINANCE
ADOPTION DRAFT ADDENDUM
MARCH 28, 2022

D4. Evergreens and Other Shaded Areas. Avoid locating evergreen trees, fences, and other opaque screens that cause winter shade and freezing on the south sides near sidewalks, trails, or other active outdoors social areas. Use deciduous ornamental or shade trees that provide summer shade and winter in these locations.

Reason for Change: Planning Commission direction. This issue is suggested through other intent statements, design objectives, and site plan review criteria; however, staff agrees with the more specific direction on this issue, and feels a more flexible but specific “design objective” (B.5) and a performance standard or guideline/technique (D.4) is the best way to address this.

Article 8, Landscape & Site Design Standards; Section 8.05.B, Fences & Walls, Fence & Wall Design

Proposed change: Revise section B.5 as follows

4. *Sports and Recreation Fences.* Fences for sports and recreation facilities, or for any other similar public facility, may be up to 10 feet generally; or up to 14 feet for tennis, pickleball, or similar sport courts if at least 50% open above 7 feet high; and taller to serve the functional need for backstops or golf course protection.

Reason for Change: Planning Commission direction to broaden the exception.

Article 8, Landscape & Site Design Standards; Section 8.06.C Outdoor Lighting, Performance Standards

Proposed Change: Revise subsection C.1 as follows:

1. All exterior fixtures except for ornamental lights below 2,400 lumens, shall be fully shielded shall use full cut-off shields and be-installed so that the direct illumination is ~~shall be~~ confined to the property boundaries ~~of the source and the light source is not visible from adjacent property, except for ornamental lights below 2,400 lumens.~~

Reason for Change: Planning Commission direction to emphasize intent.

RESOLUTION NO. P2022-011

A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON RECOMMENDING TO CITY COUNCIL THE REPEAL OF FORT LUPTON MUNICIPAL CODE CHAPTER 9 – OIL AND GAS EXPLORATION AND DEVELOPMENT, CHAPTER 16 – ZONING, AND CHAPTER 17 – SUBDIVISIONS, AND REPLACING THEM WITH CHAPTER 16 – FORT LUPTON DEVELOPMENT CODE, AND ADOPTING A CORRESPONDING OFFICIAL ZONING MAP.

WHEREAS, the Fort Lupton Comprehensive Plan, known as Picture Fort Lupton (“Comp Plan”), was adopted on June 18, 2018;

WHEREAS, the Comp Plan identified an update to the zoning code in accordance with the Land Use Plan as a top priority implementation item;

WHEREAS, in 2019 the City of Fort Lupton began the process of updating its Municipal Code chapters related to land use development, including Chapter 9 – Oil and Gas Exploration and Development, Chapter 16 – Zoning, and Chapter 17 – Subdivisions in order to amend and consolidate them into one chapter, known as Chapter 16 – Fort Lupton Development Code (the “Development Code”);

WHEREAS, the City also began a concurrent update to amend the Official Zoning Map in order to correspond to the Development Code;

WHEREAS, the Development Code and update to the Official Zoning Map has the following objectives: (1) Streamline applications, improve flexibility, and clarify expectations in the development process; (2) create a more user-friendly document, with better organization, clear language, and the use of graphics and tables; and (3) implement the goals and objectives of the Comp Plan;

WHEREAS, since February 2020, the City has held multiple Steering Committee meetings, presentations before City Council during Town Hall meetings, posted a draft of the Development Code and amendment to the Official Zoning Map online for public comment, and notified the public through social media and City webpage announcements;

WHEREAS, the Planning Commission has reviewed the proposed Development Code and amendment to the Official Zoning Map, attached hereto and incorporated by reference as Exhibit A and Exhibit B respectively;

WHEREAS, on March 24, 2022, the Fort Lupton Planning Commission held a public hearing to consider a recommendation on the adoption of Development Code and amendment to

the Official Zoning Map, and has taken into consideration all supporting information, evidence and any testimony in response to the application.

NOW THEREFORE BE IT RESOLVED, the Planning Commission hereby recommends that Municipal Code Chapter 9 – Oil and Gas Exploration and Development, Chapter 16 – Zoning, and Chapter 17 – Subdivisions be repealed in their entirety and replaced with Chapter 16 – Fort Lupton Development Code as set forth in Exhibit A, attached hereto and fully incorporated by reference; and

NOW THEREFORE BE IT FURTHER RESOLVED, the Planning Commission hereby recommends that the official zoning map be repealed in its entirety and replaced with the zoning map shown in Exhibit B, attached hereto and fully incorporated herein by this reference, subject to the following conditions:

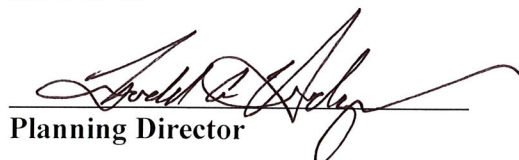
1. The Planning Director may approve additional minor changes to the Development Code and the amended Official Zoning Map that do not change the character or intent as approved by this Resolution.
2. Within six months of the Development Code going into effect, revisions to Chapter 16 – Fort Lupton Development Code, and the amended Official Zoning Map that may change the character or intent as approved by this Resolution 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.
3. The recommended changes identified in the Adoption Draft Addendum, attached as Exhibit C, which includes changes recommended by City staff, as well as the recommendations of Planning Commission, shall be made to the Development Code as set forth in Exhibit A.

DONE THIS 24th DAY OF MARCH 2022 BY THE PLANNING COMMISSION FOR THE CITY OF FORT LUPTON, COLORADO.



Chairperson

ATTEST:


Planning Director

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
March 24, 2022**

The Planning Commission of the City of Fort Lupton met in session at the City Complex, 130 South McKinley Avenue, the regular meeting place of the Planning Commission and virtually via GoToMeeting, on Thursday, March 24, 2022.

Chair Mike Simone called the meeting to order at 6:03 p.m.

ROLL CALL

Board Members Present: Chair Mike Simone, Vice-Chair Bushrod White and Members Kathy Kvasnicka and Thomas Holton. Member Thomas Meyers participated remotely via GoToMeeting.

City Staff Present: Planning Director Todd Hodges, Planner Alyssa Knutson, Planner Maria Lancto and Planning Technician Magaly Morales-Tejada.

Chair Simone read the general advisement for connected meetings.

APPROVAL OF AGENDA

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

CONSENT AGENDA

Bush White moved to approve the consent agenda approving the minutes of the February 24, 2022 and March 10, 2022 meetings. It was seconded by Kathy Kvasnicka.

PUBLIC COMMENT

There was no public comment.

ACTION ITEMS

P2022-010 Fort Lupton Library Site Plan

Planner Maria Lancto presented this item, she stated that this application is for a new public library on a property located on the southeast corner of the intersection of S Rollie Avenue and Reynolds Street inside the Lupton Village Subdivision. The facility will include outdoor gathering spaces, community meeting rooms and a makerspace. The property is zoned PUD with general commercial land uses and general commercial land uses are supported by the comprehensive plan. All notification requirements have been met and the applicant is present to provide a brief presentation.

Chair Simone asked the applicant, Thomas Samblanet, if he understood that some members of the Planning Commission are appearing tonight via virtual connection and are not appearing in-person, if he consented to said members voting on his submittal, even though said members are not present in person, if he has agreed to voluntarily waive that right on behalf of the applicant or themselves by proceeding tonight electronically and if he voluntarily signed and submitted the written waiver and consent to proceed electronically tonight.

Mr. Samblanet answered yes to all questions.

Mr. Samblanet, Fort Lupton Library Director, stated that this application is for a new public library that will be an addition to the existing public and high school library. It will be located in the Lupton Village development and will

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
March 24, 2022**

be accessed via S. Rollie Avenue and will be a one-way drive with the exit being on Reynolds Street. There are several parking spaces including handicap parking and large spaces. The site will include various sidewalks, an outdoor programming space, and a fenced children's garden. The interior of the library will include 2 study rooms, a reading room, a makerspace, programming rooms and computer labs. He provided a brief presentation of renderings of the outdoor and indoor spaces.

Chair Simone asked Mr. Samblanet if he felt that he had a full and fair opportunity to present all application materials to the commission tonight.

Mr. Samblanet stated yes.

Chair Simone opened up the public comment portion of the hearing.

Hearing none, the public comment portion of the hearing was closed at 6:14pm.

Commissioners discussed:

- The property's location in relation to the comprehensive plan.
- Uses of adjacent properties.
- Amenities provided by the new library versus the existing facility.

With no further comments, Member Holton moved to approve P2022-010 A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON RECOMMENDING TO CITY COUNCIL APPROVAL OF THE FORT LUPTON LIBRARY SITE PLAN FOR A PUBLIC LIBRARY. It was seconded by Member Kvasnicka. Motion passed unanimously.

P2022-011 Resolution Recommending to City Council the Repeal of Fort Lupton Municipal Code Chapter 9 - Oil and Gas Exploration and Development, Chapter 16 - Zoning, and Chapter 17 - Subdivisions, and Replacing them with Chapter 16 - Fort Lupton Development Code, and Adopting a Corresponding Official Zoning Map

Planner Alyssa Knutson presented this item. She stated that this item is for the adoption of the Development Code Update, which includes the repeal of Chapter 9 - Oil and Gas Exploration and Development, Chapter 16 - Zoning, and Chapter 17 - Subdivisions, and replacing them with one consolidated chapter to be known as Chapter 16 - Fort Lupton Development Code, and replacing the existing zoning map to correspond with the corresponding updated zoning map. The process to update the development code was initiated in July 2019, with the intent to carry out the vision of the comprehensive plan which was adopted in 2018, a description of how this was achieved was included in the materials provided to commissioners. Significant outreach efforts were made during this process, including Steering Committee meetings, presentations to City Council, publishing to the newspaper, posting on social media, maintaining a webpage dedicated to this proposed update, meetings with property owners in the proposed Downtown zoning district, commercial and residential developers within the city and a representative of Occidental Petroleum. Proposed articles were sent to the State Oil and Gas Conservation Commission as well as several internal and external referral agencies. Public comments have been mostly positive. Some comments were made during the residential developer meeting and where appropriate, changes in the proposed articles reflect the comments that were addressed. Planning staff is recommending that this update go into effect on July 1, 2022. All notification requirements have been met and the drafts for this update were made available to the public at least 15 days prior to this hearing. Chris Brewster, the consultant on this project, will be providing a brief presentation.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
March 24, 2022**

Chris Brewster reiterated that this update is based on the vision of the Comprehensive Plan, in which three main themes were identified, streets and open spaces, neighborhood designs and non-residential destinations. A plan conformance report was established in which the current code was rated against those themes and the goals for the proposed update were established. The next step was identifying critical issues, which included neighborhood design, housing options, streetscape design and gathering places. These issues were discussed with the Steering Committee where they further narrowed down the priority of said issues and how to best address them. Case studies were performed to identify how these issues were addressed in surrounding areas and then took ideas from those areas and incorporated them into the code. Drafts were then put together for the review of the Steering Committee and were discussed at several meetings with the Steering Committee and City Council in order to make necessary revisions and create the final drafts of the update. Meetings were then held with stakeholders, including Downtown stakeholders, residential and commercial developers, oil and gas industry representatives and key staff. Once the final drafts were created, two town hall meetings were held with City Council. Most of the items on this update are items that were already existing in the code and are being reorganized into a more user-friendly document with a few key changes. A framework map is included to compare the changes in relation to the previous code and to identify any new additions and how they relate to the comprehensive plan.

Mr. Brewster identified key changes in the proposed articles, these included:

- Article 2 – Procedures: streamlining the platting process, key distinctions on when a process is a public hearing versus a public meeting, which processes can be Administrative Staff Reviews, which need to go to the Planning Commission for final approval and which need to go to City Council for approval;
- Article 3 – Subdivision Standards: This article is implementing the comprehensive plan at the largest scale this includes the addition of new street types, improvement of the connectivity standards, addition of context-based open space types;
- Article 4 – Zoning District and Uses: refine uses by scale and generalize by type, clarification of use-specific and accessory use standards, reposition districts with greater distinctions, addition of the Downtown Zone District, converted residential districts to “building type” approach, the addition of a single-table with consolidated use types and filter by zone district based on size and scale;
- Article 5 – Residential Development Standards: shifted the standards to a “building type” approach, addition of two patterns, simplify/refine residential design standards based on context and building types, permitting ADU’s in the “A” “R-2” and “R-3” and incorporating the current residential design standards into this new code;
- Article 6 – Nonresidential Development Standards: addition of a new Downtown District, greater distinctions between C-1 & C-2, reposition R-O as a “mixed-use” district, planning for walkable vs. car-oriented contexts, simplifying and incorporating the existing commercial design standards and incorporating a specific plan for the DT zone district;
- Articles 7 – Access & Parking: New approaches to allow for more flexibility including bike parking, context-based parking requirements vs. minimum parking and landscape standards that were included in parking;
- Article 8 – Landscape & Site Design: A more xeric approach, including low water plants and strategies;
- Article 9 – Signs: Simplified to be more content neutral;
- Article 10 – Supplemental Standards: Is more of a placeholder for topics that can be incorporated into this code such as wireless facilities and flood plain standards.

Chair Simone opened up the hearing to Planning Commissioner questions and comments.

Commissioners discussed:

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
March 24, 2022**

- Concerns with the minimum required distance between multi-family dwellings and its effect on fire and life safety.
- Typos and verbiage throughout the proposed articles.
- The items on the addendum that was included in the materials provided to the commission, which included the addition of a new subsection, revision of a proposed subsection and a change to the description of a proposed use.
- The need to conduct a review and make necessary revisions to the adopted development code update six months after it goes into effect to address any issues identified during its implementation.

Jose Gonzales, Building Official, stated that the minimum required distances between multi-family dwellings are regulated per the adopted International Building and Fire Codes, these codes are continuously changing in order to address life and safety concerns.

Planner Knutson stated that conditions of approval could be added to the proposed resolution in order to address typos, verbiage and a review time-frame after the changes go into effect to address any identified issues.

Chair Simone opened up the public comment portion of the hearing, hearing none the public comment portion of the hearing was closed.

With no further comments, Member Holton moved to approve P2022-011 RESOLUTION RECOMMENDING TO CITY COUNCIL THE REPEAL OF FORT LUPTON MUNICIPAL CODE CHAPTER 9 - OIL AND GAS EXPLORATION AND DEVELOPMENT, CHAPTER 16 - ZONING, AND CHAPTER 17 - SUBDIVISIONS, AND REPLACING THEM WITH CHAPTER 16 - FORT LUPTON DEVELOPMENT CODE, AND ADOPTING A CORRESPONDING OFFICIAL ZONING MAP as amended. It was seconded by Member Kvasnicka. Motion passed unanimously.

DISCUSSION ITEMS

Review of Meeting Discussion

A review of meeting discussions took place.

FUTURE BUSINESS

The next meeting of the Planning Commission will be on March 24, 2022 at 6:00 PM.

ADJOURNMENT

Chair Simone adjourned the meeting at 7:45 PM.

Submitted by

Magaly Morales-Tejada, Planning Technician

Approved by Planning Commission

Mike Simone, Chair



**STAFF REPORT ON
CHAPTER 16 – DEVELOPMENT CODE AND A CORRESPONDING OFFICIAL ZONING MAP
PROJECT NO. LUP2022-0004 & PLAN NO. COZ2022-0002**

PROJECT DESCRIPTION

Project No.: LUP2022-0004 / Plan No. COZ2022-0002

Project name: A Resolution to Recommend Repeal of Chapter 9 – Oil and Gas Exploration and Development, Chapter 16 – Zoning, and Chapter 17 – Subdivisions of the Fort Lupton Municipal Code, and the official zoning map, and replacing them with a consolidated Chapter 16 – Development Code Update, and amended Official Zoning Map.

Location of Request:

City of Fort Lupton municipal boundaries.

Hearing Dates: Planning Commission – March 24, 2022 at 6:00 PM; and
City Council – April 19, 2022 at 6:00 PM.

Hearing Location: Fort Lupton City Hall – Council Chambers, 130 S. McKinley Ave., Fort Lupton, Colorado.

Staff Recommendation: Approval.

Site Size: City of Fort Lupton municipal boundaries.

Nature of Request:

This request is for a City initiated comprehensive rezoning and code text amendment to consolidate Chapter 9 – Oil and Gas Exploration and Development, Chapter 16 – Zoning, and Chapter 17 – Subdivisions of the Fort Lupton Municipal Code, into one consolidated chapter known as Chapter 16 – Fort Lupton Development Code (the “Development Code Update”), and to repeal official zoning map and adopt and update to the Official Zoning Map.

Background:

On June 18, 2018, the City of Fort Lupton adopted the Fort Lupton Comprehensive Plan, known as “Picture Fort Lupton” (the “Comp Plan”). The Comp Plan identified implementation activities and projects that the City should undertake in order to realize its goals and ultimate vision. Within the Comp Plan, a Priority 1 implementation item was an update to the zoning code in accordance with the Land Use Plan. The last major update was in 2006.

In July of 2019, the City began the process of selecting a consultant to draft an update to the zoning code, as recommended in the Comp Plan. On November 18, 2019, the City retained Gould Evans for professional services to perform work on the Development Code Update. A Plan Conformance Report was prepared and used as a guide to determine areas to focus on in drafting the Development code and to ensure conformance with the Comp Plan and other policy documents.

On February 26, 2020, a kick-off meeting was held with an appointed group of stakeholders that included City Council members, Planning Commission members, and a citizen representative. From February 2020 through March 2022, a series of presentations, outreach and other engagement efforts were conducted, as outlined in the Summary of Outreach Efforts set forth below.

SUMMARY OF OUTREACH EFFORTS

Significant outreach efforts occurred throughout the development code update process. Below is a list of outreach that was conducted, although it may not be an exhaustive list.

Date	Outreach Effort
06/18/18	The 2018 Comprehensive Plan, Picture Fort Lupton, is the guiding document for the Development Code Update and featured extensive community outreach.
02/26/20	Steering Committee – kick-off meeting.
05/27/20	Steering Committee meeting – diagnosis meeting.
07/28/20	Town Hall presentation before City Council.
05/11/21	Town Hall presentation before City Council.
06/30/21	Steering Committee meeting – Articles 1-3.
07/13/21	Town Hall presentation before City Council.
07/14/21	Steering Committee meeting – Articles 4-5 & 7-8.
07/27/21	Town Hall presentation before City Council.
08/25/21	Steering Committee meeting Articles 6, 9, and 10.
08/31/21	Town Hall presentation before City Council.
10/06/21	Mailings sent to owners in the DT Zone District notifying them of the meeting on proposed changes.
10/08/21	Social media post announcing the meeting for the proposed DT Zone District.
10/13/21	Notice posted on the City website that the first draft of the articles were available for review.
10/14/21	Social media post announcing the meeting for the proposed DT Zone District.
10/15/21	Social media post announcing the first draft of the articles available for review.
10/20/21	Presentation on the proposed DT Zone District was presented to owners.
10/21/21	Presentation on residential development standards presented to residential developers.
10/21/21	Presentation on non-residential development standards presented to non-residential developers.
10/21/21	Presentation of the Development Code Update presented to the Urban Renewal Authority.
11/03/21	Social media post announcing the first draft of articles were available for review.
11/09/21	Town Hall presentation before City Council.
03/07/22	Social media post announcing the public hearing dates.
03/07/22	Public hearing dates for Planning Commission and City Council published in the Fort Lupton Press.
03/08/22	Town Hall presentation before City Council.
03/11/22	Notice posted on the City website that the final draft of the articles available for review.
03/16/22	Social media post announcing the public hearing dates.

In addition to the above, the City has maintained a separate sub-webpage on its website for the Development Code Update for the project that includes updates on latest news, draft articles of update, presentations, as well as section summaries of the proposed draft articles.

APPLICATION PROCESS

Pursuant to Section 31-23-304 of the Colorado Revised Statutes, no such [zoning] regulation, restriction, or boundary shall become effective until after a public hearing thereon at which parties in interest and citizens shall have an opportunity to be heard. Pursuant to Section 16-9 of the Fort Lupton Municipal Code (the “FLMC”), an amendment to the Official Zoning Map requires a public hearing before the Planning Commission and City Council.

CONFORMANCE WITH CITY REGULATIONS AND POLICIES

Section 16-9(a) of the FLMC states that the Planning Commission may, from time to time, on its own motion or the motion of the City Council or recommendation from City staff, recommend amendments, supplements or changes in boundaries or regulations herein or subsequently established.

Section 16-9(b) of the FLMC further states that whenever the City initiates large-scale amendments of the Official Zoning Map, or when the Official Zoning Map is in any way to be changed or amended incidental to or as part of a general revision of the Zoning Code, whether such revision is made by repeal of the existing Zoning Code and enactment of a new Zoning Code or otherwise, the requirement of an accurate survey map or other sufficient legal description of, the posting of property and the notice to and listing of names and addresses of owners of real property in the area of the proposed change shall be waived. However, the proposed amendments shall be available for public inspection in the City Hall during regular business hours for fifteen (15) days prior to the public hearings on such amendments.

IMPLEMENTATION OF THE COMPREHENSIVE PLAN

As stated previously, the Fort Lupton Comprehensive Plan was adopted on June 18, 2018. The Comp Plan identified goals, objectives and recommendations and acts as the City’s official policy guide for land use and development over the next 10 – 20 years. It establishes a vision for the future of Fort Lupton and serves as a ‘playbook’ for key policies, strategies, and initiatives to obtain that vision. A number one priority set forth in the Comp Plan was to update the zoning code in accordance with the Comprehensive Plan’s land use plan. The proposed Chapter 16 – Fort Lupton Development Code meets the intent of this recommendation.

The Development Code Update has the following objectives:

- (1) Streamline applications, improve flexibility, and clarify expectations in the development process;
- (2) Create a more user-friendly document, with better organization, clear language, and the use of graphics and tables; and
- (3) Implement the goals and objectives of the Comp Plan.

At the outset of the Development Code Update, a Plan Conformance Report (included with the packet materials for reference) was created to serve as an analysis of Fort Lupton’s development regulations, including Chapter 16 – Zoning, Chapter 17 – Subdivisions, as well as the design standards for residential, commercial and industrial. The Plan Conformance Report compared these regulations with the Comp Plan to identify options to consider through the regulation update process. The Plan Conformance

Report identified four themes and specific topics reflected in the Comp Plan to address in the Development Code Update. These themes and specific topics were: (1) User Friendliness; (2) Public Realm Design; (3) Neighborhood Patterns; and (4) Unique Places.

SUMMARY OF PROPOSED ARTICLES TO THE DEVELOPMENT CODE UPDATE

The summaries provided below list each of the eleven Articles that make up Development Code Update, and provide highlights of key changes proposed. For additional background on why specific changes are recommended, refer to the Executive Summary, Plan Conformance Report, and other material included in the packet for review.

Article 1. General Provisions

This article reflects the technical elements of the code that are not often used in the day-to-day administration. It consolidates similar provisions from throughout the existing regulations so that they do not need to be repeated.

Article 2. Procedures

This chapter provides process, timelines, and criteria for all applications under the development code. It does not encompass processes for other related codes (building permits; building code, etc.), but does coordinate with them. Most of the changes in this Article were to organize better or to clarify current procedures.

Article 3. Subdivision Standards

This article provides planning, engineering, and urban design standards for larger-scale development projects. It establishes development patterns and infrastructure requirements as land is divided and ownership fractures. The changes in this code update are to reflect more “urban design” elements into the planning and development process at this key preliminary stage of development. This responds to Picture Fort Lupton’s call for strengthening the character of different places in the community and improvements to community image with the “pubic realm” design (streets and open spaces).

Article 4. Zoning Districts & Uses

This article establishes the zoning districts to be used to implement Picture Fort Lupton, and specifies land uses that are allowed in each district. Uses are allowed “by right” subject to the applicable district development and design standards, or are permitted through a special use permit application process, which evaluates the specific use based on context. Some uses are called out for specific standards unique to that use.

Article 5. Residential Development Standards

This article includes all of the development and design standards for residential neighborhoods. It consolidates the current residential development standards and the residential design standards (now in a separate document). The design standards are simplified for specific districts, specific contexts, or specific building types.

Article 6. Nonresidential Development Standards

This article includes all of the development and design standards for non-residential development. Similar to Article 5, Residential Development Standards, it consolidates the various zoning district standards from the current code and the commercial and industrial design standards from a separate document. The topics of the design standards are all addressed in the current design standards, but are not coordinated for any particular context and are difficult to follow.

Article 7. Access & Parking Standards

This article provides parking standards, along with related standards for access, pedestrian, vehicle and bicycle circulation. The changes in this section from the current code are designed to coordinate with proposed changes to street design standards (3.02), frontage design standards (5.03.b and 6.03.b) and landscape standards (Article 8). Improvements are aimed to “right size” parking requirements for the context and increase flexibility.

Article 8. Landscape & Site Design Standards

This article incorporates many of the provisions from the commercial and residential design standards; however it integrates site-specie landscape with the larger scale design that is addressed through streetscape design (Section 3.01) and open space design (Section 3.02.). Other sections from the current development code and commercial or residential design standards are incorporated into the fence (8.05) and outdoor lighting (8.06) sections.

Article 9. Signs

This article incorporates the current sign standards, but reorganizes and simplifies them in the following ways:

- o It consolidates signs into fewer general types to establish a sign budget for all sites that is easier to administer. (9.03 and 9.04)
- o It bases sign allowances more closely off the scale of the lot or building, with many standards based on frontage widths.
- o It includes a more content-neutral approach to many different signs – particularly for temporary signs. This is required by statute statutes and incorporates some of the guidance from recent land use and First amendment cases regarding sign standards.
- o It focuses most of the standards more directly on objective scale and location standards, but it does include some more flexible but subjective guidance to help address some of the design and appearance issues for signs (9.07)
- o It incorporates the overall approach to flexibility towards design standards through the alternative compliance provisions (9.08).

Article 10. Supplemental Standards

This article is reserved for special topic regulations that either are not limited to a particular district or area or that are very detailed and warrant their own section out of the structure). Changes to the organization, language and format were made match the overall development code structure and format. There are no anticipated changes topics that will be coordinated in this article. It can also serve as a placeholder for any new issues or topics that come along that cannot be easily integrated into the overall code structure.

Article 11. Definitions & Terms

This section consolidates all definitions in one section. Some definitions were omitted due to one of the following: the plain and ordinary usage of the term was sufficient; or the term was no longer used in the code due to simplifying language.

NOTIFICATION REQUIREMENTS

Section 31-23-304 of the Colorado Revised Statutes requires at least fifteen days’ notice of the time and place of the public hearing be published in an official paper or paper of general circulation in the City. The Planning Commission and City Council hearings were published in the Fort Lupton Press on March 3,

2022, which is at least fifteen days prior to the first hearing on this matter. In addition, the final draft code was published online on March 9, 2022, which is fifteen days prior to the first hearing on this matter, as required by Section 16-9(b) of the Fort Lupton Municipal Code.

Section 16-9 of the FLMC further states that whenever the City initiates large-scale amendments of the Official Zoning Map, or when the Official Zoning Map is any way to be changed or amended incidental to or as part of a general revision of the Zoning Code, whether such revision is made by repeal of the existing Zoning Code and enactment of a new Zoning Code or otherwise, the requirement of an accurate survey map or other sufficient legal description of, the posting of property and the notice to and listing names and address of owners of real property in the area of the proposed change shall be waived.

REFERRALS

The following entities were provided with drafts of the proposed Chapter 16 – Development Code either by providing the draft Articles electronically and/or through presentation(s) or discussion(s) with them:

- City Attorney
- City Engineer/Public Works Director
- Fort Lupton Fire Protection District
- Building Official
- Development Code Steering Committee comprised of a select group of City Council members, Planning Commissioners, and community members
- City Council
- Residential and Non-Residential Developers
- Property Owners in the proposed DT Downtown Zone District
- Colorado Oil & Gas Conservation Commission
- Representative for Occidental Petroleum Corp

STAFF RECOMMENDATION

Staff recommends approval of the Chapter 16 - Development Code, also known as the Development Code Update, and the corresponding Official Zoning Map.

ATTACHMENTS

1. Proposed Resolution No. P2022-011
2. Exhibit A to Resolution P2022-011, the draft Articles to the Development Code Update
3. Exhibit B to Resolution P2022-011, the draft Official Zoning Map
4. Staff Report
5. Executive Summary of Changes to the Development Code
6. Section Summaries of Changes to the Development Code
7. Plan Conformance Report
8. Plan Conformance Chart

For more information on this development, please refer to the Planning Commission packet provided. Additional documents are available for review at the Fort Lupton City Hall.

Executive Summary

The objective of the update to the Fort Lupton Development Code are:

- Streamline applications, improve flexibility, and clarify expectations in the development process;
- Create a more user-friendly document, with better organization, clear language, and the use of graphics and tables; and
- Implement the goals and objectives of Picture Fort Lupton, the City’s comprehensive plan adopted in May 2018.

This executive summary provides highlights of key changes proposed in the update to the Fort Lupton Development Code. A more detailed explanation of what is changing and why can be found in the “section maps” that accompany the drafts to each Article. For additional background on why specific changes are recommended refer to the Plan Conformance Report (delivered in an early phase of this project in May 2020), issue papers and case studies, or other materials used to facilitate discussions throughout this project.

Article 1 – General Provisions.

This article reflects the technical elements of the code that are not often used in the day-to-day administration. It consolidates similar provisions from throughout the existing regulations so that they do not need to be repeated.

There are few substantive changes in this article, with the exception of the following notes:

- *1.01.C Overview; Purposes.* Purpose statements were updated to reflect priorities of the Fort Lupton comprehensive plan and to establish a basis for some of the new standards and design principles in the overall code.
- *1.02. Interpretation.* Broadened to support a “plain language” approach to the substantive standards, and to establish a framework for flexibility and administrative discretion elsewhere in the code.
- *1.05. Nonconformities.* Created greater distinctions in the types of nonconforming circumstances that may arise. Since the overall approach of this code is to increase the attention paid to physical form and urban design aspects of development, more nuanced nonconforming situations may arise (beyond use, lot or building location/size). Greater distinctions will allow balanced approaches to how these nonconformities are treated.

Article 2– Procedures.

This chapter provides process, timelines, and criteria for all applications under the development code. It does not encompass processes for other related codes (building permits; building code, etc.), but does coordinate with them.

Most of the changes in this Article were to organize better or to clarify current procedures, with the following provisions to note:

- *2.01 – General – All Applications.* This section includes procedures that are applicable to most or multiple applications, and Table 2-1 provides an overview and guide to which may apply to specific applications. This is done so that common procedures, which apply to multiple applications, do not need to be repeated in many sections. Other sections of this article contain the provisions unique or specific to particular applications. Some specific changes include:
 - Submittal requirements and details being removed from the code and delegated to the Planning Department to administer with application forms contained within an Operating Standards document. (2.01.A.1)
 - Allowing flexibility for the location of public notice to be posted based on the potential of posting on the website rather than newspaper in the future (2.01.F.1.)
 - Being flexible with the distance of mailed notice based on the extent of the project or allowing Director to require notice if none was otherwise required on larger and impactful projects. (2.01.F.3.)
- *General Streamlining of Procedures.* Table 2-1 and the specific procedure sections has several recommendations for streamlining procedures. These recommendations are based on the discussion and direction from the Town Hall meetings in June 2020. The streamlining includes combinations of: (1) distinguishing between public hearing and public meeting; (2) eliminating some conceptual review steps or making them optional; and (3) eliminating some dual PC and CC review and/or delegating some more routine applications to PC decisions. This primarily affects the following applications (noted more specifically below):
 - Preliminary Plat (2.02.D.)
 - Final Plat (2.02.E.)
 - PUDs (2.04)
 - Site Plan (2.06)
- *Specific Procedures.* All of the remaining application-specific sections are generally set up under the following structure of sub-sections to try to clarify the process and expectations for application review:
 - *Applicability.* What is the review for and what activity triggers review.
 - *Criteria.* What specific planning and design principles will be reviewed, how will the application be evaluated by the decision-making body, and/or what particular standards are most important to an application.
 - *Specific Procedures.* Anything extra or needed to supplement the general procedures in Section 2.01 and Table 2.1.
 - *Effect of Decision.* What are the “next steps” after a decision, or what does approval entitle the applicant to.
- *2.02 Platting.*
 - *Administrative Plats (2.02C).* Expand eligibility of administrative plats (routine applications approved by staff) for specific situations.
 - *Preliminary Plat (2.02.D).* Recommended streamlining by eliminating required process for sketch plat, and making it at Planning Director’s discretion; but retaining a dual public hearing process before PC and CC. This is not required by

statute, but will help coordinate all of the larger planning and policy issues in one review process.

- o Final Plat (2.02.E.). Eliminating the PC and CC review, unless it is appealed. Any final plat that is in substantial conformance with the preliminary plat could otherwise be approved by staff.
- *2.04 – Planned Unit Development.* Streamlined and improved the PUD process by:
 - o Clarifying the types of plans and the specific policies reflected in the plan that should be advanced in exchange for flexibility (2.04.B)
 - o Basing all PUDs on base zoning district standards, except where specific deviations are planned. This will have the following benefits:
 - Capitalize on the improved design and form standards of the base zoning districts (possibly reducing the reliance on PUDs and shifting more to base zoning districts)
 - Create expectations or a “starting point” from which plans and necessary flexibility or deviations from the standards can be focused.
 - Allowing easier administration of PUDs moving forward as things change. Rather than the allowances only be what is captured in the plan (which is difficult for staff to administer over time), allowances will be the based districts, except for the additions, subtractions, or modifications specifically called out in the PUD plans.
 - o Streamlining the process to be better coordinated with platting, and potentially be done in two steps rather than three (similar to the platting and “sketch plat” issue).
- *2.06 – Site Plan.* Recommend eliminating the public hearing (see discussion on key differences between public hearings vs. public meetings from June 2020 Town Hall meeting); recommend approval by Planning Commission, with potential for appeal to City Council. (currently requires public hearings at both PC and CC.)
- *2.07 Alternative Compliance.* Administrative process added to improve flexibility and create a clear organizational structure and process for “alternative compliance” – when staff can accept designs that were not anticipated by the standards, but that equally or better serve the objective. Throughout the code, design objectives are established to assist staff with determining the applicability of alternative compliance to specific situations.

Article 3– Subdivision Standards.

This article provides planning, engineering, and urban design standards for larger-scale development projects. It establishes development patterns and infrastructure requirements as land is divided and ownership fractures. The changes in this code update are to reflect more “urban design” elements into the planning and development process at this key preliminary stage of development. This responds to Picture Fort Lupton’s call for strengthening the character of different places in the community and improvements to community image with the “pubic realm” design (streets and open spaces).

Specific provisions to note include:

- *Generally.* Reorganized all of the subdivision standards on four key components of large-scale development patterns – Streets, Open Space, Blocks & Lots, and Required Improvements (infrastructure).

- **3.01. Streets.** The current subdivision regulations are weak on planning and urban design standards, and defer to the Standards and Specifications Manual. This document is traffic-focused and based strictly on functional class of streets. The current neighborhood and commercial design standards attempt to reconcile this with a number of different streetscape design standards. The recommended draft subdivision regulations address this with the following changes:
 - Refined standards for street connectivity, to distinguish different contexts in the plan – primarily distinguishing walkable areas and car-oriented areas (3.01.B. / Table 3-2)
 - Add specific street design types for walkable neighborhoods or mixed use contexts.
 - All street sections defer to the Standards and Specifications Manual for the construction specifications, but use the subdivision design standards to modify the planning and urban design features for specific contexts.
- **3.02. Open & Civic Space.** Emphasize open space as a key image and development pattern element of all projects. Improve criteria to link open space systems across projects and establish more context-appropriate open space standards.
 - Incorporate the current public dedication (10 acre / 1,000 people);
 - Replace the current vague common open space standards to a specific rate (4 acre / 1,000 for larger scale residential projects and a % basis for non-residential projects)
 - Coordinate all of the open space standards – from subdivision scale to block/project scale to site/building scale to allow greater efficiencies and credits for planning and integrating larger-scale open space systems into the project.
- **3.04 Required Improvements.** This section captures most things currently in the standard development agreement for required improvements. It may reduce the need to rely on separate development agreements for every project, unless the agreements modify what is codified. It also includes an option for upsizing and apportioning costs when the City spots an opportunity to coordinate improvements that serve other areas.
- **3.05. Community Facilities & Fees.** Added section to allow reservation of land and negotiated acquisition for any facilities that are beyond what a project may be required to build and dedicate.

Article 4– Zoning Districts and Uses.

This article establishes the zoning districts to be used to implement Picture Fort Lupton, and specifies land uses that are allowed in each district. Uses are allowed “by right” subject to the applicable district development and design standards, or are permitted through a special use permit application process, which evaluates the specific use based on context. Some uses are called out for specific standards unique to that use.

This article includes few revisions of current standards with the exception of the following:

- It focuses purely on land use, and the zoning district development standards are shifted to Articles 5 (residential) and Article 6 (non-residential districts). See notes below on these articles for specific changes recommended.

- Overall, there is a strategy to become more general with the allowed uses, but refining more within these general use categories based on scale, format and potential impact of uses. This strategy promotes more mixed-use contexts, in exchange for the greater attention to the scale, format and design of uses. Specific changes corresponding with this approach include:
 - A new downtown district (DT) is recommended based on the comprehensive plan. Currently it is zoned C-1, but C-1 is generally a limited commercial district for neighborhood-scale and intensity of uses, while C-2 is for larger-scale, high-intensity uses. Neither is directly appropriate with downtown, which can accommodate smaller scale, but higher-intensity commercial uses in a compact, walkable format. Further, block-by-block building form and design standards are recommended for downtown in Article 6, as called for in the comprehensive plan.
 - Corresponding to the above new D-T, the C-1 district is refocused more specifically on neighborhood-oriented commercial. This corresponds to the commercial nodes identified in the comprehensive plan.
 - The R-2 district is expanded more from just duplexes to reflect a broader range of “missing middle” housing (small-scale multi-unit buildings) in a mixed-density neighborhood setting.
 - The R-O district (currently residential and office), is refocused more as a “mixed-use” district with a mixed-density residential, small-scale retail, and office intended for a walkable context.
 - Recommend more permissive treatment of accessory dwelling units in R-2, R-3, and A by allowing them as an accessory use, but still maintaining a special use permit review for accessory dwellings in R-1 and R-1A.
 - Chapter 9 – Oil and Gas Exploration and Development is repealed, and moved to this Article as a special use permit in all zone districts. Some additional standards for setbacks and buffering and incorporated into Article 4 as well.

Article 5– Residential Development Standards.

This article includes all of the development and design standards for residential neighborhoods. It consolidates the current residential development standards and the residential design standards (now in a separate document). The design standards are simplified for specific districts, specific contexts, or specific building types.

Sections and recommendations to note are:

- *5.02. Residential Building Types.* The current standards are a mix of district and building type standards; the proposed revisions shift to a “building type” approach, and has a greater emphasis on “missing middle” housing – higher-density, smaller-scale, multi-unit projects. Changes impacting the existing residential districts (See Table 5-1):
 - A district - Allowing the estate lot (40K s.f.). This corresponds with the recommendation for a “Conservation Pattern” (see below). It can accommodate rural neighborhoods,

with smaller lots, but arranged around more consolidated open space systems that reserve agriculture or rural (i.e. equestrian) amenities for neighborhoods.

- o R-1 District – no change
- o R-1A district – no change
- o R-2 district – adding more “missing middle” (small-scale multi-unit buildings) including a small lot detached house, allowing 3-plex and 4-plex options, row houses, and a small apartment building.
- o R-3 District– no change; however the shift to a “building type” approach more emphasis will be placed on how a variety of “multi-family” buildings and uses come together and contribute to a neighborhood. Further, large-scale multi-family projects will receive more scrutiny for how they are integrated into a broader range of housing and neighborhoods, as opposed to just being conceived as a project that needs to be buffered and separated from adjacent uses.
- **5.03 Design Standards.** The current standards are difficult to interpret and administer. Many of the larger-scale neighborhood planning and community design elements addressed in that document have been incorporated into Article 3, subdivisions standards (Street design and open space). Therefore, the standards in Article 5 re-organize and focus the current standards in a more simple approach to how different building types coordinate into the blocks and lots. They are grouped under the following topics – frontage design, building design, and block and lot open space.
 - o **5.03.A. Frontage Design** – emphasizes standards on garage and driveway placement. Current standard (45% garage limit) would be relaxed for larger lot or suburban contexts (new “Suburban Frontage” type) but would be slightly increased for mixed-density and walkable neighborhoods (“Neighborhood Frontage:” type, which reflects current standards with slightly greater restrictions.) There is also a new option (“Terrace Frontage” type) which would allow residential buildings to be placed even closer to the front lot line in exchange for stronger requirements that push the car access and garages to the backs of lots. These standards would provide options for different contexts and are based on the width of lots. They become more important with the addition of the smaller and narrower lots in Section 5.02.
 - o **5.03.B. Building Design** – includes topics addressed in various ways throughout the current residential design standards, but coordinates them in one section. Topics are grouped in three main objectives; breaking down the scale and massing of the building; creating transparency (windows and doors); and avoiding blank walls (by adding materials and architectural details). Objective standards and benchmarks are established for each of these objectives by using two categories of buildings – small and large (3.05.B.2. / Table 5-4). Then, guidelines are established for a wide range of design strategies and techniques that can be used to meet these objective standards. (24-305.c.2.(a) – (c)).
 - o **5.03.D Block and Lot Open Space.** This section would establish design standards for specific lot and building open spaces to ensure “useable open space” for all residences, beyond just meeting setbacks. Depending on the scale of the project and its location, exceptions may be given for coordinating with public or common open spaces required by 3.02 Open and Civic Spaces.

- Exceptions and alternative compliance criteria specific to each of these provisions are established at the end of each sub-section. These sections supplement the administrative discretion provided by alternative compliance generally in 2.07.
- *5.04. Courtyard Pattern.* This pattern is a specific infill strategy, but it can also be used in new developments. It grants an exception to the requirement that lots front a street and allows a slight lot size reduction. This pattern combines the “missing middle” housing options and the smaller formal open space options into a particular type of residential development that can increase housing options while supplying a higher level of neighborhood design.
- *5.05. Conservation Pattern.* This pattern is introduced to blend the previous “Estate Residential” (E) district, with the Agriculture (A) district. The “E district was discontinued under the previous code, likely due to the inefficiency and difficulty for getting adequate infrastructure in exclusively large-lot residential areas. To balance this, and to integrate housing into contexts where people truly desire a rural residential setting (which may include agriculture uses), the conservation pattern can introduce smaller lots into these areas in exchange for greater amounts of coordinated open space – whether for agriculture, rural, or natural area conservation.
- *5.06. Manufactured and Small Format Housing District.* This reflects the existing MH district but includes changes in the following significant ways:
 - It improves the neighborhood / community design of these projects based on the same principles applied to all neighborhoods – emphasizing the streets and open spaces and improving the relation of housing sites and buildings to those spaces;
 - It reduces the overall project size to allow projects to fit into more areas;
 - It aligns the density and lot sizes with sizes more comparable typical manufactured housing sites;
 - It broadens the applicability of this district to more types of small format housing (i.e. not just conventional “mobile home” formats.), that meet the same scale, pattern, design and intensity standards.

Article 6– Non-residential Development Standards.

This article includes all of the development and design standards for non-residential development. Similar to Article 5, Residential Development Standards, it consolidates the various zoning district standards from the current code and the commercial and industrial design standards from a separate document. The topics of the design standards are all addressed in the current design standards, but are not coordinated for any particular context and are difficult to follow.

Specific sections to note include:

- *6.02 - Non-residential Zoning District Standards.* Incorporates the existing district standards, but adds new DT district and repurposes C-1 more directly to neighborhood-oriented commercial (see Article 4 comments above.)
- *6.03. Non-residential Design Standards.* Based on the comprehensive plan, code analysis, and discussion of the case studies earlier in the process, the recommended strategy is to

“bundle” most of the building and design standards into packages that escalate the closer the building is placed to the street. Key aspects of this strategy include:

- o It builds on topics already regulated in the current commercial and industrial design standards, but simplifies them into building placement and orientation, transparency, facade design.
- o It increases the human-scale requirements beyond current standards for buildings closest to the street; but it relaxes them from current requirements for buildings far removed from the street and with little impact on public spaces.
- o It provides options for street-front buildings as well as allows for the existing commercial districts to maintain the default to more car-oriented patterns (C-1 and C-2) 25’ or more setback, with basic building design standards to reflect existing standards); The R-O and DT district have default standards for more pedestrian-oriented patterns (0’ – 10’ setback, with enhanced human scale design), but allows options for more relaxed standards in specific cases.
- o It creates a simple approach to more nuanced building form and design standards for specific areas, based on a block-by-block urban design plan.
- **6.04. Block and Lot Open Space.** This proposed section establishes design standards for specific lot and building open spaces to coordinate with the objectives for the space – whether to buffer and separate the site from adjacent areas; to screen high-impact areas; to improve aesthetics; or to provide compact and formal social spaces, allowing various objectives to be emphasized, based on the context and relationship to any public or common open spaces required by 3.02 Open and Civic Spaces.

Article 7– Access & Parking.

This article provides parking standards, along with related standards for access, pedestrian, vehicle and bicycle circulation. The changes in this section from the current code are designed to coordinate with proposed changes to street design standards (3.02), frontage design standards (5.03.b and 6.03.b) and landscape standards (Article 8). Improvements are aimed to “right size” parking requirements for the context and increase flexibility.

Specific sections to note include:

- **7.02. Access & Circulation.** Coordinating access (width and spacing) and other pedestrian and vehicle access standards with the context and different street types initiated in Article 3, Section 3.01.
- **7.03.B Required Parking, Maximum Parking.** Incorporating the current parking maximums, but requiring a range of mitigating options for any parking request that substantially exceeds the required minimum parking.
- **7.03.C. Required Parking, Parking Reductions.** Incorporating existing flexibility for parking, but adding specific criteria and parameters for certain situations – specifically new emphasis on on-street parking, bicycle parking (and a specific bicycle parking requirement in 24-703.d, and shared parking (with a default shared parking schedule).

- *24-704 Parking Design.* Coordinating parking and landscape design (see Article 8), but adjusting the size and placement of landscape areas based on the location (front, side or rear) of the parking lot, and based on the size of the parking lot.
- *24-706. Alternate Access & Parking Plan.* Allowing increased flexibility for any of the standards based on a plan for the specific context and uses involved. These plans allow different thresholds of deviations from the standards for staff review and Planning Commission review.

Article 8– Landscape.

This article incorporates many of the provisions from the commercial and residential design standards; however it integrates site-specific landscape with the larger scale design that is addressed through streetscape design (Section 3.01) and open space design (Section 3.02.). Other sections from the current development code and commercial or residential design standards are incorporated into the fence (8.05) and outdoor lighting (8.06) sections.

Specific sections to note include:

- o *8.02 Landscape Design* – this section provides a simple landscape budget based on the extent of different components of the site including – streetscape & lot frontages; building foundations; parking areas; buffers; and lot-specific open spaces. Design and location criteria and credits for existing vegetation help create more efficient and effective site and landscape plans, based on the intent of this section.
- o *8.03 Buffer Design* – this section creates buffers of varying intensity for typical situations where different buffer strategies are needed. It also includes performance criteria for screening and mitigating certain high-impact areas that are common on many sites.
- o *8.04 Plant Specifications* – this section includes criteria that will ensure the survival and maintenance of landscape investments through and beyond the development process. It also includes criteria for xeric planting designs based on the Denver Regional Council of Governments water wise programs.
- o *8.07 Alternative Compliance* – allows for flexible implementation and consideration of alternatives based on the intent and design objectives of these standards, and according to the administrative review process established in Section 2.07.

Article 9– Signs.

This article incorporates the current sign standards, but reorganizes and simplifies them in the following ways:

- o It consolidates signs into fewer general types to establish a sign budget for all sites that is easier to administer. (9.03 and 9.04)
- o It bases sign allowances more closely off the scale of the lot or building, with many standards based on frontage widths.

- o It includes a more content-neutral approach to many different signs – particularly for temporary signs. This is required by statute statutes and incorporates some of the guidance from recent land use and First amendment cases regarding sign standards.
- o It focuses most of the standards more directly on objective scale and location standards, but it does include some more flexible but subjective guidance to help address some of the design and appearance issues for signs (9.07)
- o It incorporates the overall approach to flexibility towards design standards through the alternative compliance provisions (9.08).

Article 10– Supplemental Standards.

This article is reserved for special topic regulations that either are not limited to a particular district or area or that are very detailed and warrant their own section out of the structure). Changes to the organization, language and format were made match the overall development code structure and format. There are no anticipated changes topics that will be coordinated in this article. It can also serve as a placeholder for any new issues or topics that come along that cannot be easily integrated into the overall code structure.

Article 11– Definitions

This section consolidates all definitions in one section. Some definitions were omitted due to one of the following: the plain and ordinary usage of the term was sufficient; or the term was no longer used in the code due to simplifying language. Otherwise, this section is organized under 3 subsections:

- *Descriptions of Uses. 11.01.* Uses are better “described” than defined. This subtle nuance is important for interpretation of the code, as it enables more descriptive parameters for any of the uses without limiting the use to specifics. As new or similar uses come along, the most comparable set of described uses can control provided it is a similar nature, scale, operation and potential impacts. This would limit code revisions to truly new and uses not previously anticipated, and reduce the need to amend the individual zone districts for specific uses.
- *Glossary of Design Terms 11.02.* This code includes many design elements, some from the existing design standards and others newly introduced to emphasize something from the Picture Fort Lupton Comprehensive Plan. These terms often address subjective elements that are not well-served by a narrow definition and therefore involve a blend of definitions, techniques, strategies, or criteria. Due to the flexible nature of design terms along with the desire to raise expectations and standards in this code, the design terms are called out for special treatment as a “glossary,” rather than simple definitions.
- *Definitions. 11.03* Terms that have a specific meaning in this code; often a meaning beyond the plain and ordinary usage or a meaning that is not widely known by users of the code, and therefore the definition is helpful to interpret and apply the code.

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SECTION MAP & SUMMARY – ARTICLE 4 ZONING DISTRICTS & USES		
DRAFT DEVELOPMENT CODE	EXISTING CODE [RELEVANT SECTIONS]	SUMMARY
4.01 Zoning Districts		
A. Intent	16-30 District and Zoning Map Various sections (intent statements of 16-32 through 16-45)	No substantive changes, but improved description of districts relative to physical patterns, form and design characteristics of each district to better distinguish. Consolidated all zoning district intent statements in associate with revised approach to development standards (better organization and easier comparison of different between districts) Also added "Relationship to Comprehensive Plan" element to provide more specific link to Picture Fort Lupton. This is a non-regulatory provision that can be used as a better guide to applying the districts.
B. Official Zoning Map	16-30 District and Zoning Map	Simplified with no substantive change; many items in current section are incorporated into the rules of construction in Chapter 1 or procedures in Chapter 2
4.02 Allowed Uses		
A. Use Table	New – currently each district has a long list of permitted uses and between the districts there is often overlap, gaps or interpretation issues. This provides a more systematic categorization of all districts, and better comparison and distinctions between districts. (16-32 through 16-44 – permitted and special use lists)	Generalized some uses where there was no distinction between the districts they were enabled in, but distinguished other uses by scale and intensity to better refine allowances for the character of different districts – this could allow for greater restrictions on some uses (at larger scales) but more allowances for other uses (at smaller scales). In general, all of the same or similar uses of the current code should be allowed in all of the districts, but the form / format of some may change. Notable changes include: • Add new downtown district to emphasize compact, walkable, regional • Re-characterize other districts (RO – mixed use, neighborhood scale; C-1 neighborhood scale; C-2 regional scale) • Added "established residential" to non-residential districts to allow reinvestment in existing non-conforming houses as residences. Currently listed as "residential uses in existing structures" in C-1 and I-1
4.03 Accessory Uses		
A. Accessory Uses, Generally	16-62 Accessory buildings and uses	Separation of "buildings" and "uses" based on reorganization (uses in Art. 4; development standards in Art. 5 or Art. 6). Broadened and emphasized general criteria for accessory uses to handle a wide range of non-mentioned accessory uses and site conditions. Added some specific conditions for some accessory uses to allow more flexibility:
B. Accessory Dwelling	16-62.e.	Changed the size parameters (current 850 max) to be more scaled to the lot and building (50% up to 1,200 max); connected with compatibility and design standards for residential buildings in Article 5. Removed requirement for 1K additional s.f. to lot – impractical once platted, and better ways to scale building to lot and principle building. Recommend being more permissive of ADUs – at least allowing (subject to standards) in R-2, R-3, and A. Consider similar strategy in R-1 or R-1A, but this draft leaves as SUP only.
C. Home Occupation	16-65 Home Occupations	No substantive changes
D. Small Wind Energy Facilities	SUP in various districts 16-32 through 16-44	Current small wind energy facilities only allowed by SUP generalized to "renewable energy facilities" where some are allowed as permitted accessory use and larger or more prominent require SUP review.
E. Craft Food & Beverage Manufacturing	new	Added to create more flexibility for manufacturing associated with retail / restaurant uses... See counterpart "artisan manufacturing" to promote retail / customer service as a component some small scale manufacturing uses, and then allowing "manufacturing" in more zoning districts.
F. Outdoor Storage, Non-residential	new	Added to distinguish some component of non-residential outdoor storage with all uses, vs. "outdoor storage" as a principal use of land.
G. Outdoor Display and Service Areas	new	Added to distinguish some component of outdoor display and service with all commercial uses (and tiers of typical accessory allowances), from "outdoor sales" or uses that always have a significant and continuous component of outdoor sales as a principal use of land.

SECTION MAP & SUMMARY – ARTICLE 4 ZONING DISTRICTS & USES		
DRAFT DEVELOPMENT CODE	EXISTING CODE [RELEVANT SECTIONS]	SUMMARY
H. Accessory Drive-Through	new (but listed as permitted use in C-1 (16-40(d)(16))	Added to emphasize “drive-through” is not a land use, but a component of different land uses (i.e. bank, dry cleaners, pharmacy, or restaurant); standards then emphasize design and location based on district, context, street type, and facility type, rather than just on the particular zoning district or specific land use.
I. Recycling Collection Point	new	Added to reflect typical circumstances and remove confusion for larger scale “waste / recycling” uses by SUP only.
4.04 Use Specific Standards		
A. Residential Care	New	New sections based on new approach to land uses. With more generalized and flexible approach to permitted uses, it is based on the following: • More specific form and urban design standards, that can reduce the need to regulate specific uses; • Not rely on the assumption that certain uses always accompany a particular format. • Place more emphasis on the scale and format of general uses to determine appropriateness in certain districts, rather than a specific district. In association with this, some specific uses will have known or anticipated impacts, and specific design standards or performance criteria can be written to raise expectations for those uses and mitigate potential impacts or unintended consequences from a general or flexible approach to uses overall. These sections begin to address some of those, but it is likely that this section may expand over time as new issues are encountered or specific circumstances arise where the general design standards (site, building, parking/access, landscape) to not suffice and standards for a particular use are needed.
B. Manufactured Homes		
C. Lodging – Bed & Breakfast		
D. Recreation & Entertainment - Outdoor		
E. Storage & Warehousing - Outdoor		
4.05 District Performance Standards		
Table 4-3	New, but based off similar char in I-1 and I-2 (16-42 and 16-43)	Broadened generic “anti-nuisance” standards (related to approach in 4.04 as a “catch-all” mitigation strategy) and make it generally applicable to all districts equally; standards are refined based on the intended scale and intensity of each zoning district..

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SECTION MAP & SUMMARY – ARTICLE 5 RESIDENTIAL DEVELOPMENT STANDARDS		
DRAFT DEVELOPMENT CODE	EXISTING CODE [RELEVANT SECTIONS]	SUMMARY
5.01 Intent & Applicability		
A. Intent	Various sections of Residential Design Standards: Section I.B. Purpose; Section III.A. Applicability	Compiled from various sections to establish the intent and set up the new approach for all residential development standards
B. Applicability		
5.02 Residential Building Types		
A. Building Types and Development Standards	16-32 through 16-38	Converted all of the current residential development standards to a complete range of building types. These roughly parallel current district standards or current building-specific standards where they are included in the current code. Some lot sizes, building heights and lot open space requirements were adjusted to better reflect the specific scale of the projects. The most notable changes are: - R-2 now 3 new options in limited applications – Small lot, Row house and Apartment – small lot - R-3 includes a much broader range of “missing middle” housing types – specifically multi-unit houses, row houses, and small apartments. [Note: by extension of R-3, the R-O Residential Office will allow a full range of small-scale, multi-unit houses, along with small-scale office and commercial to become more of a “mixed-use” district]. Specific but limited enabling of smaller lot options – Small lot (3K to 4.5K lot) and small format (1.5K to 3K) based on prototypes and precedents studied from other projects.
B. Dimension Exceptions	16-61 Yards and setbacks	Expanded to address a broader range of exceptions to the setbacks in coordination with the design standards in 5.03
C. Accessory Buildings - Residential	16-62 Accessory Buildings and Uses	Refined by different types of buildings and scaled the allowances to the lot sizes to permit more options. There are typical to various scenarios dependent on the context – particularly the greater allowances for ag or larger lot development. Added design standards for the “secondary building” to require detached buildings of a certain size to have some basic design and compatibility standards related to the principal building.
5.03 Neighborhood Design Standards		
A. Frontage Design	Residential Design Standards – various sections (Section III.G. Blocks & Lots; Section III.H Streetscape Design Standards; Section IV.D Residential Garage Placement & Design)	A new, more comprehensive but focused approach to many issues addressed in current residential design standards – particularly garage limitations. This approach presents the following refinements - The suburban frontage relaxes the current garage limits to account for more conventional suburban projects (limited to R-1 and R-1A) - The neighborhood frontage slightly increases the current standards to promote more walkable areas and be used where narrower lots or a greater variety of housing options is permitted (R-2 and R-3) - The terrace frontage allows for reduced setbacks in more compact, higher-density walkable or mixed-used contexts - The buffer frontage is for large scape residential or permitted non-residential uses where large parking or large complexes may occur, and where landscape buffers along the street are the promoted design.
B. Building Design	Residential Design Standards – various sections (Section IV.C. Mix of Residential Lot Dimensions; Section IV. E. Mix of Different Housing Models Required; Section IV, F Mix of Roof Colors; Section IV, G Rear Elevations, Section IV, H Multi-Family Housing	New approach focusing on a few key elements of building design – massing (volume of buildable areas); modulation (composition and breaking up blank walls); transparency (connecting to outside with windows and doors); and materials. Using a similar structure this section sets the intent / design objective; establishes a measureable objective standard; identifies a range of design strategies that may be used to meet that standard; and then allows for alternative compliance when something not listed or something not technically meeting the standard would serve the objective equally or better. This section is derived from the similar range of topics in the current regulations.

SECTION MAP & SUMMARY – ARTICLE 5 RESIDENTIAL DEVELOPMENT STANDARDS		
DRAFT DEVELOPMENT CODE	EXISTING CODE [RELEVANT SECTIONS]	SUMMARY
	Types, Section IV, I Incentives for Mix of Housing Types)	
C. Block & Lot Open Space Design	16-32 through 16-38 (building coverages Neighborhood Design Standards Section III.B Provision of Neighborhood Features; Section III.C Open Space; Section III.D. Stream Corridor, Irrigation Canals & Wetland Preservation standards.	Several sections in the current code and design standards address the topic of open space and open space design, but are not well coordinated. This section refines what can count to this requirement at the lot scale and adds more small and formal options for the smaller lot building types (which have lessor on lot open space requirements). It also establishes connections to the next larger scales – Common areas and public open space in Section 3.02 – Open and Civic Spaces
5.04 Courtyard Pattern		
A. Design Objective B. Applicability C. Eligible Building Types D. Design Standards & Exceptions	New - Option to merge open space concepts with opportunities for different housing options and smaller lots in walkable settings.	This is a new provision combining two elements from the existing code into a specific pattern option – the building types (and particularly new building types) and arranging them around a specific “neighborhood identity feature” – the courtyard. It can be particularly applicable for infill areas and integrating houses on deeper blocks, but also an added neighborhood design feature in new neighborhoods. It offers a reduction in lot sizes for enhanced courtyard designs – essentially “layering” the front yard / frontages of multiple building in a single space with more design amenities.
5.05 Conservation Pattern		
A. Design Objective B. Applicability C. Density Bonus D. Lot Sizes & Building Types E. Open Space	New - Option to merge open space concepts with opportunities for different housing options and smaller lots in rural settings.	This is a new provision that can replace the discontinued E district and allow more housing options in rural or agriculture centered projects. Through a planned process, it sets default density bonuses in exchange for certain thresholds of preserved open space – serving rural, environmental, recreation, or agricultural preservation goals..
5.06 Small Format & Manufactured Housing District		
A. Intent B. Applicability C. Development Standards D. Uses E. Common Areas F. Building Design G. Landscape & Parking Design H. Utilities & Services I. Subdivisions	16-38 M-H Mobile Home Community District	This section is a reorganization of the current manufactured housing district to broaden the application to a wider range of small format housing. The changes are in a few key areas: - Allowing a broader range of small housing options (not just a conventional trailer / manufactured house options) to coordinate with the new Detached House – Compact Lot (1.5K s.f. lot) option in 5.02.A - Allowing smaller project threshold (and larger densities (current 7unit/acre base could go up to 15 units per acre with 30% or more open space; this aligns with applying the 1.5K compact home site to a typical development scenario). These densities are more in range with the typical yield from this smaller home site. - Requiring more specific designs for the common amenity areas and allowing the density to escalate at a particular threshold of this space.

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SECTION MAP & SUMMARY – ARTICLE 6 NONRESIDENTIAL DEVELOPMENT STANDARDS		
DRAFT DEVELOPMENT CODE	EXISTING CODE [RELEVANT SECTIONS]	SUMMARY
6.01 Intent & Applicability		
A. Intent	Various sections of Commercial & Industrial Design Standards: Section I.B. Purpose; Section I.C. Applicability	Compiled from various sections to establish the intent and set up the new approach for all residential development standards
B. Applicability		
6.02 Building Types		
A. District Lot and Building Standards	16-39 through 16-43 (district standards)	Consolidated all non-residential development standards (lot size, setbacks, building height, etc.) to a single table for better comparisons among districts. No substantive changes, except: • Converted C-1 to a DT district for downtown to account for more compact, walkable urban design and form • Repurposed C-1 to be more neighborhood-serving scale. • Include maximum lot-size in RO, C-1 and DT to ensure small scale patterns that are the intent of each district • Coordinate front setback standards with a more flexible, context-based design strategy of “Frontage types” (see 6.03.A)
B. Dimension Exceptions	16-61 Yards and setbacks	Expanded to address a broader range of exceptions to the setbacks in coordination with the design standards in 6.03
C. Accessory Buildings - Nonresidential	16-62 Accessory Buildings and Uses	Refined to two types – minor structure with lessor standards and secondary building with more specific standards.
6.03 Design Standards		
A. Frontage Design	Commercial & Industrial Design Standards – various sections (Section III.A. Site Planning; Section III.B Vehicular and Pedestrian Circulation; Section III.I Crime Prevention Through Environmental Design; Section IV.A Architectural Design	Urban design concept is based on the block-specific context of a site, and coordinates the design standards among three defining elements – (1) streetscape design (car-oriented vs. pedestrian-oriented); (2) building placement (far from the street vs. near street); and (3) façade design (large-scale, remote vs. human scale; permeable). The current standards try to address these in a universal way and either results in important provisions being relaxed because they are not appropriate in all contexts, or some standards applying to contexts where they are not important – and sometimes both issues at the same time. Design objectives (specific desired outcomes) and an “alternative compliance process allow for better and flexible implantation of these important design fundamentals.
B. Building Design	Commercial & Industrial Design Standards – various sections (Section III.A. Site Planning; Section III.B Vehicular and Pedestrian Circulation; Section III.I Crime Prevention Through Environmental Design; Section IV.A Architectural Design	Converted to basic form, scale, and massing standards based on the frontage types (see above). These are architecturally neutral, and focus on objective, measurable items. Design objectives (specific desired outcomes) and an “alternative compliance process allow for better and flexible implantation of these important design fundamentals.
C. Block & Lot Open Space Design	16-39 through 16-43 (district standards) 16-61 Yards and setbacks Commercial & Industrial Design Standards – various sections (Section III.A. Site Planning	Coordinated site and lot open space with the larger civic space systems (parks, greens, plazas, courtyards) implemented in the Subdivision Regulations (see Section 3.02). Promote smaller, better-designed active and social spaces. Establish standards tailored to context – smaller, compact, formal spaces in walkable areas where open space serves as focal points; larger, landscape-heavy standards for more intense, large-scale or car-oriented areas where open space serves to separate, buffer and mitigate adverse impacts of projects.
6.04 Specific Frontage & Design Plans		

SECTION MAP & SUMMARY – ARTICLE 6 NONRESIDENTIAL DEVELOPMENT STANDARDS		
DRAFT DEVELOPMENT CODE	EXISTING CODE [RELEVANT SECTIONS]	SUMMARY
A. Downtown (DT) District Frontage and Design Plan	New – Specific form and design standards on a block-by-block basis	This is a new provision to implement the provision of the comp plan to explore form-based code concepts for downtown. It applies the frontage and building design standards of 6.03 to this specific area on a block-by-block basis (rather than to allow the default rules and flexibility of that approach apply). The distinctions on different blocks were based on a general survey of the conditions in terms of quality of the public realm / streetscape; existing scale and patterns of buildings; and areas where likely expansion / preservation of the downtown design characteristics are possible.
B. Reserved	[future]	The same concept applied to downtown can be used for new development projects, or to implement specific plans for infill and redevelopment in other areas. In each case, the general default standards in 6.03 can be applied to a particular plan or area, based on the parameters in the code and the general criteria in 6.04.

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SECTION MAP & SUMMARY – ARTICLE 7 ACCESS & PARKING		
DRAFT DEVELOPMENT CODE	EXISTING CODE [RELEVANT SECTIONS]	SUMMARY
7.01 Intent & Applicability		
A. Intent	new	Added to set context, guide interpretation, and support discretion in all of the Access and Parking standards.
B. Applicability	16-84 Application	Revised to add more nuance and coordinate when upgraded standards would apply based on level of investment occurring on the site. This coordinates with the revised approach to non-conformances in Section 1.05.
7.02 Access & Circulation		
A. Driveways	16-81 Off-street parking and street access surface improvement requirements. 16-87(a) and (b) Chapter 6 & 8 Standards & Specifications Manual (8.11)	This section roughly coordinates with some of the standards in the Standards & Specifications Manual – however, reflects 3 different things: (1) it attempts to reconcile some areas where there are conflicts in those standards; (2) adds some specificity where the standards are subjective, and bases more specific standards on the lot and building standards in the development code; and (3) allow flexibility based on guidance proved between various city documents that touch on lot and block access.
B. Sidewalks	new	Added to emphasize pedestrian access as an important part of site design with different sidewalk sizes based on the scale of sites and buildings (these replicate public sidewalk sizes based on street types in Section 3.01)
C. Alternative Compliance	new	Added to guide flexibility based on design objectives and specific criteria.
7.03 Required Parking		
A. Vehicle Parking Rates	16-82 Minimum off-street parking requirements	No substantive changes but expanded to have more nuance between different types of specific uses and for clarifications or additions to aid interpretation.
B. Maximum parking	new	Added to emphasize parking efficiency and reduce parking surfaces; added mitigating requirements for when uses are exceeding amount of required parking by significant amounts.
C. Parking Reductions	16-82(a) (downtown exemptions); others added. See also 16-85 for off-site parking and 16-86 for joint parking	Some reductions are existing and some new to add reductions for typical scenarios. This adds flexibility to get to the “optimal” parking requirement for any particular site.
D. Shared Parking	16-86 Joint parking facilities	Current section only allows joint facilities (location sharing) with no reductions do to peak time sharing. Added default shared parking as a starting point (based on ULI model), but allow different detailed parking studies to establish different shared parking arrangements
E. Bicycle Parking	16-87(e) Bicycle Parking	Revised to have more context- and use-appropriate standards; but also base parking requirement for common bicycle destinations in areas on access to bicycle transportation facilities (triggered based on city transportation plans/bicycle investments)
F. Accessible parking	16-88 Handicap Parking	Restates existing requirement in specific sub-section
7.04 Parking Design		
A. Paring Landscape Design Objectives	new (but see 16-81 and 16-87)	Added to guide interpretation and improve flexibility with specific design objectives and criteria; many similar objectives are scattered in existing Article IV, Parking and are phrased as vague or subjective performance criteria.
B. Location, Size, and Landscape Area	16-87(d) Off-street Parking space construction, landscaping and maintenance, Layout	This section includes specific standards for landscape and frontages landscape standards based on the size of the parking area and location of the parking area (see Article 8 for adjustments to the actual planting requirements). Smaller lots or lots located in the back likely have a reduced landscape requirement from current standards, and larger lots or lots in front likely have an increased standards.
C. Sidewalks		Added to emphasize internal sidewalks and circulation in coordination with 7.02.B. above. (particularly for larger sites)
D. Parking Dimensions	16-87(c) Parking Stall Dimensions	No substantive changes but updated to reflect more options and based standards on typical site plan criteria.

SECTION MAP & SUMMARY – ARTICLE 7 ACCESS & PARKING		
DRAFT DEVELOPMENT CODE	EXISTING CODE [RELEVANT SECTIONS]	SUMMARY
E. General Design Standards	16-81 Off-street parking and street access surface improvement requirements	Reorganization of some of the remaining functional or construction-type standards associated with parking areas.
7.05 Loading Areas		
A. Loading Requirements B. Mixed Use Buildings or Districts	16-83 Off street Loading spaces	No substantive changes but added exceptions for specific contexts where loading areas not necessary, and added flexibility for alternatives approved in site plan.
7.06 Alternative Compliance		
A. Alternative Access & Parking Plans B. Deferral of Required Spaces	new	Added based on overall code approach to flexibility in site and building design process - guide flexibility based on design objectives and specific criteria

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SECTION MAP & SUMMARY – ARTICLE 8 LANDSCAPE & SITE DESIGN		
DRAFT DEVELOPMENT CODE	EXISTING CODE [RELEVANT SECTIONS]	SUMMARY
8.01 Intent & Applicability		
A. Intent	n/a, but see Comprehensive Plan landscape, screening, or civic space guidelines in sub-area plans	Many of these provisions are implied in various performance standards in the Residential and Commercial Design standards. They are consolidated here to give context to the standards (link to comp plan goals), and to aid interpretation and application of the standards, and to guide any discretion in applying the standards or approving alternatives.
B. Applicability	n/a, relevant sections on landscape in the zoning or design standards do not have any specific applicability provisions.	This is added to give more nuance to when the new and revised standards would apply, allowing compliance with the standards to be tailored more to the amount of work and/or level of investment occurring on the site. (full compliance for new buildings / full redevelopment vs. scaled for partial redevelopment, or none if no site work occurring.)
8.02 Landscape Design		
A. Design Objectives	n/a/	Compiled from several generic or vague “performance standards” in the current design standards (residential and commercial). These give desired outcomes specific to landscape design to guide any discretion or flexibility in the landscape standards, and are used to evaluate Alternative Compliance to the standards.
B. Planting Requirements	16-173(b)(1)b (site plan / landscape plant 16-87(d) (parking lot landscape) Residential Design Standards, Section III.H.3. Streetscape (Street Trees) Commercial Design Standards, Section III.A. Site Planning (vague, generic performance standards on landscape scattered throughout) Commercial Design Standards III.G Landscaping (streetscape, parking, buffers, and building site)	Established landscape standards for specific components of a site based on general categories of the design standards (streetscape, parking, building area, buffers, and open space). The current standards require a formal landscape plan, but other than landscape required for parking areas, the zoning ordinance does not have any standards. The design standards (commercial and residential) have landscape requirements scattered throughout, but it is difficult to determine a specific plant requirement. The street tree standards are referenced in several sections of all three codes (zoning, commercial design, residential design) and range from 1 per 20’ to 1 per 40’. This section reconciles that with 1 per 35’ for larger trees, or a substitute of 2 for 1 for smaller trees. The parking area standards are more specific and more easily measured based on the parking lot size, but will result in a comparable landscape requirement to the current formula (which is difficult to calculate)
C. Credits for Existing Vegetation	Commercial Design Standards, Section III.G.11. Landscaping, Existing Vegetation	Simplified to emphasize preference and create incentive to preserve existing vegetation
D. Design & Location	(same as above – 1. Streetscape, 4. Abutting property, 5. Parking, 6. Building site.)	Revised to consolidate all landscape and design elements for a site in one location; allow the simple and objective plant requirements (8.02.B.) to be laid out in different ways depending on the site; and allow effective site design to count areas to more than one requirement, if based on the higher standard.
E. Alternative Compliance	n/a - new	Added to allow flexibility through administrative or PC site plans (see criteria and process in 2.07).
8.03 Buffer & Screening		
A. Design Objectives		Compiled from several generic or vague “performance standards” in the current design standards (residential and commercial). These give desired outcomes specific to buffers and screening to guide any discretion or flexibility in the landscape standards, and are used to evaluate Alternative Compliance to the standards.
B. Buffer Planting	Residential Design standards, Section III.H.4. Streetscape, Buffers Commercial Design Standards, Section III.G.4. Landscaping, Abutting Property	Developed specific and objective standards for 4 different types of buffers to be applied in different situations. This would replace the current general performance standard but can also be flexibly applied based on the design objectives and the Alternative Compliance allowance that would allow an “equal or better” alternative solution on any particular site.

SECTION MAP & SUMMARY – ARTICLE 8 LANDSCAPE & SITE DESIGN		
DRAFT DEVELOPMENT CODE	EXISTING CODE [RELEVANT SECTIONS]	SUMMARY
C. Buffer Locations	(same as above)	These provisions provide general rules for the different types of buffers needed. Generally the higher intensity use needs to provide the buffer adjacent to the lower-intensity use, and the type of buffer increases the greater the distinction (i.e. Type IV only required if Very High intensity abuts Low intensity).
D. General Screening	(same as above, plus Commercial Design Section III.H. Walls and Fencing, and IV.A.8.d. and e. Building Design, Service, Loading and Trash Areas, and mechanical equipment	Simplified several existing sections to note where the above buffer and screening options should be used to mitigate site specific conditions based on a basic performance standard.
E. Alternative Compliance	n/a - new	Added to allow flexibility through administrative or PC site plans (see criteria and process in 2.07).
8.04 Plant Specifications		
A. Design Objectives		Compiled from several generic or vague “performance standards” in the current design standards (residential and commercial). These give desired outcomes specific to plant specifications to guide any discretion or flexibility in the landscape standards, and are used to evaluate Alternative Compliance to the standards.
B. Species	Residential Design Standards, Exhibit F, Recommended Plant Material List (exhibit A in Commercial)	This will be a general reference to the most recent and most applicable species list; Exhibit F of the Residential Design and Exhibit A of the Commercial Design should be reconciled and verified, the located in one place that is referenced here.
C. Plant Specifications	Commercial Design Standards, Section III.G.8 and 9 Plant species and size standards	Consolidated from various sections to provide minimum size at original planting
D. Tree Diversity	n/a – new section	New, recommended to add health and resiliency for the overall tree canopy; would trigger only at larger planting plans, but over time could ensure resistance against disease or easier treatment or replacement if disease occurs.
E. Xeric Guidelines	Commercial Design Standard, Section III, G.2. Landscaping, Guidelines (xeric); and III.G.7 Landscape Irrigation and Water Conservation	Simplified based on DRCOG Water Wise planting guidelines.
F. Stormwater Treatment	n/a – new section	Added to encouraged dual purpose spaces – stormwater that can serve landscape and civic space needs, and landscape and civic spaces that can perform stormwater functions.
G. Maintenance	Commercial Design Standard, Section G.10. Landscape Maintenance and Replacement	No substantive change but more practical provisions for implementation, maintenance, and enforcement.
H. Alternative Compliance	n/a - new	Added to allow flexibility through administrative or PC site plans (see criteria and process in 2.07).
8.05 Fences & Walls		
A. Design Objectives	n/a - new	Added to give desired outcomes fence designs to guide any discretion or flexibility in the landscape standards, and are used to evaluate Alternative Compliance to the standards.
B. Fences & Wall Design	Article V, Section 16-101 – 110, Fencing Residential Design Standards, Section III.H.5. Streetscape, Fences and Walls	No substantive changes from current standards but reorganized for clarity and simplicity. Some additional flexibility is included for the following: - No height max outside of setbacks (i.e. in building footprint) but subject to building code - Height exception for gateway features - Height exception for security fences and sports and recreation

SECTION MAP & SUMMARY – ARTICLE 8 LANDSCAPE & SITE DESIGN		
DRAFT DEVELOPMENT CODE	EXISTING CODE [RELEVANT SECTIONS]	SUMMARY
	Commercial Design Standards, Section III.H. Walls and Fencing	Perimeter fences coordinated with buffer requirements with more specific design and screening goals (currently just a vague administrative exception)
C. Alternative Compliance	n/a - new	Added to allow flexibility through administrative or PC site plans (see criteria and process in 2.07).
8.06 Outdoor Lighting		
A. Design Objectives	Commercial Design Standards, Section III, E. Exterior Lighting;	Compiled from several generic or vague “performance standards” in the current design standards (residential and commercial). These give desired outcomes specific to lighting to guide any discretion or flexibility in the landscape standards, and are used to evaluate Alternative Compliance to the standards.
B. Mounting Height	Commercial Design Standards, Section III, E. Exterior Lighting;	The zoning ordinance and site plan submittals require submitting lighting plans but does not have any standards other than a general performance standard. This supplements the performance standard in zoning with basic setback and height standards; but coordinates and simplifies very complex, circular, and disorganized standards from the commercial design standards. It eliminates both vague standards and highly specific standards with basic height and location standards.
C. Performance Standards	16-81(f) parking lot lighting Commercial Design Standards, Section III.A.3.h. (commercial) and i. (industrial); and III.E. Exterior Lighting	Compilation of various performance standards referenced in many sections of the design standards, site design criteria, and zoning ordinance, but are simplified to a few basic components of potential light operation or impacts.
D. Alternative Compliance	n/a - new	Added to allow flexibility through administrative or PC site plans (see criteria and process in 2.07).

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SECTION MAP & SUMMARY – ARTICLE 9 SIGNS		
DRAFT DEVELOPMENT CODE	EXISTING CODE [RELEVANT SECTIONS]	SUMMARY
9.01 Intent & Applicability		
A. Intent	n/a, new	Added to set context, guide interpretation, and support discretion in all of the Sign standards.
B. Applicability	16-141 General requirements 15-143(c) General sign regulations, permits 16-155 Legal Non-conforming Signs 16-157 Enforcement 16-158 Violations & Penalties	Revised to add more nuance and coordinate what types of activities require sign permit, and what needs to comply with sign permit. This coordinates with the revised approach to non-conformances in Section 1.05. Other general enforcement and penalty items removed as they are addressed for the entire code in Article 1.
C. Sign Measurements	See definitions	Included here for interpretation aid to and to avoid including in definitions
9.02 Exempt Signs		
Generally		Incorporated various provisions in the code to make clear they do not need permit for routing things, and many exempt from regulations within limits. Simplified to be more “content neutral” with exemptions (legal requirement).
A. Property Identification sign	16-148(1) Signs permitted w/o permit, Accessory / id sign	Gave broader exemption for property ID and building ID signs
B. Public Safety, Traffic Control, or Public Information	16-143(e0) General Sign Regulations (official signs) 16-152 Traffic-control signs or devices exempted	Broadened exemption
C. Flags	16-143(b) general Sign Regulations, Flags	Made more content neutral to any non-commercial flag; gave a more generous flag allowance (current 15 s.f. limit too small, and contemplating only typical residential lots / s.f. homes); broke into flags for residential, non-residential, and large sites. Gave more flexible overall allowance, and per flag allowance.
D. Window signs	16-150(d) Signs permitted in all commercial and industrial zones, window signs	Shifted to “exempt” sign and increased the percentage, but made clear how interpreted and that window must generally be transparent otherwise.
E. Temporary Signs	16-144 Temporary Signs	Clarified exemption; made content neutral; gave more generous allowance for slightly beyond typical scenarios; distinguished residential and non-residential; based sign allowance on size / frontage of property; gave more flexible total sign allowance and per sign maximum.
F. Incidental Signs	16-148(3) Signs permitted w/o permit, directional	Made more content neutral and broadened exemption to more typical scenarios; scaled to property size
G. Construction Signs	16-148(2) Signs permitted w/o permit, construction	Gave broader exemption (80 s.f. vs. 32 sf; up to 3 signs instead of 1) – more realistic of typical scenarios; distinguished non-residential and MF projects for typica residential constriction; tied exemption to period of valid permit.
H. Interior Signs	n/a	Clarified that ordinance does not apply to signs not visible from property edge, public spaces, or other interior common / public access spaces.
I. Special Event Signs	16-146 Special event signs, banners, and pennants	Gave broader exemption for all special events if in coordination with a special event permit; otherwise should meet generally applicable sign standards for any similar property.
9.03 Residential Signs		
A. Sign Types	n/a, new	Added to set up simplified approach to residential sign allowance into general types.
B. Sign Allowances	16-149 Residential District; permitted signs; illumination	Comparable to current standards but refined to be more general and content neutral to sign types New approach to temporary signs to be more content neutral; scaled to site based on slightly above typical scnearios; gave more flexible total sign allowance and per sign maximums.

SECTION MAP & SUMMARY – ARTICLE 9 SIGNS		
DRAFT DEVELOPMENT CODE	EXISTING CODE [RELEVANT SECTIONS]	SUMMARY
		Clarified standards for MF and non-residential uses permitted in residential districts
9.04 Nonresidential Signs		
A. Sign Types	n/a, new	Added to set up simplified approach to non-residential sign allowances into general and content neutral types
B. Sign Allowances	16-150 Signs permitted in all commercial and industrial zones 16-159 Sign Calculations	Comparable to current standards but refined to be more general and content neutral to sign types New approach to temporary signs to be more content neutral; scaled to site based on slightly above typical scenarios; gave more flexible total sign allowance and per sign maximums. Clarified standards for freestanding and wall signs; revised wall signs to “per building frontage” rather than per lot frontage and increased the allowance, however reduced the per wall % maximum (20% and 25% in various places is too large). Added category for pedestrian signs for greater allowances for smaller signs directed at people on-foot or closer to building and sites.
9.05 General Standards – All Signs		
A. Public Health, Safety and Maintenance	16-143(a) and (d) General Sign regulations 16-147 Prohibited signs	Generalized various “public safety” standards into one area.
B. Specific Designs Prohibited	16-147 Prohibited signs	Shifted from a “prohibited sign type” to a performance standard for all signs that cannot be violated.
C. Illumination	16-149(b) ,Residential Districts; Permitted signs; Illumination	More leniency for lighting non-residential uses in residential districts, limited to performance criteria
9.06 Standards for Specific Sign Types		
A. Monument Signs	16-150 Signs Permitted in all Commercial districts	No substantive change but some more specific design standards
B. Wall Signs	16-150 Signs Permitted in all Commercial districts	No substantive change but some more specific design standards
C. Temporary Signs	16-149(a)(3) ,Residential Districts; Permitted signs; Illumination, For Sale sign 16-148(4) Signs in all districts, garage sale sign	Incorporated into more generic and content neutral temporary sign allowance (see 9.03 and 9.04.)
D. Multi-tenant Buildings & Sites	n/a, new	But see sign bonuses in 16-160.(2)(a)
E. Gateway Signs	16-149(a)(5)	Broadened to larger allowance with more broad applicability; scaled to project or street type and added spacing requirements; transferred same concept to “gateway” signs for non-residential projects
F. Portable Pedestrian Signs	16-161 Permits for A-frame or Footed Vertical Signs 16-162 A-frame and footed vertical signs	Simplified and shifted to general allowance for easier administration and / or enforcement (less process, record-keeping, etc; more default standards)
9.07 Design Guidelines		
A. Materials B. Color C. Placement	n/a – but specific organization for some vague, subjective, or aesthetic/design	Added to guide some of the more subjective, qualitative aspects of the current regulations; to be used in either non-regulatory / advisory manner OR to guide interpretation or any discretionary decisions under the code (i.e. Alternative Compliance).

SECTION MAP & SUMMARY – ARTICLE 9 SIGNS		
DRAFT DEVELOPMENT CODE	EXISTING CODE [RELEVANT SECTIONS]	SUMMARY
D. Coordination of Multiple Signs E. Pedestrian Signs	provisions stated or implied in various sections	
9.08 Alternative Compliance		
A. Applicability	n/a, new	Added to emphasize flexibility and capitalize on approach added in 2.07 Alternative Compliance (see Intent and Design Objectives/Guidelines sections)
B. Sign Bonus	16-160 Criteria for buns sign areas	Simplified and clarified; reduced overall total bonus due to more flexibility already added per above sections.

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SECTION MAP & SUMMARY – ARTICLE 1 GENERAL PROVISIONS		
DRAFT DEVELOPMENT CODE	EXISTING CODE [RELEVANT SECTIONS]	SUMMARY
1.01 Overview		
A. Title	16-1 Title	No substantive change. Broadened to “development code” for incorporating of zoning and subdivision regulations
B. Authority & Jurisdiction	16-4 Territorial Limits of Regulations 16-198 City of Fort Lupton 3-mile Area Plan 17-2 Scope of Regulations	Merged related sections into one; broadened scope and emphasis of the specific reference the 3-mile statutory planning area for potential application of street / subdivision regulations.
C. Purposes	16-2 Purpose (zoning) 16-197 Fort Lupton Master Plan 17-1 Purpose (subdivision)	No substantive change. Added specific connections between statutory authority and comprehensive plan goals and objectives. Beginning to establish the following hierarchy of non-regulatory guiding language: • <i>Purposes</i> – broad and general; connecting statutory authority to specific planning policies; applies to entire code • <i>Intent</i> –targeted planning principles; applies to specific topics, articles, or districts • <i>Design Objectives</i> – specific and detailed - desired outcomes for design techniques; applies to specific sections and subsections
D. Severability	16-125(h) General Provisions; Severability 17-9 Severability	No substantive change. Broadened some of the specific circumstances where things could be considered invalid or not applicable.
E. Transition Provisions	n/a	New section to account for transition from current code.
1.02 Interpretation		
A. Rules of Construction	17-3 General Provisions	No substantive change. Consolidated a wide range of interpretation-related provision into one section and then reorganized into different subsections and added new interpretation aids. This section will then serve as the one-stop place for rules and statements on how to administer and interpret the code; in this manner they will then not need to be restated throughout the code and can enable a more “plain language” drafting approach throughout the rest of the code. This section also begins to establish how some of the administrative flexibility and discretionary approvals by staff and/or Planning Commission will be guided under the code, helping establish the balance of allowing flexibility while improving expectations.
B. Conflicts	16-3 Interpretation; Conflicts with other Laws	
C. Computations of Time		
D. Building & Structure Measurements	16-16-60 General 16-61 Yards & Setbacks	
E. Lot Measurements	16-60 General 16-61 Yards & Setbacks	
F. Interpretation of Zoning Map	16-5 Zoning of Annexed Areas 16-8 Boundaries and Districts, Interpretation	
G. Non-regulatory Provisions	n/a - new	
H. Resources, Guides and Industry Standards.	n/a - new	
I. Official Interpretations.	n/a - new	
1.03 Administration		
A. Staff	n/a - new	No substantive change. New, or coordinated section from other development code or municipal code sections to clarify different roles of these groups specific to the development code.
B. Planning Commission	n/a – new, but related to Chapter 2, Article VIII of municipal code	
C. City Council	n/a - new	
D. Board of Adjustment	16-11 Board of Adjustments	
E. Historic Preservation Board	n/a – new, but related to Chapter 2, Article X of municipal code	
1.04 Enforcement		
	16-10 Enforcement	No substantive change.

SECTION MAP & SUMMARY – ARTICLE 1 GENERAL PROVISIONS		
A. Violations B. Enforcement C. Penalty	17-4 Penalties	
1.05 Nonconformities		
A. Intent B. Nonconforming Uses C. Nonconforming Structures D. Nonconforming Site Conditions E. Nonconforming Lots F. Nonconforming Signs G. Burden of Proof H. Benign Nonconformance's	16-63 Non-conforming Use Regulations 16-64 Non-conforming Lots	Created greater distinctions between the types of non-conforming situations that may occur to allow more nuanced or graduated application of different design standards (this reflects the codes greater emphasis on site and building design). Added section for "benign non-conformances" which can be determined at the time of rezoning and give greater rights than otherwise afforded for specific situations.

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- [TBD]

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SECTION MAP & SUMMARY – ARTICLE 2 PROCEDURES		
DRAFT DEVELOPMENT CODE	EXISTING CODE [RELEVANT SECTIONS]	SUMMARY
2.01 General – All Applications (overview / approach)		Generally – consolidated many repetitive elements of multiple procedures into one section of things that may be applicable to two or more application procedures. This will allow just stating it once; then the table and specific sections can reference which of these are applicable.
Table 2-1 Procedures Summary	n/a - new	Introductory to aid understanding and coordination of detailed sections on application and procedures.
A. Applications and Fees	16-1.1 Fees 17-6 Fees (subdivisions)	Simplified fees; rely more heavily on administrative authority and other outside independent actions for establishing fees, forms and application submittals. These will then be removed from the code; in exchange for delegating authority for these items to staff or other bodies, specific things will not be codified and would not require code amendments if changed.
B. Concurrent Applications	n/a - new	Added to emphasize a current practice of streamlining and coordinating related applications.
C. Pre-application Meeting	16-7(b)(1) Preapplication Conference (SUP) 16-9(d)(1) Preapplication Conference (Zoning Map Change) 16-13(c)(1) Preapplication Conference (Variance) 16-173(a)(1) Preapplication Conference (Site Plan) 16-175(a)(1) Preapplication Conference (Admin Site Plan) 17-21(2)(a) Preapplication Conference (Sketch Plat) 17-22(b)(1) Pre-submittal Conference (Preliminary Plat) 17-30(d)(1) Pre-submittal Conference (Minor Plat) 17-40(c)(1) Pre-submittal Conference (Amended Plat)	Merged and generalized multiple sections, but formalized with the specific types of information covered.
D. Neighborhood Meeting	16-7(b)(3) Neighbor Meeting (SUP) 16-13(c)(3) Neighbor Meeting (Variance) 17-21(2)(e) Neighbor and Referral Agency Meeting (Sketch Plat) 17-22(b)(13) Neighbor and Referral Agency Meeting (Preliminary Plat) 17-30(d)(14) Neighbor and Referral Agency Meeting (Minor Plat)	Emphasized optional nature of meeting for most applications (see text) but required for larger applications (see Table 2-1).. Merged and generalized multiple sections, but clarified notice and timing and listed the specific types of information covered.
E. Staff Review	various sections (all procedures)	No substantive change. Formalized administrative steps that staff goes through on all applications (determination of complete application, design review, referral agencies, review / comment / resubmittal (if necessary), and formal report / decision)
F. Notice	various sections (all procedures)	Consolidated multiple sections; reconciled minor discrepancies between the types of notices and statutory requirements; removed specifics to signs and posted notice from the code; emphasized “constructive notice” / failure of notice rules.
G. Public Hearings	n/a - new	Added to establish basic rules of public hearings, but also to emphasize distinction of public hearing (right to specific notice and a required chance to speak – establishing the record of decisions) vs. public meeting (only general public notice, option of chair to allow public comment, but comments generally not part of the record or criteria on which decision should be made.) See table 2-1 and “PH” applications.
H. Action by Review Bodies	n/a - new	No substantive change. Documenting current practices and specifying decision options.

SECTION MAP & SUMMARY – ARTICLE 2 PROCEDURES		
DRAFT DEVELOPMENT CODE	EXISTING CODE [RELEVANT SECTIONS]	SUMMARY
I Appeals	various sections	No substantive change. Added to create distinction between appeal of codified procedures and applications vs. statutory right to appeal any administrative decision made under the code, where no specific process or appeal is identified (See Section 2.10)
J. Technical Studies	n/a – but various sections reference or imply the ability to require additional application information, some of which could elevate to the level of a “technical study”	Added to establish clear expectations of the types of information that may be necessary and to tie that back to specific decision-making criteria.
K. Permits	N/a – but various sections reference other permits in varying and inconsistent degrees of specificity; often overlapping and possibly conflicting with other codes and procedures	No substantive change. Documented current practice and added to emphasize and make more clear distinction for coordinating things governed by other city codes and “next steps” in the administrative process.
L Successive Application		Added to establish basic default rule to ensure efficient and complete application process.
2.02 Platting		
A. Applicability	17-7 Subdivision Types & Process 17-8 Development Applications	No substantive change.
B. Types of Plats and Applications	17-7 Subdivision Types & Process	No substantive change. Clarified and emphasized the distinction between routine administrative plats and major subdivision
C. Administrative Plat	17-30 Minor Subdivision; Generally 17-49 Amended Plat; Generally	Reorganized, simplified and consolidated various platting applications into a single “administrative (i.e. staff-approved) plats”. Expanded the types of circumstances that staff approval of adjusting or establishing lot lines can be administratively approved. Generally no substantive changes. Note: generally beginning to establish the following structure for all applications to create more clear expectations specific to each application type: • Applicability – when is the application used • Review procedures – what of the general procedures apply plus any additional specific procedures. • Review criteria – how will the decision be made • Effect of decision – any next steps or vested rights established.
D. Major Subdivision - Preliminary Plat	17-20 General (Major Subdivisions) 17-21 Sketch Plat (Major Subdivisions) 17-22 Preliminary Plat	Recommend potential for more condensed and streamlined process for major subdivisions. (Reference June 2020 Town Hall discussions) • Eliminate requirement for sketch plat (move to pre-application meeting generally but allow as option for more formal sketch plat review for more complex applications) • Retained dual public hearing for preliminary plat (PC & CC) [Note: not required by statute] • Shift final plat to administrative approval (staff only) – provided in substantial conformance with preliminary plat.
E. Final Plat	17-23 Final Plat Article V Certifications (17-50 – 17-51 simplified or removed)	See above – recommend shifting to administrative approval, provided in substantial conformance with preliminary plat. This may enable more flexible and refined phasing and build-out, while still complying with all of the “big-picture” and large-scale planning and urban design principles agreed to and approved with the preliminary plat.
2.03 Zoning Map Amendment		

SECTION MAP & SUMMARY – ARTICLE 2 PROCEDURES		
DRAFT DEVELOPMENT CODE	EXISTING CODE [RELEVANT SECTIONS]	SUMMARY
A. Applicability B. Review Criteria C. Review Procedures D. Effect of Decisions	16-9 Changes and Amendments	No substantive changes. Clarified criteria and related more directly to comprehensive plan, and planning and urban design elements added to this code.
2.04 Planned Development		
A. Applicability B. Development Plan C. Review Criteria D. Review Procedures E. Effect of Decisions F. Duration of Plan	16-45 Planned Unit Development (procedures only – improved to build of typology approach and design standards for base districts)	Reformed process. - Steering more projects to improved base zoning districts; - converting PUDs to projects based on, but with deviations from the base district (both for initial conceptual planning, but also for better long-term administration of changes); - establishing clear criteria for deviations from base district patterns, uses, typologies and design standards; - streamlining to process into potentially 2 (but optional 3rd step), similar to platting and coordinating with platting.
2.05 Administrative Site Plan		
A. Applicability B. Review Criteria C. Review Procedures D. Effect of Decisions	16-174 Administrative site plan –	No substantive change. Reorganized and simplified. More clear criteria for types of applications that are eligible for administrative approval, with potential broadening of applicability due to the approach to design standards. (more design standards, but with simplified and clear criteria, and potentially more administrative flexibility)
2.06 Site Plan		
A. Applicability B. Review Criteria C. Review Procedures D. Effect of Decisions	16-14 Minor Administrative Variations Article VIII Site Plans (16-171 – 16-175) III.A Site Planning (Commercial Design Standards)	Reorganized and simplified. Recommend streamlining process (Reference June 2020 Town Hall Discussions) - Remove 2 public hearing requirement (see above for distinction between public hearing and public meeting) - Require only PC approval, but with potential appeal to CC.
2.07 Site Plan		
A. Applicability B. Review Criteria C. Review Procedures D. Effect of Decisions	n/a – but formalization of various sections where exceptions or discretion was generally referred to without clear criteria or parameters	Added based on approach to design standards in other sections – increasing the emphasis of the standards on physical form, patterns and urban design; simplifying and streamlining the standards; and adding in greater administrative flexibility based on clear criteria and parameters.
2.08 Special Use Permit		
A. Applicability B. Review Criteria C. Review Procedures D. Effect of Decisions	16-7 Special Uses	Reorganized and simplified. Recommend streamlining process (Reference June 2020 Town Hall Discussions) - Remove 2 public hearing requirement (see above for distinction between public hearing and public meeting) - Require only PC approval, but with potential appeal to CC
2.09 Variance		
A. Applicability B. Review Criteria C. Review Procedures	16-13 Variance	No substantive change. Reorganized and simplified. Consolidated the criteria into more specific findings; emphasized that all must be met – particularly uniqueness and hardship. This further distinguishes between the administrative flexibility, and alternatives / exceptions based on

SECTION MAP & SUMMARY – ARTICLE 2 PROCEDURES		
DRAFT DEVELOPMENT CODE	EXISTING CODE [RELEVANT SECTIONS]	SUMMARY
D. Effect of Decisions		planning vs. variances based on uniqueness and inapplicability of the general standards to specific circumstances.
2.10 Appeal of Administrative Decision		
A. Applicability B. Effect of Filing C. Notice D. Action and Review Criteria E. Effect of Decision	16-12 Appeals	Made more direct distinction between appeals that are specified by the local development code vs. administrative decisions with no specific type of appeal which are subject to this statutory right of administrative appeal to BZA.
2.11 Code Amendments		
A. Applicability B. Review Criteria C. Review Procedures D. Effect of Decisions	16-9 Changes and Amendments	No substantive change. Reorganized and simplified.
2.12 Vested Property Rights		
A. Applicability B. Review Criteria C. Effect of Decisions	16-15 Vested Property Right	No substantive change. Revised to be more specific and coordinate better with the city's procedures, and not repeat the CO Vested Property Rights law language; eliminated confusion caused by vague and generic statutory term of 'site specific development plan' and defined what that means under this code.
2.13 Vacation of Rights-of-way or Easements		
A. Applicability B. Review Criteria C. Review Procedures D. Effect of Decisions	n/a - new	No substantive change. Documenting current practices and specifying decision options.

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SECTION MAP & SUMMARY – ARTICLE 3 SUBDIVISION STANDARDS		
DRAFT DEVELOPMENT CODE	EXISTING CODE [RELEVANT SECTIONS]	SUMMARY
3.01 Streets		
A. Intent	17-1 Purpose	Expanded subdivision purpose statements into more specific and design-oriented intent statements about each element of subdivisions – streets, open spaces (3.02.A), blocks & lots (3.03.A) and required improvements (3.04.A)
B. Street Network	III.F. Neighborhood Access and Circulation (Neighborhood Design) III.G. Blocks and Lots (Neighborhood Design) III.B Vehicle and Pedestrian Circulation (Commercial Design)	the current subdivision regulations do not have any standards for street connectivity and defer to the comprehensive plan. The neighborhood and commercial design standards (separate documents) then attempt to account for connectivity on a project specific basis. This section adds context-based connectivity requirements for streets as property is platted and subdivided.
C. Street Types & Design	III. H Street Design Standards (Neighborhood Design)	The current subdivision regulations do not have any design standards for streets, and defer to the comprehensive plan. The neighborhood and commercial design standards (separate documents) then attempt to emphasize streetscape design through project-specific site lanes. This section adds a variety of different street design types to be applied based on context and functional class of the streets.
D. Intersection Design	16-102 Sight Triangles	This section is expanded to not important design considerations to balance pedestrian and vehicle needs based on the context of a particular intersection in the network
E. Traffic Calming		Added to help identify where the network may need to better balance pedestrian and vehicle interests.
F. Engineering & Construction Specifications	Article VI; 17-60 Design Standards	No substantive change. This is emphasizing the shift from the planning and urban design standards (above sections and comments on larger scale planning and design importance of street design; multi-disciplinary interests) are in the subdivision standards, but that the engineering and construction specifications (technical items; engineering-specific interests) are in the specifications manual
3.02 Open & Civic Spaces		
A. Intent	17-1 Purpose	Expanded subdivision purpose statements into more specific and design-oriented intent statements about each element of subdivisions – streets (3.01.A), open spaces, blocks & lots (3.03.A) and required improvements (3.04.A)
B. Required Open Space C. Open & Civic Space System	17-71 Public Land Dedication; Requirements III.B Provision of Neighborhood Features (Neighborhood Design) III.C. Open Space (Neighborhood Design) III.D. Stream Corridors, Irrigation Canals and Wetland Preservation Standards (Neighborhood Design) III.I. Crime Prevention Through Environmental Design Standards (Neighborhood Design and Commercial Design)	Expanded the types of open spaces; improved design standards for distinct and different types of open spaces; put standards and parameters in to apply open spaces differently in different context; include location and design guidance to coordinate open spaces among different types and across projects into a broader system
D. Stormwater Facilities	III.E. On-site Drainage & Stormwater Management (Neighborhood Design)	Encourage drainage issues and open space design to be coordinated and considered at the largest scale possible, in order to be more efficient and allow better site design.
E. Open & Civic Space Design Guidelines		Added to emphasize the design of different spaces and not simply the amount of space
3.03 Blocks & Lots		

SECTION MAP & SUMMARY – ARTICLE 3 SUBDIVISION STANDARDS		
DRAFT DEVELOPMENT CODE	EXISTING CODE [RELEVANT SECTIONS]	SUMMARY
A. Intent	17-1 Purpose	Expanded subdivision purpose statements into more specific and design-oriented intent statements about each element of subdivisions – streets (3.01.A), open spaces (3.02.A), blocks & lots, and required improvements (3.04.A)
B. Block & Lot Arrangement	III.G. Blocks and Lots (Neighborhood Design)	Block and lot standards are implied or referenced in many places in the subdivision regulations, but often these are just documentation provisions and there is no specific standards addressing the planning or design requirements for laying them out
3.04 Required Improvements		
A. Intent	17-1 Purpose	Expanded subdivision purpose statements into more specific and design-oriented intent statements about each element of subdivisions – streets(3.01.A), open spaces (3.02.A), blocks & lots (3.03.A) and required improvements.
B. General Requirements C. Improvements D. Reimbursement Agreements	III.F. Utilities (Commercial Design)	Added more specific list of items typically addressed in the development agreements.
3.05 Community Facilities & Fees		
A. Intent B. Dedication of Land C. Dedication of Water D. Reservation of Land	Article VII Public Land Dedication (17-70 – 17-71 verified, reorganized and simplified)	Added section to emphasize the distinction between things that must be built to serve the specific proposal of the development, vs. things that the development has an impact on but the timing, extent, location or other issues affecting the facility mean it may not be required to be built in association with the subdivision

PLAN CONFORMANCE REPORT

DEVELOPMENT CODE UPDATE

Fort Lupton
EST 1836

gouldevans



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APPENDIX: COMMENT LOG

INTRODUCTION

The Plan Conformance Report is an analysis of the Fort Lupton's development regulations – Chapter 16, Zoning Regulations; Chapter 17, Subdivision Regulations; Residential Design Standards; and Commercial & Industrial Design Standards. It compares these regulations to the Comprehensive Plan – Picture Fort Lupton (adopted May 2018) and the official design and development policies of the plan. The purpose of this report is to evaluate how well the current regulations align with the plan, and identify a range of options to consider through the regulation update process.

This report is a preliminary step in the process to update the Fort Lupton development codes. None of the commentary or analysis in this report represents an official direction of the project or a formal recommendation. It provides an objective and critical view of the regulations, and is intended to start a dialogue on a wide range of potential strategies and action steps.

REGULATIONS GENERALLY

There are many non-regulatory policies and public investments that the City may pursue that have a more direct or immediate impact on implementing aspects of the Comprehensive Plan. In contrast, regulations necessarily influence change incrementally and cumulatively as the City receives and responds to future development proposals. However, the regulations will establish a crucial framework for many decisions (public and private), and the influence they have on the development patterns and physical design of the community will increase in significance over time. Fort Lupton's development regulations are considered specifically in light of the following relationships they have to long-range development policies and community building.

Subdivision Regulations.

Subdivision regulations are perhaps the most important tool for making connections to the Comprehensive Plan. They set in place development patterns through public and private infrastructure elements that define the character and context of different places, and these

elements will not easily be changed in the future. Therefore, subdivision regulations should primarily be a planning and urban design tool, and not simply an engineering and specifications manual. In light of the Fort Lupton Comprehensive Plan, they should accomplish the following:

- Consider priorities with respect to **growth areas**;
- Coordinate development through **systems** that extend across multiple projects (street networks, open space systems, and utilities);
- Establish different criteria for **distinct contexts**;
- Promote **good civic design** (streetscapes, open space types, gateways and arrangements of blocks and lots).

Ultimately, subdivision regulations have the role of ensuring that each new plat adds value to the larger and greater whole of the community around it.

Zoning Regulations.

Zoning regulations focus more directly on the "private realm" – establishing standards for development on individual blocks and lots within the public realm framework established by the

subdivision regulations. In light of Fort Lupton's Comprehensive Plan, zoning regulations should accomplish the following:

- Establish different **districts** with distinct character – particularly the different types of neighborhoods, corridors and job centers.
- Promote walkable, mixed-use **patterns** – particularly for downtown and smaller centers near neighborhoods.
- Create **relationships** and better **transitions** between different but supporting districts so that multiple projects can contribute to these distinct places.
- Implement better **design standards** that emphasize distinct neighborhood contexts within Fort Lupton and focus on the relationship between private development and the public realm.

Design Standards.

Regulating design is about much more than aesthetics, materials or architectural style. In fact, regulating for good community design is often about none of these. When done in a comprehensive and systematic way, design-based approaches to development regulations instill a common understanding of how we build and why. This is often done best by focusing on a few simple and crucial patterns important at each scale of planning and development:

- How does the design of street networks and open spaces shape the **context of the community**?
- How does the design of blocks, streetscapes, civic spaces and building types shape the **character of neighborhoods and districts**?
- How does the design of frontages, facades and sites **relate to the street and surrounding properties**?

The Residential Design Standards and Commercial & Industrial Design Standards should emphasize how we may answer each of these questions differently in different places in our community.

COMPREHENSIVE PLAN

The comprehensive plan is a general guide to future growth and development. It is long-range and all encompassing, and does not necessarily predetermine anything specific to development proposals. However, it does establish a crucial

policy framework with which to manage future change through development and to coordinate many different development projects over time and across areas of the City. Rather than simply “codify” the plan, the regulations must provide the City with the tools to best manage change, enable different options, and react to many circumstances that cannot be fully anticipated. This analysis is organized around the core themes of the plan and provides an assessment of how well they prepare the community to address these themes.



The following themes and specific topics are reflected in Fort Lupton's Comprehensive Plan, and were selected as areas where the regulations are most likely to need refinement to better align with the plan.

User Friendliness

- Clarity: Format and Organization
- Streamlined Procedures (improving expectations in the application process)

Public Realm Design

- Preserve Natural Systems and Environmental Features
- Emphasize Civic and Recreation Amenities
- Improve Networks and Streetscapes

Neighborhood Patterns

- Promote Distinct Contexts
- Mix of Housing Options
- Enhance Neighborhood Design & Character

Unique Places

- Strengthen Downtown
- Develop Job Centers
- Manage Corridors
- Integrate Scale and Mix of Uses
- Improve Site Design

Some of these themes are more directly impacted by development regulations than others. A section-by-section analysis of the impact of the development regulations on these themes and specific topics was conducted to support the general commentary of this report. The Comment Log attached as an appendix.

BEST PRACTICES & EMERGING TRENDS

Cities rarely have the opportunity to take a step back, evaluate their long-term vision and explore their development code in a comprehensive manner. This is why so many codes have become complex, confusing, or even conflicting – a series of necessary and expedient amendments over time eventually end up compounding problems or creating codes that are very difficult to interpret and apply. This project provides that rare opportunity for a comprehensive and strategic look at the development code. When doing this, it is important to consider a number of best practices or emerging trends that were not prevalent in our community-building toolbox when the Fort Lupton Code was originally drafted or most recently amended. Many of the issues in this section are discussed or suggested in the Comprehensive Plan, in the request for proposals for the project, or both.

COMPLETE STREETS

“Complete Streets” recognizes the essential role that street design plays in shaping the public spaces of our communities. Street design is not simply a transportation function or an aesthetic exercise – it sets the stage for how we build, engage and experience our entire community. Complete Street policies balance all of these critical planning, transportation, and urban design concepts, and the Fort Lupton comprehensive plan emphasizes this by calling for complete street policies and principles to be implemented and incorporated into the development code.

When incorporating complete street concepts into development codes, the following principles are helpful:

- **Start with systems, not streets.** Connectivity of the street network is the most important aspect of access and mobility, and it opens up the possibility for a far greater range of different street designs.
- **Prioritize different modes.** Multi-modal transportation means balancing different priorities in different areas. It does NOT mean simply put bike lanes or wider pedestrian facilities on every street. These token gestures often result in streets that do not function well for any particular mode.
- **Design slow and shady streets.** Slow speed streets with abundant street tree



- canopies create the most value for the community. The majority of streets should be designed on this principle, particularly if you have a connected network.
- **Proximity is the first step in transportation planning.** The proximity of common trip origins and destinations, and connections provided by a network can result in fewer trips, shorter trips, and more alternative routes. All of these attributes of the transportation system result in slower traffic being acceptable, leading to safer streets with better options integrating



Neighborhood Street: Longmont, CO



Pedestrian Street: Westminster, CO

different modes into street design. Very few streets should prioritize traffic volumes and speeds in their design under a complete streets system.

- **Speed and speed differential is the biggest factor in safety.** When considering pedestrian bicycle transportation (rather than recreation), design speeds should guide what type of facility goes on what street. The greater the speed differential the greater the need for dedicated space and

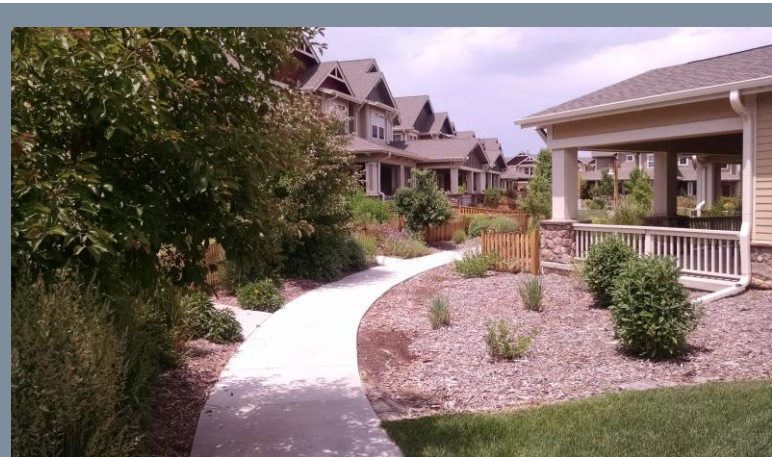
physical separation, and the lower the speed differential the more modes can be merged.

- **Different types for different contexts.** Street design should support the urban design principles and the uses of a particular place. Therefore, the street designs should transition along with changes in these characteristics - often on a block-by-block basis. So while “arterial,” “collector,” and “local” may describe the function of an entire street *within the system*, it should not answer all of the questions on the design of a street on a particular *block or segment*.
- **Resources and Guides.** The National Association of City Transportation Officials (NACTO) has the best guidance on all of these issues, and provides engineering, planning and urban design insights into street design based on “Complete Streets” policies. It is a more appropriate and more specific guide for city streets than the American Association of State Highway Transportation Officials (AASHTO) guide, which is often used by cities and cited in development codes.

MISSING MIDDLE HOUSING

“Missing Middle Housing” is a concept that focuses neighborhood planning and design on a wide range of small-scale, multi-unit building types once common but have been forced out by conventional zoning. This concept exposes the fact that “density” is an abstract number that tells us very little about the scale, form or even intensity of a project, and therefore nothing to help us evaluate the compatibility of a project with its context. As a result, codes based on density have zoned out or made “missing” many of these valuable housing options. Regulating by building types – such as duplex, row house, multi-unit house, stacked flats, walk-up apartment, or cottage courts – replaces density as a measure of compatibility. Although these types are very small scale, they can achieve densities above what may typically be allowed and produce more predictable and compatible outcomes.

Any city that has plans and policies for more housing options, as Fort Lupton and most cities do, needs to explore the following benefits from a wide range of “missing middle” building types:



Row House Courtyard: Fort Collins, CO



Small Apartment: Longmont, CO

- **More Housing Options.** Fill the gap between suburban subdivision lots and duplexes, to large multi-family complexes.
- **Targeted and Strategic Density.** Put people in proximity to businesses, services and amenities (walkable or short drive) and support the businesses, services and amenities with a critical mass of resources (customers, tax dollars and user fees).
- **Human Scale Patterns.** Small-scale buildings, smaller lots, and less car-oriented patterns can allow many different projects to

improve neighborhood character and improve access to daily needs and activities.

- **Diversity Can Equal Affordability ... Eventually.** While new housing is never the best option for market-rate affordability, new housing can and should diversify the overall housing stock – in terms of type, format, location/context, size, and age/condition. A wide range of options under all of these categories will produce a more robust, and therefore more affordable housing stock.

APPROACH TO USES

Development codes that become overly restrictive towards the uses it allows limit a city's ability to respond to markets, trends and consumer demand. It can also limit the ability to create dynamic, vital and social spaces. Zoning districts are often at once too vague and too specific regarding the list of uses they enable. They often focus too much on specific uses and assumed impacts, and not enough on other important aspects of development. Substituting additional procedures or conditional approvals for particular uses only makes our codes more difficult, without necessarily improving outcomes. As planners began to recognize this, "mixed use" became the mantra of development code reform.

But "mixed use" to what end goal and "mixed use" at what scale – building/site, project, block, area, neighborhood, district? Very quickly, you discover that "mixed use" can mean many different things, unless we are more precise with scale and desired outcomes. Most of our planning and urban design goals regarding a mix of uses deal with integrating a compatible mix of complementary or supporting uses into area, district or a compilation of adjacent districts. In analyzing the existing vital places our plans and codes suggest we emulate, it is clear that a more flexible approach to uses is necessary.

Many of our concerns about impact and compatibility of development deal with things other than the specific use on a particular site/building, including:

- **Scale.** The square footage of the use and/or footprint of a particular building.
- **Form / Format.** How is the building situated and how does it relate to surroundings?

- **Operations.** How does the use function with its surroundings, how do people access it, what are the hours of operations, how do other services support the use?
- **Performance.** What are the intensity, performance standards, or mitigating design elements on a site?
- **Location.** Where within a zoning district is the use specifically, and how does it transition to other areas or zoning districts?
- **Enabling.** Is the use allowed by right, allowed with specific conditions, allowed with administrative review, or allowed through a discretionary and public review process?

Many of these important factors can differ independently of what the particular use may be. When the approach to eligible land uses is viewed through this lens, a different approach to zoning districts and uses begins to emerge. So the challenge is whether we can at once become more flexible towards uses while being more explicit in our criteria and more predictable in outcomes.

PARKING

Parking reform is a common topic of development code updates, as communities grow more aware the large areas of unproductive land dedicated to un-used surface parking. This has negative impacts on economic development, infrastructure efficiency, walkability, community image, and the environment (storm water runoff and heat island impacts).

Part of this growing awareness is understanding that the public interest in regulating for parking is not to ensure that everyone always has enough access to free parking, but to minimize the impacts parking and access may have on the streets and adjacent property. In this light – too much parking is as big or bigger problem than too little.

In “right sizing” parking standards to match our land use, transportation, and urban design policies, the following strategies should be considered:

- **Reduce minimum requirements** or have more exceptions, particularly for small uses, sites or buildings.



Small Mixed Use::Buena Vista, CO



Large Commercial: Brighton, CO

- **Consider maximum parking limits**, or maximums that require additional design mitigation.
- **Improve landscape and design** requirements to reduce aesthetic and environmental impacts.
- **Tier design and location** requirements to the scale of the parking area, so smaller, more dispersed and subtle parking areas can occur.
- **Give credits** for situations where alternative transportation, on-street parking, or adjacent overflow or contingency parking exists.

- **Promote sharing** between multiple sites – both location sharing (cumulative amounts) and peak time sharing (reduced amounts).

DOWNTOWN: CHARACTER, WALKABILITY & FORM –BASED CODES

Communities with historic downtowns, like Fort Lupton, often find their development code does not reflect the traditional development patterns of their downtown. When it comes time for reinvestment, infill projects are difficult according to the code, or worse projects that meet the code erode the existing building patterns and character and detract from what is typically the heart of the community. Additionally building new “nodes” of walkable centers to support neighborhoods is difficult as well.



Downtown::Fort Lupton, CO

Form-based codes are a tool used to remedy this situation, and the comprehensive plan and RFP identify this as a potential strategy for downtown. These codes aim to make it easier to build in walkable, mixed-use patterns by decreasing the emphasis of regulations on use and setbacks, and codifying specific urban design standards inherent in the traditional development patterns.

Form-based codes come in a variety of formats – from simple to sophisticated, but they typically include the following:

- **Street Types.** The quality and character of streets on a block-by-block basis is the organizing element for standards and transitions in standards for form-based codes. Form-based codes key standards off the design of the “public realm.”
- **Frontage Types.** Frontages define how a site and building relate to the block and street. Instead of minimum setbacks and assuming the best strategy is to isolate each project from other properties and the street, form-based codes seek to develop compactly and bring many projects together in compatible patterns.
- **Building Types.** The scale, footprint, and orientation of buildings are the focus of the standards rather than land use. Form-based codes do not discount regulating uses completely; they just shift more of the emphasis to building type standards for compatibility of development.
- **Regulating Plan.** Form-based codes work best when they rely on a specific area plan. These plans vary in scales, complexity and comprehensiveness, but essentially they are a tool that build expectations for when and where many of the transitions and distinctions mentioned above are made.

Some of these strategies of form-based codes should be considered in some manner for downtown, and potentially for new or emerging walkable nodes and supporting neighborhoods. These same tools and processes are also an excellent strategy for overhauling outdated or dysfunctional “planned” zoning districts or “PUD” procedures. Essentially form-based codes reintroduced planners to the right way to do “planned zoning” – to regulate development to achieve a specific urban form, based on a specific plan and regardless of the scale, context or type of project.

FORT LUPTON PLAN & POLICY PRIORITIES

The update to Fort Lupton's development codes is a step to better implementation of the recent Comprehensive Plan - Picture Fort Lupton (adopted May 2018). A thorough analysis of the plan and some of the issues, goals and policies related to that plan was conducted. They are summarized into the following key themes discussed in this section – user-friendliness of the code, improved public realm design, distinct neighborhood patterns, and unique places.

USER FRIENDLINESS

One of the primary objectives for this project listed in the request for proposals is to make the development code easier to understand and administer. There are two key aspects to a user-friendly development code: clarity in the way standards are organized and presented; and improving expectations in the application process.

Clarity: Format & Organization

Development codes are legal documents that must be implemented, enforced and occasionally defended in court. Therefore, it is important that they are legally and technically correct, and it is common for development codes to be filled with legalese and highly technical jargon giving it an air of authority. However, unlike other generally applicable laws, the development codes are the City's laws that are most likely to be encountered by a wide variety of citizens and stakeholders every day – neighbors, property owners, developers, designers, various city departments and commissions all use the development code more often than any other city code. It is important that the code be as clear and user-friendly as possible. Ultimately, this also makes the code easier to implement, enforce and defend in court if necessary.

Some key form and format strategies to integrate into the Fort Lupton Code to make it clearer include:

- Use a **"plain language"** drafting style, avoiding legalese, planning jargon, and unnecessary words.

- Use **graphics and tables** to support or replace text.
- Use **purpose and intent statements** providing clear ties to the comprehensive plan and improving the administration and interpretation of regulations.
- Build in **flexibility**, but only through clear, consistent and accurate guidance and **criteria**.
- Develop a **logical framework and structure** for all regulations. This avoids repeating the same or similar standards throughout the code, a practice that adds length, confusion and ultimately introduces conflicts in the code. It also makes it easier for future amendments and updates to be integrated and ensures the regulations maintain a long shelf life.

Streamlined Procedures

A "user-friendly" development code establishes expectations for anyone who may be involved in the development process. This is true even if the standards are high and exacting in some cases, and the procedures are thorough and intensive in some cases. Clear expectations can make a complex or comprehensive code "user friendly." Similarly, minimal standards and quick procedures, but with low expectations is not necessarily "user friendly," and will end up being equally problematic.

Organizing procedures in the development code around the following essential components for each type of application can raise expectations:

- **Intent.** What is the application used for and what is the objective of a review process?

- **Applicability.** What development activities trigger an application process?
- **Submittals.** What is required and at what point in the process is it required?
- **Public Engagement.** What is the role of the public in this process and how should their involvement affect the decision? (And it is different for different types of applications.)
- **Process and Timeline.** What are key benchmarks, meetings, required notice, and who will review the application and when?
- **Decision Criteria.** How will reviewers who are recommending or deciding on the application evaluate it; what specific objectives should an application emphasize?
- **Effect of Decision.** How does an applicant proceed after a decision – if approved, is there a next step or can the application proceed to permits; if denied, is there an appeal process or chance to amend or correct an application?

All of these questions should be answered in a simple and well-organized procedures section. Organizing the procedures section around the elements that are common to all procedures and then the elements that are specific to a particular application can simplify the code and avoid repeating long, and technical sections.

Additionally, within this framework it will be easier to identify the following situations, that can also improve the effectiveness of the code and procedures:

- **Flexibility.** What situations may warrant being open to alternatives to the specific standards, and through what process and under what criteria?
- **Streamline.** What applications or decisions can be combined or expedited, and what decisions can be made by staff through a permit process.

PUBLIC REALM DESIGN

The “public realm” is an urban design term often described as the spaces between buildings that people perceive and experience on a regular basis. It includes public, common and private spaces. Typically, this is made up of streets, rights-of-way, and open spaces, plus extensions of these areas on private lots. In conventional

development codes this space is often leftover or forgotten spaces after projects comply with minimum setbacks. Also, it is often not well coordinated between the public, common or private spaces which are addressed in different sections of the code or different codes altogether.

However, designing these spaces more intentionally to serve development and shape distinct contexts throughout the community is an opportunity presented by this code update.

The Fort Lupton plan emphasizes public realm design in three key areas – preserving natural systems and environmental features of this community’s unique setting; improving access to open space and recreation amenities; and improving street networks and street designs with “complete street” policies.

Preserve Natural Systems and Environmental Features

The setting of Fort Lupton on the edge between the agricultural high plains and the Front Range is important to its history and current residents. The plan promotes preserving this cultural and physical aspect of the community as growth occurs. The following elements should be strengthened in the development code.

- **Strengthen design standards for open space** in the subdivision regulations. Currently these standards are procedural and highly reliant on the amount of space, but they lack standards for how these spaces shape the context.
- Emphasize how natural systems and environmental features can provide **aesthetic, recreation, and ecological benefits that serve development.**
- **Preserve and link these open space systems** to the greatest benefit and helps shape distinct contexts. This must occur at the first stage of development, when large areas are subdivided and platted into streets, blocks and lots.
- **Integrating different types of open spaces**, street networks and block patterns to improve both development capacity and character as well as the environmental performance of these systems.

Emphasize Civic and Recreation Amenities

Civic and recreational amenities are another important open space component of the public realm. Unlike natural areas – which do serve a secondary recreational function – these spaces are specifically designed and integrated into development to serve people. In this manner, it is not simply the amount of space that is

important, but the design, function and where it is applied that has the biggest impact.

- Develop standards for a **hierarchy of open spaces** to best suit their context – from spacious and open informal spaces such as a park or a trail to compact and designed formal spaces such as a plaza or courtyard.
- A robust open space system should give credit for all of these **spaces in the right context, regardless of the amount of space.**
- **Integrate these standards** into both the subdivision regulations (for the larger spaces associated with platting) and zoning and site design standards (for the smaller spaces incorporated into blocks and lots of specific projects).

Improve Networks and Streetscapes

The bulk of “public realm” design is in the street networks of streetscapes. It is estimated in a typical community this reflects between 25% to 35% of the total land area of the city. So designing this space effectively means you effectively design nearly one-third of the city.

- **Improve street network connectivity standards.** These may differ for different contexts of the community.
- **Implement street design types** that go beyond simple functional classification standards, and provide design standards for different contexts, development patterns and land uses.
- **Integrate the planning and urban design standards** for streets into the development code, but rely on the Street Specifications and Standards manual for engineering and construction.
- Use street types to **provide cues for what level of development standards** should be expected from the private sector based on the character and quality of the streetscape. In this manner, street networks and streetscapes are the coordinating elements that tie places and projects together.

NEIGHBORHOOD PATTERNS

The Fort Lupton comprehensive plan anticipates the significant growth that has occurred and is projected to continue for the Front Range to impact the city as well. A large portion of growth in Fort Lupton will be new neighborhoods, and



Rustic Trail: Cherry Hills Village, CO



Neighborhood Passage: Denver, CO

the patterns affecting neighborhood development should be emphasized in the code.

Promote Distinct Districts

The plan emphasizes the need for the city to accommodate residential living in a variety of contexts, and the opportunity to promote neighborhoods of distinct character. However, it only distinguishes neighborhoods on one factor – density – with land use categories of Rural Residential, Single Family, Single Family Attached, and Multi-Family. Many other factors go into distinguishing neighborhoods. Residential zoning districts should consider the following “character shaping” patterns within which they will fit into:

- **Open space systems** supporting the neighborhood and beyond shape a neighborhoods context.
- **Street networks and connectivity** define patterns of blocks, lots and transitions within and between neighborhoods.
- **Neighborhood and civic amenities** such as parks, trails, community centers and gateways.
- **Lot and site development standards** will also contribute to distinctions (currently the only factor prevalent in the plan and development codes).

All of these elements can differ significantly among different neighborhoods, regardless of the density or type or mix of housing.

Mix of Housing Options

Diversifying housing options is a key policy in the plan. This is both for demographic reasons as people transition through different housing needs, and for affordability reasons as more options allows supply at different price points. The plan and code currently accommodate diversity only between zoning districts, and at the higher end of the density range there are standards forcing out certain types (see Missing Middle Housing best practice). Residential zoning districts should include the following options:

- Explore a “**building type**” approach where the standards focus more specifically on how the building, lot and frontage fit into the context, and less on the use or density.
- Consider at least one district for a greater **mix of housing types**, including single-family houses and small-scale, multi-unit buildings.

- Alternatively, or additionally, use **intent statements** to specify how different districts can mix or transition within the same neighborhood to create more robust housing options within a compatible neighborhood pattern.
- Consider what distinctions are needed for the “**core neighborhoods**” compared to new neighborhoods.



Detached House – Terrace Frontage: Longmont, CO



Row House – Terrace Frontage: Longmont, CO

Enhance Neighborhood Design & Character

The Fort Lupton Residential Design Standards are extensive, but can be confusing and cumbersome. There are many good concepts important to civic and neighborhood design, but often they lack clarity on how or where they specifically should be used or applied. Ultimately, most of these elements in the current standards could be simplified into a few key patterns, with design standards that impact character the most.

- **Open space types.** Neighborhoods should have a wide range of different open spaces from spacious and natural in some neighborhoods, to formal and compact in others, or a mixture of both in some.
- **Improve neighborhood streetscapes.** A slow (20mph or less), shady, walkable street should be the default for most neighborhood streets. Streetscapes are the defining character of neighborhoods and provide tremendous and enduring value when designed appropriately.
- **Frontage types.** A combination of where the house is situated, how it is oriented, and how vehicles access the lot (extent and location of driveways and garages) create the face of the neighborhood. These standards should be different for different building types, and where a combination of housing options are permitted, a consistent frontage is the key to compatibility.
- **Building Design.** Within the above pattern, only simple standards with subtle changes are needed to create great variety and interest within a narrow range of compatible building elements. Rather than comprehensive or sometimes vague architectural or aesthetic standards, simple patterns for front entry features, building massing, and windows and doors complete the character-shaping elements while still providing great latitude for architectural expression.

The current Fort Lupton Residential Design Standards address all of these points in some manner. However, they need to be simplified in what they require and they need to be refined for when or where they would apply.

UNIQUE PLACES

The Fort Lupton comprehensive plan also anticipates development that follows new neighborhoods – the commercial, service and employment opportunities to come to a growing community. The development code should prepare for these supporting uses in a variety of contexts, and work to make distinctions in development that allow them to fit in better to both the neighborhoods they support, and the different places and patterns shaped by the City's investment in the "public realm."

Strengthen Downtown

Downtown is the historical heart of Fort Lupton, and reflects traditional development patterns that pre-date conventional zoning. The walkable, small-town character is not well represented in the development standards or in the Commercial and Industrial Design Standards. Each is based on separating individual projects and mitigating potential impacts through setbacks and buffers on a project or site basis. The C-1 district is intended for downtown. While it may enable some of the traditional development patterns reflected in downtown, it does so by being less restrictive on the setbacks and buffers common to conventional zoning. Therefore, it allows development consistent with older patterns but it also does not ensure it, and the area is exposed to investment inconsistent with the vision for downtown.

- Investigate a range of **form-based code strategies**, emphasizing the traditional patterns in downtown, and creating distinctions or transitions on a block-by-block basis.
- Promote a greater **mix of small-scale uses**. The smaller the use, the more that can fit in downtown; the more that fits in downtown the more reasons to be there. A rich mix of many small-scale uses is the key to a vibrant walkable place.
- **Improve streetscapes** to promote walkability and social activity in the street.

Develop Job Centers

The Fort Lupton comprehensive plan has a strong emphasis on job centers. These appear mainly centered on industrial growth, and the development code has two industrial districts – I-1 Light Industrial, and I-2 Heavy Industrial.

Otherwise, job creation will rely on commercial districts which appear to be more retail focused.

- Review the **approach to uses** to ensure that a flexible approach can accommodate emerging fields – whether retail, service, office, institutional or industrial.
- Review the **Industrial Zoning districts**, and how well they accommodate a range of job-creating uses.
- Consider how a **healthy concentration of a wide variety of job-generating uses** can be more efficient with infrastructure investments, and have spin-off economic development effects.

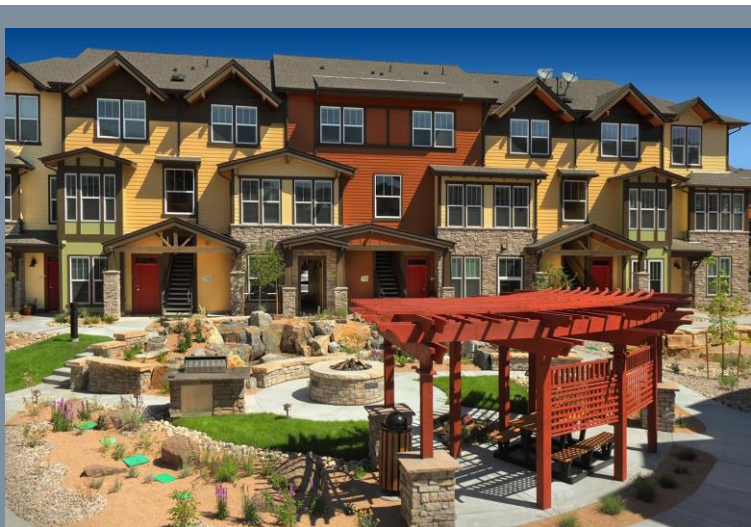
Manage Corridors

The land use portion of the comprehensive plan shows the City's two major corridors – 85 and 52 – as “commercial transition.” This could be very concerning if these areas are simply left to market forces under conventional commercial zoning. This yields a “strip commercial” pattern that is inefficient, and results in a series of short term commercial investments that can quickly compete and undermine each other in a limited market. However, the plan also mentions strategies to manage these corridors and promote “nodes”. Further, the current Commercial and Industrial Design Standards specifically state the objective is to eliminate strip commercial patterns and all of the urban design, land use, transportation, and economic development problems that pattern brings. The following strategies should be included in the development code to help manage corridors.

- **Revisit the C-2** (heavy commercial) district standards, and consider where and how large-scale retail or commercial may fit into the corridors.
- Investigate the need for a **new small-scale commercial or mixed-use district** to promote a more nodal pattern to better integrate with adjacent neighborhoods.
- Consider a **mixed-use category** (or how several districts could be assembled) to provide a better mix of housing, jobs and services along or near corridors. (See also Neighborhood Patterns, Mix of Housing Options, and consider how neighborhoods an housing should integrate with corridors.)

Integrate Scale and Mix of Uses

Many sections of this summary have already indicated revisiting the approach to uses in the development code. There is currently an over-reliance on Special Use Permit processes and planned zoning (PUD districts) in attempts to reconcile land use and zoning district issues. However, these are often cumbersome in the immediate sense, and can lead to longer-term problems as things change and reinvestment occurs increasingly distant from the original plan and approval process. By focusing the development standards on some of the other scale, pattern and design elements that are important to community building, a more flexible and streamlined approach to uses may be possible.



Apartment Courtyard: Loveland, CO



Detached House – Courtyard: Fort Collins, CO

- Consolidate all uses in all zoning districts into a **use table** for ease of use, and better administration. This also allows better comparison to make sure the distinctions between uses and between districts are important and necessary.
- Review the use lists for **things that may be able to be consolidated** or simplified. Different uses that are treated the same in each district present this potential.
- Review the use lists for **things that may need to be distinguished by scale or format**, rather than use. Uses that are often routed to special review procedures are often symptoms of this issue.
- Consider where use restrictions can be relaxed** by better accounting for other design and development standards that ensure compatibility.

Improve Site Design

The current Commercial and Industrial Design Standards address a wide range of topics in a comprehensive manner. However, similar to the Residential Design Standards they are confusing and cumbersome in many places. Streamlining these regulations to focus on a few key aspects that are important to Fort Lupton and its context will be important.

- Improve landscape standards** for implementing different standards in different contexts.
- Promote **“xeric” standards** or the **“water wise”** standards with guidance from the Denver Regional Council of Governance.
- Look for strategies to **“right size” parking**, and in addition key parking design, landscape, and location standards to both the scale of the parking lot and the context of the project.
- Promote site designs that better **relate to streets and streetscapes** – emphasizing human-scale and pedestrian accommodations where that is important, and balancing multi-modal accommodations in other areas.
- Revise and simplify **fencing standards**, and investigate where standards need to transition due to different contexts.



Downtown Streetscape: Greeley, CO



Xeric Landscape: Centennial, CO

SUMMARY

Key recommendations for further discussion and updates to the development code included in this report and the comment log include:

- Improve and better organize procedures in one section, and identify clear benchmarks and decision criteria.
- Identify proper review steps and clear roles for staff, Planning Commission and City Council for different types of application
- Organize permitted uses in a table for all districts. Consider an approach that is more general to types and category of uses, but also refine uses based on scale or performance criteria.
- Review and revise special use procedures and criteria based on the approach to uses and with consideration of other improvements to site design and development standards
- Strengthen urban design standards for crucial aspects of the community, including streetscapes, open spaces, and civic or gather places.
- Ensure that subdivision regulations maximize the opportunities to coordinate many different projects over time through street networks and open space systems. Use these elements to create distinct contexts in the community.
- Improve the range of housing types addressed in the residential zoning districts. Consider a “building type” approach to raise expectations for the context, scale, and patterns of different types or projects.
- Update the C-1 district to better reflect traditional downtown development patterns.
- Improve the “planned zoning” (PUD) districts. Include clear procedures and establish expectations for the goals and types of things that should go into development plans supporting more flexible zoning
- Improve site design standards and emphasize the relationships of projects to the “public realm” and promote different solutions for different contexts.

NEXT STEPS

An outcome the discussions around this report will be to structure the “Discussion” phase of the project– a dialogue and further analysis of the issues determined to be most crucial to this update. This phase will be centered on issue papers or case studies that go more in depth on policy, planning and design considerations and a range of regulatory strategies for these key topics. While these topics will not be the entire extent of the updates, it will focus engagement efforts on areas where more discussion may be needed or where potential code changes may be more significant.

COMMENT LOG: FORT LUPTON, CO DEVELOPMENT CODE ANALYSIS														
Rating Key: 5 Directly supports the best practices and prohibits other practices that could undermine theme and topic. 4 Somewhat supports best practices and/or limits other practices that could indirectly undermine theme and topic. 3 Neither directly supports nor directly conflicts with theme and topic, but may miss an opportunity where these topics typically would be regulated. 2 Creates indirect conflicts, somewhat undermines theme and topic. 1 Creates direct conflicts that likely prohibit best practices that meet theme and topic. [Blank means no significant relationship to the theme/topic. Sections with no rating in any category may contain general comments pertaining to the update of the regulations, but not any specific policy issues, or theme/topic in particular.]		USER FRIENDLINESS		PUBLIC REALM DESIGN			NEIGHBORHOOD PATTERNS			UNIQUE PLACES				
		Clarity: Organization & Format	Streamlined Procedures	Preserve Natural Systems & Environmental Features	Emphasize Civic & Recreation Amenities	Improve Street Networks & Streetscapes	Promote Distinct Neighborhood Contexts	Mix of Housing Options	Enhance Neighborhood Design & Character	Strengthen Downtown	Develop Job Centers	Manage Corridors	Integrate Scale & Mix of Uses	Improve Site Design
Sec. #	Section Name: Notes & Comments													
Chapter 16 - Zoning														
Article I – General Provisions														
16-1	Title: Revise to “Development Code” if framework coordinates both subdivision regulations and zoning.													
16.1.1	Zoning Fees. Move to application section; simplify by basic reference to schedule of fees to be updated periodically or annually. This section is long and cumbersome, and may be simplified with no substantive changes.	2	2											
16.2	Purpose: Merely repeats generic statutory zoning purposes. Make more direct links to the key themes of the Fort Lupton comprehensive plan in relation to statutory purposes, and mention policies that directly relate to topics in the ordinance.	2												
16.3	Interpretation; conflict with other laws: Broaden into a section on “Rules of Construction” (which includes conflicts), but enables a “plain language” approach throughout the ordinance. Further, “more restrictive” should be characterized as “most consistent with the comprehensive plan”. Similar sections are repeated throughout the ordinance and can then be removed entirely once it is stated plainly and simply in a more comprehensive “Interpretation” section.	1												
16.4	Territorial limits of regulations: If coordinated with subdivision regulations, reference the 3-mile application of those specific sections.		2											
16.5	Zoning of annexed areas: Useless statement of no effect. Either coordinate with default zoning categories or other zoning related matters, or eliminate and let annexation provisions stand independently on their own.	2	3											
16.6	Definitions: Merge and purge definitions in final draft. Consider distinguishing between defined terms vs. descriptions of uses (based on overall approach to uses / use table). This can add more flexibility and administrative interpretation of uses, rather than assume each use can meet a specific definition. There are lots of instances of regulatory provisions mixed in the definitions (which should be separated); other instances of definitions inserted into regulatory sections (which should be merged); and many terms that don’t need defining if a “plain and ordinary meaning” rule applies.	2												
16.7	Special Uses. Reorganize within the procedures section and let other sections address the substantive standards of specific uses in specific districts or contexts. Simplify the “Intent” section to a few basic planning or urban design purposes of the SUP process. In general, all procedures should be honed down to the following specific sub-sections: 1. Intent; 2. Applicability; 3. Specific procedures; 4. Decision-making criteria; and 5 Effect of decisions. Provisions that are repeated in various procedures should be organized in a single section of procedures common to all applications and stated only once.	1	1									2	2	
Gen.	<i>Submittal Requirements, Generally.</i> With all applications, details of submittal information should be removed from the code; authority to create forms and checklists with the necessary information should be delegated to staff in the code, with the forms kept outside of the code; and notice provisions should be general and aligned with statutory requirements	2	2											
Gen.	<i>Public Hearings, Generally.</i> All applications have a recurring issue on the number and timing of public hearings. They often require “double” in two instances – one before the PC and one before the CC (doubling the hearing) and then repeating that for any preliminary or final approvals that are needed. The code should emphasize a clear distinction between “public hearing” – a statutory requirement for notice, a chance for the public to speak, and for testimony to contribute to the record on which a decision is to be made – vs. a “public meeting” – where a decision is only to be made only on a previously established record or specific ordinance criteria, but where the review body should deliberate in an open and public setting. Multiple public hearings may seem “friendly” to the public and an element of transparency, but it really clouds when and how key elements are put in the record, and sets a moving target for meetings where the public is specifically invited to contribute.		1											
16-8	Boundaries of Districts, Interpretation. Reorganize in a more comprehensive “Interpretation” section.	3												

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16-9	Changes and Amendments. Reorganize in a procedures section. Break zoning text amendments and zoning map amendments (rezoning) into two separate applications with different criteria. In general, all procedures should be honed down to the following specific sub-sections: 1. Intent; 2. Applicability; 3. Specific procedures; 4. Decision-making criteria; and 5 Effect of decisions. Provisions that are repeated in various procedures should be organized in a single section of procedures common to all applications and stated only once. Also see general procedures sections (“Gen.”) above.	2	2											
16-10		3	3											
16-11		3	2											
16-12		3	3											
16-13		3	3											
16-14		2	5											
16-15		3	3											
Article II – Zoning Districts														
16-30	Districts and Zoning Map. This is a generic section establishing the zoning districts. Consider an opportunity to tie this better to the Comprehensive Plan by aligning this with some of the land use categories or development patterns in the plan where the district is most applicably, or otherwise emphasizing the different contexts and character of different neighborhoods or districts called for in the plan.						3		3	3	3	3		
16-31		2												
Gen.		2									2			
16-32	A – Agricultural District. This is a typical “low density” residential district used as a “holding” zone for future development, and sometimes billed as supporting agriculture. Since the standards are “minimums” and it enables agriculture uses, it can technically be used for ag. However the relatively small lot size (for holding zone/ag purposes – approx. 1 ac.), but the large lot size for neighborhood development, means this district will perform poorly at both. Consider increasing the lot size to 5 or 10 acre minimum if rural/ex-urban pattern is priority or 10 to 20 acre minimum if ag uses are a priority, and develop other ways to integrate larger lots into			1			2	2	2					

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Sec. #	Section Name: Notes & Comments													
	neighborhood settings. Note: for open space preservation, coordination of this development pattern with criteria for large coordinated conservation areas is a possibility as well.													
16-33	E – Estate District. This district appears to have been repealed in 2006, but still exists as mapped in some areas. The intent statement for the district notes a goal to promote “rural” living – however of specific note is that the development standards (lot size, setbacks, etc.) are essentially the exact same as the A district, so the zoning districts are relying solely on allowed uses for any distinction between the two. See same comments as A- Agriculture District.			1			1	2	1					
16-34	R-1– Residential District Low Density. This is a conventional suburban or neighborhood scale single-family housing district (8K s..f lots). The development standards will present some interpretation, conflicts and inconsistencies discussed more fully below with the Residential Design Standards.			3			2	2	3				2	
16-35	R-1A – Residential District Low Density. Nearly the same as the R-1 district with just a slightly smaller lot (8K vs. 6.5K). Consider a broader distinction between these two zoning districts – either increasing the lot size in R-1A, decreasing in R-1A, or a combination of both. Alternatively consider a broader mix of housing and lot combinations with a “building type” approach in the development code that considers a full range of neighborhood scale housing. (See “Missing Middle” housing discussion in Summary report.)			3			2	1	2				2	
16-36	R-2– Residential District Medium Density. This district is very similar to R-1A, except that it allows duplexes (2 houses in a single building / single lot). The difference between an R-1A SF lot (6.5K) and an R-2 2F lot (6K) is minimal, and closer coordination of these two standards should be considered. Particularly if there is a shift to a “building type” approach. This will emphasis greater compatibility of the building types and design standards, regardless of if the house has 1 unit or two units, and then can promote integration of building types within some neighborhoods where a mix is desired. Another issue to consider whether individual sides to a side-by-side duplex could be platted and separately owned. (See “Missing Middle” housing discussion in the Summary report)			3			2	2	3				2	
16-37	R-3 – Residential District High Density This is a conventional multi-family zoning district, which is likely to result in suburban apartment complexes that do not integrate well with other projects, and therefore isolate and buffer from their surroundings. The reason is that this district is “density based” that is the same density standard (29.04 units per acre max) applies whether you are a 5,000 s.f. lot or a 5 acre lot – even though the projects are dramatically different. Density-based standards force development to larger and larger project scales to get the critical land area to reach a development yield. This simultaneously eliminates a very small-scale, neighborhood compatible project (a small apartment building on a 5K lot can only have 3 units), and forces large projects out of scale with its surroundings. This also eliminates most of the key benefits to greater density – proximity to services, compact walkability, and/or infrastructure efficiency. The 35’ / 2-story height limit is also too limiting for most apartment formats. (See “Missing Middle” housing discussion in Summary report.)			2		2	1	1	1				1	
16-38	M-H Mobile Home Community District. This is a typical mobile home district for planned mobile home “parks,” and the plan requirements or design objectives are relatively vague. It does introduce a housing option, but still has a relatively low density that will not add significantly to some of the housing or neighborhood goals in the plan (6.2K per unit; 3.2K per site. Consider improving and clarifying the neighborhood / civic design elements both within the project and for how the project could relate to the surroundings. Further, these districts can then be set up to facilitate a broader range of small format housing projects (i.e. “cottage courts”, tiny home communities, etc.)			2		2	2	3	2				2	
16-39	R-O – Residential and Office District. This district is a “transition” district that conceptually allows a mix of uses – residential of all types, and non-retail commercial. However, the development standards do not allow a compact walkable format due to lot sizes and setbacks, and the residential density requirements would further limit any walkable neighborhood housing. This district may be more practical for both a transition between neighborhoods and walkable districts and corridors, or for a mix of uses within it by allowing more compact residential formats (see “building type approach”), but allowing live/work uses as a specific building type, and by allowing limited or neighborhood serving retail uses as well. Alternatively need to consider a new C- district for small-scale, neighborhood serving commercial, ideally in walkable patterns and formats, but at least small-scale and convenient with neighborhoods.						3	3	3			4	3	2
16-40	C-1 – General Business District. This district is intended for downtown uses, buildings and development patterns. Technically it can allow downtown-compatible buildings because there are no development standards (no minimum lot and no setback specifically, allowing small scale buildings and street-front orientation). However, the standards do not ensure it either, and this district is susceptible to incompatible projects – either very large scale, very car-oriented sites, or both.		2							2			3	2

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	Because there is a lack of expectations on development form, scale and urban design, site plan review is required. However there are few criteria or expectations for this review process to steer projects towards planning goals and design objectives for downtown.													
16-41	C-2 – Heavy Commercial. This is a fairly open commercial district likely to yield most suburban formats of retail which can include large strip patterns along corridors which are strongly discouraged in the Comprehensive Plan. The lack of minimum or maximum lot standards, and the requirements for minimum setbacks will prioritize automobile oriented site design and locating this district on thoroughfares will promote larger scale uses that may be incompatible with surrounding areas. A site plan is required in C-2 as well. These elements may create conflicts with the commercial design standards discussed in detail below.		2								3	1	3	2
16-42	I-1 – Light Industrial District. This district is intended for a mix of moderate intensity employment and manufacturing uses, that also allows a wide range of commercial uses. It relies primarily on the permitted and special use standards, since the development standards are minimal and permissive. There are also some performance standards for noise, based on adjacencies (this approach could be expanded upon for impacts beyond noise – particularly if the permissive nature of development scale and form is to be kept for this district. It does require site plan review, and some coordination issues with the Industrial Design standards (discussed in detail below) will likely result from a lack of standards in this section		2								3	2	3	1
16-43	I-2 – Heavy Industrial District. This district is intended for more intense industrial activity. It essentially has the same standards as I-2 (other than some slightly adjusted performance standards for noise). This demonstrates the heavy reliance on land uses to effect the desired development characteristics for this uses (which is not a good indicator of form, scale and urban design outcomes.). This district also requires a site plan review.		2								3	2	3	1
16-44	P – Parks District. This district is intended for parks and civic uses. These types of things - particularly parks and open space – should be able to be integrated into neighborhoods, districts and corridors as a fundamental part of the development pattern – just as streets are. (See comments with Subdivision Regulations below). Setting the implication that these types of community spaces need to be “zoned”, and then coming up with zoning standards for the district creates some mixed-signals that are sometimes difficult to reconcile. Consider integrating parks, open and civic spaces into a site design scale (building, lot, block) and a subdivisions scale (project, area, district), and then repurposing this as more of a civic use designation district (or eliminating it if it is little used.)			3	3									2
16-45	PUD – Planned Unit Development District. This district reflects a conventional approach to “planned zoning.” It is intended to promote unique and innovative development through a development plan that lets the standards be adjusted for context and specific projects. However it is heavy on process and very lax on planning policies, and design criteria or objectives which that flexibility should be used to accomplish. Ultimately these districts end up being “standard less” discretionary public reviews which can be frustrating for all involved in the process. They very rarely achieve the level of “unique and innovative” development aspired too, and often are just an end-run around a variance process for some particular standards that may or may not be applicable to the project. An overhaul of this process that both builds expectations of applicants, and assigns planning policies and design objectives which should be achieved through flexible and “planned zoning.”	1	1	2	2	2	2	2	2	2	2	2	2	2
Article III District Regulations														
16-60	General. This is an odd collection of standards that would be better coordinated elsewhere.	1												
16-61	Yards and Setbacks. Typical exceptions to allow encroachments into setbacks. In association with the Design Standards (commented on in detail below) consider a more comprehensive approach to these for different building types, different development patterns and different contexts.	3												3
16-62	Accessory Buildings and Uses. This is mixing uses and development standards. Consider breaking out permitted accessory buildings based on scale, development pattern and context (see “building type approach”). Create an accessory use section enabling “general accessory uses” – a “catch-all” category those that need no listing provided they meet some generic performance category; and specific accessory uses that may be known to require some additional standards or criterial	2											2	
16-62(d)	<i>Accessory Dwelling Units.</i> This section appears to allow accessory dwelling units, however it also defers to “districts where they are permitted” while most residential districts only list them as “special uses” causing some confusion. Further, the requirement that it count for “1/2” unit is curious and could lead to some confusion or unintended outcomes. Further, the requirement for increased 1,000 lot size will make it impractical with many situations, and is counter to the overall goal of fitting the buildings into their context, rather than have them stand out only on a-typical situations. ADUs should be revisited as part of the more comprehensive housing discussion (See “Missing Middle” housing discussion in Summary report.)	2	2				2	2	2					

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16-63	Non-conforming Use Regulations. This is a typical technical provision of the code for legal and practical purposes. Consider re-organizing this in the Interpretation section and consider broadening it to create more distinctions between non-conforming uses, buildings, lots, site-conditions, and signs.	2												
16-64	Non-conforming Lots. (See immediate comment above)	2												
16-65	Home Occupations. Typical standards giving flexibility for employment and living environments. Revisit to address any current issues and consider broader applications in “mixed use” or “mixed-density” neighborhoods – i.e. live/work units. Also re-organize with accessory uses as it appears this is an example of an accessory use (allowed by right and incidental), but that has some specific conditions and performance criterial	2	4					4			4		4	
Article IV - Parking														
16-81	Off-street Parking and Street Access Surface Improvement Requirements. This section could be greatly simplified and better organized. It has a lot of “legalese” that needs to be more plainly stated. The intent and design objective needs to make clear that the city priorities should be “optimal” parking where too much is as bad or worse than too little; and that the public interest is not to ensure abundant free parking, but to minimize impacts on streetscapes, on stormwater, and on adjacent property.	1		2		2								2
16-82	Off-street Parking Requirements. The downtown exemption is good, but a loophole may need to be closed for either prohibitions, maximums and/or better location and site design to mitigate any parking impacts on the walkable patterns when people do choose to provide it. The parking standards are not exceptionally high, but more flexibility to get to the “optimal” parking should be considered – credits for on-street, shared parking, bike parking, etc. Additionally the “per employee” rates should be reconsidered as they are hard to estimate, calculate, and apply.	2								4				3
16-83	Off Street Loading Requirements. The exemption for small scale uses are positive. May want to consider additional flexibility for uses to share loading and/or indicate that in walkable patterns (i.e. downtown) – loading should occur from the streets in off-hour situations to preserve the compact patterns.					4				4	4	4		4
16-84	Application. Need to simplify this into a basic applicability statement at the front of the parking standards	1												
16-85	Location. This section does not specify much – it can be coordinated with the landscape standards into a scale, location and landscape screening standard.	2												
16-86	Joint Parking Facilities. This needs to be broadened into a more robust peak time and location sharing.										2	2	2	
16-87	Off-street Parking Construction, Landscape and Maintenance. The breaking of the parking specifications into standard and oversized parking is difficult to implement, and for a practical matter won’t accomplish anything, since it will be difficult to manage from an operational standpoint. The landscape standards seem appropriate, particularly the street trees along parking perimeters. However they will need to be reconciled with the commercial design standards – which have some duplication and inconsistencies – with a more comprehensive parking lot landscape standard	2				4					4	4		4
16-88	Handicapped Parking. This is a typical section to meet ADA guidance.													
Article V. Fencing														
16-101	General Fencing Provisions. Simplify into a more direct “applicability” statement	2												
16-102	Sight Triangles. This should be addressed in one spot with regard to all sight triangles. Also, it should use a more context-based approach considering whether the access / intersection is controlled (stop-light / stop sign, etc.) and the speeds and context of the on-coming road. The simple “equal side” triangle approach is not practical or appropriate, and it unnecessarily undermines many other urban design and streetscape design issues.					1								2
16-103	Fence, Wall and Hedge Maintenance. Eliminate, except for a general comment that lack of maintenance of any requirement or something committed to on an approved site plan is grounds for enforcement. Otherwise sections like this are enforced by a property maintenance code, not zoning standards.	2												
16-104	Prohibited Fences. Revisit with all reorganized and reprioritized site design standards. The prohibition on barbed wire appears strong, until the next subsection then undoes this by allowing in all C- and I- districts	2												2

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16-105	Residential Requirements. This section seems appropriate, but it could be dramatically simplified with tables and better graphics; additionally appropriate fences on corners and in relation to side street sidewalks and rear yards should be revisited and illustrated in the graphics to reflect common solutions and patterns.	1					4		4					4
16-106	Commercial Requirements. The commercial fence standards are weak and lack any nuance for good design solutions in different contexts.	2								1	1	1		1
16-107	Industrial Requirements. The industrial fence standards are weak and lack any nuance for good design solutions in different contexts.													
16-108	Agriculture Requirements. Standards seem typical and appropriate.													
16-109	Drainage Easements. Reorganize into a comprehensive site design / performance approach													
16-110	Materials. Standards seem typical and appropriate, but are redundant and create interpretation issues with other standards. Reorganize generally.	2					3		3	3	3	3		3
Article VI Floodplain This section typically follows federal, state or regional models for flood insurance eligibility. As a model, it likely has many formatting and organization elements to improve and better integrate with the final draft (to be done at that stage). No substantive changes are anticipated unless technical professionals or staff alert us to issues.														
Article VII Signs														
16-141	General Requirements. Section has no effect. Incorporate into re-organized sign section with 1. Intent; 2. Applicability; 3. Substantive standards, etc.; General enforcement sections of overall code suffice and those types of standards can be eliminated throughout this article.	1												
16-143	General Sign Regulations. This section is duplicative of other things throughout this Article and creates some inconsistencies, conflicts, or interpretation issues. The reference to the "Uniform Sign Code" should be eliminated – if there is another sign code the City is using, all sign standards should be moved there.	1												
16-144	Temporary Signs. This section likely needs to be more nuanced for the many situations temporary signs are used. The section needs to be content- neutral, but the limits of this section are likely to lenient for some situations, but far to limiting for other typical situations	3											2	2
16-145	Licensing Fees. Move permit and fee things to the general application and fees section of the code; move the electrical provisions to a general specifications and other code compliance reference in the Sign section.	2												
16-146	Special Event Banners and Signs. Incorporate in with a more comprehensive temporary sign section; OR alternatively leave out of sign code entirely and address as part of special event permits administratively to allow more flexibility for various types of events.	2												
16-147	Prohibited Signs. Simplify, and incorporate into re-organized sign section. No significant substantive changes anticipated.	3												
16-148	Signs Permitted in all Zone Districts Without a Permit. There are some content-specific regulations in here to be careful with – this is generally more acceptable when you are exempting things from processes or otherwise applicable standards, but it needs to be more carefully drafted. Also, some of these signs belong in other sections (temporary, exempt for permit, exempt from standards, public, etc.)	2												
16-149	Residential Districts, Permitted Signs, Illumination. Many of these are redundant of other general sections creating conflict and confusion. Revisit and reorganize.	1							3					
16-150	Signs permitted in All Commercial and Industrial Districts. Reorganize and coordinate with other sections – redundancy and inconsistencies. Also consider more nuance for allowable signs in these districts – particularly distinctions between C-1 and C-2, and between C- districts and I-districts should be considered	1								2	2	2		2
16-151	Flashing Sings near intersections prohibited; Signs distracting from traffic control devises prohibited. This – like many of the sign standards are a random list of uncoordinated things, making this Article difficult to use and enforce. Reorganize into general performance standards / prohibitions section.	1												
16-152	Traffic Control signs or devices exempted. Same comment as immediately above. Reorganize into a single general exemptions section.	1												

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16-154	Procedures for sign variance. Unnecessary reference – eliminate.	1												
16-155	Legal Non-conforming signs. Reorganize with general non-conforming section for entire code in the Interpretation section.	2												
16-156	Illegal signs. Unnecessary, ineffective section - eliminate	1												
16-157	Enforcement. Reorganize with general enforcement section for entire code.	2												
16-158	Violations and Penalties. Unnecessary cross reference. Eliminate, let general code sections apply.	2												
16-159	Sign Area Calculations. Consider moving this to general interpretation section; or alternatively better coordinate with substantive sign standards and illustrate.	2												
16-160	Criteria for Bonus Sing Area. Bonus concepts are very difficult and tricky to administer. They often bring unnecessary complication for very little benefit. This one is particularly vague. Unless this section is widely and successfully used, it should be eliminated and a set of simple and basic signs standards should control for all similar situations. (Note: some things in the “bonus” can be incorporated into a more nuanced, but coordinated sign standards table.)	1								2	2	2		2
16-161	Permits for A-farme and footed vertical signs. This section and the one immediately below can be far more simple and incorporated into basic sign standards and/or exemptions.	2								4	3	3		3
16-162	A-frame and footed vertical Signs. This section and the one immediately above can be far more simple and incorporated into basic sign standards and/or exemptions.	2								4	3	3		3
Article VIII Site Plans														
16-170	General Requirements. Move entire article to Procedures section; break into “general to all applications” and then specific to site plans; organize site plan section into: 1. Intent; 2. Applicability; 3. Specific procedures; 4. Decision-making criteria; 5. Effect of decisions.	2												2
16-171	Responsibilities of Applicants. Eliminate – section has no effect; coordinate submittal requirements and forms through delegating responsibility to planning department in “general to all applications” section.	2												
16-173	Site Plan Process. Incorporate into streamlined sections similar to all other procedure sections. Reconsider whether site plans are a “public hearing” (vs. public meeting). Public hearings generally should only be where the testimony builds the record and/or where the public has a right to speak and contribute to that record (and statutes bear this out.) Site plans – whether administrative or at PC level, are generally not discretionary (so public opinion and testimony should not factor in decision), but rather a review to see if standards and criteria of the ordinance are met when applied to a specific site or project. So it is both a more time-intensive process to require a public hearing, but also procedurally risky as decision-making bodies (and the public) are asked to hear (or give) comments which technically / legally are not part of decision process. This is compounded by repeating the process with the City Council.)ne-stop, public meeting review should be considered at PC for site plans not associated with other discretionary reviews that have to go to CC (i.e. rezoning, plats, etc.)	2	1											2
16-174	Administrative Site Plan. Strengthen, improve and expand this process for more routine projects; give staff specific criteria to review, as well as parameters for administrative flexibility (see Administrative Variance comments, and coordinate); and be more clear on what types of applications are eligible for this expedited review.	2	4											3
16-175	Administrative Site Plan, Process. Same as comment above; however from this section it is not clear at all which types of applications use this process.	1	4											3
Article IX Additional Provisions														
16-191	Residential Design Standards. Incorporate design standards into comprehensive code. See below for substantive standards on residential design. This section also duplicates a previous section of the zoning ordinance.	1												
16-192	Unlawful of Residential Design Standards. This section is "legalese and is of no effect – eliminate. (plus unnecessary when incorporated into overall code)	1												

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Sec. #	Section Name: Notes & Comments													
16-193	Stop Work Order. Remove; integrate and rely on general enforcement provisions for entire code.	1												
16-194	Commercial and Industrial Design Standards. Incorporate design standards into comprehensive code. See below for substantive standards on commercial and industrial design. This section also duplicates a previous section of the zoning ordinance.	1												
16-195	Unlawful of Commercial and Industrial Design Standards. This section is "legalese and is of no effect – eliminate. (plus unnecessary when incorporated into overall code)	1												
16-196	Stop Work Order. Remove; integrate and rely on general enforcement provisions for entire code.	1												
16-197	City of Fort Lupton Master Plan. Integrate into purpose of overall code; also use throughout interpretation section of general code provisions	2												
16-198	City of Fort Lupton 3-mile Area Plan. Same as immediately above, but then particularly for the jurisdiction and applicability section relating to platting and subdivision regulations.	2												
Chapter 17 – Subdivisions														
Article I Subdivision Regulations														
17-1	Purposes. Merge some of these to the general purposes of the reorganized development code; others could be more specific Intent statements for the subdivision standards article and/or more specific topical sections under that article.	2												
17-2	Scope of Regulations. Merge with applicability of overall development code and specifically note the 3-mail for platting / sub-reg. Some subsections here are redundant of purpose statements.	2												
17-3	General Provisions. Many of these sub-sections can be reorganized into more streamlined and simple procedures for platting applications. Make very clear distinctions between 3 types of pats – administrative (abbreviated/expedited); minor (small / routine); major (large / significant planning, infrastructure and development pattern implications). Similar to other applications in the code these should be broken into "general to all applications" (one time section, not repeated); and each specific platting applications has the following – 1. Intent; 2. Applicability; 3. Specific Procedures; 4. Decision-making criteria; 5. Effect of decision.	2	2											
17-4	Penalties. Merge with general code provisions for enforcement.	2												
17-5	Definitions. Merge and purge definitions in final draft all in one section for reorganized code. There are lots of instances of regulatory provisions mixed in the definitions (which should be separated); other instances of definitions inserted into regulatory sections (which should be merged); and many terms that don't need defining if a "plain and ordinary meaning" rule applies.	2												
17-6	Fees. Merge with general code provisions for application and fees. Simplify language and do not codify things that are better left to administrative practices.	2												
17-7	Subdivision Types and Process. Reorganize, streamline and simplify. (See comment above with 17-3 General Provisions). Need to also consider more specifically which plats need 3-step process, vs. 2 or 1; whether each step needs to go to both PC and CC; and what level of information is necessary for each entity to appropriately review the applications based on what their roles and responsibilities in plat review are. (PC – long range planning; CIP coordination; development patterns; and civic design; CC = fiscal impacts; accepting public lands); and which steps should have a "public hearing" vs. public meeting. Need to try to get "negotiations" and development agreements [(a)2.j.] out of the process and standardize and codify required improvements for all plat applications.	2	2											
17-8	Development Application. Simplify and merge in with the applicability section of each plat application	2												
17-9	Severability. Remove; general section for entire development code can handle this	2												
Article II Major Subdivisions														

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Sec. #	Section Name: Notes & Comments													
17-20	General. This section should be the Intent and Applicability statements for the platting process. Per above, need to consider different distinctions between the different levels of plat review that are more indicative of the appropriate review bodies and appropriate level or information an review process needed.	2												
17-21	Sketch Plat. Streamline and reorganize into simple procedures for different types of plats. Remove many administrative practices (forms/submittal requirements). In comprehensive review of all plat processes, review if sketch plats need to go through a for formal review (typically they are only conceptual and should have some type of abbreviated review – no “public hearing”; no CC review, and often not even PC review except for very large concepts). Currently sketch plat goes to both PC and CC, and a public hearing at both stages. That is the highest procedural scrutiny at a very preliminary stage of a project (with 2 more reviews remaining.) Further, neither group can really “deny” the project at this stage as there are not criteria or standards, and it is not necessarily a formal application (assuming it is conceptual levels of information.)	2	1											
17-22	Preliminary Plat. Same or similar to sketch plat – streamline and reorganize into simple procedures. Additionally, the 3-tiered review needs to be reserved for only the very major projects, and then within that an abbreviated conceptual review – if necessary (administrative even); a detailed formal / technical review; and a confirming final review (possibly administrative) needs to be considered. Pinning the right level of information and details to each review staged, matching that with which entity(ies) need to be involved, and then the specific type of review (administrative, public meeting, or public hearing). The possibility of combining preliminary and final is a positive [17-22(a)(4)], but that should be structured more into the code so that the process is either front-loaded or back-loaded, and then match that as the codified process depending on the type or scale of the application. Also, try to codify all basic required improvements so subdivision improvement agreements aren’t required with each application and what is required is not negotiated as the standard process. [17-22(b)(9)]	2	1											
17-23	Final Plat. Same or similar comments as preliminary and sketch plat. This process may need to be abbreviated or even administrative. Typically it is just to confirm final design and construction documents meet technical specs (therefore very little public or policy review needed) and/or accept any dedications of public lands and ROW. The fact that final plats go straight to CC does reflect this somewhat, but there may be ways to better streamline this with a comprehensive review of coordinating all 3 stages of the process better. Many of the submittal requirements and format provisions are very dated, but the overarching recommendation to get these items out of the code and delegated to staff to administer forms and submittals for all applications will address this.	2	2											
Article III Minor Subdivisions														
17-30	General. Streamline and simplify into procedures section similar to all other procedures. However, the fact that “minor subdivisions” also have a public hearing and PC / CC approvals takes away one of the primary advantages of these minor and more routine platting applications – to have an abbreviated and administrative process.	2	1											
Article IV Amended Plats														
17-40	General. This section can be merged with the minor plats into a broader range of administrative plats. Then set the criteria specifically for when the amendment and/or plat action would elevate to a more comprehensive review.	2	2											
Article V Certifications														
17-50	Certifications Required. This section can be better captured in the “effect of decisions” section of the final plat, OR removed from code to forms and administrative processed delegated to staff.	2												
17-51	Certifications. Similar to the above, lots of legalese that can either be simplified or removed and delegated to staff and forms.													
Article VI Design Standards														
17-60	Design Standards. “Design standards” is a simple statement referencing the Standards and Specifications for public improvements. These are typically construction documents with very little planning, urban design or civic investment standards in them – merely technical specifications. The street standards referenced in there is a good example – there are not standards addressing urban design, context, neighborhood patterns, character, complete streets, or multi-modal transportation. This misses one of the primary goals of subdivision standards – to implement long-range development policies through lager picture planning, development pattern, and	2		1	1	1	1		1	1	1			

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	civic design. Streets (see specific comments on street designs in the Standards and Specifications below) and open spaces are the crucial element of creating a "public realm" coordinating many projects, and they should be the primary substance of the entire subdivision regulations. The reference to Residential Design Standards and Commercial and Industrial Design standards attempt to make up for this deficiency, however those documents are primarily geared to site design or single project application, and do not address the larger context and patterns well (these standards are reviewed in detail below.)													
Article VII Public Land Dedication														
17-70	General. Verify with staff that this system is active and working for open space, schools, and or other public lands. It will need to be streamlined and formatted to coordinate with the updated code. Additional, improvements to the subdivision scale open space systems (referenced above) and to site specific opens space standards (commented on in zoning and the design standards) should be closely integrated with this section.	3	2	3	4		2		3					
17-71	Requirements. Same as above.													
Standards and Specifications for Construction of Public Improvements (street planning and urban design standards only.)														
6.10 – 6.26	Roadway Design and Technical Criteria. In general, the road standards are geared exclusively for traffic-flow and high volumes/speeds. This includes the street cross sections, the intersection and curb radii, and sight distance provisions. Many streets are excessive wide (reference comparison to National Association of City Transportation Officials – NACTO Guide.) The sidewalk, and tree lawn / street tree provisions are decent, but they lack nuance for different types of streets in different contexts. The bicycle and trail provisions are a positive inclusion. However, with the higher speed streets and lack of recognition that "speed differential" is the essential component to practical bicycle transportation facilities, these standards are not sufficient to meet multi-modal planning goals and policies. The types of facilities appropriate for any street segment should be more refined (see NACTO Bicycle guides). There are not standards on network connectivity, which is an essential element of subdivision standards, development patterns and establishing different contexts for different places.				2	1	1		2	1	2	2		
Residential Design Standards														
Section I: General Provisions														
A.	Title / Citation. Eliminate when merged as a sub-section of the zoning / development code.	2												
B,	Purpose. These are broad "police power" public purposes, redundant of the purposes of the development code and intent statements of zoning districts. When this document is restructured and integrated into the development code, this section should be eliminated, and some pore specific and direct intent statements or design objectives on each of these topics can be integrated into the neighborhood design sections and sub-sections.	3		4	4		4		4					
C.	Conflicting Provisions & Relationship with Other Regulations. Eliminate this section when integrated with development code; default to general interpretation statement for entire code.	2												
Section II: Definitions														
A.	General Provisions. Simplify wording and merge in with single definitions section for the entire development code.	2												
B.	Definitions of Words, Terms & Phrases. Simplify. Merge and purge definitions in final draft all in one section for reorganized code. There are lots of instances of regulatory provisions mixed in the definitions (which should be separated); other instances of definitions inserted into regulatory sections (which should be merged); and many terms that don't need defining if a "plain and ordinary meaning" rule applies.	2												
Section III: Residential Site Planning & Site Design Standards														
A.	Applicability. Refine and make applicability statement much more clear once neighborhood design standards are reorganized, paired down, simplified, and applied to different contexts.	1	1											

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Sec. #	Section Name: Notes & Comments													
B.	Provision of Neighborhood Features. This is a good concept. It needs to be incorporated into the design standards of subdivision regulations – however it also needs to be simplified into a range of different open space and/or civic space/use types for different contexts, so that simple scales, patterns and design standards for these types can be organized and accumulated into “open and civic space systems” across many projects.	2	2	4	4		2		4					
C.	Open Space. This is repetitive of the concept of “neighborhood features” and introduces confusion into this good concept, ultimately undermining implementation. Also, the entire section is poorly organized by headings and sub-headings. Coordination and integration with subdivision regulations, along with a system of open space and civic space “types” will help address this. Need to confirm that land dedication, reservation, fee in lieu system [C.3.] working well and active, and coordinate in one section of subdivision standards. Need to clarify amounts and particularly “schools” vs. open space vs. other public/community facilities. The concept of “reservations” vs. “dedications” is good, provided the background data and research to support the dedication requirement remains valid.	1	1	3	3		3		3					
D.	Stream Corridor, Irrigation Canals, & Wetland Protection Standards. Confirm with staff if these standards are working well; incorporate this type of natural/ecological space as one of the types that is part of the opens space and civic space system.	2		4			3		3					
E.	On-site Drainage and Stormwater Management. Emphasize “solving” storm water at the largest scale possible and prioritize natural systems. This should be integrated with “dual purpose” open spaces – particularly with the natural / preserve open spaces. Promote stormwater systems as a part of “civic design” with appropriate strategies, techniques and best practices. Give incentives or waivers at the site level for areas that solve this in the subdivision or master planning process by block-, area-, neighborhood- or district-scale solutions.													
F.	Neighborhood Access and Circulation. Very unclear and disorganized provisions on a simple but crucial concept – development patterns, street networks, connectivity, and block patterns. Replace this with a simple and straightforward approach to streets and street networks. There are lots of good principles and concepts in this section, but very few substantive standards making it difficult to evaluate and implement, meaning it is likely overlooked.	1				2	2							
G.	Blocks and Lots. The block standards are very good; flexibility should be included by specifying typicals, and acceptable range, and averaging across a project provided overall system connectivity is maintained. Different standards for neighborhoods in different contexts are needed to make these standards more practical. The standards about not fronting on collectors and arterials should be revisited – this is an inefficient suburban pattern and results mainly from having inhospitable collector and arterial street designs. If these streets are designed right, they can make some of the best or most valuable addresses and frontages in the community.	2				5	3							
H.	Streetscape Design Standards. There are some great standards in this section, particularly with regard to street trees and frequency. However, many of the conflict or are inconsistent with the Standards and Specifications (see comments above), setting up interpretation issues. The perimeter fence section is excessive and needs to be organized and simplified. Also, should prioritize “frontages” along streets – including busier neighborhood streets if designed appropriately – rather than perimeter fencing and the implication of walling off or backing to the public realm (see comment immediately above.)	2				4	4		4					
I.	Crime Prevention Through Environmental Design. Remove – this is a good concept, however it is dated and it lacks any substantive standard. Can use in “Intent statements” or site as a “Resource, Guide, or Industry Standard to be used to inform design, implementation and interpretation of the code standards.	2		3	3		3		3					
Section IV: Residential Lot & Building Design														
A.	General Purpose. Streamline into some concise bullet points on intent or design objectives of various section(s) or elements of lot and building design.	2					4	4	4					
B.	Applicability. Redundant and possibly conflicting with II.A. (general applicability section) Refine and make applicability statement much more clear once neighborhood design standards are reorganized, paired down, simplified, and applied to different contexts. If separate sections or standards need different thresholds of applicability, review after reorganization.													
C.	Mix of Residential Lot Dimensions. This is a good concept. However the standards are very cumbersome and conflict with most of the zoning districts and building lot standards of those districts. Revise significantly and simplify these standards. Consider a “building type” approach to residential districts (at least some or 1 district). See Missing Middle Housing discussion in summary report.	1					3	4	3					

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Sec. #	Section Name: Notes & Comments													
D.	Residential Garage Placement. This is a good concept and important to neighborhood design and streetscape. However the standards need to be more nuanced to different combinations of street types, building types, and lot sizes. Additionally, the “% of lot” standard is very difficult to implement, and even harder to administer over time – it is oriented only to large scape projects at the initial design. Consider integrating this concept into a “Frontage Type” design concept that can be more nuanced and flexible to context, but also can be more widely applied to small projects or even single lots. This concept will be especially important if options for housing are stressed where either smaller lot sizes are recommended, or mixing of building types is recommended, or both. In those cases standards limiting front-loaded garages should be strengthened, as in each case they have an increasing and compounding negative effect on the neighborhood character and streetscape.													
E.	Mix of Different Housing Models Required. Similar comments as in C. above. This is a good concept, but requiring different models is a superficial and arbitrary way to implement the goal of variety and neighborhood character. Variations in frontage types, subtle differences in entry features within a wide range of patterns, and variations of massing and facade design create far more character and human scale design details and differences than varying massing. Plus, requirements for different models is cumbersome and hard to implement for both staff and the developer. [Note: many of the concepts in the graphics show these techniques – frontages, entry features and simple massing; each of which could be applied to the same model with great effect. Meanwhile, different models meeting the standard could have none of the nuance and compatible, human scale distinctions depicted in those graphics.]													
F.	Mix of Roof Colors. Consider eliminating – difficult to implement and administer. Could be included as a list of things that could contribute to variations, but overall it is not significant and less important than things discussed in E. above.													
G.	Rear Elevations. Consider eliminating. This standard is arbitrary and does not add anything meaningful to the purpose and goals. A more comprehensive review of building design and massing could warrant some standards applied to all elevations													
H.	Multi-family Building Design. The same concepts applying to detached houses (discussed above) should be applied to multi-unity building types. This is true particularly if a “building type” approach is taken; if a range of small-scale multi-unit buildings are promoted; and mixing these types in a compact walkable neighborhood is desired. (See Missing Middle housing discussion in Summary report). In these cases, the same or similar neighborhood design and building design approaches should apply to detached houses and to multi-unit building. Overall these standards are very disorganized and confusing.													
I.	Incentives for Mix of Housing Types. Good concept, but the standards likely will not be effective – particularly when the zoning districts limit housing types so significantly. There are some vary vague and abstract formulas in here that will be difficult to follow and apply – so no incentive at all. Revisit this when the approach to residential building types is finalized, an look at what actual impediments and more practical “incentives” may be.													
J.	Residential Compatibility Standards. These standards deal simply with setbacks, height and some superficial aesthetics, and not necessarily “compatibility.” The formulas and “menu options” are ultimately very unpredictable as to outcomes, while simultaneously could be onerous on certain projects. The miss many of the more crucial elements that drive compatibility. Consider eliminating this altogether based on all of the above seeking to achieve compatibility, albeit with a mix of neighborhood design and building /lot design standards, and within a flexible range of compatible building types.													
K.	Accessible Housing Standards. Revisit when approach to housing and zoning districts is complete. This topic is extremely difficult to regulate effectively. Citing to policies and outside guidance such as AARP or Federal Accessible Housing Standards and Codes as best practices (similar to CPTED reverence above), may be as effective or more effective. From a regulatory standpoint, enabling a broad mix of housing types can be more effective.													
Section V. Residential Design Review Procedures														
A.	Subdivision Compliance. Eliminate; integrate overall with all procedures and particularly make neighborhood design par to platting review. Additionally, many of the sub-sections in this section are unclear or are duplicative of substantive standards, creating interpretation issues an potential conflicts.													
B.	Variances. Eliminate – let general development procedures control. Additionally, to build flexibility into any of the neighborhood design standards or guidelines, administrative adjustments, exceptions or alternative compliance should be considered directly in association with each standard. (see comment on “Administrative Variances” above.)													

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Sec. #	Section Name: Notes & Comments													
C.	Enforcement. Eliminate with reorganization– let general development code section apply.	2	2											
Commercial and Industrial Design Standards														
Section I: General Provisions														
A.	Title / Citation. Eliminate when merged as a sub-section of the zoning / development code.	2												
B.	Purpose. These are broad “police power” public purposes, redundant of the purposes of the development code and intent statements of zoning districts. When this document is restructured and integrated into the development code, this section should be eliminated, and some pore specific and direct intent statements or design objectives on each of these topics can be integrated into the general design sections and sub-sections.	3								3	3	3	3	3
C.	Applicability. Unclear what “development” is and what would “negating grandfather status” do makes the regulations not apply – that is the point of “grandfather status.” Need to get specific on applicability – additional different thresholds for different components of the standards, and different levels of investment.	2												
D.	Confliction Provisions & Relationship with Other Regulations. Eliminate; reorganize with overall code and move to general interpretation section. Further, this one is very poorly worded – lots of “soft” language; qualifiers; and legalese.	1	2											
Section II: Definitions														
A.	General Provisions. Simplify wording and merge in with single definitions section for the entire development code.	2												
B.	Definitions of Words, Terms & Phrases. Simplify. Merge and purge definitions in final draft all in one section for reorganized code. There are lots of instances of regulatory provisions mixed in the definitions (which should be separated); other instances of definitions inserted into regulatory sections (which should be merged); and many terms that don’t need defining if a “plain and ordinary meaning” rule applies.	2												
Section III. Commercial and Industrial Planning & Site Design Standards														
A.	Site Planning. Integrate into simple and streamlined procedure section of overall code - similar to other section comments on procedures: 1. Intent; 2. Applicability; 3. Specific Procedures; 4. Decision Criteria; 5. Effect of Decision. In general this section is a mix of process, narrative on goals and objectives, evaluation criteria and guidance, construction specifications, and substantive design standards making it hard to follow. Some of the criteria are too vague to be helpful and others are too specific to be generally applicable in all contexts. A number of these restate and some conflict with substantive standards in other sections. The commercial and industrial sub-sections are generally the same and repetitive – reflection both poor organization and the standards being so generic as to not make distinctions between all commercial and industrial areas.	1	2											
B.1.	Vehicle and Pedestrian Circulation; General. The reference to the CO State Highway Code and AASHTO [Section B.1]should be removed. These documents are notorious for being exclusively focused on traffic and out-of-context designs that prioritize high volumes and speeds over other economic development, planning and urban design policies. The National Association of City Transportation Officials (NACTO) is a better guide with more context-appropriate solutions for Cities.	2			1	1				1	2	2		
B.2.	Vehicle and Pedestrian Circulation; Site Access Points and Driveways. There are some good principles in this section to balance pedestrian and vehicle interests. There needs to be some better context-based or street specific distinctions to better integrate traffic management principles, urban design / aesthetic principles; and pedestrian priority principles.				1	1				1	2	2		
B.3.	Vehicle and Pedestrian Circulation; Vehicle Circulation. Much of this is redundant of principles and points in B.1 and B.2. Also, some of the standards lack necessary context analysis - they are too specific to be generally applicable city-wide without additional qualifiers or criteria, inadvertently prioritizing traffic flow and vehicle interests in all cases.	1			1	2				1	2	2		1

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		Clarity: Organization & Format	Streamlined Procedures	Preserve Natural Systems & Environmental Features	Emphasize Civic & Recreation Amenities	Improve Street Networks & Streetscapes	Promote Distinct Neighborhood Contexts	Mix of Housing Options	Enhance Neighborhood Design & Character	Strengthen Downtown	Develop Job Centers	Manage Corridors	Integrate Scale & Mix of Uses	Improve Site Design
B.4.	Vehicle and Pedestrian Circulation; <i>Pedestrian Access and Circulation.</i> There are some good concepts to work with in this section, but it needs to be more comprehensive (i.e. some situations will require more specific and additional pedestrian accommodations) and simplified (all standards for each context / situation could be reflected in a single table.).	1			3	3				2	3	3		3
C.	Parking. There are some good site design concepts in this section, but they are presented in an unclear way and poorly organized. Additionally, they need to anticipate more contexts (pedestrian-oriented vs. car-oriented) and different scales of places (neighborhood, community, and regional). The Commercial and Industrial sub-sections repeat the same standards – reflecting poor organization, but also the lack of nuance to distinguish between different types of places. Also this is redundant of or conflicts with sections of the zoning ordnance on the same topics	2				3				3	3	3		2
D.	Signage. This section is pretty poorly organizes and circular. Much of it is written in a narrative format with very little substantive standards. Some of the standards create conflicts or interpretation issues with the sign ordinance section of the zoning ordinance. Simplifying sign standards is important to ensure that (a) you focus only on the crucial standards important to the design of the community; and (b) the stands remain objective and content-neutral to meet practical and legal interest.	1								3	3	3		2
E.	Exterior Lighting. Simplify into some basic lighting standards for different contexts. Focus on 3 elements of lighting design – (1) sensitivity to adjacent property / street; (2) height of lights; and (3) type of fixtures – and each of these should impact a simple performance standard for the amount of light visible from adjacent areas. The light intensity standards (E.3.) are a good example of performance standards tailored to the type of light, and the function of the area to be lit.) The Commercial and Industrial standards repeat the same things – showing both poor organization and/or lack of distinguishing between different types of places.	2								2	2	2		3
F.	Utilities. This is a broad and sweeping comment (all utilities underground) – confirm that this is the policy and practice.			4	4	4								4
G.	Landscaping. There are some good concepts in this section, however it is poorly organized and difficult to follow. There are long sections of narrative making it difficult to identify what is intent or design objectives, what is a guideline or best practice, and what is a substantive standard. This also makes analysis, implementation and enforcement difficult. The landscape should be better coordinated with other site design elements and broken into requirements for streets / street frontage, parking areas, open spaces / civic spaces, building foundations / entries, and buffers / screening. The xeric standards have good principles but should be upgraded to include the DRCOG latest water wise guidance. The street tree requirements are particularly good, provided they are being enforced and implemented. However they need to be coordinated with other sections on street design and site design. Much of the more technical details on property planting and maintenance techniques that ensure survival should be moved out of the code – perhaps adopt a regional reference on best practices or industry standards and specifications, or include city planting specifications in an appendix along with the species list.	1		4	3	4								3
H.	Walls & Fencing. Reorganize and simplify. Also account for different standards for different contexts.	2												3
I.	Crime Prevention Through Environmental Design Standards. There are no substantive standards in here. These principles are somewhat dated and this may be better referred to as an outside resource or guide to use to aid or enhance application of other substantive standards in the code, so that they remain relevant and updated.	2												3
Section IV. Commercial and Industrial Building Design														
A.	Architectural Design. This entire section is poorly organized, with lots of rambling narrative and odd reference (Uniform Baseline Standards??). Many of the substantive standards conflict with some of the other standards in the same section and/or with the zoning district standards, making implementation difficult. Revisit and consider distinction between urban form – (scale, mass, format, orientation) - easier and more meaningful to regulate vs. Architectural design (style, materials, composition). – harder and less important to regulate.	1								2	2	2		2

COMPREHENSIVE PLAN CONFORMANCE CHART

RECOMMENDATION FROM THE COMPREHENSIVE PLAN	IMPLEMENTATION WITHIN THE DEVELOPMENT CODE UPDATE
Chapter 3: Growth & Development <i>Goal: Guide land use and investment to support continued growth and prepare for considerable population increases and development in the future.</i>	
Update the zoning code in accordance with the Land Use Plan.	The proposed Development Code Update implements this item from the Comp Plan, as described in this Plan Conformance Chart and the Plan Conformance Report. The objective of the update to the Fort Lupton Development Code are: • Streamline applications, improve flexibility, and clarify expectations in the development process; • Create a more user-friendly document, with better organization, clear language, and the use of graphics and tables; and • Implement the goals and objectives of Picture Fort Lupton, the City’s comprehensive plan adopted in May 2018.
Update zoning codes to eliminate the chance of adjacent incompatible uses from occurring.	Article 4– Zoning Districts and Uses. This article establishes the zoning districts to be used to implement Picture Fort Lupton, and specifies land uses that are allowed in each district. Uses are allowed “by right” subject to the applicable district development and design standards, or are permitted through a special use permit application process, which evaluates the specific use based on context. Some uses are called out for specific standards unique to that use. This article includes few revisions of current standards with the exception of the following: • It focuses purely on land use, and the zoning district development standards are shifted to Articles 5 (residential) and Article 6 (non-residential districts). See notes below on these articles for specific changes recommended. Overall, there is a strategy to become more general with the allowed uses, but refining more within these general use categories based on scale, format and potential impact of uses. This strategy promotes more mixed-use contexts, in exchange for the greater attention to the scale, format and design of uses.
Establish a precedent that oil and mineral extraction will not limit growth and development over time.	Chapter 9 – Oil and Gas Exploration and Development is recommended to be repealed, and incorporated into the new Development Code as a special use permit in all zone districts. The setback distance for any building or structure from plugged and abandoned wells has been reduced from 150 feet to 50 feet, which will provide an opportunity for more development opportunities.
Explore establishment of a standard buffer distance for wells and related operations.	For new wells and accessory structures or equipment, the Code has been simplified to require State setbacks rather than the Development Code making these determinations. For new residential, commercial, or industrial buildings or structures, the setback is 150 feet from existing well heads or accessory structures or facilities, which is the same as the current code. For plugged and abandoned wells, buildings and structures may be located 50 feet away, which is reduced from the current 150 feet.

COMPREHENSIVE PLAN CONFORMANCE CHART

RECOMMENDATION FROM THE COMPREHENSIVE PLAN	IMPLEMENTATION WITHIN THE DEVELOPMENT CODE UPDATE
Residential Framework	
<i>Guiding Principles: Residential growth areas, housing diversity, core neighborhoods, multi-family expansion, rural residential neighborhoods.</i>	
The R-2 district is expanded more form just duplexes to reflect a broader range of “missing middle” housing (small-scale multi-unit buildings) in a mixed-density neighborhood setting. <i>5.02. Residential Building Types.</i> The current standards are a mix of district and building type standards; the proposed revisions shift to a “building type” approach, and has a greater emphasis on “missing middle” housing – higher-density, smaller-scale, multi-unit projects.	
Commercial Framework	
<i>Guiding Principles: Commercial Growth Areas, downtown extension, commercial transition, commercial nodes.</i>	
The C-1 district is refocused more specifically on neighborhood-oriented commercial. This corresponds to the commercial nodes identified in the comprehensive plan.	
Chapter 4: Subarea Plans	
Downtown Fort Lupton Subarea	
<i>Guiding Principles: Promoting Mixed Use, Emphasizing Pedestrian Orientation, Supporting Investment.</i>	
A new downtown district (DT) is recommended based on the comprehensive plan. Currently it is zoned C-1, but C-1 is generally a limited commercial district for neighborhood-scale and intensity of uses, while C-2 is for larger-scale, high-intensity uses. Neither is directly appropriate with downtown, which can accommodate smaller scale, but higher-intensity commercial uses in a compact, walkable format. Further, block-by-block building form and design standards are recommended for downtown in Article 6, as called for in the comprehensive plan.	

COMPREHENSIVE PLAN CONFORMANCE CHART

RECOMMENDATION FROM THE COMPREHENSIVE PLAN	IMPLEMENTATION WITHIN THE DEVELOPMENT CODE UPDATE
Chapter 5: Regional Presence <i>Goal: Foster a regional presence that elevates Fort Lupton as a key destination and premier community within the Front Range.</i>	
Review the existing development proposal and review procedures to identify potential issues and improvements that could better streamline the process.	<i>General Streamlining of Procedures.</i> Table 2-1 and the specific procedure sections has several recommendations for streamlining procedures. These recommendations are based on the discussion and direction from the Town Hall meetings in June 2020. The streamlining includes combinations of: (1) distinguishing between public hearing and public meeting; (2) eliminating some conceptual review steps or making them optional; and (3) eliminating some dual PC and CC review and/or delegating some more routine applications to PC decisions. A procedures summary table consolidates all notification requirements, meeting and hearing requirements and decision making bodies in one location rather than having repeated in multiple locations in the Development Code.
Develop resources for investors and business owners who are new to the City, providing basic information regarding zoning, the development review process, and other related procedures.	As part of the Development Code adoption, staff is preparing updated procedures sheets to guide applicants through the land use process.

COMPREHENSIVE PLAN CONFORMANCE CHART

RECOMMENDATION FROM THE COMPREHENSIVE PLAN	IMPLEMENTATION WITHIN THE DEVELOPMENT CODE UPDATE
Chapter 6: Transportation & Mobility <i>Goal: Maintain existing systems for transportation and infrastructure while pursuing projects to improve accessibility, multi-mobility, and quality services.</i>	
Article 3– Subdivision Standards. This article provides planning, engineering, and urban design standards for larger-scale development projects. It establishes development patterns and infrastructure requirements as land is divided and ownership fractures. The changes in this code update are to reflect more “urban design” elements into the planning and development process at this key preliminary stage of development. This responds to Fort Lupton’s call for strengthening the character of different places in the community and improvements to community image with the “pubic realm” design (streets and open spaces). 3.01. Streets. The current subdivision regulations are weak on planning and urban design standards, and defer to the Standards and Specifications Manual. This document is traffic-focused and based strictly on functional class of streets. The current neighborhood and commercial design standards attempt to reconcile this with a number of different streetscape design standards. The recommended draft subdivision regulations address this with the following changes: - o Refined standards for street connectivity, to distinguish different contexts in the plan – primarily distinguishing walkable areas and car-oriented areas (3.01.B. / Table 3-2) - o Add specific street design types for walkable neighborhoods or mixed use contexts. - o All street sections defer to the Standards and Specifications Manual for the construction specifications, but use the subdivision design standards to modify the planning and urban design features for specific contexts.	
Chapter 7: Parks, Open Space & Environmental Features <i>Goal: Preserve and enhance parks, open spaces, and environmental features to offer high quality recreation and maintain Fort Lupton’s picturesque landscape.</i>	
Article 3– Subdivision Standards. This article provides planning, engineering, and urban design standards for larger-scale development projects. It establishes development patterns and infrastructure requirements as land is divided and ownership fractures. The changes in this code update are to reflect more “urban design” elements into the planning and development process at this key preliminary stage of development. This responds to Fort Lupton’s call for strengthening the character of different places in the community and improvements to community image with the “pubic realm” design (streets and open spaces). 3.02. Open & Civic Space. Emphasize open space as a key image and development pattern element of all projects. Improve criteria to link open space systems across projects and establish more context-appropriate open space standards. - o Incorporate the current public dedication (10 acre / 1,000 people); - o Replace the current vague common open space standards to a specific rate; - o Coordinate all of the open space standards – from subdivision scale to block/project scale to site/building scale to allow greater efficiencies and credits for planning and integrating larger-scale open space systems into the project.	

Alyssa Knutson

From: White, Bushrod B. <bbwhite@ccu.edu>
Sent: Monday, March 28, 2022 3:20 PM
To: Alyssa Knutson
Subject: RE: [EXTERNAL EMAIL] Presentation from Last Night

Alyssa,

I did not feel like I got enough time to express my concern about how closely buildings were being built to each other. I feel it is quite a fire hazard. I drove around other apartment complexes and condos over the weekend, and none of the ones I saw were built as closely together as the ones in Fort Lupton. If the fire department believes this is OK, they act somewhat irresponsibly. Minimum distances are not the best standard.

I am speaking from 13 years of experience as a wildfire firefighter. Unlike many small-town firefighters, I was not a volunteer. I was in charge of the initial attack on the South Park Ranger District and worked on the Pike San Isabel hotshots for a summer. I feel I have a pretty good handle on fire behavior.

I remember doing a community meeting in the Lake George area about how to protect houses from burning in a wildfire. They took our suggestions with a grain of salt. They even stated that they had never seen a fire over 300 acres in their area. Fast forward to 2002, a little fire called the Hayman fire which burned 138,114 acres. Many of the people who were at our meeting lost their homes.

Thanks for making this part of the public record.

Bush

Bush White Ed. D.
Director of Graduate Education Programs
Colorado Christian University
O: (303)963-3120 M: (720)979-3559
bbwhite@ccu.edu [Virtual Office](#)



*Christ-centered higher education transforming students
to impact the world with grace and truth.*

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From: Alyssa Knutson <AKnutson@FortLuptonCo.Gov>

Sent: Friday, March 25, 2022 4:46 PM

To: Mike Simone <mike.simone@yahoo.com>; White, Bushrod B. <bbwhite@ccu.edu>; Kathy Kvasnicka <kkvasnicka1974@centurylink.net>; Paul Weber <pvdub79@gmail.com>; Thomas Meyers <temeyers1975@gmail.com>; Thomas Holton <thms_holton@yahoo.com>

Cc: Todd Hodges <Thodges@FortLuptonCo.Gov>; Magaly Morales-Tejada <MMTejada@FortLuptonCo.Gov>; Maria Lancto <MLancto@FortLuptonCo.Gov>

Subject: [EXTERNAL EMAIL] Presentation from Last Night

WARNING: This email is from outside CCU. Do not click any link and do not open attachments unless you can verify the sender. Please report any possible suspicious emails by clicking on the "Report Phish" button on the email's menu bar.

Hello – attached is the presentation from last night that you all requested. More info on the Code Update, including draft articles can be found at: <https://www.fortlupton.org/856/Development-Code-Update>.

Thanks,

Alyssa Knutson, [AICP](#)

City of Fort Lupton

Long Range Planner

130 S. McKinley Ave.

Fort Lupton, CO 80621

Office: 303.857.6694

Direct: 720.466.6128

Mobile: 303.304.4498



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SUBJECT FOR DISCUSSION

Purchase 4250 gallons of Zinc Ortho Phosphate for the Water Treatment Facility for \$72,037.50 Allocated From the Water Treatment Plant Repair and Maintenance Fund

SUMMARY STATEMENT/BACKGROUND DISCUSSION

The 2022 budget contains funds for the purchase of Zinc Ortho Phosphate for the Water Treatment Plant. The ChemQuest Company is the only US company to provide this product, The ChemQuest quote is for \$72,037.50 for 4250 gallons of the product delivered to the Water Treatment Plant.

The Colorado Department of Public health and Environment mandated in 2002 that the City of Fort Lupton add corrosion control chemicals to meet Federal Lead and Copper regulations for Drinking Water. The chemical that the State approved for Fort Lupton use was Zinc Ortho Phosphate.

The ChemQuest Company is the only U. S. company that supplies this chemical that meets NSF (National Sanitation Foundation) standards. All chemicals used in potable water must meet NSF standards. This amount of chemical should not need to be reordered until 2025.

FINANCIAL CONSIDERATIONS

The 2022 Utility Fund Budget has \$75,000 budgeted in the water treatment plant's repair and maintenance account for the purchase of zinc phosphate.

LEGAL/POLITICAL CONSIDERATIONS

N/A

ALTERNATIVES/OPTIONS

The City could fund an Engineering study to request the State to change our corrosion control methods. However, the recent Corrosion control mandates in the State have been Zinc Ortho Phosphate. We could not be successful.

STAFF RECOMMENDATIONS

N/A

Attachment: a. ChemQuest Quote

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date



April 5, 2022

City of Fort Lupton
Attn: Jon Mays, CWP
130 South McKinley Avenue
Fort Lupton, CO 80621

Dear Jon,

I am pleased at this time to provide the following price for your consideration:

4250 gallon RY-1000 \$16.95/gallon \$72,037.50

Price includes bulk delivery to Ft. Lupton Water Treatment Plant.

Thank you for the opportunity to be of service.

Yours in service,

Mike McEvoy by BC

Mike McEvoy
Application Chemist



SUBJECT FOR DISCUSSION

Approve a \$1,841,520 Supplemental Budget Resolution Nunc Pro Tunc to December 31, 2021

SUMMARY STATEMENT/BACKGROUND DISCUSSION

The Street Improvement Sales Tax Fund, Perpetual Care Cemetery Fund, Storm Water Drainage Enterprise Fund and The Golf Course Enterprise Fund may be in violation of state statutes as the operating expenditures exceed the appropriated budgets. A supplemental budget resolution is necessary to bring the funds into compliance.

Fund	Description	Expenditure	Over Budget
		Amount	Amount
Street Sales Tax	Basalite Infrastructure Reimbursement	\$ 356,867	\$ 109,100
Cemetery	Utilities - Water	95,789	12,300
StormWater Drainage	General Supplies	321	120
Golf Course	Maintenance Costs	44,954	17,950
Golf Course	Merchandise for Resale	222,473	67,000
Golf Course	Supplies	173,634	65,890
Golf Course	Utilities	206,908	114,960
Golf Course	Bank Charges	44,306	14,200
Utility Fund	Design of the Waste Water Treatment Plant	1,439,745	1,440,000
Utility Fund	Waste Water Treatment Plant Design Held as Retainage	75,776	75,780
Total		2,660,773	1,917,300

FINANCIAL CONSIDERATIONS

The expenditures occurred in 2021 and the actual fund balances at year end are accurately recorded. This resolution will bring the funds back into compliance with State budget law.

LEGAL/POLITICAL CONSIDERATIONS

None

ALTERNATIVES/OPTIONS

Do not approve the resolution and make a note to the financial statements describing the non-compliance of these five funds

STAFF RECOMMENDATIONS

Approve the supplemental budget resolution in various funds for a total of \$1,841,520

Attachments: a. Proposed Resolution

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date

RESOLUTION NO. 2022Rxxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT LUPTON APPROPRIATING \$1,917,270 IN FUNDS FOR 2021 NUNC PRO TUNCT TO DECEMBER 31, 2021 FOR OVERAGES AT YEAR-END.

WHEREAS, the City of Fort Lupton duly appropriated funding for all Funds in 2021 for all cash outlay from these funds; and

WHEREAS, certain funds are needed to cover expense that were unknown at the time of the budget adoption; and

WHEREAS, the City of Fort Lupton has determined that the appropriation of these items serve a valid public purpose for the benefit of the entire community and includes the following;

Section 1

APPROPRIATION: That out of current and probable sources of the City of Fort Lupton, Colorado, for and during the year beginning the first day of January, 2015, there is hereby appropriated the following sums of money or that portion necessary for the purposes herein named:

Street Improvement Sales Tax	109,100
Cemetery	12,300
Strom Water Drainage Enterprise Fund	120
Golf Course Enterprise Fund	280,000
Utility Waste Water Enterprise Fund	1,515,780
Total Increase in Expenditures	<u>\$ 1,917,300</u>

Section 2

RESERVES: That the Budget appropriation herein summarized above does reflect uses exceeding sources. The variance is funded through use of Reserves in each fund listed:

Street Improvement Sales Tax	(109,100)
Cemetery	(12,300)
Strom Water Drainage Enterprise Fund	(120)
Golf Course Enterprise Fund	(280,000)
Utility Waste Water Enterprise Fund	(1,515,780)
Total Decrease in Reserves	<u>\$ (1,917,300)</u>

NOW THEREFORE BE IT RESOLVED that the City of Fort Lupton hereby supplements \$1,917,270 to offset expenses and \$314,200 in revenues for the Conservation Trust, Recreation Center and Golf Funds.

APPROVED AND ADOPTED BY THE FORT LUPTON CITY COUNCIL THIS 19th DAY OF APRIL, 2022 NUNC PRO TUNCT TO DECEMBER 31, 2021.

City of Fort Lupton, Colorado

Zo Stieber-Hubbard, Mayor

Attest:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney



SUBJECT FOR DISCUSSION

Accepting a Proposal from Gerardo Concrete for the Construction of the Pickleball Courts at Railroad Park for an Amount not to Exceed \$41,112.00 to be paid from the Culture, Parks and Recreation Sales Tax Fund (CPR Fund).

SUMMARY STATEMENT/BACKGROUND DISCUSSION

The Recreation Department would like to start the project of the Pickleball Courts located at Rail Road Park. The construction/concrete work would be completed by Gerardo Concrete for an amount not to exceed \$41,112.00.

The staff has looked into the construction of the pickleball courts that includes two (2) individual pickleball courts yielding 64' x 64' (4,096 square feet) and pickleball court accessories at Rail Road Park. Work shall include furnishing all labor, equipment, materials, tools, supervision, and any other items necessary or convenient to satisfactorily complete the work as shown on the design drawings and/or specified by the Contract Documents and Specifications.

All work shall be completed in accordance with the supplied specifications and engineered drawings. See attached plans and specification for the project.

FINANCIAL CONSIDERATIONS

The Pickleball Court project was budgeted in the CPR fund for the amount of \$55,000. The construction/concrete work would be completed by Gerardo Concrete for an amount not to exceed \$41,112.00. Estimated fence cost to be \$11,000.

LEGAL/POLITICAL CONSIDERATIONS

None

ALTERNATIVES/OPTIONS

Request for bid closed on April 4, 2022, we only had one bid submitted.

STAFF RECOMMENDATIONS

Staff recommends to approve the construction of the Pickleball Court at Rail Road Park for an amount not exceed \$41,112.00 by Gerardo Concrete

Attachments:

- a. Design/Build Construction Agreement
- b. Notice of Award
- c. Construction Drawings

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date

REQUEST NO.
FTL2022-002



**CITY COUNCIL OF FORT LUPTON, STATE OF COLORADO,
BY AND THROUGH ITS FINANCE DIRECTOR**

DATE: March 10, 2022

THIS DOCUMENT CONTAINS GENERAL INFORMATION FOR THE PURCHASING PROCESS OF THE CITY OF FORT LUPTON. NOT ALL ITEMS MAY BE APPLICABLE. ACTUAL BID SPECIFICATIONS WILL BE ATTACHED.

I. NOTICE TO BIDDERS

- A. The City of Fort Lupton of the County of Weld, State of Colorado, by and through its Finance Director, wishes to purchase the following:

Rail Road Park Pickleball Court

- B. A pre-bid meeting will be held on **March 22, 2022 at 10:00 A.M.** at the Recreation Center located at 203 South Harrison Ave, Fort Lupton, CO 80621
- C. Questions may submitted by email to dcook@fortluptonco.gov by **March 25, 2022 at 5:00 P.M.** Answers will by 5:00 P.M. March 28, 2022.
- D. Sealed or faxed bids the above stated merchandise, equipment, and/or services will be received at the office of the City of Fort Lupton Finance Director, 130 South McKinley Avenue, Fort Lupton, Colorado, 80621 until: **Monday, April 4, 2022 @ 2:00 P.M.**
- E. City Council will address this acquisition on **April 19, 2022.**

II. INVITATION TO BID

- A. The City of Fort Lupton of the County of Weld, State of Colorado, by and through its Finance Director, requests bids for the purchase of the above-listed merchandise, equipment, and/or services.
- B. Said product shall be for the benefit of CITY OF FORT LUPTON, 130 S. McKinley Ave., FORT LUPTON, COLORADO 80621.
- C. Bids shall include all charges for freight, delivery, containers, packaging, less all taxes and discounts, and shall, be the total net price, which the bidder will expect the City of Fort Lupton to pay if awarded the bid.
- D. All bids must be sealed in envelopes that have the bid number and title of the bid typed or printed in plain sight. One original and two copies of the Bid must be submitted at the time of the bid opening. One complete bid document, which will be the only official copy of the bid, shall be filed at the finance department. After certification of the bid, by finance, the other copies will be sent to the applicable department(s) for review. Bids may be faxed to 303-857-6090 attention finance or emailed to Bids@FortLuptonCO.gov; and the vendor must include the following statement on the facsimile or email, **"I hereby waive my right to a sealed bid"**.



III. INSTRUCTIONS TO BIDDERS

- A. Bids shall be typewritten or written in ink. Each bid must give the full business address of bidder and be signed by him with his usual signature. Bids by partnerships must furnish the full names of all partners and must be signed with the partnership name by one of the members of the partnership or by an authorized representative, followed by the signature and title of the person signing. Bids by corporations must be signed with the legal name of the corporation, followed by the name of the state of the incorporation and by the signature and title of the president, secretary, or other person authorized to bind it in the matter. The name of each person signing shall also be typed or printed below the signature. A bid by a person who affixes to his signature the word "president," "secretary," "agent," or other title without disclosing his principal, may be held to be the bid of the individual signing. When requested by the Finance Director, satisfactory evidence of the authority of the officer signing in behalf of a corporation shall be furnished. The person signing the bid shall initial all corrections or erasures. All bidders shall agree to comply with all of the conditions, requirements, specifications, and/or instructions of this bid as stated or implied herein. All designations and prices shall be fully and clearly set forth. All blank spaces in the bid forms shall be suitably filled in.
- B. Bids may be withdrawn upon written request to the Finance Director received from bidders prior to the time fixed for opening. Negligence on the part of bidder in preparing the bid confers no right for the withdrawal of the bid after it has been opened.
- C. Bidders are expected to examine the conditions, specifications, and all instructions contained herein. Failure to do so will be at the bidder's risk.
- D. Bidders shall not stipulate in their proposals any conditions not contained in the instructions and specifications herein unless specifically requested by the special instructions attached hereto. Any proposal which fails to comply with the letter of the instructions and specifications herein may be rejected.
- E. Late or unsigned bids may not be accepted or considered. It is the responsibility of the bidder to ensure that the bid arrives in the City of Fort Lupton Finance Department on or prior to the time indicated in Section I., entitled "Notice to Bidders."
- F. When approximate quantities, are stated the City of Fort Lupton reserves the right to increase or decrease quantity as best fits its needs.
- G. Whenever requested, samples or descriptive matter shall be filed prior to the opening of bids.
- H. Any item supplied to the City of Fort Lupton shall be new and of the manufacturer's current model unless otherwise specified.
- I. All discounts shall be figured from the date of delivery and acceptance of the articles, or in the case of an incorrect invoice, from the date of receipt of corrected invoice, if this is subsequent to delivery and acceptance.
- J. Substitutions or modifications to any of the terms, conditions, or specifications of this bid package, which are made by the City of Fort Lupton, after the bids have been distributed to prospective bidders, and prior to the date and time of bid opening, will be made in writing and signed by Finance Director. No employee of the City of Fort Lupton is authorized in any way to modify any of the terms, conditions, or specifications of this bid without written approval of said



Finance Director. This is not to imply that bids will not be accepted or considered with specifications, which are different from those herein. Any item which does not meet all the terms, conditions, or specifications of this bid, must be clearly indicated on a separate sheet of paper, attached to the bid specification and proposal sheets and returned with the bid.

- K. The successful bidder shall indemnify and hold harmless the City of Fort Lupton, against all claims for royalties, for patents or suit for infringement thereon, which may be involved in the manufacture or use of the material to be furnished.
- L. All goods shall remain the property of the seller until delivered to and accepted by the City of Fort Lupton.
- M. Bids received prior to the time of opening will be kept unopened in a secure place. No responsibility will attach to the Finance Director for the premature opening of a bid not properly addressed and identified.
- N. In submitting the bid, the bidder agrees that the acceptance of any and all bids by the Council of the City of Fort Lupton within a reasonable time or period constitutes a contract. The Fort Lupton City Council, reserves the right to reject any and all bids, to waive any informalities in bids, and to accept the bid that, in the opinion of the Council, is to the best interests of the Council and of the City of Fort Lupton.
- O. No delivery shall become due or be accepted unless a purchase order shall first have been issued by the Finance Director. It is understood that it is necessary for all invoices to be made out to the City of Fort Lupton, not to the Department securing the merchandise. All invoices should be sent to: Fort Lupton Finance Department, 130 South McKinley Avenue, Fort Lupton, CO 80621.
- P. These instructions, the proposal forms, and specifications have been developed with the hope of raising the standard of purchasing negotiations to a level wherein all transactions will be mutually satisfactory. Your cooperation is invited.

V. DEFINITIONS

- A. "Standard": When the word "standard" is used in the specification to describe an item of equipment or in assembly, it shall be construed to mean that item or assembly so described shall be the latest regular product of the manufacturer thereof, identified by a model or other designation, without the modification or omission of any of its usual parts or the substitution of others therefore, except as hereafter specified, details, capacities and ratings, conforming in every respect to the said manufacturer's catalog or other printed matter describing the item or assembly. Standard subassemblies, accessories, fittings, and finishes shall be construed to be those, which are regularly furnished as part of the principle unit or assembly and included, in the selling price thereof.
- B. "Reputable Manufacturer": A manufacturer who has been engaged in the business of fabricating the equipment specified for a reasonable period of time prior to the date set for opening of bids and who can demonstrate to the satisfaction of the City of Fort Lupton that said manufacturer has successfully installed equipment of the type proposed to be furnished in at least three (3) instances and the performance of such equipment has been satisfactory. Manufacturers having been engaged in the business of manufacturing said equipment for a period of one (1) year prior to the date affixed for opening bids shall, prima facie, be deemed to have been engaged in such business a reasonable length of time.



- C. "Or Equal": The specific equipment mentioned shall be understood as indicating the type, function, minimum standard of design, efficiency, and quality desired and shall not be construed in such a manner as to exclude manufacturer's equipment of comparable quality, design, and efficiency.

V. GENERAL SPECIFICATIONS, CONDITIONS AND INFORMATION

The work shall consist of the construction of the Rail Road Park Pickleball Courts that includes two (2) individual pickleball courts yielding 64' x 64' (4,096 square feet) and pickleball court accessories.

Work shall include furnishing all labor, equipment, materials, tools, supervision, and any other items necessary or convenient to satisfactorily complete the work as shown on the design drawings and/or specified by the Contract Documents and Specifications.

- Demolition and removal of existing grass; prepare site for court installation
**Removal and relocation of existing irrigation system around pickleball courts will be completed by City of Fort Lupton Park Department.
- Grading and construction of the concrete slab for pickleball courts (do not provide control joints in court slab.
- Slab on grade concrete mix shall have a maximum allowed 28-day shrinkage limit of 0.035%.
- Provide and install a 6-inch, compacted stone base utilizing laser guided equipment to provide a 1% cross slope to ensure proper drainage.
- Installation of two (2) sets of posts for the pickleball courts nets. This work shall include all labor, equipment, and incidentals required to furnish and install new pickleball net posts according to the manufacturer's installation instructions which shall be provided by the City of Fort Lupton.
- Installation of fencing around the pickleball courts will be completed by others.
- All addendum or revision drawings shall be supplied to all sub-contractors prior to construction from the date of the revision and moving forward.

All work shall be completed in accordance with the supplied specifications and engineered drawings. See attached plans and specification for the project.

- A. The Contractor, in consideration of the sums to be paid and other covenants herein contained, agrees to perform and complete the work described and to furnish all necessary machinery, tools, apparatus, equipment, supplies, materials, and labor and perform all work in accordance with the current edition of the City of Albany *Standard Construction Specifications*, the Construction Drawings, and these Special Provisions.
- B. Design: Any equipment to be purchased shall be the manufacturer's latest model of production. Said equipment shall be of superior quality and suitable to the use for which it is intended. The technical design shall be in line with the best practice in the industry and the materials and workmanship entering into the construction shall be of the kinds and qualities which will ensure



-
- C. long life, dependability, and low cost of maintaining and repairing.
Warranty: The successful bidder shall warrant that:
1. The goods to be supplied pursuant to this bid are fit and sufficient for the purpose intended;
 2. The goods are merchantable, of good quality, and free from defects, whether patent or latent, in material or workmanship; and
 3. The goods sold to the City of Fort Lupton pursuant to this bid conform to the minimum City specifications as established herein.
- The successful bidder shall further warrant that he has title to the goods supplied and that the goods are free and clear of all liens, encumbrances, and security interests. All warranties made by the successful bidder, together with service warranties' and guarantees shall run to the City of Fort Lupton and its successors and assigns.
- D. Service Calls in the First One Year Period: The successful bidder shall bear all costs for mileage, travel time, and service trucks used in the servicing (including repairs) of any of the goods to be purchased by the City of Fort Lupton, pursuant to this bid for as many service calls as are necessary for the first one (1) year period after said goods are first supplied to the City of Fort Lupton.
- E. The bidder acknowledges that all contracts are subject to approval by the Fort Lupton City Council. Bidder should not incur any costs prior to receipt of a signed contract approved by the City of Fort Lupton and a fully executed Notice to Proceed. Any costs incurred by bidder prior to receipt of an approved contract and fully executed Notice to Proceed are the sole responsibility of the applicable bidder. Any costs incurred by a bidder in preparation of its bid are the sole responsibility of the applicable bidder.
- F. General Information: Bidder shall submit with their bids the following information pertaining to the equipment upon which the bids are submitted:
1. Detailed equipment specifications to include the warranty.
 2. Descriptive literature.

REQUEST NO.
FTL2022-002



Mr. Doug Cook
Recreation Manager
203 South Harrison Avenue
Fort Lupton, Colorado 80621

Dear Mr. Cook:

The undersigned having become familiar with the specifications for ***the Rail Road Pickleball Courts*** and deliver to the City of Fort Lupton as set forth in the following schedule:

Daily Fee \$ _____

\$ _____

GRAND TOTAL \$ _____

I certify that the above quotation is exclusive of any federal excise taxes and all other state and local taxes, and includes any applicable permits and fees for installation. I further certify that the items offered for intended use by the City of Fort Lupton will meet all specifications is has so indicated in this bid form. The Council of the City of Fort Lupton reserves the right to reject any or all bids, to waive any informality in bids, and to accept the bid that, in the opinion of the Council, is to the best interests of the Council and of the City of Fort Lupton. The Council of the City of Fort Lupton shall give preference to residents of Fort Lupton bidders in all cases where the bids are competitive in price and quality.

FIRM _____ BY _____

BUSINESS ADDRESS _____ TITLE _____

CITY, STATE, ZIP CODE _____ DATE _____

TELEPHONE NO. _____ FAX NO. _____ TAXPAYER I.D.# _____

DOES YOUR BID MEET OUR SPECIFICATIONS? YES _____ NO _____

CITY OF FORT LUPTON IS EXEMPT FROM COLORADO SALES TAXES. CERTIFICATE OF EXEMPTION NO.98-02812-0000. CITY OF FORT LUPTON FAX NUMBER IS #303-857-609

INVITATION TO BID

Gerardo Concrete
14407 CR 18 1/2
Fort Lupton, CO 80621
303.995.6088

Bid: Fort Lupton-Pickleball courts

Forming, 4" rock base, compaction, paper barrier, 5" cement-4000 psi, 8" cement deep above the footings of the fence/foundation, reinforced with re bar # 5, all ends of re bar will have a loop, 12" to center each way, saw cut control joints, smooth finish or broom finish

\$ 38,912.00

Concrete pump
\$ 1,200.00

This does not include the foundation or fence.

Feel free to contact me if you have any questions.

Thank you,

Gerardo Gutierrez
Owner



130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351

www.fortluptonco.gov

Exhibit C

April 19, 2022

Gerardo Concrete
14407 CR 18 ½
Fort Lupton, CO 80621

RE: Pickleball Courts at Rail Road Park Warranty Repairs/Acceptance

Dear Contractor:

In accordance with the Design Build Agreement approved on April 5, 2022, the City did a walk through inspection of data center on-site improvements. As-Built drawings have been received. Confirmation of materials testing has been received.

Construction is deemed complete.

The **Two Year Warranty Period** will begin effective TBD 2022.

Please call me if you have any questions at 720-466-6164.

Sincerely,

Doug Cook
City of Fort Lupton
Recreation Manager

NOTICE OF COMMENCEMENT OF WARRANTY

Contractor has certified to the applicable City officials in writing that the scope of work pursuant to agreement dated **April 5, 2022** has been completed in conformance with the terms and conditions of said Public Improvements Agreement. City officials have confirmed the scope of work set forth in the contract has been completed by Contractor.

The confirmation of completion date is hereby identified as **TBD, 2022**. Accordingly, the commencement of warranty date and 25% bond shall remain in effect during the 2-year warranty period through **TBD, 2022**.

This Notice of Commencement of Warranty is given this 17th day of July, 2019.

CITY OF FORT LUPTON, COLORADO

Doug Cook, Recreation Manager



Railroad Park Pickleball Courts Agreement

This Agreement is entered into by and between the **City of Fort Lupton**, Colorado (hereinafter “City”) and **Gerardo Concrete** (hereinafter “CONTRACTOR”).

WHEREAS, the parties hereto agree in consideration of the covenants, payments and agreements set forth herein as follows:

1. **SCOPE OF WORK.** Contractor will furnish all tools, equipment, machinery, supplies, superintendence, insurance, transportation, labor and other construction accessories, services and facilities specified or required to be incorporated in and for a permanent part of the completed work. Contractor shall provide and perform all necessary labor in a first class and workmanlike manner and in accordance with the conditions and prices stated in the bid proposal and the requirements, stipulations, provisions and conditions of the contract documents. Contractor shall perform, execute, construct and complete all things mentioned to be done by the Contractor and all work included in the scope of work and bid specifications set forth and incorporated herein as **Exhibit A**. Contractor shall provide all insurance and or bonds as required by Exhibit A prior to commencement of work. All certificates of insurance from contractors should list the City as an additional insured.

2. **CONTRACT DOCUMENTS.** This Agreement consists of and includes this Agreement and the scope of work set forth in the bid specifications attached hereto as Exhibit A and the Contractor’s Bid proposal set forth as **Exhibit B**. In the event of any conflict between any of these documents, this document and Exhibit A shall control.

3. **TIME OF COMPLETION.** The Contractor agrees to commence work upon execution of this Agreement and to complete all work by no later than **July 1, 2022**.

4. **CONTRACT SUM.** The City shall pay to the Contractor for performance and completion of the work encompassed by this Agreement, and the Contractor will accept as full compensation therefore the sum of **\$41,112.00**, subject to confirmation by the City of completion of the scope of work in accordance with the contract documents attached hereto. Said amounts to be paid upon inspection and acceptance of the work by the City, in its sole discretion, including completion by the Contractor of any punch-list items as determined by the City and execution of any releases by Contractor deemed necessary by the City.

5. **CONTRACT APPROPRIATIONS/NO CHANGE ORDERS.**
No change orders shall be allowed on this project unless with written approval of the City. The City states that the amount of money appropriated for this Agreement is equal

to or in excess of the contract amount. No change order to this Agreement requiring additional compensable work to be performed, which work causes the aggregate amount payable under this Agreement to exceed the amount appropriated for the original contract shall be issued by the City unless the City notifies the Contractor in writing, that lawful appropriations to cover the costs of this additional work has been made.

6. **WARRANTY.** All warranties for work performed by the Contractor, repairs to be made or service calls required to be attended to by Contractor shall be as set forth and required by Exhibit A and or by Colorado law. Contractor shall notify the City when the scope of work is completed and the City shall confirm completion of the work, in the City's sole discretion. Once the scope of work is confirmed by the City as completed, the Notice of Commencement of Warranty (**Exhibit C attached hereto and incorporated herein**) will be tendered by the City. The warranty period shall only commence upon execution and tendering of Exhibit C to the Contractor by the City and said warranty shall continue for two years from tendering of Exhibit C.

7. **AMENDMENT/NO ASSIGNMENT.** No modification or amendment of this Agreement shall be valid unless in writing and signed by all parties to this Agreement. Consultant's services will be performed solely for the benefit of City and not for the benefit of any other persons or entities. Neither City nor Consultant shall assign or transfer interest in this Agreement without the written consent of the other.

8. **COMPLETE AGREEMENT.** This Agreement, and the exhibits hereto, shall constitute the entire agreement between the parties with respect to the subject matter hereof and there are no agreements, representations or warranties other than as set forth herein.

9. **SEVERABILITY.** In the event any portion of this Agreement is held to be unenforceable, the unenforceable portion of this Agreement will be deleted and the remaining provisions of the Agreement shall continue in full force and effect.

10. **GOVERNING LAW.** Contractor agrees to comply with all local, state and federal laws in its performance of work under this Agreement. This Agreement shall be governed by the laws of the State of Colorado. All parties agree that any dispute regarding enforcement of this Agreement shall be filed in Weld County District Court after first attempting in good faith to submit the dispute to mediation. Submission of any dispute to mediation shall be a condition precedent to filing litigation in this matter, other than the request for injunctive relief.

11. **OSHA REQUIREMENTS.** Contractor agrees that it alone bears the

responsibility for providing a safe and healthy work environment and shall provide its employees with adequate orientation and training to safely perform the scope of work set forth in this contract. Contractor shall at all times comply with the safety and health regulations of the Occupational Safety and Health Act of 1970 (29 CFR 1926) including all amendments and modifications thereto. In the event there is a conflict between the safety and health provisions of federal, state or local regulations, the more stringent provision shall prevail. Contractor acknowledges and agrees that with respect to the scope of work under this contract, it shall comply with all obligations and assume all responsibilities imposed upon the “controlling contractor” as such term is defined and construed under all OSHA rules and regulations. The Contractor shall adhere to all federal, state and local safety and health regulations, laws and ordinances.

12. **NO WAIVER OF GOVERNMENTAL IMMUNITY.** The City, its elected officials, officers and employees are relying upon, and do not waive or intent to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, C.R.S. Sec. 24-10-101 et seq. as amended or otherwise available to the City. Nothing herein shall operate as a waiver of any right the City has of governmental immunity under Colorado law which is specifically herein reserved.

13. **FORCE MAJEURE.** Neither party shall be liable or responsible to the other party nor be deemed to have defaulted under or breached this Agreement for failure or delay in fulfilling or performing any obligation under this Agreement when such failure or delay is caused by or results from causes beyond the reasonable control of the affected party, including but not limited to fire, floods, embargoes, pandemics, wars, acts of war (whether war is declared or not), insurrections, riots, civil commotions, strikes, lockouts or other labor disturbances, instances affecting public health including pandemics, acts of God or acts, omission, or delays in acting by any governmental authority. Provided, however, that the party so affected shall use reasonable efforts to avoid or remove such causes of non-performance, and shall continue performance hereunder with reasonable dispatch whenever such causes are removed. Either party shall provide the other party with prompt written notice of any delay or failure to perform that occurs by reason of force majeure. The parties shall mutually seek a resolution of the delay or the failure to perform as noted above.

14. **INDEPENDENT CONTRACTOR.** Contractor is a separate, legal entity from the City and the parties make this Agreement accordingly with the understanding that Contractor at all times is acting as an independent contractor and not an employee or agent of the City. All persons retained by Contractor to perform services pursuant to this Agreement shall be employees or independent contractors of Contractor and are not employees, contractors or agents of the City. Contractor does not have the authority to bind the City by contract or otherwise

15. **INDEMNIFICATION BY CONTRACTOR.** Contractor shall indemnify and hold the City harmless from any damages, including but not limited to any loss, liability, expenses, suit or claim, or claim for injury to persons or damage to

property arising the negligence or other fault of Consultant or its Consultants pursuant to this Agreement. Expenses shall include all out of pocket expenses, attorney fees, expert costs and related litigation fees.

15. **APPROVAL REQUIRED.** This Agreement is subject to the final approval of the Fort Lupton City Council and signature by the Mayor of Fort Lupton.

EXECUTED THIS _____ DAY OF _____, 2022.

CITY OF FORT LUPTON, COLORADO

BY: _____
TITLE: _____

CONTRACTOR:

BY: _____
TITLE: _____

SITE AND LOCATION MAP:



S1.0 FOUNDATION PLAN

OVERALL NOTES:

- ### FOUNDATION NOTES:

- A. FOUNDATION SOILS AND THEIR ASSOCIATED VALUES ARE ASSUMED. DESIGN OF INDIVIDUAL AND CONTINUOUS FOOTINGS IS BASED ON MAXIMUM ALLOWABLE BEARING PRESSURE OF 1500 PSF AND AN EQUIVALENT LIQUID PRESSURE OF 45 PCF.
- B. AN OPEN-HOLE OBSERVATION IS REQUIRED AT THIS SITE PRIOR TO CONSTRUCTION OF FOUNDATION ELEMENTS. FOUNDATION ELEMENTS AND IMMEDIATELY AFTER THE EXCAVATION TO CONFIRM THE REPORTED VALUES OF DESIGN. SHOULD THE VALUES OBTAINED DURING THE OPEN-HOLE OBSERVATION BE DIFFERENT THAN THE REPORTED VALUES, THE ENGINEER MUST BE NOTIFIED IMMEDIATELY AND PRIOR TO CONSTRUCTION OF ANY FOUNDATION ELEMENTS.

GROUT:

- A. ALL GROUT BENEATH COLUMN BASE PLATES OR BETWEEN POSTS AND CONCRETE MUST BE NON-SHRINK, "EMBECO", "FIVE-STAR" OR EQUAL. ALL EXPOSED GROUT, SUCH AS BASE PLATES MUST BE NON-SHRINK, NON-METALLIC, "FIVE-STAR", OR EQUAL.

BACKFILLING & FINAL LANDSCAPING:

- A. DO NOT BACKFILL AGAINST BASEMENT AND/OR RETAINING WALLS UNTIL ALL SUPPORTING SLABS AND/OR ADJACENT FLOOR FRAMING ARE IN PLACE AND SECURELY ANCHORED OR UNTIL ADEQUATE TEMPORARY SHORING IS INSTALLED.
- B. VERIFY TYPE OF FILL WITH GEOTECHNICAL ENGINEER AND STRUCTURAL ENGINEER PRIOR TO BACKFILLING.
- C. ALL BACKFILL AGAINST FOUNDATIONS MUST BE AT A MINIMUM SLOPE AWAY FROM THE FOUNDATION OF 10% OVER A MINIMUM DISTANCE OF 10'-0". IF THIS IS NOT POSSIBLE DUE TO LOT SIZE OR SETBACKS, CONTRACTOR MUST NOTIFY THE ENGINEER TO INCREASE THE LATERAL PRESSURE AGAINST THE FOUNDATION DUE TO BELOW GRADE SOIL WETTING.
- D. ALL FINAL IRRIGATION AROUND THE PERIMETER OF THE FOUNDATION MUST BE A MINIMUM OF 10'-0" FROM THE EXTERIOR FACE OF ALL FOUNDATIONS.
- E. DOWNSPOUTS FROM RAINWATER DISCHARGE MUST EXTEND A MINIMUM OF 5'-0" FROM THE EXTERIOR FACE OF ALL FOUNDATIONS. DOWNSPOUTS MUST NOT BE BURIED AROUND THE PERIMETER OF THE FOUNDATION.

CONCRETE NOTES:

- A. ALL CONCRETE DESIGN IS BASED ON THE "BUILDING CODE REQUIREMENTS FOR REINFORCED CONCRETE" (ACI 318/318R).
- B. ALL STRUCTURAL CONCRETE MUST HAVE MINIMUM 28-DAY COMPRESSIVE STRENGTH AS FOLLOWS:

- C. CONCRETE MUST BE PROPORTIONED UTILIZING TYPE I CEMENT (EXCEPT, CONCRETE EXPOSED DIRECTLY TO SOIL MUST USE TYPE II CEMENT. CONCRETE SUSCEPTIBLE TO FREEZING MUST BE FORMULATED FOR MAXIMUM FROST RESISTANCE IN ACCORDANCE WITH THE ACI MANUAL OF CONCRETE PRACTICE.
- D. CONTRACTOR MUST NOTIFY ENGINEER OF COLD JOINT LOCATION PRIOR TO OR DURING CONCRETE FORMING.
- E. COLD WEATHER AND/OR HOT WEATHER CONCRETING PROCEDURES MUST BE PROVIDED, IF CONDITIONS WARRANT, AS RECOMMENDED IN THE ACI MANUAL OF CONCRETE PRACTICE.
- F. ALL EXPOSED EDGES AND CORNERS MUST BE CHAMFERED 3/4".
- G. ALL ANCHOR BOLTS FOR BEAM AND COLUMN BEARING PLATES MUST BE PLACED WITH SETTING TEMPLATES.
- H. JOINTS NOT SHOWN MUST BE MADE AND LOCATED TO LEAST IMPAIR STRENGTH AND APPEARANCE OF STRUCTURE AS APPROVED BY THE BUILDER. NO HORIZONTAL JOINTS MUST BE PERMITTED IN CONCRETE EXCEPT WHERE THEY NORMALLY OCCUR OR WHERE NOTED.
- I. ALL CONSTRUCTION JOINTS MUST BE PREPARED BY ROUGHENING THE SURFACE OF THE CONCRETE IN AN APPROVED MANNER SUCH THAT THE AGGREGATE MUST BE EXPOSED UNIFORMLY, LEAVING NO LATENCE, LOOSENED PARTICLES OR DAMAGED CONCRETE.
- J. REFER TO MECHANICAL AND ELECTRICAL DRAWING FOR LOCATION OF ALL PIPES, CONDUITS, ETC.
- K. PIPE OR DUCTS GREATER THAN ONE-THIRD THE SLAB OR WALL THICKNESS MUST NOT BE PLACED IN STRUCTURAL CONCRETE UNLESS SPECIFICALLY DETAILED.
- L. PIPE MAY PASS THROUGH STRUCTURAL CONCRETE IN SLEEVES, BUT NOT BE EMBEDDED THEREIN.
- M. PROVIDE CONTINUOUS STEEL KEYS AT VERTICAL COLD JOINTS AND WHERE SHOWN ON DRAWINGS.

REINFORCING STEEL:

REINFORCING STEEL FOR CONCRETE MUST BE AS FOLLOWS:

- A. ALL DETAILING, FABRICATION, AND PLACEMENT OF REINF. STEEL MUST BE IN ACCORDANCE WITH THE ACI MANUAL OF CONC. PRACTICE.
- B. AT REINFORCING STEEL SPLICES IN CONCRETE, LAP BARS AS SHOWN ON LAP SPLICE SCHEDULE. AT REINFORCING STEEL SPLICES IN MASONRY, LAP BARS 48 DIAMETERS. LAP WELDED WIRE FABRIC TWO FULL SQUARES AND TIE TOGETHER. AT CORNERS, MAKE HORIZONTAL BARS CONTINUOUS OR PROVIDE CORNER BARS.
- C. AROUND OPENINGS AND STEPS IN WALLS, PROVIDE (2) #5, EXTENDING 2'-0" BEYOND EDGE OF OPENING OR STEP IN ALL DIRECTIONS. AT RE-ENTRANT CORNERS WITHOUT CONTROL JOINTS IN SLABS-ON-GRADE, PROVIDE (2) #4 X 4'-0" DIAGONAL IN SLAB.
- D. EXCEPT AS NOTED ON THE DRAWINGS, MINIMUM CONCRETE PROTECTION FOR REINFORCEMENT MUST BE IN ACCORDANCE WITH ACI-318, LATEST EDITION.

STRUCTURAL ERECTION AND BRACING:

- A. THE STRUCTURAL DRAWINGS ILLUSTRATE THE COMPLETED STRUCTURE WITH ALL ELEMENTS IN THEIR FINAL POSITIONS, PROPERLY SUPPORTED AND BRACED.
- B. THE CONTRACTOR, IN THE PROPER SEQUENCE, MUST PROVIDE SHORING AND BRACING AS MAY BE REQUIRED DURING CONSTRUCTION TO ACHIEVE THE FINAL COMPLETED STRUCTURE.
- C. OBSERVATION VISITS TO THE SITE BY THE STRUCTURAL ENGINEER MUST NOT INCLUDE INSPECTION OF THE SHORING AND BRACING ELEMENTS.

FIELD VERIFICATION & DRAWING COORDINATION:

- A. CONTRACTOR SHALL THOROUGHLY INSPECT AND SURVEY ANY EXISTING OR PROPOSED NEW STRUCTURES TO VERIFY DIMENSIONS, ELEVATIONS, FRAMING, ETC. WHICH AFFECTS THE WORK SHOWN ON THE DRAWINGS. THIS INCLUDES ANY AND ALL NEW REVISIONS OR ADDENDUMS SUBMITTED BY HIGH PLAINS ENGINEERING & DESIGN, LLC. OR BE HELD RESPONSIBLE FOR ANY INCURRED COSTS.
- B. CLIENT/RESPONSIBLE PARTY SHALL VERIFY ALL PROPERTY SET BACKS, EXISTING UTILITIES, AND EASEMENTS PRIOR TO CONSTRUCTION.
- C. REPORT ANY VARIATIONS OR DISCREPANCIES TO THE ARCHITECT AND THE STRUCTURAL ENGINEER BEFORE PROCEEDING.
- D. IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO PROPERLY STUDY AND OBSERVE ALL DISCIPLINE DRAWINGS, INCLUDING BUT NOT LIMITED TO THE ARCHITECTURAL HOUSE PLANS, PRIOR TO CONSTRUCTION.
- E. CONTRACTOR ASSUMES RESPONSIBILITY AND SHALL VERIFY AND COORDINATE ALL OPENINGS, HOUSE ELEVATIONS, PLAN DIMENSIONS, AS WELL AS VERTICAL DIMENSIONAL ELEVATIONS PRIOR TO CONSTRUCTION.
- F. CONTRACTOR SHALL DISTRIBUTE ALL DRAWINGS, INCLUDING ENGINEERING AND ARCHITECTURAL HOUSE PLAN DRAWINGS TO SUB-CONTRACTORS. THIS INCLUDES ANY AND ALL NEW REVISIONS PREPARED BY HIGH PLAINS ENGINEERING & DESIGN, LLC. OR BE HELD RESPONSIBLE FOR ANY INCURRED COSTS.
- G. CONTRACTOR SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER OF RECORD PRIOR TO CONSTRUCTION.

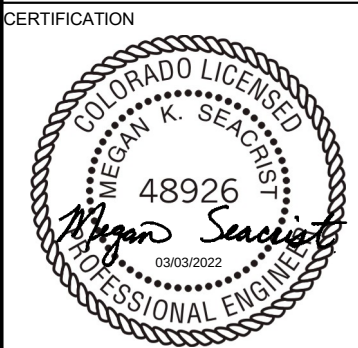
DISCLAIMER

AS THE CLIENT/RESPONSIBLE PARTY, THE OWNER/BUILDER IS REQUIRED TO VERIFY THE FOLLOWING GENERAL CONCERNS THAT HIGH PLAINS ENGINEERING & DESIGN, LLC HAS REGARDING THE CONSTRUCTION OF THE PROJECT LOCATED AT THE ADDRESS INDICATED IN THE TITLEBLOCK.

1. VERIFY ACTUAL HOME OR ADDITION DIMENSIONS VERSUS THOSE PROPOSED ON HIGH PLAINS ENGINEERING & DESIGN, LLC'S FOUNDATION PLANS FOR THIS HOME OR ADDITION. CLIENT/RESPONSIBLE PARTY SHALL VERIFY ALL PROPERTY SETBACKS, EXISTING UTILITIES, AND EASEMENTS PRIOR TO CONSTRUCTION. IT IS NECESSARY TO REPORT ANY DISCREPANCIES TO HIGH PLAINS ENGINEERING & DESIGN, LLC, PRIOR TO CONSTRUCTION OR BE RESPONSIBLE FOR ADJUSTMENTS RESULTING IN IN-FIELD CORRECTIONS OR ADDENDUMS TO THE DRAWINGS.
2. THE HOME OR ADDITION PLANS MAY INDICATE BRICK OR STONE LEDGES, DOOR OPENING DEPRESSIONS (INCLUDES GARAGE DOORS, MAIN DOORS, AND SLIDING DOORS), PORCHES, WALKOUT OR GARDEN LEVEL WALLS, BEAM AND COLUMN LOCATIONS, STAIRWELL OPENINGS, ETC. VERIFY ALL APPLICABLE ISSUES FROM THE HOME OR ADDITION PLANS TO THE FOUNDATION DESIGN.
3. FOR HOMES OR ADDITIONS THAT MAY HAVE A STAIRWELL PENETRATION, VERIFY STAIRWAY LOCATION, HEAD HEIGHT CLEARANCE, DIMENSIONS, AND STAIRWAY SUPPORT. ALSO VERIFY DIMENSIONS OF ANY BEAMS THAT ARE ADJACENT TO STAIRWAY OPENINGS.
4. CLIENT/RESPONSIBLE PARTY IS TO CONSTRUCT THE PROPER WALL SECTIONS AND STEP-DOWNS AS PER THE FINISHED SITE GRADES TO MAINTAIN THE DESIRED FINISH WALL HEIGHTS, FROST PROTECTION AND NECESSARY DRAINAGE REQUIREMENTS.
5. CLIENT/RESPONSIBLE PARTY SHALL VERIFY BEAM DIMENSIONS PRIOR TO CONSTRUCTION BEAM POCKETS.
6. CLIENT/RESPONSIBLE PARTY SHALL VERIFY LENGTH OF STEEL SUPPORT BEAMS. ANY SPLICE IN A BEAM SHALL OCCUR PER THE APPROVED PLANS.
7. CLIENT/RESPONSIBLE PARTY SHALL PROVIDE HIGH PLAINS ENGINEERING & DESIGN, LLC WITH A PRE-ENGINEERED TRUSS PACKAGE AND ALLOW A MINIMUM OF TWO WEEKS TO CHECK FOR INTERIOR BEARING AND GIRDER LOADS THAT MAY REQUIRE ADDITIONAL SUPPORTS IN THE FOUNDATION AND FRAMING DESIGN PRIOR TO CONSTRUCTION ANY FOUNDATION ELEMENTS.
8. IF REQUIRED, CLIENT/RESPONSIBLE PARTY SHALL BE RESPONSIBLE FOR LOCATING AND INSTALLING A SUMP PIT AND FOUNDATION DRAIN AS WELL AS PROVIDE PROPER BELOW- GRADE DAMP-PROOFING TO ALL EXTERIOR FOUNDATION WALLS, WHERE REQUIRED BY CODE.
9. HVAC UNIT, PLUMBING AND ALL PIPING SHALL BE LOCATED AND INSTALLED BY CLIENT/RESPONSIBLE PARTY PER CURRENT BUILDING CODE STANDARDS. ANY HVAC OR PLUMBING DIAGRAMS INDICATED ON THESE HOUSE/ADDITION PLANS ARE SCHEMATIC IN NATURE ONLY AND ARE NOT COVERED UNDER THE SCOPE OF THESE DOCUMENTS.
10. IT SHALL BE INCUMBENT UPON THE CLIENT/OWNER/BUILDER OR RESPONSIBLE PARTY TO FOLLOW ALL DETAILS, FOUNDATION PLANS, AND FRAMING PLANS INDICATED ON THESE DRAWINGS. SHOULD VARIATIONS FROM WHAT IS SHOWN ON THE DRAWINGS OR VARIATIONS IN RECOMMENDED DESIGN OCCUR, HIGH PLAINS ENGINEERING & DESIGN, LLC MUST NOT BE HELD RESPONSIBLE.
11. ALL GARAGE DOOR JAMBS AND TRACKS (BY OTHERS) MUST HAVE A MINIMUM OF 1 1/2" SEPARATION FROM THE TOP OF GARAGE SLABS TO ALLOW FOR VERTICAL SLAB MOVEMENT AND THE GAP MUST BE MAINTAINED BY THE OWNER.

STRUCTURAL ABBREVIATIONS

APPROX ARCH	APPROXIMATE ARCHITECT/ARCHITECTURAL	LF LG LH LLH LLV	LINEAR FOOT LONG LOW POINT LONG LEG HORIZONTAL LONG LEG VERTICAL
B/T BLDG	BETWEEN BUILDING		
BOF	BOTTOM OF FOOTING		
BOS	BOTTOM OF STEEL	MAX	MAXIMUM
BOT	BOTTOM	MECH	MECHANICAL
BRG	BEARING	MIN	MINIMUM
CLR	CLEAR	NTS	NOT TO SCALE
CIP	CAST-IN-PLACE		
CMU	CONC MASONRY UNIT	OC	ON CENTER
COL	COLLUM	OD	OUTSIDE DIAMETER
CONC	CONCRETE	OH	OPPOSITE HAND
CONT	CONTINUE, CONTINUOUS	OPNG	OPENING
CONSTR	CONSTRUCTION	OPP	OPPOSITE
CTR	CENTER		
CU FT	CUBIC FEET	PL	PLATE
CU IN	CUBIC INCH	PREFAB	PREFABRICATED
CU YD	CUBIC YARD	PSF	LBS PER SQ. FOOT
		PSI	LBS PER SQ. INCH
		P.T.	PRESSURE TREATED
DBL	DOUBLE		
DET	DETAIL		
DIA	DIAMETER	REBAR	REINFORCING STEEL BAR
DIM	DIMENSION	REINF	REINFORCE/REINFORCING
DWG	DRAWING	REQD	REQUIRE/REQUIRED
EA	EACH	SCHED	SCHEDULE
EF	EACH FACE	SIM	SIMILAR
EL	ELEVATION	SO IN	SQUARE INCH
ELEC	ELECTRIC, ELECTRICAL	SQ YD	SQUARE YARD(S)
ENGR	ENGINEER	SS	STAINLESS STEEL
EQ	EQUAL	STD	STANDARD
EW	EACH WAY	STIFF	STIFFENER
EX	EXISTING	SYM	SYMBOL
EXP	EXPANSION		
EXT	EXTERIOR	T.O.C.	TOP OF CONCRETE
		T.O.S.	TOP OF STEEL
FIN FLR	FINISH FLOOR	T.O.W.	TOP OF WALL
FF	FINISH FLOOR	T&B	TOP AND BOTTOM
FT	FOOT/FEET	TYN	TYPICAL
FTG	FOOTING		
		UON	UNLESS OTHERWISE NOTED
GA	GAUGE		
GALV	GALVANIZED	VERT	VERTICAL
		V.I.F.	VERIFY IN FIELD
HORIZ H.P.	HORIZONTAL HIGH POINT	W/ WWF	WITH WELDED WIRE FABRIC
JT	JOINT		

[illegible]

JOB NO.: 22-0006
DRAWN: MS
CHECKED: CV/DW
DESIGNER: MS
ISSUE DATE: 03/03/2022
SCALE: AS SHOWN

SHEET: S0.1

The diagram shows a standard hook with the following dimensions and labels:

- CRITICAL SECTION**: Indicated by an arrow pointing to the top horizontal part of the hook.
- ldh**: The vertical height of the hook, measured from the bottom of the circle to the top of the vertical stem.
- 4db (2-1/2" MIN.)**: The vertical distance from the top of the circle to the top of the vertical stem.
- CRITICAL SECTION**: Indicated by an arrow pointing to the bottom horizontal part of the hook.
- 12db**: The horizontal length of the hook, measured from the center of the circle to the end of the horizontal stem.

STANDARD HOOK ASSUMPTIONS:

SIDE COVER SHALL NOT BE LESS THAN 2.5"
END COVER ON 90° HOOK SHALL NOT BE LESS THAN 2"

TENSION LAP SPLICE AND STANDARD HOOK LENGTH (ACI 318-16)

1
S5.0

4500 LAP SPLICE

SCALE: 12" = 1'-0"



PICKLEBALL COURTS
RAILROAD PARK
PACIFIC AVENUE
FORT LUPTON, COLORADO
WELD COUNTY

CERTIFICATION

[illegible]

JOB NO.: 22-0006
DRAWN: MS
CHECKED: CV/DW
DESIGNER: MS
ISSUE DATE: 03/03/2022
SCALE: AS SHOWN

HEET:

S5.0



SUBJECT FOR DISCUSSION

Approval of a Resolution for the Acceptance of Subdivision Improvements Agreement with Cottonwood Development Partners, LLC, for the Cottonwood Greens PUD Filing No 4

SUMMARY STATEMENT/BACKGROUND DISCUSSION

This Subdivision Improvement Agreement was drafted for the Cottonwood Greens PUD Filing No (LUP2021-0019) approved by City Council on November 2, 2021, which is located North of 9th Street, immediately east of College Avenue.

Improvements are for the construction of water, nonpotable water and sanitary sewer main extensions, roadway construction, landscape and storm drainage system improvements. Approximate cost of this agreement for construction is \$1,634,365.00.

This agreement includes payment to the City for improvements to 9th Street along the projects southern border.

Resolution 2021R065, approved by Council on November 2, 2021 with condition 1.G. requiring the applicant to enter into a Subdivision Improvements Agreement.

FINANCIAL CONSIDERATIONS

N/A

LEGAL/POLITICAL CONSIDERATIONS

N/A

ALTERNATIVES/OPTIONS

- A) Approve Resolution
- B) Do not approve Resolution

STAFF RECOMMENDATIONS

Staff recommends approval of this Subdivision Improvement Agreement between the City of Fort Lupton and Cottonwood Development Partners, LLC for the Cottonwood Greens PUD Filing No. 4.

Attachments:

- a. Resolution 2022-0xx.
- b. Subdivision Improvement Agreement

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date

RESOLUTION NO. 2022Rxxx

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE COTTONWOOD DEVELOPMENT PARTNERS, LLC SUBDIVISION IMPROVEMENT AGREEMENT OF THE COTTONWOOD GREENS PUD FILING NO. 4, LOCATED IN FORT LUPTON, WELD COUNTY, COLORADO.

WHEREAS, the City Council Resolution No. 2021R065 approved the Cottonwood Greens PUD Filing No. 4 with conditions November 2, 2021; and

WHEREAS, Developer is required to construct certain public improvements as a condition of subdivision approval for the Development; and

WHEREAS, the City Council finds that the Subdivision Improvement Agreement is in conformance with the Fort Lupton Land Use Plan, zoning code and is consistent with the goals and policies therein; and

NOW THEREFORE BE IT RESOLVED that the Fort Lupton City Council reviewed the Subdivision Improvement Agreement with supporting documentation. Based upon review of the applicable policies and goals in the Fort Lupton Land Use Plan, review of the Zoning Regulations, and analysis of staff comments, the City hereby approves the Cottonwood Development Partners, LLC Subdivision Improvement Agreement and authorizes the Mayor to sign.

APPROVED AND PASSED BY A MAJORITY VOTE OF THOSE ELECTED TO THE CITY COUNCIL THIS 19th DAY OF APRIL 2022.

City of Fort Lupton, Colorado

Zo Stieber-Hubbard, Mayor

Attest:

Mari Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney



Public Works

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351

www.fortluptonco.gov

SUBDIVISION IMPROVEMENTS AGREEMENT FOR COTTONWOOD GREENS PUD FILING NO. 4

THIS AGREEMENT is made and entered into this _____ day of _____, by and between the **CITY OF FORT LUPTON**, a municipal corporation, in the County of Weld, State of Colorado, hereinafter referred to as the "City," and **Cottonwood Development Partners, LLC**, hereinafter referred to as "Developer", together referred to as the "Parties".

WHEREAS, the Developer submitted a Planned Unit Development for this Subdivision entitled "Cottonwood Greens Filing No. 4 Final PUD Plat, Case No. LUP2021-0019" (the "PUD"), which PUD depicts the proposed project (the "Development") to be constructed by Developer on the property depicted on the PUD, which is the "Subject Property"; and

WHEREAS the PUD was approved by the City of Fort Lupton City Council on November 2, 2021 by Resolution No. 2021R065 with condition of approval I.G. requiring a Subdivision Improvements Agreement; and

WHEREAS, Developer is required to construct certain public improvements (the "Improvements") as a condition of PUD and subdivision approval for the Development; and

WHEREAS, Section 17-23(c) of the City of Fort Lupton Municipal Code requires that a subdivision agreement for public improvements be executed by the Developer and the City and recorded in the office of the Weld County Clerk and Recorder; and

WHEREAS, Section 17-23(f)(7) of the City of Fort Lupton Municipal Code requires that the installation of the required public improvements be guaranteed in the form of letter of credit, cash, or other suitable means, which have been approved by the City Attorney.

NOW, THEREFORE, in consideration of the foregoing, the Parties promise, covenant and agree as follows:

1.0 GENERAL CONDITIONS

1.1 Development Obligation. Developer shall be responsible for performance of the covenants set forth herein. Unless as otherwise amended within this agreement, the Developer shall be responsible for performance of all requirements in this agreement.

1.2 Engineering and Surveying Services. Developer agrees to furnish, at its expense, all necessary engineering and surveying services relating to the design layout and construction of the improvements (the "Improvements") depicted on **Exhibit "A"** and **Exhibit "B"** attached hereto and fully incorporated herein by this reference. Said engineering services shall be performed by or under the supervision of a Registered Professional Engineer or Registered Land Surveyor, or other professionals as appropriate, licensed by the State of Colorado, and in accordance with applicable Colorado law, and shall conform to the standards and criteria for

public improvements as established and approved by the City as of the date of submittal to the City.

1.3 Construction Standards. Developer shall construct all Improvements required by this Agreement, in accordance with plans and specifications approved in writing by the City, in conformance with all applicable codes and ordinances as adopted by the City, and in full conformity with the City's construction specifications applicable at the time of actual construction.

1.4 Development Coordination. Unless specifically provided in this Agreement to the contrary, all submittals to the City or approvals required of the City in connection with this Agreement shall be submitted to or rendered by the City Administrator, or his designee, who shall have general responsibility for coordinating development with Developer.

1.5 Construction Acceptance and Warranty. No later than ten (10) days after the Improvements are completed, Developer shall request and the City shall provide inspection by the City. If Developer does not request this inspection within ten (10) days of completion of the Improvements, the City may conduct the inspection without the approval of Developer. Developer shall provide "as-built" drawings no later than thirty (30) days after the Improvements are completed, weather permitting. If the Improvements completed by Developer are satisfactory, the City shall grant construction acceptance ("Construction Acceptance") within ten (10) days of the Developer's submission of "as-built" drawings, which shall be subject to final acceptance ("Final Acceptance") as set forth herein. If the Improvements completed by Developer are unsatisfactory, the City shall provide written notice to Developer of the repairs, replacements, construction or other work required to receive Construction Acceptance within ten (10) days from the date of City inspection. Developer shall complete all needed repairs, replacements, construction or other work within thirty (30) days of said notice, weather permitting. After Developer does complete the repairs, replacements, construction or other work required, Developer shall request a re-inspection of such work within ten (10) days to determine if Construction Acceptance can be granted. The City shall provide either Construction Acceptance or written notice of additional repairs, replacements, construction or other work required to receive Construction Acceptance within ten (10) days of the re-inspection date. The City shall issue no certificate of occupancy until the City has granted the Construction Acceptance.

1.6 Final Acceptance. At least thirty (30) days before two (2) years have elapsed from the issuance of Construction Acceptance, or as soon thereafter as weather permits, Developer shall request a Final Acceptance inspection. The City shall inspect the Improvements and shall notify the Developer in writing of all deficiencies and necessary repairs. After Developer has corrected all deficiencies and made all necessary repairs identified in said written notice, the City shall issue to Developer a letter of Final Acceptance.

1.7 Testing and Inspection.

(a) At all times during construction of the public improvements, the City shall have access to inspect materials and workmanship, and all materials and work not conforming to the approved plans and specifications shall be repaired or removed and replaced at Developer's expense so as to conform to the approved plans and specifications.

(b) The Developer will be responsible for oversight of the construction of the public improvements. The Developer shall solicit and retain a third-party engineer or inspector, solely at Developer's cost, to perform oversight, provided the engineer/inspector's qualifications are approved by the City prior to commencement of construction of the public improvements. The Developer will provide the resume of a Civil Engineer, or other qualified inspector(s), of the construction and installation of such improvements before construction may begin. The City

Engineer or the City's designee shall determine the amount of oversight required, after consultation with the Developer.

(c) All testing required by the City's "*Standards and Specifications for the Design and Construction of Public Improvements*" shall be the responsibility of the Developer. All test reports shall be provided to the City Engineer.

(d) All work shown on the Improvements plans requires inspection by the City. Inspection services are provided Monday through Friday, except legal holidays, from 8:00 a.m. to 4:00 p.m. During the hours listed above and except as otherwise provided for in advance, inspections shall be scheduled a minimum of three (3) business days in advance.

1.8 Indemnification and Release of Liability. Developer agrees to defend, indemnify and hold harmless the City, its officers, employees, agents or servants, and to pay any and all judgments rendered against said persons on account of any suit, actions or claim caused by, arising from, or on account of acts or omissions by the Developer, its officers, employees, agents, consultants, contractors and subcontractors; provided, however, that Developer's obligation herein shall not apply to the extent said suit, action or claim results from any acts or omissions of officers, employees, agents or servants of the City. Said obligation of Developer shall be limited to suits, actions or claims based upon conduct prior to Final Acceptance by the City of the construction work. Developer acknowledges that the City's review and approval of plans for development of the Subject Property is done in furtherance of the general public's health, safety and welfare and that no immunity is waived and no specific relationship with, or duty of care to, the Developer or third parties is assumed by such review approval.

1.9 Insurance. Developer shall furnish to the City upon request proof thereof that all employees and contractors engaged in the construction of Improvements are covered by adequate Worker's Compensation Insurance and Public Liability Insurance.

1.10 OSHA Requirements. Developer agrees that it alone bears the responsibility for providing a safe and healthy work environment and shall provide its employees with adequate orientation and training to safely perform the scope of work set forth in this contract. Developer shall require its Contractor to at all times comply with the safety and health regulations of the Occupational Safety and Health Act of 1970 (29 CFR 1926) including all amendments and modifications thereto. In the event there is a conflict between the safety and health provisions of federal, state or local regulations, the more stringent provision shall prevail. Developer acknowledges and agrees that with respect to the scope of work under this contract, Developer shall require its Contractor to comply with all obligations and assume all responsibilities for its actions as required by all OSHA rules and regulations. The Developer shall require Contractor to adhere to all federal, state and local safety and health regulations, laws and ordinances and to comply with all obligations and assume all responsibilities imposed upon the "controlling contractor" as such term is defined and construed under all OSHA rules and regulations.

2.0 CONSTRUCTION OF IMPROVEMENTS

2.1 Rights-of-Way, Easements and Permits. Before the City may approve construction plans for any Improvements herein agreed upon, Developer shall acquire, at its own expense, all rights-of-way and easements depicted on the Plat, as required by the City for the construction of the Improvements. All such conveyances shall be free and clear of liens, taxes and encumbrances and shall be by deed, easement, license, agreement in form and substance acceptable to the City Administrator or the Administrator's designee. All title documents shall be recorded at the Developer's expense.

3.0 INFRASTRUCTURE IMPROVEMENTS

3.1 Public Improvements

The Developer agrees to construct phased public improvements (the "Improvements"), within the Subdivision, depicted on **Exhibit "A"** attached hereto and fully incorporated herein by this reference. The Developer shall be responsible for providing the City with a Security Bond, Letter of Credit, or cash deposit with the City (the "Security") guaranteeing installation of the Improvements that are not completed prior to issuance of the first building permit for each Filing. The amount shall be one hundred twenty-five percent (125%) of the applicable phased estimated cost of the required Improvements per approved Construction Drawings. The City may accept portions of the Improvements, reducing the Security for each portion completed and accepted by the City, to no less than twenty-five percent (25%) of the actual or estimated construction costs, whichever is greater, for each completed system. Each Improvement phase shall define a system, i.e. roadways system, sewer system, water system. The remaining twenty-five percent (25%) for each system shall be retained to secure the Developer's warranty during the designated warranty period. A warranty period of two (2) years shall apply to all public improvements. The City shall release or return the Security to the Developer within Thirty (30) days of receipt of the Conditional Acceptance as provided in paragraph 1.5 herein, less the twenty-five percent (25%) of construction costs to be retained during the warranty period. Upon Final Acceptance of the Improvements as provided in paragraph 1.6 herein, the twenty-five percent (25%) Security retained during the warranty period shall be released or returned to the Developer within Thirty (30) days of issuance of the Final Acceptance.

3.2 Non-Potable Water Public Improvements

The Developer will construct non-potable water main improvements (the "NPW") for the purposes of providing raw water to the Development for landscape irrigation. Construction and probationary acceptance of the NPW shall entitle the Developer to the Raw Water Equivalents per Paragraph 6.4 of this Agreement. No tap fees shall be incurred for the NPW on any lot in the Development; however, applicable meter costs shall be applied per the current meter fee schedule at the time of building permit application for each individual lot.

3.3 Offsite Infrastructure Improvements

The Developer agrees to participate in the construction of certain improvements located outside of the Subdivision (the "Offsite Improvements"). The Offsite Improvements are summarized as follows:

- 9th Street outfall storm sewer (based on detention release rates).
- 9th Street improvements - Frontage along 9th Street (sidewalk, street improvements)
Cost share of 9th Street project is \$163,980.72

3.4 LANDSCAPE, PARK AND TRAIL IMPROVEMENTS

The Developer agrees to construct certain Landscape, Park and Trail improvements located within the Subdivision (the “Landscape, Park and Trail Improvements”) per the approved P.U.D. referenced as **Exhibit “C”** attached hereto and fully incorporated herein by this reference, as part of the Improvements. No more than thirty (30) building permits for lots within any phase of development shall be issued until the Landscape, Park and Trail improvements for that phase of development are complete or surety is provided. The surety shall be in the amount of one hundred twenty-five percent (125%) of the estimated cost of the Landscape, Park and Trail Improvements as shown on **Exhibit “C”** for improvements that do not have construction acceptance at the time of application for the thirty-first (31st) building permit. It is understood by the City that Developer may, at its sole discretion, chose to provide Landscape, Park and Trail Improvements beyond those committed to in this Agreement and depicted on **Exhibit “C”**. City agrees that should Developer chose to provide additional improvements, said improvements shall be reviewed and approved by City staff and not subject to further approval by City Plan Commission or City Council.

4.0 SPECIFICATIONS.

All street improvements, curb, gutter and sidewalks and appurtenances thereto, water mains, sewer mains and stormwater improvements shall be constructed and installed so as to meet or exceed City-approved plans and specifications. All streets within the Subdivision shall be constructed to City Standards and Specifications per the approved Construction Plans and in conformance with the approved site-specific geotechnical study and pavement design. All streetscaping will meet the requirements of the Fort Lupton Subdivision Regulations. Detention pond improvements will be required to be constructed along with all other Improvements and in conformance with the approved drainage study for the Project.

5.0 OTHER REQUIREMENTS

5.1 Trash, Debris, Mud. Developer agrees that during construction of the Development and Improvements described herein, Developer shall take any and all reasonable steps necessary to control trash, debris and wind or water erosion in the Development. Developer agrees to take any and all reasonable steps necessary to prevent the transfer of mud or debris from the construction site into public rights-of-way and to immediately remove such mud and debris from public rights-of-way after notification by the City. If these requirements are not met, the developer will be responsible for reimbursing the City for any costs incurred by the City in mitigating impacts of trash, debris, and mud.

5.2 Erosion Control and Sedimentation Plan. Developer agrees to submit an erosion control and sedimentation plan for review and approval by the City Engineer prior to commencement of construction on the site. Additionally, each individual lot will require erosion control measures be taken. Colorado State permits required shall be the responsibility of the Developer.

5.3 Colorado Big Thompson (CBT) Water Shares or Equivalent. Developer agrees to dedicate to the City the appropriate water required by the applicable City Codes and regulations and deliverable to the City Water Treatment Plant at the time of development. The City has verified that the property is included within the Northern Colorado Water Conservancy District and Municipal Sub-District. The Developer may, at its discretion, elect to pay cash-in-lieu to the City to satisfy the CBT water dedication requirement. Said cash-in-lieu payments will be made on a per-lot basis at the time of Final Plat recordation. Dedicated CBT water shares shall remain attached to platted lots.

5.4 Equivalent Shares. The City herein agrees that the Developer may satisfy the CBT Water Shares or equivalent requirement of Paragraph 6.3 by purchasing equivalents via cash-in-lieu at a cost of 20% of current market price for one share of CBT or \$10,000 (whichever is more) per dwelling site, in accordance with Resolution No. 2015R008, in accordance with the Cottonwood Greens Subdivision Agreement executed on July 22, 2020. The market price per CBT water share per agreement is \$55,000. For the purpose of this agreement, the cash-in-lieu price per platted lot shall be \$11,000 (20% of \$55,000) under the condition that Developer constructs a non-potable water system pursuant to paragraph 3.2 of this agreement. Water for this subdivision is required at time of Plat recordation. The term of expiry for purchase of the Equivalent Shares Offer per this Paragraph shall remain May 1, 2023. Any remaining lots to be platted at the expiration of the term shall be subject to the requirements of Paragraph 5.3 for satisfaction of CBT water dedication requirements at then current share price.

6.0 MISCELLANEOUS TERMS

6.1 Local Codes and Ordinances. In addition to any of the items listed in this Agreement, all construction in the Development is subject to all local Codes and Ordinances as adopted by the City subject to exceptions agreed or granted.

6.2 Recording of Agreement. The City shall record this Agreement at Developer's expense in the office of the Clerk and Recorder, County of Weld, State of Colorado, and the City shall retain the recorded Agreement.

6.3 Binding Effect of Agreement. This Agreement shall run with the land included within the Development and shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto.

6.4 Modification and Waiver. No modification of the terms of this Agreement shall be valid unless in writing and executed with the same formality as this Agreement, and no waiver of the breach of the provisions of any section of this Agreement shall be construed as a waiver of any subsequent breach of the same section or any other sections which are contained herein.

6.5 Notices. Any notice or communication required or permitted hereunder shall be given in writing and shall be personally delivered or sent by United States mail, postage prepaid, registered or certified mail, return receipt requested, addressed as follows:

CITY: City of Fort Lupton
Attention: City Administrator
130 South McKinley Avenue
Fort Lupton, Colorado 80621

DEVELOPER: Cottonwood Development Partners, LLC
4040 MacArthur Blvd., Ste 250.
Newport Beach, CA 92660

or to such other address or the attention of such other person(s) as hereafter designated in writing by the applicable parties in conformance with this procedure. Notices shall be effective upon mailing or personal delivery in compliance with this paragraph.

6.6 No Waiver Of Governmental Immunity. The City, its elected officials, officers and employees are relying upon, and do not waive or intent to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, C.R.S. Sec. 24-10-101 et seq. as amended or

otherwise available to the City. Nothing herein shall operate as a waiver of any right the City has of governmental immunity under Colorado law which is specifically herein reserved.

6.7 Force Majeure. Neither party shall be liable or responsible to the other party nor be deemed to have defaulted under or breached this Agreement for failure or delay in fulfilling or performing any obligation under this Agreement when such failure or delay is caused by or results from causes beyond the reasonable control of the affected party, including but not limited to fire, floods, embargoes, pandemics, wars, acts of war (whether war is declared or not), insurrections, riots, civil commotions, strikes, lockouts or other labor disturbances, instances affecting public health including pandemics, acts of God or acts, omission, or delays in acting by any governmental authority. Provided, however, that the party so affected shall use reasonable efforts to avoid or remove such causes of non-performance, and shall continue performance hereunder with reasonable dispatch whenever such causes are removed. Either party shall provide the other party with prompt written notice of any delay or failure to perform that occurs by reason of force majeure. The parties shall mutually seek a resolution of the delay or the failure to perform as noted above.

6.8 Approvals. Whenever approval or acceptance of a matter is required or requested of the City pursuant to any provisions of this Agreement, the City shall act reasonably in responding to such matter, and no such approval or acceptance shall be unreasonably withheld or delayed.

6.9 Title and Authority. Developer warrants to the City that it is the record owner of the Subject Property upon which the Development shall be constructed or is acting in accordance with the authority of the owner. The undersigned further warrants to have full power and authority to enter into this Agreement.

6.10 Severability. This Agreement is to be governed and construed according to the laws of the State of Colorado. In the event that any provision of this Agreement is held to be violative of city, state or federal laws and hereby rendered unenforceable, either party, in its sole discretion, may determine whether the remaining provisions will or will not remain in force.

6.11 APPROVAL REQUIRED. This Agreement is subject to the final approval of the Fort Lupton City Council and signature by the Mayor of Fort Lupton.

IN WITNESS WHEREOF, the Parties hereto have caused their duly authorized officials to place their hands and seals upon this Agreement the day and year first above written.

CITY OF FORT LUPTON, a Colorado municipal corporation

By: Zo Stieber
Mayor

STATE OF COLORADO)
)
COUNTY OF WELD) ss.

SUBSCRIBED AND SWORN to before me this _____ day of _____ 2022, by Zo Stieber as Mayor of the City of Fort Lupton, Colorado.

WITNESS my hand and official seal.

MY COMMISSION EXPIRES:

Notary Public

Cottonwood Development Partners, LLC, a Colorado Limited Liability Company

By: Capri Colorado Holdings, LLC.
Jim Rigueimer, Managing Partner

STATE OF COLORADO)
)
COUNTY OF WELD) ss.

SUBSCRIBED AND SWORN to before me this _____ day of _____ 2022, by Jim Righeimer, Managing Member of Capri Colorado Holdings, LLC, Manager of Cottonwood Development Partners, LLC.

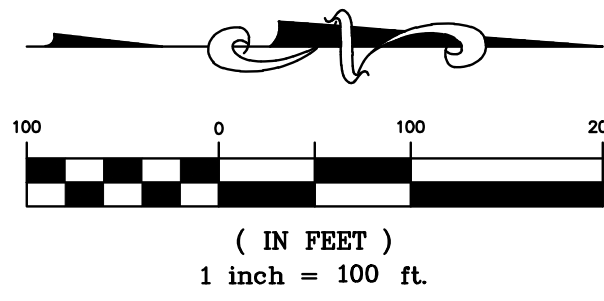
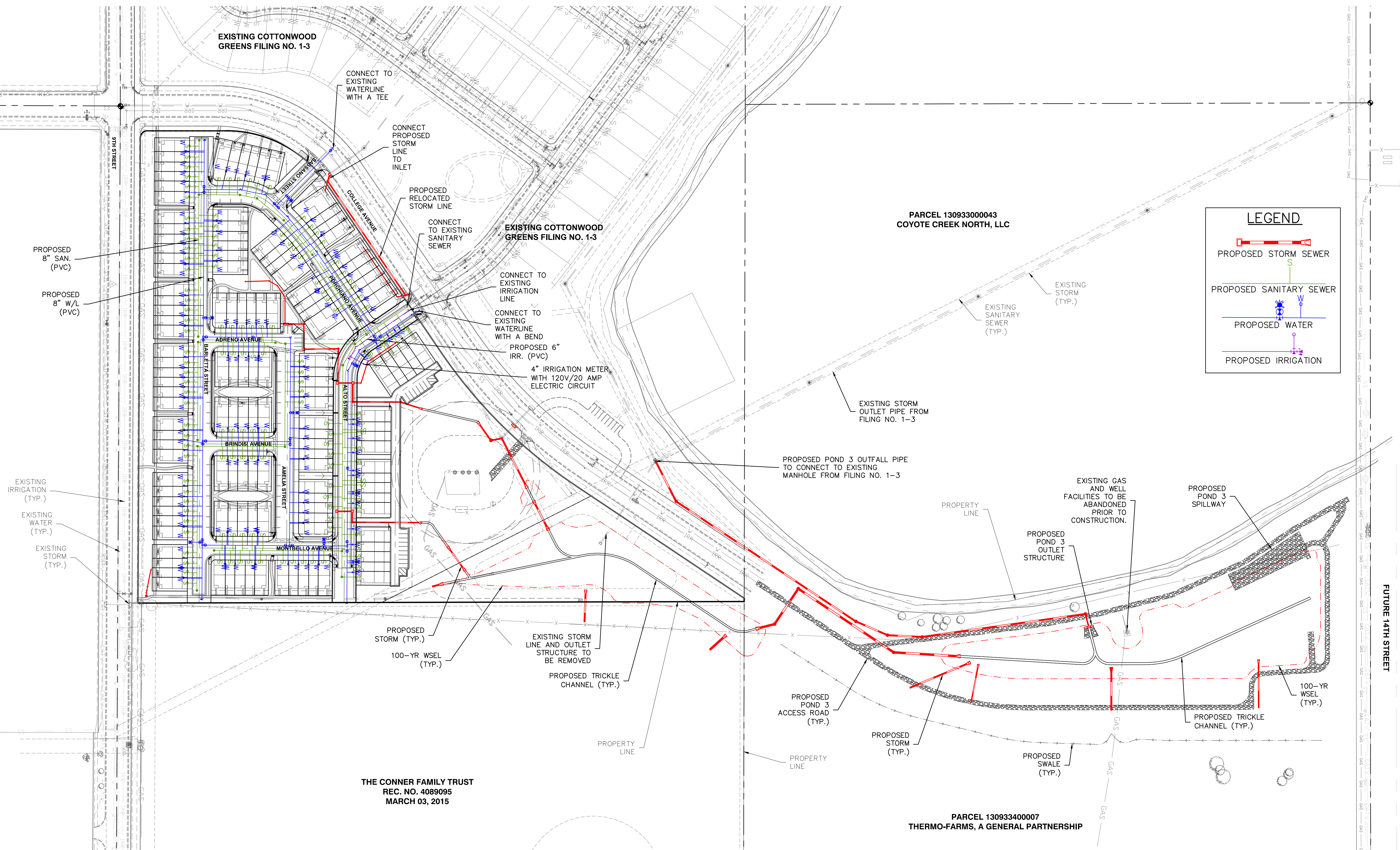
WITNESS my hand and official seal.

MY COMMISSION EXPIRES:

Notary Public

COTTONWOOD GREENS FILING NO. 4

EXHIBIT A OVERALL SITE PLAN AND UTILITY PLAN



PROJECT NO.: 20002948
DATE: 03/30/2022

ATWELL
866.850.4200 www.atwell-group.com

143 UNION BOULEVARD, SUITE 700
LAKEWOOD, CO 80228
303.462.1100
CONTACT: JEFF FRENCH
JFRENCH@ATWELL-GROUP.COM



Cottonwood Greens Filing No. 4
EXHIBIT B
Engineer's Opinion of Probable Cost

On Site Improvements

Project:	Cottonwood Greens F4	Prepared For:	Cottonwood Development Partners, LLC
Prepared By:	Atwell, LLC	Date:	April 5, 2022

Item	Quantity	Unit	Unit Cost	Cost Per Item	Comments
<u>STREET IMPROVEMENTS</u>					
Curb and Gutter	3,650	LF	\$20.00	\$	73,000
Sidewalks (5')	18,250	SF	\$3.00	\$	54,750
Full Depth Asphalt	11,500	SY	\$25.00	\$	287,500
		Subtotal		\$	415,250
<u>SANITARY SEWER</u>					
Connect to Existing	-	EA	\$1,500.00	\$	-
8" PVC	1,875	LF	\$40.00	\$	78,525
4" Sanitary Sewer Manhole	22	EA	\$4,500.00	\$	99,000
4" Sewer Service	142	EA	\$250.00	\$	35,500
		Subtotal		\$	213,025
<u>WATER</u>					
8" PVC Waterline	4,500	LF	\$45.00	\$	202,500
8" MJ Gate Valve w/box	22	EA	\$2,200.00	\$	48,400
Hydrant Assembly and Pipe	10	EA	\$6,175.00	\$	61,750
3/4" Meter and Service	142	EA	\$1,270.00	\$	180,340
		Subtotal		\$	492,990
<u>NONPOTABLE WATER SYSTEM</u>					
4" PVC IRR Line	165	LF	\$20.00	\$	3,300
4" IRR Meter	1	EA	\$1,500.00	\$	1,500
		Subtotal		\$	4,800
<i>*note that this does not include the landscape irrigation system which is not considered a public improvement</i>					
<u>STORM DRAINAGE</u>					
Storm Inlet	6	EA	\$6,500.00	\$	39,000
Manhole	13	EA	\$6,500.00	\$	84,500
18" RCP	60	LF	\$100.00	\$	6,000
24" RCP	1,130	LF	\$120.00	\$	135,600
36" RCP	1,550	LF	\$160.00	\$	248,000
48" RCP	560	LF	\$200.00	\$	112,000
		Subtotal		\$	513,100
Infrastructure Improvement:				\$	1,634,365



LEGEND

EVERGREEN SHRUBS

GRASSES

PERENNIALS

COTTONWOOD
GREENS PUD
FILING NO. 4

PROJECT NO: LUP2021-0019
PLAN NO: FPL2021-0004

FORT LUPTON, COLORADO

PREPARED FOR

COTTONWOOD DEVELOPMENT
PARTNERS LLC
4040 MACARTHUR BLVD.,
STE. 250
NEWPORT BEACH, CA 92660

EXHIBIT C

[illegible]

DATE:

April 4, 2022

SHEET INFORMATION

Exhibit C



Upcoming Events

April 17-22, 2022	Hillside Cemetery Clean Up
April 26, 2022	Town Hall Meeting, 130 S. McKinley Ave. 6:00 p.m.
April 28, 2022	Clean Up Days - Seniors
April 29, 2022	Shredding Day, 130 S. McKinley Ave. 8 a.m. – 10 a.m.
April 30, 2022	Citywide Clean Up
May 5, 2022	Cinco de Mayo 5K Run/Walk, Railroad Park

Special Community Events 2022

**SPRING &
SUMMER**

APRIL 9

Easter Egg Hunt ~ Ages 0-12
@ the Rec. Center

MAY 5

Cinco de Mayo 5K Run/Walk
Rail Road Park

MAY 30

Memorial Day Service
Hillside Cemetery

JUNE 10

Jacobs Fore Youth Benefit Golf
Tournament
@ Coyote Creek Golf Course

JULY 2

Independence Day Celebration
@ the Rec. Center
*Fireworks at Dusk, Coyote Creek Golf
Course

JULY 8-9

Citywide Yard Sales

AUGUST 2

@ Koshio Park
National Night Out

AUGUST 25

Spaghetti Dinner
@ the Rec. Center
School Supply Fundraiser~Music~Auction

SEPTEMBER 10

Trapper Days
@ Downtown Fort Lupton
Parade~Food Trucks~Carnival & More
+Annual Quilt Show @ the Library

SEPTEMBER 23

Salsa! Dancin' & Dippin'
Competition
@ the Rec. Center

OCTOBER 15

Pumpkinfest & Haunted Hayride
@ Historic Fort Lancaster
Featuring Pumpkins on Parade,
Treats & Games @ the Fort

DECEMBER 3

~ Cookies & Cocoa with Santa
@ the Library
~ Family Portraits

DECEMBER 31

New Year's Eve Teen Bash
@ the Rec.



**FALL &
WINTER**

More!
Scan for more fun
events around town.



**Parks, Recreation
& Golf**



**Active Adults
Program**



**Teen Program
& Trips**



[Fortluptonco.gov/events](https://fortluptonco.gov/events)

April 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
Kids Teen Adult All Ages	Registration Required **				1 Weld Re-8 District Art Show Begins 10 am Cuentitos  5 pm Weld Re-8 District Art Show Reception	2
3 ALL WEEK: 3/4-8 DIY Butterfly Houses Take & Make Kits	4 3 pm Chess Club 5:30 pm English Classes**	5 10 am Jitterbugs 5:30 pm Book Club	6 10 am Storytime 2:45 pm Teen Hangout 5:30 pm English Classes**	7 3:45 pm Kid's Club	8 10 am Cuentitos 	9
10	11 3 pm Chess Club 5:30 pm English Classes**	12 10 am Jitterbugs 5 pm Computer Basics	13 10 am Storytime 2:45 pm Teen Hangout 5:30 pm English Classes**	14 3:45 pm Kid's Club	15 10 am Cuentitos  5:30 pm Alcohol Ink Art**	16 10am LEGO Club 1 pm Jason Reynolds Watch Party
17	18 Weld Re-8 District Art Show Ends 3 pm Chess Club 5:30 pm English Classes**	19 10 am Jitterbugs	20 10 am Storytime 2:45 pm Teen Hangout 4 pm Knotty Knitters 5:30 pm English Classes**	21 3:45 pm Kid's Club	22 10 am Cuentitos 	23
24 ALL WEEK: 4/25-29 Dia de los Ninos/Day of the Child Take & Make Kits	25 3 pm Chess Club 5:30 pm English Classes**	26 10 am Jitterbugs 5 pm Drop-In Tech Help	27 10 am Storytime 2:45 pm Teen Hangout 4 pm Knotty Knitters 5:30 pm English Classes**	28 3:45 pm Kid's Club	29 10 am Cuentitos  5:30 pm Cinco de Mayo Celebration	30  425. S Denver Ave 303-857-7180 fortluptonlibrary.org

Abril 2022

Dom	Lun	Mar	Mier	Juev	Vier	Sab
Niños Adolescentes Adultos Todas Edades	**Se requiere registro				1 Inicio de exhibición de Arte del distrito Re-8 Weld 10 am Cuentitos  5 pm Recepcion de exhibición de Arte del distrito Re-8 Weld	2
3 TODA LA SEMANA: 3/4-8 DIY Casas de mariposa Kits para llevar y hacer	4 3 pm Club de ajedrez 5:30 pm Clase de inglés**	5 10 am Música y movimiento 5:30 pm Club de Lectura	6 10 am Cuentos 2:45 pm Mas que pasar un rato! Jovenes y la biblioteca 5:30 pm Clase de inglés**	7 3:45 pm Club de niños	8 10 am Cuentitos 	9
10	11 3 pm Club de ajedrez 5:30 pm Clase de inglés**	12 10 am Música y movimiento 5 pm Clases de computacion basica	13 10 am Cuentos 2:45 pm Mas que pasar un rato! Jovenes y la biblioteca 5:30 pm Clase de inglés**	14 3:45 pm Club de niños	15 10 am Cuentitos  5:30 pm Arte de pintura de alcohol**	16 10am Club de LEGO 1 pm Jason Reynolds evento virtual
17	18 Finalizacion de la exhibición de Arte del district Re-8 Weld 3 pm Club de ajedrez 5:30 pm Clase de inglés**	19 10 am Música y movimiento	20 10 am Cuentos 2:45 pm Mas que pasar un rato! Jovenes y la biblioteca 4 pm Club de tejido 5:30 pm Clase de inglés**	21 3:45 pm Club de niños	22 10 am Cuentitos 	23
24 ALL WEEK: 4/25-29 Día de los Niños Kits para llevar y hacer	25 3 pm Club de ajedrez 5:30 pm Clase de inglés**	26 10 am Música y movimiento	27 10 am Cuentos 2:45 pm Mas que pasar un rato! Jovenes y la biblioteca 4 pm Club de tejido 5:30 pm Clase de inglés**	28 3:45 pm Club de niños	29 10 am Cuentitos  5:30 pm Celebración del Cinco de Mayo	30  425. S Denver Ave 303-857-7180 fortluptonlibrary.org